

1 December 2021

2210112

Ms Kiersten Fishburn
Secretary
Department of Planning, Industry and Environment
12 Darcy Street
PARRAMATTA NSW 2150

Dear Ms Fishburn,

**SECTION 4.55(1A) MODIFICATION APPLICATION
BUILDING R4A – ONE SYDNEY HARBOUR, BARANGAROO SOUTH**

This 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 Residential Building R4A – One Sydney Harbour, Barangaroo South (the site).

The proposed modifications relate to the following works:

- Transfer of the approved Strada (inclusive of the ground plane and associated structure) which connects Building R4A and Building R4B from Development Consent SSD 6964 (Building R4A) to Development Consent SSD 6965 (Building R4B), deletion of relevant conditions and associated development application boundary adjustment.
- Minor landscaping amendments at the ground plane.
- Modification to the Ground Floor entry vestibule design with amendment to the adjoining signage zone.
- Conversion of one four-bedroom apartment on Level 58 to a three-bedroom apartment with a walk-in wardrobe.
- Deletion of conditions relating to the need for obstacle lighting under Part E and F of the development consent.

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

- Architectural Plans prepared by Renzo Piano Building Workshop (RPBW) and Peddle Thorp and Walker (PTW) (**Attachment A**).
- Landscape Drawings prepared by McGregor Coxall (**Attachment B**).
- Design Report prepared by RPBW (**Attachment C**).
- BCA Statement prepared by Steve Watson & Partners (**Attachment D**).
- ESD Assessment prepared by Lendlease (**Attachment E**).
- Design Verification Statement prepared by RPBW (**Attachment F**).
- Fire Safety Statement prepared by Warrington Fire (**Attachment G**).
- Access Statement prepared by Morris Goding Access Consulting (**Attachment H**).
- Wind Engineering Report prepared by Windtech (**Attachment I**).
- Civil Aviation Safety Authority Correspondence (**Attachment J**).
- R4A Landscape and Public Domain Secretary Approval (**Attachment K**).

1.0 Design Process

Building R4A is the tallest of three One Sydney Harbour residential towers in Barangaroo South, alongside Building R4B and R5. The form of these three residential towers was designed by Renzo Piano Building Workshop (RPBW), which won an architectural design competition for the buildings in 2014. RPBW conceived the three towers as 'crystals' utilising a unique triangular shape for each tower, paired with highly transparent glass façades.

RPBW's design complies with the parameters of the Barangaroo Built Form Masterplan by Robert Stirk and Partners, approved under the Barangaroo Concept Plan (as modified), whilst also capturing the natural and organic crystal formation in the architectural form.

As the design has developed and been modified, the crystalline vision that informed the architecture has remained prominent in the design and continues to guide all modifications to Building R4A.

2.0 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.

To date, SSD 6964 has been modified on three occasions. The approved modification applications are summarised below in **Table 1**.

Table 1 Modifications to SSD 6964

Modification	Approved	Description
Modification 1	7 February 2020	<ul style="list-style-type: none"> 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. Addition of a roof fire tank to service the sprinkler and hydrant system.
Modification 2	18 September 2020	<ul style="list-style-type: none"> Amendment to the link bridge connection to Building R4B. Lift and stair reconfiguration on podium level 2, minor stair adjustment on podium level 1, and revised podium terrace landscaping through an additional planter. Revised louvres on levels 20 and 47, as well as minor internal changes to the plant rooms on these levels. Amendment of the water feature within the ground level lobby and the entry vestibule design at the ground level. Minor façade amendments.
Modification 3	11 February 2021	<ul style="list-style-type: none"> Reduction in the number of apartments from 317 to 315 dwellings. Internal and external amendments. Changes to finished floor levels. Reallocation of car parking with the shared Stage 1B Basement.

3.0 Proposed modifications to the consent

The proposed modifications to the development are described below and illustrated in the Architectural Plans prepared by RPBW and PTW and provided at **Attachment A**.

3.1 Modifications to the development

Transfer of approved Strada

It is proposed to transfer the approved Strada (inclusive of ground plane and associated structure) from the Building R4A Development Consent (SSD 6964) to the Building R4B Development Consent (SSD 6965) so that the entirety of the Strada, including the ground plan and the roof structure above it, sits within the same development consent. Currently, the ground plane and associated wind management elements are located within the R4A consent, and the Strada roof within the R4B consent.

The purpose of this modification is to consolidate both the ground plane and roof together under one consent, which will better align the construction and delivery of the Strada with Building R4B, which will be completed after Building R4A. Both R4A and R4B are currently under construction and are forecast to be completed within close timeframes. The transfer of the Strada will not substantially delay its delivery, rather it will enable the efficient construction of the buildings and associated public domain.

To accommodate this amendment, the development boundary of Building R4A has also been modified so that it no longer incorporates the Strada, as shown in **Figure 1**. The relevant conditions relating to the Strada are sought to be deleted from the Building R4A consent (SSD 6964) and are to be captured within Development Consent 6965 (as modified) under a separate modification application.

