



Planning &
Environment

**ASSESSMENT REPORT:
Building R7
Barangaroo South (SSD 6623)**



Secretary's
Environmental Assessment Report
Section 89E of the
Environmental Planning and Assessment Act 1979

August 2015

ABBREVIATIONS

Applicant	Lend Lease (Millers Point) Pty Ltd, 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
Concept Plan	Barangaroo Concept Plan
Council	City of Sydney Council
Department	Department of Planning and Environment
EIS	Environmental Impact Statement entitled ' <i>Building R7 (SSD 6623), 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
MD SEPP	<i>State Environmental Planning Policy (Major Development) 2005</i>
OEH	Office of Environment and Heritage
RMS	Roads and Maritime Services
RTS	Response to Submissions report entitled ' <i>Response to Submissions, Building R7, Barangaroo South (SSD 6623)</i> ' and accompanying appendices, prepared by JBA Urban Planning Consultants Pty Ltd and dated 13 March 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
TfNSW	Transport for NSW

Cover Photograph: Photomontage of Building R7 (Source: EIS)

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EXECUTIVE SUMMARY

This report provides an assessment of a State significant development application (SSD 6623) lodged by Lend Lease (Millers Point) Pty Ltd (the Applicant) under Part 4 of *Environmental Planning and Assessment Act 1979* (EP&A Act). The application seeks approval for the construction of building R7 at Barangaroo South.

The development has a capital investment value (CIV) of approximately \$11.3 million and will generate approximately 70 jobs during construction and 4 jobs during operation.

The development is State significant development under clause 3 of Schedule 2 of *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP), as it is a development at Barangaroo that has a CIV of more than \$10 million. Therefore, the Minister for Planning is the consent authority.

The Barangaroo site is listed as a State Significant Site under Part 12 of Schedule 3 of the MD SEPP. The site of the proposed development is zoned B4 Mixed Use under the MD SEPP. Whilst the application does not seek approval for the use of building R7, the intended future uses for the building include a mix of retail, commercial, indoor recreation premises and public amenities, which are permissible with development consent in this zone.

The Department exhibited the Development Application (DA) and Environmental Impact Statement (EIS) for the proposal from Thursday 6 November 2014 until Monday 8 December 2014. The Department received seven (7) submissions during the exhibition period, which were all from government authorities. No submissions were received from the general public. None of the government authorities objected to the proposal, but raised issues including the encroachment of the building into Transport Place, integration of the building with the adjacent public domain, bicycle parking rates and potential impacts on the future Metro Corridor. Where relevant, conditions have been recommended for inclusion in the development consent to address these issues.

The Applicant submitted a response to submissions report (RTS) to address the issues raised in submissions. The RTS also included some minor amendments to the proposal.

The Department has fully considered all relevant matters under section 79C of the EP&A Act, the objects of the EP&A Act and the principles of ecologically sustainable development. The key assessment issues associated with the proposal relate to compliance with the design excellence and built form requirements of the MD SEPP and Barangaroo Concept Plan and subsequent urban design controls.

The Department is satisfied that building R7 would achieve design excellence for Barangaroo because it would be constructed using high quality materials and finishes, it would provide for a high level of amenity addressing the surrounding public domain, and the design implements a variety of environmentally sustainable measures. Additionally, the proposal is also generally consistent with the relevant State, regional and local strategic objectives for the area, as outlined in *NSW 2021* and the *Plan for Growing Sydney*, and is generally consistent with the requirements of relevant environmental planning instruments and policies.

Whilst the proposed building provides for a lower scaled built form outcome to that envisaged by the controls, the Department accepts that the lower scale is appropriate given the evolution in design in this part of Barangaroo. Additionally, whilst minor variations are sought to the Urban Design Controls, detailed justification for these departures have been documented and are considered acceptable by the Department.

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

1. BACKGROUND

1.1 Introduction

This report provides an assessment of a State significant development application (SSD 6623) lodged by Lend Lease (Millers Point) Pty Ltd (the Applicant) under Part 4 of *Environmental Planning and Assessment Act 1979* (EP&A Act). The application seeks approval for the construction of building R7 at Barangaroo South.

1.2 The Barangaroo Site

Barangaroo is located on the north-western edge of the Sydney CBD. The Barangaroo site has an area of 22 hectares and is bounded by the Sydney Harbour foreshore to the north and west, Hickson Road and Millers Point to the east, and Kings Street Wharf/Cockle Bay/Darling Harbour to the south. The Barangaroo site is divided into distinct redevelopment areas (from north to south), comprising the Headland Park, Barangaroo Central, and Barangaroo South. The site of the proposed building R7 (the subject site) is located at Barangaroo South. The Barangaroo site is shown below in **Figure 1**.

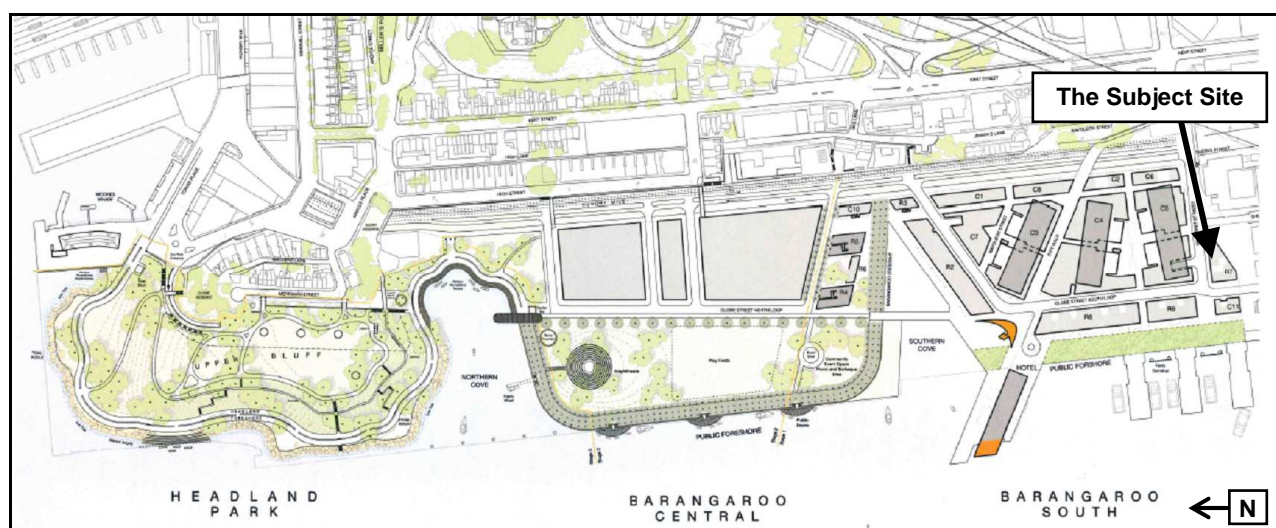


Figure 1: The Barangaroo Site

1.3 Approved Barangaroo Concept Plan

On 9 February 2007, the then Minister for Planning approved the Barangaroo Concept Plan (MP 06_0162) to guide the renewal of the Barangaroo site for a mix of land uses including residential, retail, commercial and public recreation. The concept plan establishes *inter alia* development blocks, gross floor area limits, building height limits, and public open space/public domain areas. The Concept Plan also includes a set of built form principles and urban design controls to guide development within the mixed use zone. The subject site is located within Block 1 of the Concept Plan, as shown in **Figure 2**.

Seven (7) modifications have been approved since the Concept Plan was originally approved. An eighth modification (MOD 8) is currently proposed by Lend Lease. MOD 8 proposes to reduce the maximum gross floor area (GFA) for Block 1 from 9,400 m² to 1,927 m², and decrease the maximum height controls for Block 1 from RL 80 m to RL 25 m. A new set of design guidelines for future development is also proposed. MOD 8 was publically exhibited between 18 March 2015 and 1 May 2015 and is currently being assessed by the Department.

The detailed planning history of modifications to the Concept Plan for Barangaroo is provided at **Appendix D**.

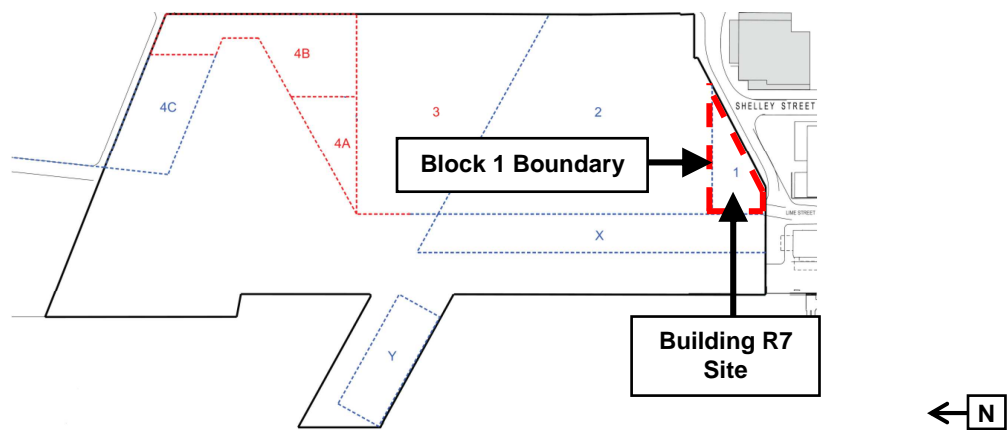


Figure 2: Building R7 relative to the approved Concept Plan block configuration (MOD 6)

1.4 The Subject Site

The subject site is located at the southern boundary of Barangaroo South which interfaces with Shelley Street and existing development at King Street Wharf. The site comprises an area of 894 m² and is surrounded by:

- Transport Place to the north (formerly Margaret Street West), beyond which is commercial building C5;
- an above-ground basement riser and landscaped public domain area to the east, beyond which is an existing commercial building (10 Shelley Street) and Wynyard Walk (currently under construction);
- Shelly Street to the south, beyond which is an existing commercial building (1 Shelley Street); and
- Lime Street to the west, beyond which is the future location of building R1 at Barangaroo South (currently under assessment).

The subject site and its surroundings are illustrated in **Figure 3** below.

