

4 July 2022

2200231

Amy Watson  
Team Leader – Key Sites Assessment  
Department of Planning and Environment  
320 Pitt Street  
Sydney NSW 2000

Dear Amy,

**SECTION 4.55(1A) MODIFICATION APPLICATION – SSD 7388  
31 WHEAT ROAD, SYDNEY (THE RIBBON) – MOD 16**

This Modification Application (MOD 16) has been prepared by Ethos Urban on behalf of Tianlong Ribbon Pty Ltd (Greaton), pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify Development Consent SSD 7388 relating to 31 Wheat Road, Sydney (the site). The development is better known as The Ribbon.

This modification principally seeks consent for the following:

- Removal of Retail Tenancy 08 from the SHFA building, as subsequent detailed design has now identified that a Sydney Trains cable joint is located beneath the approved tenancy, which Sydney Trains technicians require access to 24/7. Tenancy 08 will be replaced with additional public domain area.
- Enabling Occupation Certificates to be staged to allow The Ribbon building to operate prior to the final completion of the SHFA building and surrounding public domain. This is necessary due to construction delays as a result of the COVID-19 pandemic, and to enable a 2 month bump-in period where staff are able to access The Ribbon building to prepare for commencement of operations, including the grand opening of the hotel.

This application identifies the consent, describes the proposed modifications, and provides an assessment of the relevant matters contained in section 4.55(1A) of the EP&A Act. This application should be read in conjunction with the following appended documentation:

- Amended Architectural Plans prepared by Drew Dickson Architects (**Attachment A**); and
- Staging Plans prepared by Greaton (**Attachment B**).

# 1.0 Consent proposed to be modified

## 1.1 SSD 7388

Development consent SSD 7388 was granted by the Planning Assessment Commission on 28 July 2016 for the redevelopment of the IMAX building, including:

- demolition of the existing IMAX building, tourist office and amenities block;
- construction of a new 25 storey building (The Ribbon) and separate 2 storey building (the SHFA building);
- hotel, serviced apartments, retail and entertainment uses;
- car and bicycle parking facilities;
- realignment of Wheat Road; and
- upgrades to the surrounding public domain including a new playground and relocation of heritage items.

Following approval, fifteen Modification Applications to the SSD 7388 consent have been lodged. Three have been withdrawn and twelve have been approved. They are summarised as follows:

- SSD 7388 MODs 1 and 2, which sought to modify the staging of conditions of consent. These applications were withdrawn prior to determination.
- SSD 7388 MOD 3 sought a range of design changes to the podium and internal spaces. This application was approved by DPE on 2 November 2017.
- SSD 7388 MOD 4 sought the provision of extended construction hours, broadly comprising 6.00am to midnight Monday to Saturday. This application was approved by DPE on 10 November 2017.
- SSD 7388 MOD 5 sought changes to reflect an updated room number configuration, in addition to changes to the layout between the serviced apartment and hotel components of the development. This application was also approved by DPE on 10 November 2017.
- SSD 7388 MOD 6 sought amendments to the tower envelope and facades, reconfiguration of the hotel swimming pool facilities, internal floor plan changes, additional signage size and external façade lighting, in addition to extended construction hours. MOD 6 was approved by DPE on 19 December 2018.
- SSD 7388 MOD 7 sought modifications to facilitate an open roof above the hotel pool facilities at Levels 22 and 23 of The Ribbon building. This application was approved by DPE on 12 August 2019.
- SSD 7388 MOD 8 sought minor internal changes to the IMAX Cinema portion of the building. This application was approved by DPE on 18 June 2019.
- SSD 7388 MOD 9 sought amendments to the approved hours of construction for a specified period. This application has since been withdrawn.
- SSD 7388 MOD 10 sought amendments for a redesign of the SHFA building, modifications to the Porte Cochere, modifications to the playground area, an adjustment of public domain levels and an adjustment of the approved. This application was approved by DPE on 30 April 2020.
- SSD 7388 MOD 11 sought consent for a reduction in the number of the visitor bicycle parking spaces provided by The Ribbon development from 176 to 120 to disperse bicycle parking more holistically across Darling Harbour. This application was approved by DPE on 28 May 2021.
- SSD 7388 MOD 12 sought consent for the replacement of the previously approved 'City Screen' with a static LED sign. The application was granted consent by DPE on 14 May 2021.
- SSD 7388 MOD 13 sought a number of amendments to the design of the approved SHFA building. The application was approved by DPE on 11 June 2021.
- SSD 7388 MOD 14 sought for minor amendments to the building's ground and first floors to rationalise design and improve service access. The application was approved by DPE on 15 December 2021.

