



Building R4A Barangaroo South Modification 3

State Significant Development Modification Assessment
(SSD 6964 MOD 3)

February 2021



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Cover image: Visualisation of proposed Buildings R4A and R4B, Barangaroo South (Source: Applicant's Design Report)

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Glossary

Abbreviation	Definition
BFPUD	Barangaroo Built Form Principles and Urban Design
ADG	Apartment Design Guide
Applicant	Lend Lease (Millers Point) Pty Ltd
Application	SSD 6964 MOD 3
Commission	Independent Planning Commission
Concept Plan / Concept Approval	Approved Barangaroo Concept Plan for the redevelopment of the site (MP 06_0162), as modified
Consent	Development Consent
Council	City of Sydney
Department	Department of Planning, Industry and Environment
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPI	Environmental Planning Instrument
GFA	Gross Floor Area
Minister	Minister for Planning and Public Spaces
Planning Secretary	The Planning Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy
SSD	State Significant Development
SSP	State Significant Precinct
TfNSW	Transport for New South Wales

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1 Introduction

This report provides an assessment of an application seeking to modify the consent for the construction, use and fit-out of a 72-storey building known as Building R4A, at Barangaroo South (SSD 6964 MOD 3), pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The application has been lodged by Lendlease (Millers Point) (the Applicant) and seeks approval to:

- reduce the total number of apartments from 317 to 315
- revise the internal layout of apartments on Levels 68 and 69
- amend the finished floor levels on Levels 67, 68 and 69
- amend building facades, roof layout and building maintenance unit
- relocate car parking, cycle parking and storage cages within the shared basement and reduce car parking spaces from 390 to 375 spaces.
- amend ground floor entrance signage zones
- amend the internal vent design at podium level.

1.1 Background

The Barangaroo redevelopment is a major urban renewal project located along the north-western edge of the Sydney Central Business District (CBD) within the City of Sydney (Council) local government area. The 22 hectare site is bound by Sydney Harbour to the north and west, Hickson Road to the east and King Street Wharf / Darling Harbour to the south.

The Barangaroo site is divided into three redevelopment precincts, comprising Barangaroo Reserve, Barangaroo Central, and Barangaroo South (**Figure 1**).

The Barangaroo site is the subject of a concept plan and various development approvals for a mixed-use redevelopment as summarised at **Section 1.3**.

1.2 Barangaroo South

Barangaroo South is the southern-most precinct within Barangaroo and is bounded by Barangaroo Central to the north, King Street Wharf to the south, Hickson Road to the east and Sydney Harbour to the west. The precinct comprises seven blocks together with public domain and open spaces and is divided into three construction stages, comprising (**Figure 2**):

- Stage 1A (Blocks 1, 2, 3 and X), including a mixture of mid and high-rise (from RL 25 up to RL 209) building envelopes for commercial towers, residential and retail buildings
- Stage 1B (Blocks 4A and 4B), comprising three tower building envelopes (R4A, R4B and R5) for mixed / residential use (heights ranging from RL 107 up to RL 250), Hickson Park public open space and Stage 1B shared basement
- Stage 1C (Block Y) including the Crown Sydney Hotel Resort with a maximum height of RL 275.



Figure 1 | The location of Barangaroo and the three Barangaroo development precincts (Source: Nearmap)

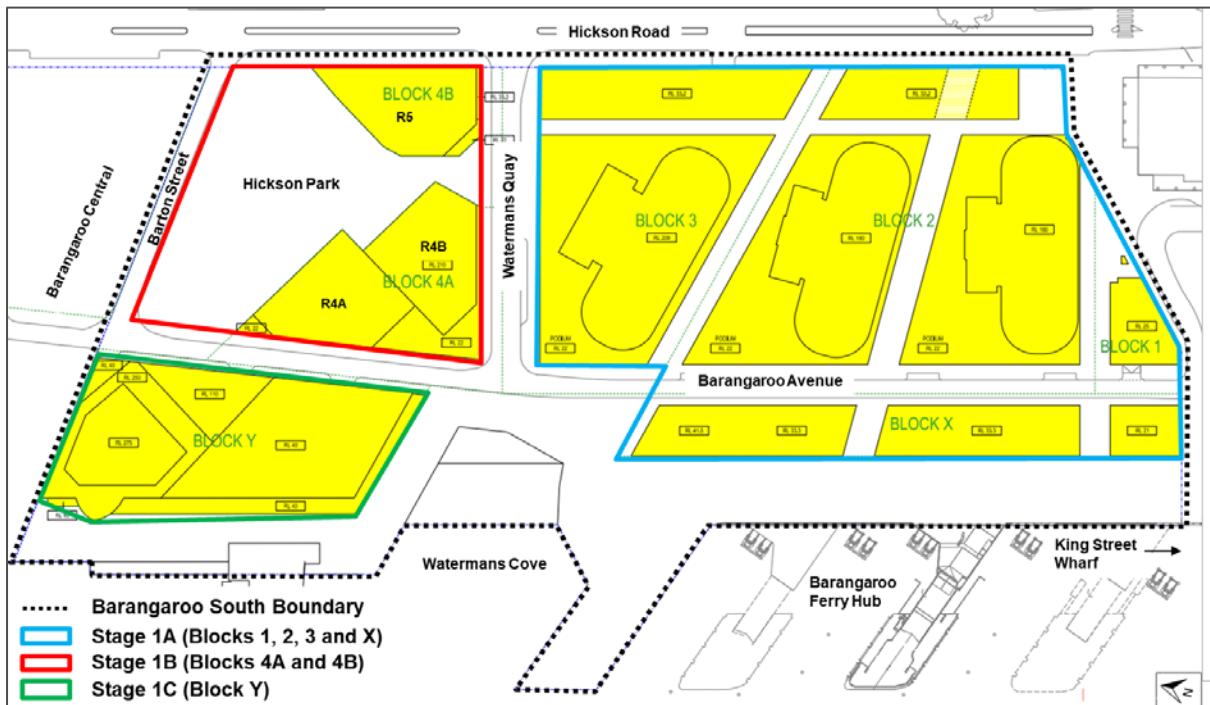


Figure 2 | Barangaroo South layout, block location and approximate stage boundaries (Source: MP06_0162 MOD8)

The development of the Barangaroo South precinct is at an advanced stage, with the southern part of the precinct (Stage 1A) largely completed, Stage 1C (the Crown Sydney Hotel Resort) completed in December 2020 and Stage 1B (shared basement) under construction. Above ground works on the towers in Stage 1B have not yet commenced.

This modification application relates only to Building R4B, which is located within Stage 1B, Block 4A of Barangaroo South.

1.3 Approval history

1.3.1 Concept Approval

On 9 February 2007, the then Minister for Planning approved the Barangaroo concept plan (MP 06_0162) (the Concept Approval) for the redevelopment of the Barangaroo site.

Since its original approval, the Concept Approval has been modified on nine occasions as summarised in **Table 1**. The Concept Approval Barangaroo South layout is shown at **Figure 2**.

Table 1 | Modifications to approved Concept Plan MP06_0162

MOD	Summary of Modification	Approved
MOD 1	Administrative changes to the approval and re-wording design excellence terms.	25 Sep 2007
MOD 2	Increase of 120,000 m ² commercial GFA to Block 2, 3, 4 and 5 (Barangaroo total 509,800 m ²).	16 Feb 2009
MOD 3	Reduction of 18,800 m ² GFA (Barangaroo total 489,500 m ²). Reinstatement of a headland at the northern end of the site and enlargement of the northern cove. Removal of development Block 8 and part of Block 7 and redistribution and realignment of Globe Street.	11 Nov 2009
MOD 4	Expansion of concept plan into Sydney Harbour, redistribution of land use mix and increase of maximum GFA by 74,465 m ² (Barangaroo total 563,965 m ²), including revision of BFPUD controls, increase of building heights and establish Blocks X and Y building heights, removal of passenger terminal and increase in community uses and provision of a cultural centre.	16 Dec 2010
MOD 5	Administrative changes	Withdrawn
MOD 6	Realignment of Blocks 3, 4A and 4B development boundaries, amendment of BFPUD controls, bicycle parking rates and design excellence provisions.	25 Mar 2014
MOD 7	Inclusion of concrete batching plants as a temporary permitted use.	11 Apr 2014
MOD 8	Increase of 30,389 m ² GFA (Barangaroo total 594,354 m ²), amended Barangaroo South site boundary, urban structure, layout, land-uses, maximum height, public domain, car parking and amend BFPUD controls.	28 Jun 2016
MOD 10	Increase of 8,000 m ² GFA (Barangaroo total 602,354 m ²), increase the height of building envelope R4B by 25 m to RL 235 m, amend building R4B setbacks and amend the Built Form Principles and Urban Design controls.	2 Sep 2020
MOD 11	Allow all vehicles to use the approved temporary construction road, amend the staging of the construction of Hickson Park and include construction exclusion zones.	22 Oct 2020

The Concept Approval, as modified (**Figure 2**) establishes:

- a mix of uses, including residential, retail, commercial and public recreation
- a maximum gross floor area (GFA) of 602,354 m², building envelopes, building height and public open space / public domain areas
- Built Form Principles and Urban Design (BFPUD) controls to guide the design of development.