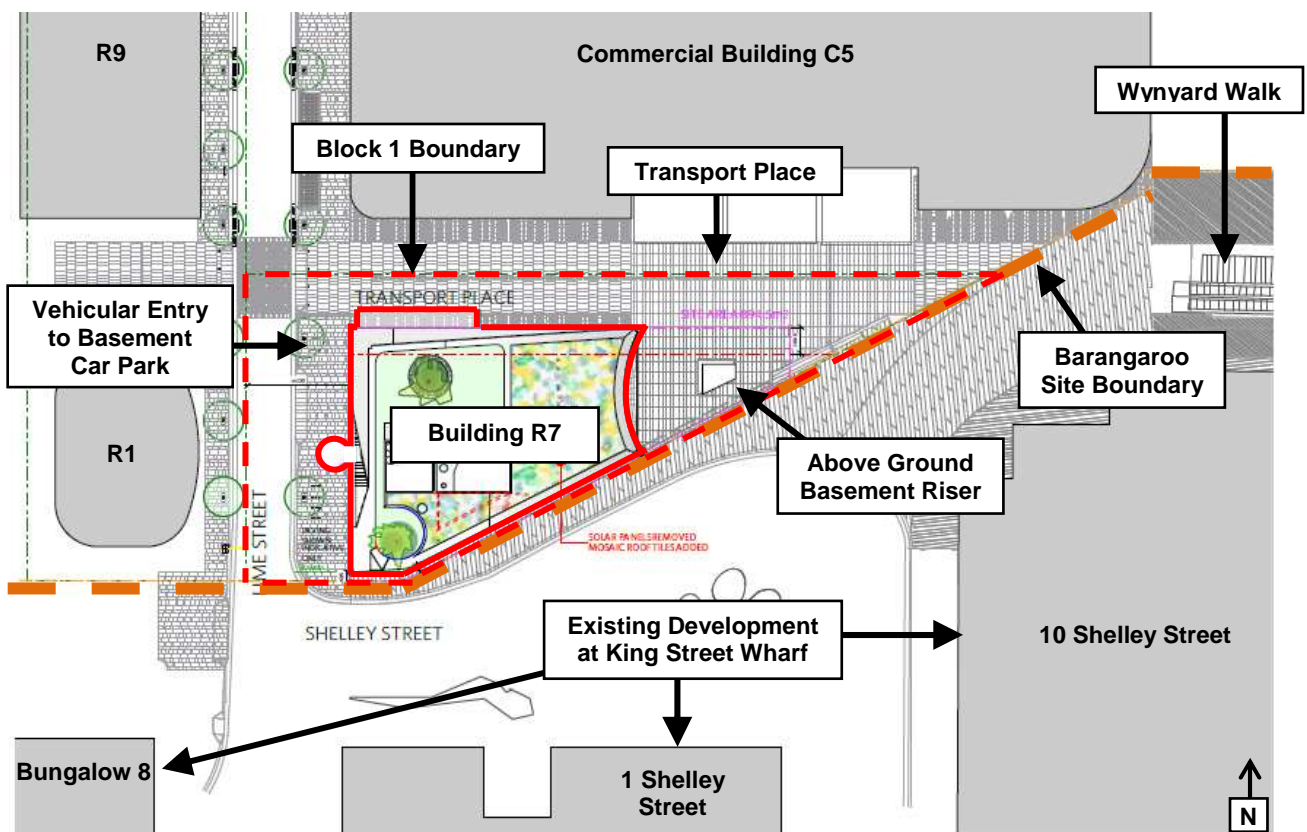


Figure 3: The subject site and surrounding context

1.5 Current Construction Works at Barangaroo South

Pursuant to the Barangaroo Concept Plan, a number of other key approvals have been issued to date for development at Barangaroo South, including:

- building C2;
- commercial building C3;
- commercial building C4;
- commercial building C5;
- residential buildings R8 and R9;
- bulk excavation and basement car park;
- block 4 remediation works; and
- stage 1A permanent public domain works.

All of the works associated with these approvals are currently under construction in the southern part of Barangaroo South, which is known as Stage 1A, as shown in **Figure 4**.

The Bulk Excavation and Basement Car Park includes above ground building structures within Block 1 (where the proposed building R7 is located), including a vehicular entry to the basement car park off Lime Street, fire stairs, access lifts, and above-ground basement risers. Details of the proposed design and integration of building R7 with the above-ground building structures is provided in Section 2 and is considered further in Section 5 of this report.

Additionally, the Stage 1A Permanent Public Domain Works includes the provision of all permanent ground treatments and finishes, landscaping, furniture and fixtures, public domain structures, lighting, civil and stormwater infrastructure and utility services for Stage 1A of Barangaroo South. This includes all landscape treatments and public domain works immediately surrounding building R7, including a large paved area to the east of the proposed building around an above ground basement riser, as shown in **Figure 4**. The majority of these works are now complete.

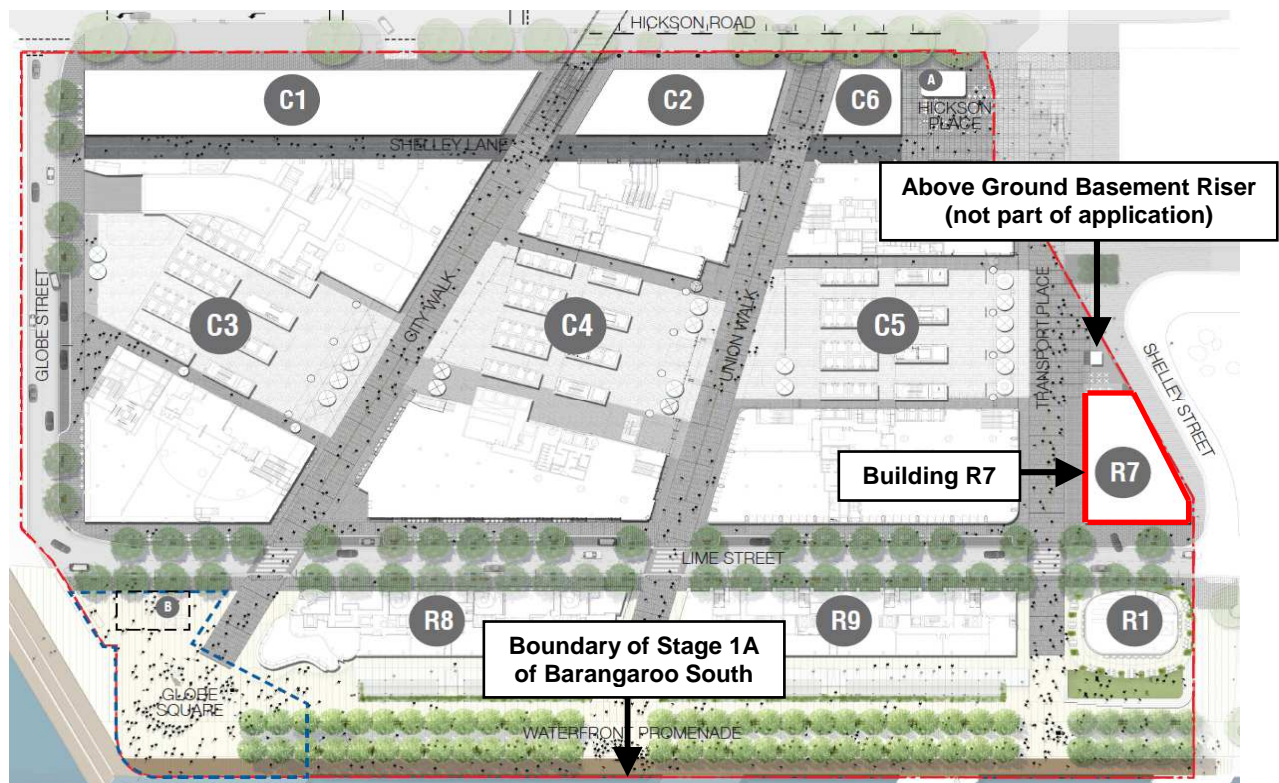


Figure 4: Barangaroo Stage 1A Public Domain Works plan (ground level)

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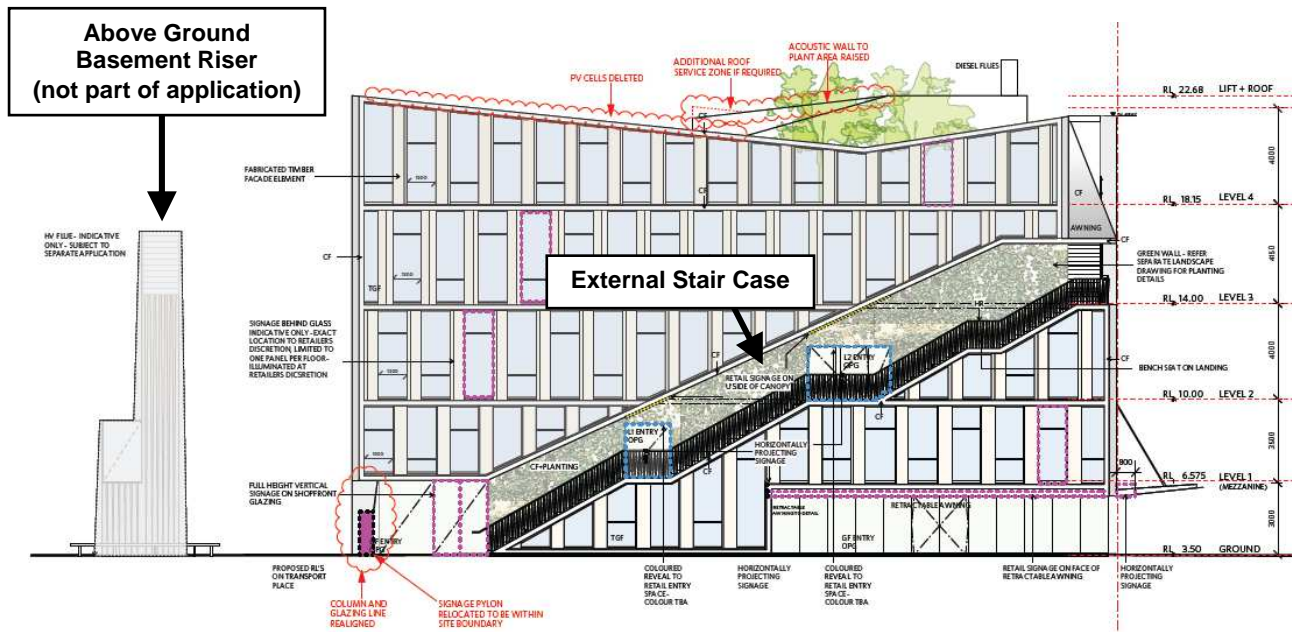


Figure 6: North Elevation

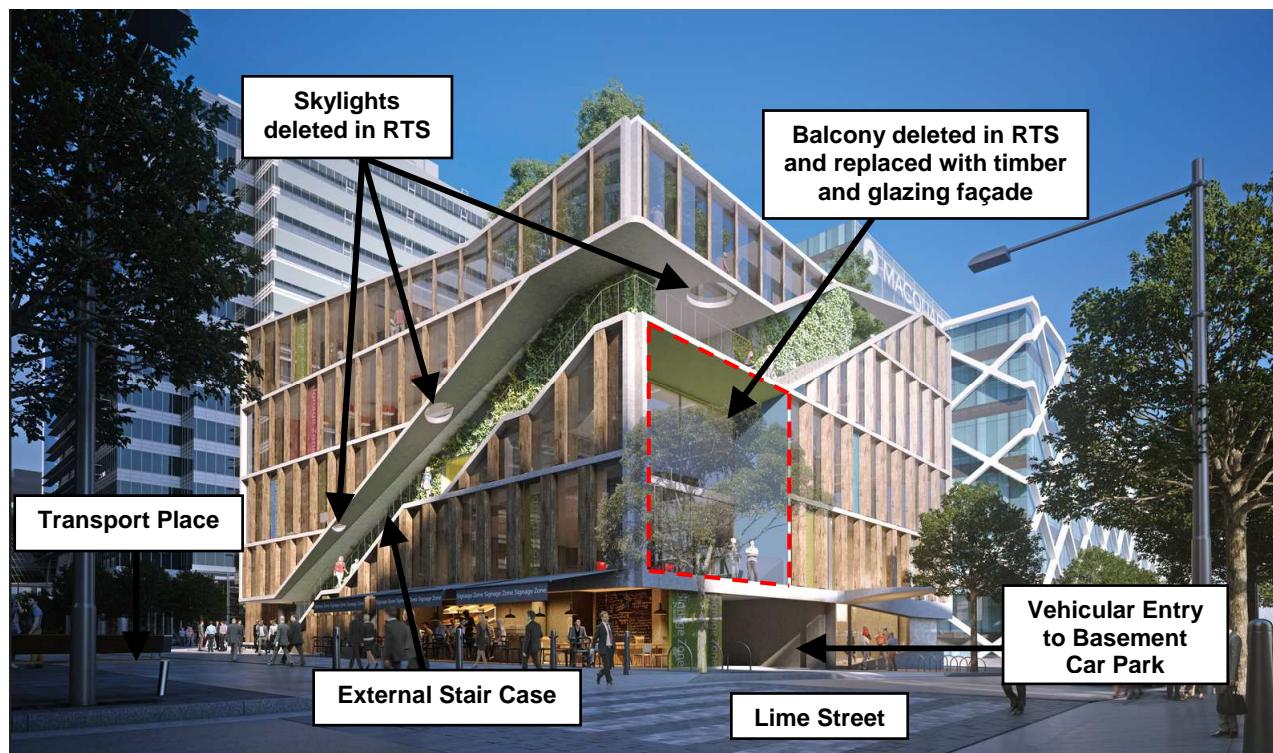


Figure 7: Photomontage (from north west)

