



CP/BH/AC
15122
4 July 2017

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

Attention: Ben Lusher (Director, Key Sites Assessment)

Dear Ms McNally

**SECTION 96(1A) MODIFICATION APPLICATION SSD-6633
SICEEP, DARLING SQUARE, SOUTH-EAST PLOT**

On behalf of Lend Lease (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-6633 relating to the development of the South East Plot in Darling Square which is part of the Sydney International Convention, Exhibition and Entertainment Precinct (SICEEP) at Darling Harbour, Sydney.

This modification application is proposed following further design development. The amendments that approval is sought for include:

- internal amendments to the podium levels, including design amendments to the retail tenancies and provision of four (4) additional car parking spaces;
- minor amendments to back of house facilities and accessibility improvements relating to stairs and floor levels;
- amalgamation of apartments SE2 04 and SE2 05 on level 8 to create a new four bedroom apartment, resulting in a reduction of one apartment overall (390 apartments in total);
- reduction in Gross Floor Area (GFA) of 337m²;
- minor external amendments, including improved interfaces with the public domain; and
- amendment to the hours of work on Saturday, with a 7.00am commencement in lieu to 8.00am.

Fundamentally, the resulting changes are of minimal environmental impact and result in development that is substantially the same as originally approved. The changes do not affect 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 is accompanied by the following:

- Architectural Design Report and Amended Architectural Drawings prepared by FJMT (**Attachment A**);
- Updated Waste Management Plan prepared by Waste Audit and Consultancy Services (**Attachment B**);
- Updated BASIX Summary and Assumptions prepared by Lendlease and accompanying NatHERS Certificate prepared by Cundall (**Attachment C**);
- Amended BASIX Certificates (**Attachment D**);

- Acoustic Letter prepared by Wood & Grieve Engineers (**Attachment E**); and
- Traffic and Transport Impact Assessment prepared by Hyder (**Attachment F**).

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-East 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.

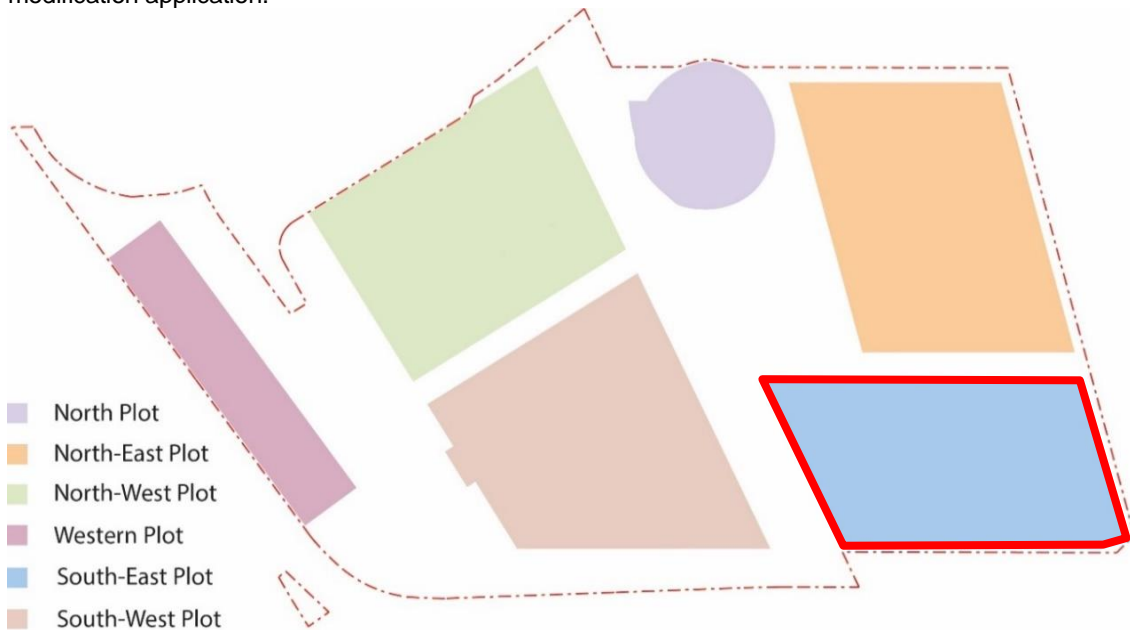


Figure 1 – Concept Proposal Development Plots (site outlined in red)