- SSD 7388 MOD 15 sought amendments to the approved operation of the level 22-23 'open roof' swimming pool and bar area. The application was approved by DPE on 16 June 2022.

## **1.2 SSD 8838 and 8839**

Development consent SSD 8838 was granted by DPE on 28 February 2019 for the fit out and operation of the hotel and serviced apartment components, ancillary facilities, and common areas of The Ribbon building. Development consent SSD 8839 was also granted by DPE on 12 September 2019 for the fit out and operation of the IMAX component of the building. Neither SSD 8838 nor SSD 8839 affect the proposed modification to SSDA 7388 as sought under this application.

## 2.0 Amendments to SHFA building design

The SHFA building is an approved 2-storey building located to the south of the western end of the main Ribbon building. As approved, it contains three retail tenancies on the ground floor numbered 7 – 9 (a continuation of retail tenancy numbering in The Ribbon building), public amenities and a new office and workshop for the Sydney Harbour Foreshore Authority (SHFA) on the first floor.

Since the approval of SSD 7388, Modification Applications 10 and 13 have made changes to the SHFA building design.

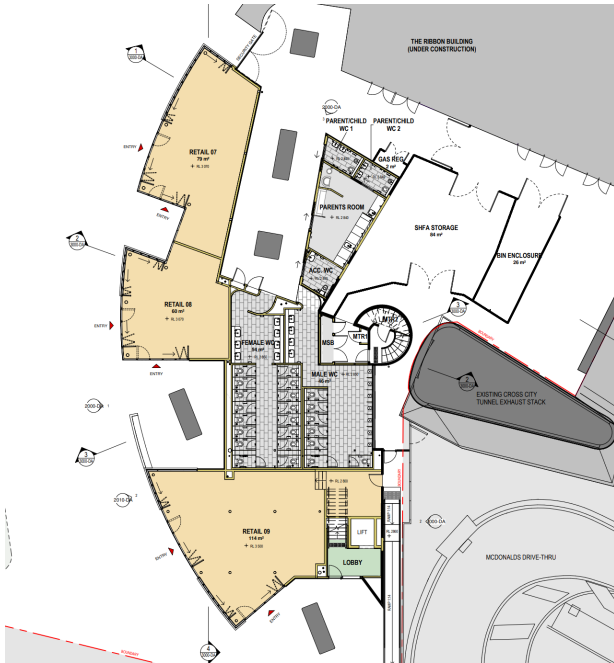
The Modification Application seeks consent for the following amendments to the design of the SHFA building:

- Removal of Retail Tenancy 08 from the SHFA building to enable access to the Sydney Trains cable joint. Tenancy 08 will be replaced with additional public domain area.
- Ancillary architectural amendments incidental to the removal of Retail Tenancy 08.
- Reduction in extent of operable glazing for Retail Tenancies 07 and 09 and replacement with fixed glazing to meet ESD requirements.
- Swapping location of the SHFA lobby elevator and stairs to maintain clearances from the Sydney Trains cable line.
- Addition of an additional window to Retail Tenancy 07 to satisfy Condition B3 of the SSD 7388 consent.

### 2.1 Removal of Retail Tenancy 08

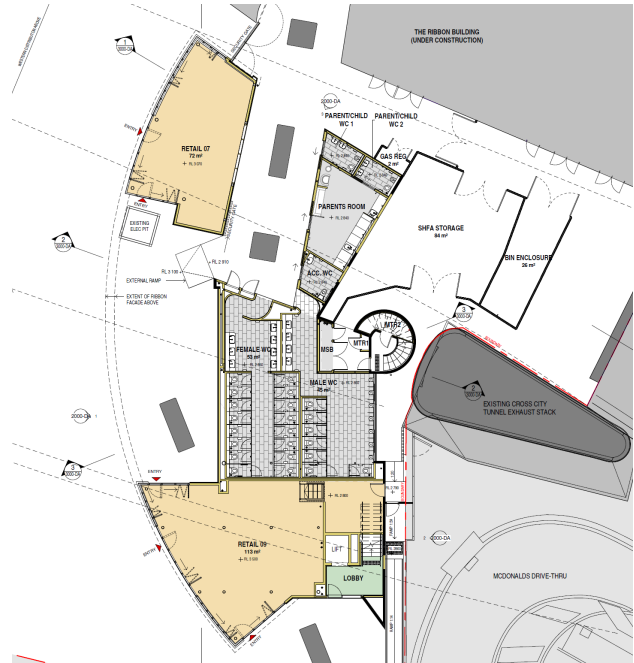
The removal of Retail Tenancy 08 is required as a critical Sydney Trains cable joint is located beneath the tenancy. Sydney Trains technicians require 24/7 access to the cable joint as it services the City Circle railway line.

