

24 May 2019

17632

Mr Cameron Sargent
Department of Planning and Environment
320 Pitt Street
Sydney, NSW

Dear Cameron Sargent

SECTION 4.55(2) MODIFICATION APPLICATION CROWN SYDNEY HOTEL RESORT (SSD 6957)

This application has been prepared by Ethos Urban on behalf of Crown Sydney Hotel Resort (Crown) pursuant to section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify Development Consent SSD 6957 (**Development Consent**) relating to the approved Crown Sydney Hotel Resort located at 51a Hickson Road, Barangaroo, NSW.

The modifications relate to various alterations and amendments to the approved scheme. An overview of the proposed modifications is provided in **Section 2.0**, with a full summary provided in **Sections 2.1 to 2.9**.

While a number of modifications are proposed to the approved development, all of the proposed changes are minor, and the modified design remains substantially the same as that originally approved development in that:

- The land use mix remains consistent with that of the approved development;
- The proposed modifications to the approval will not alter the building form or function;
- The internal modifications proposed are minor in the context of the scale of the building;
- The GFA of the modified development utilises Contingency GFA and remains within the approved maximum 77,500m² GFA of the building and Concept Plan; and
- The anticipated environmental impacts are consistent with those of the approved development.

The development, as proposed to be modified is therefore both essentially and materially of the same essence as that of the approved development and is therefore considered to be substantially the same as the approved development. The modification of the Development Consent can therefore be lawfully made under section 4.55 of the EP&A Act.

This application identifies the Development Consent, describes the proposed modifications and provides a planning assessment of the relevant matters for consideration contained in section 4.55(2) of the EP&A Act. The application is accompanied by:

- Amended Architectural Plans prepared by Wilkinson Eyre (**Attachment A**);
- Original Development Consent – Schedule 1 (**Attachment B**);
- Traffic and Parking Assessment prepared by Arup (**Attachment C**);
- Reflectivity Statement prepared by Arup (**Attachment D**);
- SEPP 65 Design Verification Statement prepared by Bates Smart (**Attachment E**);
- BCA Report prepared by McKenzie Group (**Attachment F**);
- Access Statement prepared by McKenzie Group (**Attachment G**);
- Updated BASIX Certificate prepared by Arup (**Attachment H**);
- Pedestrian Wind Study as prepared by RWDI (**Attachment I**); and

- Operational Noise statement as prepared by Wilkinson Murray (**Attachment J**).

This statement should be read in conjunction with:

- Environmental Impact Statement (EIS) prepared by JBA Urban Planning Consultants Pty Ltd, dated July 2015;
- Response to Submissions report prepared by JBA Urban Planning Consultants Pty Ltd, dated October 2015; and
- Further Response to Submissions report dated 16 February 2016.

1.0 Consent proposed to be modified

Development Consent was granted by the Planning Assessment Commission on 28 June 2016. The consent is for a mixed-use building, known as Crown Sydney Hotel Resort, including:

- *site remediation, earthworks, excavation, structural and site preparation works;*
- *construction and fit-out of a 71 storey (RL 275 metre) tower including podium;*
- *construction of three basement levels;*
- *a total GFA of 77,500sqm, comprising:*
 - *66 residential apartments;*
 - *Hotel use (350 hotel keys/rooms) and ancillary guest and visitor facilities;*
 - *6,085sqm restricted gaming facility GFA; and*
 - *6,700sqm retail GFA;*
- *610 on-site car parking spaces and 188 bicycle parking spaces;*
- *public domain works and landscaping; and*
- *business and building identification signage and signage zones.*

2.0 Proposed modifications to the consent

The proposed modifications to the Development Consent comprise:

- Reconfiguration of the internal layout of the hotel, retail and tourism uses, resulting in the utilisation of 601m² of Contingency GFA while staying within the approved total GFA of 77,500m²;
- Reconfiguration of internal apartment layouts, resulting in an increase in the number of residential apartments from 66 to 87 and utilisation of 1,812m² of Contingency GFA within the approved total GFA of 77,500m²;
- Reconfiguration of the basement car park resulting in a reduction of 37 valet car parking spaces, an increase of 21 self-park car parking spaces and an increase of 47 residential car parking spaces (see **Section 5.2.3 - Traffic and Parking** for net decrease in traffic generation). Furthermore, 19 additional residential bicycle parking spaces are proposed;
- Minor design modifications to the ground level including the porte cochere, outdoor dining areas and ground level landscaping;
- Reconfiguration to the terrace layouts on Levels 3, 4 and 24; and
- Addition of an observation deck for the public within Level 66 of the building.

An overview of the proposed modifications is provided in **Table 1** below, with a more detailed summary provided in the remainder of this letter.

Table 1 Summary of Proposed Modifications

Original Consent (SSD 6957)	Proposed Modification	Variation
site remediation, earthworks, excavation, structural and site preparation works;	N/A	NIL
construction and fit-out of a 71 storey (RL 275 metre) tower including podium;	N/A	NIL
construction of three basement levels;	NIL	NIL
a total approved GFA of 77,500sqm	NIL	NIL
<ul style="list-style-type: none"> 66 residential apartments; 	87 residential apartments	Reconfigured apartment mix within the forecasted residential GFA of current Development Consent (key count increase of 21 apartments)
<ul style="list-style-type: none"> Hotel use (350 hotel keys/rooms) and ancillary guest and visitor facilities; 	349	Reconfigured hotel guestroom mix and suite counts (decrease of 1 hotel key)
<ul style="list-style-type: none"> 6,085sqm restricted gaming facility GFA; and 	As approved	NIL
<ul style="list-style-type: none"> 6,700sqm retail GFA 	As approved	NIL
610 on-site car parking spaces, comprising: <ul style="list-style-type: none"> 250 valet spaces 250 self-parking spaces 110 residential spaces 	641 on-site car parking spaces, comprising: <ul style="list-style-type: none"> 271 valet spaces 213 self-parking spaces 157 residential spaces 	Net increase overall of 31 car parking spaces, comprising: <ul style="list-style-type: none"> Increase of 21 valet spaces Reduction of 37 self-parking spaces Increase of 47 residential spaces
188 bicycle parking spaces, comprising: <ul style="list-style-type: none"> 83 non-residential spaces 68 residential spaces 37 visitor (public) spaces 	207 bicycle parking spaces, comprising: <ul style="list-style-type: none"> As approved non-residential spaces (87 residential bicycle spaces) As approved visitor (public spaces) 	Increase in 19 residential bicycle parking spaces
35 motorcycle parking	As approved	None
public domain works and landscaping	As approved	None
business and building identification signage and signage zones	As approved	None

2.1 Modifications to the development

A detailed floor by floor account of the proposed modifications at each level of the development is provided in **Table 2** below. **Sections 2.2 to 2.9** provide further detail on the changes proposed within this modification.

