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SSD-10405 ATLASSIAN CENTRAL

Section 4.55 Modification - MOD 3

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EXECUTIVE SUMMARY

Project Overview

This Modification Report has been prepared on behalf of Vertical First Pty Ltd in support of an application to modify Development Consent SSD-10405 for the Atlassian Central Development comprising Office and Hotel Tower and Adaptive Reuse of the Former Inwards Parcels Shed at 8-10 Lee Street Haymarket.

The Atlassian Central development has been designed with the vision of creating the new gateway development at Central Station to anchor the new Tech Central precinct proposed by the NSW Government. The development will deliver a purpose-built Headquarters for Atlassian, a new Transport for New South Wales (TfNSW) Pedestrian Link Zone and new Railway Square YHA backpackers accommodation. Within the tower, commercial floorspace may also be provided to support Tech Startups and other related commercial uses.

The development is built over the existing Former Inwards Parcels Shed (the **Parcels Shed**), which is a State Listed Heritage Item and will be adaptively reused to activate the precinct beyond standard business hours.

The key elements of the approved Atlassian Central development are:

- 39-storey mixed-use tower with basement loading dock facilities and end of trip facilities (**EoTF**) accessed off Lee Street;
- 2 storey lobby utilising the Parcels Shed building;
- Lower ground and upper ground retail;
- YHA hostel and commercial office space within the tower; and
- Two-level pedestrian Link Zone to be transferred to TfNSW.

Project History

The Atlassian Central Development is located within the Central State Significant Precinct (**Central SSP**) which was nominated as a State Significant Precinct (**SSP**) in July 2019 and comprises approximately 24 hectares of government owned land in and around Central Station. The Western-Gateway Sub-precinct was identified for early rezoning, and comprises three properties, including the subject site which is known as Block A in the Western Gateway Sub-precinct.

A Planning Proposal for the Western Gateway Sub-precinct was prepared by TfNSW to rezone two of the three sites within the Western Gateway Sub-precinct, including the Atlassian Central site. The *State Environmental Planning Policy Amendment (Western Gateway Sub-precinct) 2020* was gazetted on 13 August 2020 which amended the *Sydney Local Environmental Plan 2012* (**Sydney LEP**) which included the following key changes to the planning controls for the site:

- Introduction of a new clause (Clause 6.53) applying to the Western Gateway Sub-precinct which:
 - Extend the no additional overshadow requirement for Prince Alfred Park from 10am to 2pm all year round.
 - Rezoned the portion of the Site which extended into the Lot 118 in DP 1078271 to B8 Metropolitan Centre.
 - Maximum building height for the Site to RL 200.2.
 - Introduce a maximum gross floor area (**GFA**) on the Site of 77,000sqm
 - Removed the application of Clause 6.3 (additional floor space in Central Sydney) and Clause 7.20 (Development requiring or authorising preparation of a development control plan) applying to the land within the Western Gateway Sub-precinct.
- Updated the applicable *Sydney Local Environmental Plan 2012* maps to reflect and implement these planning control changes.

The approved design is the result of a Competitive Design Process which was prepared in accordance with Clause 6.21 of the *Sydney LEP*, the *City of Sydney Design Competitive Design Policy 2013*, and the *Draft Government Architects Design Excellence Guidelines*. The Design Excellence Strategy for the competition was prepared by Urbis and endorsed by the Government Architect of NSW (**GANSW**) on 14 October 2019, and this modification was prepared in accordance with the Design Excellence Strategy and included consultation and endorsement by the Design Integrity Panel (**DIP**).

Proposed Modifications

Through the post approval design development phase, a number of design changes have been identified to improve the functionality and serviceability of the development. These changes relate to:

- Tower Restacking resulting from structural design development.
- Habitat Design changes including the extension of Level 4 in each habitat to the facade.
- Provision of timber fire protection throughout tower.
- Façade design development of YHA north atrium.
- Crown façade design development.

The proposed modifications are detailed in the Architectural Plans prepared by SHOP/ BVN at **Appendix D**.

The modified photomontage is provided below.

Figure 1 Photomontage of development as proposed to be modified



Source: SHoP BVN

Engagement

Extensive consultation was undertaken with government agencies and adjoining landowners during the preparation of SSD-10405. The proposed modifications subject of this application are considered minor and are considered unlikely to impact on authorities/agencies, adjoining landowners, tenants and residents.

As part of the preparation of this application, the Applicant team has engaged with:

- Transport for NSW in their capacity as landowner and adjoining landowner;
- Department of Planning and Environment; and
- the Design Integrity Panel.

Accordingly, additional stakeholder and community engagements is not considered necessary prior to the lodgement of the Modification Application.

It is acknowledged that the Department may publicly notify the application and refer a copy to authorities/agencies for their review. Any submissions or referral responses will need to be addressed to facilitate the final assessment and determination of the application.

Justification of the Modified Project

This report assesses the proposed development as modified with regard to relevant planning instruments and policies. The key issues for all components of the project as modified have been assessed in detail, with specialist reports underpinning the key findings and recommendations identified in the Assessment of Impacts in **Section 6**.

It has been demonstrated that for each of the likely impacts identified in the assessment of the key issues, the impact will either be positive or can be appropriately mitigated. The project as modified represents a positive development outcome for the site and surrounding area for the following reasons:

- **The proposal is consistent with state and local strategic planning policies:**

The proposal is consistent with the relevant goals and strategies contained in:

- *NSW State Priorities*
- *Greater Sydney Region Plan: A Metropolis of Three Cities*
- *Our Greater Sydney 2056: Eastern City District Plan*
- *Central Sydney Planning Strategy*
- *City Plan 2036 – Local Strategic Planning Statement*

- **The proposal satisfies the applicable local and state development controls:**

The proposal is permissible with consent and meets the relevant statutory requirements of the relevant environmental planning instruments, including

- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *Sydney Local Environmental Plan 2012*
- *Western Gateway Sub-precinct Design Guide*
- *Sydney Development Control Plan 2012*

- **The design responds appropriately to the opportunities and constraints presented by the site:**

The proposed modifications enable the development to continue to comply with the Prince Alfred Park Sun Access Plane.

- **The proposal is highly suitable for the site:**

- The land uses contained within the development will remain unchanged and are permissible within the existing B8 Metropolitan Centre zone. The development will be an anchor building within the new TechCentral Precinct and will support the long-term development of an innovation precinct in central Sydney.
- The built form will remain largely unchanged from the originally approved development, while the proposed façade updates will be visually indiscernible from that approved. It is therefore considered that the built form as modified continues to sit comfortably in its context.
- The modifications will improve circulation and amenity for future users of the building.

- The existing transport and service network servicing the Site will not have greater pressure or demand due to the changes proposed in this modification application.
- **The proposal is in the public interest:**
 - The proposed modifications are consistent with relevant State and local strategic plans and complies with the relevant State and local planning controls.
 - No adverse environmental, social or economic impacts will result from the proposed modifications.
 - The uses within the building are permissible with consent and are consistent with the zone objectives and will remain unchanged from those originally approved.
 - The proposed modifications allow for improved structural performance, circulation and services reconfiguration while achieving the same high level of environmental performance as originally approved.
 - The proposed façade updates will achieve the same high degree of design excellence as originally approved.

Having considered all relevant matters, the development as modified has significant merit and should be approved.

1. INTRODUCTION

This Modification Report has been prepared on behalf of Vertical First Pty Ltd pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*. The application seeks to modify Development Consent SSD-10405 for the Atlassian Central Office and Hotel Tower and Adaptive Reuse of the Former Inwards Parcels Shed at 8-10 Lee Street Haymarket (the **site**).

1.1. APPLICANT DETAILS

The applicant details for the proposed modification are listed in the following table.

Table 1 Applicant Details

Descriptor	Proponent Details
Full Name(s)	Vertical First Pty Ltd
Postal Address	Level 6, 341 George Street Sydney NSW 2000
ABN	50 636 939 985
Nominated Contact	Jake Mascarenhas

1.2. PROJECT BACKGROUND

The Atlassian Central Development is the catalytic project for the creation of TechCentral which will transform the Western Gateway Sub-precinct into a new technology and innovation precinct to support and grow the industry nationally.

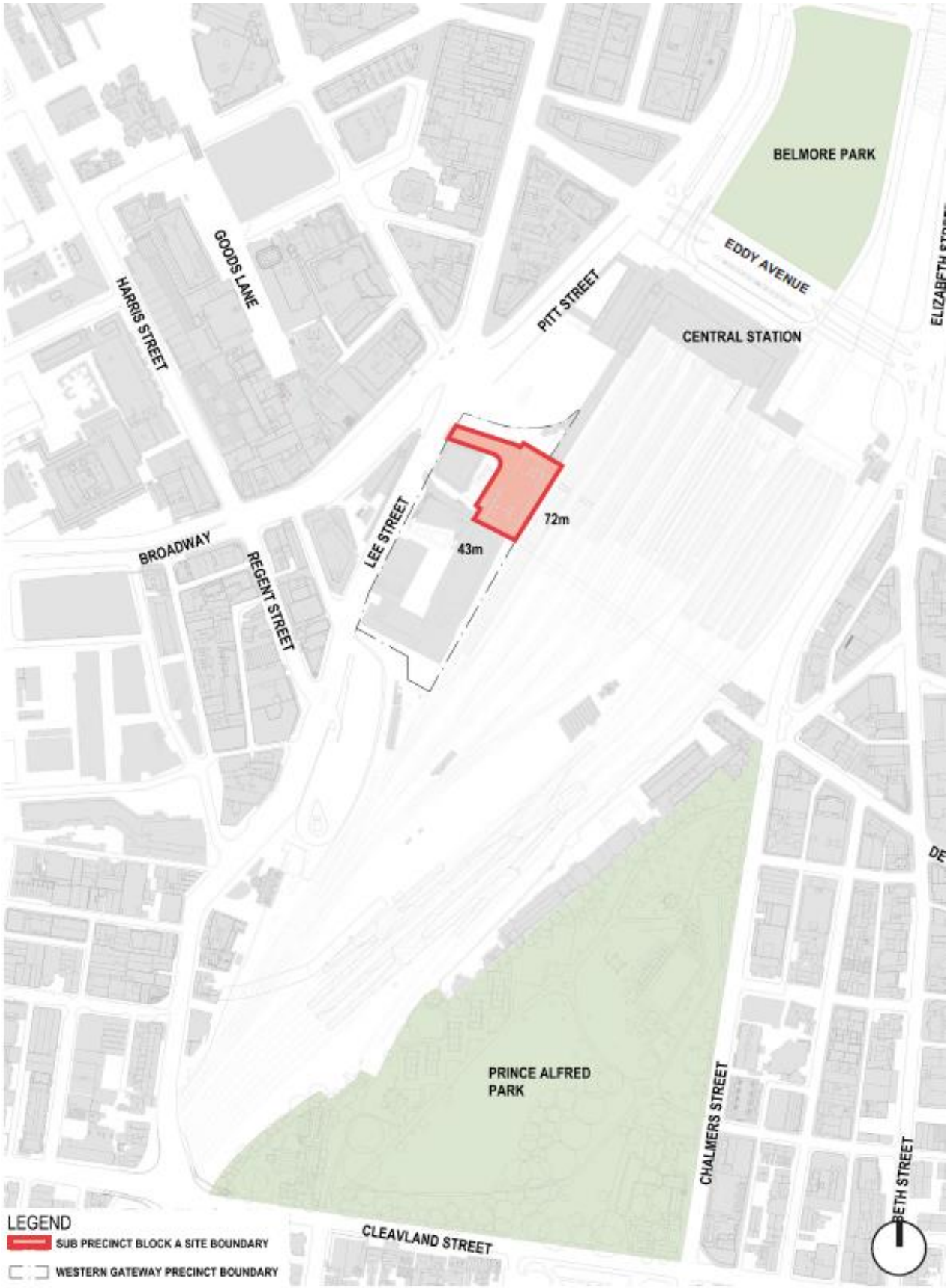
The Atlassian Central Development is located within the Central State Significant Precinct, which recognises the value and significance of the Precinct to realise the Government's aim to establish a globally competitive precinct for technology and innovation.