The removal Tenancy 08 requires minor incidental architectural amendments where it previously interfaced with Retail Tenancies 07, 09, the amenities area and the SHFA office. The proposed architectural amendments are shown within the Amended Architectural Plans. This includes the removal of the Glass Reinforced Concrete (GRC) Band above Retail Tenancy 09, and a reduction in size of the southern extent of Retail Tenancy 07 (**Figures 1 – 2**).



**Figure 1 SHFA building ground floor, as approved under MOD 13**

Source: Drew Dickson Architects



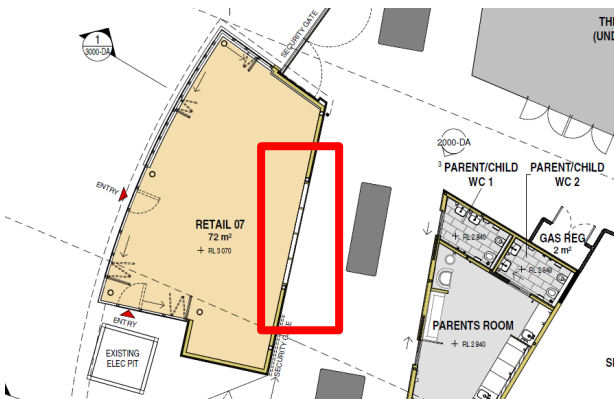
**Figure 2 SHFA building ground floor, as proposed with Retail Tenancy 08 removed**

Source: Drew Dickson Architects

## 2.2 Additional amendments to SHFA building

In addition to the removal of Retail Tenancy 08, the following additional amendments are proposed to the SHFA building:

- Amendments are proposed to the glazing of Retail Tenancies 07 and 09. The extent of operable glazing is to be reduced and replaced with additional fixed glazing as shown on the Architectural Plans. This change is required to meet sustainability requirements and improves the SHFA building's energy performance, as discussed in **Section 6.3**.
- The SHFA lobby elevator and stairs are proposed to have their locations swapped to maintain clearances from the Sydney Trains cable line.
- An additional window has been added to the eastern façade of Retail Tenancy 07 (**Figure 3**). The additional window enables additional activation and casual surveillance to the public domain around the amenities area and is a design change required by Condition B3 of the SSD 7388 consent. Accordingly, Condition B3 of the SSD 7388 consent is proposed to be deleted as it is now to be satisfied.



**Figure 3 Additional window (red) on Retail Tenancy 07 eastern façade**

Source: Drew Dickson Architects

### 3.0 Introduction of Occupation Certificate staging

The proposed modification also seeks to enable occupation Certificates to be staged to allow The Ribbon building to operate prior to the final completion of the SHFA building and surrounding public domain.

Under the SSD 7388 consent, the project is staged as follows:

- *Stage 1: Early works: Site establishment and demolition of all the existing on-site structures including the IMAX Cinema building and associated retail/ restaurants. Construction of piling and initial structure.*
- *Stage 2: Main building works: Construction of all on-site facilities including the main 25 storey building.*

Stage 2 includes the construction and occupation of The Ribbon building, the SHFA building, and the surrounding public domain. The modification is proposed to enable the progressive completion and occupation of the separate components under Stage 2. It separates Stage 2 into the separable portions identified on the Staging Plan prepared by Groaton (**Figure 4; Attachment B**) and as follows:

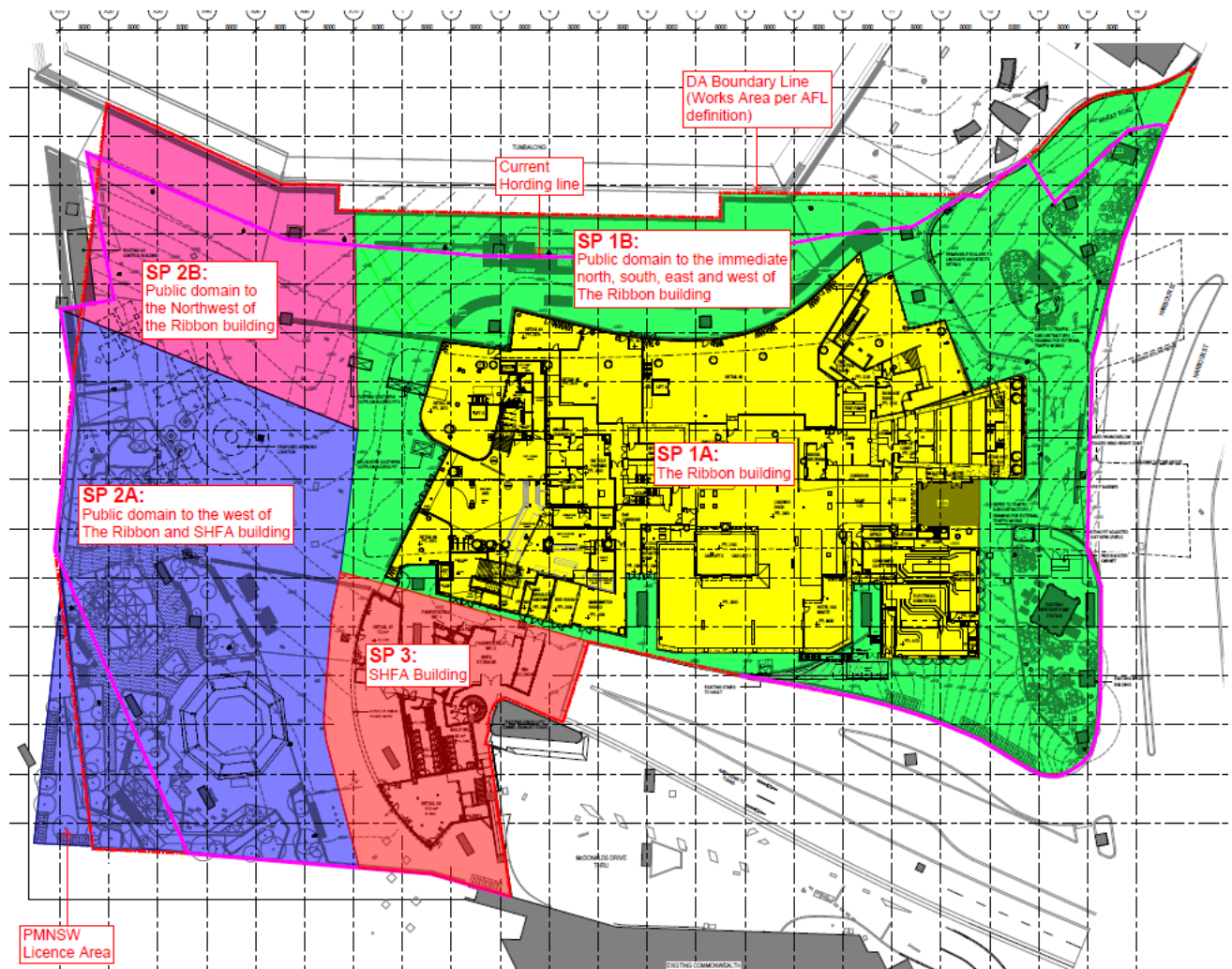


Figure 4 Proposed staging plan

Source: Groaton

### 3.1 Justification

The COVID-19 pandemic has created unexpected challenges for the delivery of the project. As a result, certain elements are behind schedule (i.e., the public domain and the SHFA building) and will not be completed concurrently with or prior to completion of the main Ribbon building.

It is proposed to commence the W Hotel and IMAX operations to commence a 2 month bump-in period where staff are able to access The Ribbon building (SP 1A) to prepare for operations. To enable access for staff to work and prepare for the grand opening of the hotel, an interim occupation certificate for SP 1A will need to be in place.

