

13 December 2022

2220487

Mr Michael Cassel
Secretary
Department of Planning and Environment
12 Darcy Street,
PARRAMATTA NSW 2150

Dear Mr Cassel,

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

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

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 for the overall 68 storey development, including final parking. This modification application relates to a change to the basement entry, which is specific to SSD 6965.

To ensure that SSD 6965 aligns properly with SSD 8892218, several administrative modifications to SSD 8892218 are also required to correctly reference and capture the modifications sought under this modification to SSD 6965. A number of physical changes are also proposed to the development approved under SSD 8892218. As such, a separate modification to SSD 8892218 has been submitted under a separate application and is to be read in conjunction with this modification application.

The proposed modification application to SSD 6965 seeks approval for the introduction of a new building signage zone to the southern frontage of Building R4B, located on the basement entry ramp (in ground).

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:

- Amended Architectural Plans prepared by PTW Architects (PTW) (**Attachment A**).
- Design Report prepared by Renzo Piano Building Workshop (RPBW) (**Attachment B**).

1.0 Background

1.1 SSD 6965 and SSD 8892218

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 38,896m², 38,602m² of which was for residential floor space and the remaining 294m² 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 five occasions under section 4.55 of the EP&A Act, with another modification application currently being prepared that will precede this modification.

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 5,650m² of gross floor area (GFA), amongst other items to result in the overall 68 storey development and maximum parking. 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 m² comprising 44,252 m² residential GFA (322 apartments) and 309 m² 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.*

Development Consent SSD 8892218 has been subsequently modified on four occasions under section 4.55 of the EP&A Act.

Due to the relationship between SSD 8892218 and SSD 6965, any changes specific to the Development Consent SSD 6965 must be in turn captured in Development Consent SSD 8892218 via a concurrent modification, and vice versa.

2.0 Consent proposed to be modified

This application seeks to amend SSD 6965 to capture the built form changes relating to the development approved under Development Consent SSD 6965. This constitutes the seventh modification application to SSD 6965.

A concurrent modification to SSD 8892218 reflecting the necessary amendments to the conditions of consent for Development Consent SSD 8892218 is also under assessment. This separate modification application also includes specific changes to the development approved under SSD 8892218, specifically internal amendments to apartment UB05 on level 59 (comprising kitchen refiguration and changes to bedrooms) and parking.

Building R4B, which is subject to this modification application, is shown in **Figure 1**.



Figure 1 Building R4B (and Building R4A) currently under construction

Source: Lendlease

3.0 Proposed modifications to the consent

3.1 Modifications to the development

This modification seeks to introduce a new building identification signage zone to the southern frontage of Building R4B, located on the basement entry ramp (in ground).

This is discussed in further detail below.

Building Identification Signage

A new building identification signage zone is proposed to be located within the ground at the basement parking entrance ramp on the southern frontage of Building R4B. This signage is proposed to comprise of recessed metal lettering within the stone paving of the driveway comprising the words 'One Sydney Harbour', and will assist in wayfinding for visitors and residents of the three buildings.

This is shown in **Figure 2**. A reference image is shown at **Figure 3**.