Table 2 Level by level description of the proposed modifications

Level	Description of Proposed Modifications
Façade	<ul style="list-style-type: none"> Minor updates to façade fenestration.
Basement Levels B3 to B1 Mezzanine	<p>Minor internal layout and structural changes on:</p> <ul style="list-style-type: none"> Basement 3; Basement 2; Basement 1; and Basement 1 mezzanine.
Ground Floor	<ul style="list-style-type: none"> Update to the design of the approved porte cochere to improve design of landscaping and glass fins; Modification to the glass line of the Northern Restaurant; Modification to the glass blades of the restaurant terrace to improve wind protection; Changes to the internal division of retail tenancies to replace the approved 3 retail tenancies with 4 retail tenancies; Minor internal changes to stair and bathroom locations; Amendments to the location and arrangements of lifts; Inclusion of vehicular entry gates; and Amended fire stair configuration descending from upper floors.
Level 1	<ul style="list-style-type: none"> Internal layout changes responding to interior design development; Amendments to the location and arrangements of lifts; Amended fire stair configuration descending from upper floors; Restaurant toilets added on the mezzanine level; and Variation to the extent of plant room on the mezzanine level.
Level 2	<ul style="list-style-type: none"> Internal layout changes responding to interior design development; Restaurant toilets added on the mezzanine level; Variation to the extent of plant room on the mezzanine level; Amendments to the location and arrangements of lifts; and Amended fire stair configuration descending from upper floors.
Level 3	<ul style="list-style-type: none"> Modification to the glass line of the north restaurant to provide weather protection and patron amenity; Internal layout changes responding to interior design development; Variation to the extent of plant room on the mezzanine level; Amendments to the location and arrangements of lifts; and Amended fire stair configuration descending from upper floors.
Level 4	<ul style="list-style-type: none"> Modification to the locations of the spa and gym within the floor; Modification to the glass line of the spa terrace to provide weather protection and patron amenity; Introduction of treatments to the west facing roof to allow the space to be used as a recreation deck; Modification of floor levels for the approved tennis courts to improve headroom at Level 03 function rooms below; Amendments to the location and arrangements of lifts; and Amended fire stair configuration descending from upper floors.
Level 5	<ul style="list-style-type: none"> Amended fire stair configuration descending from upper floors; Addition of roof over spa area below; Revision of wedding canopy design at south end of tennis court to improve guest solar protection; Slight increase in height of plant room parapet to facilitate safe access to PV cells; and Internal layout changes responding to interior design development.

Level	Description of Proposed Modifications
Levels 6 to 22	<ul style="list-style-type: none"> Amended fire stair configuration descending from upper floors; Internal layout changes responding to interior design development; and Amendment to plant area.
Level 23	<ul style="list-style-type: none"> Amended fire stair configuration descending from upper floors; Internal layout changes responding to services engineering design development; and Addition of toilet group and kitchen store.
Level 24	<ul style="list-style-type: none"> Redesign of landscaped terrace (including deletion of approved pool); Extension of canopy above landscaped terrace to address wind study concerns and provide solar protection; and internal layout changes responding to interior design development.
Level 25	<ul style="list-style-type: none"> Change of use from approved gaming floor to plant room (gaming floor moved to Level 27); Deletion of void and staircase.
Level 26	<ul style="list-style-type: none"> Deletion of void and staircase.
Level 27	<ul style="list-style-type: none"> Change of use from approved plant room to gaming floor (plant room moved to Level 25); Deletion of void and staircase.
Level 28	<ul style="list-style-type: none"> Change of use to plant room.
Levels 29 to 32	<ul style="list-style-type: none"> Internal layout changes responding to interior design development; and Modification to the extent of terraces.
Level 33	<ul style="list-style-type: none"> Change use from approved hotel villas to 4 residential apartments; Internal layout changes responding to interior design development; and Modification to the extent of terraces.
Levels 34 to 37	<ul style="list-style-type: none"> 3 x approved apartments modified to 4 x apartments; Internal layout changes responding to interior design development; and Modification to the extent of terraces.
Levels 38 to 47	<ul style="list-style-type: none"> Reduction of corridor and communications room extents; Internal layout changes responding to interior design development; and Modification to the extent of terraces.
Level 48	<ul style="list-style-type: none"> Use changed from approved plant room (moved to level 50) into 3 x apartments, one of which features a double height ceiling; and Modification to the extent of terraces.
Level 49	<ul style="list-style-type: none"> Layout changed from the approved 2 x apartments to 3 x apartments; Introduction of a void space to accommodate double height ceiling on level 48; and Modification to the extent of terraces.
Level 50	<ul style="list-style-type: none"> Use changed from the approved 2 x apartments to plant room (residential use moved to level 48).
Levels 51 to 57	<ul style="list-style-type: none"> Layout changed from approved 2 x apartments to 3 x apartments; Internal layout changes responding to interior design development; and Modification to the extent of terraces.
Levels 58 to 62	<ul style="list-style-type: none"> Layout changed from approved 1 x apartment to 3 x apartments; Internal layout changes responding to interior design development; and Modification to the extent of terraces.
Level 63	<ul style="list-style-type: none"> Layout changed from lower floor of duplex apartment to 1 x apartment (duplex moved to level 64 and 65); Internal layout changes responding to interior design development; and Modification to the extent of terraces.
Level 64	<ul style="list-style-type: none"> Layout changed from upper floor of duplex apartment to lower floor of duplex apartment; Internal layout changes responding to interior design development; and Modification to the extent of terraces.

Level	Description of Proposed Modifications
Level 65	<ul style="list-style-type: none"> Use changed from approved plant floor to upper floor of duplex apartment (plant floor moved to Level 66); Internal layout changes responding to interior design development; and Modification to the extent of terraces.
Level 66	<ul style="list-style-type: none"> Use changed from super villa to plant floor and publicly accessible observation deck (approved super villa moved to Level 67).
Level 67	<ul style="list-style-type: none"> Layout changed from lower floor of sky-villa to be single-floor "super villa".
Levels 68 to 69	<ul style="list-style-type: none"> Deletion of lift.
Level 72	<ul style="list-style-type: none"> Architecturally designed AS1657 compliant safety railing added to ensure safe access to the proposed PV panel array, and for the safe maintenance of other roof components.

The modifications set out in **Table 2** that require further explanation are described below.

2.2 Shift in Gross Floor Areas and Internal Layouts

A summary of the proposed changes to the building's GFA is provided in **Tables 3** and **4** below.

Table 3 Approved GFA Schedule

SUMMARY TABLE					
WEA Architectural Design Statement dated June 2015, Section 12.0, page 148					
Approved under SSD_6957 on 28 June 2016					
Total Hotel Keys: 350 Total Residential Apartments: 66 Note: Areas are measured at 1.4m above FFL	Zone	Type of Use			
		Tourism GFA (sqm)	Retail (sqm)	Residential GFA (sqm)	Sub Total
	Basement	0	267	0	267
	Podium	12,371	6,431	0	18,802
	Tower	35,301		20,675	55,976
	Total GFA	47,672	6,698	20,675	75,045
	Contingency (sqm)	528	2	1,925	2,455
	Target GFA (sqm)	48,200	6,700	22,600	77,500

Table 4 Summary of proposed modifications to approved GFA schedule

SUMMARY TABLE					
Revised per S4.55(2) Application - May 2019					
Total Hotel Keys: 349 Total Residential Apartments: 87 Note: Areas are measured at 1.4m above FFL	Zone	Type of Use			
		Tourism GFA (sqm)	Retail (sqm)	Residential GFA (sqm)	Sub Total
	Basement	0	126	0	126
	Podium	15,125	5,531	0	20,656
	Tower	33,146	1,043	22,487	56,676
	Total GFA	48,271	6,700	22,487	77,458
	Contingency (sqm)	-71	0	113	42
	Target GFA (sqm)	48,200	6,700	22,600	77,500

Notes:

1. Apartments have been reconfigured resulting in the key count increasing by 21 in response to market testing and feedback.
2. Overall original GFA Contingency (2,455sqm) has been utilised - 42 sqm remains unutilised.
3. Use of Contingency GFA is consistent with the original estimated and planned use of Contingency.
4. Residential GFA as approved for block Y in Mod 8 (22,600sqm) has not been exceeded.
5. Overall approved GFA as approved in Mod 8 and SSD_6957 (77,500sqm) has not been exceeded.
6. GFA totals by Type of Use are the same. No changes are proposed.

The minor adjustments to GFA (utilisation of Contingency GFA), relate to internal layout changes and the consolidation of back of house, plant room and storage areas which have been rationalised as the detailed design has progressed through to the construction documentation phase of the project, which has in turn resulted in areas previously included as Contingency GFA, now being defined as GFA.

The utilisation of Contingency GFA is also attributed to minor adjustments and partial enclosure of the Level 3 restaurant and Level 4 spa terrace areas to improve patron comfort, both of which sit behind the approved podium façade over sail structure that defines the building's external facade.

