

8 August 2012

Ms Pilar Aberasturi
Metropolitan & Regional Projects (South)
NSW Department of Planning & Infrastructure
23-33 Bridge Street
SYDNEY NSW 2000

Dear Ms Aberasturi,

The Kinghorn Cancer Centre, Darlinghurst (the Centre) – Major Project Approval No. 09-011: Boundary Alteration, Lighting to Northern Façade Signage and Modification of Use of Tenancy

1 Introduction

This application requests the modification of Major Project No (MP 09-0011) pursuant to the transitional arrangements under Schedule 6A of the Environmental Planning and Assessment Act 1979 (the Act). The proponent of the requested modification are St Vincent's & Mater Health Sydney (SVMHS) and the Garvan Institute of Medical Research (GIMR). This letter seeks modification to MP 09-0011 as follows:

- a) Alter the boundary alignment of the development;
- b) Modify the lighting technique for the northern façade signage; and
- c) Alter the use of a ground floor retail tenancy, facing Victoria Street, for use as a café. To include details of fitout for the tenancy.

This letter includes:

- **2 - Background**
- **3 - Site Description**
- **4 - Boundary Modification**
- **5 - Signage Modification**
- **6 - Proposed Modification to Use of Ground Floor Tenancies**
- **7 - Conclusion**

This letter is accompanied by:

Appendix A – existing boundary alignment for the site

Appendix B – previously approved boundary consolidation / subdivision plans prepared by Rygate, dated 21 June 2009

Appendix C – Proposed boundary consolidation / subdivision plans, prepared by Rygate, dated 8 June 2012

Appendix D – Copy letter from to DoPI, dated 18 July 2011, providing approval for current northern façade signage treatment as shown is architectural drawing ARC-DA-E-01(L)

Appendix E - Approved northern façade architectural drawing ARC-DA-E-01(L), prepared by BVN Architects

Appendix F - Proposed signage lighting, prepared by WEBB Australia Lighting Consultants

Appendix G - Café fitout drawings, prepared by BVN

Appendix H - BCA assessment letter from Blackett, Macquire & Goldsmith dated 23 July 2012.

2 Background

The following provides a brief chronology of the development approval history and events concerning MP09-011:

- 20 January 2009 - the Minister declared the Project to be a 'Major Project' (MP09-011), to which Part 3A of the Act applies.
- 13 February 2009 - a Preliminary Environmental Assessment (PEA) was submitted to the Director General in association with a request for the Director General's (DG's) Environmental Assessment Requirements (EARs) for MP09-011.
- 11 March 2009 - the Director General issued EARs which dictated the scope of the Environmental Assessment, and in December 2009 a preferred project report was submitted to the Minister. This report included the current and proposed boundary alignment for the various lots on the site.
- June 2009 – Concept Plan Application and Environmental Assessment submitted to Department of Planning. This provided plans of the existing boundaries for the site and proposed plan of consolidation and subdivision for the proposal. The concept plan included the creation of easements to expand on and facilitate the use of shared infrastructure within the Precinct. While the Concept Plan did not propose northern façade signage, it sought commercial/retail tenancy for a portion of the ground floor facing Victoria Street (the Tenancy).
- 12 January 2010 - MP 09-0011 was approved by the Minister, with the following applying:
 - Approval for the consolidation / subdivision drawings prepared by Rygate for the site's proposed boundary alignment, dated 21 June 2009 (**Appendix D**).
 - Condition B1 required greater articulation of the north-eastern upper levels of the northern façade through use of different façade treatments and/or colours.
 - The approval consented to commercial / retail use of the Tenancy.
- 16 June 2010 – Condition B1, design modification submitted to the Department of Planning & Infrastructure (DoPI) advising signage to the northern facade and naming of the building "The Kinghorn Cancer Centre" and the "incorporation of prominent backlit individual lettering and associated logo" to add detail and interest to the façade.
- 13 July 2010 - The Department of Planning & Infrastructure (DoPI) approved the architectural plans for proposed northern façade signage (**Appendix D & E**).
- 13 May 2011 - DoPI written to seeking a reduction in size of the signage to "*better relate to the proportions of the northern façade*".

- 18 July 2011 – Response from DoPI approving the modification and signage reduction, design and location.

