



Crown Sydney Hotel Resort Modification

*State Significant
Development
Modification Assessment
(SSD 6957 MOD 1)*



October 2019

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Glossary

Abbreviation	Definition
AHD	Australian Height Datum
Applicant	Crown Resorts Limited
BCA	Building Code of Australia
CIV	Capital Investment Value
Consent	Development Consent
Council	City of Sydney
CSHR	Crown Sydney Hotel Resort
DCP	Development Control Plan
Department	Department of Planning, Industry and Environment
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPI	Environmental Planning Instrument
FRNSW	Fire and Rescue NSW
GFA	Gross floor area
GSC	Greater Sydney Commission
LGA	Local Government Area
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces
RtS	Response to Submissions
RRtS	Revised Response to Submissions
SEARs	Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
SEPP 55	State Environmental Planning Policy No.55 – Remediation of Land
SLEP 2012	Sydney Local Environmental Plan 2012
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SREP SHC	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
SSD	State Significant Development
TfNSW	Transport for NSW
TfNSW (RMS)	Transport for NSW (Roads and Maritime Services)



Executive Summary

This report provides an assessment of an application to modify the State significant development consent (SSD) for a mixed-use development known as the Crown Sydney Hotel Resort (CSHR).

The application has been lodged by Ethos Urban on behalf of Crown Resorts Limited (the Applicant) pursuant to section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The modification application seeks various alterations to the approved project, including internal and external changes to the design and layout of the building, redistribution of tourism, retail and residential GFA, increase in residential apartments from 66 to 87, increase in car parking from 610 to 641 spaces, and minor changes to the porte-cochere, outdoor seating areas and landscaping. The application does not seek to increase the maximum height of the building (RL 275 m) or the maximum approved GFA (77,500 sqm).

Engagement

The application was publicly exhibited between Thursday 16 June and Wednesday 26 June 2019. The Department of Planning, Industry and Environment (the Department) received a total of 11 submissions, comprising a submission of objection from Council, eight submissions from Government Agencies and two submissions from the general public, one of which objected.

Council's key concerns included increased car parking rates, introduction of glass blades to the north-western ground floor terrace and residential amenity. Key concerns raised in public submissions included impacts associated with the increase in number of residential apartments and an increase in construction noise and vibration.

On 24 July 2019, the Applicant provided a Response to Submissions (RtS) which included supplementary information responding to the issues raised in the submissions. The RtS was made publicly available on the Department's website and referred to Council.

In response to the RtS, Council advised that it maintained its objection and raised additional concerns in relation to car parking, location of non-residential bicycle parking and end-of-trip facilities and residential amenity.

In response to Council's submission, the Applicant submitted a Revised Response to Submissions (RRtS) on 4 September 2019, providing supplementary information addressing Council's concerns. The RRtS was made publicly available on the Department's website and no further submissions were received.

Assessment

The Department considers the provision of the glass blades to the north-western ground floor terrace acceptable as clear and unobstructed sight lines between the terrace area and the public domain will be maintained and will ensure the preservation of access from the promenade to the terrace areas.

The proposed modifications to the internal arrangements of the residential apartments which would facilitate an additional 21 apartments is supported because despite the departures from the Apartment Design Guideline in relation to balcony sizes, depth of apartments, and habitable room windows, a high level of overall residential amenity will be provided to all apartments.

The Department considers that the increase in parking is acceptable, as the overall parking provisions remain consistent with the approved Barangaroo Concept Plan and would not result in detrimental traffic impacts.

All other issues associated with the proposal have been assessed, and appropriate conditions recommended, where necessary, to ensure the impacts of the development are appropriately mitigated and/or managed and community concerns are addressed.

Conclusion

The Department is satisfied the development, as proposed to be modified, is substantially the same development as that originally approved and concludes the modification application is in the public interest and should be approved, subject to conditions.



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1. Introduction

This report provides an assessment of an application to modify the State significant development consent (SSD) for a mixed-use development known as the Crown Sydney Hotel Resort (CSHR).

The application has been lodged by Ethos Urban on behalf of Crown Resorts Limited (the Applicant) pursuant to section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The modification application seeks various alterations and amendments to the approved project.

1.1 Background

The modification application relates to the CSHR, identified as Lot 214 in DP 1221076 at Barangaroo South in the City of Sydney local government area (LGA). Barangaroo is located on the north-western edge of the Sydney central business district (**Figure 1**). CSHR is located in the north-western portion of Barangaroo South and adjoins Barangaroo Avenue to the west and forms part of Stage 1C (**Figure 2**).



Figure 1 | The Barangaroo site (outlined in red) and Barangaroo South (shaded in yellow) (Base source: Google)

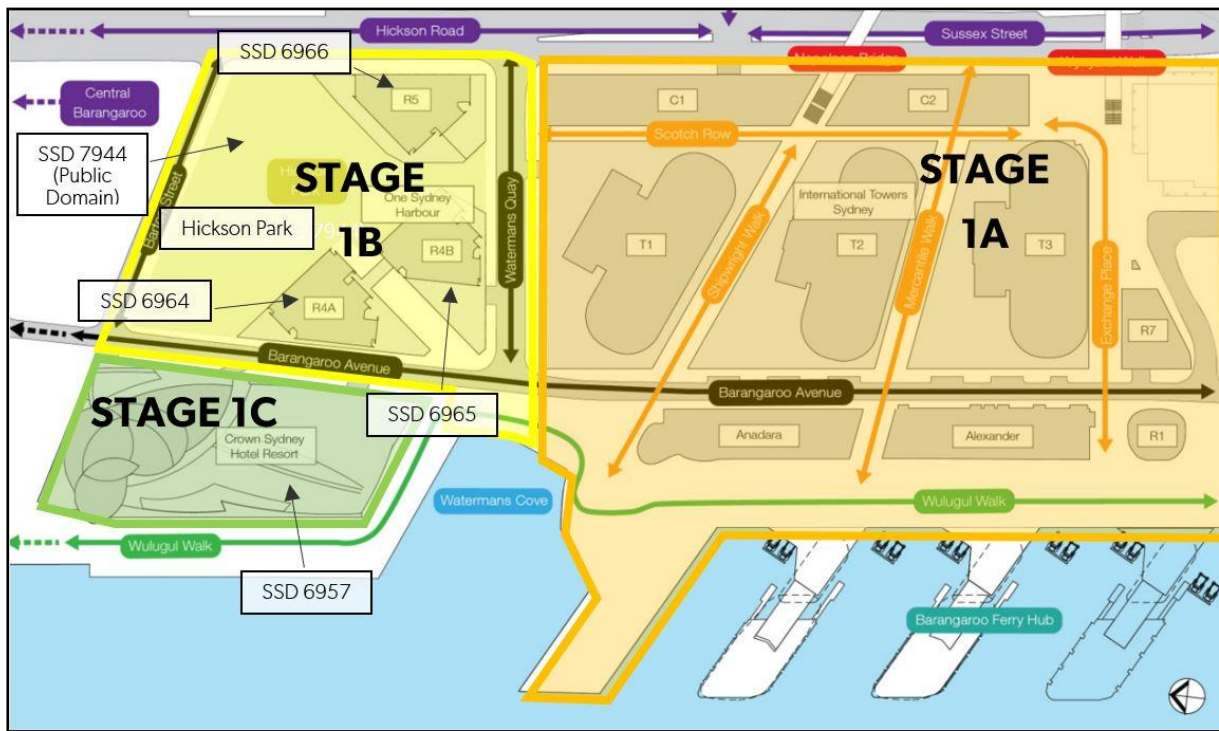


Figure 2 | Barangaroo South buildings and construction stages – CSHR part of Stage 1C (highlighted green)
(Base source: Applicant's EIS)

The CSHR is currently under construction. A number of other key approvals have been issued for development at Barangaroo South, Headland Park and Barangaroo Central (**Figure 3**), including:

- residential Buildings R4A and R4B (approved)
- stage 1B basement car park (under construction)
- stage 1B permanent public domain works (under construction)
- blocks 4 and 5 and Hickson Road remediation works (under construction)
- Barangaroo ferry hub (complete)
- commercial Buildings C1, C2, C3, C4 and C5 (complete)
- residential buildings R8 and R9 (complete)
- stage 1A basement car park (complete)
- stage 1A permanent public domain works (complete)
- retail Buildings R1 and R7 (complete)
- Barangaroo Reserve (former Headland Park – complete)
- Barangaroo Central foreshore promenade (complete).

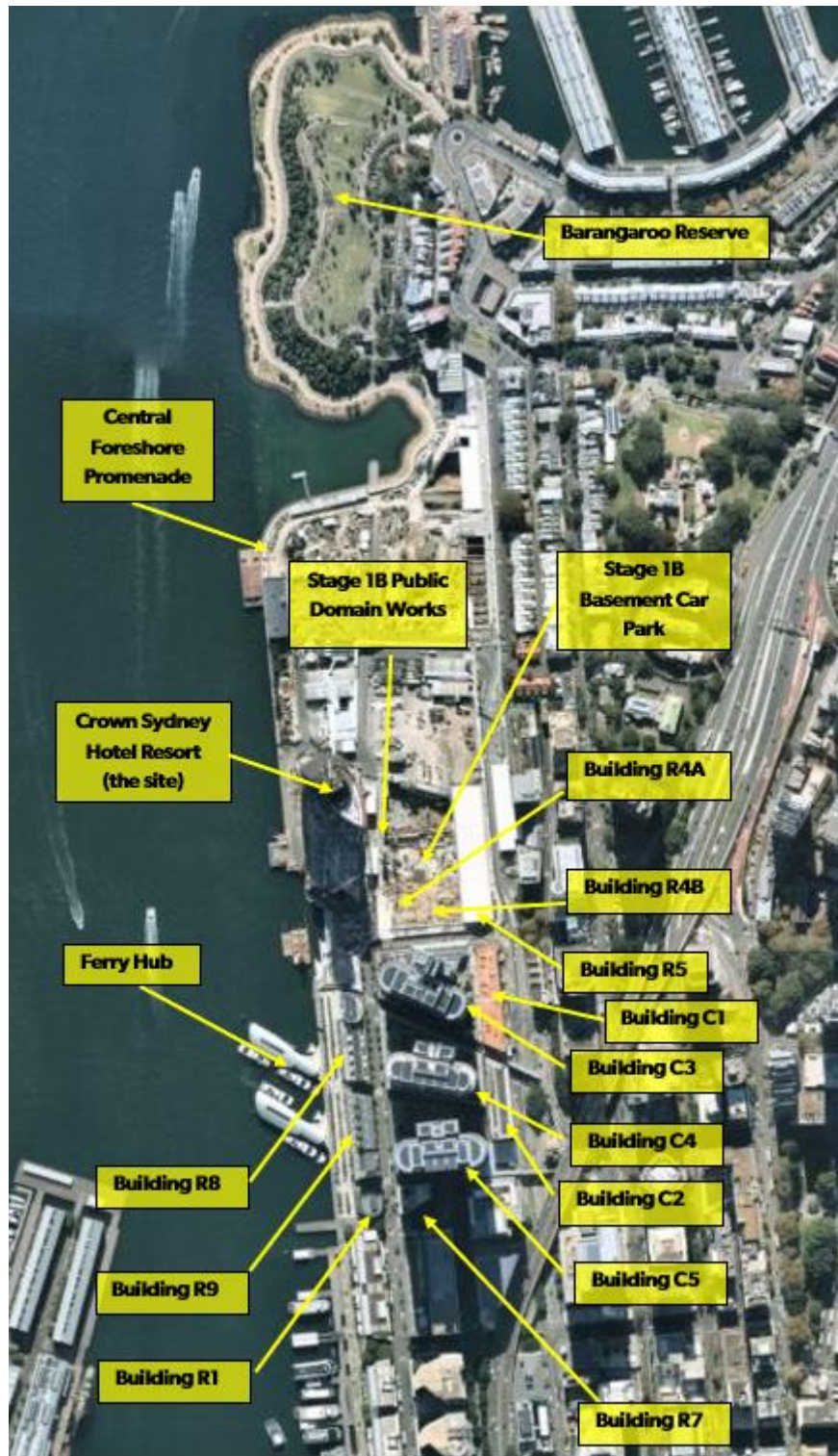


Figure 3 | Barangaroo construction and completed projects plan (Base source: Nearmap)

1.2 Approval History

1.2.1 SSD 6957

On 28 June 2016, the Planning Assessment Commission approved a SSD application (SSD 6957) for the construction of a mixed-use building, known as CSHR (the SSD Approval), including:

- site remediation, earthworks, excavation, structural and site preparation works
- construction and fit-out of a 71-storey tower including podium

- construction of three basement levels
- a total GFA of 77,500m², comprising:
 - 66 residential apartments
 - hotel use (350 hotel keys/rooms) and ancillary guest and visitor facilities
 - 6,085m² restricted gaming facility GFA
 - 6,700m² retail GFA
- 610 on-site car parking spaces and 188 bicycle parking spaces
- public domain works and landscaping
- business and building identification signage and signage zones

The SSD Approval has not been previously modified.

1.2.1 Approved Barangaroo Concept Plan

On 9 February 2007, the then Minister for Planning approved the Barangaroo Concept Plan (Concept Plan) (MP 06_0162) for the renewal of the Barangaroo site for a mix of uses, including residential, retail, commercial and public recreation.

