

ASSESSMENT REPORT

Building R1, Barangaroo South SSD 6513 MOD 2

1. BACKGROUND

1.1 Introduction

This report provides an assessment of a Section 96(1A) modification application lodged by Lend Lease (Millers Point) Pty Ltd (the Applicant) seeking to modify a State significant development application (SSD 6513) for construction and use of Building R1 at Barangaroo South within the City of Sydney local government area.

The application seeks approval for minor design amendments at the ground level and at the rooftop level of the building.

1.2 The site

The development is located within Barangaroo, in the north-western edge of the Sydney CBD. Building R1 is the southernmost building of Barangaroo South. The layout of Barangaroo is provided at Figure 1 below.



Figure 1: Photomontage showing Barangaroo layout (Source: Applicant's MP 06_0162 MOD 8 Environmental Impact Statement. Note this image is indicative).

1.3 Site context

The site is bound by the Sydney Harbour foreshore to the north and west, Hickson Road and Millers Point to the east, and Kings Street Wharf, Cockle Bay and Darling Harbour to the south. Barangaroo is divided into three parts: Headland Park; Barangaroo Central; and Barangaroo South. The land that this development application applies to is located in Barangaroo South.

On 9 February 2007, the then Minister for Planning approved the Barangaroo Concept Plan (MP 06_0162). The Concept Plan approved a set of built form principles to guide development within the mixed use zone.

1.4 Approval History

On 25 August 2016, a State Significant Development Application (SSD 6513) was approved by the Executive Director, Key Sites and Industry Assessments, as delegate for the Minister for Planning, for the construction and use of Building R1 at Barangaroo South.

The application sought consent for:

- site preparation works, including a concrete slab and additional piling;
- construction of a three-storey building and its operation as a food and drink premises (pub) with 804m² of gross floor area (GFA);
- use of 15 car parking spaces and plant, infrastructure services in the Stage 1A basement;
- use of 1 bicycle parking space within the adjacent public domain for the future use(s) of Building R1;
- landscaping works; and
- installation of utility services.

On 12 May 2017, the Applicant lodged a modification application (SSD 6513 MOD 1) seeking approval for the provision of a retractable awning for solar protection throughout the licensed area. MOD 1 is currently under assessment.

2. PROPOSED MODIFICATION

MOD 2 seeks approval under section 96(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) for the following minor design alterations:

- minor relocation of a ground level entry door along the north-eastern elevation;
- alteration of handrails associated with the stairs at ground level along the southern boundary;
- reconfiguration of the plant room and treatment on the rooftop; and
- revised handrail at rooftop from a raking to vertical design.

Figures 2 and 3 on page 3 illustrates the proposed changes to the approved plans.

3. STATUTORY CONTEXT

3.1 Modification of approval

Section 96(1A) of the EP&A Act requires the consent authority to be satisfied that the following matters are addressed in respect of all applications that seek modification approvals: **Table 1** on page 4 considers the relevant matters.

