

10 August 2022

2220057

Mr Michael Cassel  
Planning Secretary  
Department of Planning and Environment  
12 Darcy Street, Parramatta  
NSW 2150

Dear Mr Cassel,

## **SECTION 4.55(1A) MODIFICATION APPLICATION BUILDING R4B – SSD 8892218**

This modification application has been prepared by Ethos Urban on behalf of Lendlease (Millers Point) Pty Ltd, pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify Development Consent SSD 8892218 relating to Building R4B Barangaroo South (the site).

Building R4B is subject to two development consents that integrate together comprising the base consent (SSD 6965) and a secondary consent resulting from an amending DA process, known as SSD 8892218. SSD 8892218 includes the development of SSD 6965, and its associated conditions, to achieve the overall 68 storey development.

This modification application proposes design amendments to the development approved under SSD 8892218, as well as administrative modifications to ensure that SSD 6965 properly aligns with SSD 8892218. These administrative modifications are sought to correctly reference and capture separate modifications sought to SSD 6965. A modification application for amendments to the development approved under SSD 6965 has been separately submitted and is currently under assessment.

The proposed modification application to SSD 8892218 seeks approval for the following amendments:

- Amalgamation of two apartments on Level 59 (this also reduces the overall number of apartments from 322 to 321).
- Reconfiguration of the two skyhomes on Level 64-65, creating a skyhome and penthouse apartment.
- Amendments to the approved façade details.
- Minor internal reconfiguration to accommodate changes relating to the provision of utilities.

This application identifies the consent and describes the proposed modifications and provides a planning assessment of the relevant matters for consideration contained in section 4.55(1A) of the EP&A Act. For completeness, this application is accompanied by the same architectural drawings and technical reports as the concurrent modification to SSD 6965 as discussed above. These attachments are as follows:

- Architectural drawings prepared by PTW (**Attachment A**).
- Design Report prepared by Renzo Piano Building Workshop (RPBW) (**Attachment B**).
- Design Verification Statement prepared by Renzo Piano Building Workshop (RPBW) (**Attachment C**).
- BASIX certificate and stamped plans. (**Attachment D**).

It is noted that the attached reports relate to both the modification to SSD 8892218 and the modification to SSD 6965, and therefore illustrate all changes captured across both respective modification applications.

# 1.0 Background

## 1.1 Design Process

Building R4B is the second tallest of three residential towers in Barangaroo South, sitting between Building R4A and R5. The form of these three residential towers was designed by Renzo Piano Building Workshop (RPBW), which won an architectural design competition for the buildings in 2014. RPBW conceived the three towers as 'crystals' and utilised a unique triangular shape for each tower, paired with highly transparent glass façades and associated detailing of the façade.

RPBW's design responds within the design parameters of the Barangaroo Built Form Masterplan by Robert Stirk and Partners, approved under the Barangaroo Concept Plan (as modified), whilst also capturing the natural and organic crystal formation in the architectural form. As the design has developed and been modified, the crystalline vision that informed the architecture has remained prominent in the design and continues to guide all modifications to Building R4B.

## 1.2 SSD 6965 and SSD 8892218

Building R4B was initially approved under development consent SSD 6965, granted by the Planning Assessment Commission on the 7 September 2017. Under SSD 6965, Building R4B comprised a 60-storey mixed use building, with 297 residential apartments and retail floor space at ground level. This included a total gross floor area (GFA) of 38,896m<sup>2</sup>, 38,602m<sup>2</sup> of which was for residential floor space and the remaining 294m<sup>2</sup> was for retail floor space.

Consent was also provided for associated building public domain works, roof of the proposed strada, fit-out and use of basement and associated building identification signage.

Development Consent SSD 6965 has been subsequently modified on four occasions under section 4.55 of the EP&A Act.

Development Consent SSD 6965 and the development approved under that consent were also amended more recently via amending development consent SSD-8892218 which was determined on 26 March 2021. SSD-8892218 included approval for alterations and additions to the approved Building R4B, including the construction of eight additional storeys and 5,650m<sup>2</sup> of gross floor area (GFA), amongst other items to result in the overall 68 storey development. SSD 8892218 amends SSD 6965 by way of conditions of consent.

Development Consent SSD-8892218 specifically approved the following development, and incorporates the approved development of SSD 6965:

*Alterations and additions to Building R4B (SSD 6965) to provide for the construction, fit out and use of a 68-storey mixed-use building, including:  
a total GFA of 44,561 m<sup>2</sup> comprising 44,252 m<sup>2</sup> residential GFA (322 apartments) and 309 m<sup>2</sup> retail GFA;  
public domain works including pedestrian Strada;  
fit-out and use of the Stage 1B basement car park for Building R4B, including 331 allocated parking spaces;  
demolition of interim basement elements; and  
signage zones to accommodate future building identification signage.*

Development Consent SSD 8892218 has been subsequently modified under section 4.55 of the EP&A Act.

Due to the relationship between SSD 8892218 and SSD 6965, any changes specific to the Development Consent SSD 6965 must be in turn captured in Development Consent SSD 8892218 via a concurrent modification.

## 2.0 Consent proposed to be modified

This application seeks to amend SSD 8892218 of Building R4B to capture built form changes relating to the development approved under the Development Consent SSD 8892218. This constitutes the third modification application to SSD 8892218.

A separate modification to SSD 6965 is being assessed concurrently to this application, which includes built form changes to the relevant components of Building R4B approved under SSD 6965.