The proposed amendments to the residential unit count reflect a reconfiguration of the internal layout and consolidation of dedicated plant areas. These changes have arisen as a result of buyer feedback during the marketing campaign, as well as the rationalisation of plant areas and equipment during design development which has been carried out as part of the construction documentation phase.

The development's approved retail areas have also been the subject of some minor reconfiguration of the demising partitions between tenancies. Whilst this is the case, the overall quantum of retail GFA has utilised the original 2m² Contingency GFA and has not increased.

2.3 Reconfiguration of Internal Apartment Layouts

As detailed above, the proposed amendments include the reconfiguration of internal layouts to a number of levels, which are shown in the Amended Architectural Plans provided at **Attachment A**. The proposed amendments principally involve a reshuffling of approved apartment layouts within the approved building envelope, which has been driven by further design development, the changing nature of the residential market, and buyer feedback, which indicated that many of the apartment unit types and sizes were not aligned with present day market demands.

Based on the detailed design revisions of the internal apartment layouts, the approved 66 apartments have been revised to 87 apartments, some of which are smaller than the original approved layout but which are still large in scale, well above the minimum size requirements of the ADG and commensurate with the luxury residential market that is the target of the Crown development. Importantly, the proposed internal reconfigurations and subsequent increase in apartments will not result in an increase beyond the total approved residential GFA. Amended GFA plans are provided within **Attachment A**.

A summary of the approved and proposed dwelling mix is provided in **Table 5**. The residential revisions are incorporated into the existing building envelope. These changes remain within the maximum residential GFA provision of 22,600m² and are supported through an allocation of the originally approved Residential Contingency GFA for the building, as prescribed by the approved Barangaroo Concept Plan.

As shown, the proposed reconfiguration will allow for the delivery of a slightly higher proportion of two and three bedroom apartments within the building, and will allow for the development to better respond to identified market demands and buyer expectations.

Table 5 Modified dwelling mix/yield

Approved			Proposed		Change	
Type	Number	%	Number	%	Units	%
Two Bed	28	42.5%	27	31%	-1	-11.5%
Three Bed	32	48.5%	45	51.7%	+13	+3.2%
Four Bed	5	7.5%	14	16%	+9	+8.5%
Five Bed	1	1.5%	1	1.1%	-	-0.4%
Total	66	-	87	-	+21	-

2.4 Reconfiguration of parking

Amendments to basement levels B3 to B1 Mezzanine are required to ensure adequate parking is provided to service the additional residential apartments that are now proposed. As shown in **Table 1**, the total number of residential car parking spaces is proposed to increase from 110 to 157, representing an increase of 47 spaces to support the 21 additional apartments. The proposed parking reconfiguration also involves an overall reduction of non-residential car parking by 16 spaces, being a reduction of self-parking car spaces by 37 and an increase in valet car parking by 21 spaces. See **Section 5.2.3** and **Table 10** for further traffic and parking details.

Ancillary to this, one secure bicycle space will be provided for each residential dwelling (87 spaces total), resulting in an overall increase of 19 bicycle spaces.

The amendments to the basement levels are able to be accommodated within the existing approved basement footprints and will continue to comply with the requirements of the Barangaroo Concept Plan. The changes are therefore considered to be minor in the context of the approved building and further create lesser environmental impacts due to the decrease in vehicle movements in and out of the site.

2.5 Level 3 Dining

The proposed modification to the All-Day Dining Area on Level 3 involves the relocation of the exterior glass wall of the restaurant to enclose a greater portion of the exterior terrace which results in a proposed change from outdoor to indoor use. It is important to note that the originally approved glass oversail and stone veil, which is the primary building facade in this location, remains unchanged. This reduction in outdoor terrace area and the inclusion of outdoor seating into the building has been proposed as it will help to deliver an improved dining environment for customers, whilst at the same time deliver a reduction in environmental impact due to the decrease in outdoor seating and subsequent reduction in noise impacts. See Operational Noise Statement at **Attachment J** for further details.

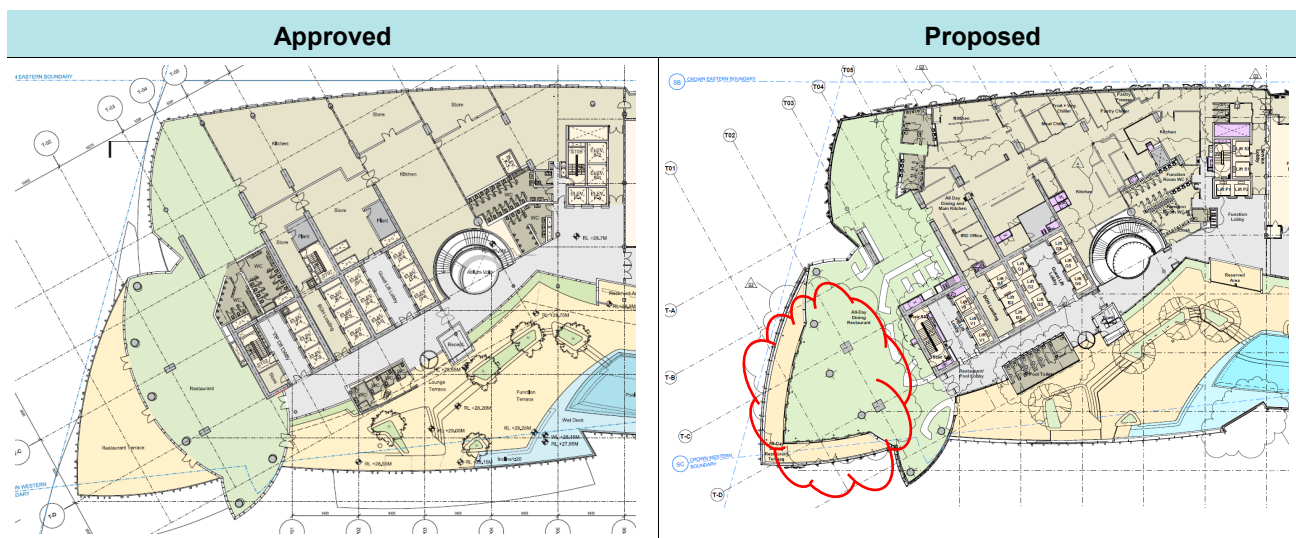


Figure 1 Changes to Level 3 restaurant terrace

2.6 Level 4 Spa

The proposed modification to the Spa area on Level 4 involves the partial enclosure of the eastern facing terrace area as shown in **Figure 4** and the Architectural Plans provided at **Attachment A**. The change allows for the creation of some additional areas and rooms to be used for the relaxation spa.

The proposed change as shown in **Figure 4** reflect the new enclosed area which will sit behind the glass oversail and stone veil that wraps around the podium structure which defines the building's external façade. It will therefore remain largely screened from view when at ground level and will further deliver a reduction in environmental impact due to the decrease in outdoor seating and subsequent reduced external noise impacts, see **Attachment J**.

