

26 August 2022

2220365

Mr Michael Cassell
Secretary
NSW Department of Planning & Environment
12 Darcy Street
PARRAMATTA NSW 2150

Dear Mr Cassell,

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 following:

- Deletion of the provision of nine (9) parking spaces designated for Key Worker Housing in the consent conditions.
- Installation of retail shopfronts for ground floor retail tenancies.
- Minor internal layout adjustments at the ground floor.
- Addition of a louvre above the Level 1 retail tenancy fronting Hickson Road.
- Amendments to façade panels at the Level 2 communal open space surrounding the barbeque area.
- Amended door access of the Level 26 rooftop terrace from opening to sliding.

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:

- Statement of Support prepared by St George Community Housing (SGCH) (**Attachment A**).
- Architectural Plans prepared by Renzo Piano Building Workshop (RPBW) and Peddle Thorp & Walker Architects (PTW) (**Attachment B**).
- Architectural Design Report prepared by RPBW (**Attachment C**).
- Transport Statement prepared by JMT Consulting (**Attachment D**).
- Parking Layout Diagram (**Attachment E**).
- Accessibility Statement prepared by Morris Goding (**Attachment F**).

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 since been modified on three occasions. These modifications are summarised below in **Table 1**

Table 1 Summary of modifications to SSD 6966

Modification	Status	Description
Modification 1	Approved 19 August 2021	A number of internal and external amendments, resulting in an increase in the total residential floor space (including increased Key Worker Housing (KWH) floor space).
Modification 2	Approved 14 February 2022	Reallocation of car parking spaces and storage cages within the basement between Buildings R4A, R4B and R5.
Modification 3	Approved 20 April 2022	Ongoing design development of Building R5, including internal layout reconfiguration, rooftop changes, façade rationalisation and landscape changes.

This modification application therefore represents the fourth modification to SSD 6966.

2.0 Proposed modifications to the consent

2.1 Deletion of car parking spaces

This application proposes to remove nine (9) parking spaces previously required to be allocated to KWH by way of a consent condition under SSD 6966 (condition B28).

St George Community Housing (SGCH) have now acquired the KWH apartments within Building R5 and will therefore be the owner and operator of the KWH. As stipulated in the Statement of Support prepared by SGCH (refer **Attachment A**), the nine allocated car parking spaces for KWH are not required to the operations of SGCH. This is discussed further in **Section 4.3**.

As aforementioned, the required provision of nine parking spaces is a current condition of consent. In light of the position of SGCH, it is proposed to amend Condition B28 to delete this requirement, noting that no physical changes will be required to the basement. Therefore, there will be a reduction in the maximum number of parking spaces as per Condition B28, from 143 to 134. It is noted that the original application for Building R5 (prior to modification) sought 134 spaces, and therefore the removal of the 9 spaces would return the number of parking spaces back to the original 134. As discussed under Section 4.3, there is no physical change to the current parking layout as approved on the relevant basement plans.

2.2 Ground floor retail façade amendments

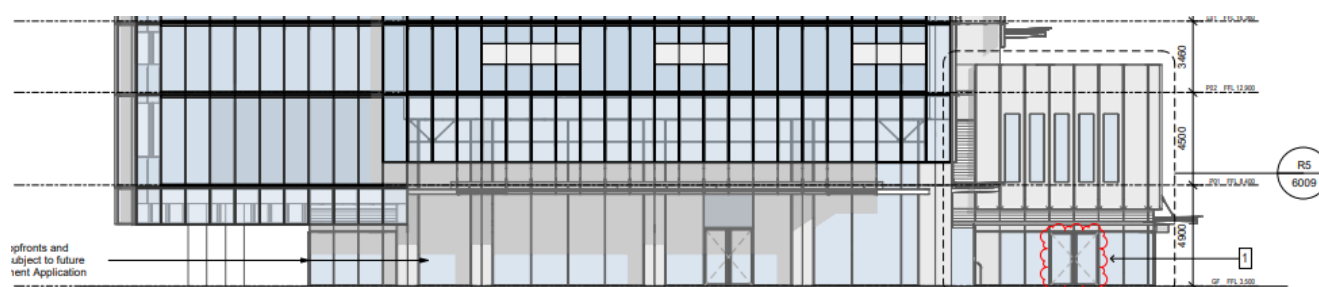
The proposed modifications include the installation of retail shopfronts. Under the current consent and within the existing stamped plans, the approval of these shopfronts is subject to a future, separate individual design process and their own Development Application (DA). On a further design review, it is considered that providing for the shopfronts as part of an integrated approach will provide a better response to the broader architecture of the building and will result in a more cohesive design outcome together with the other shopfronts approved under Building R4A (SSD 6964) and SSD 6965 (as amended by SSD8892218).

