



# Building R4B Barangaroo South Modification 2

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State Significant Development Modification Assessment  
(SSD 6965 MOD 2)

December 2020



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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
<b>BFPUD</b>	Barangaroo Built Form Principles and Urban Design
<b>ADG</b>	Apartment Design Guide
<b>Applicant</b>	Lend Lease (Millers Point) Pty Ltd
<b>Application</b>	SSD 6965 MOD 2
<b>Commission</b>	Independent Planning Commission
<b>Concept Plan / Concept Approval</b>	Approved Barangaroo Concept Plan for the redevelopment of the site (MP 06_0162), as modified
<b>Consent</b>	Development Consent
<b>Council</b>	City of Sydney
<b>Department</b>	Department of Planning, Industry and Environment
<b>EIS</b>	Environmental Impact Statement
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	<i>Environmental Planning and Assessment Regulation 2000</i>
<b>EPI</b>	Environmental Planning Instrument
<b>GFA</b>	Gross Floor Area
<b>Minister</b>	Minister for Planning and Public Spaces
<b>Planning Secretary</b>	The Planning Secretary of the Department of Planning, Industry and Environment
<b>RTS</b>	Response to Submissions
<b>SEPP</b>	State Environmental Planning Policy
<b>SSD</b>	State Significant Development
<b>SSP</b>	State Significant Precinct
<b>TfNSW</b>	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 60-storey building known as Building R4B, at Barangaroo South (SSD 6965), pursuant to section 4.55(2) 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:

- increase the number of apartments from 283 to 290
- revise the dwelling mix and internal layout of apartments
- make amendments to building facades and roof terraces
- amend the podium configuration and landscaping
- amend the residential lobby and water features
- relocate the lift motor room from level 33-34 to 35-36
- increase car parking spaces from 320 to 324 spaces.

## 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 bounded 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) almost complete and Stage 1B under construction.

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 <sup>2</sup> commercial GFA to Block 2, 3, 4 and 5 (Barangaroo total 509,800 m <sup>2</sup> ).	16 Feb 2009
MOD 3	Reduction of 18,800 m <sup>2</sup> GFA (Barangaroo total 489,500 m <sup>2</sup> ). 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 <sup>2</sup> (Barangaroo total 563,965 m <sup>2</sup> ), 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 41,946 m <sup>2</sup> GFA (Barangaroo total 605,911 m <sup>2</sup> ), 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 <sup>2</sup> GFA (Barangaroo total 602,354 m <sup>2</sup> ), 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 vehicle 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 m<sup>2</sup>, 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 R4B approval

On 7 September 2017, the Independent Planning Commission (the IPC) approved an SSD application (SSD 6965) for the construction, use and fit out of a 60-storey (RL 210) mixed-use development known as Building R4B within Barangaroo South Block 4A.

Since its approval the Building R4B consent has been modified once (MOD 1) and the approval (as modified) provides for:

- a total GFA of 38,911 m<sup>2</sup> comprising 38,602 m<sup>2</sup> of residential GFA (283 apartments) and 309 m<sup>2</sup> of retail GFA
- a maximum building height of RL 208.23
- public domain and landscaping works
- fit-out and use of the Stage 1B basement car park for Building R4B, including 320 allocated parking spaces
- demolition of interim basement elements
- a signage zone to accommodate future building identification signage.

## 2 Proposed modification

The proposed modification application seeks approval to:

- increase the number of apartments from 283 to 290
- revise the dwelling mix and internal layout of apartments
- make amendments to building facades and roof terraces
- amend the podium configuration and landscaping
- amend the residential lobby and water features
- relocate the lift motor room from level 33-34 to 35-36
- increase car parking spaces from 320 to 324 spaces.

No changes to the height, bulk or scale of the building are proposed.

The Applicant advises the proposed changes are the result of ongoing design development and are made to improve the overall design quality of the building.

The key components and features of the proposal are summarised at **Table 2** and shown in **Figure 4 to 15**. A comparison of the key elements of the original approval, as modified approval and as proposed, is provided at **Table 3**. A link to the application is provided at **Appendix A**.

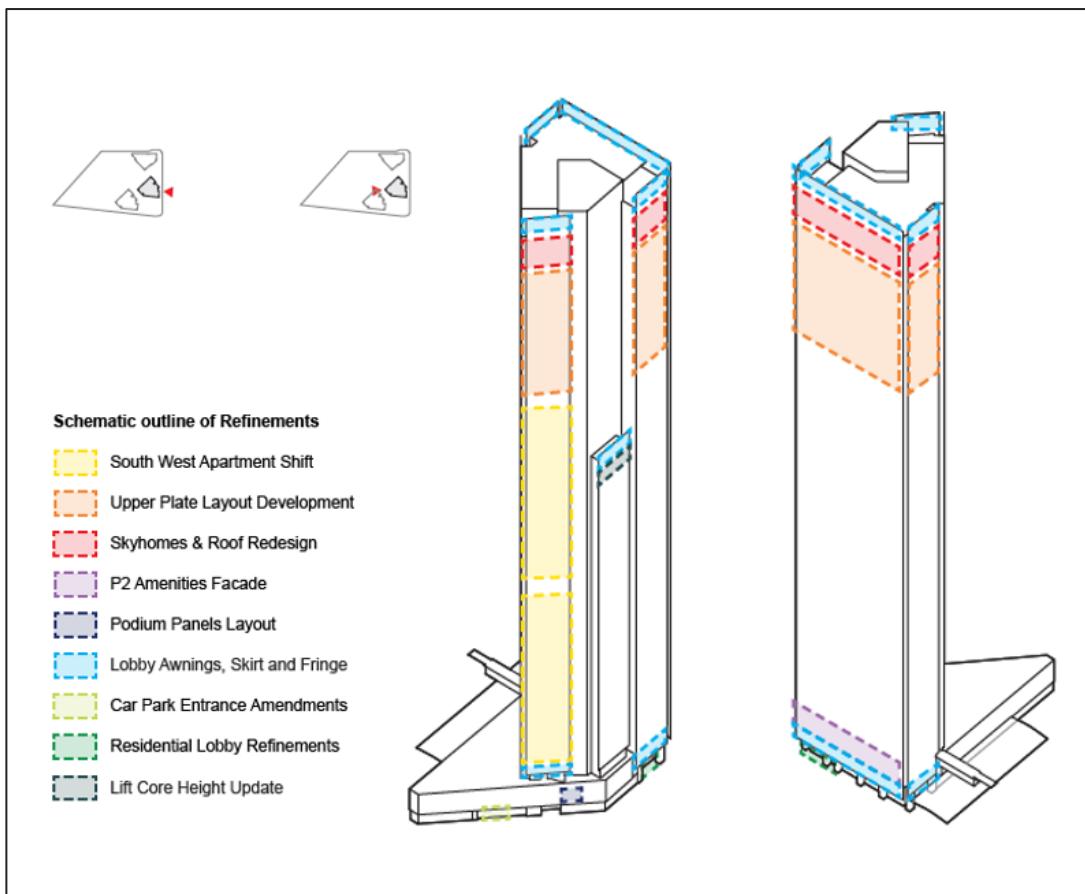
**Table 2** | Key components of the modification

Component	Modification Description
Unit mix	<ul style="list-style-type: none"><li>Increase in the number of apartments from 283 to 290, consisting of:<ul style="list-style-type: none"><li>increase from 104 to 120 x 2-bed units</li><li>increase from 54 to 61 x 3-bed units</li><li>decrease from 18 to zero x 4-bed units</li><li>Increase from zero to two x 5- bed units.</li></ul></li></ul>
Internal alterations	<ul style="list-style-type: none"><li>Modify the residential lobby including deletion of external water feature, an enlarged internal water feature and relocated entry vestibule (<b>Figure 5</b>)</li><li>Modify internal circulation areas within podium levels</li><li>Modify apartments within the low and midrise levels to:<ul style="list-style-type: none"><li>amend the layout of 3- bedroom apartment type LB-01 on residential levels one to four, to match the 3-bedroom layout on other low-rise levels</li><li>reverse the 2-bedroom and 1-bedroom west facing apartment types LB-05 and LB-06 (levels 1-19 and 21-32) and MB-04 and MB-05 (levels 33 – 46) (<b>Figure 6</b>)</li><li>reduce the ceiling height of bathrooms and laundry's in these apartments from 2.4 to 2.37m</li><li>reintroduce study areas in apartments LB-04 (level 1-19 and 21 -32) and MB-03 (level 33- 46)</li></ul></li><li>Reconfigure apartment layout at levels 48 to 55 from two x 4-bedroom and one x 3-bedroom to two x 3-bedroom and two x 2-bedroom (<b>Figure 7</b>)</li><li>Amend Sky homes and roof terraces (level 56-57) (<b>Figure 8</b>) to:<ul style="list-style-type: none"><li>reduce apartments from three per floor to two per floor</li><li>reconfigure single roof terraces to provide two terraces on the south east and south west elevation and relocate associated glazed roof awning</li></ul></li><li>Raise the low-rise lift motor room and overrun height from level 35 to 36</li></ul>

