

4 November 2022

2220144

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

Dear Mr Cassel,

**SECTION 4.55(1A) MODIFICATION APPLICATION – SSD 8892218
BUILDING R4B, ONE SYDNEY HARBOUR, BARANGAROO SOUTH**

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 proposed 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:

- Wall adjustments in UB-04 on level 48-58 and 60-63.
- Wall adjustments in UB-04 on Level 59.

In response to these amendments, there is a minor redistribution of floor area within the apartments (however no adjustment to the apartment floor area totals nor the building GFA).

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 Renzo Piano Building Workshop (RPBW) (**Attachment A**);
- Architectural Design Report prepared by RPBW (**Attachment B**);
- BASIX Statement prepared by Lendlease Integrated Solutions (**Attachment C**); and
- Design Verification Statement prepared by RPBW (**Attachment D**).

As the attached reports relate to both the modification to SSD 8892218 and components of the modification to SSD 6965, these therefore illustrate changes captured across both respective modification applications where necessary.

1.0 Background

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 38,896m², 38,602m² of which was for residential floor space and the remaining 294m² 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, with a fifth modification currently under assessment.

Development Consent SSD 6965 and the development approved under that consent were also amended 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 5,650m² 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 m² comprising 44,252 m² residential GFA (322 apartments) and 309 m² 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.



Figure 1 Building R4B (and R4A) both currently under construction

Source: Lendlease

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 fourth modification application to SSD 8892218.

A separate modification application 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, as well amendments to the construction hours under Condition D1.

As the construction hours for Building R4B are controlled by Condition D1 under the instrument of SSD 6965, the amendments to the construction hours are therefore requested under that separate modification application including the associated technical reports in support.

3.0 Proposed modifications to the consent

3.1 Modifications to the development

The proposed modification to the development consent comprises:

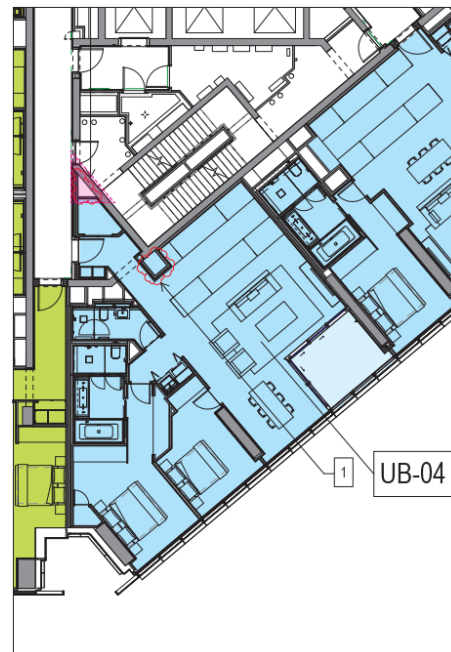
- Wall adjustments in apartment type UB-04 on level 48-58 and 60-63.
- Wall adjustments in apartment type UB-04 on Level 59.

These amendments occur in the subject apartment type storage room areas in response to further design refinements. The amendments involve 'squaring off' the acute point of the storage rooms, allowing for a more functional and accessible storage space within the apartments.

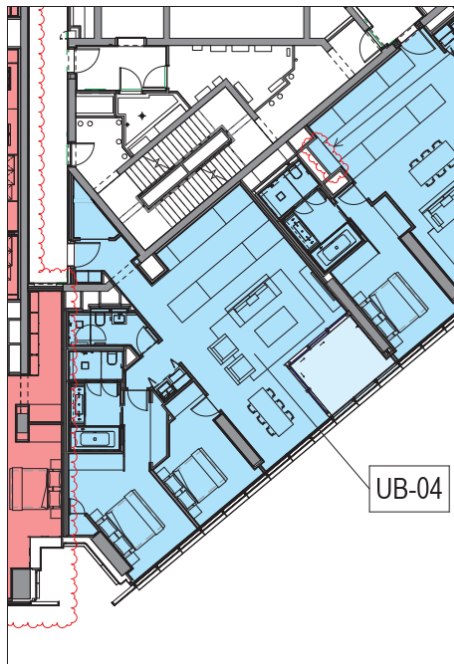
In response to the reshaping of these storage spaces, there is minor floor area redistribution within the apartments. Notwithstanding, it is noted that this does not result in any changes to the apartments floor areas or the building total gross floor area. These amendments are shown in **Figure 2** below.



