



CP/MO
13176
24 July 2017

Ms Carolyn McNally
Secretary
Department of Planning and Environment
320 Pitt Street
SYDNEY NSW 2000

Attention: Ben Lusher (Director, Key Sites Assessments)

Dear Ben,

**SECTION 96(1A) MODIFICATION APPLICATION SSD-6011
SICEEP, DARLING SQUARE, SOUTH-WEST PLOT**

On behalf of Lendlease (Haymarket) Pty Ltd we hereby submit an application pursuant to section 96(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify Development Consent SSD-6011 relating to the development of the South-West Plot in Darling Square, which is part of the Sydney International Convention, Exhibition and Entertainment Precinct (SICEEP) at Darling Harbour, Sydney.

The modification results from further design development of the approved building and public domain. The amendments that approval is sought for include:

- replanning of retail amenities and bicycle storage areas;
- inclusion of additional retail tenancy flood barriers to Tumbalong Boulevard;
- inclusion of Building Maintenance Unit (BMU) access penetrations with infill doors to Level 40 of the South West Tower 3 (SW3) east and west facades;
- inclusion of high level mechanical louvres for fresh air intake to the SW2 Lobby façade;
- inclusion of high level mechanical louvres for fresh air intake to Boulevard retail;
- notation to the retail shopfronts below the SW1 & SW3 cores as 'illustrative to future approval';
- refinement to Steam Mill Lane design, including installation of fixed and moveable furniture;
- installation of catenary public art in Steam Mill Lane;
- update and refinement to design of the Boulevard; and
- Refinement to street planting along Hay Street.

The proposed amendments are of minimal environmental impact and result in a development that is substantially the same as originally approved. The changes support the delivery of a key mixed-use component of Darling Square that will contribute to the success of a vibrant and diverse community.

This application identifies the consent, describes the proposed modifications and provides an assessment of the relevant matters contained in Section 96(1A) of the EP&A Act. This application is accompanied by:

- Updated Architectural Drawings prepared by Denton Corker Marshall (**Attachment A**);
- Landscape Design Statement prepared by Aspect Studios (**Attachment B**);
- Updated Landscape Drawings prepared by Aspect Studios (**Attachment C**).

1.0 BACKGROUND

1.1 Context

With an area of approximately 20 hectares, the SICEEP Site is bounded by the Light Rail Line to the west, Harbourside Shopping Centre and Cockle Bay to the north, Darling Quarter, the Chinese Garden and Harbour Street to the east, and Hay Street to the south. This modification application specifically relates to the South-West Plot and surrounds (see **Figure 1**) within the Southern Precinct (Darling Square) of SICEEP as detailed in the architectural and landscape plans submitted in support of this modification application.

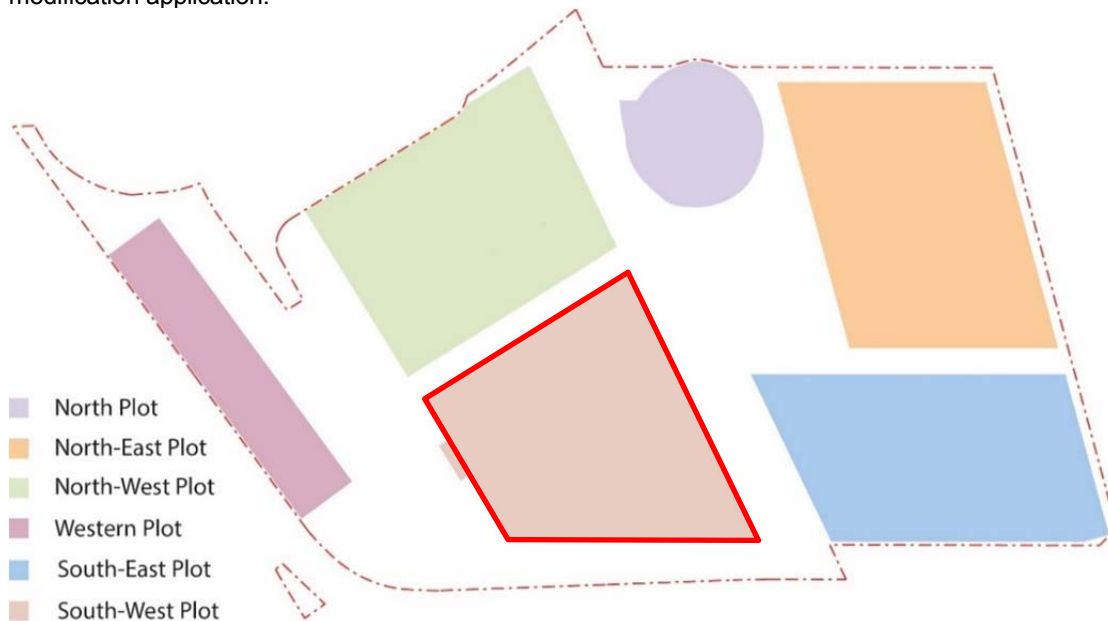


Figure 1 – Concept Proposal Development Plots (site outlined in red)

