



Planning &
Environment

**STATE SIGNIFICANT DEVELOPMENT
ASSESSMENT REPORT:
*Building R1
Barangaroo South (SSD 6513)***



Environmental Assessment Report
Section 89H of the
Environmental Planning and Assessment Act 1979

August 2016

ABBREVIATIONS

| | |
|-------------------------|---|
| Amended Application RTS | Emailed <i>Response to Submissions</i> dated 3 December 2016 and <i>Building R1 Barangaroo South Updated Operational Acoustic Report</i> dated 6 June 2016 |
| Applicant | Lend Lease (Millers Point) Pty Ltd (Lend Lease), or any other person or persons who rely on this consent to carry out the development that is subject to this consent |
| CIV | Capital Investment Value |
| Council | The City of Sydney Council |
| Department | Department of Planning and Environment |
| EIS | Environmental Impact Statement entitled ' <i>Building R1 (SSD 6513-2014), Barangaroo South</i> ' and accompanying appendices, prepared by JBA Urban Planning Consultants Pty Ltd and dated October 2014 |
| EP&A Act | <i>Environmental Planning and Assessment Act 1979</i> |
| EP&A Regulation | <i>Environmental Planning and Assessment Regulation 2000</i> |
| EPA | Environment Protection Authority |
| EPI | Environmental Planning Instrument |
| Minister | Minister for Planning |
| SSP SEPP | <i>State Environmental Planning Policy (State Significant Precincts) 2005</i> |
| Pub | A licensed premises under the <i>Liquor Act 2007</i> the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises |
| Restaurant | A building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided |
| RTS | Amended Application and Response to Submissions report entitled 'Amended Application and Response to Submissions, Building R1, Barangaroo South (SSD 6513)' and accompanying appendices, prepared by JBA Urban Planning Consultants Pty Ltd and dated 14 August 2015; |
| SEARs | Secretary's Environmental Assessment Requirements |
| Secretary | Secretary of the Department |
| SRD SEPP | <i>State Environmental Planning Policy (State and Regional Development) 2011</i> |
| SSD | State significant development |

Cover Photograph: Photomontage of Building R1
(Source: Applicant's EIS)

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EXECUTIVE SUMMARY

This report assesses a State significant development application (SSD 6513) lodged by Lend Lease (Millers Point) Pty Ltd (the Applicant) to construct Building R1 at Barangaroo South and its fit-out and use as a bar and restaurant with operating hours of 7 am to 12 midnight and a capacity of 800 patrons and 50 staff.

The development has a capital investment value (CIV) of approximately \$12.4 million and will generate approximately 100 jobs during construction and 50 jobs during operation. As development with a CIV greater than \$10 million at Barangaroo, the proposal is SSD and the Minister for Planning is the consent authority.

The Department of Planning and Environment (the Department) exhibited the Development Application (DA) and Environmental Impact Statement (EIS) for the proposal for 33 days from 6 November until 8 December 2014. An amended Development Application, which also sought the use of the building as a bar and restaurant, and a response to submissions report (RtS) was exhibited for 47 days from 27 August until 12 October 2015.

The Department received nine agency submissions during the EIS exhibition and eight during the subsequent RtS exhibition. There were no objections received at either stage. Issues raised during the exhibitions were the design of the building, integration of the building with the adjacent public domain, noise policy issues and impacts, bicycle parking rates and potential impacts on the reserved CBD Metro Corridor. No public submissions were received during the EIS exhibition but one public submission in support of the application was received during the RtS exhibition.

The Department has considered all relevant matters under section 79C of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the objects of the EP&A Act and the principles of ecologically sustainable development. The key issues in the Department's assessment of the proposal are built form and design excellence, and noise and amenity impacts associated with the proposed pub use.

Building R1 will achieve design excellence due to its distinctive and innovative architectural form and use of high quality materials and finishes. The building height (RL 19.5) and gross floor area (GFA) (804 m²) is consistent with the Barangaroo Concept Plan and the requirements of the *State Environmental Planning Policy (State Significant Precincts) 2005*.

The proposed building provides an innovative design approach for the site which results in balcony structures partially protruding outside of the building envelope identified in the *Built Form Principles and Urban Design Controls*. The Department supports the proposed built form as it marks the entrance to Barangaroo without dominating other buildings or detracting from the predominant building line.

In respect of noise policy issues and impacts, the Department has worked with the Applicant and the City of Sydney (Council) towards a non-standard approach to licensed premises' noise at Barangaroo South (the *Barangaroo South Master Plan Noise Assessment – MPNA*). The Department considers this approach is appropriate for Barangaroo as it prevents noise impacts and enables the night-time use of the precinct while maintaining reasonable residential amenity.

The Applicant has provided an acoustic report confirming the proposed operation of Building R1 can meet the noise requirements of the MPNA. The Department has recommended a condition of consent that sets a maximum noise level in accordance with the MPNA and requires the Applicant to comply with recommendations of the acoustic report.

The Department has considered the strategic context of the project, its compliance with statutory requirements, and the key assessment issues, and concludes the development is meritorious and in the public interest. The Department recommends the application should be approved, subject to conditions.

1. BACKGROUND

1.1 Introduction

This report assesses a State significant development (SSD) application lodged by Lend Lease (Millers Point) Pty Ltd. The application seeks approval to construct Building R1 and associated works within Block X at Barangaroo South. It also seeks to fitout and use the building as a bar and restaurant.

1.2 The Site

Barangaroo is located on the north-western edge of the Sydney CBD. It is bound by the Sydney Harbour foreshore to the north and west, Hickson Road and Millers Point to the east, and Kings Street Wharf, Cockle Bay and Darling Harbour to the south. Barangaroo is divided into three parts: Headland Park; Barangaroo Central; and Barangaroo South. The land that this development application applies to is located in Barangaroo South. The layout of Barangaroo is provided at **Figure 1** below.



Figure 1: Photomontage showing Barangaroo layout (Source: Applicant's MOD 8 Environmental Impact Statement. Note this image is indicative)

1.3 Approved Barangaroo Concept Plan

On 9 February 2007, the then Minister for Planning approved the Barangaroo Concept Plan (MP 06_0162). The Concept Plan approved a set of built form principles to guide development within the mixed use zone.

The detailed planning history of modifications to the Concept Plan for Barangaroo is provided at **Appendix D**. Seven modifications have been approved (and one withdrawn prior to determination) since the Concept Plan was originally approved, including Modification 8 (MOD 8) which was approved by the Planning Assessment Commission on 28 June 2016.

Building R1 is located in Block X (**Figure 2**) and is the southernmost building of Barangaroo South. The Concept Plan identifies Block X as the south-western most development block within Barangaroo South. Block X is located on the waterfront and also contains two mixed commercial and residential buildings (R8 and R9) completed and occupied in late 2015. Buildings R8 and R9 have food and drink uses on the ground floor and adjoining public domain.

Figure 2 shows the general layout of Barangaroo South, including the public domain areas and **Figure 3** shows a site plan of Building R1 in relation to site boundaries and neighbouring buildings.

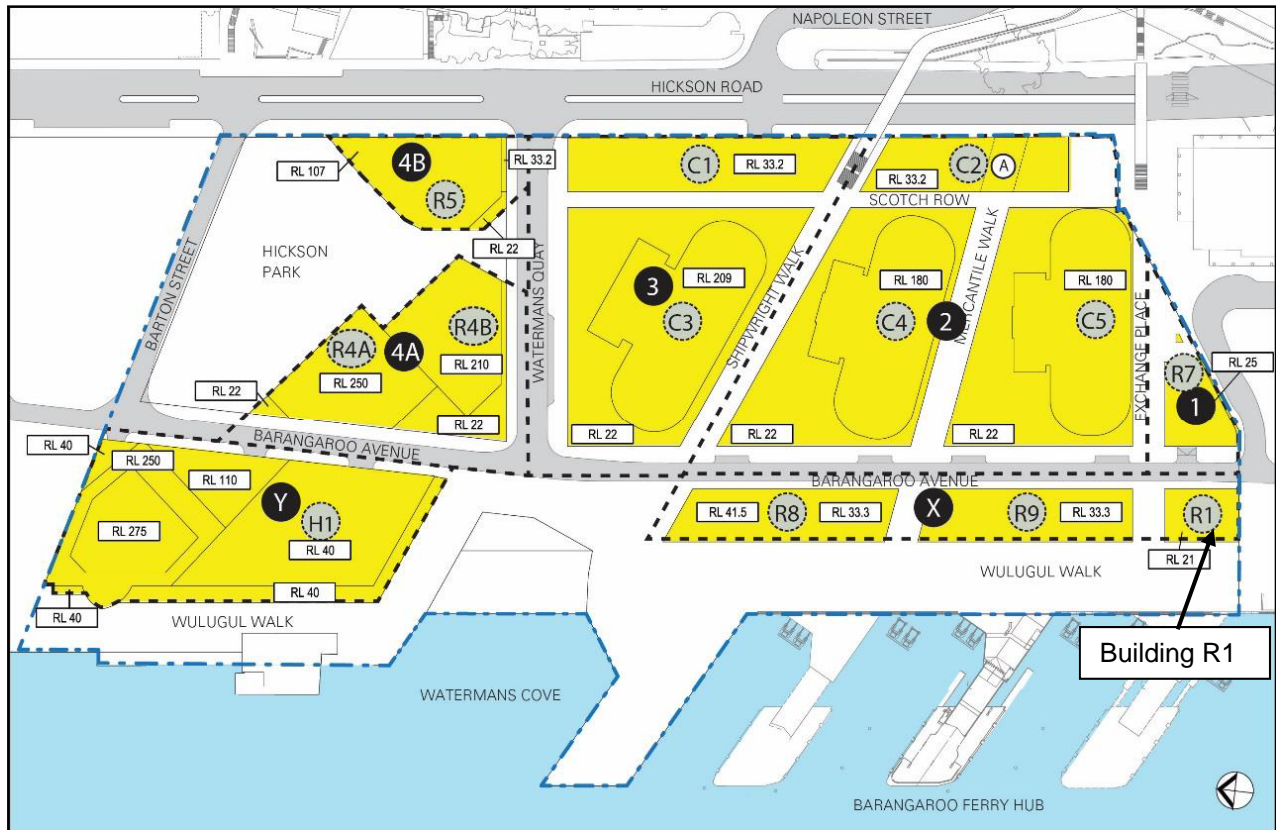


Figure 2: Barangaroo buildings approved, proposed and under construction (Source: MOD 8 Response to Submissions. Note this plan is indicative and does not exactly reflect the MOD 8 approval)

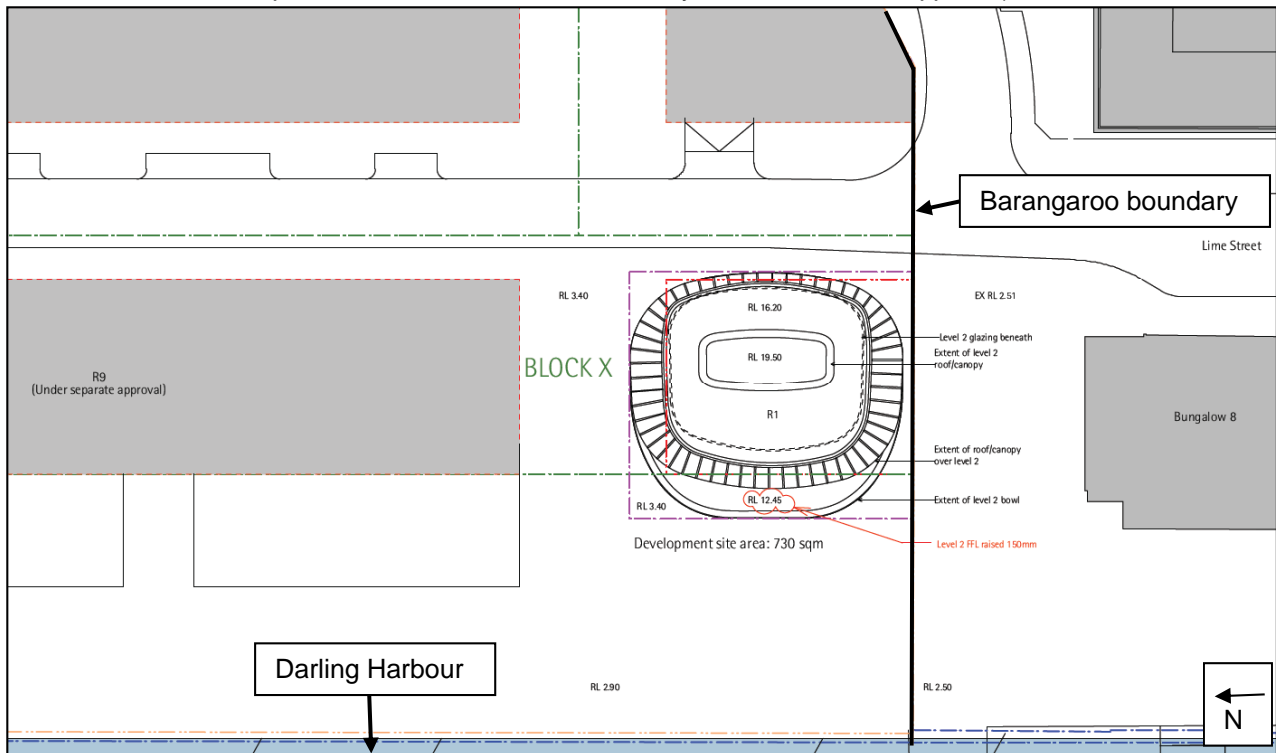


Figure 3: Site plan of Building R1 (Source: Applicant's architectural plans RTS issue)

1.4 Current Construction Works at Barangaroo South

There have been a number of other approvals issued at Barangaroo South, including a number of modification applications.