The Concept Plan establishes nine development blocks, gross floor area (GFA), building height and public open space/public domain areas. The Concept Plan also includes the Built Form Principles and Urban Design Controls to guide development.

The modifications relate to the CSHR, and is located within Barangaroo South, which has been divided into construction Stages 1A, 1B and 1C (**Figure 2**).

Stage 1A relates to a mixture of commercial, residential and retail buildings. All of these developments have been constructed and are occupied.

Stage 1C relates to the CSHR, which is also currently under construction.

A detailed planning history of the Concept Plan and its modifications is provided at **Appendix E**. In summary, eight modifications have been approved since the Concept Plan was originally approved.



2. Proposed Modification

On 29 May 2019, the Applicant lodged a modification application (SSD 6957 MOD 1) seeking approval, under section 4.55(2) of the EP&A Act, for the following:

- reconfiguration of the internal layout of the hotel, retail and tourism uses resulting in
 - an increase in tourism GFA and a minor increase to retail GFA;
 - a reconfiguration of internal apartment layouts, resulting in an increase to residential GFA and in the number of residential apartments from 66 to 87;
 - a reconfiguration of the basement car park resulting in a reduction of 37 valet car parking spaces, an increase of 21 self-park car parking spaces, an increase of 47 residential car parking spaces and 19 additional residential bicycle parking spaces;
- minor design modifications to the ground level including the porte-cochère, outdoor dining areas and ground level landscaping
- minor external changes
- reconfiguration to the terrace layouts on Levels 3, 4 and 24
- addition of a public viewing observation deck on Level 66.

An overview of the proposed modifications is provided in **Table 1** below, with a more detailed summary provided in **Table 2**.

Table 1 | Overview of Proposed Modifications

Original Consent	Proposed Modification	Variation
Construction and fit-out of a 71-storey (RL 275 metres) building	No change	None
Construction of three basement levels	No change	None
A total approved GFA of 77,500m ²	No change	None
Tourism GFA of 47,672 m ²	Tourism GFA of 48,271 m ²	+ 599 m ²
Retail GFA of 6,698 m ²	Retail GFA of 6,670 m ²	+ 2 m ²
Residential GFA of 20,675 m ²	Residential GFA of 22,487 m ²	+1,812 m ²
Restricted gaming GFA 6,085 m ²	No change	None
Contingency GFA of 2,455 m ²	Contingency GFA of 42 m ²	- 2,413 m ²
66 residential apartments	87 residential apartments	+21 residential apartments
350 hotel keys/rooms	349 hotel keys/rooms	-1 hotel key/room
610 on-site car parking spaces, comprising: <ul style="list-style-type: none"> - 250 valet spaces - 250 self-parking spaces - 110 residential spaces 	641 on-site car parking spaces, comprising: <ul style="list-style-type: none"> - 271 valet spaces - 213 self-parking spaces - 157 residential spaces 	+31 car parking spaces, comprising: <ul style="list-style-type: none"> - increase of 21 valet spaces - reduction of 37 self-parking spaces

- increase of 47 residential spaces

188 bicycle spaces, comprising:	207 bicycle spaces, comprising:	
- 83 non-residential spaces	- no changes proposed to non-residential spaces	+19 residential bicycle parking spaces.
- 68 residential spaces	- 87 residential spaces	
- 37 visitor (public) spaces	- no changes proposed to visitor (public) spaces	
35 motor cycle parking spaces	No changes proposed	None
Public domain works and landscaping	Modified porte-cochere, outdoor seating areas and landscaping	New glass blades in north-western corner of outdoor seating area
Business and building identification signage and signage zones	No changes proposed	None



3. Strategic Context

3.1 Greater Sydney Region Plan

The 'Greater Sydney Regional Plan – A Metropolis of Three Cities' sets out the NSW Government's 40-year vision and establishes a 20-year plan to manage growth and change for Greater Sydney and includes 10 directions. The Plan's key directions are to provide:

- a city supported by infrastructure – infrastructure supporting new developments
- a collaborative city – working together to grow a Greater Sydney
- a city for people – celebrating diversity and putting people at the heart of planning
- housing the city – giving people housing choices
- a city of great places – designing places for people
- a well-connected city – developing a more accessible and walkable city
- jobs and skills for the city – creating conditions for a stronger economy
- a city in its landscape – valuing green spaces and landscape
- an efficient city – using resources wisely
- a resilient city – adapting to a changing world.

The City of Sydney LGA is located within the Eastern City. The proposed development supports the directions and objectives of the Plan, in particular by facilitating the safe, efficient and orderly development of the Barangaroo South area.

3.2 Eastern City District Plan

The Greater Sydney Commission's (GSC) role is to coordinate and align planning to shape the future of Metropolitan Sydney. The GSC has prepared District Plans to inform local council and planning and influence the decisions of State agencies. The aim of the District Plans is to connect local planning with the longer-term metropolitan planning for Greater Sydney.

The Eastern City District Plan covers the City of Sydney LGA. The modification application is consistent with the Eastern City District Plan by helping to grow a stronger and more competitive central business district (Planning Priority E7).



4. Statutory Context

4.1 Scope of Modifications

A consent authority may modify the consent if it is satisfied the proposed modification application meets the requirements of section 4.55(2) of the EP&A Act. An assessment of the proposed modification application against the requirements of section 4.55(2) of the EP&A Act is included in **Table 3**.

Table 3 | Consideration of section 4.55(2) of the EP&A Act

Section 4.55(2)	Assessment
The development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified.	<p>The development, as proposed to be modified, is substantially the same development as that originally approved in that:</p> <ul style="list-style-type: none">• the land use mix remains consistent with that of the approved development• the proposed modifications to the approval will not alter the building form or function• the modifications to the internal layouts are minor in context of the scale of the approved building• the overall GFA remains within the maximum 77,500 m² GFA approved• the anticipated environmental impacts arising from the proposed modifications are consistent with those of the approved development.
That consultation has occurred with the relevant Minister, public authority or approval body and an objection has not been received.	The Department has consulted the relevant government agencies, previous submitters and the Council in relation to the modification application (refer to Section 5 of this report).
The application has been notified in accordance with the regulations.	The modification application has been notified in accordance with the EP&A Regulation (refer to Section 5 of this report).
Consideration of any submissions made concerning the proposed modification within the period prescribed by the regulations.	The Department has considered the submissions received during the exhibition period (refer to Sections 5 and 6 of this report).
Consideration of section 4.15(1) of the EP&A Act as are of relevance to the development application and the reasons given by the consent authority for the grant of the consent that is sought to be modified.	The Department has assessed the relevant matters for consideration under section 4.15 of the EP&A Act (refer to Section 6 of this report).

The Department is satisfied the proposed modification is within the scope of section 4.55(2) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(2) of the EP&A Act rather than requiring a new development application to be lodged.

4.2 Consent Authority

The Minister for Planning and Public Spaces is the consent authority for the application under section 4.5(a) of the EP&A Act.

However, under Schedule 2 (Barangaroo Site Delegations) of the Minister's delegation dated 11 October 2017, the Group Deputy Secretary, Planning and Assessment, may determine the application as:

- a political donation has not been made
- there are less than 25 public submissions in the nature of objections
- the delegate has formed the opinion that the development consent if modified would be generally consistent with the approved Barangaroo Concept Plan current at the time of determination
- the delegate has formed the opinion that any submission made about the application by Council has been considered in the assessment of the application.

4.3 Mandatory Matters for Consideration

The following are relevant mandatory matters for consideration:

- section 4.55(2) of the EP&A Act including relevant environmental planning instruments
- likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality, the suitability of the site for the development, any submissions made in accordance with the Act and Regulation and the public interest
- mandatory matters in the EP&A Regulation.

The Department has considered all of these matters in its assessment of the project, as well as the Applicant's consideration of environmental planning instruments in its EIS as summarised in **Section 6** and **Appendix B** of this report. The Department has also given consideration to the relevant provisions of the environmental planning instruments in **Appendix B**.



5. Engagement

5.1 Department's Engagement

In accordance with clause 10 of Schedule 1 to the EP&A Act and clause 118 of the EP&A Regulation, the Department exhibited the application from 13 June 2019 to 26 June 2019:

- on the Department's website
- at the offices of the Department
- at City of Sydney Council offices.

The modification application was advertised in the Sydney Morning Herald and The Daily Telegraph. Previous submitters including Government Agencies and the public were notified of the modification application and invited to make a submission.

5.2 Summary of Submissions

The Department received 11 submissions, comprising a submission of objection from Council, eight submissions from Government agencies and two submissions from the public, of which one objected. A summary of the submissions is provided at **Table 4** and a summary of the issues raised in the submissions is provided at **Table 5** and **Section 5.4** below.

Table 4 | Summary of submissions

Submitters	Number	Position
Government Agencies	8	
• Ausgrid		Comment
• DPIE – Lands, Water and Department of Primary Industries		Comment
• Fire and Rescue NSW		Comment
• NSW Environment Protection Authority		Comment
• Heritage Division of the Department of Premier and Cabinet		Comment
• Sydney Water		Comment
• Transport for NSW		Comment
• Transport for NSW (Roads and Maritime Services)		Comment
City of Sydney Council	1	Object
Public	2	
	1	Object
	1	Comment
TOTAL	11	

5.3 Key Issues – Government Agencies

Eight government agency submissions were received in response to the exhibition of the application, all of which provided comments. The key issues raised in the submissions are summarised in **Table 5**.

Table 5 | Government Agency Submissions

Ausgrid

Ausgrid advised it had no comments on the application.

DPIE – Lands, Water and Department of Primary Industries

DPIE – Lands, Water and Department of Primary Industries reviewed the application and raised no issues.

Fire and Rescue NSW

FFRNSW advised that the proposed changes have the potential to impact on current fire engineering analysis and assumptions made in the Fire Engineering Report, which was submitted to address the requirements of fire and emergency egress under Condition B8. FFRNSW believe that the proposed modifications will need to be appropriately addressed through a revised Fire Engineering Report.

Environment Protection Authority

The site is regulated by the EPA under Environment Protection Licence 13336. The EPA utilises the Licence to regulate activities at Barangaroo associated with contaminated groundwater treatment and contaminated land remediation. The EPA advised that the proposed modifications will not impact on remediation or groundwater treatment works, and amendments to the Licence would be required.

Heritage Division of the Department of Premier and Cabinet

Heritage Division noted that the proposed changes are predominately internal with minor changes to the ground floor and several upper floors of the external façade. As a consequence there is no change to the adverse heritage impact of the buildings (size, scale, bulk and visual intrusion) and the impact on significant views into and out of Millers Point.

Sydney Water

Sydney Water advised it had no comments on the application

Transport for NSW

TfNSW requested that the Construction Pedestrian and Traffic Management (CPTMP) Sub-Plan required under Condition B24 is updated to reflect the proposed changes.

Transport for NSW (Roads and Maritime Services)

TfNSW (RMS) requested the following condition be imposed regarding the submission of a CPTMP:

- A CPTMP should be submitted in consultation with TfNSW Sydney Coordination Office, RMS and City of Sydney Council, prior to the issue of a Construction Certificate. The CPTMP needs to include, but not be limited to, the following: construction vehicle routes, number of trucks, hours of operation,

access arrangements and traffic control, taking into consideration the cumulative traffic impacts of other developments in the area.

5.4 Key Issues – Council/Community

5.4.1 Council Key Issues

Council objected to the proposed modifications, particularly in regard to the public domain and building interface fronting the waterfront promenade, wind mitigation impacts at the ground level, transport and traffic impacts and potential social impacts. Council's key issues relate to:

- the proposed increased parking rates which are considered excessive in comparison to the requirements under the SLEP 2012. The excessive parking will encourage car use within the vicinity and lead to increased conflicts between pedestrians, cyclists and vehicles and reduce the amenity for people using the precinct.
- the introduction of glass blade screens to the northern ground floor terrace, which will enclose the outdoor space with little improvement to the outdoor pedestrian comfort within the public domain
- the re-naming of 'VIP Gaming' areas to 'Mass Gaming' areas, and whether the Applicant seeks to make the restricted gaming areas available for use to general public
- the absence of GFA dedicated to affordable and key worker housing
- the amendments to the residential component, which fails to achieve compliance with SEPP 65 in terms of providing adequate private open space, and whether living areas and balconies receive adequate solar access.

5.4.2 Community Issues

Two public submissions were received in response to the exhibition. One submission did not provide comments directly related to the proposed modifications but objected to the overall development of the CSHR, and one submission provided comments for consideration in the assessment of the modification application. Key issues raised in the submissions relate to:

- an increase in the number of residential apartments rather than hotel keys/rooms
- potential impact of construction noise on residents within the vicinity of the development.

5.5 Response to Submissions

Following the exhibition of the application, the Department placed copies of all submissions received on its website and requested the Applicant provide a response to the issues raised in the submissions.

On 24 July 2019, the Applicant provided a Response to Submissions (RtS) (**Appendix A**), which included supplementary information responding to the issues raised in the submissions. The RtS was supported by a:

- Fire Engineering Statement, confirming that the proposed modifications do not warrant an amended Fire Engineering Report
- Traffic and Pedestrian Management Plan letter, confirming that the proposed modifications do not require amendments to the approved CPTMP
- revised architectural plans, which replace the reference to 'Mass Gaming' with 'VIP Gaming'
- solar access study, confirming that 73% of apartments receive a minimum of 2 hours of solar access
- architectural render of the glass blade screens to the northern terrace of the ground floor

The RtS was made publicly available on the Department's website and referred to Council, who objected to the proposed modifications during the exhibition of the EIS. Council maintained its objection, and no other public submissions were received.

