



13460  
17 February 2014

Mr Sam Haddad  
Director General  
Department of Planning  
23-33 Bridge Street  
Sydney  
NSW

Attention: Mr Daniel Keary

Dear Mr Haddard,

**SECTION 96(1A) MODIFICATION APPLICATION - STATE SIGNIFICANT DEVELOPMENT  
APPLICATION NO. SSD-4972  
161 SUSSEX STREET, SYDNEY**

On behalf of GL Investment Co Pty Ltd GL No 1 Trust, we hereby submit an application pursuant to section 96(1A) of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) to modify State Significant Development Consent SSD-4972 relating to the redevelopment of the Four Points by Sheraton Hotel involving the construction of a 25 storey tower, comprising 231 hotel rooms and approximately 5,775m<sup>2</sup> of commercial floor space and approximately 4,810m<sup>2</sup> of convention, exhibition and function space.

This modification relates to a number of small changes to the approved development that have arisen as a result of further design and engineering development by the project team.

This Section 96(1A) application identifies the consent and describes the proposed modifications and is accompanied by:

- A signed and completed Section 96 application form;
- A copy of the Notice of Determination for SSD-4972 (**Attachment A**); and
- Amended Architectural Plans prepared by Cox Richardson Architects (**Attachment B**).

**1.0 CONSENT PROPOSED TO BE MODIFIED**

State Significant Development Consent SSD-4972 was granted by the Planning Assessment Commission on 5<sup>th</sup> August 2013 for the construction of a 25 storey tower comprising 231 hotel rooms and approximately 5,775m<sup>2</sup> of commercial floor space and circa 4,810m<sup>2</sup> of convention, exhibition and function space

Since this time the applicant has been working closely with the design and construction project team to further refine the building design. This process it has identified some amendments that are required to facilitate future construction.

## 2.0 PROPOSED MODIFICATIONS TO CONSENT

The proposed modification to the development consent comprises:

- Changes to the structural columns, trusses and footings beneath the tower and convention/function area;
- Deletion of the pre-function area located at the northern end of the building; and
- Changes to the commercial lobby and lift core within the tower.

The proposed modifications are described in further detail below.

### 2.1 Amendments to structural columns, trusses and footings under tower

The alignment and configuration of the structural columns, trusses and footings beneath the approved tower have been amended following further design development and testing. The previous angular 'V' columns and trusses have been replaced with a rationalised structural support system that reduces the number and complexity of columns and beams. A comparison between the approved and proposed column configuration is shown in **Figures 1 and 2** and in the accompanying Architectural Plans (**Attachment B**).

