



Buildings R4A & R4B Barangaroo South Modifications

Design changes

State Significant Development Modification Assessments
(SSD 6964 MOD 4, SSD 6965 MOD 3 & SSD 8892218 MOD 1)

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Glossary

Abbreviation	Definition
ADG	Apartment Design Guide
Applicant	Lendlease (Millers Point) Pty Ltd
BFPUD	Barangaroo Built Form Principles and Urban Design
BCA	Building Code of Australia 2019
Concept Plan / Concept Approval	Approved Barangaroo Concept Plan for the redevelopment of the site (MP 06_0162), as modified
Council	City of Sydney Council
DCP	Sydney Development Control Plan 2012
Department	Department of Planning and Environment
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
EPI	Environmental Planning Instrument
FSR	Floor Space Ratio
GFA	Gross Floor Area
IPC	Independent Planning Commission
LEP	Local Environmental Plan
Minister	Minister for Planning
Planning Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
SEPP 65	State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development
SSD	State Significant Development

1 Introduction

This report provides a concurrent assessment of applications to modify the State Significant Development consents for Building R4A (SSD 6964) and Building R4B (SSD 6965 and SSD-8892218) at Barangaroo South.

The applications have been lodged by Lendlease (Millers Point) (the Applicant) and are pursuant to section 4.55(1A) of the Environmental Planning and Assessment Act 1979 (EP&A Act).

1.1 Background

Barangaroo redevelopment

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 in **Section 1.2**.

Barangaroo South precinct

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 building envelopes (heights ranging from RL 25 up to RL 209) 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.

The development of the Barangaroo South precinct is at an advanced stage, with Stage 1A and Stage 1C completed and Stage 1B under construction.

The modification applications relate to Buildings R4A and R4B, which are located within Stage 1B.



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

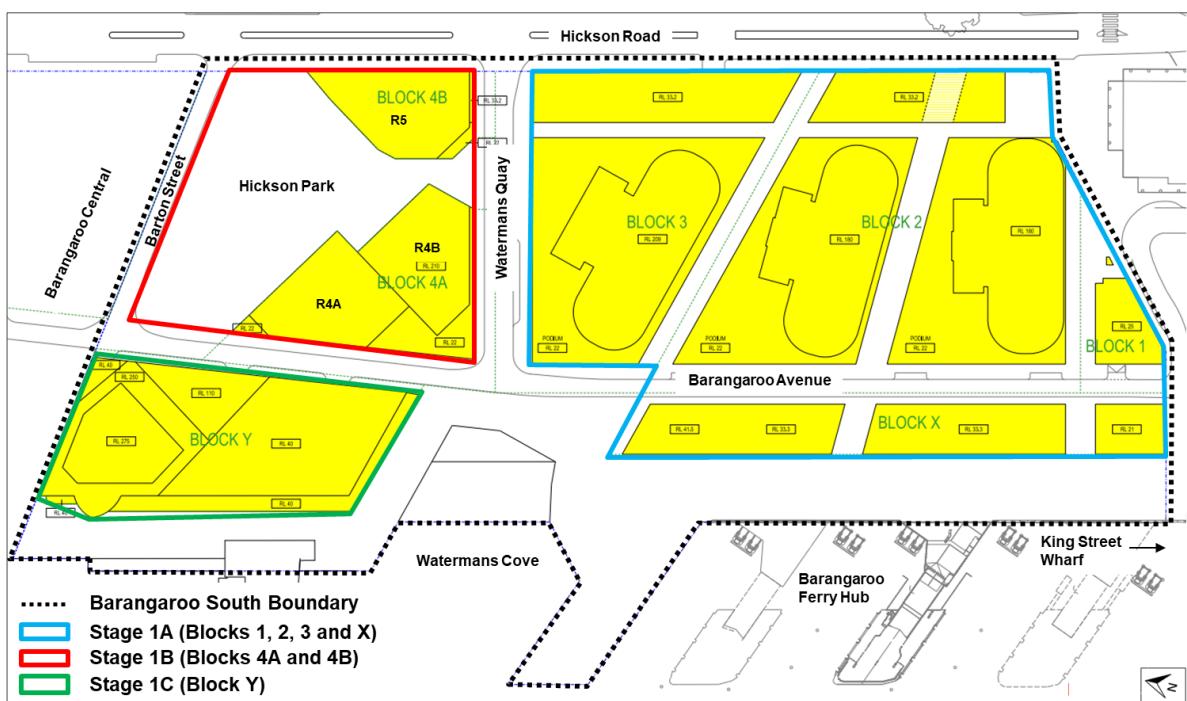


Figure 2 | Barangaroo South layout, block location and approximate stage boundaries (Source: MP06_0162 MOD8)

1.2 Approval history

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 [Appendix F](#).

The Concept Approval, as modified establishes:

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

Building R4A Approval

On 7 September 2017, the Independent Planning Commission (the IPC) approved an SSD application (SSD 6964) for the construction, use and fit-out of a 72-storey (RL 250) mixed-use building known as R4A within Barangaroo South Block 4A.

Building R4A consent (SSD 6964) has been modified four times as summarised in [Appendix F](#).

Building R4B Approvals

SSD 6965

On 7 September 2017, IPC approved an SSD application (SSD 6965) for the construction, use and fitout of a 60-storey (RL 208.23) mixed-use building known as Building R4B within Barangaroo South Block 4A.

Building R4B consent (SSD 6965) has been modified three times as summarised in [Appendix F](#).

SSD 8892218

On 26 March 2021, the Executive Director, Key Sites and Regional Assessments approved an SSD application (SSD 8892218) for alterations and additions to Building R4B (SSD 6965) to provide for the construction, fit out and use of a 68-storey (maximum height not exceeding RL 233.485) mixed-use building.

The development consent has been modified once as summarised in [Appendix F](#).

2 Proposed modifications

The modification applications seek to make internal and external design changes, amend the landscape plan to delete two trees, and other minor modifications to the development consents for Buildings R4A (SSD 6964) and R4B (SSD 6965 and SSD 8892218) at Barangaroo South.