1.2 Consent proposed to be modified

Development Consent SSD-6011 (SSDA 5) was granted on 21 May 2014 by the Planning Assessment Commission as delegate of the Minister for Planning for the following development:

- site preparation works including staged demolition of existing structures, tree removal and site remediation as required;
- staged construction of 8 storey, 25 storey and 40 storey residential buildings including a 5 storey podium, to be used for:
 - non-residential uses on ground and first floor levels;
 - above ground car parking and storage; and
 - residential apartments;
- various public domain improvements including construction of part of the Boulevard, east-west pedestrian laneway, new lift and stair connecting to the Macarthur Street elevated pedestrian footbridge and other associated landscaping;
- provision of a vehicle access point at Hay Street and drop-off facility on Darling Drive; and
- provision of signage zones.

There have been two modifications to the consent. The first modification (MOD 1) was approved under delegation by the NSW Department of Planning and Environment on 27 July 2015. This modification included the following amendments:

- alterations to windows, balconies, privacy screens, canopies, balustrades and materials selection;
- minor realignment of finished levels to some ground level commercial tenancies;
- provision of one additional apartment at Level 14 of Building SW3 in lieu of a redundant plant room;

- removal of fixed furniture, stairs, and the regrading of ramps at Dickson's Lane; and
- amendment of Condition C36 to allow for a variety of waterproofing methods rather than tanking.

The second modification (MOD 2) was approved under delegation by the NSW Department of Planning and Environment on 14 March 2017. This modification included the following amendments:

- deletion of the IQ Hub and replacement with retail uses (resulting from the proposed relocation of the IQ Hub to the North Plot);
- increased size of ground floor retail tenancies;
- changes to residential tower lobbies;
- installation of flood barriers to retail tenancies;
- changes to upper level window patterns; and
- minor internal alterations, such as back of house areas.

A separate development application (D/2017/621) is currently under assessment by City of Sydney Council for the construction of shopfronts in the SW Plot.

1.3 Interface with SSD-6013

The Darling Square Precinct comprises a number of separate development stages (plots) with separate development consents. The boundary between the North West Plot and the South West Plot is near the centre-line of Steam Mill Lane (formerly referred to as Dickson's Lane). Any modifications to Steam Mill Lane accordingly affect both development consents. A concurrent modification application to the North West Plot (MOD 4) is submitted to the Department of Planning and Environment with this subject application, with the proposed changes to Steam Mill Lane intended to be considered holistically across the two applications.

1.4 Interface with SSD-7021

To ensure consistency with that portion of the Boulevard that formed part of the development consent and works under the North Plot (SSD-7021), adjustments to the design are proposed under this modification application (seeing as the South-West Plot included approval of the Boulevard in its entirety).

1.5 Consultation

Lendlease (the proponent) has undertaken consultation with the landowner for the site, Place Management NSW, as well as INSW as part of the progression of the design development to inform this modification application.

Discussions have also occurred with TransDev with respect to the changes to the planting along Hay Street and its interface with the light rail corridor.

2.0 PROPOSED MODIFICATIONS TO CONSENT

2.1 Modifications to the Development

The changes detailed below reflect the natural evolution that occurs within the development process and particularly in the case of significant mixed-use developments such as the South-West Plot and expansive public domain areas. The key changes to the approved development are outlined below and further in the updated architectural drawings prepared by Denton Corker Marshall (**Attachment A**) and updated Drawings and Landscape Statement prepared by Aspect (**Attachment B and C**).

Architectural Design Changes

Replan of retail amenities and bicycle storage areas (refer to Item 1 on DCM plans)

The area surrounding the retail amenities and bicycle storage areas has been adjusted due to construction constraints which include the existence of in-situ footings from the previous building which will prevent plumbing work to be accessible under the previous design. There is no change to the quantum or quality of facilities.