## 3.0 Proposed modifications to the consent

### 3.1 Modifications to the development

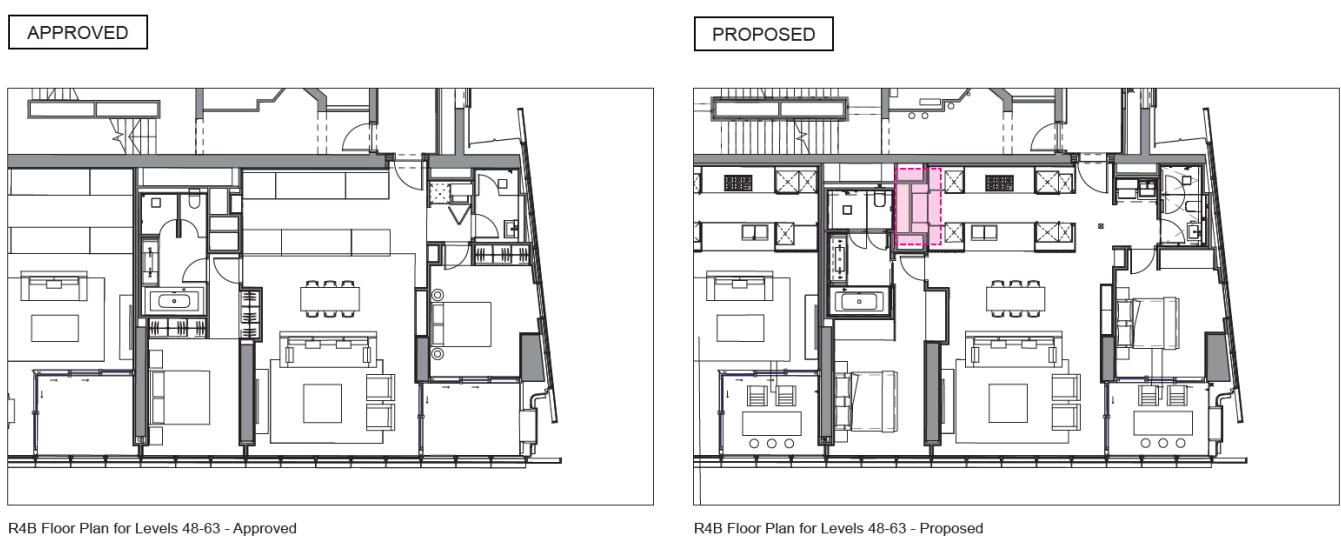
This modification application seeks consent for the following amendments to the built form components of SSD 8892218:

- Minor reconfiguration of apartment type UB-03 on Levels 48-62 to accommodate home automation utilities.
- Amalgamation of two 3-bedroom apartments on Level 59 to create one 5-bedroom apartment (this also reduces the number of total apartments from 322 to 321).
- Internal amendments of apartments on Level 64-65 to create a reconfigured skyhome and a penthouse apartment and revised floor-to-floor heights.
- Minor refinement of the rooftop layout.
- Amendment to the façade details on the north-eastern and western building elevations.

A detailed explanation of each of the proposed amendments is outlined further in **Attachment B** and discussed below.

#### Reconfiguration of apartments type UB-03 on Level 48-62

A minor reconfiguration of apartments type UB-03 on Level 48-62 is proposed to incorporate a cupboard to accommodate home automation utilities. This reconfiguration applies to 15 apartment and the change is illustrated in **Figure 1**.



**Figure 1** Proposed reconfiguration of UB-03

Source: RPBW

## Amalgamation of apartments on Level 59

This modification seeks approval for the amalgamation of two 3-bedroom apartments on Level 59 in order to create one 5-bedroom apartment at that location. This amendment is proposed in response to a purchaser request. The proposed amalgamation is shown in **Figure 2**.



**Figure 2** Proposed amalgamation on Level 59

Source: RPBW

## Amendments to Level 64-65 to create reconfigured skyhome and penthouse

Several amendments are proposed to the configuration and layout of the apartments on Level 64 and 65. The amendments will reconfigure the approved skyhome levels, to create a new skyhome and penthouse. All changes are within the boundaries of these approved levels.

The amendments are described as follows.

### Level 64

#### *Current 'SH 01 Skyhome'*

A reduction from 5 to 4 bedrooms, with relocation of master bedroom from north west to south west corner. Apartment entry door adjusted, removal of winter gardens and overall associated internal changes including stairs to Level 65. Apartment title amendment from SH 01 (Skyhome 01) to SH (Skyhome).

#### *Current SH 02*

Internal reconfigurations including removal of a bedroom and apartment title amendment to PH (Penthouse).

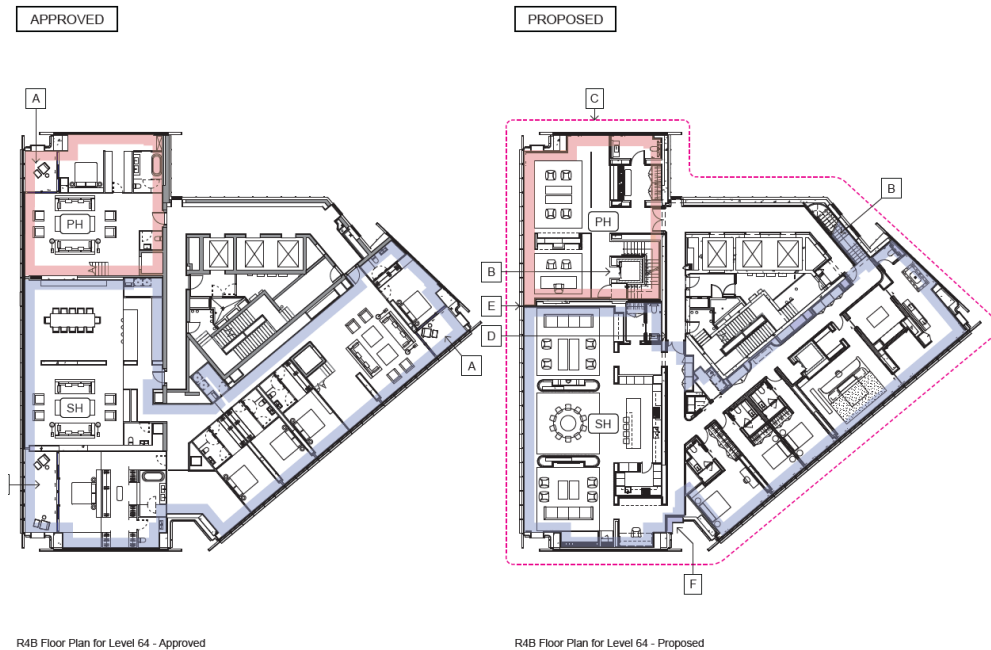
## Level 65

Current 'SH 01 and SH 02 Skyhome'

Internal reconfigurations, removal of wintergardens, reconfiguration of outdoor terraces. Associated apartment title adjustments to SH (Skyhome) and PH (Penthouse).