The key components and features of the proposals are summarised in **Table 1**. A link to the modification application documents is provided in **Appendix A**.

Table 1 | Proposed modifications to SSD 6964, SSD 6965 & SSD 8892218

Related building	Aspects	Description of modifications
R4A	Landscaping	<ul style="list-style-type: none">Delete two trees previously approved for planting within the paved area between Building R4A and Hickson Park to maintain this area for pedestrian circulation (Figure 3).
	Other design changes	<ul style="list-style-type: none">Convert a four-bedroom apartment into a three-bedroom apartment with a walk-in robe on Level 58.Change the doors of residential entrance lobby on the ground floor from swing doors to automated sliding doors.Reconfigure the retail storage and high voltage riser space on the ground level.
R4B	Car park entrance	<ul style="list-style-type: none">Widen the basement entry driveway by 0.7 m (from 9.6m to 10.3m) and associated ancillary awning above, alongside the adjustments to the wall cladding and extension of Council's stone paving (Figure 4).
	Other design changes	<ul style="list-style-type: none">Change the doors of residential entrance lobby on the ground floor from swing doors to automated sliding doors.Reconfigure services, storerooms, access arrangements on Ground Level and Level P1 and Level 20.Change the layout of the pool and ancillary facilities on Level P2.
R4A & R4B	Strada	<ul style="list-style-type: none">Amend the site boundary between Buildings R4A and R4B so that the entire Strada (including the ground plane and link bridge) which connects Buildings R4A and R4B will be contained within and delivered as part of the development consent for Building R4B (SSD 6965) (Figure 5 & Figure 6)
	Obstacle lighting	<ul style="list-style-type: none">Delete Conditions E8, F5, F6 for Building R4A and Conditions E7, F3, F4 for Building R4B relating to the need for obstacle lighting
	Signage zone(s)	<ul style="list-style-type: none">Amend building identification signage zone(s) for each building – a maximum of one sign will be installed within one of three proposed signage zones (Figure 7 & Figure 8)



Figure 3 | Proposed two trees to be deleted for Building R4A (source: SSD 6964 MOD 4 RTS Landscape Reference Plan)

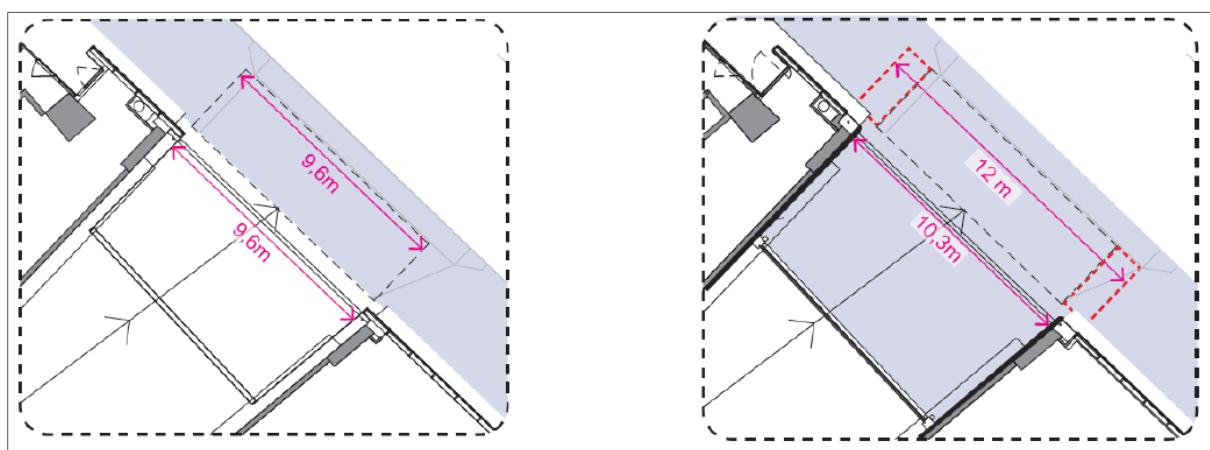


Figure 4 | Approved (left) and proposed (right) car park entrance of Building R4B



Figure 5 | Approved and proposed development boundary of Building R4A (SSD 6964) (source: SSD 6964 MOD 4 Design Report)

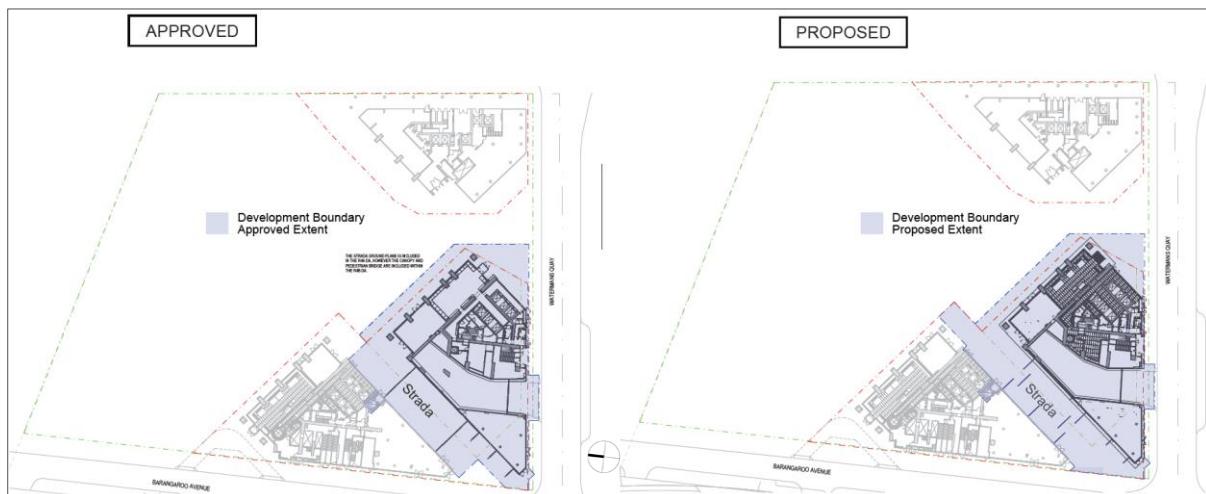


Figure 6 | Approved and proposed development boundary of Building R4B (SSD 6965) (source: SSD 6965 MOD 3 Design Report)

