



Building R5 Modification 1

Design Amendments
State Significant Development Modification Assessment
(SSD 6966 MOD 1)

August 2021



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Glossary

Abbreviation	Definition
BFPUD	Barangaroo Built Form Principles and Urban Design
ADG	Apartment Design Guide
Applicant	Lend Lease (Millers Point) Pty Ltd
Application	SSD 6966 MOD 1
Commission	Independent Planning Commission
Concept Plan / Concept Approval	Approved Barangaroo Concept Plan for the redevelopment of the site (MP 06_0162), as modified
Consent	Development Consent
Council	City of Sydney
Department	Department of Planning, Industry and Environment
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPI	Environmental Planning Instrument
GFA	Gross Floor Area
Minister	Minister for Planning and Public Spaces
Planning Secretary	The Planning Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy
SSD	State Significant Development
SSP	State Significant Precinct
TfNSW	Transport for New South Wales

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Executive Summary

Introduction

This report provides an assessment of an application (SSD 6966 MOD 1) seeking to modify the consent for the construction, use and fit-out of a 30-storey residential building known as Building R5, at Barangaroo South.

The application seeks approval to:

- increase GFA by extending the Building R5 floor plate
- add two additional key worker housing (KWH) apartments
- make minor external design changes to building facades and amended signage zones
- make minor internal changes to apartment layouts, communal areas, service areas and finished floor levels
- introduce temporary public art.

The application has been lodged by Lendlease (Millers Point) Pty Limited pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) (the Applicant).

Engagement

The Department of Planning, Industry and Environment (the Department) publicly exhibited the Modification Application between 1 February 2021 to 14 February 2021. The Department received nine submissions, comprising five from public authorities, one from City of Sydney Council (Council) and two public submissions. Council raised concerns with amenity for KWH apartments, ADG compliance and building bulk. The key concerns raised in the public submissions relate to the increase in the footprint and view loss.

Assessment

The Department has considered the merits of the proposal in accordance with the relevant matters under section 4.15(1) of the Environmental Planning and Assessment Act 1979 (EP&A Act), the issues raised in the submissions and the Applicant's response to these. The Department's assessment concludes that the proposal is acceptable as:

- the development will continue to achieve design excellence as all changes have been designed by Renzo Piano and PTW Architects and accompanied by a design verification statement verifying design excellence principles have been maintained
- the minor extension of the building footprint and external design changes would not alter the apparent bulk of the building, would maintain the architectural design integrity of the façade and would not result in any significant visual, view loss, overshadowing or wind impacts beyond those already assessed and approved
- the modifications to the internal layouts are minor and the apartments would continue to have a high level of amenity for future occupants
- the proposed two additional KWH apartments will be managed by a community housing provider to provide affordable housing for essential workers in a highly accessible location within

Barangaroo, and achieve a good level of residential amenity satisfying 12 of the 14 key ADG criteria

- the changes to the KWH podium including an enclosed area would result in improved amenity and usability for future KWH residents.

Conclusion

Following its detailed assessment, the Department concludes that the proposal is acceptable as it has strategic merit, would not result in any significant impacts beyond those already considered and is substantially the same development for which consent was originally granted. The Department is satisfied the proposal is in the public interest and recommends the application be approved subject to conditions.

1 Introduction

This report provides an assessment of an application seeking to modify the consent for the construction, use and fit-out of a 30-storey residential building known as Building R5, at Barangaroo South (SSD 6966 MOD 1), 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 GFA by extending the Building R5 floor plate
- add two additional key worker housing (KWH) apartments
- make minor external design changes to building facades and amended signage zones
- make minor internal changes to apartment layouts, communal areas, service areas and finished floor levels
- introduce temporary public art.

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 2**).

The Barangaroo site is the subject of a Concept Approval 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 | The location of Building R5 within Block 4B in Barangaroo South layout (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) and Stage 1C (the Crown Sydney Hotel Resort) largely complete and Buildings R4A and R4B within Stage 1B under construction.

This modification application relates only to Building R5, which is located within Stage 1B, Block 4B 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.

The Concept Approval has been modified on 11 occasions as summarised at **Appendix D**. 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 587,354 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 development.

Of particular relevance to this application, Modification 10, approved on 2 September 2020, increased Block 4B GFA by 2,350m², and amended the BFPUD controls.

1.3.2 Building R5 approval

On 3 October 2019, the Independent Planning Commission (the IPC) approved an SSD application (SSD 6966) for the construction, use and fitout of a 30-storey (RL 107) mixed-use development known as Building R5 within Barangaroo South Block 4B. Building R5 includes 48 KWH apartments.

Following the approval of Modification 10 to the Concept Approval on 2 September 2020, the current application seeks approval for modifications to Building R5.

2 Proposed modification

The proposed modification application seeks approval to modify the development consent for Building R5 to:

- increase GFA by extending the Building R5 floor plate
- add two additional key worker housing (KWH) apartments
- make minor external design changes to building facades and amended signage zones
- make minor internal changes to apartment layouts, communal areas, service areas and finished floor levels
- introduce temporary public art.

No changes to the height of the building are proposed.

The key components and features of the proposal are summarised at **Table 1** and shown in Error! Reference source not found. to **Figure 6**. A comparison of the key elements of the original approval and as proposed, is provided at **Table 2**. A link to the application is provided at **Appendix A**.

Table 1 | Key components of the modification

Component	Modification Description
Internal changes	<p>Basement</p> <ul style="list-style-type: none">• a reduction of 33m² of basement floor area to be allocated to SSD 6960 <p>Ground Level 00</p> <ul style="list-style-type: none">• Amended lobby entry• changes to line of the podium facade and lobby entry• minor internal layout changes, including relocation of the retail lift <p>Podium Level P1</p> <ul style="list-style-type: none">• the addition of two Key Worker Housing apartments (184m²)• changes to line of the podium facade and lobby entry• geometry changes and extension of awnings <p>Podium Level P2</p> <ul style="list-style-type: none">• increase the KWH communal open space from 247.4 m² to 278 m² and enclose a portion of the terrace (44 m²) as an indoor community space and associated minor amendments to the podium landscaping <p>Levels 01 - 27</p> <ul style="list-style-type: none">• internal layout refinements (added storage/robe, relocated bedroom, relocated kitchen)• added study rooms to 86 apartments• amendments to the bathroom exhaust systems and associated design reconfiguration <p>Mixed levels</p> <ul style="list-style-type: none">• finished ceiling heights increase from 2.7m to 3m on levels P02, L24, L25 and L27• amendments to floor to floor heights on levels P02, L16, L24 – L27
External changes	<p>All levels</p> <ul style="list-style-type: none">• Extension of the floor plate with a shift of the Hickson Park facade of 1.845 m to 2.4 m• Removal of balcony blinds• Façade adjustments including removal of the lip framed cladding and panel material changes <p>Podium levels</p>

- Replacement of external blinds with internal roller blinds
- Window layout revisions

Podium Level P2

- A revised external terrace design with more covered area and awning structure

Apartment 01 All levels

- Addition of full height balustrade glass for Apartment 01 across all levels
- Amendment to the sliding door arrangement

Skyhomes

- Amendments to the operable windows
- Removal of the horizontal brise-soleil on the north western and south western facade

Signage

- Additional signage zones at both the market and Key Worker Housing lobbies to provide flexibility for the final signage location

Roof

- Refinement of the lift motor room location

Other

- Amendments to the louvre design and location for plant rooms on levels L26-L27 to face Hickson Road

Table 2 | Comparison of key elements of the original approval and as proposed

Description	Original SSD Approval	Proposed																
GFA	<p>19,158 m²</p> <ul style="list-style-type: none"> • 18,287 m² residential • 871 m² retail 	<p>21,425.3 m² (+ 2,267.3 m²)</p> <ul style="list-style-type: none"> • 20,636 m² residential (+ 2,349 m²) • 789.3 m² retail (- 81.7 m²) 																
No of Apartments	210	212 (+2)																
Unit mix (%)	<table> <tr> <td>1 Bedroom</td> <td>69 + 34 KWH</td> </tr> <tr> <td>2 Bedroom</td> <td>62 + 14 KWH</td> </tr> <tr> <td>3 Bedroom</td> <td>29</td> </tr> <tr> <td>4 Bedroom</td> <td>2</td> </tr> </table>	1 Bedroom	69 + 34 KWH	2 Bedroom	62 + 14 KWH	3 Bedroom	29	4 Bedroom	2	<table> <tr> <td>1 Bedroom</td> <td>69 + 36 (+2) KWH</td> </tr> <tr> <td>2 Bedroom</td> <td>62 + 14 KWH</td> </tr> <tr> <td>3 Bedroom</td> <td>29</td> </tr> <tr> <td>4 Bedroom</td> <td>2</td> </tr> </table>	1 Bedroom	69 + 36 (+2) KWH	2 Bedroom	62 + 14 KWH	3 Bedroom	29	4 Bedroom	2
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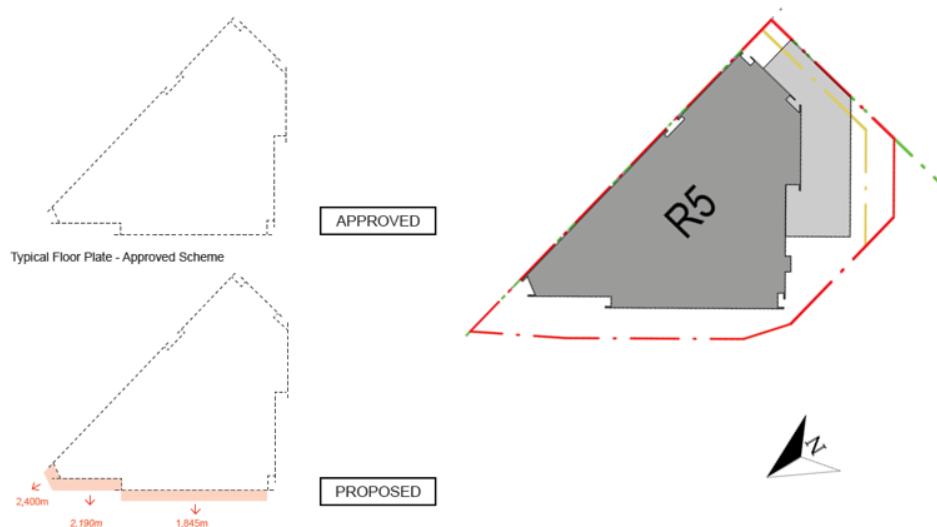