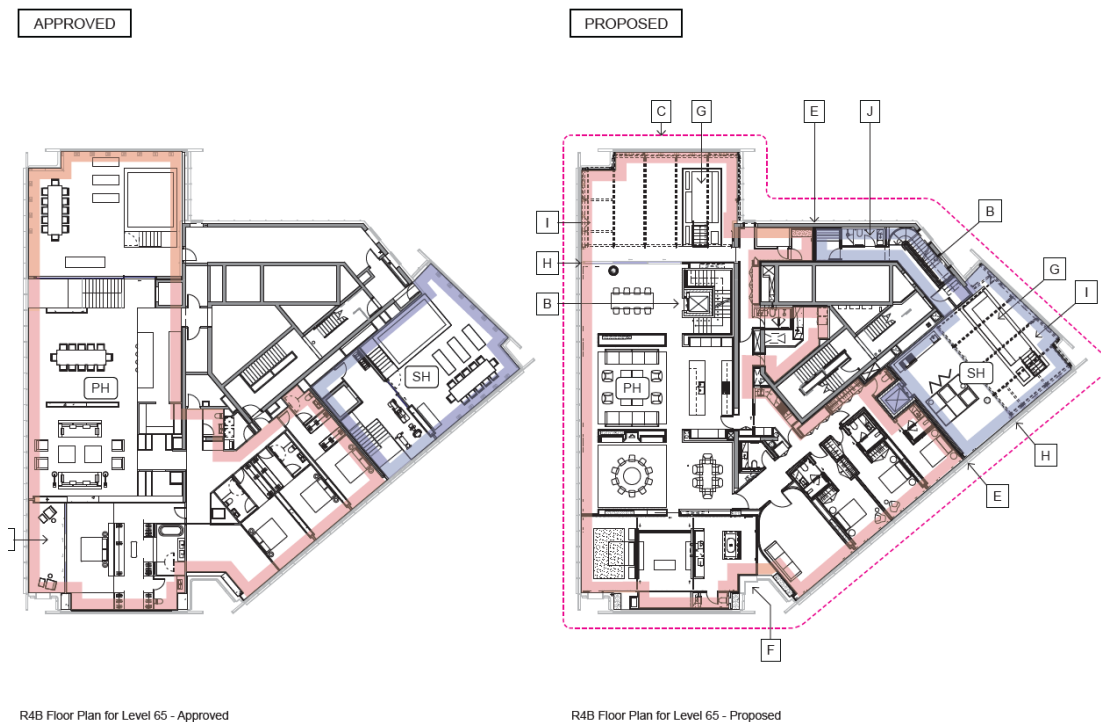
The proposed reconfigurations are shown in **Figure 3** and **Figure 4**. It is noted that no changes to the overall gross floor area of the development will result from the amendments.

This modification application also seeks to reduce the finished floor level of Level 64 and increase the finished floor level of Level 65 by 50mm. This will not impact the finished floor levels of Level 63 below.



