



12255
8 June 2017

Ms Carolyn McNally
The Secretary
Department of Planning and Environment
PO Box 375
SYDNEY NSW 2001

Attention: Amy Watson

Dear Ms McNally,

**SECTION 96(2) MODIFICATION APPLICATION SSD 7388 – MOD 3
31 WHEAT ROAD, SYDNEY**

On behalf of Grocon (Darling Harbour) Developments Pty Ltd we hereby submit an application pursuant to section 96(2) of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) to modify SSD 7388 relating to The Ribbon development (former IMAX site).

This modification application seeks approval for the following:

- Revised podium envelope;
- Rationalisation of podium tenancies within the revised podium envelope;
- Minor alterations to the approved envelope of the car stacker to accommodate an increased void over the loading dock;
- Relocation of visitor bike parking to the public domain; and
- Reconfiguration of bicycle parking and end of trip facilities.

This application identifies the consent, describes the proposed modifications and provides a planning assessment of the relevant matters for consideration contained in section 96(2) and 79C(1) of the EP&A Act. It should be read in conjunction with the Environmental Impact Statement (EIS) prepared by JBA dated December 2015 and Response to Submission (submitted with the original SSD) and is accompanied by Revised Architectural Plans prepared by HASSELL dated April 2017 (**Attachment A**).

1.0 BACKGROUND

1.1 Overview of the initial proposal

Development consent SSD 15_7388 was granted by Planning Assessment Commission on 28 June 2016 for the IMAX redevelopment, including:

- demolition of the existing IMAX building, tourist office and amenities block;
- construction of a new 25 storey building and separate 2 storey building;
- hotel, serviced apartments, retail and entertainment uses;
- 170 car parking spaces within the podium and ~~239~~ 332 bicycle spaces at ground level;
- Realignment of Wheat Road;
- Upgrade to the surrounding public domain including a new playground and relocation of heritage items;

- Installation of a City Screen and signage zones.

To date, two modifications to the approved SSD have been lodged. The modifications related to the staging of the conditions of consent and both have been withdrawn prior to determination. Consequently, the conditions of consent remain as originally approved.

2.0 PROPOSED MODIFICATIONS TO CONSENT

The application seeks approval for the following amendments to the approved development.

2.1 Refined podium envelope

Hassell has reviewed the design of the podium envelope to better align the geometry of the tower with the podium. The DA concept may be interpreted as a vertically curling ribbon (tower) resting upon a horizontally undulating ribbon (podium), the proposed developed concept strengthens and reinforces this idea further by aligning the geometry of the tower and podium. In this way, the composition may be read as a series of sweeping, dynamic curves that re-interpret the lines of the western distributor overpasses into a shape that simultaneously creates a strong focus at its centre (the hotel main lobby and atrium) while reaching out towards the public domain and Darling Harbour beyond. The nested, projecting curves of the podium form also cleverly negotiate the complex offsets from the RMS overpass structure, optimising the interior floor area and rationalising the shapes of the rooms and improving their visual connectivity to the harbour.

The architects have provided the following design statement in respect of the proposed changes:

'The changes to the podium levels of the Ribbon proposed in this Section 96 are a direct consequence of the building's change in use from commercial office to hotel. As a commercial office building, the podium functions were entirely separate from the tower functions. This condition informed an architectural response that sought to separate the tower and podium forms, giving them distinct and contrasting identities. As a hotel, the podium and tower functions are much more interrelated. The eastern end of the podium forms the first point of contact that visitors have with the hotel and level one accommodates the front-of-house reception and principal guest gathering space. The podium is now both literally and symbolically supporting the tower - indivisible from it in function and forming a defining feature of the guest experience. As a consequence, the architectural response has been modified in this proposal to more closely associate the two building forms. It achieves this by extending the architectural language and geometry of the tower into the podium.'