It is proposed to reconfigure the façade at the ground level elevation to facilitate the following:

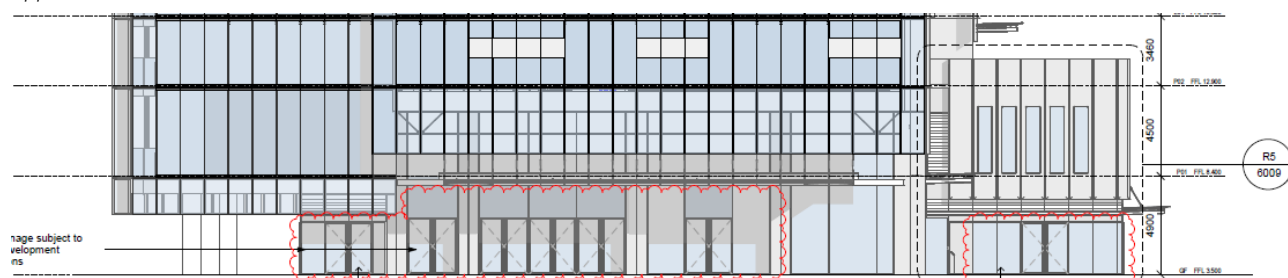
- Additional retail shopfronts/entrances around the ground floor of the building.
- Additional door for fire booster cabinet fronting Hickson Road.

A comparison between the approved and proposed Ground level elevations is provided at Error! Reference source not found. to **Figure 3**.

Northwest Elevation:



Approved

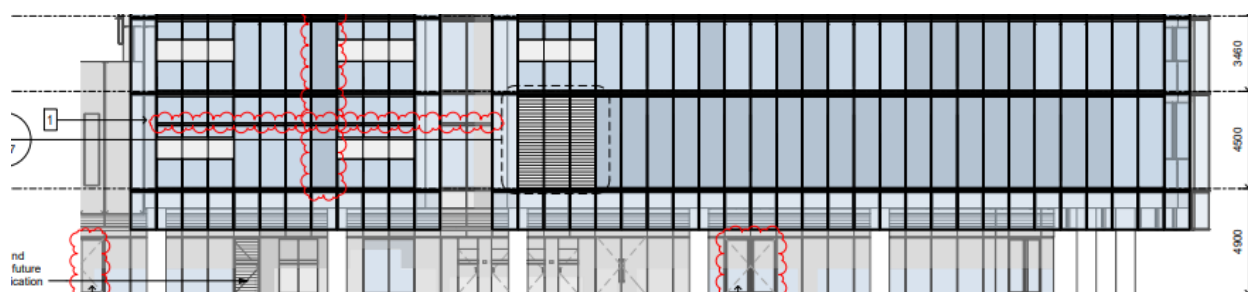


Proposed

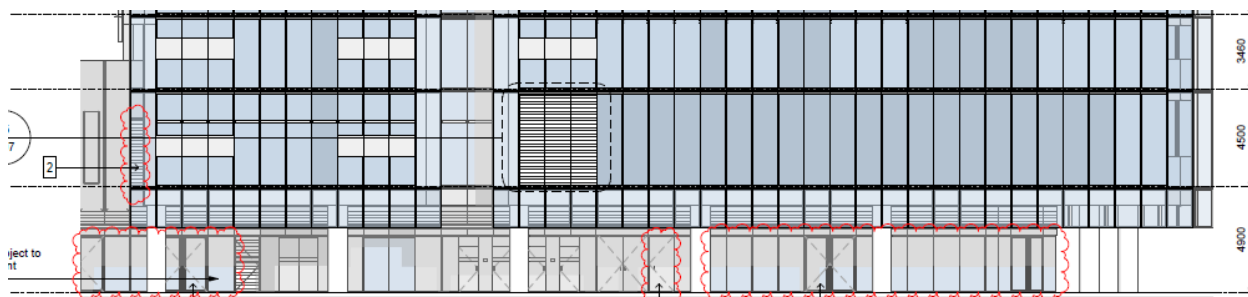
Figure 1 Façade changes on the northeast elevation

Source: RPBW and PTW

East Elevation



Approved

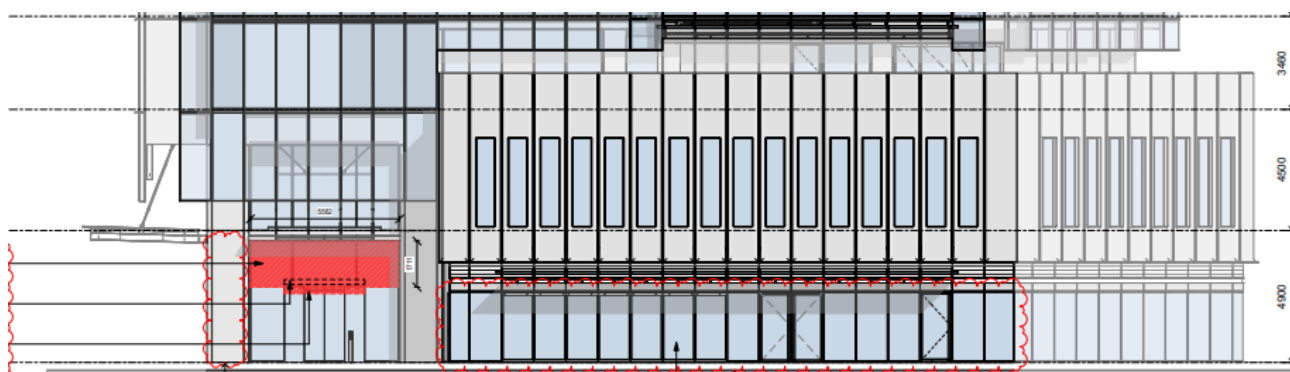


Proposed

Figure 2 Façade changes on the eastern elevation

Source: RPBW and PTW

Southwest Elevation



Approved



Proposed

Figure 3 Façade changes on the southwestern elevation

Source: RPBW/PTW

2.3 Internal and external layout amendments

Some minor layout alterations are proposed both internally and externally across the building, comprising:

- Addition of a louvre adjoining the Level 1 retail tenancy, fronting Hickson Road. This will provide for an eventual amenities exhaust system, subject to the subject tenancy area completing a separate retail fit-out and design.
- Removal of doorway within a retail tenancy at the Ground Floor for access purposes.
- Amendment to façade panels around the BBQ area on Level 2, providing a better design outcome for the KWH communal open space by integrating the BBQ cooker within the façade design, rather than protruding into the outdoor space as currently approved.
- Change from a swing door to a sliding door at the Level 26 rooftop terrace, to improve access to this area.

These modifications are minor and identified within the Architectural Plans (refer to **Attachment B**).

2.4 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***.