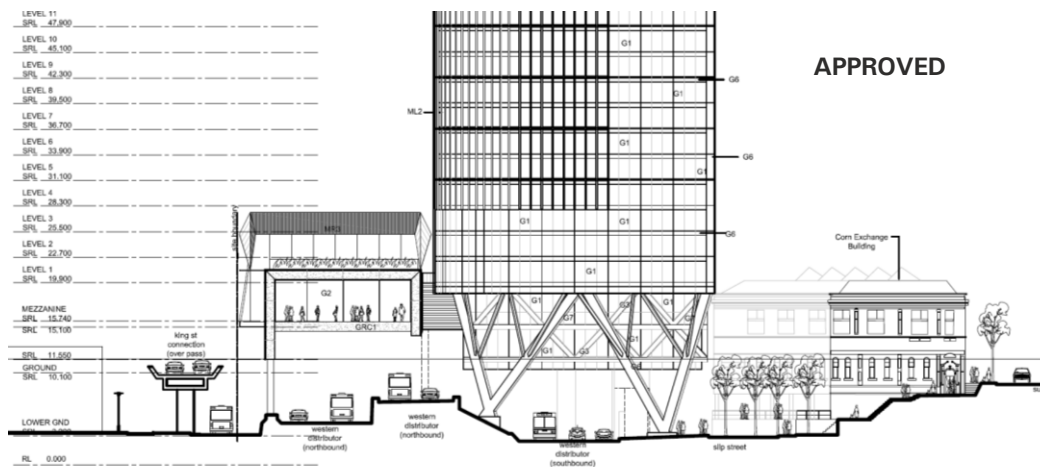


Figure 1 – Approved structural column design

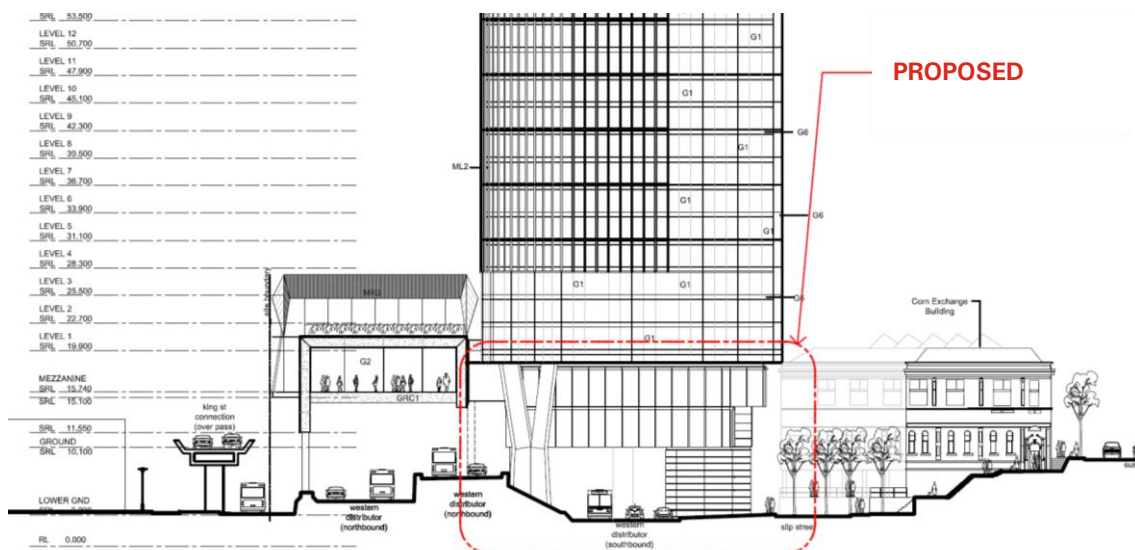


Figure 2 – Proposed structural column design

## 2.2 Changes to structural columns and footings under convention/function space

The configuration, location and number of structural columns and footings beneath the approved convention and function space are also proposed to be modified. The number of columns is to be increased from three to eight as shown in **Figure 3** below. The need for these additional columns has been identified following further structural and engineering analysis of the building design. Consistent with the existing approved development, the additional support columns will be located within the median strip between Wheat Road and the northbound lane of the Western Distributor. Further details are provided in the accompanying Architectural Plans (**Attachment B**).

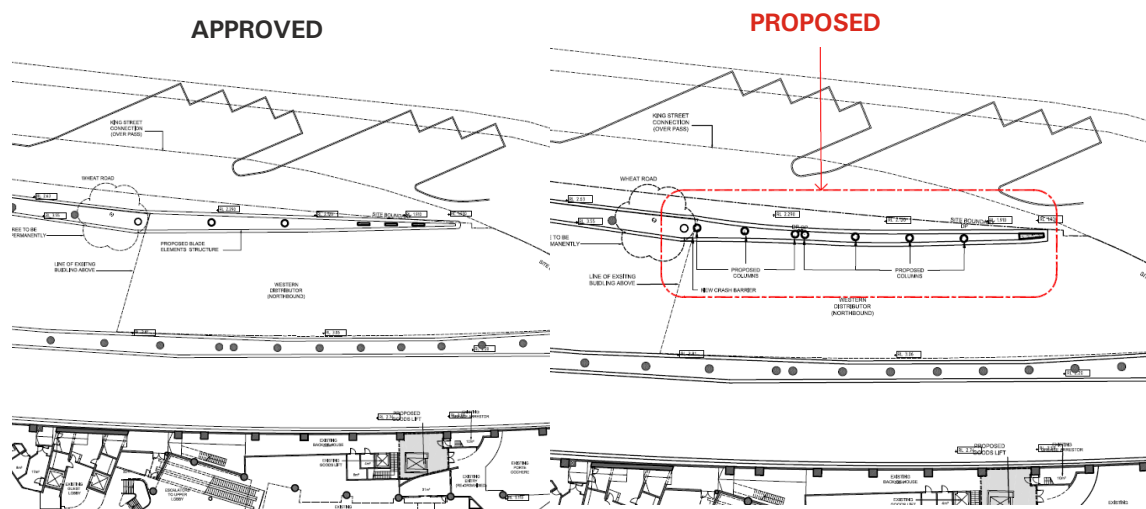


Figure 3 – Approved vs proposed location of structural columns and footings under convention space

## 2.3 Removal of trees along Slip Lane

It is proposed to amend the approved development by removing a number of existing trees along Slip Lane and located between the approved tower and the Corn Exchange Building. Further detailed design work has identified that a number of electrical pits are required to be provided in this location and as such removal of these trees is necessary. **Figure 4** below between the approved and proposed development.