Figure 3 | Proposed extension of the Hickson Park façade (left) and proposed R5 building with approved building envelope boundary in red (right) (Base source: Applicant's Design Report and Architectural Plans)

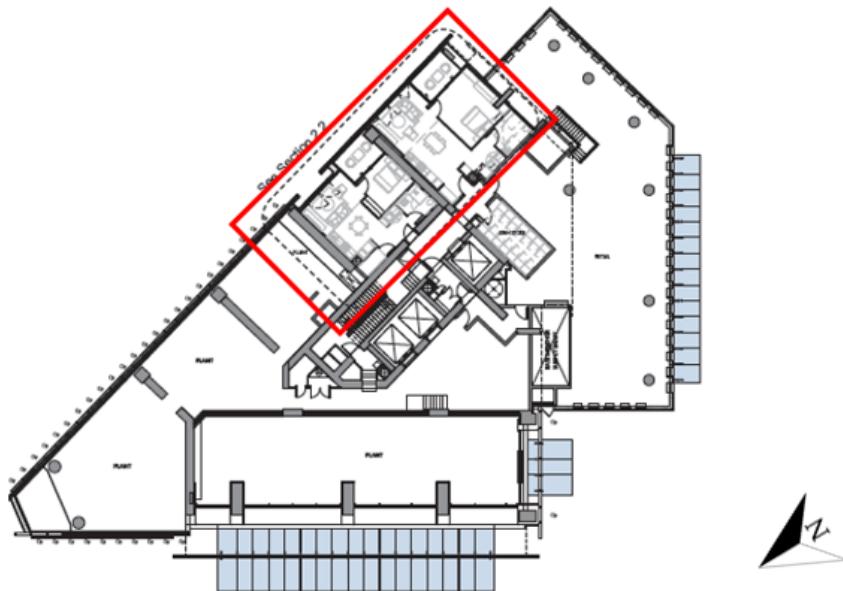


Figure 4 | Proposed key worker housing (in red) on Level PO1 (Base source: Applicant's Design Report)



Figure 5 | Approved (left) and proposed (right) key worker housing communal terrace including inclusion of indoor space (yellow), amended landscaping (orange), and usable open space (blue) (Base source: Applicant response)

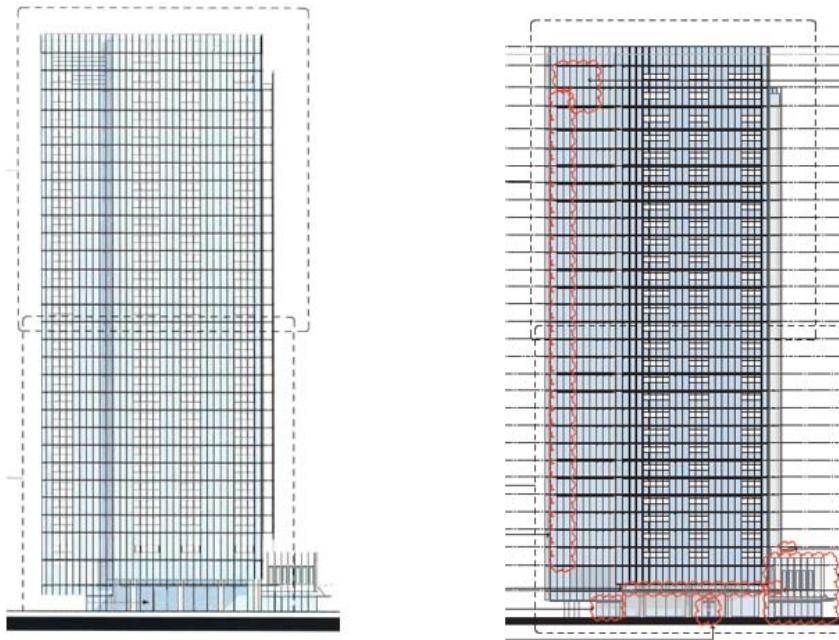


Figure 6 | Hickson Road elevation approved (left) proposed (right) (Base source: Applicant's Architectural Package)

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
- 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, under Schedule 2 (Barangaroo Site Delegations) of the Minister's delegation, the Executive Director, Key Sites Assessments, may determine the application as:

- a political disclosure statement has not been made
- there are less than 50 public submissions in the nature of objection
- the Executive Director has formed the opinion that if approved, the application would be generally consistent with the approved Barangaroo Concept Plan (MP06_0162)
- the Executive Director has formed the opinion that any submission made about the application by the Council of the City of Sydney has 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(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
- objects under the Act
- 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 proposal. The Department has also considered the relevant matters in **Section 5** and **Appendix B** of this report.

The Department is satisfied the proposed modifications are consistent with the objects of the EP&A Act.

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 proposal against the Concept Approval 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 Monday 1 February until Sunday 14 February 2021 (14 days). The application was made publicly available on the Department's website and was referred to Council, TfNSW, RMS, Heritage NSW, Sydney Water, MAAS, Foreshores and Waterways for comment.

A total of nine submissions were received in response to the exhibition of the EIS and one submission on the RtS.

A summary of the exhibition and submissions received is provided in Table 3. A summary of the issues raised in the submission is provided in **Sections 4.2 to 4.4**. Copies of the submissions may be viewed at **Appendix A**.

Table 3 | Summary of public exhibition and notification of the application

Stage	Submissions
EIS	8 submissions comprising: <ul style="list-style-type: none">• 1 Council• 5 Public authorities• 2 public
RtS	• 1 Council

The Department has considered the comments raised in the Council, government agencies and public submissions during the assessment of the application (**Section 5**) and in the recommended conditions of consent at **Appendix F**.

4.2 Key issues – public authorities

The key issues raised in submissions by public authorities are summarised in **Table 4**.

Table 4 | Council and Public authority submissions to the EIS and RtS of the proposal

Transport for NSW	
EIS	<ul style="list-style-type: none">• TfNSW raised no objection and advised that the application has been reviewed and no comments are provided at this stage.
RMS	
EIS	<ul style="list-style-type: none">• RMS raised no objection and advised that the application has been reviewed and no comments are provided at this stage.
Heritage NSW	
EIS	Heritage NSW did not raise objection and noted the following: <ul style="list-style-type: none">• the proposed SSD is not located within the curtilage of any State Heritage Register (SHR) items and is within the vicinity of a numerous SHR items

	<ul style="list-style-type: none"> the original approved development in its entirety will result in a high degree of changes to views, as identified in the photomontage document, however the proposed modifications relevant to this development amendment do not alter this outcome.
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Forshores and Waterways Planning and Advisory Committee

EIS	<ul style="list-style-type: none"> The Foreshores and Waterways Planning and Advisory Committee raised no objection, raised no specific issues and does not wish to make any further comments.
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Sydney Water

EIS	<p>Sydney Water raised no objection and provided the following comments:</p> <p>Water and Wastewater Servicing</p> <ul style="list-style-type: none"> no objection to the proposed modification as the additional development will not have a significant additional impact on the existing system Sydney Water are currently working with Lendlease under the Section 73 application for SSD-6966 At the Section 73 application phase for the development phase for the development modification proposal, the developer must update Sydney Water with the additional apartments proposed and any potential additional flows to our wastewater system <p>Stormwater</p> <ul style="list-style-type: none"> The Applicant should ensure that satisfactory steps/measures are taken to protect existing stormwater assets <p>The Applicant should consider taking measures to minimise or eliminate potential flooding and/or degradation of water quality, should avoid adverse impacts on any heritage items, and should create pipeline easements where required</p>
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Museum of Applied Arts and Sciences

EIS	<ul style="list-style-type: none"> MAAS advised that they will not be making a submission.
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The Department has considered the comments raised by community, Council and public authority during the assessment of the application (**Sections 5.3 and 5.4**) and where appropriate has recommended conditions of consent (**Appendix E**) to minimise the impacts of the proposal.

4.3 Key issues – Council

Council made a submission to the EIS and RtS, as summarised in **Table 5**.

