

16 October 2019

2190145

Jim Betts
Secretary
Department of Planning and Environment
320 Pitt Street
Sydney NSW 2000

SECTION 4.55(2) MODIFICATION APPLICATION

Building R4A, One Sydney Harbour, Barangaroo South, Sydney

This application has been prepared by Ethos Urban on behalf of Lendlease (Millers Point) Pty Ltd, pursuant to section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify Development Consent SSD 6964 relating to Building R4A, Barangaroo South (the site).

The modification relates to:

- Updated legal description of the site.
- Reduction in the number of apartments from 327 to 317;
- Revised dwelling mix and associated internal layout refinements;
- Introduction of wintergardens on Levels 1 - 19;
- Floor level adjustments;
- Relocation of plant room and mechanical room;
- Minor landscaping alterations;
- Minor façade alterations;
- Addition of 13 residential car parking spaces and removal of one retail car parking space, resulting in an additional 12 car parking spaces; and
- Addition of a roof fire tank to service the sprinkler and hydrant system.

This application identifies the consent, describes the proposed modifications and provides an assessment of the relevant matters contained in section 4.55(2) of the EP&A Act. This application is accompanied by:

- Architectural plans prepared by Peddle Thorp and Walker and Renzo Piano Building Workshop (**Attachment A**)
- Design report prepared by Renzo Piano Building Workshop (**Attachment B**);
- Landscape plans prepared by Grant Associates (**Attachment C**);
- Apartment Design Guide Assessment and SEPP 65 Verification prepared by RPBW and PTW (**Attachment D**);
- Traffic and Accessibility report prepared by Arup (**Attachment E**);
- Ecologically Sustainable Development report prepared by Lendlease Applied Insight (**Attachment F**);
- BCA report prepared by McKenzie Group (**Attachment G**)
- Photomontages prepared by Virtual Ideas (**Attachment H**);
- BASIX Certificate prepared by Lendlease Applied Insight (**Attachment I**);
- Consultant Advice prepared by Warren Smith and Partners (**Attachment J**); and

- General Correspondence prepared by Peddle Thorp and Walker (**Attachment K**).

1.0 Consent proposed to be modified

Development consent SSD 6964 was granted by the NSW Minister for Planning on 7 September 2017 for a 72-storey mixed use building, with 327 residential units and retail floor space at ground level. This included a total gross floor area (GFA) of 48,004m², 47, 564m² of which was approved for residential floor space, and the remaining 440m² was approved for retail floorspace. The original consent also approved public domain works, fit-out and use of the basement, a link bridge connecting to Building R4B and associated building identification signage.

The consent has not been previously modified, and works have not yet begun.

2.0 Proposed modifications to the consent

The proposed modification to the development consent comprises:

- Updated legal description of the site.
- Reduction in the number of apartments from 327 to 317;
- Revised dwelling mix and associated internal layout refinements;
- Introduction of wintergardens on Levels 1 - 19;
- Floor level adjustments;
- Relocation of plant room and mechanical room;
- Minor landscaping alterations;
- Minor façade alterations;
- Addition of 13 residential car parking spaces and removal of one retail car parking space, resulting in an additional 12 car parking spaces; and
- Addition of a roof fire tank to service the sprinkler and hydrant system.

The proposed modifications are described in more detail below.

2.1 Modifications to the development

The proposed modifications to the approved development are described in detail below.

Updated legal description of the site

Since approval of the development, further subdivisions have been approved for Barangaroo South which alter the legal description of the land. It is proposed to update Schedule 1 to accurately describe the lot and deposited plan on which the site is located.

Revised Apartment Mix

The proposed changes in apartment mix result in an overall reduction in the number of apartments from 327 to 317 and an increase in the provision of 4 bedroom apartments. **Table 1** provides a comparison of the approved and proposed apartment mix.

Table 1 Revised apartment mix

Apartment Type	Approved Mix	Proposed Mix
1 bedroom	112	107

Apartment Type	Approved Mix	Proposed Mix
2 bedrooms	119	104
3 bedrooms	65	65
4 bedrooms	30	40
5 bedrooms	1	1
Total	327	317

Floor Level Adjustments

The modifications include changes in floor levels to correlate with the relocated plant room and allows for the levels of Building R4A to align with Building R4B¹. The revised levels are illustrated at **Figure 1** and **Figure 2**. The changes in floor levels are minor and will not change the overall height of the building, which remains at 250 metres.

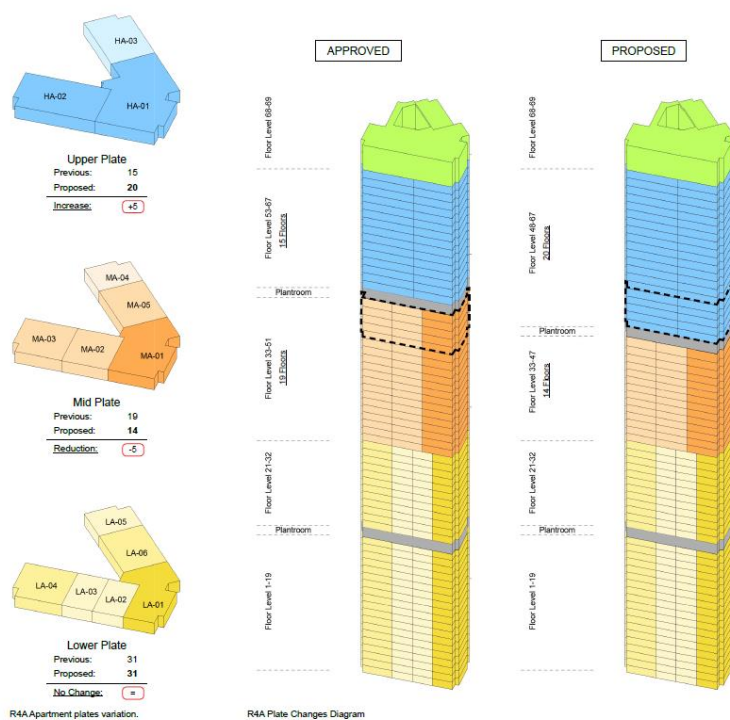


Figure 1: Revised floor levels

Source: RPBW + LLAI

¹ A separate modification application will be submitted for design changes to SSD 6965.