On 15 October 2021, a State Significant Development Application (**SSDA**) was approved by the Department of Planning, Industry and Environment in relation to the Atlassian Central Office and Hotel Tower and Adaptive Reuse of the Former Inwards Parcels Shed.

The SSD application sought approval for:

- Partial deconstruction and reconstruction of the Inwards Parcels Shed and associated structures at ground and lower ground level for conservation and adaptive reuse.
- Demolition of existing structures.
- Construction of a 39 storey tower above the reconstructed Inwards Parcels Shed including:
 - 8,196sqm of tourist and visitor accommodation;
 - 63,281sqm of commercial office GFA; and
 - 2,542sqm of retail / food and drink GFA within the Inwards Parcel Shed and basement levels.
- Basement parking, servicing and end of trip facilities.
- Hard and soft landscaping.
- Subdivision and stratum subdivision of the site.

Figure 2 Locality Map



Source: Urbis

1.3. PROPOSED MODIFICATIONS

This application seeks to make the following modifications to the tower component of the approved development:

- Tower Restacking resulting from structural design development.
- Habitat Design changes including the extension of Level 4 in each habitat to the facade.
- Provision of timber fire protection throughout tower.
- Façade design development of YHA north atrium.
- Crown façade design development.

More detail of the proposed modifications is provided in **Section 3** of this report. The above modifications are sought as part of the design development and refinement process, and to reflect tenant requirements.

1.4. SUPPORTING DOCUMENTATION

The following plans and reports have been prepared or updated in support of the above modifications:

Table 2 Supporting documentation

Document	Prepared by	Appendix
Updated Project Description	Urbis	Appendix A
Statutory Compliance Assessment	Urbis	Appendix B
Design Integrity Panel Feedback	DIP and Urbis	Appendix C
Design Report and Architectural Plans	SHoP and BVN	Appendix D
Acoustic Statement	Stantec	Appendix E
BCA Capability Statement	Philip Chun Building Compliance	Appendix F
Fire Safety Statement	Holmes Fire	Appendix G
ESD and Services Statement	LCI and Stantec	Appendix H
Structural Statement	TTW	Appendix I

2. STRATEGIC CONTEXT

This section describes the way in which the modified proposal addresses the strategic planning policies relevant to the site.

2.1. NSW STATE PRIORITIES

The Atlassian Central development is consistent with the key policy priorities, including creating great public spaces. The proposed modifications will retain the key aspects of the approved public domain spaces within the site, specifically within the link zones, and will continue to work to create a vibrant and diverse public space adjacent to Central Station.

2.2. GREATER SYDNEY REGION PLAN: A METROPOLIS OF THREE CITIES

The *Greater Sydney Region Plan (Region Plan)* provides the overarching strategic plan for growth and change in Sydney. It is a 20-year plan with a 40-year vision that seeks to transform Greater Sydney into a metropolis of three cities - the Western Parkland City, Central River City and Eastern Harbour City. It identifies key challenges facing Sydney including increasing the population to eight million by 2056, 817,000 new jobs and a requirement of 725,000 new homes by 2036.

The Region Plan includes objectives and strategies for infrastructure and collaboration, liveability, productivity and sustainability. The following matters are relevant to the development as proposed to be modified by this application:

- **Objective 1 – Infrastructure supports the three cities:** The modified development will improve the efficient use of land adjacent the major transport node of Central Station. It will support the delivery of a new technology and innovation precinct on a site which benefits from unparallel access to both existing and proposed transport systems.
- **Objective 13 – Environmental heritage is identified, conserved and enhanced:** The Atlassian Central development has carefully curated an adaptive reuse of the Parcels Shed which is State Heritage Listed. The modification does not propose to alter the approved adaptive reuse of the Parcels Shed.
- **Objective 21 – Internationally competitive health, education, research and innovation precincts:** The Atlassian Central Development will support the growth of a new technology and innovation precinct in the heart of Sydney which is focused on operating at a global level. The modifications proposed will further refine the design of the development to ensure it operates to maximise the contribution of the Site to achieving this objective.
- **Objective 33 – A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change:** The Atlassian Central development has been shaped by strong sustainability objectives including adopting best practice sustainability initiatives. The updated ESD advice which has been prepared for the modification application by LCI and Stantec confirm that the sustainability outcomes of the originally approved development will continue to be achieved by the development as proposed to be modified.

2.3. OUR GREATER SYDNEY 2056: EASTERN CITY DISTRICT PLAN

The *Eastern District Plan (District Plan)* is a 20-year plan to manage growth in the context of economic, social and environmental matters to implement the objectives of the Greater Sydney Region Plan. The intent of the District Plan is to inform local strategic planning statements and local environmental plans, guiding the planning and support for growth and change across the district.

The District Plan contains strategic directions, planning priorities and actions that seek to implement the objectives and strategies within the Region Plan at the district-level. The District Plan identifies the key centres, economic and employment locations, land release and urban renewal areas, and existing and future transport infrastructure to deliver growth aspirations.

The planning priorities and actions likely to have implications for the proposed development as modified are listed and discussed below:

- **E7 – Growing a stronger and more competitive Harbour CBD:** Atlassian Central will deliver the first building to regenerate the Western Gateway Sub-precinct, with a focus on establishing a new technology precinct in the Harbour CBD. The precinct is aimed at growing an international presence and being a

world-class technology centre. The creation of an innovation precinct in the Harbour CBD will expand the role of Sydney in the global economy, attracting and retaining talent in these industries.

The design refinements proposed in the modification application will facilitate the delivery of unique commercial floorspace that will achieve the same sustainability outcomes of the originally approved development, thereby increasing the diversity of commercial floorspace within the Harbour CBD.

- **E8 – Growing and investing in health and education precincts and the innovation corridor:** The Atlassian Central development as proposed to be modified will link with established technology and innovation industry locations including South Eveleigh, Ultimo Innovation Precinct, creative industries in Surry Hills and educational institutions aligned to the technology and innovation industry. Atlassian Central will be the initiating project for the establishment of Tech Central which will work to grow the innovation corridor within the Harbour CBD.
- **E11 – Growing investment, business opportunities and jobs in strategic centres:** The development as proposed to be modified will directly support over 4,000 new jobs on a site that currently supports 25 jobs.
- **E13 – Support growth of targeted industry sectors:** the modified proposal will directly support the growth and evolution of both the tourism and visitor economy as well as attracting talent and investment in technology and innovation which are identified target industries. The location of the Site at Central Station makes it a highly connected and accessible position to capitalise on the benefits for global attractiveness of the growth of these sectors.

2.4. CENTRAL SYDNEY PLANNING STRATEGY

The Central Sydney Planning Strategy (CSPS) was originally released by the City of Sydney in 2016, and adopted in November 2021. While SSD-10405 assessed the original proposal against the draft CSPS, the job and population targets under the final CSPS remain the same, as do the 10 key moves identified by the Strategy to achieve this growth.

An assessment of the proposed development as modified against the relevant key moves is provided in Table 3 below.

Table 3 Central Sydney Planning Strategy key moves

CSPS Key Move	Assessment
<i>1. Prioritise employment growth and increase capacity</i>	The subject site in its current state currently supports 25 jobs associated with the YHA. The proposed development as modified is anticipated to support over 4,000 new jobs in addition to the existing YHA jobs.
<i>2. Ensure development responds to context</i>	The modified tower design continues to sensitively respond to the receiving environment, including observing the solar access plane for Prince Alfred Park and providing a considered design response to the heritage context of the Site and broader Central Precinct.
<i>4. Provide for employment growth in new tower clusters</i>	Aligned to the overall vision of the CSPS to increase employment capacity in Central Sydney, the modified proposal is anticipated to support over 4,000 new jobs on the Site, in addition to the existing YHA jobs which will be contained within the Tech Central tower cluster.
<i>7. Protect, enhance and expand Central Sydney's heritage public places and spaces</i>	The Atlassian Central development has carefully curated an adaptive reuse of the Parcels Shed which is State Heritage Listed. The modification does not propose to alter the approved adaptive reuse of the Parcels Shed and includes only minor amendments to the design of the Parcels Shed to address conditions of consent.

CSPS Key Move	Assessment
9. Reaffirm commitment to design excellence	Atlassian are committed to ensuring design excellence is achieved on the Site. The modified proposal has been presented to and endorsed by the Design Integrity Panel on 21 st June 2022.

2.5. CITY PLAN 2036 – LOCAL STRATEGIC PLANNING STATEMENT

Council's Local Strategic Planning Statement (LSPS) titled City Plan 2036 was endorsed by Council on 17 February 2020 and subsequently approved by the Greater Sydney Commission's Assurance Panel on 20 March 2020. The Sydney LSPS presents a 20-year planning vision for Sydney and will guide the future planning framework.

The proposed design modifications to the approved development continue to align with the following key moves the LSPS identified to achieve its 20-year planning vision:

- **Priority I2 - Align development and growth with support infrastructure:** the development as proposed to be modified will deliver approximately 74,788m² of new commercial, tourism and retail floorspace directly adjacent to established transport and educational infrastructure.
- **Priority P1 - Growing a stronger, more competitive Central Sydney, and Priority P2 – Developing innovative and diverse business clusters in City Fringe:** delivering the Atlassian Central development as the anchor to Tech Central which will support the growth of Australia's knowledge-based economy.
- **Priority S2 - Creating better buildings and places to reduce emissions and waste and use water efficiently:** The updated ESD advice prepared by LCI and Stantec confirms that the sustainability outcomes of the originally approved development will continue to be achieved by the development as proposed to be modified.

2.6. CONSISTENCY WITH OTHER STRATEGIC PLANNING POLICIES

The development as proposed to be modified will also maintain consistency with the following strategic planning policies, as assessed under the original SSDA:

- *Towards our Greater Sydney*
- *NSW State Infrastructure Strategy 2018-2036*
- *NSW Future Transport Strategy 2056*
- *Camperdown-Ultimo Collaboration Area and Place Strategy*
- *Central to Eveleigh Urban Transformation Strategy*
- *Better Placed – Built Environment, Better Placed – Heritage*
- *Sydney Green Grid*
- *Sustainable Sydney 2030 Strategy*
- *City of Sydney Tourism Action Plan 2013*
- *City of Sydney Tech Startups Action Plan*
- *Sydney City Centre Access Strategy*
- *Sydney's Cycling Future 2013, Sydney's Walking Future 2013*
- *NSW Planning Guidelines for Walking and Cycling*

3. DESCRIPTION OF MODIFICATIONS

This section of the report describes the proposed modifications, including the project description and relevant conditions. It includes a comparative analysis of the original development and the proposed modifications, justifying the lodgement of the application in accordance with section 4.55(1A) of the EP&A Act.

3.1. OVERVIEW

The proposed modifications to the approved development are summarised as follows:

- Restacking of the tower structure
- Habitat design changes, including the extension of Level 4 in each habitat.
- Provision of timber fire protection throughout tower.
- Façade design development of YHA north atrium.
- Crown façade design development.
- Tower stack, structure and façade modifications.
- Floor space, core structural and spatial modifications throughout the tower.

A consolidated description of the modified project is provided at **Appendix A**

The updated architectural drawings are provided at **Appendix D**.

A comparative analysis has been undertaken of the proposed changes to the originally approved development in **Table 4** and is in accordance with the relevant criteria listed in the DPIE *State Significant Development Guidelines – preparing an environmental impact statement*.

Table 4 Comparative Task

Element	Originally Approved Project	Modified Project
Project Area		
Site Area	3,764m ² (including 277sqm of air rights that apply from RL 40)	No change
Physical Layout and Design		
Height of Building	RL 197.90m/39 storeys	No change
Gross Floor Area	75,278m ²	75,658m ² (+380m ²) Remains below LEP maximum
Uses and Activities		
Land Use	Commercial Premises Tourist and Visitor Accommodation	No change

It is noted that the proposed increase in GFA is largely due to internal floor plate extensions where there were previously voids. Therefore, the GFA increase is contained within a building envelope that is substantially the same as originally approved.