Table 5 | Council and Public authority submissions to the EIS and RtS of the proposal

Council	
EIS	<p>Council provided comments and raised concern with:</p> <ol style="list-style-type: none"> Key Worker Housing

	<ul style="list-style-type: none"> • it is unclear if the acoustic impacts on the KWH have been adequately considered and why the retail use required access to the residential lift foyer at level 1 • the proposed modification makes no attempt to increase the amenity of these apartments by further decreasing solar access compliance and restricting access to communal open spaces to overshadowed terrace at Level 2 <p>2. Residential apartments</p> <ul style="list-style-type: none"> • the internalised studies are located at significant distance from a natural light source, resulting in artificial light being required, this is exacerbated in apartments which exceed 8m depth • the justification for the full height windows and open plan is insufficient <p>3. Increased building bulk</p> <ul style="list-style-type: none"> • the increase of the glass line of the building to the north towards Hickson Park will increase potential impacts on the public park and the surrounding public domain areas • it is unclear whether the findings of the report are accurately reflecting the proposed amended development and if there are any additional adverse wind impacts on the public domain • the increased building bulk now appears to be inconsistent with the established 12-16m exclusions zones between the three residential buildings and the edge of Hickson Park as approved in SSD 7944 • the proposed skewed building line and increase in the bulk of the building impacts the approved consistent building line for residential buildings R4A, R4B and R5 and reduces public amenity by impacting on circulation spaces at the ground floor plane • it is recommended that the applicant respond to whether the public domain works approval was considered in the preparation of the application and a justification for the encroachment into the established exclusion zone
RtS	<p>Council provided comments and raised concern with:</p> <p>1. Key Worker Housing</p>

	<ul style="list-style-type: none"> • Applicant has made no attempt to increase the residential amenity of the KWH by further decreasing solar access compliance and restricting access to communal open spaces to an overshadowed terrace at Level 2 • the proportion of the KWH apartments that meet recommendations of the ADG is significantly smaller than the general residential component of the development • the Applicant's response to acoustic compliance and access arrangements at the Level 1 retail area the response is acceptable, where no further issues are raised
	<p>2. Residential apartments</p> <ul style="list-style-type: none"> • the proposed increased apartment sizes and additional studies without direct access to natural light or ventilation
	<p>2.1 Inboard study rooms</p> <ul style="list-style-type: none"> • the justification put forward by the Applicant regarding the proposed inboard study rooms are not supported due to the lack of natural light and air • it may be possible to reconfigure apartments and relocate the study to form a sunroom to bedroom, with a non-habitable room such as bathrooms located deep into the plan
	<p>2.2 Updated balconies to full height glazing facades</p> <ul style="list-style-type: none"> • it is not clear if the intention for full height glazed facades are for wintergardens or an enclosed balcony (a room) as the elevation appear to show full height glazing • it is not clear if this amended scheme achieves at least 25% of the external face of the balcony being permanently open as defined in the ADG • detailed section drawings are recommended to be submitted to clarify the amount of enclosure to the balcony and how the habitable rooms behind the enclosed balcony can maintain adequate access to natural ventilation

4.4 Community key issues

A total of 2 public submissions were received in response to the public exhibition of the EIS. The key issues raised in the submissions are summarised below:

- objection to the increase in footprint
- loss of most if not all of views of Hickson Park and The Crown Building from the 2.4m extension.

4.5 Applicant's response to submissions

Following the exhibition of the EIS, the Department placed copies of all submissions received on its website and requested the Applicant to provide a response to the issues raised.

On 26 April 2021, the Applicant provided its RtS, which included information and justification in responses to the issues raised during the public exhibition of the proposal. The RtS also includes the following key amendments to the proposal:

- introduction of temporary public art on the building core during construction, consistent with other buildings within Barangaroo South
- amendment of the minimum car parking requirement of nine spaces for the key worker housing apartments to provide a maximum of nine car parking spaces

- design reconfiguration of apartment exhaust system
- amendments to the operable windows in the sky homes
- removal of balcony blinds and minor façade adjustments for some balconies
- replacement of external blinds with internal roller blinds on podium level
- amended lobby entry foyer at the ground floor.

On 5 May 2021, the Applicant provided additional information which included a SEPP 64 assessment for the signage zones.

On 15 June 2021, the Applicant provided additional information which included responses and further justification to address the Department's letter and comments from Council.

On 23 July 2021, the Applicant provided additional information and advised it no longer seeks approval for the previously proposed changes to the key worker housing parking provision.

5 Assessment

5.1 Key assessment issues

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:

- consistency with the concept approval
- design excellence
- amenity impacts
- key worker housing
- residential amenity.

Other issues are assessed in **Section 5.6**.

5.2 Consistency with the Concept Approval

The Concept Approval establishes the desired future character of the Barangaroo area, including the subject site, and includes provisions to ensure detailed built form outcomes and design excellence. The consistency of the applications with these requirements is considered below and in **Appendix E**.

5.2.1 GFA and height

The proposal seeks to increase the GFA of Building R5 from 19,158 m² to 21,425 m².

The Department is satisfied the proposal is consistent with the Concept Approval maximum height and GFA controls, as summarised at **Table 6**.

Table 6 | Consistency with Barangaroo Concept Approval building height and GFA controls

Component	Concept Approval Control	Original Approval (SSD 6966)	Proposal	Compliance
GFA				
Block 4B maximum residential GFA	20,637 m ²	18,287 m ²	20,636 m ² (+2,349 m ²)	Yes
Block 4B maximum total GFA	21,508 m ²	19,158 m ²	21,425 m ² (+2,267 m ²)	Yes

Building Height				
Building Height	<ul style="list-style-type: none"> • RL 107 m • 173 m above existing ground level 	• RL 107	No change	Yes

5.2.2 Building footprint

The proposal seeks to extend the Hickson Park façade of the building by 1.845 m to 2.4 m. The Department considers the minor extension of the building footprint is acceptable as:

- it remains wholly within the Concept Approval envelope (Error! Reference source not found.)
- it retains the proportions of the approved building and will result in negligible additional building bulk or visual impacts, compared to the approved development
- views, overshadowing and wind impacts are consistent with the Concept Approval and the development consent for Building R5 (**Section 5.4**)
- it will not result in any additional impacts to Hickson Park as it remains within the Concept Approval envelope and during construction the park will be protected by exclusion zones approved in Concept Approval Mod 11.

5.2.3 Built Form Principles and Urban Design Controls

The Concept Approval requires future applications to demonstrate compliance with the BFPUD controls. These guidelines are a supplement to the Concept Approval and set out broad objectives and standards to guide the design and built form of future developments within Barangaroo South.

The Department has undertaken a comprehensive assessment of the proposal's compliance with the BFPUD controls at **Appendix B**. In summary, the Department considers the proposal complies with these controls as it would not result in any changes to the building design, materiality, orientation or street alignment, view corridors and pedestrian permeability.

5.3 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 and internal changes as outlined in **Table 1** and shown in Error! Reference source not found. to **Figure 6**.

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 and internal layout changes and is satisfied that the building will continue to exhibit design excellence as:

- the amendments would not alter the scale or height of the building
- the proposed materials and finishes are consistent with the existing approval
- the amendments to façade panels, balustrades, window layouts, louvres and screens have been carefully considered to retain the architectural quality of the façade and relationship with the adjacent R4A and R4B towers

- the amendments to residential layouts including added storage and study nooks will contribute to improved amenity and apartments will continue to meet and exceed the key ADG design criteria (**Appendix C**)
- changes to the residential lobby and retail lift would maintain the approved design quality and improve general circulation within the podium (**Section 5.6**).

The Department's assessment therefore concludes the proposed external and internal 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.

5.4 Amenity impacts

5.4.1 View loss

View loss was a key issue in the Department's assessment of the original Concept Approval and the determination of Building R5.

The Department assessed the view loss impacts of the approved building envelopes against the view sharing principles established by Tenacity Consulting vs Warringah [2004] NSWLEC 140 in its assessment of Modification 8 and the SSD application for Building R5. The Department concluded that the impact of the building on oblique viewing angles from residential apartments to the east of the site was acceptable as it is consistent with the Concept Approval and allows view corridors between buildings to Sydney Harbour and the surrounding area.

One public submission raised concern that the extension of the building footprint would substantially affect the outlook from their apartment within the Stamford on Kent and views of Hickson Park and the Crown Resort.

The Applicant contends the proposed 1.845 m to 2.4 m extension of the building footprint does not alter the uninterrupted 55 degree north west viewing angle from Stamford on Kent (Figure 7).

The Department is satisfied that the view impacts to the Stamford on Kent and surrounding residential properties are acceptable as:

- the 1.845 m to 2.4 m extension is contained wholly within the Concept Approval building envelope
- the proposal does not alter the approved 55-degree north west oblique viewing angle from Stamford on Kent and 7-degree viewing angle between Building R5 and International Tower 1
- the proposal will not materially impact views toward Building R4A, R4B, the Crown Resort and Hickson Park
- the proposal will not result in any material impacts to other neighbouring residential properties located further north.



Stamford on Kent - Lower Levels
Level 15 - RL 59.699

Oblique View of the Approved Concept Plan Mod 10 Indicative Design

Stamford on Kent - Upper Levels
Level 25 - RL 90.187

Approved Concept Plan Mod 10 Indicative Design Building Footprint



Stamford on Kent - Lower Levels
Level 15 - RL 59.699

Oblique View of the Proposed R5 (s4.55 Modification 1)

Stamford on Kent - Upper Levels
Level 25 - RL 90.187

Proposed R5 Building Footprint (s4.55 Modification 1)

Figure 7 | Comparison of the approved oblique view corridors (showing the MOD 8 indicative design above) and proposed oblique view corridors (below)

5.4.2 Overshadowing

In its assessment of the Concept Approval, the Department considered the impact of the proposed envelope and the resulting location and extent of overshadowing. The Department's assessment concluded the level of overshadowing associated with the envelope was acceptable.

The Applicant provided overshadowing diagrams which demonstrate during mid-winter, the proposal will result negligible impacts beyond the originally approved building.

The Department has assessed the overshadowing impacts of the proposed modified building and concludes they are acceptable as:

- the proposed building does not fill the approved building envelope, therefore the shadows cast by the proposed building will remain within the extent of the building envelope shadows approved under the Concept Approval
- the minor increase in footprint will not cause any material impacts on overshadowing to the public domain or surrounding residential buildings.

5.4.3 Wind

The Applicant provided a wind impact report which demonstrates the proposal will have minimal wind impacts and all areas within and around the site will achieve suitable wind comfort and safety conditions.

The Department is satisfied that the wind impacts to the building and surrounding public domain are acceptable as:

- the minor external building changes are unlikely to result in material changes to wind conditions and all trafficable areas in and around Building R5 will experience suitable wind comfort and safety conditions, consistent with the previously approved development
- the proposed podium awning located above the KWH communal open space will improve the amenity of the space by further reducing wind impacts
- the proposal does not alter the previously recommended wind mitigation measures (strategic tree planting and portable screens) which in conjunction with other public domain planting, will continue to mitigate wind and improve surrounding amenity

The Department therefore concludes the proposal will not result in any material impacts beyond those already assessed. The Department considers wind impacts are acceptable subject to the implementation of the wind mitigation measures required by existing conditions B8 and E27.