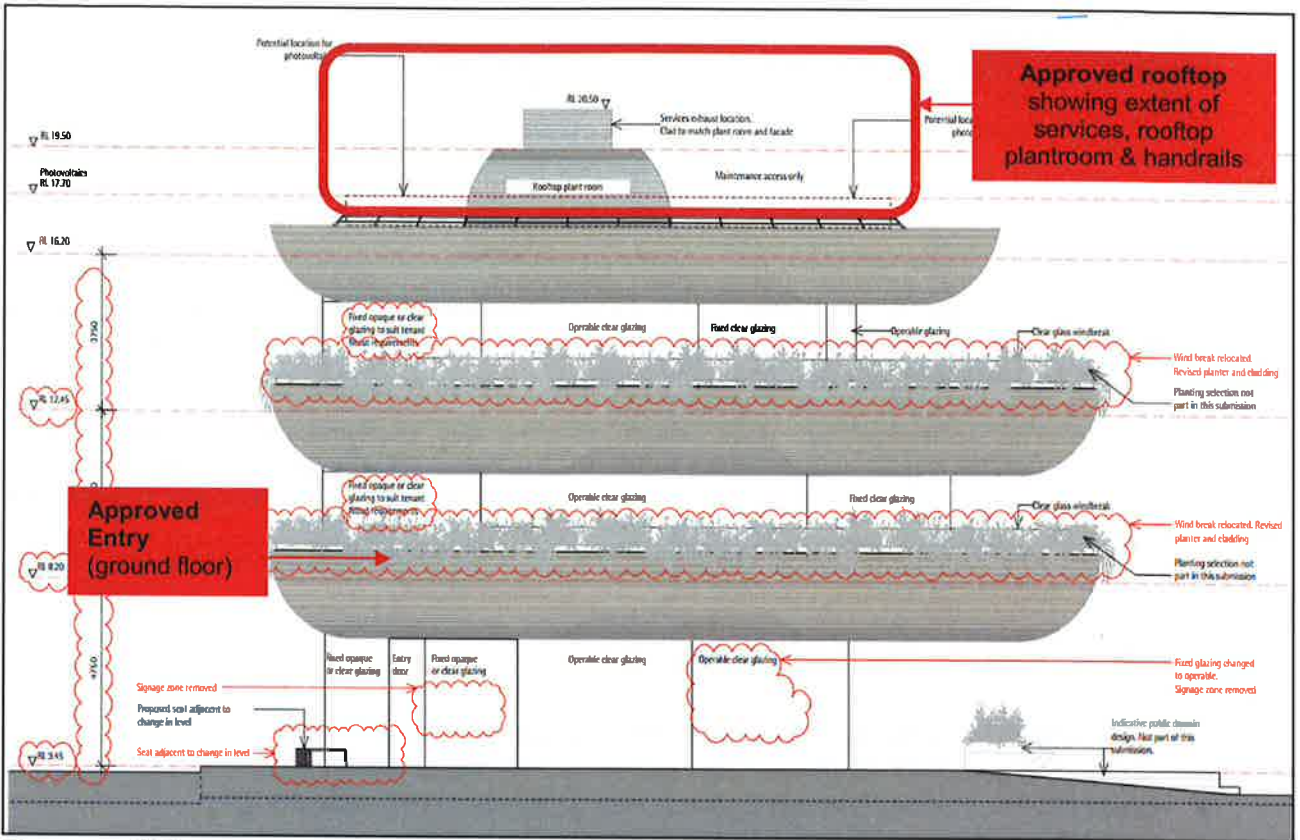


Figure 2: Approved Northern Elevation (Source: Department of Planning and Environment SSD 6513).