Based on the above, it is considered that the modified proposal is of minimal environmental impact and is substantially the same development as originally granted consent and is lodged under section 4.55(1A) of the EP&A Act.

3.2. DETAILED DESCRIPTION OF PROPOSED MODIFICATIONS

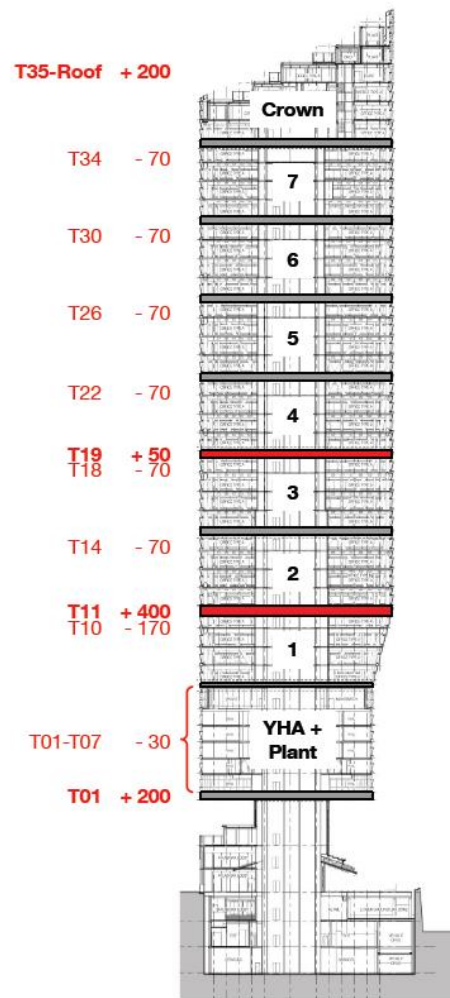
Each of the proposed modifications listed above is described in detail in the following subsections.

3.2.1. Restacking of tower structure

Restacking of tower structure is proposed to accommodate thicker slabs at Level 11 and Level 19 required as a result of the structural evolution of the building form. Changes to the approved floor-to-floor heights as a result of the restack are as follows:

Table 5 Floor to floor and plenum height modifications

Level	Height difference
T01 – T06 (YHA and plant)	-30mm total
Typical habitats	-70mm each
Habitat 1	+400mm
Habitat 3	+50mm
T35 – Roof (Crown)	+200mm total
Plenum Heights	
Habitat Level 4s	-70mm each
T10	-170mm (100mm shallower beams, but typical penetration height maintained)
Transfer to Crown (T34)	No extra height (+170mm in comparison to 25% DD)
T35-T38 (offices)	+70mm each (-250mm on T35 in comparison to 25% DD)
T38-Roof (plant)	+10mm total.



These changes are wholly within the approved building envelope and will not have any perceivable changes to the building form.

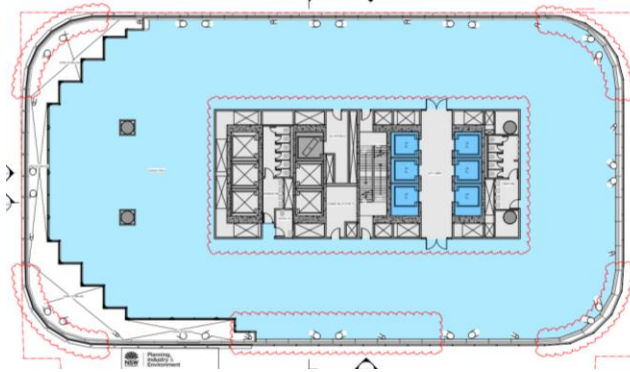
3.2.2. Habitat Design Changes

Design development of Level 4 in each Habitat is proposed to resolve maintenance, air flow and fire safety issues. The key aspects of this change are as follows:

- This floor will no longer have connectivity to the atrium.
- The extension of the floor is supported by the mega floor by steel hangers.
- This design change will result in the removal of the bulk head between Level 4 and the façade which impeded air flow and had limited accessibility for maintenance.

- Enables a fire safety design solution to be achieved for the atrium spaces.
- Timber structure: structural grid updated per core structural realignment. Timber staggered corners spacing is kept consistent to meet design intent.
- Steel structure: mega floor steel structure is fire protected and is to be exposed.

Figure 3 Habitat Level 4 floor extension



Picture 1 Approved Level 10 floor arrangement
(Level 4 in lowrise habitat)

Source: SHoP BVN



Picture 2 Proposed Level 10 floor arrangement
(Level 4 in lowrise habitat)

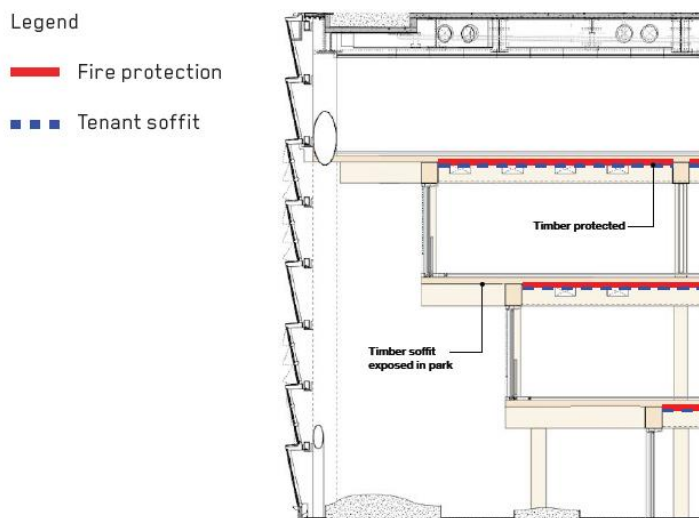
3.2.3. Timber fire protection

Timber fire protection in the Type A and B Office Spaces has been achieved through the following design changes:

- All timber columns and beams will remain exposed and all slabs within these environments will be fire protected from underneath.
- The fire protection of the soffit is to be selected by the tenant and may vary across the building.

All timber structure remains exposed within the Type C Office Spaces.

Figure 4 Atrium section showing proposed timber fire protection



Source: SHoP BVN

3.2.4. YHA Façade: north atrium

Proposed updates to the façade design of the YHA north atrium include:

- Level 1 facade modified to include a series of awning windows distributed along the north facing facade elevation. The awning windows are located along the double height atrium only.
- Each row has three awning windows per panel consistent with the office serrated facade design above level 7. This enables the introduction of operable windows within each room.
- Screen frame fits cleanly behind existing operable mullion details and does not add any additional view obstructions

Figure 5 Section and interior view showing proposed awning windows on Level 1



Source: SHoP BVN

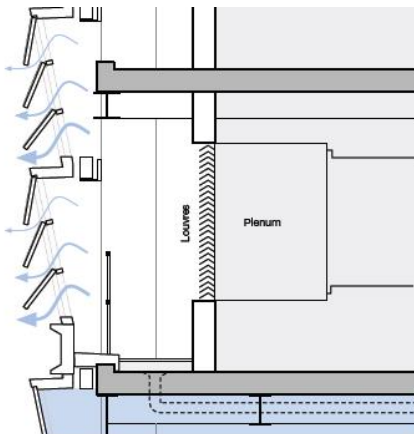
3.2.5. Crown design development

Crown Façade

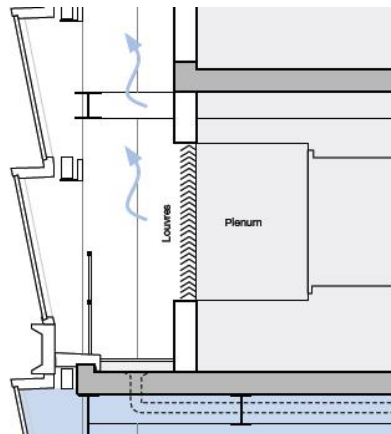
The Crown exterior facade in the north, west and south elevations is proposed to be modified from fixed glazed louvres to a fixed glazing panels to match the office levels.

To accommodate the change in airflow condition, a plenum is proposed between the double façade.

Figure 6 Approved and proposed Crown façade



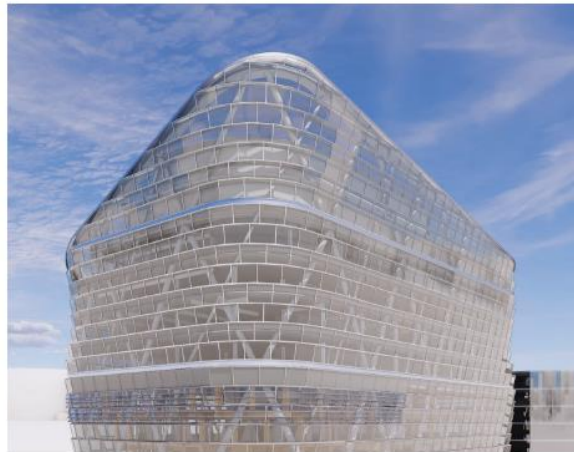
1.5 FIGURE 1 - PREVIOUS DESIGN: CROWN EXTERIOR FACADE TO BE FIXED GLASS LOUVRES - SECTION



1.5 FIGURE 2 - PROPOSED DESIGN: CROWN EXTERIOR FACADE TO BE FIXED GLAZING - SECTION



1.5 FIGURE 3 - PREVIOUS DESIGN: CROWN EXTERIOR FACADE TO BE FIXED GLASS LOUVRES - VIEW FROM NORTH WEST



1.5 FIGURE 4 - PROPOSED DESIGN: CROWN EXTERIOR FACADE TO BE FIXED GLAZING - VIEW FROM NORTH WEST

Source: SHoP BVN

Removal of Exterior Staircases

The external staircases within the Crown terrace areas are proposed to be removed to increase circulation space within the terraces. The internal vertical circulation is considered sufficient to accommodate these travel movements.

Crown Ring Beam

The material used for the Crown Ring Beam is proposed to change from an architecturally exposed steel section to powder coated aluminium clad steel. This will strengthen the presentation of the tower Crown and improve the building expression when viewed from the public realm.

Figure 7 Crown Aerial View



Picture 3 Approved Design



Picture 4 Proposed Modification

Source: Shop/BVN

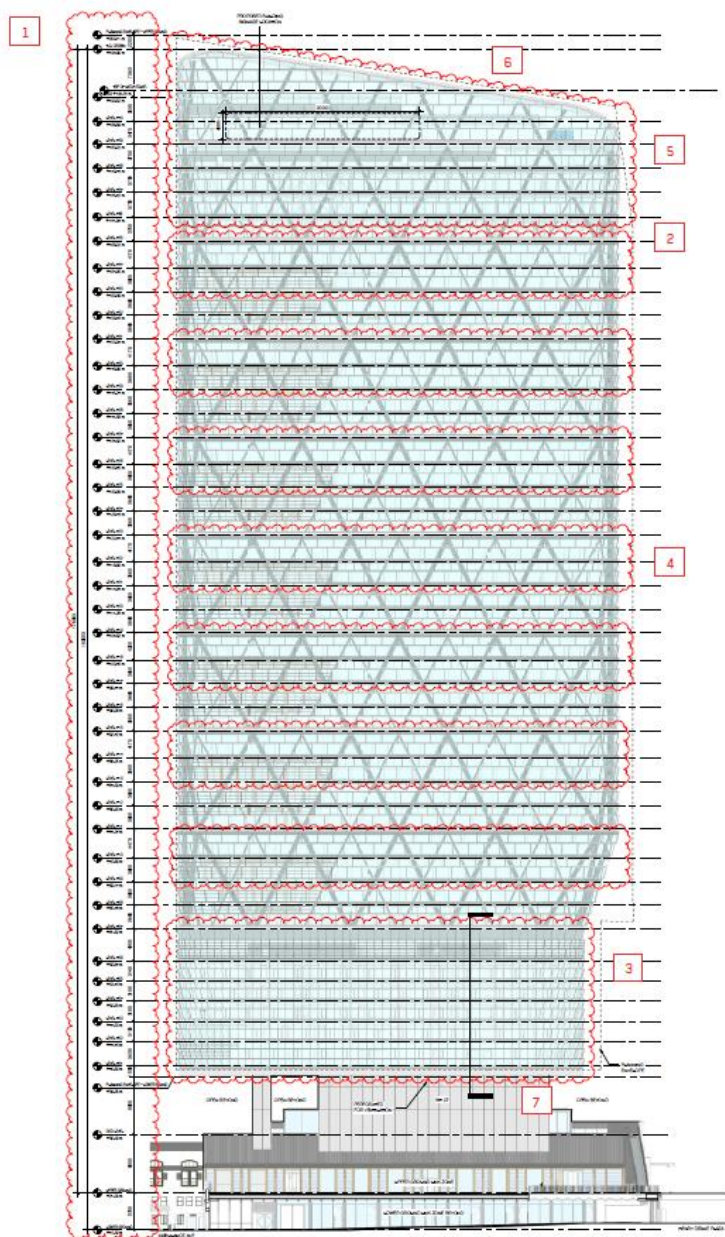
3.2.6. Tower stack, structure and façade modifications

The following modifications are proposed to the tower stack, structure and façade:

- Tower Stack: Floor to floor heights adjusted throughout tower (see **Section 3.2.1** above).

