

28 June 2016

Determination Report

Determination of Crown Sydney Hotel Resort Barangaroo South (SSD 6957)

1. BACKGROUND

1.1 Site

Barangaroo has a site area of approximately 22 hectares located prominently within the north-western edge of the Sydney CBD with a significant harbour foreshore frontage. Barangaroo has been divided into three distinct redevelopment areas comprised of Headland Park, Barangaroo Central and Barangaroo South. The Crown Sydney Hotel Resort (Crown Sydney) site is located in the north-western corner of Barangaroo South and is bounded by Barangaroo Avenue to the east and Darling Harbour to the west.

1.2 Application

Crown Sydney Property Pty Ltd (the Applicant) has submitted an application seeking approval for site remediation, excavation and construction, fit-out and use of a 71 storey (RL 275 metre) building providing for a hotel, restricted gaming facility, residential and retail uses, basement car parking and signage at Barangaroo South.

MOD 8 to the Barangaroo Concept Plan was referred to the Commission at the same time as the Crown Sydney SSD application. The determination reports for both projects should be read in parallel.

1.3 Site history

Casino Legislation

On 6 September 2012, Crown Limited made an unsolicited proposal for the development of a hotel and casino. On the 25th October 2012, the then Premier announced approval of Stage 1 (the initial submission and strategic assessment) and further development of a detailed proposal to proceed.

In November 2013 the NSW Parliament passed the *Casino Control Amendment (Barangaroo Restricted Gaming Facility) Act 2013* which legislated for the restricted gaming facility's location. The Act and associated mapping specifies the precise location for the restricted gaming facility, on land which is now known as Block Y, within Barangaroo South.

On 8 July 2014, in accordance with the *Casino Control Amendment Act*, a Restricted Gaming Licence was issued to the Applicant by the Independent Liquor and Gaming Authority. The Restricted Gaming Licence also refers to a site map.

The Applicant entered into a legally binding Framework Agreement with the NSW Government on 11 November 2013 and amended it on 7 July 2014. The Framework sets out a number of key commitments including to ensure the development of a Hotel Resort to a "6 star" standard and a

building which is “*iconic*” and defines hotel rooms, signature restaurants, retail outlets and other resort facilities and amenities (as “*minimum standards*”).

Barangaroo Concept Plan

The original Concept Plan was approved in February 2007.

- The initial Barangaroo Concept Plan split the site into three distinct areas, the Headland Park, Barangaroo Central and Barangaroo South.
- The Headland Park or the Barangaroo Reserve was the first component to be developed and was opened to the public in 2015. Headland Park is a six-hectare open space reserve.
- In late 2010, investigations and planning commenced on the development of Barangaroo South for it to become a precinct consisting of commercial office buildings, residential apartments, an international hotel, shops, cafes, restaurants and cultural facilities. In 2015 Tower Two was the first completed building, with Tower One and Tower Three well under construction.

A number of modifications have been made since the original Concept Approval in 2007.

- **Modification 1** approved minor typographical error amendments and clarified the Design Excellence requirements for the site.
- **Modification 2** approved a significant increase to the gross floor area from 399,800 sqm to 519,800 sqm, with all additional floor space zoned commercial use.
- **Modification 3** involved changes to the Headland Park and Northern Cove area. It approved changes to the outline of the Headland Park to support a ‘naturalised’ form, an increase to the size of the northern cove, realignment of Globe Street (to support the park and cove changes), and works in relation to three heritage items, being the sandstone sea wall, the Sydney Ports Harbour Control Tower and the MSW&DB Sewage Pumping Station. This modification also deleted Block 8 and reduced the gross floor area by 18,800 sqm to 501,000 sqm.
- **Modification 4**, determined December 2010, followed the Government’s acceptance of the Lend Lease proposal for Barangaroo South and represented the most significant modification to the Concept Plan at that time. Substantial changes were approved including:
 - Changes to block sizes and location;
 - Increases to building heights;
 - An increase in the gross floor area;
 - Enlargement of the Southern Cove (now Watermans Cove);
 - Changes in use to include residential and tourist uses;
 - Introduction of a pier into the harbour with a hotel on the pier;
 - Revisions to the built form controls and urban design principles;
 - Reduction in the width of the promenade.
- **Modification 5** was withdrawn.
- **Modification 6**, determined March 2014, approved changes to the boundaries of Blocks 3, 4A and 4B and the realignment of Globe Street.
- **Modification 7**, determined November 2015, approved the use of a concrete batching plant on the site but in all other respects matches the Modification 6 Concept Plan.

Modification 8

MP06_0162 MOD 8 to modify the Barangaroo Concept Plan was referred to the Commission for determination at the same time as the lodgement of the application for Crown Sydney. The key areas subject to modification which relate to the proposed Crown Sydney development included:

- To increase the total maximum gross floor area at Barangaroo from 563,965 sqm to 605,911 sqm by adjusting the GFA allocated to Barangaroo South;
- To amend the maximum height limits of certain development blocks at Barangaroo South;
- To amend the Barangaroo South site boundary and urban structure;
- To amend the indicative layout and various land use distributions within Barangaroo South;

- To amend the location, design and size of the open space and public domain areas, including Watermans Cove and the foreshore promenade to the north of Watermans Cove;
- To increase the car parking to align with the proposed increases in GFA; and,
- To propose a new set of Design Guidelines to guide the future development within Barangaroo South.

The Commission determined the application for the modification subject to a number of amendments that reflected the now gazetted changes to the SEPP. (The SEPP changes adopted in full the recommendations made by the Commission to the Minister.)

The main amendments included the following;

- An increase to the size of Hickson Park;
- Widening of the boardwalk along the western perimeter of Block Y and integration with the promenade to provide a 30 metre unencumbered public area (excluding any licensed areas);
- An increase of key worker housing to 3% across Barangaroo South;
- The use of the pier to allow for a “community facility” (as distinct from “community uses”) and for any structure to be subject to a design competition to achieve design excellence;
- The removal of Barton Street;
- Creation of a shared zone within Barangaroo Avenue;
- Preservation of sight lines;
- Amendment to the total gross floor area;
- Provision to ensure amenity in Hickson Park including for pedestrian access, deep soil planting and limited overshadowing; and
- A condition excluding heliports.

1.4 2011 Sussex and Penn Review

In 2011, Ms Meredith Sussex AM and Ms Shelley Penn, at the request of the Minister for Planning, reviewed the Barangaroo Concept Plan and assessed the changes made under Modification 4 (MOD 4). The review was *“satisfied that the Department of Planning appears to have given this assessment due consideration and to have made informed and reasonable judgement about what it considered acceptable”*. The recommendation most relevant to the Crown Sydney application made within the Sussex and Penn review was that *“the placement of the hotel over the harbour is not considered to be good public policy and its location should be reviewed”*.

2. THE PROPOSAL

The Department provided the following breakdown of the key components of the Crown Sydney application (prior to the Commission's determination of MOD 8).