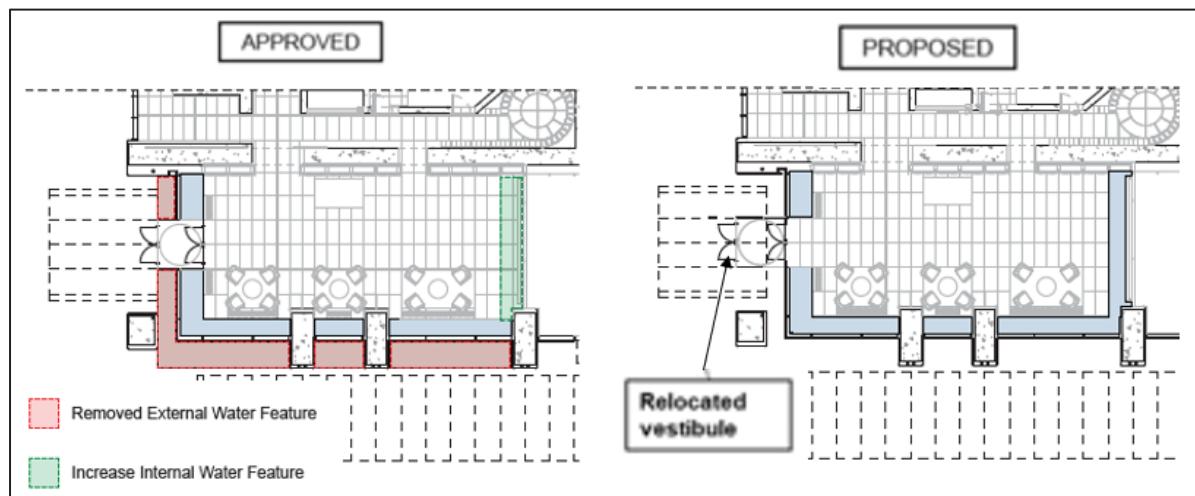
External alterations	<ul style="list-style-type: none"> <li>Amend wintergarden glazing and fixed double-glazed units (DGUs) to reflect the revised internal arrangements at level 48 to 57 (<b>Figures 9 and 10</b>)</li> <li>Relocate DGUs on the south façade of floors 2-19 and 21 – 46 to reflect revised internal layouts (<b>Figure 6</b>)</li> <li>Replace the open cavity façade (OCF) windows on the north-eastern elevation at podium level 2 with DGUs with external transom and relocate blinds to the internal face of windows (<b>Figure 11</b>)</li> <li>Amend the design of the glazed façade panels located at the top of the tower and residential lobby at podium level 2 (<b>Figures 12</b>)</li> <li>Raise lift core façade glazing from level 35 to 37</li> <li>Remove two louvred panels on the south facing podium façade (Figure <b>13</b>)</li> <li>Amend car park entrance width and recess door (<b>Figure 14</b>)</li> </ul>
Landscaped podium	<ul style="list-style-type: none"> <li>Extend the existing pool and reconfigure amenity spaces and planted areas (<b>Figure 15</b>).</li> </ul>
Car parking	<ul style="list-style-type: none"> <li>Increase car parking from 320 to 324 spaces</li> </ul>

**Table 3** – Comparison of key elements of the original approval, as currently modified and proposed

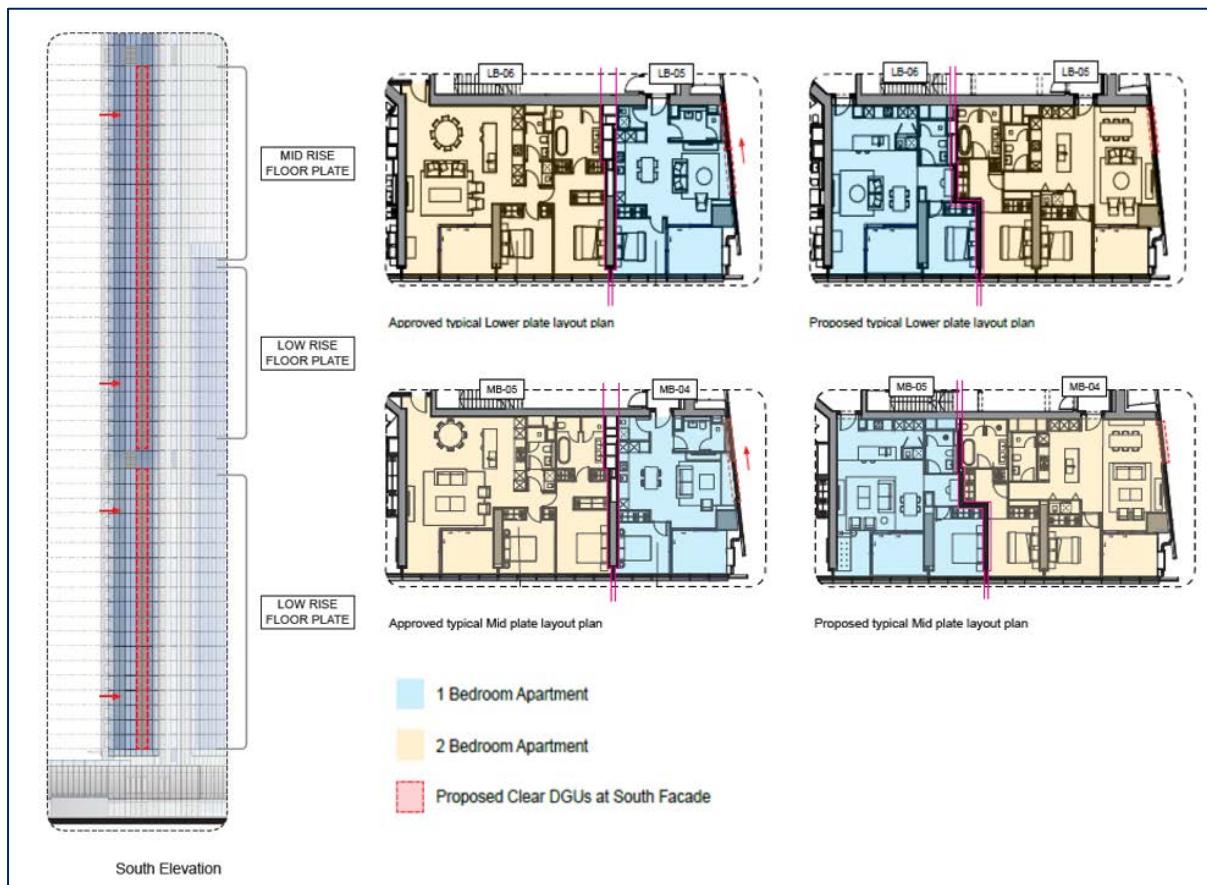
Description	Original SSD Approval	Approval as currently modified	Proposed
GFA	38,896m <sup>2</sup> : <ul style="list-style-type: none"> <li>38,602 m<sup>2</sup> commercial</li> <li>294 m<sup>2</sup> residential</li> </ul>	38,911 m <sup>2</sup> : <ul style="list-style-type: none"> <li>38,896 m<sup>2</sup> residential</li> <li>309 m<sup>2</sup> retail</li> </ul>	38,911 m <sup>2</sup> (no change) <ul style="list-style-type: none"> <li>38,896 m<sup>2</sup> residential</li> <li>309 m<sup>2</sup> retail</li> </ul>
No of Units	297	283 (-14)	290 (+7)
Unit Mix (%)	1 Bedroom 115 2 Bedroom 128 3 Bedroom 53 4 Bedroom 1 5 Bedroom 0	1 Bedroom 107 (-8) 2 Bedroom 104 (-24) 3 Bedroom 54 (+1) 4 Bedroom 18 (+17) 5 Bedroom 0 (no change)	1 Bedroom 107 (no change) 2 Bedroom 120 (+16) 3 Bedroom 61 (+7) 4 Bedroom 0 (-18) 5 Bedroom 2 (+2)
Car parking	300	320 (+20)	324 (+4)



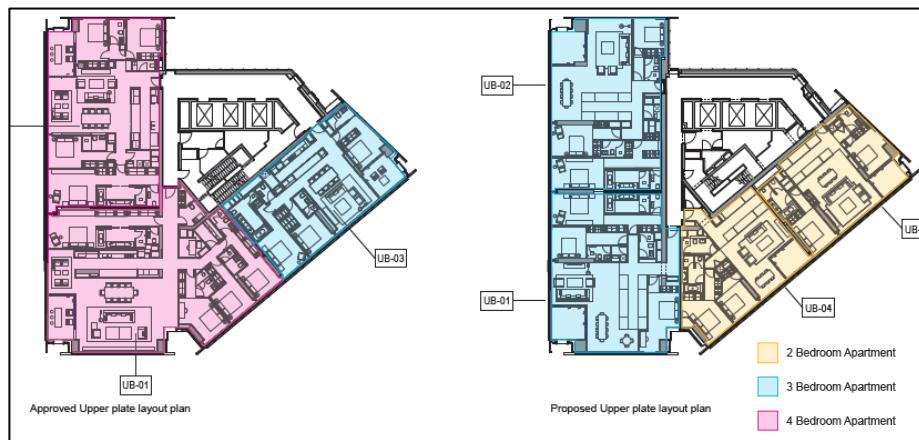
**Figure 3 |** Location of proposed external amendments to the building (Base source: Applicant's Design Report)