The conceptual approach to the Ribbon may be abstracted as a series of nested curves that respond to the shape of the roadways that form the northern and southern site boundaries. The proposal for the podium extends these curves into the horizontal plane under the roadways, radiating outwards and embracing a sculptural and grandly proportioned hotel entry to the east, an elevation of curved glass that addresses Darling Harbour to the north and a more solid, grounded mass forming a unique identity for the lmax entry to the west. The proposal also improves the building's relationship to its context. The gentle sweep of the northern elevation deftly organises the plan around the pylons supporting the overpass while capturing the pedestrian movement from the promenade north of the site and redirecting it towards the west. This arc responds to the shape of the harbour's edge forming a legible southern boundary wall to the Cockle Bay foreshore public domain. In this way, when read as a whole, the composition of tower and podium will achieve a more consistent and elegant balance, befitting this site and this program.'

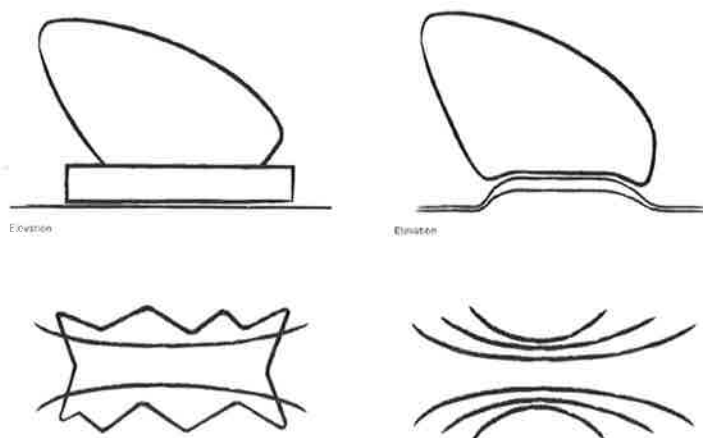


Figure 1 – Original DA Concept and Refined Podium Concept

Source: Hassell

2.2 Rationalisation of tenancies

The revision of the building envelope necessitates the reconfiguration of the retail tenancies within the podium. The revised layout is shown in **Figure 2**. The proposed amendments increase the gross floor area(GFA) of the development by 107m² refer to the GFA calculations on drawing ARC-HSL-DD-SK-532.1.

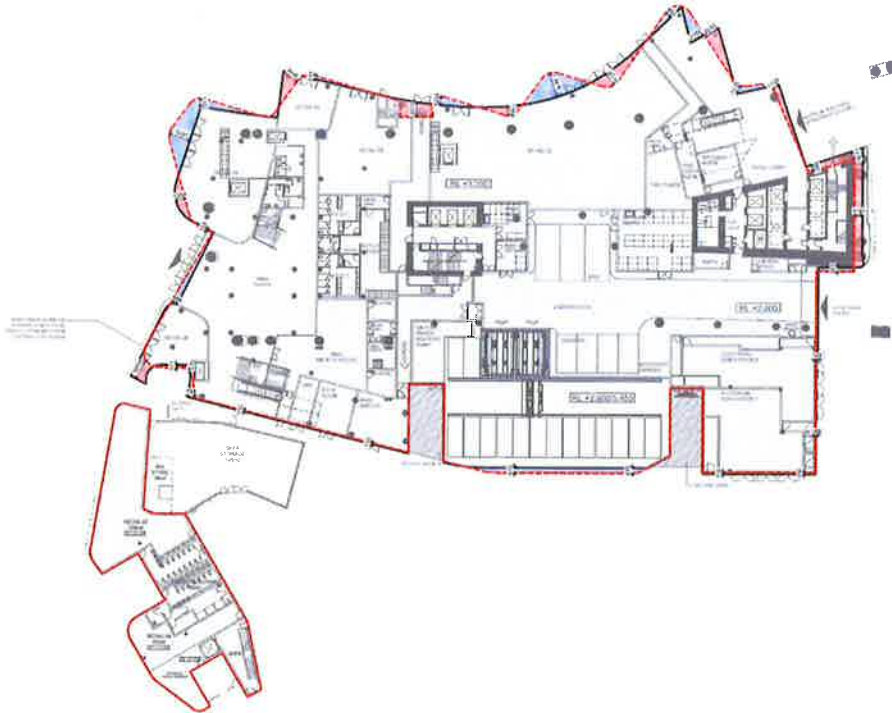


Figure 2 – Revised tenancy configuration
Source: Hassell

2.3 Car Stacker and Loading Dock

In order to accommodate larger vehicles for Ausgrid yet still retain the same number of parking bays in the car stacker it has been necessary to reconfigure and slightly enlarge the podium envelope to accommodate the resultant reconfiguration of the car stacker. Hassell have prepared comparison diagrams which explain the proposed amendments. Refer to the car stacker detail sheets 1 through 7 at **Attachment A**.

