

Attachment B

<p>Addendum to Statement of Environmental Effects</p>
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9 April 2019

14410

Andrew Rees
Area Planning Manager
City of Sydney
456 Kent Street
Sydney NSW 2000

ATTN: Peggy Wong, Specialist Planner

Dear Ms Wong,

**RE: Addendum to Concept Development Application Statement of Environmental Effects
189-197 Kent Street, Sydney (D/2018/1014)**

This letter provides an addendum to the Statement of Environmental Effects prepared by Ethos Urban (dated 23 August 2018) for a concept development application at 189-197 Kent Street, Sydney which is currently under assessment by the Council of the City of Sydney (D/2018/1014). It has been prepared on behalf of the proponent and DA application Barana Properties (No. 1) Pty Ltd.

Clause 55 of the *Environmental Planning & Assessment Regulation 2000* allows a development application to be amended or varied by the applicant at any time before the application is determined. This letter seeks to amend the DA in question, in accordance with this clause.

Since the original application was lodged, the proponent has completed a competitive design alternatives process for the site. The winning entry, designed by Francis-Jones Morehen Thorp (FJMT), contained multiple departures from the building envelope. This addendum seeks amend the building envelope to reflect the winning scheme, as recommended by the Central Sydney Planning Committee (CSPC) at their meeting on 7 March 2019.

The addendum is accompanied by Revised Building Envelope Drawings prepared by FJMT (**Attachment A**), and the letter of award to FJMT (**Attachment B**), which outlines the changes required to be made to the winning scheme as part of any detailed DA.

1.0 Background

1.1 Previous approval (lapsed)

A concept DA for conversion of the existing building to a mixed-use development comprising residential and commercial uses with a basement carpark was granted approval by the CSPC on 26 June 2006 (D/2005/1123). This concept development consent lapsed on 26 June 2011.

1.2 Current approvals

On 10 September 2015, a concept DA for a mixed-use residential and retail building with a corresponding 80m tall building envelope was approved by the CSPC (D/2014/1900). The concept development consent was modified on 1 June 2018 to permit residential land use on part of the ground floor and to incorporate a Design Excellence Strategy in the consent (D/2014/1900/A). The modification did not alter the approved building envelope. D/2014/1900, as modified, will lapse on 10 September 2020.

1.3 Competitive design alternative process

From 15 August 2018 to 25 October 2018, the proponent undertook a Competitive Design Alternatives Process for the site. The process considered four designs put forward by Bates Smart, FJMT, Koichi Takada Architects (KTA) and Woods Bagot in partnership with Alexander & Co. The selection panel chose the FJMT scheme as the winning design, despite non-compliances with the concept DA building envelope.

1.4 Approval currently under assessment

In anticipation of the concept development consent lapsing in 2020, the proponent subsequently lodged a concept DA on 30 August 2018 (D/2018/1014), to which this addendum relates. The concept DA currently under assessment seeks consent for an identical building envelope to the existing approval under D/2014/1900.

On 7 March 2019, the concept development application was presented to the CSPC, by which stage FJMT had been selected as the winning architect of the Competitive Design Alternatives Process. At the meeting, it was recommended that the building envelope be amended to reflect the form of FJMT's winning design, in particular to include a 6m wide east-west through-site link and provision of a visual connection to Barangaroo through the separation of towers. In light of these comments, the CSPC resolved that the matter be deferred.

Hence this addendum provides a description of proposed changes to the building envelope so it can contain the FJMT design. An assessment of the environmental impacts relevant to the proposed changes is also included.

2.0 Competitive Design Alternatives Process winning scheme

The FJMT proposal was titled 'The Cut', comprising two slim tower forms that accentuated a new 'cut' through the city and legible through-site connection from Kent Street to Barangaroo. In response to the surrounding streetscape, one tower is set forward and one is set back - contrasting with the rigidity of the adjacent walled towers. The design makes several departures from the concept DA building envelope by exceeding the height limit, including a tall architectural roof feature at the western aspect, exceeding the street frontage height to Kent Street, providing a zero setback to Kent Street for the southern tower form and also by not providing an upper-level setback to the Stamford on Kent building immediately adjacent to the north of the site.

The Selection Panel commended FJMT for providing a highly legible east-west connection through the site, which recognised the axial quality of the existing Grosvenor Street and was legible at both ground level and in the upper tower form. The design was considered to contribute substantially to the public domain.