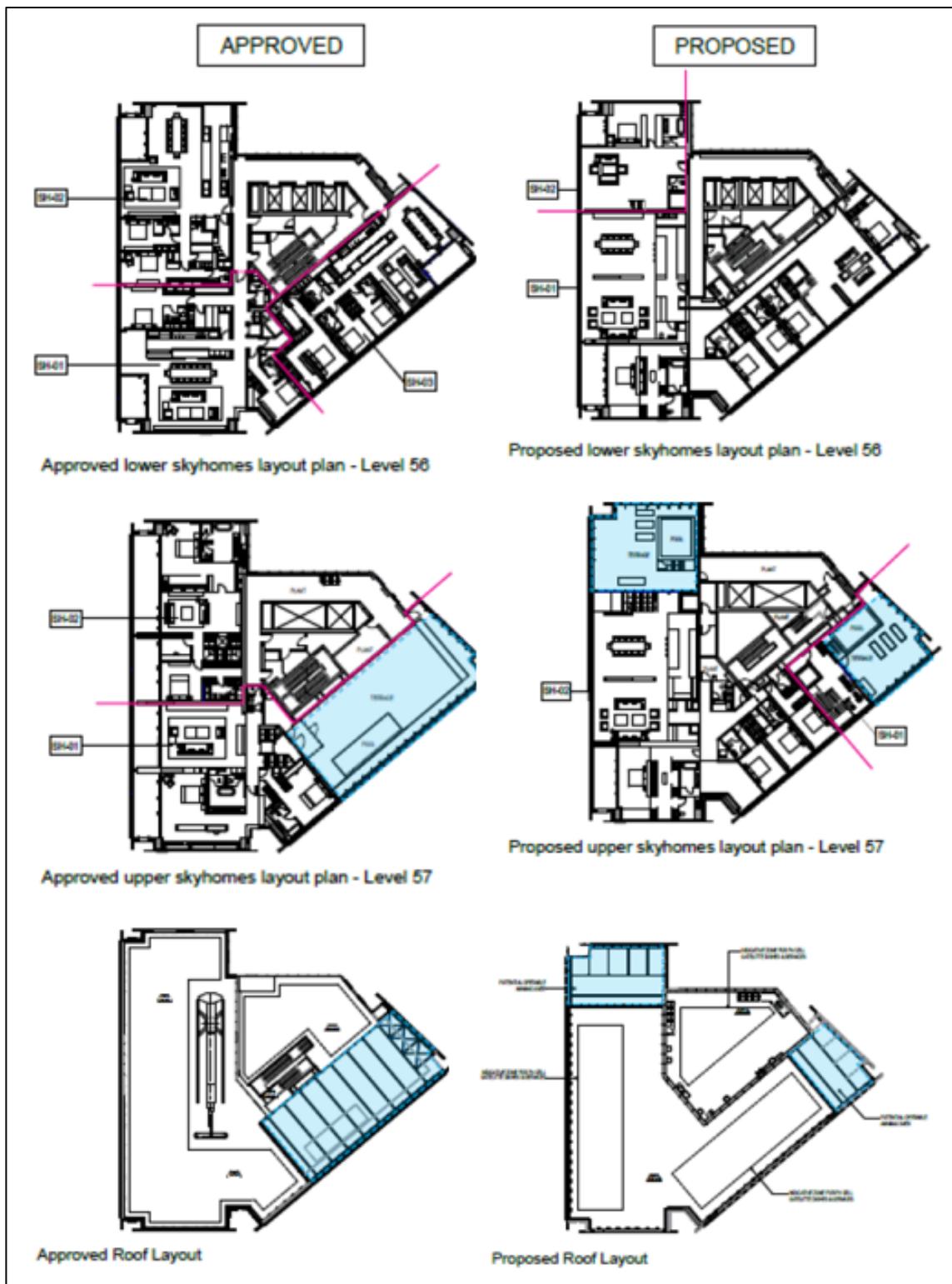
**Figure 5 |** Amendments to the ground floor residential lobby (Base source: Applicant's Design Report)



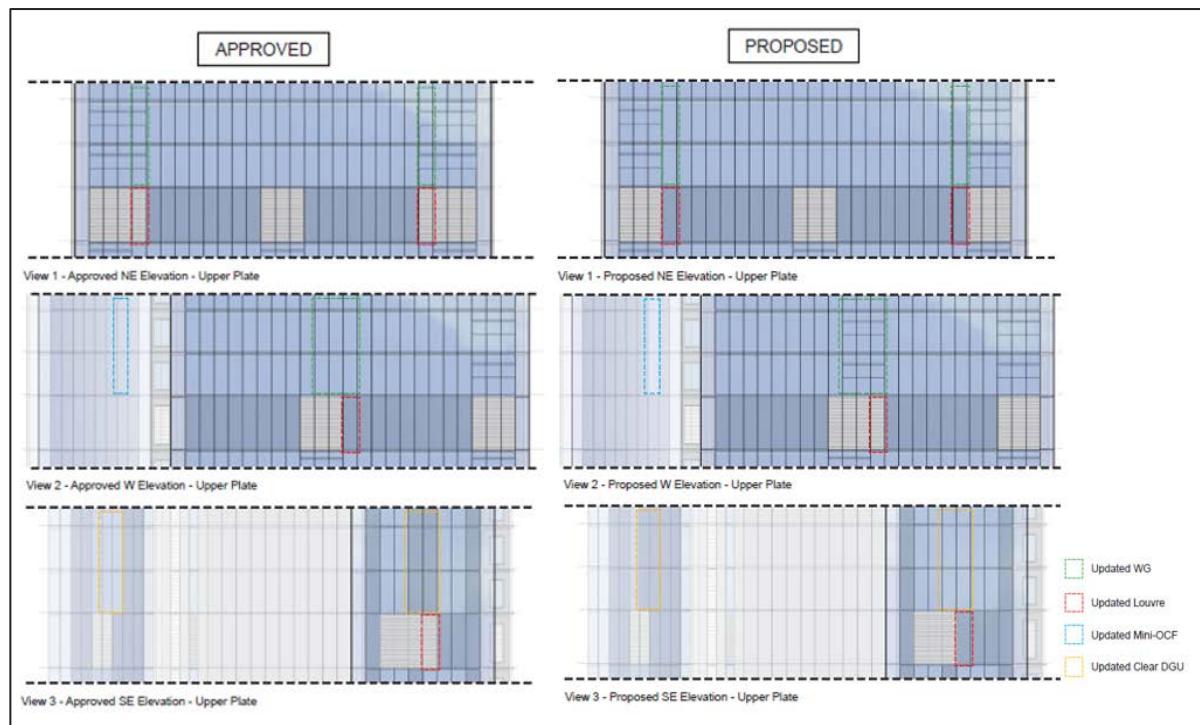
**Figure 6** | Reversal of two and three-bedroom apartments LB-05 and LB-06 (levels 1-19 and 21-32) and MB-04 and MB-05 (levels 33 – 46) and revised location of DGUs (Base source: Applicant's Design Report)



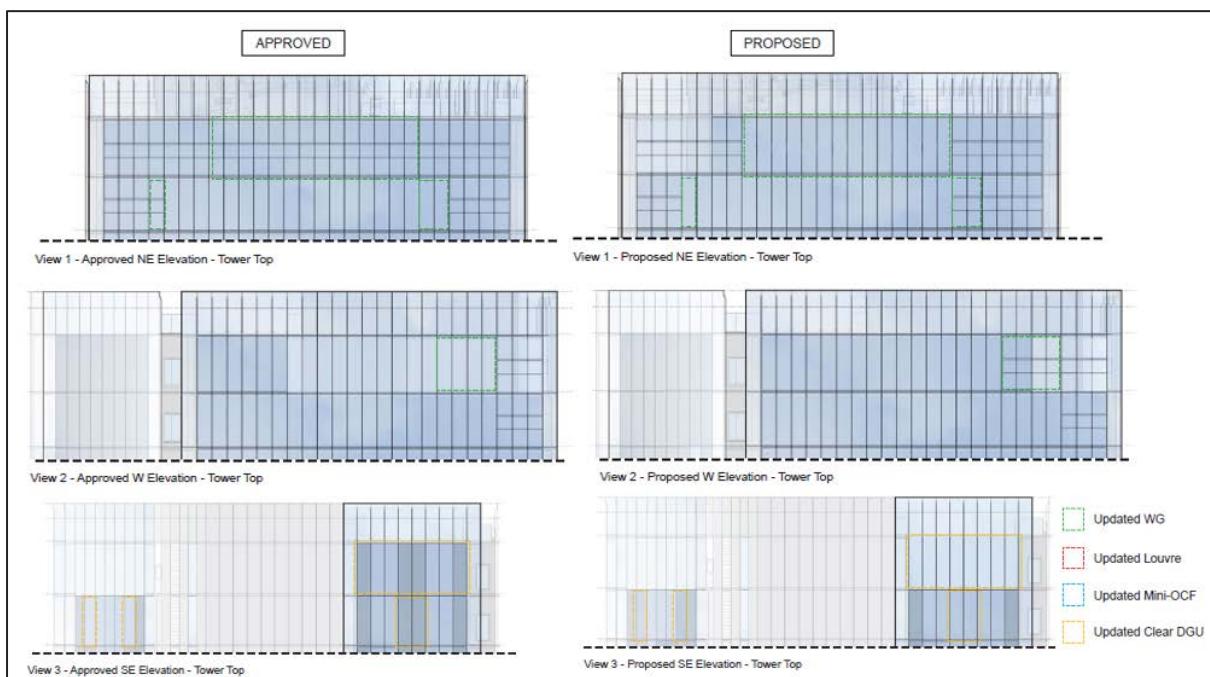
**Figure 7** | Reconfigured apartment layout at levels 48 to 55 from two x 4-bedroom and one x 3-bedroom (left) to two x 3-bedroom and two x 2-bedroom (right) (Base source: Applicant's Design report)