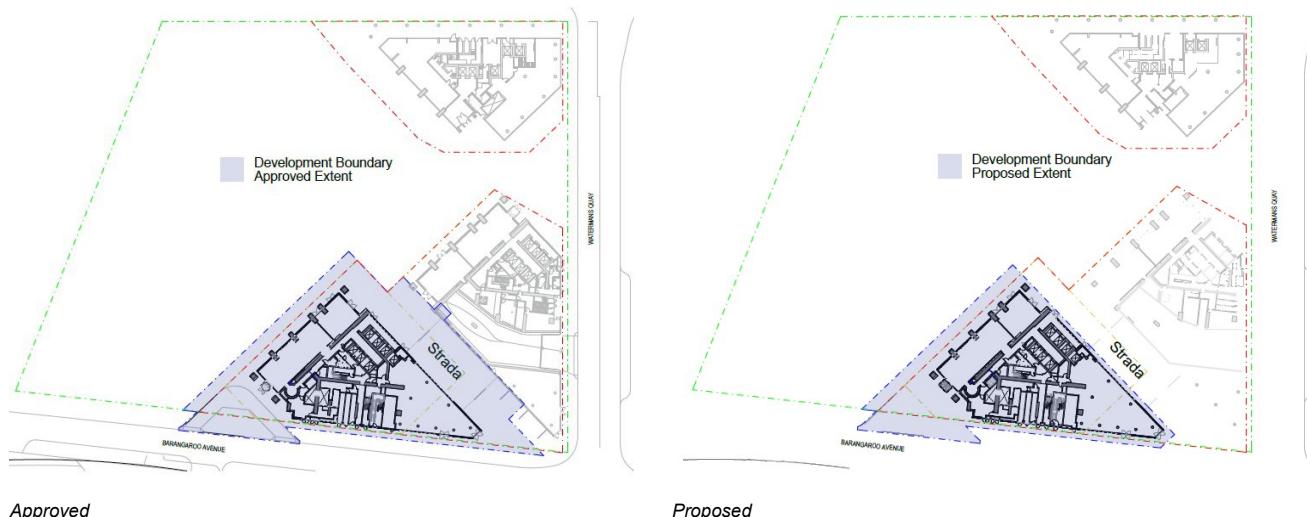


Figure 1 Proposed changes to R4A Development boundary extent

Source: PTW

Amendments to conditions relating to Strada wind mitigation

It is proposed to delete condition B5 and amend E24 of development consent SSD 6964 relating to wind mitigation measures within the Strada, as these conditions have been satisfied or partially under Secretary's Approval (see **Attachment K**).

The proposed amendments to these conditions have been detailed in **Section 3.2** below.

Landscaping amendments

It is proposed to remove two trees adjacent to the tenancy facing Hickson Park, improving pedestrian access and visual connectivity at the ground plane, and ensuring cohesion with the Barangaroo Public Domain (SSD 7944) design and character. The trees identified for removal are shown in **Figure 2** below and are illustrated in the Landscape Drawings prepared by McGregor Coxall (refer to **Attachment B**).

The two trees nominated for deletion formed part of the original development consent for R4A approved in 2017, prior to the design and approval of the adjoining Barangaroo Public Domain (including Hickson Park) in 2018. The approved Public Domain design provides a substantial tree belt around the towers, with clear open paved areas to encourage visual and physical connectivity from the park through to the Strada. The location of the two trees inhibits this clear line of sight and pedestrian access, and their removal will provide a more consistent public domain outcome.

It is also noted that wind consultants Windtech have reviewed the impact of removing these two trees and confirmed it will result in negligible impact on the wind environment, as discussed further at **Attachment I**.