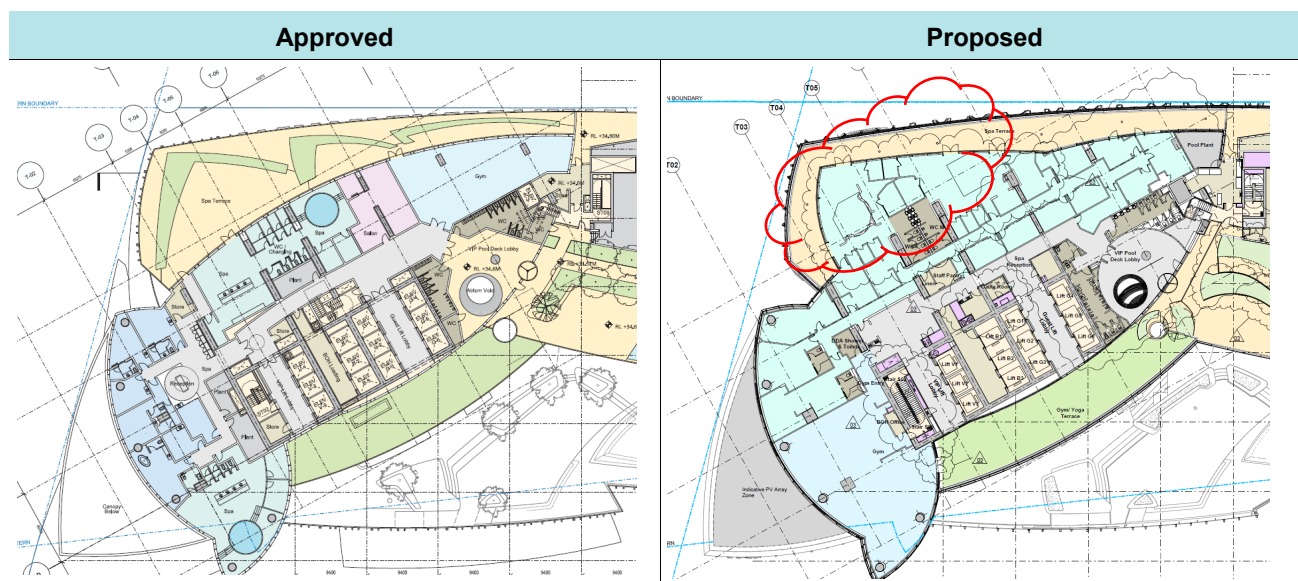


Figure 2 Changes to Level 4 spa terrace

2.7 External modification to ground floor layout

The proposed modification to the external conditions of the ground floor include minor revisions to the landscaping and the inclusion of glass fins along the ground level Northern restaurant terrace area. These improvements are being proposed in response to surveys of 'as built' wind conditions provided at **Attachment I**, which identified the need for additional wind mitigation measures to deliver an appropriate level of pedestrian comfort around the building, including within the public realm and licensed dining terrace areas. The arrangement of glass blades as a wind mitigation strategy was implemented to maximise visual permeability and to minimise the sense of enclosure in lieu of a fixed solid glass balustrade per condition B4 of the Development Consent



Figure 3 Inclusion of glass blades to the ground floor terraces

2.8 Reconfiguration of terrace layout, roof levels, and safety railings

The pool has been removed as part of the updated landscape design for the terrace. The approved pool on Level 24 was largely decorative in nature and to be used by a small number of hotel patrons only, and therefore relates only to modifications of the facilities available to these patrons. The terrace is now proposed to remain landscaped, with the exclusion of the pool on Level 24, and no changes to the building façade will be evident when viewed externally. Alternative pools remain available for hotel patrons on Levels 3 and 4. The proposed removal of the Level 24 pool is minor in the context of the whole development and does not affect the functionality of the building or give rise to any new or additional environmental impacts.

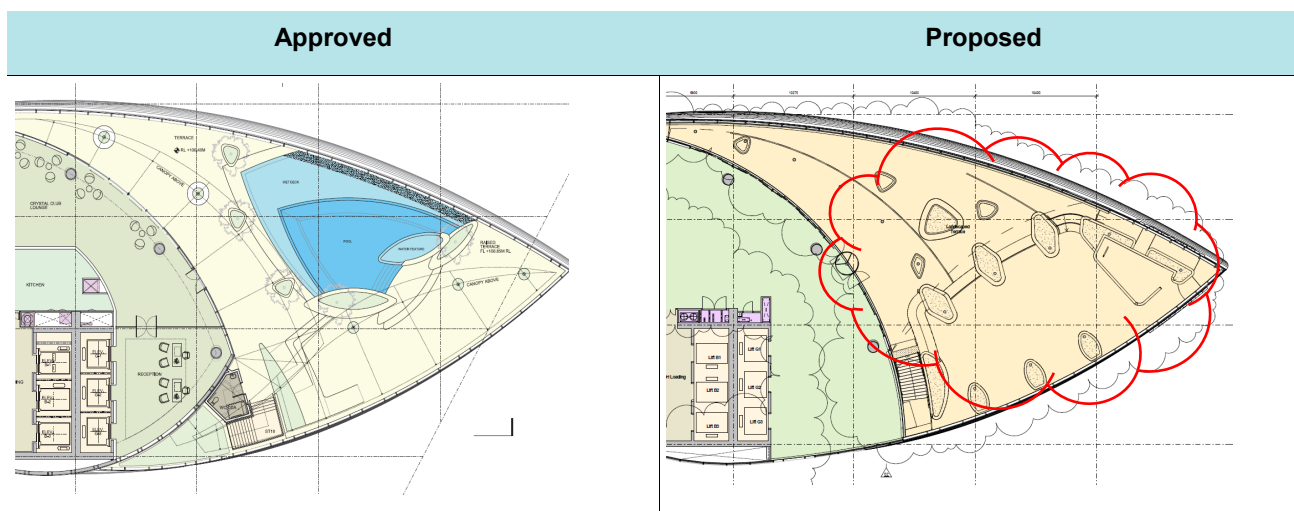


Figure 4 Changes to Level 24 hotel terrace

In addition to the amendments to Level 24, minor changes to the roof level at Levels 5 and 57 are also proposed in order to facilitate safe access to Photovoltaic Panels (**PV Panels**). Architecturally designed AS1657 compliant safety railings are likewise proposed to be added, to ensure safe access to the proposed PV Panel array, and for the safe maintenance of other roof components.

This modification does not impact the overall design or façade of the building and is negligible in the context of the whole building. The proposed height remains generally consistent with the approved roof levels and will remain unnoticed when viewed externally. This modification does not result in any additional bulk or visual impacts and will provide safe access to PV Panels for maintenance purposes.

2.9 Addition of Observation Deck and Façade Configurations

An observation deck has been included on level 66. Inclusion of the observation deck was a requirement imposed by the Planning Assessment Commission in its determination of the original application (SSDA 6957). The requirement was imposed via Condition B6 of the development, which required the inclusion of a publicly accessible observation deck to allow for views over the Sydney harbour. Inclusion of the observation deck has been achieved with only minor modifications to the building's external façade, with the insertion of one window to allow views towards the Harbour Bridge and the Sydney Opera House (see **Figure 5** and **Figure 6**).



Figure 5 View of proposed window - extract of proposed north elevation

Source: Wilkinson Eyre & Ethos Urban

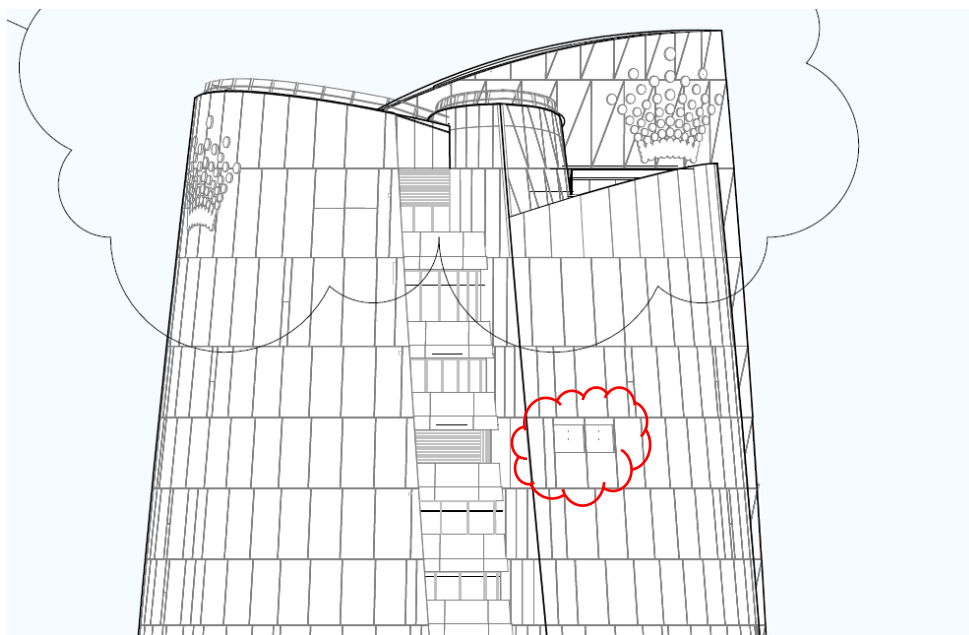


Figure 6 View of proposed window Extract of proposed east elevation

Source: Wilkinson Eyre & Ethos Urban

This modification will remain largely unnoticed on the building when viewed from the public domain, due to its location within the building on Level 66 (RL 249.20).