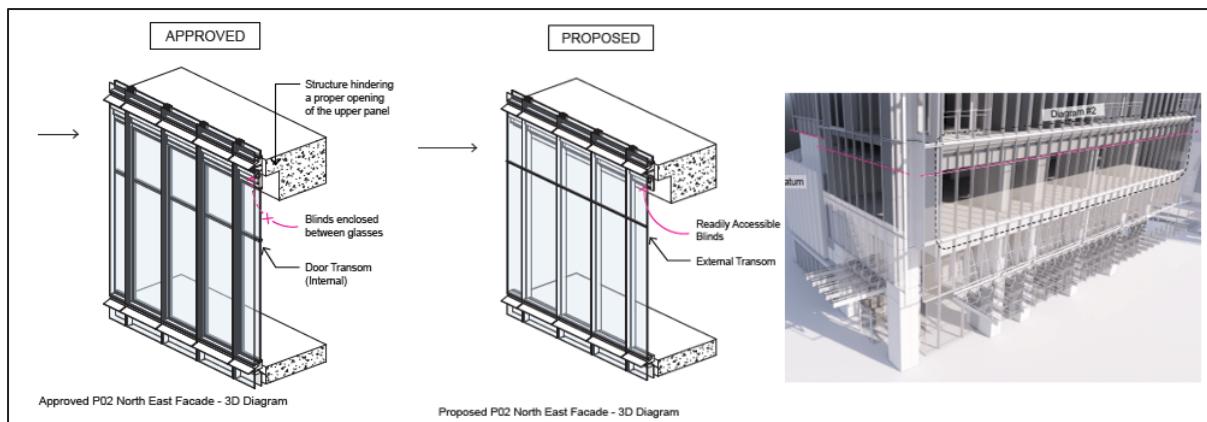
**Figure 8 |** Amendments to Sky homes at levels 56 and 57 (Base source: Applicant's Design Report)



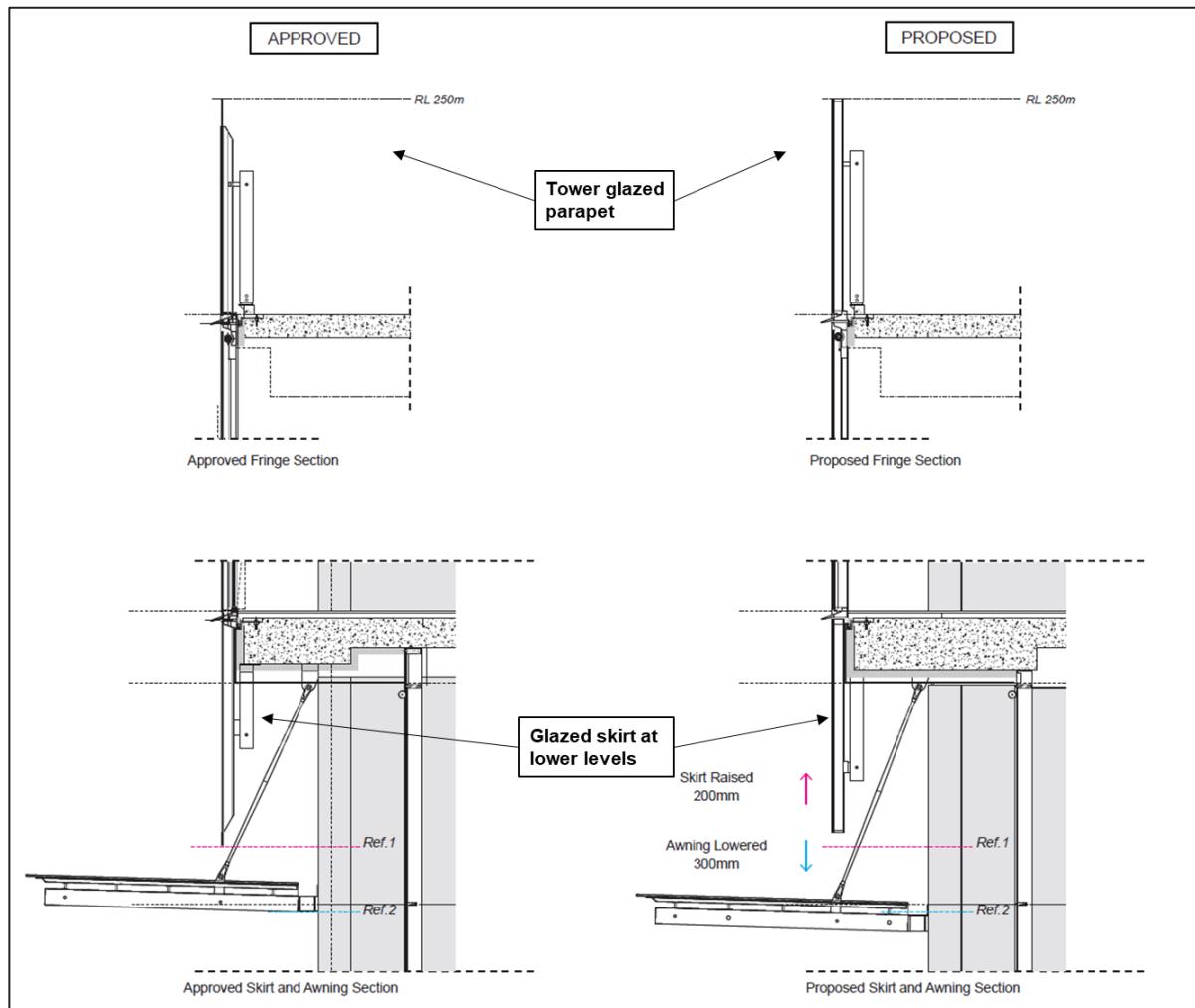
**Figure 9** | Façade modifications at levels 48 to 55 (Base source: Applicant's Design report)



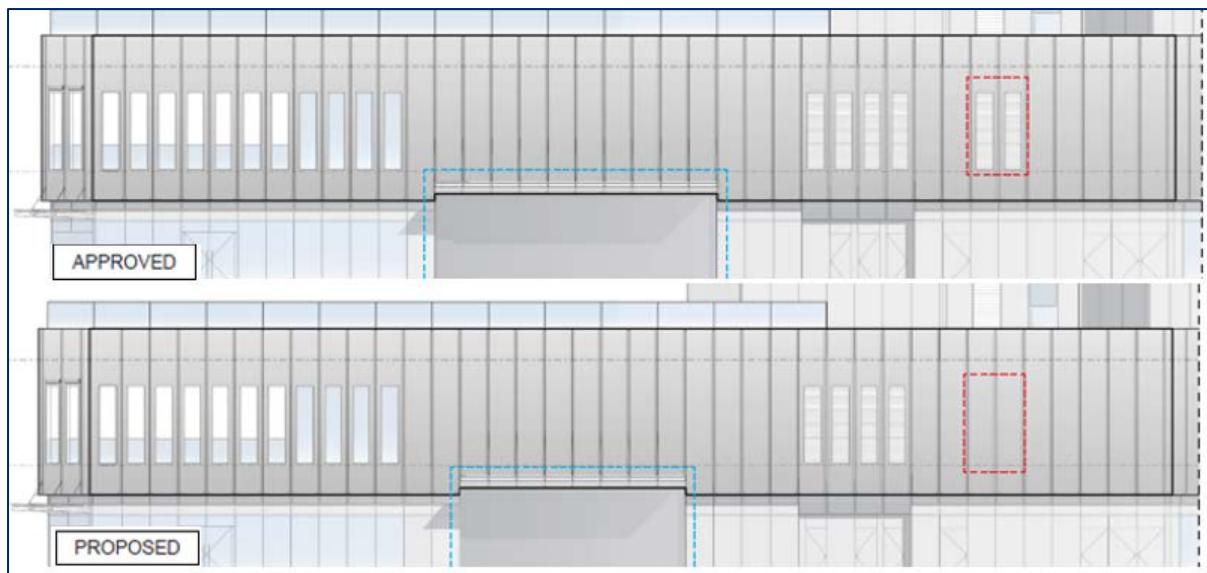
**Figure 10** | Façade modifications at levels 56 and 57 (Base source: Applicant's Design Report)



**Figure 11 | Amendments to the north east façade at podium level 2 (Base source: Applicant's Modification Report)**



**Figure 12 | Amendments to awnings, and tower parapet and skirt glazed panels (Base source: Applicant's Design Report)**



**Figure 13 | Amended louvres to southern podium façade (Source Applicant's Design Report)**



**Figure 14 | Amendments to the ground floor car park entrance to the southern podium facade. (Base source: Applicant's Design Report)**



**Figure 15 | Amendments to podium landscaping (Base source: Applicant's RtS)**

# 3 Statutory context

## 3.1 Scope of modifications

The Department is satisfied the proposed modification is within the scope of section 4.55(2) of the EP&A Act and is substantially the same development for which consent was originally granted as it:

- 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.