**Figure 3** Level 64 reconfiguration

Source: RPBW



**Figure 4** Level 65 reconfiguration

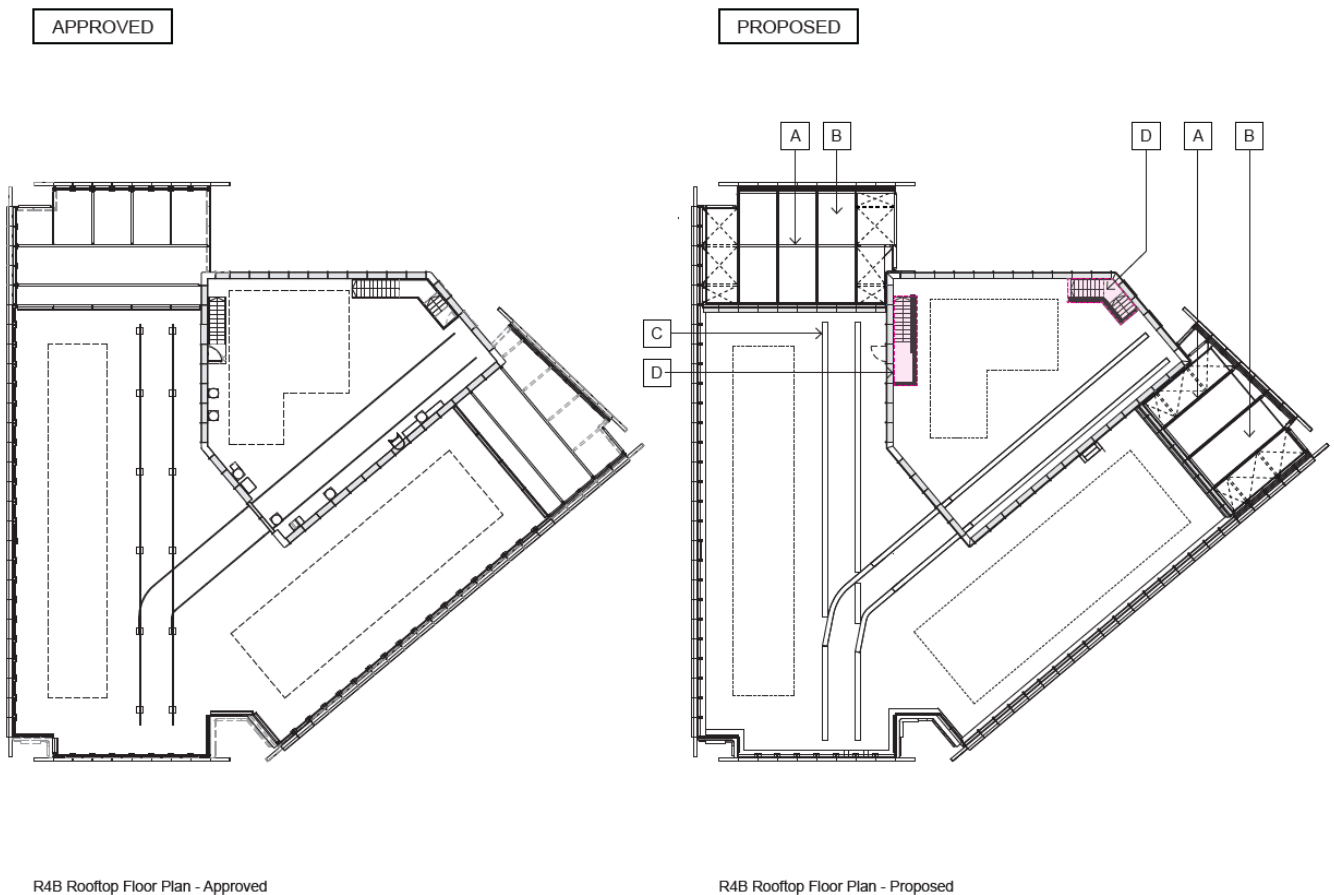
Source: RPBW + PTW

## Rooftop Reconfiguration

The rooftop has been the subject of design development, with a number of minor reconfigurations now proposed, including:

- Refinement of the double height steelwork design.
- Refinement of the sun shading above Level 65 outdoor terraces.
- Refinement of the building maintenance unit (BMU) rails and parking location.
- Revised upper roof stairwell voids.

These changes are shown in **Figure 5**.



**Figure 5** Refined rooftop plan

Source: RPBW

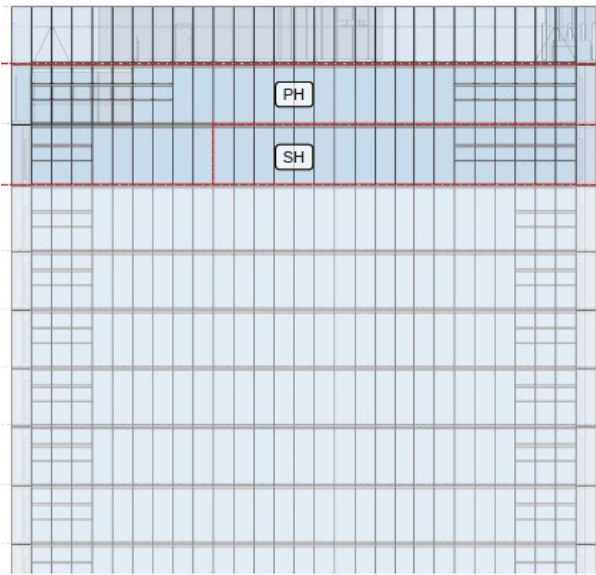
## Elevation Changes

As part of the reconfigurations proposed on Level 64-65, a number of façade changes are proposed to the north-eastern and western facades. These changes include replacement of wintergarden panels with open cavity façade panels, which reflects the internal reconfiguration outlined above. These changes are shown in **Figure 6** and **Figure 7**.



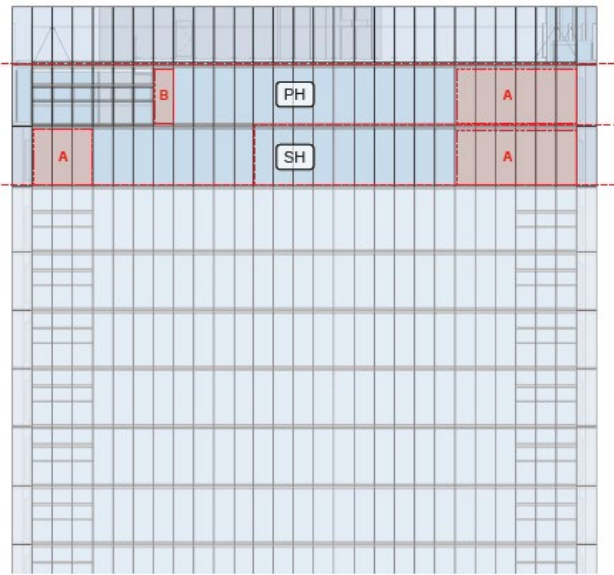
APPROVED

PROPOSED



L65

L64



Approved Facade - North-East Elevation

Proposed Facade - North-East Elevation



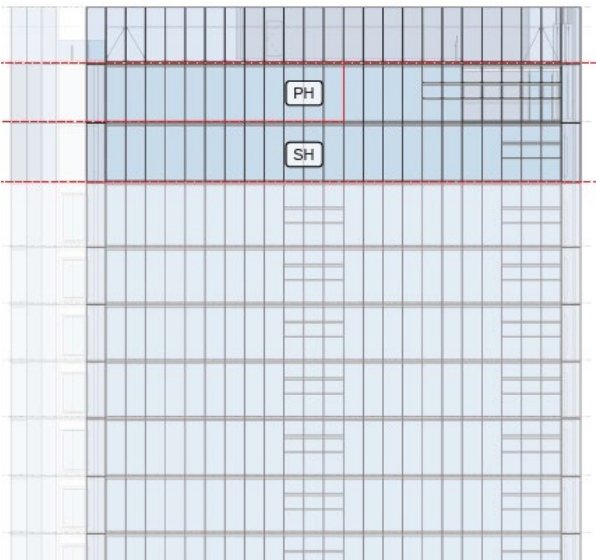
Wintergarden facade panels replaced with OCF

**Figure 6** North-eastern elevation changes

Source: RPBW

APPROVED

PROPOSED



L65

L64



Approved Facade - West Elevation

Proposed Facade - West Elevation



Window added



Wintergarden facade panels replaced with OCF

**Figure 7** Western façade changes

Source: RPBW

## Gross Floor Area Calculation

Adjustments to the Gross Floor Area Calculation schedule are proposed, as outlined in the drawing set in **Section 3.2** below. As noted at the Response to Submissions phase for the original Amending SSD application, a GFA contingency was applied to Levels 48 and above. Building R4B is now under construction, with associated detailed construction documentation being completed. A re-measurement of the plans and recalculated GFA for respective levels has therefore been undertaken, including the updated Skyhome / Penthouse design as presented in this application. This is reflected on the amended Gross Floor Area calculation plan submitted with this application. As shown on that plan, there is no change to the current total approved GFA.