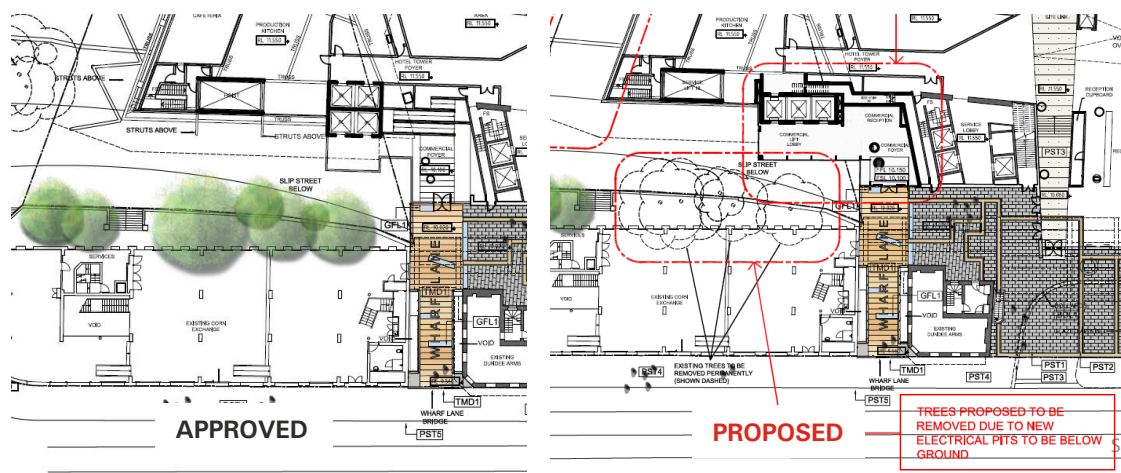


Figure 4 – Approved vs proposed location of trees along Slip Lane

## 2.4 Deletion of the northern pre-function space

The approved pre-function area located at the northern end of the building is to be deleted and replaced with a smaller meeting room. The deletion of this area will reduce the development's overall floor space and result in a minor change to the building's appearance when viewed from the north and west. A comparison between the existing and proposed design solution is shown in **Figures 5 and 6** below. Further details on how the change will affect the building's appearance are provided in the accompanying Architectural Plans (**Attachment B**).