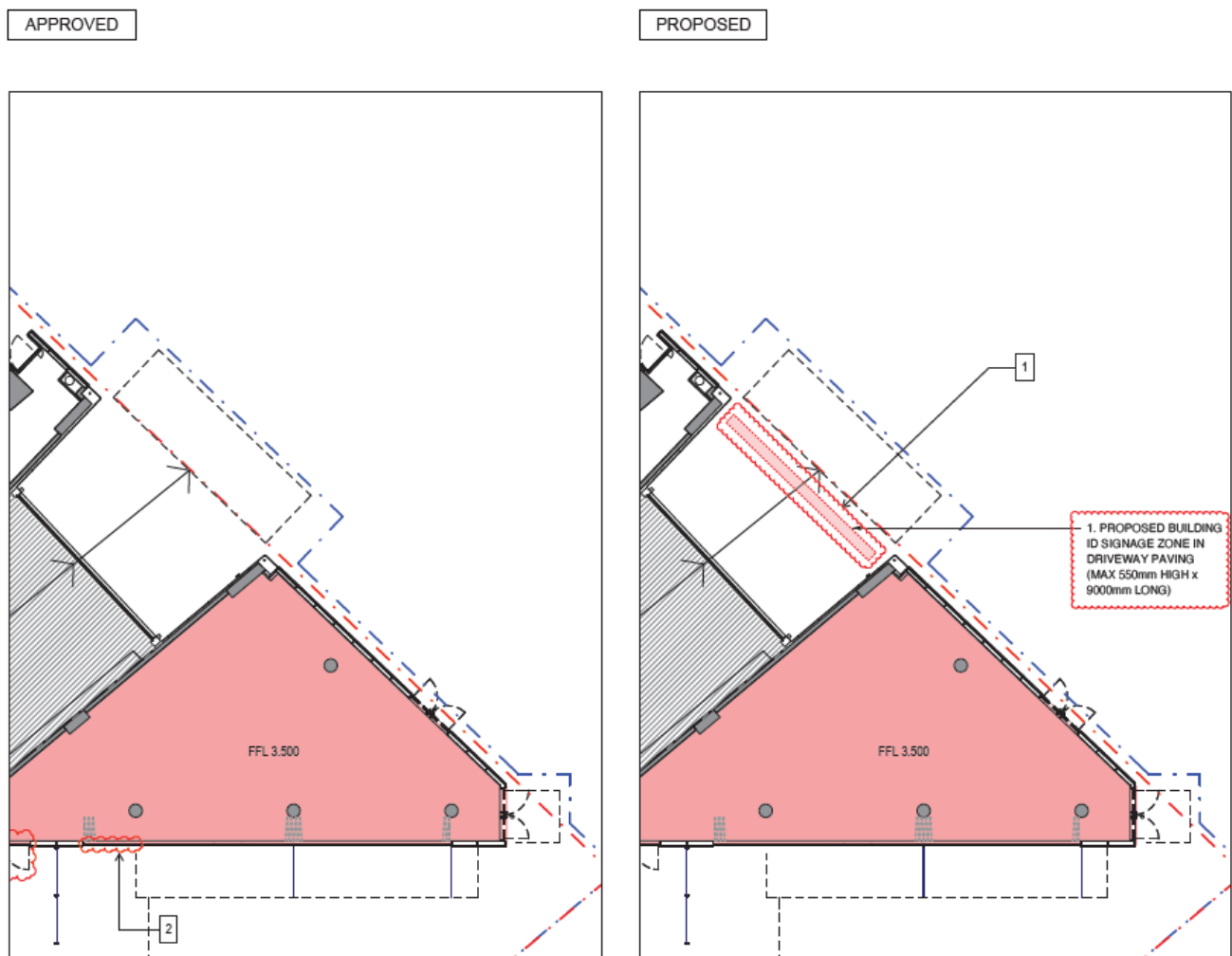


Figure 2 Proposed introduction of building identification signage

Source: RBPW



Figure 3 Design reference

Source: Lendlease

3.2 Modifications to conditions

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

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;
- 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;
- 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; 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; the additional information: SSD_6965 MOD 1 prepared by Ethos Urban dated 3 December 2019;
- f) 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; Response to Submissions: Building R4B (SSD 6965) MOD 2 and accompanying appendices, prepared by Ethos Urban dated 29 October 2020; the Response to Request for Information: SSD 6965 Building R4B Modification (MOD 2) and accompanying appendices prepared by Lendlease dated 18 November 2020;
- g) in accordance with Section 4.55(1A) Modification 3 to SSD 6965: Building R4B, One Sydney Harbour, Barangaroo South Sydney and accompanying appendices prepared by Ethos Urban dated 1 December 2021; Response to Submissions and accompanying appendices prepared by Ethos Urban dated 18 February 2022;
- h) in accordance with Section 4.55(1A) Modification 4 to SSD 6965: Building R4B, One Sydney Harbour, Barangaroo South, Sydney Application, and accompanying appendices, prepared by Ethos Urban dated 12 November 2021; the additional information prepared by Lendlease dated 31 January; Response to Request for Additional Information prepared by Lendlease dated 7 February 2022; and
- i) In accordance with Section 4.55(1A) Modification 6 to SSD 6965: Building R4B, One Sydney Harbour, Barangaroo South, Sydney Application, and accompanying appendices, prepared by Ethos Urban dated 29 September 2022; ~~and~~
- j) **In accordance with Section 4.55(1A) Modification 7 to SSD 6965: Building R4B, One Sydney Harbour, Barangaroo South, Sydney Application, and accompanying appendices, prepared by Ethos Urban dated 13 December 2022; and**
- k) The following drawings:

Architectural Plans prepared by Renzo Piano Building Workshop and PTW Architects			
Drawing No.	Revision	Name of Plan	Date
BR4B_ASD_PA1_2000	22 23	Plan Ground Floor Level 00	14/06/2022 06/10/2022
BR4B_ASD_PA2_3059	1 3	Plan Upper Plate Level 59	14/06/2022 06/10/2022
BR4B_ASD_PA2_9000	2 5	GFA Calculation	14/06/2022 06/10/2022

Reason: The ensure the architectural drawings reflect the development, as proposed to be modified.

4.0 Substantially the same development

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

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 R4B, which will remain as a mixed-use building comprised of residential and retail uses and associated basement parking.
- The proposed modifications continue to achieve a high standard of design excellence, and do not propose any changes to the approved crystal form adopted for the family of One Sydney Harbour buildings.
- No change is proposed to the approved maximum building height or GFA.
- The proposed physical amendments do not impact upon the building's compliance with SEPP 65 or the Apartment Design Guide.
- The modified development will not give rise to any additional environmental impacts beyond those that were considered and deemed acceptable in the original Development Consent.

5.0 Environmental assessment

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

The following assessment considers the relevant matters under section 4.15(1) and demonstrates that the development, as proposed to be modified, will be of minimal environmental impact.

5.1 State Environmental Planning Policies

Table 1 provides an analysis of the proposed modifications' compliance with the relevant provisions of applicable State Environmental Planning Policies.

Table 1 State Environmental Planning Policies

Instrument	Assessment						
State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65)	The proposed signage will not have any impact on the approved compliance with SEPP 65.						
State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021	<table><tr><td>The Barangaroo site is listed as a State Significant Site under Appendix 5 of the Eastern Harbour SEPP. The following is an assessment of the proposal's compliance with the Eastern Harbour SEPP</td><td></td></tr><tr><td>Clause 8 – Zone B4 Mixed Use</td><td>The proposed development is a form of shop top housing, comprising ground level retail with residential uses above, and is permissible and consistent with the objectives of the B4 Mixed Use zone. No change to the approved use is proposed.</td></tr><tr><td>Clause 17 – Height of Buildings (maximum RL 250)</td><td>The proposed modification does not seek to alter the approved height of Building R4B.</td></tr></table>	The Barangaroo site is listed as a State Significant Site under Appendix 5 of the Eastern Harbour SEPP. The following is an assessment of the proposal's compliance with the Eastern Harbour SEPP		Clause 8 – Zone B4 Mixed Use	The proposed development is a form of shop top housing, comprising ground level retail with residential uses above, and is permissible and consistent with the objectives of the B4 Mixed Use zone. No change to the approved use is proposed.	Clause 17 – Height of Buildings (maximum RL 250)	The proposed modification does not seek to alter the approved height of Building R4B.
The Barangaroo site is listed as a State Significant Site under Appendix 5 of the Eastern Harbour SEPP. The following is an assessment of the proposal's compliance with the Eastern Harbour SEPP							
Clause 8 – Zone B4 Mixed Use	The proposed development is a form of shop top housing, comprising ground level retail with residential uses above, and is permissible and consistent with the objectives of the B4 Mixed Use zone. No change to the approved use is proposed.						
Clause 17 – Height of Buildings (maximum RL 250)	The proposed modification does not seek to alter the approved height of Building R4B.						