Buildings C4 and C5 (commercial towers) and R8 and R9 (waterfront residential buildings) have recently been completed and occupied. Buildings C3 (commercial tower) and R7 (commercial

building east of R1) are nearing completion, and C2 (smaller commercial buildings facing Hickson Road) is under construction. The Crown Sydney Hotel Resort was approved by the Planning Assessment Commission on 28 June 2016.

The Department approved an application for permanent public domain works for Stage 1A (being the southern portion of Barangaroo South) in March 2015. These works include all landscape treatments and public domain around Building R1.

2. PROPOSED DEVELOPMENT

2.1 Development Summary

The main components of the development (as modified by the response to submissions (RtS)) are summarised below.

The application seeks development consent for:

- site preparation works, including a concrete slab and additional piling;
- construction of a three-storey building (with a height of RL 19.5) with 804 m² of gross floor area (GFA);
- use of 15 car parking spaces and plant, infrastructure and services in the Stage 1A basement (approved by MP 10_0023) on which the proposed building sits;
- fitout and use of the building, including external terrace areas on all levels, as a bar and restaurant comprising:
 - ground floor: bar and casual dining;
 - level 1: restaurant; and
 - level 2: bar.
- hours of operation of 7 am to 12 midnight Mondays to Sundays internally and externally; and
- capacity of 850 people, including 370 patrons internally, 430 patrons externally, and 50 staff and security personnel.

A photomontage and elevation are shown in **Figure 4** and **Figure 5**.

The proposed development is described in full the Environmental Impact Statement (EIS) and RtS, which are attached at **Appendix A**.



Figure 4: Photomontage looking south-east (Source: Applicant's EIS)

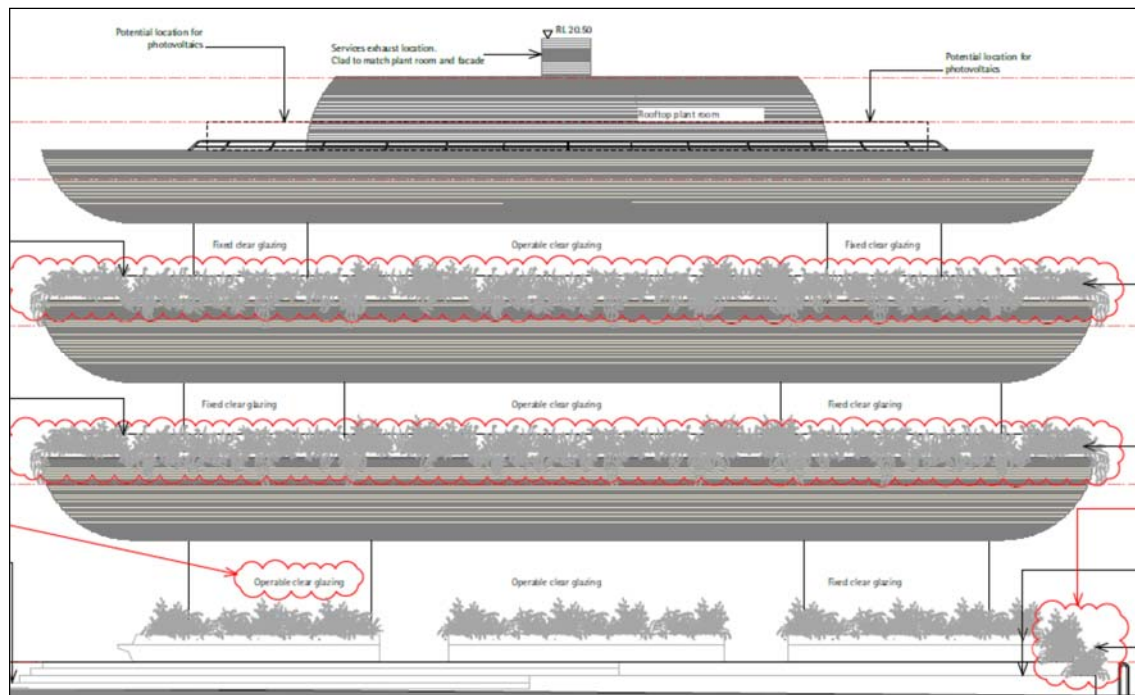


Figure 5: Western elevation (Source: Applicant's architectural drawings)

3. STATUTORY CONTEXT

3.1 State Significant Development

In accordance with clause 3 of Schedule 2 of the *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP), the proposal is a State significant development under section 89C of *Environmental Planning and Assessment Act 1979* (EP&A Act) because it is development at Barangaroo with a capital investment value (CIV) greater than \$10 million. The Minister for Planning is the consent authority for the development.

3.2 Permissibility

The *State Environmental Planning Policy (State Significant Precincts) 2005* (SSP SEPP) zones the Barangaroo site. The subject site is predominantly zoned B4 Mixed Use but part of the balconies and ground floor outdoor seating area are in the RE1 Public Open Space zone to the west of the site. **Figure 6** shows the layout of the building in relation to the zone boundary. The construction and use of the building as a pub (a specifically defined land use in the *Standard Instrument – Principal Local Environmental Plan*) is permissible with development consent in both zones.

3.3 Delegated Authority

The application can be determined by the Executive Director, Key Sites and Industry Assessments under delegation as:

- the relevant local council has not made an objection;
- a political disclosure statement has not been made; and
- there were no public submissions in the nature of objection.

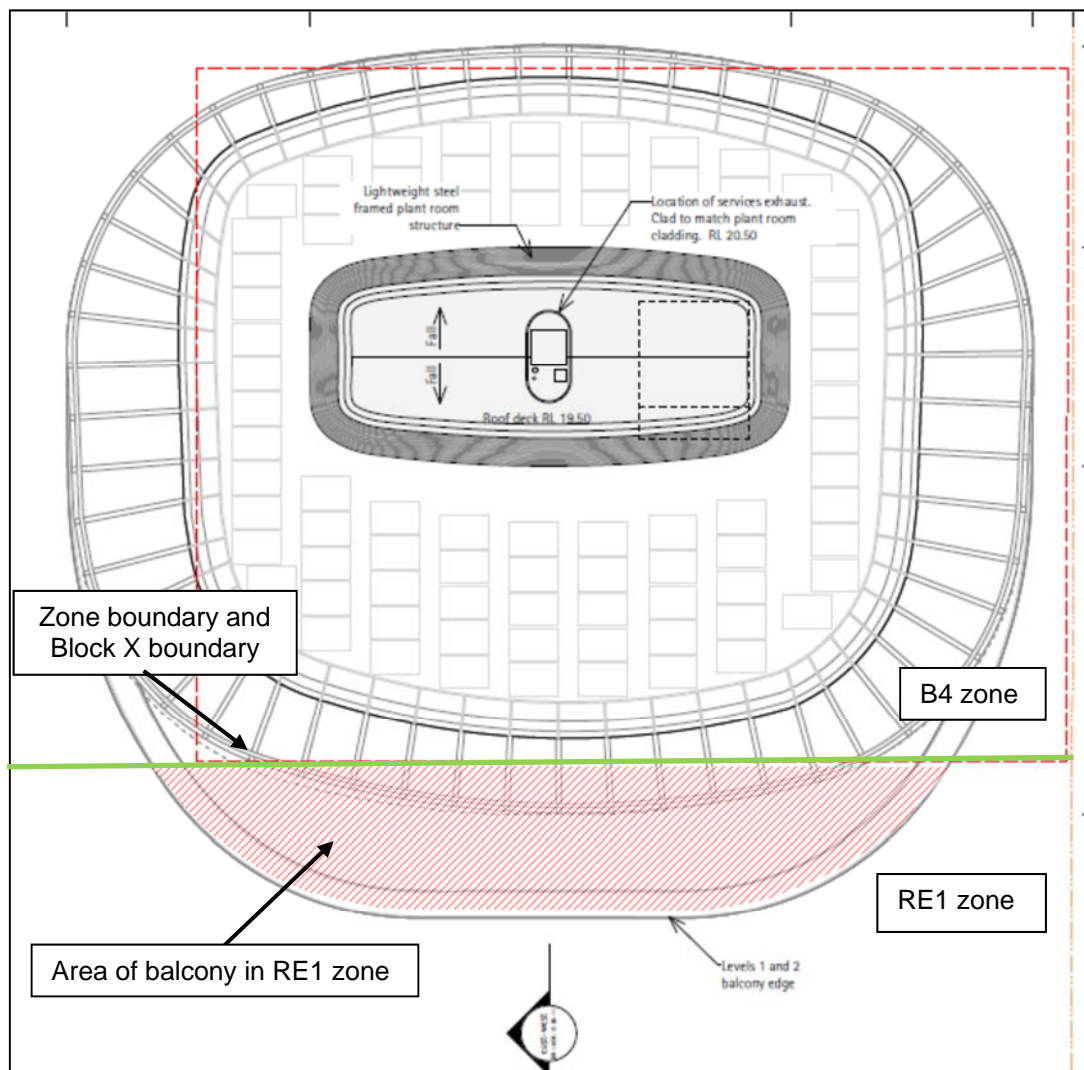


Figure 6: Building location in relation to zone boundary and Block X boundary (Source: Department's illustration of Applicant's architectural plan)

3.4 Environmental Planning Instruments

When determining a development application, the consent authority must consider the requirements of any environmental planning instruments (EPIs) and draft EPIs (that has been subject to public consultation and notified under the EP&A Act) that apply to the proposal, as required by section 79C of the EP&A Act.

The following EPIs apply to the site:

- *State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP);*
- *State Environmental Planning Policy (State Significant Precincts) 2005 (SSP SEPP);*
- *State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55);*
- *State Environmental Planning Policy (Infrastructure) 2007; and*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment 2005).*

The Department's assessment of compliance with the provisions of all EPIs that apply to the proposed development is provided in **Appendix B** of this report. The proposed development generally complies with the relevant provisions of these EPIs.

The Department notes an amendment to the SSP SEPP was made on 28 June 2016. The amendment included changes to height, gross floor area and zoning for Barangaroo South but did not include any changes to Block X.

While development control plans (DCPs) do not apply to SSD under clause 11 of the SRD SEPP, the Department has considered relevant clauses of the *City of Sydney Late Night Trading Premises Development Control Plan 2007* in **Section 5.4** and the *Sydney Harbour Foreshores and Waterways Development Control Plan* in **Appendix B**.

3.5 Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects set out in section 5 of that Act. The proposal complies with the objects Decision-makers are required to consider the objects in Section 5 of the EP&A Act when making decisions under that Act. The Department has considered the objects of the EP&A Act in **Table 1** and is satisfied the proposal complies with all objects.

Table 1: Compliance with EP&A Act objects

| Objects of the EP&A Act | Consideration | Complies? |
|---|--|-----------|
| <i>(a) to encourage:</i> | | |
| <i>(i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment</i> | The proposal does not significantly impact on natural and artificial resources, as it involves the construction and use of a building within an area already identified for urban redevelopment. The proposal will enhance economic and social welfare by providing a land use that can be used for recreation and creating employment for 50 staff. | Yes |
| <i>(ii) the promotion and co-ordination of the orderly and economic use and development of land</i> | The proposed land use is permitted and the merits of the proposal are considered in Section 5. | Yes |
| <i>(iii) the protection, provision and co-ordination of communication and utility services</i> | The EIS states that the infrastructure provision for Barangaroo South has considered the requirements of R1. | Yes |
| <i>(iv) the provision of land for public purposes</i> | The proposed pub would be available to the public and integrates with the surrounding public domain. | Yes |
| <i>(v) the provision and co-ordination of community services and facilities</i> | The proposal does not involve the provision and co-ordination of community services and facilities. | N/A |
| <i>(vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats</i> | The proposal will have a neutral impact on native animals and plants given the site is a former industrial site that does not contain threatened species and their habitat. Conditions require construction management details to minimise potential impacts on Sydney Harbour. | Yes |
| <i>(vii) ecologically sustainable development (ESD)</i> | Section 3.6 of this report considers the proposal against the principles of ESD. | Yes |
| <i>(viii) the provision and maintenance of affordable housing</i> | The proposal does not involve the provision or maintenance of affordable housing. | N/A |
| <i>(b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State</i> | The proposal is SSD in accordance with the SRD SEPP. The Department consulted with Council and other relevant agencies on the proposal. | Yes |
| <i>(c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.</i> | Section 4 sets out details of the Department's public exhibition of the proposal. | Yes |

3.6 Compliance with Clause 3B of Schedule 6A of the EP&A Act

A consent authority must not grant consent to a development application relating to a concept plan approval issued under the former Part 3A of the Act unless it is satisfied that it is generally

consistent with the terms of approval of that concept plan, as specified in Clause 3B(2)(d) of Schedule 6A the EP&A Act.