Figure 1 FJMT Competitive Design Submission viewed from Kent Street (left) and Watermans Quay (right)
 Source: FJMT

3.0 Description of proposed changes to the building envelope

The amendments relate to changes to the Kent Street setbacks and street-wall height, provision of a 6m wide by 4-storey high through-site link running east-west through the site, together with the creation of two separated tower forms above a linked podium. **Table 1** provides a comparison of the key changes between the envelope currently under assessment and the envelope as proposed to be amended. The amendments are detailed in the following sections.

Table 1 Comparison of key building envelope components

Component	Current envelope (under assessment)	Proposed envelope (consistent with competition-winning FJMT scheme)
Height	80m (RL102.087 – RL92.810)	80m (no change)
Through-site link	Not provided	6m wide, four-storey high
Envelope	Single tower form	Two separated tower forms
Street-wall height	<ul style="list-style-type: none"> • Kent Street • Jenkins Lane 	<ul style="list-style-type: none"> • N/A • Approximately RL25.000
Tower setbacks	<ul style="list-style-type: none"> • North • South • East • West 	<ul style="list-style-type: none"> • 0m – 3m (no change) • 0m – 6m (no change) • 0m (south), 2.5m (north) • 6m to centreline of Jenkins Lane (no change)

3.1 Building height

No change is proposed to the overall height of the building envelope (80m).

3.2 Through-site link

In response to comments made by the CSPC, the building envelope has been amended to include an east-west through site link as an easement for public access. The easement is 6m wide and 4-storeys tall, as shown in **Figures 2 - 3** below. Highly legible public access through the site was a key component of the competitive process winning scheme as identified by the selection panel.