Instrument	Assessment	
State Environmental Planning Policy (Industry and Employment) 2021	Clause 18 – Gross Floor Area Restrictions – maximum 86,979m ² (across Building R4A and R4B)	No changes to the total GFA of the building are proposed as part of this application. Therefore, the total GFA of R4A and R4B remains consistent with the maximum GFA restriction. A GFA Calculations table is included in Attachment A .
	Clause 19 – Design Excellence	The proposed development will continue to achieve a high standard of design excellence. No substantial physical amendments are proposed to the building, and therefore, no changes are expected to the approved overall design excellence.
	Schedule 5 – Assessment Criteria (signage)	An assessment against the relevant criteria as per Schedule 5 of the Industry and Employment SEPP is provided below.
	Schedule 5	
	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 signage is of a scale and design which is compatible with the character of the development and the area.
	Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed signage is consistent with the locality. No third-party advertising is proposed.
	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 proposal does not detract from the visual quality of any surrounding heritage buildings or open space and has been carefully designed to include the highest quality materials that will contribute to the aesthetic of the area. The signage achieves an appropriate functional balance for the future use of the site as a hospital and will not adversely impact on surrounding development.
	Does the proposal obscure or compromise important views?	The proposed signage does not obscure or compromise any important views.
	Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signage is modest in design and scale, and will not dominate the skyline or reduce the quality of vistas.
	Does the proposal respect the viewing rights of other advertisers?	The proposed signage does not obstruct the views of any existing signage on or in the vicinity of the site.
	Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale, proportion and form of the signage is appropriate for the type of the development.
	Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage is of a modest design and will effectively identify the building from the surrounding streetscape and promote wayfinding through identification of the vehicular entrance to the building.
	Does the proposal reduce clutter by rationalising and simplifying existing advertising?	N/A
	Does the proposal screen unsightliness?	The proposed signage does not screen unsightliness, rather it fits within the design of the One Sydney Harbour buildings.
	Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signage does not protrude above the proposed roof/canopy height. It is proposed to be located within the ground.

Instrument	Assessment	
	Does the proposal require ongoing vegetation management?	The proposed signage does not require ongoing vegetation management.
	Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed signage is compatible with the scale and proportion of the proposed development.
	Does the proposal respect important features of the site or building, or both?	The proposed signage is respectful in design and is appropriately integrated with the features of the One Sydney Harbour development.
	Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed sign appropriately relates to its location, being at the main basement entrance, and is attractive and tasteful in design.
	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?	Not applicable.
	Would illumination result in unacceptable glare?	No illumination proposed.
	Would illumination affect safety for pedestrians, vehicles or aircraft?	No illumination proposed.
	Would illumination detract from the amenity of any residence or other form of accommodation?	No illumination proposed.
	Can the intensity of the illumination be adjusted, if necessary?	No illumination proposed.
	Is the illumination subject to a curfew?	No illumination proposed.
	Would the proposal reduce safety for any public road?	The proposed signage does not contain images, flashing lights, moveable parts and the like which would impact upon road safety.
	Would the proposal reduce safety for pedestrians/cyclists?	The location and scale of the proposed signs do not pose any adverse impacts on pedestrian or cyclist safety.
	Would the proposal reduce safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signage will not obscure sightlines from public areas.

5.2 Barangaroo Concept Plan

An assessment of the proposed modifications against the Concept Plan (as modified) is provided in **Table 2**. It is noted that the proposed modification does not seek any amendment to the total height of building, setbacks or gross floor area outlined within the Concept Plan. The assessment demonstrates that the proposed development is generally consistent with the approved Concept Plan (as modified). **Table 3** demonstrates that the proposal is consistent with the Barangaroo South Built Form and Urban Design Guidelines.

