

24 March 2021

Ross McLeod  
General Manager  
Waverley Council  
55 Spring Street  
BONDI JUNCTION  
NSW 2022

Attention: Angela Rossi – Manager, Development Assessment

Dear Angela

**RE: Section 4.55(2) Modification to Development Consent DA-421/2018 at 5 – 11 Hollywood Avenue, Bondi Junction NSW 2022**

This application has been prepared by Mecone on behalf of Iglu No. 208 Pty Ltd pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and is submitted to Waverley Council (Council) in relation to the site at 5 – 11 Hollywood Avenue, Bondi Junction (the site).

The application proposes to modify Development Consent (D-421/2018) which was issued by the Land and Environment Court (LEC) on 24 July 2020 for the:

*Demolition of existing commercial building and construction of a new 11-storey development with a total of 197 rooms and associated amenities (including a lobby, conference rooms, co-working spaces, gymnasium and café) and associated signage, above one basement level.*

The modification proposes internal and external design changes that are a consequence of ongoing design development and do not change the fundamental use or design of the development. The modifications are proposed for the purpose of improving the internal floor planning and the development's external architectural expression, as well as better activating the ground floor to contribute to the activity of the hotel during the day and night.

The application identifies the consent, describes the proposed modifications and provides an assessment of the relevant matters contained in Section 4.55(2) of the EP&A Act. This application should be read in conjunction with the following documentation:

- Revised Architectural Plans prepared by Bates Smart at **Attachment 1**;
- Revised Landscape Plans prepared by 360 Degrees Landscape Architects at **Attachment 2**; and
- Addendum Traffic Report prepared by Varga Traffic Planning at **Attachment 3**.

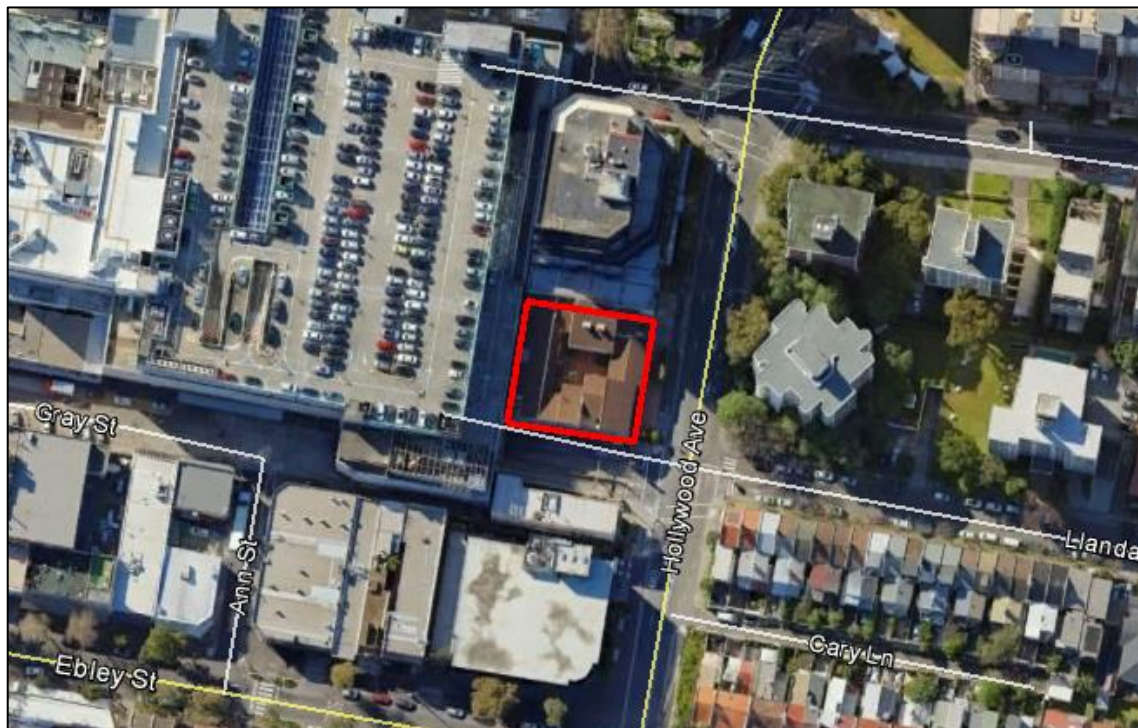
## 1. Site Description

The site is located at 5 – 11 Hollywood Avenue, Bondi Junction and is located within the Waverley Local Government Area (LGA). It has an area of 954.8m<sup>2</sup> and is legally known as SP 30398. It has a singular eastern frontage to Hollywood Avenue of 30m.

To the north, the site is bounded by a 10 storey commercial building with an additional level dedicated to rooftop plant. The development adopts an increased eastern setback as it increases in height.