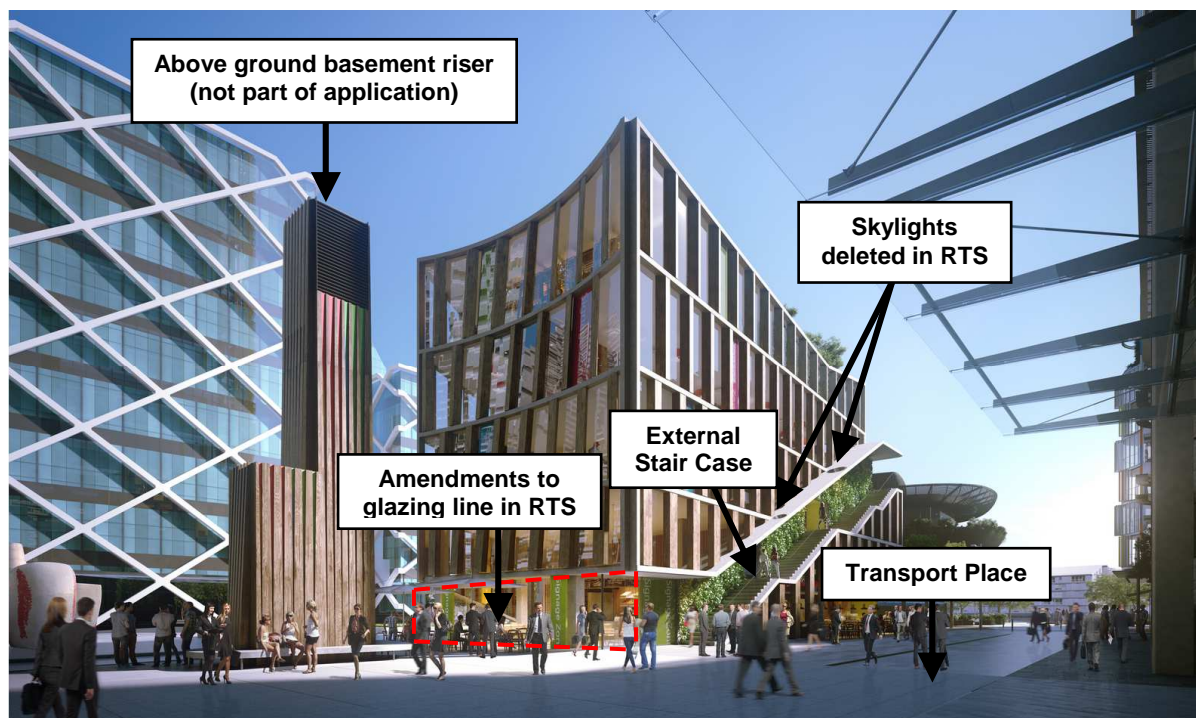


Figure 8: Photomontage (from north east)

3. STATUTORY CONTEXT

3.1 State Significant Development

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

3.2 Permissibility

Barangaroo is listed as a State Significant Site under Part 12 of Schedule 3 of the *State Environmental Planning Policy (Major Development) 2005* (MD SEPP). The site of the proposed development is zoned B4 Mixed Use under the MD SEPP. Whilst the application does not seek approval for the use of building R7 (except for the public amenities on the ground floor), the Applicant has identified that the building is intended to be used for a mix of retail, commercial, indoor recreation and public amenities. All of the above intended uses for the building are permissible with development consent in the B4 Mixed Use zone.

3.3 Delegated Authority

On 16 February 2015, the Minister for Planning delegated responsibility for the determination of State significant development applications to the Executive Directors who report to the Deputy Secretary, Planning Services where:

- the relevant local council has not made an objection;
- a political disclosure statement has not been made; and
- there were less than 25 public submissions in the nature of objection.

The proposal complies with the terms of the delegation as the City of Sydney Council (Council) did not object to the proposal, a political disclosure statement has not been made in relation to the application, and there were fewer than 25 public submissions in the nature of objection.

Accordingly, the application is able to be determined by the Acting Executive Director, Infrastructure and Industry Assessments under delegation.

3.4 Environmental Planning Instruments

The following Environmental Planning Instruments (EPIs) apply to the site:

- *State Environmental Planning Policy (State and Regional Development) 2011*;
- *State Environmental Planning Policy (Major Development) 2005 (MD SEPP)*;
- *State Environmental Planning Policy No.55 – Remediation of Land*;
- *State Environmental Planning Policy No.64 – Advertising and Signage*;
- *State Environmental Planning Policy (Infrastructure) 2007*; and
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*.

The Department's detailed consideration of the proposal against the above EPIs is provided in Appendix B of this report. In summary, the Department is satisfied that the application generally complies with the relevant provisions of the EPIs.

An amendment to the MD SEPP is currently under consideration by the Department and was publically exhibited between 18 March 2015 and 1 May 2015. The SEPP amendment is being considered concurrently with MOD 8 to the Barangaroo Concept Plan. The SEPP amendment proposes a number of changes to the controls relating to Barangaroo South, including rezoning land, modifying the Barangaroo site boundary with Sydney Harbour, increasing and decreasing the maximum height and GFA of certain development blocks, and reconfiguring the shape of certain development blocks. The SEPP amendment proposes to reduce the GFA for Block 1 from 9,400 m² to 1,927 m², and decrease the maximum height for Block 1 from RL 80 m to RL 25 m. The subject application complies with the current provisions of the MD SEPP and the proposed SEPP amendments. Further consideration of the amendment is provided in Section 5 of this report.

3.5 Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects of the EP&A Act, as set out in section 5. The proposal complies with the objects because the application seeks approval to construct a five-storey building on previously disturbed land within the Barangaroo site, outside areas of ecological significance. The proposal is compatible with the surrounding character of nearby development at Barangaroo and King Street Wharf. The proposal therefore represents an orderly and economic use of land at Barangaroo.

3.6 Ecologically Sustainable Development

The EP&A Act adopts the definition of Ecologically Sustainable Development (ESD) found in the *Protection of the Environment Administration Act 1991* (POEA Act). Section 6(2) of the POEA Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes. The Department has considered the project in relation to the ESD principles and concluded that the proposal has been designed to utilise sustainability initiatives implemented within Barangaroo South, achieve low operational energy consumption, low potable water use, minimisation of waste to landfill, and environmentally responsible materials selection. In addition, the Department considers that the precautionary and inter-generational equity principles have been applied in the decision making process via a thorough and rigorous assessment of the environmental impacts of the proposal.

3.7 Secretary's Environmental Assessment Requirements

In accordance with section 78A(8A) of the EP&A Act, the Secretary notified the applicant of the Secretary's environmental assessment requirements (SEARs) for the State significant development application. The Department is satisfied that the Applicant's EIS adequately addresses compliance with the SEARs to enable the assessment of the application for determination purposes.

3.8 Environmental Planning and Assessment Regulation 2000

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

3.9 Strategic Context

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

- the objectives of *NSW 2021* (the State Plan) via the creation of 70 new jobs during construction, the creation of 4 new jobs during operation and additional floor space for a variety of uses in the Sydney CBD;
- the objectives of *A Plan for Growing Sydney*, including the following key directions and actions:
 - create new opportunities for increased office space in the Sydney CBD, including Barangaroo;
 - facilitate the delivery of Barangaroo as an emerging major tourism and entertainment precinct which would expand upon and diversify Sydney's Cultural Ribbon;
 - suitably manage the impacts of development on the environment;
 - promote new development to accommodate an additional 102,000 new jobs within the Sydney Central subregion; and
 - facilitate the delivery of Barangaroo as part of Global Sydney and increasing capacity for mixed-uses.

4. CONSULTATION AND SUBMISSIONS

4.1 Exhibition

In accordance with section 89F of the EP&A Act, the application and accompanying information was made publicly available in accordance with the EP&A Regulation for at least 30 days. The Department publically exhibited the application from 6 November 2014 until 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 offices.

The Department also placed a public exhibition notice in the Sydney Morning Herald and The Daily Telegraph on 5 November 2015 and notified adjoining landholders, and relevant State and local government authorities in writing.

4.2 Public Authority Submissions

Seven submissions were received from public authorities in response to the exhibition of the application. The submissions from public authorities are summarised in **Table 1** below.

Table 1: Summary of Issues Raised in Public Authority Submissions

City of Sydney Council
<p>City of Sydney Council did not object to the proposal, and provided the following comments for the Department's consideration:</p> <ul style="list-style-type: none"> • there should be coordination between the Stage 1A Public Domain Works (SSD 6303) and the proposed building; • the transition between the building and Shelley Street requires further examination regarding alignment levels; • vehicle crossover for the building on Lime Street requires careful attention to maintain pedestrian priority; and • the quantum of bicycle parking proposed is low and Council's bike parking rates should be adopted.
Transport for NSW (TfNSW)
<p>TfNSW did not object to the proposal, and provided the following comments for the Department's consideration:</p> <ul style="list-style-type: none"> • the proposed building narrows the width of Transport Place (to the north) from 15 m to 12 m and will potentially impact on its function as a primary pedestrian connection, and it is requested that a 15 m width be maintained; • A Construction Pedestrian and Transport Management Plan should be prepared for the proposal; and • An Independent Engineering Organisation should be engaged to confirm there is no conflict between the proposed development and the future Metro Corridor.

Ausgrid

Ausgrid did not object to the proposal, and provided the following comments for the Department's consideration:

- the Applicant should continue to consult with the electricity provider regarding leases, easements and rights of way; and
- Ausgrid request that the Applicant provide reasonable access for the installation and commissioning of its electrical infrastructure.

Environmental Protection Authority (EPA)

The EPA did not object to the proposal, and provided the following comments for the Department's consideration:

- existing environmental management plans should be updated to reflect the proposed works; and
- many of the short-term impacts associated with the development (e.g. dust and construction noise) can be regulated through the EPL (no. 13336) for the Barangaroo site.

Sydney Water

Sydney did not object to the proposal, and provided the following comments for the Department's consideration:

- Sydney Water is currently liaising with the Applicant regarding the servicing strategy for the site; and
- the Applicant will need to lodge further details of water and wastewater requirements with its Section 73 application for the development.

Roads and Maritime Services

RMS raised no objection or concern to the application.

Office of Environment and Heritage (OEH)

OEH raised no objection or concern to the application.

4.3 Public Submissions

No public submissions were received.

4.4 Response to Submissions

On 16 March 2015, the Applicant lodged its response to submissions report (RTS) for the proposed development. The RTS proposed the following key changes to the proposal:

- deletion of a store room, modified public amenities layout, column and glazing changes, and adjusted wall alignment on the ground level;
- adjustment to directional signage on Transport Place;
- deletion of skylights on the external stair case;
- deletion of a balcony void on Level 2 and amended orientation of western timber façade on Level 3 and amended glazing line on Level 4;
- deletion of solar panels on the roof and replacement with mosaic tiles; and
- increased roof plant room area.