Schedule 1

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

- a total GFA of 21,425 m2 comprising 20,636.9 m2 residential GFA (212 apartments) and 788.1 m2 retail GFA
- public domain works
- fit-out and use of the Stage 1B basement car park including allocation of a maximum of ***143 134*** car parking spaces, ~~of which 9 are for Key Worker Housing~~
- demolition of interim basement elements
- two signage zones to accommodate future building identification signage.

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 2021 (prepared by Ethos Urban), Response to Request for Additional Information dated 19 January 2022 (prepared by Lendlease) and 28 January 2022 (prepared by Lendlease) and the Additional Information dated 31 January 2022 (prepared by Lendlease) and 7 February 2022 (prepared by Lendlease)

(iii) Section 4.55(1A) modification application (SSD 6966 mod 3) dated 17 December 2021 (prepared by Ethos Urban), Response to Request for Additional Information dated 24 February 2022 (prepared by Lendlease) and Additional Information dated 21 March 2022 (prepared by Lendlease).

(iv) Section 4.55(1A) modification application (SSD 6966 mod 4) dated 26/08/2022 (prepared by Ethos Urban)

Architectural Plans prepared by Renzo Piano Building Workshop			
Drawing No.	Revision	Name of Plan	Date
BR5 _ASD_PA1_0002	<i>23 24</i>	Site Plan	<i>15-Dec-2021 15 July 2022</i>
BR5 _ASD_PA1_0005	<i>21 22</i>	Thermal Performance Assessment	<i>5-Nov-2021-15 July 2022</i>
BR5 _ASD_PA1_2000	<i>24 25</i>	Plan Ground Floor Level 00	<i>15-Dec-2021 15 July 2022</i>
BR5 _ASD_PA1_2001	<i>22 23</i>	Plan Podium Level P1	<i>15-Dec-2021 15 July 2022</i>
BR5 _ASD_PA1_2002	<i>22 23</i>	Plan Podium Level P2	<i>5-Nov-2021-15 July 2022</i>
BR5 _ASD_PA1_3026	<i>21 22</i>	Plan Skyhomes Level 26	<i>5-Nov-2021-15 July 2022</i>
BR5 ASD_PA1_4001	<i>21 22</i>	Elevation North – West (Park)	<i>5-Nov-2021-15 July 2022</i>
BR5 ASD_PA1_4002	<i>22 23</i>	Elevation East (Hickson Road)	<i>5-Nov-2021-15 July 2022</i>

Architectural Plans prepared by Renzo Piano Building Workshop

BR5 ASD_PA1_4003	21 22	Elevation South (Watermans Quay)	5 Nov 2021-15 July 2022
BR5 ASD_PA1_4004	21 22	Elevation South – West (Watermans Quay)	5 Nov 2021-15 July 2022
BR5 ASD_PA1_4005	21 22	North – West Enlarged Elevation (Park) – Low Rise	5 Nov 2021-15 July 2022
BR5 ASD_PA1_4007	22 23	East Enlarged Elevation (Hickson Park) – Low Rise	5 Nov 2021-15 July 2022
BR5 ASD_PA1_4201	21 22	Signage Zone – South West Elevation	5 Nov 2021-15 July 2022
BR5 ASD_PA1_4202	22 23	Signage Zone East Elevation (Hickson Road)	5 Nov 2021-15 July 2022

Reason:

To reflect the most recent revision of Architectural Plans.

NUMBER OF CAR PARKING SPACES

B28 The maximum number of car parking spaces to be provided for the development is ~~143~~ **134**, ~~of which a minimum of 9 shall be for Key Worker Housing~~. Details confirming the parking numbers must be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

Reason:

To reflect St George Housing's request for no parking spaces to be related to the KWH.

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):

- 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;
- car parking arrangements for Key Worker Housing relating to levels of car sharing arrangements ~~and persons with a disability~~
- roles and responsibilities of key employees involved in the operation of the key worker housing;
- management of Key Worker Housing communal areas and open spaces;
- 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
- community consultation and complaint management.