1.3.2 Building R4A approval

On 7 September 2017, the Independent Planning Commission (the Commission) approved an SSD application (SSD 6964) relating to Building R4A within Barangaroo South Block 4A.

Since its approval the Building R4A consent has been modified twice and the approval (as modified) provides for:

- the construction and fitout of a 72 storey mixed-use residential tower
- 317 apartments and 438 m² retail GFA
- 390 basement car parking spaces
- public domain works and signage.

2 Proposed modification

The modification application seeks to make internal and external amendments to Building R4A. The key components and features of the proposal are summarised at **Table 2** and shown in **Figure 3** to **10**. A link to the application is provided at **Appendix A**.

Table 2 | Key components of the modification

Component	Modification Description
Internal and external alterations	<ul style="list-style-type: none">Reduction in the number of apartments from 317 to 315 by conversion of two x 4-bed and one x 3-bed units into one x 5 bed-unit on Level 67 (Figure 4)Revise the internal layout of the 5-bed apartment at level 68 and 69 (Figure 5)Revise the finished floor levels at level 67, 68 and 69 to provide increased internal ceiling heights (Figure 6)Amend the wintergarden glazing and operable sash windows on the north east façade to reflect the revised internal arrangements at level 67 to 69 (Figure 7)Introduction of an opaque closed cavity on the west elevation to conceal the pool structure at level 68 and new transom on the north east elevation to maintain horizontal façade consistency (Figure 8)Amendments to the single building maintenance unit (BMU) to provide two smaller units and extension of the retractable roof shade structure to cover the entire level 69 roof terrace (Figure 9)Alternative signage zone for building address signage on the north west elevation at ground floor level fronting Barangaroo Avenue (Figure 10)Relocate lobby vent pipes at Podium Level 2 to within a concealed wall cavityRelocate and reduce the number of cycle parking spaces and storage cages within the basement from 327 to 315 (-12) to align with the revised number of apartments.
Car parking	<ul style="list-style-type: none">Reduce car parking for R4A from 390 to 375 spaces.

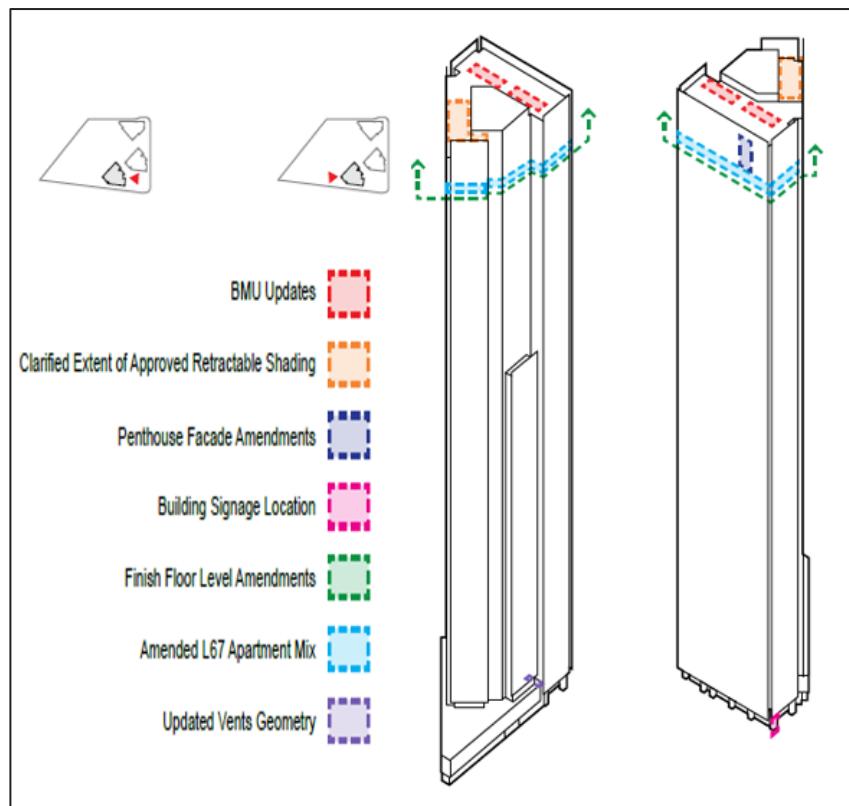


Figure 3 | Location of proposed external amendments to the building (Base source: Applicant's Design Report)



Figure 4 | Approved (left) and proposed (right) Level 67 (Base source: Applicant's Design Report)

