



CP/BH/AC
13177
12 October 2016

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

Attention: Ben Lusher

Dear Ms McNally

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

On behalf of Lend Lease (Haymarket) Pty Ltd (lendlease) 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-6013 relating to the development of the North West Plot of Darling Square which is part of the Sydney International Convention, Exhibition and Entertainment Precinct (SICEEP) at Darling Harbour, Sydney.

This modification application is as a result of further design development. The amendments that approval is sought for include:

- minor external amendments to enhance an activated ground plane;
- amendments to the façade to further refine the building envelope and provide for better architectural detailing; and
- amendments to the roof to address the design development of the building maintenance strategy, including the positioning of Building Maintenance Units (BMUs).

The development, as proposed to be modified, is substantially the same development as that originally approved. These minor amendments primarily relate to feedback from the tenant, as well as ordinary design development which would be expected in a project of the nature and scale of the approved North West Plot development.

This application identifies the consent and describes the proposed modifications and is accompanied by:

- Design Report and Amended Architectural Drawings, prepared by Woods Bagot (**Attachment A**);
- Public Domain Report/Amended Public Domain Drawings, prepared by Aspect (**Attachment B**);
- Revised Ground View Photomontages, prepared by Virtual Ideas (**Attachment C**);
- Wind Letter, prepared by CPP (**Attachment D**);
- Façade Reflectivity Letter, prepared by Arup (**Attachment E**);
- Accessibility Statement, prepared by Morris Goding Accessibility Consulting (**Attachment F**); and
- Building Code of Australia Report, prepared by McKenzie Group (**Attachment G**).

1.0 BACKGROUND

1.1 Context

With an area of approximately 20 hectares, the SICEEP Site is generally bound 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 North-West Plot and surrounds (see Figure 1) within the Southern Precinct (Darling Square) of SICEEP as detailed in the architectural and landscape plans submitted in support of this modification application.

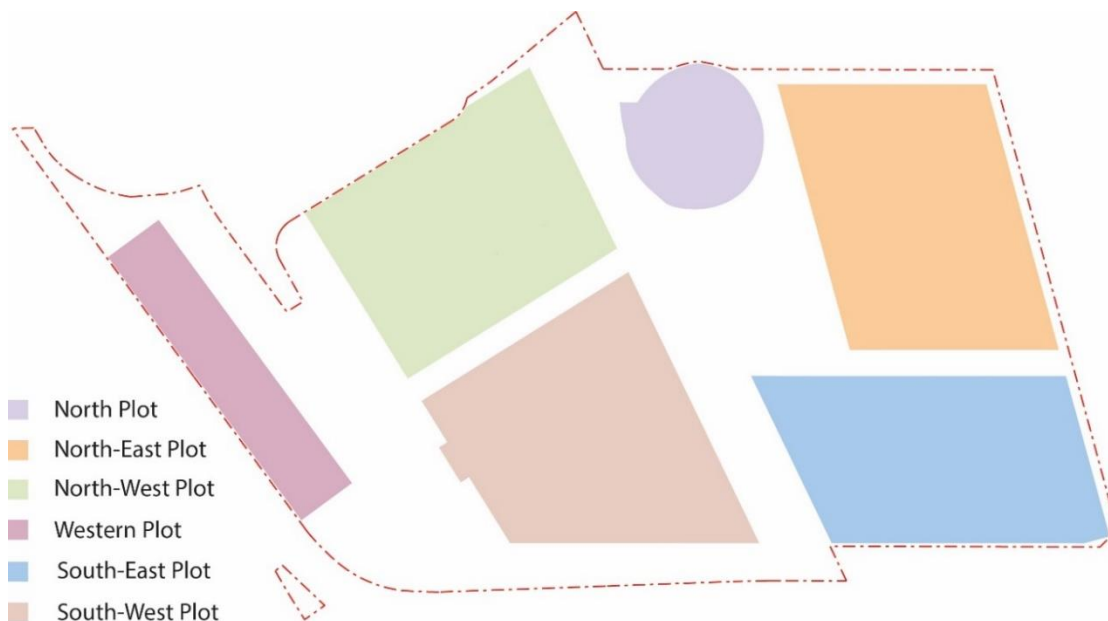


Figure 1 – Concept Proposal Development Plots

1.2 Consent Proposed to be Modified

Development Consent SSD-6013 (SSDA 4) was granted on 7 May 2014 by the delegate of the Minister for Planning for the following components of development:

- site preparation works including demolition of existing structures, tree removal, minor excavation, and site remediation as required;
- staged construction of a 12 storey building to be used for commercial premises, and above ground car parking;
- various public domain improvements including provision (part) new east-west pedestrian laneway (known as Dickson's Lane) linking Darling Drive to the Boulevard, upgrading of existing footpaths, provision of street trees, and provision of bicycle parking facilities; and
- building identification signage and wall advertising sign.