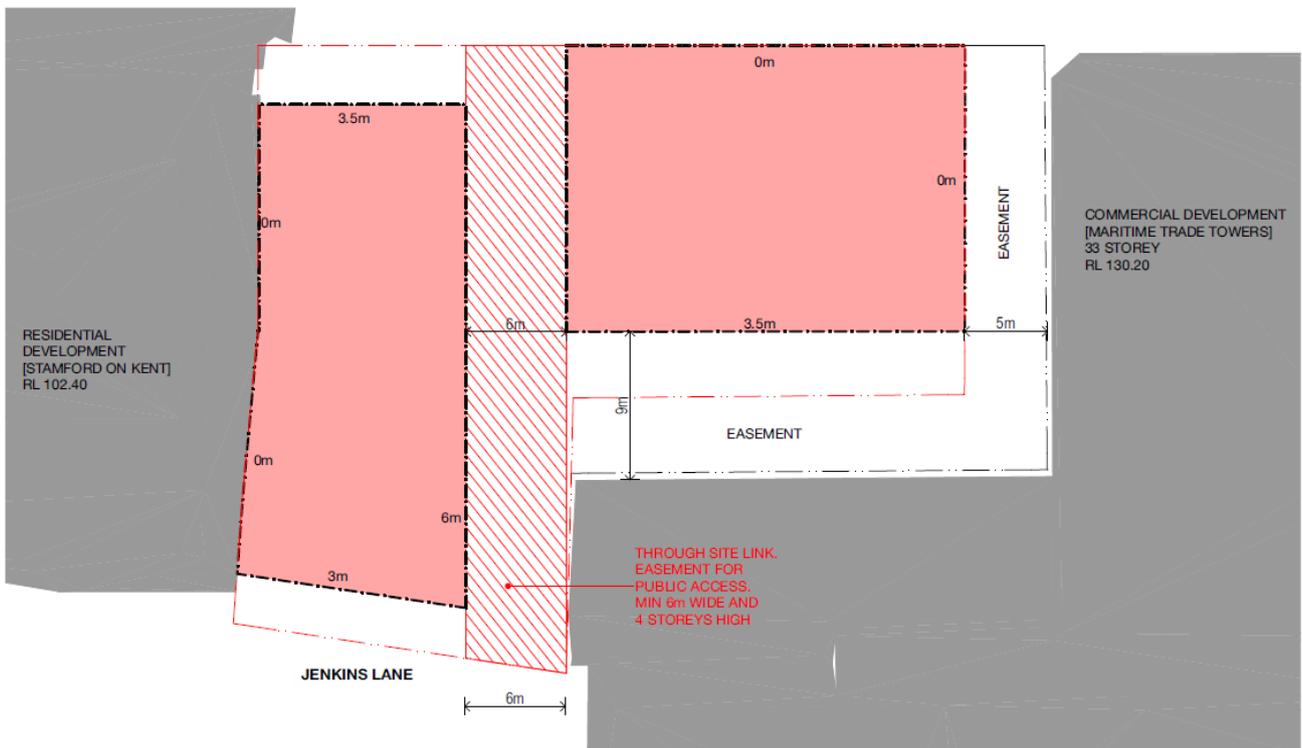


Figure 2 Proposed building envelope – Ground level plan

Source: FJMT

3.3 Separated Tower Forms

In order to reflect the FJMT competitive scheme and respond to comments made during the CSPC meeting around supporting a visual connection through to Barangaroo, the envelope has been amended to provide for two separated tower forms consistent with the indicative floor plans (refer to **Figure 3**).

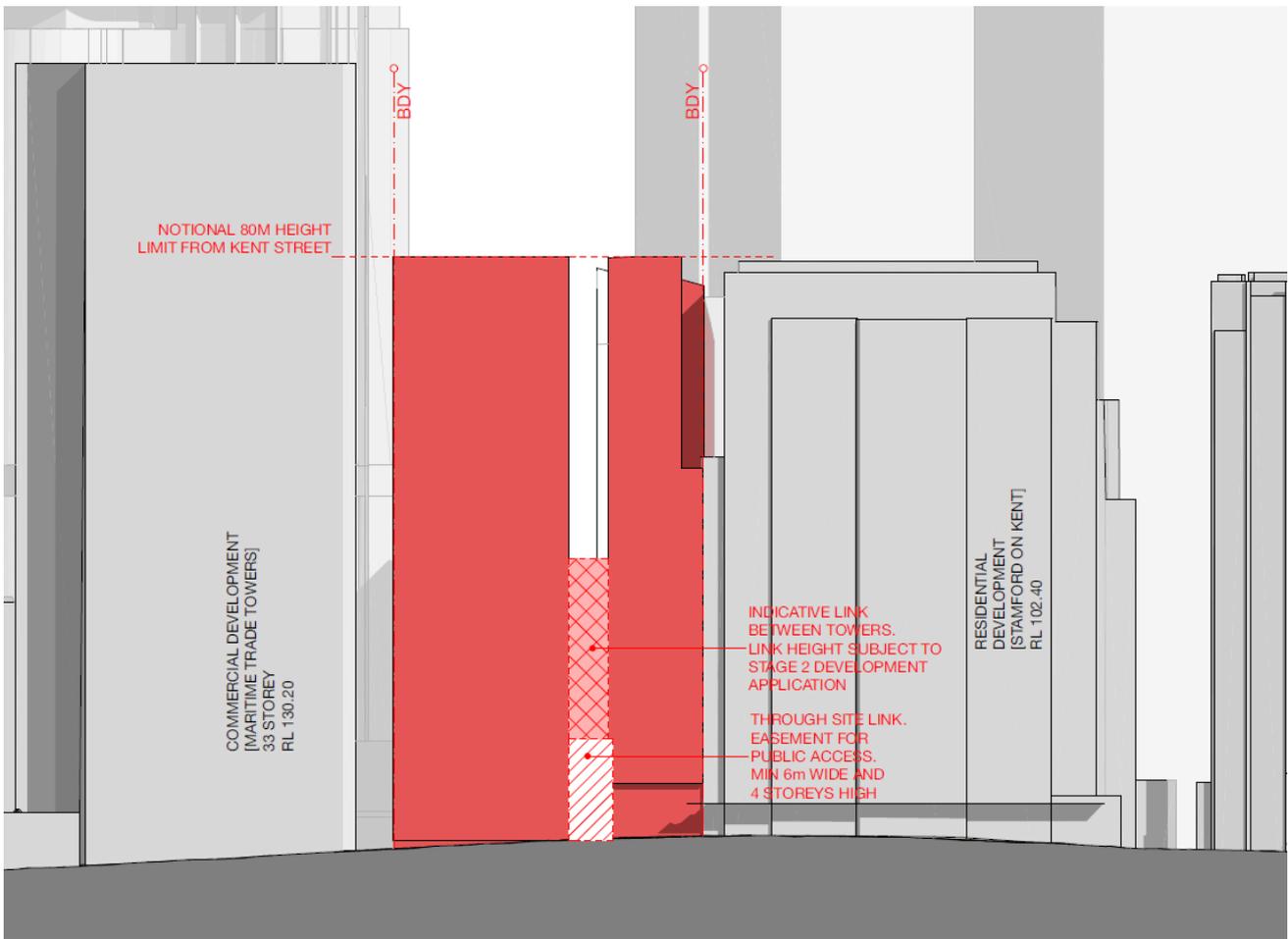


Figure 3 Proposed building envelope – Kent Street elevation

Source: FJMT

3.4 Setbacks

The FJMT competitive process scheme did not fully comply with the building envelope setbacks. As such the setbacks of the building envelope have been amended to reflect the competitive process scheme, with the exception of the upper level setback to Stamford on Kent. A description of the changes to building envelope setbacks is provided in the following sections. The environmental impact of these setbacks is discussed in **Section 4**.