Inclusion of additional retail flood barriers to Tumbalong Boulevard (refer to Item 2 on DCM plans)

The scheme as approved under MOD2 includes two flood gates within the retail tenancy fronting Tumbalong Boulevard. Due to market feedback on the size of retail tenancies preferred by prospective tenants in the precinct, a single tenancy has been split into three smaller tenancies (subject of a separate approval). This change will see two additional retail entry doors facing Tumbalong Boulevard, each requiring an individual flood gate.

Inclusion of BMU access penetrations with infill doors to Level 40 of the SW3 Tower east and west facades (refer to Item 3 on DCM plans)

Due to safety requirements associated with cleaning and maintaining the eastern and western elevations of SW3 (the 40-storey tower component of the South-West Plot), rope access to building facades is not possible and a BMU is required to service these façade to avoid the danger of abseiling from this height. When in operation the BMU unit will extend through the façade from Level 40 via operable access doors that will only open when the BMU is periodically in use. These doors will be engineered to sit immediately flush against the façade and be colour matched to surrounding finishes to ensure a consistent and architecturally seamless façade. **Figures 2 and 3**, which provide details of the doors for when the BMU is both operational and in-active, reinforce the strategy to sensitively integrate this functional requirement of the building.

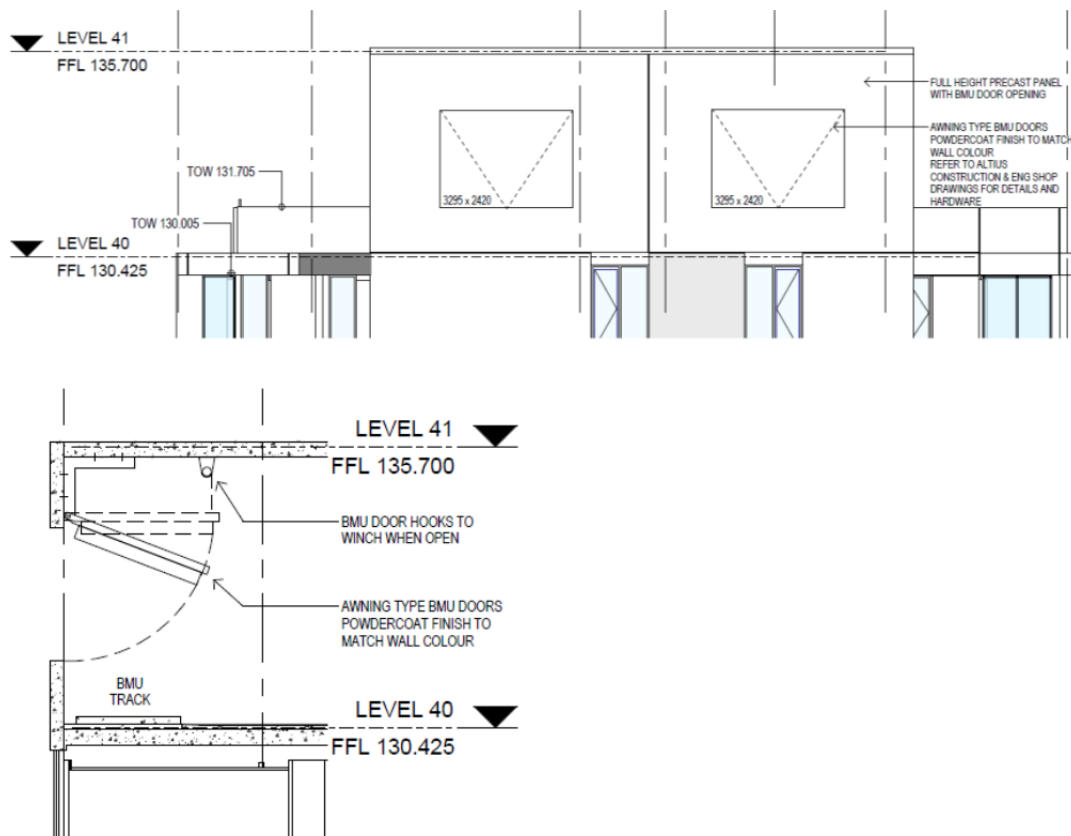


Figure 2 – BMU access door details
Source: Lendlease

Inclusion of high level mechanical louvres to the SW2 lobby façade (refer to Item 4 on DCM plans)

Due to the high ceilings and the extent of east facing glazing on the SW2 lobby façade, additional architectural louvres have been introduced above the awning to provide additional fresh air intake to mitigate potential glare and heat loading from morning sunlight.