There have been two modifications to the subject development consent. The first modification (MOD 1) was approved on 20 July 2015. This modification included the following amendments:

- increase in GFA from 38,565m² to 41,435m² (2,870m² increase);
- change in building height from 12 storeys to 13 storeys (2.35m increase);
- revised building and façade design; and
- revised internal car park design, commercial floor space design and layout, including reconfiguration and amendments to the provision of vehicle, bicycle and motorcycle parking spaces.

The second modification application (MOD 2) was approved on 26 November 2015. This modification included the following amendments:

- reduction of the size of the rooftop plant area and increase of GFA (2,575m² increase);
- revised building and façade design and provision of a roof terrace;
- revised internal car park and commercial floor space design and layout;
- reconfiguration and amendment of vehicle, bicycle and motorcycle parking spaces;
- provision of photovoltaic panels at roof level; and
- alteration and addition of signage zones.

1.3 Consultation

As one of its key underlying processes, Lendlease 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: Infrastructure NSW (including proposed referral to the SICEEP Design Review Panel), the Sydney Harbour Foreshore Authority and Department of Planning and Environment.

2.0 PROPOSED MODIFICATIONS TO CONSENT

The proposed modification to the development consent comprises:

- minor external amendments to enhance an activated ground plane;
- amendments to the façade to further refine the building envelope and provide for better architectural detailing; and
- amendments to the roof to address the design development of the building maintenance strategy, including the positioning of BMUs.

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 commercial uses where feedback is often provided by the tenant. Additionally, construction is well commenced on the North-West Plot building and the building's design and ongoing functionality is being refined. These design development changes are to be expected in any project, especially given the nature and scale of the approved North-West Plot development. The key changes to the approved development are outlined below and further in the Design Report prepared by Woods Bagot (refer to **Attachment A**).

Ground Level

A number of changes are proposed at the ground level of the approved North-West Plot Building. These changes include:

- confirmation of ground level uses as retail in lieu of active uses following the provision of IQ hub space in the proposed North Plot building;
- rationalisation of the structural beam along the south-eastern corner of the building to open the corner and allow for stair and ramp access from the Boulevard to the adjacent retail tenancy, as well as to facilitate a more open landing in front of the tenancy;
- realignment of the pedestrian fire egress walkway along the western edge of the building, shifting the path from the south to the north;
- refinement of the flooding strategy, with confirmation of the type mechanically controlled flood barriers to be installed at two of the south eastern retail entrances;
- enhancement of the southern elevation at the ground level, with a modification to the approved materials and finishes. A series of brick portals which bring the building to ground replace a long glazed façade and refinement to a number of shop front designs to allow for an enhanced retail interface to the public domain;

- amended awning on the southern façade at the laneway entry from the Boulevard, with adjustments proposed in length, height and materiality;
- introduction of two retail identification signage zones within the undercroft of the eastern frontage and amendment of Condition F19 to confirm the detailed signage within the zones is to be provided to the Department for endorsement; and
- rationalisation of louvres around the substation and replacement with stone cladding.

Façade Modifications

Ongoing design development has occurred on the façades of the approved building, in particular at the above ground car parking levels. An alternative metal cladding material is now proposed to screen the above ground car parking on levels 1 to 4 (refer to **Figure 2**). The screening will comprise an 'Ombrae' cladding system which is similar to an activated 'skin'.

This skin is developed using computer modelling, where a digital system creates three dimensional pixels and allows for an image to be translated onto an array of optical tiles. Each optical tile is a bevelled and cylindrical 'pixel' with an angled surface that reflects a particular amount of light (refer to **Figure 2**). The array of optical tiles sculpts the reflected light into an image. A sandstone aesthetic is proposed to be adopted for the North-West building car park screening.