1.2 Consent proposed to be modified

Development Consent SSD-6633 (SSDA 9) was granted on 16 December 2016 by the delegate of the Minister for Planning for the development of the South East Plot for a mixed use residential development, including:

- staged construction of 9 storey, 10 storey and 29 storey buildings, including a 6 storey podium, to be used for:
 - 30,411m² residential floorspace;
 - 1,617m² retail floorspace at ground floor level;
 - 265 above ground car parking spaces; and
 - 391 residential apartments
- various public domain and landscaping improvements;
- vehicular access from Harbour Street; and
- remediation works.

There have been no previous modifications to the consent.

1.3 Consultation

As one of its key underlying processes, Lendlease (the proponent) has undertaken a range of engagement and consultation processes as part of the progression of the design development and to

inform this modification application. Consultation has included: Place Management NSW and Infrastructure NSW.

2.0 PROPOSED MODIFICATIONS

This Modification Application seeks approval for the following amendments:

- internal amendments to the podium levels, including design amendments to the retail tenancies and provision of additional car parking spaces within the approved maximum car parking rates;
- internal revisions to some residential apartments resulting in a reduction in the overall number of apartments;
- minor external amendments, including improved interfaces with the public domain; and
- minor change to approved hours of work.

A range of other minor amendments resulting from design development are illustrated on the amended Architectural Drawings (refer to **Attachment A**) and described below.

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 East Plot.

Design amendments

A range of minor internal and external design amendments are proposed. These amendments are the result of further testing and identification of greater design efficiencies. Furthermore, a number of changes are made in response to purchaser requests. The key changes to the approved development are outlined below in **Table 1** and further in the supplementary Design Report prepared by FJMT (refer to **Attachment A**).

Table 1 – Proposed modifications by location

Location	Amendments
Internal - Ground Floor	<ul style="list-style-type: none"> ▪ rearranged back of house facilities and access; ▪ Hay Street retail tenancy 12A subdivided into two smaller tenancies 13A and 13B; ▪ internal ramp provided to retail tenancies 14, 15 & 16; ▪ deletion of Mezzanine at retail tenancy 1; ▪ inversion of Building SE3 fire stairs at the residential lobby; ▪ modification of retail RL's at tenancies 12, 13A and 13B; and ▪ general updates to tenancy shopfronts.
Internal - Level 1 Mezzanine	<ul style="list-style-type: none"> ▪ deletion of mezzanine at retail tenancy 1; and ▪ re-configuration of storage room to align with amendments on the ground floor.
Internal - Level 2	<ul style="list-style-type: none"> ▪ rearrangement of storage cages; ▪ replacement of stairs from upper carpark level to residential level with a ramp at SE2 lift lobby entrance; ▪ incorporation of stairs next to the carpark ramp; ▪ slight adjustment to the finish floor levels in the carparking area; ▪ reduction of two carparking spaces; and ▪ addition of façade window openings.
Internal - Levels 3 and 4	<ul style="list-style-type: none"> ▪ rearrangement of storage cages; ▪ incorporation of stairs next to car park ramp; ▪ minor adjustment to the finish floor levels in the carparking area; and ▪ addition of one carparking space per level (+2 carparking spaces).
Internal - Level 5	<ul style="list-style-type: none"> ▪ rearrangement of storage cages; ▪ incorporation of stairs next to car park ramp; ▪ minor adjustment to the finish floor levels in the carparking area; ▪ addition of façade window openings; and ▪ addition of four carparking spaces.