It is envisioned that the remaining stages will be completed by the following dates:

- SP 1A: 20 May 2023.
- SP 1B: 20 May 2023.
- SP 2A: 2 August 2023.
- SP 2B: 4 August 2023.
- SP 3: 12 July 2023.

## 4.0 Modifications to conditions

The proposed modifications described in **Section 2** and **Section 3** above necessitate amendments to the consent conditions which are identified below. Words proposed to be deleted are shown in **bold strike through** and words to be inserted are shown in **bold italics**.

### Condition A2

A2 – The Applicant shall carry out the project generally in accordance with the:

- a) Environmental Impact Statement (EIS) prepared by JBA Urban Planning Consultants Pty Ltd, dated December 2015;
- b) Response to Submissions (RtS) and Amendments to Proposed Development prepared by JBA Urban Planning Consultants Pty Ltd, dated March 2016;
- c) Additional information submitted subsequent to the RtS;
- d) Plan of Management dated 26 April 2016;
- e) Following drawings as set out in the table below, except for:
  - i. any modifications which are Exempt or Complying Development;
  - ii. otherwise provided by the conditions of consent.
- f) Section 96(2) modification application (SSD7388 MOD 3), prepared by JBA Urban Planning and dated 8 June 2016, as amended by Response to Submissions prepared by Ethos Urban and dated 24 August 2017.  
[...]
- n) Section 4.55(1A) modification application (SSD 7388 MOD 11), prepared by Ethos Urban and dated 3 March 2021, and additional information, prepared by Ethos Urban dated 22 April 2022 and by Greaton Development dated 25 May 2021.
- o) Section 4.55(1A) modification application (SSD 7388 MOD 13), prepared by Ethos Urban and dated 3 March 2021 and additional information, prepared by Ethos Urban dated 30 April 2020.
- p) Section 4.55(1A) modification application (SSD 7388 MOD 14), prepared by Ethos Urban and dated 19 October 2021 and additional information, prepared by Ethos Urban dated 25 November 2021 and 3 December 2021
- q) Section 4.55(1A) modification application (SSD 7388 MOD 15), prepared by Ethos Urban and dated 13 December 2021 and additional information, prepared by Ethos Urban dated 23 February 2022 and 18 March 2022.
- r) **Section 4.55(1A) modification application (SSD 7388 MOD 16), prepared by Ethos Urban and dated 20 June 2022.**

[...]

Drawing No.	Revision	Name of Plan	Date
<i>Architectural (or Design) Drawings of SHFA building prepared by Drew Dickson Architects</i>			
SHF-DDA-0100-DA	<b>B C</b>	SHFA building Site Plan	<del>22.04.21</del> <b>19.05.22</b>
SHF-DDA-1000-DA	<b>A B</b>	SHFA building L00 GA Plan	<del>22.01.21</del> <b>19.05.22</b>
SHF-DDA-1001-DA	<b>A B</b>	SHFA building L01 & L02 GA Plan	<del>22.01.21</del> <b>19.05.22</b>
SHF-DDA-2000-DA	<b>A B</b>	SHFA building Elevations	<del>22.01.21</del> <b>19.05.22</b>
SHF-DDA-3000-DA	<b>A B</b>	SHFA building Sections	<del>22.01.21</del> <b>19.05.22</b>
<b>Staging Plans prepared by Greaton</b>			
<b>STG 001</b>	<b>A</b>	<b>Staging Plan</b>	<b>20.06.22</b>

## Condition B1

B1. The development may be constructed in stages, as outlined within the RtS referred to in Condition A2(b) **and Section 4.55(1A) modification application (SSD 7388 MOD 16)**. A Construction Certificate shall be obtained for each of the following stages:

- Stage 1 Early works: Site establishment and demolition of all the existing on-site structures including the IMAX Cinema building and associated retail/ restaurants. Construction of piling and initial structure.
- Stage 2 Main building works: Construction of all on-site facilities including the main 25 storey building, **broken down into the following separable portions:**
  - **SP 1A: Construction and operation of the main 25 storey building.**
  - **SP 1B: Construction and operation of the public domain surrounding the main 25 storey building.**
  - **SP 2A: Construction and operation of the public domain to the west of the main 25 storey building and 2 storey building.**
  - **SP 2B: Construction and operation of the public domain to the northwest of the main 25 storey building.**
  - **SP 3: Construction and operation of the 2 storey building.**