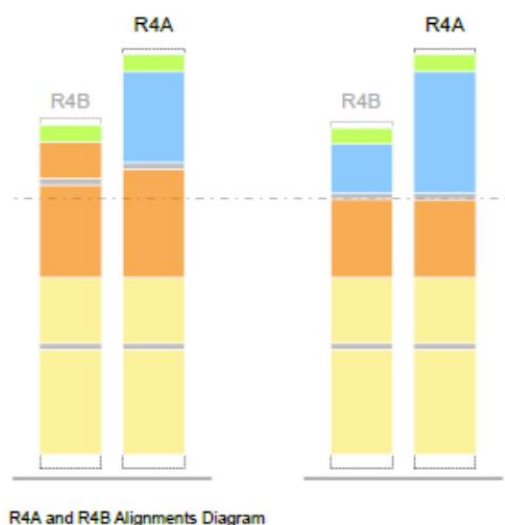


Figure 2: Alignment of R4A and R4B (approved – left, proposed – right)

Source: RPBW + LLAI

Car parking provision

Due to the revised dwelling mix and rationalisation of the basement design, car parking numbers have been updated. The changes result in an increase of 13 residential spaces and the removal of one retail car parking space, resulting in an additional 12 car parking spaces.

Through detailed design, additional parking has been created within the approved envelope of the basement. It is noted that the parking changes do not impact the approved basement under SSD 6960, which provides approval for the shell/structure only and not car parking numbers.

As discussed in the Traffic Assessment provided at **Attachment E** and **Section 4.6**, the revised parking provision is consistent with the maximum car parking rates provided under the Barangaroo Concept Plan (Mod 8).

The changes in car parking for Building R4A is outlined in **Table 2**.

Table 2 Comparison of approved and proposed residential car parking spaces

Approved car parking spaces		Proposed car parking spaces
Residential	377	390
Retail	1	0

Revised internal layout

There are a number of internal layout adjustments to Building R4A that have arisen through design development and in response to the revised apartment mix, which are listed by level below. These changes are discussed in the Design Report at **Attachment B**. Changes to typical floor plates are illustrated at **Figure 3** and **Figure 4** below.

- Ground Floor: Lift lobby extended, gas metre room relocated, goods lift amended and amendments to mail room and retail area layout.
- Podium Level 1: Plant room layout updated, amendments to awnings, removal of windows.
- Podium Level 2: Bridge link access amended, terrace stairs and lift layout amended, pool access and layout amended and plant room layout amended as part of this modification.
- Lower Plate Level 1: Addition of canopies and awnings, balconies converted to wintergardens.
- Lower Plate Level 2-19: Balconies converted to wintergardens.

- Mid Plate Level 39-41: Low rise lift overrun added and changes to lift controller and motor room.
- Plant Level 47: Plant relocated from level 52 to level 47.
- Upper Plate Level 48-52: Mid plate levels converted to upper plate levels.
- Penthouse Level 68: Private lift lobby extended, wintergarden added.
- Penthouse Level 69: Wintergarden added, pool area amended and internal stairs removed.
- Roof Level 70: Steptype ladder added.

