

7 December 2020

2200671

Jim Betts
Secretary
Department of Planning, Industry and Environment
12 Darcey Street
Parramatta NSW 2150

Dear Mr Betts

**SECTION 4.55(1A) MODIFICATION APPLICATION
Building R4A, One Sydney Harbour, Barangaroo South**

This modification application has been prepared by Ethos Urban on behalf of Lendlease (Millers Point) Pty Ltd, pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify Development Consent SSD 6964 relating to Building R4A at Barangaroo South (the site). The proposed modifications relate to a reduction in the number of apartments, internal and external amendments, changes to finished floor levels and reallocation of car parking with the shared Stage 1B Basement.

This application identifies the consent, describes the proposed modifications and provides a planning assessment of the relevant matters for consideration contained in section 4.55(1A) of the EP&A Act and is accompanied by:

- Architectural Plans prepared by Renzo Piano Building Workshop (RPBW), Peddle Thorp and Walker (PTW) and Lendlease Integrated Solutions (LLIS) (**Attachment A**).
- Design Report prepared by RPBW (**Attachment B**).
- Design Verification Statement prepared by RPBW and PTW (**Attachment C**).
- BASIX Certificate prepared by Lendlease Integrated Solutions (**Attachment D**).
- Traffic Statement prepared by JMT Consulting (**Attachment E**).
- Accessibility Statement prepared by Morris Goding Access Consultants (**Attachment F**).
- Fire Safety Statement prepared by Warrington Fire (**Attachment G**).

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 floor space. 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.

This development consent has been modified on two occasions, first on February 7 2020 and again on the 18 September 2020. These amendments related to a range of design changes, including a reduction in the number of apartments, a revised dwelling mix, floor level adjustments, façade and landscaping amendments and an addition of 13 residential car parking spaces and removal of one retail parking space.

This modification application represents the third amendment to the development consent.

2.0 Proposed modifications to the consent

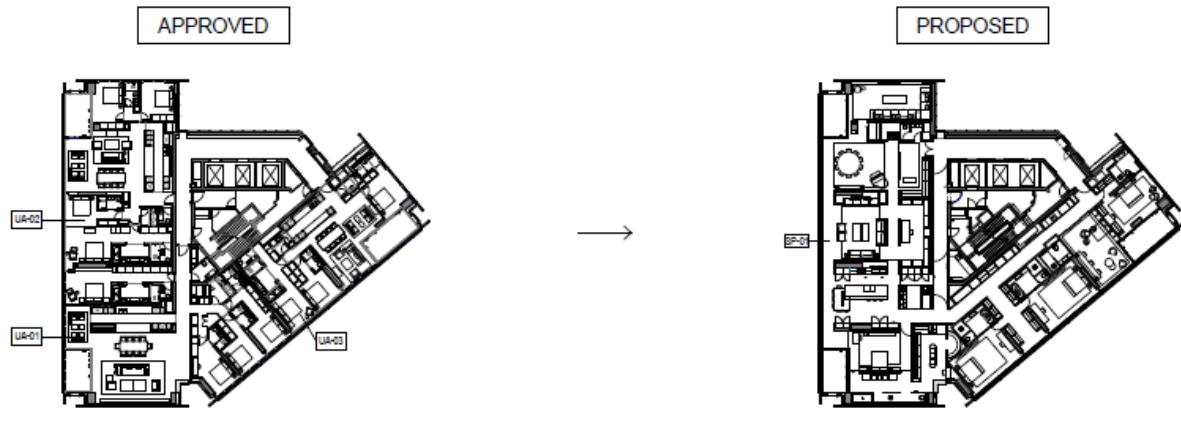
The proposed modifications to the development consent comprise:

- Reduction of the total number of apartments from 317 to 315 and reconfigured dwelling mix.
- Amendments to the finished floor levels of various levels.
- Internal amendments to Levels 68 and 69.
- Façade amendments at the upper levels of the building.
- Revision of the roof layout and building maintenance unit.
- Reallocation of car parking and storage cages within the shared basement.
- Amendments to the entry signage zones.
- Reconfiguration of vent design on the podium level.

