

7 August 2013

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Heather Warton
Director, Metropolitan and Regional Projects North
NSW Department of Planning & Infrastructure
GPO Box 39
SYDNEY NSW 2001

Attention: Sara Roach
Email: sara.roach@planning.nsw.gov.au

Dear Sara

**RE: Section 75W Modification Application
Modifications to Concept Plan for Barangaroo South (MP06_0162 MOD 6)**

Thank you for the opportunity to comment on the subject Section 75W Modification Application. The City notes that the application seeks to modify the approved Barangaroo Concept Plan as follows:

- realignment of the development block boundaries for Blocks 3, 4A and 4B;
- revisions to the approved Urban Design Controls to reflect the realigned block boundaries;
- amendments to Condition B4(2) 'built form' to clarify the distribution of community use floor space;
- amendments to Condition B4 'built form' to allow architectural roof elements and building management units to be excluded from the maximum height limits, and;
- amendments to Condition C4 'car parking' to specify the car parking rates for 'other' uses.

We have reviewed the provided Environmental Assessment Report (EAR) prepared by the Proponent through JBA Planning, and supporting documentation.

It is the City's position that consideration of the modification request is premature until such time as the hotel/casino (which was released for community feedback today by Minister Stoner) and the Concept Plan modification is submitted for assessment and the issues understood.

To achieve holistic and well considered planning outcomes on site, critical issues including block design, road and intersection performance, urban design controls, community floor space and car parking rates, can only be properly considered in conjunction with the hotel/casino modification.

Given the hotel/casino impact on Barangaroo South it is considered premature to tie the Government's hands through an interim modification request, especially if future changes are required to make the hotel/casino proposal acceptable on environmental grounds.

The risk in determining the Proponent's requested modifications is that critical aspects that require detailed analysis and justification will be locked in. This is especially the case where the Proponent has not demonstrated that the requested modifications are an impediment to the continuing efficient delivery of the project on site.

The below points are made in relation to each of the modifications proposed by the Proponent and should be addressed as part of any assessment. The City reiterates however that consideration of the modification request is premature. This is particularly the case where the Department is aware that the modifications will facilitate and inform their future assessment of the hotel/casino Concept Plan modification.

Realignment of the development block boundaries

The modification seeks to realign Concept Plan development block boundaries, namely Globe Street from a north-east to south-west arrangement to an east-west arrangement. Whilst the City raises no in principle objection to this, the following concerns are noted:

- An urban design and visual analysis has been completed to justify the proposed realignment. The City places no weight on this analysis given the context of the Concept Plan is to change drastically once the hotel/casino Concept Plan modification is lodged.
- The realignment of Globe Street brings the intersections of Napoleon Street and Sussex Street, and Globe Street and Hickson Road under the spacing for two sets of signalised intersections generally accepted by the RMS. In order for the City to be satisfied the realignment of Globe Street will not result intersection signalisation conflicts, the Department should seek in-principle RMS agreement to signal locations. What should be avoided is a situation where an intersection is locked in but cannot be signalised due to the proximity of other signalised intersections.
- The modification request proposes to realign Concept Plan development block boundaries, but specifically proposes no change to:
 - the height boundaries shown in the Major Development SEPP; and,
 - the Indicative Maximum Building Height, Locations and Dimensions Map endorsed as part of Concept Plan Modification 4.

This means where whole development blocks are now restricted in height under the SEPP and the approved Indicative Maximum Building Height map, sections of blocks, namely Block 4B, will now be capable of achieving a height of RL209 as opposed to the originally approved RL175. If any block boundary amendment is to be considered, the SEPP and the Indicative Maximum Building Height, Locations and Dimensions Map should also be amended in order to provide certainty.

Revisions to the approved Urban Design Controls

The proposed modification provides an opportunity for the Proponent to adopt conditioned design amendments into the modified drawings submitted for consideration. This approach is noted as acceptable by the City however the following concerns are raised:

- Control 7 – Facades for Block 3 requires that:

“There shall be no single facade having dimensions greater than 60m in length and 60m in height (or equivalent area) without articulation, and change in plan from adjoining building elements, unless as otherwise instructed by the Barangaroo Design Excellence Review Panel.”

The Proponent seeks to amend Barangaroo Design Excellence Review Panel application to:

...unless as otherwise determined by the Director General, in consultation with the Barangaroo Delivery Authority.

No justification has been provided for this amendment. It is noted that Building C3, the building subject to Control 7 within Block 3, received approval from the Director General 24 April 2012.

The principle aim of the design control was to ensure design excellence and provide for design innovation. The City does not support the proposed amendment, with the test of design excellence and innovation falling to the consent authority and land owner (which is the opposite intent of the condition). In line with the City's own design excellence protocols for such developments, advice should be sought from the *Barangaroo Design Excellence Review Panel* (In its capacity as an independent advisory body) prior to any determination on such issues. This requirement for peer review should be embodied in the controls that apply to the site.

The City raises concerns with the precedent that modifications such as the above would set for achieving design excellence and independent design review across the Barangaroo precinct.

Amendments to clarify community use floor space provision

Concept Plan Modification 4 currently requires:

“A minimum of 12,000sqm GFA for community uses (10,000sqm of which will be in Barangaroo South).”

The Proponent seeks to amend Condition B4(2) to change *minimum* to ‘maximum’. The City **objects** to the amendment in the current format as it places at risk the delivery of the 12,000sqm of community floor space committed to by the Proponent, and will exclude the opportunity for additional community floor space.

The Proponents position that the provision of community use GFA on site restricts the delivery of the GFA on the overall site is unfounded. To date the Department has assessed the provision of community floor space outside of the GFA maximums imposed for each development block within Barangaroo South.

By removing the minimum requirement, there is then no requirement for the 10,000sqm of community floor space within Barangaroo South to be provided. Without the minimum requirement the Department is left open to a claim of unallocated GFA that the Proponent may seek to locate elsewhere on site.

The City objects to any amendment to the Concept Plan that reduces the Proponents responsibility to deliver 12,000sqm of community floor space within the Barangaroo development. This is especially the case where the Proponent is seeking to increase worker/resident numbers on site through a future hotel/casino modification. An increase in such uses should deliver a proportionate increase in community use floor space and on site key worker housing.

Car parking rate amendments and intersection conflicts

Consideration of the amendment is premature. The City is aware that the future hotel/casino modification will require another road to be located north of this revised Globe Street/Hickson Road intersection. The hotel/casino entry and car park entry will come off this new road. The car park is likely to be larger than the current approved basement car park under the towers.

The proposed changes to condition C4 are not supported by the City. The proposal to set specific rates for the 'other uses' within the site without knowing the scale to which those other uses are going to take is not supported. Any future hotel/casino will need to be assessed on its merits and the scale of the impact the traffic will have on the surrounding road network.

The City reiterates its position that to achieve holistic and well considered planning outcomes on site critical issues including block design, road and intersection performance, urban design controls, community floor space and car parking rates can only be properly considered in conjunction with the hotel/casino modification.

Should you wish to speak with a Council officer about the above, please contact Tim Wise, Senior Planner, on 9265 9314 or at twise@cityofsydney.nsw.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'GJahn', with a stylized flourish at the end.

Graham Jahn AM
Director
City Planning | Development | Transport