

12 November 2021

2210666

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

Dear Ms Fishburn,

**SECTION 4.55(1A) MODIFICATION APPLICATION – SSD 6966
BUILDING R5, ONE SYDNEY HARBOUR, BARANGAROO SOUTH**

This modification application has been prepared by Ethos Urban on behalf of Lendlease (Millers Point) Pty Ltd (Lendlease), pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify Development Consent SSD 6966 relating to Residential Building R5 at Barangaroo South (the site).

The proposed modifications relate to the reallocation of car parking spaces and associated storage cages within the Stage 1B basement between Building R5 and Buildings R4A and R4B. No physical changes are proposed to the approved basement.

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

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

1.0 Consent proposed to be modified

Development consent SSD 6966 was granted by the NSW Minister for Planning on 3 October 2019 for a 30-storey mixed use building, with 210 residential units and retail floor space at ground level. This included a total gross floor area (GFA) of 19,158m², 18,287m² of which was approved for residential floor space, and the remaining 871m² was approved for retail floorspace.

The original consent also approved public domain works, fit-out and use of the basement, as well as associated building identification signage zones.

SSD 6966 has been amended on one occasion to incorporate internal design changes and layout refinements for an additional 2,260m² of floor space, as well as amendments to the tower and podium facades, roofscapes and the addition of an awning to the Level 2 roof.

This modification application represents the second modification to the Development Consent.

2.0 Proposed modifications to the consent

2.1 Modifications to the development

This modification application seeks consent for the following amendments:

- Level B1: Reallocation of six car parking spaces and associated storage cages between Building R5 and Building R4B.
- Level B2: Reallocation of five car parking spaces and associated storage cages between Building R5 and Building R4A.
- Level B3: Reallocation of three car parking spaces with between Building R5 and Building R4A.

This application does not seek consent for any physical changes, and instead relates only to the reallocation of existing parking spaces between the approved residential towers. The location of the car parking spaces and storage cages proposed to be reallocated are identified in **Figure 1**, and can also be seen in the Architectural Plans prepared by Lendlease Integrated Solutions (LLIS), provided at **Attachment A**.

It is noted that the reallocation of these spaces is accompanied by concurrent modifications to SSD 6964 – Building R4A, as well as SSD 6965 – Building R4B and SSD 8892218 – Building R4B (Amending DA).





Level B1

Figure 1 Proposed reallocation of parking spaces, with clouded pink spaces reallocated to R5, and clouded white spaces unallocated from Building R5 and reallocated to Buildings R4A or R4B

Source: LLIS

2.2 Modifications to conditions

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

TERMS OF CONSENT

A2. The 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).
- (ii) **Section 4.55(1A) modification application (SSD 6966 mod 2) dated 12 November (prepared by Ethos Urban)**

Architectural Plans prepared by Renzo Piano Building Workshop and Lendlease Integrated Solutions			
Drawing No.	Revision	Name of Plan	Date
(...)			
BR5_ASD_PA1_1001	20 21	Plan Basement Level B4	03-Nov-2020 21 Oct 2021
BR5_ASD_PA1_1002	20 21	Plan Basement Level B3	03-Nov-2020 21 Oct 2021

Architectural Plans prepared by Renzo Piano Building Workshop <i>and Lendlease Integrated Solutions</i>			
BR5_ASD_PA1_1003	20 21	Plan Basement Level B2	03 Nov 2020 21 Oct 2021
BR5_ASD_PA1_1004	20 21	Plan Basement Level B1	03 Nov 2020 21 Oct 2021
BR5_ASD_PA1_1005	20 21	Plan Basement Level B0	03 Nov 2020 21 Oct 2021
(...)			

Reason:

To reflect the most recent revision of the Architectural Plans which illustrate the reallocation of car parking spaces and storage cages.

3.0 Substantially the same development

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

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

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

4.0 Environmental assessment

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

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

4.1 State Environmental Planning Policies

The proposed modifications compliance with the relevant State Environmental Planning Policies is detailed below in **Table 1**.

Table 1 Compliance Table – State Environmental Planning Policies

Instrument	Assessment
<i>State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development</i> (SEPP 65)	The proposed modifications do not relate to the residential aspect of the approved development. Accordingly, there will be no change to the development's consistency with the objectives and provisions of SEPP 65.

Instrument	Assessment	
<i>State Environmental Planning Policy (State Significant Precincts) 2005</i> (State Significant Precincts SEPP)	The Barangaroo site is listed as a State Significant Site under Appendix 9 of the State Significant Precincts SEPP. The following is an assessment of the proposal's compliance with the State Significant Precincts SEPP.	
	Clause 8 – Zone B4 Mixed Use	The proposed modifications do not comprise any additional land uses, with the proposed modified development continuing to be both permissible and consistent with the objectives of the B4 – Mixed Use Zone.
	Clause 17 – Height of buildings (Maximum RL 250)	The proposed modifications do not alter the building height.
	Clause 18 – Gross Floor Area restrictions – maximum 21,425.3m ²	The proposed modifications do not alter the building's GFA.
	Clause 19 – Design Excellence	The proposed modifications do not relate to any physical works or modifications to the building, and instead only relate to the reallocation of parking spaces between Buildings R4B and R5. As such, there will be no impact on the modified development's continued achievement of a high standard of design excellence.