An assessment of the proposed modification application against the requirements of section 4.55(2) of the EP&A Act is provided in **Appendix C**.

Accordingly, the Department considers that the application should be assessed and determined under section 4.55 (2) 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(2) 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 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 proposals against the Concept Plan is provided in **Appendix D**.

# 4 Engagement

## 4.1 Department's engagement

In accordance with clause 10 of Schedule 1 to the EP&A Act and clause 118 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation), the Department exhibited the application from Thursday 23 September until Wednesday 7 October 2020 (14 days). The application was made publicly available on the Department's website and was referred to Council and TfNSW for comment.

The Department received three submissions including comments from Council, TfNSW and one objection from the public

The Department has considered the comments raised by Council, TfNSW and in public submissions in its assessment of the application (**Section 5** and **Appendix B**) and through recommended conditions of consent at **Appendix E**.

## 4.2 Key Issues- Government Agencies

TfNSW did not object to the proposal and requested that the approved Construction Pedestrian and Traffic Management Plan (CPTMP) be updated to take account of cumulative development in the area.

## 4.3 Key Issues- Council

Council did not object to the proposal and requested that cycle parking provision reflect the revised number of units.

## 4.4 Key Issues- Public

One submission from the public was received objecting to the proposal on the basis that the current proposal is a steppingstone to enable approval of future modifications and the public do not benefit from the same opportunity to comment on modifications as SSD applications.

## 4.5 Response to Submissions

Following exhibition of the applications, the Department placed copies of all submissions received on its website and requested the Applicant to provide responses to the issues raised in the submissions.

On 29 October 2020, the Applicant provided a Response to Submissions (RtS) which was made publicly available on the Department's website. TfNSW and Council both confirmed that their comments had been addressed in the RtS and raised no further issues.

# 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 RtS
- relevant environmental planning instruments, policies and guidelines
- the requirements of the EP&A Act.

The Department considers the key assessment issues are design excellence and residential amenity. Other issues are assessed in **Section 5.3Table 3**.

## 5.1 Design excellence

Design excellence was a key consideration in the Department's original assessment. The Department concluded the building designed by Renzo Piano Building Workshop (RPBW) would achieve design excellence in accordance with the criteria set out within the Concept Approval.

The proposal seeks approval for a number of external alterations to the façade as outlined in **Table 1** and shown in **Figures 9 to 14**.

The Applicant provided a Design Verification Statement from the RPBW in collaboration with PTW Architects confirming 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:

- the proposed materials and finishes are consistent with the existing approval
- the amendments to glazing panels, wintergardens and plantroom louvres have been carefully considered to maintain alignment between adjacent levels and retain the architectural rhythm of the façade
- the amendments would not alter the bulk, scale or height of the building and would maintain the architectural design integrity of the façade
- changes to the podium water feature and residential lobby would maintain the approved design quality and improve general circulation within the podium (**Section 5.3**).

The Department's assessment therefore concludes the proposed external alterations would have a negligible 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.

## 5.2 Residential amenity

The proposal seeks approval for changes to the number and mix of units and internal configuration as outlined in **Table 1** and shown in **Figures 6 to 8**.

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 C**. The Department notes the modified apartments are generally consistent with the ADG, with the exception of solar access, natural ventilation and ceiling height which are discussed below.

### **Solar Access**

The ADG recommends that between 9am and 3pm mid-winter:

- living rooms and private open spaces of at least 70% of apartments receive 2 hours of direct sunlight
- no more than 15% of apartments should receive no direct sunlight.

The proposed modification would reduce the number of apartments receiving 2 hours of direct sunlight from 65% to 63% and increase the number of units which receive no sunlight from 16% to 18%. The reduction in the number of apartments meeting the 2-hour solar access guideline is a result of the amendments to levels 48 to 55 which provide eight additional 2-bedroom apartments located on the western façade which do not meet the minimum ADG requirements (**Figure 7**).

While the proposal would result in a smaller percentage of apartments meeting the recommended solar access provision, the Department considers this is acceptable in this instance as:

- this modification increases instances of non-compliance by only 4% (8 affected apartments in total)
- when considered across the 9am – 5 pm period (as was considered acceptable in the assessment of the approved development) 80% of apartments receive in excess of 2 hours sunlight and 99% receive some sunlight, mid-winter
- the affected apartments otherwise retain a high level of amenity including good access to daylight, generous floor space exceeding the ADG, up to 3 m ceiling heights, excellent outlook, and expansive views.
- the building is located in the Sydney CBD in close proximity to other tall buildings, where solar access is generally constrained.

### **Natural ventilation**

The ADG recommends 60% of apartments within the first nine storeys should be naturally ventilated.

The approved development provides 50% of apartments up to level 9 are naturally ventilated with an additional 17% (nine x two-bedroom apartments) relying on a ducted ventilation solution.

The amendments to the one and two-bedroom apartments (LB05 and LB -06) across levels 1 to 9, results in dual aspect naturally cross ventilated two-bedroom apartments and single aspect one-bedroom apartments (**Figure 6**). However, this also results in the ventilation duct needing to be extended further into the building to reach the relocated one-bedroom apartments.

The Applicant notes that the previously approved ducted ventilation would no longer be a practical option for improving amenity and seeks to delete the duct as:

- the increased length and additional bends required to reach the relocated one-bedroom apartments require a larger duct (minimum 1.2m x 0.45m) to maintain adequate airflow performance
- extending a duct of the requisite size would result in a loss of amenity including reduced ceiling height in the lobby and kitchen and loss of space within the bathroom, study, bedroom and storage for the one-bedroom apartment.

The Department notes that the proposed modification does not reduce the number of naturally ventilated apartments (50%). It has carefully considered the revised apartment layout on levels 1 to 9 and considers the removal of the ducted ventilation solution for the additional 17% (nine x 1-bedroom) apartments is acceptable as:

- the relocation of the two-bedroom apartments is consistent with the objectives of the ADG which provides that larger apartment types should be located on corners where more building frontage is available
- the two-bedroom apartments which accommodate more residents, will now benefit from natural ventilation, greater daylight, and enhanced views due to the dual aspect
- two additional open cavity façade glazing bays are provided to the one-bedroom apartments, increasing the opportunity for natural light, ventilation and views
- more useable and functional layouts can be achieved for both the one-bedroom and two-bedroom apartments in their revised locations
- all apartments which do not benefit from natural ventilation are considered to offer a good standard of amenity, including excellent outlook and access to daylight.

The Department considers that the revised location of the one and two bedroom units results in an improved amenity outcome compared to the approved layout and that the benefits of extending the ventilation duct to the new one-bedroom apartment location would be outweighed by the impacts to internal amenity and circulation of both one and two-bedroom apartments.

The Department therefore concludes on balance the natural ventilation to apartments within Building R4B will contribute to an overall high standard of amenity, despite the variation from the ADG.

### **Ceiling heights**

The ADG requires a minimum ceiling height of 2.4 m in non-habitable rooms.

The modification seeks to amend the approved ceiling height of bathrooms within 256 units to 2.37 m, in order to accommodate the wall layout for large format tiles.

The Applicant stated that the use of the large format tiles is necessary to tie in with the interior design principles of the apartments.

The Department considers this inconsistency acceptable as it is minor (3cm), complies with the BCA and would not prevent the bathrooms from providing sufficient amenity for future occupiers. Further, the Department notes that the majority of habitable space in each apartment achieves the

recommended ceiling heights and main living areas exceed the minimum ceiling heights, providing acceptable levels of amenity for future residents.

## Conclusion

The Department has carefully considered the proposed modification in terms of solar access, natural ventilation and ceiling heights concludes the variations are appropriately offset by other significant amenity benefits such as generous unit sizes, open plan layouts, expansive views and access to daylight and public open space. The Department is satisfied that overall the building will deliver a high standard of amenity for future residents.