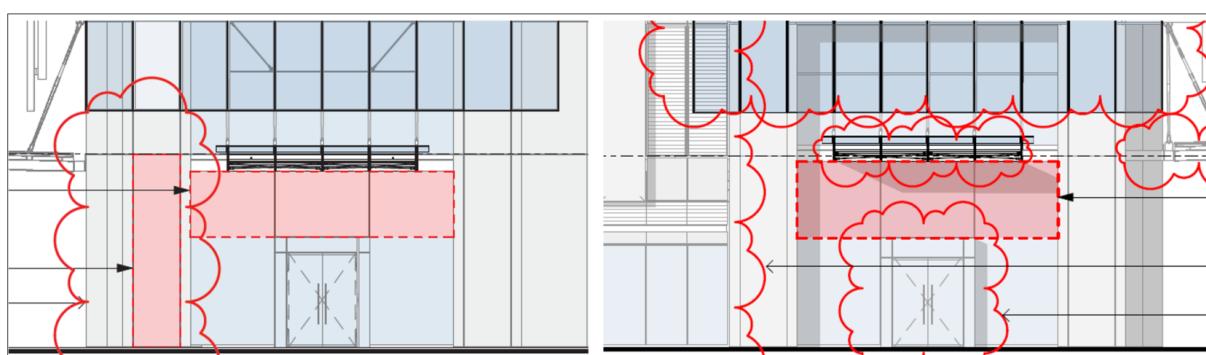


Figure 7 | Approved building identification signage zone(s) of Buildings R4A (left) and R4B (right) (source: SSD 6964 MOD 3 & SSD 6965 MOD 2 stamped plans)

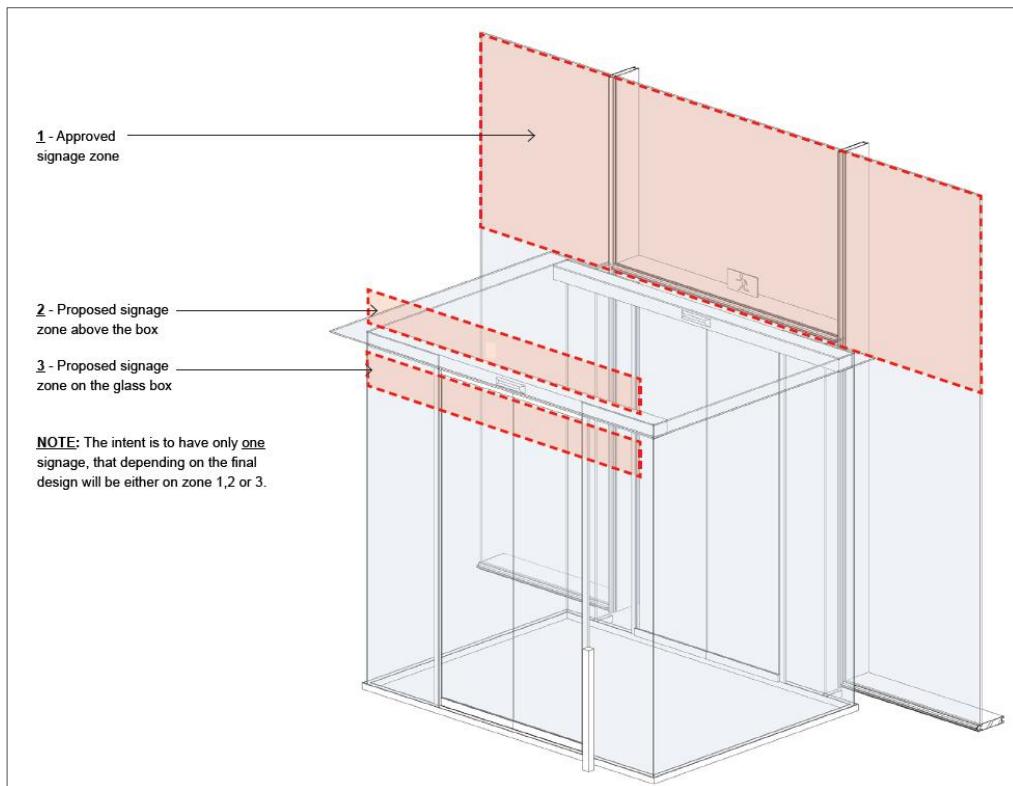


Figure 8 | Proposed building identification signage zone of Buildings R4A and R4B (only one signage subject to the final design) (source: SSD 6964 MOD 4 & SSD 6965 MOD 3 Design Report)

3 Statutory context

3.1 Scope of modifications

The Department has reviewed the scope of the modification applications and considers that the applications can be characterised as modifications involving minimal environmental impacts as they:

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

Therefore, the Department is satisfied the proposed modifications are within the scope of section 4.55(1A) of the EP&A Act and do not constitute new development applications. Accordingly, the Department considers that the applications should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring new development applications to be lodged.

3.2 Consent authority

The Minister for Planning is the consent authority for the applications under section 4.5(a) of the EP&A Act. However, in accordance with the Minister's delegation, the Executive Director, Key Sites and Regional Assessments, may determine the applications as:

- the applications relate to land identified as the Barangaroo Site in the *State Environmental Planning Policy (State Significant Precincts) 2005*
- a political disclosure statement has not been made by the Applicant
- there are less than 50 public submissions in the nature of objections
- the Executive Director has formed the opinion that if approved, the application would be generally consistent with the approved Barangaroo Concept Plan (MP 06_0162)
- the Executive Director has formed the opinion that any submissions made about the application by the Council of the City of Sydney have been considered in the assessment of the application.

