

# Modification of Development Consent

Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Anthea Sargeant  
**Executive Director**  
**Key Sites and Regional Assessments**

Sydney

19 August 2021

## SCHEDULE 1

**Development consent:** **SSD 6966** granted by the Independent Planning Commission on 03 October 2019

**For the following:** Construction, use and fitout of a 30-storey (RL 107) mixed-use building, including:

- a total GFA of 19,158 m<sup>2</sup> comprising 18,287 m<sup>2</sup> residential GFA (210 apartments) and 871 m<sup>2</sup> retail GFA
- public domain works
- fit-out and use of the Stage 1B basement car park including allocation of a maximum of 143 car parking spaces, of which 9 are for Key Worker Housing
- demolition of interim basement elements
- a signage zone to accommodate future building identification signage.

**Applicant:** Lend Lease (Millers Point) Pty Ltd

**Consent Authority:** The Independent Planning Commission

**The Land:** 51A Hickson Road, Barangaroo Lot 500 DP 1264241  
(formerly Lot 214 DP 1221076)

**Modification:** SSD 6966 (MOD 1): Modifications to a mixed-use building, including:

- modification of internal layouts, building facades and finished floor levels
- increase GFA by extending the Building R5 floor plate
- two additional Key Worker Housing (KWH) apartments
- amended signage zones and temporary public art.

## SCHEDULE 2

1. Schedule 1 – Approved Development is amended by the deletion of ~~bold and struck out~~ words and the insertion of **bold and underlined** words as follows:

Construction, use and fitout of a 30-storey (RL 107) mixed-use building, including:

- a total GFA of ~~19,158~~ **21,425.3**m<sup>2</sup> comprising ~~18,287~~ **20,636**m<sup>2</sup> residential GFA (~~210~~ **212** apartments) and ~~874~~ **789.3**m<sup>2</sup> retail GFA
- public domain works
- fit-out and use of the Stage 1B basement car park including allocation of a maximum of 143 car parking spaces, of which 9 are for Key Worker Housing
- demolition of interim basement elements
- ~~a~~ **two** signage zones ~~s~~ to accommodate future building identification signage.

2. Schedule 2 Part A – Terms of Consent, Condition A2 is amended by the deletion of the ~~bold and struck out~~ words and the insertion of **bold and underlined** words as follows:

### TERMS OF CONSENT

A2. The development may only be carried out:

- (a) in compliance with the conditions of this consent;
- (b) in accordance with all written directions of the Planning Secretary;
- (c) in accordance with the EIS and Response to Submissions;
- (d) in accordance with the management and mitigation measures; and
- (e) in accordance with the approved plans in the table below:
- (f) **generally in accordance with the following modification applications:**
  - (i) **Section 4.55(2) modification application (SSD 6966 mod 1) dated 11 January 2021 (prepared by Ethos Urban), Response to Submissions dated 26 April 2021 (prepared by Ethos Urban) and Additional Information dated 5 May 2021 (prepared by Ethos Urban), 26 May 2021 (prepared by Ethos Urban), 15 June 2021 (prepared by Lendlease) and 23 July 2021 (prepared by Lendlease).**

Architectural Drawings prepared by Renzo Piano Building Workshop			
Drawing No.	Revision	Name of Plan	Date
BR5 _ASD_PA1_0001	<del>49</del> <b><u>20</u></b>	Context Plan	<del>08/10/2018</del> <b><u>3 Nov 2020</u></b>
BR5 _ASD_PA1_0002	<del>49</del> <b><u>21</u></b>	Site Plan	<del>08/10/2018</del> <b><u>12 Mar 2021</u></b>
BR5 _ASD_PA1_0004	<del>49</del> <b><u>20</u></b>	Setting Out	<del>08/10/2018</del> <b><u>3 Nov 2020</u></b>
BR5 _ASD_PA1_0005	<del>48</del> <b><u>20</u></b>	Thermal Performance Assessment	<del>29/08/2018</del> <b><u>12 Mar 2021</u></b>
BR5 _ASD_PA1_1001	<del>49</del>	Plan Basement Level B4	<del>15/04/2019</del>