The proposed modifications are described in more detail further below and in the Design Report prepared by RPBW (refer to **Attachment B**).

Apartment consolidation on Level 67 and subsequent reduction of total apartments

It is proposed that the uppermost floor plate of the R4A building (level 67), currently described as an 'upper plate' be changed to a new 'sub-penthouse plate'. At this level, the three separate apartments are proposed to be consolidated into a single apartment. The proposed new apartment on Level 67 is shown on the Architectural Plans at **Attachment A**, as well as **Figure 1**. The sub-penthouse plate will therefore be made up of one large apartment, reducing the overall number of apartments in Building R4A by two apartments. The adjusted dwelling mix in light of this change is outlined in **Table 1**.



Approved L67 Plan - Upper Floor Plate

Proposed L67 Plan - Sub Penthouse

Figure 1 Changes proposed to the sub-penthouse plan.

Source: RPBW

Table 1 Revised dwelling mix

Dwelling type	Approved	Proposed
1 bedroom	107	107
2 bedroom	104	104
3 bedroom	65	64 (-1)
4 bedroom	40	38 (-2)
5 bedroom	1	2 (+1)
Total	317	315 (-2)

Amendments to finished floor levels

Through design development, the finished floor levels of the upper levels in the building have been revised to accommodate greater ceiling heights and achieve required ceiling services and floor finishes zones. This change will not result in any changes to the overall roof or parapet levels. The proposed changes only apply to Levels 67, 68 and 69, and are illustrated in **Figure 2**.

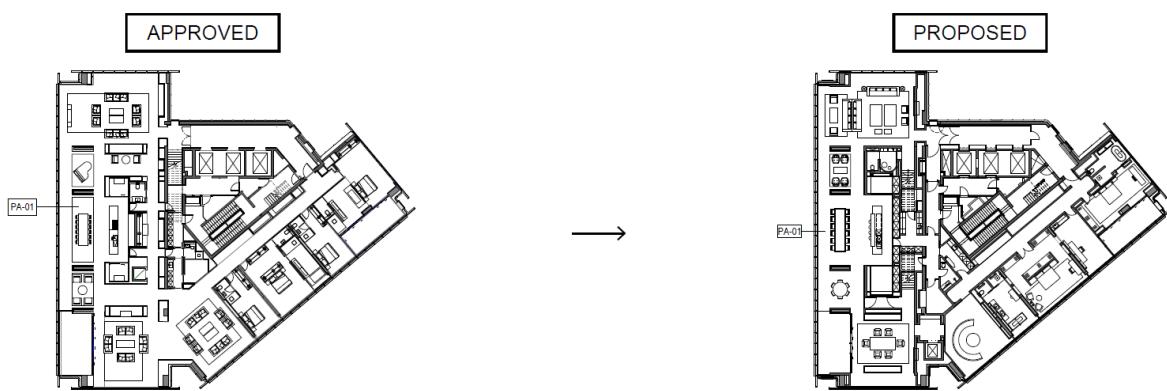


Figure 2 Revised finished floor levels.