In addition, on 8 May 2015, the Applicant sought the provision of a hand rail/balustrade on the roof top as well as minor changes to the design materials and detailing of the timber façade elements and balustrade. On 28 May 2015 and 7 July 2015, the Applicant also provided further information addressing issues raised by the Department regarding the intended future land uses of the building, design intent for the rooftop, clarification regarding the use of materials, fit-out and use of public amenities and ESD.

5. ASSESSMENT

5.1 Section 79C Evaluation

Table 2 identifies the matters for consideration under section 79C that apply to State significant development. The EIS has been prepared by the Applicant to consider these matters and those matters detailed in the SEARs.

Table 2: Section 79C(1) Matters for Consideration

Section 79C(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Satisfactorily complies – see Section 3.4, Section 5 and Appendix B of this report.
(a)(ii) any proposed instrument	An amendment to the MD SEPP is currently under consideration by the Department and was publically exhibited between 18 March 2015 and 1 May 2015 – see Section 3.4 and Section 5 of this report.
(a)(iii) any development control plan (not applicable to SSD)	Whilst DCPs do not apply to SSD applications, consideration has been given to the Sydney Harbour Foreshores & Waterways DCP in Appendix B of this report.
(a)(iia) any planning agreement	Not applicable.
(a)(iv) the regulations	Complies – see Section 3.8 of this report. The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to development applications, public participation procedures for SSDs, and Schedule 2 of the Regulation relating to environmental impact statements.
(a)(v) any coastal zone management plan	Not applicable.
(b) the likely impacts of that development	Impacts of the development have been considered in Section 5 of this report.
(c) the suitability of the site for the development	The site is considered suitable for the proposed development – see Section 1 and Section 5.
(d) any submissions	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.
Biodiversity values exempt if:	
(a) On biodiversity certified land?	Not applicable
(b) Biobanking Statement exists?	Not applicable

5.2 Key Assessment Issues

The Department considers that the key assessment issues related to the application include:

- consistency with MD SEPP and Barangaroo Concept Plan (urban design);
- amenity impacts; and
- traffic, transport and parking.

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 Consistency with the MD SEPP and Barangaroo Concept Plan

5.3.1 MD SEPP

Part 12 of Schedule 3 of the MD SEPP specifies that development at Barangaroo must comply with:

- the gross floor area (GFA) and height of buildings maps;
- the relevant zone objectives; and
- the design excellence provisions.

These controls ensure that the built form and urban design of buildings at Barangaroo is appropriate and achieves design excellence. The Department has considered these aspects of the MD SEPP under the relevant headings below.

GFA and Height

Table 3 below provides an assessment of the proposed building against the maximum height and GFA controls under the MD SEPP. For context, amendments proposed to the controls in the MD SEPP (currently under consideration by the Department) have been included in the table.

Table 3: MD SEPP Controls

Controls		Proposed Development	Compliance
Height			
<u>Current</u> RL 80	<u>SEPP Amendment</u> RL 25	Maximum building height RL 22.68 (RL 22.88 to the top of rooftop balustrade)	Yes
GFA			
<u>Current</u> 9,400 m ²	<u>SEPP Amendment</u> 1,927 m ²	1,927 m ²	Yes

Note¹: Height, as defined in the Standard Instrument means "the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communications devices, antennae, satellite dishes, masts, flag poles, chimneys, flues and the like". This excludes balustrades.

It is noted that the proposed building complies with both the current and proposed amended height and GFA controls in the MD SEPP. The Department notes that the proposed building is significantly smaller in scale than that provided by the current controls, and further consideration of this is provided in Section 5.4.2 of this report.

Zone Objectives

The intended future uses for the building include a mix of retail, commercial, indoor recreation and community uses (i.e. public amenities), and are all permissible with development consent and consistent with the objectives of the B4 Mixed Use zone under the MD SEPP.

Design Excellence

Clause 19(1) of Part 12 of Schedule 3 of the MD SEPP requires the consent authority to consider whether a new development will exhibit design excellence. When determining whether an application exhibits design excellence, the consent authority must have regard to key provisions such as:

- 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.

The Department has considered the design excellence criteria contained in the MD SEPP, and concludes that the application exhibits design excellence for the following reasons:

- the building would be constructed using high quality materials and finishes such as high performance glazing and recycled and engineered timber which are appropriate to the scale, function and location of the building;
- the external appearance of the building with a unique wrap-around external stair case, articulated concrete and timber façade, and the ground floor plane provides for a high level of amenity addressing the surrounding public domain;
- the design implements a variety of environmentally sustainable measures, including the use of grey water for irrigation, recycled timber for the building's façade, external shading and high performance glazing to minimise energy use;

- the form and external appearance of the building would provide a marker and entry statement into the Barangaroo site from the south; and
- the proposed building has been designed by DBJ Architects, an emerging architectural practice, who will have direct involvement in the detailed design documentation phase for the construction of the building to ensure the design integrity of the development is maintained.

As the proposed development has a maximum height of RL22.88 and a site area of 894 m², it does not trigger the architectural design competition requirements under clause 19(3) Part 12 of Schedule 3 of the MD SEPP.

5.3.2 Barangaroo Concept Plan

The Barangaroo Concept Plan specifies that development must demonstrate compliance with:

- GFA and height controls for buildings; and
- Built Form Principles and Urban Design Controls.

The Department has considered these aspects of the Concept Plan under the relevant headings below.

GFA and Height

The Barangaroo Concept Plan includes maximum height and GFA controls for each individual development block, which supplement the broader MD SEPP controls outlined in Section 5.4.1. **Table 4** below provides an assessment of the proposed building against the maximum height and GFA controls under the Concept Plan. For context, modifications proposed to the controls for Block 1 under MOD 8 to the Concept Plan (currently under assessment) have been included in the table.

Table 4: Barangaroo Concept Plan Controls

Block 1 Controls		Proposed Development	Compliance
Height (RL)			
Current RL 80	MOD 8 RL 25	RL 22.68 (RL 22.88 to the top of rooftop balustrade)	Yes
Height above ground level (m)			
Current 78 m	MOD 8 No control	20.68 m (20.88 m to the top of rooftop balustrade)	Yes
GFA			
Current 9,400 m ²	MOD 8 1,927 m ²	1,927 m ²	Yes
Maximum Residential GFA			
Current 9,000 m ²	MOD 8 No control	0 m ²	Yes

Note: Height, as defined in the Standard Instrument means "the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communications devices, antennae, satellite dishes, masts, flag poles, chimneys, flues and the like".

It is noted that the proposed building complies with both the height and GFA controls in the Concept Plan as approved and as currently proposed by MOD 8. The Department notes that the proposed building is significantly smaller in scale than that provided by the controls, and further consideration of this is provided below.

Built Form Principles and Urban Design Controls

The Concept Plan requires applications to demonstrate compliance with the Built Form Principles and Urban Design Controls prepared by Rogers, Stirk, Harbour and Partners. A comprehensive assessment of compliance with the Built Form Principles and Urban Design Controls is provided in Appendix D of this report.

In summary, the proposed building generally complies with the built form principles and urban design controls, however a number of minor variations are sought. These minor variations relate to the

building mass and location, street wall establishment, building articulation, and active street front controls.

Specifically, the urban design controls envisage a large building in this location, comprising a tower and podium built form, with the following general controls:

- a maximum building height of RL 80 for the tower;
- a maximum height of RL 11.6 for the podium;
- the tower is to be setback a minimum of 3 m above the podium on the western and eastern facades of the building;
- the podium is to form a continuous street wall around the site;
- the sides of the tower are to be parallel to the adjacent street;
- consistent elements of the building are to be articulated; and
- parking entrances and loading docks are not to be located on Lime Street.

The development envelope and an illustrative design of the envisaged built form outcome under the controls are provided in **Figure 9**.

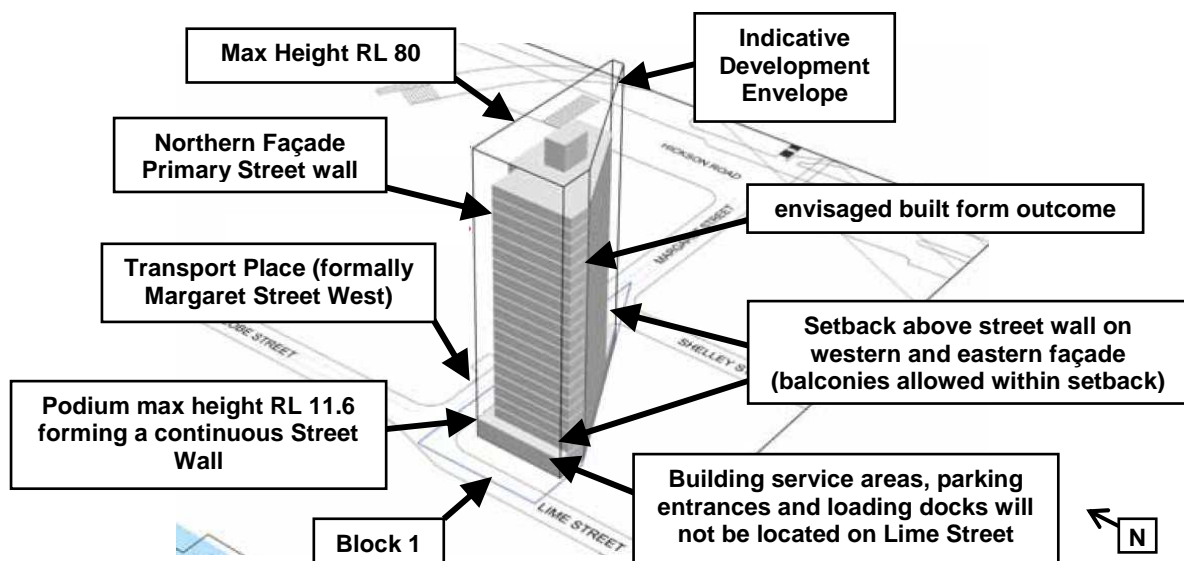


Figure 9: Block 1 – Urban Design Controls

The proposed building comprises a singular five storey building mass and therefore does not strictly comply with the tower and podium built form envisaged by the controls. Additionally, the proposed building has a maximum height of RL 22.88 and is therefore significantly lower in scale to that envisaged by the controls. The proposed building is generally contained within the indicative development envelope with the exception of the northern part of the building, which extends 3 m to the north of the indicative development envelope.

The Applicant has advised that the lower scale of the building is proposed in response to the broader design evolution that has taken place in this part of the Barangaroo site, including the evolution of Transport Place from an east/west vehicular street (known as Margaret Street West) to a pedestrian only connection (now known as Transport Place). The Applicant has advised that there is now a need to provide an iconic but more human scaled building at this location to that envisaged by the current controls.

Additionally, the Applicant has advised that the 3 m encroachment of the building to the north of the indicative development envelope has resulted from the need for the building to integrate with above ground building structures associated with the basement car park. Specifically, the northern wall of the vehicular entry to the basement car park is 1 m from the indicative development envelope boundary, and in order to provide floor space for future retail uses fronting Transport Place, the building is proposed to extend over the indicative development envelope boundary, and provide

floor space to 'sleeve' the vehicular entry to the basement car park at this interface. The Department considers the encroachment to be minor, and notes that it will allow for the provision of floor space fronting Transport Place, and will provide activation along this important pedestrian connection.