Inclusion of high level mechanical louvres to Boulevard Retail (refer to Item 5 on DCM plans)

Due to the high ceilings and the extent of east facing glazing on this retail tenancy, additional architectural louvres have been introduced above the awning to provide additional fresh air intake to mitigate potential glare and heat loading from morning sunlight.

Notation to the retail shopfronts below the SW1 and SW3 cores as 'illustrative to future approval' (refer to Item 6 on DCM plans)

The extent of retail shopfronts subject to future DA approvals has expanded. The additional tenancies to be subject to future DA approvals are annotated in blue in the updated architectural drawings. These additional tenancies are the subject of the current DA under assessment by Council (D/2017/621).

Public Domain Design Changes

Installation of fixed and moveable furniture proposed in Steam Mill Lane

A combination of fixed and moveable furniture is proposed to be installed at the edges of the terraces. The fixed components will comprise low seating with stone and timber elements. The moveable elements will support retailers to trade out from their tenancies. The proposed fixed furniture layout within the South West Plot is shown in **Figures 3 and 4**.

Installation of catenary public art in Steam Mill Lane

An integrated light-based artwork with several individual pieces is proposed to be installed within Steam Mill Lane as catenary lighting. Each piece will have the appearance of abstract signage during the day, and neon lights at night. The artwork is to be sensitive to the character of three distinct zones that differ in terms of scale, shape, size, character and intended viewing position. The majority of artwork installations are proposed predominantly within the South West Plot, with only portions of some of the works entering land comprising the North West Plot. The location of the artwork zones and indicative positioning of each of the artworks within the two plots is shown in **Figure 3**.

Further detail of the proposed artwork can be seen in **Attachment B**. It should be noted, however, that further modifications to the design of the artwork is likely as the concept is further developed for implementation by the artist. For this reason, the proponent requests a condition of consent to allow the final design and location of the artwork to be approved by the Secretary of the Department of Planning and Environment. Proposed wording for this condition is presented for consideration in **Section 2.2**.

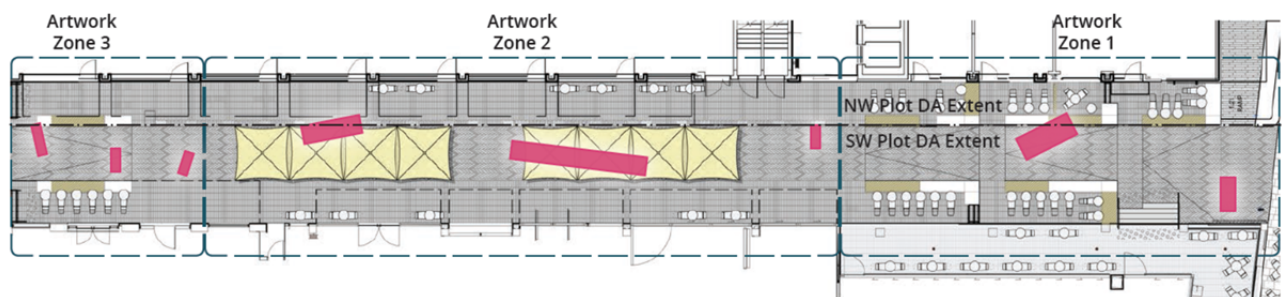


Figure 3 – Proposed furniture and artwork at the interface of SSD-6013, Steam Mill Lane

Source: Aspect Studios



Figure 4 – Proposed fixed seating
Source: Aspect Studios

Tumbalong Boulevard Design Refinements

In order to reinforce the three distinct characters of the Boulevard as it transitions from Cockle Bay to Central Station (refer to **Figure 5**), Aspect Studios have refined the design approach to the Boulevard for the Darling Square section.

The refinement relates to the eastern 9m wide portion of the Boulevard (refer to **Figure 6**), with the western 11m zone remaining as the main thoroughfare predominantly free of planting, furniture or fixtures. The changes seek to reinforce the function of this eastern space a 'stroll garden', a deeply planted, meandering space that provides green respite from the west and a greater variety of spaces to pause and to linger such as generous fixed furniture elements and communal tables.