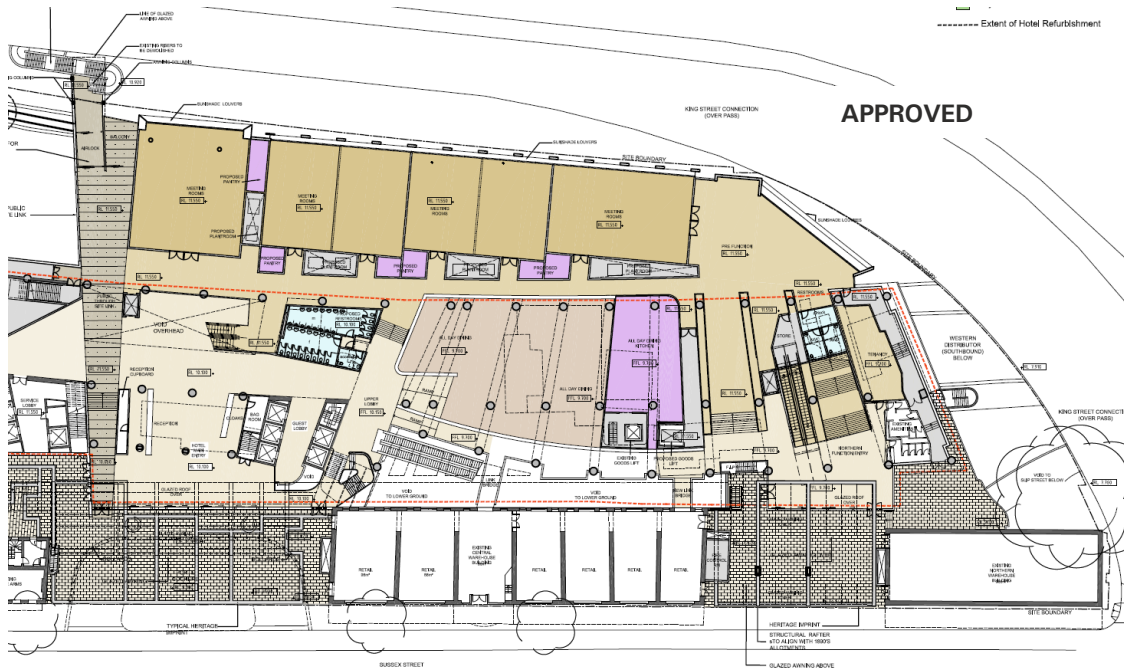


Figure 5 – Approved conference/function

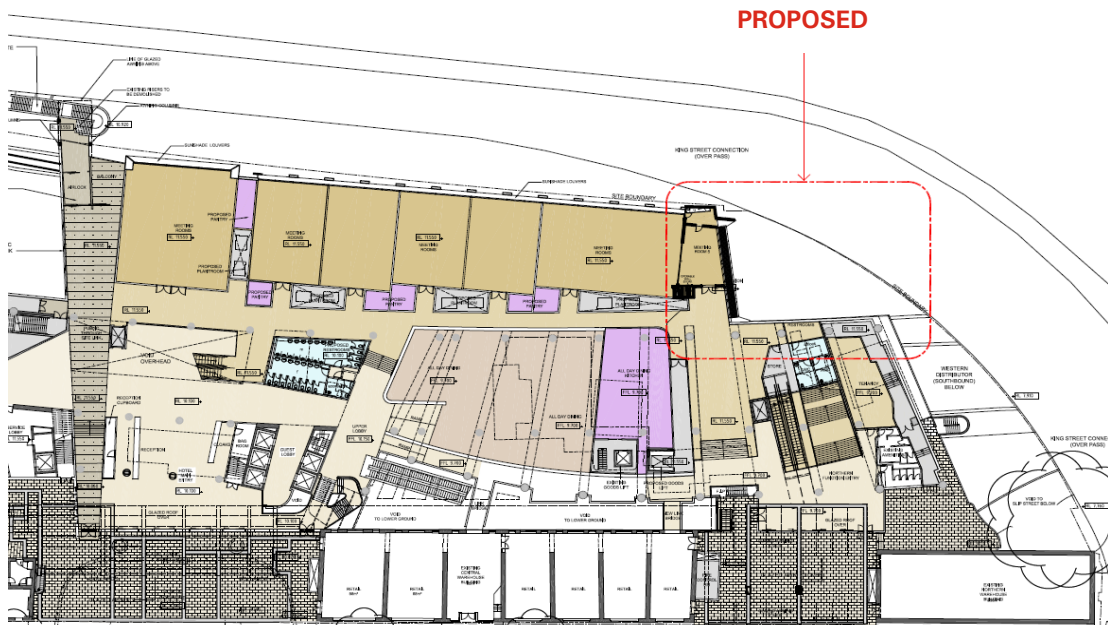


Figure 6 – Proposed conference/function space design



## 2.5 Change to the tower lift core and commercial lobby

The commercial tower lift core is to be rationalised from four lifts to three. At present the approved building incorporates four lifts, with two of these serving the hotel up to Level 15 and the other two serving the building's commercial component. The current configuration has been identified as surplus to requirements with further research identifying that the new hotel rooms within the approved tower will be adequately serviced by the lift core located at the southern end of the existing hotel building. The four lift configuration has therefore been consolidated to three lifts that are now designed to solely service the building's commercial component. The revised core design has also allowed for the ground floor commercial lobby to be reconfigured as shown in **Figures 7** and **8** below. Further details are provided in the accompanying Architectural Plans located at **Attachment B**.