3.3 Mandatory Matters for Consideration

The following are relevant mandatory matters for consideration:

- section 4.55(1A) of the EP&A Act, including environmental planning instruments or proposed instruments
- any planning agreements
- Environmental Planning and Assessment Regulation 2021 (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
- the reasons for granting approval for the original application.

The Department has considered all these matters in its assessment of the proposals. The Department has also considered the relevant matters in **Section 5** and **Appendices B, C and D** of this report.

3.4 Consistency with Concept Approval

The Department has considered the proposed modifications and is of the opinion the modifications remain 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 E**.

4 Engagement

4.1 Department's engagement

The application was made publicly available on the Department's website and referred to Council for comments.

4.2 Summary of submissions

The Department received comments from Council in response to the three modification applications.

Council does not object to the proposals, however it:

- sought clarification on how wide the driveway opening is proposed to be increased, noting it generally recommends carpark openings have a maximum width of 4 m accordance with the Sydney Development Control Plan 2012 (DCP)
- questioned the need for the removal of the two trees when considering the long-term impacts of the trees on sightlines to Hickson Park.

The link to submissions is provided in [Appendix A](#).

No submissions were received from the public.

4.3 Applicant's response to submissions

On 18 February 2022, the Applicant lodged its Response to Submissions (RtS) for the proposals to address issues raised in the submissions. The RtS reports also include:

- Updated Design Report and additional Landscape Reference Plan and Elevations for Buildings R4A
- Updated Design Report and Traffic Report for Building R4B.

On 24 February 2022, the Applicant provided additional information which included an updated Signage Zone Northwest Elevation for Building R4A indicating the dimensions of the approved and proposed signage zones.

4.4 Summary of Council's final position

The Department received further advice from Council on the Applicant's RtS, maintaining concerns about the car park opening and deletion of two trees from the landscape plan. Council advised:

- the widening of the driveway departs from the objectives of the DCP recommendations to minimise driveway widths to prioritise pedestrian and cyclist safety and amenity
- the two trees should be planted, as approved, as the benefits of additional canopy outweigh potential view impacts.

5 Assessment

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

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

The Department has assessed the potential impacts associated with the proposals in **Table 2**.

Table 2 | Assessment of proposed changes

Issue	Consideration	Recommendation
Landscaping	<ul style="list-style-type: none">• The proposals seek to delete two <i>Flindersia australis</i> trees from the approved landscape plan.• The Applicant notes these trees formed part of the original development consent approved in 2017, prior to the approval of Hickson Park in 2018.• Council raised concern about the deletion of these trees because of benefits to pedestrian amenity in relation to wind protection, shading and heat mitigation.• In response, the Applicant noted that the approved and delivered landscaping within Hickson Park provides a substantial tree belt of approximately 53 trees framing the paved public open space around Buildings R4A, R4B and R5. It contends the two trees within the paved area are inconsistent with this strategy of tree planting and will impact on pedestrian circulation around the building.• The Applicant also provided a Wind Statement which concludes that the deletion of the two trees will have a negligible impact upon the wind environment conditions within the areas assuming that all other previous wind mitigation treatment recommendations are incorporated into the final design.• The Department has carefully considered the proposed deletion of two trees from the landscape plan and acknowledges that Council maintains its position that the trees should be planted in this location, as approved.• The Department supports tree planting and improving tree canopy cover within urban developments, however in this instance considers there is sufficient justification to delete these trees as:<ul style="list-style-type: none">◦ Hickson Park provides substantial trees including a 'tree belt' adjacent to Buildings R4A, R4B and R5◦ 17% of the Stage 1B site (comprising Buildings R4A, R4B, R5 and Hickson Park) is covered in tree canopy, which exceeds Council's 15% tree canopy target	<ul style="list-style-type: none">• Update Condition A2 for SSD 6964 and SSD 6965 and Condition A6 for SSD 8892218 to reflect the amended landscape plans

Issue	Consideration	Recommendation
	<ul style="list-style-type: none"> ○ the deletion of the trees will allow for the paved area to be maintained as clear area for pedestrian circulation between the buildings and Hickson Park ○ the trees are not required for wind mitigation, and the deletion is unlikely to have significant impacts on the heat environment, given the extent of tree planting on the edges of Hickson Park. ● The Department therefore concludes, in this instance, the deletion of the two trees would not have any material impact on tree canopy coverage, wind or heat environment in the context of the dense landscaping in Hickson Park. 	
Amendment to car park entrance	<ul style="list-style-type: none"> ● The proposal seeks to widen the basement entry driveway and change associated awning, wall cladding and paving for Building R4B to reduce the risk of vehicles colliding with and damaging the building when entering or leaving the carpark. ● Council raised concern that the driveway width exceeds the recommended maximum width of 4 m within its DCP and does not prioritise pedestrian and cyclist safety and amenity. ● The Applicant provided Statements on traffic, Building Code of Australia 2019 (BCA), and access which conclude that the proposed design complies with the relevant standards. ● The Department notes that Council did not raise any concerns on the approved driveway width of 9.6 m in the assessment of the original SSD application for Building R4B. It also notes that as the driveway provides a combined entry and exit point it is not feasible to comply with the DCP recommended maximum of 4 m (which would only allow entry or exit). ● In this context, the Department is satisfied the proposed increase in width will not result in any material change to pedestrian and cyclist safety and amenity as: <ul style="list-style-type: none"> ○ the increase is minor (0.7m or 7%) compared to the approved 9.6 m driveway ○ the proposal will not increase the traffic volume entering and exiting the site in this location ○ the widening will reduce the potential conflicts with cars and loading services approaching in opposite directions and the risk of vehicles impacting the building when entering or leaving the site. 	<ul style="list-style-type: none"> ● Update Condition A2 for SSD 6964 and SSD 6965 and Condition A6 for SSD 8892218 to reflect the amended architectural plans
Strada	<ul style="list-style-type: none"> ● The 'Strada' is a covered pedestrian through site link between buildings R4A and R4B to Hickson Park. The ground plane is approved within the development consent for R4A, however the canopy and other above ground works are approved within the development consent for R4B. ● The proposals seek to amend the boundary between Buildings R4A and R4B so that the approved Strada is contained within and delivered as part of the development consent for Building R4B. ● Council raised no objection to these proposed changes. 	<ul style="list-style-type: none"> ● Delete Conditions A5, B5, E4, F1, and F2 and relevant references to the Strada in development description, Conditions B30, B39, E24, E29 and F15 from SSD 6964 ● Add Conditions A5A, E29, F19, F20 and

