

12 November 2021

2210664

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

Dear Ms Fishburn,

## **SECTION 4.55(1A) MODIFICATION APPLICATION – SSD 6965 BUILDING R4B, ONE SYDNEY HARBOUR, BARANGAROO SOUTH, SYDNEY**

This modification application has been prepared by Ethos Urban on behalf of Lendlease (Millers Point) Pty Ltd (Lendlease), pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify Development Consent SSD 6965 relating to Residential Building R4B at Barangaroo South (the site).

The proposed modifications relate to the reallocation of six car parking spaces and associated storage cages between Building R4B and Building R5 at Basement Level B1. It is noted that no physical changes are proposed to the approved basement, as this application only seeks to reallocate approved parking spaces between the residential buildings.

Building R4B is subject to two development consents that are integrated together, comprising the base consent (SSD 6965) and a secondary consent resulting from an amending DA process, known as SSD 8892218 and provides the overall 68 storey development. Given that the proposed modifications relate to components of the development that were granted approval under SSD 8892218 (being parking), a separate modification application to SSD 8892218 has been submitted and is to be read in conjunction with this modification application.

To ensure that SSD 6965 aligns properly with SSD 8892218, several administrative modifications are required to correctly reference and capture the modifications sought under SSD 8892218. As such, this modification application has been prepared for administrative purposes.

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

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

## **1.0 Consent proposed to be modified**

Building R4B was initially approved under development consent SSD 6965, granted by the Planning Assessment Commission on the 7 September 2017. Under SSD 6965, Building R4B comprised a 60-storey mixed use building, with 297 residential apartments and retail floor space at ground level. This included a total gross floor area (GFA) of 38,896m<sup>2</sup>, 38,602m<sup>2</sup> of which was for residential floor space and the remaining 294m<sup>2</sup> was for retail floor space.

Consent was also provided for associated building public domain works, roof of the proposed Strada, fit-out and use of basement and associated building identification signage.

Development Consent SSD 6965 has been subsequently modified on two occasions under section 4.55 of the EP&A Act, with a third modification currently under assessment by the DPIE.

Development Consent SSD 6965 and the development approved under that consent were also amended more recently via amending development consent SSD 8892218 which was determined on 26 March 2021. SSD 8892218 included approval for alterations and additions to the approved Building R4B, including the construction of eight additional storeys and 5,650m<sup>2</sup> of gross floor area (GFA), amongst other items, to result in the overall 68 storey development. SSD 8892218 amends SSD 6965 by way of conditions of consent.

Development Consent SSD 8892218 specifically approved the following development, and incorporates the approved development of SSD 6965:

*Alterations and additions to Building R4B (SSD 6965) to provide for the construction, fit out and use of a 68-storey mixed-use building, including:*

- a total GFA of 44,561 m<sup>2</sup> comprising 44,252 m<sup>2</sup> residential GFA (322 apartments) and 309 m<sup>2</sup> retail GFA;
- public domain works;
- fit-out and use of the Stage 1B basement car park for Building R4B, including 331 allocated parking spaces;
- demolition of interim basement elements; and
- a signage zone to accommodate future building identification signage.

As outlined above, due to the relationship between SSD 8892218 and SSD 6965, any changes specific to the Development Consent SSD 8892218 must be in turn captured in Development Consent SSD 6965 via a concurrent modification.

## 2.0 Proposed modifications to the consent

### 2.1 Modifications to the development

This modification application seeks consent for the reallocation of six parking spaces and associated storage cages on Level B1 from Building R4B to Building R5. This application does not seek consent for any physical changes. The location of the parking spaces proposed to be reallocated is identified below in **Figure 1**, and can also be seen in the Architectural Plans prepared by Lendlease Integrated Solutions (LLIS), provided at **Attachment A**. It is noted that the reallocation of these spaces is accompanied by a concurrent modification to SSD 6966 – Building R5.



**Figure 1** Proposed reallocation of parking spaces, with clouded pink spaces reallocated to Building R4B, and white, clouded spaces reallocated to R5