### 5.3 Other issues

**Table 3** | Assessment of other issues

Issue	Consideration	Recommendation
Residential lobby	<ul style="list-style-type: none"> <li>The modification proposes amendments to the residential lobby (<b>Figure 5</b>) including removal of the external water feature, enlargement of internal water feature, relocation of the entry vestibule and minor internal amendments.</li> <li>The internal water feature has been enlarged to wrap around three sides (rather than two sides) of the lobby to improve the continuity of the design. The entry vestibule has been redesigned in response to the changes to the external/internal water features.</li> <li>The Department considers the proposed amendments are minor and notes they would match those recently approved within neighbouring building R4A (<b>Figure 2</b>).</li> <li>The Department concludes that revised water feature would maintain the high design quality of the residential lobby and the internal amendments would improve general circulation within the podium and are therefore acceptable.</li> </ul>	The Department recommends the list of drawings be updated to reflect the changes.
Car park entry door	<ul style="list-style-type: none"> <li>The modification proposes amendments to the car park entrance to replace the approved roller door with recessed bi-fold doors.</li> <li>The Applicant has stated that the approved door location aligning with the façade, would be inconsistent with the horizontal architectural elements, compromising the appearance of this elevation at ground floor level.</li> <li>The Department considers the change is minor and would not negatively affect the appearance of the building and is therefore acceptable.</li> </ul>	The Department recommends the list of drawings be updated to reflect the changes
Parking and Traffic Generation	<ul style="list-style-type: none"> <li>The proposal seeks to increase the number of car parking spaces from 320 to 324 (+ four spaces) to reflect the increase in residential apartments. Additional bicycle parking and storage is also provided for each additional apartment.</li> <li>The modification is supported by a Traffic and Parking Statement from JMRT Consulting which states that the modification will generate up to one additional traffic movement during the AM and PM peak periods.</li> <li>The Department has considered the car parking and traffic impacts of the proposal and is satisfied: <ul style="list-style-type: none"> <li>the proposal continues to comply with the maximum car parking rates under the concept plan, and will provide additional bicycle parking and storage for each additional apartment</li> </ul> </li> </ul>	The Department recommends the list of drawings be updated to reflect the changes

	<ul style="list-style-type: none"> <li>○ the additional four spaces can be accommodated within the approved Stage 1B basement</li> <li>○ the proposed increase in traffic generation is minor and would not result in any significant adverse traffic impacts beyond those already assessed and approved.</li> <li>● The Department therefore concludes that the parking and traffic impacts are acceptable.</li> </ul>	
Landscaping	<ul style="list-style-type: none"> <li>● The modification proposes minor amendments to the podium level landscaping including extension of the existing pool and reconfiguration of the amenity spaces and planting areas.</li> <li>● The Department considers the changes to the podium landscaping are acceptable as: <ul style="list-style-type: none"> <li>○ it would result in improved amenity for residents including improved views to the harbour due to the revised planting location</li> <li>○ deep soil zones are retained</li> <li>○ existing Condition B29 requires the final landscaping detail to be submitted and approved by the Secretary prior to the issue of a Construction Certificate.</li> </ul> </li> </ul>	The Department recommends the list of drawings be updated to take account of the amended landscaping plan
Compliance with BCA and Australian Standards Accessibility	<ul style="list-style-type: none"> <li>● The modification is supported by a BCA statement prepared by Mackenzie Group, dated 18 June 2020 and an accessibility review, prepared by Morris-Goading Accessibility Consulting, dated 15 June 2020.</li> <li>● 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.</li> </ul>	No changes to conditions recommended
Modification process and public consultation	<ul style="list-style-type: none"> <li>● The Department received one public submission objecting to the proposal on the basis that: <ul style="list-style-type: none"> <li>○ the current proposal is a steppingstone to enable approval of a much larger future modification</li> <li>○ the public do not benefit from the same opportunity to comment on modifications as SSD applications.</li> </ul> </li> <li>● The Department has assessed the proposed modification and notes that potential future modifications are immaterial to this assessment. Any future amendments will be assessed on their merits, including consideration of any issues raised by the public.</li> <li>● As discussed in <b>Section 3</b> the Department is satisfied the proposed modification is within the scope of section 4.55(2) of the EP&amp;A Act and does not constitute a new development application.</li> <li>● As discussed in <b>Section 4</b> the application was notified in accordance with clause 10 of Schedule 1 to the EP&amp;A Act and clause 118 of the Environmental Planning and Assessment Regulation 2000 (EP&amp;A Regulation) including exhibition for 14 days and publication on the Department's website. The Department is therefore satisfied the public consultation requirements for the application have been met.</li> </ul>	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 increase of four parking spaces is acceptable as the spaces can be accommodated within the Stage 1B Basement, are consistent with the parking rates permitted under the Concept Plan and would not have an adverse impact on the operation of the surrounding road network
- the changes to the podium landscaping are minor would result in improved amenity and usability for future residents.

The Department is satisfied the development is substantially the same development for which the consents were originally granted, 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 6965 MOD 2 falls within the scope of section 4.55(2) 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 6965
- **signs** the attached approval of the modification (**Appendix E**).

**Recommended by:**



**David Glasgow**  
Principal Planning Officer  
Key Sites Assessments

**Recommended by:**



**Amy Watson**  
Team Leader  
Key Sites Assessments

## 8 Determination

The recommendation is **Adopted by:**



8/12/2020

**Anthony Witherdin**

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

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

2. Submissions

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

3. Response to Submissions

<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(2) 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(2) of the EP&A Act

Section 4.55(2) Evaluation	Consideration
a) That the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified.	<p>The Department is satisfied the development is substantially the same development for which consent was originally granted as:</p> <ul style="list-style-type: none"><li>• the land use mix remains consistent with that of the originally approved development</li><li>• the proposed modification will not significantly alter the form or function of the building, and the building will continue to exhibit design excellence</li><li>• the modifications to the internal layouts are minor in the context of the scale of the approved building</li><li>• the overall GFA of the building remains unchanged</li><li>• the anticipated environmental impacts arising from the proposed modifications are consistent with those of the approved developments</li></ul>

b) That consultation has occurred with the relevant Minister, public authority or approval body and an objection has not been received.	The modification does not require consultation with any other Minister, public authority or approval body. Notwithstanding, the Department has consulted the relevant government agencies and Council in relation to the modification application (refer to <b>Section 4</b> of this report).
c) The application has been notified in accordance with the regulations.	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 <b>Section 4</b> of this report.
d) Consideration of any submissions made concerning the proposed modification within the period prescribed by the regulations.	As discussed at <b>Section 4</b> , the Department received submissions from Council and Transport for NSW (TfNSW) and one submission from the public.

**Table 6 |** Consideration of the matters listed under Section 4.15(1) of the EP&A Act

<b>Section 4.15(1) Matters for consideration</b>	<b>The Department's assessment</b>
(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)(iiiA) 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 <b>Section 4</b> ).
(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 <b>Section 5</b> of this report).
(c) the suitability of the site for the development	The site is suitable for the development as addressed in <b>Section 5</b> of this report.
(d) any submissions	The Department has considered the submissions received (refer to <b>Section 4</b> and <b>5</b> 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 <b>Section 5</b> 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.

## Appendix C – Consistency with the Apartment Design Guide

**Table 5** | Consideration of the relevant provisions of the Apartment Design Guide under SEPP 65

ADG – Relevant Criteria	Proposal
<b>3C Public Domain Interface</b> <ul style="list-style-type: none"> <li>• Transition between public/private without compromising security.</li> <li>• Amenity of public domain is retained and enhanced.</li> </ul>	<ul style="list-style-type: none"> <li>• The modification seeks only minor changes to the ground floor level and would maintain the amenity and quality of the private/public interface.</li> </ul>
<b>3J Bicycle and Car Parking</b> <ul style="list-style-type: none"> <li>• Minimum parking requirement as set out in the Guide to Traffic Generating Developments or local Council requirement, whichever is the less.</li> <li>• Parking and facilities are provided for other modes of transport.</li> <li>• Car park design and access is safe and secure.</li> <li>• Visual and environmental impacts of underground car parking are minimised.</li> </ul>	<u>Approved</u> <ul style="list-style-type: none"> <li>• 320 car parking spaces</li> </ul> <u>Proposed</u> <ul style="list-style-type: none"> <li>• 324 car parking spaces</li> <li>• Additional bicycle parking is provided for each additional unit.</li> <li>• Car parking provision is considered acceptable and is discussed further in <b>Section 5</b> of this report.</li> </ul>
<b>4A Solar and Daylight Access</b> <ul style="list-style-type: none"> <li>• To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.</li> </ul>	<u>Approved</u> <ul style="list-style-type: none"> <li>• 65% of units would receive two hours direct solar access in mid-winter between 9am and 3pm, increasing to 82% between 9am and 5pm</li> </ul>