2.4 Bicycle Parking

Grocon is seeking to reduce the number of bicycle parking spaces that are provided for hotel and serviced apartment guests of the development. The total number of bicycle parking spaces provided in the development has been determined by the Green Star rating scheme as opposed to Council's DCP requirements (which do not technically apply to the site). However, Cundall has now obtained agreement from the Green Building Council (refer **Attachment B**) that guests of the hotel and serviced apartment accommodation can be excluded from the 5% guests parking provision requirement. This reduces the total number of parking spaces required and it is therefore proposed to reduce the overall bicycle parking provision down from 239 spaces to 208 spaces.

In addition to the reduction in spaces it is also proposed to relocate the retail / IMAX visitor bicycle parking from within the building to the public domain. 32 spaces are to be retained within the building for staff and the remaining 176 spaces are to be relocated to the area nominated for cycle parking on the public domain plan prepared by Aspect Studios. The revised location proposed is considered appropriate given that these spaces will primarily service customers to the retail and IMAX tenancies and it would be inappropriate to provide access to internal back of house access to these visitors. Refer to the public domain plans at **Attachment C**.

3.0 CONDITIONS TO BE AMENDED

The proposed modifications described above necessitate amendments to the consent conditions which are identified below as follows:

SCHEDULE 1

- Development:** IMAX redevelopment, including:
- demolition of the existing IMAX building, tourist office and amenities block;
 - construction of a new 25 storey building and separate 2 storey building;
 - hotel, serviced apartments, retail and entertainment uses;
 - 170 car parking spaces within the podium and ~~208 239~~ 332 bicycle spaces at ground level;
 - realignment of Wheat Road;
 - upgrade to the surrounding public domain including a new playground and relocation of heritage items;
 - installation of a City Screen and signage zones.

SCHEDULE 2

A ADMINISTRATIVE CONDITIONS AND DEVELOPMENT CONTRIBUTIONS CONDITIONS

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

- a) Environmental Impact Statement (EIS) prepared by JBA Urban Planning Consultants 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) **S96 Application dated April 2017;** and
- f) 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 Hassell			
Drawing No.	Revision	Name of Plan	Date
ARC-HSL-DD-1052	G	GFA Area Schedule	21.03.16
ARC-HSL-DD-1060	FG	Draft Lease Plan	21.03.16 12.04.17
ARC-HSL-DD-1078	DH	Lease Line Relationship Plans – Sheet 1	01.04.16 21.04.17
ARC-HSL-DD-1079	C	Lease Line Relationship Plans – Sheet 2	30.03.16
ARC-HSL-DD-1079.1	B	Lease Line Relationship Plans – Sheet 3	30.03.16
ARC-HSL-DD-1080	H	Demolition Plan	30.03.16
ARC-HSL-DD-1090	JK	Lower Site Plan	01.04.16 12.04.17
ARC-HSL-DD-1090	D	Upper Site Plan	15.12.15
ARC-HSL-DD-1100	KN	GA Plans – Ground Floor	26.04.16 12.04.17
ARC-HSL-DD-1101	HL	GA Plans – Podium L01	26.04.16 12.04.17
ARC-HSL-DD-1102	EJ	GA Plans – Podium L02	26.04.16 12.04.17
ARC-HSL-DD-1103	E	GA Plans – Podium L03	26.04.16
ARC-HSL-DD-1104	D	GA Plans – Podium L04	15.12.16