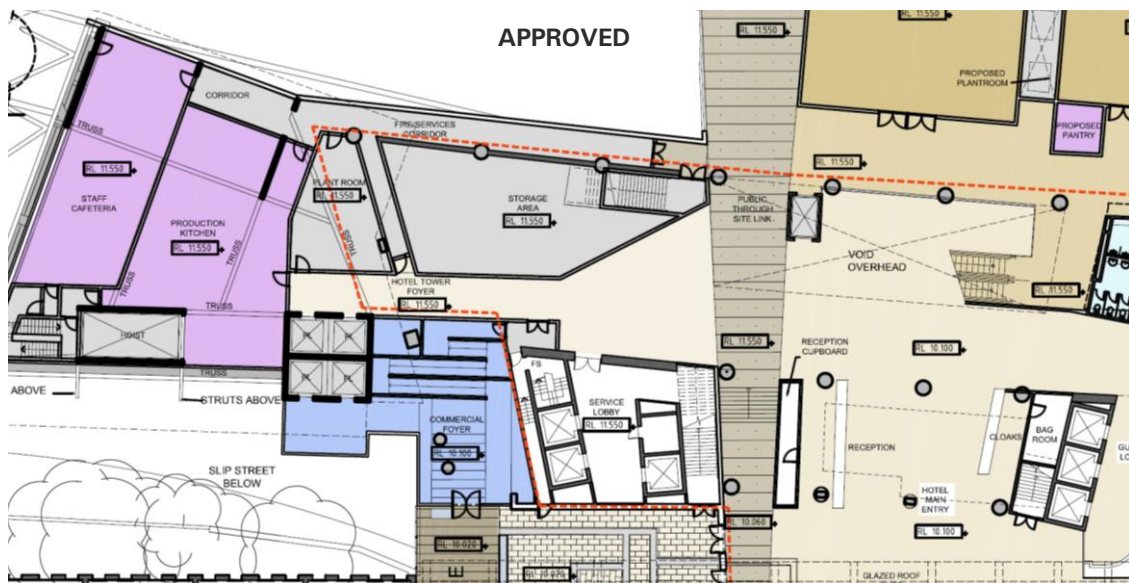


Figure 7 – Approved lift core and lobby design

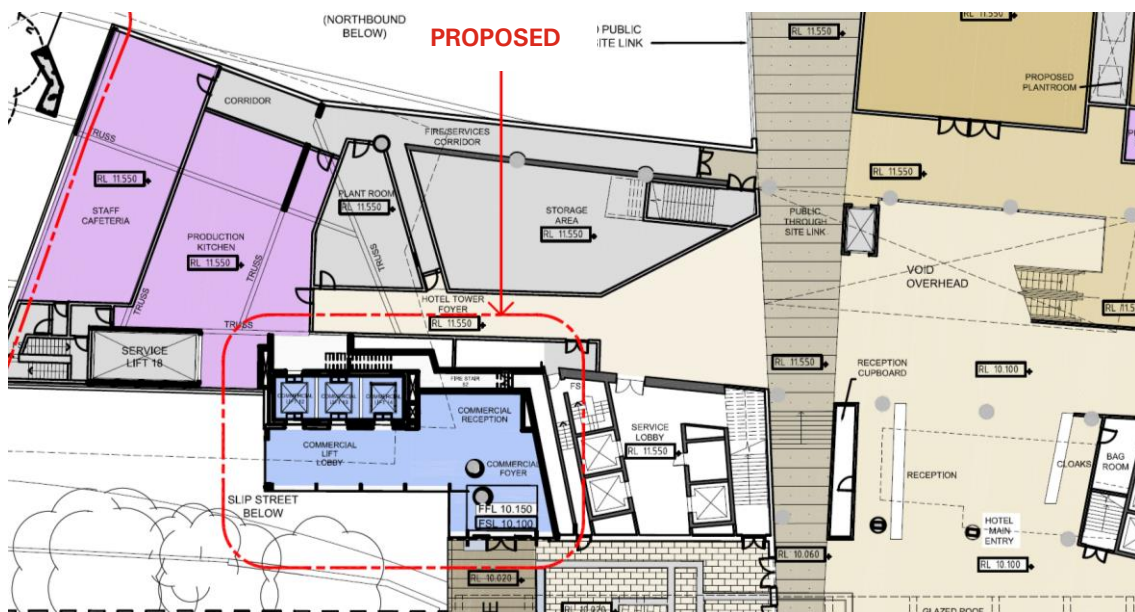


Figure 8 – Proposed lift core and lobby design

## 2.6 Modifications to Conditions

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

### Condition A2

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

- a) Environmental Impact Statement prepared by JBA Urban Planning Consultants Pty Ltd, dated August 2012;
- b) Further Information and Response to Submissions prepared by JBA Urban
- c) Planning Consultants Pty Ltd, dated February 2013;
- d) Supplementary information provided by JBA Urban Planning Consultants Pty Ltd dated 27 March 2013 and 16 May 2013; and
- e) 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 Cox Architects Pty Ltd |                |  |                                  |
|---|----------------|--|----------------------------------|
| Drawing No.   | Revision       | Name of Plan                                     | Date                             |
| A-DA-0003   | <del>D</del> E | Public Domain - Lower Ground Level Plan          | <del>15/5/2013</del><br>5/2/2014 |
| A-DA-0004   | <del>C</del> D | Public Domain - Ground Level Plan                | <del>22/3/2013</del><br>5/2/2014 |
| A-DA-0010   | B              | Lower Ground Level - Demolition Plan             | 19/6/2012                        |
| A-DA-0011   | B              | Ground Level - Demolition Plan                   | 19/6/2012                        |
| A-DA-0012   | B              | Mezzanine Level - Demolition Plan                | 19/6/2012                        |
| A-DA-0013   | B              | Level 1 - Demolition Plan                        | 19/6/2012                        |
| A-DA-0200   | <del>M</del> N | Lower Ground Level Floor Plan                    | <del>15/5/2013</del><br>5/2/2014 |
| A-DA-0201   | <del>M</del> N | Ground Level Floor Plan                          | <del>5/3/2013</del><br>5/2/2014  |
| A-DA-0202   | <del>M</del> N | Mezzanine Level Floor Plan                       | <del>5/3/2013</del><br>5/2/2014  |
| A-DA-0203   | <del>M</del> N | Level 1 Floor Plan                               | <del>5/3/2013</del><br>5/2/2014  |
| A-DA-0204   | <del>M</del> N | Level 2 Floor Plan                               | <del>5/3/2013</del><br>5/2/2014  |
| A-DA-0205   | <del>K</del> L | Level 3 Floor Plan                               | <del>5/3/2013</del><br>5/2/2014  |
| A-DA-0206   | <del>K</del> L | Level 4 To Level 10- Typical Floor Plan          | <del>5/3/2013</del><br>5/2/2014  |
| A-DA-0207   | <del>K</del> L | Level 11 To Level 14- Typical Floor Plan         | <del>5/3/2013</del><br>5/2/2014  |