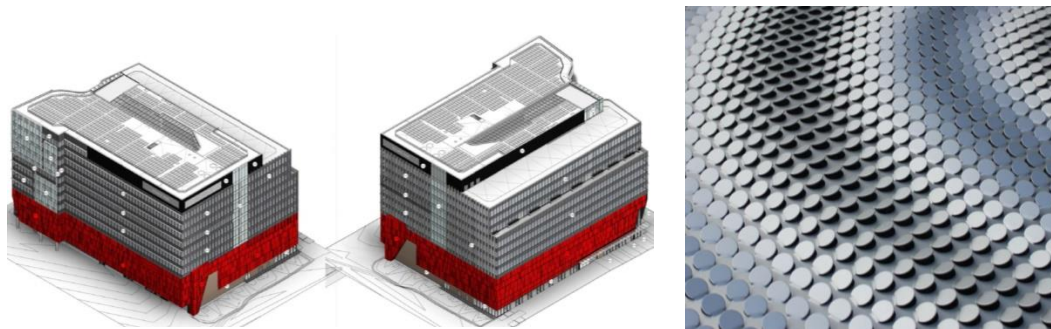


Figure 2 – Extent of car parking screening and bevelled pattern example

Others change to the façade include:

- relocation of planter boxes on level 9 from the outer balustrade to flush with the façade, preventing potential climbing issues at the edge of the building; and
- refinement to the composition of the central portion of the building at the roof level, with this element squared off (refer to **Figure 3**). This change is the result of enhanced internal planning, improved drainage design and a desire to improve the visual appearance of the building. Furthermore, this change will allow for screening of the lift core behind which is currently present from different view angles.



Figure 3 – Revised central façade element

Roof Level

Refinements and additional design details have been incorporated into the roof level, reflecting the advanced stage of the project. Two Building Maintenance Units (BMUs) have been incorporated at Levels 12 and 13 respectively. These BMUs are integral for the ongoing maintenance of the building.

As part of ongoing design development and safety reviews, it has been identified that additional roof ladder cages are required to assist in fall protection and allow for maintenance access. To ensure safe continuous access to the roof areas of the building, safety balustrades comprising slim steel upstands have been incorporated in a number of areas (refer to Amended Architectural Drawings at **Attachment A**).

An additional change at the roof level relates to the refinement of the glass sunlight roof to match the void on the level below. Solar access control in the form of mechanical louvres is also proposed to be provided to this glazed area. Additional solar panels are also proposed to be included across the roof.

Public Domain

Minor updates are proposed to the approved public domain scheme, generally comprising refinements of the public domain interface with the approved North-West Plot building and an amendment to the fire egress pathway on the western edge of the building. These amendments are illustrated on the Public Domain Report/Amended Public Domain Drawings prepared by Aspect (refer to **Attachment B**).

2.2 Modifications to Conditions

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

SCHEDULE 2

A ADMINISTRATIVE CONDITIONS

Development Description

A3 The Applicant shall carry out the project generally in accordance with the:

- a) State Significant Development Application SSD 6013;*
- b) Environmental Impact Statement prepared by JBA Urban Planning Consultants Pty Ltd dated May 2013;*
- c) Response to Submissions report prepared by JBA Urban Planning Consultants Pty Ltd dated February 2014;*
- d) Section 96(2) modification to Development Consent SSD 6013 dated March 2015;*
- e) Section 96(1A) modification to Development Consent SSD 6013 dated October 2015;*
- f) Section 96(1A) modification to Development Consent SSD 6013 dated October 2016;***
- ~~*g)*~~ *The conditions of this consent; and*
- g) h)*** *The following drawings, except for:*
 - i) any modifications which are Exempt or Complying Development;*
 - ii) otherwise provided by the conditions of this consent.*