5.5 Key Worker Housing

Condition B11 of the Concept Approval requires:

- 2.3% of residential GFA at Barangaroo South to be provided as KWH within Barangaroo South
- at least 0.7% of residential GFA in Barangaroo South to be provided as KWH (or equivalent development value) provided off site within 5 km of the Site.

As outlined in **Section 1.3.2**, Building R5 includes 48 KWH apartments on the east elevation of the building over levels P2 to 16.

Following approval of MOD 10 to the Concept Approval, which increased residential floor space across Barangaroo South by 8,000m², the proposal seeks approval for two additional KWH

apartments (PO5-04 & PO5-03) on podium level P1 of Building R5 and to make amendments to the KWH communal open space.

The design, amenity and integration of KWH was a key consideration in the Department's original assessment. The Department supported the separate KWH entry and lift access off Hickson Road, considered the KWH had acceptable communal open space and excellent access to public open space in the surrounding area and all KWH apartments were consistent with at least 12 of the 14 key ADG criteria.

The Department has considered the amenity to KWH apartments and communal open space and lift servicing below.

5.5.1 Amenity

Council raised concern about the additional KWH not achieving the same amenity as the general residential component of the development and that the KWH communal open space is overshadowed.

In response, the Applicant advised the location for the additional KWH apartments were chosen to:

- maintain the continuity of facade design and architectural relationship between the three podiums of the One Sydney Harbour buildings
- align with the KWH apartment stack lift servicing and access to KWH communal outdoor space
- provide an efficient model for the future KWH operator.

The Department has carefully considered the amenity to the two additional KWH apartments against the ADG (**Appendix C**) and concludes the apartments meet 12 of the 14 key ADG criteria. Although the apartments do not meet the solar access and cross ventilation criteria, the Department considers the apartments have an acceptable level of amenity as:

- the apartment location and layout is consistent with the approved KWH and both apartments receive 1.25 hours of sunlight in mid-winter, have floor to ceiling glazing and are mechanically ventilated to support air flow
- the proposed amendments to the KWH communal area improve amenity for KWH residents by:
 - including an enclosed area, new awning and bathroom amenities, will provide a year-round functional communal open space area for the approved and proposed KWH apartments
 - providing a larger and more usable outdoor and indoor area for KWH residents (31 m² larger than the previously approved terrace) (**Figure 5**)
 - maintaining 1 hour of direct sunlight to approximately 38% of the accessible area, consistent with the approval
- KWH residents would benefit from excellent access to public open space in the surrounding area, including Hickson Park and Barangaroo Reserve, in addition to the existing public foreshore areas in Barangaroo South and King Street Wharf and future foreshore open space in Barangaroo Central.

The Department concludes that the additional two KWH apartments, in conjunction with the 48 approved KWH apartments will provide high amenity affordable housing in a highly accessible location, supporting housing choice and diversity in Barangaroo.

5.5.2 Lift servicing

The ADG recommends for buildings 10 storeys and over, no more than 40 apartments should share a single lift, although variations are possible where it is demonstrated that a high level of amenity is achieved.

The proposal will result in 50 KWH apartments serviced off a single lift.

Council raised concern with the servicing level for KWH and that the design introduced mixing of residential and retail uses which would place further pressure on the KWH lift core.

The Applicant submitted a Vertical Transport Statement which concluded the level of lift services in Building R5 will operate at a commensurate or greater level of service than other international luxury apartments. The Applicant also clarified that there is no sharing of lifts between the KWH and retail uses on level P02.

The Department considers the KWH lift would provide an acceptable level of service to future residents as:

- the proposal would provide for a high standard of internal amenity in the lift corridor, including seating opportunities and access to natural light and ventilation
- the proposed rate of KWH sharing a lift (50) represents a minor increase from the approved development (48)
- the proposed number of apartments sharing a lift is similar to Buildings R4A (53) and R4B (54)
- lift waiting times (56 seconds) will be equitable to those for non KWH apartments (57 seconds)
- the plans provide a clear separation of lift services between residential and retail uses
- existing condition E4 requires an operational management plan be approved by the Planning Secretary addressing KWH lift access, car parking, communal areas and open spaces.

5.6 Residential amenity

The proposal seeks approval for changes to the internal configuration of several apartments as outlined in **Table 1** and shown in **Figure 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 ADG in **Appendix C**. The Department concludes the modified apartments are generally consistent with the ADG, with the exception of maximum depths, inboard studies, ceiling heights, and lift servicing which are considered in detail below.



Figure 8 | L15-16 floorplan with proposed changes (Base source: Applicant's Design Report)

5.6.1 Maximum depth

The ADG identifies the maximum depth for open plan apartment layouts as 8 m.

Apartment depth was a key issue in the Department's assessment of the original proposal. The Department and IPC supported 25 of the 210 apartments in Building R5 with depths of 8.2 m (a variation of 0.2m/2.5%).

The proposal seeks to increase the depth of these 25 apartments from 8.2 m to 8.3m (+0.1 m) representing a variation of 0.3m/3.75%.

Council raised concern with the proposed apartment depths exceeding 8 m.

The Applicant considers the design approach is consistent with design guidance of the ADG by providing a direct line of site to a window/natural light generally 8 metres from the glass line.

The Department has considered the proposed layout changes and supports the amendments as:

- the 0.1 m increase in depth will be imperceptible and unlikely to have a material difference to the amenity of the apartments
- the size of the living areas and floor to ceiling heights will provide acceptable light and amenity
- most of the working surface area of the kitchen is within 8m of a window
- the open plan layouts will provide unobstructed views through to the balcony windows
- the layout changes will provide more flexibility in the use of internal spaces.

5.6.2 Inboard studies

The ADG regards a study room as a habitable room.

The modification seeks to introduce 86 studies within apartments on the northern and eastern portions of levels P2 and L1-27. The study rooms do not have access to a window but are unenclosed spaces accessed off the main open living areas or bedroom which provides both light and ventilation.

Council raised concern with the lack of access to natural light and ventilation for study rooms.

The Department has carefully considered Council's concern however considers the proposed studies are acceptable as:

- 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
- the studies will benefit from a direct line of sight to a window to allow for the sharing of natural light and ventilation
- the studies range in area from 3.6 m² to 6.8 m² and would accommodate a variety of household activities and support studying or working from home, without being capable of being used or converted into a bedroom
- the studies are consistent with studies approved in Building R4A (SSD 6964) and Building R4B (SSD 6965).

5.6.3 Ceiling heights

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

The modification seeks to amend the approved ceiling height of bathrooms and laundries (non-habitable areas) within 193 apartments to 2.37 m, in order to accommodate services in the ceiling.

The Department considers this minor 0.03 m inconsistency is acceptable as the ceiling heights continue to comply with the BCA (minimum 2.1 m) and would not prevent the bathrooms from providing sufficient amenity for future occupiers. Further, the Department notes that the habitable space in each apartment achieves the recommended ceiling heights and main living areas exceed the minimum celling heights, providing acceptable levels of amenity for future residents.

Other issues

Table 7 | Assessment of other issues

Issue	Findings	Recommendations
Signage zones	<ul style="list-style-type: none">• The development consent for Building R5 approves two signage zones to identify the KWH entrance on Hickson Road and the residential entrance on the south-west elevation of the building.• The proposal includes two additional, alternate signage zones to provide further flexibility on the location of the KWH and residential signage:<ul style="list-style-type: none">◦ KWH - 2.66 m x 1.2 m (3.2m²)◦ Residential - 4.9 m x 1.2 m (5.9 m²)• The Applicant stated that the second signage zone is sought to provide flexibility for the location of a future single sign and not to allow for two signs.• The Department notes that Control 9 in the Concept Approval Design Controls stipulates signage is to be limited to one sign per frontage at podium level and is not to exceed 15m² per sign.• The Department considers the proposed alternative signage zone is acceptable and meets the key criteria in SEPP 64 (Appendix C) and will provide flexibility for potential signage locations in future DA(s). However, to ensure consistency with the concept approval	The Department recommends a new condition limiting the location of future signage to within only one of the two approved signage zones.

	<p>the Department recommends a new condition restricting future signage to be located within only one of the two approved signage zones.</p>	
Communal Area Landscaping	<ul style="list-style-type: none"> The modification proposes minor amendments to the landscaping within the: <ul style="list-style-type: none"> KWH podium communal area to provide for a fully enclosed space and reconfiguration of the remaining spaces and planting areas which are supported by a new awning structure. residential roof communal area on level 26 which address a shift in plant louvre direction, providing additional usable space that is less obstructed. The Department considers the changes to the KWH podium and L26 landscape areas are acceptable as: <ul style="list-style-type: none"> they would result in improved amenity for residents through better use of the spaces while retaining high quality planting areas existing Condition B29 requires the final landscaping detail to be submitted and approved by the Secretary prior to the issue of a Construction Certificate. 	No changes to conditions recommended.
Apartment Type 01 balconies	<ul style="list-style-type: none"> The proposal seeks to amend the facade balustrade glass to provide full height glazing to the eastern and western facades of Apartment Type 01 balconies across all levels to address comfort and safety exceedances identified in wind analysis. Council queried whether the proposed full height glazing resulted in wintergardens and the impacts on natural ventilation. It also highlighted a DCP requirement for at least 25% of balconies to be permanently open. The Applicant clarified the northern facade of the balconies, above the balustrade, remain permanently open. The Department considers the proposed glazing change is acceptable as: <ul style="list-style-type: none"> it will support improved amenity to residents during inclement weather the intent of the DCP is supported with the northern balcony facade remaining permanently open to support natural ventilation and allow occupants to better regulate environmental conditions the partial enclosure would not increase the apparent bulk of the building or result in adverse visual impacts. 	No changes to conditions recommended.
Public Art	<ul style="list-style-type: none"> The proposal includes the provision of temporary artwork to be painted on the sides of the lift / stair core of the building, which would be progressively covered up as the floors of the building are constructed. The Department supports the provision of temporary public art as it is an innovative approach to contribute to visual interest in the precinct during construction. 	No changes to conditions recommended.
Basement floor GFA	<ul style="list-style-type: none"> Buildings R4A, R4B and R5 share a common basement (car parking, plant room and other back-of-house facilities) approved under SSD 6960. Under the original approval, 33m² of residential floor space was allocated to the R5 basement to account for habitable floor space. The proposal seeks to delete the 33m² of residential basement floor area from the approval, as this GFA relates to a security room, dock master and facilities manager rooms servicing Buildings R4A, R4B and R5. 	No changes to conditions recommended.