4.2 Barangaroo Concept Plan

An assessment of the proposed modifications against the Concept Plan (as modified) is provided in **Table 2** and **Table 3** below. This assessment demonstrates that the proposed development is generally consistent with the approved Concept Plan (as modified) and Built Form and Urban Design Controls.

Table 2 Concept Plan (as modified) – Numerical Overview

Block 4B Concept Plan (Mod 11) Control	Building R5	Block 4B Cumulative Total	Compliance
Maximum Residential GFA – 20,637m ²	20,636m ² * (no change)	20,636m ² (no change)	✓
Maximum total GFA – 21,508m ²	21,425.3m ² (no change)	21,425.3m ² (no change)	✓
Maximum Height – RL 107	RL 107 (no change)	-	✓
Minimum setbacks - Northern block boundary - Eastern block boundary - Southern block boundary - Western block boundary	6m (no change) 0m (no change) 0m (no change) 3m (no change)	-	✓

*including Key Worker Housing GFA equating to 2.3% of residential GFA within Barangaroo South

Table 3 Concept Plan (as modified)

Concept Plan (Mod 11) Block 4B Controls	Building R5	Assessment
Control 3 Building Articulation – Objectives		
To ensure the podium and towers in Block 4A and 4B are considered as a holistic composition.	The proposed modifications do not relate to any physical works and therefore do not result in any structural or design changes to the approved development.	Consistent
Control 3 Building Articulation – Standard		
Tower Form is to express sustainability features e.g. Access to natural light, ventilation and solar shading.	There are no proposed modifications to the tower façade, as such, the modified development will continue to provide ongoing maintenance efficiency of the building and the overall architectural language.	Consistent
To establish a complementary relationship between the towers in Blocks 4A and 4B such as common chassis.	The proposed modifications do not relate to any physical works to the Towers and therefore will not have a discernible impact on the complementary nature of the design of Building R4B with R4A or R5.	Consistent
Vertical articulation and breaks are encouraged to minimise the perceived building mass.	The towers design and vertical articulation is not proposed to be amended from the approved design, with strong verticality adopted in the building form, materiality and composition of the façade.	Consistent
Horizontal articulation and breaks are encouraged to reduce the impact of the building mass.	The façade has been carefully designed to include horizontal articulation and breaks to reduce the visual impact of the building mass. The proposed modifications do not seek to change this.	Consistent
Ensure a highly transparent and visually permeable frontage to the park edge. The tower form on the park side is to come to ground and be dominant through any lower levels of the building.	The proposed modifications do not result in any change to the approved design that would affect compliance with this criteria.	Consistent
Control 4 Building Legibility – Objectives and Standard		
To ensure that towers in Block 4A and 4B are complimentary and read as a cohesive composition.	The building has been designed in the composition of the three crystal forms together with Buildings R4A and R4B. The proposed modifications do not relate to any physical works and therefore will not alter this.	Consistent
Express façade elements including shading and wind amelioration.	As aforementioned, the proposed modifications do not pertain to the building façade, as such, the development will continue to achieve a high level of expression and articulation.	Consistent
Control 7 Facades – Objectives		
To ensure the architectural quality of the facades	No changes to façade.	Consistent
To ensure the façade contributes to the building's articulation and mass.	No changes to façade.	Consistent
Depth and layering of the façade is to be achieved through relief and protrusions.	No changes to façade.	Consistent

4.3

4.4 Traffic

A Traffic Impact Statement has been prepared by JMT Consulting and is provided at **Attachment B**. The Traffic Impact Statement confirms that since the proposed modifications do not result in any change to apartment numbers nor the number of parking spaces to be provided, there will be no associated impacts to traffic movements for the development.

4.5 Reasons for granting consent

The NSW IPC determination report sets out the following reasons for approval of SSD 6966:

- The associated environmental impacts resulting from the development are manageable with appropriate conditions.
- The development meets the objects of the EP&A Act.
- The development is in the public interest.

The development as modified will continue to achieve the aforementioned reasons for consent, given the minor nature of the proposed modifications.

5.0 Conclusion

The proposed modifications relate to the reallocation of car parking spaces and associated storage cage, and no physical changes are proposed to the approved Stage 1B basement. In accordance with section 4.55(1A) of the EP&A Act, Council may modify the consent as:

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

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

If you have any further questions, please do not hesitate to contact us.

Yours sincerely,



Alex Heath
Junior Urbanist



Brendan Hoskins
Associate Director