Architectural (or Design) Drawings prepared by Lend Lease Design and Woods Bagot			
Drawing No.	Revision	Name of Plan	Date
SNW DA3000S	02	Site Plan – Demolition	24.01.2014
DA1000	A	Detailed Excavation	10.03.2015
DA2001	F G	General Arrangement Plan - Ground Floor	07/10/15 27/09/16
DA2002	E F	General Arrangement Plan - Car Park Level 1	01/10/15 27/09/16
DA2003	E F	General Arrangement Plan - Car Park Level 2	01/10/15 27/09/16
DA2004	D E	General Arrangement Plan - Car Park Level 3	01/10/15 27/09/16
DA2005	D E	General Arrangement Plan - Car Park Level 4	01/10/15 27/09/16
DA2007	D E	General Arrangement Plan - Level 5	01/10/15 27/09/16
DA2008	D E	General Arrangement Plan - Level 6	01/10/15 27/09/16
DA2009	E F	General Arrangement Plan - Level 7	07/10/15 27/09/16
DA2010	E F	General Arrangement Plan - Level 8	07/10/15 27/09/16
DA2011	E F	General Arrangement Plan - Level 9	07/10/15 27/09/16
DA2012	D	General Arrangement Plan - Level 10	01/10/15
DA2013	E G	General Arrangement Plan - Level 11 and Plant	07/10/15 27/09/16
DA2014	E G	General Arrangement Plan - Level 12 Plant	07/10/15 27/09/16
DA2015	E F	General Arrangement Plan - Roof Plan	07/10/15 27/09/16
DA3001	E G	General Arrangement Elevations and Sections - Section AA	07/10/15 27/09/16
DA3002	D F	General Arrangement Elevations and Sections - Section BB	01/10/15 27/09/16
DA3003	D F	General Arrangement Elevations and Sections - Section CC	01/10/15 27/09/16
DA3004	D F	General Arrangement Elevations and Sections - Section DD	01/10/15 27/09/16
DA3005	E G	General Arrangement Elevations and Sections - Section EE	07/10/15 27/09/16
DA3101	G K	General Arrangement Elevations and Sections – Elevation - North	06/10/15 27/09/16

DA3102	E G	General Arrangement Elevations and Sections – Elevation - East	06/10/15 27/09/16
DA3103	D G	General Arrangement Elevations and Sections – Elevation - South	01/10/15 27/09/16
DA3104	E H	General Arrangement Elevations and Sections – Elevation - West	07/10/15 27/09/16
Landscape Drawings prepared by Hassell Limited and ASPECT Studios			
Drawing No.	Revision	Name of Plan	Date
14076-SSDA4-S96-001	A	Drawing List	September 2015
14076-SSDA4-S96-201	A	General Arrangement Plan	September 2015
14076-SSDA4-S96-210	A	Paving Plan	September 2015
14076-SSDA4-S96-211	A	Planting Plan	September 2015
14076-SSDA4-S96-212	A	Urban Elements Plan	September 2015
L301	D	Sectional Elevations	27.01.14

Reason for Amendment: This condition is updated to reflect the proposed design development changes and as reflected within the amended architectural drawings, public domain/ landscape drawings and references to this section 96 modification application.

Building and Tenant Identification Signage

F19 Prior to the erection of the Building or Tenant Identification Signage, the signage design proposed within the Building or Tenant Identification Zones, must be submitted to the department for endorsement.

Reason for Amendment: This condition is updated to reflect the inclusion of tenant identification signage zones at the ground plane, with detailed approval of the signage within the zones to be submitted to the Department for endorsement.

3.0 SUBSTANTIALLY THE SAME DEVELOPMENT

The power to amend a development consent is found in section 96 of the EP&A Act. Section 96 is an independent facilitative power that is separate to the grant of a development consent. Section 96(1A)(b) of the EP&A Act states that a consent authority may modify a development consent if:

- 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.*

(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 public car park, active ground level uses, and upper level commercial uses;
- The nature of the changes are purely design development driven and aim to support the functioning of the building;
- The external changes relate to improvements in design outcomes and reflect greater investment by LL in the building aesthetic;
- no significant modification is proposed to the general building envelope of the approved building (as modified);
- the minor increase in height related to the BMU and safety balustrade are in isolated locations and will not be readily visible or have any consequential adverse impacts;
- the proposal involves only minor internal/external physical amendments which do not substantially alter the visual appearance of the building, with the building fundamentally retaining the same relationship to the public domain and surrounding development;
- the approved number of car parking spaces is to be maintained across the same extent of the building;
- the proposed changes maintain the approved amount of floor space;
- 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 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 1**. **Table 1** demonstrates that all key elements of the approved development remain, resulting in a development that clearly meets the test of being substantially the same as originally approval.