- Facade: Exterior finishes changed to powder coated aluminium.
- Facade: YHA Levels T01-T05: Updates to vertical modulation of units, operable louvers, awning windows, and safety screens.
- Facade: Office Levels T07-T34: Atrium space louvres reduced to 3 floor per habitat to achieve fire safety compliance and optimal airflow.
- Facade: Office and Crown Levels T07-T40: Extend use of fixed glazed panels to Crown, habitat Level 4, and Crown Plant.
- Crown Ring Beam: Changed from an architecturally exposed steel section to powder coated aluminium clad steel section.
- Tower Soffit: The tower soffit design has been further developed. The articulation of the panels intends to improve the legibility of this element of the building from several vantage points within the public realm.

Figure 8 Western elevation showing proposed tower stack, structure and façade modifications



Source: SHoP BVN

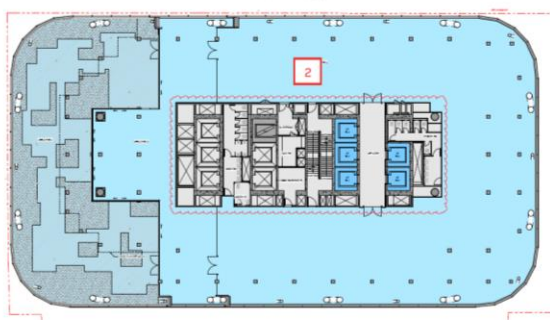
3.2.7. Low-rise habitats (Level T07-T22)

As outlined in Section 3.2.2 above, the floor of Level 4 in each low-rise habitat, low-rise/high-rise transfer habitat, and high-rise habitat is proposed to be extended to the outer façade which will eliminate the void on these levels.

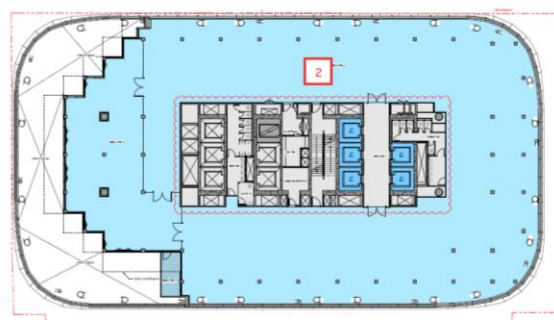
Core structural and spatial updates within these levels include:

- Reduction in sizing of structural core
- Adjustment of services risers and rooms
- Double deck lift system assumed as Basis of Design, rather than twin lift system
- Elimination of 1 low-rise, low-rise/high-rise transfer/high-rise lift
- Egress stair redesigned for use as intertenancy circulation, finishes and details updated accordingly
- Optimisation of amenities, including utilisation of former lift shaft area
- Lift lobby finishes revised.

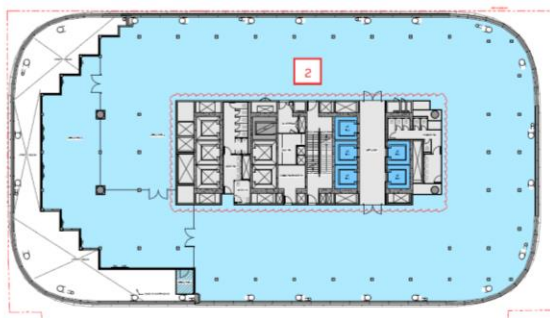
Figure 9 Proposed modifications to low-rise, low-rise/high-rise transfer and high-rise habitat levels



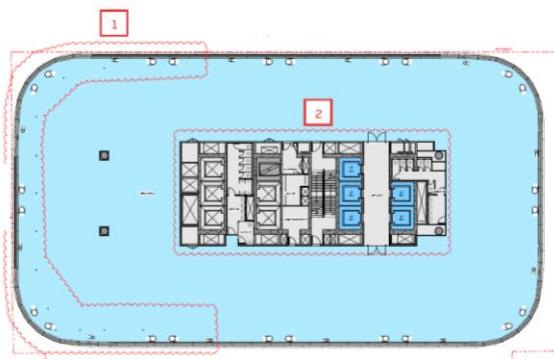
1.7 FIGURE 1 - LOWRISE HABITAT - LEVEL 1 TYPICAL



1.7 FIGURE 2 - LOWRISE HABITAT - LEVEL 2 TYPICAL



1.7 FIGURE 3 - LOWRISE HABITAT - LEVEL 3 TYPICAL



1.7 FIGURE 4 - LOWRISE HABITAT - LEVEL 4 TYPICAL

Source: SHoP BVN

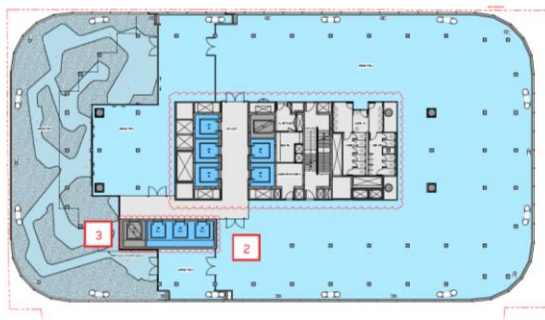
3.2.8. High-rise/Crown transfer habitat (Level T31-T34)

The same modifications identified in Section 3.2.7 above are proposed to this habitat.

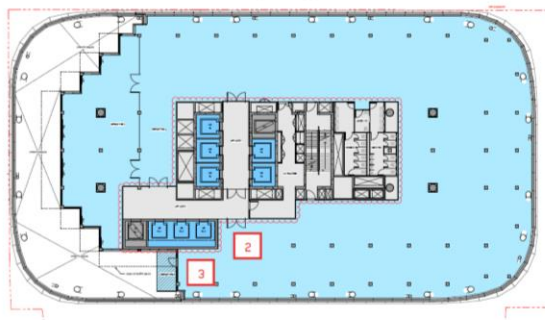
In addition, the following modifications are proposed:

- High-rise core updates: Reduction in lift overrun height. This enables the high-rise core to terminate at the underside of T35 slab (one floor lower than previous), and Crown east core to begin at T35;
- Relocation of tower-to-Crown stair and services transfer from T35 to T34;
- Location of goods lift relocated to north position.

Figure 10 Proposed modifications to high-rise-Crown transfer habitat levels



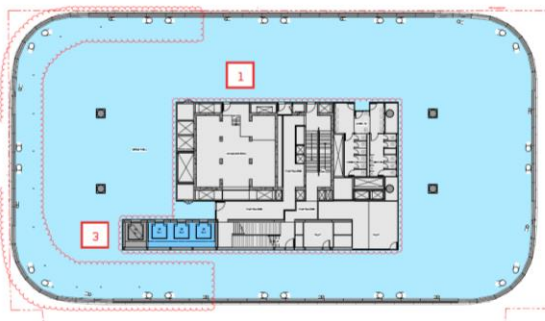
1.10 FIGURE 1 - HR-CROWN TRANSFER HABITAT - LEVEL T31



1.10 FIGURE 2 - HR-CROWN TRANSFER HABITAT - LEVEL T32



1.10 FIGURE 3 - HR-CROWN TRANSFER HABITAT - LEVEL T33



1.10 FIGURE 4 - HR-CROWN TRANSFER HABITAT - LEVEL T34

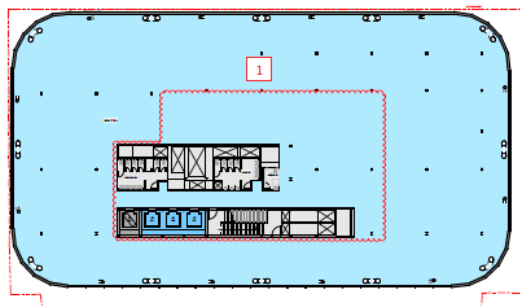
Source: SHoP BVN

3.2.9. Crown (Level T35-T40)

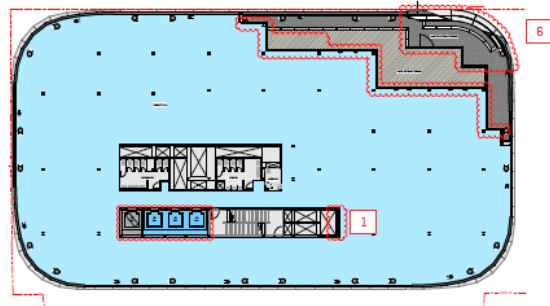
The following modifications are proposed to the Crown levels:

- Levels T35-T40: Adjustments to planning, including services risers, plant spaces, egress, and restrooms.
- Levels T39-T40: Elimination of slab and maintenance zone between the façade. Exterior facade on T39 and T40 in north, west and south elevations is changed to fixed glazed panels to match the office exterior.
- Levels T36-T39: Exterior facade facing terraces moved inward to comply with the sky plane.
- Removal of exterior stairs connecting terraces.
- Terrace space fronting plant area on T39 no longer accessible.
- Southwest corner on T36 is updated to resolve head height constraints on T35. This change has no impact on facades or terrace areas.

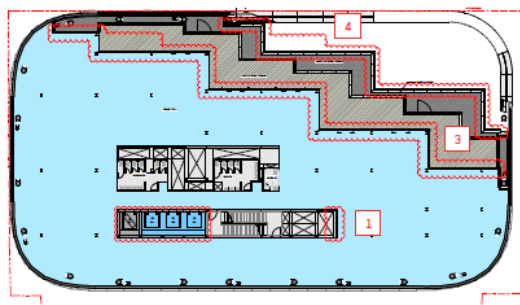
Figure 11 Proposed modifications to Crown levels



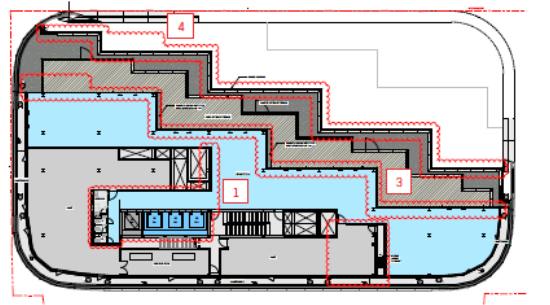
2.11 FIGURE 1 - CROWN - LEVEL T35



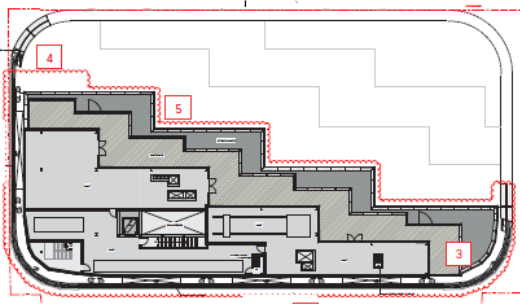
2.11 FIGURE 2 - CROWN - LEVEL T36



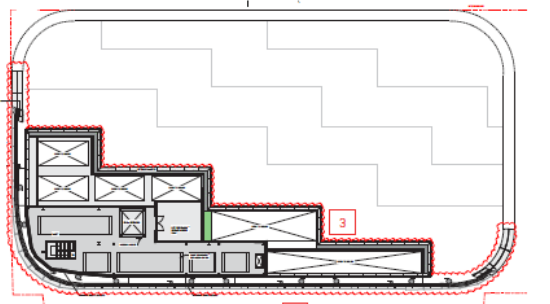
1.11 FIGURE 3 - CROWN - LEVEL T37



1.11 FIGURE 4 - CROWN - LEVEL T38



1.11 FIGURE 5 - CROWN - LEVEL T39



1.11 FIGURE 6 - CROWN - LEVEL T40

Source: [Insert source]

3.2.10. Structural and Design Modifications to YHA Levels 1 – 5

The following structural and design modifications are proposed to the YHA levels of the tower.