| A-DA-0208   | <del>M</del> N | Level 15- Plant Room Level Floor Plan            | <del>15/5/2013</del><br>5/2/2014 |
| A-DA-0209   | <del>J</del> K | Level 16- 22 Typical Commercial Level Floor Plan | <del>5/3/2013</del><br>5/2/2014  |
| A-DA-0210   | <del>K</del> L | Level 23- Plant Room Level Floor Plan            | <del>5/3/2013</del><br>5/2/2014  |

| A-DA-0211  | J K      | Roof Level Floor Plan   | 5/3/2013<br>5/2/2014 |
|--|----------|---|----------------------|
| A-DA-301   | J K      | North & South Elevations  | 5/3/2013<br>5/2/2014 |
| A-DA-302   | J        | East Elevation  | 5/3/2013             |
| A-DA-303   | J K      | West Elevation  | 5/3/2013<br>5/2/2014 |
| A-DA-304   | G H      | Slip Street - East Elevation  | 5/3/2013<br>5/2/2014 |
| A-DA-305   | E F      | Slip Street Detail - East Elevation   | 5/3/2013<br>5/2/2014 |
| A-DA-310   | D        | South Coloured Elevation & External Materials Legend                        | 5/3/2013             |
| A-DA-311   | C        | North & Slip St Coloured Elevations   | 5/3/2013             |
| A-DA-312   | C        | East Coloured Elevation   | 5/3/2013             |
| A-DA-313   | D        | West Coloured Elevation   | 5/3/2013             |
| A-DA-401   | K        | Section 01 & 02   | 5/3/2013             |
| A-DA-402   | K        | Section 03 & 04   | 5/3/2013             |
| A-DA-403   | K        | Section 05 & 06   | 5/3/2013             |
| A-DA-404   | F        | Section 07  | 5/3/2013             |
| Survey Drawings prepared by Dunlop Thorpe & Co Pty Ltd |          |   |                      |
| Drawing No.  | Revision | Name of Plan  | Date                 |
| 17488/1  | 3/03/12  | Plan of the Land comprised in certificate of title<br>101/1009697 – Sheet 1 | 7/9/2011             |
| 17488/2  | 3/03/12  | Plan of the Land comprised in certificate of title<br>101/1009697 – Sheet 2 | 7/9/2011             |

**Reason** - This condition is to be updated to reflect the revised plans for the development.

### 3.0 SUBSTANTIALLY THE SAME DEVELOPMENT

Section 96(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 and will as that originally approved in that it:

- retains the same mix of land uses as the approved development;
- does not result in any significant amendment to the approved building works;
- does not substantially change the built form outcome;
- does not significantly affect the appearance of the building;
- continues to provide the numerous approved public benefits including a new pedestrian through link; and
- will not result in any adverse impacts to surrounding developments or land uses.

For the above reasons, the consent authority may be satisfied that the modified proposal represents substantially the same as the development for which consent was originally granted.