The proposal complies with the maximum height and GFA requirements. Whilst the building's balconies partially project beyond the Block X building envelope (see **Figure 6**) identified in the *Built Form Principles and Urban Design Controls* in the Barangaroo Concept Plan, the Department is satisfied the proposal is generally consistent with the *Built Form Principles and Urban Design Controls*. This is assessed in detail in **Section 5.3** and **Appendix C** of this report. **Figure 6** shows the building in relation to the Block X envelope.

3.7 Ecologically Sustainable Development

The EP&A Act adopts the definition of ecologically sustainable development (ESD) from the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and ESD can be achieved through the implementation of:

- (a) *the precautionary principle;*
- (b) *inter-generational equity;*
- (c) *conservation of biological diversity and ecological integrity; and*
- (d) *improved valuation, pricing and incentive mechanisms.*

The Applicant has considered and addressed ESD principles as they relate to the proposal in **Section 4.9** and **Appendix H** of the EIS. This describes the Applicant's approach to integrating energy efficient technologies and sustainable practices in the design, construction and ongoing operation of the development.

The Department has assessed the proposed development in relation to the ESD principles and has made the following conclusions:

- **Precautionary Principle** – the proposal will not result in any serious or irreversible environmental damage, as:
 - the site is already developed and has been appropriately planned for development;
 - the location of the site encourages sustainable transport choices as it is well served by public transport;
 - the proposal includes stormwater management;
 - the proposal uses responsibly sourced timber and low embodied carbon concrete; and
 - the proposal includes measures to reduce water, energy and waste through a mixture of passive design and efficient systems, including:
 - use of Barangaroo South's recycled water plant for non-potable uses;
 - use of low flow fittings; and
 - building design maximising natural light and ventilation.
- **Inter-Generational Equity** – the proposal will not result in adverse impacts on the health, diversity and productivity of the environment for the benefit of future generations, as:
 - the proposal will not result in any serious or irreversible environmental damage, as detailed above; and
 - the proposal considers existing environmental impacts in the area.
- **Biodiversity Principle** – the proposal will have no significant impact on biodiversity or ecological value.
- **Valuation Principle** – the proposal includes a number of energy, water and waste reducing measures that will reduce the ongoing operating costs of the development.

Having considered the objects of the EP&A Act, including the encouragement of ESD in its assessment of the application, the Department is satisfied the proposal encourages ESD.

3.8 Environmental Planning and Assessment Regulation 2000

Subject to any other references to compliance with the EP&A Regulation cited in this report, the requirements for notification (Part 6, Division 6) and fees (Part 15, Division 1AA) have been complied with.

3.9 Strategic Context

The proposal is consistent with the following State/regional/local strategies:

- the objectives of the *NSW State Priorities*. The proposal creates 100 new jobs during construction and 50 new jobs during operation; and
- the planning objectives of *A Plan for Growing Sydney*, which emphasise the importance of Barangaroo in growing and diversifying the Sydney CBD (Direction 1.1). The development of the Barangaroo site will help meet key planning challenges in the Sydney CBD precinct such as:
 - accommodating new jobs;
 - ensuring sufficient capacity for office and hotel development in keeping with the city's global status;
 - maintaining and improving amenity and cultural opportunities;
 - encouraging the development of lifestyle and entertainment activities;
 - maintaining and improving accessibility within the Sydney CBD; and
 - facilitating the clustering of appropriate mutually supporting land uses.

While the scale of the proposed building is modest in comparison to other development in the Barangaroo precinct, the proposed land use will contribute to *A Plan for Growing Sydney* by adding to the land use diversity and vibrancy of Barangaroo outside business hours.

3.10 Secretary's Environmental Assessment Requirements

Section 7.1 of the EIS addresses compliance with the Director-General's (now Secretary's) Environmental Assessment Requirements (SEARs). These have been sufficiently addressed in the EIS to allow the Department to conduct a proper assessment of the proposal as required by the EP&A Act.

4. CONSULTATION AND SUBMISSIONS

4.1 EIS Exhibition

The Department publically exhibited the application from Thursday 6 November 2014 until Monday 8 December 2014. The application was publically available on the Department's website, at the Department's Information Centre and at the City of Sydney Council office. The exhibition was consistent with relevant EP&A Act and Regulation requirements.

The Department also advertised the proposal in the Sydney Morning Herald and The Daily Telegraph on Wednesday 5 November 2014 and notified adjoining landholders, and relevant State and local government authorities in writing. Nine public authorities made submissions. These are summarised in **Table 2**.

Table 2: Summary of public authority submissions to EIS exhibition

| Council |
|---|
| No objection but raised concerns including: <ul style="list-style-type: none">• blank and inactivated facades to the south and east (Lime Street), the layout and proposed planter of the southern ground floor terrace. Suggested the Applicant consider continuing the western stairs to the southern side of the site to improve activation;• quantum of bicycle parking is low given the target mode share for cycling, and suggested that Council's bicycle rate is used rather than the Concept Plan rate; and |

- importance of integrating the building with the adjacent public domain, and recommended conditions to ensure the project integrates with the public domain in the event that the Barangaroo public domain became Council's responsibility.

Ausgrid

No objection, recommended conditions of consent requiring:

- finalisation of easements, leases and rights of way;
- provision of access to Ausgrid for installation and commissioning of infrastructure; and
- not interfering with Ausgrid infrastructure.

Transport for NSW (TfNSW)

No objection, noted proximity to the CBD Metro corridor and recommended a condition of consent regarding the preparation of a Construction Traffic and Pedestrian Management Plan.

Environment Protection Authority (EPA)

No objection, noted environmental impacts associated with the proposal have been appropriately identified, quantified and addressed.

Office of Environment and Heritage (OEH)

No objection or comments.

Heritage Division

No objection or comments.

Roads and Maritime Services (RMS)

No objection or comments.

Sydney Water

No objection, noted water infrastructure requirements likely to be included in Building R1's Section 73 certificate.

Foreshores and Waterways Advisory Committee

No objection or comments.

4.2 Response to Submissions and Amended SSD Re-Exhibition

On 28 July 2015, the Applicant lodged its RtS and amended application for the proposed development. The amended application proposed the bar and restaurant use (the initial exhibition proposed the use of the building would be the subject of later applications) and fit-out of the building, and made design changes such as the enlargement of useable areas of the first and second floor terraces from 80 m² to 110 m² and 185 m² to 227 m² respectively, the deletion of an internal store room and an enlarged stairway and planter on the ground floor southern terrace. The RtS also responded to submissions made during the initial exhibition period.

The amended application and accompanying information were exhibited from Thursday 27 August until Monday 12 October 2015. The application was made publically available on the Department's website, at the Department's Information Centre and at the City of Sydney Council office.

The Department also placed a public exhibition notice in the Sydney Morning Herald, The Daily Telegraph on Wednesday 25 August 2015 and notified adjoining landholders, and relevant State and local government authorities in writing. Eight public authorities made submissions to the amended application exhibition. These are summarised in **Table 3**.

Table 3: Summary of issues raised in public authority submissions to the RTS

City of Sydney Council

No objection and commented on the design and proposed pub use, including:

- design is an improvement of the ground floor southern treatment but the ground floor south-eastern façade is more closed than the initial proposal. Queried the need for a second patron access point on the ground floor and suggested that a green roof is installed if photovoltaic cells are not installed; and

- noted the work done with the applicant in preparing the Barangaroo South Master Plan Noise Assessment. This is a non-standard approach to entertainment use (i.e. operational noise from pubs and restaurants) within Barangaroo South. Recommended conditions of consent.

Heritage Division

Recommended a condition requiring historic interpretation of Barangaroo is integrated into the final design as per the Outline Interpretation Plan for Barangaroo South.

Environment Protection Authority (EPA)

Advised the Environmental Protection Licence for Barangaroo South has been adjusted and no longer covers the R1 site.

NSW Police Force

Recommended conditions of consent for the pub operation.

Transport for NSW (TfNSW)

No further issues.

Office of Environment and Heritage (OEH)

No further issues.

Sydney Water

No comments.

Foreshores and Waterways Advisory Committee

No further issues

4.4 Public Submissions

No public submissions were made to the EIS exhibition. One public submission was made in support of the proposal at the RtS stage. It noted the historic significance of pubs to wharf areas and suggested the pub's name reflect Barangaroo's maritime history.

4.5 Amended SSD Response to Submissions

The Applicant's Response to Submissions for the Amended SSD application responded to public authority submissions, presented the finalised *Barangaroo Master Plan Noise Assessment*, and provided an updated acoustic report demonstrating compliance with that Master Plan.

5. ASSESSMENT

5.1 Considerations under Section 79C of the EP&A Act

Table 4 identifies the matters for consideration under section 79C that apply to SSD. The EIS has been prepared by the Applicant to consider these matters and those matters detailed in the SEARs.

Table 4: Section 79C(1) Matters for Consideration

| Section 79C(1) Evaluation | Consideration in this Report |
|---|---|
| (a)(i) provisions of any Environmental Planning Instrument. | Section 3.4 and Appendix B |
| (a)(ii) any proposed instrument that has been subject to consultation under the EP&A Act and notified by the consent authority. | N/A |
| (a)(iii) any development control plan. | Whilst DCPs do not apply to SSD applications, consideration has been given to the City of Sydney Late Night Trading Premises DCP 2007 (Section 5.4) and the Sydney Harbour Foreshores & Waterways DCP (Appendix B). |
| (a)(iv) the regulations | The Department has undertaken its assessment in accordance with all relevant matters prescribed by the regulations. |
| (a)(v) any coastal zone management plans. | N/A |

| | |
|--|---|
| (b) the likely impacts of the development. | Impacts of the development are considered in Section 5 and Appendix B . |
| (c) suitability of the site for the development. | The suitability of the site is considered in Sections 5 and Appendix B . |
| (d) any submissions received. | Consideration has been given to submissions received during the exhibition period in Section 4 of this report. Key issues raised in submissions have been considered further in Section 5 of this report. |
| (e) the public interest. | The public interest of the development has been considered in Section 5 of this report. |

5.2 Key Assessment Issues

The Department considers the key issues to be:

- built form (**Section 5.3**);
- amenity impacts (**Section 5.4**); and
- operational impacts (**Section 5.5**).

Each of these key issues is discussed in the following sections of the report. **Section 5.6** of the report discusses the other issues that were taken into consideration in the assessment of the application.

5.3 Built Form and Urban Design

The key built form considerations are height and scale, design excellence, and performance against the *Built Form Principles and Urban Design Controls*. These are considered below.

5.3.1 Height and scale

The proposed building is three storeys with a height of RL 19.5 metres (15.9 metres above ground level) and a GFA of 804 m². Height and GFA controls are contained in the SSP SEPP and in the Barangaroo Concept Plan. GFA controls apply in place of floor space ratio controls and apply to entire blocks rather than individual buildings within the blocks. Therefore the proposed GFA has been considered cumulatively with that already approved within Block X (which comprises the GFA of Buildings R8 and R9). The proposed building complies with the height and cumulative GFA controls as set out in **Table 5** and **Table 6**.

Table 5: Height controls

| Height controls | Proposed Development | Compliance |
|-----------------|----------------------|------------|
| SSP SEPP | | |
| RL 41.5 | RL 19.5 | Yes |
| Concept Plan | | |
| RL 21 | RL 19.5 | Yes |

Table 6: Gross floor area controls

| Controls | Proposed Development | Compliance |
|--|---|------------|
| SSP SEPP | | |
| Block X: 18,908 m ² | 804 m ² (Building R1) 18,908m ² (cumulative for Block X) | Yes |
| Concept Plan | | |
| Block X: 18,908 m ² total GFA | 804 m ² (Building R1) 18,908m ² (cumulative for Block X) | Yes |
| Block X: 16,463 m ² maximum residential GFA | No residential GFA in Building R1 No change to residential GFA in Block X | Yes |

5.3.2 Design excellence

The Department has considered whether the proposal demonstrates design excellence, as required by clause 19(1) of Part 12 of Schedule 3 of the SSP SEPP. This clause requires a consent authority to have regard to the following matters:

- whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be provided;

- whether the form and external appearance of the building will improve the quality and amenity of the public domain; and
- whether the building will meet sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security, and resource, energy and water efficiency.