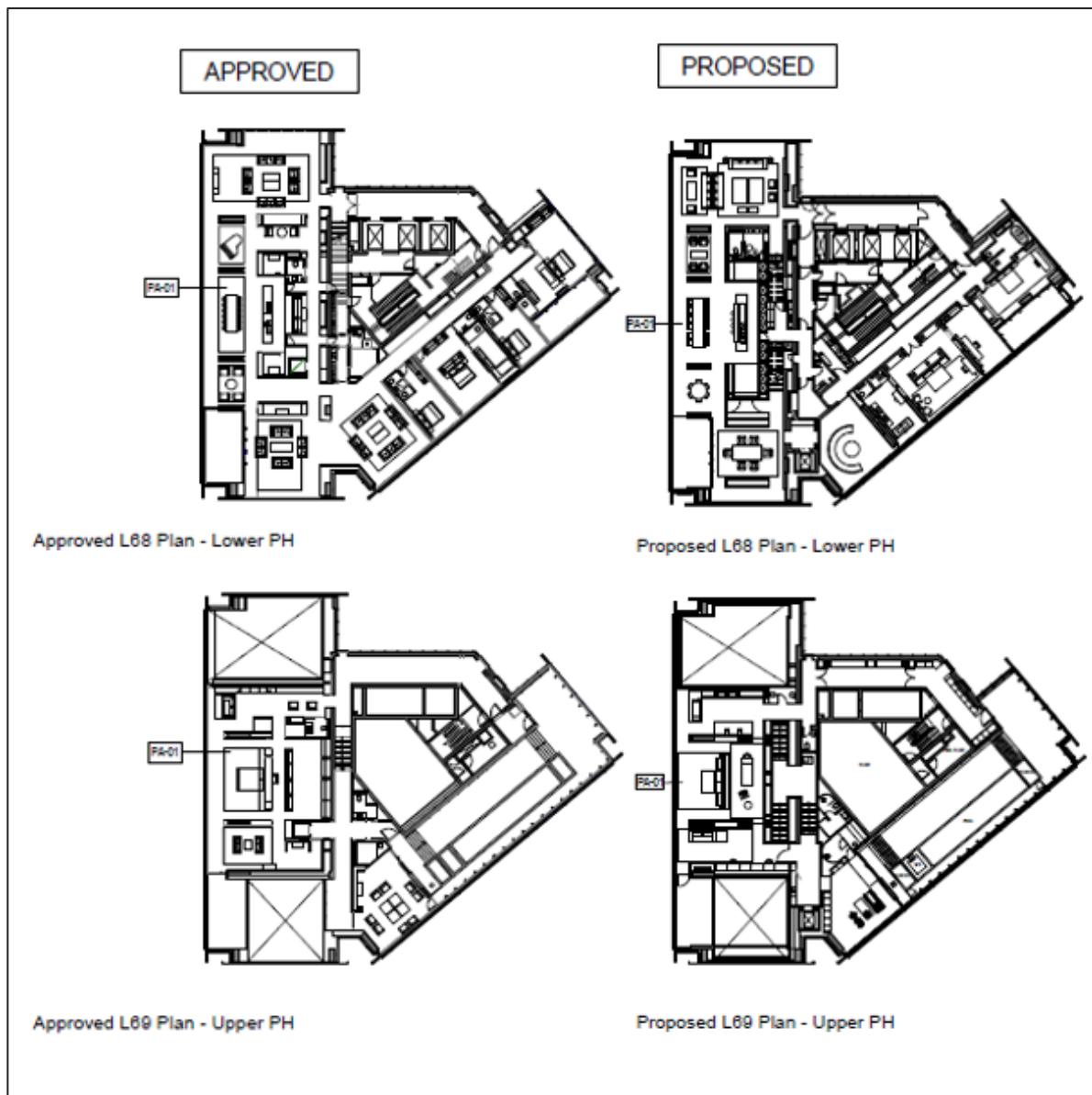


Figure 5 | Revised layout of the penthouse apartment at levels 68 and 69 (Base source: Applicant's Design Report)

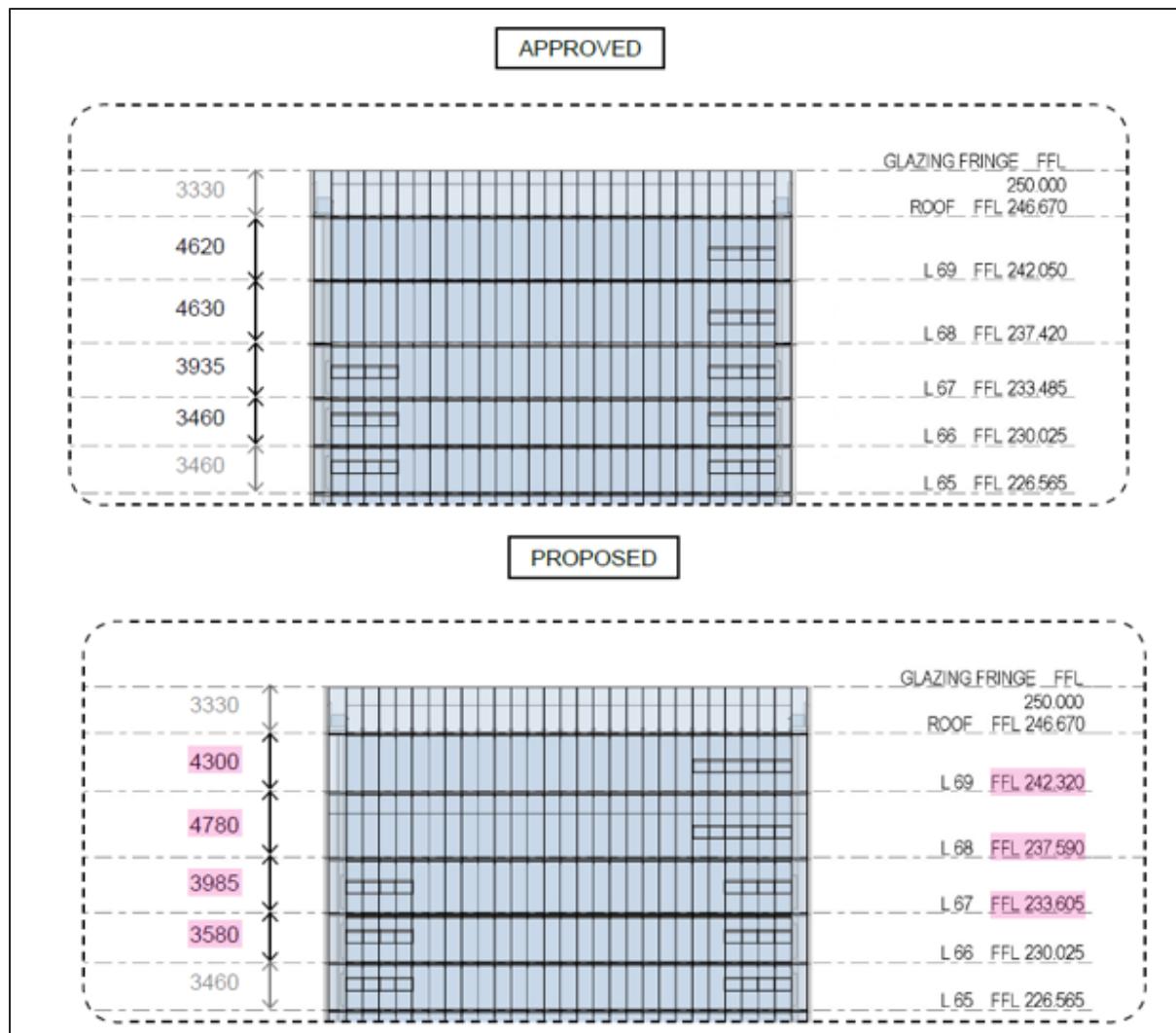


Figure 6 | Revise the finished floor levels at level 67, 68 and 69 (Base source: Applicant's Design report)

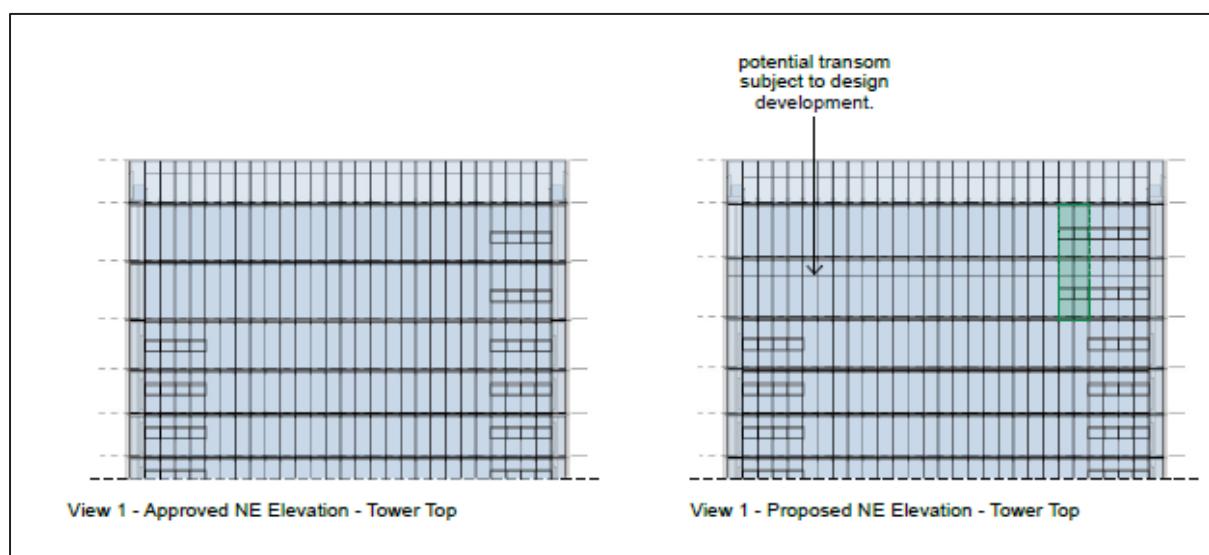


Figure 7 | Amendments to winter garden glazing at levels 68 and 69 (Base source: Applicant's Design Report)