#### **4.0 ENVIRONMENTAL ASSESSMENT**

Section 96(1A) of the EP&A Act states that a consent authority may modify a development consent if “it is satisfied that the proposed modification is of minimal environmental impact”.

The following examines each of the proposed amendments and demonstrates that the development, as proposed to be modified, will be of minimal environmental impact.

##### **4.1 Changes to structural columns, trusses and footings under tower**

Amendments to the structure beneath the approved tower have been made following further design and engineering work. The intention of these changes is to rationalise and simplify the structural form as this would deliver a number of benefits. Specifically it will:

- De-clutter and improve the buildings appearance when viewed from Sussex Street, Market Street and Darling Harbour;
- Improve the buildings relationship with the heritage listed Corn Exchange building; and
- Open up and enhance views and sightlines to and from the Corn Exchange, particularly from Pyrmont Bridge and Darling Harbour.

The proposed changes also necessitate some minor amendments to the location of building footings. These new footings will be located along the median strip between the Western Distributor northbound and southbound lanes, providing an outcome consistent with the approved arrangement and importantly not altering or affecting the design of the road, its capacity and safety.

Overall the proposed changes will positively enhance the development and will not result in any new or increased environmental impacts on the site or the surrounding area.

##### **4.2 Change to structural columns and footings under approved pre-function space**

These amendments involve the addition of five new structural columns beneath the building’s approved conference and function space. A structural and engineering review of the approved design identified a need for additional support columns, which are to be located along the median strip between Wheat Road and the northbound Western Distributor.

The new columns will be adjacent to the existing approved columns and will provide an outcome consistent with the approved development. The location and design of the columns beneath the building podium will ensure that they are obstructed when viewed from Darling Harbour.

Traffic along Wheat Road and the Western Distributor will be unaffected by virtue of the columns location within the median strip. With the above in mind the proposed changes are considered to be minor and will have a minimal, if any, additional environmental impact.

##### **4.3 Deletion of northern pre-function space**

The approved pre-function area situated in the building’s north-west corner has been removed and replaced with a smaller meeting room. The proposed amendment results in some changes to the building’s appearance when viewed from the north and west, however these changes are considered minor and inconsequential in the context of the overall development. Specifically we note that:

- the building façade composition when viewed from the west and north continues to present in a consistent manner to that of the approved development. This is illustrated in **Figures 9 and 10** below;
- the building’s roofline remains consistent with the approved development, of particular note is the iconic sawtooth roof design is unchanged;



- the building continues to present an attractive, active and visually engaging facade to the north and west;
- the height and mass of this part of the building has been slightly reduced from that of the approved development;
- results in an improvement to the visual appearance of the building, with the revised design including glazing and building features that better complement the design of the existing approved facade.

In light of the above the removal of the pre-function area is considered to be consistent with the approved development and importantly will not result in any new or increased environmental impacts.