3 Site Description

3.1 SUBJECT SITE

The site, excluding the Garvan Institute of Medical Research (GIMR) and Lowy Packer buildings, has an area of 2,153m² and comprises the properties along the eastern side of Victoria Street, Darlinghurst, between the Green Park Hotel (on the corner of Liverpool Street) and the existing GIMR. The site also includes Chaplin Street, a rear service lane serving these properties.



FIGURE 1 – EXTENT OF SITE

3.2 LEGAL DESCRIPTION

The site comprises the following parcels of land:

Lot 22 DP 867249 – 362-364 Victoria Street

Lot 24 DP 881417 – 366-368 Victoria Street

Lot 25 DP 881417 – 370 Victoria Street

Lot 26 DP 881417 – 372 Victoria Street

Lot 27 DP 881417 – 374 Victoria Street

Lot 28 DP 881417 – 376-382 Victoria Street

Part Lot 29 DP 881417 – 405-427 Liverpool Street

Part Lot 10 DP 846558 - 384-390 Victoria Street

3.3 SURROUNDING CONTEXT

The site is located on Darlinghurst Road, which links Taylor Square and Kings Cross, to the south-west and north respectively. Both are significant evening entertainment and retail precincts, surrounded by high density housing and mixed uses.

3.3.1 NORTH

Development immediately to the north of the site comprises the Green Park Hotel (360 Liverpool Street, on the corner of Liverpool and Victoria Streets).

Development on the northern side of Liverpool Street comprises two high rise commercial buildings (including Telstra Exchange), an approved multi-storey, mixed use development at 320 Liverpool Street and a number of two storey mixed use terraces.



FIGURE 2 – (LEFT TO RIGHT) DEVELOPMENT TO THE IMMEDIATE NORTH, THE GREEN PARK PUB; DEVELOPMENT TO THE IMMEDIATE NORTH, ACROSS LIVERPOOL STREET

3.3.2 EAST

To the rear of the site is the Victor Chang Cardiac Research Institute (VCCRI) building, which comprises part of the larger St Vincent's Research Precinct, and which will be physically connected at various levels into the proposed GSVCCC building.

3.3.3 SOUTH

Immediately to the south of the site is the existing GIMR, to which it is proposed to physically connect the proposed GSVCCC at various levels. Development on the southern side of Burton Street comprises the St Vincent's Hospital, with a number of additional buildings for hospital use.

3.3.4 WEST

Development on the western (opposite) side of Victoria Street comprises predominantly two storey terraces comprising restaurant/café uses on the ground floor and residential uses above.



FIGURE 3 – DEVELOPMENT TO THE IMMEDIATE WEST, ACROSS VICTORIA STREET (LEFT TO RIGHT, FROM BURTON AND LIVERPOOL ST)

4 Boundary Modification

With the exception of 431 Liverpool Street and the Green Park Hotel, which do not form part of the medical precinct, the entire street block is owned by the Trustees of St Vincent's. This is intended to remain so.

4.1 DESCRIPTION OF CURRENT APPROVAL

The VCCRI and the vacant lot on the corner of Liverpool and West Street are current a single allotment as indicated by the survey plans at **Appendix A**.

The Concept Plan and Environmental Assessment Report submitted to DoPI in June 2009 sought subdivision of this allotment and consolidation of other allotments of the site, as shown on the survey drawings prepared by Rygate and Company, dated 21 June 2009 (**Appendix B**). The DoPI approved the boundary alignment of the 21 June 2009 survey drawings by consent of 12 January 2010, stating:

(1) The works-as-executed and final plan of subdivision, including any easement, right of carriageways, building management statements shall be submitted to the Certifying Authority for endorsement prior to registration of the subdivision certificate.

(2) Prior to registration of final subdivision plan in the Office of the Registrar General, a Part 4A certificate shall be obtained under section 109D(1)(d) of the Environmental Planning and Assessment Act 1979 for each stage of the subdivision.

The boundary subdivision and consolidation, as approved, has do date not been actioned or registered at the Office of the Registrar General.