Location	Amendments
Internal - Levels 8 and 9	<ul style="list-style-type: none"> amalgamation of two apartments (SE2 04 - 2 bedroom, 2 bathroom and SE2 05 - 2 bedroom, 1 bathroom) into one apartment (4 bedroom, 4 bathroom); and
Internal – Miscellaneous	<ul style="list-style-type: none"> replacement of slot window aluminium louvre privacy screens with privacy glass from level 6 to level 29.
External – South Elevation	<ul style="list-style-type: none"> inversion of Building SE3 fire stairs at the residential lobby; general tenancy updates.
External – North Elevation	<ul style="list-style-type: none"> provision that Little Hay Street tenancy shopfront (below awning) be subject to a future DA; and general tenancy shopfront updates.
External – East Elevation	<ul style="list-style-type: none"> addition of façade window openings; and general tenancy shopfront updates.
External – West Elevation	<ul style="list-style-type: none"> general tenancy shopfront updates.

Amended hours of work

The approved hours of work for construction activities is sought to be extended for an additional hour on Saturdays, bringing these hours in line with the other plots within Darling Square. Specifically, hours of work on Saturdays is sought to be amended from an 8.00am commencement to a 7.00am commencement.

2.2 Modifications to Conditions

The proposed modifications described above in Section 2.1 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 1

Development of the South East Plot for a mixed use residential development, including:

- staged construction of 9 storey, 10 storey and 29 storey buildings, including a 6 storey podium, to be used for:*
 - ~~30,411m²~~ **30,197m²** residential floorspace;
 - ~~1,617m²~~ **1,411m²** retail floorspace at ground floor level;
 - ~~265 269~~ **265 269** above ground car parking spaces; and
 - ~~394~~ **390** residential apartments
- various public domain and landscaping improvements;*
- vehicular access from Harbour Street; and*
- remediation works.*

Reason for Amendment: The description of approved development is sought to be updated to reflect the proposed design development changes and as reflected within the amended architectural drawings. The changes also seek to address a minor error in the consent with the approved GFA figures.

SCHEDULE 2

Development Description

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

- State Significant Development Application SSD 6633;*
- Environmental Impact Statement prepared by JBA Urban Planning Consultants Pty Ltd, Dated March 2016;*
- Response to Submissions report prepared by JBA Urban Planning Consultants Pty Ltd, dated June 2016;*
- The conditions of consent;*
- The S96(1A) modification to Development Consent SSD 6633 dated 28 June 2017;***
and
- The following drawings, except for:*
 - any modifications which are Exempt or Complying Development;*
 - otherwise provided by the conditions of consent.*