Inclusion of the observation deck does not change the appearance or massing of the building and the modification is negligible in the context of the overall development. The proposed amendment responds to a condition that was imposed on the original Development Consent SSD 6957.

In addition, minor façade vision glass/spandrel panel coordination modification is proposed, to correspond with the modified interior room layouts.

A reflectivity statement has been prepared by Arup (**Attachment D**) which confirms that the minor adjustments to the façade mullion placement to coordinate with the interior design development and façade panelling will continue to achieve the required reflectivity ratings for the building. Specifically, the proposed amendments retain the reflectivity levels in accordance with Condition B5 of the Development Consent.

3.0 Modification to Conditions

The proposed modifications described above necessitate amendments to the consent conditions which are identified below. Words proposed to be inserted are shown in ***bold italics***.

Development in Accordance with Plans

A2. The Applicant shall carry out the project generally in accordance with the:

....

h) The following drawings, except for:

- i) *any modifications which are Exempt or Complying Development as identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA; and*
- ii) *otherwise provided by the conditions of this consent.*

Table to be updated in line with modified plan dates and revision numbers (refer to Attachment A)

Reason for Modification:

This condition is required to be updated to reflect the revised architectural plans for the development.

Car Parking

B14. A total of ~~640~~ 641 onsite car parking spaces shall be provided, comprising:

- a) ~~271~~ 250 hotel/gaming facility self-park car parking spaces;*
- b) ~~213~~ 250 hotel/gaming facility valet car parking spaces; and*
- c) ~~157~~ 440 residential car parking spaces.*

Reason for Modification:

This condition is required to be updated to reflect the modified development as proposed and accommodate additional car parking required to service the additional apartments.

Bicycle Parking and Facilities

B17. Minimum of ~~207~~ 488 on-site bicycle parking shall be provided as follows:

- a) 83 employee/staff bicycle spaces within the basement;*
- b) ~~87~~ 68 residential bicycle spaces within the basement; and*
- c) 37 visitor spaces at ground floor level within the public domain.*

Reason for Modification:

This condition is required to be updated to reflect the modified development as proposed and accommodate additional bicycle parking required to service the additional apartments.

4.0 Substantially the same development

Section 4.55(2)(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)”*.

The development, as proposed to be modified, is substantially the same development as that originally approved in that:

- The land use mix remains consistent with that of the approved development;
- The proposed modifications to the approval will not alter the building form or function;
- The internal modifications proposed are minor in the context of the scale of the building;
- The GFA of the modified development utilises Contingency GFA and remains within the approved maximum 77,500m² GFA of the building and Concept Plan; and
- The anticipated environmental impacts are consistent with those of the approved development.

The development, as proposed to be modified is therefore both essentially and materially of the same essence as that of the approved development and is therefore considered to be substantially the same as the approved development. The modification of the Development Consent can therefore be lawfully made under section 4.55 of the EP&A Act.

5.0 Planning assessment

Section 4.55(3) of the EP&A Act requires the consent authority to take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application and the reasons given by the consent authority for the grant of the original consent.

The EIS submitted with the original Development Application (SSDA 6957) assessed the potential impacts of the overall development with regard to the following key planning issues:

- Consistency with Relevant EPIs, Policies and Strategies
- Barangaroo Concept Plan
- Design Excellence
- Urban Design and Built Form
- Residential Amenity
- Overshadowing Impacts
- Wind
- Reflectivity
- Signage
- Transport and Accessibility
- Security and Safety
- Social Impacts
- Economic Impact
- Climate Change and Sea Level Rise
- Marine Ecology
- Heritage
- Archaeology
- Operational Noise and Vibration
- Navigation Impacts
- Fire Safety
- Stormwater and Drainage
- Infrastructure and Utilities
- Building Code of Australia (BCA) and Access
- Structural Engineering
- Geotechnical
- Contamination
- Operational Waste Management
- Ecologically Sustainable Development
- Sydney Observatory Impacts
- Construction Management

The planning assessment of the proposed modified development remains generally unchanged with respect to a large majority of the above matters. As illustrated in **Table 6**, other than in respect of Urban Design and Built Form (which impact is minimal), the proposed modified development results in no environmental impacts in relation to the matters that were considered and assessed as part of the original development application.

Table 6 Planning Assessment Matters

Environmental Assessment Matter required to be addressed by SEARS	Environmental Impact	Comment
Consistency with Relevant EPIs, Policies and Strategies	Nil	The proposed amended development remains entirely consistent with the relevant EPIs, policies and strategies.
Barangaroo Concept Plan (Mod 8)	Nil	The proposed amended development remains consistent with Barangaroo Concept Plan (Mod 8).
Design Excellence	Nil	The proposed amendment development does not affect the building's underlying design or its ability to achieve design excellence.
Urban Design and Built Form	Minimal	Some adjustments have occurred at Levels 3 and 4 of the building, which involve minor adjustments to the building façade lines to include previous terrace areas. These minor adjustments allow for a portion of the Spa terrace to be enclosed incorporating external GFA and a slightly larger internal dining area for the All-Day Dining restaurant on Level 3. These changes are however of minimal environmental impact as they do not affect neighbouring properties and continue to be consistent with the building envelope as the original and approved glass oversail and stone veil structure remains unchanged as detailed in the approved SSD 6957. These changes will result in a decrease in outdoor seating which will reduce potential noise impacts to the surrounding area.
the Public Domain	Nil	The proposed amended development does not involve changes to the public domain.

Environmental Assessment Matter required to be addressed by SEARS	Environmental Impact	Comment
Visual Analysis from the Public Domain	Nil	The proposed amended development does not amend the outcomes of the visual analysis for the building.
Building Height	Nil	The proposed amended development does not amend the height of the building.
Residential Amenity	Nil	The proposed amended development involves some reconfiguration of residential apartments within the building and the creation of new apartment types. As demonstrated in the Modification Application, all of these apartments comply with the relevant ADG requirements and as such do not result in any environmental impacts. For further details refer to the Modification Application and Section 5.2.2 of this letter.
Overshadowing Impacts	Nil	The proposed amended development does not alter the building's overshadowing impacts.
Wind	Nil	The proposed amended development creates no adverse wind impacts.
Reflectivity	Nil	The proposed amended development does not alter the building's reflectivity.
Signage	Nil	The proposed amended development does not involve any amendments to signage.
Transport and Accessibility	Nil	Some adjustments are proposed to the parking arrangement within the building's basement, including the addition of parking spaces to support the additional residential apartments. These changes are minor and have been assessed as resulting in having a lesser environmental impact. Refer to Section 5.2.3 of this letter for further details as well as the Traffic Assessment prepared by Arup (Appendix C).
Safety and Security	Nil	The proposed amended development does not alter the safety and security matters.
Social Impact	Nil	The proposed amended development does not alter the conclusions of the social impact assessment.
Economic Impact	Nil	The proposed amended development does not alter the conclusions of the economic impact assessment.
Climate Change and Sea Level Rise	Nil	The proposed amended development does not alter the conclusions of the climate change and sea level rise assessment.
Marine Ecology	Nil	The proposed amended development does not alter the conclusions of the marine ecology assessment.
Heritage	Nil	The proposed amended development does not alter the conclusions of the heritage assessment.
Archaeology	Nil	The proposed amended development does not alter the conclusions of the archaeology assessment.
Operational Noise and Vibration	Nil	The proposed amended development does not alter the conclusions of the operational noise and vibration assessment.
Navigation Impacts	Nil	The proposed amended development does not result in any navigation impacts.
Fire Safety	Nil	The proposed modifications involve some minor adjustments to fire stair locations and configurations. These have been reviewed as part of the BCA Assessment and remain compliant with the relevant requirements and have no environmental impact.
Stormwater and Drainage	Nil	The proposed amended development does not alter the stormwater and drainage strategy and solution for the building.
Infrastructure and Utilities	Nil	The proposed amended development does not alter the infrastructure and utilities arrangement for the building.
BCA and Access	Nil	The proposed modifications include a number of internal amendments, all of which have been assessed from a BCA and Access point of view, and which have been determined to be acceptable and therefore to have no environmental impact. Refer to BCA compliance statement (Appendix F) and Access Statement prepared by McKenzie Group (Appendix G).