A summary of the issues raised by Council to the RtS is provided in **Section 5.5.1** below.

5.5.1 Council Key Issues

Council noted that some amendments and clarification was provided in reference to mass gaming and the provision of glass blades. However, Council maintained its objection on the basis it did not agree on the Applicant's justification in regard to the number of parking spaces and residential amenity. The following additional comments were provided:

- the number of car parking spaces proposed is excessive and should be restricted to rates within SLEP 2012
- the non-compliance with the ADG such as communal open space, and private open space and balconies is not supported
- location of residential bicycle parking is unclear
- bicycle parking and end of journey facilities shall be combined and not separated by basement ramps
- further information is required identifying the location of residential bicycle parking
- recommended conditions to be imposed regarding the glass blades to the northern terrace, including prescribing a maximum height of 1.8m, blades to remain in a staggered formation and to remain 100% transparent at all times.

5.6 Applicant's Revised Response to Submissions

Following exhibition of the RtS, the Department placed copies of all submissions received on its website and requested the Applicant provide a response to the issues raised by Council.

On 4 September 2019, the Applicant provided a Revised Response to Submissions (RRtS) (**Appendix A**), which included supplementary information responding to the issues raised by Council in their submission.

The RRtS was made publicly available on the Department's website and no further submissions were received.



6. Assessment

6.1 Section 4.55(2) Matters for Consideration

Under section 4.55(3) of the EP&A Act, the consent authority, must consider the matters referred to in section 4.15(1) of relevance to the development. **Table 6** identifies the matters for consideration under section 4.15 of the EP&A Act that apply to the proposed modification.

Table 6 | Consideration of section 4.15(1) of the EP&A Act

Section 4.15(1) Matters for consideration	Assessment
(a)(i) any environmental planning instrument	The modified proposal remains compliant with the relevant legislation as addressed in Section 4.3 and Appendix B of this report.
(a)(ii) any proposed instrument	Not applicable.
(a)(iii) any development control plan	Under clause of the SRD SEPP, Development Control Plans do not apply to SSD.
(a)(iia) any planning agreement	Not applicable.
(a)(iv) the regulations	The application meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications (Part 6), the requirements for notification (Part 6, Division 6) and fees (Part 15, Division 1AA).
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	The Department considers the likely impacts of the development are acceptable and have been appropriately addressed (refer to Section 6 of this report).
(c) the suitability of the site for the development	The site is suitable for the development as addressed in Section 4 and Section 6 of this report.
(d) any submissions	The Department has considered the submissions received (refer to Sections 5 and 6 of this report).
(e) the public interest	The Department considers the modified proposal to be in the public interest.

The Department has considered the Applicant's modification application and the issues raised in submissions and the RtS in its assessment of the modification request. The Department considers the key issues associated with the proposal to be the addition of glass blades to the north-western ground floor terrace, the partial enclosure of the restaurant terrace on level 3 and the spa terrace on level 4, the addition of an observation deck on level 66, residential amenity and car parking and traffic impacts,.

6.2 Glass Blades

The modification seeks to include glass blades to the north-western ground floor terrace (**Figure 4** and **5**).



Figure 4 | Approved (left) and proposed glass blades to the north-western ground floor terrace (right) (Base source: EIS)



Figure 5 | Architectural render of proposed glass blades (Base source: RtS)

The glass blades are in response to higher than expected wind conditions in the precinct. The EIS included a Pedestrian Wind Study report which recommended the provision of glass blades angled north-west-to-south-east, including interspersed evergreen shrubbery between the blades to eliminate unsafe wind speeds at the northwest ground floor terrace and reduce wind speeds to improve comfort for users of the outdoor dining area.

Council raised concerns that the glass blades will enclose the outdoor space with little improvement to the outdoor pedestrian comfort within the public domain and the overall height of the glass blades. The Applicant confirmed that the glass blades measure 1.8 m in height from the finished floor level of the terrace area, will be installed at an angle to the terrace and in a staggered formation with landscaping in-between.

The Department accepts the design and positioning of the glass blades would provide clear and unobstructed sight lines between the terrace area and the public domain and would also ensure the preservation of access from

the promenade to the terrace area. The Department also notes the glass blades are considered a superior solution for wind mitigation purposes when compared to other solutions such as the installation of deployable blinds.

6.3 Partial Enclosure of Spa and Restaurant Terrace

The modification seeks to partially enclose the north-western terrace associated with the restaurant on Level 3 (**Figure 6**). This involves the relocation of the exterior glass wall of the restaurant to enclose a greater portion of the exterior terrace which results in a proposed change from outdoor to indoor use.

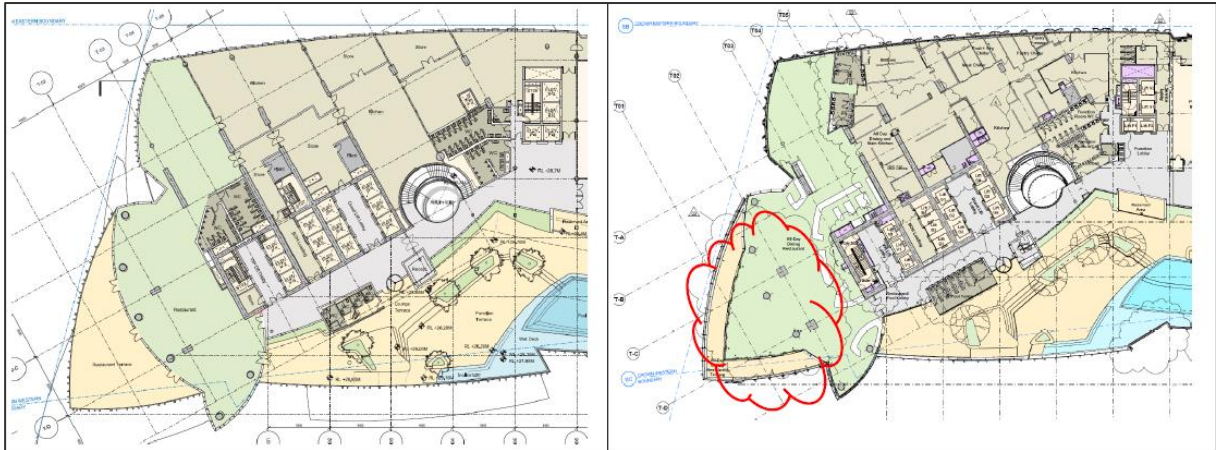


Figure 6 | Level 3 Restaurant Terrace - approved (left) and proposed (right) (Base source: EIS)

The modification also seeks to partially enclose the north-western terrace on Level 4 (**Figure 7**) which will allow for the creation of some additional areas and rooms to be used for the relaxation spa.



Figure 7 | Level 4 Space Terrace - approved (left) and proposed (right) (Base source: EIS)

The new enclosed areas will not result in any substantive adjustments to the building design or shape as approved under the SSD Approval as the exterior glass over sail and stone veil, which is the primary building façade in this location remains unchanged. As such, the Department considers that the proposed modification to the terrace areas will result in substantially the same development as that originally approved and would not give rise to visual or amenity impacts.

6.4 Addition of an Observation Deck

The modification seeks the inclusion of an observation deck on the eastern side of Level 66 (**Figure 8**). The observation deck will be publicly accessible and allow for views over the Sydney Harbour.

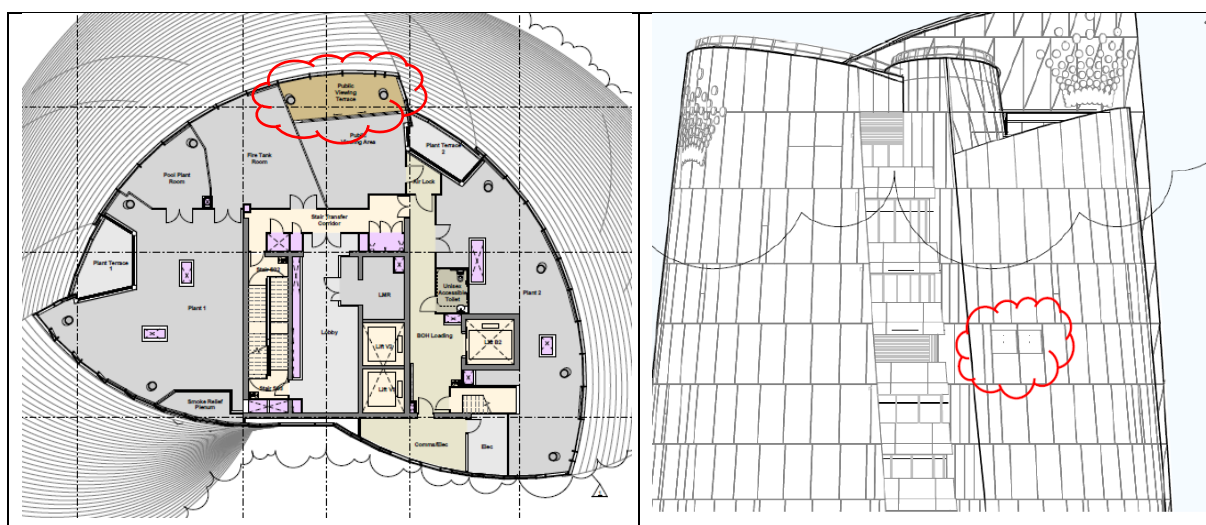


Figure 8 | Proposed public viewing deck on Level 66 (left) and proposed change to the eastern elevation (right)
(Base source: EIS)

The Department considers the modification acceptable as it will remain largely unnoticed when viewed from the public domain, due to its location within the building on Level 66 which is approximately 250m above ground level. The amendment also responds to Condition B6 of Development Consent SSD 6957, which requires the provision of a public accessible observation deck within the building.

The Department notes the observation deck does not extensively change the appearance or massing of the building and the modification is negligible in the context of the overall development.

6.5 Residential Amenity

As detailed in **Table 2**, the modification seeks the reconfiguration of internal layouts to a number of levels, resulting in an increase to the number of residential apartments from 66 to 87 and changes to the unit mix **Table 7**.

Table 7 | Modified Unit Mix

Type	Approved		Proposed		Change	
	Number	%	Number	%	Units	%
Two Bedroom	28	42.5%	27	31%	-1	-11.5%
Three Bedroom	32	48.5%	45	51.7%	13	3.2%
Four Bedroom	5	7.5%	14	16%	9	8.5%
Five Bedroom	1	1.5%	1	1.1%	Nil	-04.%
Total	66	-	87	-	+ 21	-

An example of the proposed modified layout is provided in **Figure 9** below.

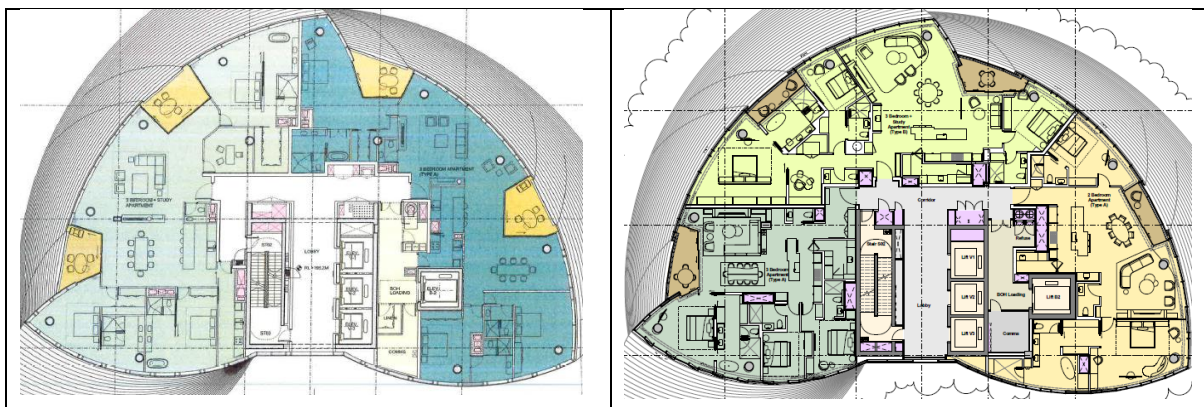


Figure 9 | Approved Level 51 layout consisting of two residential apartments (left) and proposed Level 51 layout consisting of 3 residential apartments (right) (Base source: EIS)

In its assessment of the SSD Approval, the Department considered the proposal provided an acceptable level of amenity. The Applicant has submitted a Design Verification Statement confirming the modifications are consistent with the design quality principles and objectives of the ADG.

The Department has considered the quality of future residential amenity as part of its assessment of the modification application. A full assessment of the proposal against the ADG criteria is included in **Appendix B**, which demonstrates that the modified layout to residential apartments will provide an acceptable level of amenity. However, there are three main departures from the guidelines of the ADG in relation to:

- balconies
- habitable room windows
- apartment depth.

The above matters are discussed below.

6.5.1 Balconies

A number of the residential units do not achieve compliance with the design criteria in relation to minimum balcony size and minimum balcony depth. In addition, four apartments on Level 48 and Level 49, are provided with a Juliet balcony. The ADG recommends the following minimum sizes for balconies:

Table 8 | ADG Recommended Balcony Primary Balcony Sizes

Dwelling Type	Minimum Area	Minimum Depth
2 bedroom apartment	10 m ²	2 m
3+ bedroom apartment	12 m ²	2.4 m

Balcony sizes for the 2 bedroom units range in area from 6.3 m² to 10 m², with minimum depths of 1.3 m to 2.1 m. Balcony sizes for the 3 bedroom units and above range in area from 6.4m² to 11.5m², with minimum depths of 1.3 m to 2.2 m.