Architectural Drawings prepared by FJMT			
Drawing No.	Revision	Name of Plan	Date
FJMT-DA-R0002	09 10	Legend and Abbreviations	27/07/2016 21/04/17
FJMT-DA-R0003	07 08	General Key Plans	27/07/2016 21/04/17
FJMT-DA-R1001	09	Site Plan	17/11/2016
FJMT-DA-R1002	10 11	Plans L00 Podium Ground	17/11/2016 21/04/17
FJMT-DA-R1003	08 09	Plans L01 Mezzanine	10/06/2016 21/04/17
FJMT-DA-R1004	11 12	Plans L02 Podium - Residential	17/11/2016 21/04/17
FJMT-DA-R1005	12 13	Plans L03 Podium - Residential	17/11/2016 21/04/17
FJMT-DA_R1006	09 10	Plans L04 Podium - Residential	17/11/2016 21/04/17
FJMT-DA_R1007	09 10	Plans L05 Podium - Residential	17/11/2016 21/04/17
FJMT-DA-R1008	12 13	Plans L06 SE1 Setback, SE2 ComSp1 SE3 & Rf Gdns	17/11/2016 21/04/17
FJMT-DA-R1009	13 14	Plans L07 SE1 Low Rise, SE2 ComSp2 & SE3 Setback	10/06/2016 21/04/17
FJMT-DA-R1010	15 16	Plans L08 SE1 Low Rise, SE2 Pent 01 & SE3 Top	17/11/2016 21/04/17
FJMT-DA-R1011	14 15	Plans L09 Low Rise & SE2 Pent 02	17/11/2016 21/04/17
FJMT-DA-R1012	11 12	Plans L10 SE1 Low Rise & SE2 Plant	10/06/2016 21/04/17
FJMT-DA-R1013	10 11	Plans L11-L27 SE1 Tower Typical	10/06/2016 21/04/17
FJMT-DA-R1014	11 12	Plans L28-L29 SE1 Penthouse	17/11/2016 21/04/17
FJMT-DA-R1015	09	Plans SE1 Plant	17/11/2016
FJMT-DA-R1016	09	Plans Roof Plan	17/11/2016
FJMT-DA-R1017	07	Plans Adaptable SE1 L03-05.01	9/03/2016
FJMT-DA-R1018	07	Plans Adaptable SE1 L06.08 & L09	9/03/2016
FJMT-DA-R1019	07	Plans Adaptable SE3 L03-05.08	9/03/2016
FJMT-DA-R2001	11 13	Elevations South Elevation	17/11/2016 21/04/17
FJMT-DA-R2002	12 13	Elevations North Elevation	17/11/2016 21/04/17
FJMT-DA-R2003	11 12	Elevations East Elevation	17/11/2016 21/04/17
FJMT-DA-R2004	11 12	West Elevation	17/11/2016 21/04/17
FJMT-DA-R2005	09	Elevations SE1 East Elevation	10/06/2016
FJMT-DA-R2006	07	Elevations SE3 West Elevation	10/06/2016
FJMT-DA-R2007	08 09	Elevations SE2 South Elevation	10/06/2016 21/04/17
FJMT-DA-R2009	09	Elevations SE1 North Elevation	10/06/2016
FJMT-DA-R2501	10 11	Ground Plane Detailed Elevations	17/11/2016 21/04/17
FJMT-DA-R2502	03 05	Ground Plane Detailed Elevations	09/03/2016 21/04/17
FJMT-DA-R3001	06 07	Sections GA Sections 01	9/03/2016 21/04/17
FJMT-DA-R3002	06 07	Sections GA Sections 02	9/03/2016 21/04/17
FJMT-DA-R3003	06 07	Sections Podium Sections 01	9/03/2016 21/04/17
FJMT-DA-R3004	06 07	Sections Podium Sections 02	9/03/2016 21/04/17
FJMT-DA-R3005	07	Sections Public Interface Section 01	10/03/2016
FJMT-DA-R3006	06	Sections Public Interface Section 02	9/03/2016

Reason for Amendment: This condition is sought to be updated to reflect the proposed design development changes and as reflected within the amended architectural drawings and reference to this section 96 modification application.

PART C PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Car Parking

C14 Car parking on the site should be provided as follows:

- a) ~~265~~ **269** residential car parking spaces;
- b) 2 service vehicle bays; and
- c) 2 loading bays.

Storage and Handling of Waste

*C31 The building plans and specifications accompanying the relevant Construction Certificate shall demonstrate that an appropriate area will be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. Recommendations of the Waste Management & Green Star Report prepared by Waste Audit and Consultancy Services, dated February 2016 **and updated May 2017** shall be met to the satisfaction of the PCA.*

Reason for Amendment: This condition is sought to be amended to reflect the updated Waste Management Plan prepared for the project.

Environmental Performance

*C41 The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate No. 628683M ~~04~~ **06**, and an updated certificate issued if amendments are made. The BASIX certificate must be submitted to the PCA with all commitments clearly shown on the relevant Construction Certificate plans.*

Reason for Amendment: This condition is sought to be updated to reflect the revised BASIX certificate generated for the project.