4.2 DESCRIPTION OF THE PROPOSED MODIFICATION

It is proposed to modify the boundary alignment, approved for the 21 June 2009 survey drawings, to that shown in the 8 June 2012 survey drawings prepared by Rygate & Company (**Appendix C**).

In summary, the proposed boundary modifications to the 21 June 2009 survey plans include:

- Consolidation of the lots marked PT5 & PT6.

- Movement of the boundary between lots marked PT8 and PT5 approximately 2.78m to the west on levels 3-10.
- Modify the boundary between PT5, PT7 and PT8 to take account of services to the development.

4.3 REASONS AND JUSTIFICATION FOR THE MODIFICATION

The reasons for this modification is to streamline, for administrative purposes, the boundaries of the site. The modification will rationalise the areas of the precinct allocated to each use proposed on the site.

4.4 IMPACT OF THE MODIFICATION.

The boundary alignment will not have any substantive impact on the proposal and will not have any environmental impact on the surrounds.

5 Signage Modification

5.1 DESCRIPTION OF CURRENT APPROVAL

The DoPI approved the signage modification to the northern façade of the KCC, shown in architectural drawing ARC-DA-E-01(L) prepared by BVN (**Appendix E**), by letter dated 18 July 2011 (**Appendix D**).

The approved signage design incorporates the '*Kinghorn Cancer Centre*' logo and its location between levels 10 and 12 of the KCC's northern façade.

5.2 DESCRIPTION OF THE PROPOSED MODIFICATION

This proposed modification alters the current approval to include a lighting concept for the illumination of the signage (**Appendix F**).

The signage is proposed to be illuminated at night by two 440 watt spot lights which will shine from either side of it from level 6 below.

5.3 REASONS AND JUSTIFICATION FOR THE MODIFICATION

The proposed lighting of the signage will be an effective method of signposting this important building at night.

5.4 IMPACT OF THE MODIFICATION.

The light plan (**Appendix F**) shows the illumination effect on the signage and particularly its specific focus on the signage with limited and acceptable diffusion to surrounding portions of the façade and off-site.

ASSESSMENT AGAINST CONTROLS

The environmental impact of the signage has been assessed against the following controls:

- State Environmental Planning Policy No 64—Advertising and Signage (SEPP 64).
- City Of Sydney – Signage And Advertising Structures Development Control Plan 2005 (DCP).
- Australian Standard - Control of the Obtrusive Effects of Outdoor Lighting (AS).

SEPP 64 – Advertising and Signage

Schedule 1 - 7 Illumination of this SEPP provides assessment criteria for illumination of signage.

Would illumination result in unacceptable glare?

The signage is proposed to be constructed from steel plate logo with a matt finish to limit glare.

Would illumination affect safety for pedestrians, vehicles or aircraft?

The signage is oriented a sufficient distance from Victoria Street and surrounding streets to limit impact on the safety pedestrians and vehicles. There signage lighting will not have an impact on aircraft.

Would illumination detract from the amenity of any residence or other form of accommodation?

The lighting is oriented away from residential development and will therefore not detract from amenity.

Can the intensity of the illumination be adjusted, if necessary?

While the intensity of the illumination can not be adjusted through the use of a dimmer, the lighting globes may be changed if too bright.

Is the illumination subject to a curfew?

The lighting will operate throughout the night.

City of Sydney – Signage and Advertising Structures DCP 2005 (DCP)

The DCP guides the development of signage within the City of Sydney.

2.5 – illumination provides assessment criteria for illumination of signage within the city of Sydney.

2.5.1 - Excessive and special illumination schemes specifically designed for the purpose of promoting business, activity or product, both on and within the buildings (including windows and doorways) are not permitted.

The signage and lighting scheme is not to be excessive for the proposed purpose of identifying the building.

2.5.2 - Illumination and animated signs are not to detract architecture of the supporting building during the daylight

The signage will not be illuminated during the day.

2.5.3 - Where the illumination of the signage is likely to have an adverse impact on residential buildings, serviced apartments or other visitor types of accommodation it will generally not be permitted.

Surrounding residential development will not be negatively impacted upon by the signage illumination.

2.5.4 – In certain circumstance a curfew may be imposed on the operation of illuminated and animated signs where continuous use may impact adversely on the amenity of residential buildings, serviced apartments or other visitor types of accommodation, or have other adverse environmental effects.