The Department considers the variations to the balcony sizes acceptable, as the application meets the intent of the Design Guidance of the ADG, which specifies:

- increased communal open space should be provided where the number or size of balconies are reduced
- storage areas on balconies is additional to the minimum balcony size

- balcony use may be limited in some proposals by:
 - consistently high wind speeds at 10 storeys and above
 - close proximity to road, rail or other noise sources
 - exposure to significant levels of aircraft noise
 - heritage and adaptive reuse of existing buildings

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

The ADG states that the use of balconies may be limited in situations where there are consistently high wind speeds at 10 storeys and above. The existence of consistently high winds has been confirmed by the RWDI Pedestrian Wind Study and all apartments are located from Level 33 to level 65, well above the 10 storey ADG benchmark. Limited use of balconies is therefore appropriate and consistent with the ADG in this case.

The ADG further explains that in these situations, juliet balconies, operable walls, enclosed wintergardens or bay windows may be appropriate, and other amenity benefits for occupants should also be provided in the apartments or in the development or both. The proposed design limits the number of fully open balconies and incorporates juliet balconies and operable walls.

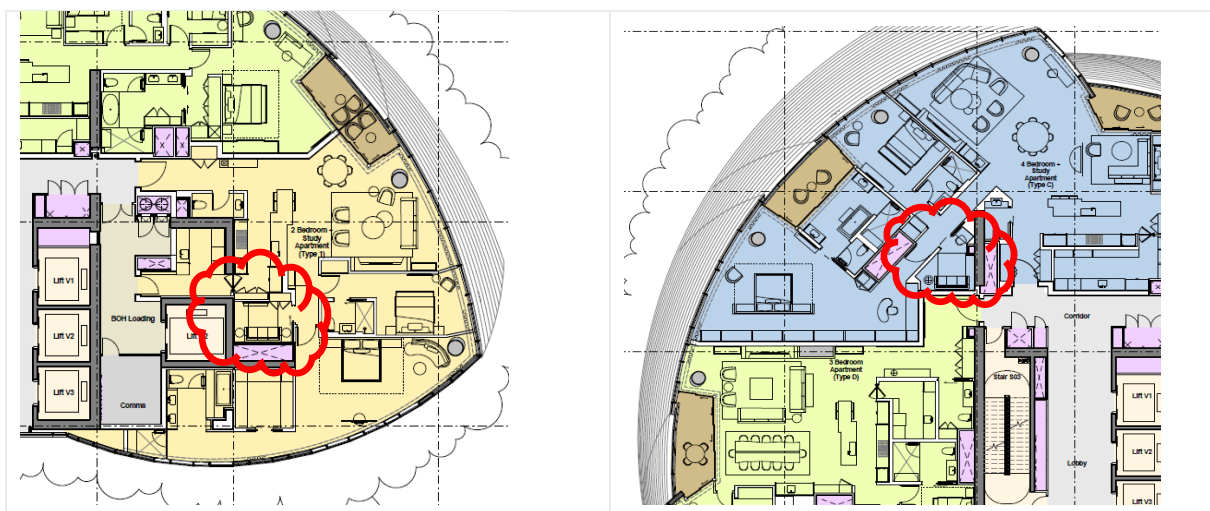
The ADG also states that to conform with the high wind balcony concession, Natural ventilation also needs to be demonstrated. The proposed design includes the provision of operable windows for natural ventilation to all apartments.

Additional amenity benefits are also provided within the apartments, including floor to ceiling glass, large open plan living areas and ceiling heights in excess of the minimum 2.7m. Future residents will also be provided hospitality services and access to the CSHR amenities including restaurants, bars, swimming pool, gym and tennis courts.

Given the above, the Department considers the balcony sizes acceptable as a high level of overall amenity would be provided within the apartment and from the overall development.

6.5.2 Habitable Room Windows

The ADG recommends all habitable rooms be provided with an external window. The proposed reconfiguration to internal layouts includes 22 residential apartments with studies/media rooms that are not provided with an external window (**Figure 10**). This equates to approximately 25% of the total residential units.



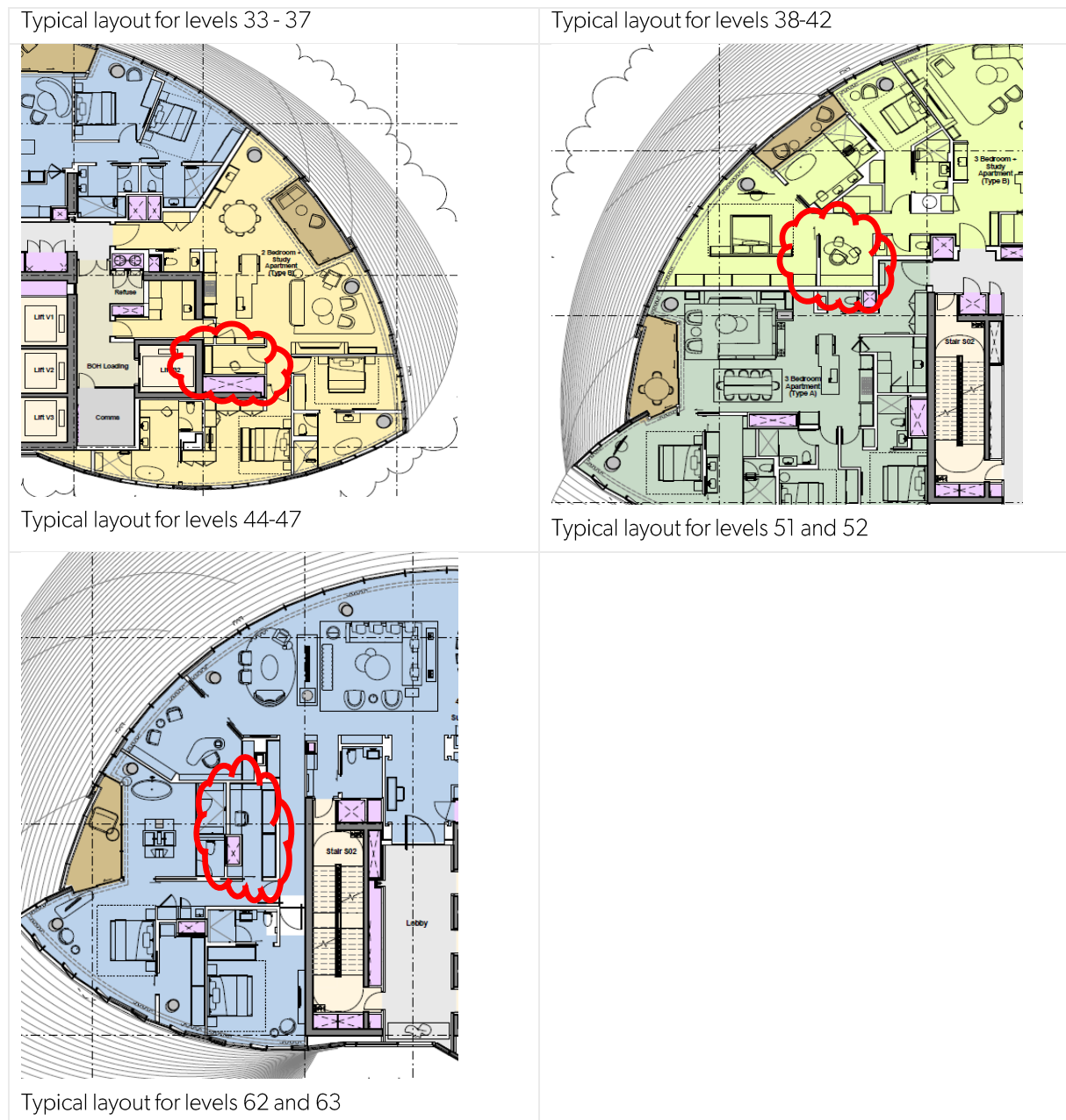


Figure 10 | Proposed residential apartment layouts containing internal study rooms (Base source: EIS)

The Applicant considers the proposed layout achieve the intent of the ADG as the studies are designed to utilise borrowed light from an adjoining room and will be mechanically ventilated. While this arrangement is not consistent with the ADG design criteria, the overall objective of this section of the ADG is to ensure the layout of units are functional, provide a high level of amenity, maximise environmental performance and accommodate a variety of household activities and needs.

The Department particularly notes the size of the units significantly exceed the minimum ADG recommendation and the layout of the units are well designed to provide open plan, flexible living arrangements, As such, the Department considers the proposed study provision acceptable as future occupants of these units will receive a high level of amenity.

6.5.3 Apartment Depth

The ADG recommends that for habitable rooms, depths should be no greater than 2.5 times the ceiling height and for apartments with open plan layouts, the maximum habitable room depth is 8m from a window. Not all of

the proposed apartments meet the ceiling height to room depth ratio and some apartments have a habitable room depth between 9-10 metres from a window as shown at **Figure 11**.



Figure 11 | Typical floorplan (Level 34), areas further than 8m from a window highlighted in red (Base source: Applicant's EIS)

In support of the proposed apartment layouts, the Applicant has stated that:

- the rear of the open plan living areas range between 9m and 10m from a window, therefore only marginally exceeding the requirement
- the majority of apartments that do not meet the ADG depth guidelines are north facing and will receive extensive solar access and are well lit by natural light despite their depth
- the facades include high performance glazing, openable elements and the amount of glazing to opaque area exceeds minimum Thermal Comfort requirements of BASIX
- all apartments have multiple frontages facing different directions and therefore receive a significant amount of natural cross ventilation.

The Department considers that the proposed apartment depths are acceptable and the apartments have an acceptable level of solar access as:

- the majority of the affected areas (i.e. which are located further than 8m from a window) comprise non-habitable rooms, including the lift/stair core, entrance halls, circulation areas, walk-in wardrobes and bathrooms
- the apartments with habitable rooms deeper than 8m are dual aspect, north facing with extensive glazing. Such a layout and design will ensure that all rooms will be well-lit, including those habitable room areas further than eight metres from a window; and

- the proposed layout and design of the apartments meet or exceed all other internal amenity criteria of the ADG and will therefore provide for a high standard of overall amenity.

6.6 Car Parking and Traffic

The modification seeks amendments to basement levels B3 to B1 mezzanine in order to provide additional parking to service the increase in residential apartments. The proposed amendments to the basement levels will result in an increase from 610 to 641 car parking spaces. This involves an increase in the number of residential car parking spaces from 110 to 157 and a reduction in the number of non-residential car parking spaces associated with the hotel/gaming use from 500 to 484. Concerns were raised from Council regarding the proposed number of parking spaces and associated traffic impact. An assessment of these issues is provided below.

6.6.1 Car Parking

Condition C4 of the Concept Plan stipulates a maximum car parking rate. A comparison of the breakdown of the approved and proposed car parking numbers is provided in **Table 9** and **Table 10** below.

Table 9 | Condition C4 Maximum car parking rates and figures and approved car parking

Use/Unit Type	Approved Unit No./m ²	Concept Plan Car Parking Rate	Maximum No. of Spaces	Approved No. of Spaces
Retail	6,700	1 space/600 m ²	11	0
2 bed	28	1.2 spaces / unit	34	34
3 bed+	38	2 spaces / unit	76	76
Hotel	350 / 48,200	a) 1 space / room up to 100 rooms then 1 space per 5 rooms; or b) an alternative rate as agreed	a) 150 b) ~	500 comprised of: <ul style="list-style-type: none"> 250 self-park spaces 250 valet spaces
Total				610

Table 10 | Condition C4 Maximum car parking rates and figures and proposed car parking

Use/Unit Type	Proposed Unit No./m ²	Concept Plan Car Parking Rate	Maximum No. of Spaces	Proposed No. of Spaces
Retail	6,700	1 space/600 m ²	11	0
2 bed	27	1.2 spaces / unit	26	25
3 bed+	60	2 spaces / unit	132	132
Hotel	349 / 48,200	a) 1 space / room up to 100 rooms then 1 space per 5 rooms; or b) an alternative rate as agreed	a) 150 b) ~	484 comprised of: <ul style="list-style-type: none"> 213 self-park spaces 271 valet spaces
Total				641

The proposed number of residential car parking spaces remain consistent with the approved maximum parking rates as prescribed under Condition C4 of the Concept Plan. Council raised concerns that the amount of parking proposed is excessive when compared to the requirements under the SLEP 2012. However, it is noted that the total number of non-residential parking spaces is already approved under the SSD Approval and the modification application simply seeks to align the number of residential parking spaces with the rates prescribed under Condition C4 of the Concept Plan.

In the Department's assessment of the original proposal, the anticipated operational traffic generation (arrivals/departures) for the peak non-residential car parking demand was estimated as 800 spaces on Friday and Saturday evenings, which is 300 spaces more than the approved 500 on-site spaces allocated to non-residential uses. It was concluded that the shortfall in parking could be accommodated within nearby car parks, which were confirmed to have between 779 and 996 unoccupied parking spaces during the peak period.