	<u>20</u>		<u>03 Nov 2020</u>
BR5 _ASD_PA1_1002	<del>49</del> <u>20</u>	Plan Basement Level B3	<del>15/04/2019</del> <u>03 Nov 2020</u>
BR5 _ASD_PA1_1003	<del>49</del> <u>20</u>	Plan Basement Level B2	<del>15/04/2019</del> <u>03 Nov 2020</u>
BR5 _ASD_PA1_1004	<del>49</del> <u>20</u>	Plan Basement Level B1	<del>15/04/2019</del> <u>03 Nov 2020</u>
BR5 _ASD_PA1_1005	<del>49</del> <u>20</u>	Plan Basement Level B0	<del>15/04/2019</del> <u>03 Nov 2020</u>
<del>BR5 _ASD_PA1_2000*</del> <u>BR5 _ASD_PA1_2000</u>	<del>20</del> <u>22</u>	Plan Ground Floor Level 00	<del>15/04/2019</del> <u>12 Mar 2021</u>
BR5 _ASD_PA1_2001	<del>48</del> <u>20</u>	Plan Podium Level P1	<del>29/08/2018</del> <u>12 Mar 2021</u>
BR5 _ASD_PA1_2002	<del>49</del> <u>21</u>	Plan Podium Level P2	<del>15/04/2019</del> <u>12 Mar 2021</u>
BR5 _ASD_PA1_3001	<del>49</del> <u>21</u>	<del>Plan Lower Plate Level 01</del> Plan Lower Plate Level 01-14	<del>15/04/2019</del> <u>12 Mar 2021</u>
<del>BR5 _ASD_PA1_3002</del>	<del>49</del>	<del>Plan Lower Plate L02-14</del>	<del>15/04/2019</del>
BR5 _ASD_PA1_3015	<del>49</del> <u>21</u>	Plan Mid Plate Level 15-16	<del>15/04/2019</del> <u>12 Mar 2021</u>
BR5 _ASD_PA1_3017	<del>49</del> <u>21</u>	Plan Lift Overrun Level 17	<del>15/04/2019</del> <u>12 Mar 2021</u>
BR5 _ASD_PA1_3018	<del>49</del> <u>21</u>	<del>Plan Upper Plate Level 18-19</del> <u>Plan Upper Plate Level 18-21</u>	<del>15/04/2019</del> <u>12 Mar 2021</u>
BR5 _ASD_PA1_3020	<del>49</del> <u>21</u>	<del>Plan Upper Plate Level 20-25</del> <u>Plan Upper Plate Level 22-25</u>	<del>15/04/2019</del> <u>12 Mar 2021</u>
BR5 _ASD_PA1_3026	<del>48</del> <u>20</u>	Plan Skyhomes Level 26	<del>29/08/2018</del> <u>12 Mar 2021</u>
BR5 _ASD_PA1_3027	<del>48</del> <u>20</u>	Plan Skyhomes Level 27	<del>29/08/2018</del> <u>12 Mar 2021</u>
BR5 _ASD_PA1_3028	<del>48</del> <u>20</u>	Plan Roof Level 28	<del>29/08/2018</del> <u>12 Mar 2021</u>
BR5 ASD_PA1_4001	<del>48</del> <u>20</u>	Elevation North – West (Park)	<del>15/04/2019</del> <u>12 Mar 2021</u>
BR5 ASD_PA1_4002	<del>48</del>	Elevation East (Hickson Road)	<del>15/04/2019</del>