PART E DURING CONSTRUCTION

Hours of work

E2 All work, including demolition, excavation and building work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out:

- a) between 7:00 am and 7:00 pm, Mondays to Fridays inclusive;
- b) between ~~8:00 am~~ **7.00am** and 5:00 pm, Saturdays;
- c) no work is to be undertaken on Sundays and public holidays; or
- d) works may be undertaken outside these hours where:
 - i. it is required by a works authorisation deed executed with the RMS; or
 - ii. the delivery of materials is required outside these hours by the Police or occasional works are required outside these hours by other authorities; or
 - iii. it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; and
 - iv. variation is approved in advance in writing by the Department.

Reason for Amendment: An extension of Saturday working hours is sought to allow for a reduced construction timeframe of the overall project. The commencement time proposed of 7:00am is consistent with the approved construction hours for surrounding plots within Darling Square.

3.0 SECTION 96 OF THE EP&A ACT, 1979

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 grant 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 6633 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 proposed to be modified, is substantially the same development as that originally approved in that:

- the proposal retains the approved 9 storey, 10 storey and 29 storey buildings, including a 6 storey podium, to be used for:
 - ground floor retail;
 - 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 amenity outcome for residents and visitors;
- no modification is proposed to the general building envelope of the approved building (as modified);
- the modification will result in a slight decrease (-1) in apartment numbers, residential (-198m²) and non-residential (-139m²) floor space, reducing any potential impacts already assessed and determined as appropriate;
- the addition of four (4) carparking spaces is within the approved maximum car parking rates, however traffic generation is reduced given the reduction of apartments;
- the proposal will continue to contribute to the creation of a new lively and vibrant mixed use precinct; and
- there are no more than minimal environmental impacts, or even decreased impacts, as a result of the modified development, as detailed in Section 4.0 of this letter.

A comparison of the key components of the approved development and the proposed modified development is provided at **Table 2**. This table demonstrates that all key elements of the approved development remain resulting in a development which is substantially the same as originally approved.

Table 2 – Comparison between the approved scheme and proposed modification

Item	Approved SSSA 9	Amended Proposed Development	Consistency/ Substantially the Same
Gross Floor Area	31,945m ²	31,608m ²	-337m ²
<ul style="list-style-type: none"> ■ Residential ■ Non-residential 	<ul style="list-style-type: none"> ■ 30,395m² ■ 1,550m² <p><i>(these figures are based on the RTS and reflect the correct 'approved' GFA)</i></p>	<ul style="list-style-type: none"> ■ 30,197m² ■ 1,411m² 	<ul style="list-style-type: none"> ■ -198m² ■ -139m²
Number of Apartments	391	390	-1
<ul style="list-style-type: none"> ■ Studio ■ 1B ■ 2B ■ 3B ■ 4B 	<ul style="list-style-type: none"> ■ 20 ■ 181 ■ 177 ■ 13 ■ - 	<ul style="list-style-type: none"> ■ 20 ■ 181 ■ 175 ■ 13 ■ 1 	<ul style="list-style-type: none"> ■ No change ■ No change ■ -2 ■ No change ■ +1