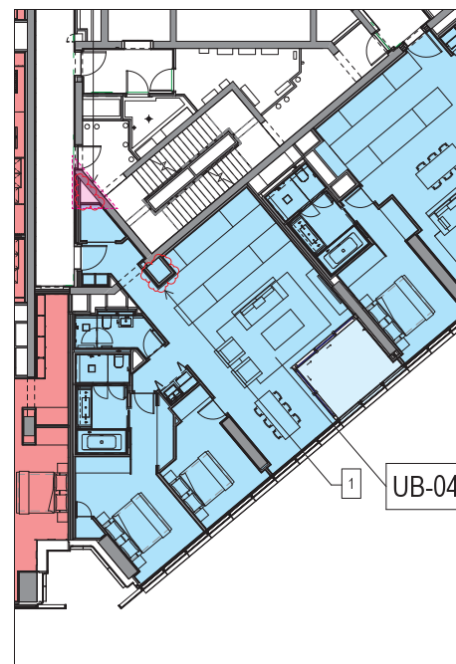
Approved storage room – Level 48-58/60-63 UB-04



Proposed storage room – Level 48-58/60-63 UB-04 and floor area redistribution.



Approved Storage Room – Level 59 UB-04



Proposed storage room – Level 59 UB-04 and floor area redistribution.

Figure 2 Proposed changes to UB-04 stack

Source: RPBW

3.2 Extension to Construction Hours

It is also proposed to enable extended construction hours for internal works of the approved development, with the principal intention of efficiently continuing the development's construction timeline in the wake of significant (and on-going) COVID-19 pandemic delays and recent extreme wet weather, as well provide for certain works in a safe manner on the site. The extended construction hours will be for night works and only to internal areas of the basement and tower, associated with basement finishing and tower fit out.

Since the construction hours for Building R4B have been approved under condition D1 of SSD 6965, as opposed to the subject SSD 8892218, a detailed description of the proposed extended construction hours, as well as an assessment of the potential impacts (including associated technical reports) has been provided as part of the concurrent modification application to SSD 6965. As such, we direct DPE to this application for an assessment of this component of Building R4B.

Any approval of that concurrent modification would 'carry' over to SSD 8892218, by way of reference to Condition D1 of SSD 6965 in the consent.

3.3 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**.

Terms of Consent

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 to SSD 8892218 titled 'Building R4B, One Sydney Harbour, Barangaroo South', and accompanying appendices, prepared by Ethos Urban and dated 12 November 2021; the additional information prepared by Lendlease dated 31 January; Response to Request for Additional Information prepared by Lendlease dated 7 February 2022;

(e) generally in accordance with Section 4.55(1A) Modification 3 to SSD 8892218 titled 'Building R4B, One Sydney Harbour, Barangaroo South', and accompanying appendices, prepared by Ethos Urban and dated ~~XXX~~ 2022;

(e f) 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 g) in accordance with the following approved SSD 8892218 drawings in the table below (except as may be amended by the conditions of consent):

Architectural Plans prepared by Renzo Piano Building Workshop and PTW Architects			
Drawing No.	Revision	Name of Plan	Date
BR4B_ASD_PA2_3048	1 3	Plan Upper Plate Level 48-63 48-58 / 60-63	31-Aug-2020 27 July 2022
BR4B_ASD_PA2_3059	2	Plan Upper Plate Level 59	27 July 2022
BR4B_ASD_PA2_9000	1 4	GFA Calculation	31-Aug-2020 27 July 2022

Reason: To ensure the architectural drawings reflect the proposed development (as amended).

