

# Notice of decision

## Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

<b>Application type</b>	State significant development modification
<b>Application number and project name</b>	SSD-6966-Mod-1 Barangaroo Residential Building R5-Mod-1
<b>Applicant</b>	LENLEASE (MILLERS POINT) PTY LIMITED
<b>Consent Authority</b>	Minister for Planning and Public Spaces

### Decision

The Executive Director under delegation from the Minister for Planning and Public Spaces has, under 4.55(2) of the *Environmental Planning and Assessment Act 1979* (**the Act**) modified the consent subject to the recommended conditions [and any additional conditions].

A copy of the instrument of modification and conditions is available at [here](#).

A copy of the Department of Planning & Environment's assessment report is available at [here](#).

### Date of decision

19 August 2021

### Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2000*;
- the objects of the Act;
- all information submitted with the modification application during the assessment and information considered in the Department's Assessment Report;
- the findings and recommendations in the Department's Assessment Report;
- the submissions made concerning the modification; and
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision.

The decision maker was satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted was modified.

The key reasons for granting the modification are as follows:

- the modification would not result in any unreasonable impacts to neighbouring properties subject to conditions
- the modification is permissible with consent, and is consistent with NSW Government policies
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the recommended conditions of consent.
- weighing all relevant considerations, the modification is in the public interest.

## Attachment 1 – Consideration of Community Views

The Department exhibited the modification from 1 February 2021 until 14 February 2021 (14 days) and received 2 submissions, both objections.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include visual impact and the building footprint. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<i>Visual impact</i> <ul style="list-style-type: none"> <li>loss of views of Hickson Park and The Crown Building</li> </ul>	<i>Assessment</i> <ul style="list-style-type: none"> <li>The Department is satisfied that the view impacts to surrounding residential properties are acceptable as: <ul style="list-style-type: none"> <li>the extension is contained wholly within the Concept Approval building envelope</li> <li>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</li> <li>the proposal will not materially impact views toward Building R4A, R4B, the Crown Resort and Hickson Park</li> <li>the proposal will not result in any material impacts to other neighbouring residential properties located further north.</li> </ul> </li> </ul> <i>Conditions</i> <ul style="list-style-type: none"> <li>No changes to the conditions are recommended.</li> </ul>
<i>Building footprint</i> <ul style="list-style-type: none"> <li>objection to the increased footprint</li> </ul>	<i>Assessment</i> <ul style="list-style-type: none"> <li>The Department considers the minor extension of the building footprint is acceptable as: <ul style="list-style-type: none"> <li>it remains wholly within the Concept Approval envelope</li> <li>it retains the proportions of the approved building and will result in negligible additional building bulk or visual impacts, compared to the approved development</li> <li>views, overshadowing and wind impacts are consistent with the Concept Approval and the development consent for Building R5.</li> </ul> </li> </ul> <i>Conditions</i> <ul style="list-style-type: none"> <li>No changes to the conditions are recommended.</li> </ul>