Table 1 – Consistency with approved development

Component	Approved development (original)	Approved development (MOD1)	Approved development (MOD2)	Amended Proposed Development	Consistency / Substantially the Same
Envelope	Base, middle, and top			No change	✓
Use	Mixture of public car parking, car parking, active uses and commercial floor space			No change, confirmation of ground level retail uses.	✓
Gross Floor Area	38,565m ²	41,435m ²	44,010m ²	44,010m ² (no change as modified)	✓
Height / Storeys	Maximum Height: RL51.25 Storeys: 12	Maximum Height: RL53.6 Storeys: 13		Maximum Roof Height: RL53.6 (No change) Maximum height of building structure: RL55.2 1.6m increase No change (as modified)	✓
Building transition	Stepped southern upper level form			No change	✓

Component	Approved development (original)	Approved development (MOD1)	Approved development (MOD2)	Amended Proposed Development	Consistency / Substantially the Same
Parking					
- Car Parking	Above ground and screened 400 public (including accessible) 50 ancillary commercial (including accessible) 1 car share			No change	✓
- Motorcycle Parking	75 spaces	37 spaces	41 spaces <ul style="list-style-type: none">▪ Decrease of 34 spaces (original)▪ Increase of 4 spaces (as modified)	41 spaces (no change as modified)	✓
- Bicycle Parking	146 internal 32 external	160 internal 32 external	175 internal spaces: <ul style="list-style-type: none">▪ Increase of 29 spaces (original)▪ Increase of 15 spaces (as modified) 35 external spaces (increase of 3 spaces) – original and as modified	175 internal spaces (no change as modified) 35 external spaces (no change as modified)	✓
Vehicular Access / Loading	Access provided off from Theatre Access Road. Central ground floor loading area			No change.	✓
Pedestrian Access	Primary access to the building from the north-east corner. Individual access into tenancies from each respective frontage.	Primary access to the building from the north-east corner. Primary access from the centre of the eastern façade, with access also available from the north-eastern corner. Individual access to each separate active use on the ground level.		No change (as modified)	✓ ✓
Overshadowing	The building shadow was contained within the approved parameter plan envelope, moving quickly and not significantly shadowing important public spaces for great lengths of time.			No change.	✓
Sustainability	GBCA Green Star target rating of 5 star V3			No change	✓
Public Domain / Landscaping					
Tree Planting	Group of <i>Livistona australis</i> trees in the north-east corner of the North West Plot.			No change.	✓
Bioswale	Provision of a bioswale along the western frontage			No change.	✓
Surface Treatments	Various granite treatments to the different frontages.			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 there will be no more than minimal environmental impact. The modification of development consent SSD - 6013 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 and further testing of the operational and servicing requirements of the building. The proposed modifications will therefore not alter the level of compliance of the development with the relevant planning instruments. For completeness, **Table 2** provides a summary overview of the proposed modified development’s continued level of compliance with the relevant planning instruments.

Table 2 – Compliance with relevant environmental planning instruments

Instrument	Comments
SEPP (State & Regional Development)	The modified development continues to meet the threshold for State Significant Development.
SEPP (Infrastructure)	The provisions of the Infrastructure SEPP apply more during the consideration and assessment of the original SSDA in terms of requirements and referrals for development applications (i.e. not modification applications). Further referral of this modification application to relevant agencies and approval bodies is not considered necessary, given the minor nature of the changes.
SEPP No. 1 Development Standards	The original SSDA did not comply with a development standard within SEPP 64 - being clause 22(2)(g), therefore a SEPP 1 Objection was progressed and approved. The fundamental conclusions of this SEPP 1 Objection are unaltered by the proposed modification, therefore no further assessment or approval is required under SEPP1.
SEPP 55 (Remediation of Land)	The site remains suitable for the proposed development (with no change to the approved uses) 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	The modified development continues to meet the objectives of the SEPP and the relevant assessment criteria. As two additional identification signage zones are proposed to be included in the development, a further assessment of the relevant assessment criteria under SEPP 64 has been carried out (refer to Section 4.1.1). Overall, this modification comprises minimal changes in regard to signage and will not result in any change to the general conclusions of the SEPP 64 assessment provided in the original EIS.
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.
Darling Harbour Development Plan No. 1	The proposed modified development continues to support the objectives of the DHDP and retains the same permissible land uses as originally approved.
SREP Sydney Harbour Catchment	The proposed modified development does not affect the level of compliance with the key relevant matters for consideration.

4.1.1 State Environmental Planning Policy No. 64 Advertising and Signage

For completeness, an assessment of SEPP 64 has been carried out for the two additional signage zones at the ground level of the North-West Plot building for retail tenant identification. For the purpose of this assessment, the signage zones are considered to be business identification signs.