Council's submission raised concern that the location of meters and basement risers on the eastern and southern facades of the ground floor would close these elevations off to the street. The Department accepts the building must accommodate servicing requirements at street level. The network of streets and laneways in Barangaroo South has a clear hierarchy and the pedestrian walkways to the north (Exchange Place) and west (Wulugul Walk) are the most important streets surrounding the site. The northern and western facades facing these streets are open and permeable. Accordingly, the proposed location of the meters and risers in the south-eastern corner of the facade is considered appropriate because they are oriented towards the least active parts of the public domain.

The Department considers the application exhibits design excellence for the following reasons:

- the rounded shape, strong horizontal articulation of the building and the use of timber cladding contrasts with adjoining buildings on the waterfront within Barangaroo and King Street Wharf. This provides a visually interesting entry into Barangaroo from the south;
- the building would be constructed using high quality materials and finishes such as engineered timber cladding and high performance glazing. These are appropriate to the scale, function and location of the building;
- the design provides active street frontages to Exchange Place and Wulugul Walk. It activates the waterfront promenade through providing an active use including outdoor seating facing the promenade;
- the proposed design provides permeability and accessibility through Barangaroo south through its use of operable glass walls that will be open on three sides. The building will therefore be visually and physically permeable with the adjoining public domain, including key east-west and north-south pedestrian thoroughfares;
- the design's deep balconies and operable walls provide natural ventilation, solar access and shading. It also implements a variety of environmentally sustainable measures, including the use of grey water for irrigation, timber for the building's façade, and high performance glazing to minimise energy use; and
- the proposed building is the result of a competitive design process.

The Department has considered the SSP SEPP requirements and issues raised by Council and is satisfied the proposal exhibits design excellence through its building form, use of materials, relationship to the public domain and use of sustainable design principles.

5.3.3 The Built Form Principles and Urban Design Controls

Condition B5 of the Concept Plan requires that development applications demonstrate consistency with the *Built Form Principles and Urban Design Controls*. The document contains eight built form principles and eight controls which outline design objectives and standards for each of the development blocks within Barangaroo South.

Building R1's design is consistent with the built form principles and seven of the eight controls for Block X (a detailed assessment is provided at **Appendix C**). **Figure 5** illustrates the proposed building and Block X envelope and **Figure 7** shows the indicative building envelope with the specified setbacks as illustrated in the *Built Form Principles and Urban Design Controls*.

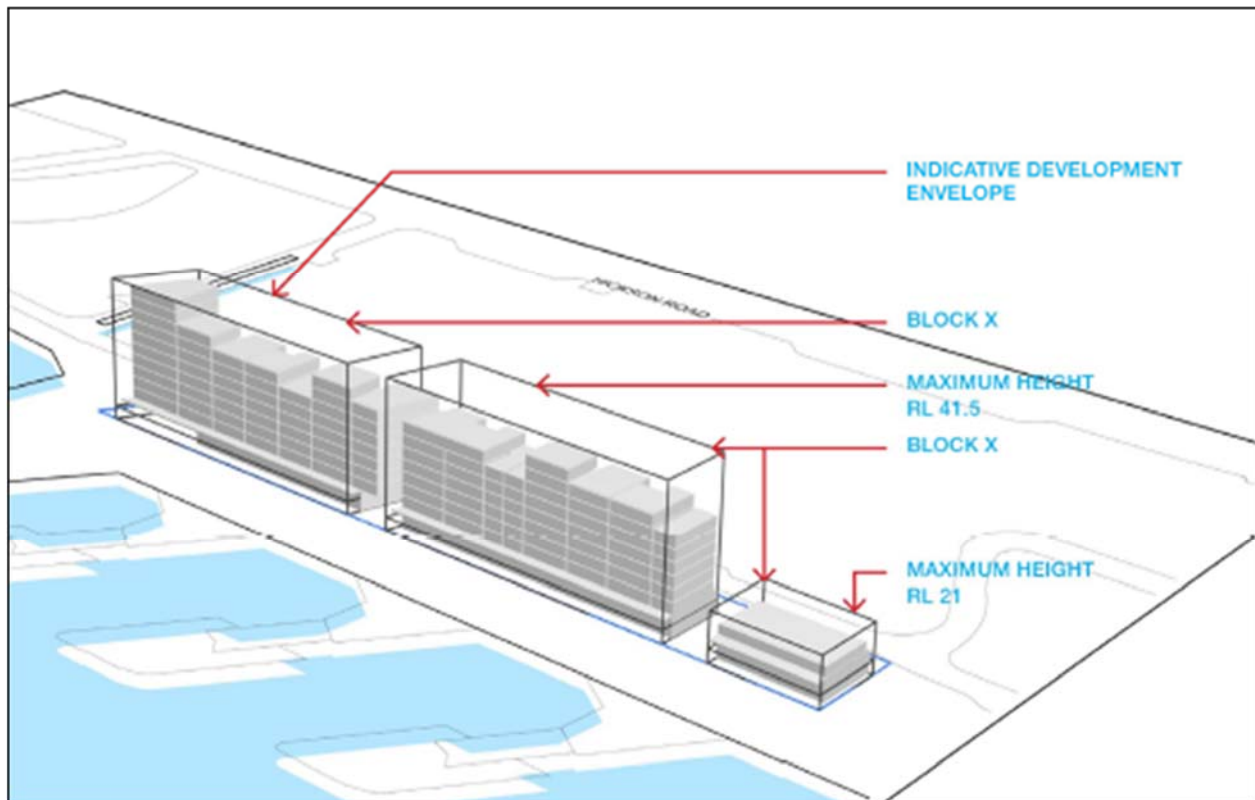


Figure 7: Indicative Building Envelopes (Source: *Built Form Principles and Urban Design Controls*)

Building R1 is also consistent with *Control 1: Building Mass and Location* in respect of its maximum height, but its rounded shape presents as an alternate design that sits slightly outside of the identified building setbacks and rectangular building envelope. This results in the balcony structures protruding partly outside the envelope by up to 4.5 m to the west and 3.6 m to the north and its glass façade not achieving a first floor westerly setback (**Figure 6**).

The Department notes the intent of the key objectives and standards in respect of building design are to establish a horizontally articulated, well-proportioned building mass that is reinforced using modulation of open and closed balconies and building elements. Buildings are also to maintain a consistent street wall and activate the public domain. The alternative design scheme meets these objectives and standards.

While the balconies sit outside the building envelope, they are generally consistent with the alignment and setback of the awning structures above outdoor dining areas for Residential Buildings R8 and R9, and their lightweight and strongly horizontally articulated design ensures an appropriate and well-proportioned building mass.

The proposed design also activates the public domain, as the balcony protrusions do not restrict physical or visual access to the public domain. The rounded design of the building and the use of operable glass walls opens access to and visibility of key public domain areas such as Wululgul Walk and Exchange Place better than a fully compliant building would. **Figure 8** shows the proposed building from street level, demonstrating its openness to the surrounding public domain.

The balcony protrusions are also lightweight structures that provide shade and shelter to areas of the public domain that will be used for outdoor dining. This is consistent with the objectives to provide active and integrated building uses to the public domain, and has a similar function to the approved outdoor dining shelters in front of Buildings R8 and R9.



Figure 8: Street level view of Building R1 looking south from intersection of Barangaroo Avenue and Exchange Place (Source: Applicant's EIS).

The Department also notes the proposal would not have greater amenity impacts, such as views or solar access, than a fully compliant scheme. This is discussed in further detail in **Section 5.4**.

The Department considers the alternative design scheme's building mass and form is therefore appropriate for its setting. As the southern-most building on the Barangaroo South waterfront, Building R1 is an entrance to the Barangaroo precinct. Its rounded shape, strong horizontal articulation and use of timber cladding contrast with neighbouring buildings, making it distinctive. Its small scale provides an appropriate transition between King Street Wharf to the south and the taller Buildings R8 and R9 to the north.

The Department considers the proposal is therefore generally consistent with the intent and objectives of the *Built Form Principles and Urban Design Controls*.

5.4 Amenity Impacts

5.4.1 View impacts

View impacts for the future development of Block X were assessed as part of the Barangaroo Concept Plan. As identified in **Section 5.3**, the Department notes the height of the building (RL 19.5) does not exceed the maximum building height controls in the SSP SEPP (RL 41) and the Barangaroo Concept Plan (RL 21). Moreover, given the building is lower in height than provided by the controls, the view impacts from surrounding vantage points and buildings would generally be reduced.

Notwithstanding, the proposed building's balconies extend an additional 3.6 m to the north (into Exchange Place) beyond the indicative development envelope in the *Built Form Principles and Urban Design Controls*. It therefore has potential impact on views of Sydney Harbour and Pymont from Transport Place, as well as from the Sydney CBD. The relationship between the proposed building and the northern boundary of the indicative development envelope is shown below in **Figure 9**.

The Department notes that whilst the proposed building projects into the Exchange Place corridor, it is broadly consistent with the view corridor established by Building R7 to the east. Moreover, the encroachment is a result of the balcony overhang so ground level views from the western end of

Transport Place to the harbour would not be obstructed beyond that anticipated by the Concept Plan.

When viewing this corridor from Margaret Street in the Sydney CBD, the Department notes views to the harbour are already heavily obstructed by the Western Distributor, Sussex Hotel and structures associated with Wynyard Walk. Due to the low scale of the proposed building, it would not result in any significant additional impacts to these remaining views of Sydney Harbour or Pyrmont from the Sydney CBD.

The Department therefore concludes the view impacts of the proposed development would be negligible and acceptable.



Figure 9: Photomontage of view looking west along Exchange Place. Building R7 as approved is located in the foreground of the proposed Building R1 (Source: Applicant's Response to Submissions)

5.4.2 Overshadowing

Shadow analysis diagrams were provided as part of the application to depict the extent of overshadowing from the proposed building. These illustrate the proposal will not have any significant overshadowing impact on neighbouring buildings or the public domain. Midwinter (June 21) shadows would fall within the shadows cast by approved and future buildings at 9 am. However, some additional shadows would be cast to the south and south-east of the building at 12 midday and 3 pm. The additional shadowing from Building R1 during the winter solstice is shown below in **Figure 10** and **Figure 11**.

The Department considers the overshadowing impacts of Building R1 would be minor as they are generally contained to Lime Street and Shelley Street. Some minor additional overshadowing would be cast to an area of the building forecourt and lower parts of the façade of 1 Shelley Street at 3 pm during the winter solstice. However, the Concept Plan considered a building with a maximum height of RL 21 and the proposed building has a maximum height of RL 19.5. The shadows cast by the building are therefore less than permitted under the Concept Plan.

The Department concludes the overshadowing impacts of the proposed development would be minor and acceptable.