A curfew is not proposed due to the nominal impact the signage will have on surrounding residential development.

2.5.5 - Illumination (including cabling) of signs is to be: i) concealed; or ii) integral with the sign; or iii) provided by means of carefully designed and located remote or spot lighting.

The signage illumination is to be provided by carefully designed spot lighting. The lighting source is to be concealed from the street level.

2.5.6 - The ability to adjust the light intensity of illuminated signs may be required to be installed where the consent authority considers necessary.

This measure is noted.

2.5.6 - Up lighting of signs is not permitted. Any external lighting of signs is to be downward pointing and focused directly on the sign and is to prevent or minimise the escape of light beyond the sign.

While the proposed illumination is from below the spot lighting will be, as shown in **Appendix B**, very specifically focussed on the signage with minimal spillage upwards or beyond the building façade. There is an additional level between the signage and the top of the building, with this space acting as a buffer reducing any light spillage. There will be no spillage to either side of the building.

Obtrusive Lighting Code

AS 4282 "Obtrusive Effects of Outdoor Lighting" provides a common set of criteria by which lighting installations can be objectively assessed for obtrusive light emanation from any outdoor lighting installation. The proposed illumination of the signage complies with AS4282, particularly the following two relevant sections:

1.1 AS4282-1997: refers to the particular adverse effects of outdoor lighting on nearby residents (eg. Dwellings such as houses, hotels and hospitals).

1.4.12 AS4282: Relevant Boundary – any boundary of a residential property over which it is physically possible for the spillage of light from the subject lighting installation to pass and directly impact upon...the potential site of a dwelling if there is no development on the subject property.

The illumination is directed towards the northern elevation of the Centre in the opposite direction to residential development to across Liverpool Street to the rear. There is no residential development to the immediate east or west of the signage, which may potentially be impacted by light spillage.

6 Proposed Modification to Use of Ground Floor Tenancies

6.1 DESCRIPTION OF THE CURRENT APPROVAL

The subject tenancy is located on the ground level of the KCC. The Project Approval provided for the use of this portion of the site, facing onto Victoria Street, for unspecified commercial / retail use.

6.2 DESCRIPTION OF THE PROPOSED MODIFICATION

This proposal seeks the modification of the approval for the use and fitout of this portion of the site as a café.

The proposal will represents an efficient and commercially viable use of this tenancy and will contribute to the vibrancy and activation of this previously underutilised part of Victoria Street.

Consent is also sought for the installation of folding doors at the tenancy entrance, and a signage zone above the entrance on Victoria Street. The drawings of the café are enclosed at **Appendix G**.

The proposed café will have the following characteristics:

- Patrons numbers of a maximum of 120
- Access via external stacking external doors to both Victoria Street and the internal atrium of GSVCCC.
- Additional outdoor seating on Victoria Street, and seating within the GSVCCC atrium (refer to seating zones in the drawings)
- ATM separating 2 sets of stacking doors
- Floor separated into 2 levels with access ramp connecting both
- Counter, servery and display area
- Reheat Kitchen (No food to be cooked on-site)
- Store room and waste store room
- Licence to serve alcohol on premises (subject to liquor licence approval)
- Toilets

SIGNAGE

Proposed signage zones are indicated within this modification, and include a hamper signage above the café entrance on Victoria Street and under-awning signage. However, approval for the details of signage will be subject to separate approval.

OPERATIONAL DETAILS

- The cafe's core operating hours will be as follows:
 - Monday – Saturday: 6.30am – 12pm
 - Sunday: 6.30am to 10pm
- A maximum of 6 staff members will be working at any one time.
- An alcohol licence is proposed to be obtained for the café to enable alcohol service on-site.
- The majority of food and drink sold on site will require limited preparation and as such minimal waste will be produced through the cafe's operation. However, what waste is produced will be dealt with via the café's own waste removal storage and collection arrangements, with maximum regard given to the principles of waste reduction and recycling.
- All deliveries to the Tenancy will be via the Victoria Street entrance.