Source: RPBW

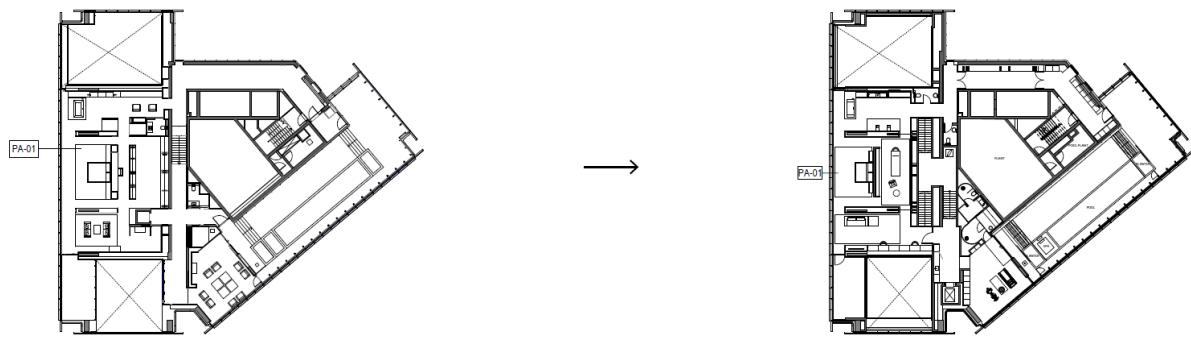
Internal apartment amendments

An internal reconfiguration and amendment of apartment layouts are also proposed to Levels 68 and 69. These changes are the result of further design review and an aim to provide high quality spaces within the apartments. The proposed amendments are illustrated in **Figure 3** and are also clouded on the Architectural Plans (refer to **Attachment A**).



Approved L68 Plan - Lower PH

Proposed L68 Plan - Lower PH



Approved L69 Plan - Upper PH

Proposed L69 Plan - Upper PH

Figure 3 Changes to lower penthouse and upper penthouse levels.

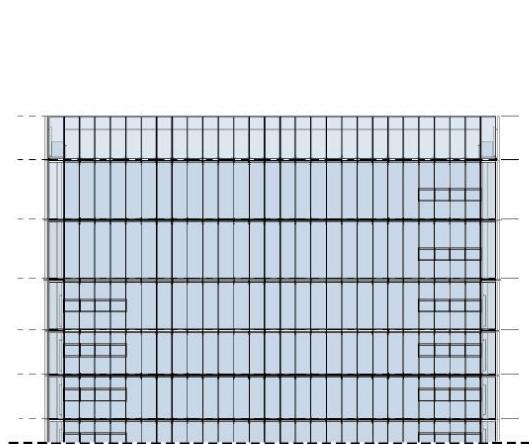
Source: RPBW

Façade amendments

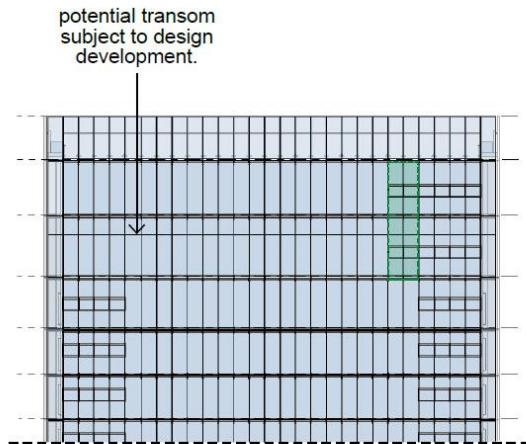
Due to the internal amendments proposed to Levels 67, 68 and 69 as outlined above, minor changes to the façade are proposed. The first of these changes is the introduction of two additional wintergarden façade bays on the northeast facade and one on the west facade at levels 68 and 69. This is proposed to align the façade elevations to the internal functions they serve.

Secondly, an additional gap is proposed in the façade of the western elevation, designed to conceal the pool structure within whilst allowing for operability of the open cavity façade on level 68 below. This detail sees an opaque panel introduced above the glazed operable façade system, creating a minimal gap in the façade to allow for ventilation.

In addition, provision for a transom is proposed on the north east elevation to provide for a glazing solution. It is noted that this is a provision only, with its requirement subject to detailed design development. These changes are illustrated at **Figure 4**.