Environmental Assessment Matter required to be addressed by SEARS	Environmental Impact	Comment
Structural Engineering	Nil	The proposed amended development does not alter the structural engineering solution for the building.
Geotechnical	Nil	The proposed amended development does not alter the conclusions of the geotechnical assessment.
Contamination	Nil	The proposed amended development does not alter the conclusions of the contamination assessment.
Operational Waste Management	Nil	The proposed amended development does not alter the conclusions of the Operational Waste Management Plan or the strategy for collecting and managing waste within the building.
Ecologically Sustainable Development	Nil	The proposed amended development does not alter the ESD strategy for the building or the conclusions of the ESD Report.
Sydney Observatory Impacts	Nil	The proposed amended development does not alter the relationship with the Sydney Observatory, nor does it alter the conclusions of the conclusions of the Sky view Loss Assessment.
Construction Management	Nil	The proposed amended development does not alter the construction management plan for the site.

As demonstrated above, the proposed modifications to the approved development comprise minor amendments to the approved building, which are predominantly located within the building and do not result in any additional environmental impacts. External modifications that are proposed do not have any discernible impact on surrounding receivers when compared to the approved built form and façade design, and will actually result in a reduction in noise impacts, see **Attachment J**.

Notwithstanding this, the following assessment considers the relevant matters that require further assessment and demonstrates that the development, as proposed to be modified, will have no or minimal environmental impacts.

5.1 Compliance with statutory plans and policies

An assessment of the proposed changes against the relevant statutory plans, including the Barangaroo Concept Plan, has been provided below.

Table 7 – Compliance with Relevant Statutory Plans and Policies

Instrument/ Strategy	Comments						
SEPP 65	The Design Verification Statement prepared by Bates Smart, regarding the proposed modifications to the residential components, addresses the principles of SEPP 65. An assessment of the proposal against the Apartment Design Guide is included within the SEPP 65 Design Verification Statement at Attachment E .						
State Environmental Planning Policy (State Significant Precincts) 2005	<p>The Barangaroo site is listed as a State Significant Precinct under Part 12 of Schedule 3 of <i>State Environmental Planning Policy (State Significant Precincts) 2005</i> (previously approved pursuant to Major Development SEPP)</p> <table> <tr> <td>Clause 8 - Zone B4 Mixed Use</td><td>The proposed uses within the development are not proposed to be altered and are all permissible with the B4 zone.</td></tr> <tr> <td>Clause 17 - Height of buildings (Maximum RL 41.5)</td><td>The proposed modifications do not alter the maximum RL of 275m, and therefore complies with the maximum permitted height development standard.</td></tr> <tr> <td>Clause 18 - Gross Floor Area Restrictions - Maximum 77,500m² (across Block Y)</td><td>The proposed development has a GFA of 77,500m² (including 42m² of 'contingency GFA'), which complies with the maximum GFA development standard for the site.</td></tr> </table>	Clause 8 - Zone B4 Mixed Use	The proposed uses within the development are not proposed to be altered and are all permissible with the B4 zone.	Clause 17 - Height of buildings (Maximum RL 41.5)	The proposed modifications do not alter the maximum RL of 275m, and therefore complies with the maximum permitted height development standard.	Clause 18 - Gross Floor Area Restrictions - Maximum 77,500m ² (across Block Y)	The proposed development has a GFA of 77,500m ² (including 42m ² of 'contingency GFA'), which complies with the maximum GFA development standard for the site.
Clause 8 - Zone B4 Mixed Use	The proposed uses within the development are not proposed to be altered and are all permissible with the B4 zone.						
Clause 17 - Height of buildings (Maximum RL 41.5)	The proposed modifications do not alter the maximum RL of 275m, and therefore complies with the maximum permitted height development standard.						
Clause 18 - Gross Floor Area Restrictions - Maximum 77,500m ² (across Block Y)	The proposed development has a GFA of 77,500m ² (including 42m ² of 'contingency GFA'), which complies with the maximum GFA development standard for the site.						

Instrument/ Strategy	Comments	
	Clause 19 - Design Excellence	The proposed development does not substantially modify the design of the building, which continues to demonstrate Design Excellence in accordance with clause 19. Proposed modifications are largely internal, with external modifications limited to minor redistribution of façade vision glass/spandrel panels.
	Clause 23 – Development near zone boundaries	This clause applies to land within a 25m distance of a boundary of any 2 zones. In the case of the development, approval for parts of the terraces and balconies, and future food and drink premises over RE1 zoned land was given as part of the approved development. The development (as proposed to be modified) will continue to operate terraces and balconies in accordance this clause.

5.2 Barangaroo Concept Plan (Mod 8)

The development is located within Block Y of Barangaroo South and has been designed in accordance with the approved Barangaroo Concept Plan (Mod 8), as detailed below.

The approved Barangaroo Concept Plan identifies maximum GFA and height controls for each Development Block within Barangaroo South, including Block Y, within which the development is to be located. The proposed development is required to comply with the Barangaroo Concept Plan, including but not limited to, a maximum amount of GFA allowed within Block Y. The proposed modification to the approved development complies with this maximum allowable GFA, see **Tables 3, 4 and 8**.

In addition, the approved Barangaroo Concept Plan requires future applications to demonstrate consistency with the proposed Built Form Principles and 'Barangaroo South Design Guidelines'. The development, inclusive of the proposed modifications, will remain consistent with these built form principles and design guidelines.

Numeric Concept Plan Controls

Table 8 provides a comparison of the development's compliance with the proposed Barangaroo Concept Plan (Mod 8) numerical controls.

Table 8 - Compliance with Concept Plan Block Y GFA and Height Controls

Block Y Concept Plan Control	Approved	Proposed Modification	Compliance
Maximum GFA – 77,500m ²	77,500m ²	77,500m ²	Compliant
Maximum Residential GFA – 22,600m ²	20,675m ²	22,487m ²	Compliant
Maximum height – RL 275	RL 275	RL 275	Compliant

Design Guidelines – Part 4

Overall the modifications to the approved development remain compliant with the principles and controls by ensuring the retention of:

- a building mass that remains within the approved building envelope;
- a street wall that defines the promenade;
- an articulated, well-proportioned and legible building mass;
- permeability and accessibility through Block Y;
- an articulated and legible rooftop; and
- high architectural quality facades that contribute to the building's articulation and mass.

Table 9 demonstrates that the approved development, as modified, remains consistent with the key performance criteria and design solutions outlined at Part 4 of the Barangaroo South Design Guidelines.