Item	Approved SSDA 9	Amended Proposed Development	Consistency/ Substantially the Same
Total Building Storeys	Three towers of various heights: <ul style="list-style-type: none"> ▪ SE1: 29 storey building, including a 6 storey podium; ▪ SE2: 10 storey building; and ▪ SE3: 9 storey building. 	Three towers of various heights: <ul style="list-style-type: none"> ▪ SE1: 29 storey building, including a 6 storey podium; ▪ SE2: 10 storey building; and ▪ SE3: 9 storey building. 	No change
Height and Levels <ul style="list-style-type: none"> ▪ SE1 <ul style="list-style-type: none"> – Podium – Parapet – Rooftop plant enclosure ▪ SE2 <ul style="list-style-type: none"> – Parapet – Rooftop plant enclosure ▪ SE3 <ul style="list-style-type: none"> – Parapet 	<ul style="list-style-type: none"> ▪ SE1 <ul style="list-style-type: none"> – RL23.5 – RL97.0 – RL99.7 ▪ SE2 <ul style="list-style-type: none"> – RL35.3 – RL35.855 ▪ SE3 <ul style="list-style-type: none"> RL34.965 	<ul style="list-style-type: none"> ▪ SE1 <ul style="list-style-type: none"> – RL23.5 – RL97.0 – RL99.7 ▪ SE2 <ul style="list-style-type: none"> – RL35.3 – RL35.855 ▪ SE3 <ul style="list-style-type: none"> – RL34.965 	<ul style="list-style-type: none"> ▪ SE1 <ul style="list-style-type: none"> – No change – No change – No change ▪ SE2 <ul style="list-style-type: none"> – No change – No change ▪ SE3 <ul style="list-style-type: none"> – No change
Carparking <ul style="list-style-type: none"> ▪ Residents – Standard ▪ Residents – Accessible 	265 <ul style="list-style-type: none"> ▪ 255 ▪ 10 	269 <ul style="list-style-type: none"> ▪ 259 ▪ 10 	+4 <ul style="list-style-type: none"> ▪ +4 ▪ No change
Services & Loading	5	5	No change

As shown above, the consent authority may be satisfied that the modified proposal represents substantially the same development for which consent was originally granted and it is apparent from the nature and scale of modifications that there will be minimal or reduced environmental impact. The modification of development consent SSD-6633 can therefore lawfully be approved under Section 96(1A) of the EP&A Act.

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”. The following assessment 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.

As is evident from Section 3.0, the proposed modifications involve changes that respond to detailed design development. The proposed modifications will therefore not alter the level of compliance of the development with the relevant planning instruments. For completeness, **Table 3** provides a summary overview of the proposed modified development’s continued level of compliance with the relevant planning instruments.

Table 3 – 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.

Instrument	Comments
SEPP (BASIX)	The proposed amendments will have negligible impact on the existing BASIX commitments. Given the amalgamation of two apartments and other minor changes since the original nATHERS and BASIX assessment, revised assessment and certificates have been generated. Refer to Attachment D and E for further details.
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 amalgamation of two apartments (2 bedroom, 2 bathroom and 2 bedroom, 1 bathroom) into one apartment (4 bedroom, 4 bathroom) results in enhanced amenity for that particular apartment. The other proposed modifications do not alter the percentage of apartments that receive natural ventilation and solar access. All other changes do not affect the amenity of the approved apartments. Refer to the ADG Compliance Analysis as part of Attachment A .
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.

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. Where relevant, the technical reports and plans addressing the above matters have been updated to provide an assessment of the modified design (refer attached technical reports).

The consensus of these reports has been that 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

A supplementary Design Report and Amended Architectural Drawings prepared by FJMT are provided at **Attachment A**. These documents provide details and design rationale for the proposed modifications. Much of this rationale is associated with design development to achieve an improved design and enhanced amenity outcome. As evidenced in the amended architectural drawings, the podium and tower elements continue to retain their approved overall form, identity, design quality, aesthetic and functionality.

Key modifications that will affect built form and urban design components are primarily related to the ground floor retail elements, with an overall improvement sought to the tenancies integration with the public domain. The amendments made to Tenancy 1, including the removal of the mezzanine level, are intended to provide prominence and scale to a critical urban corner of the South East Plot and the public domain of the square. The redesign of the Hay Street retail tenancies will also encourage a greater variety of retail offerings and provide more interest and activation along the colonnade, overall contributing to an enhanced outcome.

Amenity

The overall reduction of a single apartment through the amalgamation of two apartments does not result in any affect to the amenity of apartments assessed and determined as appropriate in the original application. The newly created apartment is of a significant size and is spread across two levels. The apartment has a high standard of amenity and will offer a greater diversity of apartment types in the overall South East Plot development.