The modification seeks a minor net decrease of 16 car parking spaces for non-residential uses, as such the modification remains generally consistent with the approved number of non-residential car parking spaces and the shortfall during peak periods can still be accommodated within nearby car parks.

The Department therefore considers the number of parking spaces proposed is acceptable.

6.6.2 Traffic

Although the applications seeks an increase in the total number of car parking spaces, the modification will result in an overall decrease in traffic movements. A comparison of the traffic generated by the SSD Approval and the proposal is shown below in **Table 11** and **Table 12**.

Table 11 | C4 Maximum car parking rates and figures and approved car parking

Car Parking Space Use	Unit No	Car Space Count	Traffic Generation Rate		Traffic Generation	
			AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour
Residential	66	110	0.14 trips/dwelling	0.09 trips/dwelling	9	6
Hotel – Self Park	-	250	0.23 trips/space	0.68 trips/space	58	170
Hotel - Valet	-	250	0.08 trips/space	0.34 trips/space	20	85
Total	66	610			87	261

Table 12 | C4 Maximum car parking rates and figures and proposed car parking

Car Parking Space Use	Unit No	Car Space Count	Traffic Generation Rate		Traffic Generation	
			AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour
Residential	87	157	0.14 trips/dwelling	0.09 trips/dwelling	12	8
Hotel – Self Park	-	213	0.23 trips/space	0.68 trips/space	549	145

Hotel - Valet	-	271	0.08 trips/space	0.34 trips/space	22	92
Total	66	641			83	245

As demonstrated in the tables above, the net change in traffic movements during the AM and PM peak hours would be 4 and -16 respectively. Accordingly, the net decrease in traffic generation is an improved outcome when compared to the traffic volumes generated by the SSD Approval, in particular during the PM peak.

The Department therefore concludes the changes in car parking arrangements would not have a detrimental impact on the serviceability of the surrounding road network.

6.7 Other Issues

Other relevant issues for consideration are addressed in **Table 13**.

Table 13 | Summary of other issues raised

Issue	Findings	Recommended Condition
Absence of GFA dedicated to key worker housing	<ul style="list-style-type: none"> The Department considers the absence of key worker housing acceptable, as the requirement for key worker housing as prescribed under Modification 11 of the Concept Plan will be satisfied as part of the development of Block 4 under SSD 6966. As such, additional key worker housing above and beyond the requirements of Condition 11 of the Concept Plan is not required for the development of the CSHR. 	<ul style="list-style-type: none"> No changes to the conditions are recommended.
Increase in the number of units	<ul style="list-style-type: none"> The Department considers the increase from 66 to 87 units acceptable as the proposal remains consistent with the maximum residential GFA permitted under the Concept Plan. Additionally, all units provide a sufficient level of residential amenity and will not result in adverse operational impacts associated with the increase in units, such as impacts on traffic generation. 	<ul style="list-style-type: none"> The description of the approved development it to be amended to reflect the proposed number of residential units.
Bicycle parking and end of journey facilities <ul style="list-style-type: none"> lack of clarity regarding residential bicycle parking conflict between location of end of journey facilities, non-residential bicycle parking and the valet ramp. 	<ul style="list-style-type: none"> The Applicant confirmed that residential bicycle spaces are provided within the general storage cages associated with each residential unit. The Department considers this arrangement acceptable, as sufficient space is provided within the storage cages for the parking of bicycles. Council noted that staff end-of-journey facilities and bicycle parking are separated by a valet ramp, which may pose a safety risk for cyclists, pedestrians and motorists. The Applicant confirmed that appropriate wayfinding signage 	<ul style="list-style-type: none"> No changes to the conditions are recommended.

	<p>together with line marking will be provided to ensure a safe path for designated pedestrian movements.</p> <ul style="list-style-type: none"> • The Department considers this arrangement acceptable. 	
Construction noise and vibration impacts	<ul style="list-style-type: none"> • Construction noise and vibration impacts have been assessed under the original application and was considered reasonable given the circumstances of the site and the distance of the site from sensitive receivers. • These works included, remediation, earthworks, basement and above ground works. The modification application does not propose any additional significant construction works. • The Department considers the application acceptable in relation to construction noise and vibration subject to compliance with existing conditions. 	<ul style="list-style-type: none"> • No changes to the conditions are recommended, as existing conditions (Conditions D1 to D3, D11 and D12) will ensure noise impacts and vibration are effectively managed and an appropriate level of amenity is maintained to adjoining residents during construction.
Mass gaming GFA	<ul style="list-style-type: none"> • Council originally raised concerns about the introduction of 'mass gaming' in the development. • The Applicant confirmed that there is no intention to offer gaming to the general public or seek any alterations to its approved restricted gaming license. 	<ul style="list-style-type: none"> • No changes to the conditions are recommended



7. *Evaluation*

The Department has reviewed the EIS, RtS, RRtS and all additional information, and assessed the merits of the proposal, taking into consideration advice from Council and government agencies. Issues raised in public submissions have been considered and all environmental issues associated with the proposal have been thoroughly addressed.

The Department has considered all relevant matters under section 4.15 of the EP&A Act, and is satisfied that the development, as proposed to be modified, is substantially the same development as that originally approved.

The Department considers the provision of the glass blades to the north-western ground floor terrace acceptable as clear and unobstructed sight lines between the terrace area and the public domain will be maintained and will ensure the preservation of access from the promenade to the terrace area.

The Department considers all residential units will achieve an acceptable level of amenity with most units receiving a high level of amenity. Inconsistencies with the ADG are acceptable as the intent of the ADG is satisfied.

The Department considers that the increase in car parking is acceptable, as the overall parking provisions remain consistent with the approved Barangaroo Concept Plan and will result in a net decrease in traffic generation and be of minimal environmental impact.

All other issues associated with the proposal have been assessed, and appropriate conditions recommended, where necessary, to ensure the impacts of the development are appropriately mitigated and/or managed and community concerns are addressed.

The Department considers the development is in the public interest and should be approved, subject to the recommended modified conditions of consent.



8. Recommendation

It is recommended that the Group Deputy Secretary, Planning and Assessment, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **Determines** that the application SSD 6957 MOD 1 falls within the scope of section 4.55(2) of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant approval to the application
- **forms the opinion** that the development consent if modified would be generally consistent with the approved Barangaroo Concept Plan current at the time of determination
- **forms the opinion** that any submission made about the application by Council has been considered in the assessment of the application.
- **agrees** with the key reasons for approval listed in the draft notice of decision
- **modify** the consent SSD 6957
- **signs** the attached approval of the modification (**Attachment F**)

Prepared by:

Rodger Roppolo

Planning Officer
Key Sites Assessments

Recommended by:

David McNamara

Director
Key Sites Assessments

Recommended by:

Anthea Sargeant

Executive Director
Compliance, Industry and Key Sites

18/10/19



9. Determination

The recommendation is ~~not adopted~~ **adopted** by:

Marcus Ray

Group Deputy Secretary

Planning and Assessment

31/10/2019



Appendices

Appendix A – List of Documents

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

Environmental Impact Statement

<https://www.planningportal.nsw.gov.au/major-projects/project/13531>

Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/13531>

Applicant's Response to Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/13531>

Applicant's Revised Response to Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/13531>

Appendix B – Summary of the Consideration of Community Views

Issue raised	Consideration
Absence of GFA dedicated to key worker housing (Council issue)	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department considers the absence of key worker housing acceptable, as the requirement for key worker housing as prescribed under Condition 11 of the Concept Plan will be satisfied as part of the development of Block 4 under SSD 6966. As such, additional key worker housing above and beyond the requirements of Condition 11 of the Concept Plan is not required for the development of the CSHR. <p><i>Conditions</i></p> <ul style="list-style-type: none"> No changes to the conditions are recommended.
Increase in the number of units (public issue).	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department considers the increase from 66 to 87 units acceptable as proposal remains consistent with the maximum residential GFA permitted under the Concept Plan. Additionally, all units provide a sufficient level of residential amenity and will not result in adverse operational impacts associated with the increase in units, such as impacts on traffic generation. Additionally. This matter is discussed in Section 6 and Appendix D. <p><i>Conditions</i></p> <ul style="list-style-type: none"> No changes to the conditions are recommended.
Non-compliances with the ADG (Council issue).	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department considers inconsistencies with the ADG are minor and will not impede the objectives of the ADG to achieve better design. All proposed residential units will achieve acceptable levels of amenity, with most units achieving high levels of amenity, therefore satisfying the intent of the ADG. These matters are discussed in Section 6 and Appendix C. <p><i>Conditions</i></p> <ul style="list-style-type: none"> No changes to the conditions are recommended.
Parking (Council issue) <ul style="list-style-type: none"> the amount of car parking is excessive 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department notes Council's concern that car parking should be provided in accordance with SLEP 2012, however considers the Concept Plan is the relevant instrument regarding car parking rates. The number of proposed residential parking spaces is consistent with the maximum number allowed under the Concept Plan. The number of non-residential spaces is generally consistent with the SSD Approval, with 16 less spaces proposed. This issue is considered in Section 6. <p><i>Conditions</i></p> <ul style="list-style-type: none"> No conditions recommended.
Bicycle parking and end of journey facilities (Council issue) <ul style="list-style-type: none"> lack of clarity regarding residential bicycle parking conflict between location of end of journey facilities, non-residential bicycle parking and the valet ramp. 	<ul style="list-style-type: none"> The Applicant confirmed that residential bicycle spaces are provided within the general storage cages associated with each residential unit. The Department considers this arrangement acceptable, as sufficient space is provided within the storage cages for the parking of bicycles. Council noted that staff end-of-journey facilities and bicycle parking are separated by a valet ramp, which may pose a safety risk for cyclists, pedestrians and motorists. The Applicant confirmed that appropriate wayfinding signage together with line marking will be provided to ensure a safe path for designated pedestrian movements. The Department considers this arrangement acceptable. <p><i>Conditions</i></p> <ul style="list-style-type: none"> No conditions recommended.

<p>Construction noise and vibration impacts, including sleep deprivation (public issue)</p>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> Construction noise and vibration impacts have been assessed under the original application and was considered reasonable given the circumstances of the site and the distance of the site from sensitive receivers. These works included, remediation, earthworks, basement and above ground works. The modification application does not propose any additional significant construction works. The Department considers the application acceptable in relation to construction noise and vibration subject to compliance with existing conditions. <p><i>Conditions</i></p> <ul style="list-style-type: none"> No changes to the conditions are recommended, as existing conditions (Conditions D1 to D3, D11 and D12) will ensure noise impacts and vibration are effectively managed and an appropriate level of amenity is maintained to adjoining residents during construction.
<p>Glass blades (Council issue)</p> <ul style="list-style-type: none"> the introduction of glass blade screens to the north-west ground floor terrace, will enclose the outdoor space discrepancy in height of the glass blades 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department considers the addition of glass blades to the north-west ground floor terrace acceptable and will not result in the enclosure of the outdoor space. The glass blades will be installed at an angle to the terrace and in a staggered formation, ensuring sightlines to and from the public domain is maintained. The applicant has confirmed that the glass blades measure 1.8m in height from the finished floor level of the terrace. This matter is discussed in Section 6. <p><i>Conditions</i></p> <ul style="list-style-type: none"> No changes to the conditions are recommended.
<p>Mass gaming (Council issue)</p> <ul style="list-style-type: none"> the re-naming of 'VIP Gaming' areas to 'Mass Gaming' areas, whether the Applicant seeks to make the restricted gaming areas available for use to general public 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Applicant confirmed that there is no intention to offer gaming to the general public or seek any alterations to its approved restricted gaming license. <p><i>Conditions</i></p> <ul style="list-style-type: none"> No changes to the conditions are recommended.

Appendix C – Statutory Considerations

Controls considered as part of the assessment of the proposal are:

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (State Significant Precincts) 2005
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 55 – Remediation of Land
- Draft Remediation of Land State Environmental Planning Policy
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy No.64 – Advertising and Signage
- State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Draft Environment State Environmental Planning Policy
- Other Plans and Policies:
 - Sydney Harbour Foreshores and Waterways Area DCP 2005.

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

The SRD SEPP aims to identify development that is of State significance due to its size, economic value or potential impact. The SSD Approval was identified as State significant development under clause 3 of Schedule 2 of the SRD SEPP, as it had a Capital Investment Value in excess of \$10 million (\$1,127,374,000) and is located at the Barangaroo site.

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

The aims of this SEPP are to facilitate the redevelopment of important sites such as Barangaroo for the benefit of the State and provide for the development of major sites for a public purpose. Barangaroo is listed as a State Significant Site under Part 12 of Schedule 3 of the SSP SEPP.

The Department considers the modifications to be consistent with the SSP SEPP including the Barangaroo Concept Plan as further discussed in **Appendix E**.

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

The 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 government agencies about certain development during the assessment process.

Transport for NSW and Transport for NSW (Roads and Maritime Services) did not object to the modifications and the relevant conditions relating to construction traffic impact of the SSD Approval will be retained.

The Department considers the modified proposal to be consistent with the ISEPP.

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

SEPP 55 aims to promote the remediation of contaminated land to prevent the risk of harm to human health and the environment. SEPP 55 requires the consent authority to consider whether the land is contaminated, and if so, whether the land is suitable for the purpose for the proposed development.

The Department considered the potential contamination issues in the assessment of the original application and concluded the approved development was consistent with the relevant provisions of SEPP 55 and as such, the site was suitable for the proposed use. As the modifications do not seek a change of use, the Department is satisfied the modified proposal would not raise any additional issues with regards to contamination.