Issue	Consideration	Recommendation
	<ul style="list-style-type: none"> The Department has carefully considered the proposed boundary change and supports the delivery of the Strada as part of Building R4B as: <ul style="list-style-type: none"> the proposals will not result in any physical change to the approved built form, and the Strada will continue to provide a covered walkway between Buildings R4A and R4B to Hickson Park it will better align with the construction and delivery of the Strada by consolidating both the ground plane and canopy together under one consent there will be negligible difference to the timing of completion of the Strada as Buildings R4A and R4B are concurrently under construction. 	<ul style="list-style-type: none"> relevant references to the Strada to the development description and Conditions B28 for SSD 6965 Update Condition A5 for SSD 8892218 to reflect the added conditions of SSD 6965 and add relevant references to the Strada to the development description for SSD 8892218 Update Conditions A2 for SSD 6964 and SSD 6965, and Condition A6 for SSD 8892218 to reflect the amended architectural plans
Obstacle lighting	<ul style="list-style-type: none"> The proposals seek to delete conditions relating to obstacle lighting from SSD 6964 and SSD 6965. The Applicant has provided advice from the Department of Infrastructure, Transport, Regional Development and Communications confirming that the conditions relating to the obstacle lighting can be removed. The Department notes that the requirement for obstacle lighting was imposed on Buildings R4A and R4B as they were the tallest buildings in Barangaroo at the time development consent was issued. However, the Crown Sydney Hotel Resort (SSD 6957) is now completed and is the tallest building (RL 275) in the Barangaroo precinct therefore the obstacle lighting conditions are not required for both Buildings R4A (RL 250) and R4B (RL 233.485). The Department therefore concludes the removal of the conditions from SSD 6964 and SSD 6965 is acceptable. 	<ul style="list-style-type: none"> Remove Conditions E8, F5 and F6 from SSD 6964 and Conditions E7, F3 and F4 from SSD 6965
Amendment to signage zone(s)	<ul style="list-style-type: none"> The development consents approve two signage zones for Building R4A and one signage zone for Building R4B. The proposals seek to provide three separate signage zones (only one to be used) for both Buildings R4A and R4B, including: <ul style="list-style-type: none"> an approved signage zone on the façade (11 m²) a proposed signage zone on top of the glass entryway (0.9 m²); or a proposed signage zone on the upper portion of the glass entryway (0.6 m²). Council did not raise any objection to these proposed changes. The Department notes that Control 9 in the Concept Approval Design Controls stipulates signage is to be 	<ul style="list-style-type: none"> Update Condition 11 for SSD 6964 and add a new Condition 10 for SSD 6965 restricting future signage to be located within only one of the three signage zones to ensure consistency with the concept approval Update Condition A2 for SSD 6964 and SSD 6965 and Condition A6 for SSD 8892218 to

Issue	Consideration	Recommendation
	<p>limited to one sign per frontage at podium level and is not to exceed 15 m² per sign.</p> <ul style="list-style-type: none"> The Department considers the proposed alternative signage zones are acceptable as: <ul style="list-style-type: none"> they meet the key criteria in Chapter 3 of State Environmental Planning Policy (Industry and Employment) 2021 (former SEPP No.64 – Advertising and Signage) (Appendix C) the areas of the three zones are no more than the requirements in the Concept Approval the proposed additional signage zones are small, which will result in negligible visual impacts they will provide flexibility for potential signage locations noting that only one of the three signage zones can be utilised future DA(s) will be required, unless the signage can be undertaken as exempt or complying development. The Department recommends amended/new conditions on SSD 6964 and 6965 to ensure a maximum of one signage zone for each building is utilised. 	reflect the amended signage zones
Other minor changes	<ul style="list-style-type: none"> The proposals also seek to: <ul style="list-style-type: none"> convert a four-bedroom apartment on Level 58 into a three-bedroom for Building R4A reconfigure the storage space, doors of main residential entrance lobby on ground level for Building R4A reconfigure the doors of main residential entrance lobby, secondary entrance lobby, services, storerooms, access arrangements on Ground Level and Level P1 and Level 20 for Building R4B change the layout of the pool and ancillary facilities for Building R4B. Council raised no objection to these proposed changes. The Department supports the proposed amendments as the changes: <ul style="list-style-type: none"> are within the approved development do not result in any additional GFA will continue to comply with the relevant Apartment Design Guide (ADG) requirements and BASIX commitments will result in negligible visual or amenity impacts will enhance the functioning of the development. 	<ul style="list-style-type: none"> Update Condition A2 for SSD 6964 and SSD 6965 and Condition A6 for SSD 8892218 to reflect the amended architectural plans

6 Evaluation

The Department has assessed the merits of the applications in accordance with the relevant requirements of the EP&A Act. The Department considers the proposed modifications are acceptable as:

- the deletion of two trees from the landscape plan will ensure the paved area between Hickson Park and Building R4A is maintained for pedestrian circulation and will have a negligible impact on the wind and heat environment and tree canopy coverage, noting the extensive trees planted within Hickson Park
- the increase to the driveway width for Building R4B is minor (0.7 m or 7%) compared to the approved 9.6 m wide driveway and will have minimal impact on pedestrian and cyclists, compared to the approved development
- the transfer of Strada from Building R4A to Building R4B does not alter the approved built form, will consolidate both the ground plane and roof together under one consent and will better align with the construction and delivery of Building R4B
- the obstacle lighting conditions are no longer required given that the Crown Sydney Hotel Resort is now completed and is the highest building in the Barangaroo precinct
- the other internal and external design changes are minor and would not result in any traffic, visual or amenity impacts beyond those already assessed and approved
- they will continue to comply with the Concept Approval and the relevant statutory provisions and remain consistent with relevant EPIs and the strategic planning context
- they are substantially the same developments as the approved developments.