<ul style="list-style-type: none"> <li>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.</li> <li>Maximum of 15% of apartments have no direct sunlight between 9 am - 3 pm in mid-winter.</li> <li>Daylight access is maximised where sunlight is limited.</li> <li>Design incorporates shading and glare control, particularly for warmer months.</li> </ul>	<ul style="list-style-type: none"> <li>16% of units will receive no solar access between 9am and 3pm.</li> </ul> <p><b>Proposed</b></p> <ul style="list-style-type: none"> <li>63% of units would receive two hours direct solar access in mid-winter between 9am and 3pm, increasing to 80% between 9am and 5pm</li> <li>18% of units will receive no solar access between 9am and 3pm.</li> <li>Solar access is considered acceptable and discussed further in <b>Section 5</b> of this report.</li> </ul>
<p><b>4C Ceiling Heights</b></p> <p>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <ul style="list-style-type: none"> <li>Habitable rooms 2.7 m</li> <li>Non-habitable rooms 2.4 m.</li> </ul> <p>For two-storey apartments:</p> <ul style="list-style-type: none"> <li>2.7 m for main living area floor</li> <li>2.4 m for second floor, where its area does not exceed 50% of the apartment area.</li> </ul>	<p><b>Approved</b></p> <ul style="list-style-type: none"> <li>256 units have a partial kitchen ceiling height of 2.4m due to the location of a bulkhead reducing part of the kitchen ceiling height.</li> </ul> <p><b>Proposed</b></p> <ul style="list-style-type: none"> <li>no increase in non-compliance with minimum ceiling height for habitable rooms.</li> <li>non habitable room ceiling heights are considered acceptable and are discussed further in <b>Section 5</b>.</li> </ul>
<p><b>4D Apartment Size and Layout</b></p> <ul style="list-style-type: none"> <li>Minimum apartment sizes <ul style="list-style-type: none"> <li>Studio 35 m<sup>2</sup></li> <li>1 bedroom 50 m<sup>2</sup></li> <li>2 bedroom 70 m<sup>2</sup></li> <li>3 bedroom 90 m<sup>2</sup>.</li> </ul> </li> <li>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.</li> <li>Habitable room depths are limited to 2.5 x the ceiling height.</li> <li>In open plan layouts the maximum habitable room depth is 8m from a window.</li> <li>Master bedroom have a minimum area of 10 m<sup>2</sup> and other bedrooms have 9 m<sup>2</sup>.</li> <li>Bedrooms have a minimum dimension of 3m (excluding wardrobes).</li> <li>Living rooms have a minimum width of: <ul style="list-style-type: none"> <li>3.6 m for studio and one bed</li> <li>4 m for 2 and 3 bed.</li> </ul> </li> <li>The width of cross-over or cross-through apartments are at least 4m internally.</li> </ul>	<ul style="list-style-type: none"> <li>All apartments, including bedrooms, meet the minimum size requirements.</li> <li>The modification proposes to reintroduction studies within apartment types LB-04 (levels 1-32) and MB-03 (levels 33-46) which would not have direct access to windows.</li> <li>The Department considers the proposed studies are acceptable as: <ul style="list-style-type: none"> <li>the apartments in which the studies are located exceed the minimum size guidelines and provide excellent levels of general amenity including sunlight, daylight, natural ventilation and views</li> <li>the studies will benefit from a direct line of sight to a window to allow for the sharing of natural light and ventilation.</li> <li>The studies are being reintroduced (following their removal under MOD 1) and were considered acceptable in the assessment of the original application.</li> </ul> </li> <li>Two Skyhome apartments would have a maximum room depth of 8.5m. This is an additional 0.5 m compared to the ADG maximum depth of 8 m (a 6% inconsistency).</li> <li>The Department considers this minor variation is acceptable as: <ul style="list-style-type: none"> <li>the majority of the affected room (kitchen) is within 8.0m of the window</li> <li>The affected apartments have floor to ceiling heights over 3.0m, full height glazed windows and due to their location at the top of the building receive high levels of sunlight, daylight and natural ventilation</li> </ul> </li> </ul>

<p><b>4E Private Open Space and Balconies</b></p> <ul style="list-style-type: none"> <li>Primary balconies are provided to all apartments providing for: <ul style="list-style-type: none"> <li>Studios apartments - minimum area of 4m<sup>2</sup></li> <li>1-bedroom - minimum area of 8 m<sup>2</sup> and a minimum depth of 2m</li> <li>2-bedroom - minimum area 10m<sup>2</sup> and a minimum depth of 2m</li> <li>3-bedroom - minimum area 12m<sup>2</sup> and minimum depth 2.5m.</li> </ul> </li> <li>For apartments at ground floor level or similar, private open space must have a minimum area of 15 m<sup>2</sup> and depth of 3 m.</li> <li>Private open space and primary balconies are integrated into and contribute to the architectural form and detail of the building.</li> <li>Primary open space and balconies maximises safety.</li> </ul>	<p><u>Approved:</u></p> <ul style="list-style-type: none"> <li>45 of the 54 three-bedroom units are inconsistent with the recommended minimum, as follows: <ul style="list-style-type: none"> <li>4 have areas of 9.3 m<sup>2</sup>, a 2.7 m<sup>2</sup> (23%) inconsistency</li> <li>27 have areas of 10.4 m<sup>2</sup>, a 1.6 m<sup>2</sup> (13%) inconsistency, and</li> <li>14 have areas of 10.6 m<sup>2</sup>, a 1.4 m<sup>2</sup> (12%) inconsistency.</li> </ul> </li> <li>55 of the 104 2-bedroom units have wintergardens 0.2 m<sup>2</sup> (2%) and 0.4 m<sup>2</sup> (4%) smaller than the recommended 10 m<sup>2</sup></li> </ul> <p><u>Proposed</u></p> <ul style="list-style-type: none"> <li>45 of the 61 three-bedroom units have areas of 10.4 m<sup>2</sup>, a 1.6 m<sup>2</sup> (13%) inconsistency</li> <li>30 of the 120 two-bedroom units have winter gardens between 0.5 m<sup>2</sup> and 0.3 m<sup>2</sup> smaller than the recommended 10 m<sup>2</sup> as follows <ul style="list-style-type: none"> <li>14 have areas of 9.5 m<sup>2</sup>, a 0.5 m<sup>2</sup> (5%) inconsistency</li> <li>8 have areas of 9.6 m<sup>2</sup>, a 0.4 m<sup>2</sup> (4%) inconsistency</li> <li>8 have areas of 9.7 m<sup>2</sup>, a 0.3 m<sup>2</sup> (3%) inconsistency</li> </ul> </li> </ul> <p>The Department notes an additional 25 apartments would meet minimum open space requirements as a result of the modification and considers the incidences of non-compliance are acceptable as:</p> <ul style="list-style-type: none"> <li>the minimum depth is complied with and therefore the winter gardens will be highly useable and able to accommodate a range of furniture layouts.</li> <li>residents have access to significant areas of communal open space, Hickson Park and the surrounding public domain.</li> <li>all winter gardens are integrated into the architectural form/detail of the building.</li> </ul>
<p><b>4K Apartment Mix</b></p> <ul style="list-style-type: none"> <li>Provision of a range of apartment types and sizes.</li> <li>Apartment mix is distributed to suitable locations within the building.</li> </ul>	<ul style="list-style-type: none"> <li>A modification results in an increase in two, three and five bedroom units at the expense of four bedroom units (<b>Table 2</b>)</li> <li>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.</li> </ul>
<p><b>4M Facades</b></p> <ul style="list-style-type: none"> <li>Building facades provide visual interest along the street while respecting the character of the local area.</li> <li>Building functions are expressed by the façade.</li> </ul>	<ul style="list-style-type: none"> <li>The proposal will continue to achieve a high standard of architectural design and will positively contribute to the Barangaroo precinct and City skyline.</li> <li>Façade amendments are further discussed in <b>Section 5</b> of this report.</li> </ul>
<p><b>4O Landscape design</b></p> <ul style="list-style-type: none"> <li>Landscape design is viable and sustainable.</li> </ul>	<ul style="list-style-type: none"> <li>The application seeks minor modifications to the approved podium landscaping.</li> </ul>

<ul style="list-style-type: none"> <li>• Landscape design contributes to the streetscape and amenity.</li> <li>• Appropriate soil profiles are provided, and plant growth is maximised (selection/maintenance).</li> <li>• Plant growth is optimised with appropriate selection and maintenance.</li> <li>• Building design includes opportunity for planting on structure.</li> </ul>	<ul style="list-style-type: none"> <li>• The Department considers the proposed changes are acceptable as discussed in <b>Section 5</b> of this report.</li> <li>• Submission of final landscaping details including planting species and soil depth is secured under existing condition B29</li> </ul>
<p><b>4Q Universal design</b></p> <ul style="list-style-type: none"> <li>• 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).</li> <li>• A variety of apartments with adaptable designs are provided.</li> <li>• Apartment layouts are flexible and accommodate a range of lifestyle needs.</li> </ul>	<ul style="list-style-type: none"> <li>• 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.</li> </ul>
<p><b>4U Energy Efficiency</b></p> <ul style="list-style-type: none"> <li>• Development incorporates passive environmental and solar design.</li> <li>• Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer.</li> <li>• Adequate natural ventilation minimises the need for mechanical ventilation.</li> </ul>	<ul style="list-style-type: none"> <li>• The modification is supported by an amended BASIX Certificate assessment demonstrating the requirements of the SEPP are satisfied.</li> <li>• The building and individual apartments have been orientated to achieve sufficient solar access, as discussed in Section 4A of this table.</li> </ul>
<p><b>4V Water management and conservation</b></p> <ul style="list-style-type: none"> <li>• Potable water use is minimised.</li> <li>• Urban stormwater is treated on site before being discharged to receiving waters.</li> <li>• Flood management systems are integrated into site design.</li> </ul>	<ul style="list-style-type: none"> <li>• The development will continue to meet BASIX water targets.</li> <li>• 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.</li> </ul>

## Appendix D – 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 5** below.

Consideration of the applicable Barangaroo Concept Plan Built Form Principles is provided in **Table 6** and Barangaroo Urban Design Controls in **Table 7**.