	<ul style="list-style-type: none"> The Department is satisfied deletion of the 33 m² of residential GFA from the Building R5 basement is acceptable as: <ul style="list-style-type: none"> the GFA relates to shared facilities for Buildings R4A, R4B and R5 which has now been accommodated within SSD 6960 MOD 4 it would not result in any change to the extent of the basement footprint or any impacts to the operational efficiency of the building, egress or access to facilities and services. the proposed residential and total GFA remains below the maximum GFA permitted under the Concept Approval for Block 4B. 	
Finished floor levels	<ul style="list-style-type: none"> The proposal modifies the finished floor levels on levels P02, L16, L24 – L27. The Applicant's Design Report identifies the key driver for the change is the reduction of the P02 floor to floor height from 4.9 m to 3.46 m as a result of the introduction of the two KWH apartments. The Department considers the proposed finished floor levels are acceptable as: <ul style="list-style-type: none"> the overall height of the building is unchanged the KWH housing will have floor to ceiling heights of 3 m 23 apartments on levels P02, L24, L25 and L27 (split-level skyhomes) will benefit from an increase from 2.7 m to 3 m floor to ceiling heights. 	No changes to conditions recommended.
Other internal changes	<ul style="list-style-type: none"> The proposal seeks approval for several internal alterations (outlined in Table 1) which are a direct consequence of the increase in floor plate and GFA. The Department considers the proposed internal alterations are acceptable as they retain, or improve, the functionality and amenity of the approved development. 	No changes to conditions recommended.
Other external changes	<ul style="list-style-type: none"> The proposal seeks approval for several external alterations including awnings, cladding, louvres and a revised roof configuration as outlined in Table 1. The Department considers the proposed external alterations are acceptable as: <ul style="list-style-type: none"> the extension of the ground floor retail awning on the south-west podium facade provides additional covered area and canopy symmetry the introduction of an awning to the KWH podium terrace will provide wind and weather protection removal of the skyhome louvres on Park and Hickson Road façades will align the façade design with buildings R4A and R4B the removal of decorative cladding edges provides a cleaner façade the reconfiguration of the lift motor room (LMR) to be larger but shorter supports the unobstructed operation of the building maintenance unit (BMU) shifting of the south facing wall adjacent to the L26 open space supports clearances between the LMR and BMU The Department's assessment therefore concludes the proposed external alterations are acceptable as they would not result in any significant visual or amenity impacts beyond those already assessed and approved. 	No changes to conditions recommended.

Ground floor and Lobby entry	<ul style="list-style-type: none"> The proposal seeks amendment to the residential ground floor lobby entry and lobby dimensions. The Applicant identifies the lobby entry revision is required to address wind impacts which make the approved swinging doors unsuitable and that the revised lobby space will improve user amenity. The Department considers the ground floor and lobby entry changes are acceptable as: <ul style="list-style-type: none"> the sliding doors will provide additional safety to pedestrians the design is well integrated into the facade and of similar proportions to the approved entry the lobby change will have a negligible impact on the presentation of the building. 	No changes to conditions recommended.
Exclusion zones	<ul style="list-style-type: none"> Council raised concern with the proposed façade shift and potential intrusion into the exclusion zone between the three residential buildings and edge of Hickson Park. The Applicant clarified that exclusion zones, introduced in Mod 11 of the Concept Approval are not impacted as the proposed building façade shift is entirely within the building envelope. The Department is satisfied that the proposal will not impact on the Hickson Park exclusion zones. 	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 development will continue to achieve design excellence as all changes have been designed by Renzo Piano and PTW Architects and accompanied by a design verification statement verifying design excellence principles have been maintained
- the minor extension of the building footprint and external design changes would not alter the apparent bulk of the building, would maintain the architectural design integrity of the façade and would not result in any significant visual, view loss, overshadowing or wind impacts beyond those already assessed and approved
- the modifications to the internal layouts are minor and the apartments would continue to have a high level of amenity for future occupants
- the proposed two additional KWH apartments will be managed by a community housing provider to provide affordable housing for essential workers in a highly accessible location within Barangaroo, and achieve a good level of residential amenity satisfying 12 of the 14 key ADG criteria
- the changes to the KWH podium including an enclosed area would result in improved amenity and usability for future KWH residents.

The Department is satisfied the development is substantially the same development for which the consents were originally granted, is 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 Executive Director, Key Sites and Regional Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **determines** that the application SSD 6966 MOD 1 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
- **forms the opinion** that the application 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.
- **modifies** the consent SSD 6966
- **signs** the attached approval of the modification (**Appendix E**).

Prepared by: Marcus Jennejohn

Senior 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 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/40991>

2. Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/40991>

3. Response to Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/40991>

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:

- objects of the EP&A Act
- 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 8** to **Table 9**.

Table 8 | 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">• the land use mix remains generally consistent with that of the originally approved development• the proposed modification will not significantly alter the form or function of the building, and the building will continue to exhibit design excellence• the modifications to the internal layouts are minor in the context of the scale of the approved building• the GFA increase will not contribute to any significant view loss, wind or overshadowing impacts or apparent change in scale and bulk of the building• the anticipated environmental impacts arising from the proposed modifications are consistent with those of the approved developments

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 Section 4 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 Section 4 of this report.
d) Consideration of any submissions made concerning the proposed modification within the period prescribed by the regulations.	As discussed at Section 4 , the Department received submissions from TfNSW, Heritage NSW, Council, the Foreshores and Waterways Planning and Development Advisory Committee and Sydney Water. Two submissions were received from the public.

Table 9 | 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 modification is consistent with the relevant Environmental Planning Instruments (EPIs) as addressed below in this report.
(a)(ii) any proposed instrument	The proposed modification is consistent with the relevant draft Environmental Planning Instruments (EPIs) as addressed below in this report.
(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 Section 4).
(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 Section 5 of this report).
(c) the suitability of the site for the development	The site is suitable for the development as addressed in Section 5 of this report.
(d) any submissions	The Department has considered the submissions received (refer to Section 4 and 5 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 Section 5 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.

As the application proposes two additional key worker housing apartments, amendment to approved apartment layouts and amendment to the signage zones, the Department has undertaken an assessment against the

- SEPP 65 Apartment Design Guide in **Appendix C**
- State Environmental Planning Policy No.64 – Advertising and Signage in **Appendix D**.

Appendix C – Consistency with the Apartment Design Guide

Table 10 | Consideration of the relevant provisions of the Apartment Design Guide under SEPP 65

ADG – Relevant Criteria	Comments
3B Orientation <ul style="list-style-type: none"> • Building type/layouts respond to the streetscape, optimizing solar access. • Overshadowing of neighboring properties is minimised. 	<ul style="list-style-type: none"> • The proposed building footprint is contained entirely within the Concept Approval building envelope. • The proposed building does not fill the approved building envelope, therefore the shadows cast by the proposed building will remain within the extent of the building envelope shadows approved under the Concept Approval. • The minor increase in footprint will not result in any material change to overshadowing.
3C Public Domain Interface <ul style="list-style-type: none"> • Transition between public/private without compromising security. 	<ul style="list-style-type: none"> • The proposal is not modifying the public domain or any approved security between the public and private areas.

<ul style="list-style-type: none"> Amenity of public domain is retained and enhanced. 													
3D Communal and Public Open Space <ul style="list-style-type: none"> minimum 25% of the site minimum 50% direct sunlight to principal usable part of the communal open space for a minimum of 2 hours in mid-winter 	<ul style="list-style-type: none"> Proposed Podium 2 contains 278m² of open space consisting of internal (44m²) and external (234m²) open space (+31 m² above the approval) Level 26 terrace provides 211m of open space for market housing (+6 m² above the approval). The total communal open space is 489m² (27.9%) which exceeds 25% of the 1753m² site area. 0% of the Podium Level 2 area and 35% of the Level 26 terrace area will receive direct sunlight for 2 hours in mid-winter. However, the Department notes this is consistent with the approved development, and the overall design and amenity provided by the communal open space area continues to meet the intent of the ADG objectives. 												
3E Deep Soil Zones <ul style="list-style-type: none"> For sites greater than 1,500sqm a minimum of 7% to 15% of the site should provide for deep soil zone(s) 	<ul style="list-style-type: none"> The development was approved with no deep soil area. The modification application does not seek to provide any additional deep soil zones. 												
3F Visual Privacy <ul style="list-style-type: none"> Separation distances from building to boundary: <table border="1"> <thead> <tr> <th>Height</th> <th>Habitable rooms</th> <th>Non-habitable rooms</th> </tr> </thead> <tbody> <tr> <td>Up to 12m (4 storeys)</td> <td>6m</td> <td>3m</td> </tr> <tr> <td>Up to 25m (5-8 storeys)</td> <td>9m</td> <td>6m</td> </tr> <tr> <td>Over 25m (9+ storeys)</td> <td></td> <td></td> </tr> </tbody> </table>	Height	Habitable rooms	Non-habitable rooms	Up to 12m (4 storeys)	6m	3m	Up to 25m (5-8 storeys)	9m	6m	Over 25m (9+ storeys)			<ul style="list-style-type: none"> The proposal does not alter the approved setbacks from boundaries.
Height	Habitable rooms	Non-habitable rooms											
Up to 12m (4 storeys)	6m	3m											
Up to 25m (5-8 storeys)	9m	6m											
Over 25m (9+ storeys)													
3J Bicycle and Car Parking <ul style="list-style-type: none"> Minimum parking requirement as set out in the Guide to Traffic Generating Developments or local Council requirement, whichever is the less. Parking and facilities are provided for other modes of transport. Car park design and access is safe and secure. Visual and environmental impacts of underground car parking are minimised. 	<ul style="list-style-type: none"> No change to the approved 320 car parking spaces. The Department recommends two additional bicycle parking spaces be provided for the two additional KWH apartments. The addition of two bicycle parking spaces retains the one bicycle space per apartment ratio as originally approved. 												
4A Solar and Daylight Access	<ul style="list-style-type: none"> 72% of apartments would receive two hours direct solar access in mid-winter between 9am and 3pm. 												