View 1 - Approved NE Elevation - Tower Top



View 1 - Proposed NE Elevation - Tower Top

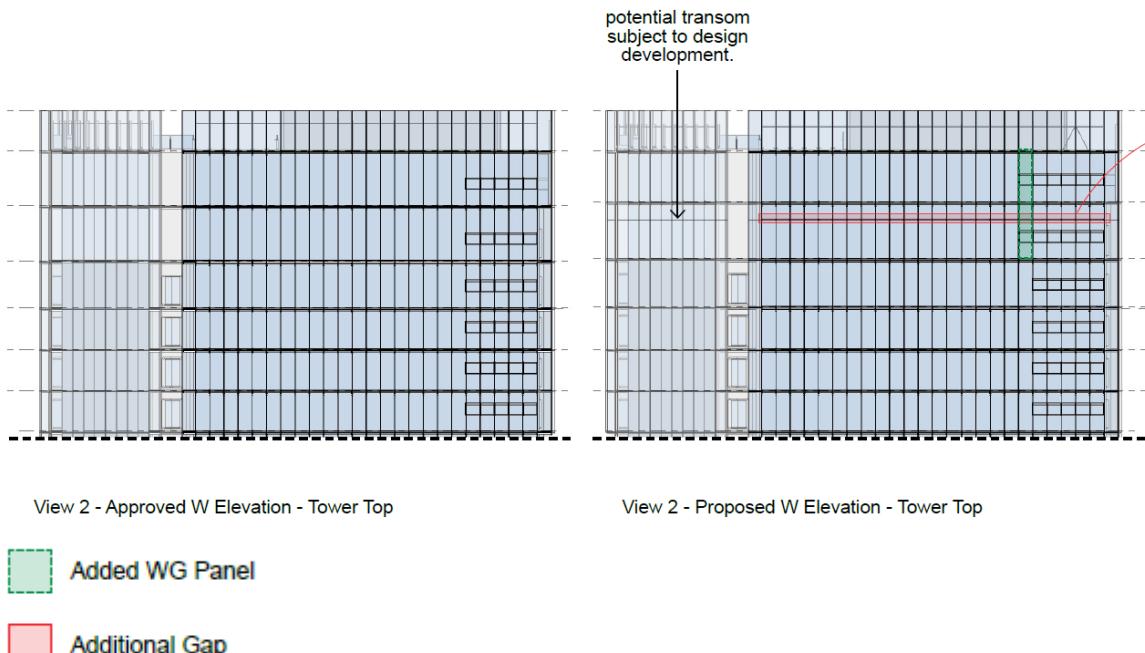


Figure 4 Proposed façade amendments at levels 67-69

Source: RPBW

Roof Amendments

There are two amendments proposed to the roof of Building R4A. Firstly, the location of the approved retractable awning shading system for the outdoor rooftop area is clarified to be extendable over the whole outdoor space, as shown in blue in **Figure 5**. This was the approved with the original consent, however, to avoid doubt, the drawings have been updated to reflect this as it is currently unclear.

Secondly, the approved building maintenance unit (BMU) is proposed to be amended into two, smaller BMUs. The provision of two BMUs will not alter the overall height or general design of the roof, but will provide greater functionality to allow for faster cleaning cycles and maintenance downtime.