Level 1

- Mega column structure increased.
- Reduction to core dimensions in both east-west and north-south directions and structural column changes.
- Columns added/deleted.

Level 2

- Mega Column struts amended from square to circular.
- Reduction to core dimensions in both east-west and north-south directions and structural struts changed from square to circular.

- Columns reconfiguration.
- Internal Rooms, Wet Areas and Plant room reconfigured.

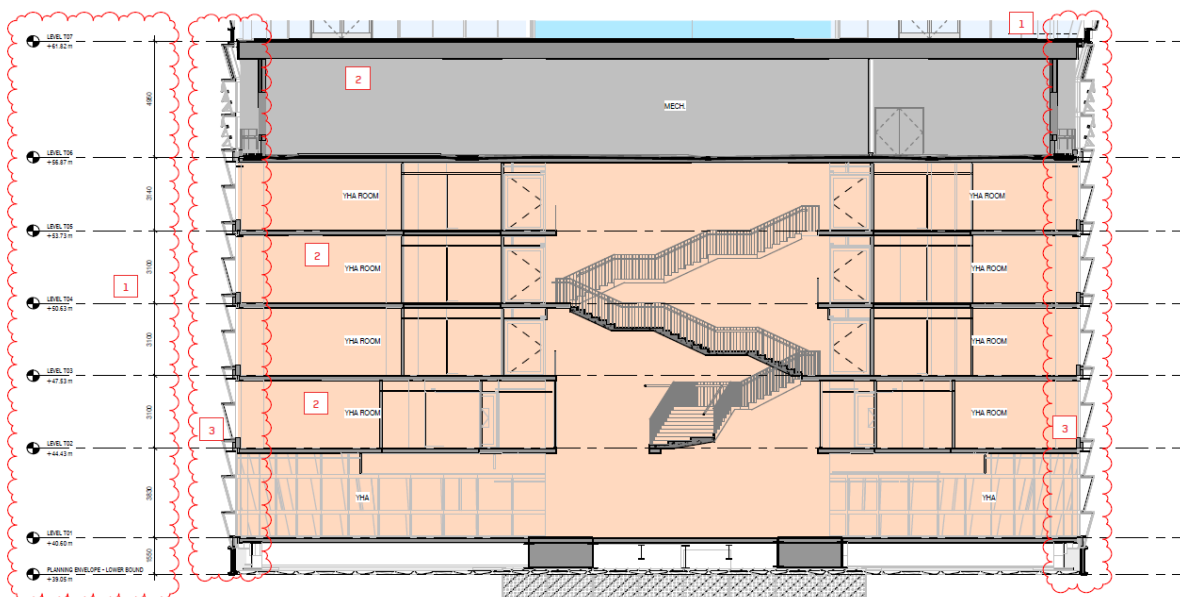
Level 3 - 5

- Mega Column struts amended from square to circular.
- Reduction to core dimensions in both east-west and north-south directions
- Structural struts changed from square to circular.
- Columns reconfiguration.
- Internal Rooms, Wet Areas and Plant room reconfigured.

YHA Typical Section

- Relative Levels (RL) for levels 1-5 adjusted.
- Revised structural slabs thickness.
- Zig Zag facade adjusted to reflect adjusted floor levels.

Figure 12 YHA Typical Section Modifications



Source: SHoP BVN

3.3. PROPOSED AMENDMENTS TO CONDITIONS OF CONSENT

This section outlines the proposed modification to the description of the approved development and conditions of consent included in SSD-10405.

The proposed modifications require some of the original approved plans to be replaced with the updated plans in the Table which forms part of Condition A2. The proposed modifications are shown by a ~~strike through~~ the deleted text and replacement text is show in red.

Terms of Consent

A2. The development may only be carried out:

- (a) in compliance with the conditions of this consent;
 (b) in accordance with all written directions of the Planning Secretary;
 (c) generally in accordance with the EIS, RtS and SRtS;
 (d) in accordance with the approved plans in the table below (except where amended by the conditions of consent):

Architectural plans prepared by BVN Architecture / SHoP Architects			
Drawing No.	Rev	Name of Plan	Date
DA-09A-XXX-00	5	SITE LOCATION PLAN	04.05.21
DA-09A-XXX-01	6	SITE PLAN ROOF LEVEL	04.05.21
DA-09A-XXX-02	7	SITE PLAN LOWER LEVELS	04.06.21
DA-09A-XXX-03	5	SITE 3D AXONOMETRIC VIEWS	04.05.21
DA-09A-XXX-04	5	SITE 3D AXONOMETRIC VIEWS	04.05.21
DA-09A-XXX-05	6	SITE SECTION	04.05.21
DA-09B-B00-00	7	GENERAL ARRANGEMENT PLAN BASEMENT 2	04.05.21
DA-09B-B01-00	7	GENERAL ARRANGEMENT PLAN BASEMENT 1	04.05.21
DA-09B-G00-00	8	GENERAL ARRANGEMENT PLAN LOWER GROUND LEVEL	04.06.21
DA-09B-G01-00	7	GENERAL ARRANGEMENT PLAN UPPER GROUND LEVEL	04.05.21
DA-10B-B00-01	7	GENERAL ARRANGEMENT PLAN BASEMENT 2 PART 1	04.05.21
DA-10B-B00-02	7	GENERAL ARRANGEMENT PLAN BASEMENT 2 PART 2	04.05.21
DA-10B-B01-01	7	GENERAL ARRANGEMENT PLAN BASEMENT 1 PART 1	04.05.21
DA-10B-B01-02	7	GENERAL ARRANGEMENT PLAN BASEMENT 1 PART 2	04.05.21
DA-10B-G00-01	8	GENERAL ARRANGEMENT PLAN LOWER GROUND PART 1	04.05.21
DA-10B-G00-02	8	GENERAL ARRANGEMENT PLAN LOWER GROUND PART 2	04.06.21
DA-10B-G01-01	7	GENERAL ARRANGEMENT PLAN UPPER GROUND PART 1	04.05.21
DA-10B-G01-02	8	GENERAL ARRANGEMENT PLAN UPPER GROUND PART 2	04.06.21
DA-10B-G02-01	6	GENERAL ARRANGEMENT PLAN MEZZANINE LEVEL	04.05.21
DA-10B-G03-01	6	GENERAL ARRANGEMENT PLAN OSD LEVEL	04.05.21
DA-10B-G04-01	5	GENERAL ARRANGEMENT PLAN CORE PLANTROOM LEVEL 01	04.05.21
DA-10B-G05-01	5	GENERAL ARRANGEMENT PLAN CORE PLANTROOM LEVEL 02	04.05.21
DA-10B-T01-01	8 9	GENERAL ARRANGEMENT PLAN TOWER LEVEL 1	04.06.21 30.05.22
DA-10B-T02-01	8 9	GENERAL ARRANGEMENT PLAN TOWER LEVEL 2	04.06.21 30.05.22
DA-10B-T03-01	8 9	GENERAL ARRANGEMENT PLAN TOWER LEVEL 3	04.06.21 30.05.22
DA-10B-T04-01	8 9	GENERAL ARRANGEMENT PLAN TOWER LEVEL 4	04.06.21 30.05.22
DA-10B-T05-01	8 9	GENERAL ARRANGEMENT PLAN TOWER LEVEL 5	04.06.21 30.05.22
DA-10B-T06-01	6	GENERAL ARRANGEMENT PLAN TOWER LEVEL 06	04.05.21

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DA-10B-T07-01	4	GENERAL ARRANGEMENT PLAN TOWER LEVEL 07	04.05.21
	5		30.05.22
DA-10B-T08-01	4	GENERAL ARRANGEMENT PLAN TOWER LEVEL 08	04.05.21
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DA-10B-T09-01	4	GENERAL ARRANGEMENT PLAN TOWER LEVEL 09	04.05.21
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DA-10B-T12-01	4	GENERAL ARRANGEMENT PLAN TOWER LEVEL 12	04.05.21
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DA-10B-T13-01	4	GENERAL ARRANGEMENT PLAN TOWER LEVEL 13	04.05.21
	5		30.05.22
DA-10B-T14-01	4	GENERAL ARRANGEMENT PLAN TOWER LEVEL 14	04.05.21
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DA-10B-T18-01	4	GENERAL ARRANGEMENT PLAN TOWER LEVEL 18	04.05.21
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DA-10B-T19-01	4	GENERAL ARRANGEMENT PLAN TOWER LEVEL 19	04.05.21
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DA-10B-T20-01	4	GENERAL ARRANGEMENT PLAN TOWER LEVEL 20	04.05.21
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DA-10B-T21-01	4	GENERAL ARRANGEMENT PLAN TOWER LEVEL 21	04.05.21
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DA-10B-T22-01	4	GENERAL ARRANGEMENT PLAN TOWER LEVEL 22	04.05.21
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DA-10B-T23-01	4	GENERAL ARRANGEMENT PLAN TOWER LEVEL 23	04.05.21
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DA-10B-T24-01	4	GENERAL ARRANGEMENT PLAN TOWER LEVEL 24	04.05.21
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DA-10B-T25-01	4	GENERAL ARRANGEMENT PLAN TOWER LEVEL 25	04.05.21
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DA-10B-T26-01	4	GENERAL ARRANGEMENT PLAN TOWER LEVEL 26	04.05.21
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DA-10B-T27-01	4	GENERAL ARRANGEMENT PLAN TOWER LEVEL 27	04.05.21
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DA-10B-T28-01	4	GENERAL ARRANGEMENT PLAN TOWER LEVEL 28	04.05.21
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DA-10B-T29-01	4	GENERAL ARRANGEMENT PLAN TOWER LEVEL 29	04.05.21
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DA-10B-T30-01	4	GENERAL ARRANGEMENT PLAN TOWER LEVEL 30	04.05.21
	5		30.05.22
DA-10B-T31-01	4	GENERAL ARRANGEMENT PLAN TOWER LEVEL 31	04.05.21
	5		30.05.22
DA-10B-T32-01	4	GENERAL ARRANGEMENT PLAN TOWER LEVEL 32	04.05.21
	5		30.05.22