APPENDIX 1 - DRAWINGS

The following approved drawings of SSD 6965 are modified by the consent of SSD 8892218 and this consent (SSD 8992218 MOD 2) by the deletion of drawings shown in struck through and the insertion of new drawings shown in bold and underline.

Architectural Plans prepared by Renzo Piano Building Workshop and PTW Architects			
Drawing No.	Revision	Name of Plan	Date
BR4B_ASD_PA2_0000	1 3	Title Sheet and Drawing List	31-Aug-2020 27 July 2022
BR4B_ASD_PA1_2001	20 22	R4B Plan Podium Level P1	03/05/2019 27/07/2022
BR4B_ASD_PA2_3048	1 3	Plan Upper Plate Level 48-63 48-58 / 60-63	31-Aug-2020 27 July 2022
BR4B_ASD_PA2_3059	2	Plan Upper Plate Level 59	27 July 2022
BR4B_ASD_PA2_9000	1 4	GFA Calculation	31-Aug-2020 27 July 2022

Reason: To reflect the amended architectural drawings.

4.0 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, which will remain as a mixed-use building comprised of residential and retail uses and associated basement parking.
- The proposed modifications continue to achieve a high standard of design excellence, and do not propose any changes to the approved crystal form adopted for the family of One Sydney Harbour buildings.
- No change is proposed to the approved maximum building height or GFA.
- The proposed physical amendments do not impact upon the building's compliance with SEPP 65 or the Apartment Design Guide.
- The extended construction hours will not result in any significant noise impacts, with all proposed works being located internally to the building.
- The extended construction hours will facilitate the completion of the development in line with original construction timelines.
- The modified development will not give rise to any additional environmental impacts beyond those that were considered and deemed acceptable in the original Development Consent.

In addition, whilst under a separate modification application, although effecting the whole of Building R4B:

- The extended construction hours concurrently sought under a separate modification to SSD 6965 will not result in any significant noise impacts, or other nuisances, due to the works being internal and only conducted when the tower façade is completed and in an enclosed basement.
- The extended construction hours concurrently sought under a separate modification to SSD 6965 will facilitate the completion of the development in line with original construction timelines.

5.0 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.

5.1 State Environmental Planning Policies

Table 1 below provides an analysis of the proposed modifications’ compliance with the relevant provisions of applicable State Environmental Planning Policies.

Table 1 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 will not impact the approved development’s consistency with SEPP 65 or the Apartment Design Guide. The proposed amendments to the apartments are considered minor overall and principally relate to re-shaping the storage areas as part of design development. This is confirmed in the Design Verification Statement (refer Attachment D) and discussed further in Section 5.4 .								
<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 of the 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 proposed modification does not seek to alter the approved height of Building R4B.</td></tr> <tr> <td>Clause 18 – Gross Floor Area Restrictions – maximum 86,979m² (across Building R4A and R4B)</td><td>No changes to the total GFA of the building are proposed as part of this application. There is only some minor GFA redistribution, however this is located within apartments. 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. No substantial physical amendments are proposed to the building, and therefore, no changes are expected to the approved design excellence.</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 proposed modification does not seek to alter the approved height of Building R4B.	Clause 18 – Gross Floor Area Restrictions – maximum 86,979m ² (across Building R4A and R4B)	No changes to the total GFA of the building are proposed as part of this application. There is only some minor GFA redistribution, however this is located within apartments. 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. No substantial physical amendments are proposed to the building, and therefore, no changes are expected to the approved design excellence.
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 proposed modification does not seek to alter the approved height of Building R4B.								
Clause 18 – Gross Floor Area Restrictions – maximum 86,979m ² (across Building R4A and R4B)	No changes to the total GFA of the building are proposed as part of this application. There is only some minor GFA redistribution, however this is located within apartments. 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. No substantial physical amendments are proposed to the building, and therefore, no changes are expected to the approved design excellence.								