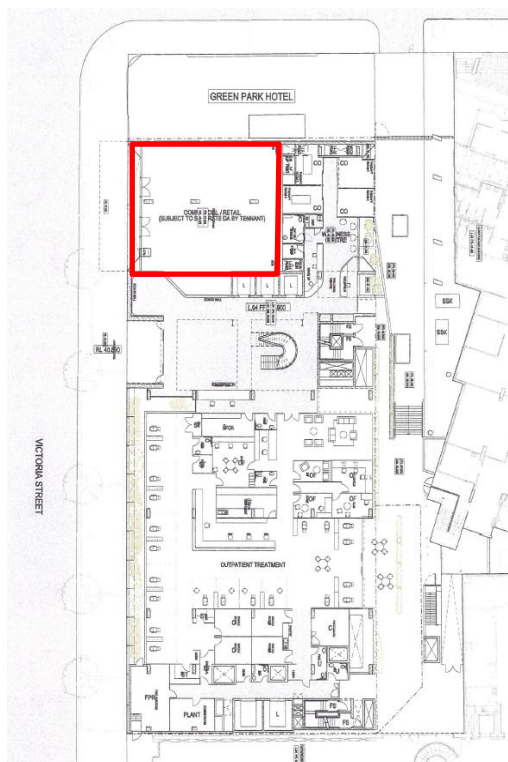


FIGURE 2 – LOCATION OF THE PROPOSED CAFÉ WITHIN THE KCC

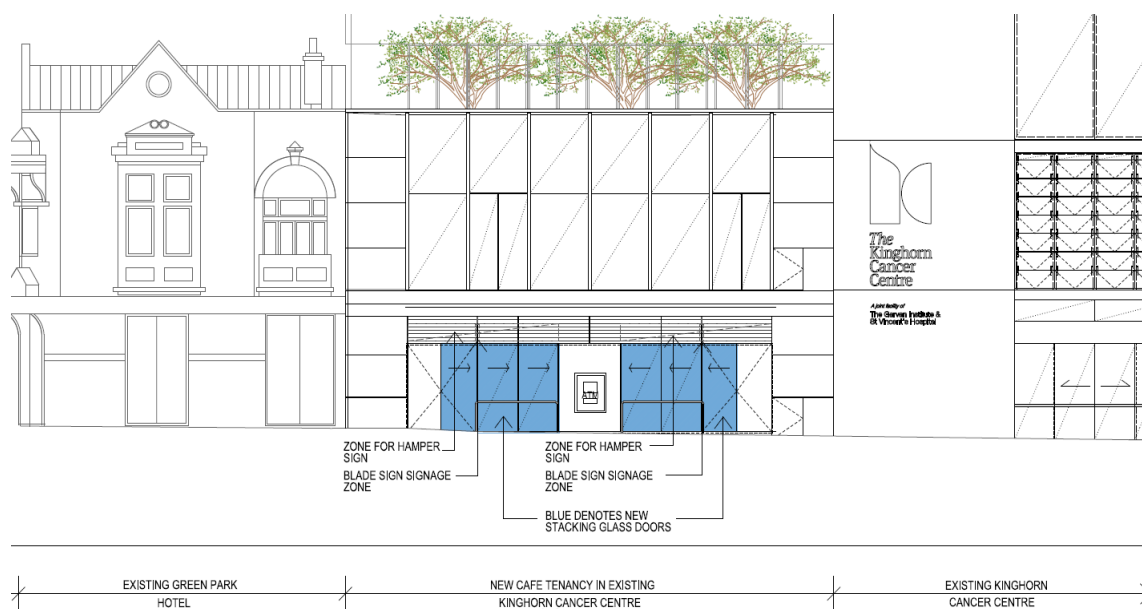


FIGURE 3 – CAFÉ FAÇADE , VICTORIA STREET ELEVATION

6.3 REASONS AND JUSTIFICATION FOR THE MODIFICATION

Victoria Street is a recognised and successful evening entertainment precinct with a vibrant strip of restaurants, cafés and bars within the eastern suburbs of Sydney. The proposed use of the Tenancy as a café corresponds with existing development along Victoria Street and is compatible with the medical research precinct use for the following reasons:

- Contributes to the function of the medical precinct and the activation of the Victoria Street frontage
- This proposal will result in a lively interface between Victoria Street and the medical research precinct, thereby enhancing the public domain.
- With all works to occur within the existing building footprint, the character and built form of the medical research precinct will be unaffected, whilst the vitality and character of the surrounding café / restaurant strip of Victoria Street will be enhanced.
- The proposal will provide a food and drink services to the employers, patients and visitors of the medical research precinct.