Architectural (or Design) Drawings prepared by Hassell			
ARC-HSL-DD-1105	E	GA Plans – Hotel and Serviced Apartments L05 and L06	21.03.16
ARC-HSL-DD-1106	D	GA Plans – Hotel and Serviced Apartments L07 and L08	15.12.16
ARC-HSL-DD-1107	D	GA Plans – Hotel and Serviced Apartments L09 and L10	15.12.15
ARC-HSL-DD-1108	D	GA Plans – Hotel and Serviced Apartments L11 and L12	15.12.16
ARC-HSL-DD-1109	D	GA Plans – Hotel and Serviced Apartments L13 and L14	15.12.15
ARC-HSL-DD-1110	D	GA Plans – Hotel and Serviced Apartments L15 and L16	15.12.16
ARC-HSL-DD-1111	D	GA Plans – Hotel and Serviced Apartments L17 and L18	15.12.15
ARC-HSL-DD-1112	D	GA Plans – Hotel and Serviced Apartments L19 and L20	15.12.16
ARC-HSL-DD-1112.1	A	GA Plans – Hotel and Serviced Apartments L21 and L22	15.12.16
ARC-HSL-DD-1112.2	-	GA Plans – Hotel and Serviced Apartments L2 and L24	15.12.16
ARC-HSL-DD-1113	EH	GA Plans – Roof	21.03.16 21.04.17
ARC-HSL-DD-1130	C	Building 2 GA Plans	19.02.16
ARC-HSL-DD-1150	EJ	GA Elevations – Sheet 1	21.03.16 21.04.17
ARC-HSL-DD-1151	EH	GA Elevations – Sheet 2	21.03.16 21.04.17
ARC-HSL-DD-1152	EH	GA Elevations – Sheet 3	22.03.16 21.04.17
ARC-HSL-DD-1153	EH	GA Elevations – Sheet 4	21.03.16 21.04.17
ARC-HSL-DD-1154	E	GA Elevations – Building 2	21.03.16
ARC-HSL-DD-1200	DH	GA Sections – Sheet 1	15.12.16 21.04.17
ARC-HSL-DD-1201	D	GA Sections – Sheet 2	15.12.16 21.04.17
ARC-HSL-DD-1202	DJ	GA Sections – Sheet 3	15.12.16 21.04.17
ARC-HSL-DD-1203	DJ	GA Sections – Sheet 4	15.12.16 21.04.17
ARC-HSL-DD-1204	DJ	GA Sections – Sheet 5	15.12.16 21.04.17
ARC-HSL-DD-1350	D	Section Details	15.12.16
ARC-HSL-DD-1930	D	Materials and Finishes Palette	21.03.16
SK-029	AC	Loading Bay: Refuse Areas	22.04.16 12.04.17
SK-030	BD	Refuse Areas Detail	26.04.16 2.05.17
SK-530	-	Eastern Pedestrian Clear Widths	04.05.17
Public Domain/Landscape Drawings prepared by Aspect Studios			
Drawing No.	Revision	Name of Plan	Date
12023-LDA01	G	Public Domain Context Plan	15.12.16
12023-LDA02	G	Public Domain Plan	15.12.16
12023-LDA03	G	Public Domain Sections	15.12.16
12023-LDA04	G	Playground Detail Plan	15.12.16
12023-LDA05	G	Eastern Public Domain	15.12.16