**Stage 2 separable portions and staging is to occur in accordance with the Staging Plan prepared by Greaton.**

## Condition B3

### **B3. Design Changes**

~~Prior to the issue of a Construction Certificate for the Property NSW building, amended plans providing east facing windows to Retail Unit 07, to ensure activation and casual surveillance of the adjoining circulation area, are required to be endorsed by PMNSW and submitted to the satisfaction of the Certifier. The windows shall have overall dimensions of 4.0 m x 1.2 m and be sited 1.2 m above Finished Floor Level.~~

~~A copy of the endorsed amended plans must be submitted to the Secretary prior to issue of a Construction Certificate for the Property NSW building.~~

Condition B3 is proposed to be deleted entirely as it has been satisfied by amendments made to the SHFA building design. See **Section 2.2** above.

## Condition E1

E1. Upon completion of any required remediation works on the Subject Site, the Applicant shall submit a site audit report and site audit statement prepared by a site auditor. The site audit report and site audit statement must verify that the land is suitable for the proposed uses and be provided to the Certifying Authority prior to the issue of the **final** Occupation Certificate.

## Condition E4

E4. Prior to issue of ~~an Interim and/or the~~ final Occupation Certificate ~~for Stage 2~~, certification shall be provided from a qualified engineer that the stormwater quality requirements of Sydney Development Control Plan 2012 have been met.

## Condition E6

E6. A restrictive covenant is to be registered on the title of the development site prohibiting residential use and any change of use for residential use on the site as defined in Sydney Local Environmental Plan 2012.

The covenant is to be registered on title prior to ~~an Occupation Certificate being issued or the use commencing, whichever is earlier,~~ **the issue of the Stage 2 SP 1A Occupation Certificate** to the satisfaction of the Secretary. All costs of the preparation and registration of all associated documentation are to be borne by the Applicant.

### Condition E8

E8. Prior to the issue of the **Stage 2** Occupation Certificate **for Stage 2 SP 1A**, certification from a suitably qualified person shall be submitted to the Certifying Authority confirming the facades of the ~~buildings have building has~~ a maximum normal specular reflectivity of visible light of:

- i) 15% on the northern and southern façade; and
- ii) 8% on the eastern and western ribbon façade.

and shall be designed so as not to result in glare that threatens the safety of pedestrians or drivers.

### Condition E9

E9. Prior to the issue of the **Stage 2** Occupation Certificate **for Stage 2 SP 1A (main 25 storey building)**, certification from a suitably qualified person shall be submitted to the Certifying Authority confirming the development complies with the recommendations of the noise impact assessment prepared by Acoustic Logic dated 21 December 2015 and the noise impact assessment required as part of Condition ~~B19~~ **B5**.

The current reference to condition B19 is incorrect. Condition B19 relates to the car stacker and does not reference noise. The correct condition is B5.

### Condition E11

E11. Prior to the issue of ~~an~~ **the Stage 2 SP 1A** Occupation Certificate, evidence shall be submitted to the Certifying Authority that a commercial agreement has been entered into with the relevant tenants/occupiers of the building prohibiting vehicles larger than 8.8m truck (Medium Rigid Vehicle) from using the loading dock.

### Condition E12

E12. Following completion, installation and testing of all the mechanical ventilation systems, the Applicant shall provide evidence to the satisfaction of the Certifying Authority, prior to the issue of the relevant Occupation Certificate **for Stage 2 SP 1A (main 25 storey building)**, that the installation and performance of the mechanical systems complies with:

- (aaa) The Building Code of Australia;
- (bbb) Australian Standard AS1668 and other relevant codes;
- (ccc) The development consent and any relevant modifications; and
- (ddd) Any dispensation granted by the New South Wales Fire Brigade.

### Condition E14

E14. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then follow the "e-Developer" icon or telephone 13 20 92 for assistance. The Section 73 Certificate must be submitted to the Certifying Authority prior to issue of the **final** occupation certificate.

## Condition E16

E16. Prior to the issue the relevant Occupation Certificate **for Stage 2 SP 1A (main 25 storey building)**, a Fire Safety Certificate shall be obtained for all the relevant Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Council and be prominently displayed in the building.