Figure 5 – Proposed fixed seating
Source: Aspect Studies



Figure 6 – Proposed fixed seating
Source: Aspect Studies

Hay Street planting refinement

In response to constraints identified through the detailed design phase in terms of opportunities for planting along Hay Street, there is proposed to be an adjustment of the planting approach. The changes relate the provision of palm trees along either side of the Hay Street footpath.

This solution has been developed in consultation with TransDev (operators of the light rail corridor), with the following benefits identified:

- two rows of a columnar, evergreen species would provide important greening to a corridor otherwise dominated by hard services.
- The species selected provide adequate provision of access for maintenance of the rail corridor.
- The species has minimal leaf/frond drop, reducing incidence of maintenance affecting the light rail corridor, and can cope well with reduced soil volumes compared to trees.
- The species is also consistent with east-west gully planting to the north of Pier Street and adjacent the western distributor.

2.2 Modifications to Conditions

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

SCHEDULE 2

Development Description

CONDITION A3 - *The applicant shall carry out the project generally in accordance with the:*

- a) *State Significant Development Application SSD 6011;*
- b) *Environmental impact Statement prepared by JBA Urban Planning Consultants Pty Ltd, dated May 2013;*
- c) *Response to Submissions report prepared by JBA Urban Planning Consultants Pty Ltd, dated February 2014;*
- d) *The Section 96(1A) modification SSD 6011, prepared by JBA Urban Planning Consultants Pty Ltd, dated 5 May 2015;*
- e) *The Section 96(1A) modification SSD 6011, prepared by JBA Urban Planning Consultants Pty Ltd, dated 6 December 2016;*
- f) ***The Section 96(1A) modification SSD 6011, prepared by JBA Urban Planning Consultants Pty Ltd, dated 24 July 2017;***
- g) *The conditions of this consent; and*
- h) *The following drawings, except for:*
 - (i) *any modifications which are Exempt or Complying Development;*
 - (ii) *otherwise provided by the conditions of this consent.*

Architectural (or Design) Drawings prepared by Denton Corker Marshall			
Drawing No.	Revision	Name of Plan	Date
SK-001	P5	EXISTING SITE AND DEMOLITION PLAN	31/01/2014
SK-002	P8	SITE PLAN – PROPOSED	27/02/2014
SK-011	P11 P13	GROUND LEVEL PLAN	NOVEMBER 2016 04/07/2017
SK-012	P10	LEVEL 01 PLAN	NOVEMBER 2016
SK-013	P10	LEVEL 02 PLAN	13/04/2015
SK-019	P10	LEVEL 03 PLAN	13/04/2015
SK-020	P10	LEVEL 04 PLAN	13/04/2015
SK-014	P9	PODIUM ROOF PLAN	13/04/2015
SK-015	P9	TYPICAL TOWER PLAN	13/04/2015
SK-016	P10	ROOF PLAN	NOVEMBER 2016