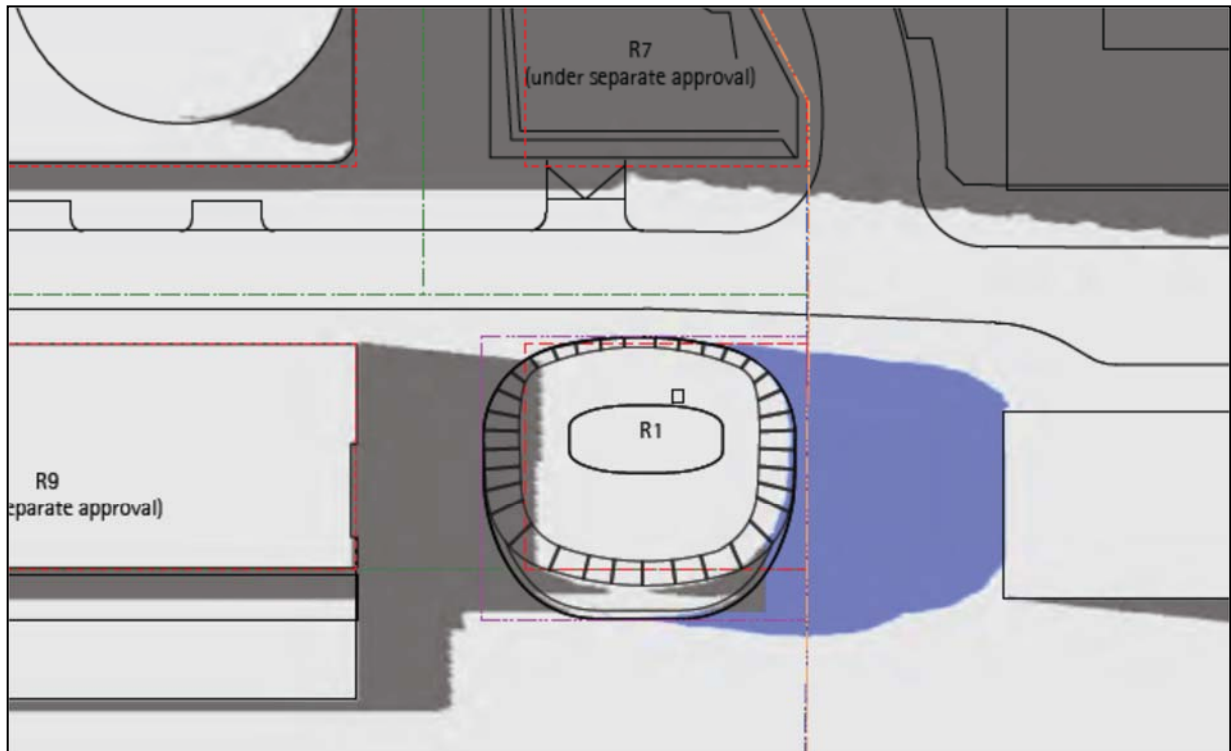


Figure 10: 12 midday shadow diagram 21 June (Source: Applicant's shadow diagrams)

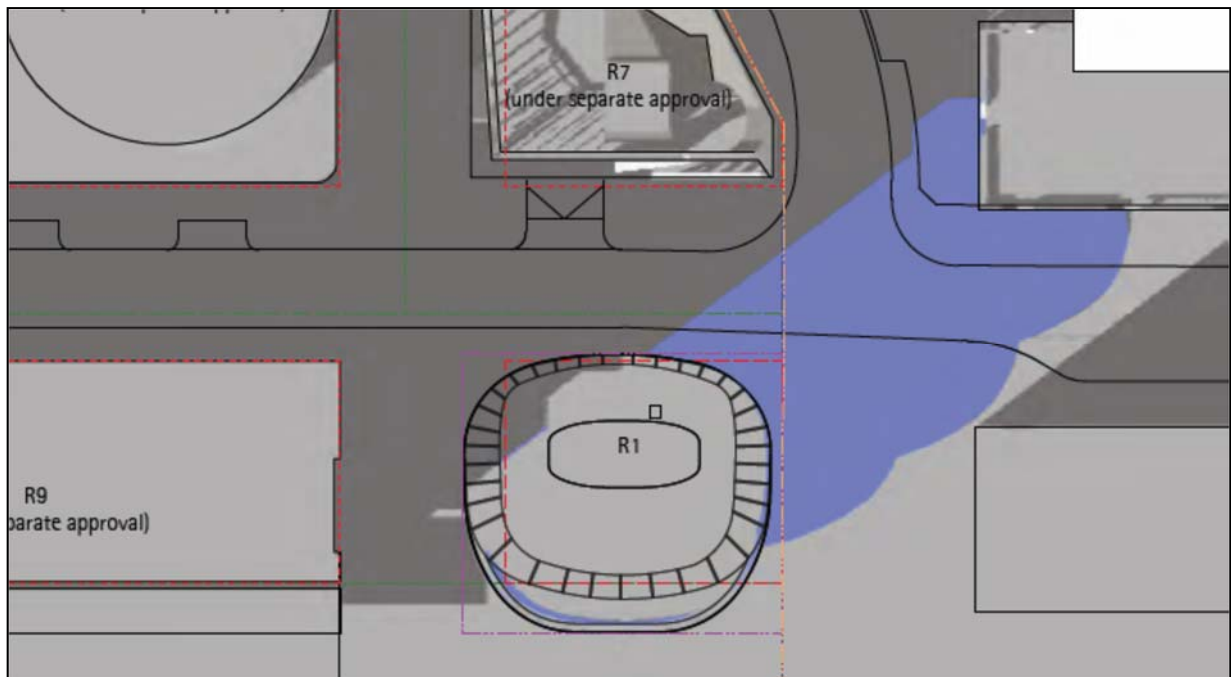


Figure 11: 3 pm shadow diagram 21 June (Source: Applicant's shadow diagrams)

5.5 Operational Impacts

5.5.1 Noise

The proposal seeks to use the proposed building as a pub with a capacity of 850 people, trading from 7 am until 12 midnight, seven-days-per-week. The northern edge of the premises (i.e. the northern terrace) is approximately 10 metres from the nearest residential properties, which are the southern-most units in Building R9 (**Figure 12**). The Department has therefore carefully considered the potential for noise impacts associated with the proposed pub use on neighbouring land uses and nearby residents.

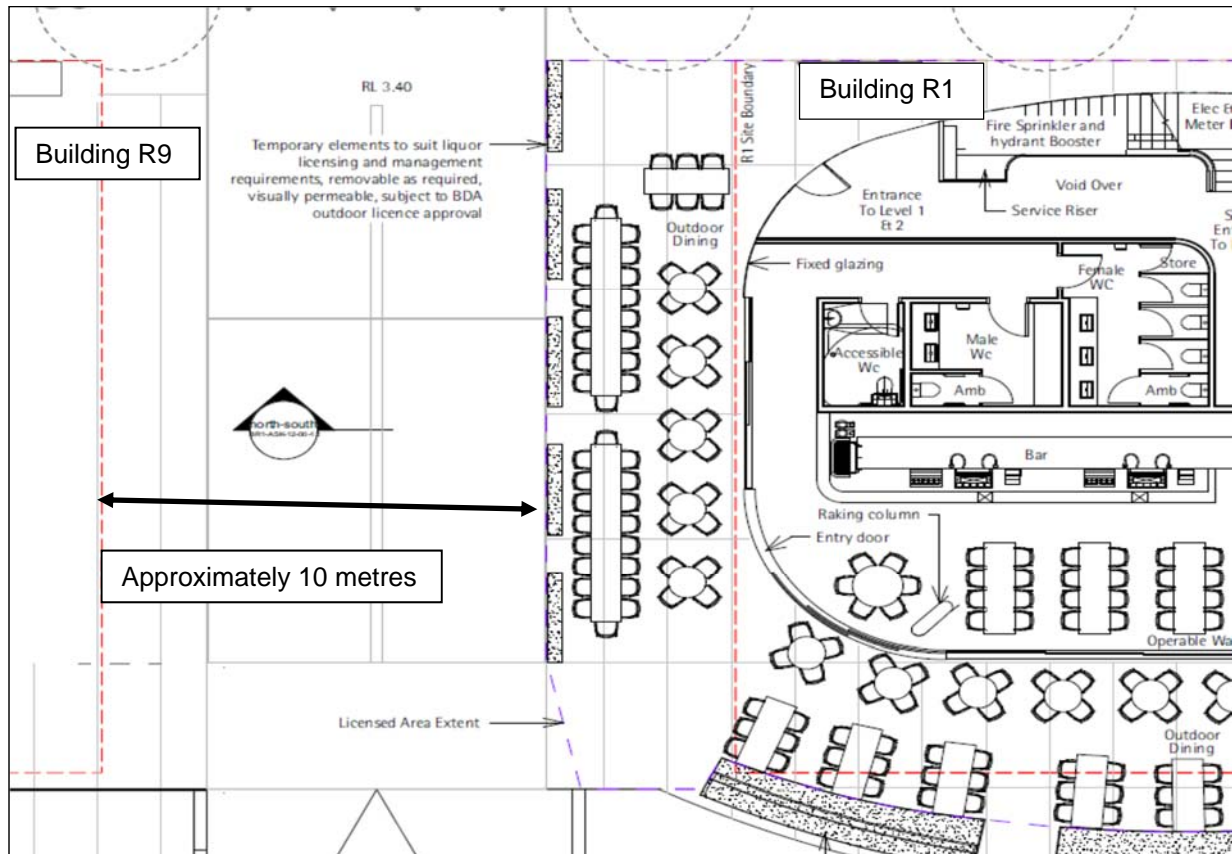


Figure 12: Proximity of Building R1 to Building R9 (Source: Applicant's architectural plans)

In its Application, the Applicant has indicated the proposed use will not be capable of complying with the standard noise requirements which set noise limits at background noise plus five decibels (dB) before 12 midnight and background plus zero dB after 12 midnight when measured at the boundary of the nearest residence (i.e. the southern-most units in Building R9).

The Applicant has also highlighted that Barangaroo South has been planned as a mixed-use precinct with a vibrant night-time character that would be jeopardised by standard noise requirements, as the operation of restaurants and pubs would be heavily restricted by these controls.

The Department notes the difficulty in implementing standard noise requirements is not limited to Building R1. The restaurants on the ground level of Buildings R8 and R9 would also be restricted by the application of these controls.

In response to the limitations of standard noise requirements, the Applicant has proposed an alternative approach to noise from night time land uses at Barangaroo, which is outlined in the *Barangaroo South Master Plan Noise Assessment Report* (MPNA). This approach would apply to night-time uses along the Barangaroo South foreshore. The MPNA has been developed in close consultation with the Department and Council who have a shared role as the consent authority for the use of premises in this location and in regulating their impacts.

The MPNA is a precinct-based alternative approach to assessing and managing noise impacts at Barangaroo South. It balances the strategic intention for Barangaroo South as a mixed-use precinct with a vibrant night-time economy with the need to maintain reasonable noise level restrictions to protect amenity for residents of the precinct.

The Department notes the MPNA proposes the following alternative noise assessment and regulatory framework:

- establishes a maximum acceptable noise level inside residential properties with external windows and doors closed. This level is 38dB(A) between 7 am and 10 pm, and 35 dB(A) between 10.00 pm and 12.00 midnight;
- finds the equivalent noise level on the outside of apartment windows to meet the internal noise criteria, and apportions noise for each bar or restaurant so the cumulative noise level at each residential receiver complies with the internal noise criteria. Building R1's allowed contribution at the boundary of the nearest residential receivers (the southern-most apartments in Building R9) is 63-67dB(A) until 10 pm and 61-65dB(A) until 12 midnight; and
- noise limits for residential and commercial receivers outside Barangaroo South of background plus five dB and an absolute level for residential receivers (which varies between receivers), 65dB(A) for commercial buildings in Barangaroo, and the traditional background plus three dB for commercial buildings outside Barangaroo.

The Department also notes that Council has carefully reviewed the MPNA as a technical document and as an alternative noise policy for Barangaroo South and has endorsed it as a reasonable policy approach.

The Department also accepts the MPNA provides a sound policy and technical approach to regulating noise in this area for the following reasons:

- Barangaroo South has been planned as a vibrant mixed-use precinct with a range of land uses including commercial, residential and dining and entertainment uses that operate at different times of the day and night. The night-time uses of Barangaroo are an important part of this land use mix. A standard approach to noise conditions may jeopardise the ability of night-time uses to operate. This would not reflect the strategic intent for a balanced range of land uses;
- standard noise conditions would not adequately address cumulative noise at Barangaroo South or provide appropriate acoustic amenity for residents as the night-time use of Barangaroo grows. The current background noise level at Barangaroo South is approximately 52-58dB(A) up to midnight on weekdays, and up to 64dB(A) on weekends. The standard noise condition would allow these noise levels to increase by 5dB once the noise from the subject premises is included. As more premises operate, background noise levels would further increase due to 'background creep'. The use of standard criteria for patron and music noise may result in a negative outcome in which premises individually comply with the criteria but cumulatively result in poor acoustic amenity for residential neighbours;
- as a large scale urban redevelopment site with new building stock constructed by a single developer, Barangaroo South presents a unique opportunity to enact a precinct-wide non-standard approach. Residential and commercial buildings have been constructed to a high acoustic standard that can effectively attenuate buildings from external noise. The non-standard approach can therefore be implemented more readily at Barangaroo than more established mixed use areas that are harder to delineate and have varied standards of building acoustic attenuation; and
- the internal noise levels are within the recommended residential noise limit in the *Industrial Noise Policy* (INP) (Environment Protection Authority, 1999), which similarly sets maximum cumulative noise levels to maintain reasonable residential amenity. The base noise level for residential amenity upon which other noise levels in the MPNA have been derived is therefore reasonable when considered against the INP.

The relevant consent authority (the Department or Council) would impose noise conditions of consent based on MPNA limits. The consent authority would be responsible for regulating those conditions.

In addition to the MPNA, the Applicant has provided an acoustic report by The Acoustic Group in support of the application. The acoustic report has considered the likely patron and music noise generated by the proposed pub and concludes it can operate in accordance with the MPNA's limits. It recommends controls to assist compliance with music noise, including a restriction of speakers on the northern boundary of R1, closing the northern glass facades of R1 when loud music is playing, use of limiters for other external speakers, and compliance testing.