<ul style="list-style-type: none"> To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space. 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. Maximum of 15% of apartments have no direct sunlight between 9 am - 3 pm in mid-winter. Daylight access is maximised where sunlight is limited. Design incorporates shading and glare control, particularly for warmer months. 	<ul style="list-style-type: none"> 11% of apartments will receive no solar access between 9am and 3pm.
<p>4B Natural Ventilation</p> <ul style="list-style-type: none"> At least 60% of apartments are cross ventilated in the first nine storeys (apartments 10 storeys or greater are deemed to be cross ventilated) Overall depth of a cross-over or cross-through apartment does not exceed 18m 	<ul style="list-style-type: none"> Over the first 9 levels of the building, 31 apartments would be cross ventilated. A further 8 apartments would be provided with ventilation systems. This would result in 39 apartments (62.9%) being cross ventilated, achieving consistency with the recommendation. Apartments at 10 storeys or greater are deemed to be cross ventilated where balconies cannot be fully enclosed. The building contains balconies that cannot be fully enclosed and therefore all apartments at 10 storeys or greater comply with this requirement. Overall depths do not exceed 18m.
<p>4C Ceiling Heights</p> <p>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <ul style="list-style-type: none"> Habitable rooms 2.7 m Non-habitable rooms 2.4 m. <p>For two-storey apartments:</p> <ul style="list-style-type: none"> 2.7 m for main living area floor 2.4 m for second floor, where its area does not exceed 50% of the apartment area. 	<ul style="list-style-type: none"> The modification seeks to amend the approved ceiling height of bathrooms and laundries (non-habitable areas) within 193 apartments to 2.37m, to accommodate services in the ceiling. The Department considers this minor 0.03 m inconsistency is acceptable as the ceiling heights continue to comply with the BCA (minimum 2.1 m) and would not prevent the bathrooms from providing sufficient amenity for future occupiers. Habitable room ceiling heights meet or exceed the recommended minimums. Ceiling heights are considered acceptable and discussed further in Section 5 of this report.
<p>4D Apartment Size and Layout</p> <ul style="list-style-type: none"> Minimum apartment sizes <ul style="list-style-type: none"> Studio 35 m² 1 bedroom 50 m² 2 bedroom 70 m² 3 bedroom 90 m². 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. Habitable room depths are limited to 2.5 x the ceiling height. 	<ul style="list-style-type: none"> All apartments, including bedrooms and living rooms, meet the minimum size requirement. The proposal is consistent with the remainder of these recommendations except for those discussed below. <ul style="list-style-type: none"> The proposal seeks to increase the depth of 25 apartments from 8.2m to 8.3m (+0.1m) representing a variation of 0.3m/3.75%. The modification seeks to introduce 86 studies within apartments on the northern portion of levels P2 and L1-27. The Department considers these inconsistencies with the ADG

<ul style="list-style-type: none"> In open plan layouts the maximum habitable room depth is 8m from a window. Master bedroom have a minimum area of 10 m² and other bedrooms have 9 m². Bedrooms have a minimum dimension of 3m (excluding wardrobes). Living rooms have a minimum width of: <ul style="list-style-type: none"> 3.6 m for studio and one bed 4 m for 2 and 3 bed. The width of cross-over or cross-through apartments are at least 4m internally. 	<p>recommendations would not adversely impact on the amenity of the proposed apartments, as discussed in Section 5.6.</p>
<p>4E Private Open Space and Balconies</p> <ul style="list-style-type: none"> Primary balconies are provided to all apartments providing for: <ul style="list-style-type: none"> Studios apartments - minimum area of 4m² 1-bedroom - minimum area of 8 m² and a minimum depth of 2m 2-bedroom - minimum area 10m² and a minimum depth of 2m 3-bedroom - minimum area 12m² and minimum depth 2.5m. For apartments at ground floor level or similar, private open space must have a minimum area of 15 m² and depth of 3 m. Private open space and primary balconies are integrated into and contribute to the architectural form and detail of the building. Primary open space and balconies maximises safety. 	<ul style="list-style-type: none"> All balconies for the 1 and 3 bedroom apartments are consistent with the minimum area required in the ADG. The Department and IPC previously supported balcony sizes of 9.2 m² in area (variation of 0.8m² / 8%) for 25 x 2-bedroom apartments. The Applicant advises that the 9.2 m² balcony includes the approved sliding door zone. Although there are no changes to the proposed balconies, the actual balcony size is 8.5 m², representing a numerical reduction of 0.7 m (variation of 1.5m²/ 15%). Notwithstanding, the Department considers the proposed private open space provision is acceptable as: <ul style="list-style-type: none"> the actual size of the balconies remains unchanged and are consistent with the approved plans as supported by the IPC the balconies are 2.5 m deep, which exceeds the ADG recommendation of 2 m and ensures the balconies are able to accommodate a range of furniture layouts
<p>4F Common Circulation and Spaces</p> <ul style="list-style-type: none"> Maximum number of apartments off a circulation core is eight – where this cannot be achieved, no more than 12 apartments should be provided off a single circulation core. For buildings 10 storeys and over, the maximum number of apartments sharing a single lift is 40 Natural ventilation is provided to all common circulation spaces where possible Common circulation spaces provide for interaction between residents Longer corridors are articulated 	<ul style="list-style-type: none"> One lift is provided for the 50 Key Worker Housing apartments, increasing from 1:48 to 1:50 which is considered acceptable as outlined in Section 5.
<p>4G Storage</p>	<ul style="list-style-type: none"> The proposal is not seeking to change the approved storage.

<ul style="list-style-type: none"> - The following storage is required (with at least 50% located within the apartment): <ul style="list-style-type: none"> - Studio apartments 4m³ - 1 bedroom apartments 6m³ - 2 bedroom apartments 8m³ - 3 bedroom apartments 10m³ • Additional storage is conveniently located accessible and nominated for individual apartments. 	
<p>4H Acoustic Privacy and 4J Noise and Pollution</p> <ul style="list-style-type: none"> • Noise transfer is minimised through the siting of buildings and building layout and minimises external noise and pollution. • Noise impacts are mitigated through internal apartment layout and acoustic treatments. 	<ul style="list-style-type: none"> • The proposal seeks to add two KWH apartments on level 1 adjacent to retail uses. The Applicant provided an acoustic statement which concluded: <ul style="list-style-type: none"> ○ the KWH apartments only have one party wall which will be designed to satisfy BCA inter-tenancy wall separation requirements ○ the concrete blade wall separating the apartments will exceed the BCA inter-tenancy wall significantly exceed the BCA requirements ○ there is greater than 3m separation from the nearest plant room from any of the KWH apartment windows consistent with the ADG. • The Department considers acoustic amenity of the proposed KWH is acceptable as: <ul style="list-style-type: none"> ○ the apartments will have acoustic glazing which will mitigate noise levels and mechanical ventilation will assist with fresh air circulation ○ the acoustic report has confirmed KWH apartments will be designed to achieve internal noise level criteria and be consistent with the ADG.
<p>4K Apartment Mix</p> <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"> • No change to market apartments. • The two additional KWH housing apartments result in 50 apartments comprising of the following: <ul style="list-style-type: none"> ○ 36 x 1-bedroom apartments (72%) ○ 14 x 2-bedroom apartments (28%) • A range of apartment types and sizes would be provided, and the apartments would be logically located within the building.
<p>4L Ground floor apartments</p> <ul style="list-style-type: none"> • Street frontage activity is maximized where ground floor apartments are located. • Design of ground floor apartments delivers amenity and safety for residents. 	<ul style="list-style-type: none"> • There are no ground floor apartments.