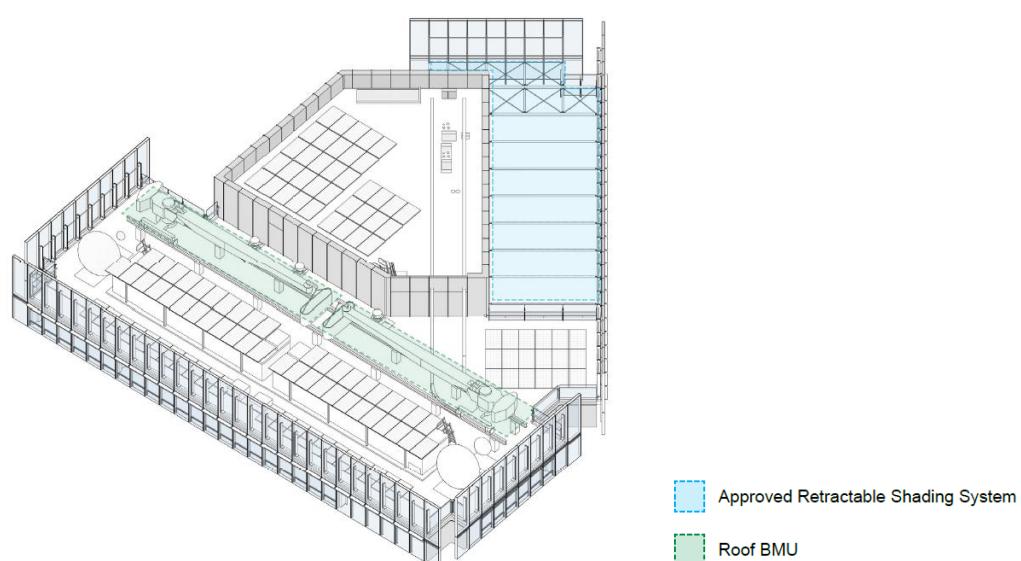


Figure 5 The proposed location of the approved operable awning is shown in blue, and revised BMU configuration shown in green

Source: RPBW

Reallocation of car parking and storage cages

Due to the proposed reduction in the number of apartments, as well proposed amendments to the adjacent Building R4B, this modification application seeks to reduce the number of car parking spaces allocated to Building R4A within the shared Stage 1B Basement. The total number of spaces allocated to Building R4A is proposed to be reduced from 390 to 375, or a reduction of 15 spaces. 12 of these spaces will be reallocated to Building R4B (supporting the parking provision under the separate amending SSD Development Application for that Building), while three car parking spaces have been deleted through revisions to the basement design.

Through design development, the location and sizing of storage cages within the basement has been revised. Each apartment has a corresponding basement storage unit. These storage units have been nominated for both apartment and bicycle storage. As well as space for apartment storage in the storage unit, 1.08m³ of volume is provided for bicycle storage. This volume is consistent with the approved storage cage sizes which have been accepted to be appropriately sized to contain a bicycle alongside the standard storage volume. The proposed reallocation of both car parking spaces, and storage cages is clouded on the Architectural Plans provided at **Attachment A**.

Amendments to signage zones

An additional building identification signage zone is proposed to be provided on the ground floor of Building R4A. This signage zone will sit vertically on a column to the left-hand side of the building entrance, in addition to the approved building identification signage zone above the entrance door. It is anticipated that the proposed signage will comprise individual lettering on the opaque surface adjoining the entrance, providing a solution which ties harmoniously into the architecture of the building. The revised signage configuration will enhance wayfinding and has been refined through design development. The proposed additional and approved signage zones are illustrated in **Figure 6**.

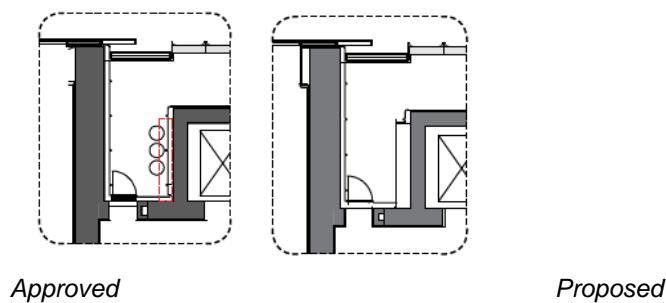


Figure 6 Signage zone comparisons

Source: RPBW

Amendments to the Podium Level vent design

Amendments are proposed to the geometry of the vent pipes on level P02 level close to the south east lift core façade. The redesigned vents will be arranged inside a cabinet-like structure, preserving the façade of the lift core and integrating the vents with the overall design. The proposed changes to the vent geometry are shown in **Figure 7**.



Approved

Proposed

Figure 7 Proposed changes to vent geometry.

Source: RPBW

2.1 Modification 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 italics strike through*** and words to be inserted are shown in ***bold italics***.

SCHEDULE 2

2. Schedule 1 – Approved Development is amended by the deletion of struck out works and the insertion of ***bold and italicised*** words as follows:

Construction, use and fit out of a 72-storey (RL 250) mixed use building, including:

- A total GFA of 48,002m² comprising 47,564m² residential GFA (***317 315*** apartments) and 438m² retail GFA
- Public domain works including pedestrian Strada
- Fit-out and use of the Stage 1B basement car park including ***390 375*** allocated parking spaces
- Demolition of interim basement elements
- ***A Signage zones*** to accommodate future building identification signage.