Table 2: Key Components of the SSD application

Aspect	Description
Demolition and remediation	<ul style="list-style-type: none"> Demolition of existing hardstand; removal of existing sand filled sea wall (caisson wall); site remediation including earthworks, excavation, installation of perimeter walls; and soil treatment, off-site disposal and de-watering (as required).
Built form	<ul style="list-style-type: none"> Construction of a 71 storey, 271.1 metres (RL 275) tower including podium; and bulk excavation to RL -10.3 metres and construction of three basement levels.
Gross floor area	<ul style="list-style-type: none"> A total GFA of 77,500sqm, comprising: <ul style="list-style-type: none"> 48,200sqm tourism floorspace, including: <ul style="list-style-type: none"> 41,313sqm hotel; and 6,085sqm restricted gaming facility. 22,600sqm residential; and 6,700sqm retail.
Hotel use	<ul style="list-style-type: none"> A hotel located at levels 6-26 and 66-69, comprising: <ul style="list-style-type: none"> a total of 350 rooms/keys, conference facility; and ancillary hotel facilities and amenities.
Residential use	<ul style="list-style-type: none"> A total of 66 residential apartments, located on levels 34 to 65, comprising: <ul style="list-style-type: none"> 28x2 bedroom apartments; 32x3 bedroom apartments; 5x4 bedroom apartments; and 1x5 bedroom apartment.
Restricted Gaming	<ul style="list-style-type: none"> A total of 6,085sqm restricted gaming facility GFA provided within the podium and the tower located at levels: <ul style="list-style-type: none"> 1-2 within the podium (VIP Gaming); and 25-26 within the tower (Crystal Club VIP Sky Gaming).
Retail use	<ul style="list-style-type: none"> A total of 6,700sqm retail GFA comprising shops, restaurants/cafes and bars located within the podium at ground to third floor levels.
Outdoor licensed area	<ul style="list-style-type: none"> A total of 1,385sqm licensed area GFA at ground floor level and located: <ul style="list-style-type: none"> the full width of the western, Darling Harbour frontage to a depth of nine metres; and the full width of the southern, Globe Harbour frontage to a depth of five metres.
Vehicle parking	<ul style="list-style-type: none"> A total of 35 motorcycle parking spaces; a total of 2 service vehicle bays (maximum medium rigid vehicle size); a total of 610 car parking spaces, comprising: <ul style="list-style-type: none"> 250 valet car parking spaces; 250 self-parking spaces; and 110 residential car parking spaces.
Bicycle parking	<ul style="list-style-type: none"> End of trip facilities (changing rooms, lockers and showers) within the basement; and a total of 188 bicycle parking spaces, comprising: <ul style="list-style-type: none"> 83 non-residential spaces within the basement; 68 residential spaces within the basement; and 37 visitor (public) spaces within the public domain.
Signage	<ul style="list-style-type: none"> Business and building identification signage and signage zones.

On 20 October 2015 a Stage 1C application for remediation, earthworks and structural works and installation of perimeter walls (SSD 6956) was incorporated into the Crown Sydney application (SSD 6957).

The Applicant amended its application in October 2015 in response to submissions and in February 2016 in response to the 2015 Barangaroo Design Advisory Panel report (refer Section 4). Changes include:

- Amendment to the design of the western podium elevation, including additional articulation to break down the proportions for the façade and alteration of materials; and
- Amendment to the design of the southern podium elevation, including the alteration of materials and division of the elevation into two parts.

3. DELEGATION TO THE COMMISSION

The proposal was referred to the Commission for determination under the Ministerial delegation dated 14 September 2011. The matter was received by the Commission on 29 March 2016.

The Commission panel appointed to determine the application is comprised of Ms Lynelle Briggs AO (chair), Ms Annabelle Pegrum AM and Mr John Hann.

In addition to the Crown Sydney Hotel proposal, the Commission has also been required to:

- **advise the Minister on the proposed changes to** *State Environmental Planning Policy State Significant Precincts 2005 ('SSP SEPP')*, *State Environmental Planning Policy State and Regional Development 2011 ('S&R SEPP')* and *Sydney Regional Environmental Plan Sydney Harbour Catchment 2005 ('SREP Sydney Harbour')*; and
- **determine** a Section 75W modification application for the Barangaroo Concept Plan (MOD8).

4. ENVIRONMENTAL ASSESSMENT

The Secretary's Environmental Assessment Report considered the key issues for the Application to be:

- Consistency with the Concept Plan;
- Built Form;
- Public Domain;
- Traffic;
- Amenity Impacts;
- Signage;
- Contamination and Remediation; and,
- Other issues including water management; waste vehicle collection; wind; Sydney Observatory; heritage; archaeology; key worker housing; social and economic benefit; construction of a basement beneath Barangaroo Avenue; and hours of construction.

In summary, the Department concluded that the *"proposal will form an integral part of the development of Barangaroo South precinct and will provide significant public benefit through the provision of new hotel, tourist, residential accommodation and significant employment opportunities"*. The Secretary's Environmental Assessment Report recommends approval subject to conditions.

Barangaroo Design Advisory Panel MOD 8

In April 2015, the Barangaroo Design Advisory Panel was established to provide independent expert urban design advice to the Department. The Panel comprised Ms Meredith Sussex AM, Ms Shelley Penn and Mr Peter Poulet.

On the 27th October 2015 the Barangaroo Design Advisory Panel made a submission to the Department including an assessment of MOD 8 against the Urban Design Statement established at MOD 4.

Barangaroo Design Advisory Panel Crown Sydney Hotel Resort

On 7 September 2015 the Barangaroo Design Advisory Panel's Preliminary Review Report on the Crown Sydney Application was provided to the Department. The Review highlighted key urban design issues and requested additional urban design information.

On 18 November 2015 the Barangaroo Design Advisory Panel's final report, on the Crown Sydney Application, was submitted to the Department. Key recommendations included:

- Adjustment of the building footprint to create a more generous public domain along the foreshore;
- Design of the licensed area to be legible as public and accessible space;

- Greater clarity and design resolution between upper and lower towers and the podium and refinement of the forms and proportions to achieve greater slenderness in the tower;
- No branding signage to be located on the tower, or at any location on the building above the podium;
- Activation of the promenade, including public seating and changes in level along the foreshore edge; and,
- Reassessment of the location of the porte-cochere and northern façade to support a strong and pedestrian safe relationship with Hickson Park and Central Parklands.

The Barangaroo Delivery Authority's Design Advisers responded to the Barangaroo Design Advisory Panel recommendations for both MOD8 and as related to SSD 6957. The Department had regard to all of this expert advice in making its assessment of the proposal.

5. MEETINGS AND SITE VISITS

Department

The Commission received a briefing from the Department on 7 April 2016 (see **Appendix 1**). The Commission held additional meetings with the Department on 29 April 2016 and 18 May 2016. The key issues discussed were:

- Barangaroo Central development;
- Public domain including Hickson Park and the foreshore promenade;
- The chamfer proposed by the Barangaroo Delivery Authority to the Block 5 south west corner in Central Barangaroo;
- Pier/jetty and Watermans Cove;
- SEPP Amendment;
- Timeline and development staging;
- Porte cochere and pedestrian conflict;
- Roadways and vehicular access;
- Overshadowing;
- Key worker housing; and
- Any future Heliport.

Over the course of its determination the Commission requested and received additional information on a number of issues from the Department as summarised below:

- 7 April 2016 – Additional information was received regarding the breakdown of open space and public domain; details regarding the Barangaroo South Draft Design Guidelines and key worker housing commitment.
- 24 May 2016 – Additional information was received regarding Barangaroo Delivery Authority agreements as part of the request for development bids for Barangaroo Central; removal of Barton Street; conversion of part of Barangaroo Avenue to a shared zone; advice on any constraints to extending the promenade; status of the pontoon; options available to restrict heliports; design excellence for any structures on the wharf; public space calculations; the development schedule; location of any significant infrastructure; and confirmation on land tenure/lease arrangements.

Government Architect

The Commission met with the Government Architect (independently of his role on the Barangaroo Design Advisory Panel) on 7 April 2016. The key issues discussed were design, view corridors, the promenade, roadways, signage and amenity. At the Commission's request, the Government Architect provided additional advice on 11 May 2016 regarding the potential of the site and buildings, including as an iconic development.

Applicant

The Commission undertook a site visit accompanied by the Applicant, the Barangaroo Delivery Authority and the Crown Sydney architect on 7 April 2016. The Commission met with the Applicant on 8 April 2016 and 21 April 2016.