Waste Management

The initial Waste Management Plan submitted under the original consent (SSD 6633) has been reviewed and updated in respect of the proposed modifications (refer to **Attachment B**). Waste Audit and Consultancy Services have concluded that the development, as proposed to be modified, satisfies all waste management requirements of the City of Sydney and the relevant Green Star criteria.

Flooding Mitigation

The provision of further details on the flood gates to retail tenancies at ground level is in response to the detailed design of the proposal and greater certainty on flood mitigation requirements. The provision of flood gates to impacted ground level retail tenancies will ensure flood impacts are mitigated. These gates are required in light of the approved levels of the surrounding public domain and internally within the ground level tenancies. The provision of flood gates is consistent with the original consent of the South East Plot and the approved flood mitigation strategy for the Darling Square site.

Sustainability

The South East Plot, as proposed to be modified, will still achieve the building related sustainability aspirations set for the Darling Square precinct and the targets identified in the Sustainability Report provided as part of the original planning application. The project still aims to deliver a sustainable residential development, with low operational energy consumption, reduced potable water use and appropriate materials selection while at the same time maintaining a good level of indoor environmental quality through appropriate mechanical design, façade configuration and finishes selection.

The development, as proposed to be modified, is committed to 4 Star Design and As-Built Green Star ratings under the Green Star Multi-Unit Residential v1 tool. Initiatives being considered will ensure significant sustainability principles will be incorporated into the design, appropriate management practices are applied through the construction period and facilities and resources are provided to ensure the delivery and operation of the building has the potential to achieve the sustainability objectives.

The proposed modifications are not expected to alter or impact the commitment of these standards, as confirmed in the letter prepared by Lendlease at **Attachment C**. In addition to this letter, amended BASIX Certificates are provided at **Attachment D**.

Noise

An Acoustic Letter has been prepared by Wood & Grieve Engineers and is provided at **Attachment E**. This Letter confirms that the proposed hours of work amendment on Saturdays will have no significant impact on the surrounding receivers, in line with the assessment undertaken for the original application. Wood & Grieve Engineers will be carrying out noise and vibration monitoring during hours of construction to assess any potential impacts associated with the construction phases of the South East Plot.

Further to the above, the change sought to the Saturday hours of work will ensure the South East Plot construction hours are consistent with other plots. The following Saturday working hours have been approved for other plots within Darling Square:

- North East Plot (SSD 6626): 7:00am – 5:00pm;
- North West Plot (SSD 6013): 7:00am – 5:00pm;
- South West Plot (SSD 6011): 7:00am – 5:00pm; and
- North Plot (SSD 7021): 7:00am – 5:00pm.

It has also been advised that amending the construction hours to commence work at 7:00am on Saturday will reduce the overall construction programme by approximately 4 weeks.

A Construction Noise Management Plan will be in place for the construction of the South East Plot to ensure that any potential impacts associated with the proposed hours of work, including potential noise impacts, are mitigated or managed.

Traffic

A Transport and Traffic Impact Assessment has been prepared by Hyder and is available at **Attachment F**. The assessment focuses on access and the connectivity of the precinct with the external network for all modes of transport and cites the key features of the whole precinct that will contribute to this in light of the proposed modifications.

The parking provision within the South East Plot complies with the maximum allowable set by the Concept Plan Approval and the maximum parking ratios proposed within SSDA2. The proposed modifications do not affect the site's accessibility to public transport, or the operational performance of the road network and intersections, which are demonstrated to be satisfactory. The development will continue to improve pedestrian linkages (notably the main boulevard within the Public Realm) and have no impact on the availability of cycle connections.

5.0 CONCLUSION

This Section 96 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-East Plot. 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 enhanced 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 building'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 Alexis Cella or myself on (02) 9956 6962.

Yours faithfully



Chris Patfield
Urban Planner