A2 TERMS OF CONSENT

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

h) *In accordance with the following drawings:*

Architectural plans prepared by Renzo Piano Building Workshop

Drawing No.	Revision	Name of Plan	Date
BR4A_ASD_PA1_0002	20	Site Plan	02/06/2020
BR4A_ASD_PA1_0004	20	Site Plan Setting Out	02/06/2020
BR4A_ASD_PA1_1002	<i>20-21</i>	Setout Plan Basement Level B3	<i>30/04/2019-02/11/2020</i>
BR4A_ASD_PA1_1003	<i>20-21</i>	Setout Plan Basement Level B2	<i>30/04/2019-02/11/2020</i>
BR4A_ASD_PA1_2002	<i>20-21</i>	Plan Podium Level P2	<i>02/06/2020-02/11/2020</i>
BR4A_ASD_PA1_3042	<i>19 20</i>	Plan Mid Plate Level 42-43	<i>30/04/2019-02/11/2020</i>
BR4A_ASD_PA1_3052	<i>19 20</i>	Plan Upper Plate Level 53- <i>6766</i>	<i>30/04/2019-02/11/2020</i>
<i>BR4A_ASD_PA1_3067</i>	<i>01</i>	<i>Plan Subpenthouse Level 67</i>	<i>02/11/2020</i>
BR4A_ASD_PA1_3068	<i>19 20</i>	Plan Penthouse Level 68	<i>30/04/2019-02/11/2020</i>
BR4A_ASD_PA1_3069	<i>19 20</i>	Plan Penthouse Level 69	<i>30/04/2019-02/11/2020</i>
BR4A_ASD_PA1_3070	<i>20-21</i>	Plan Roof Level 70	<i>30/08/2019-02/11/2020</i>
BR4A_ASD_PA1_4001	<i>20-21</i>	Elevation North – East (Park)	<i>02/06/2020-02/11/2020</i>
BR4A_ASD_PA1_4002	<i>20-21</i>	Elevation West (Barangaroo Ave)	<i>02/06/2020-02/11/2020</i>
BR4A_ASD_PA1_4003	<i>20-21</i>	Elevation South – East (Lift Lobby)	<i>02/06/2020-02/11/2020</i>
BR4A_ASD_PA1_4004	<i>20-21</i>	Elevation South (Watermans Quay)	<i>02/06/2020-02/11/2020</i>
BR4A_ASD_PA1_4007	<i>19 21</i>	North – East Enlarged Elevation (Park) – High Rise	<i>03/05/19 02/11/2020</i>
BR4A_ASD_PA1_4010	<i>20-21</i>	West Enlarged Elevation (Barangaroo Ave) – High Rise	<i>03/05/19 02/11/2020</i>
BR4A_ASD_PA1_4201	<i>20-21</i>	Signage Zone North - West Elevation	<i>02/06/2020-02/11/2020</i>

BR4A_ASD_PA1_5001	19 20	Overall Section AA	03/05/19 02/11/2020
BR4A_ASD_PA1_5001	19 20	Overall Section BB	03/05/19 02/11/2020
BR4A_ASD_PA1_6003	21 22	R4A Penthouse North Façade Details – Wintergarden	02/06/2020-02/11/2020
BR4A_ASD_PA1_6004	20-21	R4A Penthouse North Façade Details – OCF	02/06/2020-02/11/2020
BR4A_ASD_PA1_6005	21 22	R4A Penthouse West Façade Details at Pool	02/06/2020-02/11/2020
BR4A_ASD_PA1_9000	20-21	GFA Calculation	02/06/2020-02/11/2020

BASIX CERTIFICATION

B13 The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate No. **649693M_04 649693M_05** and an updated certificate issued if amendments are made. The BASIX certificate must be submitted to the Certifying Authority with all commitments clearly shown on the Construction Certificate plans.