Barangaroo Delivery Authority

In addition to the meetings with the Applicant above, the Commission met with Barangaroo Delivery Authority independently on 21 April 2016. The Commission raised particular concerns about the proposed Hickson Park, including its size, connectivity to the foreshore public realm and amenity, given the likely overshadowing from Block 5. The Commission sought clarification regarding the licensed areas and the Barangaroo Delivery Authority's consideration of any associated privatisation of the public realm. The Commission also noted that the trend of increased heights and densities across the site appears likely to continue, given the Modification 9 application that was made (then withdrawn), and public statements about gross floor area increases in relation to the invitation to tender, including the potential metro station, for the development of Central Barangaroo.

Another meeting was held on 6 May 2016 where the Barangaroo Delivery Authority responded to these concerns and provided further information regarding the potential overshadowing impacts to Hickson Park. The Authority agreed to controls being included in the Concept Plan to set minimum solar access requirements for Hickson Park. Other issues discussed included:

- Proposed chamfer of the south west corner of Block 5;
- The road network;
- Barangaroo South;
- The promenade; and,
- Branding.

At the Commission's request, the Barangaroo Delivery Authority provided additional information on 13 May 2016 related to public open space; Hickson Park; refinement of Block 5 Concept Plan development envelopes; extension of the promenade; 'ownership' of Block Y; the request for development bids for Central Barangaroo; and key dates regarding the selection of the site for the relocation of the hotel.

Council

The Commission met with the City of Sydney and Leichhardt Council in separate meetings on 7 April 2016.

Leichhardt Council raised concerns regarding the social impact assessment, affordable housing, design, Section 75W variations since the original Concept Plan and the noise. The City of Sydney raised concerns regarding due process for the Barangaroo development, the hotel relocation, public benefit, affordable housing, various modifications and significant gross floor area increases, the design and the assessment.

City of Sydney provided a submission on 28 April 2016 regarding the legality of using Section 75W; the Sussex Penn Review; the location of Crown Sydney on the foreshore; the evaluation of key public interests; consistency with previous Planning Assessment Commission advice and decisions; use of the pier for cultural facilities; and affordable housing.

Further correspondence was received on 20 May 2016 related to concerns regarding future development within Barangaroo Central.

Public meeting

On 28 April 2016 the Commission held a public meeting during which 25 speakers presented to the Commissioners and a number of written comments were submitted at or following the meeting.

Speakers are listed in **Appendix 2**. Issues raised at the public meeting and the key points from the written submissions are summarised in **Appendix 3**. Particular concerns related to the loss of public open space and privatisation of public land; the proposed built form on Block Y and references to its iconic status; cumulative development across the site with successive modifications; the increasing development densities proposed to be accommodated on the site; the uses proposed, including gaming and the potential for the pier to include a heliport. Others supported the changes sought noting consistency with the original intent and vision for the site, the growth and development of the city and its national and international status (especially in tourism), and associated employment and training opportunities.

6 COMMISSION'S CONSIDERATION

The following key issues were identified by the Commission for further consideration:

- Built from;
- Branding;
- Public Domain;
- Amenity Impacts;
- Parking;
- Other issues, including for site remediation and Fire & Rescue.

The Commission has recently determined the Barangaroo Concept Plan MOD 8. As part of its deliberations and subsequent approval the Commission required amendments be made to the originally proposed MOD 8 application which included increasing the size, amenity and connectivity of Hickson Park; widening of the boardwalk as an extension of the promenade along the western perimeter of Block Y; an increase in key worker housing; specifying the use of any building/structure on the pier as a community facility and subject to a design competition and design excellence requirements; removal of Barton Street (other than for construction traffic) and creation of a shared zone along Barangaroo Avenue. The Commission is satisfied that the proposed Crown Sydney, subject to conditions, is consistent with the recently approved Concept Plan MOD 8.

6.1 Built form and design excellence

The Commissioners heard a variety of opinions on the proposed design of Crown Sydney. Some were of the view that the building would be an eyesore and too bulky and tall for the foreshore location. Others were of the opinion that the building would be iconic and would contribute to the character and quality of Sydney and the harbour. This divergence of view was evident in submissions and statements from members of the public and from design professionals alike.

The approval requirements under the Barangaroo Concept Plan and the requirements under the *State Environmental Planning Policy (State Significant Precincts) 2005* require Crown Sydney to comply with design excellence criteria and exhibit design excellence.

The Department noted in its assessment that the design was selected by competition (albeit not strictly in accordance with excellence requirements) and that the successful architect Wilkinson Eyre Architects has a significant international reputation. The design quality of the building was at the forefront of the Department's assessment which included the establishment of the Barangaroo Design Advisory Panel to review the Crown Sydney proposal (refer Section 4). The Panel concluded that *"the application will meet a high degree of design excellence subject to addressing the issues and recommendations of this report"*.

The recommendations of the Barangaroo Design Advisory Panel were shared with the Applicant. As a result, on 16 February 2016, the Applicant lodged an updated 'Further Response to Submission Report'

and a specific response to the Barangaroo Design Advisory Panel report notably regarding recommendations for the podium (refer Section 6.1.1).

Much has been made in public submissions and commentary about the use of the word 'iconic' to define or describe the status and design of Crown Sydney. Some have suggested that the term is being used wrongly to support the scale and height of the Crown Sydney tower and should not be ascribed to uses that include a hotel and gambling venue. Others support the intention of the Applicant to deliver an iconic building as a valuable landmark addition to the Sydney foreshore.

The Applicant demonstrated to the Commission that on 11 November 2013 Crown entered into a legally binding *Framework Agreement* with the NSW Government requiring it to ensure that the Hotel Resort would be 'iconic' and developed to a '6 star standard'. This document also confirms that the parties acknowledged that the design of the Hotel Resort (at that time) prepared by Wilkinson Eyre 'is iconic and meets the State's Design Criteria'.

There is general consensus that Sydney Harbour has earned a valuable international reputation and should be protected. There is also acceptance that if the Crown Sydney development proceeds it should be of design excellence. The Commission agrees with both of these positions.

The Barangaroo Design Advisory Panel accepts that the Applicant is seeking a design that will have 'iconic status' and does not object to the height of the Crown tower per se but notes that it *"does not consider the current design to be iconic in any way other than through its physical prominence"*. The Barangaroo Design Advisory Panel states that *"to achieve a high degree of design excellence and to ensure that the building meets the expectations of the public ... refinement of the siting, form and expression of the tower and podium should be undertaken ... and access to the upper levels of the tower should be provided to the general public ... as is common to iconic tower buildings worldwide"*.

A number of the Barangaroo Design Advisory Panel recommendations pertain to the iconic characteristics of the harbour location and to the success of the iconic design intent for the building. These include concerns regarding the podium/tower relationship; signage on the tower; public access to views (particularly at upper levels); and architectural excellence.

In response to the Commission's query to the NSW Government Architect regarding the iconic status of the foreshore building, the Commission's attention was drawn to the shared characteristics of iconic buildings/places and *"inter alia [the importance of maintaining] a high level of public access ... [aesthetics and] breaking new ground in form, material technology and attitude to people and the public realm ... [and earning] public appreciation ... specific to locations and emblematic of them"*.

The Barangaroo Delivery Authority Design Advisers contend that the proposal is consistent with the winning design of Wilkinson Eyre, is of iconic standing and design excellence and will make a positive landmark contribution to the Sydney foreshore and skyline.

The Commission declines to wade into the debate of what is or is not iconic but has had regard to all of these views in its consideration of the merits of the Crown design proposal.

The Commission has focused on the design issues identified by the Barangaroo Design Advisory Panel, the response of the Barangaroo Delivery Authority Design Advisers and comments made through submissions and at the public meeting.

In its consideration of the design, the Commission also acknowledged the high calibre of the Crown Sydney design team and their demonstrable commitment to design excellence.