Reason:

To reflect St George Housing's request for no parking spaces to be related to the KWH, including disability parking.

ENVIRONMENTAL PERFORMANCE

E18 Prior to the issue of any Occupation Certificate, the Applicant shall implement the commitments outlined in BASIX Certificate No. 649695M_0**408**.

Reason:

To reflect latest BASIX Certificate number, as approved under previous Modification 3. The modification to this condition was over-looked under the previous modification, with no change to the BASIX Certificate is proposed under this modification.

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:

- The proposed modifications are minor in nature and only relate to refinements in response to further detailed design development and confirmed operational aspects by the KWH housing operator.
- The Ground Level retail shopfront modifications have been specifically facilitated to create an activated interface with the public domain and will contribute to the approved development's mixed use offering.
- The refined façade design at the Ground level maintains RPBW's design intent of delivering a crystalline façade that reflects the harbour waterways.
- The proposed modifications do not alter the key components of the approved development, being a mixed-use development comprising of residential and retail uses.
- No changes to GFA or building height are proposed as part of the modifications.
- The proposed modifications continue to achieve a high degree of design excellence, with RPBW informing the amended design.
- The changes to the façade and internal layout are minor in nature and will not result in any additional adverse environmental impacts, including visual impacts.
- No changes are proposed to quantum of parking associated with R5, with 134 parking spaces continuing to be provided as consistent with the approval for non-KWH apartments.

4.0 Planning 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 2**.

Table 2 *Compliance Table – State Environmental Planning Policies*

Instrument	Assessment								
<i>State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65)</i>	The proposed modifications do not propose any material changes to the approved apartments within Building R5. As such, the development as modified will continue to comply with the relevant provisions of the NSW Apartment Design Guide (ADG) and SEPP 65.								
<i>State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021 (EHC SEPP)</i>	The Barangaroo site is listed as a State Significant Site under Appendix 5 of the EHC SEPP. The following is an assessment of the proposal's compliance with the EHC SEPP. <table><tr><td>Clause 8 – Zone B4 Mixed Use</td><td>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.</td></tr><tr><td>Clause 17 – Height of Buildings (Maximum RL 250)</td><td>The proposed modifications do not alter the building height.</td></tr><tr><td>Clause 18 – Gross Floor Area restrictions – maximum 23,320m²</td><td>The proposed modifications do not alter the gross floor area.</td></tr><tr><td>Clause 19 – Design Excellence</td><td>The proposed modifications are minor in nature and entirely contained within the approved building. The façade alterations will result in a minor alteration to the overall appearance of the building, however do not compromise the broader architectural integrity or design excellence of Building R5, rather support it.</td></tr></table>	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 23,320m ²	The proposed modifications do not alter the gross floor area.	Clause 19 – Design Excellence	The proposed modifications are minor in nature and entirely contained within the approved building. The façade alterations will result in a minor alteration to the overall appearance of the building, however do not compromise the broader architectural integrity or design excellence of Building R5, rather support it.
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 23,320m ²	The proposed modifications do not alter the gross floor area.								
Clause 19 – Design Excellence	The proposed modifications are minor in nature and entirely contained within the approved building. The façade alterations will result in a minor alteration to the overall appearance of the building, however do not compromise the broader architectural integrity or design excellence of Building R5, rather support it.								