	<u>20</u>		<u>12 Mar 2021</u>
BR5 ASD_PA1_4003	<del>48</del> <u>20</u>	Elevation South (Watermans Quay)	<del>15/04/2019</del> <u>12 Mar 2021</u>
BR5 ASD_PA1_4004	<del>48</del> <u>20</u>	Elevation South – West (Watermans Quay)	<del>15/04/2019</del> <u>12 Mar 2021</u>
BR5 ASD_PA1_4005	<del>48</del> <u>20</u>	North – West Enlarged Elevation (Park) – Low Rise	<del>15/04/2019</del> <u>12 Mar 2021</u>
BR5 ASD_PA1_4006	<del>48</del> <u>20</u>	North – West Enlarged Elevation (Park) – Mid Rise	<del>15/04/2019</del> <u>12 Mar 2021</u>
BR5 ASD_PA1_4007	<del>48</del> <u>20</u>	East Enlarged Elevation (Hickson Park) – Low Rise	<del>15/04/2019</del> <u>12 Mar 2021</u>
BR5 ASD_PA1_4008	<del>48</del> <u>20</u>	East Enlarged Elevation (Hickson Park) – Mid Rise	<del>15/04/2019</del> <u>12 Mar 2021</u>
BR5 ASD_PA1_4201	<del>48</del> <u>20</u>	Signage Zone – South West Elevation	<del>29/08/2018</del> <u>12 Mar 2021</u>
BR5 ASD_PA1_4202	<del>48</del> <u>20</u>	Signage Zone East Elevation (Hickson Road)	<del>29/08/2018</del> <u>12 Mar 2021</u>
BR5 _ASD_PA1_5001	<del>49</del> <u>20</u>	Overall Section AA	<del>15/04/2019</del> <u>12 Mar 2021</u>
BR5 _ASD_PA1_5002	<del>49</del> <u>20</u>	Overall Section BB	<del>15/04/2019</del> <u>12 Mar 2021</u>
BR5 ASD_PA1_6001	<del>48</del> <u>20</u>	Balcony Primary Facade Detail	<del>29/08/2018</del> <u>12 Mar 2021</u>
BR5 ASD_PA1_6002	<del>48</del> <u>19</u>	Open Cavity Primary Facade Detail	<del>29/08/2018</del> <u>12 Mar 2021</u>
BR5 ASD_PA1_6003	<del>48</del> <u>20</u>	Open Cavity Primary Facade Detail – Sky Homes	<del>29/08/2018</del> <u>12 Mar 2021</u>
<del>BR5 ASD_PA1_6004</del>	<del>48</del>	<del>Open Cavity Secondary Facade Detail</del>	<del>29/08/2018</del>
BR5 ASD_PA1_6005	<del>48</del> <u>19</u>	Closed Cavity Secondary Facade Detail	<del>29/08/2018</del> <u>03 Nov 2021</u>
<del>BR5 ASD_PA1_6006</del>	<del>48</del>	<del>DGU Typical Secondary Facade Detail</del>	<del>29/08/2018</del>
BR5 ASD_PA1_6007	<del>48</del> <u>19</u>	Louvred Metal Cladding	<del>29/08/2018</del> <u>03 Nov 2020</u>
BR5 ASD_PA1_6008	<del>48</del> <u>20</u>	Opaque Cladding	<del>29/08/2018</del> <u>12 Mar 2021</u>

BR5 ASD_PA1_6009	<del>48</del> <u>20</u>	Podium Facade Detail	<del>29/08/2018</del> <u>12 Mar 2021</u>
BR5 ASD_PA1_6010	<del>48</del> <u>20</u>	Lobby Facade Detail	<del>29/08/2018</del> <u>12 Mar 2021</u>
BR5 _ASD_PA1_9000	<del>48</del> <u>20</u>	GFA Calculation	<del>29/08/2018</del> <u>12 Mar 2021</u>
<del>BR5 _ASD_PA1_9001</del>	<del>49</del>	<del>GFA Calculation Plan – Sheet 1</del>	<del>15/04/2019</del>
BR5 _ASD_PA1_9002	<del>49</del> <u>21</u>	GFA Calculation Plan – Sheet 2	<del>15/04/2019</del> <u>12 Mar 2021</u>
BR5 _ASD_PA1_9003	<del>49</del> <u>21</u>	GFA Calculation Plan – Sheet 3	<del>15/04/2019</del> <u>12 Mar 2021</u>
BR5 _ASD_PA1_9004	<del>49</del> <u>21</u>	GFA Calculation Plan – Sheet 4	<del>15/04/2019</del> <u>12 Mar 2021</u>
<b>Landscape Drawings prepared by Grant Associates and McGregor Coxall</b>			
Drawing No.	Revision	Name of Plan	Date
RPB430-GE-R5000-GA	R	General Arrangement	23/04/2019
<del>RPB430-GE-R5001-GRND</del>	<del>O</del>	<del>Ground Floor</del>	<del>23/04/2019</del>
<del>RPB430-GE-R5002-PO2</del>	<del>N</del>	<del>Podium Level 02</del>	<del>23/04/2019</del>
<del>RPB430-GE-R5003-L26</del>	<del>N</del>	<del>Level 26</del>	<del>23/04/2019</del>
<del>RPB430-SE-R5004</del>	<del>H</del>	<del>Section Podium Level 02</del>	<del>12/08/2016</del>
<del>RPB430-SE-R5005</del>	<del>A</del>	<del>Section Public Domain</del>	<del>23/04/2019</del>
<del>RPB430-SE-R5006</del>	<del>A</del>	<del>Section Watermans Quay</del>	<del>23/04/2019</del>
<del>RPB430-SE-R5007</del>	<del>A</del>	<del>Section Hickson Road</del>	<del>23/04/2019</del>
<u>BR3DU1GRD01</u>	<u>C</u>	<u>Ground Floor Landscape Plan</u>	<u>25/11/2020</u>
<u>BR3DU1GRD02</u>	<u>C</u>	<u>Ground Floor Landscape Section</u>	<u>25/11/2020</u>
<u>BR3DU1L0201</u>	<u>C</u>	<u>P02 Landscape Plan</u>	<u>25/11/2020</u>
<u>BR3DU1L0202</u>	<u>C</u>	<u>P02 Landscape Sections</u>	<u>25/11/2020</u>
<u>BR3DU1L02601</u>	<u>C</u>	<u>Upper Deck Landscape Plan</u>	<u>25/11/2020</u>
<u>BR3DU1L02602</u>	<u>C</u>	<u>Upper Deck Landscape Sections</u>	<u>25/11/2020</u>