Architectural (or Design) Drawings prepared by Hassell			
12023-LDA06	G	Public Domain Planting Plan	15.12.16
12023-LA-105	B	Allocated Bike Parking	22.03.16
SK-0235.1	-	Harbour Street Pedestrian Path	28.06.16
<u>12023-S96 01</u>	A	<u>Public Domain Plan</u>	<u>05.17</u>
<u>12023-S96 02</u>	A	<u>Public Domain Sections</u>	<u>05.17</u>
<u>12023-S96 03</u>	A	<u>Eastern Public Domain Detail Plan</u>	<u>05.17</u>
<u>12023-S94 04</u>	A	<u>Allocated Bike Parking</u>	<u>05.17</u>
RMS Clearance Diagrams prepared by Hassell			
Drawing No.	Revision	Name of Plan	Date
ARC-HSL-DD-1070	F	Ground Floor Proposed Clearances to RMS Roadway Structures	01.04.16
ARC-HSL-DD-1071	C	Podium Level Proposed Clearances to RMS Roadway Structures	15.12.15
ARC-HSL-DD-1072	C	Hotel Level Proposed Clearances to RMS Roadway Structures	15.12.15
ARC-HSL-DD-1073	C	Proposed Clearances to RMS Roadway Structures	15.12.15
ARC-HSL-DD-1074	C	Temporary Construction Proposed Clearances to RMS Roadway Structures	15.12.15
ARC-HSL-DD-1075	C	Temporary Construction Proposed Clearances to RMS Roadway Structures	15.12.15
ARC-HSL-DD-1076	C	Upper Hotel Levels Cantilever over RMS Roadway	15.12.15
ARC-HSL-DD-1077	C	Proposed Cantilever over RMS Roadway	15.12.15
Signage Zone Plans prepared by Hassell			
Drawing No.	Revision	Name of Plan	Date
	A	Signage Matrix	19.04.13
SK026.1	E	Signage Types & Locations South Elevation	18.04.16
SK026.2	E	Signage Types & Locations East Elevation	18.04.16
SK026.3	E	Signage Types & Locations West Elevation	18.04.16
SK026.4	E	Signage Types & Locations North Elevation	18.04.16
SK026.5	E	Signage Types & Locations Building 2 Elevations	18.04.16
General Building Envelope Materials and Finishes Plans prepared by Hassell			
Drawing No.	Revision	Name of Plan	Date
	A	General Building Envelope Materials and Matrix	19.04.13
SK027.1	-	Materials and Finishes View from North-West	18.04.16
SK027.2	-	Materials and Finishes View from South-West	18.04.16
SK027.3	-	Materials and Finishes View from South-East	18.04.16
SK027.4	C	Materials and Finishes View from North	18.04.16 12.04.17

PART B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Design Changes

- B3** Prior to the issue of a Construction Certificate for Stage 2, amended plans and documentation are required to be submitted to the Secretary for approval, showing:
- (a) A footpath width of 4.5 metres where achievable and variable width, as indicated on drawing ~~SK-0235.1, dated 28 June 2016~~ **SK-530 dated 4 May 2017**, along the eastern frontage to the main building to provide adequate pedestrian circulation;
 - (b) ...

Bicycle Facilities

- B10** The following bicycle parking is to be provided:
- a) a minimum of ~~239~~ **32** bicycle parking spaces within the ground floor level of the podium;
 - b) a minimum of ~~56~~ **176** visitor bicycle parking spaces shall be provided within the public domain, ~~with the ability to expand this area to accommodate 100 spaces if demand in the future.~~

Plans /details are to be approved by the Certifying Authority prior to issue of a Construction Certificate for Stage 2.

Access for People with Disabilities

- B26** Prior to the issue of the Construction Certificate for Stage 2, detailed design documentation demonstrating compliance with the recommendations of the Disability Access Review Report **as amended by the access statement prepared by Morris Goding dated April 2017** submitted with the EIS shall be submitted. The building must be designed and constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia. The Certifying Authority must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on the Construction Certificate drawings.

4.0 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. Pursuant to Section 96(2) of the EP&A Act, the Minister or his delegate may modify development consent if:

- (a) *it is satisfied that the development to which the consent as modified relates is **substantially the same development** as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (b) *it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, 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 the period prescribed by the regulations or provided by the development control plan, as the case may be.*

The proposed modification will not alter the nature of the approved development. It does not seek to change the approved uses or any other key aspects of the approved SSD development. As a result, the proposed development remains substantially the same as the approved development. Specifically:

- the proposal maintains the same uses within the building as that originally approved;
- the proposal maintains the same design intent of a podium/tower form development; and
- the environmental impacts of the modified development are substantially the same as the approved development in terms of operation, traffic generation, waste management and the like.

5.0 ENVIRONMENTAL ASSESSMENT

5.1 Section 79(C) Assessment

Section 96(3) of the EP&A Act states: "In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 79C(1) as are of relevance to the development the subject of the application."