4.2 Barangaroo Concept Plan

An assessment of the proposed modifications against the Concept Plan (as modified) is provided in **Table 3** and **Table 4**. 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 3 *Barangaroo 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	20,636.9m ² * (no change)	20,636.9m ² (no change)	Yes
Maximum total GFA – 21,508m ²	21,425m ² (no change)	21,425m ² (no change)	Yes
Maximum Height – RL 107	RL 107 (no change)	-	Yes
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)	-	Yes

*including KWH GFA equating to 2.3% of residential GFA within Barangaroo South

Table 4 *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 are minor and do not compromise the design language between Blocks 4A and 4B.	Consistent
Control 3 Building Articulation – Standard		
Tower Form is to express sustainability features e.g. Access to natural light, ventilation and solar shading.	The proposed modifications will not have any adverse impacts on key sustainability features including solar access and ventilation.	Consistent
To establish a complementary relationship between the towers in Blocks 4A and 4B such as common chassis.	The towers have been designed with common design language, and the structural design carried across all towers. The proposed changes are minor and will not have a discernible impact on the complementary nature of the design of Building R5 with Buildings R4A and R4B.	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 maintain this, including the proposed modifications to the Ground Level external façade, which only results in a minor reconfiguration of panelling to accommodate retailer shopfronts.	Consistent

Concept Plan (Mod 11) Block 4B Controls		
Controls	Building R5	Assessment
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 control.	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 to the façade do not seek any major changes to the structural form or articulation of the façade and will therefore ensure that there is continued cohesiveness between blocks 4A and 4B.	Consistent
Express façade elements including shading and wind amelioration.	The proposed modifications to the façade will continue to achieve a high level of expression and articulation.	Consistent
Control 7 Facades – Objectives		
To ensure the architectural quality of the facades	As aforementioned, the proposed façade modifications are minor in nature and do not seek to depart from the original design intent to create a rhythmic crystalline synergy with the adjacent Buildings R4A and R4B. As such, the architectural quality of the façade of Building R5 will not be compromised.	Consistent
To ensure the façade contributes to the building's articulation and mass.	The proposed modifications do not seek to alter the articulation or massing of the façade.	Consistent
Depth and layering of the façade is to be achieved through relief and protrusions.		Consistent

4.3 Traffic and Parking

As discussed in **Section 2.1**, this modification seeks to remove the requirement to provide nine parking spaces for KWH within the development consent conditions.

SGCH have acquired the KWH apartments within Building R5 and will therefore be the owner and operator of the KWH under a ground lease for 99 years. As stipulated in the Statement of Support prepared by SGCH (refer **Attachment A**), the nine allocated car parking spaces for KWH are not required to the operations of SGCH. SGCH notes that they are conscious of the long-term operating costs of their housing, and their model focuses on acquiring assets in locations that are highly accessible by public transport, so that overall costs for residents can be reduced. There are numerous public transport options within close proximity of Building R5, including Barangaroo ferries, the future Sydney Metro station, trains via Wynyard Walk and numerous bus services. SGCH therefore notes that removing these spaces presents additional benefits in the form of reduced ongoing operational costs, enabling them to devote additional resources to their primary objective of providing affordable housing.

SGCH also note that they have recently completed a project being 11 Gibbons Street, Redfern, an 18-storey building with 120 affordable housing apartments and 40 social housing apartments. The planning approval for this was issued by the Department of Planning and Environment (SSD 7749). No on-site car parking is provided, including accessible parking for disabled persons. The focus of the development is to provide alternate transport means that supported accessibility and sustainability. The site is located only 115m from the Redfern Railway Station and is also within close proximity to regular bus services accessed from Gibbons and Regent Streets. SGCH note that no car parking at Gibbons Street reduces their ongoing operational costs and suits the needs of their 160 plus residents, including shift workers who most commonly use Sydney Trains.

It is SGCH's opinion that the connectivity in and around Building R5 will be equal to or better than Gibbons Street, Redfern as it be within walking distance to Wynyard Train Station, and the planned Barangaroo Metro Station as well as ferry and CBD bus networks.

The Gibbons Street development also includes 96 bicycle parking spaces (80 for residents and 16 for commercial/retail workers). The 80 resident bicycle parking spaces equates to one space per two apartments. Building R5 includes 215 bicycle parking spaces (212 for residents and 3 for retail), meaning 50 KWH bicycle parking spaces are provided for 50 KWH apartments. All bicycle parking for KWH is Class B bicycle facilities.