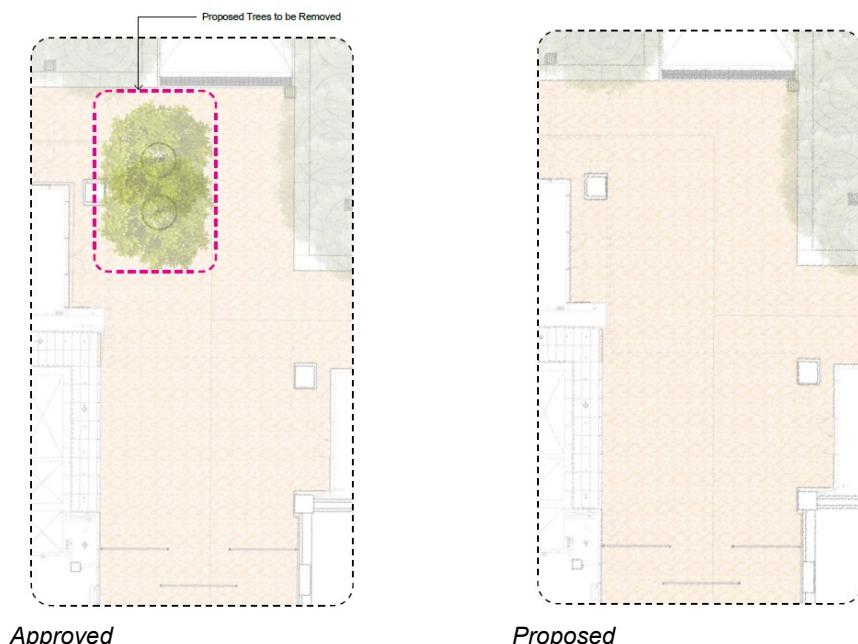


Figure 2 Proposed removal of trees on ground plane

Source: McGregor Coxall

Modification to entry vestibule design

As a result of ongoing design development, the configuration of the entrance vestibule is proposed to be revised to provide a simplified and improved architectural response to the façade. Specifically, automated sliding doors have been integrated in lieu of swing doors, improving operation as well as creating a seamless transition from outside to the residential lobby interior.

This amendment results in a minor adjustment to the dimensions of the lobby vestibule. This amendment has been integrated into the modulation, proportion and geometry of the façade to provide a design response that meets the design standards of the precinct architecture.

The proposed changes are shown at **Figure 3** and the Architectural Plans provided at **Attachment A**.

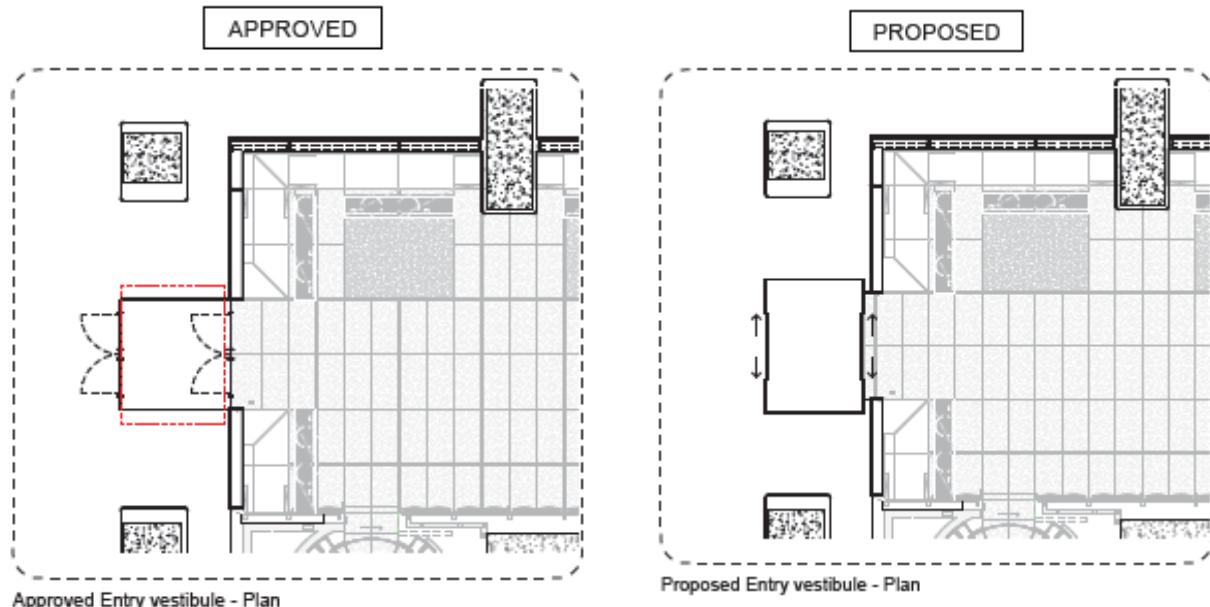


Figure 3 Proposed changes to ground floor entry vestibule

Source: RPBW + PTW

Building Identification Signage Changes

Due to the changes described above relating to the entry vestibule and further design studies undertaken, minor amendments are required to the approved building identification signage zone located above the entrance. The approved signage zone encapsulates an area above the swinging doors and a section adjacent to the doors. Due to the removal of the swinging doors and further design development, three signage zones are now proposed to reflect the current arrangement. These include a zone on the upper portion of the glass entry way, on top of the glass entry way and the existing approved zone above the entrance vestibule. It is noted that whilst three signage zones are proposed, only one will be utilised for detailed signage, subject to the final design of the building.

Figure 4 below reflects these changes.