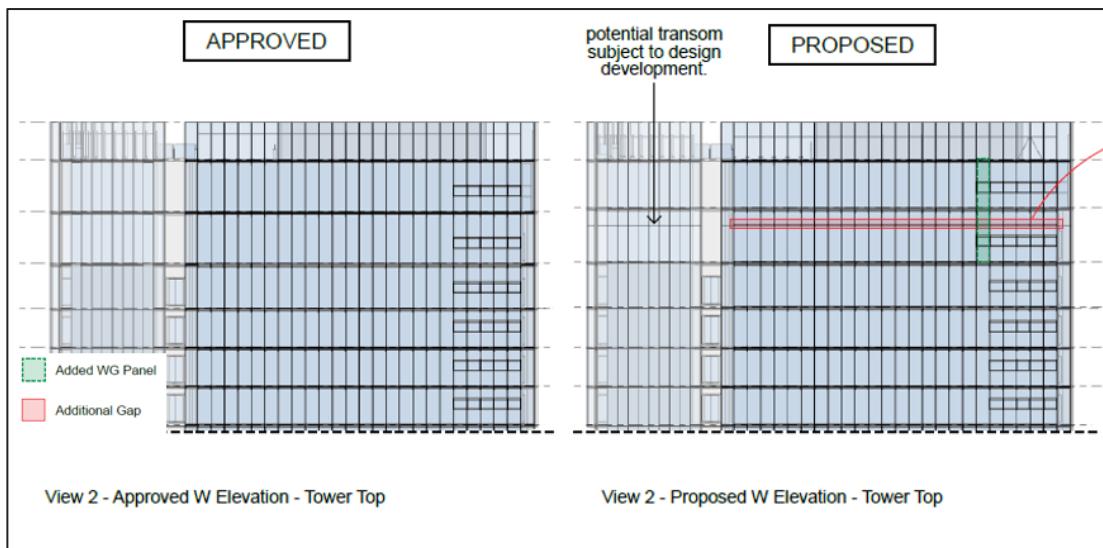


Figure 8 | Winter garden glazing amendment and new closed cavity gap and transom at level 68 (Base source: Applicant's Design Report)

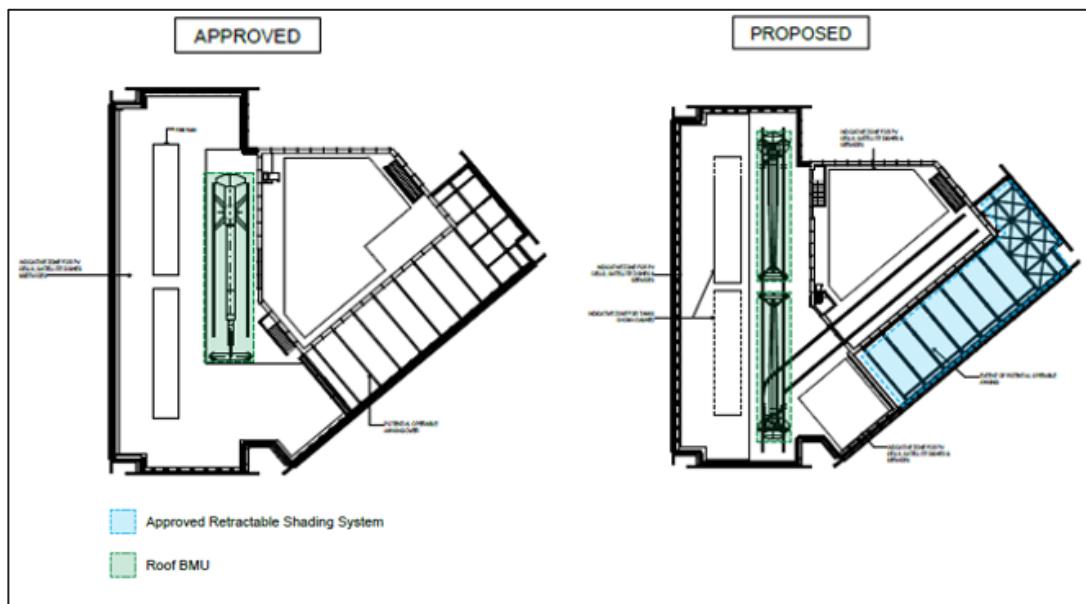


Figure 9 | Modification to BMU and retractable awning (Base source: Applicant's Design report)

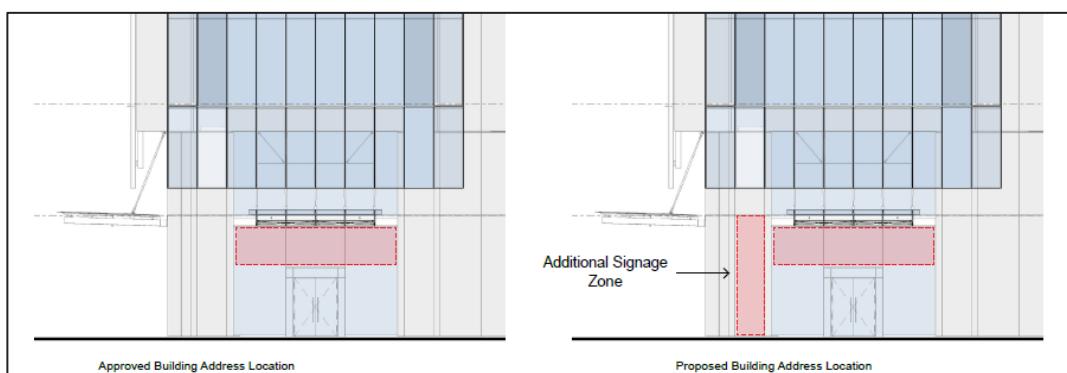


Figure 10 | Alternative signage zone for building address signage on the north west elevation at ground floor level fronting Barangaroo Avenue (Base source: Applicant's Design report)

3 Statutory context

3.1 Scope of modifications

The Department has reviewed the scope of the modification application and considers the application can be characterised as a modification involving minimal environmental impacts as the proposal:

- would not increase the environmental impacts of the project as approved
- is substantially the same development as originally approved; and
- would not involve any further disturbance outside the already approved disturbance areas for the project.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. An assessment of the proposed modification application against the requirements of section 4.55(1A) of the EP&A Act is provided in **Appendix B**.

Accordingly, the Department considers that the application should be assessed and determined under section 4.55 (1A) of the EP&A Act rather than requiring a new development application to be lodged.

3.2 Consent authority

The Minister for Planning and Public Spaces is the consent authority for the application. However, the Director, Key Sites Assessments, may determine the application under delegation as:

- a political disclosure statement has not been made
- there are less than 10 public submissions in the nature of objection.

3.3 Mandatory Matters for Consideration

The following are relevant mandatory matters for consideration:

- section 4.55(1A) of the EP&A Act, including environmental planning instruments or proposed instruments;
- EP&A regulation;
- likely impacts of the modification application, including environmental impacts on both the natural and built environments, and social and economic impacts;
- suitability of the site;
- any submissions;
- the public interest; and
- the reasons for granting approval for the original application.

The Department has considered all of these matters in its assessment of the proposal. The Department has also considered the relevant matters in **Section 5** and **Appendix B** of this report.

3.4 Consistency with Concept Approval

The Department has considered the proposed modification and is of the opinion the modification remains consistent with the terms of approval and future environmental assessment requirements of the Concept Approval. Detailed consideration of the consistency of the proposal against the Concept Plan is provided in **Appendix E**.

4 Engagement

4.1 Department's engagement

The application was made publicly available on the Department's website on 9 December 2020 and was referred to Council and TfNSW for comment.

The Department received advice from Council and TfNSW, both confirming that they would not be providing comments on the proposal. No submissions were received from the public.

5 Assessment

In assessing the merits of the proposal, the Department has considered:

- the modification application and associated documents
- the Environmental Impact Statement and conditions of approval for the original application (as modified)
- all submissions received on the proposal and the Applicant's additional information
- relevant environmental planning instruments, policies and guidelines
- the requirements of the EP&A Act.

The Department has assessed the potential impacts associated with the proposal in **Table 3**.