Section 79C(1) of the Act states:

"In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) *the provisions of:*
- (i) *any environmental planning instrument, and*
 - (ii) *any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and*
 - (iii) *any development control plan, and*
 - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

5.2 Section 79C(1)(a) Planning Instruments

The Environmental Impact Statement (EIS) submitted with the original SSDA addressed the proposed development's level of compliance against relevant environmental planning instruments, including:

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy No 55 – Remediation of Land;
- State Environmental Planning Policy No 64 (Advertising and Signage);
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005; and
- Darling Harbour Development Plan No 1.

The application seeks approval for minor modifications to the podium as a result of further design development. The proposed modifications will therefore not alter the level of compliance of the development with the above relevant planning instruments. For completeness, **Table 4** provides a summary overview of the continued compliance with the relevant planning instruments demonstrated in this proposed modification.

Table 4 – Compliance with relevant Environmental Planning Instruments

SEPP (State and Regional Development)	The modified development continues to meet the threshold for State Significant Development.
SEPP (Infrastructure)	The proposal maintains consistency with the requirements of the SEPP and the conditions of consent imposed by the RMS.
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 64 (Advertising and Signage)	No changes are proposed to signage as part of this application. Revised signage zones will be identified as part of the tower modification where a co-ordinated approach can be demonstrated and a whole building assessment will be undertaken.
Sydney Harbour SREP	The modified proposal maintains consistent with the principles of the SREP in that it provides an iconic built form, maintains public access to and along the foreshore and will not affect the natural assets and unique environmental qualities of the harbour.
Darling Harbour Development Plan	The proposal maintains the tourist, entertainment, retail uses and public domain upgrades which will assist in revitalising Darling Harbour.

5.3 Section 79C(1)(b) Impact on the Environment

The EIS submitted with the original DA addressed the likely impacts of the development, including:

- Design excellence
- Land Use
- Built Form and Urban Design
- Amenity
- Reflectivity
- Transport and Accessibility
- Noise
- Air Quality
- Geotechnical and Groundwater
- Contamination
- Access
- Signage
- BCA and Fire Engineering
- Heritage
- Ecologically Sustainable Development
- Civil Engineering
- Services and Infrastructure
- Construction Management

The modifications of this application remain generally consistent with the conclusions made in respect of the above considerations. However, the amendments do warrant further consideration of the following issues as discussed below:

Building Envelope

The proposed modification seeks to alter the podium envelope to provide a better design relationship with the tower form above and also the surrounding built form context. The revised design is the result of further design development and is cognisant of the key issues which were considered in the original assessment, being:

- Building footprint;
- Site lines; and
- Pedestrian movement.

Figure 3 provides a comparison of the approved and proposed podium footprint. As can be seen in the image the revised design generally occupies the same area as that originally approved. It also maintains the important sightlines that were identified in the assessment of the original proposal as demonstrated in **Figure 4**.

The proposal does have an impact on the width of the pedestrian paths along the eastern edge of the podium. Following technical design development the structural columns now terminate to the core base and have increased in size. In order to improve the aesthetics of this element of the building, Hassell is now proposing to enclose the structure within the building envelope. Whilst it is recognised that such dimensions fall short of the desired width of 4.5m, they do exceed those specified as part of the approved development.

GTA has reviewed the proposed amendments to the design to determine if sufficient height clearances and the required swept path movements have been achieved along this section of footpath and in the Porte Cochere. Their assessment is provided at **Attachment D**. They conclude that sufficient widths and height are provided but that appropriate management measures will need to be implemented to ensure the successful operation of the space. This will be addressed as part of the Plan of Management required to be submitted as part of the CC2 documentation.