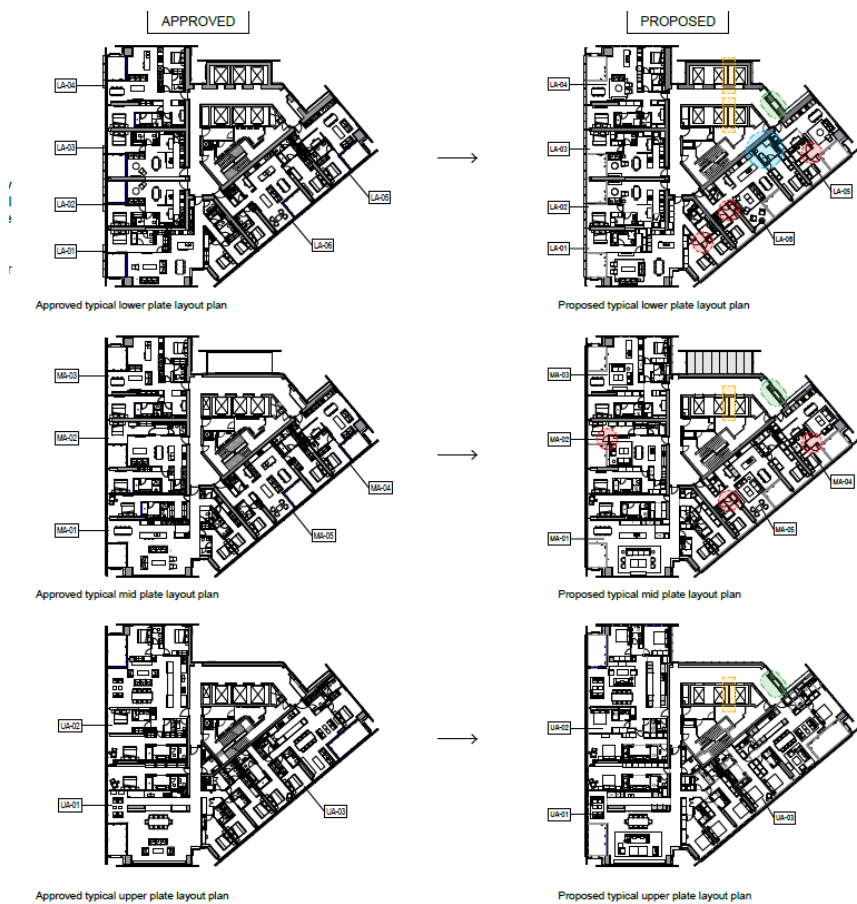


Figure 3: Revised lower, mid and upper floorplate layout

Source: RPBW + LLA

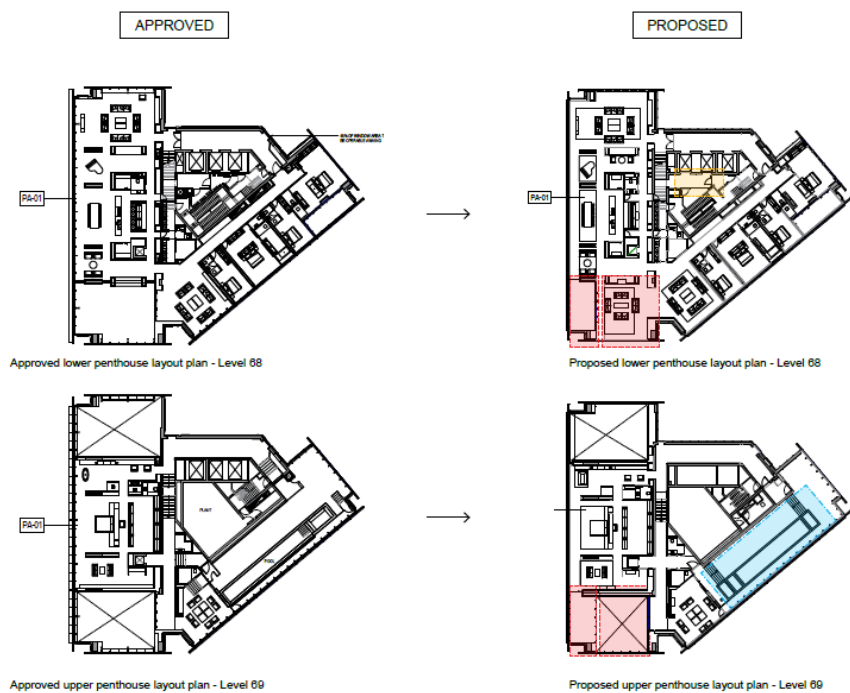


Figure 4: Revised penthouse floorplate layout

Source: RPBW + LLA

Wintergardens

The proposal intends to introduce a new wintergarden sash, which will vary slightly from the approved wintergarden sash. This will be applied across all floorplates. This is as a result of design evolution and façade consolidation and consistency.

Furthermore, in the approved design, the apartments on the lower floor plates (Level 1-19) have balconies. In order to improve comfort and amenity for residents at these levels, this modification seeks to remove these open façade balconies and replace them with the updated wintergarden sash system that is discussed above. As a result, the building will have a more consistent façade type and will ensure that residents have the ability to moderate the environmental conditions of their apartment's exterior spaces.

Alterations to façade

A number of alterations to the façade of the development are proposed to ensure wind, natural ventilation, open space and solar access requirements have been met, the extent of which are illustrated at **Figure 5** and **Figure 6**.



Figure 5 Comparison of approved and proposed primary façade

Source: RPBW + LLAI

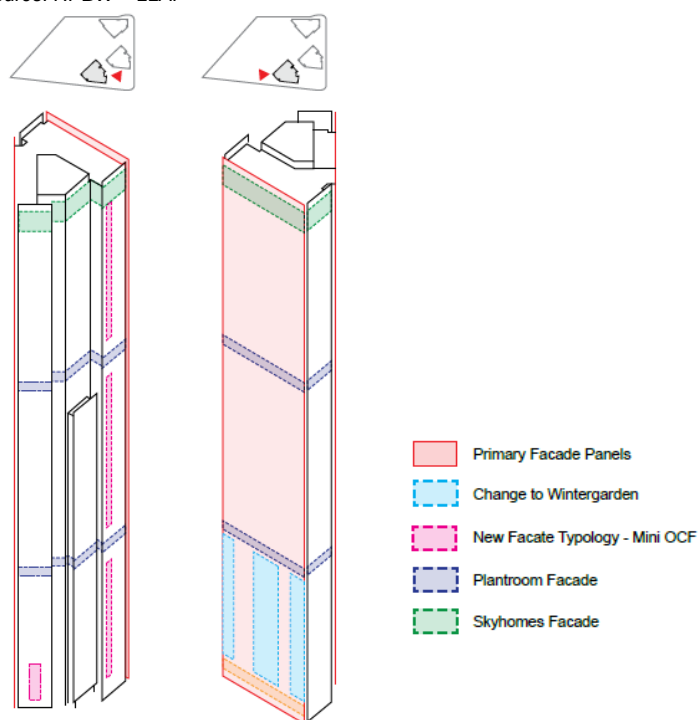


Figure 6 Extent of façade changes (new changes show in dashed line)

Source: RPBW + LLAI

The modifications to the façade are illustrated in detail in the Design Report at **Attachment B** and include the following:

- Reconfiguration of primary façade panels is proposed, based on the results from wind reports. The previous wind deflectors were only present on some windows and had a larger extrusion and on further investigation resulted in an undesirable wind effects. The refined design proposed by this modification includes a smaller wind deflector on all windows, which provides both a unified façade design as well as improved wind results.
- Modifications to window types and façade design for bedrooms facing south-east are proposed. This allows for improved cross ventilation for the bedroom facing south-east on each floor. The modification will allow for the window to open inwards, to allow for adequate cross ventilation and therefore improved amenity.

- Changes to the podium façade are proposed to better respond to thermal requirements. It is proposed that the wintergarden sash window panels are replaced with the open cavity façade windows that comprise the majority of the building.
- Modifications to the plant room façade are proposed in order to better respond to the mechanical ventilation requirements for the plant room equipment. These changes include the removal of the glass panel that was located outside of the ventilated louvres, and the inclusion of two additional ventilated louvres on the southern and south-eastern elevation of the plant room floor.
- Change of Level 1-19 balconies to wintergardens, as discussed above. This change will improve comfort and amenity for residents, as well as ensuring consistency across the façade.
- The changes of the upper level from penthouse to skyhome results in façade changes due to the addition of several wintergardens to respond to the revised dwelling mix proposed. The façade changes will facilitate the addition of these wintergardens.

GFA changes and GFA reallocation

Through rationalisation of the basement design, the services rooms located in the basement of Block 4A have been consolidated and centralised to improve efficiency in construction, certification and access. These rooms comprise non-residential uses and therefore do not contribute towards residential GFA. The GFA for these uses will be approved as non-residential GFA in the basement (subject to a separate modification to SSD 6960) and therefore there is no longer a requirement for any basement GFA in the tower consent.