Additionally, the Applicant has advised that given the significantly reduced scale of the proposed building, it is not necessary or appropriate for the building to comply with the podium and street wall requirements. The street wall established by the proposed building (which is the height the building) is intended to reflect the height of the commercial building C5 podium to the north, and to create a defined street wall on both sides of Transport Place.

The Department accepts that a lower-scaled built form outcome to that envisaged by the controls is appropriate given the evolution of Transport Place immediately to the north of the building, and notes that MOD 8 to the Concept Plan is similarly seeking to reduce the scale of the building. Additionally, the Department considers that the scale of the proposed building is consistent with the scale of existing buildings to the south at King Street Wharf, and would provide for a cohesive transition between existing development and the Barangaroo site. The Department also accepts that it is not necessary for a building of this scale to have a podium and tower form, and therefore the departure from the street wall requirements and requirement for a setback above the street wall are considered acceptable. Notwithstanding, the streetwall established by the proposed building (the height of building) reflects the height of commercial building C5 and will provide a defined street to Transport Place and the surrounding streets, consistent with the objectives for the controls. The building design is also highly articulated through the façade treatment and inclusion of design features, consistent with the objectives for the controls.

In addition to the above, it is noted that the controls require that building service areas, parking entrances and loading docks will not be located on Lime Street. Whilst the entrance to the basement car park is provided off Lime Street, this has been assessed as appropriate under the Bulk Excavation and Basement Car Park application (as modified), and is outside the scope of the subject application. Notwithstanding, the Department considers that the design of the building successfully integrates with the vehicular entrance to the car park and will provide an active street front along the remaining section (approximately 65%) of the building fronting Lime Street.

The Department therefore concludes that the proposed building generally complies with the urban design controls, and that the minor departures from the controls are considered acceptable.

It is also noted that the Department is currently assessing MOD 8 to the Barangaroo Concept Plan, which includes a revised set of urban design guidelines for Barangaroo South, including revised provisions relating to Block 1. It is noted that the proposed development would comply with the relevant provisions within the urban design guidelines in MOD 8.

5.4 Amenity Impacts

5.4.1 View Impacts

View impacts for the future development of Block 1 were assessed as part of the Barangaroo Concept Plan. As identified in Section 5.3, the Department notes that the building does not exceed the maximum building height controls in the MD SEPP and the Barangaroo Concept Plan, and given the building is significantly smaller in scale than that provided by the controls, the view impacts from surrounding vantage points and surrounding buildings would generally be better than if a building that achieved the maximum height limit was proposed. Notwithstanding, the proposed building extends an additional 3 m to the north beyond the indicative development envelope in the Urban Design Controls. Consequently, it encroaches into, and has the potential impact on, the Transport Place view corridor and views of Sydney Harbour and Pyrmont 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 10**.

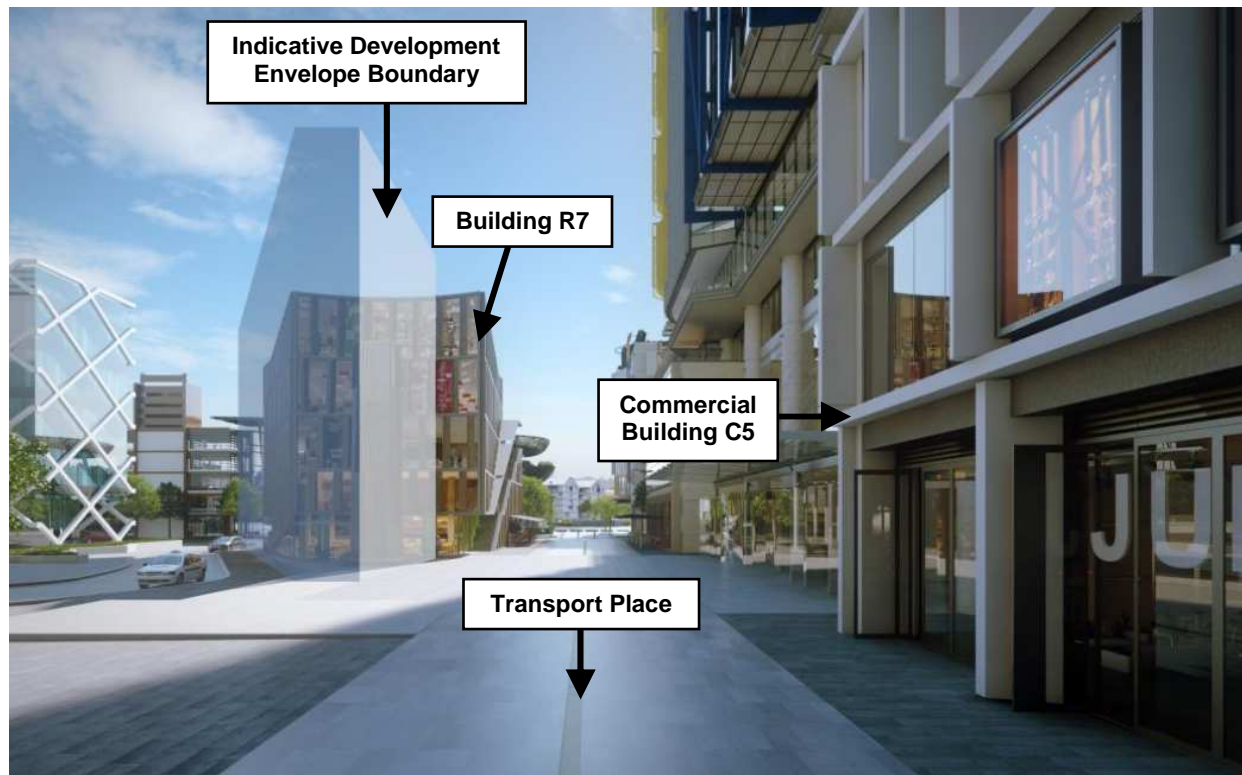


Figure 10: View of the building R7 in relation to the indicative development envelope

The Department notes that whilst the proposed building narrows the view corridor from the eastern side of Transport Place to the harbour, sightlines of the water and the harbour are retained. In addition, the Department notes that the resulting width of 12 m (between building R7 and commercial building C5 to the north) is consistent with the width of other walks and view corridors within Barangaroo, including Union Walk and City Walk. The Department therefore considers that the siting, location and scale of the building does not significantly impact on views through this corridor.

Furthermore, when viewing this corridor from Margaret Street in the Sydney CBD, the Department notes that views to the harbour are already heavily obstructed by the Western Distributor, Sussex Hotel and structures associated with Wynyard Walk, and 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 that the view impacts of the proposed development would be minor and acceptable.

5.4.2 Overshadowing

Shadow analysis diagrams were provided as part of the application to depict the extent of overshadowing from the proposed building R7. The shadow analysis indicates that the shadows from the proposed building would largely fall within the shadows of the approved and future buildings within Barangaroo South, however some additional shadows would be cast to the south west and south east of the building at 9 am and 3 pm respectively during the winter solstice (21 June). No additional shadows would be cast at 12 pm midday during the winter solstice. The additional shadowing from building R7 during the winter solstice is shown below in **Figure 11** and **12**.

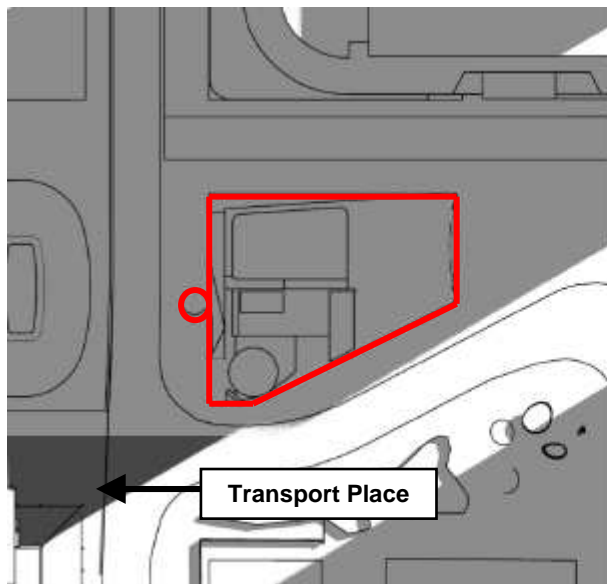


Figure 11: 9 am winter solstice

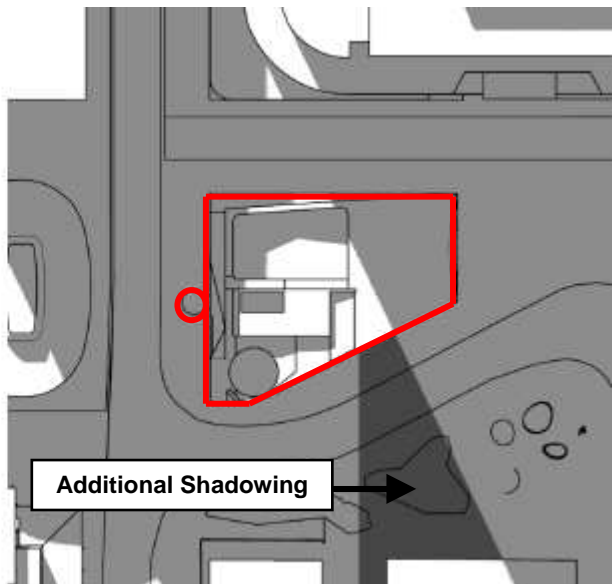


Figure 12: 3 pm winter solstice

Additionally, building R7 will not generate any additional shadows at the equinox but would result in some minor additional overshadowing to surrounding areas during the Summer Solstice.

The Department considers that the overshadowing impacts of building R7 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 of 1 Shelley Street at 3 pm during the winter solstice. However, it is noted that the Concept Plan considered a building with a maximum height of RL 80, and given the proposed building has a maximum height of RL 22.88, the shadows cast by the building are far less than that approved under the Concept Plan.

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

5.4.3 Noise

The EIS contains a Construction and Operation Noise Assessment prepared by Wilkinson Murray Pty Ltd (noise report). Consideration of the construction and operational noise impacts of the proposal is provided below.

Construction Noise

Construction works are proposed to be undertaken between the hours of 7.00 am and 7.00 pm Monday to Friday and between 7.00 am and 5.00 pm on Saturdays. No work will be undertaken on Sundays or public holidays.

The noise report identified that the highest predicted noise level from the construction of building R7 would be 48 dBA at the Sydney Wharf Residences, which is well below the noise management levels established for this receiver in the noise report (57 dBA - weekday noise management level and 55 dbA - Saturday noise management level).

The Department therefore considers that the construction noise impacts associated with the development would not adversely impact nearby sensitive receivers.

The Department notes however that buildings R8 and R9 located to the north west of building R7 are currently under construction and may be occupied through part of the construction of building R7. To ensure construction noise is appropriately monitored and managed, the Department has recommended a condition requiring the Applicant to prepare a construction noise and vibration management plan. This will include provision of noise monitoring and management measures

during construction in the event that buildings R8 and R9 are occupied during the construction of building R7.

Operational Noise

Operational noise from the building would be associated with mechanical plant located on the rooftop and plant in dedicated plant areas within the building. Details of the specific mechanical plant and equipment to be installed in the building are not yet available. Notwithstanding, the Applicant identified a number of potential noise mitigation measures that would be incorporated into the detailed design of the building, including use of acoustic attenuated plant rooms/enclosures, anti-vibration plant footing/mounting and implementation of inspection and maintenance procedures. The EPA did not raise any concerns regarding operational noise.