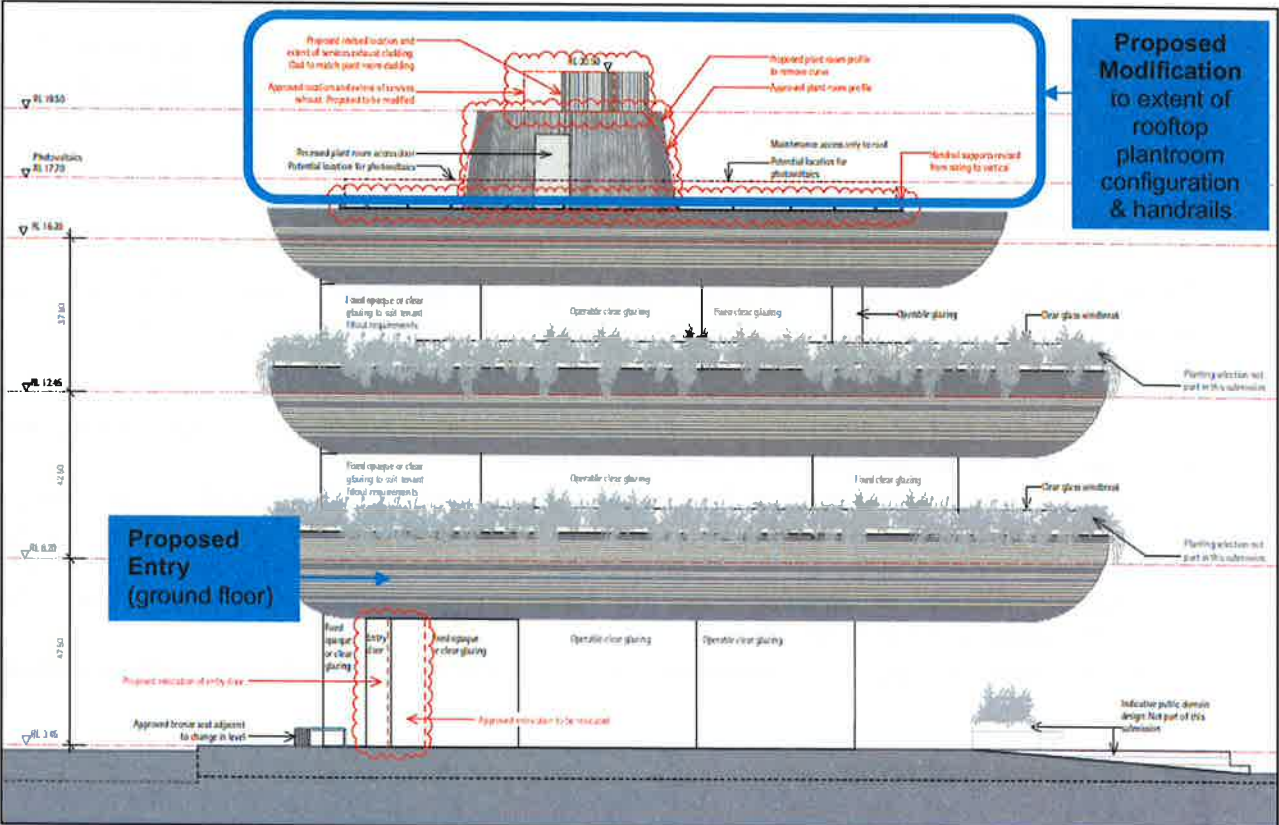


Figure 3: Proposed Northern Elevation showing the relocation of the entry door and modification to the plantroom (Source: Applicant's architectural drawings).

Table 1 – Consideration of matters under section 96(1A)

Section 96(1A) matters for consideration	Comment
S96(1A)(a) that the proposed modification is of minimal environmental impact.	Section 5 of this report provides an assessment of the impacts associated with the proposal. As the proposal involves minor design changes to the building, the Department is satisfied the proposed modifications will have minimal environmental impact.
S96(1A)(b) that the development to which the consent as modified 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).	As the proposal relates to minor design changes, the Department is satisfied it would result in development is substantially the same as that originally approved.
S96(1a)(c) The application has been notified in accordance with the regulations.	The City of Sydney Council was notified of the application in accordance with the Regulation. Details of the notification are provided in Section 4 of this report.
S96(1a)(d) Any submission made concerning the proposed modification has been considered.	The Department did not receive any submissions on the proposal.

3.2 Environmental Planning Instruments

The following EPIs were relevant to the original SSD application:

- *State Environmental Planning Policy (State and Regional Development) 2011;*
- *State Environmental Planning Policy (State Significant Precincts) 2005;*
- *State Environmental Planning Policy (Infrastructure) 2007;*
- *State Environmental Planning Policy (Sydney Harbour Catchment 2005); and*
- *State Environmental Planning Policy No. 55 – Remediation of Land.*

An assessment of compliance with the EPIs was considered in the original application. The Department has considered the modification application against the objectives and aims of these instruments, and is satisfied that the modified proposal remains consistent with the provisions of these EPIs.