Consequently, the Department considers the modifications are in the public interest and should be approved, subject to the recommended modified conditions of consent.

7 Recommendation

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

- **considers** the findings and recommendations of this report
- **determines** that the applications SSD 6964 MOD 4, SSD 6965 MOD 3, SSD 8892218 MOD 1 and fall within the scope of section 4.55 (1A) of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modifications
- **forms the opinion** that the applications would be generally consistent with the approved Barangaroo Concept Approval (MP06_0162)
- **forms the opinion** that Council's submission has been considered in the assessment of the application.
- **modify** the consent SSD 6964, SSD 6965, and SSD 8892218
- **signs** the attached approval of the modifications (**Appendix G**).

Prepared by:
Jennie Yuan
Planning Officer

Recommended by:



Amy Watson
Team Leader
Key Sites Assessments

Recommended by:



Anthony Witherdin
Director
Key Sites Assessments

8 Determination

The recommendation is **Adopted by:**

A handwritten signature in blue ink that reads "Sargeant".

Anthea Sargeant
Executive Director
Key Sites and Regional Assessments
as delegate of the Minister for Planning

Appendices

Appendix A – List of referenced documents

The following supporting documents and supporting information to this assessment report can be found on the Major Project's website as follows:

- Modification report
- Submissions
- Response to submissions

R4A - SSD 6964 MOD 4: <https://pp.planningportal.nsw.gov.au/major-projects/projects/modification-4-building-r4a-design-changes>

R4B - SSD 6965 MOD 3: <https://pp.planningportal.nsw.gov.au/major-projects/projects/modification-3-building-r4b-design-changes>

R4B - SSD 8892218 MOD 1: <https://pp.planningportal.nsw.gov.au/major-projects/projects/modification-1-r4b-design-refinements-administrative-amendments>

Appendix B – Statutory considerations

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

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

The Department has considered these matters in its assessment of the proposals in **Table 3** and

Table 4.

Table 3 | Consideration of section 4.55 (1A) of the EP&A Act

Section 4.55(1A) Evaluation	Consideration
a) that the proposed modification is of minimal environmental impact, and	<p>Section 5 of this report provides an assessment of the impacts associated with the modification applications. The Department is satisfied that the proposals would have minimal environmental impacts as the modifications result in only minor internal and external changes to the buildings and would not result in additional adverse traffic, visual or amenity impacts.</p>
b) that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and	<p>The Department is satisfied the proposed modifications are substantially the same developments as the key components of the developments, including their use and overall design, remain unchanged.</p>
c) the application has been notified in accordance with the regulations, and	<p>The EP&A Regulation specifies that the notification requirements of the EP&A Regulation do not apply to section 4.55(1A) modification applications with minimal environmental impact. Accordingly, the application was not notified or advertised. Details of the Department's engagement are provided in Section 4 of this report.</p>
d) any submission made concerning the proposed modification has been considered.	<p>The Department received advice from Council. The issues raised in these submissions have been listed in Section 4 and considered in Section 5 of this report.</p>
Reasons given by the consent authority for the grant of the consent that is sought to be modified	<p>The Department has considered the reasons given by the consent authority for the grant of the consent in its assessment in Section 5 of this report.</p>

Table 4 | Consideration of the matters listed under Section 4.15(1) of the EP&A Act

Section 4.15(1) Matters for consideration	The Department's assessment
(a)(i) any environmental planning instrument	The proposed modifications are consistent with the relevant Environmental Planning Instruments (EPIs) as addressed below in this report.
(a)(ii) any proposed instrument	The proposed modifications are consistent with the relevant draft Environmental Planning Instruments (EPIs) as addressed below in this report.
(a)(iii) any development control plan	Under SEPP (Planning Systems) 2021, Development Control Plans (DCPs) do not apply to SSD.
(a)(iiia) any planning agreement	Not applicable.
(a)(iv) the regulations	The applications satisfactorily meet the relevant requirements of the EP&A Regulation, including the procedures relating to applications, the requirements for notification and fees.
(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 modifications acceptable and have been appropriately addressed (refer to Section 5 of this report).
(c) the suitability of the site for the development	The suitability of the site was considered in the Department's original assessment and the modifications do not alter its suitability.
(d) any submissions	The Department has considered the submissions received (refer to Sections 4 and 5 of this report).
(e) the public interest	The Department considers the proposed modifications to be in the public interest.

Environmental Planning Instruments

To satisfy the requirements of section 4.15(1)(a)(i) of the EP&A Act, the Department has considered the relevant SEPPs as part of its assessment of the proposals and is satisfied that the modifications do not result in any inconsistency with them. The Department notes that several SEPPs has been consolidated into the new SEPPs since 1 March 2022. Most existing provisions in the now repealed SEPP has been transferred as chapters with no policy changes. The Department is therefore satisfied that the proposal remains consistent with the provisions of:

- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021

- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Industry and Employment) 2021
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development
- Draft Design and Place SEPP 2021

As the applications propose changes to the signage zone(s) and apartment design changes, the Department has undertaken an assessment against Chapter 3 of SEPP (Industry and Employment) 2021 and SEPP No.65 – Design Quality of Residential Apartment Development in **Appendix C** and **D**.

Appendix C – Consistency with the State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 of SEPP (Industry and Employment) 2021 applies to all signage that can be displayed with or without development consent under another EPI and is visible from any public place or public reserve.