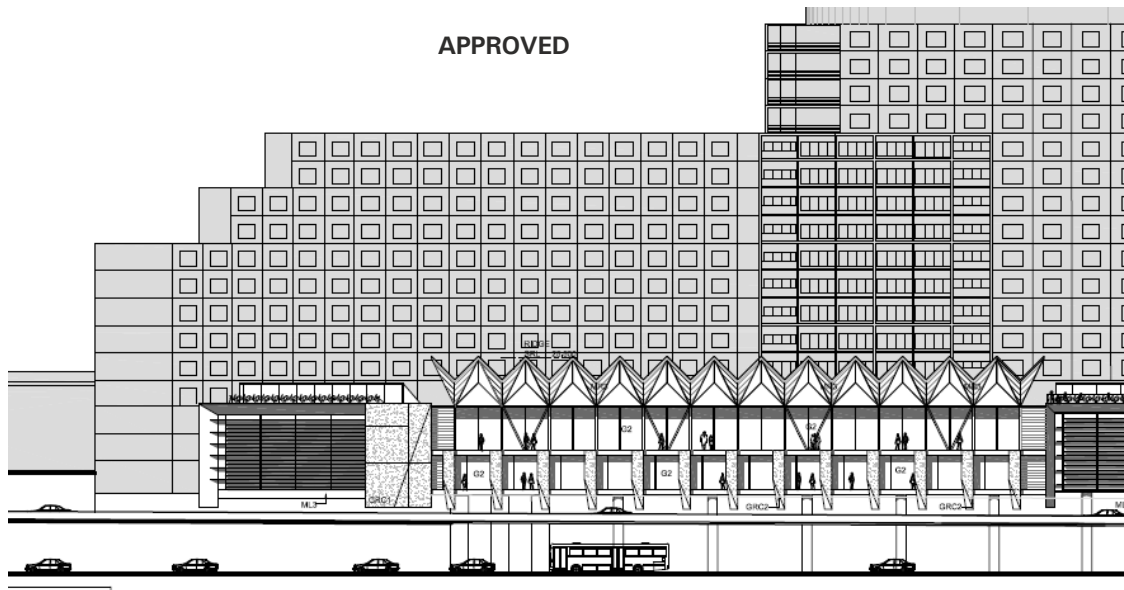


Figure 9 – Approved western elevation of conference centre

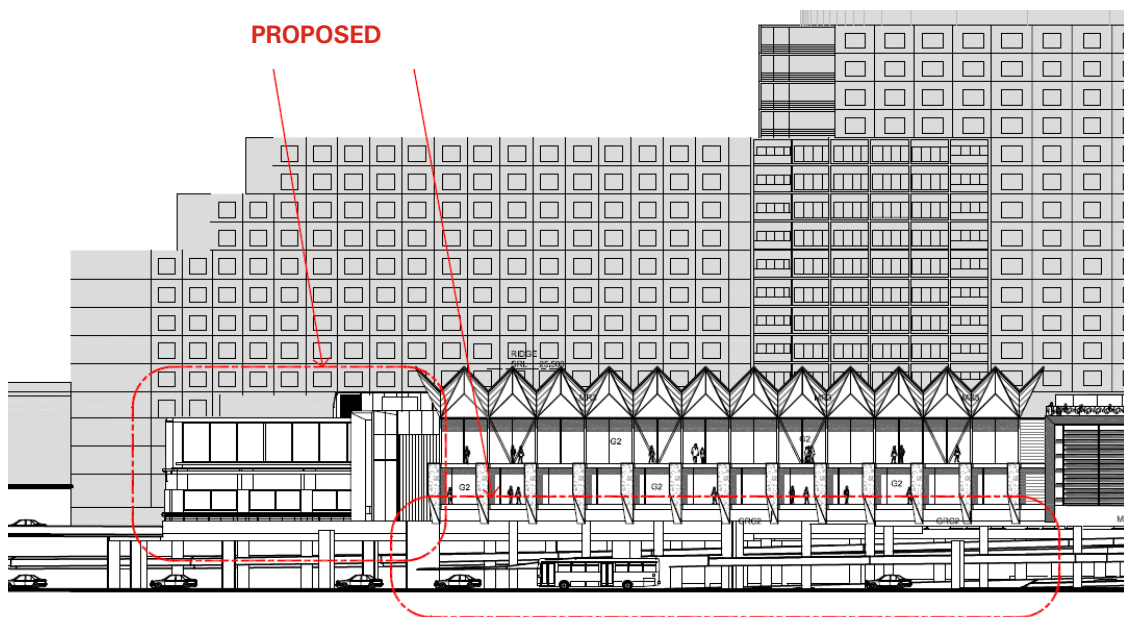


Figure 10 – Proposed western elevation of conference centre

#### 4.4 Changes to tower lift core and commercial lobby

The rationalisation and redesign of the tower lift core and commercial lobby will result in the lift core reducing from four to three lifts from Ground to Level 15, and an increase from two to three lifts between Levels 16 and 22. The new hotel rooms will be serviced by the southern lift core within the existing hotel building while the revised building core provide a more effective service to the building's commercial component. The proposed change will also allow for an improved internal lobby and hallway space on each of the hotel levels.

The new core design also frees up space for a reconfigured and expanded ground floor commercial lobby, which in turn facilitates the creation of a more welcoming and enhanced arrival experience.

Overall the proposed changes will support a more effective building layout whilst improving energy efficiency by removing an unnecessary lift. The changes are considered minor and inconsequential as they are internal and will therefore not affect the building's appearance or operational characteristics nor result in any new or additional environmental impacts.

#### 4.5 S.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 DA.

#### 5.0 CONCLUSION

This S96 application seeks approval for a number of amendments that have been identified as being necessary following further detailed design and engineering work. These changes are minor and inconsequential in the context of the overall development and will not alter the environmental impacts assessed and approved as part of the existing development consent.

In accordance with section 96(1A) of the EP&A Act, the Department may modify the consent as the proposed modifications are:

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

Should you have any queries about this matter, please do not hesitate to contact me on (02) 9956 6962 or bcraig@jbaplanning.com.au.

Yours faithfully



Benjamin Craig

PRINCIPAL PLANNER



Vivienne Goldschmidt

ASSOCIATE