**Prior to the issue the relevant Occupation Certificate for Stage 2 SP 3 (2 storey building), a Fire Safety Certificate shall be obtained for all the relevant Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Council and be prominently displayed in the building.**

## Condition E17

E17. A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Occupation Certificate **for Stage SP 1A (main 25 storey building) and/or use of the premises**. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the approval authority and the Council after:

(hhh) The site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings.

(iii) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

**A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Occupation Certificate for Stage 2 SP 3 (2 storey building). A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the approval authority and the Council after:**

**(hhh) The site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings.**

**(iii) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.**

## Condition E19

E19. Prior to the issue of the ~~Stage 2~~ Occupation Certificate **for Stage 2 SP 1A (main 25 storey building)**, a detailed Waste Management Plan for operation of the **site building** shall be submitted to the Certifying Authority.

**Prior to the issue of the Occupation Certificate for Stage 2 SP 3 (2 storey building), a detailed Waste Management Plan for operation of the building shall be submitted to the Certifying Authority.**

## Condition E21

~~E21. A new enclosure structure (and ancillary structures) shall be provided for the retained carousel prior to the issue of an the Stage 2 SP 2A Occupation Certificate. The design of the new enclosure and ancillary structures shall be in accordance with the Carousel and Band Organ Conservation Management Plan and undertaken in consultation with an appropriately qualified Heritage Consultant.~~

Condition E21 is proposed to be deleted in its entirety as being outdated and no longer relevant to the development. Although the original SSD 7388 approval required that the Carousel be relocated, following the public domain amendments to the project approved under SSD 7388 MOD 10 (and further confirmed under MOD 14), the relocation and dismantling of the Carousel is no longer required. Therefore, it is no longer necessary to provide a new enclosure structure for the Carousel as the existing enclosure will be retained.

## Condition F12

*F12. Six months after **the final** occupation of the development, the Applicant shall undertake an assessment of the capacity of existing footpaths at intersections along Bathurst Street and Druitt Street (west of George Street) and consult with RMS to determine whether any operational adjustments to pedestrian crossings are necessary (e.g. adjusting traffic signal cycle times).*

## 5.0 Substantially the same development

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if *“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)”*.

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

- The proposed amendments to the SHFA building, including the removal of Retail Tenancy 08, are minor within the context of the project. The SHFA building will remain as a 2-storey retail building ancillary to the main Ribbon building with SHFA offices. The proposed amendments do not change any of the fundamental aspects, approved land uses, or fundamental operation of the SHFA building.
- The provision of OC Staging will not result in any changes to the physical form of the proposal and is necessary to accommodate the anticipated opening of the development.
- The proposed amendments will not result in adverse environmental impacts.

## 6.0 Environmental assessment

Section 4.55(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 4.55(3) the consent Authority must also take into consideration the relevant matters to the application referred to in section 4.15(1) of the EP&A Act and the reasons given by the consent authority for the grant of the original consent.

The following assessment considers the relevant matters under section 4.15(1) and demonstrates that the development, as proposed to be modified, will be of minimal environmental impact.

### 6.1 Environmental Planning Instruments

As detailed in the Environmental Impact Statement (EIS) submitted with the original SSDA, the following Environmental Planning Instruments are relevant to the approved development:

- *State Environmental Planning Policy (Planning Systems 2021)* (incorporating former State and Regional Development SEPP);
- *State Environmental Planning Policy (Transport and Infrastructure) 2021* (incorporating former Infrastructure SEPP);
- *State Environmental Planning Policy (Resilience and Hazards) 2021* (incorporating former SEPP 55)
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (incorporating former Sydney Harbour SREP); and
- *State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021* (incorporating former Darling Harbour Development Plan No 1).

The proposal seeks to remove one approved retail tenancy (Retail Tenancy 08) to facilitate Sydney Trains access to the cable joint below. As design change does not change the approved SHFA building height or land uses, and results in a reduction of bulk and scale and GFA (due to removal of a retail tenancy), consistency with the above Environmental Planning Instruments remain unchanged.

### 6.2 Environmental impacts of the SHFA building

The environmental impacts of the SHFA building has been comprehensively addressed in the original SSD 7388 approval, and the subsequent MOD 10 and MOD 13 approvals, as outlined in **Section 1.2** above. MOD 10 (and later MOD 13) assessed the impacts of the revised SHFA building design with regards to the follows:

- Building Code of Australia compliance;
- CPTED;
- Traffic impacts;
- Accessibility;
- Ecologically Sustainable Design; and
- Flood impacts.