DA-10B-T33-01	4 5	GENERAL ARRANGEMENT PLAN TOWER LEVEL 33	04.05.21 30.05.22
DA-10B-T34-01	4 5	GENERAL ARRANGEMENT PLAN TOWER LEVEL 34	04.05.21 30.05.22
DA-10B-T35-01	4 2	GENERAL ARRANGEMENT PLAN TOWER LEVEL 35	04.05.21 30.05.22
DA-10B-T36-01	4 5	GENERAL ARRANGEMENT PLAN TOWER LEVEL 36	04.05.21 30.05.22
DA-10B-T37-01	4 5	GENERAL ARRANGEMENT PLAN TOWER LEVEL 37	04.05.21 30.05.22
DA-10B-T38-01	4 5	GENERAL ARRANGEMENT PLAN TOWER LEVEL 38	04.05.21 30.05.22
DA-10B-T39-01	4 5	GENERAL ARRANGEMENT PLAN TOWER LEVEL 39	04.05.21 30.05.22
DA-10B-T40-01	4 5	GENERAL ARRANGEMENT PLAN TOWER LEVEL 40	04.05.21 30.05.22
DA-10B-T41-01	4 5	GENERAL ARRANGEMENT PLAN TOWER LEVEL 41	04.05.21 30.05.22
DA-10B-T42-01	4 5	GENERAL ARRANGEMENT PLAN ROOF	04.05.21 30.05.22
DA-10C-XXX-01	4 5	NORTH ELEVATION	04.05.21 30.05.22
DA-10C-XXX-02	4 5	EAST ELEVATION	04.05.21 30.05.22
DA-10C-XXX-03	4 5	SOUTH ELEVATION	04.05.21 30.05.22
DA-10C-XXX-04	4 5	WEST ELEVATION	04.05.21 30.05.22
DA-10D-XXX-01	4 5	SECTION N-S	04.05.21 30.05.22
DA-10D-XXX-02	4 5	SECTION E-W	04.05.21 30.05.22
DA-11C-GXX-01	6	SHED – NORTHERN ELEVATION	04.05.21
DA-11C-GXX-02	6	SHED – SOUTHERN ELEVATION	04.05.21
DA-11C-GXX-03	6	SHED – EASTERN ELEVATION	04.05.21
DA-11C-GXX-04	6	SHED – WESTERN ELEVATION	04.05.21
DA-11D-XXX-01	7	BASEMENT/PODIUM NORTH-SOUTH SECTION 1	04.05.21
DA-11D-XXX-02	7	DIVE RAMP SECTION	04.05.21
DA-11D-XXX-03	7	BASEMENT/PODIUM EAST-WEST SECTION 1	04.05.21
DA-11D-XXX-04	7	BASEMENT/PODIUM NORTH-SOUTH SECTION 2	04.05.21
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DA-11D-XXX-06	7	BASEMENT/PODIUM EAST-WEST SECTION 2	04.05.21
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DA-11D-XXX-12	4 5	YHA SECTION - E-W	04.05.21 30.05.22
DA-11D-XXX-13	4 5	HABITAT SECTIONS	04.05.21 30.05.22
DA-11D-XXX-14	4 5	CROWN SECTION - N-S	04.05.21 30.05.22
DA-11D-XXX-15	4 5	CROWN SECTION - E-W	04.05.21 30.05.22
DA-19U-XXX-31	6	AREA PLANS (GFA)	04.05.21

DA-19U-XXX-32	7	AREA PLANS (GFA)	04.05.21
DA-19U-XXX-33	6	AREA PLANS (GFA)	04.05.21
DA-19U-XXX-34	7 8	AREA PLANS (GFA)	04.06.21 30.05.22
DA-19U-XXX-35	6 7	AREA PLANS (GFA)	04.05.21 30.05.22
DA-19U-XXX-71	4 5	TOWER AREA PLANS - T06	04.05.21 30.05.22
DA-19U-XXX-72	4 5	TOWER AREA PLANS - T07-T10	04.05.21 30.05.22
DA-19U-XXX-73	4 5	TOWER AREA PLANS - T11-T14	04.05.21 30.05.22
DA-19U-XXX-74	4 5	TOWER AREA PLANS - T15-T18	04.05.21 30.05.22
DA-19U-XXX-75	4 5	TOWER AREA PLANS - T19-T22	04.05.21 30.05.22
DA-19U-XXX-76	4 5	TOWER AREA PLANS - T23-T26	04.05.21 30.05.22
DA-19U-XXX-77	4 5	TOWER AREA PLANS - T27-T30	04.05.21 30.05.22
DA-19U-XXX-78	4 5	TOWER AREA PLANS - T31-T34	04.05.21 30.05.22
DA-19U-XXX-79	4 5	TOWER AREA PLANS - T35-T38	04.05.21 30.05.22
DA-19U-XXX-80	4 5	TOWER AREA PLANS - T39-ROOF - AND TOTAL AREAS	04.05.21 30.05.22
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DA-23B-G00-02	5	DEMOLITION PLAN LOWER GROUND PART 2	04.05.21
DA-23B-G01-01	5	DEMOLITION PLAN UPPER GROUND PART 1	04.05.21
DA-23B-G01-02	5	DEMOLITION PLAN UPPER GROUND PART 2	04.05.21
DA-23B-G02-01	5	DEMOLITION PLAN SHED ROOF	04.05.21
DA-23C-GXX-01	5	DEMOLITION ELEVATIONS HERITAGE WALL	04.05.21
DA-23D-GXX-01	5	DEMOLITION SECTIONS	04.05.21
DA-23D-GXX-02	5	DEMOLITION SECTIONS	04.05.21
DA-40A-XXX-01	4 5	WALL TYPE DIAGRAMS - TOWER & SHED	04.05.21 30.05.22
DA-43E-GXX-01	6	ENCLOSURE DETAILS - LOWER LINK FACADES	04.06.21
DA-43E-GXX-02	5	ENCLOSURE DETAILS - SHED FAÇADE UPPER GROUND	04.05.21
DA-43E-GXX-03	5	ENCLOSURE DETAILS - SHED NORTH FAÇADE	04.05.21
DA-43E-GXX-10	4	HERITAGE EAVE DETAIL	04.05.21
DA-43E-GXX-11	4	HERITAGE COLUMN DETAILS	04.05.21
DA-43E-TXX-01	4 5	TYPICAL ENCLOSURE SYSTEM - FWT-101A	04.05.21 30.05.22
DA-43E-TXX-02	4 5	TYPICAL ENCLOSURE SYSTEM - FWT-101B	04.05.21 30.05.22
DA-43E-TXX-03	4 2	TYPICAL ENCLOSURE SYSTEM - FWT-101C	04.05.21 30.05.22
DA-43E-TXX-04	4 5	TYPICAL ENCLOSURE SYSTEM - FWT-102	04.05.21 30.05.22
DA-43E-TXX-05	4 5	TYPICAL ENCLOSURE SYSTEM - FWT-103	04.05.21 30.05.22

DA-43E-TXX-06	4 2	TYPICAL ENCLOSURE SYSTEM - WT-104A	04.05.21 30.05.22
DA-43E-TXX-07	1	TYPICAL ENCLOSURE SYSTEM - FWT-104A AT ATRIUM	30.05.22
DA-43E-TXX-08	4 5	TYPICAL ENCLOSURE SYSTEM - FWT-105A	04.05.21 30.05.22
DA-43E-TXX-09	4 5	TYPICAL ENCLOSURE SYSTEM - FWT-105B	04.05.21 30.05.22
DA-43E-TXX-10	1	TYPICAL ENCLOSURE SYSTEM - FWT-108	30.05.22
DA-43E-TXX-11	1	TYPICAL ENCLOSURE SYSTEM – FWT 401	30.05.22

4. STATUTORY CONTEXT

This section of the report provides an overview of the key statutory requirements relevant to the site and the project as proposed to be modified. It identifies the key statutory matters, including the power to grant consent, permissibility, other approvals, pre-conditions and mandatory considerations.

4.1. STATUTORY REQUIREMENTS

Table 6 categorises and summarises the relevant requirements in accordance with the DPE *State Significant Development Guidelines*. A detailed statutory compliance table for the modified project is provided at **Appendix B**.

Table 6 Identification of Statutory Requirements for the Project

Statutory Relevance	Action	Consistency with Approved Development
<i>Power to grant approval</i>	<p>The EPA Act establishes the framework for the assessment and approval of development and activities in NSW. The EPA Act also facilitates the making of environmental planning instruments which guide the way in which development should occur across the State, this is inclusive of State environmental planning policies and local environmental plans.</p> <p>Section 4.36 of the EPA Act provides for a process where development can be declared SSD either by a SEPP or Ministerial order published in the Government Gazette. Section 4.37 of the EPA Act provides that the Minister is the consent authority for SSD. Part 4, Division 4.7 of the EP&A Act sets out the provisions which apply to the assessment and determination of development applications for SSD.</p> <p>The proposal is subject to section 4.38 for State Significant Development.</p>	<p>The proposed modifications to SSD-10405 will remain consistent with this SEPP (as consolidated by the <i>State Environmental Planning Policy (Planning Systems) 2021</i>) and is appropriately characterised as SSD.</p>
Permissibility	<p>The <i>Sydney Local Environmental Plan 2012</i> (SLEP 2012) is the principle environmental planning instrument governing development on the site.</p> <p>The site is zoned B8 Metropolitan Centre under SLEP 2012.</p> <p>The land use objectives of the B8 Metropolitan Centre area:</p>	<p>The development as proposed to be modified will continue to meet the objectives of the B8 Metropolitan Centre Zone.</p> <p>The development as proposed to be modified will recognise and provide for the pre-eminent role of business, office and tourist premises within Central Sydney. The delivery of commercial</p>

Statutory Relevance	Action	Consistency with Approved Development
	<ul style="list-style-type: none"> ▪ To recognise and provide for the pre-eminent role of business, office, retail, entertainment and tourist premises in Australia's participation in the global economy. ▪ To provide opportunities for an intensity of land uses commensurate with Sydney's global status. ▪ To permit a diversity of compatible land uses characteristic of Sydney's global status and that serve the workforce, visitors and wider community. ▪ To encourage the use of alternatives to private motor vehicles, such as public transport, walking or cycling. ▪ To promote uses with active street frontages within podiums that contribute to the character of the street. ▪ To promote the efficient and orderly development of land in a compact urban centre. ▪ To promote a diversity of commercial opportunities varying in size, type and function, including new cultural, social and community facilities. ▪ To recognise the important role that Central Sydney's public spaces, streets and their amenity play in a global city. ▪ To promote the primary role of the zone as a centre for employment and permit residential and serviced apartment accommodation where they complement employment generating uses. 	<p>premises and tourist and visitor accommodation is commensurate with Sydney's global status and will further Australia's participation in the global economy, whilst the diversity of the proposed land uses will similarly serve visitors, employees and the wider community.</p> <p>The intensification of the use of the Site is appropriate for the location of the Site within the Sydney CBD.</p>
Other approvals		
No requirements for other approvals have been identified for the Modification Report.		

4.2. PRE-CONDITIONS

The relevant pre-conditions to exercising the power to grant approval were outlined in the EIS for the original SSDA. The pre-conditions which are relevant to the project as modified and the section where these matters are addressed within the report are summarised in **Table 7**.

Table 7 Pre-conditions

Statutory Reference	Pre-condition	Consistency with Approved Development
<i>Biodiversity Conservation Act 2016</i>	The purpose of the <i>Biodiversity Conservation Act 2016</i> (Biodiversity Act) is to “ <i>maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development</i> ”.	A BDAR waiver was issued by the NSW DPIE on 21 September 2020 for SSD-10405. A BDAR is not required to be prepared and submitted as part of the approved SSD application.
<i>State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4</i>	A consent authority must be satisfied that the land is suitable in its contaminated state - or will be suitable, after remediation - for the purpose for which the development is proposed to be carried out.	The proposed design modifications to the tower component of the approved development do not change the previous assessment of the development against the now-repealed SEPP 55, as outlined in the EIS.

4.3. MANDATORY CONSIDERATIONS

Table 8 outlines the relevant mandatory considerations to exercising the power to grant approval which were considered in the original SSDA.