The Department notes that the nearest sensitive receivers to the building will be residents within building R9, and the operation of the plant and equipment is unlikely to generate any adverse noise impacts on these receivers. Notwithstanding, to ensure operational noise from plant is appropriately limited, the Department has recommended a condition requiring the Applicant to limit the emission of noise from mechanical plant and equipment to a maximum of the background noise level plus 5 dBA.

It is also noted that the future development applications for the fit-out and use of the building will need to consider any potential operational noise impacts of particular uses within the building on surrounding sensitive receivers.

5.5 Traffic and Parking

5.5.1 Traffic Generation

A Transport Assessment (TA) prepared by ARUP accompanied the EIS. The proposed development would generate increased traffic during construction and operation which has the potential to impact on the surrounding road network. Consideration of construction and operation traffic impacts is provided under the relevant headings below.

Construction

During construction, the proposed development would generate a maximum of 8 truck movements per day, equating to up to 2 vehicle movements per hour. The TA concludes that this rate of traffic generation represents a negligible increase in overall construction traffic when considered in conjunction with other nearby construction works.

Further, during the AM peak hour period, the TA concludes that the local road network (and associated intersections) would generally operate at a satisfactory level of service and no further works would be required to accommodate construction traffic from the proposed development.

TfNSW requested that a construction pedestrian and transport management plan be prepared for the proposal.

The Department concludes that the surrounding road network would be able to safely accommodate the traffic generated by the construction of the development, particularly given the low traffic generation rate, and given it would generally occur outside peak periods. To ensure construction traffic is effectively managed, and consistent with TfNSW's request, the Department has recommended a condition requiring the Applicant to prepare a construction traffic management plan for the development in consultation with TfNSW and the Barangaroo Delivery Authority.

Operation

The TA applies a floor space breakdown of the intended future uses of the building for the purpose of calculating operational traffic generated by building (this includes a mix of office, retail, indoor recreation and public amenities uses).

Specifically, the TA identifies that the proposed development would generate a maximum of 6 vehicle trips per hour in the peak AM and PM periods. Vehicular access to the site would be gained via Shelley Street and Lime Street.

The TA concludes that the forecast traffic increase during operation is considered to be negligible in the context of future traffic volumes in the Sydney Central Business District (CBD) and would not result in any additional impacts on the safety and capacity of the surrounding road network.

Based on the above, the Department is satisfied that the traffic generated by the operation of the development would be safely and conveniently accommodated by the surrounding road network.

5.5.2 Parking

Car Parking

The application seeks approval for the operation and use of the basement car park to accommodate 13 car parking spaces to service the demand generated by the development.

When applying the relevant parking rates approved under the Barangaroo Concept Plan to the intended floor space breakdown provided in the application, the maximum car parking provision that may be provided for the development is 15.3 spaces. The Department notes that the relevant parking rates are 'maximum' rates, and therefore the provision of 13 car parking spaces proposed in the application is considered acceptable. Whilst the final breakdown of uses of the building may change, the variation in car parking demand is likely to be only one or two spaces which would be negligible in the context of the car parking being delivered throughout Barangaroo.

Council did not raise any concerns regarding the proposed car parking rates. The Department is also supportive of the lower car parking provision which would reduce car dependency and encourage greater use of public transport.

Bicycle Parking

The application seeks approval for the allocation of one off-street bicycle parking space for the use of building R7. Based on the floor space breakdown of the intended future uses of the building, the Concept Plan requires that two off-street bicycle parking spaces are provided for the development. On street bicycle parking for visitors to the proposed building would be provided as part of the approved Stage 1A Public Domain Works (SSD 6303).

TfNSW did not raise any issues of concern regarding bicycle parking provision. However, Council considered that the quantum of bicycle parking proposed is low and that Council's higher bike parking rates should be adopted, which would require a minimum of 8 bicycle parking spaces.

The Department notes that the Transport Management and Accessibility Plan (TMAP) prepared to support the approved bicycle parking rates in the Barangaroo Concept Plan is based on 4 per cent of workers accessing the site via bicycle. In addition, TfNSW's *Barangaroo Integrated Transport Plan 2012* (BITP) reiterates the 4 per cent bicycle mode share target.

The Department supports the application of bicycle parking rates contained in the Barangaroo Concept Plan over the City of Sydney rates given they have been consistently applied to all projects in Barangaroo. To ensure the provision of bicycle parking is consistent with the requirements of the Concept Plan, the Department has recommended a condition that the Applicant provides two off-street bicycle parking spaces for the development along with access to end of trip facilities (showers, change rooms etc). The Department notes that the bicycle parking will also be complemented by the provision of further at-grade bicycle parking being delivered in the Stage 1A Public Domain Works Application (SSD 6303) for visitors to the site.

5.6 Other Issues

5.6.1 Transport Place Pedestrian Flows

TfNSW raised concern with the reduced width of Transport Place as a result of the siting of building R7 and potential impacts on its function as a primary pedestrian connection at Barangaroo.

As identified previously, the proposed building extends 3 m to the north of the indicative development envelope contained in the Urban Design Controls which results in a reduction in the width of Transport Place from 15 m to 12 m. The activation of the ground floor of building R7 and commercial building C5 is also likely to further encroach on the width available for pedestrians. In this regard, the Department anticipates that the path of travel for pedestrians at this point may be reduced to 8 metres (i.e. with 2 metres of activation on either side).

The Department has previously considered this issue in detail as part of its assessment of the Stage 1A Public Domain Application, which determined that an 8 metre pedestrian path can accommodate a flow rate of between 11,040 and 23,520 people per hour and achieve a LoS C, where the volume of pedestrians along Transport Place is only anticipated to be in the order of 2,000 to 3,000 people per hour (including taking into account ferry passengers). Additionally, as part of the Stage 1A Public Domain Application, the Department also required that the Applicant prepare a Public Domain Active Uses Strategy to clearly delineate the zones for activation within Barangaroo South and to demonstrate that the 'clear widths' required for the pedestrian connections will not be comprised over time. The Applicant has since prepared this strategy which has been endorsed by the Department. This strategy will provide a useful tool for the assessment of future applications which seek approval for the fit-out and use of building R7 and activation of the ground level of buildings and the surrounding public domain.

The Department is therefore satisfied that the proposed siting of building R7 would not result in detrimental pedestrian flow impacts to the function of Transport Place as a primary east-west pedestrian connection within the Barangaroo site.

5.6.2 Above-Ground Basement Riser

An above-ground basement exhaust riser with a height of approximately RL 18 m is located immediately to the east of the proposed building, within Block 1 of the Concept Plan. The above-ground basement riser was approved as part of the Bulk Excavation & Basement Car Park, and was approved on the basis that the riser would be integrated into the design of the future R7 building.

The proposal retains above ground basement riser as a stand-alone element, separate from building R7. The EIS identifies that the above-ground basement riser will be incorporated into a future stand-alone public art element, which will form part of a separate future development application.

The Department notes that with the exception of this above ground basement riser, the design of building R7 has effectively integrated with all other above ground building structures within Block 1 associated with the basement car park, including the vehicular entry to the basement car park, fire stairs, lift shafts and another above-ground basement riser. Additionally, the Department notes that above ground risers have been successfully integrated into the public domain with the use of public art in other parts of the Sydney CBD, including directly to the south of the site at 1 Shelley Street.

The Department concludes it is acceptable to retain the basement riser as a stand-alone element, however, considers it appropriate that its permanent public art treatment form part of this application. The Department has therefore recommended a condition for the Applicant to prepare detailed plans for the public art treatment of the above-ground basement riser, including information detailing the design process and how the design integrates with building R7 and the

surrounding public domain. The design of the public art is also to be developed in consultation with the BDA and Council.

5.6.3 Integration with the Stage 1A Public Domain

The approved Stage 1A Public Domain Works (SSD 6303) include the provision of all ground treatments and finishes, landscaping, furniture and fixtures, public domain structures, lighting, civil and stormwater infrastructure and utility services at Stage 1A of Barangaroo South. The works encompass all landscaping treatments and public domain around building R7.

Council commented that there should be coordination between the Stage 1A Public Domain Works and the proposed building and recommended a number of conditions in this regard. In the RTS, the Applicant noted that careful consideration has been given to the integration of the proposed development with the Stage 1A Public Domain Works, and noted that the finished levels, materials and finishes shown on the architectural drawings for the proposed development are consistent with the Stage 1A Public Domain Works drawings.

The Department is satisfied that public domain considerations relative to the proposal have already been assessed as part of the Stage 1A Public Domain Works. However, to ensure this is effectively coordinated, the Department recommends a condition of consent requiring the Applicant to demonstrate to the satisfaction of the PCA that the ground floor plane of building R7 suitably integrates with the alignment levels for Transport Place, Shelley Street, Lime Street and the surrounding public domain approved under SSD 6303, prior to the issue of the relevant Construction Certificate.

In the unlikely event that the Stage 1A Public Domain Works are not finalised by the time an Occupation Certificate is ready to be issued for building R7, the Department is satisfied that suitable interim access arrangements to building R7 would be available via Lime Street and Shelley Street.

Subject to the recommended conditions, the Department is satisfied that the proposed development would be constructed so that it effectively integrates with the adjacent public domain.

5.6.4 Signage

The application proposes a total of 22 signage zones in different locations on the building. These include primary signage zones on the fascia of the awning to Transport Place and on the underside of the external stair canopy. Projecting horizontal signs are also proposed at the entry to each of the potential commercial, retail and indoor recreation tenancies. Additionally, indicative signage zones are proposed behind the glass line of the building.

It is proposed that a signage strategy be prepared for the array of signage zones which are proposed on building R7. The strategy is to identify the types of signage that may be proposed within all potential zones for building identification and business identification signage to be located on the building. The detailed design of signage is to be consistent with the approved Signage Strategy, and would be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

However, the Department considers that the assessment of the merits of the signage would be more appropriate as part of fit-out for the specific uses within building R7 which would be the subject of separate future development applications to the relevant consent authority. Maintaining the requirement for the Applicant to obtain a further development consent or a complying development certificate for future signage would also ensure that the detailed design of future signs is formally assessed against the requirements of SEPP 64.

The Department therefore recommends an additional condition which requires that development applications are to be lodged with the relevant consent authority for the future fit-out and specific

uses of the building (including signage where required). This will enable an assessment of the potential impacts of signage at the appropriate time. It is noted however that this requirement will not preclude the tenants from erecting secondary tenant signage as exempt and complying development pursuant to *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

With recommended conditions in place, the Department is confident signage would be of a high quality design, finish and size that are appropriate for the context of the site.

5.6.5 Ecologically Sustainable Development

The Concept Plan requires that each building within Barangaroo achieves a primary benchmark of a 5 star Green Star rating for commercial, a Green Star score >60 for residential, and each development is required to demonstrate how it satisfies a series of key ESD performance indicators related to water, energy, micro-climate, landscape, transport, waste and wind.

The Applicant has identified that building R7 is not eligible for certification under the 5 star Green Star rating for commercial or the Green Star score >60 for residential as it is a mixed use building. Notwithstanding, the proposed building would include a series of sustainability commitments including the installation of a rainwater tank for irrigation of landscaping, selection of materials, adhesives and sealants during detailed design with a focus on minimisation of volatile organic compounds, formaldehyde off-gassing and embodied carbon, adoption of streaming of waste and recyclables provided for within the basement, use of LED lighting, and participation in the carbon neutral scheme through the purchase of voluntarily retired renewable energy certificates. Additionally, the building would utilise Barangaroo South's precinct-wide sustainable infrastructure including the site-wide stormwater system, district cooling plant and recycled water treatment plant. The Applicant has advised that proposed sustainability initiatives for the building would be commensurate with the components of a 5 star Green Star rating for retail.