The Department has considered the MPNA and the acoustic report and has recommended conditions broadly consistent with these documents. The recommended conditions provide:

- an overall noise limit of 75 dB(A) when measured three metres from any openings or outdoor speakers;
- only an external noise limit for residential receivers in Building R9 for practicality of measuring noise;
- a fixed music noise limit for residential receivers outside Barangaroo (the control doesn't set a limit for patron noise as patron noise could not be attributed to R1 given the 140 metre distance to the nearest residential building outside Barangaroo);
- the same noise limit for commercial receivers inside and outside Barangaroo, with an additional relative noise criteria to protect older buildings with poor acoustic attenuation; and
- controls on the layout and operation of the proposed pub as recommended in the acoustic report.

The Department has considered the potential noise impact of the proposed pub and has liaised with the Applicant and Council and is satisfied a set of alternative noise criteria that addresses cumulative noise and finds a balance between Barangaroo South's vibrancy and residential amenity will be achieved. The consent includes achievable noise conditions, while ensuring an appropriate level of residential amenity in this regard.

5.5.2 Operating hours

The application proposes to operate the premises as a pub with permanent (indoor and outdoor) operating hours of 7 am until 12 midnight seven-days-a-week, with a capacity of 800 patrons and 50 staff in indoor and outdoor areas.

While DCPs do not apply to SSD applications, the Department has considered the *City of Sydney Late Night Trading Premises DCP 2007* (LNTD DCP) as there are no controls relating to pub operations in relevant EPIs at Barangaroo. The LNTD DCP establishes trading hours (including trial periods) and management requirements for licensed premises. These are based on the location and size of a venue. Trial periods under the LNTD DCP run for one year, two years, and then five years for each subsequent trial period. Applicants apply to modify their consent to extend the trial period and the consent authority considers the demonstrated good management of the licensed premises in deciding whether to grant a further trial.

The LNTD DCP trading hours applicable to Building R1 are 7 am until 11 pm (permanent) and until 5 am (for renewable trial periods) for indoor areas, and from 10 am to 8 pm (permanent) and until 12 midnight (trial) for outdoor areas.

The proposed internal operating hours to 12 midnight is 1 hour later than the LNTD DCP. Accordingly, the Department recommends a 1-year trial period from 11 pm to 12 midnight is imposed for internal areas to review any impacts of the proposed pub during operation.

The proposed outdoor hours are inconsistent with the LNTD DCP due to the 3 hour earlier opening time (7 am instead of 10 am) and 4 hour later closing time (12 midnight instead of 8pm).

The Department considers that a 7 am opening time is acceptable because the proposed use (especially the ground floor bar and casual dining) is intended to have a variety of roles at different times of the day and night. The 7 am opening time would also provide food and beverage options

to support the commercial and residential uses and visitors in Barangaroo and presents a low risk of amenity impacts to residential receivers.

In respect of the outdoor operation to 12 midnight, the Department recommends a trial period is imposed from 10 pm to 12 midnight to allow a review of the impacts of the proposed pub. While the LNTD DCP specifies a trial period from 8 pm, the Department considers the strategic intent for Barangaroo to be a vibrant night-time place justifies a later trial period. A trial period from 10 pm is considered more appropriate as it reflects the character and use of the area and aligns with a time when nearby residents have a greater expectation for amenity and are more sensitive to noise.

5.5.3 Plan of Management

The LNTD DCP also requires premises to operate in accordance with a Plan of Management. The Department has reviewed the draft Plan of Management and notes it is generally consistent with LNTD DCP requirements (operational and management measures, safety & security). The Department is therefore satisfied it demonstrates the Applicant's commitment and ability to operate the premises in accordance with relevant legislation, guidelines and best practice.

However, a condition is recommended requiring a revised Plan of Management be approved by the Secretary prior to the commencement of the use. This would provide further information about queuing management (such as security monitoring and the area designated for queuing) and would ensure that the Plan of Management is consistent with conditions of consent including the approved hours of operation and noise limits.

5.5.4 Conclusion

The Department concludes the operation of the proposed pub is consistent with the envisaged role of Barangaroo South as a vibrant mixed-use precinct. The Department's assessment has, however, ensured operational impacts will provide acceptable amenity outcomes for neighbouring premises. Trial hours of operation are recommended to manage risks to amenity and as an incentive for continued good management. The Plan of Management will ensure amenity impacts from the operation of the premises are minimised and appropriate measures, including complaint management, will ensure the operation of the premises will not materially affect the amenity of the neighbourhood.

5.6 Other Issues

Other matters for consideration that have been raised and not addressed above are addressed in Table 7.

Table 7: Other matters for consideration

| Issue | Consideration |
|--|---|
| Contamination and Remediation | |
| The majority of the site (approximately 95 per cent of the building footprint) above the Stage 1A basement car park (MP 10_0023) was remediated as part of those works. | The Department notes the Site Auditor's advice that the ORWS can be relied on to carry out the works and considers the measures in the ORWS RAP will ensure the site can be made suitable for the intended land use subject to remediation and site validation in accordance with the ORWS RAP and Site Auditor's recommendations. These requirements have been imposed as conditions of consent. |
| The application seeks consent to remediate the part of the site that was not remediated as part of the basement works. This area is approximately five per cent of the building footprint on its western edge. Remediation is required because the proposal includes minor excavation to a depth of approximately two metres in the unremediated area. | |
| Remediation at Barangaroo has been guided by an overarching Remedial Action Plan (RAP) and a series of site-specific RAPs. The applicable RAP for the remediation works in the Amended Remedial Action Plan Barangaroo – Other Remediation Works | |

| Issue | Consideration |
|--|---|
| (South) (OWRS RAP). The application includes a letter from the Barangaroo Site Auditor confirming that the OWRS RAP remediation measures are appropriate for the proposal. | |
| Traffic and Parking | |
| <p><u>Construction</u></p> <p>The proposal will involve approximately eight construction vehicle movements per day, with an expected maximum of two vehicle movements per hour. The Transport Assessment (<i>Transport Assessment Barangaroo South Building R1</i>) argues this is a negligible increase on construction activity within Barangaroo South. Construction vehicle movements for Barangaroo in 2016 are predicted to be between 20 and 60 per hour.</p> | <p><u>Construction</u></p> <p>The Department agrees the vehicle movements associated with Building R1 are infrequent in the context of Barangaroo South. This construction traffic will not place significant additional pressure on the surrounding road network. The Department recommends conditions to manage impacts of construction traffic, including a Construction Traffic Management Plan.</p> |
| <p><u>Operation</u></p> <p>The proposal includes the use of 15 car parking spaces within the Stage 1A basement car park for staff use. No public parking is proposed. The Transport Assessment notes these 15 car parking spaces would be expected to generate six vehicle movements in peak hours and suggests this traffic is negligible in the context of Sydney CBD traffic volumes.</p> | <p><u>Operation</u></p> <p>The parking rate is consistent with the rate for “other uses” (i.e. other than commercial office or residential uses) in Condition C4(c) of the Concept Plan.</p> <p>The Department agrees the traffic generated would be negligible and unlikely to lead to significant traffic impacts.</p> |
| Construction Noise and Vibration | |
| <p>The application included the <i>Barangaroo South – Building R1 Construction and Operational Noise Report</i>.</p> <p>Construction noise has been assessed in accordance with the <i>Interim Construction Noise Guideline</i> (DECCW, 2009). The assessment has included residential and commercial receiver locations outside Barangaroo. The assessment found the target noise level for construction noise (known as Noise Management Levels (NMLs)) for residential receivers ranged from 56-63dB(A), while commercial receivers were rated at 70dB(A).</p> <p>Construction noise has been modelled for various types of plant and equipment. Predicted noise levels at all receivers outside Barangaroo are within the NML. The noise report therefore concludes no specific noise mitigation measures are required beyond those in place across Barangaroo South as a whole.</p> | <p>The Department notes the Applicant's noise assessment has not considered construction impacts on Buildings R8 and R9. The Department notes however there are several other concurrent construction projects at Barangaroo, including Buildings C5, C6, R7 and the Barangaroo Ferry Wharf. Given the small scale of Building R1, the relative contribution of the project to construction noise in the precinct will be relatively minor.</p> <p>Notwithstanding, the Department recommends a condition requiring a Construction Noise Management Plan that provides NMLs for Buildings R8 and R9 and reasonable and effective mitigation measures and complaints handling to minimise construction noise, if required.</p> |
| Odour Impacts | |
| <p>The proposed restaurant on Level 1 of the premises will feature wood fire and charcoal cooking. This method of cooking has potential odour impacts for nearby properties.</p> | <p>The Department has addressed this potential impact though stringent mechanical ventilation conditions requiring enhanced filtration and management plans for equipment maintenance. A condition also provides procedures to follow in the event of substantiated complaints about smoke and odour.</p> |

5.7 Public Interest

The application is in the public interest as it will provide the following key public benefits:

- further development of the Barangaroo site, which is identified in *A Plan for Growing Sydney* as an opportunity to expand and diversify the Sydney CBD;
- facilitate the development of Barangaroo South in accordance with the approved Barangaroo Concept Plan (as modified) which will involve significant capital investment into the NSW economy;
- promote the mixed-use nature of Barangaroo South by introducing night time dining and entertainment facilities; and
- create approximately 100 jobs during construction and 50 jobs during operation which is consistent with the objectives of the NSW State Priorities.

6. CONCLUSION

The Department has assessed the merits of the proposal having regard for relevant legislative requirements and environmental planning instruments and has considered advice from public authorities in its assessment.

The Department's assessment has found the key issues related to the proposal are the building design and its response to the surroundings and the potential noise impact of the pub operation in the context of the Barangaroo South precinct.

The building design is a thoughtful response to its site at the southern entrance to Barangaroo. The rounded shape, strong horizontal articulation from the deep balconies and use of timber define the façade and contrast Building R1 with its neighbours in Barangaroo South and King Street Wharf. This design makes the building a distinctive entrance to Barangaroo without dominating other buildings or detracting from the predominant building line along the Darling Harbour foreshore.

The rounded and porous design of the building also integrates with and activates the adjoining public domain. The rounded design means the building does not have a single primary frontage. Instead, Building R1 engages with its surrounding streets, especially Wulugul Walk and Exchange Place which are key pedestrian linkages through Barangaroo South. The porous design of the façade's operable walls visually and physically open the building to the surrounding public domain.

Building R1 exhibits design excellence through its innovative design response to its site and surrounding public domain. The Department therefore supports the proposed design.

The second key issue is the potential noise impact of the proposed pub use. Barangaroo has been planned as a mixed-use precinct with the expectation of a vibrant night-time economy. This presents a challenge in finding a balance between this vibrancy and maintaining residential amenity.

The Department has worked collaboratively with the Applicant and Council to find a solution to this issue. This has resulted in the *Master Plan Noise Assessment*, which is an alternative approach to assessing and managing noise from the night time uses of Barangaroo, including Building R1. The MPNA provides an acceptable level of internal noise amenity for residences and sets limits for individual premises to ensure the cumulative noise does not exceed the acceptable level. The Department considers this approach is appropriate for Barangaroo as it enables the night-time use of the precinct while maintaining reasonable residential amenity.

The Department has reviewed the Applicant's acoustic information and is satisfied the use of Building R1 can meet the MPNA noise requirements and therefore operate with an acceptable noise impact on neighbours, subject to the imposition of conditions.

The Department has also considered other environmental impacts of the proposal and is satisfied these impacts are acceptable, subject to recommended conditions and implementation of measures detailed in the Applicant's EIS and Response to Submissions.

The Department concludes the development is in the public interest and should be approved, subject to conditions.

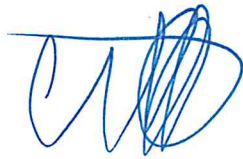
7. RECOMMENDATION

It is recommended that the Executive Director, Key Sites and Industry Assessments:

- **consider** all relevant matters prescribed under section 79C of the EP&A Act, as contained in the findings and recommendations of the assessment report and appended documentation;
- **grant consent** to the development application, subject to conditions, under section 89E of the EP&A Act, having considered all relevant matters in accordance with the above; and
- **sign** the attached instrument of consent at **Appendix A**.

Prepared by: Alexander Scott

Endorsed by:



Cameron Sargent
Team Leader
Key Sites Assessments

Endorsed by:



Ben Lusher
Director
Key Sites Assessments

Approved by:



Anthea Sargeant 25/8/16
Executive Director
Key Sites and Industry Assessments

APPENDIX A RELEVANT SUPPORTING INFORMATION

The following supporting documents and information to this assessment report can be found on the Department of Planning and Environment's website as follows:

- 1 Statement of Environmental Effects and Appendices
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6513
- 2 Submissions
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6513
- 3 Applicant's Response to Submissions and Amended Development Application
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6513
- 4 Applicant's Amended Development Application Response to Submissions
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6513

APPENDIX B CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

Relevant EPIs and DCPs:

- State Environmental Planning Policy (State and Regional Development) 2011;
- State Environmental Planning Policy (State Significant Precincts) 2005;
- State Environmental Planning Policy No.55 – Remediation of Land;
- State Environmental Planning Policy (Infrastructure) 2007;
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005; and
- Sydney Harbour Foreshores and Waterway Area DCP 2005.

