

23 November 2021

2210665

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

Dear Ms Fishburn,

SECTION 4.55(1A) MODIFICATION APPLICATION – SSD 6964 BUILDING R4A, ONE SYDNEY HARBOUR, BARANGAROO SOUTH

This modification application has been prepared by Ethos Urban on behalf of Lendlease (Millers Point) Pty Ltd (Lendlease), 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 at Barangaroo South (the site).

The proposed modifications relate to the reallocation of car parking spaces and associated storage cages within the Stage 1B basement between Building R4A and Building R5. No physical changes are proposed to the approved basement.

It is noted that the reallocation of these spaces is accompanied by a concurrent modification to SSD 6966 – Building R5.

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 Lendlease Integrated Solutions (**Attachment A**); and
- Traffic Impact Statement prepared by JMT Consulting (**Attachment B**).

1.0 Consent proposed to be modified

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

This development consent has since been modified on three occasions. The modifications to the consent are summarised below in **Table 1**.

Table 1 Summary of modifications to SSD 6964

Modification	Approved	Description
Modification 1	7 February 2020	<ul style="list-style-type: none">• Reduction in number of apartments from 327 to 317• Revised dwelling mix & associated internal layout refinements• Facade and landscaping alterations• Addition of 13 residential car parking spaces and removal of 1 retail car parking space

Modification	Approved	Description
Modification 2	18 September 2020	Amendments to the building facades & link bridge, podium lift/stair configuration & landscaping, ground level water feature & lobby, Level 20 & 47 louvre design & plant rooms and the redistribution of GFA.
Modification 3	11 February 2021	Reduction in the number of apartments from 317 to 315, amendments to the façade, roof layout, BMU, basement car parking and entrance signage zones
Modification 4	Under assessment	Transfer of the approved Strada to the Building R4B development consent, changes to landscaping, entry vestibule design, signage zone, apartment layout and deletion of obstacle light conditions.

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

2.0 Proposed modifications to the consent

2.1 Modifications to the development

This modification application does not seek any physical amendments to the approved development, and only seeks consent for the following amendments:

- Level B2: Reallocation of five car parking spaces and associated storage cages between Building R4A and Building R5.
- Level B2: Removal of two storage cages and addition of one storage cage within a garage at the rear.
- Level B3: Reallocation of three car parking spaces and associated storage cages between Building R4A and Building R5.

The location of the car parking spaces and storage cages proposed to be reallocated are identified in **Figure 1**, and can also be seen in the Architectural Plans prepared by Lendlease Integrated Solutions (LLIS), provided at **Attachment A**.

The removal of storage cages associated with parking spaces in the northwest portion of basement level B2 (bottom left in below image) is proposed to improve vehicle access to the respective parking spaces. These spaces are allocated to the penthouse apartment, with ample storage still available to this apartment. This is discussed further in **Section 4.4**.



Level B2

Level B3

Figure 1 Proposed reallocation of parking spaces, with clouded pink spaces reallocated to Building R4A, and white, clouded spaces reallocated to R5

Source: LLIS

2.2 Modifications to conditions

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

2. Part A – Administrative Conditions – Condition A2 is amended by the deletion of struck out words and the insertion of **bold and italicised** words as follows:

TERMS OF CONSENT

A2 The Applicant, in acting on this consent, must carry out the development:

- a) in compliance with the conditions of this consent;
- b) in accordance with all written directions of the Secretary;
- c) generally, in accordance with:
 - i) the State Significant Development Application SSD 6964; Environmental Impact Statement prepared by JBA Urban Planning Consultants Pty Ltd dated September 2016; Response to Submissions report prepared by JBA Urban Planning Consultants Pty Ltd dated February 2017; and further information package, prepared by JBA Urban Planning Consultants dated 5 May 2017;
 - ii) Section 4.55(2) Modification 1 to SSD 6964: Building R4A One Sydney Harbour, Barangaroo South, Sydney Application, and accompanying appendices, prepared by Ethos Urban dated 16 October 2019; Response to Submissions: SSD 6964 MOD 1: Building R4A One Sydney Harbour, Barangaroo South, Sydney and accompanying appendices, prepared by Ethos Urban dated 2 December 2019; g) the additional information: SSD_6964 MOD 1 prepared by Ethos Urban dated 3 December 2019;
 - iii) Section 4.55(1A) Modification 2 to SSD 6964 titled 'Building R4A One Sydney Harbour, Barangaroo South, Sydney' and accompanying appendices, prepared by Ethos Urban and dated 17 July 2020 and letter titled 'Response to Request for Additional Information' and attachments prepared by Lendlease and dated 11 September 2020;
 - iv) Section 4.55(1A) Modification 3 to SSD 6964 titled 'Building R4A One Sydney Harbour, Barangaroo South, Sydney' and accompanying appendices, prepared by Ethos Urban and dated 7 December 2020
 - v) The Response to Request for Information updated letter response: SSD 6964 - Building R4A – Modification (MOD 3) prepared by Lendlease dated 22 December 2020.
 - vi) **Section 4.55(1A) Modification 5 to SSD 6964 titled 'Building R4A One Sydney Harbour, Barangaroo South, Sydney' and accompanying appendices, prepared by Ethos Urban and dated 12 November 2021.**

d) In accordance with the following approved drawings in the table below:

Architectural Plans prepared by Renzo Piano Building Workshop and Lendlease Integrated Solutions			
Drawing No.	Revision	Name of Plan	Date
BR4A_ASD_PA1_1001	20 21	Setout Plan Basement Level B4	30/04/2019 21 Oct 2021
BR4A_ASD_PA1_1002	21 22	Setout Plan Basement Level B3	2-Nov-2020 21 Oct 2021
BR4A_ASD_PA1_1003	21 22	Setout Plan Basement Level B2	2-Nov-2020 21 Oct 2021
BR4A_ASD_PA1_1004	20 21	Setout Plan Basement Level B1	30/04/2019 21 Oct 2021
BR4A_ASD_PA1_1005	20 21	Setout Plan Basement Level B0	30/04/2019 21 Oct 2021

Reason:

To reflect the most recent revision of the Architectural Plans which illustrate the reallocation of car parking spaces and storage cages.