Table 3 | Key issues

Issue	Consideration	Recommendation
Residential Amenity	<ul style="list-style-type: none">• The proposal seeks to reduce the number of apartments from 317 to 315 and to amend the mix of units and internal configuration as outlined in Table 2 and shown in Figures 4 and 5.• The project architect has provided a design verification statement including a detailed assessment of the proposal demonstrating that the modification remains consistent with SEPP 65 and the ADG.• The Department has considered the proposed reconfiguration of apartments against SEPP 65 and the Apartment Design Guide in Appendix D. The newly created 5-bedroom apartment will exceed ADG minimum standards for solar access, storage, room size and depth.• The Department notes that through the consolidation of three apartments into one on Level 67, 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. However, the total percentage of apartments receiving 2 hours solar access remains as approved, at 65% and overall, the development is considered to provide good levels of amenity for future occupiers• The Department considers that the development will continue to provide a good standard of amenity for future occupiers and the modifications do not negatively affect the overall amenity of the development and are acceptable.	The Department recommends the list of drawings be updated to reflect the changes.
Design Excellence	<ul style="list-style-type: none">• The proposal seeks approval for external alterations to the façade as outlined in Table 2 and shown in Figures 7 and 8.• The Applicant's design verification statement confirms the design integrity of the original project is maintained.• The Department has considered the proposed external façade changes and is satisfied that the building will continue to exhibit design excellence as:<ul style="list-style-type: none">◦ the proposed materials and finishes are consistent with the existing approval◦ the amendments to the wintergarden glazing panels are required to address internal changes and will not disrupt the external rhythm of the façade	The Department recommends the list of drawings be updated to reflect the changes.

	<ul style="list-style-type: none"> ○ the introduction of opaque glazing will serve to screen the internal pool structure and will appear consistent with the adjacent glazed panels ○ the proposed transom (Figures 8 and 9) will ensure the horizontal rhythm of the façade is retained ○ the amendments to the BMU and retractable roof awning would not be visible from the public realm and will not affect the appearance of the building ○ the amendments would not alter the bulk, scale or height of the building and would maintain the architectural design integrity of the façade. ● The Department's assessment therefore concludes the proposed external alterations would have a minor impact on the appearance of the building and would not diminish or detract from the design excellence of the approved building. Further, the Department is satisfied the proposal would not result in any significant visual or amenity impacts beyond those already assessed and approved. 	
Parking and Traffic Generation	<ul style="list-style-type: none"> ● The proposal seeks to reduce the number of car parking spaces from 390 to 375 (-15 spaces) through the reallocation of 12 spaces for the use of Building R4B within the shared basement and deletion of three spaces due to further design development ● The modification is supported by a Traffic and Parking Statement which states that the reduction in car parking spaces for the building will generate less traffic movements to and from the site and the operation of the surrounding network will be unaffected by the modification. ● The Department has considered the car parking and traffic impacts of the proposal and is satisfied: <ul style="list-style-type: none"> ○ the proposal continues to comply with the maximum car parking rates approved under the concept plan (Appendix D) ○ there will be a reduction in traffic generation and therefore will result in no traffic impacts beyond those already assessed and approved. ○ the additional parking allocation to building R4B will be subject to a separate DA. ● The Department therefore concludes the parking and traffic impacts are acceptable. 	<p>The Department recommends the list of drawings be updated to reflect the changes and Condition B22 amended to reflect the revised number of car parking spaces.</p>
Storage and Cycle Parking	<ul style="list-style-type: none"> ● The proposal seeks to relocate and reduce storage cages and associated cycle parking spaces within basement level 2 from 327 to 315 (-12) as a result of the reduction in number of apartments and further design development. ● The Department considers the proposed revisions are acceptable as: <ul style="list-style-type: none"> ○ storage is provided for each apartment and remains in accordance with the minimum ADG requirements ○ in addition to general storage provision each cage continues to provide 1.08m³ to accommodate bicycle parking for each apartment consistent with the requirements for 'Class 1' facilities outlined in Australian Standards for Off-Street bicycle parking AS2890.3. 	<p>The Department recommends the list of drawings be updated to reflect the changes and Condition B23 amended to reflect the revised number of cycle parking spaces.</p>
Signage zones	<ul style="list-style-type: none"> ● In addition to the approved signage zone located on the ground floor north west entrance elevation fronting Barangaroo Avenue, the proposal includes an additional, alternate signage zone measuring approximately 5 m x 1 m (5 m²) (Figure 10). ● The Department notes that Control 9 in the Concept Plan Design Controls stipulates signage is to be limited to one sign per frontage at podium level and is not to exceed 15m² per sign. 	<p>The Department recommends a new condition limiting the location of future signage to within only one of the</p>

	<ul style="list-style-type: none"> • The Applicant stated that the second signage zone is sought to provide flexibility for the location of a future single sign and not to allow for two signs. • The Department considers the proposed alternative signage zone is acceptable and meets the key criteria in SEPP 64 (Appendix C) and will provide flexibility for potential signage locations in future DA(s). However, to ensure consistency with the concept approval the Department recommends a new condition restricting future signage to be located within only one of the two approved signage zones. 	two approved signage zones.
Accessibility	<ul style="list-style-type: none"> • The modification is supported by an Accessibility Review, prepared by Morris-Goding Accessibility Consulting, dated 5 November 2020. • The reports confirm that the modification is capable of complying with the provisions of the BCA, Disability (Access to Premises) Standards 2010 and relevant Australian Standards. • The Department accepts the findings of the Accessibility Review and notes Existing Condition B34 requires access for people with disabilities to be designed in accordance with the BCA. 	No changes to conditions recommended.

6 Evaluation

The Department has assessed the merits of the application in accordance with the relevant requirements of the EP&A Act. The Department considers the proposed modification is acceptable as:

- the modifications to the internal layout and mix of units are minor and the apartments would continue to have a high level of amenity for future occupants
- the proposed external amendments will not alter the bulk, scale or height of the building, would maintain the architectural design integrity of the façade and would not result in any significant visual or amenity impacts beyond those already assessed and approved
- the reduction in car parking spaces will result in less traffic generation, will continue to have acceptable impacts on the operation of the local road network and complies with the car parking requirements of the concept plan
- the relocation of storage cages and cycle parking within the basement will continue to provide adequate storage and cycle parking for each apartment
- the location of the proposed alternate signage zone will not detract from the character of the building or visual amenity of the area.

The Department is satisfied the development is substantially the same development for which the consents were originally granted, is consistent with the Concept Approval and is in the public interest. The Department's assessment therefore concludes the modification should be approved, subject to the recommended modified conditions of consent.

7 Recommendation

It is recommended that the Director, Key Sites Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **determines** that the application SSD 6964 MOD 3 falls within the scope of section 4.55(1A) of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **modifies** the consent SSD 6964
- **signs** the attached approval of the modification (**Appendix F**).

Recommended by:



David Glasgow
Principal Planning Officer
Key Sites Assessments

Recommended by:



Emily Dickson
Acting Team Leader
Key Sites Assessments

8 Determination

The recommendation is **Adopted by:**

Amy Watson

11/2/2021

Amy Watson

Acting Director

Key Sites Assessments

as delegate of the Minister for Planning and Public Spaces

Appendices

Appendix A – List of referenced documents

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

1. Environmental Impact Statement and additional information

<https://www.planningportal.nsw.gov.au/major-projects/project/40041>

Appendix B – Statutory Considerations

To satisfy the requirements of the EP&A Act, the Department's assessment of the proposal has given detailed assessment to a number of statutory requirements. These include:

- the requirements of section 4.55(1A) of the EP&A Act
- the matters listed under Section 4.15(1) of the EP&A Act, including applicable EPIs and regulations.

The Department has considered these matters in its assessment of the proposal in **Table 4** and **Table 5**.

Table 4 | Consideration of section 4.55(1A) of the EP&A Act

Section 4.55(1A) Evaluation	Consideration
a) that the proposed modification is of minimal environmental impact, and	<p>Section 5 of this report provides an assessment of the potential impacts associated with the modification application.</p> <p>The Department is satisfied that the proposal would have minimal environmental impacts as the modification result in only minor internal and external changes to the building and would not result in additional adverse visual, heritage or amenity impacts.</p>
b) 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 the consent as originally granted was modified (if at all), and	The Department is satisfied the proposed modification is substantially the same development as the key components of the development, including its use and overall design, remain unchanged.
c) the application has been notified in accordance with the regulations, and	The modification application has been notified in accordance with the clause 10 of schedule 1 of the EP&A Act and clause 118 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation). Details of the notification are provided in Section 4.1 of this report.
d) any submission made concerning the proposed modification has been considered.	As discussed at Section 4 , the Department received submissions from Council and Transport for NSW (TfNSW) confirming they would not be providing comments on the proposal. No submissions were received from the public.