6.1.1 Podium/Tower

The Commission heard a number of concerns regarding the scale and bulk of the proposed podium design and the relationship to the tower of the Crown Sydney building. The Commission notes the Barangaroo Design Advisory Panel report which reviewed the Crown Sydney Application recommended *“further adjustment of the building footprint to create a more generous public domain along the foreshore.....andbulk, form and location, and the design of licensed terraces, should be addressed”*.

Both the Barangaroo Design Advisory Panel and members of the public raised concerns with the extent of the Crown Sydney building footprint and its potential impact on the publicly accessible foreshore promenade. The Commission requested the Applicant provide detail on how the podium could be reduced in size. The Applicant in its presentation to the Commission provided a convincing commercial case that focused on the requirement for uninterrupted gaming space for the casino floor. Any reduction in the casino floor area has impacts on gaming revenue and, of significance, its ability to achieve the minimum tax payments to the NSW Government, as required by the licence.

The Commission agrees that it is paramount that the foreshore promenade remains an attractive and vibrant area and the Commission sympathises with concerns that the zero setback within the Block Y envelope proposed by Crown Sydney has the potential to impact the foreshore. The Commission in approving the Concept Plan MOD 8 assessed the impact of the Crown Sydney footprint on the foreshore promenade. A condition attached to the MOD 8 approval requires an additional 9 to 14 metres of foreshore, to offset the licensed areas, and restore the 30 metre wide public foreshore promenade width, reflective of the recent SEPP amendments made by the Minister on the 28 June 2016. With the adoption of this additional promenade the Commission was satisfied that the footprint of the Crown Sydney development would not adversely impact on the foreshore promenade.

The Barangaroo Design Advisory Panel did not object to the height of the upper tower, but in reviewing SSD 6957 recommended *“greater clarity and design resolution between upper and lower towers and podium, and refinement of the forms and proportions to achieve greater slenderness in the tower – in support of the original architect’s vision of ‘a sculptural form that will rise up the skyline like a habitable piece of artwork’”*.

The Commission notes that the Applicant amended the design in response to concerns raised by both the Barangaroo Design Advisory Panel and the Department about the perceived bulk and form of the podium and its relationship to the tower. The amendment did not reduce the size of the podium but rather the composition and materiality of the elevation. The redesign articulates the western elevation, including with a seven metre wide recess, to reduce the perception of a continuous form and generate a pleasing assembly of building elements. Changes to materials, particularly on the southern elevation, are proposed to successfully integrate the tower and podium.

The Barangaroo Delivery Authority affirmed its own review and support of the proposal and that of its independent Design Advisers. The Commission received a detailed and convincing presentation on the design of the podium and tower from the architect Chris Wilkinson focused on built form and geometric derivation, orientation and design development from competition to the SSD application. The Commission also heard from Bob Nation AM, a member of the Barangaroo Delivery Authority’s Design Advisers, of their detailed consideration of and support for the proposal.

Chris Wilkinson advised the Commission that the changes he had made to the podium and tower in response to the Barangaroo Design Advisory Panel’s recommendations did not compromise his design concept in any way but rather enhanced the building silhouette and form. The Commission is satisfied that the design has evolved as a consequence of the Barangaroo Design Advisory Panel recommendations.

The Commission considers that with the design changes made, and in the new siting context established in MOD 8, the proposed scale of the podium, its relationship to other buildings in Barangaroo and the integrity of the tower design is appropriate and will result in an excellent design outcome.

6.1.2 Materials and detailing

The Commission agrees that the Crown Sydney building must be exceptional. The Commission has accepted that the design of the building is appropriate to the prominent location on the foreshore and within the Sydney skyline. However, the Commission notes concerns raised by the Government Architect to the Commission that not all the materials have been fully specified and that quality, at this stage, cannot be assured.

To ensure building materials match the expectations for quality commensurate with the site and building concept, the Commission has amended condition B3 to require all samples be provided for approval by the Secretary prior to construction having regard to the advice of the Government Architect.

B3 Schedule of Materials

Prior to the issue of the relevant Construction Certificate details of material used in the development (that have been certified by Wilkinson Eyre Architects) shall:

- (a) be submitted to the NSW Government Architect and the Secretary;
- (b) be approved by the Secretary, having regard to any advice from the NSW Government Architect; and,
- (c) include:
 - (i) a list of the final schedule of materials;
 - (ii) 1m² sample boards for the façade cladding, glazing, fixings and signage;
 - (iii) computer generated imagery and other visual supporting documentation;
 - (iv) plans and elevations indicating the location of materials on the building;
 - (v) confirmation of the process/methods in arriving at the final chosen schedule of materials; and
 - (vi) any other information deemed necessary to justify the schedule of materials.

6.2 Public Domain

6.2.1 Western terraces

Concerns were raised with the Commission regarding the proposed 9 metre licensed area included within the public domain. The Commission acknowledges that the western licensed terraces located within the public promenade are likely to present as privatised space. However, the Commission also appreciates the value of the licensed areas to activation of the public domain. To accommodate the licensed areas but retain the primacy of the public realm the Commission, in its assessment of the MOD 8 Concept Plan, required the boardwalk along the western perimeter of Block Y to be widened and integrated to provide a 30 metre unencumbered promenade area (excluding any licensed areas).

The Barangaroo Delivery Authority *Design Guidelines for Public Domain Licenced Areas* state that “areas of Public Domain may also be granted licences to Lessees for uses to support operations.....uses may include ground plane occupation for servicing food and beverage operations”.

Figure 1 illustrates the proposed Crown Sydney terraces.

Figure 1 Indicative image of the terraced areas



The Design Guidelines allow for associated structures provided that they “*shall be designed to appear lightweight in nature and not to read as a required component of the buildingshade and weather protection may be incorporated within the design of these structures but such protection in the vertical plane must be operable and only deployed when required*”. The Applicant has described the terrace structures as “*an elegant and lightweight series of glazed canopies, which accommodate all weather harbour side dining through the strategic placement of solar and wind control elements*”.

The Commission discussed the proposed western terrace design with both the Barangaroo Delivery Authority and the Applicant. The Applicant confirmed to the Commission that the proposed canopy, although fixed to the façade, was removable and the Barangaroo Delivery Authority supports the design. The Applicant’s Architect also acknowledged the value of the canopy as a ‘drip line’ for the veil façade treatment above.

The Commission is of the view that the canopy over the licensed areas is an integral and elegant part of the western façade but is unlike any of the other licensed areas in Barangaroo. The Commission considers that the design approach is appropriate for this building. However, while of architectural merit, the Commission considered that the indicative design of the licensed terraces would create an impression of private space. The Commission acknowledges that the final design of the licensed areas is yet to be determined and that the proposed conditions require approval prior to construction. The Commission however, has strengthened the condition to further ensure that the licensed areas are permeable, that design elements do not unnecessarily deter public access and do not present as exclusive to those staying or living in Crown Sydney.

Design of the Licensed Area

- B4 Prior to the issue of the relevant Construction Certificate detailed plans shall be submitted for the Secretary’s approval demonstrating that the ground floor level outdoor licensed seating area has been designed to provide for:
- (a) the licensed area and its use facilitate clear sight lines and visual connectivity between the Public Domain to the Development Lot and the licensed area itself;
 - (b) the licensed area and use does not impede bicycle, service and emergency vehicle movements through the Public Domain;

- (c) Public Domain ground plane entry levels within the licensed area should be maximised where possible to promote openness and connectivity of the licensed area activity with the Public Domain. Seating areas should be directly accessible from and open to the Public Domain and seated plinth areas shall be lowered to the promenade level;
- (d) no planters that rise above finished floor level or other permanent structures are to be installed within the licensed area that disrupt view sightlines across the space, fully enclose the space or reduce visual permeability between the licensed seating area and the promenade;
- (e) maximum visual permeability and to minimise the sense of enclosure created by any required balustrading, which shall be of light weight construction (i.e. not solid glass or metal);
- (f) additional access points around the northern seated area;
- (g) the installation and requirement for use of solar blinds to be minimised. Any blinds shall be retractable and may only be unfurled during inclement weather; and,
- (h) the landscaping treatment shall include a selection of paving and size and type of plant species that appropriately integrate with the treatment and finishes of the promenade and the surrounding public domain.