3. Schedule 2 Part A – Terms of Consent, Condition A24 is added by the insertion of **bold and underlined** words as follows:

#### **SIGNAGE**

**A24. Notwithstanding any future signage approval, only one of the two approved signage zones located at the On Market Lobby and Key Worker Housing Lobby may contain signage at any one time.**

4. Schedule 2 Part B – Gross Floor Area (GFA) Certification, Condition B6 is amended by the deletion of the ~~bold and struck~~ out words and the insertion of **bold and underlined** words as follows:

#### **GROSS FLOOR AREA (GFA) CERTIFICATION**

- B6. The GFA of the building must not exceed ~~19,158~~ **21,425.3**m<sup>2</sup>. Details confirming compliance must be submitted to the Certifying Authority prior to the issue of any Construction Certificate.
5. Schedule 2 Part B – BASIX Certification, Condition B20 is amended by the deletion of the ~~bold and struck~~ out words and the insertion of **bold and underlined** words as follows:

#### **BASIX CERTIFICATION**

- B20. The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate No. ~~649695M\_04~~ **649695M\_06**, and an updated certificate issued if amendments are made. The BASIX certificate must be submitted to the Certifying Authority with all commitments clearly shown on the Construction Certificate plans.
6. Schedule 2 Part B – Number of Bicycle Parking Spaces, Condition B30 is amended by the deletion of the ~~bold and struck~~ out words and the insertion of **bold and underlined** words as follows:

#### **NUMBER OF BICYCLE PARKING SPACES**

- B30. The minimum number of bicycle parking spaces to be provided for the development shall comply with the table below. Details confirming the parking numbers must be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

<b>Bicycle parking allocation</b>	<b>Number</b>
Residential	<b><u>210 212</u></b>
Retail	3

7. Schedule 2 Part E – GFA and Height Certification, Condition E2 is amended by the deletion of the ~~bold and struck~~ out words and the insertion of **bold and underlined** words as follows:

#### **GFA AND HEIGHT CERTIFICATION**

- E2. A Registered Surveyor is to certify that the GFA of the building does not exceed ~~19,158~~ **21,425.3**m<sup>2</sup> and the height of the building does not exceed RL 107 m AHD. Details shall be provided to the PCA demonstrating compliance with this condition prior to the issue of any Occupation Certificate.

8. Schedule 2 Part E – Operational Plan of Management, Condition E4 is amended by the deletion of the ~~bold and struck~~ out words and the insertion of **bold and underlined** words as follows:

#### **OPERATIONAL PLAN OF MANAGEMENT**

- E4. Prior to the occupation or commencement of use, a Key-Worker Housing **Operational Plan of Management (OPM)** shall be submitted to and approved by the Planning Secretary. The **OPM** must be prepared in consultation with a community housing provider. The **OPM** shall address (but not be limited to):
- (g) operational strategies for the proposed key worker housing, including management of any access easements proposed to be placed on title in favour of Key Worker Housing residents in any future subdivision of the building;
  - (h) car parking arrangements for Key Worker Housing relating to levels of car sharing arrangements and persons with a disability
  - (i) roles and responsibilities of key employees involved in the operation of the key worker housing;
  - (j) management of Key Worker Housing communal areas and open spaces;
  - (k) access, including lift access **and lift outage arrangements**, loading and unloading, security and staff management, emergency management/evacuation and incident response protocols, occupational health and safety, waste management, water management, wayfinding and signage, and lighting; and
  - (l) community consultation and complaint management.

**End of modification  
(SSD 6966 MOD 1)**