Note: Clauses within the above EPIs and DCPs not relevant to the application have been omitted from the below assessment.

State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)

Pursuant to clause 3(1) of Schedule 2 of SRD SEPP, the proposal is a State significant development as it is development that has a capital investment value of more than \$10 million on land identified as being within the Barangaroo site on the State Significant Development Sites Map.

The Barangaroo provisions of the SRD SEPP were amended by the *State Environmental Planning Policy Amendment (Sydney Harbour) 2016*, which was gazetted on 28 June 2016. The amendments did not change the controls relating to Building R1.

State Environmental Planning Policy (State Significant Precincts) 2005 (SSP SEPP)

The Barangaroo site is listed as a State Significant Site under Part 12 of Schedule 3 of the SSP SEPP, and relevant provisions of this part are considered below:

Zoning

The site is zoned B4 Mixed Use and RE1 Public Open Space under Clause 8 of Part 12 of Schedule 3 of the SSP SEPP. The proposed pub use is a type of food and drink premises use which is a permissible use with development consent.

Development Near Zone Boundaries

Clause 23 applies to development within 25 metres of a zone boundary. It provides that development consent may be granted where the development is not inconsistent with the objectives for both zones and where the development is desirable due to compatible land use planning and other planning principles for the orderly development of land. The proposed pub use is permissible in both zones and is consistent with the objectives of both zones.

Building Height

Pursuant to Clause 17 of Part 12 of Schedule 3 of the SSP SEPP, the height of a building on any land within the Barangaroo site is not to exceed the maximum permitted building height shown on the Height of Buildings Map. Building R1 has a maximum height of RL 19.5 and complies with the maximum permitted building height of RL 41.5 identified on the Height of Buildings Map.

Gross Floor Area

Pursuant to Clause 18 of Part 12 of Schedule 3 of the SSP SEPP, the total gross floor area of all buildings on any land within the Barangaroo site is not to exceed the gross floor area shown for the land shown on the Gross Floor Area Map. Building R1 has a GFA of 804 m² and the resultant GFA of Block X is 18,908 m², which equals the maximum GFA for Block X identified in the SSP SEPP and therefore complies with the maximum GFA development standard.

Design Excellence

The relevant design excellence provisions of Clause 19 of Part 12 of the SSP SEPP have been considered previously in Section 5.2 of this report.

The Barangaroo provisions of the SSP SEPP were amended by the *State Environmental Planning Policy Amendment (Sydney Harbour) 2016*, which was gazetted on 28 June 2016. The amendments did not change the controls relating to Building R1.

State Environmental Planning Policy No.55 – Remediation of Land (SEPP 55)

Clause 7 of the SEPP prevents a consent authority from issuing development consent unless it has considered:

- whether the subject site is contaminated;
- whether a contaminated site is suitable for its proposed use in its current state, or will be suitable following remediation; and
- whether it is satisfied the site will be remediated before the land is used for the purpose proposed under the application.

The Basement Car Park Approval and Stage 1A Public Domain Work approval (MP 10_0023) provides for the remediation of most contaminated material within the site as most of the site area is located above this basement car park.

Remediation works are proposed as part of the subject application to the area outside the basement car park. As discussed in Section 5.4, the Site Auditor has advised the relevant Remedial Action Plan (RAP) and Human Health and Ecological Risk Assessment (HHERA) for Barangaroo South are appropriate to manage remediation. These documents are entitled:

- 'Amended Remedial Action Plan – Barangaroo – ORWS Area,' prepared by AECOM Australia Pty Limited, dated 7 July 2011 and approved by the Minister for Planning and Infrastructure on 17 August 2011 (ORWS RAP); and
- 'Human Health Ecological Risk Assessment Addendum - ORWS Area - Barangaroo' prepared by AECOM dated 4 July 2011 (HHERA).

The Department's assessment of this application (SSD 6513) found the ORWS RAP can be relied upon to ensure the area is remediated to a standard suitable for its intended use in accordance with the requirements of SEPP 55.

The Department is satisfied contamination issues associated with the proposed development have already been addressed via the approved ORWS RAP and accompanying HHERA (as amended) for the basement car park (MP10_0023) or can be appropriately remediated through implementation of the ORWS RAP.

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

The Infrastructure SEPP (ISEPP) aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.

Clause 88A of the Infrastructure SEPP requires the Minister for Planning (as the consent authority) to give notice to the Sydney Metro (now TfNSW) of any application that may be within the CBD Metro Corridor and take into account any issues raised in a submission. As such, the Department notified TfNSW of the project and considered the issues raised in its submissions, including the suggestion an independent engineer verify there is no conflict between the proposal and the Metro Corridor. The recommended consent includes a condition to this effect.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Harbour REP)

The SREP applies to all land within the Sydney Harbour Catchment, as shown on the Sydney Harbour Catchment Map. The site of Building R1 is within the defined Foreshores and Waterways Area and is also identified as a Strategic Foreshore Site (Sheet 10 of the City Foreshore Area Map).

Matters for Consideration

Clause 20 of the SREP identifies that the following matters are required to be considered by consent authorities before granting consent to development under Part 4 of the Act:

- clause 21 - Biodiversity, ecology and environmental protection;
- clause 22 - Public access to, and use of, foreshores and waterways;
- clause 23 - Maintenance of a working harbour;
- clause 24 - Interrelationship of waterway and foreshore uses;
- clause 25 - Foreshore and waterways scenic quality;
- clause 26 - Maintenance, protection and enhancement of views; and
- clause 27 - Boat storage facilities.

The development is consistent with the relevant matters for considerations as it will maintain public access to and along the foreshore and will maintain the unique scenic and visual quality of qualities of Sydney

Harbour and its islands, foreshores and tributaries. Additionally, given the relatively small footprint of the building, the development will maintain views (including night views) to and from Sydney Harbour, and to and from public places, landmarks and heritage items. Subject to the recommended conditions, the development will not have any impact on the Harbour's biodiversity, ecology or environment.

Foreshores and Waterways Planning and Development Advisory Committee

The proposal is not of a type referred to in Schedule 2 of the SREP and therefore no referral to the Committee was required under clause 29 of the SREP. Notwithstanding, the Department did refer the application to the Committee for comment. The Committee did not raise any concerns with the proposal.

Strategic Foreshore Sites

The site is identified as a 'Strategic Foreshore Site' on 'Sheet 10 City Foreshore Area' of the Strategic Foreshore Sites Map. Clause 41 of the SREP states development consent must not be granted for the carrying out of development on a strategic foreshore site unless there is a master plan for the site, and the consent authority has taken the master plan into consideration. The Department considers the proposal is generally consistent with the relevant land use and general master planning provisions contained within the Barangaroo Concept Plan, as identified in Section 5.3.2 of this report.

The Barangaroo provisions of the SHC SREP were amended by the *State Environmental Planning Policy Amendment (Sydney Harbour) 2016*, which was gazetted on 28 June 2016. The amendments did not change the controls relating to Building R1.

Sydney Harbour Foreshores and Waterway Area DCP 2005 (DCP)

The site of the building is within the defined Foreshores and Waterways Area, and is therefore subject to the controls in the DCP. The DCP includes aims and performance criteria in relation to ecological assessment, landscape assessment, and design guidelines for development within the area. The location of the building is not affected by any ecological or specific landscape character area, and the design guidelines provisions are not relevant to this application. Additionally, as the development is contained within the Barangaroo site in an area designated for waterfront development, it would not result in any significant impacts to the harbour foreshore.

APPENDIX C COMPLIANCE WITH THE BUILT FORM PRINCIPLES AND URBAN DESIGN CONTROLS

Built Form Principles and Urban Design Controls

| BUILT FORM PRINCIPLES | COMMENT | COMPLIANCE |
|--|---|------------------------|
| 1. City's New Western Façade | | |
| <ul style="list-style-type: none"> Create an integrated new western frontage to the city centre. The slender ends of buildings above podium level are oriented to the waterfront to minimise perception of bulk from the harbour. Residential apartments and the Block Y podium facing the waterfront will mediate the scale between tower forms and the public promenade on the waterfront. | <ul style="list-style-type: none"> Building R1 does not comprise a tower and podium built form. While it is not a residential building, R1 is on the waterfront and its low scale mediates between the public promenade and the tower forms within Barangaroo South. | Yes |
| 2. Hickson Road as a Boulevard | | |
| <ul style="list-style-type: none"> Promote the scale of Hickson Road as a grand boulevard. Buildings provide a consistent street wall definition to Hickson Road but with varied massing heights along the street frontage. The northern park connects with Globe Street | <ul style="list-style-type: none"> Building R1 is not located along Hickson Road. | N/A |
| 3. Buildings to Define Streets | | |
| <ul style="list-style-type: none"> Building facades are to define street alignments considering the differing character, scale and activation of the streets. | <ul style="list-style-type: none"> The glazing line of the northern and western façades are set to the Exchange Place and Wulugul Walk street alignments but the balcony overhangs are curved and are not set to the street alignment. Given the overall design merits of the proposal and its function as an entrance marker to Barangaroo, this is acceptable. | Substantially complies |
| 4. North South Pedestrian Connection | | |
| <ul style="list-style-type: none"> Provide for pedestrian permeability through the blocks. The primary focus for north south pedestrian connections between blocks 2 to 4 includes the waterfront promenade, Lime Street and Shelley Lane. It is equally important to provide east-west links through the main pedestrian walkways including Margaret Street, Union Walk, City Walk and Globe Street. | <ul style="list-style-type: none"> Building R1 provides for pedestrian permeability in the public domain areas and streets surrounding the building. This includes its connectivity to Exchange Place, which is a key east-west link through Block X. | Yes |
| 5. Marking the City Frame | | |
| <ul style="list-style-type: none"> To continue a built form dialogue with the adjoining city, building heights across the site are in keeping with the rest of the city, with the highest form at the north of the precinct to complete the city frame and define the city's north-western edge. | <ul style="list-style-type: none"> The low scale of building R1 provides for a transition in building height along the foreshore between Buildings R8 and R9 and existing lower scale development in King Street Wharf. | Yes |
| 6. Open Space Within Blocks | | |
| <ul style="list-style-type: none"> Create laneways, courtyards, walkways and parklands around the edges of building blocks. Create a fine grain structure of laneways and streets permeating the blocks, as well as open space at podium level between the tower forms. | <ul style="list-style-type: none"> Open space in the form of pedestrian walks is provided to the north and west of building R1. Pedestrian circulation walkways are also provided around the building. | Yes |
| 7. View Sharing | | |
| <ul style="list-style-type: none"> Promote the equitable access to views towards the harbour, the built form is to be arranged to define the street | <ul style="list-style-type: none"> The low height of Building R1 is not expected to significant impact on views from buildings to the east. | Yes |

| | | |
|--|--|------------------------|
| corridors and to allow view corridors from the existing private buildings to the east. Provide sky view corridors between residential towers from Napoleon Street, Bond Square and the Harbour Bridge. | | |
| 8. Orientation of Buildings | | |
| <ul style="list-style-type: none"> Create a new city skyline silhouette formed by the gaps between the slender towers. The orientation of the tower buildings are to relate to the fanning principle, while the long facades are to be facing to the north. Buildings facing Hickson Road and the waterfront promenade are to be generally orientated to the east and west to define the linear nature of the road. | <ul style="list-style-type: none"> Building R1 has a rounded shape and its primary orientations are to the key pedestrian thoroughfares to the west and north. The design of the building defines the nature of these roads while also activating public space. | Substantially complies |

| URBAN DESIGN CONTROLS | | |
|---|--|-------------------|
| 1. Building Mass and Location | | |
| OBJECTIVES | COMMENT | COMPLIANCE |
| <ul style="list-style-type: none"> To ensure building mass is appropriate within the envelope. | <ul style="list-style-type: none"> The building's rounded design is appropriate for the building's context, as discussed in Section 5.3 above. | Yes |
| <ul style="list-style-type: none"> The predominant height of the building mass fronting the foreshore promenade shall be 6 or 7 storeys above ground level, with over 70% of the building frontages having a consistent height. Any "pop ups" shall not result in more than 9 storeys above ground level and the overall massing shall be such to create an homogenous yet interesting streetwall. | <ul style="list-style-type: none"> The proposal is three storeys high and is therefore lower than the predominant height. The predominant height of the building mass is defined by Buildings R8 and R9 at six to seven storeys high. Given the smaller frontage of Building R1 and its deliberately different building form, the three storey height does not significantly alter the predominant building height. | Yes |
| STANDARD | COMMENT | COMPLIANCE |
| <ul style="list-style-type: none"> Above ground floor level the westerly oriented façades to have a minimum 3m setback. Open and enclosed balconies are allowed to fill the setback zone. | <ul style="list-style-type: none"> The first floor internal area is built to the western boundary of the building envelope line. Ground and second floor internal areas comply with this control. Balconies extend into the setback zone and outside with building envelope line. The bulk of the building on its western façade is defined by the balconies. The 'walls' of the building are predominantly operable glazing that provides a permeable connection between indoor and outdoor areas of the building. The control is designed to ensure solid façade walls are consistent and appropriately set back to not dominate the public promenade. Given Building R1 does not have a solid façade wall, the design does not dominate the public space and the non-compliance is considered acceptable. | Partial |
| <ul style="list-style-type: none"> The building mass height will be between maximum and minimum heights of RL41.5 and RL21 respectively. The southern end of Block X (all of Building R1) is to be a maximum height of RL27, with a maximum of six (6) habitable levels above ground. | <ul style="list-style-type: none"> The height of the building is RL 19.5, which is smaller than the minimum height. The Department considers the proposed height and number of storeys provides an appropriate scale to mark the entrance to Barangaroo and to transition from the building heights on King Street Wharf to the taller Buildings R8 and R9. | Yes |