Despite the above, the Department notes that Green Star does in fact include a tool for rating mixed use buildings (Green Star – Design & As Built) which could be implemented for the proposed mixed use building R7 to ensure it achieves compliance with the sustainability commitments in the Concept Plan. The Applicant advised that as this tool only became available at the time of lodgement of the application, the design process for the building leading up to lodgement of the application has not incorporated achieving Green Star certification. As such, the Applicant considers it unreasonable to require the building to achieve a 5 star Green Star rating under this tool.

However, the Department considers that, given an applicable rating tool is now available, building R7 should be required to achieve a 5 star Green Star rating under the tool. This is consistent with the best practice approach for new sustainable buildings as well as the commitments made in the Concept Plan, and would ensure the building achieves the various economic, social and environmental benefits of implementing sustainability measures. The Department considers that with the broad suite of sustainability measures already proposed for the building, it would be viable for the Applicant to make any reasonable adjustments to the building design to achieve certification under the tool. Accordingly, the Department has recommended a condition that the building must achieve a minimum 5 Star Green Star design rating under the relevant Green Building Council of Australia Rating Tool.

5.6.6 Metro Corridor

The footprint of building R7 is in proximity to the Sydney Metro protection corridor (the Metro Corridor) and therefore the proposed development has the potential to impact on this corridor.

On 15 November 2011, a deed regarding the carrying out of development at Barangaroo was executed between TfNSW, the Applicant and the BDA. The Deed, amongst other things, requires the Applicant to consult with TfNSW regarding future applications, comply with stipulated

requirements for the design and construction, and obtain the approval of TfNSW for works in the vicinity of the Metro Corridor.

The Deed includes requirements on design of buildings and structures at Barangaroo and the structural stability of these buildings in relation to ground movement, vibration and settling, fire resistance and avoidance of impacts on the operation and structure of the Metro Corridor.

The Applicant has committed to ensuring that the proposed development is carried out in accordance with the Deed to ensure the protection of the Metro Corridor.

TfNSW acknowledge that the future Metro Corridor had been considered in the design of the building and requested that an Independent Engineering Organisation (IEO) be engaged to confirm there is no conflict between the proposed development and the future Metro Corridor.

The Department therefore recommends conditions of consent that would require the Applicant to ensure that all works must be undertaken in accordance with the Deed and an IEO is engaged and confirms that the proposal would not impact on the future Metro Corridor, prior to the issue of a Construction Certificate.

With these conditions in place, the Department's assessment concludes that the proposed development would not adversely impact on the future Metro Corridor.

5.6.7 Stormwater and Drainage

All stormwater and drainage infrastructure to service the proposed development would be provided under the approved basement car park application (MP 10_0023) and Stage 1A Public Domain Works (SSD 6303)

The EIS includes an Infrastructure, Water and Drainage Assessment prepared by Cardno which confirms that adequate stormwater and drainage infrastructure has been incorporated into the design of the approved basement car park and Stage 1A Public Domain Works to service the proposed development.

Given the above, the Department is satisfied that building R7 would be adequately serviced by stormwater and drainage infrastructure.

5.6.8 Utility Servicing

Utility servicing of the proposed development, including water, gas, electricity and communications, would be provided as part of the approved basement car park application (MP 10_0023). Building R7 has been designed to connect to the infrastructure services provided as part of the basement car park application. This infrastructure is not expected to be impacted upon or require augmentation/relocation as a result of the proposed development.

Ausgrid requested that the Applicant continue to consult with the electricity provider regarding leases, easements and rights of way. Ausgrid also requested that the Applicant provide reasonable access for the installation and commissioning of its electrical infrastructure.

SWC noted that it is currently liaising with the Applicant regarding the servicing strategy for the site. SWC advised that the Applicant will need to lodge further details of water and wastewater requirements with its Section 73 application for the development.

The Department therefore recommends conditions that require the Applicant to comply with the requirements of any public authorities (e.g. Ausgrid and SWC) in regard to the connection to, relocation and/or adjustment of the services and obtain a Section 73 Certificate from SWC, prior to occupation of the development.

The Department is therefore satisfied that the proposed development would be adequately serviced by utility infrastructure.

5.7 Public Interest

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

- further development of the Barangaroo site, which is identified as an important part of the "Global Sydney" in the *Plan for Growing Sydney* and the State Plan;
- 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;
- the creation of approximately 70 jobs during construction and 4 jobs during operation which is consistent with the objectives of the State Plan; and
- the provision of an additional 1,927m² of floor space which would accommodate a significant floor space for a mix of uses (subject to separate future applications) in close proximity to the CBD.

6. CONCLUSION

The proposal seeks approval for the construction of a five storey building known as building R7 at Barangaroo South.

The Department has assessed the merits of the development having regard to the objects of the EP&A Act and the principles of ecologically sustainable development. The Department has reviewed the EIS and duly considered advice from public authorities. Issues raised in submissions have been duly considered and all relevant environmental issues associated with the proposal have been thoroughly assessed.

The key issues relating to the assessment of building R7 relate to compliance with the design excellence and built form requirements of the MD SEPP and Barangaroo Concept Plan and subsequent urban design controls.

The Department is satisfied that building R7 would achieve design excellence for Barangaroo because it would be constructed using high quality materials and finishes, it would provide for a high level of amenity addressing the surrounding public domain, and the design implements a variety of environmentally sustainable measures. The proposal is also generally consistent with the strategic objectives for the area, as outlined in the *Plan for Growing Sydney*, as it would facilitate the delivery of Barangaroo as part of 'Global Sydney' and increasing capacity for mixed-uses, and the proposal is also generally consistent with the requirements of relevant environmental planning instruments and policies.

While the proposed building provides for a lower-scaled built form outcome to that envisaged by the controls, it is generally consistent with the controls proposed in MOD 8 to the Concept Plan. The Department accepts that the lower scale is appropriate given the evolution in design in this part of Barangaroo. Additionally, whilst minor variations are sought to the Urban Design Controls, detailed justification for these departures have been documented and are considered acceptable by the Department.

The Department is also satisfied that the recommended conditions and implementation of measures detailed in the Applicant's EIS and appendices and the Response to Submissions report and appendices, will adequately mitigate the residual environmental impacts of the proposal.

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

7. RECOMMENDATION

It is recommended that the Acting Executive Director, Infrastructure 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: Ben Eveleigh

Endorsed by:



Ben Lusher
Acting Director
Key Site Assessments

Approved by:



11/8/15

Daniel Keary
Acting Executive Director
Infrastructure 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 Environmental Impact Statement
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6623
- 2 Submissions
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6623
- 3 Applicant's Response to Submissions
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6623

APPENDIX B CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENT(S) AND DCP(S)

Relevant EPIs and DCPs:

- State Environmental Planning Policy (State and Regional Development) 2011;
- State Environmental Planning Policy (Major Development) 2005;
- State Environmental Planning Policy No.55 – Remediation of Land;
- State Environmental Planning Policy No.64 – Advertising and Signage;
- 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 that are not relevant to the application or have been considered in Section 5.2 of this report 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.

State Environmental Planning Policy (Major Development) 2005 (MD SEPP)

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

Zoning

The site is zoned B4 Mixed Use under Clause 8 of Part 12 of Schedule 3 of the MD SEPP. Whilst the application does not seek approval for the use of building R7, the intended future uses include retail, commercial, indoor recreation and public amenities which are permissible uses with development consent and consistent with the objectives of the B4 Mixed Use zone.

Building Height

Pursuant to Clause 17 of Part 12 of Schedule 3 of the MD 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 R7 has a maximum height of RL 23.88 and complies with the maximum permitted building height of RL 80 identified on the Height of Buildings Map.

Gross Floor Area

Pursuant to Clause 18 of Part 12 of Schedule 3 of the MD 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 R7 has a GFA of 1,927 m², which is below the maximum GFA of 9,400 m² identified in the MD 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 MD SEPP have been considered previously in Section 5.2 of this report.

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 that 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 provides for the remediation of all contaminated material within the site (if required). No excavation or piling works are proposed as part of this application.

No remediation works are proposed as part of the subject application. This is because building R7 is to be

located entirely above the basement car park (MP 10_0023) and as such, contamination issues that may relate to this building have been addressed through the approval of that application, the accompanying Remedial Action Plan (RAP) and Human Health and Ecological Risk Assessment (HHERA) 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 (OWRS 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 6623) found that the ORWS RAP can be relied upon to ensure that the area is remediated to a standard suitable for its intended use in accordance with the requirements of SEPP 55.

Given the above, the Department is satisfied that any 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) and Stage 1A Public Domain Works (SSD 6303).

State Environmental Planning Policy No.64 – Advertising and Signage (SEPP 64)

SEPP 64 regulates signage to ensure that it is compatible with the visual amenity of an area, is suitably located and is of a high quality design. As outlined in Section 5.6.4 of this report, the proposed development seeks approval for a variety of signage zones on the building. Notwithstanding, the Department considers that the merits of the signage would be more appropriately assessed as part of the future development applications for the fit-out and use of building R7. The Department has therefore recommended a condition that the Applicant obtain further consent for all signage on the building. However, this requirement will not preclude the Applicant from erecting secondary tenant signage as exempt and complying development pursuant to *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. The Department is satisfied that subject to the recommended conditions, future signage on the building would be assessed against the requirements of SEPP 64.

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 Interim 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. Consideration of TfNSW's submission and consideration of the Metro Corridor has been given in Section 4 and Section 5.6.6 of this report.

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 the building R7 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.

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 that 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 that 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.

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 and would be separated from the water's edge by another building (building R1) and the public foreshore boardwalk, it would not result in any significant impacts to the harbour foreshore.

APPENDIX C

Barangaroo Concept Plan Built Form and Urban Design Controls

BUILT FORM PRINCIPLES	COMMENT	COMPLIANCE
1. City's New Western Façade		
<ul style="list-style-type: none"> To create an integrated new western frontage to the city centre, the slender ends of buildings (above podium level) are to be oriented to the waterfront. 	<ul style="list-style-type: none"> Building R7 is not located on the waterfront, and does not comprise a tower and podium built form. 	<ul style="list-style-type: none"> N/A
2. Hickson Road as a Boulevard		
<ul style="list-style-type: none"> To promote the scale of Hickson Road as a grand boulevard, provide a consistent street wall and use materials that are complementary to the sandstone nature of the headland. 	<ul style="list-style-type: none"> Building R7 is not located along Hickson Road. 	<ul style="list-style-type: none"> N/A
3. Buildings to Define Streets		
<ul style="list-style-type: none"> To define the public space of the street, all building façades are to be set to the street alignment. 	<ul style="list-style-type: none"> The façade of building R7 is set to the street alignment of Shelley and Lime Street and Transport Place to the north. 	<ul style="list-style-type: none"> Yes
4. North South Pedestrian Connection		
<ul style="list-style-type: none"> To provide for greater pedestrian permeability through the blocks. On Blocks 2 to 4 a continuous mid-block pedestrian connection at ground level which is not less than 4m wide and not less than 50% open to the sky. 	<ul style="list-style-type: none"> Building R7 provides for pedestrian permeability in the public domain areas and streets surrounding the building. No mid-block pedestrian connection is required in Block 1. 	<ul style="list-style-type: none"> Yes
5. Tapering Built Form		
<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 centre of the scheme. 	<ul style="list-style-type: none"> The low scale of building R7 provides for a transition in building height between commercial building C5 and existing lower scale development in King Street Wharf. 	<ul style="list-style-type: none"> Yes
6. Open Space Within Blocks		
<ul style="list-style-type: none"> To create hollow blocks permeated with open space, courtyards, walkways and gardens, the central band of the accessible podium roof interrelate with the ground plane and intermediate levels. 	<ul style="list-style-type: none"> Open space is provided to the north of building R7. Pedestrian circulation walkways are also provided around the building. 	<ul style="list-style-type: none"> Yes
7. View Sharing		
<ul style="list-style-type: none"> To promote the equitable access to views towards the harbour, the built form is to be arranged to define the street corridors and to allow view corridors from the existing private buildings to the east. 	<ul style="list-style-type: none"> Building R7 defines the street edge of Transport Place and allows for view sharing from Wynyard Walk, through Transport Place and towards the harbour. 	<ul style="list-style-type: none"> Yes
8. Orientation of Buildings		
<ul style="list-style-type: none"> To provide optimum orientation and transparency across the site and to create a silhouette of slender towers to Globe Street and the waterfront — the long façades of tower forms are to be oriented to the north. However, on Hickson Road, to define the linear nature of this road, the long façades are to be generally orientated to the east. 	<ul style="list-style-type: none"> Building R7 does not comprise a tower and podium built form, and is not located along Hickson Road. The proposed building would not impede the transparency provided across the site by the orientation of the commercial towers (C3, C4 and C5). 	<ul style="list-style-type: none"> Yes