In addition, the introduction of wintergardens between Levels 1-19 (in place of balconies) affects the calculation of GFA. In accordance with Concept Plan (Mod 8), wintergardens are to be counted as GFA when their area is greater than 15% of the GFA of the corresponding apartment. Any additional area over 15% is counted as GFA. Apartment 5 on Levels 1-19 has a wintergarden which represents 16% of the apartment floor area, equating to 28m² of GFA. There is sufficient residential GFA within the Block 4A maximum to accommodate the increased residential floor space resulting from the inclusion of wintergardens.

Addition of a roof fire tank

The existing R4A building has been designed with a fire tank and fire pumps on level 65 to serve the uppermost pressure zone of the building which includes Level 80 on the roof. This strategy was agreed upon with Fire and Rescue NSW (FRNSW) in 2016 with the original design of the building. However, given the recent history with high rise building fires due to flammable cladding, FRNSW has recommended further fire protection measures. Therefore, to respond to this recommendation, a fire tank at roof level is to be installed, which will service the combined sprinkler and hydrant system within the building. Further information is provided at **Appendix J**.

2.2 Modifications to conditions

The proposed modifications described above necessitate amendments to the consent conditions which are identified below. Words proposed to be deleted are shown in bold strike through and words to be inserted are shown in bold italics.

SCHEDULE 1

Land: Building R4A, 51A Hickson Road, Barangaroo (~~Lot 209 DP 1211553~~ **Lot 214 DP 1221076**)

A2 TERMS OF CONSENT

The Applicant, in acting on this consent, must carry out the development:

- e) In accordance with the following drawings:

Architectural plans prepared by Renzo Piano Building Workshop			
Drawing No.	Revision	Name of Plan	Date
BR4A_ASD_PA1_0001	18-19	Context Plan	08/02/2017-30/04/2019
BR4A_ASD_PA1_0002	18-19	Site Plan	28/04/2017-30/04/2019
BR4A_ASD_PA1_0004	18-19	Site Plan Setting Out	08/02/2017-30/04/2019
BR4A_ASD_PA1_0005	18	Thermal Performance Assessment	08/02/2017
BR4A_ASD_PA1_1001	18	Setout Plan Basement Level B4	08/02/2017
BR4A_ASD_PA1_1002	18-20	Setout Plan Basement Level B3	08/02/2017-30/04/2019
BR4A_ASD_PA1_1003	18-20	Setout Plan Basement Level B2	08/02/2017-30/04/2019
BR4A_ASD_PA1_1004	18-20	Setout Plan Basement Level B1	20/06/2017-30/04/2019
BR4A_ASD_PA1_1005	18-20	Setout Plan Basemen Level B0	20/06/2017-30/04/2019
BR4A_ASD_PA1_2000	18-19	Plan Ground Floor Level 00	08/02/2017-30/04/2019
BR4A_ASD_PA1_2001	18-19	Plan Podium Level P1	08/02/2017-30/04/2019
BR4A_ASD_PA1_2002	18-19	Plan Podium Level P2	08/02/2017-30/04/2019
BR4A_ASD_PA1_3001	18-19	Plan Lower Plate Level 01	08/02/2017-30/04/2019
BR4A_ASD_PA1_3002	18-19	Plan Lower Plate Level 02-03	08/02/2017-30/04/2019
BR4A_ASD_PA1_3004	18-19	Plan Lower Plate Level 04-19	08/02/2017-30/04/2019
BR4A_ASD_PA1_3020	18-19	Plan Plant Level 20	08/02/2017-30/04/2019
BR4A_ASD_PA1_3021	18-19	Plan Lower Plate Typical 21-32	08/02/2017-30/04/2019
BR4A_ASD_PA1_3033	18-19	Plan Mid Plate Level 33- 40-38	08/02/2017-30/04/2019
BR4_ASD_PA1_3039	19	Plan Mid Plate Level 39	30/04/2019
BR4_ASD_PA1_3040	19	Plan Mid Plate Level 40	30/04/2019
BR4A_ASD_PA1_3041	18-19	Plan Mid Plate level 41	08/02/2017-30/04/2019
BR4A_ASD_PA1_3042	18-19	Plan Mid Plate Level 42-43	08/02/2017-30/04/2019
BR4A_ASD_PA1_3044	18-19	Plan Mid Plate Level 44- 46	08/02/2017-30/04/2019
BR4A_ASD_PA1_3045	18	Plan Mid Plate Level 45-51	08/02/2017

