

**SECTION 75W MODIFICATION
APPLICATION
ERECTION OF BANNER SIGNAGE**

MP 08_0057 (MOD 3)

Modification of Minister's Approval under section 75W
of the *Environmental Planning and Assessment Act*
1979

December 2010



© Crown Copyright December 2010
NSW Department of Planning
www.planning.nsw.gov.au

Disclaimer:

While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

1. INTRODUCTION

This is a report on an application seeking to modify the project application (MP 08_0057) for the redevelopment of Darling Walk at Darling Harbour including bulk excavation, basement structure and construction of two nine-storey buildings.

The Darling Walk site is situated west of Harbour Street, south of the Western Distributor fly-over, north of the Chinese Garden and east of Tumbalong Park (**Figure 1**). The site is located within the Darling Harbour precinct and is located within the City of Sydney Local Government Area (LGA). The site comprises an area of approximately 32,900m².



Figure 1 – Location of the Darling Walk site

On 9 July 2008, the Minister for Planning approved a Concept Plan (MP 06_0054) for the redevelopment of Darling Walk at Darling Harbour. The approval provided the following parameters for redevelopment of Darling Walk:

- Land uses between 64,000m² and 68,000m² gross floor area (GFA) of commercial floor space including up to 5,000m² GFA of retail floor space (retail and associated uses) and up to 1,000m² GFA for cultural, recreational and entertainment uses;
- Building footprint, height, bulk and scale;

- A maximum of 200 car parking spaces to service the commercial building and a 600 space public car park facility;
- Public domain improvements; and
- Demolition works.

On 2 January 2009, the Minister for Planning approved a major project application (MP 08_0057) for the redevelopment of Darling Walk at Darling Harbour, including bulk excavation, basement structure and construction of two nine-storey buildings comprising:

- 67,827m² GFA including:
 - 64,235m² GFA of commercial floorspace;
 - 2,592m² GFA of retail floorspace; and
 - 1,000 m² GFA for a children's theatre.
- 200 car parking spaces to serve the commercial buildings;
- A 600 space public car parking facility;
- Access and egress arrangements; and
- Associated bulk excavation.

On 3 April 2009 the Director-General, as delegate for the Minister for Planning, approved modifications to the approved project including changes to the timings of various aspects of the project for compliance purposes, changes to the instrument of approval to correctly identify the proponent and an extension of the permitted hours of construction.

On 2 December 2010 the A/Director, Government Land and Social Projects, as delegate for the Minister for Planning, approved modifications to the approved project to reconfigure the GFA allocations on the ground floor to allow for greater flexibility for retail and commercial uses by allowing more space to be used for retail purposes. There was no increase in the approved total GFA of the development.

2. PROPOSED MODIFICATION

On 24 November 2010, JBA Urban Planning Consultants Pty Ltd, on behalf of Lend Lease Development Pty Ltd, submitted a modification application under section 75W of the EP&A Act relating to the installation of temporary banner signage on the partially constructed buildings to promote the sustainability credentials the development is hoping to achieve.

Approval is sought to modify the consent to allow for the erection of the temporary signage on the northern and eastern façades of the northern building and western façade of the southern building (**Figures 1 and 2**). The temporary signage will be displayed during the construction works and will be removed upon completion, which is currently scheduled for July 2011.

The proposed dimensions of the banners are 10m in length and 2m in width with a display area of 20m². The banners will be fixed to the buildings with metal cable ties and guy ropes.

The proposed signage includes:

- One temporary banner fixed to the eastern façade of the northern building at level nine;
- Four temporary banners fixed to the northern façade of the northern building at various levels; and
- Four temporary banners fixed to the western façade of the southern building at level six.



Figure 1: Proposed Signage on the Northern Building



Figure 2: Proposed Signage on the Southern Building

3. STATUTORY CONTEXT

3.1 MODIFICATION OF A MINISTER'S APPROVAL

Section 75W(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) provides that a proponent may request the Minister to modify the approval of a project. The Minister's approval is not required if the project, as modified, will be consistent with the original approval. As the application seeks to make changes to install signage on the exterior of the building which was not included in the original consent, the modification request requires approval.