SK-040	P9	SW1 TYPICAL PODIUM PLAN – LEVELS 01-04	13/04/2015
SK-041	P10	SW1 PODIUM ROOF PLAN – LEVEL 05	13/04/2015
SK-050	P12	SW1 LOWER TOWER PLAN – LEVELS 06-19	13/04/2015
SK-051	P10	SW1 UPPER TOWER PLAN – LEVELS 20-23	13/04/2015
SK-053	P12	SW1 UPPER TOWER PLAN – LEVEL 24	13/04/2015
SK-042	P10	SW2 TYPICAL PODIUM PLAN – LEVELS 02-04	13/04/2015
SK-043	P10	SW2 PODIUM PLAN – LEVEL 05	13/04/2015
SK-052	P10	SW2 TYPICAL PODIUM PLAN – LEVELS 06-07	13/04/2015
SK-044	P11	SW3 TYPICAL PODIUM PLAN – LEVELS 01-04	13/04/2015
SK-045	P10	SW3 PODIUM ROOF PLAN – LEVEL 5	13/04/2015
SK-054	P11	SW3 TYPICAL TOWER PLAN LEVELS 06-36	13/04/2015
SK-055	P11	SW3 UPPER TOWER PLAN LEVELS 37-39	13/04/2015
SK-101	P11 P12	NORTH ELEVATION	NOVEMBER 2016 04/07/2017
SK-102	P12	SOUTH ELEVATION	NOVEMBER 2016
SK-103	P10 P12	EAST ELEVATION	NOVEMBER 2016 04/07/2017
SK-104	P10 P11	WEST ELEVATION	NOVEMBER 2016 04/07/2017
SK-111	P10	NORTH PODIUM ELEVATION	NOVEMBER 2016
SK-112	P11 P12	SOUTH PODIUM ELEVATION	NOVEMBER 2016 04/07/2017
SK-113	P12 P13	EAST PODIUM ELEVATION	NOVEMBER 2016 04/07/2017
SK-114	P11 P12	WEST PODIUM ELEVATION	NOVEMBER 2016 04/07/2017
SK-201	P8	SECTION AA	NOVEMBER 2016
SK-202	P8	SECTION BB	NOVEMBER 2016
SK-203	P8	SECTION CC	NOVEMBER 2016
SK-204	P8	SECTION DD	13/04/2015
SK-205	P7	SECTION EE	13/04/2015
SK-211	P7	PUBLIC REALM INTERFACE SECTION 1 – THE BOULEVARD	13/04/2015
SK-212	P7	PUBLIC REALM INTERFACE SECTION 2 – HAY STREET	16/09/2013
SK-213	P8	PRI Section 3 – Darling Drive	NOVEMBER 2016
SK-214	P7	PUBLIC REALM INTERFACE SECTION 4 – DICKSON'S LANE	13/09/2013
SK-227	P5	PODIUM – BAY STUDY EAST FACE	31/01/2014
SK-228	P5	PODIUM – BAY STUDY CARPARK NORTH FACE	31/01/2014
SK-220	P6	SW1 – BAY STUDY NORTH BALCONIES	13/04/2015
SK-221	P5	SW1 – BAY STUDY END WALLS	31/01/2014
SK-222	P6	SW1 – BAY STUDY SOUTH FACE	31/01/2014
SK-229	P5	SW1 – Bay Study	NOVEMBER 2016
SK-226	P6	SW2 – BAY STUDY EAST FACE	13/04/2015
SK-223	P7	SW3 – BAY STUDY NORTH FACADE	13/04/2015
SK-224	P6	SW3 – BAY STUDY END WALLS	13/04/2015
SK-225	P7	SW3 – BAY STUDY SOUTH FACE	13/04/2015
SK-120	P9	MATERIALS SCHEDULE	13/04/2015
Landscape Drawings prepared by Sturt Associates			
Drawing No.	Revision	Name of Plan	Date
DA-1308-01	H	LANDSCAPE PLAN	1 APR 2015
DA-1308-04	D	LANDSCAPE SECTIONS	09 SEP 2013
DA-1308-05	C	PLANT SCHEDULE	16 MAR 2015
Landscape Drawings prepared by Hassell Limited & ASPECT Studios			
Drawing No.	Revision	Name of Plan	Date
L001	A	DRAWING LIST	APRIL 2015

L101	G	TREE REMOVAL PLAN	13.01.14
L201	A C	GENERAL ARRANGEMENT	APRIL 2015 June 2017
L202	H	DICKSON'S LANE PLAN	27.01.14
L210	H C	PAVING PLAN	27.01.14 June 2017
L211	H C	PLANTING PLAN	27.01.14 June 2017
L212	H C	URBAN ELEMENTS PLAN	27.01.14 June 2017
L301	H	SECTIONAL ELEVATIONS	27.01.14
L302	H	SECTIONAL ELEVATIONS	27.01.14
14076-SSDA-S692-001	G	OVERALL SITE PLAN	NOVEMBER 2016
14076-SSDA-S692-002	G	GENERAL ARRANGEMENT	NOVEMBER 2016
14076-SSDA-S692-003	G	PAVING PLAN	NOVEMBER 2016
14076-SSDA5-S963-002	C	General Arrangement – Steam Mill Lane	June 2017
14076-SSDA5-S963-004	C	Site Section 1 – Steam Mill Lane	June 2017
14076-SSDA5-S963-005	C	Cross Sections – Steam Mill Lane	June 2017
14076-SSDA5-S963-007	C	General Arrangement Plan – Tumbalong Boulevard	June 2017
14076-SSDA5-S963-008	C	Indicative Planting Palette – Tumbalong Boulevard (East)	June 2017
14076-SSDA5-S963-009	C	Site Section 5 – Tumbalong Boulevard	June 2017
14076-SSDA5-S963-010	C	Site Section 6 – Tumbalong Boulevard	June 2017
Civil Drawings prepared by Hyder Consulting Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
PP-CI-3001	05	COVER SHEET AND DRAWING LIST	18/02/2014
PP-CI-3101	05	SITE PREPARATION PLAN	18/02/2014
PP-CI-3151	08	BULK EARTHWORKS PLAN	12/03/2015
PP-CI-3201	05	SEDIMENT AND EROSION CONTROL PLAN	18/02/2014
PP-CI-3301	05	CIVIL WORKS AND STORMWATER PLAN	18/02/2014
PP-CI-3305	02	STORMWATER DRAINAGE LONGITUDINAL SECTIONS SHEET1	18/02/2014
PP-CI-3306	02	STORMWATER DRAINAGE LONGITUDINAL SECTIONS SHEET2	18/02/2014