Table 5 | Consideration of the matters listed under Section 4.15(1) of the EP&A Act

Section 4.15(1) Matters for consideration	The Department's assessment
(a)(i) any environmental planning instrument	The proposed modification is consistent with the relevant Environmental Planning Instruments (EPIs) as addressed below in this report.
(a)(ii) any proposed instrument	Not applicable.
(a)(iii) any development control plan	Under clause 11 of the SRD SEPP, Development Control Plans (DCPs) do not apply to SSD.
(a)(iia) any planning agreement	Not applicable.
(a)(iv) the regulations	The application satisfactorily meets the relevant requirements of the Environmental Planning and Assessment Regulation 2000, including the procedures relating to applications (Part 6), the requirements for notification (Part 6, Division 6) and fees (Part 15, Division 1AA) (refer to Section 4).
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The Department considers the likely impacts of the proposed modification acceptable and have been appropriately addressed (refer to Section 5 of this report).
(c) the suitability of the site for the development	The site is suitable for the development as addressed in Section 5 of this report.
(d) any submissions	The Department has considered the submissions received (refer to Section 4 and 5 of this report).
(e) the public interest	The Department considers the proposed modification to be in the public interest.
Reasons given by the consent authority for the grant of the consent that is sought to be modified	The Department has considered the reasons given by the consent authority for the grant of the consent in its assessment in Section 5 of this report.

Environmental Planning Instruments

To satisfy the requirements of section 4.15(1)(a)(i) of the EP&A Act, the following EPIs, were considered as part of the assessment of this proposal:

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (State Significant Precincts) 2005
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 55 – Remediation of Land
- Draft Remediation of Land State Environmental Planning Policy
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy No.64 – Advertising and Signage
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Draft Environment State Environmental Planning Policy
- State Environmental Planning Policy (Coastal Management) 2018

- State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development
- Other Plans and Policies:
 - Sydney Harbour Foreshores and Waterways Area DCP 2005.

The Department undertook a comprehensive assessment of the redevelopment against the abovementioned EPIs in its original assessment. The Department has considered the above EPIs and is satisfied the modification does not result in any inconsistency with these EPIs.

As the application proposes a new signage zone and apartment design changes, the Department has undertaken an assessment against State Environmental Planning Policy No.64 – Advertising and Signage and State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development below.

Appendix C – Consistency with State Environmental Planning Policy No.64 – Advertising and Signage

SEPP 64 applies to all signage that under an EPI can be displayed with or without development consent and is visible from any public place or public reserve.

Under clause 8 of SEPP 64, consent must not be granted for any signage application unless the proposal is consistent with the objectives of SEPP 64 and with the assessment criteria which are contained in Schedule 1. **Table 6** below demonstrates the Department's assessment of the consistency of the proposed signage zone with this assessment criteria (future signs within the proposed signage zone will be subject to operate future development applications).

Table 6 | SEPP 64 compliance assessment

Assessment Criteria	Comments	Compliance
1. Character of the area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed signage zone is appropriately located and integrated into the design of the building Detailed signage would be subject to further development applications and restricted to only one of the two signage zones.	Yes
2. Special Areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The site is not located in the vicinity of any sensitive areas. Signage applications would be subject to separate development applications.	Yes
3. Views and Vistas		

Does the proposal: - obscure or compromise important views? - dominate the skyline and reduce the quality of vistas? - respect the viewing rights of other advertisers	The signage zone is located on the proposed building and will not obscure important views or dominate the skyline.	Yes
4. Streetscape, setting or landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? Does the proposal: - contribute to the visual interest of the streetscape, setting or landscape? - reduce clutter by rationalizing and simplifying existing advertising? - screen unsightliness? - protrude above buildings, structures or tree canopies in the area or locality? - require ongoing vegetation management	The proposed signage zone is considered to be of an appropriate scale, proportion and form. The proposed signage zone is consistent with the character of business identification signage located on a residential building. The signage zone is located on the proposed building facade, not located near any vegetation and would not protrude beyond the building envelope. Details of the signage would be subject to a separate development application.	Yes
5. Site and Building		
• Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? • Does the proposal respect important features of the site or building, or both? • Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signage zone is considered to be at an appropriate scale and to respect the architectural features of the building. The signage zone is designed to accommodate business identification signage which will be subject to a separate future development application.	Yes
6. Associated devices and logos with advertisements and advertising structures		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	No	N/A
7. Illumination	Details of illumination will be subject to future development applications	N/A
8. Safety		
Would the proposal reduce safety for? • pedestrians, particularly children, by obscuring sightlines from public areas? • any public road?	The proposed signage zone will not obscure any sightlines from the public domain.	Yes

Appendix D – Consistency with the Apartment Design Guide

Table 7 | Consideration of the relevant provisions of the Apartment Design Guide under SEPP 65

ADG – Relevant Criteria	Proposal
<p>3J Bicycle and Car Parking</p> <ul style="list-style-type: none"> Minimum parking requirement as set out in the Guide to Traffic Generating Developments or local Council requirement, whichever is the less. Parking and facilities are provided for other modes of transport. Car park design and access is safe and secure. Visual and environmental impacts of underground car parking are minimised. 	<p><u>Approved</u></p> <ul style="list-style-type: none"> 390 car parking spaces <p><u>Proposed</u></p> <ul style="list-style-type: none"> 375 car parking spaces bicycle parking is provided for each unit Car parking provision is considered acceptable and is discussed further in Section 5 of this report.
<p>4A Solar and Daylight Access</p> <ul style="list-style-type: none"> To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space. Minimum of 70% of apartments' living rooms and private open spaces receive 2hrs direct sunlight between 9 am -3 pm in mid-winter in the Sydney Metropolitan Area. Maximum of 15% of apartments have no direct sunlight between 9 am - 3 pm in mid-winter. Daylight access is maximised where sunlight is limited. Design incorporates shading and glare control, particularly for warmer months. 	<p><u>Approved</u></p> <ul style="list-style-type: none"> 65% of units would receive two hours direct solar access in mid-winter between 9am and 3pm, increasing to 82% between 9am and 5pm A maximum of 15% of apartments in Building R4A have no direct sunlight between 9 am - 3 pm in mid-winter. <p><u>Proposed</u></p> <ul style="list-style-type: none"> The above percentages remain unchanged Solar access is considered acceptable and discussed further in Section 5 of this report.
<p>4D Apartment Size and Layout</p> <ul style="list-style-type: none"> Minimum apartment sizes <ul style="list-style-type: none"> Studio 35 m² 1 bedroom 50 m² 2 bedroom 70 m² 3 bedroom 90 m². Every habitable room must have a window in an external wall with a total glass area of not less than 10% of the floor area. Daylight and air may not be borrowed from other rooms. Habitable room depths are limited to 2.5 x the ceiling height. In open plan layouts the maximum habitable room depth is 8m from a window. Master bedroom have a minimum area of 10 m² and other bedrooms have 9 m². Bedrooms have a minimum dimension of 3m (excluding wardrobes). 	<ul style="list-style-type: none"> Due to the large size of the new apartments some room depths exceed 2.5 x their ceiling height. However, the apartments have very generous living and bedroom areas with ceiling heights typically greater than the minimum criteria and comply with or exceed all other criteria.