Under Clause 3.6 of the SEPP, consent must not be granted for any signage application unless the proposal is consistent with the objectives of Chapter 3 and with the assessment criteria which are specified in Schedule 5. **Table 5** below demonstrates the Department's assessment of the consistency of the proposed signage zone with this assessment criteria.

Table 5 | SEPP (Industry and Employment) 2021 compliance assessment

Assessment Criteria	Comments	Compliance
1. Character of the area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage zones are appropriately located and integrated into the design of the building and the area. The proposed signage zones are consistent with the building and business identification signage throughout Barangaroo	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?		
2. Special Areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The site is not located in the vicinity of any environmentally sensitive areas, heritage, natural or other conservation, open space, waterways area. The proposed signage zones are located on the ground floor above building entries and will not detract from the amenity of any residential area.	Yes
3. Views and Vistas		
Does the proposal: <ul style="list-style-type: none"> • obscure or compromise important views? • dominate the skyline and reduce the quality of vistas? • respect the viewing rights of other advertisers 	The signage zones are located on the ground floor façade of the buildings and will not obscure important views, dominate the skyline or interfere with other advertisers.	Yes
4. Streetscape, setting or landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? Does the proposal: <ul style="list-style-type: none"> • contribute to the visual interest of the streetscape, setting or landscape? • reduce clutter by rationalizing and simplifying existing advertising? • screen unsightliness? 	The scale, proportion and form of the proposed signage zones are appropriate for the streetscape and setting of the proposed development. Only one signage zone can be utilised providing for flexibility in the sign location and not cluttering the building entrances.	Yes

<ul style="list-style-type: none"> • protrude above buildings, structures or tree canopies in the area or locality? • require ongoing vegetation management? 	<p>The signage zones would contribute to the visual interest of the buildings by contributing to the identification and recognition of the site.</p> <p>The proposed signage zones are sympathetic to the architectural treatment of the building and do not propose advertising.</p> <p>The proposed signage zones form part of the building façade.</p> <p>The proposed signage zones do not protrude beyond the building envelope.</p> <p>The proposed signage zones do not contain or require any ongoing vegetation management.</p>
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5. Site and Building

Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?

Does the proposal respect important features of the site or building, or both?

Does the proposal show innovation and imagination in its relationship to the site or building, or both?

The proposed signage zones have been designed to be integrated within the building façade, compatible with the design and architecture of the building.

The proposed signage zones would not detract from the important features of the site and building.

The proposed signage zones have been fully integrated with the building architecture.

Yes

6. Associated devices and logos with advertisements and advertising structures

Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?

Specific signage details will be subject to future design.

N/A

7. Illumination

Would illumination result in unacceptable glare?

Details of illumination will be subject to future design.

N/A

Would illumination affect safety for pedestrians, vehicles or aircraft?

Would illumination detract from the amenity of any residence or other form of accommodation?

Would illumination detract from the amenity of any residence or other form of accommodation?

Is the illumination subject to a curfew?

8. Safety

Would the proposal reduce safety for?

- any public road?
- pedestrians or bicyclists?
- pedestrians, particularly children, by obscuring sightlines from public areas?

The location of the signage zones would not obscure sightlines to or from public areas or reduce safety from public roads.

Yes

Appendix D – Consistency with the Apartment Design Guide

The ADG is closely linked to SEPP 65. The Department has assessed the proposals against the relevant ADG provisions (**Table 6**) and is of the opinion that the proposals are consistent with the ADG.

Table 6 | Consideration of the relevant provisions of the Apartment Design Guide under SEPP 65

ADG – Relevant Criteria	Proposal
3C Public Domain Interface <ul style="list-style-type: none"> Transition between public/private without compromising security. Amenity of public domain is retained and enhanced. 	<ul style="list-style-type: none"> The modifications seek only minor changes to the ground floor entries and would maintain the security of the private/public interface and amenity of public domain.
3G Pedestrian access and entries <ul style="list-style-type: none"> Building entries and pedestrian access connects to and addresses the public domain. Access, entries and pathways are accessible and easy to identify Large sites provide pedestrian links for access to streets and connection to destinations 	<ul style="list-style-type: none"> The modifications seek to change the swing doors to sliding doors for Buildings R4A and R4B with no change to the access. The proposed additional secondary lobby exit is easy to identify and will improve the access to Building R4B.
3H Vehicle access <ul style="list-style-type: none"> Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes. 	<ul style="list-style-type: none"> The proposals keep the single vehicular access which minimises the potential for pedestrian/vehicular conflicts. Widening of the car park entrance is considered minor and acceptable (for more details see Section 5 of this report). The associated extension of Council's paving will enable a smooth transition from the basement exit to the adjoining roads. The adjustment to the awning and wall cladding will achieve a holistic design outcome.
4G Storage <ul style="list-style-type: none"> Adequate, well designed storage is provided in each apartment. Additional storage is conveniently located, accessible and nominated for individual apartments. 	<ul style="list-style-type: none"> The proposals will increase internal storage for one apartment on Level 58 by converting one approved bedroom into a walk-in wardrobe. No change to other storage areas.
4K Apartment Mix <ul style="list-style-type: none"> Provision of a range of apartment types and sizes. Apartment mix is distributed to suitable locations within the building. 	<ul style="list-style-type: none"> The modifications will increase one three-bedroom unit and decrease one four-bedroom unit. The Department considers the revised apartment mix continues to provide for a range of apartment types and sizes and to suitably be distributed within the building.
4T Awning and Signage <ul style="list-style-type: none"> Awnings are well located and complement and integrate with the building design. Signage responds to the context and desired streetscape character. 	<ul style="list-style-type: none"> Awnings and signage are integrated into the design of the buildings.

Appendix E - Consistency with the Concept Approval

In accordance with Clause 3b of Schedule 2 of the *Environmental Planning and Assessment (Savings, Transitional and other Provisions) Regulation 2017*, the Department has considered the proposed modifications which do not seek any changes to:

- the relevant requirements, modifications and future assessment requirements of the Concept Approval;
- the Concept Approval built form principles; or
- the relevant Barangaroo urban design controls.