5.2 Barangaroo Concept Plan

An assessment of the proposed modifications against the Concept Plan (as modified) is provided in **Table 2**. It is noted that the proposed modification does not seek any amendment to the total height of building, setbacks or gross floor area outlined within the Concept Plan. Whilst there are some minor amendments to the location of the GFA within apartments as part of the design change, this does not change the total GFA of the subject apartments nor the total GFA of the building.

With respect to the Built Form and Urban Design Controls which sit within the Concept Plan (as modified), the proposed design amendments are contained entirely within the building envelope and therefore no Controls are considered applicable, given that they pertain principally to facades and active street frontages. Irrespective, the resulting amended development is considered to not create an overall built form outcome that would be inconsistent with the intent of these Controls.

Table 2 Concept Plan (Mod 11) provisions

Concept Plan (Mod 8) Control – Block 4A (R4A and R4B)	Building R4B	Building R4A (not subject to this application)	Total	Assessment
Maximum Residential GFA – 91,816m ²	44,252m ² (no change)	47,564m ²	91,816m ²	✓
Other Uses GFA – 813m ²	309m ² (no change)	438m ²	747m ²	✓
Total GFA – 92,629m ²	44,561m ² (no change)	48,002m ²	92,563m ²	✓
Maximum height – RL 250	No change	-	-	✓
Tower Setbacks – Setbacks are generally in accordance with the Building Envelope Plan in the Concept Plan. Predominant tower mass is set back from Globe Street by a minimum of 2 metres	No change	-	N/A	✓

5.3 BASIX

A revised BASIX statement has been prepared by Lendlease Integrated Solutions and is appended to this application at **Attachment C**. This statement confirms that the approved development as modified will continue to comply with all BASIX requirements.

5.4 Residential Amenity

A Design Verification Statement has been prepared by PTW and RPBW and is appended to the application at **Attachment D**. This statement confirms that the proposed minor internal changes to the residential apartments will not compromise the development's ability to continue to comply with all relevant NSW Apartment Design Guide and *State Environmental Planning Policy No 65 (Design Quality of Residential Apartment Development)* (SEPP 65) guidelines.

Overall, the design amendments are considered minor in the context of SEPP 65 and Apartment Design Guide. As noted in the Architectural Design Report prepared by RPBW and submitted with the modification application at **Attachment B**, the wall adjustment to the storage areas does not impact on these apartment's ability to provide suitable levels of residential storage.

5.5 Other Matters

All other potential environmental impacts arising from the extended construction hours have been assessed within the concurrent modification to SSD 6965, as this is where the approval for work hours for whole of Building R4B is contained. As such, we direct the DPE to this application for a detailed environmental assessment of the associated construction hours amendment.

5.6 Reasons given for granting consent

The key reasons for granting consent to the SSD development application 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 (SSD 6965).
- weighing all relevant considerations, the project is in the public interest.

The proposed design modifications remain consistent with these reasons for granting consent. The proposed refinements seek to enhance amenity and design outcomes to maintain a high standard of design excellence and ensure the development remains consistent with the Concept Plan

6.0 Conclusion

The proposed modifications application seeks consent for the following changes:

- Wall adjustments in UB-04 on level 48-58 and 60-63.
- Wall adjustments in UB-04 on Level 59.

In response to these adjustments, there is a minor redistribution of GFA within the subject apartments (however no adjustment to the apartments GFAs nor the total building GFA).

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

- The consent, as propose 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 , as supported by this report and other technical reports submitted with this modification application.
- The modifications comply with the Barangaroo Concept Plan and relevant State Environmental Planning Policies.

We trust that this information is sufficient to enable a prompt assessment of the proposed modification request. If you have any further questions on the above matter, please do not hesitate to contact us.

Yours sincerely,



Alex Heath
Junior Urbanist



Brendan Hoskins
Director