<ul style="list-style-type: none"> Living rooms have a minimum width of: <ul style="list-style-type: none"> 3.6 m for studio and one bed 4 m for 2 and 3 bed. The width of cross-over or cross-through apartments are at least 4m internally. 	
<p>4E Private Open Space and Balconies</p> <ul style="list-style-type: none"> Primary balconies are provided to all apartments providing for: <ul style="list-style-type: none"> Studios apartments - minimum area of 4m² 1-bedroom - minimum area of 8 m² and a minimum depth of 2m 2-bedroom - minimum area 10m² and a minimum depth of 2m 3-bedroom - minimum area 12m² and minimum depth 2.5m. For apartments at ground floor level or similar, private open space must have a minimum area of 15 m² and depth of 3 m. Private open space and primary balconies are integrated into and contribute to the architectural form and detail of the building. Primary open space and balconies maximises safety. 	<ul style="list-style-type: none"> The new apartments have multiple winter gardens that exceed the minimum criteria
<p>4K Apartment Mix</p> <ul style="list-style-type: none"> Provision of a range of apartment types and sizes. Apartment mix is distributed to suitable locations within the building. 	<ul style="list-style-type: none"> The modification results in an increase in five bedroom units at the expense of three and four bedroom units (Table 2) The Department considers the revised apartment mix continues to provide for a range of apartment types and sizes suitably located within the building and is acceptable.
<p>4M Facades</p> <ul style="list-style-type: none"> Building facades provide visual interest along the street while respecting the character of the local area. Building functions are expressed by the façade. 	<ul style="list-style-type: none"> The proposal will continue to achieve a high standard of architectural design and will positively contribute to the Barangaroo precinct and city skyline. Façade amendments are further discussed in Section 5 of this report.
<p>4Q Universal design</p> <ul style="list-style-type: none"> Universal design features are included in apartment design to promote flexible housing for all community members (Developments achieve a benchmark of 20% of the total apartments incorporating the Liveable Housing Guidelines silver level universal design features). A variety of apartments with adaptable designs are provided. Apartment layouts are flexible and accommodate a range of lifestyle needs. 	<ul style="list-style-type: none"> The proposals remain capable of complying with the requirements for universal design, as all apartments are of a size and layout that allows for flexible use and design.

<p>4U Energy Efficiency</p> <ul style="list-style-type: none"> Development incorporates passive environmental and solar design. Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer. Adequate natural ventilation minimises the need for mechanical ventilation. 	<ul style="list-style-type: none"> The modification is supported by an amended BASIX Certificate assessment demonstrating the requirements of the SEPP are satisfied. The revised apartments have been orientated to achieve sufficient solar access, as discussed in Section 4A of this table.
<p>4V Water management and conservation</p> <ul style="list-style-type: none"> Potable water use is minimised. Urban stormwater is treated on site before being discharged to receiving waters. Flood management systems are integrated into site design. 	<ul style="list-style-type: none"> The development will continue to meet BASIX water targets. The proposed development benefits from Barangaroo South's precinct sustainability initiatives, including onsite wastewater treatment and water recycling, capacity to export recycled water and sewer mining to reduce demand.

Appendix E – Consistency with the Concept Approval

In accordance with Clause 3b of Schedule 2 of the *Environmental Planning and Assessment (Savings, Transitional and other Provisions) Regulation 2017*, the Department has considered the proposed modifications and is of the opinion the proposals are consistent with the Concept Plan. An assessment of the proposals against the applicable Concept Plan requirements is provided in **Table 8** below.

Consideration of the applicable Barangaroo Concept Plan Built Form Principles is provided in **Table 9** and Barangaroo Urban Design Controls in **Table 10**.

Table 8 | Consideration of the relevant requirements, Modifications and Future Assessment Requirements of the Concept Approval

Concept Approval	Department's comment
<p>Term of Approval</p> <p>A4 Determination of Future Applications Determination of future applications is to be generally consistent with the terms of Concept Plan MP06_0162.</p>	<p>The proposal remains consistent with the terms of Concept Plan MP06_0162 as modified.</p>
<p>Modifications to Concept Plan</p> <p>B4 Built Form</p> <p>1. A mixed use development involving a maximum of 602,354m² gross floor area (GFA), comprised of:</p> <ol style="list-style-type: none"> a maximum of 191,031m² of residential GFA of which a maximum of 162,031m² will be in Barangaroo South; a maximum of 76,000m² of GFA for tourist uses of which a maximum of 59,000m² will be in Barangaroo South; a maximum of 34,000m² of GFA for retail uses of which a maximum of 30,000m² will be in Barangaroo South; a maximum of 5,000m² of GFA for active uses in the Public Recreation zone of which 3,500m² will be in Barangaroo South; and a minimum of 12,000m² GFA for community uses. 	<p>2. The proposal continues to comply with the specific Block 4A GFA and height requirements (Buildings R4A and R4B):</p> <ul style="list-style-type: none"> Approved: Total GFA: 86,913 m² Proposed: Total GFA: 86,913 m² Total residential GFA of 86,166 m², comprised of 47,564 m² (R4A) and 38,911 m² (R4B) – unchanged from the approved development Maximum building height AHD 246.5 m above ground level remains – unchanged <p>3. No redistribution sought</p>

<p>2. GFA requirements for Block 4A:</p> <ul style="list-style-type: none"> • Block 4A shall not exceed a maximum of: <ul style="list-style-type: none"> ◦ Total GFA: 92,629 m² ◦ Residential GFA: 91,816 m² ◦ Height (Max AHD): RL 250 ◦ Height above existing ground level(m) 248 <p>3. Future development applications for buildings within Blocks 2, 3, 4A and 4B and Y, may accommodate a redistribution of GFA (but not in excess of the total GFA for those blocks) resulting from the Urban Design Controls identified in Modification B9.</p> <p>4. Wintergardens may be excluded from the maximum residential GFA stipulated for Blocks 4A, 4B and Block Y, subject to compliance with the winter garden objectives and standards contained within the revised Built Form Principles and Urban Design Controls (Modification B5).</p>	<p>4. Complies</p>
<p>B5 Revised Design Principles</p> <p>Future applications in Barangaroo South are to demonstrate consistency with the Built Form Principles and Urban Design Controls contained within the document titled "Built Form and Urban Design Controls Ethos Urban in Conjunction with Roger Stirk + Partners" submitted with Section 75W modification 10 (Appendix C).</p>	<p>The proposals remain generally consistent with the Built Form Principles and Urban Design Controls (Design Controls). See Tables 9 and 10.</p>

Table 9 | Consideration of the Barangaroo Concept Plan Built Form Principles

Built form principles	Department's Comment
<p>1 City's New Western Façade</p> <p>To create an integrated new western frontage to the city centre, the slender ends of buildings (above podium level) are to be oriented to the waterfront.</p>	<p>The modifications would not result in any significant changes to the built form of the western frontage. As such, the development remains consistent with this principle.</p>
<p>2 Hickson Road as a Boulevard</p> <p>Promote the scale of Hickson Road as a grand boulevard, buildings are to provide a consistent street wall definition to Hickson Road but with variegated massing heights along the street frontage. The corner to the park at R5 wraps around as a marker to Hickson Park and a bookend to Barangaroo South.</p>	<p>This principle is not applicable, as the building fronts Barangaroo Avenue.</p>
<p>3 Buildings to Define Streets</p>	<p>The modification would not result in any changes to the street façade alignment.</p>

To define the public space of the street, all building façades are to be set to the street alignment.	As such, the development remains consistent with this principle.
4 North South Pedestrian Connections Provide greater pedestrian permeability through blocks, particularly north south connections between Block 2 to 4, Wulugul Walk and Barangaroo Avenue, and Scotch Row at ground level being not less than 6 m wide, 50% open to the sky and a minimum clear height of 2 storeys. Provide east-west links through Watermans Quay, Shipwright Walk, Mercantile Walk and Exchange Place.	The modification would not result in any changes to pedestrian permeability at ground level.
5 Marking the City Frame To continue a built form dialogue with the adjoining city, building heights across the site are in keeping with the rest of the city, with the highest form at the north of the precinct.	The building height remains unchanged.
6 Open Space Within Blocks To create blocks permeated with laneways, courtyards, walkways and parklands around the edges of blocks. To provide open space at podium level between tower forms.	The modification does not result in any changes to open space within blocks.
7 View Sharing To promote the equitable access to views towards the harbour, the built form is to be arranged to define the street corridors and to allow view corridors from the existing private buildings to the east. Provide sky view corridors between residential towers from Napolean Street, Bond Square and the Harbour Bridge.	The modification would not result in any changes to the built form that would impact on view sharing and would remain within the Concept Plan envelope. As such, the developments remain consistent with this principle.
8 Orientation of Buildings To provide optimum orientation and transparency across the site and to create a silhouette of gaps between slender towers. Orientation of towers to relate to fanning principle. Long facades to face north and buildings facing Hickson Road and the waterfront to be oriented to the east and west to define road and promenade.	The modifications would not result in any significant changes to the orientation of building. As such, the proposal remains consistent with this principle.