PP-CI-3351	04	FOOTPATH LONGITUDINAL SECTION BOULEVARD MF01	18/02/2014
PP-CI-3401	06	COMBINED SERVICES PLAN	18/02/2014
PP-CI-3901	03	TURNING PATHS LOADING DOCK PLAN	18/02/2014
SKCPD095	07	HAY STREET SHARED ZONE PATH	27/02/2014
SKCPD096	03	SOUTH WEST BUILDING	27/02/2014

Final approval of artworks

As detailed in **Section 2.1**, the proponent requests that a condition of consent allows for the final location and design of the public artwork in Steam Mill Lane be approved by the Secretary of the Department of Planning and Environment. A draft condition for consideration is below:

Public Artwork Approval

Prior to the installation of public artwork in Steam Mill Lane, final details of the location, type, and fixings of the artwork is to be provided to the Secretary for approval.

3.0 SUBSTANTIALLY THE SAME DEVELOPMENT

The power to amend a development consent is found in section 96 of the EP&A Act. Section 96 is an independent facilitative power that is separate to the granting of a development consent. The statutory requirements to be satisfied for the grant of consent to modify a development consent are set out in Section 96. These depend on whether or not the modification is made under subsection (1), (1A) or (2).

This modification application to development consent SSD 6011 is accordingly made under Section 96(1A) of the EP&A Act, as the modification is of minimal environmental impact environmental.

Pursuant to Section 96(1A) of the EP&A Act, the Minister or his delegate may modify development consent if (our emphasis added):

- (a) *it is satisfied that the proposed modification is of **minimal environmental impact**, and*
- (b) *it is satisfied that the development to which the consent as modified relates is **substantially the same development** as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) *it has notified the application in accordance with:*
 - (i) *the regulations, if the regulations so require, or*
 - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) *it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

(our emphasis added)

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

- the proposal retains the approved 8 storey, 25 storey and 40 storey residential buildings including a 5 storey podium, to be used for:
 - non-residential uses on ground and first floor levels;
 - above ground car parking and storage; and
 - residential apartments;
- the nature of the changes are purely design development driven and aim to support the functionality of the building and an enhanced public domain outcome for residents and visitors;
- no modification is proposed to the general building envelope of the approved building (as modified);
- no modification is proposed to number and mix of approved apartments, the number of storeys or the number of car spaces; and
- the proposal will continue to contribute to the creation of a new lively and vibrant mixed use precinct.

It is clear given the nature of the proposed modifications that all key elements of the approved development remain resulting in a development which is substantially the same as originally approved. Accordingly, for the reasons set out above the consent authority may be satisfied that the modified proposal represents substantially the same development for which consent was originally granted.

4.0 ENVIRONMENTAL ASSESSMENT

Section 96(1A) of the EP&A Act states that a consent authority may modify a development consent if “*it is satisfied that the proposed modification is of minimal environmental impact*”. Under Section 96(4) the consent Authority must also take into consideration the relevant matters to the application referred to in Section 79C(1) of the EP&A Act.

The following assessment considers the relevant matters under Section 79C(1) and demonstrates that the development, as proposed to be modified, will be of minimal environmental impact.

4.1 Compliance with relevant Planning Instruments and Policies

The Environmental Impact Statement (EIS) submitted with the original State Significant Development Application (SSDA) addressed the proposed development’s level of compliance against a number of relevant environmental planning instruments.

Table 1 provides a summary overview of the proposed modified development’s continued compliance with the relevant planning instruments.