A 'business identification sign' is defined under SEPP 64 as a sign:

- a) *that indicates:*
 - i. *the name of the person, and*
 - ii. *the business carried on by the person, at the premises or place at which the sign is displayed, and*
- b) *that may include the address of the premises or place and a logo or other symbol that identifies the business, but that does not include any advertising relating to a person who does not carry on business at the premises or place.*

The proposed signage zones comply with the above definition, as they are expected to accommodate future signs to support ground level retail tenancies within the building.

Pursuant to clause 8 of SEPP 64, the consent authority must not grant consent unless it is satisfied that the proposed signage is consistent with the objectives of SEPP 64 and the assessment criteria in Schedule 1 of SEPP 64. The proposal is consistent with the objectives of the SEPP as:

- the signage zones will permit the future scale of the business identification signage to be compatible with the visual character of the site and surrounding area;
- the signage zones are directed towards passers-by of the prominent frontage of the building;
- the proposed signage zones are to assist in the identification of future ground level retail uses; and
- the future signage within the proposed signage zones is expected to be provided to a high quality and finish.

Compliance with the assessment criteria in Schedule 1 of SEPP 64 is demonstrated in **Table 3**.

Table 3 – Assessment of proposal against Schedule 1 of SEPP 64

Assessment Criteria	Comments	Compliance
1 Character of the area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposal is for signage zones which will play an important role in supporting the proposed active ground level uses. The proposal is consistent with the desired future character of the precinct as a lively mixed use and activated destination.	Y
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposal is consistent with the type of signs which will be used to promote active level tenancies in the locality.	Y
2 Special areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The signage zones do not detract from any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas.	Y
3 Views and vistas		
Does the proposal obscure or compromise important views?	The proposal does not obscure or compromise any important views.	Y
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposal relates to street level signage zones and therefore has been designed to ensure that it will not dominate the skyline or hinder the quality of vistas.	Y

Assessment Criteria	Comments	Compliance
Does the proposal respect the viewing rights of other advertisers?	The proposal does not impede upon any other signs in the vicinity of the development.	Y
4 Streetscape, setting or landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale, proportion and form of the signage zones is appropriate as they respond to the overall size of the approved building and broader precinct.	Y
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage zones will accommodate future signage which will contribute and improve the visual interest of the streetscape.	Y
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	Consistency in the scale of the proposed signage zones will ensure that the proposal will not result in visual clutter.	Y
Does the proposal screen unsightliness?	The proposal does not screen unsightliness, but does complement the approved building.	Y
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signage zones are at the ground level of the building and will therefore not protrude above the building.	Y
Does the proposal require ongoing vegetation management?	The future signage within the proposed signage zones is not envisaged to require ongoing vegetation management.	N/A
5 Site and building		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed signage zones have been sized appropriately for the approved building.	Y
Does the proposal respect important features of the site or building, or both?	The proposed signage zones will not detract from any important features of the site or the approved building.	Y
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signage zones have been specifically designed to complement the scale of the approved building.	Y
6 Associated devices and logos with advertisements and advertising structures		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The proposal seeks consent for signage zones, therefore no lighting is proposed. It is expected, however, that the future signage will be internally lit. As such, the future signage will ensure safety devices, platforms, lighting devices or logos are designed as an integral part of the signage.	Y
7 Illumination		
Would illumination result in unacceptable glare? Would illumination affect safety for pedestrians, vehicles or aircraft?	As above, the future signage within the proposed signage zones will be internally lit. As such, there will not be any unacceptable glare resulting from illumination.	Y
Would illumination detract from the amenity of any residence or other form of accommodation?	As above.	Y
Can the intensity of the illumination be adjusted, if necessary? Is the illumination subject to a curfew?	As above.	Y
8 Safety		
Would the proposal reduce safety for any public road?	The proposal will not reduce safety for users of public roads given that the zones are minimal in extent and provided strategically on the approved building.	Y
Would the proposal reduce safety for pedestrians/cyclists?	The location and scale of the proposed signage zones do not pose any adverse impacts on pedestrian or cyclist safety.	Y

Assessment Criteria	Comments	Compliance
Would the proposal reduce safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signage zones will not obscure sightlines from public areas.	Y

4.2 Section 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.

4.3 Consistency with the Stage 1 Approval

The proposed modifications will not result in any change to the consistency of the North West Plot Building with the approved Concept Proposal (Development Consent SSD – 5878) (as modified). The approved Concept Proposal (as modified) provides flexibility for the future Stage 2 development applications to be 'generally consistent' with the established development parameters.