Table 10 | Consideration of relevant Barangaroo Urban Design Controls

Urban Design Controls (Blocks 4A and 4B)	Department's Comment
1 Building Mass and Location Objectives The orientation and location of the buildings relate to the fan principle. To ensure building mass is appropriate within the envelope. The podium shall be low to allow sunlight penetration through the buildings to the public domain. Building placement to consider existing view corridors from Kent Street buildings. To ensure the vertical massing form is an integral part of the composition of towers in block 4A. Ensure clear views to the sky between all towers from key vantage points.	The modification does not seek any changes to the approved building location or an increase of the building mass. The height of the building remains at RL 246.5 as approved.

<p>Allow balconies on towers including residential and/or tourist and visitor accommodation GFA to be partially enclosed without the need to include balcony floor areas as GFA.</p> <p>Standards</p> <p>The height of towers within the block shall be varied and ascend in height from east to west.</p> <p>Towers proposed in Block 4A shall have a minimum 15 m variation in height.</p> <p>Towers proposed in Block 4A should be separated by a minimum of 9 m.</p> <p>All predominant tower massing shall provide a minimum of 27 m separation from the Block Y tower massing.</p> <p>All predominant tower mass shall be set back from Watermans Quay by a minimum of 2 m.</p> <p>Block 4A podium buildings are to have a maximum height of RL 22.</p> <p>Podiums may be built on the edge of the envelope on Watermans Quay.</p> <p>For residential and tourist and visitor accommodation development within a building with a height of 30 metres or more; the maximum private external balcony area must not exceed 15% of the GFA of the apartment or tourist and visitor accommodation room to which the balcony is not connected; and the bulk of the building is no greater than it would be if the balconies were not partially enclosed.</p>	
<p>2 Street Wall Establishment</p> <p>Objectives</p> <p>Ensure the street walls defines Barangaroo Avenue.</p> <p>Ensure a human scale streetscape.</p> <p>Podium height to foster a coordinated streetscape and appropriate street level environment.</p> <p>Standards</p> <p>Building form to create a street wall with a one storey minimum height for most of the public accessible ground floor façade.</p> <p>All podium street walls define Watermans Quay and Hickson Road.</p> <p>Hickson Road street wall will continue the colonnade form existing on Blocks 2 and 3</p>	<p>The modification does not seek any changes to the approved establishment of street walls.</p>
<p>3 Building Articulation</p> <p>Objectives</p> <p>To establish an articulated, well-proportioned building mass.</p> <p>To reduce the impact on the building's mass.</p> <p>To ensure the podium and towers in Blocks 4A and 4B are considered as a holistic composition.</p> <p>Standards</p> <p>The building envelopes and floor plates are to be articulated.</p> <p>Tower form is to express sustainability features e.g. access to natural light, ventilation and solar shading.</p>	<p>The modification will not increase the mass of the building or significantly alter the approved vertical or horizontal articulation of the façade.</p>

<p>Establish complimentary relationship between the tower Blocks in 4A and 4B such as common chassis.</p> <p>Vertical articulation and breaks are encouraged to minimise perceived building mass.</p> <p>Horizontal articulation and breaks are encouraged to reduce the impact of building mass.</p> <p>Ensure a transparent and visually permeable frontage to the park edge. The tower form on the park side is to come to ground and be dominant in the lower levels of the building.</p>	
<p>4 Building Legibility</p> <p>Objectives</p> <p>Constituent elements of the building need to be legible.</p> <p>To ensure that building elements and structure are legible at the base.</p> <p>To ensure that towers in Block 4A and 4B are complimentary and read as a cohesive composition.</p> <p>Standards</p> <p>Express facade elements including balconies/winter gardens shading and wind amelioration.</p> <p>Consider common architecture expression to ensure towers in Block 4A and 4B are complimentary but still unique.</p> <p>Ensure visual permeability of the tower lobbies on the park to allow the structure to be legible at the base.</p>	<p>The modification would not significantly alter the appearance of the building which will still be read together with Building R4B as a cohesive composition.</p>
<p>5 Ground Floor Permeability and Accessibility of Public Realm</p> <p>Objective</p> <p>To provide permeability and accessibility through Barangaroo South.</p> <p>Standard</p> <p>Public access around the block is to be maintained on all edges.</p> <p>Provide two north to south primary connections across the block including the Hickson Road colonnade and Barangaroo Avenue.</p> <p>Watermans Quay retail and podium buildings should consider the address to Scotch Row view.</p> <p>Ground floor retail and residential lobbies should consider a relationship to the northern parkland public space.</p> <p>Canopies to be located at the park edge.</p> <p>Consider lobby address on Barangaroo Avenue for R4A, Watermans Quay for R4B and Hickson Road for R5 off the plaza.</p> <p>Generous through-site link to be provided through Block R4A.</p>	<p>The modification will not affect permeability and accessibility.</p>
<p>6 Ensuring Quality of Rooftops</p> <p>Objective</p> <p>To ensure that the mass of the rooftop is articulated and legible.</p> <p>Standards</p> <p>Roofs forms should be sympathetic to its context, use good quality materials, incorporate architectural treatment of exposed elements and avoid exposure of mechanical equipment.</p>	<p>The reconfiguration of the BMU and retractable roof awning would not affect the appearance of the rooftop in elevation and is considered acceptable as discussed at Section 5.</p>

<p>Roof design may integrate sustainable features such as photovoltaics.</p> <p>Consistency between the roof forms of towers in Block 4A is encouraged.</p>	
<p>7 Facades</p> <p>Objectives</p> <p>To ensure the architectural quality of the facades.</p> <p>To articulate the building's functions and massing with appropriate façade design and detailing.</p> <p>To ensure the facades contribute to the building's articulation and mass.</p> <p>To contribute to the carbon neutral aims for Barangaroo South.</p> <p>Enable the partial enclosure of balconies to provide private open space that is usable and has a high level of amenity.</p> <p>Standards</p> <p>Choice of materials for longevity, durability and flexibility (e.g. steel and glass).</p> <p>Environmentally sustainable design to be incorporated on all facades.</p> <p>Depth and layering of facades to be achieved through relief and protrusions.</p> <p>Façade components such as external shading to be used to provide light and shade to the building.</p> <p>Glass wind screens enclosing balconies shall be designed to ensure the balcony remains external open space and wind screen design shall ensure permanent natural ventilation and cannot be fully enclosed or sealed from weather.</p>	<p>The modification would not significantly alter the appearance of the approved facades. Façade design is discussed further in Section 5.</p> <p>The modification is consistent with the carbon neutral aims for Barangaroo South.</p> <p>The proposed winter gardens would be partially enclosed and therefore provide private open space that is usable and has a high level of amenity.</p> <p>No significant modifications are proposed to the proposed materials, and therefore, environmentally sustainable design would continue to be incorporated on all facades of the buildings.</p> <p>The different design elements of the building such as open cavity facades, glazing, and winter gardens, will continue to allow access to direct sunlight and light transmittance, provide thermal insulation and achieve natural ventilation.</p>
<p>8 Active Streetfronts</p> <p>Objective</p> <p>To ensure an activated public domain at street level.</p> <p>Standards</p> <p>At least 60% of the ground level is to be active on the primary street wall facades.</p> <p>Building vehicle access, area for service and egress shall not count towards the 60%.</p> <p>Building service areas, parking entrances and loading docks may be accessed from Watermans Quay.</p> <p>The width of driveways shall be minimised.</p>	<p>The modification would not affect the activation of street frontages.</p>
<p>9 Signage</p> <p>Objective</p> <p>To ensure the location, size, appearance and quality of signage in the building is appropriate.</p> <p>Standards</p> <p>Building identification signage is to be limited to one sign per frontage at podium level.</p> <p>Signage shall not exceed 15 m² per sign.</p> <p>Details of signage are to be considered as part of the overall design of the building for the purposes of design excellence.</p>	<p>The proposal includes an additional, optional signage zone located on the ground floor western entrance elevation.</p> <p>The Department recommends a condition restricting any future signage to be located within only of the two approved signage zones to ensure compliance with Control 9.</p>

Each new application for the erection of a new building should include a minimum description of signage location and form. Separate applications may be required for signage not detailed in applications for new buildings.

Appendix F – Notice of modification

<https://www.planningportal.nsw.gov.au/major-projects/project/40041>