The removal of Retail Tenancy 08 does not affect the remaining components of the SHFA building with regards to BCA compliance; CPTED outcomes; and accessibility. With no increase in floorspace, no traffic impacts are anticipated, and no additional flood impacts are anticipated. ESD outcomes are discussed in **Section 6.3** below.

### 6.3 Environmentally Sustainable Design

In February 2022, ‘Guidance material for certifiers’ was issued by the NSW Building Commissioner confirming that all new buildings are to comply with Section J1 of the National Construction Code (NCC)

2019. Cundall (the ESD consultant) has recommended that some operable windows and doors to the retail areas of the SHFA building be replaced with double fixed glazing to improve building sustainability and energy efficiency, to ensure compliance with Section J1 of the NCC. This has necessitated amendments to the glazing of Retail Tenancies 07 and 09 as discussed in **Section 2.2** above, which have been reviewed and supported by Cundall.

The amendments to glazing design will not compromise the ability of the tenancies to deliver a high quality outcome to the surrounding public domain. Substantive operable glazing will still be provided, and the proposed double fixed glazing would still enable activation and passive surveillance. Furthermore, it should be noted for context that the operable glazing was only introduced under MOD 13, with the SHFA building as proposed still providing substantially more operable glazing than the previously approved MOD 10 design.

## 6.4 Operation of the SHFA building

The proposed removal of Retail Tenancy 08 not alter the proposed operations of the two remaining retail tenancies in the SHFA building, or the SHFA offices on the first floor. The operation of the public amenities within the building remains unchanged, although members of the public will now have the added benefit of accessing these amenities from the building's western façade, which is the building's primary interface with the public domain. As approved, pedestrians must access the amenities from the building's north. This also improves the visibility of the amenities.

## 6.5 Site access and egress

To enable Occupation Certificate staging, temporary access points will be provided for pedestrian and vehicle access to The Ribbon building (SP 1A) while works to the surrounding public domain are finalised, as shown on the Staging Plans (**Attachment B**).

## 6.6 Original reasons for approval

The detailed design of the SHFA building and/or project staging were not raised as a reason for approval. The proposed amendments do not affect the original reasons of approval for SSD 7388.

## 6.7 Site suitability and public interest

The proposed amendments are suitable for the site, and in the public interest as:

- The proposed removal of Retail Tenancy 08 is due to circumstances outside the proponent's control as a Sydney Trains cable joint located beneath the tenancy has been identified. The tenancy is required to be removed to enable Sydney Trains technicians to access the cable joint, which is necessary for the operation of the City Circle railway line. Not undertaking the amendment would result in operation of the City Circle being compromised.
- Further changes to the glazing on Retail Tenancies 07 and 09 is required to meet energy performance requirements under the NCC 2019.
- The addition of an eastern window to Retail Tenancy 07 is required to meet Condition B3 of the SSD 7388 consent and improves surveillance and activation to the public domain.
- Occupation Certificate staging will enable a 2 month bump-in period where staff are able to access The Ribbon building to prepare for commencement of operations, including the grand opening of the hotel, prior to the final completion of the SHFA building and surrounding public domain. This is necessary due to construction delays as a result of the COVID-19 pandemic.

## 7.0 Conclusion

The proposed modifications principally relate to the following:

- Removal of Retail Tenancy 08 from the SHFA building, as subsequent detailed design has now identified that a Sydney Trains cable joint is located beneath the approved tenancy, which Sydney Trains technicians require access to 24/7. Tenancy 08 will be replaced with additional public domain area.
- Enabling Occupation Certificates to be staged to allow The Ribbon building to operate prior to the final completion of the SHFA building and surrounding public domain. This is necessary due to construction delays as a result of the COVID-19 pandemic, and to enable a 2 month bump-in period where staff are able to access The Ribbon building to prepare for commencement of operations, including the grand opening of the hotel.

In accordance with section 4.55(1A) of the EP&A Act, the Department may modify the consent as:

- the proposed modification is of minimal environmental impact; and
- substantially the same development as development for which the consent was granted.

Please do not hesitate to contact the undersigned should you require any further information.

Yours sincerely,



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