## 3.2 Modification 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:** Alterations and additions to Building R4B (SSD 6965) to provide for the construction, fit out and use of a 68-storey mixed-use building, including:

- a total GFA of 44,561 m<sup>2</sup> comprising 44,252 m<sup>2</sup> residential GFA (~~322 321~~ apartments) and 309 m<sup>2</sup> retail GFA;
- public domain works including pedestrian Strada;
- fit-out and use of the Stage 1B basement car park for Building R4B, including 331 allocated parking spaces;
- demolition of interim basement elements; and
- signage zones to accommodate future building identification signage

**A5.** This consent is subject to compliance with the conditions of consent contained within SSD 6965 (as amended) as indicated in the following table. The conditions indicated as not requiring compliance are replaced by new conditions at **Part B** to **E** of this consent.

Conditions contained within SSD 6965		Compliance required under SSD 8892218		Replacing condition under SSD 8892218
		Yes	No	
Part A Administrative Conditions				
A2	Terms of consent		✓	A2
Part B Prior to Issue of Construction Certificate				
B12	BASIX Certification		✓	B3

**Reason:** To capture the proposed modification to conditions of consent under Development Consent SSD 6965.

A6. 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) generally in accordance with the EIS as amended by the RtS;
- (d) generally in accordance with Section 4.55(1A) Modification ~~1 3~~ to SSD 8892218 titled 'Building R4B, One Sydney Harbour, Barangaroo South', and accompanying appendices, prepared by Ethos Urban and dated ~~12 November 2021; 29 July 2022 the additional information prepared by Lendlease dated 31 January; Response to Request for Additional Information prepared by Lendlease dated 7 February 2022;~~
- (e) in accordance with the approved SSD 6965 drawings listed at Appendix 1 (except as may be amended by the conditions of that consent requiring compliance (refer to Condition A5 in this consent) and the conditions of this consent); and
- (f) in accordance with the following approved SSD 8892218 drawings in the table below (except as may be amended by the conditions of consent):



# Architectural Drawings prepared by Renzo Piano Building Workshop and PTW Architects

Drawing No.	Rev	Name of Drawing	Date
BR4B_ASD_PA2_0000	<del>1</del> 2	Title Sheet and Drawing List	31-Aug-2020 14 June 2022
<b>BR4B_ASD_PA2_0005</b>	<b>20 1</b>	Thermal Performance Assessment	19/06/2020 14 June 2022
BR4B_ASD_PA2_3048	<del>1</del> 2	Plan Upper Plate Level <b>48-58 / 60-63</b>	31-Aug-2020 14 June 2022
<b>BR4B PA2_ 3059</b>	<b>1</b>	<b>Plan Upper Plate Level 59</b>	14 June 2022
BR4B_ASD_PA2_3064	<del>1</del> 2	Plan Penthouse & Skyhomes Level 64	31-Aug-2020 14 June 2022
BR4B_ASD_PA2_3065	<del>1</del> 2	Plan Penthouse & Skyhomes Level 65	31-Aug-2020 14 June 2022
BR4B_ASD_PA2_3066	<del>1</del> 2	Plan Roof Level	31-Aug-2020 14 June 2022
BR4B_ASD_PA2_4001	<del>1</del> 3	Elevation North-East (Park)	31-Aug-2020 14 June 2022
BR4B_ASD_PA2_4002	<del>1</del> 2	Elevation West (Barangaroo Ave)	31-Aug-2020 14 June 2022
BR4B_ASD_PA2_4003	<del>1</del> 3	Elevation South-East (Lift Lobby)	31-Aug-2020 14 June 2022
BR4B_ASD_PA2_4004	<del>1</del> 3	Elevation South (Watermans Quay)	31-Aug-2020 14 June 2022
BR4B_ASD_PA2_4007	<del>1</del> 2	North-East Enlarged Elevation (Park) - <b>High</b>	31-Aug-2020 14 June 2022
BR4B_ASD_PA2_4010	<del>1</del> 2	West Enlarged Elevation (Barangaroo Ave) - <b>High</b>	31-Aug-2020 14 June 2022
BR4B_ASD_PA2_5001	<del>1</del> 2	Overall Section AA	31-Aug-2020 14 June 2022
BR4B_ASD_PA2_5002	<del>1</del> 2	Overall Section BB	31-Aug-2020 14 June 2022
BR4B_ASD_PA2_6003	<del>1</del> 2	Skyhome North East Facade Details - <del>Wintergarden</del> OCF	31-Aug-2020 14 June 2022
BR4B_ASD_PA2_6004	<del>1</del> 2	Skyhome West Facade Details - Open Cavity Facade	31-Aug-2020 14 June 2022
BR4B_ASD_PA2_6005	<del>1</del> 2	Skyhome West Façade Details	31-Aug-2020 14 June 2022
BR4B_ASD_PA2_9000	<del>1</del> 2	GFA Calculation	31-Aug-2020 14 June 2022
BR4B_ASD_PA2_9005	<del>1</del> 2	GFA Calculation - Sheet 5	31-Aug-2020 14 June 2022
BR4B_ASD_PA2_9006	<del>1</del> 2	GFA Calculation - Sheet 6	31-Aug-2020 14 June 2022

**Reason:** To ensure the conditions of consent references the revised architectural drawings which include the proposed modifications

## BASIX Certification

B3. The development must be implemented, and all BASIX commitments thereafter maintained in accordance with BASIX Certificate No. ~~1117574M\_02~~ **111757M\_04** 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.