BR4A_ASD_PA1_3047	19	Plan Plant Level 47	30/04/2019
B4RA_ASD_PA1_3048	19	Plan Upper Plate Level 48-52	30/04/2019
BR4A_ASD_PA1_3052	18-19	Plan Plant Level 52 Plan Upper Plate Level 53-67	08/02/2017-30/04/2019
BR4A_ASD_PA1_3053	18	Plan Upper Plate Level 53-60	08/02/2017
BR4A_ASD_PA1_3061	18	Plan Upper Plate Level 61-67	08/02/2017
BR4A_ASD_PA1_3068	18-19	Plan Penthouse Level 68	08/02/2017-30/04/2019
BR4A_ASD_PA1_3069	18-19	Plan Penthouse Level 69	08/02/2017-30/04/2019
BR4A_ASD_PA1_3070	18-20	Plan Roof Level 70	08/02/2017-30/04/2019
BR4A_ASD_PA1_4001	18-19	Elevation North – East (Park)	08/02/2017-03/05/19
BR4A_ASD_PA1_4002	18-19	Elevation West (Barangaroo Ave)	08/02/2017-03/05/19
BR4A_ASD_PA1_4003	18-19	Elevation South – East (Lift Lobby)	08/02/2017-03/05/19
BR4A_ASD_PA1_4004	18-19	Elevation South (Watermans Quay)	08/02/2017-03/05/19
BR4A_ASD_PA1_4005	18-19	North-East Enlarged Elevation (Park) – Low Rise	08/02/2017-03/05/19
BR4A_ASD_PA1_4006	18-19	North – East Enlarged Elevation (Park) – Mid Rise	08/02/2017-03/05/19
BR4A_ASD_PA1_4007	18-19	North – East Enlarged Elevation (Park) – High Rise	08/02/2017-03/05/19
BR4A_ASD_PA1_4008	18-19	West Enlarged Elevation (Barangaroo Ave) – Low Rise	08/02/2017-03/05/19
BR4A_ASD_PA1_4009	18-19	West Enlarged Elevation (Barangaroo Ave) – Mid Rise	08/02/2017-03/05/19
BR4A_ASD_PA1_4010	18-19	West Enlarged Elevation (Barangaroo Ave) – High Rise	08/02/2017-03/05/19
BR4A_ASD_PA1_4201	18-19	Signage Zone North – West Elevation	08/02/2017-03/05/19
BR4A_ASD_PA1_5001	18-19	Overall Section AA	08/02/2017-03/05/19
BR4A_ASD_PA1_5002	18-19	Overall Section BB	08/02/2017-03/05/19
BR4A_ASD_PA1_6001	18-20	Wintergarden + Balcony Façade Details	08/02/2017-26/08/19
BR4A_ASD_PA1_6002	18-19	Open Cavity Façade Details	08/02/2017-03/05/19
BR4A_ASD_PA1_6003	18-20	Penthouse North Façade Details with - Wintergarden	08/02/2017-26/08/19
BR4A_ASD_PA1_6004	18-19	Penthouse North Façade Details and Open Cavity Façade - OCF	08/02/2017-03/05/19
BR4A_ASD_PA1_6005	18-20	Penthouse West Façade Details At Pool	08/02/2017-26/08/19
BR4A_ASD_PA1_6006	18-19	Plant Level Façade Details	08/02/2017-03/05/19
BR4A_ASD_PA1_6007	18-19	North-West, South and South-East Façade Details	08/02/2017-03/05/19
BR4A_ASD_PA1_6008	18-19	Podium Façade Details	08/02/2017-03/05/19
BR4A_ASD_PA1_6009	18-19	Lobby Façade Details	08/02/2017-03/05/19

BR4A_ASD_PA1_6010	18-19	Typical Retail Entry Systems	08/02/2017-03/05/19
BR4A_ASD_PA1_9000	18	R4A GFA Calculation	20/06/2017
BR4A_ASD_PA1_9001	18	R4A GFA Calculation – Sheet 1 (R4A Setout Plan Basement Level B1)	20/06/2017
BR4A_ASD_PA1_9002	18	R4A GFA Calculation – Sheet 2 (R4A Setout Plan Basement Level B0)	20/06/2017
BR4A_ASD_PA1_9003	19	R4A GFA Calculation Plan – Sheet 3	30/04/2019
BR4A_ASD_PA1_9004	19	R4A GFA Calculation Plan – Sheet 4	30/04/2019
BR4A_ASD_PA1_9005	19	R4A GFA Calculation Plan – Sheet 5	30/04/2019
BR4A_ASD_PA1_9006	19	R4A GFA Calculation Plan – Sheet 6	30/04/2019
BR4A_ASD_PA1_9007	19	R4A GFA Calculation Plan – Sheet 7	30/04/2019

B22 NUMBER OF CAR PARKING SPACES

The maximum number of car parking spaces to be provided for the development shall comply with the table below. Details confirming the parking numbers must be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

Car Parking Allocation	Number
Residential	377-390
Retail	± 0

3.0 Substantially the same development

Section 4.55(2) of the EP&A Act states that a consent authority may modify a development consent if “it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all)”.

The development, as proposed to be modified, is substantially the same development as that originally approved in that:

- The proposed modifications are minor and relate to design refinements to enhance amenity and increase diversity by offering larger living formats;
- The refined façade design, including the revised sash system in the wintergarden façade, maintains the approved design intent of a glass façade that appear as ‘crystals’ with a highly transparent glass facade;
- The fire tanks on the roof do not substantially change the roof design and are concealed from view.
- The proposed modifications do not alter the key components of the approved development, being a mixed-use building comprised of residential and retail uses;
- The proposed modifications continue to achieve a high standard of design excellence; and
- The changes to GFA, height and carparking are minor and will not result in additional environmental impact

4.0 Environmental assessment

Section 4.55(2) of the EP&A Act states that a consent authority may modify a development consent if “it is satisfied that 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 (if at all)”. Under section 4.55(3) the consent Authority must also take into consideration the relevant matters to the application referred to in section 4.15(1) of the EP&A Act and the reasons given by the consent authority for the grant of the original consent.

The following assessment considers the relevant matters under section 4.15(1) and demonstrates that the development, as proposed to be modified, will be of minimal environmental impact.

4.1 State Environmental Planning Policies

The proposed modification is assessed against the relevant State Environmental Planning Policies at **Table 3** below.