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 proposed building has a height of RL 22.88, which is well below the maximum height of RL 80 identified in the indicative envelope. The building extends 3 m to the north of the indicative building envelope. The Department considers this minor 	<ul style="list-style-type: none"> Substantially complies

	departure acceptable given the building integrates with a number of above ground building elements associated with the basement car park (See further discussion in Section 5.2 of this report).	
CONTROLS	COMMENT	COMPLIANCE
<ul style="list-style-type: none"> Above street wall on western and eastern façade to have a minimum 3m setback. Balconies are allowed to fill the setback zone. 	<ul style="list-style-type: none"> The proposed building does not include a tower and podium form and does not provide a setback above the street wall. The Department accepts that the provision of a setback above the street wall is unnecessary given the reduced scale of the building (See further discussion in Section 5.3.2 of this report). 	Substantially complies
2. Street Wall Establishment		
OBJECTIVES	COMMENT	COMPLIANCE
<ul style="list-style-type: none"> Streetwall defines Margaret Street West and the extension of Lime Street. 	<ul style="list-style-type: none"> The proposed building provides a street wall which defines Margaret Street West (now referred to as Transport Place) and Lime Street. 	Complies
<ul style="list-style-type: none"> To ensure an active streetwall is established around each Block. 	<ul style="list-style-type: none"> The building has been designed to activate the surrounding public domain, with retail uses fronting Margaret Street West (now referred to as Transport Place) and a landscaped area is provided to the east of the building. 	Complies
CONTROLS	COMMENT	COMPLIANCE
<ul style="list-style-type: none"> The building mass at the podium is to form a continuous street wall around the site with a 1 storey minimum and a 2 storey maximum 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, however the building establishes a continuous street wall around the site. The street wall height (the height of the overall building – 5 storeys) exceeds the 2 storey maximum permitted by the control, however the street wall height is similar to the podium height of the neighbouring commercial building C5 and provides a defined and active street wall, consistent with the objectives of the controls (See further discussion in Section 5.3.2 of this report). 	Substantially complies
<ul style="list-style-type: none"> Streetwall to be no greater than 11.6m RL. 	<ul style="list-style-type: none"> See response above (See further discussion in Section 5.3.2 of this report). 	Substantially complies
<ul style="list-style-type: none"> Northern Façade is to be primary Streetwall. 	<ul style="list-style-type: none"> The northern façade is the primary street wall which fronts Margaret Street West (now referred to as Transport Place). 	Complies
<ul style="list-style-type: none"> At least a portion of each side of the tower above podium level is to be parallel to the street. 	<ul style="list-style-type: none"> The proposed building does not include a tower and podium form, however each façade of the building runs parallel to the adjacent street (where applicable). 	Substantially Complies
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 an articulated expression through the use of timber columns, variety of materials and finishes, and design features such as the external wrap around stair case. The building mass also provides a transition from the large scale commercial towers to existing development at King Street Wharf. 	Complies
<ul style="list-style-type: none"> Consistent elements of the building should be articulated. 	<ul style="list-style-type: none"> Consistent building elements, such as the timber columns, are articulated. 	Complies
CONTROLS	COMMENT	COMPLIANCE

<ul style="list-style-type: none"> Above street wall on western and eastern façade to have a minimum 3m setback. Balconies are allowed to fill the setback zone. 	<ul style="list-style-type: none"> The proposed building does not include a tower and podium form and does not provide a setback above the street wall. Notwithstanding, the Department accepts that the provision of a setback above the street wall is unnecessary given the reduced scale of the building. 	Substantially complies
<ul style="list-style-type: none"> Streetwall to be no greater than 11.6m RL 	<ul style="list-style-type: none"> See response above (See further discussion in Section 5.3.4 of this report). 	Substantially complies
4. Ground Floor Permeability + Accessibility of Public Realm		
OBJECTIVES	COMMENT	COMPLIANCE
<ul style="list-style-type: none"> To ensure sufficient legible and accessible routes through Barangaroo South. 	<ul style="list-style-type: none"> The building has been designed to align with the future street frontages and therefore allows for the provision of legible and accessible routes through Barangaroo South. 	Complies
5. Ensuring Quality of Rooftops		
OBJECTIVES	COMMENT	COMPLIANCE
<ul style="list-style-type: none"> To ensure an articulated tower volume. 	<ul style="list-style-type: none"> No tower volume is proposed as part of the building, however the proposed building provides an articulated expression through the use of timber columns, variety of materials and finishes and design features such as the external wrap around stair case. 	Complies
<ul style="list-style-type: none"> To ensure architectural quality of the roof. 	<ul style="list-style-type: none"> The proposed building incorporates angled roof features which provide architectural interest as well as mosaic tiles which provide visual interest for surrounding buildings overlooking the roof of building R7. 	Complies
<ul style="list-style-type: none"> To ensure consistency of night time lighting. 	<ul style="list-style-type: none"> The roof top will be lit, similar to the podium open spaces areas for the nearby commercial buildings at Barangaroo. The Department has recommended conditions that the lighting comply with relevant Australian Standards. 	Complies
6. Articulated Facades		
OBJECTIVES	COMMENT	COMPLIANCE
<ul style="list-style-type: none"> To ensure quality of façades. 	<ul style="list-style-type: none"> The façade design incorporates quality materials and finishes, including timber columns which provide a natural appearance. 	Complies
<ul style="list-style-type: none"> To articulate building functions and massing with appropriate cladding design and detailing. 	<ul style="list-style-type: none"> The timber columns will be thicker at the base of the building, and thinner at the top of the building to articulate the structural massing of the building. The eastern façade is also curved to provide a design feature. Design features such as the external wrap around stair case also provide articulation of the façade. 	Complies
<ul style="list-style-type: none"> Steel, glass, concrete and aluminium as primary materials for all façades. 	<ul style="list-style-type: none"> The primary materials for the façade include glass and concrete. Timber columns are also incorporated into the façade design. 	Complies
<ul style="list-style-type: none"> To ensure that building façades are articulated to define building massing. 	<ul style="list-style-type: none"> The proposed façade treatment is considered appropriate for the scale of the building. The design incorporates a number of design features including an external stair case, curved eastern elevation, and angled roof elements. 	Complies
<ul style="list-style-type: none"> Application of external shading devices to ensure depth and interest of visual appearance. 	<ul style="list-style-type: none"> An awning is proposed on the northern elevation, however the façade treatment will also provide depth and interest of visual appearance and appropriate shading for internal spaces of the 	Complies

	building.	
7. Active Streetfronts		
OBJECTIVES	COMMENT	COMPLIANCE
<ul style="list-style-type: none"> To ensure a vital public domain will be created at street level. 	<ul style="list-style-type: none"> The design of the building incorporates space for future retail use and public amenities at ground level. 	Complies
<ul style="list-style-type: none"> Building service areas, parking entrances & loading docks will not be located on Lime Street. 	<ul style="list-style-type: none"> A vehicular entrance to the basement car park is provided off Lime Street. This was approved as part of the Bulk Excavation and Basement Car Park Application. The design of the proposed building integrates with these fixed elements associated with the basement car park. 	Substantially complies
<ul style="list-style-type: none"> The width of driveways shall be minimised. 	<ul style="list-style-type: none"> The width of the drive way into the vehicular entrance to the basement car park was determined as part of the Bulk Excavation and Basement Car Park Application. 	Substantially complies
8. Signage		
OBJECTIVES	COMMENT	COMPLIANCE
<ul style="list-style-type: none"> To ensure control over location, size, appearance and quality of signage on buildings. 	<ul style="list-style-type: none"> Signage zones are proposed as part of the building. Department considers that the merits of the signage would be more appropriately assessed as part of the future development applications for the fit-out and use of building R7. The Department has therefore recommended a condition that the Applicant obtain further consent for all signage on the building (see section 5.6.4 of this report). 	Complies
<ul style="list-style-type: none"> Signage is limited to a maximum of 2 opposite faces per building. 	<ul style="list-style-type: none"> See response above. 	Complies
<ul style="list-style-type: none"> Signage shall be integrated into the building design. 	<ul style="list-style-type: none"> See response above. 	Complies
9. Sustainable Building Design		
OBJECTIVE	OBJECTIVE	OBJECTIVE
<ul style="list-style-type: none"> Design of buildings and public domain shall incorporate, utilise and integrate leading sustainability practices in design, massing, materials and detailing. Buildings should be a model for sustainable building design. 	<ul style="list-style-type: none"> As detailed in the Sustainability Report in Appendix G of the EIS, building R7 would be designed to incorporate a number of ESD initiatives, including use of sustainable materials, use of external shading and high performance glazing to minimise energy use, use of recycled water (see section 5.6.5 of this report). 	Complies

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 that support the public domain within the public recreation zone;
- built form design principles, maximum building heights and maximum GFA for each development block within the mixed use zone;
- alteration of the existing seawalls and creation of a partial new shoreline to the Harbour;
- retention of the existing Sydney Ports Corporation Port Safety Operations and Harbour Tower Control Operations including employee parking; and
- an underground car park beneath the northern headland park, containing approximately 300 car parking spaces.

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

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

MP 06_0162 MOD 1

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

MP 06_0162 MOD 2

On 16 February 2009, the then Minister for Planning approved a second modification to the Concept Plan to increase the GFA of commercial uses by 120,000 sqm in Blocks 2, 3, 4 and 5, to a total overall GFA of 438,000 sqm. The modification increased the total maximum GFA for Barangaroo to 508,300 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 that work can commence in stages.

This modification slightly reduced the approved GFA and mix of uses, with a resulting total GFA of 501,000 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 MD SEPP was concurrently amended. The amendment rezoned parts of the Barangaroo site and the adjoining areas from 'RE1 Public Recreation' and 'W1 Maritime Waters and Transport' to 'B4 Mixed Use' and 'RE1 Public Recreation'. Modifications to the distribution of GFA and building heights were also included in the amendment.

MP 06_0162 MOD 5

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

MP 06_0162 MOD 6

This modification application proposed to modify the Barangaroo Concept Plan for Barangaroo South. The proposed modifications, as publicly exhibited, 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.

MP 06_0162 MOD 7

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

MP 06_0162 MOD 8

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

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

The proposed changes to Block 1 in MOD 8 are outlined in Section 1.3 and Section 5.3.2 of this report. MOD 8 was exhibited from 18 March 2015 until 1 May 2015. The Applicant is currently preparing a Response to Submissions Report.