**Reason:** To ensure the conditions of consent references the correct BASIX certificate relevant to the development.

#### Appendix 1 – Drawings

The following approved drawings of SSD 6965 are modified by the consent of SSD 8892218 and this consent (SSD 8892218 MOD **23**) by the deletion of drawings shown in struck through and the insertion of new drawings shown in bold and underline.

Architectural Drawings prepared by Renzo Piano Building Workshop			
Drawing No.	Rev	Name of Drawing	Date
BR4B_ASD_PA2_0000	<del>1</del> <b>2</b>	Title Sheet and Drawing List	<del>31-Aug-2020</del> <b>14 June 2022</b>
BR4B_ASD_PA2_1001	2	Setout Plan Basement Level B4	21 Oct 2021
BR4B_ASD_PA2_1002	2	Setout Plan Basement Level B3	21 Oct 2021
BR4B_ASD_PA2_1003	2	Setout Plan Basement Level B2	21 Oct 2021
BR4B_ASD_PA2_1004	2	Setout Plan Basement Level B1	21 Oct 2021
BR4B_ASD_PA2_1005	2	Setout Plan Basement Level B0	21 Oct 2021
BR4B_ASD_PA1_2000	<del>20</del> <b>22</b>	Plan Ground Floor Level 00	<del>19/06/2020</del> <b>14 June 2022</b>
BR4B_ASD_PA1_2002	<del>20</del> <b>22</b>	Plan Podium Level P2	<del>03/05/2019</del> <b>14 June 2022</b>
BR4B_ASD_PA2_3048	<del>1</del> <b>2</b>	Plan Upper Place Level 48-63	<del>31-Aug-2020</del> <b>14 June 2022</b>
BR4B_ASD_PA2_3048	<del>1</del> <b>2</b>	Plan Upper Plate Level <del>48-58</del> / <b>60-63</b>	<del>31-Aug-2020</del> <b>14 June 2022</b>
<b>BR4B PA2_3059</b>	<b>1</b>	<b>Plan Upper Plate Level 59</b>	<b>14 June 2022</b>
BR4B_ASD_PA2_3064	<del>1</del> <b>2</b>	Plan Penthouse & Skyhomes Level 64	<del>31-Aug-2020</del> <b>14 June 2022</b>
BR4B_ASD_PA2_3065	<del>1</del> <b>2</b>	Plan Penthouse & Skyhomes Level 65	<del>31-Aug-2020</del> <b>14 June 2022</b>
BR4B_ASD_PA2_3066	<del>1</del> <b>2</b>	Plan Roof Level	<del>31-Aug-2020</del> <b>14 June 2022</b>
BR4B_ASD_PA2_4001	<del>1</del> <b>3</b>	Elevation North-East (Park)	<del>31-Aug-2020</del> <b>14 June 2022</b>
BR4B_ASD_PA2_4002	<del>1</del> <b>2</b>	Elevation West (Barangaroo Ave)	<del>31-Aug-2020</del> <b>14 June 2022</b>
BR4B_ASD_PA2_4003	<del>1</del> <b>3</b>	Elevation South-East (Lift Lobby)	<del>31-Aug-2020</del> <b>14 June 2022</b>
BR4B_ASD_PA2_4004	<del>1</del> <b>3</b>	Elevation South (Watermans Quay)	<del>31-Aug-2020</del> <b>14 June 2022</b>
BR4B_ASD_PA2_4007	<del>1</del> <b>2</b>	North-East Enlarged Elevation (Park) - <b>High</b>	<del>31-Aug-2020</del> <b>14 June 2022</b>
BR4B_ASD_PA2_4010	<del>1</del> <b>2</b>	West Enlarged Elevation (Barangaroo Ave) - <b>High</b>	<del>31-Aug-2020</del> <b>14 June 2022</b>

## Architectural Drawings prepared by Renzo Piano Building Workshop

BR4B_ASD_PA2_5001	<b>1-2</b>	Overall Section AA	<del>31-Aug-2020</del> 14 June 2022
BR4B_ASD_PA2_5002	<b>1-2</b>	Overall Section BB	<del>31-Aug-2020</del> 14 June 2022
BR4B_ASD_PA2_6003	<b>1-2</b>	Skyhome North East Facade Details – <del>Wintergarden</del> OCF	<del>31-Aug-2020</del> 14 June 2022
BR4B_ASD_PA2_6004	<b>1-2</b>	Skyhome West Facade Details - Open Cavity Facade	<del>31-Aug-2020</del> 14 June 2022
BR4B_ASD_PA2_6005	<b>1-2</b>	Skyhome West Façade Details	<del>31-Aug-2020</del> 14 June 2022
BR4B_ASD_PA2_9000	<b>1-2</b>	GFA Calculation	<del>31-Aug-2020</del> 14 June 2022
BR4B_ASD_PA2_9005	<b>1-2</b>	GFA Calculation - Sheet 5	<del>31-Aug-2020</del> 14 June 2022
BR4B_ASD_PA2_9006	<b>1-2</b>	GFA Calculation - Sheet 6	<del>31-Aug-2020</del> 14 June 2022

**Reason:** To ensure the conditions of consent references the revised architectural drawings which include the proposed modifications

## 4.0 Substantially the same development

Section 4.55(1)(A) 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 consent was originally granted and before that consent as originally granted was modified (if at all)”.

In this circumstance, the substantially the same test is applied to the amending DA SSD 8892218, which approved the design of Building R4B, with the inclusion of the works proposed under the amending DA scope. Therefore, SSD 8892218 approved the construction, fit out and use of a 68-storey mixed-use building, including:

- A total GFA of 44,561m<sup>2</sup> comprising 44,252m<sup>2</sup> residential GFA (322 apartments) and 309m<sup>2</sup> retail GFA.
- Public domain works.
- Fit-out and use of the Stage 1B basement car park for Building R4B, including 331 allocated parking spaces.
- Demolition of interim basement elements.
- A signage zone to accommodate future building identification signage.