3.3 Compliance with Clause 3B of Schedule 6A of the EP&A Act

Clause 3B9(2)(d) of Schedule 6A of the EP&A Act 1979 specifies a consent authority must not grant consent under Part 4 unless it is satisfied that a development is consistent with the terms of the approval of a Concept Plan.

The Department has considered the proposed modifications and is of the opinion they are consistent with the Barangaroo Concept Plan as they:

- comply with all relevant *Built Form Principles* and *Barangaroo South Urban Design Controls* in respect of *Control 3 – Building Articulation* as the modifications do not propose any alteration to the approved envelope of Building R1 and *Control 6 – Ensuring Quality of Rooftops* as the modifications will not be visible from the surrounding public domain; and
- do not alter the approved maximum GFA or building height specified in the Concept Plan.

3.4 Delegated Authority

On 16 February 2015, the Minister delegated functions to determine modification requests to the Director, Key Sites in cases where:

- the relevant local council has not made an objection; and

- a political disclosure statement has not been made; and
- a public submission in the nature of an objection has not been made.

The City of Sydney Council has not objected to the proposal; a political donation has not been disclosed; and no submissions have been received from the public. The proposal can therefore be determined by the Director, Key Sites Assessments, under delegation.

4. CONSULTATION AND SUBMISSIONS

4.1 Notification

The modification application and accompanying information was made publicly available and notified in accordance with the *Environmental Planning and Assessment Regulation 2000*.

The Department made the proposal publicly available on its website. The Department notified the relevant local government authority in writing.

4.2 Public Authority Submissions

The City of Sydney Council has advised it will not make a submission in response to the notification of the application, given the minor scope of the proposal. The Department did not receive any public authority submissions.

4.3 Public Submissions

No submissions from the public were received.

5. ASSESSMENT

5.1 External changes

Ground level:

The Applicant seeks approval to relocate the entry door along the north-eastern elevation of the building and alter handrails associated with the stairs at ground level along the southern elevation.

The Department notes the entry door is being relocated only 1 m to the east of its current position and will not therefore not be perceptible nor materially alter the external appearance of the ground level façade of the building. The alterations of the handrails are similarly minor and will not give rise to public domain or accessibility issues.

The external ground level alterations are accordingly supported.

Rooftop level:

The Applicant seeks approval to reconfigure the cladding treatment of the rooftop plant room to further conceal the plant room from view. The Applicant also seeks to reconfigure the design of the handrail at the rooftop of the building. The modifications are proposed to further improve the aesthetics of the approved building.

The Department accepts the modifications will not be visible from the public domain and will further conceal the visual appearance of the plant room, ensuring it reads as being an integral part of the design of the rooftop of the building.

The Department therefore accepts the proposed changes to the rooftop will have minimal environmental impact and will not alter the approved maximum height building of the building or maximum gross floor area.

On this basis, the Department supports the proposed rooftop alterations.

6. CONCLUSION

The modification application has been assessed in accordance with the matters for consideration under Part 4 of the EP&A Act and all relevant environmental planning instruments, and is considered to comply with all relevant standards and requirements.

No submissions were received from Council or from the general public. The Department's assessment concludes the proposed modification is acceptable as it would result in minor environmental impacts and is substantially the same development.

The Department concludes the development is in the public interest, and recommends the application being approved, subject to conditions.

7. RECOMMENDATION

It is recommended that the Director, Key Sites Assessments:

- (a) **consider** the findings and recommendations of this report;
- (b) **determine** that the proposed modification falls within the scope of section 96(1A) of the EP&A Act;
- (c) **approve** the modification under section 96(1A) of the EP&A Act; and
- (d) **sign** the attached Instrument of Modification.

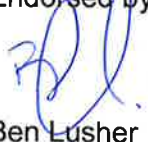
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APPENDIX A – RECOMMENDED MODIFICATION CONDITIONS