3.4.1 Kent Street

Key to the form of the competitive process winning scheme was the variation to the Kent Street upper level setback. The selection panel noted that the variation “exhibits merit when considered alongside the existing development context of Kent Street, the vertical break in massing, and the ‘push and pull’ of the two tower forms.” As such, the reduced setback to Kent Street has been included in the amended building envelope.

The southern tower massing provides a zero-setback, to align with the Maritime Trade Towers to the south. The northern tower massing provides a 2.5m setback to better align with Stamford on Kent to the north. **Figures 4 - 5** show a comparison between the envelope currently under assessment and the proposed envelope for a typical tower level.

3.4.2 Stamford on Kent

The FJMT competition scheme provided a zero-setback to the boundary with Stamford on Kent (the adjoining property to the north). In their recommendations for further development of the scheme, the selection panel recommended that consideration be given to the redistribution of floor area if the 3m setback to Stamford on Kent is enforced. To capture and reinforce this comment, the 3m setback to Stamford on Kent has been retained in the amended building envelope despite the competition scheme providing a zero-setback. The 3m setback will ensure appropriate separation and visual privacy between the two buildings can be achieved.

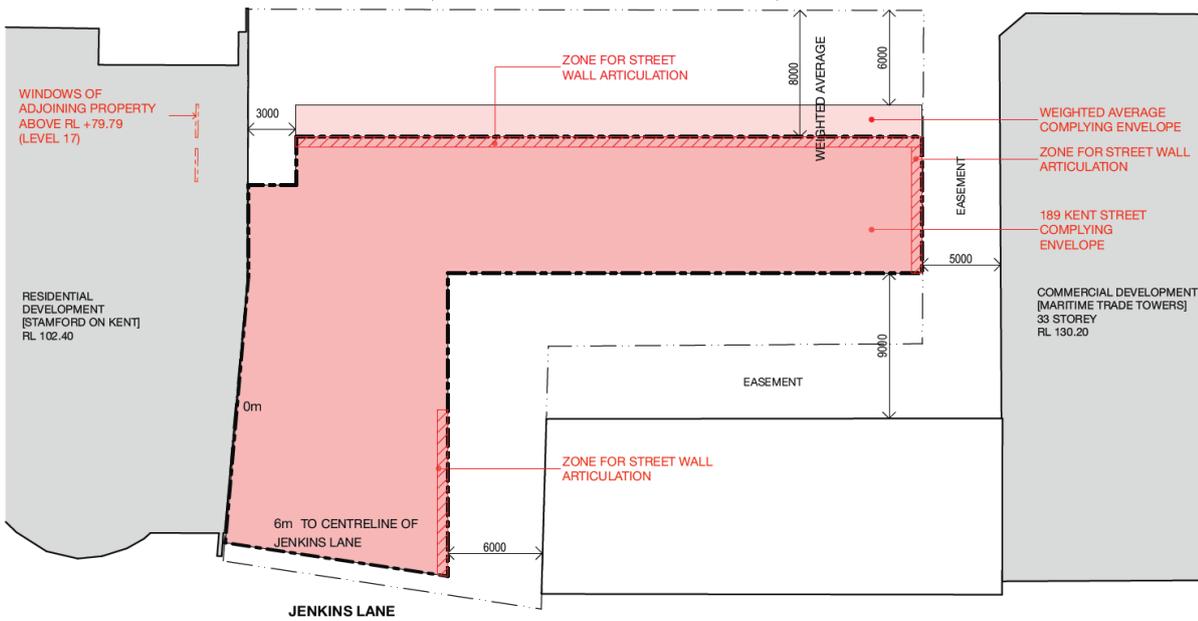


Figure 4 Building envelope currently under assessment – Typical tower level

Source: FJMT

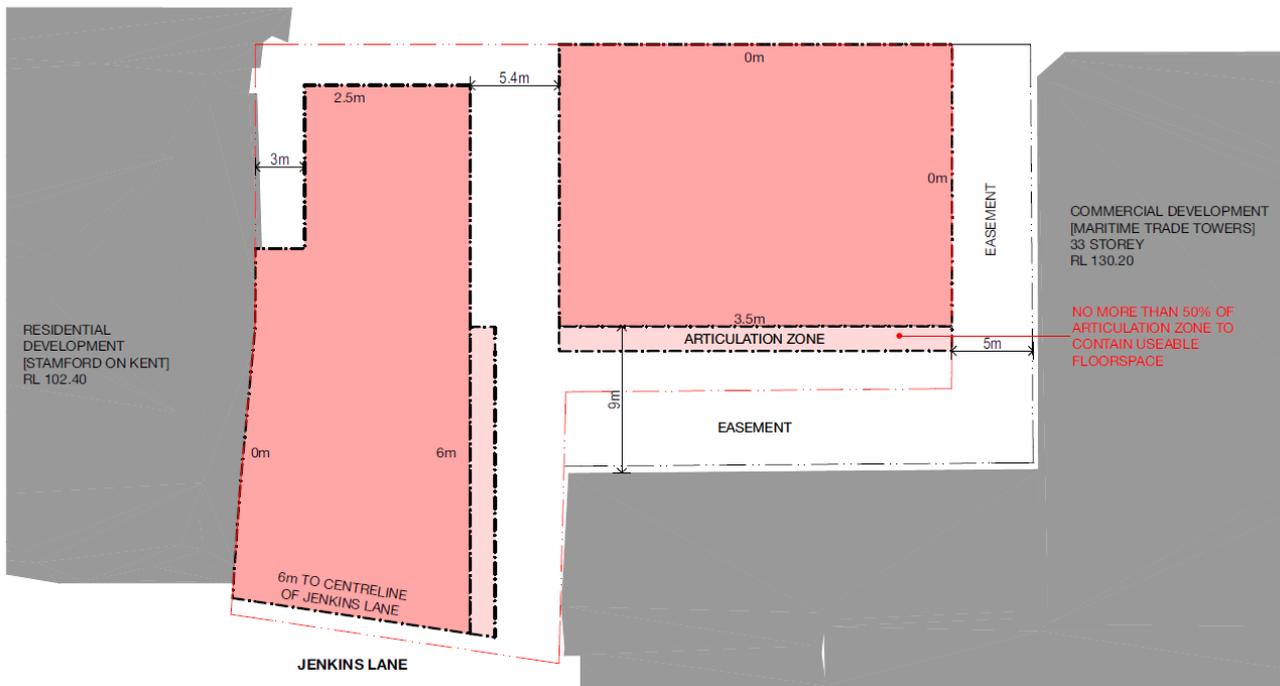


Figure 5 Proposed building envelope – Typical tower level

Source: FJMT

3.5 Street wall height

The amended envelope proposes no Kent Street tower setback above the podium. As shown in **Figure 6**, the envelope currently under assessment has a street wall height of RL 72.200. The removal of this street wall height in favour of a tower form that presents at street level was made in response to the existing streetscape of Kent Street surrounding the site. As shown in **Figures 6-7**, the existing buildings surrounding the site do not provide a podium street-wall with a tower setback. Hence the amended envelope provides a better response to the streetscape, as discussed further in **Section 4**.