6.4 IMPACT OF THE MODIFICATION.

The proposal will have no unacceptable impact on the site or surrounding areas and is in the public interest. The café will enliven and activate this portion of Victoria Street, providing an additional café along this popular pedestrian thoroughfare between popular night time precincts of Kings Cross and Oxford Street. The café will enhance active surveillance along this street.

Additionally,

- The café will not affect the approved use or operation of the medical research precinct, MP 09_0011.
- All works associated with the café use will occur within the approved tenancy and as such will not result in any increase in the gross floor area of the overall development.
- The café will provide employment opportunities for the community.
- The proposal will not create unacceptable noise, fumes or pollution for the site.

ASSESSMENT AGAINST CONTROLS

The proposal will have minimal environmental impacts on its surrounds, and has been assessed against the following planning controls:

- South Sydney Local Environmental Plan 1998
- Draft Sydney LEP 2011
- South Sydney Development Control Plan 1996
- City of Sydney Late Night Trading Premises Development Control Plan 2007

South Sydney Local Environmental Plan 1998

South Sydney Local Environmental Plan 1998 (SSLEP) is the principle statutory planning instrument applying to the site.

Under the SSLEP, the medical precinct is zoned 5 Special Use (Hospital). This zone permits 'hospitals' with consent, including *other ancillary development which is incidental to the primary use* specified on the map.

The proposed use of the Tenancy as a café is a use ancillary to that of the hospital and therefore permissible with consent. It is consistent with the zone objectives and contributes to the function of the medical precinct and the activation of the Victoria Street frontage.

All proposed works are non-structural and will not result in any increase in the floor space or footprint of the existing building. The proposal does not alter the nature or permissibility of the overall medical precinct.

Draft Sydney LEP 2011

The Site is zoned B4 - Mixed Use under the draft Sydney LEP 2011. The proposed use of the café is consistent with the objectives of this zoning, as follows:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To ensure uses support the viability of centres.*

The use of the Tenancy as a café is consistent with these objectives and will be effectively integrated with the use of the precinct for health services. It is located adjacent to the established Victoria Road night time entertainment precinct and will support and enhance the viability of this centre.

South Sydney Development Control Plan 1996

The proposal is consistent with all relevant objectives and controls.

City of Sydney Late Night Trading Premises Development Control Plan 2007

The Late Night Trading DCP applies to the proposed café use. The aim of this DCP is to assist in the management of the impacts of late night trading premises on the sites and neighbourhoods in which they are located, and in particular, protect the amenity of residential properties.

Under this DCP the café is classified as *Category B Premises – Low Impact* as it is defined under the DCP as:

- *An on-licence within the meaning of the Liquor Act 2007; and*
- *Any premises where the owner or occupier sells or supplies liquor for consumption on the premises that is not a Category A premises.*

The site falls within a 'Local Centre Area' of Sydney, which is defined in the DCP as:

"Local Centre Areas are active and vibrant places at night... Local Centre Areas are primarily located within shopping streets and retail spines in the City of Sydney and consist of active places that are the commercial and cultural focus for the local community.

Such areas have good access to public transport at night, and offer a broad range of opportunities for passive and low-intensity recreation at night including restaurants, cafes, galleries, licensed hotels and retail uses. Local Centre Areas may also include places within the City of Sydney that have the potential to support an increase in night time activity..."

The DCP further states:

In order to maintain their relatively low level night-time activity and to promote diversity, it is desirable that a wide range of low impact night-time trading premises operate in Local Centre Areas. Local Centre Areas should characteristically have a strong presence of lower impact premises (eg. cafes, restaurants) that are ‘anchored’ by higher impact premises such as hotels.

The proposed use of café accords with DCP’s vision for the desired characteristics of the Local Centre Areas.

