



LD/SM
17101
1 June 2017

Carolyn McNally
Secretary
Department of Planning and Environment
Level 22, 320 Pitt Street
SYDNEY NSW 2000

Dear Ms McNally,

**SECTION 96(1A) MODIFICATION APPLICATION - SSD 6513
BUILDING R1, BARANGAROO SOUTH**

On behalf of Lendlease (Millers Point) Pty Ltd, we hereby submit an application pursuant to Section 96(1A) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act') to modify State Significant Development Application ('SSDA') SSD 6513 relating to Building R1, Barangaroo South ('the site').

The modification (Modification 2) proposes minor design amendments at the ground level and at the rooftop/plant room, in response to the design development of Building R1. These amendments do not impact on the built form, scale or aesthetics of the development and will not affect access from the public domain. These design development changes are ordinary and expected in substantial projects for new buildings. The development, as proposed to be modified, will remain substantially the same as approved.

This application identifies the consent, describes the proposed modifications and provides a planning assessment of the relevant matters for consideration contained in Section 96(1A) and Section 79C of the EP&A Act. It should be read in conjunction with the Environmental Impact Statement (EIS) prepared by JBA dated 14 August 2015. The application is additionally accompanied by Architectural Plans prepared by Collins and Turner (refer to **Attachment A**).

1.0 CONSENT PROPOSED TO BE MODIFIED

SSD 6513 was lodged with the Department of Planning and Environment ('the Department') in October 2014. Prior to the determination of SSD 6513, the Proponent submitted an amended application in August 2015. The amended SSDA specifically provided for the fitout and use of Building R1 as a pub, in accordance with the definitions under the *Standard Instrument Local Environmental Plan*.

Development consent for SSD 6513 was granted on 25 August 2016, specifically for the following components of development:

- site preparation works;
- construction and fit-out of a three-storey food and drink premises (pub) building (known as Building R1) with a maximum GFA of 804m²;
- allocation and use of 15 car parking spaces within the basement car park for the future use(s) of building R1;

- 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.

A separate Section 96(1A) Modification Application (Modification 1) was lodged with the Department on 12 May 2017 to SSD 6513 which proposes the addition of retractable awnings for solar protection. Modification 1 is currently under assessment.

Separately, Complying Development Certificate (CDC) 17/124029-1 in relation to Building R1 was issued 20 March 2017 and granted consent for the installation of polycarbonate works at roof level to provide weather protection and the installation of a structural steel platform at mezzanine level.

2.0 PROPOSED MODIFICATIONS TO DEVELOPMENT CONSENT

2.1 Modifications to the Development

As detailed on the Architectural Plans provided at **Attachment A**, this modification proposes to amend the approved design of Building R1 as follows:

- relocation of a ground level entry door along the eastern elevation;
- alteration of handrails associated with stairs at ground level along the southern boundary;
- reconfiguration of the services exhaust cladding above the rooftop plant room;
- greater emphasis of the plant room door to be concealed behind a continuous cladding finish;
- revised rooftop plant room cladding; and
- revised handrail at rooftop from a raking to vertical design.

2.2 Modifications to the Conditions

This modification proposes additional amendments to the conditions of development consent SSD 6513, which are identified below. Words proposed to be deleted are shown in **~~bold-strike through~~** and words to be inserted are shown in ***bold italics***.

A2 DEVELOPMENT IN ACCORDANCE WITH PLANS AND DOCUMENTATION

The development will be undertaken in accordance the following documents and plans:

Environmental Impact Statement entitled 'Building R1 (SSD 6513-2014), Barangaroo South' and accompanying appendices, prepared by JBA Urban Planning Consultants Pty Ltd and dated October 2014; and 'Section 96(1A) Modification Application – SSD 6513' and associated attachments prepared by JBA Urban Planning Consultants and dated 12 May 2017; and <i>'Section 96(1A) Modification Application – SSD 6513' and associated attachments prepared by JBA Urban Planning Consultants and dated 1 July 2017</i>			
Amended Application and Response to Submissions report entitled 'Amended Application and Response to Submissions, Building R1, Barangaroo South (SSD 6513)' and accompanying appendices, prepared by JBA Urban Planning Consultants Pty Ltd and dated 14 August 2015			
Amended Application RTS consisting of emailed Response to Submissions dated 3 December 2016 and Building R1 Barangaroo South Updated Operational Acoustic Report dated 6 June 2016			
Remedial Action Plans entitled Overarching Remedial Action Plan for the Barangaroo Project Site, Sydney, prepared by Environmental Resources Management Australia and dated June 2010, and Amended Remedial Action Plan Barangaroo ORWS Area, prepared by AECOM Australia Pty Ltd and dated July 2011			
Architectural Plans prepared by Collins and Turner			
Drawing No.	Revision	Name of Plan	Date
BR1-ASK-12-04-05	E	Site Locality Plan	17/07/2015
BR1-ASK-12-00-00	<i>AA AD</i>	Ground Floor Plan	<i>23/07/2015-18/05/17</i>
BR1-ASK-12-01-00	U	Level 1 Plan	17/07/2015

BR1-ASK-12-02-00	U	Level 2 Plan	17/07/2015
BR1-ASK-12-03-00	K	Roof Canopy Plan	27/07/2015
BR1-ASK-12-04-00	J N	Plant Room Roof Plan	25/03/2015 18/05/17
BR1-ASK-13-00-00	B	Ground Level Fitout Plan	27/07/2015
BR1-ASK-13-01-00	A	Level 1 Fitout Plan	29/06/2015
BR1-ASK-13-02-00	A	Level 2 Fitout Plan	29/06/2015
BR1-ASK-12-00-11	U Y	Section (East-West)	23/07/2017 18/05/17
BR1-ASK-12-00-12	M R	Section (North-South)	17/07/2015 18/05/17
BR1-ASK-12-00-21	P W	Elevation East	23/07/2015 18/05/17
BR1-ASK-12-00-22	M T	Elevation North	23/07/2015 18/05/17
BR1-ASK-12-00-23	M R	Elevation South	23/07/2015 18/05/17
BR1-ASK-12-00-24	L P	Elevation West	17/07/2015 18/05/17
BR1-ASK-12-00-50	F	Materials Schedule	25/03/2015
Basement Car Park Plans prepared by Lend Lease Design			
Drawing No.	Revision	Name of Plan	Date
BR1_ASK_PA1_0001	01	Basement Level 1	01/09/2014
BR1_ASK_PA1_0002	01	Basement Level 2	01/09/2014
BR1_ASK_PA1_0003	01	Basement Level 3	01/09/2014
BR1_ASK_PA1_0101	01	Cross Section 1-1	01/09/2014
BR1_ASK_PA1_0102	01	Longitudinal Section 2-2	01/09/2014
Solar Protection Awning Location Plans prepared by H&E Architects			
Drawing No.	Revision	Name of Plan	Date
AD1020	02	Level 1 Solar Protection Awning Locations	20/04/2017
AD1030	02	Level 2 Solar Protection Awning Locations	20/04/2017
AD3100	02	Cross Section Solar Protection Awning Locations	20/04/2017

Rationale: This proposed modification reflects the updated referencing of the amended Architectural Plans which illustrate the design amendments sought (refer to **Attachment A**).

3.0 SUBSTANTIALLY THE SAME DEVELOPMENT

Section 96(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 proposed in that:

- the approved gross floor area and maximum height of the building will not be altered;
- the approved use remains unchanged;
- the patron capacity, licensing and dining plan of the restaurant and pub are retained as approved;
- the ground level design modifications are minor in nature and will not alter the built form of the approved development or impede public access;
- the design modifications associated with the rooftop plant room will not be visible from the surrounding public domain; and
- the modifications do not give rise to any new or different potential environmental impacts compared to the approved development in terms of the relevant matters under Section 79(C) of the EP&A Act.

4.0 PLANNING ASSESSMENT

Section 96(1A) of the EP&A Act states that a consent authority may modify development consent if 'it is satisfied that the proposed modification is of minimal environmental impact'. The following assessment demonstrates that the development, as proposed to be modified, will be of minimal environmental impact.

4.1 State Environmental Planning Policy (State Significant Precincts) 2005

As the proposed design modifications do not alter the approved use of Building R1, the development remains permissible with consent under the applicable *B4 Mixed Use* zoning.