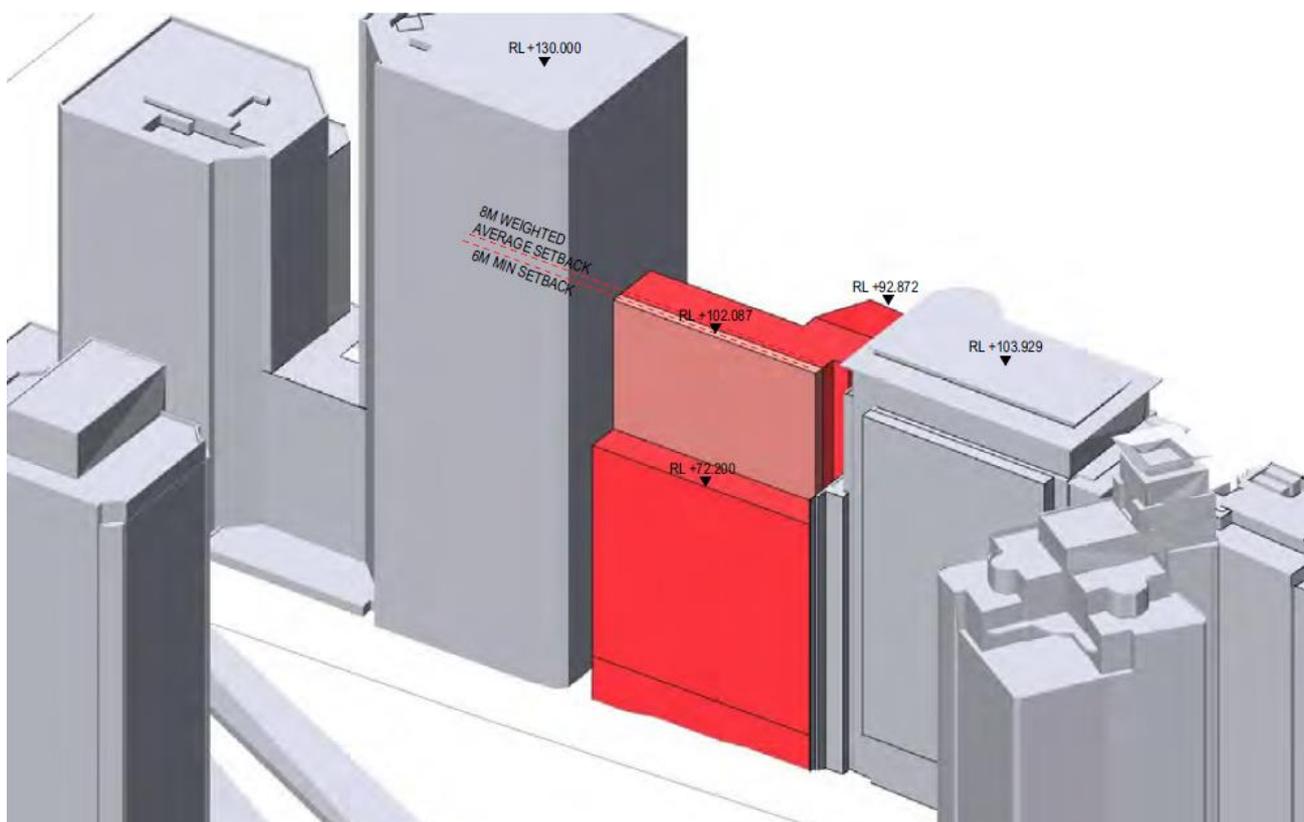


Figure 6 Building envelope currently under assessment – Kent Street perspective
Source: FJMT