Source: LLIS

## 2.2 Modifications to conditions

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

### TERMS OF CONSENT

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

- a) in compliance with the conditions of this consent;
- b) in accordance with all written directions of the Secretary;
- c) generally in accordance with the State Significant Development Application SSD 6965; Environmental Impact Statement prepared by JBA Urban Planning Consultants Pty Ltd dated September 2016; and
- d) generally in accordance with the Response to Submissions report prepared by JBA Urban Planning Consultants Pty Ltd dated February 2017; and further information package, prepared by JBA Urban Planning Consultants dated 5 May 2017; and
- e) generally in accordance with Section 4.55(2) Modification 1 to SSD 6965: Building R4B One Sydney Harbour, Barangaroo South, Sydney Application, and accompanying appendices, prepared by Ethos Urban dated 16 October 2019;
- f) generally in accordance with Response to Submissions: SSD 6965 MOD 1: Building R4B One Sydney Harbour, Barangaroo South, Sydney and accompanying appendices, prepared by Ethos Urban dated 2 December 2019;
- g) generally in accordance with the additional information: SSD\_6965 MOD 1 prepared by Ethos Urban dated 3 December 2019;
- h) in accordance with Section 4.55(2) Modification 2 to SSD 6965: Building R4B, One Sydney Harbour, Barangaroo South, Sydney Application, and accompanying appendices, prepared by Ethos Urban dated 11 September 2020;
- i) in accordance with Response to Submissions: Building R4B (SSD 6965) MOD 2 and accompanying appendices, prepared by Ethos Urban dated 29 October 2020;
- j) in accordance with the additional information: SSD 6965 - Building R4B – Modification (MOD 2) prepared by Lendlease dated 18 November 2020; and
- k) in accordance with **Section 4.55(1A) Modification 3 to SSD 6965: Building R4B, One Sydney Harbour, Barangaroo South, Sydney Application, and accompanying appendices, prepared by Ethos Urban dated 12 November 2021**
- \* l) the following drawings:

Architectural Plans prepared by Renzo Piano Building Workshop <b>and Lendlease Integrated Solutions</b>			
Drawing No.	Rev	Name of Drawing	Date
(...)			
<del>BR4B_ASD_PA1_1001</del> <del>BR4B_ASD_PA2_1001</del>	<del>20</del> <del>2</del>	Setout Plan Basement Level B4	<del>03/05/2019</del> <b>21 Oct 2021</b>
<del>BR4B_ASD_PA1_1002</del> <del>BR4B_ASD_PA2_1002</del>	<del>21</del> <del>2</del>	Setout Plan Basement Level B3	<del>19/06/2020</del> <b>21 Oct 2021</b>
<del>BR4B_ASD_PA1_1003</del> <del>BR4B_ASD_PA2_1003</del>	<del>20</del> <del>2</del>	Setout Plan Basement Level B2	<del>03/05/2019</del> <b>21 Oct 2021</b>
<del>BR4B_ASD_PA1_1004</del> <del>BR4B_ASD_PA2_1004</del>	<del>20</del> <del>2</del>	Setout Plan Basement Level B1	<del>03/05/2019</del> <b>21 Oct 2021</b>
<del>BR4B_ASD_PA1_1005</del> <del>BR4B_ASD_PA2_1005</del>	<del>20</del> <del>2</del>	Setout Plan Basement Level B0	<del>03/05/2019</del> <b>21 Oct 2021</b>
(...)			

**Reason:** To reflect the most recent revision of the Architectural Plans sought to be amended under the concurrent modification to SSD 8892218 which illustrate the reallocation of car parking spaces and storage cages.

### 3.0 Substantially the same development

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

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

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

### 4.0 Environmental assessment

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if *“it is satisfied that the proposed modification is of minimal environmental impact”*. Under section 4.55(3) the consent Authority must also take into consideration the relevant matters to the application referred to in section 4.15(1) of the EP&A Act and the reasons given by the consent authority for the grant of the original consent.

A thorough assessment of the proposed modifications to the development approved under Development Consent SSD 8892218 is provided in the separate modification application. This assessment demonstrates that the development, as proposed to be modified, will be of minimal environmental impact and complies with the associated environmental assessment framework including the Barangaroo Concept Plan (as modified). As only administrative changes are proposed to Development Consent SSD 6965 there are no impacts when considering the relevant matters under Section 4.15(1), and therefore there is no need for further assessment.

#### 4.1 Reasons given for granting consent

The Planning Assessment Commission determination report sets out the following reasons for approval of SSD 6965:

- The development will deliver building outcomes of design excellence.
- The development is consistent with the Concept Plan.
- The development is in the public interest.

The proposed development as modified does not alter the approved development's consistency with the above reasons for granting consent.

## 5.0 Conclusion

This proposed modification application seeks consent for administrative changes to Development Consent SSD 6965. The modification application is made in the context of a concurrent amendment sought to Development Consent SSD 8892218, and will ensure consistency and alignment across these two development consents that are integrated together for the delivery of Building R4B.

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

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

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

Yours sincerely,



**Alex Heath**  
*Junior Urbanist*



**Brendan Hoskins**  
*Associate Director*