This is reflected in a number of conditions, as set out below:

Determination of future Stage 2 applications

Condition A3

*The determination of the future Stage 2 applications is to be **generally consistent** with the terms of development consent SSD 5878 as described in Schedule 1, and subject to the conditions in Part 8 in Schedule 2.*

Development in accordance with plans and documents

Condition A4

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

...

Building envelopes

Condition A6

*Building plots, separation distances and horizontal building envelopes are to be **generally consistent** with the Concept Proposal building envelope parameter plans listed in condition A4.*

(our emphasis added)

The intent of the wording in these conditions is to acknowledge that the detailed development applications may propose slight variations where finer grain details of buildings are tested and shown to require alternative solutions/outcomes. This is the case in the proposed modification, where it has been identified that a variation to the approved building envelope is required to allow for the BMUs and safety balustrades on the roof level.

The proposed encroachment of the parameter plan envelope is considerably minor in the scale of the building (refer to **Figure 4**). The proposed encroachments are directly the result of enhancing safety and ensuring necessary maintenance access. Both elements, being the BMUs and safety balustrade, serve an important role in maintaining the building throughout the life of the development.

The potential visual impacts of these elements has been minimised in the design and placement of each element. When not in use, the BMUs will be collapsed and will be parked in predetermined locations centrally to the roof. The BMU on Level 12 will be parked adjacent to the plantroom louvres and painted in a similar colour as the louvres (charcoal grey) to ensure it is recessed in the massing of the roof form. The BMU on Level 13 will be parked away from the building edge, centrally on the roof and painted in a silver colour that is consistent with the PV panels across the wider roof.

The proposed roof level balustrade is designed as a slim steel structure, setback in part from the roof line to not contribute any bulk or scale to the edge of the building envelope. These design moves also ensure that any potential shadow associated with the elements is contained on the roof of the building, or is minimal in extent to not cause any significant overshadowing impacts to the surrounding public domain.

On balance, these elements provide important functions for the building and have minimal environmental impacts. Given the flexibility provided by the Stage 1 Concept Proposal Consent, the proposed minor variations to the building envelope at roof level are considered acceptable

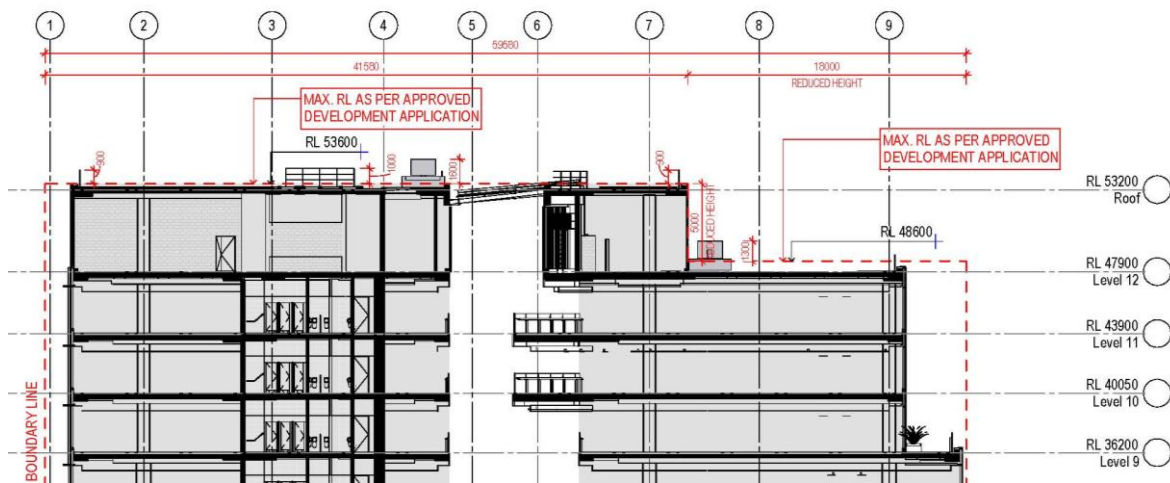


Figure 4 – Minor building encroachments above the parameter plan envelope

4.4 Architecture and Activation

The amendments at ground floor, particularly at the south eastern corner, will enhance the ability to deliver a more activated and inviting ground plane. The reconfiguration of the South East Retail Corner aims to strengthen the connection between the corner of the building and the Boulevard. This design change also provides greater opportunities for potential outdoor dining at this corner, enhancing the ability for activation.