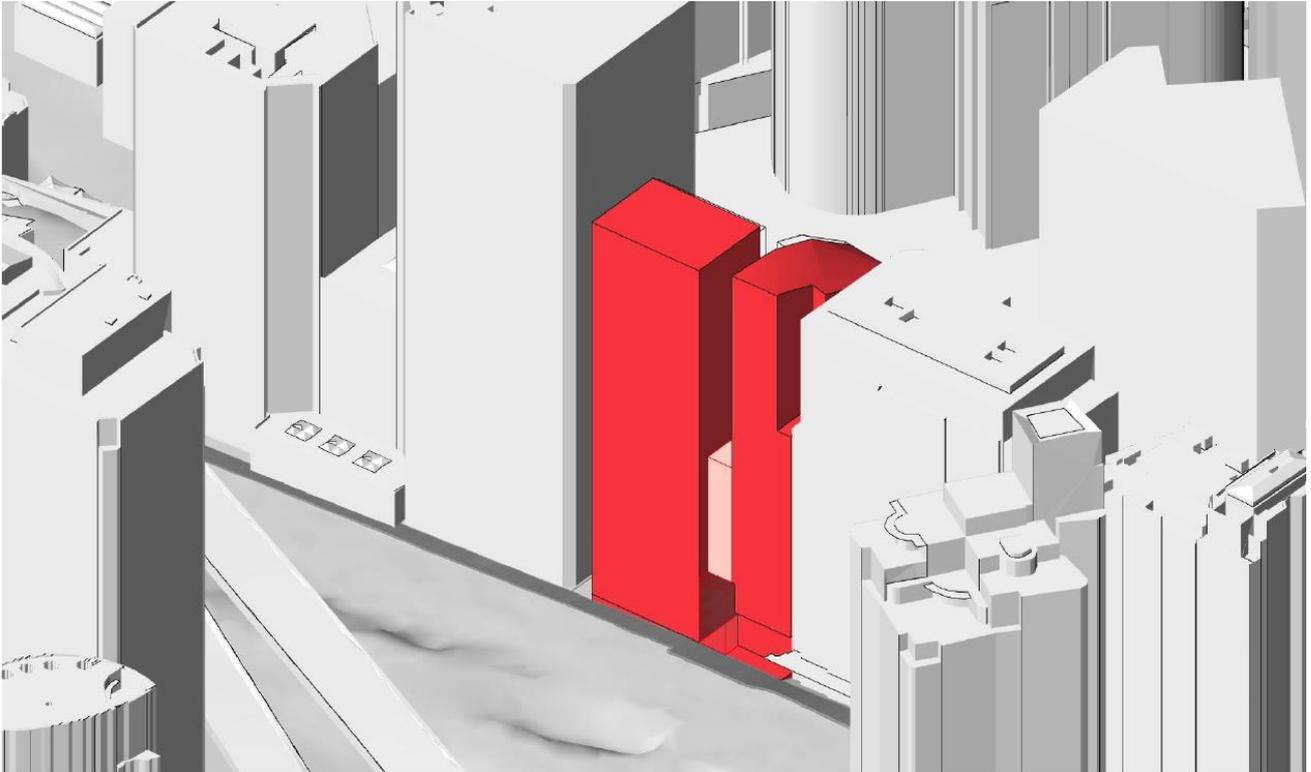


Figure 7 Proposed building envelope – Kent Street perspective

Source: FJMT

3.6 Articulation zones

The FJMT competitive process scheme provided a degree of façade modulation across several aspects of the building, including a curvilinear, sculptural form to the western and southern aspects of the mid-rise levels. These elements of the design have been captured in the amended building envelope through additional “articulation zones” (as shown in **Figure 5**). A maximum of 50% of the articulation zone is to be utilised as floorspace to ensure building bulk is not increased.

4.0 Assessment of planning issues

The Statement of Environmental Effects (SEE) submitted with the concept DA assessed compliance with the following strategic and statutory plans and policies:

- A Metropolis of Three Cities;
- Eastern City District Plan;
- Sustainable Sydney 2030;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy (Infrastructure);
- State Environmental Planning Policy (State and Regional Development);
- Sydney Regional Environment Plan (Sydney Harbour Catchment) 2005;
- Sydney Local Environment Plan 2012; and
- Sydney Development Control Plan 2012.

Further, the SEE also assessed the following environmental impacts:

- Urban Design and Built Form;
- Visual Impact;
- Materiality and Modulation;
- Residential Amenity;
- Overshadowing;
- Transport and Accessibility;
- Wind Impact;
- Contamination;
- ESD;
- Reflectivity; and
- Site Suitability and the Public Interest.

The proposed changes to the building envelope do not substantially impact the proposal's compliance with a majority of the above plans and policies. Further, a majority of the above environmental impacts remain largely unchanged with the proposed changes. Areas where the proposed changes do warrant further assessment are discussed in the following sections.

4.1 Height and floor space ratio

The amended building envelope seeks the same height as the original approval and the application currently under assessment. The maximum building height is 80m above existing ground level. It is noted that the FJMT competition scheme exceeded the height limit but that these exceedances are not proposed in the building envelope amendments.

No maximum floor space ratio (FSR) is approved in the concept DA. The maximum FSR control for the site is set separately by the Sydney LEP 2012. As such, the amended building envelope does not seek any changes to FSR.

4.2 Urban design and built form

The amended building envelope, based on the winning competitive process scheme, delivers a superior urban design outcome to the envelope currently under assessment. As elaborated below, the amended envelope responds appropriately to the surrounding streetscape and allows for a substantial contribution to be made to the public domain.

4.2.1 Public domain

FJMT's competitive process scheme was commended by the selection panel for its contribution to the public domain, in particular the provision of a highly legible through-site link. The amended building envelope captures this through site link and ensures its minimum dimensions for any detailed DA that will follow. The through-site link is proposed as an easement for public access of minimum 6m width and 4-storeys in height.

The through-site link recognises the topography of the site and provides a valuable pedestrian connection from the CBD to Barangaroo. It will strengthen connections between the CBD and Barangaroo, particularly when considering future development in the Barangaroo precinct. The separation of the tower forms will further strengthen the legibility of this east-west connection.