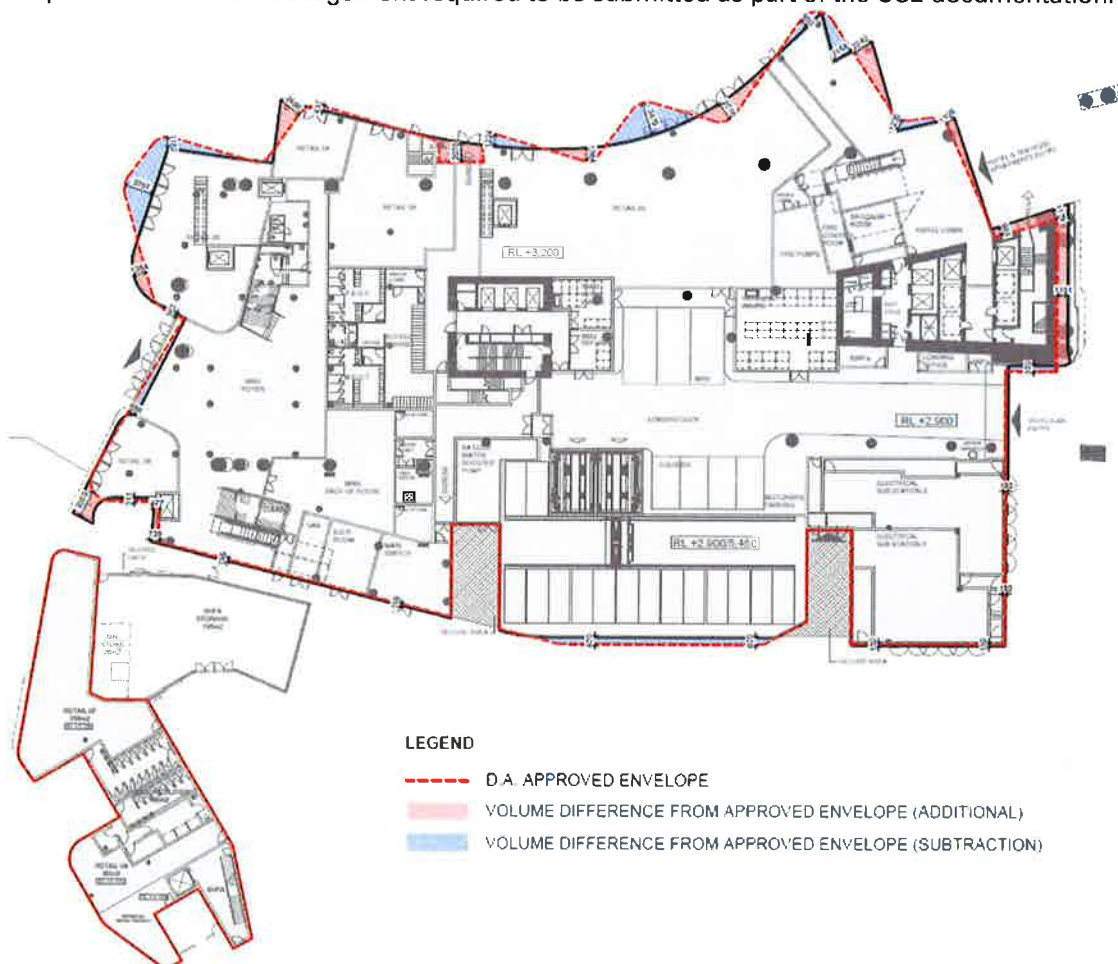


Figure 3 – Comparison of approved and proposed footprint of the podium
 Source: Hassell