Table 8 Mandatory Considerations

Statutory Reference	Mandatory Consideration	Section in Modification Report
Consideration under the EP&A Act and Regulation		
Section 1.3	Relevant objects of the EP&A Act	N/A – the minor nature of the proposed modifications does not result in any changes to the original assessment.
Section 4.15	Relevant environmental planning instruments	
	<i>State Environmental Planning Policy (Planning Systems) 2021</i>	N/A – the proposed modifications do not result in any impacts on the State

Statutory Reference	Mandatory Consideration	Section in Modification Report
		significance of the development.
	<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>	N/A – there are no changes proposed within this application which impact on the approved remediation works or requirement for further testing.
	<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	N/A – the nature of the proposed modifications does not result in any changes to the original assessment.
	<i>State Environmental Planning Policy (Biodiversity and Conservation)</i>	N/A – the nature of the proposed modifications does not result in any changes to the original assessment in relation to the Sydney Harbour Catchment.
	<i>Sydney Local Environmental Plan 2012</i>	Appendix B
	Relevant draft environmental planning instruments None relevant to the proposed modifications	N/A
	Relevant planning agreement or draft planning agreement None relevant to the proposed modifications.	N/A
	Development control plans <i>Sydney Development Control Plan 2012</i> <i>Western Gateway Sub-precinct Design Guide</i>	Appendix B
	The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.	Section 6 and 7
	The suitability of the site for the development	Section 8.5
	The public interest	Section 8.6

Statutory Reference	Mandatory Consideration	Section in Modification Report
Section 4.55	The proposed development is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all).	Section 3 and Section 6
Mandatory relevant considerations under EPIs		
<i>State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4</i>	<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> provides a state-wide planning approach for the remediation of land and aims to promote the remediation of contaminated land to reduce the risk of harm to human health or the environment.	N/A – refer above
Considerations under other legislation		
<i>Biodiversity Conservation Act 2016</i> (BC Act) – section 7.14	The likely impact of the proposed development on biodiversity values as assessed in the Biodiversity Development Assessment Report (BDAR). A BDAR Waiver was issued for the approved development and the modified proposal does not impact on these findings.	N/A – refer above
Development Control Plans		
Sydney DCP 2012	<p>Clause 11 of the SDR SEPP states that development control plans (whether made before or after the commencement of this Policy) do not apply to SSD.</p> <p>As such, there is no requirement for assessment of the proposal against the Sydney DCP 2012 for this modification application. Notwithstanding this, consideration has been given to the following relevant sections:</p> <ul style="list-style-type: none"> ▪ Section 2 – Locality Statements ▪ Section 3 – General Provisions 	Appendix B

5. ENGAGEMENT

Extensive consultation was undertaken with government agencies and adjoining landowners during the preparation of SSD-10405. The proposed modifications contained in this application are considered minor and are considered unlikely to impact on authorities/agencies, adjoining landowners, tenants and residents.

As part of the preparation of this application, the Applicant team has engaged with:

- Transport for NSW in their capacity as landowner and adjoining landowner;
- Department of Planning and Environment; and
- The Design Integrity Panel.

Accordingly, additional stakeholder and community engagements is not considered necessary prior to the lodgement of the Modification Application.

It is acknowledged that the Department may publicly notify the application and refer a copy to authorities/agencies for their review. Any submissions or referral responses will need to be addressed to facilitate the final assessment and determination of the application.

6. SECTION 4.55 ASSESSMENT

Section 4.55(1A) of the EP&A Act provides a mechanism for the modification of development consents granted by the consent authority and sets out statutory requirements for consideration by the consent authority in the assessment of such applications.

Section 4.55(1A) provides that a consent authority may, subject to and in accordance with the Regulations, modify a development consent if the development as proposed to be modified meets the following tests:

6.1. MINIMAL ENVIRONMENTAL IMPACT

Clause 4.55(1A)(a) of the EP&A Act requires the applicant to demonstrate that the proposed amendments are of minimal environmental impact.

The proposed modifications do not seek to change the overall height, building envelope or any public domain interface aspects of the approved development. The density and intensity of development is also substantially the same as that approved on the site.

In this regard, the proposed modifications will not be responsible for any additional environmental impacts beyond those assessed to be appropriate for the site under SD-10405.

6.2. SUBSTANTIALLY THE SAME DEVELOPMENT

Clause 4.55(1A)(b) of the EP&A Act requires the applicant to demonstrate that the proposed amendments will result in a development that is substantially the same as the development for which consent was originally granted.

The 'substantially the same' test requires a qualitative and quantitative analysis to be undertaken before and after the modification. *Moto Projects (No. 2) Pty Ltd v North Sydney Council* [1999] NSWLEC 280 states:

55. The requisite factual finding obviously requires a comparison between the development, as currently approved, and the development as proposed to be modified. The result of the comparison must be a finding that the modified development is “essentially or materially” the same as the approved development.

56. The comparative task does not merely involve a comparison of the physical features or components of the development as approved and modified where that comparative exercise is undertaken in some type of sterile vacuum. Rather, the comparison involves an appreciation, qualitative, as well as quantitative, of the developments being compared in their proper contexts (including the circumstances in which the development consent was granted)."

Consideration of the substantially the same development test should not only include the physical characteristics of the approved and modified schemes, but also the nature and magnitude of the impacts of the developments. In these respects, the modified scheme should be “essentially or materially” the same as that originally approved. The proposal has been assessed using both a quantitative and qualitative assessment to determine whether the modified development would be substantially the same as the approved development.

6.2.1. Quantitative Assessment

Table 9 below provides a summary of the key numerical features of the approved development against the proposed modifications and forms the basis of the quantitative assessment of the proposed modifications.

Table 9 Key Numerical Comparison Table

Element	Approved	Proposed	Extent of Change
Site Area	3,764m ²	3,764m ²	No Change
Maximum Height	RL 197.9m	RL 197.9m	No change
Storeys	39 storeys	39 storeys	No change

Element	Approved	Proposed	Extent of Change
Gross Floor Area	Office Premises: 63,281m ² Lobby/Retail/Food and Drink Premises: 2,542m ² Backpackers Accommodation: 8,386m ² Basement – 591m ² Shed Roof/OSD: 478m ² Total GFA: 75,278m²	Office Premises: 63,613m ² Lobby/Retail/Food and Drink Premises: 2,498m ² Backpackers Accommodation: 8,200m ² Basement: 870m ² Shed Roof/OSD: 477m ² Total GFA: 75,658m²	Office Premises: +332m² Lobby/Retail/Food and Drink Premises: -44m² Backpackers Accommodation: -186m² Basement: +279m² Shed Roof/OSD: -1m² Total GFA: +380m²
Loading and servicing bays	2 x Medium rigid vehicle bays 3 x Small rigid vehicle bays 4 x Van / courier bays 1 x Medium rigid vehicle bay for the Adina Hotel	2 x Medium rigid vehicle bays 3 x Small rigid vehicle bays 4 x Van / courier bays 1 x Medium rigid vehicle bay for the Adina Hotel	No change
Bicycle parking	336 EOT plus 30 for visitors	336 EOT plus 30 for visitors	No change
Hotel Beds	Approximately 492 beds	Approximately 492 beds	No change

Justification for the proposed additional floor space is provided in Section 7.2.3. The additional 380m² of GFA represents a 0.5% increase from that approved under SSD-10405. The additional floor space is contained within a building envelope that is the same as approved, and is therefore considered inconsequential and substantially the same as originally approved.

6.2.2. Qualitative Assessment

A qualitative assessment of the proposal also needs to be undertaken based on the context in which the original SSD was approved.

The proposed modifications do not substantially change the development for which was originally granted for reasons outlined below:

- **Character of the development:** The nature and essence of the development is unchanged from that originally approved, as the development continues to be an Office and Hotel Tower with Adaptive Reuse of the Former Inwards Parcels Shed.
- **Built Form and Design:** The proposed modifications are mainly internal structure and floor plate modifications. The proposed minor glazing changes to the façade do not alter the overall design of the built form and will therefore result in a visual presentation that is substantially the same as that originally approved.

- **Design Excellence:** The proposed modifications will enable the development to achieve the same degree of Design Excellence as originally approved, noting that the proposed modifications have been presented to and endorsed by the DIP.
- **Heritage and Public Domain:** The proposed modifications are to the Tower levels only. No change is proposed to the items of heritage significance including the Former Inwards Parcels Shed or public domain interface with the Central Station Precinct
- **External Amenity:** The proposed modifications are contained within a compliant building envelope which ensures that there is no additional overshadowing to Prince Alfred Park. Potential acoustic impacts have been assessed and are considered insignificant or are able to be managed by appropriate mitigation measures.

The assessment provided within this report as well as the accompanying plans and documentation demonstrate that the physical characteristics and internal and external impacts of the modified development are limited in nature and therefore remain substantially the same as originally approved.

It is therefore considered appropriate for the proposed modifications to be assessed and approved under Section 4.55(1A) of the EP&A Act.

7. ASSESSMENT OF IMPACTS

This section provides a comprehensive summary of the updated technical studies undertaken to assess the potential impacts of the proposed modifications and the updated mitigation, minimisation and management measures recommended to avoid unacceptable impacts.

The detailed technical reports and plans prepared by specialists and appended to the Modification Report are individually referenced within the following sections.

7.1. STATUTORY ASSESSMENT

The proposed modifications are relatively minor in nature and will not have any substantive changes to the compliance of the approved development as outlined in detail in the original assessment. **Appendix B** of this report summarises the compliance of the modified proposal with the relevant statutory controls.

7.2. ASSESSMENT OF IMPACTS

This section addresses the matters which require a standard assessment. It outlines the findings of the assessment at key mitigation measures used to ensure compliance with the relevant standards or performance measures.

7.2.1. Built Form

The proposed modifications affecting the approved built form include re-stacking of the structure to accommodate thicker slabs at Level 11 and Level 19. The proposed restacking has created floor-to-floor height changes as outlined in Section 3.2.1 above and the accompanying Design Report and Architectural Plans at provided at **Appendix D**.

The proposed re-stacking and changes to floor-to-floor heights do not alter the approved tower height of RL197.90m and the proposed structural design changes fit within the allowable planning envelope.

The proposed modification is therefore considered inconsequential and will not have any discernible impact on the approved development but will allow for improved functionality.

The proposed changes to the Crown levels, particularly moving the façade-facing terraces inward and removing the external stairs will have a positive impact as it allows the built form to continue to comply with the sun access plane for Prince Alfred Park and enables more greening and better functionality of the terraces while resulting in the same high level of amenity for workers and visitors to those levels, as demonstrated in the render comparisons below.

Figure 13 Crown render comparison



15 FIGURE 1- CROWN AERIAL VIEW - PREVIOUS DESIGN

Picture 5 Approved Crown design

Source: SHoP BVN



1.15 FIGURE 2- CROWN AERIAL VIEW - PROPOSED DESIGN

Picture 6 Modified Crown design

7.2.2. Façade and Building Articulation

YHA North Atrium Façade Design Development

Proposed modifications include the introduction of a series of awning windows along the north-facing façade elevation. The awning windows are located along the double-height atrium only. Each row will have three windows per panel, consistent with the serrated office facade design above Level 7.

Proposed safety screens fit cleanly behind the approved operable mullion details and will not add any additional view obstructions. Updates to vertical modulation of units and operable louvres are also proposed to the YHA Levels 1 - 5.

The proposed modifications will introduce an operable window within most of the YHA rooms which will allow for natural ventilation. However, it is noted that the YHA is approved as a fully mechanically ventilated space, and this will be retained through the proposed modifications. The proposed modifications will not have any discernible visual impact when compared with the approved development, as demonstrated in the render comparisons below.

Figure 14 Render comparisons of approved and proposed YHA facade



1.16 FIGURE 1- TOWER VIEW FROM LEE STREET - PREVIOUS DESIGN



2.16 FIGURE 2- TOWER VIEW FROM LEE STREET - PROPOSED DESIGN

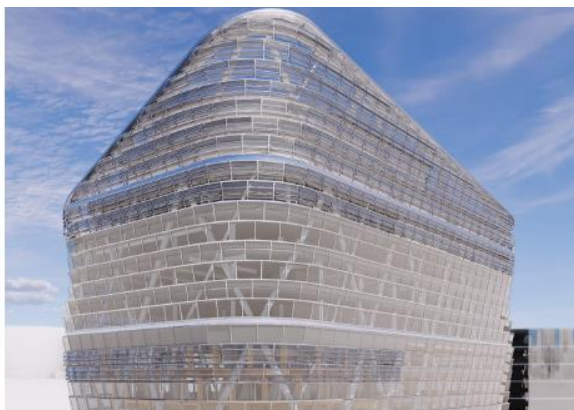
Source: SHoP BVN

Crown Façade Design Development

Proposed modifications include changing the fixed glazed louvres on the north, south and west elevation to fixed glazed panels. A vertical plenum is provided through the approved mechanical louvres on the interior façade into the vertical space between facades only. The Crown ring beam is proposed to be changed from an architecturally exposed steel section to a powder coated aluminium clad steel section, which will enhance the legibility of these elements of the building from the public realm.