NUMBER OF CAR PARKING SPACES

B22 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	390 375
Retail	0

ENVIRONMENTAL PERFORMANCE

E17 Prior to the issue of the relevant Occupation Certificate, the Applicant shall implement the commitments outlined in BASIX Certificate No. **649693M_04 649693M_05**

3.0 Substantially the same development

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if “*it is satisfied that the proposed modification is of minimal environmental impact*”. 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 development, as proposed to be modified, is substantially the same development as that originally approved in that:

- 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.
- The refined elements of the façade design maintain the approved design intent of a glass façade that appears as ‘crystals’ with a high transparent glass.
- No change is proposed to the approved maximum building height or GFA.
- The development proposes a reduction in apartments and parking spaces, and therefore does not represent an intensification.
- The changes to internal features are minor and will not result in additional environmental impacts.

4.0 Planning assessment

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if “*it is satisfied that the proposed modification is of minimal environmental impact*”. 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

Table 2 Compliance Table – State Environmental Planning Policies

Instrument	Assessment	
SEPP 65 – Design Quality of Residential Apartment Development	The proposed modifications continue to achieve a high level of residential amenity, consistent with the approved building. An assessment of the proposed modification against the Apartment Design Guide (ADG) is provided in Section 4.3 and the Design Verification Statement at Attachment C .	
State Significant Precinct 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.	
	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)	This proposal does not seek to change the height of Building R4A, which will remain as approved a RL 250.
	Clause 18 – Gross Floor Area restrictions – maximum 86,979m ² (across Building R4A and R4B)	The total GFA of R4A and R4B is not proposed to change, and therefore remains consistent with the maximum GFA restriction for Block 4A.

Instrument	Assessment	
	Clause 19 – Design Excellence	The proposed changes are minor and will not have an overall impact on the high standard of design excellence throughout the approved design of Building R4A.
SEPP BASIX	A BASIX Certificate has been provided at Attachment D , demonstrating that the proposed development meets all relevant BASIX requirements.	
SEPP 64 – Advertising and Signage	As per the original EIS, details of the primary signage will be provided for approval prior to the issue of the relevant Construction Certificate. The detailed signage plans will be accompanied by an assessment against the provisions of SEPP 64. Nevertheless, the proposed signage is integrated within the built form, and does not detract from the surrounding locality. Therefore, it is anticipated that this signage will comply wholly with the required provisions of SEPP64.	

4.2 Barangaroo Concept Plan

Table 3 and 4 below provide an assessment of the modifications proposed against the Concept Plan (Mod 11) and demonstrates that the proposed modifications remain generally consistent with the approved Concept Plan (Mod 11) and the Barangaroo South Built Form and Urban Design Guidelines.

Table 3 Concept Plan (Mod 11) Provisions

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 (no change)	38,602m ²	86,166m ²	✓
Other Uses GFA – 813m ²	438m ² (no change)	309m ²	747m ²	✓
Total GFA – 86,979m ²	48,002m ² (no change)	38,911m ²	86,913m ²	✓
Maximum height – RL 250	RL 250 – no change	-	-	✓
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 2 metres	No change	-	N/A	✓

Table 4 Concept Plan (Mod 10) – 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 will not impact the approved design language that exists between the approved envelopes for R4A and R4B.	Consistent
Control 3 Building Articulation - Standard		
Tower Form is to express sustainability features, e.g. Access to natural light, ventilation and solar shading.	The minor modifications to the façade will improve the ongoing maintenance efficiency of the building and overall architectural language.	Consistent

Concept Plan (Mod 8) Block 4A Controls	Building R4A	Assessment
To establish a complementary relationship between the towers in Blocks 4A and 4B such as common chassis.	The towers have been designed and approved with common design language and structural design carried across all towers. This proposal does not seek to alter any of the design propositions related to the complementary nature of Buildings R4A, R4B and R5.	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. Where minor façade changes are proposed, these continue to emphasize horizontal articulation, particularly on the north-east façade.	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 requirement.	Consistent
Control 4 Building Legibility – Objectives		
To ensure that towers in Block 4A and 4B are complimentary and read as a cohesive composition.	The buildings in Blocks 4A and 4B have been designed as a cohesive composition of three crystal forms. This application does not seek to alter the overall approved design language of the buildings.	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 continue to provide a high level of residential amenity in accordance with the design quality principles of SEPP 65 and the design criteria recommended by the ADG, as demonstrated in the detailed compliance table in the Design Report at **Attachment B** and Design Verification Statement at **Attachment C**. The detailed compliance tables include an overall assessment against each design criteria for every apartment.