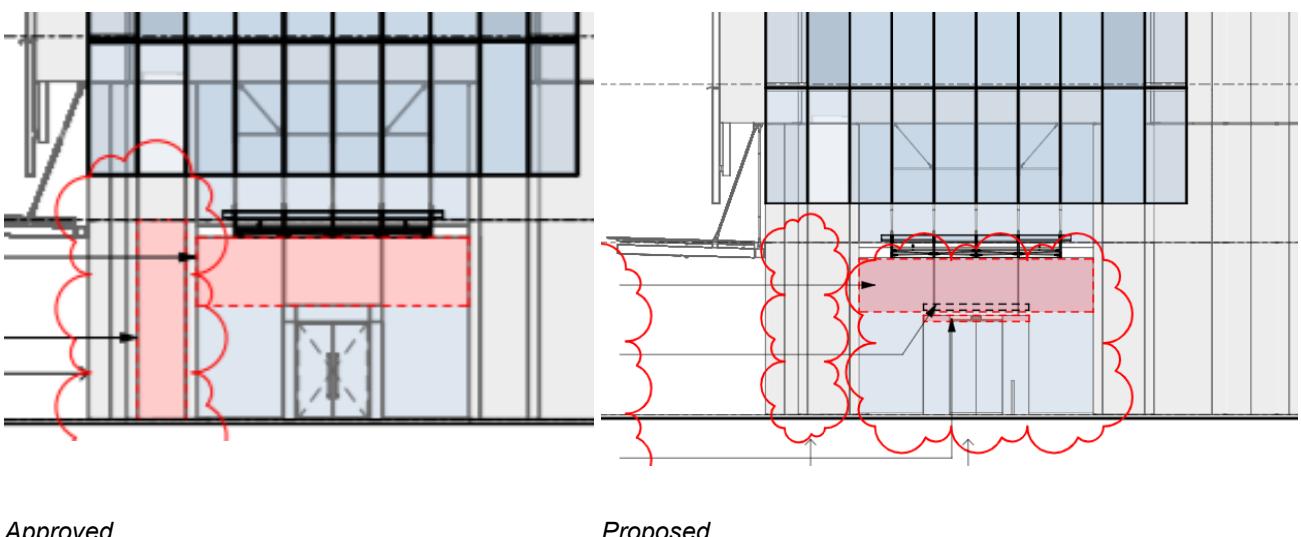


Figure 4 Proposed amendments to the building identification signage zone of R4A

Source: RPBW

Level 58 apartment amendments

It is proposed to convert a four-bedroom apartment on Level 58 into a three-bedroom apartment by converting an existing bedroom into a walk-in wardrobe. This amendment will not result in any additional GFA, and is simply a reallocation of previously approved space for a different purpose. The proposed amendment is highlighted below in **Figure 5** and is also illustrated in the Architectural Plans at **Attachment A**. The adjusted dwelling mix in light of this change is also provided in **Table 2**.

Table 2 Revised dwelling mix

Dwelling type	Approved	Proposed
1 bedroom	107	107
2 bedroom	104	104
3 bedroom	64	65 (+1)
4 bedroom	38	37 (-1)
5 bedroom	2	2
Total	315	315 (no change)

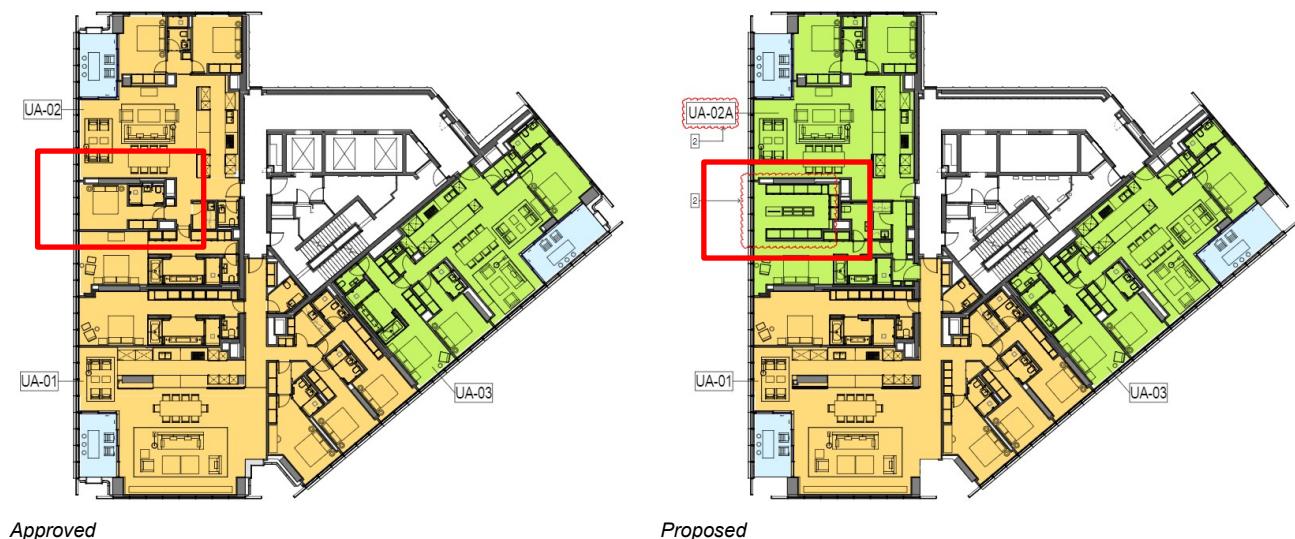


Figure 5 Proposed reconfiguration of apartment of Level 58

Source: RPBW + PTW

Deletion of conditions relating to obstacle lighting

It is proposed to delete conditions in Parts E and F of development consent SSD 6964 relating to the requirement for obstacle lighting on the building. Given that the adjacent Crown Sydney Hotel Resort (SSD 6957) is now complete and is the tallest building in the Barangaroo precinct, additional obstacle lighting on Building R4A is not necessary. Further, the requirement to provide Obstacle Lighting was deemed not to be required in relation to Building R4A by the Civil Aviation Safety Authority (CASA). This correspondence from CASA has been provided at **Attachment J**.