It is also acknowledged that Building R1 will remain consistent with the objectives of the *B4 Mixed Use* zone in that development will continue to contribute towards a precinct of diverse and compatible land uses. The modifications do not alter the consistency of the approved development with the maximum height and gross floor area provisions of the SEPP.

The proposed modifications have furthermore been designed to incorporate contemporary urban design principles that relate to the architectural style of the approved development and the surrounding public domain.

4.2 Barangaroo Concept Plan (MP06_0162 Modification 8)

Clause 3B(2)(d) of Schedule 6A under the EP&A Act prohibits the consent authority from granting consent for development unless it is satisfied that the development is generally consistent with the terms of an approved Concept Plan, in this case being the approved Barangaroo Concept Plan (as modified).

Given that the proposed modifications under this application do not seek to alter the built form or land use of Building R1, and the modification to the massing of the rooftop plant room services exhaust will not be visible from the public domain, the development remains consistent with the Barangaroo Concept Plan (as modified).

4.3 Barangaroo South Built Form and Urban Design Controls

An assessment of the proposed design modifications against the 'Barangaroo South Built Form and Urban Design Controls', as approved under the Barangaroo Concept Plan (as modified), is provided at **Table 1** below.

Table 1 – Assessment against the Barangaroo South Urban Design Controls

Control	Comment
Control 3: Building Articulation <u>Objectives:</u> <ul style="list-style-type: none"> To establish an articulated, well-proportioned building mass. <u>Standard:</u> <ul style="list-style-type: none"> To reduce the impact of the buildings mass, the envelope and floor plates are to be horizontally and/or vertically articulated, in particular at upper levels. Building Form is to express sustainability features such as for example access to natural light, ventilation and solar shading. 	<p>The design modifications do not propose any alteration to the approved envelope of Building R1. The development will remain appropriately proportioned and articulated.</p>
Control 6: Ensuring Quality of Rooftops <u>Objectives:</u> <ul style="list-style-type: none"> The mass at the rooftop shall be articulated and legible. <u>Standard:</u> <ul style="list-style-type: none"> Roof forms to incorporate architectural treatment. Architectural treatment of exposed elements such as lift shafts, overruns control rooms and any sustainability features. Exposed mechanical equipment is to be avoided. Good quality materials (ie durable, hardwearing, sustainable) are to be used. 	<p>The design modifications associated with the rooftop plant room and exhaust will not be visible from the surrounding public domain. Notwithstanding this, the proposed alterations will result in a consistent architectural treatment whereby the services exhausts will continue to be encased by a cladded oculus preventing the undesirable visual exposure to buildings above of mechanical equipment.</p>

Control	Comment
Control 8: Active Frontages <u>Objectives:</u> <ul style="list-style-type: none"> ▪ Ensure an activated domain at street level with access to shops, lobbies, etc. ▪ Ensure that Ground Floor retail uses activate the waterfront. ▪ At least 70% of the ground floor frontages to the pedestrian waterfront shall comprise retail or entertainment uses, open to the public to activate the adjoining foreshore pedestrian promenade 	<p>The design modifications will not detract from the approved activated frontage of Building R1. The proposed modifications will contribute to ensuring that a vibrant public domain along the waterfront promenade and surrounds is maintained.</p>

Overall, the proposed design modifications are minor. Importantly, Building R1 will remain consistent with the Barangaroo South Urban Design Controls with respect to building mass, location, and permeability and accessibility.

5.0 CONCLUSION

This modification application seeks to make a number of minor design amendments to Building R1, Barangaroo South as approved under State Significant Development Application SSD 6513. These amendments now sought are a result of design development which can be expected in any substantial project.

In accordance with section 96(1A) of the EP&A Act, the Department, as the delegate of the Minister, may modify the consent as:

- the proposed modifications are minor in nature;
- the proposed modifications are of a minimal environmental impact; and
- the proposed modification is substantially the same as the development for which the consent was granted.

We trust that this information is sufficient to enable a prompt assessment of the proposed modification. Should you have any queries in relation to the above, please do not hesitate to contact me on 9409 4971 or smiller@jbaurban.com.au.

Yours faithfully,



Samantha Miller
Senior Planner