<p>4M Facades</p> <ul style="list-style-type: none"> Building facades provide visual interest along the street while respecting the character of the local area. Building functions are expressed by the façade. 	<ul style="list-style-type: none"> The proposal will continue to achieve a high standard of architectural design and will positively contribute to the Barangaroo precinct and City skyline. Facade amendments are further discussed in Section 5 of this report.
<p>4O Roof design</p> <ul style="list-style-type: none"> Roof treatments are integrated into the building design and positively respond to the street. Opportunities to use roof space for accommodation and open space is maximized. Roof design includes sustainability features 	<ul style="list-style-type: none"> The proposal is not seeking any change to the roof design.
<p>4O Landscape design</p> <ul style="list-style-type: none"> Landscape design is viable and sustainable. Landscape design contributes to the streetscape and amenity. Appropriate soil profiles are provided, and plant growth is maximised (selection/maintenance). Plant growth is optimised with appropriate selection and maintenance. Building design includes opportunity for planting on structure. 	<p>The proposal seeks minor modifications to the approved Podium Level 2 and Level 26 rooftop landscaping.</p> <p>The Department considers the proposed changes are acceptable as discussed in Section 5.7.</p> <p>Submission of final landscaping details is secured under existing Condition B10.</p>
<p>4Q Universal design</p> <ul style="list-style-type: none"> 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). A variety of apartments with adaptable designs are provided. Apartment layouts are flexible and accommodate a range of lifestyle needs. 	<p>The proposal remains capable of complying with the requirements for universal design, as all apartments area of a size and layout that allows for flexible use and design.</p>
<p>4S Mixed Use</p> <ul style="list-style-type: none"> Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement. Residential levels of the building are integrated within the development, and safety and amenity is maximized for residents. 	<p>The proposal will continue to address the surrounding streets and public domain through active retail frontages and residential entries.</p> <p>The residential circulation areas will continue to be clearly defined and access to communal open space is provided. Adequate security is proposed.</p>
<p>4T Awning and Signage</p> <ul style="list-style-type: none"> Awnings are well located and complement and integrate with the building Signage responds to the context and design streetscape character 	<p>The proposed extension of the awnings at the lower levels and podium and new awning for podium 2 are incorporated into the overall building design, consistent with the approved Buildings R4A and R4B.</p> <p>The proposed signage zones comply with SEPP 64 (Appendix D).</p>

	The Applicant will be required to submit an application for future signage within the signage zones.
4U Energy Efficiency <ul style="list-style-type: none"> • Development incorporates passive environmental and solar design. • Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer. • Adequate natural ventilation minimises the need for mechanical ventilation. 	<ul style="list-style-type: none"> • The modification is supported by an amended BASIX Certificate assessment demonstrating the requirements of the SEPP are satisfied. • The building and individual apartments have been orientated to achieve sufficient solar access, as discussed in Section 4A of this table.
4V Water management and conservation <ul style="list-style-type: none"> • Potable water use is minimised. • Urban stormwater is treated on site before being discharged to receiving waters. • Flood management systems are integrated into site design. 	<ul style="list-style-type: none"> • No changes are proposed, the development will continue to meet BASIX water targets. • 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.

Appendix D – Consistency with State Environmental Planning Policy No.64 – Advertising and Signage

SEPP 64 applies to all signage that under an EPI can be displayed with or without development consent and is visible from any public place or public reserve.

Under clause 8 of SEPP 64, consent must not be granted for any signage application unless the proposal is consistent with the objectives of SEPP 64 and with the assessment criteria which are contained in Schedule 1. **Table 11** below demonstrates the Department's assessment of the consistency of the proposed signage zone with this assessment criteria (future signs within the proposed signage zone will be subject to separate future development applications).

Table 11 | SEPP 64 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 and appearance of the building. The inclusion of building identification signage is common for tower buildings/developments.	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed signage zones are consistent with the building and business identification signage throughout Barangaroo.	Yes
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 proposed signage zones are located on the ground floor near building entries. Therefore, future signage within these zones is not expected to be located within, nor will it detract from, any other environmentally sensitive, heritage, natural, conservation, open space, waterways or residential area.	Yes
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3 Views and vistas

Does the proposal:	The proposed signage zones are located on the ground floor and are integrated into the proposed buildings. The proposed signage zones would not compromise any important views, the skyline or interfere with other advertisers.	Yes
<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? 		

4 Streetscape, setting or landscape

Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale, proportion and form of the proposed signage zones are appropriate for the streetscape and setting of the proposed development.	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The signage zones would contribute to the visual interest of the buildings by contributing to the identification and recognition of the site.	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed signage zones are sympathetic to the architectural treatment of the building and do not propose advertising.	Yes
Does the proposal screen unsightliness?	The proposed signage zones form part of the building façade.	Yes
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signage zones do not protrude beyond the building envelope.	Yes
Does the proposal require ongoing vegetation management?	The proposed signage zones do not contain or require any ongoing vegetation management.	Yes

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?	The proposed signage zones have been designed to be integrated within the building façade, compatible with the design and architecture of the building.	Yes
Does the proposal respect important features of the site or building, or both?	The proposed signage zones would not detract from the important features of the site and building.	Yes

Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signage zones have been fully integrated with the building architecture.	Yes
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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 assessment.	Yes
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7 Illumination

Would illumination	Details of illumination will be subject to future assessment. Any future illumination, however, can be ensured to not result in unacceptable glare, safety impacts, or adverse impacts on residences or accommodation.	Yes
<ul style="list-style-type: none"> result in unacceptable glare? affect safety for pedestrians, vehicles or aircraft? detракt from the amenity of any residence or other form of accommodation? Can the intensity of the illumination be adjusted, if necessary? Is the illumination subject to a curfew? 	If required conditions can be imposed on future signage to ensure illumination can be adjusted.	

8 Safety

Would the proposal reduce safety for:	The location of the signage zones would not obscure sightlines to or from public areas or reduce safety from public roads.	Yes
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Appendix E – Consistency with the Concept Approval

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 modification and is of the opinion the proposal is consistent with the Concept Approval. An assessment of the proposal against the applicable Concept Approval requirements is provided in **Table 12**.

Consideration of the applicable Barangaroo Concept Approval Built Form Principles is provided in **Table 13** and Barangaroo Urban Design Controls in **Table 14**.

Table 12 | Consideration of the relevant requirements, Modifications and Future Assessment Requirements of the Concept Approval

Concept Approval	Department's comment
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Term of Approval

A4 Determination of Future Applications

Determination of future applications is to be generally consistent with the terms of Concept Approval MP06_0162.

The proposal remains consistent with the terms of Concept Approval MP06_0162 (as modified by MOD 11).

Modifications to Concept Approval

B4 Built Form

1. A mixed use development involving a maximum of 602,354m² gross floor area (GFA), comprised of:

- a) a maximum of 191,031m² of residential GFA of which a maximum of 162,031m² will be in Barangaroo South;
- b) a maximum of 76,000m² of GFA for tourist uses of which a maximum of 59,000m² will be in Barangaroo South;
- c) a maximum of 34,000m² of GFA for retail uses of which a maximum of 30,000m² will be in Barangaroo South;
- d) a maximum of 5,000m² of GFA for active uses in the Public Recreation zone of which 3,500m² will be in Barangaroo South; and
- e) a minimum of 12,000m² GFA for community uses.

2. GFA requirements for Block 4B:

- Block 4B shall not exceed a maximum of:
 - o Total GFA: 21,508 m²
 - o Residential GFA: 20,637 m²
 - o Height (Max AHD): RL 107
 - o Height above existing ground level(m) 173

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.

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).

1. The modification continues to comply with the maximum GFA requirements comprised of:

- a) Total residential GFA of 20,636 m²
- b) N/A
- c) Total retail GFA of 789.3 m²
- d) N/A
- e) N/A

2. The proposal continues to comply with the specific Block 4B GFA and height requirements (Building R5) as approved under the Concept Approval.

- a) Total proposed GFA of 21,425m² is below the maximum permissible 21,508m².
- b) Proposed residential GFA of 20,636m² is below the maximum permissible 20,637m².
- c) There is no proposal to change the approved height which is to RL 107.

3. No redistribution sought.

4. Partially enclosed balconies are proposed, which would be excluded from the GFA calculations.

B5 Revised Design Principles

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).

The proposals remain generally consistent with the Built Form Principles and Urban Design Controls (Design Controls). See **Table 14** and **Table 15**.

B11 Key Worker Housing

Key worker housing for Barangaroo South shall be provided in accordance with the Statement of Commitment 34 and comprise at least:

- a) 2.3% of residential GFA onsite within Barangaroo South

50 Key worker housing apartments are proposed to be delivered as part of this application.

- a) 3,485m² is proposed, which equates to 2.3% of the

<p>b) At least an additional 0.7% of the residential GFA of Barangaroo South, or its equivalent development value (but comprising at least a minimum of 1,740m² of residential GFA) to be provided:</p> <ul style="list-style-type: none"> i. Offsite, but within 5km of the site; or elsewhere within City of Sydney LGA; ii. Including at least 40% of the GFA allocated to dwellings comprising 2 or more bedrooms; iii. Prior to the issue of any Occupation Certificate for Blocks 4A, 4B or Y. 	<p>b) 151,509m² of residential GFA in Barangaroo South.</p> <p>b) No change to the off-site KWH requirements which will be independently administered by the Applicant.</p>
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Future Assessment Requirements