Table 1 – Compliance with relevant environmental planning instruments

Instrument	Comments
SEPP (State & Regional Development)	The modified development continues to meet the threshold for State Significant Development.
SEPP (Infrastructure)	The provisions of the Infrastructure SEPP apply more during the consideration and assessment of the original SSDA in terms of requirements and referrals for development applications (i.e. not modification applications). Further referral of this modification application to relevant agencies and approval bodies is not considered necessary, given the minor nature of the changes.
SEPP (BASIX)	The proposed modifications do not affect project’s BASIX compliance and other sustainability aspirations.
SEPP 55 (Remediation of Land)	The site remains suitable for the proposed development subject to the implementation of Remedial Works as originally approved. The proposed modifications do not alter the site’s suitability.
SEPP 65 (Design Quality of Residential Apartment Development)	The modified development continues to meet the objectives of the SEPP and the relevant assessment criteria. No modifications to any residential apartments are proposed.
Draft Competition SEPP	The proposed modified development continues to be consistent with the aims of the Draft SEPP (Competition) in that it will promote economic growth and competition within NSW.
SREP Sydney Harbour Catchment	The proposed modified development does not affect the level of compliance with the key relevant matter for consideration.
Darling Harbour Development Plan No. 1	The proposed modified development continues to support the objectives of the DHDP (delivering a mixed-use component to support a precinct containing world class convention, exhibition and entertainment facilities) and retains the same permissible land uses as originally approved.
SEPP 64 Advertising and Signage	The modified development continues to meet the objectives of the SEPP and the relevant assessment criteria. No changes to approved signage are proposed under this modification.

4.2 S.79C(1)(b) Impact on the Environment

The EIS submitted with the original SSDA addressed the likely impacts of the development. The proposed modified development does not give rise to any material alteration to the assessment of the potential impacts considered as part of the original SSDA. In light of the nature of the modifications to the approved development the conclusions of the original assessment remain valid and no further assessment or mitigation measures are required. The following matters, however, warrant further assessment and consideration.

Built Form and Urban Design

Amended Architectural Drawings prepared by Denton Corker Marshall are provided at **Attachment A** and demonstrate that the podium and tower elements continue to retain their approved overall form, identity, design quality, aesthetic and functionality.

The proposed BMU access penetrations will have minimal impact upon the architectural form and character of the approved building, with the colour of the access doors to be closely matched in colour and form to the adjoining façade so as to be largely imperceptible when viewed externally. It is noted that the doors would be located at Level 40, more than 100 metres above existing ground level, and would therefore be some distance away in public views toward the building. Use of the BMU, requiring the opening of these doors, would be infrequent and is a normal part of building maintenance, and would have no adverse built form or architectural impact on the approved development.

The addition of louvres along the Boulevard ground floor elevation is in response to the functional requirements of the building and is of a high quality design and located at a high level to ensure no adverse visual impacts.

Public Domain

The installation of fixed and moveable furniture/seating and public art through Steam Mill Lane will promote the activation of the laneway throughout the day and night. The furniture being located along the edges of the terraces also prevents the risk of tripping between the terraces and the central movement area.

The shapes, colours and complexity of the art pieces is intended to encourage audience engagement and compliment the surrounding restaurant and café signage in the laneway. The design of the artworks has intended to create a colourful display at night, whilst concealing the majority of cables and light fittings during the day.

Careful consideration has been given to the brightness and spill of the lighting. While the sculptures may be brightly lit, the light fittings will be hidden by metal plates so that direct light will not create glare for residents and visitors. The metal panels will cover the sculptures from all sides, including from below and on top, so they can be viewed from all vantage points including the apartments.

Flooding Mitigation

The inclusion of flood gates has been an ongoing component of the flood strategy for the South West Plot. Additional flood gates proposed to be provided for the additional retail tenancies under assessment (D/2017/621) will ensure that flood impacts are mitigated. This is consistent with the original consent of the SW Plot SSDA5 and the approved flood mitigation strategy for the Darling Square site.

5.0 CONCLUSION

This Section 96(1A) modification application seeks to facilitate amendments in order to respond to design development and ensure that the highest level of amenity is achieved for residents and visitors to the precinct, specifically to the South-West Plot and surrounding public domain. The proposed modifications will not alter the environmental impacts assessed and approved as part of the existing development consent and will offer an enhanced building design and more lively and engaging public domain.

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

- the consent, as proposed to be modified, is substantially the same development as that originally approved;
- the modifications result in an overall improvement to the building's urban design response; and
- the development's compliance with the Stage 1 Concept Proposal and key statutory plans and controls remains generally the same as the approved development.

We trust that this information is sufficient to enable assessment and approval of the proposed modification request. Should you have any queries about this matter, please do not hesitate to contact me on (02) 9956 6962 or CPatfield@jbaurban.com.au.

Yours faithfully,



Chris Patfield
Urban Planner



Michael Oliver
Principal Planner