The Applicant shall submit a copy of the endorsed licensed area plans to the PCA with the application for the relevant Construction Certificate.

The Commission supports the canopy design and is of the view that it contributes to the overall aesthetic of the building and to the character of this part of the promenade, and will introduce a human scale to the western elevation of Crown Sydney.

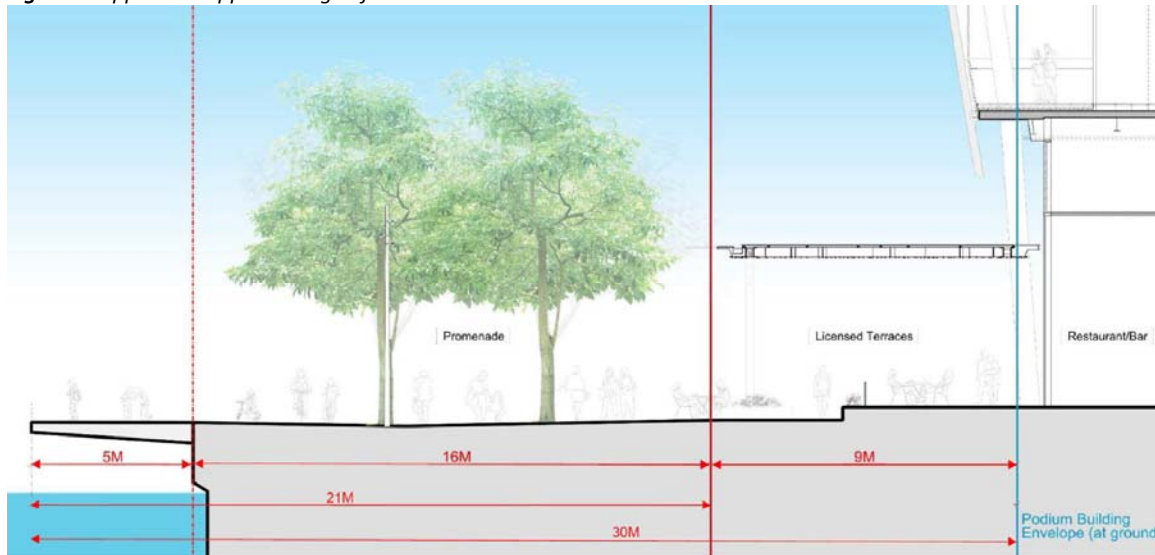
The Commission is comfortable that the strengthened condition, together with the extended promenade established through MOD 8, will ensure that the licensed area will be perceived as attractive, active and publicly accessible.

6.2.2 Privatisation of public space

The Commission heard many concerns about the actual or perceived privatisation of public space at Barangaroo, particularly of the foreshore promenade. In operation, the 9 metre licensed area proposed will be accessible only to the paying public (with limited exceptions at building entry points), which will further extend the perception of these areas as private land rather than of the public realm. The potential scale and anticipated design character proposed for Crown Sydney in proximity of the foreshore was such that the promenade could have been read as a forecourt to the building rather than as public realm.

Figure 2 (over the page), provided by the Applicant illustrates the proposed foreshore promenade including licensed areas.

Figure 2: Applicant supplied image of the Foreshore Promenade



To secure and protect a 30 metre unencumbered promenade area on the western perimeter of Block Y, the Commission provided the following advice to the Minister regarding SEPP amendments:

“The Commission supports the view of the Barangaroo Delivery Authority that the public domain alongside Block Y should be active and that the licensed areas will support such uses. However, the Commission also supports the strongly held views of many that a wide unencumbered promenade with places to stop, sit and dwell are essential to maintaining the balance of public space over private space at Barangaroo. To that end the Commission recommends that the foreshore boardwalk be widened as an extension of the promenade in front of Block Y to ensure a true 30 metre public domain along the western harbour edge of Block Y. The extension should be designed as a destination for the general public to picnic, rest or just stop and view the harbour.”

The Minister agreed with the Commission’s recommendation and the SEPP was made accordingly. The Commission is comfortable that the amended Concept Plan, which provides a continuous 30 metre promenade (requiring an additional 9 to 14 metres to the promenade for the length of the Crown Sydney development) will compensate for the 9 metres dedicated to the active licensed area.

The Commission considers that the foreshore promenade extension should be landscaped and completed prior to the occupation of the Crown Sydney building, and has amended the associated condition accordingly:

Public Domain Works

F2 The works to the public domain are to be completed in accordance with the approved plans prior to the issue of the relevant Occupation Certificate or before the use commences, whichever is sooner. In particular, prior to the issue of any Occupation Certificate:

- (a) Hickson Park must be completed, landscaped and publicly accessible;
- (b) the 30m wide publicly accessible foreshore promenade must be completed (in accordance with the requirements of the Concept Plan), landscaped and publicly accessible; and,
- (c) the associated 9m wide licensed terrace areas shall also be landscaped; and,
- (d) a public domain maintenance plan approved by the Secretary, setting out:
 - i. the schedule maintenance works for Hickson Park and the foreshore promenade;
 - ii. the parties responsible for the maintenance of these spaces, both in relation to the funding and delivery of the works; and,

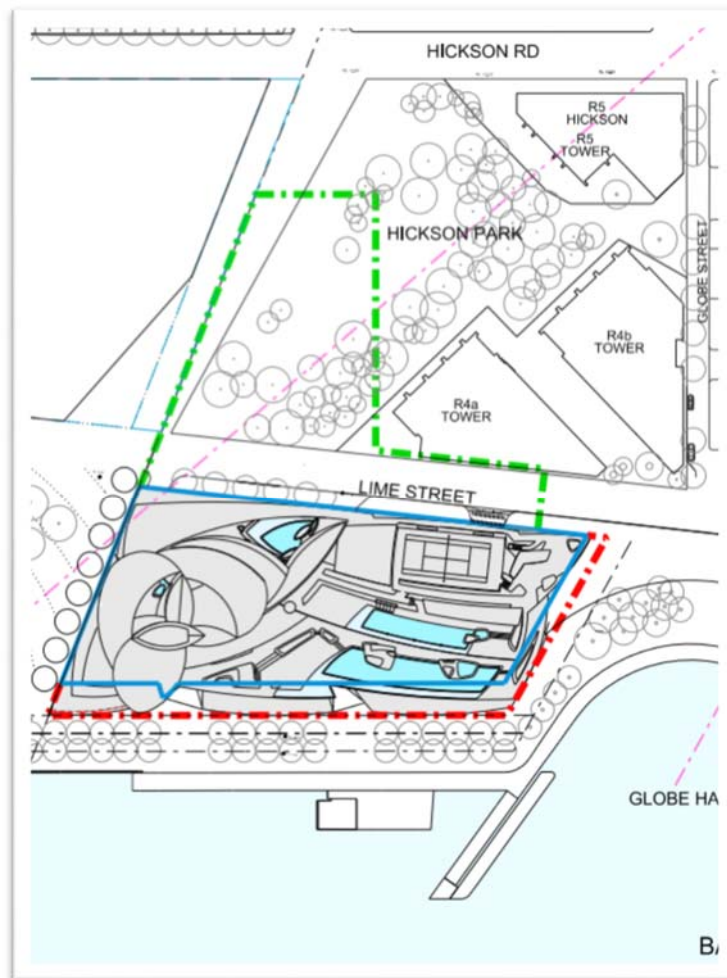
- iii. the contingencies in place, including the timeframes for replacement or repair of damaged structures and plantings.

The timing for the replacement of Barton St, in accordance with Concept Plan Modification B3(5), is to be agreed with the Secretary.