**Table 5** | Consideration of the relevant requirements, Modifications and Future Assessment Requirements of the Concept Approval

Concept Approval	Department's comment
<b>Term of Approval</b> <p><b>A4 Determination of Future Applications</b></p> <p>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>
<b>Modifications to Concept Plan</b>	
<p><b>B4 Built Form</b></p> <p>1. A mixed use development involving a maximum of 602,354m<sup>2</sup> gross floor area (GFA), comprised of:</p> <ul style="list-style-type: none"> <li>a) a maximum of 191,031m<sup>2</sup> of residential GFA of which a maximum of 162,031m<sup>2</sup> will be in Barangaroo South;</li> <li>b) a maximum of 76,000m<sup>2</sup> of GFA for tourist uses of which a maximum of 59,000m<sup>2</sup> will be in Barangaroo South;</li> <li>c) a maximum of 34,000m<sup>2</sup> of GFA for retail uses of which a maximum of 30,000m<sup>2</sup> will be in Barangaroo South;</li> <li>d) a maximum of 5,000m<sup>2</sup> of GFA for active uses in the Public Recreation zone of which 3,500m<sup>2</sup> will be in Barangaroo South; and</li> <li>e) a minimum of 12,000m<sup>2</sup> GFA for community uses.</li> </ul> <p>2. GFA requirements for Block 4A:</p> <ul style="list-style-type: none"> <li>• Block 4A shall not exceed a maximum of: <ul style="list-style-type: none"> <li>◦ Total GFA: 92,629 m<sup>2</sup></li> <li>◦ Residential GFA: 91,816 m<sup>2</sup></li> <li>◦ Height (Max AHD): RL 250</li> <li>◦ Height above existing ground level(m) 248</li> </ul> </li> </ul> <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>1. The modification continues to comply with the maximum GFA requirements comprised of:</p> <ul style="list-style-type: none"> <li>a) Total residential GFA of 38,602 m<sup>2</sup> (R4B) – unchanged</li> <li>b) N/A</li> <li>c) Total retail GFA of 309 m<sup>2</sup> - unchanged</li> <li>d) N/A</li> <li>e) N/A</li> </ul> <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"> <li>• Approved: Total GFA: 86,913 m<sup>2</sup></li> <li>• Proposed: Total GFA: 86,913 m<sup>2</sup></li> <li>• Total residential GFA of 86,166 m<sup>2</sup>, comprised of 47,564 m<sup>2</sup> (R4A) and 38,911 m<sup>2</sup> (R4B) – unchanged from the approved development</li> <li>• Maximum building height AHD of RL 208.23 – unchanged</li> </ul> <p>3. No redistribution sought</p> <p>4. Complies</p>
<p><b>B5 Revised Design Principles</b></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 <b>Tables 6 and 7</b>.</p>
<p><b>Future Assessment Requirements</b></p> <p><b>C4 Car Parking</b></p> <ol style="list-style-type: none"> <li>1. The following maximum car parking rates shall apply to future development within the site: <ol style="list-style-type: none"> <li>b) Residential: <ul style="list-style-type: none"> <li>- 1 bed/bedsit unit – 1 space/2 units</li> <li>- 2 bed unit – 1.2 spaces/unit</li> </ul> </li> </ol> </li> </ol>	<p>324 car parking spaces are proposed, complying with the maximum car parking rate of the Concept Plan as follows:</p> <p>107 x 1-bed units = 54 spaces</p> <p>120 x 2-bed units = 144 spaces</p> <p>63 x 3+-bed units = 126 spaces</p>

<ul style="list-style-type: none"> <li>- 3+ bed unit – 2 spaces/unit</li> </ul> <p>c) Other Uses: City of Sydney Council rates</p>	<p>Total = 324 spaces</p> <p>Car parking is discussed further in <b>Section 5</b> of this report.</p>
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**Table 6** | Consideration of the Barangaroo Concept Plan Built Form Principles

Built form principles	Department's Comment
<p><b>1 City's New Western Façade</b></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 built form of the western frontage. As such, the development remains consistent with this principle.</p>
<p><b>2 Hickson Road as a Boulevard</b></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 Watermans Quay.</p>
<p><b>3 Buildings to Define Streets</b></p> <p>To define the public space of the street, all building façades are to be set to the street alignment.</p>	<p>The modification would not result in any significant changes to the street façade alignment. As such, the developments remain consistent with this principle.</p>
<p><b>4 North South Pedestrian Connections</b></p> <p>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.</p>	<p>The modification remains consistent with this principle and would not result in any changes to pedestrian permeability at ground level.</p>
<p><b>5 Marking the City Frame</b></p> <p>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.</p>	<p>The building height remains unchanged.</p>
<p><b>6 Open Space Within Blocks</b></p> <p>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.</p>	<p>The modification does not result in any changes to open space within blocks.</p>
<p><b>7 View Sharing</b></p> <p>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.</p> <p>Provide sky view corridors between residential towers from Napolean Street, Bond Square and the Harbour Bridge.</p>	<p>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.</p>
<p><b>8 Orientation of Buildings</b></p> <p>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</p>	<p>The modifications would not result in any significant changes to the orientation of building. As such, the proposal remains consistent with this principle.</p>

face north and buildings facing Hickson Road and the waterfront to be oriented to the east and west to define road and promenade.

**Table 7** | Consideration of relevant Barangaroo Urban Design Controls

Urban Design Controls (Blocks 4A and 4B)	Department's Comment
<p><b>1 Building Mass and Location</b></p> <p><b>Objectives</b></p> <p>The orientation and location of the buildings relate to the fan principle.</p> <p>To ensure building mass is appropriate within the envelope.</p> <p>The podium shall be low to allow sunlight penetration through the buildings to the public domain.</p> <p>Building placement to consider existing view corridors from Kent Street buildings.</p> <p>To ensure the vertical massing form is an integral part of the composition of towers in block 4A.</p> <p>Ensure clear views to the sky between all towers from key vantage points.</p> <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><b>Standards</b></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>The modification does not seek any changes to the approved building location or an increase of the building mass.</p> <p>The height of the building would remain RL 208.23 as approved in MOD 1.</p> <p>The building is greater than 30 m in height and includes two apartments with wintergardens that exceed 15% of the GFA of the corresponding apartment.</p> <p>The Department considers this is acceptable as the winter gardens are included as residential GFA, which is be accommodated within the maximum residential GFA permitted under the Concept Plan.</p>

<p><b>2 Street Wall Establishment</b></p> <p><b>Objectives</b></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><b>Standards</b></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><b>3 Building Articulation</b></p> <p><b>Objectives</b></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><b>Standards</b></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>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>The modification will not increase the mass of the building or significantly alter the approved vertical or horizontal articulation of the façade.</p>
<p><b>4 Building Legibility</b></p> <p><b>Objectives</b></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><b>Standards</b></p> <p>Express facade elements including balconies/wintergardens 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 R4A as a cohesive composition.</p>

<p><b>5 Ground Floor Permeability and Accessibility of Public Realm</b></p> <p><b>Objective</b></p> <p>To provide permeability and accessibility through Barangaroo South.</p> <p><b>Standard</b></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><b>6 Ensuring Quality of Rooftops</b></p> <p><b>Objective</b></p> <p>To ensure that the mass of the rooftop is articulated and legible.</p> <p><b>Standards</b></p> <p>Roof 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>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>The reconfiguration of the approved roof terraces and would not significantly affect the appearance of the rooftop in elevation and is considered acceptable as discussed at <b>Section 5</b>.</p>
<p><b>7 Facades</b></p> <p><b>Objectives</b></p> <p>To ensure the architectural quality of the facades.</p> <p>To articulate the buildings 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><b>Standards</b></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>The modification would not significantly alter the appearance of the approved facades. Façade design is discussed further in <b>Section 5</b>.</p> <p>The modification is consistent with the carbon neutral aims for Barangaroo South.</p> <p>The proposed wintergardens 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 be continued 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 wintergardens, will continue to allow access to direct sunlight and light transmittance, provide thermal insulation and achieve natural ventilation.</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><b>8 Active Streetfronts</b></p> <p><b>Objective</b></p> <p>To ensure an activated public domain at street level.</p> <p><b>Standards</b></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><b>9 Signage</b></p> <p><b>Objective</b></p> <p>To ensure the location, size, appearance and quality of signage in the building is appropriate.</p> <p><b>Standards</b></p> <p>Building identification signage is to be limited to one sign per frontage at podium level.</p> <p>Signage shall not exceed 15 m<sup>2</sup> 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>Each new application for the erection of a new building should include a minimum description of signage location and form.</p> <p>Separate applications may be required for signage not detailed in applications for new buildings.</p>	<p>No amendments are proposed to the approved signage.</p>

## Appendix E – Notice of modification

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