Table 9 - Compliance with relevant design solutions in Part 4 of the Guideline

Concept Plan (Mod 8) Block Y Control	Proposed Development	Comment
5.1.2 Residential Amenity		
<i>Performance criteria – Residential development achieves a high level of internal amenity and minimises impact upon the amenity of other existing and proposed residential development, including allowing for adequate solar access, natural ventilation, private open space and acoustic and visual privacy</i>		
DS1 - The design of Residential Apartment Buildings is to have regard to the 'Rules of Thumb' in the Residential Flat Design Code	The residential components of the development have been designed in accordance with the Apartment Design Guide, which replaced the Residential Flat Design Code – please refer to the accompanying Architectural Design Statement that details the compliance with the ADG.	Consistent
DS2 - Landscape spaces for future residents are generally provided in the form of balconies, wintergardens and roof terraces	All of these elements are included for the benefit of residents and will serve to provide a high level of amenity for residents. It is noted that there are no wintergardens within the proposed development with all private amenity spaces being provided in the form of open balconies and terraces. In units where balconies are not provided, operable walls and juliet balconies are provided, ensuring an outcome consistent with the requirements of the ADG.	Consistent
DS3 - Living rooms and private open spaces for at least 70% of apartments across the site should receive a minimum of 2 hours direct sunlight between 9 a.m. and 3 p.m. in mid-winter (excluding south-facing units)	A total of 64 out of 87 (73.56% of the overall number) residential units achieve 2 or more hours of solar access during the mid-winter between the hours of 9am and 3pm.	Consistent
DS4- The maximum number of single aspect apartments with a southerly aspect (SW-SE) is 10% of all apartments proposed <i>Note: where this cannot be achieved, development must demonstrate how site constraints and orientation prohibit the achievement of these standards and how energy efficiency is addressed</i>	No apartments within the proposed development are southerly facing single aspect apartments.	Consistent
<i>Performance criteria – Development encourages housing choice and affordability.</i>		
DS1 - A minimum of 2.3% of all approved residential GFA is provided as key worker housing	Key worker housing will be provided as part of other residential development within Barangaroo South. No change to this approved arrangement is proposed as part of this modification.	-
DS2 - Housing across the site should provide a variety of types, sizes and configurations	The development provides a wide variety of designs, layouts and bedroom numbers within units. The proposed modifications will alter the unit mix proposed as outlined above in Section 2.3 .	Consistent
DS3 - Wintergardens are encouraged in high-rise buildings where wind impacts do not support the provision of balconies. In such circumstances, wintergardens may not be considered GFA	No wintergardens are proposed as part of the development. Five apartments within the proposed layout will have operable walls or juliet balconies in lieu of balconies. These areas have not been classified as 'wintergardens' and therefore have been counted within the GFA total for each unit.	Consistent
5.1.3 Car Parking and Servicing		
<i>Performance criteria – Car parking and servicing balances on-site car parking to accommodate reasonable provision with encouraging alternative modes of transport to the private motor vehicle; is safe, functional and convenient; ensures buildings can be adequately serviced by service and delivery vehicles; and is located and designed to not visually dominate the public realm.</i>		
DS1 – Car parking is provided in accordance with the Barangaroo Concept Plan	The development continues to provide suitable car parking for the various uses within the proposal. An updated parking statement has been prepared by Arup and is provided as Attachment C .	Consistent
DS2 – On-site parking areas comply with AS2890.1:2004	The design for the car parking areas continues to comply with AS 2890.1:2004, Refer to Section 5.2.3 for more detail. An updated parking statement has been prepared by Arup and is provided as Attachment C .	Consistent

Concept Plan (Mod 8) Block Y Control	Proposed Development	Comment
DS3 – For commercial buildings, a minimum of 1 shower for every 10 bicycle spaces is provided	No 'commercial/office' space is proposed for the development.	-
DS4 – Building servicing and loading facilities are designed to adequately cater for forecast building demand	No significant change is proposed to the servicing and loading areas, which continue to be suitable for the development. An updated parking statement has been prepared by Arup and is provided as Attachment C .	Consistent
DS5 – Service/delivery areas accord with AS2890. 2:2002 subject to driveways complying with City of Sydney Council's requirements	No significant change is proposed to the servicing and loading areas, which continue to be suitable for the development. An updated parking statement has been prepared by Arup and is provided as Attachment C .	Consistent
5.1.9 Building Articulation	The proposed changes will not affect the building's compliance with this design standard.	
5.1.10 Building Legibility	The proposed changes will not affect the building's compliance with this design standard.	
5.1.11 Ground Floor Permeability and Accessibility of Public Realm	The proposed changes will not affect the building's compliance with this design standard.	
5.1.12 Ensuring Quality of Rooftops	The proposed changes will not affect the building's compliance with this design standard.	
5.1.13 Articulated Facades	The proposed changes will not affect the building's compliance with this design standard.	

5.2.1 Internal amendments and land use adjustments

As per **Section 2.2**, the proposed modifications incorporate changes to the building's internal layout along with some adjustments to the land use mix within. Specifically, the hotel and residential modifications utilise the original approved GFA and further do not exceed the maximum allowable developable GFA of 77,500m² or the maximum residential GFA cap of 22,600m² as approved in the Barangaroo Concept Plan (Mod 8) and the Development Consent.

Whilst changes to the GFA and mix of uses are proposed, the general location of uses within the building remains broadly consistent with the approved development. In some instances, building levels have been swapped with alternate uses (e.g. Level 33 has been converted from hotel to residential), however these internal modifications do not impact the façade line or external elements of the building. Where changes to the façade do occur as a result of the proposed amendments, these are minor and are largely unnoticeable given their location behind the primary glass façade.

The proposed adjustments to the building's GFA have arisen as a result of further design development, with the partial enclosure of the spa and restaurant terraces together with consolidation of the building's plant areas being the primary contributors to the utilisation of the Contingency GFA.

Further, none of the proposed modifications result in any substantive amendments to the building's mass, bulk or form, and do not adversely affect the building's interface with the surrounding public domain.

Given the above, the technical utilisation of Contingency GFA and proposed internal amendments are considered acceptable as they will not affect the approved building envelope and will not result in any new or additional environmental impacts in this regard.

5.2.2 Residential Amenity

The proposed modifications include minor amendments to the internal layouts of apartments as outlined in **Section 2.3**. The proposed revisions to the layout are based on developed interior design concepts and residential buyer feedback. These revisions support an increase in unit types and greater diversity in the residential units, resulting in an increase of 21 additional residential units to be provided within the same building envelope and within the maximum residential GFA provision of 22,600m² for the building, as prescribed by the approved Concept Plan. A

statement has been prepared by Bates Smart (refer **Attachment E**) to assess the proposed changes against the provisions of State Environmental Planning Policy 65 - Design Quality of Residential Apartment Development (SEPP 65). This analysis confirms that the proposed residential apartments will continue to provide an outcome that satisfies the Apartment Design Guide.

It is worthwhile noting that all residential apartments will continue to exceed the minimum area requirements provided by the ADG and will continue to have a high level of amenity by virtue of their superior location and views available across the harbour, including the Harbour Bridge and Sydney Opera House.

Five of the six apartments now proposed at levels 48 and 49, and one of the apartments proposed on level 65, are not provided with balconies. The ADG allows exceptions from the requirement to provide balconies where units are located above level 10 and where alternatives, such as operable façade sliding panels and juliet balconies are provided. The modified layout of levels 48, 49 and 65, wherein balconies are not provided, include operable sliding walls and juliet balconies to allow residents to be exposed to the elements, should they wish, and will provide occupants with an experience comparable to that of residents on other levels in the building where balconies are provided.

5.2.3 Traffic and Parking

Amendments to basement levels B3 to B1 Mezzanine have been made in order to provide additional parking to service the increased residential apartment numbers. The amendments to the basement levels involve increasing the total number of residential car parking spaces from 110 to 157, as well as adjustments to the valet and self-parking arrangements for the hotel/gaming component.

A Traffic and Parking Assessment has been prepared by Arup (**Attachment C**) and provides further detail with regards to the specific changes that are being proposed, and the affect that this has on traffic generation from the Crown Sydney Hotel Resort development.