Draft Remediation of Land State Environmental Planning Policy (Draft SEPP Remediation)

The Draft SEPP Remediation proposes to better manage remediation works by aligning the need for development consent with the scale, complexity and risks associated with the proposed works. As the proposed works are not expected to result in any contamination issues, the Department considers the modification application would be consistent with the intended effect of the Draft SEPP Remediation.

State Environmental Planning Policy (Building Sustainability Index) 2004 (BASIX SEPP)

The BASIX SEPP, which commenced on 1 July 2004, aims to ensure consistency in the implementation of the BASIX scheme throughout the State by overriding provisions of other environmental planning instruments and development control plans that would otherwise add to, subtract from or modify any obligations arising under the BASIX scheme.

BASIX aims to deliver equitable, effective water and greenhouse gas reductions across the state. BASIX applies to all residential dwelling types and is part of the development application process in NSW.

The modification is supported by an amended BASIX Certificate assessment, and demonstrates that the modified development meets the BASIX water, thermal and energy efficiency targets in accordance with the requirements of the BASIX SEPP.

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

SEPP 64 applies to all signage that under an EPI can be displayed with or without development consent and is visible from any public place or public reserve. The application does not seek any changes to the approved signage.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SHC SREP)

The SHC SREP provides planning principles for development within the Sydney Harbour catchment, within which the site is located.

The Department considered the approved development was consistent with the relevant planning principles of SHC SREP and does not consider the proposed amendments would affect this consistency.

Draft State Environmental Planning Policy (Environment SEPP)

The Explanation of Intended Effect for the Environment SEPP was exhibited until 31 January 2018. The Environment SEPP proposes to simplify the planning rules for the protection and management of the natural environment by consolidating seven existing SEPPs, including the SHC SREP.

The relevant matters for consideration and the general provisions relating to Sydney Harbour are proposed to remain in accordance with those in the current SHC SREP and therefore the proposed development would be consistent with the intended effect of the Environment SEPP.

The Sydney Harbour Foreshores and Waterway Area DCP 2005 is proposed to be transitioned into one or more guidelines that would cover the current content and provide updated guidance to consent authorities based on design principles and landscape character, however these guidelines are not currently in draft form.

Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005

The Sydney Harbour Foreshore and Waterways Area Development Control Plan (the DCP) complements the SHC SREP and provides more detailed design parameters for development within the foreshore area of Sydney Harbour.

The site is within the defined Foreshores and Waterways Area under the SHC SREP 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 modification does not seek any changes to the location of the building, and as such 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 approved development is contained within the Barangaroo site and would be separated from the water's edge by the public foreshore boardwalk, it would not result in any significant impacts to the harbour foreshore.

State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development (SEPP 65)

The Applicant has submitted an updated design verification statement, stating the key principles of the design would remain adhered to and the modifications would be consistent with the design quality principles and objectives of the Apartment Design Guide (ADG). The Department considers the modified proposal meets the majority of these recommendations, with consideration given to the criteria relevant to the proposed amendments in **Table 1**.

Table 1 | Consideration of the relevant provisions of the Apartment Design Guide under SEPP 65

ADG – Relevant Criteria	Proposal
3B Orientation <ul style="list-style-type: none"> Building type/layouts respond to streetscape, optimising solar access. Overshadowing of neighbouring properties is minimised during mid-winter. 	<ul style="list-style-type: none"> The modification does not seek changes to building type/layouts and remains consistent with the Concept Plan. The modifications will not result in any additional overshadowing beyond that already assessed under the SSD Approval.
3C Public Domain Interface <ul style="list-style-type: none"> Transition between public/private without compromising security. Amenity of public domain is retained and enhanced. 	<ul style="list-style-type: none"> The application seeks minor changes to the ground floor, however the interface remains adequate for the following reasons: <ul style="list-style-type: none"> active frontages are provided at all street frontage residential lobbies and retail entries are easily identifiable suitable public domain/landscaping provided. It is noted that Council raised concerns with the potential impact of the glass blades on the public domain. However, the glass blades are considered acceptable as further discussed in Section 6.2.
3D Communal and Public Open Space <ul style="list-style-type: none"> minimum 25% of the site. minimum 50% direct sunlight to principal usable part of the communal open space for a minimum of 2 hours in mid-winter. Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting. Communal open space is designed to maximise safety. Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood. 	<p><u>Approved</u></p> <ul style="list-style-type: none"> Communal open spaces consisting of 1,900m² of landscaped pool deck, which is approximately 30% of the site area. The pool deck area will receive direct sunlight for 4 hours in mid-winter. <p><u>Proposed</u></p> <ul style="list-style-type: none"> The modification does not seek changes to the approved communal open space.

3E Deep soil zones

- For sites greater than 1500 m², a minimum of 7% of the site with a minimum dimension of 6 m should provide for deep soil zone(s)

Approved

- Deep soil zones were not provided. The variation was considered acceptable.

Proposed

- The application does not seek deep soil zones.
-

3F Visual privacy

- Separation distances from building to boundary:

Height	Habitable rooms	Non-habitable rooms
Up to 12m (4 storeys)	6 m	3 m
Up to 25m (5-8 storeys)	9 m	4.5 m
Over 25m (9+ storeys)	12 m	6 m

- Separation distances between buildings on the same site should combine required building separations depending on the type of room. A minimum 18 m separation is therefore required between the proposed towers up to eight storeys and a minimum 24 m separation is required above nine storeys.
 - Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.
 - The application does not seek any changes to the approved setbacks. As such, visual privacy will be maintained.
-

3G Pedestrian Access to Entries

- Building entries and pedestrian access connects to and addresses the public domain.
 - Access, entries and pathways are accessible and easy to identify.
 - Large sites provide pedestrian links for access to streets and connection to destinations.
 - The application does not seek changes to the approved pedestrian access and entries.
-

3H Vehicle access

- Vehicle access points are to be designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.
 - The application does not seek changes to the approved vehicle access points.
-

Approved

3J Bicycle and Car Parking

- Minimum parking requirement as set out in the Guide to Traffic Generating Developments or local Council requirement, whichever is the less.
 - Parking and facilities are provided for other modes of transport.
 - Car park design and access is safe and secure.
 - Visual and environmental impacts of underground car parking are minimised.
 - 610 car parking spaces provided, comprising:
 - 500 non-residential, including 250 valet and 250 self-parking; and
 - 110 residential spaces.
 - A total of 188 bicycle parking spaces provided, comprising:
 - 83 secure non-residential spaces;
 - 68 secure residential spaces; and
 - 37 visitor spaces within the public domain.
-

	<p><u>Proposed</u></p> <ul style="list-style-type: none"> 641 car parking spaces provided, comprising: <ul style="list-style-type: none"> 484 non-residential, including 213 valet and 271 self-parking; and 157 residential spaces. A total of 207 bicycle parking spaces provided, comprising: <ul style="list-style-type: none"> 83 secure non-residential spaces; 87 secure residential spaces; and 37 visitor spaces within the public domain. End-of-trip facilities for non-residential uses are provided in the basement.
<p>4A Solar and Daylight Access</p> <ul style="list-style-type: none"> To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space. Minimum of 70% of apartments' living rooms and private open spaces receive 2hrs direct sunlight between 9 am -3 pm in mid-winter in the Sydney Metropolitan Area. Maximum of 15% of apartments have no direct sunlight between 9 am - 3 pm in mid-winter. Daylight access is maximised where sunlight is limited. Design incorporates shading and glare control, particularly for warmer months. 	<p><u>Approved</u></p> <ul style="list-style-type: none"> 78.78% of apartments achieve a minimum of 2 hours of sunlight between 9am and 3pm in mid-winter. No (0%) apartments have a solely south facing aspect. <p><u>Proposed</u></p> <ul style="list-style-type: none"> 73.56% of apartments achieve a minimum of 2 hours of sunlight between 9am and 3pm in mid-winter. No (0%) apartments have a solely south facing aspect.
<p>4B Natural Ventilation</p> <ul style="list-style-type: none"> At least 60% of apartments are cross ventilated in the first nine storeys (apartments 10 storeys or greater are deemed to be cross ventilated). Overall depth of a cross-over or cross-through apartment does not exceed 18m. 	<ul style="list-style-type: none"> The residential units are located on level 33 and above, as such, they deemed to be cross ventilated.
<p>4C Ceiling Heights</p> <p>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <ul style="list-style-type: none"> Habitable rooms 2.7 m Non-habitable rooms 2.4 m. <p>For two-storey apartments:</p> <ul style="list-style-type: none"> 2.7 m for main living area floor 2.4 m for second floor, where its area does not exceed 50% of the apartment area. 	<ul style="list-style-type: none"> Ceiling heights meet or exceed the recommended minimums.
<p>4D Apartment Size and Layout</p> <ul style="list-style-type: none"> Minimum apartment sizes <ul style="list-style-type: none"> Studio 35 m² 1 bedroom 50 m² 2 bedroom 70 m² 	<ul style="list-style-type: none"> All apartments, including bedrooms and living rooms, meet the minimum size requirement. The proposal is consistent with the remainder of these recommendations, with the exception of those discussed below.

<ul style="list-style-type: none"> <ul style="list-style-type: none"> o 3 bedroom 90 m². • Every habitable room must have a window in an external wall with a total glass area of not less than 10% of the floor area. Daylight and air may not be borrowed from other rooms. • Habitable room depths are limited to 2.5 x the ceiling height. • In open plan layouts the maximum habitable room depth is 8m from a window. • Master bedroom have a minimum area of 10 m² and other bedrooms have 9 m². • Bedrooms have a minimum dimension of 3m (excluding wardrobes). • Living rooms have a minimum width of: <ul style="list-style-type: none"> o 3.6 m for studio and one bed o 4 m for 2 and 3 bed. • The width of cross-over or cross-through apartments are at least 4m internally. 	<ul style="list-style-type: none"> <ul style="list-style-type: none"> o Some apartments exceed the maximum ceiling height to room depth requirement. o Some apartments have areas which extend to a depth of 9-10 m measured from the window to the back wall of the living area, exceeding the ADG requirement of 8 m • The Department considers these inconsistencies with the ADG recommendations would not adversely impact on the amenity of the proposed units, as discussed in Section 6.
<hr/> <h4>4E Private Open Space and Balconies</h4>	
<ul style="list-style-type: none"> • Primary balconies are provided to all apartments providing for: <ul style="list-style-type: none"> o Studios apartments - minimum area of 4m² o 1-bedroom - minimum area of 8 m² and a minimum depth of 2m o 2-bedroom - minimum area 10m² and a minimum depth of 2m o 3-bedroom - minimum area 12m² and minimum depth 2.5m. • For apartments at ground floor level or similar, private open space must have a minimum area of 15 m² and depth of 3 m. • Private open space and primary balconies are integrated into and contribute to the architectural form and detail of the building. • Primary open space and balconies maximises safety. 	<ul style="list-style-type: none"> • The majority of the apartments do not meet the minimum balcony size and minimum balcony depth requirement. Additionally, a total of four apartments on Level 48 and Level 49, are not provided with a balcony, but instead provided with a juliet balcony. • The Department considers the inconstancy with the ADG recommendations would not adversely impact on the amenity of the proposed units, as discussed in Section 6. • No ground floor units are proposed. • All balconies are integrated into the architectural form/detail of the building. • Balcony design avoids opportunities for climbing and falls.
<hr/> <h4>4F Common circulation and spaces</h4>	
<ul style="list-style-type: none"> • Maximum number of apartments off a circulation core is eight (or no more than 12 apartments). • For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40. • Natural ventilation is provided to all common circulation spaces where possible. • Common circulation spaces promote safety and provide for social interaction between residents. • Longer corridors are articulated. 	<ul style="list-style-type: none"> • A maximum of 4 apartments is proposed on any floor. • The 87 apartments would be serviced by 3 lifts. • The corridors on each level allow the maximum number of units to have a suitable level of amenity. Natural ventilation and light are provided to the residential internal corridor/circulation areas. • The residential lobbies and circulation spaces provide opportunities for interaction. • The corridors are a suitable length.
<hr/> <h4>4G Storage</h4>	
<ul style="list-style-type: none"> • The following storage is required (with at least 50% located within the apartment): 	<ul style="list-style-type: none"> • The proposed internal and basement storage cases can accommodate the recommended storage area. The external storage is located in

<ul style="list-style-type: none"> o Studio apartments 4 m³ o 1-bedroom apartments 6 m³ o 2-bedroom apartments 8 m³ o 3-bedroom apartments 10 m³ <ul style="list-style-type: none"> • Additional storage is conveniently located, accessible and nominated for individual apartments. 	<p>the basement below the building and is therefore accessible.</p> <ul style="list-style-type: none"> • The basement storage cages include bicycle storage.
<hr/> 4H Acoustic Privacy and 4J Noise Pollution	
<ul style="list-style-type: none"> • Noise transfer is minimised through the siting of buildings and building layout and minimises external noise and pollution. • Noise impacts are mitigated through internal apartment layout and acoustic treatments. 	<ul style="list-style-type: none"> • Noise transfer would continue to be minimised through the appropriate layout of the building. • Apartments are appropriately stacked and laid out to prevent noise transfer.
<hr/>	
4K Apartment Mix <ul style="list-style-type: none"> • Provision of a range of apartment types and sizes. • Apartment mix is distributed to suitable locations within the building. 	<p>A variety of types and sizes would be provided within the 87 units. The 87 apartments would be comprised of:</p> <ul style="list-style-type: none"> • 27 x 2-bedroom apartments (31%) • 45 x 3-bedroom apartments (51.7%) • 14 x 4-bedroom apartments (16%) • 1 x 5-bedroom apartments (1.1%) <p>A range of apartment types and sizes would be provided, and the apartments would be logically located within the building.</p>
<hr/> 4L Ground floor apartments	
<ul style="list-style-type: none"> • Street frontage activity is maximised where ground floor apartments are located. • Design of ground floor apartments delivers amenity and safety for residents. 	<ul style="list-style-type: none"> • There are no ground floor apartments.
<hr/> 4M Facades	
<ul style="list-style-type: none"> • Building facades provide visual interest along the street while respecting the character of the local area. • Building functions are expressed by the façade. 	<ul style="list-style-type: none"> • The application does not propose any significant changes to the approved building façade.
<hr/> 4N Roof design	
<ul style="list-style-type: none"> • Roof treatments are integrated into the building design and positively respond to the street. • Opportunities to use roof space for accommodation and open space is maximised. • Roof design includes sustainability features. 	<ul style="list-style-type: none"> • The application does not propose any changes to the approved roof design.
<hr/> 4O Landscape design	
<ul style="list-style-type: none"> • Landscape design is viable and sustainable. • Landscape design contributes to the streetscape and amenity. • Appropriate soil profiles are provided and plant growth is maximised (selection/maintenance). 	<ul style="list-style-type: none"> • The application does not seek significant modifications to the approved landscape master plan.