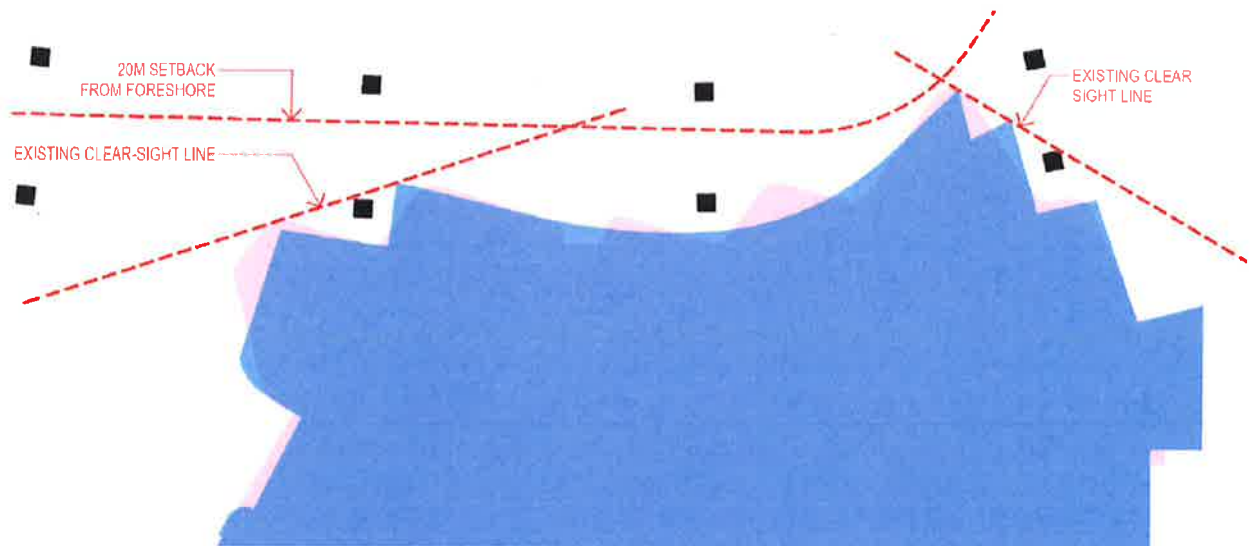


Figure 4 – Review of important sightlines
Source: Hassell

Public Domain

The public domain remains substantially the same in terms of design intent. The key change proposed relates to the relocation of the retail/IMAX visitor bicycle parking from within the building to the public domain. The bicycle parking space are provided in groups in various key positions in the public domain in places where they will be visible and user friendly.

Accessibility

Morris Goding has reviewed the proposed modifications for compliance with the accessibility requirements of the BCA and Disability Discrimination Act. Their assessment is provided at **Attachment E** and concludes that in general the proposed modifications are generally consistent with the original approved DA design scheme and can achieve reasonable access provisions for people with a disability as set out in the requirements of the DDA Premises standards, BCA and AS1428 Suite.

BCA

The McKenzie Group have reviewed the proposed changes to the approved scheme and believe the proposal as modified can comply with the requirements of the Building Code of Australia. Their statement is provided at **Attachment F**.

Traffic & Parking

A Traffic Assessment report has been prepared by GTA Consultants (**Attachment D**). GTA has reviewed and influenced the proposed changes to the loading dock and car stacker and considered that the design proposed can comply with the relevant Australian Standards. The compliance, management and operation of the loading dock and car stacker will be assessed in detail by GTA as part of the CC2 documentation.

5.4 Section 79C(1)(c) Suitability of the site for the proposed development

The site remains suitable for the proposed development for the reasons outlined in the EIS lodged with the original SSD. The proposal is considered suitable for the site as it:

- the proposed hotel and serviced apartment uses are compatible with the existing and desired future character of the Darling Harbour tourist and entertainment precinct;
- the site is suitable for the proposed built form;
- the proposal is of a height, scale and bulk that is suitable to the site; and

- the proposal achieves design excellence and contains the potential to achieve iconic landmark status.

5.5 Section 79C(1)(d) Submissions made

Any submissions made on this subject modification application will be duly considered and addressed by Grocon and its project team.

5.6 Section 79C (1)(e) The public Interest

The proposal continues to be in the public interest in that it will:

- Strengthen the role of Darling Harbour as a tourist attraction and complementing the revitalisation of the precinct in association with the SICEEP;
- Provide an iconic land mark building; and
- Enhances the public domain.

6.0 CONCLUSION

This S96 Application seeks approval for minor amendments to the approval in response to design development progression. In accordance with section 96(2) of the EP&A Act, the Minister or their delegate may modify the consent as:

- the consent, as proposed to be modified, is substantially the same development as that originally approved; and
- the building's compliance with the key statutory plans and controls remains consistent with the original approved SSD.

The proposed modifications do not raise any unacceptable environmental planning impact and maintain the vision and character of the original development. They are therefore recommended for approval.

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

Yours faithfully



Jennie Buchanan
Associate Director



Clare Swan
Director