TRADING HOURS AND TRIAL PERIODS UNDER THE DCP

The DCP provides a guide for the ‘Base’ and ‘Extended’ hours for indoor / outdoor trading for Local Centres, as follows:

TABLE 1 – CATEGORY B PREMISES TRADING HOURS & PROPOSED TRADING HOURS

CATEGORY	TRADING HOURS
Base	8am – 11pm (indoor) 10am – 8pm (outdoor)
Extended	8am – 12pm (indoor) 10am – 10pm (outdoor)
Proposed trading hours	6:30am – 12pm Mon to Sat (indoor) 6:30 – 10pm Sunday (indoor) 6:30 – 10pm daily (outdoor)

The proposed hours are therefore within the hours permitted by the DCP, with the exception of the period 6:30am and 8am.

The DCP provides that trading hours outside the *base* hours (Table 1 above) require a 1year trial period to be undertaken, whereby a determination may be made after this time whether the trial period has been satisfactory and may be extended.

As the café’s proposed trading hours are outside the *base* hours, a trial period may be applicable for the proposal. While it is noted the 6:30am start time for the café’s morning trade falls outside the DCP’s *extended* trading period guide, these morning trading hours are important to service the Centre’s medical staff and visitors in the busy morning periods. Alcohol will **not** be served on premises before the hours of 12 noon.

It should be noted that ‘Café Neon’, a café directly to the north of the site across Victoria Road, opens at 6am in the morning, while ‘Bites Café’ within nearby St Vincent’s hospital opens at 7am.

Furthermore, the DCP provides that longer trading hours are acceptable in circumstances where it is considered that the use:

- *will have minimal impact on residential amenity;*
- *is characteristic of other uses in close proximity; and*
- *where it will not contribute to the clustering of high impact premises*

The café is not within immediate proximity of residential development and will not impact unacceptable on residential amenity. Victoria Street is characterised by hotels, bars, restaurants and café's, with all late night premises surrounding the proposed cafe, with the exception of the neighbouring Green Park Hotel, considered low-impact development under the DCP. The proposal, also considered low-impact development, will not contribute to clustering of high impact premises.

The proposed café use therefore fits neatly within the context of the area. The proposed trading hours of the café are deemed acceptable and appropriate under the DCP, and should therefore be approved accordingly.

KEY PLANNING ISSUES

The following key planning areas have been considered and addressed:

Victoria Street Shop Front

It is proposed that the Victoria Street shop front be fitted with folding doors. These doors will not extend beyond the existing building façade and no changes are proposed to the width of the tenancy opening.

The proposed folding doors are deemed an acceptable design solution for the following reasons:

- Provide an inviting entrance to the café from Victoria Street.
- The open store front provides an alfresco option of sitting along Victoria Street. This maximises the café's contribution to the vibrancy and pedestrian activation of Victoria Street.
- Provide maximum light exposure when opened.

Access

The proposal will comply with the DDA and relevant Australian Standards relating to disabled access. Equitable access is readily available to the premises via either entrance on Victoria Street or from within the KKC foyer, which is flat and free of obstacles.

There is to be a ramp between the two differing elevations of the café to provide wheelchair access. The site includes an equitable access toilet facility at ground level.

A BCA report is attached at **APPENDIX H**

Acoustic Impacts

The café's trading hours and nature of its trading as a café will not generate unacceptable acoustic impact to the site, particularly when viewed in context next door to the popular Green Park Hotel and other nearby late night trading establishments.

While there are nearby residential dwellings, these will not be unacceptable impacted by the proposed café use.

Operational Management

The café will be managed responsibly, with policies and procedures put in place to ensure control of noise, adherence to operating hours and the responsible service of alcohol.

Waste Management

Waste created by the café will be stored in a waste storage area to the rear of the café. The bins in this area provide adequate storage and sorting space for both waste and recyclables generated by the café. Waste is to be brought through the café after it has closed in the evenings for collection on Victoria Street.

A Waste Management Plan is not required due to the minor nature of the proposed works.

7 Conclusion

The proposed modifications will have acceptable environmental impacts to the surrounds, and may therefore be determined in accordance with the transitional arrangements under Schedule 6A of the Act to modify the approval for MP09-011. We recommend approval for the requested modifications, so as to allow for the continued design development and improvement to this State significant development.

Yours sincerely,



Guy Smith
Planning Consultant