Therefore, the Department is of the opinion the proposals continue to be consistent with the Concept Plan.

Appendix F – Approval history of modifications

The modifications to relevant development approvals are summarised in **Table 7** to **Table 10**.

Table 7 | Modifications to approved Concept Plan MP06_0162

MOD	Summary of Modifications	Approved
MOD 1	Administrative changes to the approval and re-wording design excellence terms.	25 Sep 2007
MOD 2	Increase of 120,000 m ² commercial GFA to Block 2, 3, 4 and 5 (Barangaroo total 509,800 m ²).	16 Feb 2009
MOD 3	Reduction of 18,800 m ² GFA (Barangaroo total 489,500 m ²). Reinstatement of a headland at the northern end of the site and enlargement of the northern cove. Removal of development Block 8 and part of Block 7 and redistribution and re-alignment of Globe Street.	11 Nov 2009
MOD 4	Expansion of concept plan into Sydney Harbour, redistribution of land use mix and increase of maximum GFA by 74,465 m ² (Barangaroo total 563,965 m ²), including revision of BFPUD controls, increase of building heights and establish Blocks X and Y building heights, removal of passenger terminal and increase in community uses and provision of a cultural centre.	16 Dec 2010
MOD 5	Administrative changes	Withdrawn
MOD 6	Realignment of Blocks 3, 4A and 4B development boundaries, amendment of BFPUD controls, bicycle parking rates and design excellence provisions.	25 Mar 2014
MOD 7	Inclusion of concrete batching plants as a temporary permitted use.	11 Apr 2014
MOD 8	Increase of 41,946 m ² GFA (Barangaroo total 605,911 m ²), amended Barangaroo South site boundary, urban structure, layout, land-uses, maximum height, public domain, car parking and amend BFPUD controls.	28 Jun 2016
MOD 9	Modifications to Barangaroo Central, including increases in height and GFA, redistribution of GFA, land uses and public domain areas and modifications to block and building envelopes	(SEARs) 15 Apr 2014
MOD 10	Increase of 8,000 m ² GFA (Barangaroo total 602,354 m ²), increase the height of building envelope R4B by 25 m to RL 235 m, amend building R4B setbacks and amend the Built Form Principles and Urban Design controls.	2 Sep 2020
MOD 11	Allow all 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

Table 8 | Summary of modifications to SSD 6964 (Building R4A)

Mod No.	Summary of Modifications	Approval Authority	Type	Status
MOD 1	<ul style="list-style-type: none"> decrease in total GFA from 48,004m² to 48,002m², comprised of a decrease in retail GFA from 440m² to 438m² reduction in the number of apartments from 327 to 317 revised dwelling mix and associated internal layout refinements floor level adjustments façade and landscaping alterations addition of 13 residential car parking spaces and removal of 1 retail car parking space 	Executive Director	4.55(2)	Approved on 7 February 2020
MOD 2	<ul style="list-style-type: none"> amendments to the pedestrian bridge connecting Buildings R4A and R4B, bridge entrance closure, stairs, lift and landscaping amend window details at Level 2 (pool area) reconfigure plant room layouts at levels 20 and 47 and relocate louvres modify residential lobby water features and vestibule adjust awning height and amend glazed panels at tower parapet and skirt levels redistribution of GFA (no change to total maximum) 	Director	4.55(1A)	Approved on 18 September 2020
MOD 3	<ul style="list-style-type: none"> reduction of total number of apartments from 317 to 315 revised the internal layout of apartment on Levels 68 and 69 façade, roof layout and building maintenance unit alterations reduced car parking spaces from 390 to 375 spaces additional alternate signage zone at ground floor level 	Acting Director	4.55(1A)	Approved on 11 February 2021
MOD 5	<ul style="list-style-type: none"> Reallocation of car parking spaces and storage cages within the shared basement between Buildings R4A and R5 	Executive Director	4.55(1A)	Approved on 14 February 2022

Table 9 | Summary of modifications to SSD 6965 (Building R4B)

Mod No.	Summary of Modifications	Approval Authority	Type	Status
MOD 1	<ul style="list-style-type: none"> increase in retail GFA from 38,896m² to 38,911m² comprised of an increase in retail GFA from 294m² to 309m² reduction in the number of apartments from 297 to 283 revised dwelling mix and associated internal layout refinements floor level adjustments and consequent reduction in height from RL 210 to RL 208.23 façade and landscape alterations addition of 20 residential car parking spaces and removal of 1 retail car parking spaces 	Executive Director	4.55(1A)	Approved on 7 February 2020
MOD 2	<ul style="list-style-type: none"> increase in the number of apartments from 283 to 290 revised dwelling mix and associated internal layout changes façade and landscaping alterations addition of 4 residential car parking spaces 	Director	4.55(2)	Approved on 8 December 2020
MOD 4	<ul style="list-style-type: none"> Reallocation of car parking spaces and storage cages within the shared basement between Buildings R4B and R5 	Executive Director	4.55(1A)	Approved on 14 February 2022

Table 10 | Summary of modifications to SSD 8892218 (Building R4B)

Mod No.	Summary of Modifications	Approval Authority	Type	Status
MOD 2	<ul style="list-style-type: none"> Reallocation of car parking spaces and storage cages within the shared basement between Buildings R4B and R5 	Executive Director	4.55(1A)	Approved on 14 February 2022

Appendix G – Notice of modifications

R4A – SSD 6964 MOD 4

<https://pp.planningportal.nsw.gov.au/major-projects/projects/modification-4-building-r4a-design-changes>

R4B – SSD 6965 MOD 3

<https://pp.planningportal.nsw.gov.au/major-projects/projects/modification-3-building-r4b-design-changes>

R4B – SSD 8892218 MOD 1

<https://pp.planningportal.nsw.gov.au/major-projects/projects/modification-1-r4b-design-refinements-administrative-amendments>