The conditions proposed to be deleted are detailed below in **Section 3.2**.

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

PART A ADMINISTRATIVE CONDITIONS

TERMS OF CONSENT

A2 *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 and PTW Architects			
Drawing No.	Revision	Name of Plan	Date
BR4A_ASD_PA1_0001	19 20	Context Plan	30/04/2019 30/06/2021
BR4A_ASD_PA1_0002	20 21	Site Plan	02/06/2020 30/06/2021
BR4A_ASD_PA1_0004	20 21	Site Plan Setting Out	02/06/2020 30/06/2021
...
BR4A_ASD_PA1_2000	20 21	Plan Ground Floor Level 00	02/06/2020 30/06/2021
BR4A_ASD_PA1_2001	20 21	Plan Podium Level P1	02/06/2020 30/06/2021
...
BR4A_ASD_PA1_3052	20 21	Plan Upper Plate Level 53-66 53-57/59-66	02/11/2020 30/06/2021
BR4A_ASD_PA1_3058	1	Plan Upper Plate Level 58	30/06/2021
...
BR4A_ASD_PA1_4002	21 22	Elevation West (Barangaroo Ave)	02/11/2020 18/06/2021
BR4A_ASD_PA1_4008	20 21	West – Enlarged Elevation (Barangaroo Ave) – Low Rise	02/06/2020 18/06/2021
BR4A_ASD_PA1_4201	21 22	Signage Zone North – West Elevation	02/11/2020 18/06/2021
...
BR4A_ASD_PA1_9000	21 22	R4A GFA Calculation	02/11/2020 30/06/2021

Landscape drawings prepared by McGregor Coxall

Drawing No.	Revision	Name of Plan	Date
RPB430-GE-R4A001- GA	U V	General Arrangement	June 2020 30 June 2021
RPB430-GE-R4A002- GRND	S T	Ground Floor	June 2020 30 June 2021
RPB430-GE-R4A003- PO2	R S	Podium Level 02	02/06/2021 30 June 2021

Reason: To ensure the conditions of consent reference the revised architectural drawings which include the proposed modifications.

LIMITS ON CONSENT

~~A5 The Strada must be open 24 hours a day, seven days per week, unless permitted under Condition E4.~~

Reason: To transfer the relevant conditions relating to the Strada from this Building R4A consent (SSD 6964) to the Building R4B consent (SSD 6965).

PART B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

STRADA WIND MITIGATION MEASURES DESIGN DETAILS

~~B5 Prior to the issue of the relevant Construction Certificate, design details of all wind mitigation measures located within the Strada must be approved by the Secretary. The design of these elements must be underpinned by the principles of access, openness, transparency and pedestrian and sitting amenity.~~

Reason: This condition is to be removed as it has been satisfied through Secretary approval of the wind mitigation measures.

~~B30 Prior to the issue of the relevant Construction Certificate, the Applicant must demonstrate to the Certifying Authority that the ground floor plane of the building, **Strada** and surrounding paving/public domain works suitably integrate with the alignment levels for Barangaroo Avenue, Watermans Quay and surrounding Stage 1B public domain (SSD 7944).~~

Reason: To transfer the relevant conditions relating to the Strada from this Building R4A consent (SSD 6964) to the Building R4B consent (SSD 6965). The Strada is no longer within the R4A consent.

~~B39 The surface of any material used or proposed to be used for the paving of the **Strada**, colonnades, thoroughfares, plazas, arcades and the like which are used by the public must comply with AS/NZS 4586:2004 (including attachments) 'Slip resistance classification of new pedestrian surface materials'.~~

Reason: To transfer the relevant conditions relating to the Strada from this Building R4A consent (SSD 6964) to the Building R4B consent (SSD 6965). The Strada is no longer within the R4A consent.

PART E: PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

STRADA ACCESS MANAGEMENT PLAN

~~E4 A Strada Access Management Plan must be prepared in consultation with Council and the NSW Police and approved by the Secretary prior to the issue of any occupation Certificate.~~

~~The Strada Access Management Plan will have regard to the principles of design underpinned in Condition B5 and ingress and egress shall only be restricted to maintain an acceptable level of comfort for patron sitting and as a pedestrian thoroughfare, or where public safety concern has been satisfactorily demonstrated.~~

~~A copy of the approved Plan must be provided to the PCA prior to the issue of any Occupation Certificate.~~

Reason: To transfer the relevant conditions relating to the Strada from this Building R4A consent (SSD 6964) to the Building R4B consent (SSD 6965).