Table 3 Compliance Table - State Environmental Planning Policies

Instrument	Assessment								
SEPP 65 – Design Quality of Residential Apartment Development	The proposed modification continues to achieve a high level of residential amenity, consistent with the approved building. An assessment of the proposed modification against the Apartment Design Guideline (ADG) is provided at Section 4.3 and Attachment D .								
State Significant Precincts SEPP	The Barangaroo site is listed as a State Significant Site under Part 12 of Schedule 3 of the State Significant Precincts SEPP. The following is an assessment of the proposal’s compliance with the State Significant Precincts SEPP.								
	<table> <tr> <td>Clause 8 – Zone B4 Mixed Use</td><td>The proposed shop top housing, comprising ground level retail with residential uses above is permissible and consistent with the objectives of the B4 Mixed Use zone.</td></tr> <tr> <td>Clause 17 – Height of buildings (Maximum RL 250)</td><td>The maximum RL to the top of Building R4A, including the glazed roof feature, is RL 250.</td></tr> <tr> <td>Clause 18 – Gross Floor Area Restrictions – maximum 94,740 m² (across Building R4A and R4B)</td><td>The total GFA of R4A and R4B is 93,512m², and therefore is consistent with the maximum GFA restriction for Block 4A.</td></tr> <tr> <td>Clause 19 – Design Excellence</td><td>The proposed development will continue to achieve a high standard of design excellence, as illustrated in the supporting Design Report at Attachment B.</td></tr> </table>	Clause 8 – Zone B4 Mixed Use	The proposed shop top housing, comprising ground level retail with residential uses above is permissible and consistent with the objectives of the B4 Mixed Use zone.	Clause 17 – Height of buildings (Maximum RL 250)	The maximum RL to the top of Building R4A, including the glazed roof feature, is RL 250.	Clause 18 – Gross Floor Area Restrictions – maximum 94,740 m ² (across Building R4A and R4B)	The total GFA of R4A and R4B is 93,512m ² , and therefore is consistent with the maximum GFA restriction for Block 4A.	Clause 19 – Design Excellence	The proposed development will continue to achieve a high standard of design excellence, as illustrated in the supporting Design Report at Attachment B .
Clause 8 – Zone B4 Mixed Use	The proposed shop top housing, comprising ground level retail with residential uses above is permissible and consistent with the objectives of the B4 Mixed Use zone.								
Clause 17 – Height of buildings (Maximum RL 250)	The maximum RL to the top of Building R4A, including the glazed roof feature, is RL 250.								
Clause 18 – Gross Floor Area Restrictions – maximum 94,740 m ² (across Building R4A and R4B)	The total GFA of R4A and R4B is 93,512m ² , and therefore is consistent with the maximum GFA restriction for Block 4A.								
Clause 19 – Design Excellence	The proposed development will continue to achieve a high standard of design excellence, as illustrated in the supporting Design Report at Attachment B .								
SEPP BASIX	A BASIX Certificate has been provided at Attachment I , demonstrating that the proposed development meets all relevant requirements.								

4.2 Barangaroo Concept Plan

Table 4 and **Table 5** below provide an assessment of the modifications proposed against the Concept Plan (Mod 8) and demonstrate that the proposed development is generally consistent with the approved Concept Plan and Barangaroo South Built Form and Urban Design Guidelines (the Guidelines).

Table 4 Concept Plan (Mod 8) - Urban Design Controls

Concept Plan (Mod 8) Control – Block 4A (R4A and R4B)	Building R4A	Building R4B (not subject to this application)	Total	Assessment
Maximum Residential GFA – 86,166m ²	47,564m ²	38,602m ²	86,166m ²	✓
Other Uses GFA – 813m ²	438m ²	309m ²	747m ² *	✓
Total GFA – 86,979m ²	48,002m ²	38,911m ²	86,913m ²	✓

Concept Plan (Mod 8) Control – Block 4A (R4A and R4B)	Building R4A	Building R4B (not subject to this application)	Total	Assessment
Maximum height – RL 250	RL 250	-	-	✓
Tower Setbacks – Setbacks are generally in accordance with the Building Envelope Plan in the Concept Plan. Predominant tower mass is set back from Globe Street by a minimum of 2m.	No changes.	-	N/A	✓

*Remaining 66m² of 'Other Uses GFA' will be reallocated to the basement as part of a separate modification to SSD 6960

Table 5 Concept Plan (Mod 8) – Built Form and Urban Design Guidelines

Concept Plan (Mod 8) Block 4A Controls	Building R4A	Assessment
Control 3 Building Articulation – Objectives		
To ensure the towers in Blocks 4A and 4B are considered as a holistic composition.	The proposed modifications are minor and are intended to ensure a consistent design language between the two buildings. Further detail is provided in the Design Report at Attachment B .	Consistent
Control 3 Building Articulation - Standard		
Tower Form is to express sustainability features, e.g. Access to natural light, ventilation and solar shading.	The modifications to windows, especially for bedrooms facing south east, will improve natural ventilation.	Consistent
To establish a complementary relationship between the towers in Blocks 4A and 4B such as common chassis.	The towers have been designed with common design language and structural design carried across all towers. In particular, the proposed floor level adjustments seek to further strengthen this complementary relationship. The Design Report at Attachment B further demonstrates how this complementary relationship will be achieved.	Consistent
Horizontal articulation and breaks are encouraged to reduce the impact of the building mass.	The façade has been carefully designed to include horizontal articulation and breaks to reduce the visual impact of the building mass.	Consistent
Ensure a highly transparent and visually permeable frontage to the park edge. The tower form on the park side is to come to ground and be dominant through any lower levels of the building.	The proposed modifications do not result in any change to the approved design that would affect compliance with this criteria.	Consistent
Control 4 Building Legibility – Objectives		

Concept Plan (Mod 8) Block 4A Controls	Building R4A	Assessment
To ensure that towers in Block 4A and 4B are complimentary and read as a cohesive composition.	As described above, the building has been designed as a cohesive composition of three crystal forms.	Consistent
Control 4 Building Legibility – Objectives		
Express façade elements including shading and wind amelioration.	The proposed modifications to the façade will continue to achieve a high level of expression and articulation.	Consistent
Control 7 Facades – Objectives		
To ensure the architectural quality of the facades.	The proposed changes to the various elements of the building's façade will not reduce the previously approved architectural quality of the façade.	Consistent
To ensure the facades contribute to the building's articulation and mass.	The minor changes to the façade will continue to achieve a high level of articulation to reduce any perception of building mass.	Consistent
Depth and layering of the façade is to be achieved through relief and protrusions.	The minor changes to the façade incorporate relief and protrusion to create depth and layering.	Consistent

4.3 Residential Amenity

Building R4A will provide a high level of residential amenity in accordance with the design criteria recommended by the ADG, as demonstrated in the detailed compliance table at **Attachment D**. These compliance tables include an overall assessment against each design criteria for every apartment. There is one new non-compliance from the original scheme. A full assessment of the proposal's consistency with the key recommended design criteria of the ADG is provided in **Table 6** and outlines that there is one new non-compliance from the original scheme, which relates to floor to ceiling heights for habitable and non-habitable rooms.