4.2.2 Building setbacks

The proposed building envelope provides reduced tower setbacks to Kent Street. These setbacks have been chosen to respond to the existing streetscape along Kent Street, which is characterised by towers with minimal or zero setback and an ambiguous street-wall height. In particular, the zero-setback for the southern tower volume responds directly to the adjoining Maritime Trade Tower, which presents as a tall glass office building with no front setback. The 2.5m setback for the northern volume provides a “push and pull” of the tower forms that responds to the surrounding streetscape rhythm.

As shown in **Figure 8**, the existing streetscape is characterised by buildings with a nil setback to Kent Street to the full height of each building.



Figure 8 Existing streetscape along Kent Street

Source: FJMT

Section 5.1.2.1 of the SDCP 2012 requires that buildings in Central Sydney have a minimum 8m weighted average front setback. The objectives of the building setback controls are as follows:

- (a) Enhance amenity in terms of daylight, outlook, view sharing, ventilation, wind mitigation and privacy in residential buildings and serviced apartments.
- (b) Enhance the quality of the public domain in terms of wind mitigation and daylight access.

While the amended building envelope proposes a variation to the front setback control, it provides the following benefits that are consistent with the objectives of the control:

- The provision of a through site link arguably provides substantially more public benefit than the provision of a setback above street wall height, particularly in the context of a streetscape that has not historically been set back.
- The provision of a setback would render the proposed development inconsistent with the surrounding streetscape and would lead to a more disjointed and less coherent urban design outcome.
- The amended building envelope can accommodate a detailed design that separates the tower into two distinct volumes (as per the indicative concept scheme at **Attachment A**). This separation into two volumes can provide enhanced daylight, outlook and natural ventilation for residential apartments at the site. The scheme demonstrates that the objectives of the building setback control can be achieved despite non-compliance with the control itself.
- The increased Kent Street setbacks do not impact the amenity of any surrounding residential buildings or serviced apartments.

- Any loss of sky view can be offset by separation of the tower into two volumes, providing a visual connection to the through-site link, improving the quality of the public domain.

In addition to the above, appropriate setbacks have been provided to respond to adjoining properties and easements, ensuring appropriate separation and visual privacy for the site's urban context.

Wind impacts are discussed further below.

4.2.3 Street frontage height

As described in **Section 3.4**, the amended building envelope does not provide a street frontage height in accordance with Section 5.1.1 of the SDCP 2012 along Kent Street. Section 5.1.1(1) requires the street frontage height of new buildings to be between 20m and 45m above ground level. However, the surrounding buildings along Kent Street do not contain 20m-45m street walls or podiums, instead permitting the tower form to present at ground level.

The amended envelope responds directly to the surrounding streetscape to produce a coherent urban form. In line with the objectives of Section 5.1.1 of the SDCP 2012, the amended building envelope physically defines and enhances the public domain by providing a substantial through-site link and responding to the surrounding streetscape.

4.3 Wind

As a result of the significant through-site link and the reduced setback to Kent Street, the selection panel requested that specialist wind advice be sought as part of the competitive design alternatives process to inform their final decision. A desktop wind study prepared by Windtech Consultants found that the FJMT scheme could achieve appropriate wind conditions at the through site link and at the Kent Street frontage, pending detailed design and potential localised wind treatments.

Additional wind tunnel testing is underway and will be submitted to Council under separate cover.

4.4 Residential Amenity

A detailed assessment of residential amenity will be provided during the detailed DA stage. An indicative concept scheme has been provided at **Attachment A**, which indicates that the relevant provisions relating to residential amenity are capable of being met through the design development of the scheme.

The proposed scheme remains capable of meeting the relevant objectives of SEPP 65 and the Apartment Design Guide and will be further assessed as part of any future detailed DA. We also note that compliance with the Apartment Design Guide is likely to be conditioned.

5.0 Conclusion

This addendum has described proposed amendments to the building envelope for concept development application D/2018/1014 at 189-197 Kent Street, Sydney, currently under assessment by Council.

The building envelope has been amended to reflect the winning scheme of the competitive design alternatives process undertaken by the proponent in late 2018. The changes are a result of comments made by the CSPC at their meeting on 7 March 2019 and include changes to setbacks, the provision of a through-site link and separation of tower forms, as per the FJMT competition winning scheme.

This addendum addresses the relevant issues relating to compliance and environmental impacts caused by the changes to the building envelope. We consider the amendments to be positive, both in terms of public benefit and environmental impacts, and we recommend the amended envelope for approval.

If you have any questions or comments relating to this letter, feel free to contact the undersigned.

Yours sincerely,



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