3.2 ENVIRONMENTAL ASSESSMENT REQUIREMENTS (DGRs)

Section 75W(3) of the EP&A Act provides the Director General with scope to issue environmental assessment requirements (DGRs) that must be addressed with respect to the proposed modification. The Department considers it unnecessary to re-issue the DGRs as it

considers the proposed modifications will not have any additional impact on the environmental issues considered in the original proposal.

3.3 CONSULTATION AND EXHIBITION

While section 75W of the EP&A Act does not require a modification application to be publicly exhibited, the application was placed on the Department's website in accordance with section 75X(2)(f) of the EP&A Act and clause 8G of the *Environmental Planning and Assessment Regulation 2000*.

The City of Sydney Council was notified of the proposed modifications on 30 November 2010. A response was provided to the Department on 13 December 2010 raising no objection to the modifications on the basis that the signs are temporary and will be removed at the completion of building works.

3.4 PERMISSIBILITY

The site is unzoned under the Darling Harbour Development Plan No.1 (DHDP). Parks, gardens and public utility undertakings are permissible with consent under Schedule 1 of the DHDP.

The proposal is consistent with the objectives of the DHDP as it encourages the development of tourist, educational, recreational, entertainment, cultural and commercial facilities.

3.5 SEPP 64 – ADVERTISING AND SIGNAGE

As the proposed signage is considered by the Department to be building identification signage, the proposal must be assessed against the relevant criteria in *State Environmental Planning Policy 64 – Advertising and Signage* as stipulated in clause 8 of SEPP 64. The criteria are assessed in the following section of this report.

4. CONSIDERATION OF PROPOSED MODIFICATIONS

The proposal seeks to install temporary banner signage to the exterior of the northern and southern buildings currently under construction as part of the Darling Walk development.

The proposed modification is considered against the assessment criteria of SEPP 64 as in the following table:

MATTER	COMMENT
SEPP 64 – Schedule 1 Assessment Criteria:	
Character of the area	The proposal is consistent with the character of the area as a development site and with Darling Harbour as a commercial, urban area.
Special areas	The proposal will not have any significant impact on any special areas and is of a temporary nature.
Views and vistas	The proposal will not impact on any significant views or vistas as they do not dominate the skyline and will be fixed to the building.
Streetscape, setting or landscape	The proposal will have little negative impact on the surrounding built environment and is considered appropriate in terms of scale, proportion and character for a development site
Site and building	The proposed site is considered suitable for building identification signage of this nature and the proposal would be considered an improvement on the existing signage.

Associated devices and logos	Safety devices are not included in this proposal. The Lend Lease logo is integrated into the proposed development.
Illumination	The proposed sign not illuminated.
Road safety	The proposed development would not obscure sightlines or compromise road safety for traffic, pedestrians or cyclists.

The proposal is considered by the Department to be consistent with the assessment criteria of SEPP 64.

As the proposed development is considered by the Department to be building identification signage, in accordance with Part 3, clause 9 of SEPP 64, Part 3 does not apply to this development and the concurrence of the RTA is therefore not required.

Given the temporary nature of the proposed signage, and its location on the Darling Walk construction site, is not considered that any significant additional environmental impacts will result from the proposal.

5. CONCLUSION

The Department considers that the modification request is acceptable and appropriate given it is of a minor and temporary nature and will not result in any additional impacts other than those assessed in the original application. As such, the modification is supported.

6. DELEGATION

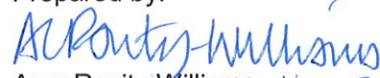
Under the Instrument of Delegation dated 25 January 2010, the Minister delegated his functions under section 75W of the EP&A Act to the Director, Government Land and Social Projects, where there are fewer than 10 public submissions in the nature of objections in respect of the modification request. As there were no public submissions, the modification application can be determined under delegation.

7. RECOMMENDATION

It is recommended that the A/Director, as delegate for the Minister for Planning:

- (a) **Consider** the findings and recommendations of this report; and
- (b) **Approve** the modification, under section 75W of the *Environmental Planning and Assessment Act 1979*; and
- (c) **Sign** the attached Instrument of Modification Approval

Prepared by:


Amy Ravitz-Williams
Planning Officer
Government Land & Social Projects
16.12.2010

Endorsed by:


Cameron Sargent
Team Leader
Government Land & Social Projects

Daniel Cavallo
A/Director
Government Land & Social Projects
16/12/10