6.2.3 Deep soil planting

The Commission heard concerns about the potential for Hickson Park to be compromised in quality as a result of its location above the Crown Sydney basement carpark. The City of Sydney in particular was concerned *“that promised foreshore parkland is to be “swapped” for a landscaped basement roof”*.

Figure 3: Extract from Applicant’s Context Plan highlighting the extent of basement level works (outlined in green). Blue line is application site boundary. Green dotted line is extent of the basement level works. Red dotted line is extent of ground level licensed area.



The Commission notes that the Crown Sydney development includes basement level car parking beneath Hickson Park that will potentially restrict deep soil planting in Hickson Park. The Commission considered the Apartment Design Guidelines requirement that sites greater than 1,500 sqm, have a minimum of 7% of the site provided for deep soil zone(s), with alternate planting solutions acceptable in cases of 100% site coverage. In this instance the Department accepted the Applicant’s argument that the lack of deep soil on the site is acceptable given its location, the presence of surrounding street trees, that the ground floor uses are non-residential and that onsite stormwater retention would mitigate hydrological impacts.

Although the Commission accepts that Crown Sydney cannot practically provide deep soil planting within its Block Y site, the Commission is concerned that the basement car park siting and design could

result in an adverse loss of capacity for deep soil planting in Hickson Park. The Commission acknowledges the recommendation made by the Barangaroo Design Advisory Panel that *“in all instances planting beds must be adequate to support mature large scale trees for precinct amenity. This is of particular importance for areas located above basement parking”*. In addition to the requirements of the Concept Plan, for dedicated areas of deep soil to be provided within Hickson Park, the Commission has also included the following condition in this consent, to ensure adequate deep soil planting can be accommodated above the basement intrusion under Hickson Park.

Deep Soil above basement parking

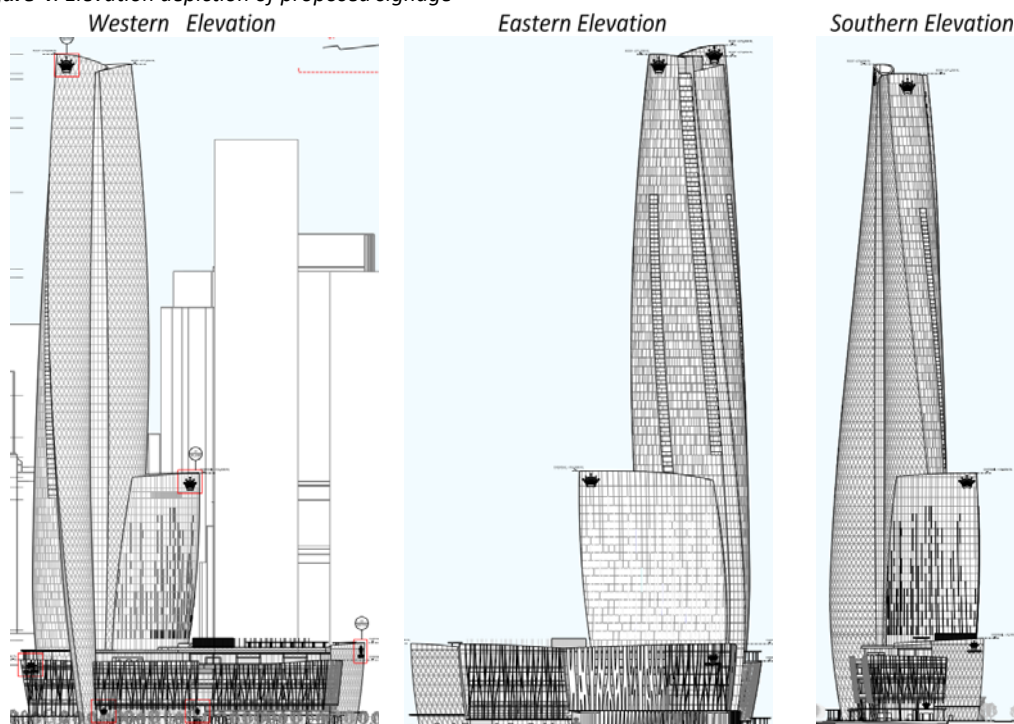
- B10 Prior to the issue of any Construction Certificate for basement parking, a detailed Hickson Park Landscape Plan must be approved by the Secretary. The Plan must:
- be prepared in consultation with Council and the Barangaroo Delivery Authority;
 - be reviewed by an independent arborist to confirm that the proposed tree plantings and soil depths will support long-term viable stands of medium to tall trees (to a height of at least 15m, with well-formed canopies);
 - demonstrate that the park will predominantly comprise soft landscaping, extensive areas of grass and stands of large trees; and,
 - map the location of the 3 m deep soil zones to be provided over 2,000 sqm of Hickson Park, required by the Concept Plan.

The Commission notes that it has added a condition pertaining to the quantum and depth of deep soil planting in the MOD 8 consent. The Commission is satisfied that with the adoption of these conditions, the opportunity for deep soil planting will be sufficient to ensure Hickson Park is green and attractive.

6.3 Branding

The Applicant proposed a total of eight business and identification signs on the building located at the top of the tower, mid tower and podium levels as well as above the ground floor pedestrian entrances. In addition, nine signage zones were proposed located above the entrances and windows of the ground level commercial tenancies. All signage is proposed to be illuminated with backlighting. Figure 4 illustrates the proposed identification signage location with three at the top of the building, two mid tower and three on the podium.

Figure 4: Elevation depiction of proposed signage



The Commission heard concerns regarding the potential for the proposed branding to impact on the Sydney skyline. The Barangaroo Design Advisory Panel stated that *“signage to the upper levels of the building (above podium level) is inappropriate and unnecessary as the intended iconic nature of the building will ensure that it acts as its own sign”*. The Applicant has advised the Commission that branding is critical to their function and that they believe it would be discriminatory to not allow any signage on the Crown Sydney building including the tower. The Barangaroo Delivery Authority also confirmed with the Commission that they supported the proposed branding and were comfortable that it had been designed as integral to the architecture.

The Commission was concerned at the potential for the signage to create ‘visual clutter’ but accepted that some is required for directional support and that Crown had a valid case for equity in branding. The Commission sought clarification from the Applicant on the need for all of the proposed signage. The Applicant confirmed their view regarding equity branding rights on the tower and advised that the western podium sign was required to ensure *“resort guests, cruise ship passengers, and other tourists visiting Darling Harbour can readily identify the Crown Sydney Hotel Resort”* and that ground floor signs located above the primary entrances along the foreshore promenade on the west and south elevation were *“important to assist visitors and guests in identifying hotel entrances.....and while not ideal or desirable, Crown is prepared to remove these signs”*.

On balance, the Commission has agreed to Crown symbols on the tower as key to branding, has removed podium ground level entry signage on the western elevation and has removed the word ‘Crown’ from below the associated symbol on all but the entry signage on the eastern elevation.

The Commission considers that the removal of these signs is fair, meets directional requirements and will reduce visual clutter from the Crown Sydney building and foreshore and as such has adopted the below conditions.

A6 This consent does not approve:

- Crown signage on the southern and western elevations of the podium immediately above the ground floor entrances;
- The word ‘Crown’ under the logo at the top of the podium on the southern and western elevations;

Signage

B11 Prior to the issue of the relevant Construction Certificate the Applicant shall submit amended podium signage plans for the Secretary’s approval demonstrating:

- (a) Drawing No 00915-11-SK-1719, West Elevation, sign no. 1, shall comprise the Crown logo only with the word ‘Crown’ removed;
- (b) Drawing No 00915-11-SK-1719, West Elevation, the two ground level signs to be removed;
- (c) Drawing No 00915-11-SK-1722, South Elevation, the ground level sign to be removed; and,
- (d) Drawing No 00915-11-SK-1722, South Elevation, sign no. 3, shall comprise the Crown logo only with the word ‘Crown’ removed.