OBSTACLE LIGHTS

~~E8 Prior to the issue of any Occupation Certificate, the building must be obstacle lit by medium intensity flashing red lighting during the hours of darkness at the highest point of the building. Obstacle lights are to be arranged to at least indicate the points or edges of the building to ensure the building can be observed in a 360° radius as per subsection 9.4.3 of the Manual of Standards Part 139 Aerodromes (MOS Part 139). Characteristics for medium intensity lights are stated in subsection 9.4.7 of MOS Part 139.~~

Reason: Condition E8 is no longer required as the Crown Hotel and Resort is now complete and is the tallest building in Barangaroo South, effectively shielding Building R4A.

WIND MITIGATION MEASURES

~~E24 Prior to the issue of the relevant Occupation Certificate, evidence shall be submitted to the PCA demonstrating compliance with all wind mitigation recommendations of the Wind Impact Assessment, prepared by Windtech, dated November 2015, as amended by the Strada wind mitigation design details approved under Condition B5.~~

Reason: To transfer the relevant conditions relating to the Strada from this Building R4A consent (SSD 6964) to the Building R4B consent (SSD 6965).

PART F: POST OCCUPATION – DURING OPERATION

STRADA OPENING HOURS

~~F1 Unless closed in accordance with the approved Strada Access Management Plan under Condition E4, the full length of the Strada must be open and available for public access, 24 hours per day, seven days per week.~~

Reason: To transfer the relevant conditions relating to the Strada from this Building R4A consent (SSD 6964) to the Building R4B consent (SSD 6965).

STRADA MANAGEMENT PLAN

~~F2 The approved Strada Access Management Plan (Condition E4), including wind mitigation measures, must be complied with at all times.~~

Reason: To transfer the relevant conditions relating to the Strada from this Building R4A consent (SSD 6964) to the Building R4B consent (SSD 6965).

OBSTACLE LIGHTING

~~F5 Obstacle lighting must be maintained in a serviceable condition at all times. Any outage must be immediately reported to SACL.~~

~~F6 Obstacle lighting arrangements must have remote monitoring capability, in lieu of observation every 24 hours, to alert SACL reporting staff of any outage. For detailed requirements for obstacle monitoring within the Obstacle Limitation Surface of an aerodrome, refer to subsection 9.4.10 of MOS Part 139.~~

Reason: Conditions F5 and F6 are no longer required as the Crown Hotel and Resort is now complete and is the tallest building in Barangaroo South, effectively shielding Building R4A.

4.0 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 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)*”. 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 it:

- The proposed modifications do not alter the key components of the approved development, which will remain as a mixed-use building comprised of residential and retail uses.
- The proposed modifications continue to achieve a high standard of design excellence, and do not propose any change to the approved crystal form adopted for the family of One Sydney Harbour buildings.
- No change is proposed to the approved maximum building height or GFA.
- The proposed internal amendments do not impact upon the building's compliance with SEPP 65 and the Apartment Design Guide.
- The modified development will not give rise to any additional environmental impacts beyond those that were considered and deemed acceptable in the original Development Consent.

5.0 Environmental 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.

5.1 State Environmental Planning Policies

Table 3 below provides an analysis of the proposed modifications’ compliance with the relevant provisions of applicable State Environmental Planning Policies.

Table 3 Compliance Table – State Environmental Planning Policies

Instrument		
<i>State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65)</i>	The proposed modifications continue to achieve a high level of residential amenity, consistent with the approved building. An assessment of the proposed modifications against the Apartment Design Guide (ADG) is provided in Section 4.3 .	
<i>State Environmental Planning Policy (State Significant Precincts) 2005</i>	The Barangaroo site is listed as a State Significant Site under Appendix 9 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 modifications do not comprise any additional land uses, with the proposed modified development continuing to be both permissible and consistent with the objectives of the B4 – Mixed Use Zone.
	Clause 17 – Height of buildings (Maximum RL 250)	The proposed modifications do not alter the building height.
	Clause 18 – Gross Floor Area restrictions – maximum 86,979m ² (across Building R4A and R4B)	The proposed modifications do not alter the building’s GFA.
<i>State Environmental Planning Policy No 64 – Advertising and Signage</i>	Clause 19 – Design Excellence	The proposed modifications are minor in nature and are largely contained within the building envelope. As such, it is not considered that there will be any impact on the modified development’s continued achievement of a high standard of design excellence.
	The proposed changes to the approved signage zones are minor and do not significantly alter the design excellence or quality of the building or approved zones. An assessment against Schedule 1 of SEPP 64 is provided in Table 4 below.	
<i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i>	There are no changes proposed to the approved BASIX certificate applicable to the building.	