<p>C2 Design Excellence</p> <ol style="list-style-type: none"> 1. This provision applies to the following development: <ul style="list-style-type: none"> a) The erection of a new building that will be greater than Reduced Level (RL) 57 b) The erection of a new building on a site greater than 1,500 square metres. c) Any structure/s on the public pier proposed in accordance with environmental assessment requirement C10 2. The Proponent shall hold a design excellence competition for all development identified at (1) above. 3. The design competition brief shall be approved by the Director General or his delegate. 4. The Director General shall establish a design review panel for the design excellence competition (s) that will consider whether the proposed development exhibits design excellence only after having regard to the following matters: <ul style="list-style-type: none"> a) Whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved; b) Whether the form and external appearance of the building will improve the quality and amenity of the public domain; c) Whether the building meets sustainable design principles in terms of sunlight, natural ventilation, winds, reflectivity, visual and acoustic privacy, safety and security and resource, energy and water efficiency; d) A comparison of the proposed development against the indicative building controls identified in the Section 13.0 – Built Form or the EA; and e) Whether the new development detrimentally impacts on view corridors, particularly from public spaces and streets. 5. The design review panel shall also be utilized for any significant changes to the Concept Plan, as determined by the Director General. 6. For the purposes of this modification, a design a review panel comprised of appropriately qualified design professionals, chaired by a registered architect. 	<p>The Executive Director, Compliance, Industry and Key Sites (as delegate of the Secretary) waived the requirement for a design competition for Building R5 as the building was considered to exhibit design excellence, the architects responsible for the proposed design had outstanding reputations, and arrangements had been made to ensure that the proposed design was carried through to the completion of the development concerned.</p> <p>The Applicant provided a Design Verification Statement for the Modification Application and the RtS confirming that the design integrity of the original project is maintained and compliance with SEPP 65 and the ADG is achieved.</p> <p>The Department's assessment concludes the proposed external and internal 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.</p> <p>Further, the Department is satisfied the proposal would not result in any significant visual or amenity impacts beyond those already assessed and approved and continues to display design excellence.</p>
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<p>7. Notwithstanding (2) above, the requirement for a design excellence competition may be waived if the Director General:</p> <ul style="list-style-type: none"> a) certifies in writing that the development is one for which an architectural design competition is not required because of the excellence of the proposed design for the development concerned, and b) is satisfied that: <ul style="list-style-type: none"> i. the architect responsible for the proposed design has an outstanding reputation in architecture, and ii. necessary arrangements have been made to ensure that the proposed design is carried through to the completion of the development concerned. 	
<p>C4 Car Parking</p> <p>1. The following maximum car parking rates shall apply to future development within the site:</p> <p>b) Residential:</p> <ul style="list-style-type: none"> - 1 bed/bedsit unit – 1 space/2 apartments - 2 bed unit – 1.2 spaces/unit - 3+ bed unit – 2 spaces/unit <p>c) Other Uses: City of Sydney Council rates</p>	<p>The proposal is not modifying any of the approved car parking.</p>
<p>C7 Pedestrian Linkages, Activation of Streets and Public Domain</p> <p>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</p>	<p>The proposal is not modifying any of the approved internal through site links.</p>
<p>C12 Wind Assessment Report</p> <p>A wind assessment report is to accompany all future development application/s (for above-ground works) and is to incorporate specific mitigation measures into the design of the building and public domain.</p>	<p>A Wind Impact Statement was included with the application and recommends mitigation measures to address wind impacts (see Section 5).</p>
<p>C13 Lighting Strategy</p> <p>A Preliminary Lighting Strategy is to be submitted for all future application/s for the above-ground works. The strategy is to:</p> <ul style="list-style-type: none"> a) be prepared in consultation with the Sydney Observatory; b) include, but no be limited to, an assessment of potential impact on the Sydney Observatory; and c) is to recommend relevant mitigation measures to minimise any adverse lighting impacts to neighboring properties. 	<p>Existing Condition B13 requires a Lighting and Light Spill Report to be approved by the Planning Secretary prior to issue of a construction certificate.</p>
<p>C15 Airspace</p> <p>The Proponent shall ensure that for all future development applications involving the erection of a building, all necessary approvals are obtained under the Airports (Protection of Airspace) Regulations 1996, where required.</p>	<p>The proposal is not seeking to change the already approved maximum height of RL 107m AHD.</p> <p>Existing Condition C27 ensures separate approvals are obtained prior to the commencement of works.</p>

Barangaroo Concept Approval Built Form Principles

Table 13 | Consideration of the Barangaroo Concept Approval Built Form Principles

Built form principles	Department's Comment	Consistent?
<p>1 City's New Western Façade</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 proposal continues to support the intent of creating an integrated new western frontage to the City centre.</p> <p>The proposal maximises outlook to the park to the north and the harbour to the west.</p>	Yes
<p>2 Hickson Road as a Boulevard</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>The proposal is seeking consent for façade adjustments including the removal of the lip framed cladding and panel material changes.</p> <p>The proposed modifications are consistent with those of the approved R4A and R4B buildings.</p> <p>The proposal continues to act as a marker to Hickson Park and a bookend to Barangaroo South.</p>	Yes
<p>3 Buildings to Define Streets</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 material changes to the street façade alignment, therefore, the development remains consistent with this principle.</p> <p>The amendments to the façade continue to provide active uses (i.e. retail outlets) on the ground level, which will address the street and activate public space.</p>	Yes
<p>4 North South Pedestrian Connections</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>	Yes
<p>5 Marking the City Frame</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>	Yes
<p>6 Open Space Within Blocks</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>	Yes
<p>7 View Sharing</p>	<p>The proposed building complies with the Concept Approval building envelopes. As</p>	Yes

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.	detailed in Section 5 , the proposed building will preserve the view corridors protected by the Concept Approval including to the existing buildings to the east.	
Provide sky view corridors between residential towers from Napolean Street, Bond Square and the Harbour Bridge.		
8 Orientation of Buildings 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 face north and buildings facing Hickson Road and the waterfront to be oriented to the east and west to define road and promenade.	The modifications would not result in any changes to the orientation of the building. The proposal remains consistent with this principle.	Yes

Barangaroo Urban Design Controls

Table 14 | Consideration of relevant Barangaroo Urban Design Controls

Urban Design Controls (Blocks 4A and 4B)	Department's Comment
<p>1 Building Mass and Location</p> <p>Objectives</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>Standards</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>The modification does not seek any changes to the approved building location, height or separation and remains consistent with the Concept Approval.</p> <p>The proposed amendments have considered the existing view corridors from the Kent Street buildings.</p> <p>The proposal has been designed to ensure clear views between all towers from key vantage points.</p> <p>The amended design of the residential balconies on the towers are proposed to be partially enclosed, this area is not included in the GFA. Further details are provided in Section 0.</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>2 Street Wall Establishment</p> <p>Objectives</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>Standards</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>3 Building Articulation</p> <p>Objectives</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>Standards</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 significantly increase the mass of the building or significantly alter the approved vertical or horizontal articulation of the façade.</p>
<p>4 Building Legibility</p> <p>Objectives</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>The proposal has been designed to ensure the elements of the building will continue to be legible i.e. reading of the separate uses, glazed facades, balconies and shading devices.</p> <p>The proposal continues to align with Hickson Road, Watermans Quay and the</p>

<p>To ensure that towers in Block 4A and 4B are complimentary and read as a cohesive composition.</p> <p>Standards</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>future Hickson Park which will allow for legibility at the base.</p> <p>The proposal would not significantly alter the overall appearance of Building R5, which will continue to be read together with Building R4A and R4B.</p>
<p>5 Ground Floor Permeability and Accessibility of Public Realm</p> <p>Objective</p> <p>To provide permeability and accessibility through Barangaroo South.</p> <p>Standard</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>6 Ensuring Quality of Rooftops</p> <p>Objective</p> <p>To ensure that the mass of the rooftop is articulated and legible.</p> <p>Standards</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 minor reconfiguration of the approved roof terrace would not materially affect the appearance of the rooftop in elevation and is considered acceptable as discussed at Section 0.</p>
<p>7 Facades</p> <p>Objectives</p> <p>To ensure the architectural quality of the facades.</p> <p>To articulate the building's functions and massing with appropriate facade 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>The modification would not significantly alter the appearance of the approved facades. Façade design is discussed further in Section 5.</p> <p>The modification is consistent with the carbon neutral aims for Barangaroo South.</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>Standards</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>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>The different design elements of the building such as open cavity facades and glazing will continue to allow access to direct sunlight and light transmittance, provide thermal insulation and achieve natural ventilation.</p>
<p>8 Active Streetfronts</p> <p>Objective</p> <p>To ensure an activated public domain at street level.</p> <p>Standards</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>9 Signage</p> <p>Objective</p> <p>To ensure the location, size, appearance and quality of signage in the building is appropriate.</p> <p>Standards</p> <p>Building identification signage is to be limited to one sign per frontage at podium level.</p> <p>Signage shall not exceed 15 m² 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. Separate applications may be required for signage not detailed in applications for new buildings.</p>	<p>The proposal includes two additional, alternate signage zones measuring approximately 3 m x 0.8 m (2.4m²) for the KWH entrance and 4.9 m x 1.4 m (6.86 m²) for the On Market entrance (Figure 10).</p> <p>The Department notes that Control 9 in the Concept Approval Design Controls stipulates signage is to be limited to one sign per frontage at podium level and is not to exceed 15m² per sign.</p> <p>The Applicant stated that the second signage zone is sought to provide flexibility for the location of a future single sign and not to allow for two signs.</p> <p>The Department considers the proposed alternative signage zone is acceptable and meets the key criteria in SEPP 64 (Appendix C) and will provide flexibility for potential signage locations in future DA(s). However, to ensure consistency with the concept approval the Department recommends a new condition restricting future signage to be located within only one of the two approved signage zones.</p>

Appendix F – Notice of modification

<https://www.planningportal.nsw.gov.au/major-projects/project/40991>

Appendix G – Concept Approval Modifications

Since its original approval, the Concept Approval has been modified on 11 occasions as summarised in **Table 15**.

Table 15 | Modifications to Concept Approval 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 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 Approval 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, 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, 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	Construction of Hickson Park in seven stages and allow non-construction vehicles to also use Barton Street (the temporary road).	22 Oct 2020

Appendix H – Consideration of issues raised in submissions

The Department's reasons for the determination (decision) and consideration of how community views were considered during the assessment of the applications is provided at **Table 16**.

Table 16 | Department's reasons for determination and consideration of community views

Issue	Consideration
Increase in the building footprint	<p><i>Assessment</i></p> <ul style="list-style-type: none">• The proposal seeks to extend the approved building floor plate by extending it 1.845 m to 2.4 m towards Hickson park.• The minor increase in the building footprint remains wholly within the Concept Approval envelope and would not result in adverse visual, built or amenity impacts. <p><i>Recommended Conditions/Response</i></p> <ul style="list-style-type: none">• No conditions are recommended.
View Loss	<p><i>Assessment</i></p> <ul style="list-style-type: none">• The Department is satisfied that the view impacts to the Stamford on Kent and surrounding residential properties are acceptable as the 1.845 m to 2.4 m extension is contained wholly within the Concept Approval building envelope.• The proposal does not alter the approved 55-degree north west oblique viewing angle from Stamford on Kent and 7-degree viewing angle between Building R5 and International Tower 1.• The proposal will not materially impact views toward Building R4A, R4B, the Crown Resort and Hickson Park.• The proposal will not result in any material impacts to other neighbouring residential properties located further north. <p><i>Recommended Conditions/Response</i></p> <ul style="list-style-type: none">• No conditions are recommended.