SGCH has a broad portfolio of properties across the Sydney metropolitan area. Applications for properties are received from tenants with various needs and requirements. Part of SGCH's property allocations process involves a detailed assessment of specific tenants needs and requirements on an individual basis, taking into account the location and apartment type (such as the number of bedrooms, any accessibility requirements, proximity to employment, and so on). By way of example, in the event that any prospective and income qualifying affordable housing tenant at the Gibbons St Redfern property desired/required car parking on site, then SGCH would inform them about other properties that are vacant and would meet their needs (including properties managed by other community housing providers) in the Sydney metropolitan area. The same assessment procedures will be used for tenant allocations for Building R5 in Barangaroo South.

Prospective key worker housing tenants who wish to live in the inner city ordinarily do so to make use of the highly accessible public transport connections between home and work. Conversely, affordable housing tenants who require a car to get to work have greater housing options outside of the city located closer to work, where space is less restricted and on-street / off-street parking is more readily available.

It is noted that these nine parking spaces will not be replaced. This modification does not physically change the current approved parking layout on the basement plans, as shown on the diagram at **Attachment E**. Instead, the overall parking number will be reduced by nine spaces from 143 back to 134 parking spaces. This final parking outcome is considered consistent with the original planning application, where no KWH parking was identified as necessary.

With respect to accessible parking for disabled persons, as a State Significant Development, the City of Sydney Development Control Plan requirements for accessible parking do not apply. Accordingly, the proposal is considered acceptable on accessibility grounds. An accessibility statement has been prepared by Morris Goding and is provided at **Attachment F** which confirms the modified development would be acceptable.

A Transport Statement has been prepared by JMT Consulting and is provided at **Attachment D**. This report confirms that the modified development would remain compliant with the Concept Plan parking rates. Importantly, the proposed removal of nine designated parking spaces for the KWH will have an immaterial impact on the number of traffic movements generated by the approved development. As such, the operation of the surrounding traffic and transport network will remain unchanged as a result of the proposed modifications.

Further, JMT Consulting have undertaken an analysis of the public transport accessibility of Building R5, particularly during night-time periods when key workers (such as nurses, police officers and fire fighters) may have to travel to/from their place of employment. **Figure 4** below outlines the extent of the 30-minute public transport catchment from Building R5 at midnight on a typical weekday evening (Monday to Friday). Given the typical transport conditions at this time of night, with much lower levels of traffic congestion, road-based public transport services have a greater catchment when compared to the daytime period.

Therefore, JMT Consulting conclude that all areas of the Sydney CBD and surrounds can be accessed by public transport in 30 minutes or less, which includes sites such as St Vincent's and Royal Prince Alfred Hospitals, Police Stations in Kings Cross and Surry Hills and surrounding ambulance stations. With the completion of the Sydney Metro station at Barangaroo, areas such as Sydenham, Waterloo, St Leonards and Chatswood are will also be accessible by public transport within 30 minutes. Further discussion is included at **Attachment D**.