- Plant growth is optimised with appropriate selection and maintenance.
- Building design includes opportunity for planting on structure.

4P Planting on structures

- Appropriate soil profiles are provided.
- Plant growth is optimised with appropriate selection and maintenance.
- Planting on structures contributes to the quality and amenity of communal and public open spaces.
- Appropriate soil profiles are provided for planting on slabs.
- The proposed planting will contribute to the quality and amenity of communal open space and the public domain.

4Q Universal design

- Universal design features are included in apartment design to promote flexible housing for all community members (Developments achieve a benchmark of 20% of the total apartments incorporating the Livable Housing Guidelines silver level universal design features).
- A variety of apartments with adaptable designs are provided.
- Apartment layouts are flexible and accommodate a range of lifestyle needs.
- The proposal is capable of complying with the requirements for universal design. All apartments are of a size and layout that allows for flexible use and design and therefore can accommodate a range of lifestyle needs.

4S Mixed use

- Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement.
- Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents.
- The development appropriately addresses the surrounding streets and public domain through active retail frontages and residential entries.
- Residential circulation areas are clearly defined and access to communal open space is provided. Adequate building security is proposed.

4T Awning and Signage

- Awnings are well located and complement and integrate with the building.
- Signage responds to the context and design streetscape character.
- The application does not propose modification to approved signage.

4U Energy Efficiency

- Development incorporates passive environmental and solar design.
- Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer.
- Adequate natural ventilation minimises the need for mechanical ventilation.
- The development meets BASIX thermal and energy efficiency targets.
- The building and its individual apartments have been orientated to maximise solar access and achieve natural ventilation.

4V Water management and conservation

- Potable water use is minimised.
- Urban stormwater is treated on site before being discharged to receiving waters.
- Flood management systems are integrated into site design.
- The development meets BASIX water targets.
- The proposed development benefits from Barangaroo South's precinct sustainability initiatives, including onsite wastewater treatment and water recycling, capacity to export recycled water and sewer mining to reduce demand.

	<ul style="list-style-type: none"> The drainage design proposes to capture and convey rainwater from roof and podium areas through conventional gutters, roof top drainage outlets and associated downpipes, with no physical impact on existing infrastructure as a result of the development.
4W Waste Management <ul style="list-style-type: none"> Waste storage facilities are designed to minimise impacts on streetscape, building entry and residential amenity. Domestic waste is minimised by providing safe and convenient source separation and recycling. 	<ul style="list-style-type: none"> The modifications do not result in any significant changes to the approved Operation Waste Management Plan or the strategy for collecting and managing waste within the building. Residential and retail waste storage rooms are located at basement level, which is considered convenient. Separate waste and recycling containers will be provided.
4X Building maintenance <ul style="list-style-type: none"> Building design detail provides protection from weathering. Systems and access enable ease of maintenance. Material selection reduces ongoing maintenance costs. 	<ul style="list-style-type: none"> The modifications do not result in any significant changes to the approved building materials. The building has been appropriately designed to allow ease of maintenance. The materials are robust.

Appendix D – Consistency with the Concept Approval

In accordance with Clause 3b of Schedule 2 of the *Environmental Planning and Assessment (Savings, Transitional and other Provisions) Regulation 2017*, the Department has considered the proposed modification and is of the opinion the proposal is consistent with the Concept Plan. An assessment of the proposal against the applicable Concept Plan requirements, Modifications and Future Assessment Requirements of the Concept Approval is provided in **Table 1** below.

Consideration of the applicable Barangaroo Concept Plan Built Form Principles is provided in **Table 2** and Barangaroo Urban Design Controls in **Table 3**.

Table 1 | Consideration of the relevant requirements, Modifications and Future Assessment Requirements of the Concept Approval

Concept Approval	Department's comment
Term of Approval	
A4 Determination of Future Applications Determination of future applications is to be generally consistent with the terms of Concept Plan MP06_0162.	The proposal remains consistent with the terms of Concept Plan MP06_0162 (as modified by MOD 8).
Modifications to Concept Plan	
B3 Future Built Form 2. Setback controls from the northern edge of Watermans Cove: a) an average of approximately 27.5m to the ground floor façade (excluding any structures associated with any future ground floor licensed area); and b) a minimum 18.5m to the outside edge of an vertical structure associated with any ground floor licensed area. This setback is to be unobstructed including by any ground level structures associated with any future ground floor licensed area 3. Any future building in Block Y is to be broken down into separate discernible elements, such that a) the southern podium façade is comprised of two major elements with a maximum unbroken horizontal dimension of 32.45m; b) the western podium façade is comprised of two major elements with a maximum unbroken horizontal dimension of 45m. The two façade elements are to be broken up by a 7mwide recess which extends vertically for the full height of the podium; and c) the eastern façade is to appear as 3 distinct, but visually related, elements	<u>Approved</u> 2. The approved setbacks to Watermans Cove are: a) average setback of 27.8m to the CSHR podium on Block Y and the northern edge of the future Watermans Cove; b) a minimum 18.5mwide clear unobstructed Public Promenade walkway along the water's edge 3. The approved facade design is as follows: a) the southern façade is divided into two architecturally distinct components with maximum unbroken horizontal dimension of 22m. b) the western façade is comprised of three components, including two major components. The two major components are separated by a 7m wide recess and have horizontal distances of 43m and 44.8m. c) the eastern façade includes articulation and has been broken into three distinct architectural elements <u>Proposed</u> The application does not seek changes to the approved setbacks and built form.
B4 Built Form 1. A mixed use development involving a maximum of 605,911m ² gross floor area (GFA), comprised of: a) a maximum of 183,031m ² of residential GFA of which a maximum of 154,000m ² will be in Barangaroo South;	<u>Approved</u> 1. The development complied with the maximum GFA requirements and provided: a) 22,600m ² of residential GFA, including 1,925m ² of contingency GFA

<p>b) a maximum of 76,000m² of GFA for tourist uses of which a maximum of 59,000m² will be in Barangaroo South;</p> <p>c) a maximum of 34,000m² of GFA for retail uses of which a maximum of 30,000m² will be in Barangaroo South;</p> <p>d) a maximum of 5,000m² of GFA for active uses in the Public Recreation zone of which 3,500m² will be in Barangaroo South; and</p> <p>e) a minimum of 12,000m² GFA for community uses.</p>	<p>b) 48,200m² of tourist GFA, including 528m² of contingency GFA</p> <p>c) 6,700m² of retail GFA, including 2m² of contingency GFA</p> <p>d) active uses are/will be provided elsewhere within the Barangaroo South public domain; and</p> <p>e) community uses will be provided on the pier, to the south of the site.</p>
<p>2. Block Y shall not exceed a maximum of:</p> <ul style="list-style-type: none"> • 77,500m² GFA; • 22,600m² residential GFA; • RL 275 (Max AHD); and • 273m (height above ground) 	<p>2. The development complied with the specific Block Y GFA and height requirements and provided:</p> <ul style="list-style-type: none"> • a total of 77,500m² GFA, including 2,455m² of contingency GFA • 22,600m² residential GFA, including 1,925m² of contingency GFA • a total building height of RL 275; and • a total building height of 271.1m above ground level.
	<p><u>Proposed</u></p> <p>The modifications will not result in an exceedance of the maximum GFA or residential GFA. A total GFA of 77,500m² is proposed including 42m² of contingency GFA. A breakdown of the GFA is as follows:</p> <p>a) 22,529m² of residential GFA</p> <p>b) 48,271m² of tourist GFA</p> <p>c) 6,700m² of retail GFA</p> <p>No change is proposed to the approved building height.</p>
<p>B6 Tourist Uses</p> <p>The 'tourist uses' shall be a maximum of 76,000 sqm and shall not include serviced apartments, unless they are in single ownership and title (no strata titling).</p>	<p><u>Approved</u></p> <p>A total of 48,200m² of tourist GFA was approved, including a contingency GFA of 528m².</p> <p><u>Proposed</u></p> <p>The application seeks 48,271m² of tourist GFA, which is below the maximum permitted.</p>
<p>Future Assessment Requirements</p>	
<p>C4 Car Parking</p> <p>1. The following maximum car parking rates shall apply to future development within the site:</p> <p>a) Commercial: 1 space/600m² GFA</p> <p>b) Residential:</p> <ul style="list-style-type: none"> - 1 bed/bedsit unit – 1 space/2 units - 2 bed unit – 1.2 spaces/unit - 3+ bed unit – 2 spaces/unit <p>c) Other Uses: City of Sydney Council rates</p>	<p><u>Approved</u></p> <p>Car parking was approved as follows:</p> <p>a) Commercial: nil</p> <p>b) Residential: 110 spaces</p> <p>c) Other Uses: nil</p> <p>d) Hotel: 500 spaces</p> <p><u>Proposed</u></p>

d) Hotel: City of Sydney Council rates or as otherwise approved by the relevant delegate of the Minister	<p>The application seeks approval for the following car parking:</p> <ul style="list-style-type: none"> a) Commercial: nil b) Residential: 157 c) Other Uses: nil d) Hotel: 484 spaces
<p>C9 Public Access to Upper Levels of Block Y</p> <p>Any future development on Block Y is to comprehensively consider opportunities for public access to the upper levels of the tower in order to allow the general public to access views afforded by the building's height and location</p>	<p><u>Approved</u></p> <p>By way of condition of consent, the approved development included a publicly accessible observation deck at level 65 of the tower (approximately 250m above ground).</p> <p><u>Proposed</u></p> <p>The application seeks the relocation of the publicly accessible observation deck from level 65 to level 66.</p>
<p>C12 Wind Assessment Report</p> <p>A wind assessment report is to accompany all future development application/s (for above-ground works) and is to incorporate specific mitigation measures into the design of the building and public domain.</p>	<p><u>Approved</u></p> <p>The CSHR application included a wind assessment report, which recommended mitigation measures to address wind impacts.</p> <p><u>Proposed</u></p> <p>The modification application was accompanied by wind study report, which provides further recommendations to ensure pedestrian comfort along the northern terrace.</p>

Table 2 | Consideration of the Barangaroo Concept Plan Built Form Principles

Built form principles	Department's Comment
<p>1 City's New Western Façade</p> <p>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.</p>	<p><u>Approved</u></p> <p>The CSHR has been designed to integrate into the cluster of buildings within Barangaroo South and to frame the western edge of the waterfront. The tower element of the development is located at the northern end of the site adjacent to the waterfront. The podium creates a human scale street wall that appropriately frames the public domain and public promenade.</p> <p><u>Proposed</u></p> <p>The modifications do not result in any significant changes to the built form to the western frontage. As such, the development remains consistent with this principle.</p>
<p>2 Hickson Road as a Boulevard</p> <p>Promote the scale of Hickson Road as a grand boulevard, buildings are to provide a consistent street wall definition to Hickson Road but with variegated massing heights along the street frontage. The corner to the park at R5 wraps around as a marker to Hickson Park and a bookend to Barangaroo South.</p>	<p>This principle is not applicable, as the CSHR is not located along Hickson Road.</p>
<p>3 Buildings to Define Streets</p>	<p><u>Approved</u></p>

To define the public space of the street, all building façades are to be set to the street alignment.

The façade of the CSHR is set to the street alignment of Barangaroo Avenue. The design of the street elevations are considered to achieve design excellence and will have a positive impact on the character of the surrounding area.

Proposed

The modifications do not result in any significant changes to the street façade alignment. As such, the development remains consistent with this principle.

4 North South Pedestrian Connections

Provide for greater pedestrian permeability through the blocks which relate to pedestrian desire lines.

The primary focus are the north south pedestrian connections provided between blocks 2 to 4, Wulugul Walk and Barangaroo Avenue, and the more defined and enclosed Scotch Row at ground level which is not less than 6m wide and not less than 50% open to the sky and has a minimum clear height of 2 storeys. It is equally as important to provide east-west links through the main pedestrian walkways including Watermans Quay, Shipwright Walk, Mercantile Walk and Exchange Place.