There are no internal design changes proposed to the vast majority of apartments that will impact residential amenity, except for the consolidation of three apartments into one large sub-penthouse apartment on Level 67. This newly created apartment will receive in excess of two hours of solar between 9:00am and 3:00pm on the winter solstice, has adequate storage and appropriate room depths. Furthermore, this apartment will have significant residential amenity, with access to widespread views, large floor to ceiling windows and significant solar and daylight access at such a high level of the building.

The ADG assessment for the overall building does not significantly change as a result of the consolidation of the three apartments into one large sub-penthouse apartment. While the total number of apartments receiving two hours of solar access from 9:00am to 3:00pm on the winter solstice is reduced by two apartments (through the proposed consolidation on Level 67), the total number of apartments not receiving solar access remains unchanged, at 65%. All other key numerical design criteria, including criteria related to cross ventilation, habitable room depths, balcony and wintergardens, and storage volumes, are not affected as a result of this modification application.

4.4 Traffic and Parking

A Traffic and Transport Assessment has been prepared by JMT Consulting and is provided at **Attachment E**. This report assesses the traffic and parking implications that the reduced apartments will have on the surrounding transport network.

Traffic Assessment

JMT Consulting concludes that the reduction in two apartments, and reduction of 15 car parking spaces, will reduce overall transport demands when compared to the original transport assessment undertaken for Building R4A. Therefore, the findings of the original assessment remain unchanged as a result of the proposed modification.

Parking Assessment

Building R4A currently has approval for the allocation of 390 parking spaces, however this modification application seeks to reduce this allocation to 375 car parking spaces. This is partially due to the reduction in apartments (from 317 to 315), as well as the reallocation of 12 parking spaces to Building R4B. As per the Barangaroo Concept Plan car parking application rates, a maximum of 387 parking spaces is permissible for Building R4A, and therefore, the allocation of 375 car parking spaces is within this maximum and has been deemed appropriate by JMT Consulting.

4.5 Sustainability

An updated BASIX certificate has been prepared and is included at **Attachment D**. This certificate demonstrates that the proposed Building R4A supports the site wide sustainability requirements included in the approved Barangaroo Concept Plan (Mod 11). The project will meet the requirements of the Building Sustainability Index (BASIX) and SEPP BASIX.

4.6 Accessibility

An assessment against the Disability Discrimination Act (DDA) has been prepared by Morris Goding Access Consultants and is provided at **Attachment F**. The assessment concludes that the proposed changes to Building R4A will not impact the ability to meet DDA requirements.

4.7 Fire Safety

An assessment of the fire safety of Building R4A following the proposed modifications has been prepared by Warrington Fire, provided at **Attachment G**. This assessment finds that proposed modifications will not impact the building's ability to meet fire safety requirements, and it would be possible to develop performance solutions for identified departures from the National Construction Code.

4.8 Reasons given for granting consent

The Planning Assessment Commission (now Independent Planning Commission) determination report sets out the following reasons for granting consent for approval of SSD 6964 (which has subsequently been modified in line with these reasons):

- The development will deliver building outcomes of design excellence.
- The development is consistent with the Concept Plan.
- The development would provide a range of benefits for the region and the State by helping grow a stronger and more competitive CBD.
- The impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level.
- The development is in the public interest.

The proposed modifications seek to enhance amenity, functionality and the legibility of the approved building to maintain a high standard of design excellence and remain consistent with the Concept Plan (as modified).

5.0 Conclusion

The proposed modifications relate to a reduction in the number of apartments, internal and external amendments, changes to finished floor levels and reallocation of car parking.

In accordance with section 4.55(1A) of the EP&A Act, Council may modify the consent as:

- the proposed modification is of minimal environmental impact; and
- it is 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.

Yours sincerely,



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