As per *Vacik Pty Ltd v Penrith City Council (2008)* ‘substantially’ in the context of a modification application means “essentially or materially or having the same essence”. Furthermore, as per *Moto Projects (No 2) Pty Ltd v North Sydney Council (1999)*, ‘modify’ means “to alter without radical transformation”. Therefore, when undertaking a comparison of the approved and proposed development, the modified development must be “essentially or materially” the same as the modified development. In conjunction with this, as per *Dravin Pty Ltd v Blacktown City Council (2017)*, a comparison for the purposes of a modification application must include a quantitative comparison of the physical features or components of the development, as well as a qualitative assessment of the approved development and development as proposed to be modified within their respective contexts.

Considering the above principles, the development, as proposed to be modified, is substantially the same development as that originally approved in SSD 8892218 in that:

- The proposed modifications are minor and relate to refinements in response to design development, further enhancing amenity and improving access arrangements. No significant physical or materiality changes are proposed, meaning the modified development is of the same essence as the approved development. The proposed modifications do not represent a radical transformation of the approved development.
- A qualitative assessment indicates that the proposed modification is substantially the same in that:
  - The changes seek to enhance accessibility and functionality of the development.
  - The refined façade design has been driven by further design refinement undertaken by Renzo Piano Building Workshop and enhances the approved design intent.
  - The proposed modifications do not alter the key components of the approved development, being a mixed-use building comprised of residential and retail uses, with associated public domain areas.
  - The proposed modifications continue to achieve a high standard of design excellence.
  - The changes to the façade and the internal layouts are minor and will not result in additional environmental impacts.
- The approved development is not proposed to be significantly altered in a quantitative sense regarding the key metrics of the approval, including gross floor area, dwellings numbers or mix or parking.

## 5.0 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 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 (if at all)”.

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.

### 5.1 State Environmental Planning Policies

The proposed modification is assessed against the relevant State Environmental Planning Policies at **Table 1**.

**Table 1** Assessment against relevant SEPPs

Instrument	Assessment								
<i>State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development</i>	Numerous changes are proposed to internal configuration of several residential apartments. Despite this, no changes to the approved residential amenity of the building will result. This is discussed further in the Design Verification Statement <b>Section 5.4</b> and at <b>Attachment B</b> .								
<i>State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021</i>	<p>The Barangaroo site is listed as a State Significant Site under Appendix 5 Eastern Harbour SEPP. The following is an assessment of the proposal's compliance with the Eastern Harbour SEPP.</p> <table> <tr> <td>Clause 8 – Zone B4 Mixed Use</td><td>The proposed development is a form of shop top housing, comprising ground level retail with residential uses above, and is permissible and consistent with the objectives of the B4 Mixed Use zone. No change to the approved use is proposed.</td></tr> <tr> <td>Clause 17 – Height of Buildings (maximum RL 250)</td><td>The maximum RL to the top of Building R4B, including the glazed roof feature is RL 233.485. This application does not seek to make any changes to the approved maximum height.</td></tr> <tr> <td>Clause 18 – Gross Floor Area Restrictions – maximum 86,979m<sup>2</sup> (across Building R4A and R4B)</td><td>No changes to the total GFA of the building are proposed as part of this application. Therefore, the total GFA of R4A and R4B remains consistent with the maximum GFA restriction Block 4A.</td></tr> <tr> <td>Clause 19 – Design Excellence</td><td>The proposed development will continue to achieve a high standard of design excellence. The modifications are led by the architects Renzo Piano Building Workshop and are well considered, as outlined within the Design Report prepared by them at <b>Attachment B</b>.</td></tr> </table>	Clause 8 – Zone B4 Mixed Use	The proposed development is a form of shop top housing, comprising ground level retail with residential uses above, and is permissible and consistent with the objectives of the B4 Mixed Use zone. No change to the approved use is proposed.	Clause 17 – Height of Buildings (maximum RL 250)	The maximum RL to the top of Building R4B, including the glazed roof feature is RL 233.485. This application does not seek to make any changes to the approved maximum height.	Clause 18 – Gross Floor Area Restrictions – maximum 86,979m <sup>2</sup> (across Building R4A and R4B)	No changes to the total GFA of the building are proposed as part of this application. Therefore, the total GFA of R4A and R4B remains consistent with the maximum GFA restriction Block 4A.	Clause 19 – Design Excellence	The proposed development will continue to achieve a high standard of design excellence. The modifications are led by the architects Renzo Piano Building Workshop and are well considered, as outlined within the Design Report prepared by them at <b>Attachment B</b> .
Clause 8 – Zone B4 Mixed Use	The proposed development is a form of shop top housing, comprising ground level retail with residential uses above, and is permissible and consistent with the objectives of the B4 Mixed Use zone. No change to the approved use is proposed.								
Clause 17 – Height of Buildings (maximum RL 250)	The maximum RL to the top of Building R4B, including the glazed roof feature is RL 233.485. This application does not seek to make any changes to the approved maximum height.								
Clause 18 – Gross Floor Area Restrictions – maximum 86,979m <sup>2</sup> (across Building R4A and R4B)	No changes to the total GFA of the building are proposed as part of this application. Therefore, the total GFA of R4A and R4B remains consistent with the maximum GFA restriction Block 4A.								
Clause 19 – Design Excellence	The proposed development will continue to achieve a high standard of design excellence. The modifications are led by the architects Renzo Piano Building Workshop and are well considered, as outlined within the Design Report prepared by them at <b>Attachment B</b> .								
SEPP BASIX	A BASIX Certificate has been provided at <b>Attachment C</b> , demonstrating that the proposed development meets all relevant BASIX requirements.								

## 5.2 Barangaroo Concept Plan

An assessment of the proposed modifications against the Concept Plan (as modified) is provided **Table 2**. It is noted that the proposed modification does not seek any amendment of the total height of building, setbacks or gross floor area outlined within the Concept Plan. The assessment demonstrates that the proposed development is generally consistent with the approved Concept Plan (as modified) and Built Form and Urban Design Controls (refer to **Table 3**).