The Commission acknowledges the concerns raised by the public and also by the Barangaroo Design Advisory Panel regarding the proposed signage. However, the Commission accepts the Applicant’s argument that signage is required for directional purposes and that signage is a common feature of the Sydney skyline. With the removal of brand wording on the podium level and the removal of ground floor entrance signage, the Commission is satisfied that the proposed signage scheme is appropriate.

6.4 Amenity

6.4.1 Impact on views

The Commission heard a number of concerns from the public regarding the potential for loss of views as a result of the Crown Sydney development. Concerns raised included impact on views for existing residents; impact on views across the Sydney skyline; and loss of views from the Sydney Observatory.

The Commission acknowledges that some impact on views may occur as a result of the Barangaroo development. The proposed Crown Sydney development will be contained within the approved building envelopes under the Barangaroo Concept Plan (as amended by MOD 8), with the top of the Crown Sydney tower at the maximum height permitted. However, the tower does not fill the entire building envelope and has a tapering, slender and sculptural form.

The Department undertook an assessment of the potential impact to the Observatory's operations and concluded "*that the obstruction of a number of constellation viewable from Sydney Observatory for a portion of the year is acceptable*". The Department accepted the Applicant's argument that the Sydney Observatory had shifted in its primary purpose from being a scientific centre to being one for recreation and education. The Commission supports the Department's recommended condition which requires a Lighting and Light Spill Strategy for any future application to ensure light spill is contained in the most efficient manner. In addition to supporting the control of light spill, the Commission recommends that the Applicant meets with the Sydney Observatory in a collaborative manner to discuss a future tourism agenda and how better linkages can be provided to the Sydney Observatory from Barangaroo.

The Commission has conditioned this and has provided for support arrangements for the public viewing area:

Public Access to Upper Levels

B6 Prior to the issue of the relevant Construction Certificate amended plans and an Observation Area Management Plan (OAMP) shall be:

- (a) prepared in consultation with the Sydney Observatory;
- (b) submitted for the Secretary's approval;
- (c) show the inclusion of a publicly accessible observation area at level 65 of the tower in accordance with the RtDAP report dated 16 February 2016;
- (d) demonstrate a sheltered queuing space is provided for those waiting to access the observation area;
- (e) incorporate the requirements of **Condition G16**; and,
- (f) indicate how the facility will be operated.

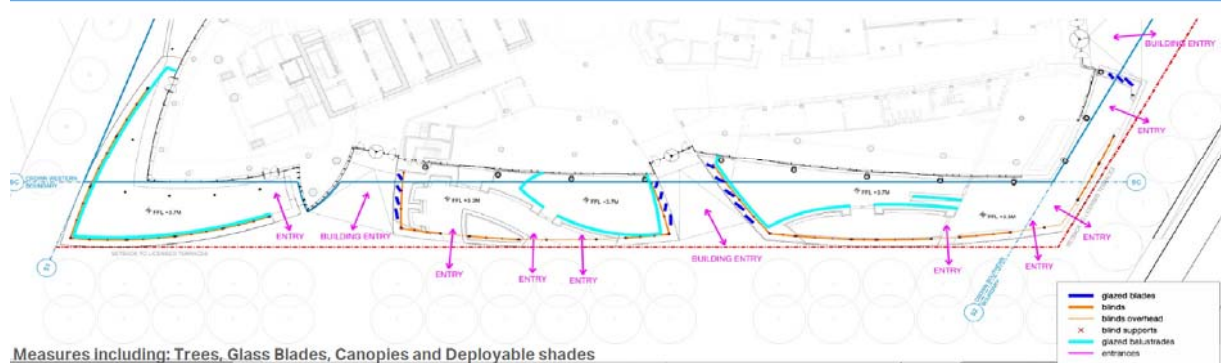
The Applicant shall submit a copy of the endorsed plans and the OAMP to the satisfaction of the Secretary with the application for the relevant Construction Certificate.

6.4.2 Wind

Concerns were raised at the public meeting that the Crown Sydney development would potentially create wind tunnels with some spots only safe to walk in for able-bodied persons. The Applicant in meeting with the Commission outlined a number of design measures they had adopted in order to combat potential wind impacts, the below **Figure 5** demonstrates these measures.

Figure 5: Wind Mitigation Measures including trees, glass blades, canopies and deployable shades

Wind Mitigation



The Department, in its assessment, evaluated the Wind Impact Assessment (WIA) prepared by the Applicant. The main issue raised within the Department's assessment related to tree planting within the Central Parklands, albeit recognising that the landscape strategy for Central Parklands is not yet known. The Department noted that the Applicant's Wind Impact Assessment highlighted that negative wind conditions can be suitably mitigated through the provision of wind planting along the waterfront promenade. The Department's report concluded that sufficient wind mitigation measures were included by the Applicant and that no public access to wind affected areas (Barangaroo Central) would occur until the area was appropriately landscaped.

The Commission is satisfied that the wind impacts created by the Crown Sydney building are able to be managed, however the Commission acknowledges that the Applicant does rely on promenade planting in its assessment and as such has required that the foreshore promenade be fully landscaped and completed prior to the occupation of the Crown Sydney building.

6.4.3 Overshadowing

The Commission acknowledges that the proposed Crown Sydney building will cause overshadowing across Hickson Park, Watermans Cove and the waterfront promenade.

The Department in their assessment of MOD 8 analysed the impact of the changes to overshadowing as a result of Block Y (Crown Sydney) and noted that additional shadow would be cast across the public open space. However, the Department concluded that *"it is inevitable that shadows will be cast to these spaces as a result of the siting of Block Y"*.

The Commission in their assessment of Modification 8 and in the advice they tendered to the Minister raised concerns about solar access and overshadowing of Hickson Park. Within that advice, the Commission recommended a reduction in the footprint of Block 5 in order to limit (among other things) the opportunity for further overshadowing of Hickson Park.

The Concept Plan has approved the proposed height and overall building envelope of the Crown Sydney development. The proposed building does not encompass the entire building envelope as it tapers at the top reducing the potential overshadowing impact.

The Commission has acknowledged that overshadowing will occur as a result of the Crown Sydney building. However, the Commission considers that, with the adoption of conditions under Modification 8 protecting solar amenity in Hickson Park, the proposed overshadowing is acceptable and is not inconsistent with other developments within Barangaroo and the wider Sydney CBD.

6.5 Traffic and parking

6.5.1 Traffic

The Commission in its recent assessment of MOD 8 addressed concerns relating to the connectivity of Hickson Park and the foreshore as a result of the relocation of the Hotel to Block Y. Concerns were also raised, including by the Barangaroo Design Advisory Panel, regarding the potential for conflict between pedestrians and the operation of the porte-cochere. The Commission made amendments in their assessment of MOD 8 to significantly widen the public access from Hickson Park to the foreshore and required the removal of Barton Street (post construction) to increase connectivity across the site. This effectively also mitigates potential pedestrian conflict with porte cochere operations.

The removal of Barton Street was supported by the Barangaroo Delivery Authority as the road is only intended to be used for the construction of Barangaroo South. The Commission is satisfied that the porte-cochere operations will not be impacted by the removal of Barton Street. However, to ensure that changes made at the Concept Plan stage, including both the Barton Street removal and creation of a shared zone on Barangaroo Avenue are fully assessed, the Commission has amended the following condition as recommended by the Department.

Porte-Cochere Road Safety Audit

- B13 Prior to the issue of the relevant Construction Certificate for the porte-cochere, a pre-construction porte-cochere Road Safety Audit shall be submitted to the PCA and Secretary demonstrating that the porte-cochere can be used/operated safely and without unacceptable impacts on vehicle and pedestrian safety, having regard to the Barangaroo Avenue shared zone to be installed to the north of the porte-cochere.