Table 6 ADG Assessment

Design Criteria	Proposal
Part 3 Siting the Development	
3D Communal and Public Open Space	
<i>Objective</i> An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping	The proposed modifications to Building R4A do not impact the previously approved common open space provided. ✓
<i>Design Criteria</i> Communal open space has a minimum area equal to 25% of the site	The proposed modifications to Building R4A provide adequate communal open space, and do not impact the previously approved common open space provided. ✓

Design Criteria			Proposal
Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter)			The original SSD application was approved with minor variations to this provision. This modification does not seek to vary this any further, and therefore it achieves the intent of the original SSDA approval.
3E Deep Soil Zones			
<i>Objective</i> Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.			The proposed modification to Building R4A maintains the objectives relating to deep soil. ✓
<i>Design Criteria</i> Deep soil zones are to meet the following minimum requirements:			The original SSD application was approved with minor variations to this provision. This modification does not seek to vary this any further, and therefore it achieves the intent of the original SSDA approval.
Site Area	Minimum Dimensions	Deep Soil Zone (% of site area)	
Less than 650m ²	-	7%	
650m ² – 1,500m ²	3m		
Greater than 1,500m ²	6m		
Greater than 1,500m ² with significant existing tree cover	6m		
3F Visual Privacy			
<i>Objective</i> Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.			The proposed modification to Building R4A meets the visual privacy objectives. ✓
<i>Design Criteria</i> Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:			The proposed modification meets the window and balcony separation requirements. ✓
Building Height	Habitable rooms and balconies	Non-habitable rooms	
Up to 12m (4 storeys)	6m	3m	
Up to 25m (5-8 storeys)	9m	4.5m	
Over 25m (9+ storeys)	12m	6m	
3K Bicycle and Car Parking			
<i>Objective</i> Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas			The proposed modification meets the bicycle and carparking objectives. ✓

Design Criteria	Proposal
<i>Design Criteria</i> For development in the following locations: - on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or - on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less. The car parking needs for a development must be provided off street.	The proposed modifications to Building R4A complies with the bicycle and car parking requirements. ✓
Part 4 Designing the Buildings	
4A Solar and Daylight access	
<i>Objective</i> To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space	The proposed modifications meet the solar and daylight access objectives ✓
<i>Design Criteria</i> Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.	The original SSD application was approved with minor variations to this provision. This modification does not seek to vary this any further, and therefore it achieves the intent of the original SSDA approval.
A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter.	The original SSD application was approved with minor variations to this provision. This modification does not seek to vary this any further, and therefore it achieves the intent of the original SSDA approval.
4B Natural Ventilation	
<i>Objective</i> The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents	The proposed modification meets the natural ventilation objectives. The modifications to windows, especially for bedrooms facing south east, will improve natural ventilation. ✓
<i>Design Criteria</i> At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.	The proposed changes to Building R4A complies with the cross ventilation design criteria. The modifications to windows, especially for bedrooms facing south east, will improve natural ventilation. ✓

Design Criteria		Proposal										
Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.		The proposed changes to Building R4A comply with the cross-ventilation design criteria. ✓										
4C Ceiling Height												
Objective Ceiling height achieves sufficient natural ventilation and daylight access		The modifications comply with the objectives of ceiling height. ✓										
Design Criteria Measured from finished floor level to finished ceiling level, minimum ceiling heights are: <table><tr><th colspan="2">Minimum ceiling height</th></tr><tr><td>Habitable rooms</td><td>2.7m</td></tr><tr><td>Non-habitable</td><td>2.4m</td></tr><tr><td>For 2 storey apartments</td><td>2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td></tr><tr><td>Attic spaces</td><td>1.8m at edge of room with a 30 degree minimum ceiling slope</td></tr></table> These minimums do not preclude higher ceilings if desired.		Minimum ceiling height		Habitable rooms	2.7m	Non-habitable	2.4m	For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope	The proposed changes to Building R4A vary the non-habitable ceiling height by 30mm, and some habitable ceiling heights by 300mm. This is discussed in Section 4.3.1 below. All other ceiling heights comply with the minimum ceiling heights. ✓
Minimum ceiling height												
Habitable rooms	2.7m											
Non-habitable	2.4m											
For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area											
Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope											
4D Apartment Size and Layout												
Objective The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity		The modification meets the apartment size and layout objectives. ✓										
Design Criteria Apartments are required to have the following minimum internal areas: <table><tr><th>Apartment Type</th><th>Minimum internal area</th></tr><tr><td>Studio</td><td>35m²</td></tr><tr><td>1 bedroom</td><td>50m²</td></tr><tr><td>2 bedroom</td><td>70m²</td></tr><tr><td>3 bedroom</td><td>90m²</td></tr></table> The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m ² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m ² each.		Apartment Type	Minimum internal area	Studio	35m ²	1 bedroom	50m ²	2 bedroom	70m ²	3 bedroom	90m ²	The proposed modifications to Building R4A comply with the apartment size and layout requirements. ✓
Apartment Type	Minimum internal area											
Studio	35m ²											
1 bedroom	50m ²											
2 bedroom	70m ²											
3 bedroom	90m ²											
Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.		The original SSD application was approved with minor variations to this provision. This modification does not seek to vary this any further, and therefore it achieves the intent of the original SSDA approval.										

Design Criteria		Proposal						
Objective Environmental performance of the apartment is maximised		The modification meets the apartment size and layout objectives. ✓						
Design Criteria Habitable room depths are limited to a maximum of 2.5 x the ceiling height.		The proposed modifications to Building R4A comply with the habitable room depths. ✓						
In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.		The proposed modifications to Building R4A comply with the open plan layout requirements. ✓						
Objective Apartment layouts are designed to accommodate a variety of household activities and needs		The proposed modifications meet the design and apartment layout objectives. ✓						
Design Criteria Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space).		The proposed modifications to Building R4A comply with the provisions for master bedroom area. ✓						
Bedrooms have a minimum dimension of 3m (excluding wardrobe space).		The proposed modifications to Building R4A comply with the minimum bedroom dimensions. ✓						
Living rooms or combined living/dining rooms have a minimum width of: 3.6m for studio and 1 bedroom apartments 4m for 2 and 3 bedroom apartments		The original SSD application was approved with minor variations to this provision. This modification does not seek to vary this any further, and therefore it achieves the intent of the original SSDA approval.						
The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.		The proposed modifications to Building R4A comply with the width of cross-over provisions. ✓						
4E Private Open Space and Balconies								
Objectives Apartments provide appropriately sized private open space and balconies to enhance residential amenity		Building R4A provides appropriately sized open spaces. The inclusion of wintergardens between Levels 1 – 19 will improve amenity of outdoor areas at these levels. ✓						
Design Criteria All apartments are required to have primary balconies as follows: <table border="1"> <thead> <tr> <th>Dwelling Type</th><th>Minimum Area</th><th>Minimum internal area</th></tr> </thead> <tbody> <tr> <td>Studio apartment</td><td>4m²</td><td>-</td></tr> </tbody> </table>		Dwelling Type	Minimum Area	Minimum internal area	Studio apartment	4m ²	-	The original SSD application was approved with minor variations to this provision. This modification does not seek to vary this any further, and therefore it achieves the intent of the original SSDA approval.
Dwelling Type	Minimum Area	Minimum internal area						
Studio apartment	4m ²	-						