3.0 Substantially the same development

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if “it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all)”.

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

- The proposed modifications do not alter the key components of the approved development, being a mixed-use building comprised of residential and retail uses.
- The proposed modifications continue to achieve a high standard of design excellence.
- No change is proposed to the approved maximum building height or GFA.
- The proposal relates to the reallocation of parking spaces between the approved residential buildings, and does not alter the quantum or size of the spaces, nor the wider basement design.

4.0 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.

4.1 State Environmental Planning Policies

The proposed modifications compliance with the relevant State Environmental Planning Policies is detailed below in Table 1.

Table 2 Compliance Table – State Environmental Planning Policies

Instrument	Assessment						
<i>State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65)</i>	<p>The proposed modifications do not relate to the residential aspect of the approved development. Accordingly, there will be no change to the development’s consistency with the objectives and provisions of SEPP 65.</p> <p>The removal of storage spaces in Basement Level B2 will have a negligible impact on the penthouse given there is adequate storage provision within the apartment itself.</p>						
<i>State Environmental Planning Policy (State Significant Precincts) 2005 (State Significant Precincts SEPP)</i>	<p>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.</p> <table border="1"> <tr> <td>Clause 8 – Zone B4 Mixed Use</td> <td>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.</td> </tr> <tr> <td>Clause 17 – Height of buildings (Maximum RL 250)</td> <td>The proposed modifications do not alter the building height.</td> </tr> <tr> <td>Clause 18 – Gross Floor Area restrictions – maximum 86,979m² (across Building R4A and R4B)</td> <td>The proposed modifications do not alter the building’s GFA.</td> </tr> </table>	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.
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.						

Instrument	Assessment	
	Clause 19 – Design Excellence	The proposed modifications do not relate to any physical works or modifications to the building, and instead only relate to the reallocation of parking spaces between Buildings R4A and R5. As such, there will be no impact on the modified development's continued achievement of a high standard of design excellence.

4.2 Barangaroo Concept Plan

Table 2 and Table 3 below provide an assessment of the modifications proposed against the Concept Plan (as modified) 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 Controls.

Table 3 Concept Plan (as modified) provisions

Concept Plan (Mod 8) Control – Block 4A (R4A and R4B)	Building R4A	Building R4B (not subject to this application)	Total	Assessment
Maximum Residential GFA – 86,166m ²	47,564m ² (no change)	38,602m ²	86,166m ²	✓
Other Uses GFA – 813m ²	438m ² (no change)	309m ²	747m ²	✓
Total GFA – 86,979m ²	48,002m ² (no change)	38,911m ²	86,913m ²	✓
Maximum height – RL 250	RL 250 (no change)	-	-	✓
Tower Setbacks – Setbacks are generally in accordance with the Building Envelope Plan in the Concept Plan. Predominant tower mass is set back from Globe Street by a minimum of 2 metres	No change	-	N/A	✓

Table 4 Barangaroo Concept Plan (as modified) – Built form and Urban Design guidelines

Concept Plan (Mod 11) Block 4A Controls	Building R4A	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 do not relate to any physical works to the Towers and therefore do not result in any structural or design changes to the approved development.	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

Concept Plan (Mod 11) Block 4A Controls	Building R4A	Assessment
To establish a complementary relationship between the towers in Blocks 4A and 4B such as a common chassis.	The proposed modifications do not relate to any physical works to the Towers and therefore will not have any impact on the complementary nature of the design of Building R4A with R4B 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.	The building has been designed in the composition of the three crystal forms together with Building R4B and Building R5. The proposed modifications do not relate to any physical works and therefore will not alter this.	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

4.3 Traffic

A Traffic Impact Statement has been prepared by JMT Consulting and is provided at **Attachment B**. The Traffic Impact Statement confirms that since the proposed modifications do not result in any change to apartment numbers nor the number of parking spaces to be provided, there will be no associated impacts to traffic movements for the development.

4.4 Residential Amenity

As aforementioned in **Section 2.1**, the proposed modifications will result in the removal of two storage cages in Basement Level B2 to improve vehicular access to these parking spaces. One additional storage cage is proposed. These storage cages are associated with the penthouse apartment. Due to the size of the penthouse apartment and the amount of storage provided internally within the apartment, there is an adequate provision of storage space and the removal of the basement storage cages will not have any impact on the apartment's consistency with the objectives and provisions of the Apartment Design Guide.

4.5 Reasons given for granting consent

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

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

The development as modified will continue to achieve the aforementioned reasons for consent, given the minor nature of the proposed modifications.

5.0 Conclusion

The proposed modifications relate to the reallocation of car parking spaces and associated storage cage between Building R4A and Building R5, with no physical changes are proposed to the approved Stage 1B basement. In accordance with section 4.55(1A) of the EP&A Act, the DPIE may modify the consent as:

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

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

If you have any further questions, please do not hesitate to contact us.

Yours sincerely,



Alex Heath
Junior Urbanist



Brendan Hoskins
Associate Director