Approved

The CSHR provides for pedestrian permeability at ground floor level through the podium. The development would not obstruct or hinder movement or sightlines along Barangaroo Avenue.

Proposed

The modifications do not result in any significant changes to pedestrian permeability at ground level. As such, the development remains consistent with this principle.

5 Marking the City Frame

Continue a built form dialogue with the adjoining city, building heights across the site are in keeping with the rest of the city, with the highest form at the north of the precinct to complete the city frame and book-end the city's north western edge.

Approved

The CSHR achieves design excellence and will form the tallest building within Barangaroo precinct, located at the northern end of Barangaroo South. The development displays landmark qualities and has an acceptable relationship to the city's north western edge.

Proposed

The modifications do not result in any changes to building height. As such, the development remains consistent with this principle

6 Open Space Within Blocks

Create laneways, courtyards, walkways and parklands around the defined edges of building blocks.

To create a fine grain structure of laneways and streets permeating the blocks, as well as open space at podium level between the tower forms.

Approved

Open space is provided around the CSHR development and the design of the public domain and open spaces will be the subject of a future development. As noted in Principle 4 above, pedestrian permeability is provided through the podium. Roof gardens and terraces are provided at podium level.

Proposed

The modifications do not result in any changes to open space within blocks. As such, the development remains consistent with this principle

7 View Sharing

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.

Provide sky view corridors between residential towers from Napoleon Street, Bond Square and the Harbour Bridge.

Approved

The CSHR tower has a sculpted and tapering form and does not fill the approved building envelope. Consequently, the development results in improved (widened) viewing corridors when compared to a notional building that fills the Concept Plan building envelopes.

Proposed

The modifications do not result in any changes to open space within blocks. As such, the development remains consistent with this principle

8 Orientation of Buildings

Create from a city scale and a bridge view a new city skyline silhouette formed by the gaps between the slender towers.

Provide optimum orientation and transparency across the site.

The orientation of the tower buildings are to relate to the fanning principle, while the long façades are to be facing to the north. Buildings facing Hickson Road and the waterfront are to be generally orientated to the east and west to define the linear nature of the road and promenade.

Approved

The location of the tower, at the northern end of the site, allows for unobstructed sight-lines around its tapered form. The location and orientation of the tower adheres to the fanning principle and the podium is oriented to the east and west, framing Barangaroo Avenue, the public promenade / waterfront.

Proposed

The modifications do not result in any changes to the orientation of the built form. As such, the development remains consistent with this principle

Table 3 | Consideration of the Barangaroo Urban Design Controls

Urban Design Controls (Block Y)	Department's Comment
1 Building Mass and Location	
Objectives	
<ul style="list-style-type: none">• To ensure building mass is appropriate within the envelope.• To ensure that a separate building mass is created below the primary hotel room floor plate component• To ensure building massing at the podium levels gives primacy to the use, enjoyment, accessibility and activation of the public domain and walkways around the promenade.• Allow balconies on towers including residential and/or tourist and visitor accommodation GFA to be partially enclosed without the need to include balcony floor area as GFA.	
Standards	
<ul style="list-style-type: none">• Height of building mass shall increase northwards.• Building mass is to taper to top of the building.• General building orientation to minimize overshadowing of public domain and respond to key views towards the Harbour Bridge and Opera House.• Within the maximum RL 40 podium massing the majority should be limited to a height of RL 34.6. Additional features and activities to be set back a minimum of 3m within envelope or not visible from street level.• For residential and tourist and visitor accommodation development within a building with a height of 30m or more; the maximum private external balcony area must not exceed 15% of the GFA of the apartment or tourist and visitor accommodation room to which the balcony is connected; and the bulk of the building is no greater than it would be if balconies were not partially enclosed.	
The application does not seek any changes to the approved building mass and location.	
2 Ground Plane and Building Orientation	
Objectives	
<ul style="list-style-type: none">• The orientation of the building relates to the "fan" principle.• Optimise solar access to external public spaces.• Emphasize accessibility of the public realm in and around the Hotel.	
The application does not seek any changes to the approved building orientation.	

Standards

- Canopies and their support structures may protrude beyond the block boundary to provide shelter and comfort for users.
- The building orientation is to maximise sunlight to external public spaces.
- Functions at the lower levels of the building are to be open and inviting to the general public.
- Design and Structure to be a response to prevailing environmental conditions.
- Canopies and awnings shall not dominate or unreasonably impact on views and vistas towards the water or past the building, along public promenades.

3 Building Articulation

Objectives

- To establish an articulated, well proportioned building mass.
- To reduce the impact of the building's mass above podium level.
- To ensure the building podium is well articulated and broken down into separate discernable elements.

Standards

- Tower form to express sustainability features such as access to natural light.
- Building elements are required to moderate environmental conditions and be designed to enliven facades.
- Ensure visual permeability from the parkland to the water at the north-east corner of the podium.
- In order to mitigate the visual perception of bulk the façade of the podium of any future building in Block Y are to be broken down into separate discernable elements, such that:

- a) the southern podium façade is comprised of two major elements with an unbroken horizontal dimension of approximately 32.5m;
- b) the western podium façade is comprised of two major elements with an unbroken horizontal dimension of approximately 45m. The two façade elements are to be broken up by an approximately 7m wide recess which extends vertically for the full height of the podium; and
- c) the eastern façade is to appear as 3 distinct, but visually related, elements.

The building articulation remains unchanged, as the application does not seek changes to the built form of the development

4 Building Legibility

Objectives

- To ensure that constituent elements of the building are appropriately articulated.
- To ensure that the building elements and structure is legible at the base.

Standard:

- Building function may be expressed in massing and articulation.
- The composition of the building envelope will clearly define a base, a middle and a top with well balanced vertical and horizontal proportions.

The modifications proposed will not impact on the legibility of the building.

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- Entries to be clear and perceptually evident.
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5 Ground Floor Permeability and Accessibility of Public Realm

Objectives

- To provide permeability and accessibility through Barangaroo South.
- Continuation of Wulugul Walk.

Standards

- Public access around the Block is to be maintained on all edges.
- Building entries must be clearly articulated and be visible from the public domain.
- Building entries to establish a public sense of arrival.
- Secondary links open to public access providing additional routes between Barangaroo Avenue, Watermans Quay and the Waterfront.
- In order to provide an appropriately dimensioned unobstructed public promenade on the northern edge of Watermans Cove, any future building to be located in Block Y is to comply with the following setback controls from the northern edge of Watermans Cove:

- a) an average of approximately 27.5m to the ground floor facade (excluding any structures associated with any future ground floor licensed area); and
- b) a minimum 18.5m to the outside edge of any vertical structure associated with any ground floor licensed area. This setback is to be unobstructed including by any ground level structures associated with any future ground floor licensed area.

The application does not seek changes to the approved permeability and accessibility to the public realm.

6 Ensuring Quality of Rooftops

Objectives

- To ensure that the mass at the rooftop shall be expressed as a key architectural component.
- The architectural treatment of the roof and its form is to be designed, coordinated and sympathetic to the building.

Standards

- Architectural treatment of exposed elements such as lift shafts, overruns control rooms and any sustainability or architectural features shall contribute to the articulation of the roof.
- Exposed mechanical equipment is to be avoided.
- Public access to the tower roof for viewing activities is encouraged where appropriate.
- Rooftop terraces are to be landscaped.

The application proposes the following changes to the rooftop:

- addition of photovoltaic panels
- addition of safety railing to ensure safe access to the photovoltaic panels other roof components.

It is considered that these changes are minor in nature and will not impact upon the overall approved design of the rooftop.

7 Facades

Objectives

- To ensure the architectural quality of the facades.
- To articulate the buildings functions and massing with appropriate facade design and detailing.

The application does not seek any significant changes to the façade of the approved building.

As discussed in **Section 6.3**, the partial enclosure of the area on level 3 and the spa

- To ensure the facades contribute to the building's articulation and mass.
- To contribute to the "carbon neutral" aims for Barangaroo South.
- Enable the partial enclosures of balconies to provide private open space that is useable and has a high level of amenity.

Standards

- The choice of appropriate materiality for longevity, durability and flexibility. Materials such as steel, glass, concrete, timber and aluminium.
- Environmentally sustainable design is to be incorporated on all facades.
- Depth and layering of facades is to be achieved through relief, protrusions, materiality and arrangement.
- Facade components such as external shading and materiality shall be used to provide light and shade to the building.
- The glass wind balcony remains external open space and the wind screen design ensures permanent natural ventilation and cannot be fully enclosed or sealed from the weather.

terrace on level 4, will not impact upon the building façade. The newly enclosed area will sit behind the glass oversail and stone veil that wraps around the podium structure, which is the building's external façade.

8 Active Ground Plane

Objectives

- Ensure an activated domain at street level.
- Ensure the openness and accessibility of building.
- Ensure priority pedestrian access to the waterfront.
- Maximise natural light penetration to ground level public spaces.

Standards

- Public uses, eg: food and beverage / dining to be located on the Ground Floor of the building with access to and from the public domain and waterfront.
- Building service areas and loading docks will only be located in the basements. No loading or deliveries will be provided at ground level.
- Public uses at the base may be enclosed or open spaces.
- 80% active ground floor frontage (inclusive of porte-cochère area and other public entry/exits.)
- Public domain ground plan levels within licensed areas shall be designed to promote openness and connectivity of the licensed area with the Public Domain.
- Seating in licensed area shall be directly accessible from and open to the public domain.

The application seeks changes to the ground floor including the internal division of 3 approved retail tenancies into 4 retail tenancies and the addition of glass blades to the northern terrace restaurant.

As discussed in **Section 6.2**, the provision of the glass blades will still promote openness and connectivity between the licensed terrace area and the adjoining public domain.

The additional retail tenancy will contribute to providing an activated domain at street level.

9 Signage

Objectives:

- To ensure that the location, size, appearance and the quality of the signage on the building is appropriate.

Standards

- Signage is appropriate on podium, mid-rise and tower.
- Signage is to be considered as part of the overall design of the building.

The application does not seek any changes to the approved signage zones.

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- Each development application submitted for the erection of a new building/s is to include as a minimum a description and illustration of intended signage location/s and form. Where detailed signage proposals are not included in the works proposed in a development application for the erection of new buildings, actual sign approvals will be subject to separate Development Applications.
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Appendix E – Barangaroo Concept Plan – Planning History

Barangaroo Concept Plan (MP 06_0162)

The then Minister for Planning approved the Barangaroo Concept Plan (MP 06_0162) (Concept Plan) on 9 February 2007.

The Concept Plan allowed for:

- mixed use development involving a maximum of 388,300 m² of 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 km public foreshore promenade
- a maximum of 8,500 m² GFA for a passenger terminal and a maximum of 3,000 m² 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
- an underground car park beneath the northern headland park, containing approximately 300 car parking spaces.

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

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

MP 06_0162 MOD 1

On 25 September 2007, the then Executive Director, Strategic Sites and Urban Renewal, as delegate of the Minister for Planning, approved a minor modification to the 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 m² in Blocks 2, 3, 4 and 5, to a total overall GFA of 438,000 m². The modification increased the total maximum GFA for Barangaroo to 508,300 m² (an increase of 120,000 m² 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 approved 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
- 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.

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 m² mixed uses GFA, including residential, commercial and retail uses which includes:
- a maximum of 128,763 m² of residential uses
- a maximum of 50,000 m² of tourist uses GFA
- a maximum of 39,000 m² of retail GFA.
- a maximum of 4,500 m² of active uses GFA (3,000 m² of which will be in Barangaroo South)
- a minimum of 12,000 m² of community uses GFA (10,000 m² of which will be in Barangaroo South)
- approximately 11 ha 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
- 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 Major Development 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 approved 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 m² of community uses GFA to be delivered to a 'maximum'
- allow architectural roof elements and building management units to be excluded from the maximum height limit definition

- specify the car parking rates for 'other' uses thus removing the requirement to comply with Council's current car parking rates.

On 25 March 2014, the 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 the 28 June 2016, the Commission approved an eighth modification to the Concept Plan, providing for the following modifications:

- increase in the maximum GFA from 563,965 m² to 594,354 m², and increase in maximum GFA contained in the development blocks from 549,465 to 579,354 m²
- increase in height from RL 170 m to RL 275 m and GFA from 33,000 m² to 77,500 m² for Block Y, increase in height from RL 41.5 m to RL 250 m and GFA from 8,150 m² to 86,979 m² for Block 4A
- decrease in height from RL 175 m to RL 107 m and GFA from 29,900 m² to 19,158 m² for Block 4B, decrease in height from RL 80 m to RL 25 m and GFA from 9,400 m² to 1,927 m² for Block 1, and deletion of Block 4C
- decrease in GFA from 209,213 m² to 197,280 m² for Block 2, and decrease in GFA from 142,669 m² to 129,934 m² for Block 3
- amend development block configurations for Block Y and Blocks 4A and 4B
- increase GFA outside of blocks from 14,500 m² to 15,000 m²
- amend GFA allocated for various land uses (residential, tourist, retail, active)
- amendment of Barangaroo site boundary, relocation of pier and reduction in the Southern Cove (now Watermans Cove)
- amendment of *Built Form Principles and Urban Design Controls*.

Appendix F – Notice of Modification

The Notice of Modification can be found on the Department's website as follows:

<https://www.planningportal.nsw.gov.au/major-projects/project/13531>