Design Criteria			Proposal
1 bedroom apartment	8m ²	2m	
2 bedroom apartment	10m ²	2m	
3+ bedroom apartment	12m ²	2.4m	
The minimum balcony depth to be counted as contributing to the balcony area is 1m.			
For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m ² and a minimum depth of 3m.			N/A
4F Common Circulation and Spaces			
<i>Objective</i> Common circulation spaces achieve good amenity and properly service the number of apartments			The proposed modifications meet the common circulation and spaces objectives. ✓
<i>Design Criteria</i> The maximum number of apartments off a circulation core on a single level is eight.			There are no more than eight apartments off a circulation core throughout the Building R4A. ✓
For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.			The original SSD application was approved with minor variations to this provision. This modification does not seek to vary this any further, and therefore it achieves the intent of the original SSDA approval.
4G Storage			
<i>Objective</i> Adequate, well designed storage is provided in each apartment			The storage provided in Building R4A meets the storage objectives.
<i>Design Criteria</i> In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:			The original SSD application was approved with minor variations to this provision. This modification does not seek to vary this any further, and therefore it achieves the intent of the original SSDA approval.
Dwelling Type	Minimum Area		
Studio apartment	4m ²		
1 bedroom apartment	6m ²		
2 bedroom apartment	8m ²		
3+ bedroom apartment	10m ²		
At least 50% of the required storage is to be located within the apartment.			

4.3.1 Ceiling Heights

The living, dining and kitchen open plan design means the majority of the habitable space has a 2.7m ceiling height. However due to the additional size of the kitchen bulkhead, the height of the ceiling in the kitchens of some apartments comes to 2.4 metres. However, as the kitchen makes up a small percentage of the habitable area, the design is achieving the intent of the ADG.

Furthermore, the proposed changes to building R4A result in a minor variation to the ceiling heights of some non-habitable rooms on levels 3 - 63 of the building. To accommodate the wall layout for large format tiles, the ceiling

heights of these non-habitable areas is 2,370mm, which is 30mm lower than the 2400mm required by the ADG. Despite the minor variation, the reduced ceiling height will achieve sufficient natural ventilation and daylight access, which meets the objectives of the design criteria. The variation to the ceiling height also meets the minimum ceiling height required under the BCA for non-habitable rooms, which is 2.1m.

4.4 Visual and View Impacts

The proposed façade changes and readjustments in building levels and uses will result in a reduction in height, and the building remains within the building envelope as approved by the Concept Plan (Mod 8). The proposed modifications to Building R4A will result in minor changes to the visual impact of the building that was assessed as part of the original application. Building R4A is consistent with the view and visual impact assessment submitted as part of the Concept Plan (Mod 8).

Figure 7 provides a comparison of the originally approved envelope and the envelope as proposed to be modified viewed from Hickson Road. Further photomontages of the building are provided at **Attachment H**.



Figure 7 Comparison of approved (top) and proposed (bottom)

Source: Virtual Ideas

4.5 Ecologically Sustainable Development

LLAI has prepared an Ecologically Sustainable Development (ESD) report which is provided at **Attachment F**.

The ESD report demonstrates that the proposed Building R4A supports the site wide sustainability requirements included in the Concept Plan Statement of Commitments. Additionally, the project will meet the requirements of the Building Sustainability Index (BASIX) as outlined in the BASIX report prepared by LLAJ, which is provided at **Attachment I**.

4.6 Traffic and Parking

The revised dwelling mix and basement redesign results in an increase of 12 car parking space to a total of 390 spaces. This is due to both the revised dwelling mix and the design reconfiguration of the basement parking discussed in **Section 2.1**. An assessment undertaken by Arup, provided at **Attachment E**, notes that this increase in parking remains consistent with the 390 spaces that is permitted by the Concept Plan rates and does not impact the original traffic and transport assessment previously approved, and that there will be no adverse traffic impacts. The removal of the single retail car parking space is acceptable on the basis that a range of active and public transport options provide access to the site and that the provision of one car parking space is not required.

The Stage 1B Basement (as modified) provides approval for the shell/structure of the basement, and not the number of car parking spaces. The basement can accommodate the proposed number of car parking spaces.

4.7 Building Code of Australia

A Building Code of Australia (BCA) Assessment has been prepared by McKenzie Group Consulting and is included at **Attachment G**. The assessment identifies that the proposed changes to Building R4A comply with the Building Code of Australia 2016.

4.8 Reasons for granting consent

The Planning Assessment Commission determination report sets out the following reasons for approval of SSD 6964:

- The development will deliver building outcomes of design excellence.
- The development is consistent with the Concept Plan.
- The development is in the public interest.

The proposed design modifications remain consistent with these reasons for granting consent. The proposed refinements seek to enhance amenity and design outcomes to maintain a high standard of design excellence and remain consistent with the Concept Plan.

5.0 Conclusion

The proposed modification seeks consent for minor design changes relating to a revised dwelling mix, adjustment of levels throughout the building, introduction of wintergardens and refinement of the façade and increased parking provision.

In accordance with section 4.55(2) of the EP&A Act, the Department may modify the consent as:

- The proposed modification is of minimal environmental impact; and
- Substantially the same development as development for which the consent was granted.

We trust that this information is sufficient to enable a prompt assessment of the proposed modification request.

Yours sincerely,



Frances Mehrtens
Senior Urbanist
9409 4928
fmehrtens@ethosurban.com



Ella Coleman
Junior Urbanist
9409 4923
ecoleman@ethosurban.com