Table 2 Concept Plan (as modified) provisions

Concept Plan (as modified) Control – Block 4A (R4A and R4B)	Building R4A (not subject to this application)	Building R4B	Total	Assessment
Maximum Residential GFA – 91,816m ²	47,564m ² (no change)	44,252m ² (no change)	91,816m ²	✓
Other Uses GFA – 813m ²	438m ² (no change)	309m ² (no change)	747m ²	✓
Total GFA – 92,629m ²	48,002m ² (no change)	44,561m ² (no change)	92,563m ²	✓
Maximum height – RL 250	RL 250 – no change	RL 208.230 (no change)	-	✓
Tower Setbacks – Setbacks are generally in accordance with the Building Envelope Plan in the Concept Plan. Predominant tower mass is set back from Globe Street by a minimum of 2 metres	No change	No change	N/A	✓

Table 3 Concept Plan (as modified) – Built Form and Urban Design Guidelines

Concept Plan (as modified) Block 4A	Building R4B	Assessment
Control 9: Signage – Objectives and Standards		
To ensure that the location, size, appearance and the quality of the signage on the building is appropriate	The new signage zone proposed to be located at the basement entrance of R4B is appropriate in relation to the location, size and appearance within the precinct.	Consistent
Building identification signage is to be limited to one sign per frontage at podium level.	This is the only building identification signage proposed on this frontage. The only other sign on this frontage is wayfinding signage to provide directions into the One Sydney Harbour basement entrance.	Consistent
Signage is not to exceed 15m ² per sign.	The sign is only 4.5m ² in area.	Consistent
Details of signage to be considered as part of the overall design of the building for the purposes of Design Excellence.	The sign is of high quality and contributes to the building's overall consistency with Design Excellence.	Consistent
Each new development application submitted for the erection of a new building/s is to include as a minimum a description and illustration of intended signage location/s and form. Where detailed signage proposals are not included in the works proposed in a Development Application for the erection of new buildings, actual sign approvals will be subject to separate Development Applications.	The Design Report at Appendix B provides description of the proposed Building Identification signage.	Consistent

5.3 Reasons given for granting consent

The key reasons for granting consent to the SSD development application are as follows:

- The project would provide a range of benefits for the region and the State as a whole, as it is consistent with the Barangaroo Concept Plan which provides for the regeneration of the former dilapidated waterfront site, extensive new areas of public open space, key worker housing, public art, community uses, employment opportunities and flooding draining infrastructure.

- The project will provide additional residential density with excellent access to public transport, including a planned high frequency Metro and is conveniently located to shops, services and the CBD.
- The project is permissible with development consent and is consistent with NSW Government policies including the Region Plan and Eastern City District Plan, as it will aid in the delivery of the housing target of 157,500 homes in the Eastern City between 2016 and 2036 and provides for construction and operational jobs.
- The impacts on the community and the environment, including traffic and car parking, construction and heritage can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards.
- The issues raised by the community during consultation and in submissions have been considered and adequately addressed. The project would not result in view loss, overshadowing, wind or privacy impacts beyond what has already been determined to be acceptable as part of the approval of the original Building R4B development (SSD 6965).
- Weighing all relevant considerations, the project is in the public interest

The proposed modifications remain consistent with these reasons for granting consent, given the minor nature of the proposed modifications. The proposed refinements will continue to deliver building outcomes of design excellence and remain consistent with the Concept Plan. Furthermore, the proposed modifications will not compromise any of the key features of the development that contributed to its approval, rather enhance it.

6.0 Conclusion

The proposed modifications application seeks consent for the introduction of a new building identification signage zone to the southern frontage of Building R4B, located on the basement entry ramp (in ground).

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

- The consent, as proposed to be modified, is substantially the same development as that originally approved.
- The proposed modifications are minor and will not have any substantial environmental impacts, as supported by this report and other technical reports submitted with the modification application.
- The modifications comply with the Barangaroo Concept Plan and relevant State Environmental Planning Policies.

We trust that this information is sufficient to enable assessment of the proposed modification request. If you have any further questions on the above matter, please do not hesitate to contact us.

Yours sincerely,



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