The proposed modifications will have a limited discernability from the public realm, and where perceivable will positively contribute to the building design as demonstrated in the render comparisons below.

Figure 15 Render comparisons of approved and proposed Crown facade



1.5 FIGURE 3 - PREVIOUS DESIGN: CROWN EXTERIOR FACADE TO BE FIXED GLASS LOUVRES - VIEW FROM NORTH WEST



1.5 FIGURE 4 - PROPOSED DESIGN: CROWN EXTERIOR FACADE TO BE FIXED GLAZING - VIEW FROM NORTH WEST

Source: SHoP BVN

Tower Façade Design Development

Proposed modifications include changing exterior finishes to powder coated aluminium, extent of non-thermal facade reduced to 3 floors per habitat for office levels T-7-T34 and extent of fixed glazing panels are proposed to be increased to include Crown and habitat level 4s on office and Crown levels T07-T40.

On Crown plant levels T38-T40 all fixed glazed louvres are proposed to be changed to fixed glazing panels.

The proposed modifications to the façade design do not have a material impact on the ESD performance of the building, as confirmed in the letter prepared by LCI and Stantec at **Appendix H**.

In addition, it is considered that the proposed façade modifications will not have any discernible visual impact as demonstrated on the render comparisons below.

Figure 16 Tower render comparisons of approved and proposed tower facade



2.16 FIGURE 1- TOWER VIEW FROM LEE STREET - PREVIOUS DESIGN



2.16 FIGURE 2- TOWER VIEW FROM LEE STREET - PROPOSED DESIGN

Source: SHoP BVN

7.2.3. Additional Floor Space

The proposed extension of the Level 4 floorplate in each habitat to the façade will result in an increase in GFA of approximately 1,400m² across the building. In addition, the reduction in the tower core has increased the floorplate on each level of the tower.

However, when calculating these design changes, it has been identified the approved plans had over-calculated the GFA on the site and included areas which are not within the definition of GFA.

As part of this modification a GFA audit has been undertaken by the architectural design team in accordance with the LEP definition of GFA. Based on this audit, the proposed modifications will result in a total of 380m² of additional GFA. These modifications and recalculations of GFA result in a total proposed GFA for the

development of 75,658m², which complies with the maximum 77,000m² GFA control which applies to the site.

7.2.4. Design Excellence

Condition A9 of the development consent requires that the established Design Integrity Panel (**DIP**) shall be retained throughout the detailed design and construction phases of the development and are required to review the design prior to the lodgement of any planning modification which modifies the design.

The proposed modifications have been presented to and endorsed by the DIP on 21st June 2022, which comprised:

- Olivia Hyde (GANSW) – Panel Chair
- Grahame Jahn (CoS)
- Edwin Chan
- Kim Crestani

The DIP, in their letter dated 18 July 2022 (**Appendix C**) agree that the development as proposed to be modified continues to maintain design excellence in accordance with the original jury recommendation dated 3 November 2020.

7.2.5. Acoustic Impact

The proposed modifications have been reviewed by Stantec in their letter provided at **Appendix E**.

The Acoustic assessment confirms that there will be no significant impact on Acoustics for the majority of the proposed modifications, and has provided the following comments on the remainder:

- Floor to floor heights adjusted throughout tower – No impact on acoustics provided that minimum requirements for floor build-ups are met, as outlined in Acoustic Specification.
- T06 Plant redesign – requires acoustic review, however noise is expected to be able to be managed through noise mitigation measures comparable to those outlined in Acoustic Specification.
- Exterior decorative fixed louvers changed from laminated glass to powder coated aluminium and Interior acoustic louver wall integrated in outer wall system – Requires acoustic review. Provided acoustic louvre system achieves minimum performance requirement as per Acoustic Specification this change should have minimal impact on acoustics.
- Fixed louver and fixed powder coated aluminium louver screen at Crown levels – Minimum performance requirement dependant on T06 Plant Redesign. However, noise is expected to be able to be managed through sound insulation measures comparable to those outlined in Acoustic Specification.
- YHA Level 2 – 5 modifications - Review required of plantroom reconfiguration to mitigate any potential noise paths to adjacencies. No significant impact expected on design.
- YHA Typical Section modifications - No significant impact on Acoustics provided that minimum requirements for floor build-ups as outlined in Acoustic Specification are met, particularly for floor separating Level 5 Accommodation and Level 6 Plantroom.

Overall, the assessment confirms that the proposed modifications do not have a significant impact on the design as it relates to Acoustics.

7.2.6. Ecological Sustainable Development (ESD) and Services

LCI and Stantec have reviewed the modification application. The attached ESD and Services Statement (**Appendix H**) confirms that the proposed modifications do not have any material impact on the incoming utility services and the ESD performance of the development as approved.

7.2.7. Building Code of Australia

The proposed modifications have been reviewed by Philip Chun Building Compliance. The accompanying BCA Capability Report (**Appendix F**) confirms that the proposed modifications are capable of compliance with BCA 2019 Amendment 1.

Furthermore, the proposed modifications have been reviewed by Holmes Fire. The Fire Statement provide at **Appendix G** confirms that the proposed modifications do not impact on the proposed fire engineering performance solutions.

It is noted that the proposed Level 4 floorplate extension in each habitat has been informed by the fire safety advice prepared by Holmes Fire.

The fire safety advice states that the reduction of the habitat atriums from 4 storeys as approved, to three storeys as proposed is expected to improve the fire safety design of the building as it will reduce the likelihood of smoke spread between office floors via the atriums, thereby enhancing the fire engineering strategy for the building.

It is therefore considered that the floor plate extensions result in a better planning outcome from a fire safety perspective.

8. JUSTIFICATION OF MODIFIED PROJECT

This section of the report provides a comprehensive evaluation of the modified proposal having regard to its economic, environmental and social impacts, including the principles of ecologically sustainable development.

It assesses the potential benefits and impacts of the proposed modifications, considering the interaction between the findings in the detailed assessments and the compliance of the proposal within the relevant controls and policies.

8.1. PROJECT DESIGN

The proposed design modifications are minor and generally relate to minor structural reconfiguration, minor floor plate reconfiguration, and design development of façade detailing.

The proposed modifications are restricted to the tower form only, with no changes being proposed to the Parcel Sheds or public domain components.

8.2. STRATEGIC CONTEXT

As outlined in **Section 2**, the development as proposed to be modified has strong strategic merit:

- The project aligns with the State and regional strategic planning policy as the proposal supports the growth of a new technology and innovation precinct in the heart of Sydney which is focused on operating at a global level.
- The proposal is aligned with strategic policy objectives as it will provide for employment growth in new tower clusters and reaffirm a commitment to design excellence and sustainability.
- The proposal as modified is consistent with relevant State and local strategic plans and complies with the relevant State and local planning controls.

8.3. STATUTORY CONTEXT

The NSW Land and Environment Court has established several precedents on what may be considered as being 'substantially the same development'. This should include the physical characteristics of the approved and modified schemes, but also the nature and magnitude of the impacts of the developments. In these respects, the modified scheme should be 'essentially or materially' the same as that originally approved for the following reasons:

- Key metrics such as height of building, number of storeys and parking are not changing.
- While there is a proposed increase in floor space from 75,278m² to 75,658m², the additional floor space will be contained within the approved building envelope.
- The modified development does not propose any changes to the approved land uses on site.
- The proposed façade updates will be indiscernible when viewed from the public domain and do not impact on the environmental performance of the building.
- The minor internal and external changes result in no adverse environmental outcomes.
- The other internal changes are minor and generally relate to a reconfiguration of floor plates, changes to servicing and circulation to improve the functionality and serviceability of the development. No material impacts arise from the proposed changes.

Further to the above, the potential environmental impacts of the proposed amendments are minimal and can be considered under the provisions of Section 4.55(1A) as:

- The changes are minor and generally relate to design development. No material impacts arise from the proposed changes.
- As outlined in Section 6, the proposed modifications will not create additional environmental impacts in terms of built form, noise, environmental performance, visual impact and amenity.

- The modified proposal will facilitate the orderly and economic development of site in accordance with the relevant planning controls.

In accordance with Section 4.55(1A)(c) of the EP&A Act the Council can undertake any relevant notification of the proposed modification in accordance with the regulations and any development control plan.

8.4. LIKELY IMPACTS OF THE MODIFIED PROPOSAL

The modified proposal has been assessed considering the potential environmental, economic and social impacts as outlined below:

- **Natural Environment:** the proposed modifications address the principles of ESD in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2000 (EP&A Regulation)* and as outlined below:
 - Precautionary principle: the precautionary principle relates to uncertainty around potential environmental impacts and where a threat of serious or irreversible environmental damage exists, lack of scientific certainty should not be a reason for preventing measures to prevent environmental degradation. The proposed design changes to the tower component of the development are minor and will not have any impact on the original assessment in regard to the precautionary principle.
 - Intergenerational equity: the needs of future generations are considered in decision making and that environmental values are maintained or improved for the benefit of future generations. The proposed design changes to the tower component of the development are minor and will not have any impact on the original assessment in regard to intergenerational equity.
 - Conservation of biological diversity and ecological integrity: The proposed modifications are related to tower design changes and will not have any impact on biological diversity or ecological integrity.
 - Improved valuation, pricing and incentive mechanisms: this requires the holistic consideration of environmental resources that may be affected as a result of the development including air, water and the biological realm. It places a high importance on the economic cost to environmental impacts and places a value on waste generation and environmental degradation. The proposed modifications are minor and will not have any impact on the original assessment in regard to this issue.
- **Built Environment:** The modified proposal complies with the land use and built form controls for the Western Gateway Sub-precinct. While there is a proposed increase to the approved floor space, the FSR remains below the maximum prescribed under Sydney LEP 2012. The additional floor space is also contained within a building envelope that is substantially the same as approved. It is therefore considered that the proposed floor space modifications will not result in any additional impact beyond those already assessed and approved.
- **Social and Economic:** The proposed development as modified will generate positive social and economic impacts as originally assessed. Positive social impacts associated with the proposed development include increased employment opportunities, alignment with community aspirations, enhanced visual character, activation and amenity, and access to services and facilities.

The delivery of the proposal as modified has economic significance as it will be the catalytic project for the creation of a new state-of-the-art high density innovation precinct, generating more than 4,000 jobs, mostly knowledge and innovation-based, in a uniquely connected location.

The potential impacts can be mitigated, minimised or managed through the measures discussed in detail within **Section 6** of this Modification Report.

8.5. SUITABILITY OF THE SITE

The site is considered highly suitable for the modified proposal for the following reasons:

- The land uses contained within the development will remain unchanged and are permissible within the existing B8 Metropolitan Centre zone. The development will be an anchor building within the new TechCentral Precinct and will support the long-term development of an innovation precinct in central Sydney.

- The built form will remain largely unchanged from the originally approved development, while the proposed façade updates will be visually indiscernible from that approved. It is therefore considered that the built form as modified continues to sit comfortably in its context.
- The modifications will improve circulation and amenity for future users of the building.
- The existing transport and service network servicing the Site will not have greater pressure or demand due to the changes proposed in this modification application.

The modification application does not propose significant amendments or a change of use to the approved development that would make it unsuitable for the Site. The development as modified will remain suitable for the Site for the reasons stated in the original approval of SSD-10405.

8.6. PUBLIC INTEREST

The development as modified is considered in the public interest for the following reasons:

- The proposed modifications are consistent with relevant State and local strategic plans and complies with the relevant State and local planning controls.
- No adverse environmental, social or economic impacts will result from the proposed modifications.
- The uses within the building are permissible with consent and are consistent with the zone objectives and will remain unchanged from those originally approved.
- The proposed modifications allow for improved structural performance, circulation and services reconfiguration while achieving the same high level of environmental performance as originally approved.
- The proposed façade updates will achieve the same high degree of design excellence as originally approved.

Having considered all relevant matters, we conclude the development as modified is appropriate for the site and approval is recommended.

DISCLAIMER

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