With the adoption of the safety audit of the porte-cochere the Commission is satisfied that the amendments made to the Concept Plan will be adequately assessed prior to construction and any unforeseen adverse safety conditions for both vehicular and pedestrian traffic will be averted.

6.5.2 Coach access

The Commission is aware that coaches may require access to the Barangaroo precinct. The Commission is concerned that coaches accessing Barangaroo may use Barangaroo Avenue as a place to park, which could result in blocking view lines between Hickson Park and the foreshore promenade. These visual links are important to ensuring that Hickson Park is an integrated area of public domain within the Barangaroo precinct. As such the Commission adopted a condition within the MOD 8 determination to ensure coach layby areas are not provided on Barangaroo Avenue.

6.5.3 Car parking

The Commission heard concerns regarding the level of car parking proposed with some considering that too much car parking was proposed whilst others felt that not enough was being provided.

The Applicant proposes 500 non-residential (hotel component) and 110 residential car parking spaces. The Concept Plan provides for a maximum of 150 car parking spaces for the non-residential element of the proposal and 110 for the residential component. The Applicant indicated that based on anticipated operational traffic generation the peak non-residential car parking demand is estimated as 800 spaces on Friday and Saturday evenings.

Transport for NSW provided comments to the Department that more work needed to be undertaken to address the identified shortfall of 300 car parks for the Hotel complex. As part of the Department's assessment the Applicant undertook further studies of adjoining car parks that could be used to

accommodate overflow parking. The Applicant also advised the Commission that initial discussions have commenced with office buildings within the Barangaroo development to cater for any short falls, as demand for parking would be at night when office workers are not requiring parking. The Commission is satisfied that alternate parking provisions are available and, given the night time peak of the Crown Sydney development, could be accommodated in an office dominant environment.

Local MP Alex Greenwich commented that *"500 spaces is unnecessary given there are many public transport options"*. The Commission does note that public transport options in the Barangaroo area are plentiful, especially with the inclusion of the proposed Barangaroo metro station into the equation. However, the Commission also notes the Applicant's suggestion that patrons of the hotel and casino will be predominately car based, given the nature of the facilities, and that car parking will be expected for patrons of a 6 star development.

The Commission is satisfied that the proposed car parking levels for the Crown Sydney development are appropriate and that solutions are available to address potential overflow parking scenarios.

6.6 Other Issues

6.6.1 Site remediation

The Commission notes that the site is contaminated with pollutants as a result of the previous wider use of this proportion of Barangaroo as a gasworks and port. The Department noted that *"the land would be remediated in accordance with the requirements of SEPP 55 to ensure the land is made suitable for its intended future use as a hotel resort"*.

The Commission is aware that the Department of Primary Industries advised on 10 May 2016 that as a result of further consultation with both the Department and Lend Lease, DPI Water has agreed they will no longer require the Groundwater Post-Cutoff Monitoring and Management Plan and will not require monitoring or licensing of any on-going seepage into the Crown (Stage 1C) basement area. The Commission accepts the advice of the Department and DPI water that the condition requiring groundwater monitoring is no longer required. Consequently, the condition has been removed from the consent.

6.6.2 Fire and Rescue NSW

Fire & Rescue NSW (FRNSW) raised concerns with the Commission that its comments had not been considered within the Department's assessment. Their main concern was in regards to the Building Code of Australia (BCA) not keeping up with the evolving heights of development.

The Commission requested the Department provide advice on the FRNSW concerns. The Department advised that the FRNSW comments were forwarded to the Applicant who provided a detailed Fire Safety strategy to the Department.

The Commission notes that the concern raised by FRNSW is a wider policy issue and needs to be resolved by the Australian Building Codes Board. Nonetheless, fire control and Fire and Rescue NSW's capacity to respond to a fire in the building are of concern. Consequently, the Commission has adopted the following condition to ensure that the issues raised by FRNSW are resolved through the development of fire and safety plans for the building. The Commission raised the wider policy issue with the Department and the Department supports the approach proposed within the condition.

Fire and Emergency Egress

- B8 Prior to the issue of the relevant Construction Certificate, details of the Fire and Safety Plan and egress shall be prepared in consultation with Fire and Rescue NSW, having regard to the issues raised in its submission dated 24 August 2015, demonstrating

resolution of the concerns raised by Fire and Rescue NSW, to the satisfaction of the PCA.

6.6.3 Operating hours

The Commission noted that the hours of operation included an 11 am opening time for retail activities and was concerned that this could be overly restrictive on future retail premises within the building. The Commission understands that the 11 am opening time was imposed as it reflects the Applicant's current proposed operating hours for the retail space, rather than to address any issue or concern about the operations of the space. Consequently, to provide greater flexibility and consistency with the operating hours for other uses in the building, the Commission has amended the condition to allow retail uses to operate between 7am – 10pm, 7 days a week.

7 COMMISSION'S DETERMINATION

The Commission has carefully considered all the information available to it, including all the relevant considerations under Section 79C of the *Environmental Planning and Assessment Act 1979*. This has included the Secretary's Assessment Report, written submissions, presentations to the Commission as heard at the public meeting, information provided at and subsequent to meetings with the Applicant, the Department, Barangaroo Delivery Authority and both City of Sydney and Leichhardt Councils.

During the consideration of the Crown Sydney application a number of important changes have been implemented to the overall Barangaroo precinct, including its overarching policies and the Concept Plan for the site. Amendments made by the Government, based on a number of recommendations by the Commission in the context of the SEPP, have mitigated potential impacts of the Crown Sydney application. In particular, the increase in width of the foreshore promenade and of Hickson Park and its enhanced connectivity for public access to the foreshore have improved the setting for the building (including perceptions of bulk and scale of the podium and privatisation of the licensed terraces), resolved various concerns about vehicle and pedestrian conflict, and improved the amenity of surrounding public open space. The Crown Sydney Application and subsequent conditions are consistent with the recently approved MOD 8 and amended SEPP plans.

The design quality of Crown Sydney and its potential to achieve 'iconic' status has been deliberated in the determination of this application. The Commission declines to wade into debate as to the iconic status of the proposed building. Nonetheless, the Commission acknowledges the design excellence aspiration and commitment by the Applicant and their design team and has had regard to their responses to the recommendations of the Barangaroo Design Advisory Panel. The Commission is satisfied that the changes made to the design by the architect included in the application; improved physical setting; and appropriate attention to materials and finishes now required in the conditions, will support realisation of that goal.

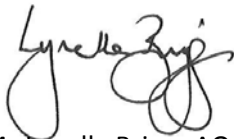
The Commission heard a variety of opinions regarding the suitability of branding proposed for the Crown Sydney building. The Commission notes that the proposed building will be a dominant form in the Sydney skyline and that any associated signage must be appropriate and of a high quality. The Commission has acknowledged that some signage is required for directional purposes and that branding is part of the existing character of the Sydney CBD and harbour skyline. Consequently, the Commission has approved a reduced but fair suite of signage at ground level and has limited visual clutter.

The privatisation of public space and development of the foreshore promenade has been at the centre of public concern. The Commission has worked with the Department to develop conditions that provide greater integration of private and public space between the promenade and licensed terraces. The recent SEPP amendments establish a 30 metre unencumbered public foreshore promenade


conditioned in this determination to substantially improve public space amenity, access and circulation around the building.

The Commission is satisfied that in concert with the substantial enhancement of the public realm made in the approved MOD 8, the amended conditions for this application will deliver a variety and quality of open spaces befitting of the site and its location, while also achieving the Government's stated goal to support a high end tourist and gaming facility on the site in a building of design excellence.

The Commission has therefore decided to grant development consent, subject to the conditions outlined within the report.



Ms Lynelle Briggs AO
Commission Member (Chair)



Ms Annabelle Pegrum AM
Commission Member



Mr John Hann
Commission Member