The revised fire egress walkway along the western façade ensures that the south western corner is now free of obstructions, and a more defined and welcoming corner is able to be created at the beginning of Dickson's Lane. The proposed modifications to the southern elevation at ground level along Dickson's Lane, including bringing the structure to ground and the revisions to the awning, will ensure a better response is achieved to the laneway environment and greater opportunities for activated retail are created to encourage a positive pedestrian atmosphere and human scale.

The modifications to the building façade are designed to further refine the building envelope and provide for better architectural detailing (refer to Figure 5). The proposed car park cladding system on levels 1-4 will result in a sensory active surface, with a dynamic wave of shifting relationships between surface and image, light and shadow, viewer and space. This innovative system will allow for a sandstone aesthetic to the building base, enhancing the relationship of the North-West Plot building to the materiality of surrounding buildings in Darling Square and beyond.



Figure 5 – Photomontage illustrating revised car park screening system

The amendments for the roof largely address the design development of the building maintenance strategy. Balustrades and roof ladder cages have been added to promote safe access on the roof as governed by the codes and standards for maintenance access, walkways and platforms.

4.5 Flooding

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 the two 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 approved flood mitigation strategy for the Darling Square site.

4.6 Visual Impact Assessment

Relevant Ground View Photomontages provided with the original SSDA and subsequent modifications (as relevant) have been updated by Virtual Ideas to reflect the proposed amendments (refer to **Attachment C**). These revised Ground View Photomontages illustrate that the proposed amendments to the building do not result in significant changes to the building form/design in the views previously assessed, and therefore, the findings of the original and subsequent assessments remain valid.

4.7 Wind

CPP has reviewed the amendments proposed to the approved development and have confirmed that the findings of their initial assessment accompanying the SSDA, and subsequent assessments addressing previous modifications to the approved development, remain valid with similar wind conditions expected to be encountered as a result of the modified development (refer to **Attachment D**). As such, no further mitigation measures are deemed necessary by CPP in regards to potential wind impacts.

4.8 Reflectivity

A review of the proposed amendments has been undertaken by Arup in regards to potential reflectivity impacts (refer to **Attachment E**). In particular, Arup has examined the modified car park screening on levels 1-4 to determine if any potential reflectivity impacts will occur. Arup has noted that generally the tabs of the screening are bent downwards, resulting in a low likelihood of reflections from the sun close to the viewing plane of drivers and pedestrians. Furthermore, it is expected that the matt type anodising finish of the screening will result in a material specular reflectivity below 20% (approximately 5%). In light of these findings, Arup has confirmed that the proposed modifications will not result in any glare impacts associated with reflections off the façade separate to those considered within the reflectivity study letter, for which mitigation measures have already been provided.

4.9 Accessibility

Morris Goding Accessibility Consulting (MGAC) has undertaken a review of the amended proposal from an accessibility perspective (refer to **Attachment F**). MGAC has determined that the amended proposal does not result in any changes to the assessment prepared with the original SSDA and subsequent modifications, therefore the findings of these previous assessments remain relevant and no further investigations are required.

4.10 Building Code of Australia

A Building Code of Australia (BCA) review has been completed by McKenzie Group and is provided at **Attachment G**. This review identifies that there are several areas where alternative solutions will be required in the development. This approach is consistent with the original approved development. Overall, McKenzie Group has confirmed that the proposal is capable of compliance with the BCA.

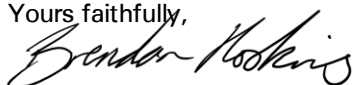
5.0 CONCLUSION

The proposed modifications comprise minor improvements to the ground floor and facades, whilst amendments to the roof allow for improved building maintenance operations. These changes have been made in response to detailed design development, feedback from agents and potential tenants, and further testing of the operational and servicing requirements of the building. In accordance with section 96(1A) of the EP&A Act, the Minister or his delegate may modify the consent as:

- the proposed modification is of minimal environmental impact; and
- is substantially the same development as the development originally approved.

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

Yours faithfully,



Brendan Hoskins
Senior Planner