**Table 2 Concept Plan (Mod 11) - Numerical Overview**

Concept Plan (Mod 11) Control – Block 4A (Building R4A and R4B)	Building R4A (not subject to this application)	Building R4B	Total	Assessment
Maximum Residential GFA – 91,816 m <sup>2</sup>	47,564m <sup>2</sup> (no change)	44,252m <sup>2</sup> (no change)	91,816m <sup>2</sup>	✓
Other Uses GFA – 813m <sup>2</sup>	438m <sup>2</sup>	309m <sup>2</sup> (no change)	747m <sup>2</sup>	✓
Total GFA 92,629m <sup>2</sup>	48,002m <sup>2</sup>	44,561m <sup>2</sup> (no change)	92,563m <sup>2</sup>	✓
Maximum height	-	RL 208.230 (no change)	-	✓
Tower Setbacks	-	No changes	N/A	✓

**Table 3 Concept Plan (as modified) - Built Form and Urban Design Controls (select)**

Concept Plan (as modified) Block 4A	Building R4B	Assessment
<b>Control 3 Building Articulation – Objectives</b>		
To ensure the podium and towers in Block 4A and 4B are considered as a holistic composition.	The proposed modifications are minor and will maintain a consistent design language between Building R4A and Building R4B. Further detail is provided in the Design Report at <b>Attachment B</b> .	Consistent
<b>Control 3 Building Articulation – Standard</b>		
Tower Form is to express sustainability features e.g. Access to natural light, ventilation and solar shading.	The minor modifications to the façade will into impact the approved sustainability of the façade.	Consistent
To establish a complementary relationship between the towers in Blocks 4A and 4B such as a common chassis.	The towers have been designed with common design language, and the structural design carried across all towers. The proposed changes to the façade are minor and will not have a discernible impact on the complementary nature of the design of Building R4B with Building R4A or Building 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 criterion.	Consistent
<b>Control 4 Building Legibility – Objectives and Standard</b>		



Concept Plan (as modified) Block 4A	Building R4B	Assessment
To ensure that towers in Block 4A and 4B are complimentary and read as a cohesive composition.	As described above, the building has been designed in the composition of the three crystal forms together with Building R4A and Building R5. The modifications do not change this.	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
<b>Control 7 Facades – Objectives</b>		
To ensure the architectural quality of the facades	The proposed changes to the various elements of the building's façade will not reduce the previously approved architectural quality of the façade.	Consistent
To ensure the façade contributes to the building's articulation and mass.	The minor changes to the façade will continue to achieve a high level of articulation to reduce any perceptions of building mass.	Consistent
Depth and layering of the façade is to be achieved through relief and protrusions.	The minor changes to the façade do not amend the overall approved design which incorporates relief and protrusions to create depth and layering.	Consistent

### 5.3 Sustainability

An updated BASIX certificate has been prepared and is included at **Attachment C**. This certificate demonstrates that Building R4B supports the site wide sustainability requirements included in the approved Barangaroo Concept Plan (as modified). The project will meet the requirements of the Building Sustainability Index (BASIX).

### 5.4 Residential amenity

Building R4B will provide a high level of residential amenity in accordance with the design criteria recommended by the Apartment Design Guide (ADG), as demonstrated in the detailed Design Verification Statement at **Attachment C** and as originally approved.

The proposals consistency with the objectives of the ADG remains largely unchanged from the approved development. Due to the proposed apartment reconfigurations and amalgamation, the measured percentage of the proposal's achievement of certain design criteria has been amended to reflect the change in apartment numbers, however, the overall approved consistency with the ADG is unchanged. There is still well planned and sized spaces, acceptable storage, and outdoor areas. Despite removal of wintergardens on Level 64 and 65, the outdoor terraces offered to the apartments are still well sized in area and offer a high degree of outdoor living amenity to these residents. The proposed amalgamation of apartments, and subsequent minor reduction on the number of dwellings, does not significantly affect current solar outcomes.

A full assessment of the proposal's consistency is provided at **Attachment C**.

### 5.5 Reasons for granting consent

The key reasons for granting consent to the SSD development are as follows:

- the project would provide a range of benefits for the region and the State as a whole, as it is consistent with the Barangaroo Concept Plan which provides for the regeneration of the former dilapidated waterfront site, extensive new areas of public open space, key worker housing, public art, community uses, employment opportunities and flooding draining infrastructure.
- the project will provide additional residential density with excellent access to public transport, including a planned high frequency Metro and is conveniently located to shops, services and the CBD.
- the project is permissible with development consent and is consistent with NSW Government policies including the Region Plan and Eastern City District Plan, as it will aid in the delivery of the housing target of 157,500 homes in the Eastern City between 2016 and 2036 and provides for construction and operational jobs.
- the impacts on the community and the environment, including traffic and car parking, construction and heritage 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. The project would not result in view loss, overshadowing, wind or privacy impacts beyond what has already been determined to be acceptable as part of the approval of the original Building R4B development.
- weighing all relevant considerations, the project is in the public interest.

The proposed development as modified does not alter the approved development's consistency with the above reasons for granting consent

## 6.0 Conclusion

This proposed modification application seeks consent for design and administrative changes to Development Consent SSD 8892218. The modification application is made in the context of a concurrent amendment sought to Development Consent SSD 6965 and will ensure consistency and alignment across these two development consents that are integrated together for the delivery of Building R4B.

Due to the relationship of SSD 8892218 and SSD 6965 to the delivery of Building R4B, a concurrent modification to SSD 6965 has been submitted and this modification application should be read in conjunction with that application.

In accordance with section 4.55(1A) of the EP&A Act, the Department may modify the consent as:

- The consent, as proposed to be modified, is substantially the same development as that originally approved.
- The proposed modifications are minor and will not have any substantial environmental impacts.
- The modifications comply with the Barangaroo Concept Plan and relevant State Environmental Planning Policies.
- The modifications result in greater residential amenity and more balanced, refined design in the building.

In light of the above, we recommend that the proposed modification is supported. We trust that this information is sufficient to enable a prompt assessment of the proposed modifications.

Yours sincerely,



**Zandile Chivizhe**  
Junior Urbanist  
zchivizhe@ethosurban.com



**Ella Coleman**  
Urbanist  
ecoleman@ethosurban.com