Table 4 State Environmental Planning Policy No 64 – Advertising and Signage

Schedule 1 Assessment Criteria	Comments	Compliance
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?	The proposed development remains compatible with the desired character of the local precinct.	Y
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed development remains consistent with the nature and siting of the building as a residential apartment building. Accordingly, the signage zones are clear and legible in communicating the use of the building for the public.	Y
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 amended signage zones do not detract from any surrounding areas, including heritage conservation areas. The location is not part of any other environmentally sensitive location.	Y
Views and vistas		
Does the proposal obscure or compromise important views?	The amended signage zones are integrated with the proposed building and therefore will not result in any obstruction of views, and the location and content of signage will not otherwise compromise important views within the precinct.	Y
Does the proposal dominate the skyline and reduce the quality of vistas?	The amended signage zones are appropriate to the scale of the building and intended use as a building identification sign.	Y
Does the proposal respect the viewing rights of other advertisers?	The amended signage zones do not impact upon the viewing rights of other advertisers.	Y
Streetscape, setting or landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale, proportion and form of the amended signage zones are consistent with the setting of the residential apartment building within Barangaroo South. It is noted that only one of the three signage zones proposed will be utilised following finalisation of design.	Y
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The amended signage zones contribute to the visual interest of the streetscape by contributing to the identification and recognition of Building R4A.	Y
Does the proposal screen unsightliness?	The amended signage zones are integrated with the architecture of the building and will enhance the entrance of the building. It is noted that only one of the three signage zones proposed will be utilised following finalisation of design.	Y
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The amended signage zones do not protrude above the building.	Y
Does the proposal require ongoing vegetation management?	The amended signage zones will not require ongoing vegetation management.	Y
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?	The amended signage zones have been designed to be fully compatible with the building and is compatible with the architecture of the building.	Y

Schedule 1 Assessment Criteria	Comments	Compliance
Does the proposal respect important features of the site or building, or both?	The amended signage zones have been located in the most architecturally appropriate locations to assist in place identification and wayfinding.	Y
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The amended signage zones have been fully integrated with the building architecture.	Y
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 safety devices, platforms, lighting devices or logos are incorporated as an integral part of the signage.	Y
Illumination		
Would illumination result in unacceptable glare?	No changes proposed to the approved illumination of the signage zone.	Y
Would illumination affect safety for pedestrians, vehicles or aircraft?		Y
Would illumination detract from the amenity of any residence or other form of accommodation?	The location and orientation of the signage is such that it will not impact on nearby residential receivers.	Y
Can the intensity of the illumination be adjusted, if necessary?	The signage will not have adjustable lighting. A curfew will be implemented for the digital signage board and school sign if required.	Y
Is the illumination subject to a curfew?		Y
Safety		
Would the proposal reduce the safety for any public road?	The amended signage zones have been located in order to avoid any adverse impacts on public roads, and views to building signage will generally be presented to the primary public entrance.	Y
Would the proposal reduce the safety for pedestrians or bicyclists?	The amended signage will be located above ground level and will not distract from essential sight lines for pedestrian and cyclists.	Y
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The amended signage zones will be integrated with the buildings and will not obscure sight lines from public area.	Y

5.2 Barangaroo Concept Plan

Tables 5 and 6 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 5 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	-	-	✓

Concept Plan (Mod 8) Control – Block 4A (R4A and R4B)	Building R4A	Building R4B (not subject to this application)	Total	Assessment
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 6 Concept Plan (Mod 10) – Built Form and Urban Design Guidelines

Concept Plan (Mod 10) Block 4A Controls	Building R4B	Assessment
Control 3 Building Articulation – Objectives		
To ensure the podium and towers in Block 4A and 4B are considered as a holistic composition.	The proposed modifications are minor and will ensure a consistent design language between Building R4A and Building R4B. Further detail is provided in the Design Report at Attachment C .	Consistent
Control 3 Building Articulation – Standard		
Tower Form is to express sustainability features e.g. Access to natural light, ventilation and solar shading.	There are no proposed modifications to the tower façade, as such, the modified development will continue to provide ongoing maintenance efficiency of the building and the overall architectural language.	Consistent
To establish a complementary relationship between the towers in Blocks 4A and 4B such as a common chassis.	The towers have been designed with common design language, and the structural design carried across all towers. The proposed changes are minor and will not have a discernible impact on the complementary nature of the design of Building R4B with R4A or R5.	Consistent
Vertical articulation and breaks are encouraged to minimise the perceived building mass.	The towers design and vertical articulation is not proposed to be amended from the approved design, with strong verticality adopted in the building form, materiality and composition of the façade.	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. The proposed modifications do not seek to change this.	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 criterion.	Consistent
Control 4 Building Legibility – Objectives and Standard		
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 in the composition of the three crystal forms together with Building R4B and Building R5.	Consistent
Express façade elements including shading and wind amelioration.	As aforementioned, the proposed modifications do not pertain to the building façade, as such, the development will continue to achieve a high level of expression and articulation.	Consistent
Control 7 Facades – Objectives		
To ensure the architectural quality of the facades	No changes to façade.	Consistent
To ensure the façade contributes to the building's articulation and mass.	No changes to façade.	Consistent
Depth and layering of the façade is to be achieved through relief and protrusions.	No changes to façade.	Consistent