| 2. Street Wall Establishment | | |
|---|---|------------------------|
| OBJECTIVES | COMMENT | COMPLIANCE |
| <ul style="list-style-type: none"> Streetwall defines promenade and Barangaroo Avenue. | <ul style="list-style-type: none"> The proposed building provides a street wall at the promenade ground level from a pedestrian's perspective through building to the three metre setback requirement. The balcony overhang does not provide a consistent street wall, although as discussed above, the scale of the building means the rounded shape will not adversely detract from the street wall. | Substantially complies |
| <ul style="list-style-type: none"> To ensure an active Street Wall is established around each Block. | <ul style="list-style-type: none"> The clear operable glazing and proposed outdoor seating activate the two most public facades (Wulugul Walk and Exchange Place). | Yes |
| STANDARD | COMMENT | COMPLIANCE |
| <ul style="list-style-type: none"> The building mass at the podium is to form a continuous street wall around the site for a minimum of 85% of the site perimeter. | <ul style="list-style-type: none"> The proposed building does not include a tower and podium form. The proposal forms a street wall at ground level. Combined with Buildings R8 and R9, this street wall would exceed 85% of the Block X perimeter. | Yes |
| 3. Building Articulation | | |
| OBJECTIVES | COMMENT | COMPLIANCE |
| <ul style="list-style-type: none"> To establish an articulated, well proportioned building mass. | <ul style="list-style-type: none"> The proposed building provides a strong horizontally articulated expression through the balcony balustrades and high quality timber finishes, variety of materials and finishes. The building mass provides a clear entry point into Barangaroo. | Yes |
| STANDARD | COMMENT | COMPLIANCE |
| <ul style="list-style-type: none"> To reduce the impact of the building's mass, the envelope and floor plates are to be horizontally and/or vertically articulated, in particular at upper levels. | <ul style="list-style-type: none"> As discussed above, the building envelope is horizontally articulated. | Yes |
| <ul style="list-style-type: none"> Building form is to express sustainability features such as access to natural light, ventilation and solar shading. | <ul style="list-style-type: none"> The operable glass walls and deep balconies provide good access to natural light, ventilation and solar shading. | Yes |
| 4. Building Legibility | | |
| OBJECTIVES | COMMENT | COMPLIANCE |
| <ul style="list-style-type: none"> To ensure that constituent elements of the building are legible. | <ul style="list-style-type: none"> The proposed building does not have separable constituent elements. The Department considers this is appropriate given the scale of the building. | N/A |
| <ul style="list-style-type: none"> To ensure building elements and structure at the base are legible. | <ul style="list-style-type: none"> See above response. | N/A |
| STANDARD | COMMENT | COMPLIANCE |
| <ul style="list-style-type: none"> The separate primary component of the building will be expressed and include additional elements such as the open and enclosed balconies. | <ul style="list-style-type: none"> The building does not have separable components. | N/A |
| <ul style="list-style-type: none"> Building form is to be reinforced using modulation of open and enclosed balconies, building elements etc to avoid monotony. | <ul style="list-style-type: none"> The building form is modulated with open balconies. | Yes |
| 5. Ground Floor Permeability and Accessibility of Public Realm | | |
| OBJECTIVES | COMMENT | COMPLIANCE |
| <ul style="list-style-type: none"> To provide permeability and accessibility through Barangaroo South. | <ul style="list-style-type: none"> The building provides active and open street frontages at ground level and therefore provides permeability and accessibility through Barangaroo South. | Yes |

| STANDARD | COMMENT | COMPLIANCE |
|---|---|------------|
| <ul style="list-style-type: none"> Public access around the Blocks is to be maintained on all edges. | <ul style="list-style-type: none"> Public access is maintained around all edges. | Yes |
| <ul style="list-style-type: none"> To provide one north to south and four east to west primary connections. | <ul style="list-style-type: none"> The Concept Plan connections are maintained. | Yes |
| 6. Ensuring Quality of Rooftops | | |
| OBJECTIVES | COMMENT | COMPLIANCE |
| <ul style="list-style-type: none"> The mass at the rooftop shall be articulated and legible. | <ul style="list-style-type: none"> The rooftop mass continues the articulated form and materials of the balcony balustrades. | Yes |
| <ul style="list-style-type: none"> The articulated treatment of the roof and its form is to be designed, coordinated, and remain sympathetic to adjacent context. | <ul style="list-style-type: none"> See response above. | Yes |
| <ul style="list-style-type: none"> Roof design to integrate sustainable features. | <ul style="list-style-type: none"> The roof design provides natural shading to the second floor balconies of the building. | Yes |
| STANDARD | COMMENT | COMPLIANCE |
| <ul style="list-style-type: none"> Roof forms to incorporate architectural treatment. | <ul style="list-style-type: none"> The roof form continues the articulated form and materials of the balcony balustrades. | Yes |
| <ul style="list-style-type: none"> Architectural treatment of exposed elements such as lift shafts, overrun control rooms and any sustainability features. | <ul style="list-style-type: none"> The scale and location of the rooftop plant roof is sympathetic to the architectural treatment of the building and will be clad in the same timber as the balconies and the main roof. | Yes |
| <ul style="list-style-type: none"> Exposed mechanical equipment is to be avoided. | <ul style="list-style-type: none"> The services exhaust will be clad in the same timber cladding as the balustrades. | Yes |
| <ul style="list-style-type: none"> Good quality materials (i.e. durable, hardwearing, sustainable) are to be used. | <ul style="list-style-type: none"> The timber cladding is durable, hardwearing and sustainable. | Yes |
| <ul style="list-style-type: none"> Roof to incorporate no more than 60% accessible terraces. | <ul style="list-style-type: none"> The rooftop will only be accessible for maintenance and servicing. | Yes |
| 7. Facades | | |
| OBJECTIVES | COMMENT | COMPLIANCE |
| <ul style="list-style-type: none"> To ensure the architectural quality of facades. | <ul style="list-style-type: none"> The facade is articulated and of a high architectural standard. | Yes |
| <ul style="list-style-type: none"> To articulate the building's functions and massing with appropriate facade design and detailing. | <ul style="list-style-type: none"> As discussed in comments above, the building is horizontally articulated. As a small building, it does not have different functions. | Yes |
| <ul style="list-style-type: none"> To ensure the facades contribute to the buildings' articulation and mass. | <ul style="list-style-type: none"> The building façade is defined by the overhanging balconies and roof form. The glazed walls are recessive features. This façade design contributes to the building's articulation and mass. | Yes |
| <ul style="list-style-type: none"> To contribute to the "carbon neutral" aims for Barangaroo South | <ul style="list-style-type: none"> The facade treatment will provide depth and appropriate shading for internal and external spaces of the building. | Yes |
| STANDARD | COMMENT | COMPLIANCE |
| <ul style="list-style-type: none"> The choice of appropriate materiality for longevity, durability and flexibility. Materials such as glass, concrete, timber and aluminium shall be considered. | <ul style="list-style-type: none"> The facade is comprised of timber, glass and aluminium. | Yes |
| <ul style="list-style-type: none"> Environmentally sustainable design is to be incorporated on all facades. | <ul style="list-style-type: none"> The operable walls and deep balconies provide natural ventilation and shading. | Yes |
| <ul style="list-style-type: none"> Depth and layering of facades is to be achieved through relief and protrusions. Mirrored facades should be avoided. | <ul style="list-style-type: none"> The overhanging balconies and recessed glazing provide depth and layering to the facade. | Yes |
| <ul style="list-style-type: none"> Facade components such as external shading shall be used to provide light and shade to the building. | <ul style="list-style-type: none"> The deep balconies and timber dowel cladding provide summer shading while retaining filtered light through the cladding. | Yes |

| 8. Active Streetfronts | | |
|--|--|------------|
| OBJECTIVES | COMMENT | COMPLIANCE |
| <ul style="list-style-type: none"> Ensure an activated domain at street level with access to shops, lobbies etc. | <ul style="list-style-type: none"> The primary street frontages (Exchange Place and Wulugul Walk) have direct access to the proposed pub/restaurant. | Yes |
| <ul style="list-style-type: none"> Ensure that ground floor retail uses activate the waterfront. | <ul style="list-style-type: none"> The ground floor use opens into the public domain and therefore activates the waterfront. | Yes |
| <ul style="list-style-type: none"> At least 70% of the ground floor frontages to the pedestrian waterfront shall comprise retail or entertainment uses open to the public to activate the adjoining foreshore pedestrian promenade. | <ul style="list-style-type: none"> The entire ground floor frontage to the pedestrian waterfront comprises retail (food and drink) uses open to the public. | Yes |
| STNADARD | COMMENT | COMPLIANCE |
| <ul style="list-style-type: none"> Building entrances to internal areas such as residential lobbies, exit ways and service areas or loading docks shall be considered as part of the 70% active requirement. | <ul style="list-style-type: none"> The entire frontage to the waterfront promenade is an active frontage. | Yes |
| <ul style="list-style-type: none"> Building service areas, parking entrances and loading docks will not be located on the promenade with the majority of servicing occurring from the basement. | <ul style="list-style-type: none"> The majority of servicing will occur from the basement. Servicing required at street level (e.g. meters) is located on the eastern facade. | Yes |

APPENDIX D BARANGAROO CONCEPT PLAN – PLANNING HISTORY

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 supporting 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 m² (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 work can commence in stages.

This modification slightly reduced the approved GFA and mix of uses, with a resulting total GFA of 501,000 m² (comprising 489,500 m² of mixed uses and 11,500 m² 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 SSP 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.

MP06_0162 MOD 6

This modification application proposed to modify the Barangaroo Concept Plan for Barangaroo South. The proposed modifications sought approval for the following:

- 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.

On 25 March 2014, the Planning Assessment Commission approved the application.

MP06_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.

MP06_0162 MOD 8

This modification application proposed to modify the Barangaroo Concept Plan for Barangaroo South. The proposed modifications sought approval for the following:

- increase the total maximum gross floor area (GFA) at Barangaroo from 549,465 to 594,354 square metres (sqm) as follows:
 - increase the maximum GFA of Block Y in Barangaroo South from 33,000 to 77,500 sqm;
 - apply a maximum GFA for Block 4A of 86,579 sqm and Block 4B in Barangaroo South of 19,158 sqm;
 - delete Block 4C;
 - apply a maximum GFA for Block 2 in Barangaroo South of 197,280 sqm;
 - apply a maximum GFA for Block 3 in Barangaroo South of 129,934 sqm;
 - reduce the maximum GFA of Block 1 in Barangaroo South from 9,400 to 1,927 sqm;
 - apply a maximum GFA of 3,500 sqm to the RE1 Public Recreation Zone in Barangaroo South; and
 - maintain the maximum GFA for Blocks 5, 6 and 7 in Barangaroo Central.
- increase and decrease the maximum height limits (RL) of certain development blocks at Barangaroo South as follows:
 - increase the maximum height of Block Y from 170 to 275 metres;
 - increase the maximum height of Block 4A from 41.5 to 250 metres;
 - decrease the maximum height of Block 4B from 175 to 107 metres; and
 - decrease the maximum height of Block 1 from 80 to 25 metres.
- amend the development block configurations of Block Y and Block 4;
- amend the Barangaroo site boundary due to the north-eastern relocation of the hotel from the water to the land and southern relocation of the Pier.

The proposal also updated urban design controls but did not change controls related to Building R1.

On 28 June 2016, the Planning Assessment Commission approved the application. It varied the exhibited version of the proposed modifications to:

- amend the Barangaroo site boundary to accommodate a widened waterfront apron to the west of Block Y; and
- enlarge the public recreation area to the north of Blocks 4A and 4B (Hickson Park) and reduce the area of Block 5 in Barangaroo South.

The Planning Assessment Commission's changes do not affect Building R1.

APPENDIX E RECOMMENDED CONDITIONS