The Traffic and Parking Assessment states that the additional residential parking spaces will result in a nominal increase of 3 and 2 vehicle trips in the AM and PM peak hours respectively. Conversely, the reduction in the number of non-residential car parking by 16 spaces would however result in a decrease of 7 and 18 vehicle trips in the AM and PM peak hours respectively.

The net change in traffic movements during the AM and PM peak hours would be -4 and -16 vehicles respectively. Accordingly, the net decrease in traffic generation will deliver an improved outcome when compared with the traffic volumes generated by the approved development, in particular during the PM peak.

Further, the increase in bicycle parking specifically seeks to minimise traffic and parking impacts and is consistent with the Green Travel Plan. The modification is proposed to ensure adequate provision of cycle parking for all residents and has been facilitated through internal layout changes. As a result, this modification will not give rise to any new or additional environmental impacts.

Given the above, the proposed modifications to the car parking configuration result in less environmental impacts, as:

- Overall traffic generation from the proposed modification has been assessed by Arup as having a lesser traffic impact;
- Changes to the car park design relate only to internal modifications of the basement car park and will not result in any new or additional impact on the environment as they are contained wholly within the building's basement;
- The modification proposes to provide off-street residential parking spaces consistent with the requirements of the Barangaroo Concept Plan; and
- The proposed modified parking layout continues to comply with the requirements of AS 2890.1 (2004) Off-street Car Parking.

The proposed internal alterations to the car park, including the provision of additional residential car parking, are therefore considered to be acceptable.

Table 10 – Approved Car Park Counts & Traffic Generation

Car Park Counts Approved under SSD 6957 on 28 June 2016						
Use	Dwelling Count	Car Space Count	Traffic generation rate		Traffic Generation	
			AM peak hour	PM peak hour	AM peak hour	PM peak hour
Residential	66	110	0.14 trips / dwelling	0.09 trips / dwelling	9	6
Self park	N/A	250	0.23 trips / car space	0.68 trips / car space	58	170
Valet	N/A	250	0.08 trips / car space	0.34 trips / car space	20	85
Total	66	610			87	261

Table 11 – Proposed Car Park Counts & Traffic Generation

Revised per S4.55(2) Application April 2019						
Use	Dwelling Count	Car Space Count	Traffic generation rate		Traffic Generation	
			AM peak hour	PM peak hour	AM peak hour	PM peak hour
Residential	87	157	0.14 trips / dwelling	0.09 trips / dwelling	12	8
Self park	N/A	213	0.23 trips / car space	0.68 trips / car space	49	145
Valet	N/A	271	0.08 trips / car space	0.34 trips / car space	22	92
Total	87	641			83	245
		Net traffic impacts per proposed revisions			-4	-16

5.2.4 Partial enclosure of spa and restaurant terrace

As noted earlier, the proposed modifications involve partial enclosure of the restaurant and spa terraces on Levels 3 and 4 respectively and have been identified as the preferred solution for these areas.

By enclosing these terraces, the overall tourism amenity will be improved, with patrons of the spa and restaurant able to use these areas all year round, particularly in the winter months when the southerly winds are more prominent. Enclosure of these areas will also have the added benefit of minimising any potential for external noise impacts, resulting in a reduced environmental impact on the surrounding area, see **Attachment J**.

Importantly, the new enclosed areas will not result in any substantive adjustments to the building design or shape as approved under the original development consent. Further, these enclosed areas will sit behind the approved glass oversail and stone veil, and will not exceed the approved podium building envelope or its maximum elevation of RL40. The building will therefore continue to be compliant with the building envelope as per the approved Concept Plan (Mod 8) and remain consistent with the building design as approved under the Development Consent.

5.2.5 External ground floor alterations

The proposed external ground floor modifications include minor changes to landscaping and the introduction of glass blades around the periphery of the ground floor alfresco dining areas.

These modifications are proposed in response to surveys of 'as built' wind conditions provided at **Attachment I** which identified the need for additional wind mitigation measures to deliver an appropriate level of pedestrian comfort around the building, including within the public realm and licensed dining terrace areas.

The use of 1.8m high glass blades will assist with effectively mitigating wind impacts whilst ensuring the integrity and intent of the original design solution is achieved by maintaining clear and unobstructed sight lines between the alfresco areas and the public domain (see **Figure 7**); and ensuring the preservation of access from the promenade

to the alfresco dining areas. In doing so the amended design will continue to support a high level of visual and physical interaction between these spaces.

Landscaping has been designed to be integrated into the glass blade zone and will be sized, specified and maintained to positively integrate into the landscaping strategy and public domain palette without impacting the glass blades.



Figure 7 Photomontage illustrating the proposed glass blades

In addition, the proposed modifications to the ground floor are considered to have minimal environmental impacts as:

- The building's interaction with the surrounding area from a land use, built form and design perspective, particularly at ground level, will remain consistent with that of the approved development;
- The proposed modifications are minor in nature and will not give rise to additional or new environmental impacts compared to the approved development. Specifically, the amended design maintains the design features to manage vehicle and pedestrian conflicts at the porte cochere; it retains public access and permeability into and through alfresco dining areas; and continues to ensure the building positively contributes towards the amenity of surrounding public domain in a manner that is consistent with the approved development;
- The proposed external modifications to the ground floor do not alter the bulk, height or scale of the podium building; and
- The built form relationship with the adjoining buildings and public domain is maintained as per the approved development, and there is no reduction to connectivity of the ground level interface with the public domain.

Given the above, the proposed alterations to the external conditions of the ground floor are considered to be acceptable.

5.2.6 Reflectivity

It is noted that a separate construction certificate has been obtained for façade modifications (refer to CC# 18/121933-4). A reflectivity statement has been prepared by Arup (see **Attachment D**) and confirms that the minor adjustments to the façade mullion placement to coordinate with the interior design development and revised grid pattern of façade panelling, will not have adverse impact on the reflectivity of the building. The proposed amendments retain the reflectivity levels in accordance with Condition B5 of the Development Consent.

5.2.7 Access

An Access Review has been prepared by McKenzie Group (see **Attachment G**), which provides an assessment and confirms that the proposed amendments meet the relevant accessibility provisions of the BCA, AS1428.1-2009, the *Disability Discrimination Act 1992* and the *2010 Access to Premises Standards*.

5.2.8 BCA

A BCA Report has been prepared by McKenzie Group (see **Attachment F**) which provides an assessment and confirms that the proposed amendments meet the relevant provisions of the Building Code of Australia 2016.

5.2.9 BASIX

Updated BASIX certificates have been prepared by Arup (see **Attachment G**).

6.0 Conclusion

The proposed modifications to the approved development, as outlined in **Section 2**, comprise minor amendments to the approved building, which are predominantly located on the inside of the building. External modifications that are proposed are not likely to have any discernible impact on surrounding receivers when compared to the approved building, but rather seek to improve amenity for the surrounding receivers as well as internal users.

In accordance with section 4.55(2) of the EP&A Act, the Development Consent may be modified as:

- The proposed modifications are predominantly internal in nature and do not affect the surrounding areas or neighbouring properties;
- The overall GFA remains within the limits of the Barangaroo Concept Plan (Mod 8) and Development Consent;
- The proposed modifications to parking layouts have been assessed and determined to result in a net decrease in traffic generation and be of no environmental impact;
- The building's interaction with the surrounding area from a land use, built form and design perspective is consistent with the approved development;
- The built form and site access relationship with the adjoining buildings and public domain have been maintained as per the approved development;
- The proposed external changes do not affect or alter the overall appearance or function of the approved building;
- the consent, as proposed to be modified, is substantially the same development as that originally approved;
- the environmental impacts associated with the proposed modifications are consistent with those of the approved development and are considered to be satisfactory for the site; and
- the development (as proposed to be modified) continues to comply with the relevant statutory plans and policies, including the Barangaroo Concept Plan (Mod 8).

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

Yours sincerely,



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