Concept Plan (Mod 10) Block 4A Controls	Building R4B	Assessment
Control 9: Signage – Objectives and Standards		
To ensure that the location, size, appearance and the quality of the signage on the building is appropriate	The amended signage zones remain appropriate in relation to the location, size and appearance of the building.	Consistent
Building identification signage is to be limited to one sign per frontage at podium level.	Whilst three signage zones are proposed, only one sign will be utilised once complete. Therefore, only one building identification sign will be provided at the ground level.	Consistent
Signage is not to exceed 15m ² per sign.	The amended signage zone will not exceed 15m ² .	Consistent
Details of signage to be considered as part of the overall design of the building for the purposes of Design Excellence.	The amended signage zone will not alter the signage's ability to achieve design excellence.	Consistent
Each new development application submitted for the erection of a new building/s is to include as a minimum a description and illustration of intended signage location/s and form. Where detailed signage proposals are not included in the works proposed in a Development Application for the erection of new buildings, actual sign approvals will be subject to separate Development Applications.	The amended signage zones have been previously approved, and this application only seeks to amend the arrangement of the signs.	Consistent

5.3 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 included in the Design Report provided at **Attachment C**, as well as the Design Verification Statement provided at **Attachment F**.

The proposed changes to the apartment on level 58 discussed in **Section 2.1** are the only amendments sought to the approved apartments. Given that the proposed modification pertains solely to a repurposing of space from a bedroom to a walk-in wardrobe, this will not compromise the apartment's ability to achieve all relevant apartment design principles, with the overall development continuing to provide a high-quality design outcome with a high level of amenity for residents and visitors.

It is also noted that the Design Verification Statement identifies an administrative amendment to the number of apartments achieving two hours of direct sunlight. Despite a previous reduction in the overall number apartments from 327 to 315, a total of 65% of apartments still achieve two hours of direct sunlight. Due to the reduction in the total number of apartments, this means a shortfall of 15 apartments below the recommended 70% of apartments achieving two hours of direct sunlight.

5.4 Design Integrity

The proposed modifications are minor in nature and have been proposed through further design development and detailing of the approved building. The changes proposed do not pertain to façade detailing nor the overarching architectural design framework of the approved building, being only minor, largely internal alterations and administrative amendments. As such, the modified development will continue to demonstrate a high level of architectural design integrity.

5.5 Wind Impacts

Notwithstanding the proposed removal of two trees adjacent to the Hickson Park entry, it is noted that these trees do not form part of the distinct tree belt within Hickson Park, which was implemented principally as a wind mitigation measure as well as to improve pedestrian amenity. It is also noted that the Wind Engineering Report provided at **Attachment I** confirms that the removal of the two trees will not give rise to any adverse impacts to the pedestrian wind environment.

The trees proposed for removal currently impede upon pedestrian access and visual connectivity to this area, and as such, their removal will facilitate superior pedestrian amenity, while not compromising the landscaping features of the immediate vicinity.

In relation to the transfer of the Strada, Windtech (**Attachment I**) have confirmed that the transfer is mostly administrative as the Strada will continue to be delivered, albeit under the Building R4B development consent. Windtech note that the wind mitigation measures previously recommended for the Strada and adjacent areas remain the same as those included within the design currently approved by the secretary under condition B5 of the R4A consent SSD 6964.

5.6 Building Code of Australia (BCA)

A BCA compliance report has been prepared by Steve Watson & Partners and is provided at **Attachment D**. This statement confirms that the proposed modifications are consistent with previous and assessments and are all capable of complying with all relevant requirements of the Building Code of Australia.

5.7 Ecologically Sustainable Development (ESD)

An ESD assessment has been prepared by Lendlease and is provided at **Attachment E**. This assessment confirms that the proposed modifications will not compromise the building's ability to meet BASIX requirements and ESD commitments. As such, there will be no adverse impacts on ESD principles.

5.8 Accessibility

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

5.9 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.

5.10 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 Barangaroo Concept Plan (as modified).
- 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 and functionality of the approved building to maintain a high standard of design excellence and remain consistent with the Concept Plan (as modified).

6.0 Conclusion

The proposed modifications to SSD 6964 relate to the following:

- Transfer of the approved Strada (including ground plane and associated structure) which connects Building R4A and Building R4B from Development Consent SSD 6964 (Building R4A) to Development Consent SSD 6965 (Building R4B) and associated site boundary adjustment.
- Minor landscaping amendments at the ground plane.
- Modification to the Ground Floor entry vestibule design with amendment to adjoining signage zone.
- Conversion of one four-bedroom apartment on Level 58 to a three-bedroom apartment through converting one bedroom into a walk-in-wardrobe.
- Deletion of conditions relating to the need for obstacle lighting under Part E and F of the development consent.

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

- The consent, as proposed to be modified, is substantially the same development as that originally approved.
- The proposed modifications are minor and will not have any substantial environmental impacts.
- The modifications comply with the Barangaroo Concept Plan and relevant State Environmental Planning Policies.
- The modifications result in greater residential amenity and more balanced, refined design in the building.

In light of the above, we recommend that the proposed modification is supported. We trust that this information is sufficient to enable a prompt assessment of the proposed modifications.

Yours sincerely,



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