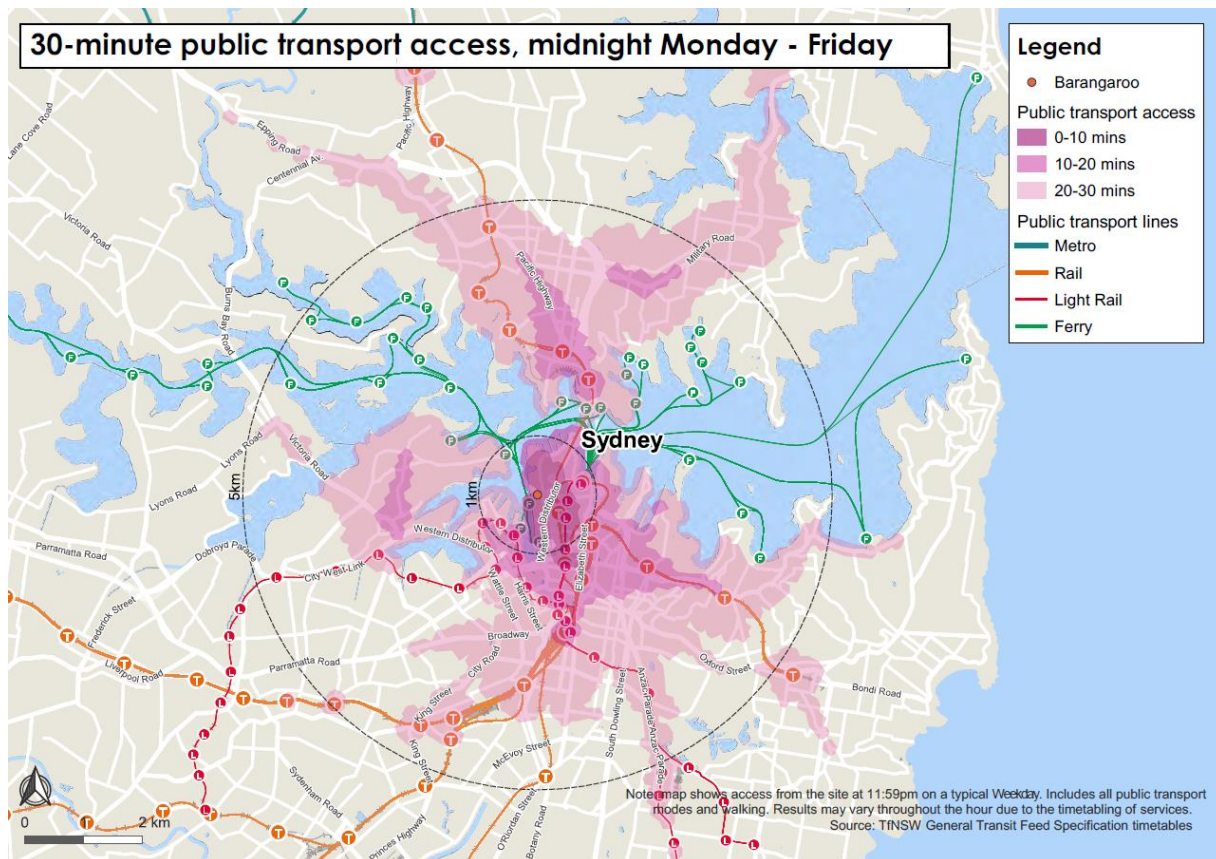


Figure 4 Public transport accessibility from Building R5

Source: JMT Consulting

4.4 Design Excellence

The proposed retail and other façade alterations are considered minor in the context of the building design. The retail façade changes proposed will provide an improved interface with the public domain, through providing additional shopfronts that will enhance activation. In addition, they will ensure that the design language of the shopfronts is consistent with Buildings R4A and Building R4B. Notwithstanding these modifications, it is noted that the façade design will retain the character of horizontal panelling and will therefore not compromise the original design intent of Building R5.

4.5 Reasons given 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 proposed modifications remain consistent with these reasons given for granting consent, reinforcing these reasons through the proposed amendments. The proposed refinements seek to enhance amenity and design outcomes, support the efficient operation of the building, maintain a high standard of design excellence and remain the building consistent with the Barangaroo Concept Plan (as modified).

5.0 Conclusion

The proposed modifications relate to a range of internal and external amendments to Building R5, principally regarding the following:

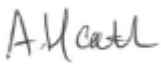
- Removal of designated parking spaces for KWH in the consent conditions.
- Installation of retail shopfronts at the Ground Floor.
- Minor alterations to internal/external layouts across the approved building.

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.
- 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 on this matter, please do not hesitate to contact us.

Yours sincerely,



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