The development to the immediate west relates to Westfield Shopping Centre and its associated car park. To the direct south lies a driveway entry which facilitates access to Westfield Shopping Centre. Hollywood Avenue is located to the direct east. Further eastward the development consists of a mixture of high density residential and residential terraces.

The site falls within the Bondi Junction Town Centre as defined by the *Waverley Development Control Plan 2012* (WDCP 2012). An aerial photo of the site is shown in **Figure 1**.



**Figure 1** Site Location Map

Source: Bates Smart

## 2. Background

On the 16 November 2018, Mecone on behalf of the Landowner, submitted a Development Application (DA) to Waverley Council seeking consent for the demolition of the existing commercial building contained within the site, construction of an 11-storey 'Lifestyle Hotel' with 198 rooms, active hotel uses at street level and associated landscape works. The application was exhibited from the 29 November 2018 to the 24 December 2018 and during this time 24 submissions were received.

On the 15 March 2019, the Applicant filed a Class 1 appeal against Council's deemed refusal of the DA in the Land and Environment Court. On 18 November 2019 the Applicant attended a conciliation conference pursuant to s. 34 of the EP&A Act. The Applicant amended the scheme to address the concerns raised by Council during the conciliation conference. The key amendments included the following:

- Rearrangement of the ground floor and provision of a void to improve the amenity and appearance of the entry;
- Reduction to the size of the supper level by increasing the setback, deletion of one hotel room and reduction to the size of the plant rooms; and
- Amendment and detail of windows and louvres.

On 22 April 2020, the Court granted leave to the Applicant to amend the plans and to provide additional information. After considering the revised plans, Council on 12 June 2020 confirmed its support for the amendments. It was also agreed by both the applicant and Council that the proceedings be disposed of pursuant to s 34(4)(b)(i) of the Court Act.

Notwithstanding the above, the Court was required to provide an assessment of the DA. On the 24 July 2020, the Court granted approval to the development, including the clause 4.6 variation request to the height of buildings development standard which accompanied the application.

### 3. Consent Proposed to be Modified

Development consent DA – 421/2018 was issued by the LEC on the 24 July 2020. It granted consent to the following:

- Demolition of the existing commercial building;
- Construction of a new 11-storey lifestyle hotel development, including:
  - A total of 197 hotel rooms;
  - Associated amenities including lobby, conference rooms, co-working spaces, gymnasium and café;
  - Signage;
  - One basement level at 5 – 11 Hollywood Avenue; and
- Associated landscape works.

### 4. Proposed Modifications

The proposed modifications are illustrated in the Revised Architectural Drawings included at **Attachment A** and the Revised Landscape Plans at **Attachment B**. The modifications are detailed in the table below. A detailed explanation of the changes and proposed justification are addressed in subsequent sections.

Table 1 – Schedule of Design Changes	
Proposed Change	
<b>Basement</b>	
<ul style="list-style-type: none"> <li>• Reconfiguration of the loading dock to accommodate the waste storage area;</li> <li>• Removal of the deep soil zone positioned along the western boundary;</li> <li>• Relocation of the rainwater tank to Level 1;</li> <li>• Reconfiguration of the plant rooms;</li> <li>• Relocation of the waste storage room adjacent to the loading dock; and</li> <li>• Reconfiguration of the laundry.</li> </ul>	
<b>Ground Level</b>	
<ul style="list-style-type: none"> <li>• Conversion of the gym to a private dining room;</li> </ul>	

Table 1 – Schedule of Design Changes

<ul style="list-style-type: none"> <li>• Revisions to the layout of the external terrace, including reduction to the size of the planter beds;</li> <li>• Increased area available for communal uses and dining;</li> <li>• Relocation of the kitchen to the northern boundary; and</li> <li>• Increase to the size of the amenity W/C amenity rooms.</li> </ul>
<b>Level 1</b>
<ul style="list-style-type: none"> <li>• Conversion of the gym to a private dining room;</li> <li>• Revisions to the layout of the external terrace, including reduction to the size of the planter beds and revised landscape design;</li> <li>• Inclusion of a kitchen along the southern boundary and associated deck in lieu of the approved meeting rooms; and</li> <li>• Reconfiguration of the core layout and corridor.</li> </ul>
<b>Level 2</b>
<ul style="list-style-type: none"> <li>• Inclusion of an additional housekeeping storage room in lieu of the maid's room;</li> <li>• Reduction to the size of the void;</li> <li>• Roof planting zone increased;</li> <li>• Reconfiguration of the core; and</li> <li>• Increase to the size of the void.</li> </ul>
<b>Level 3</b>
<ul style="list-style-type: none"> <li>• Reconfiguration of the core;</li> <li>• External planters added to the southern façade;</li> <li>• House keeping room increased in size; and</li> <li>• Increase to the size of the void.</li> </ul>
<b>Level 4 – Level 9</b>
<ul style="list-style-type: none"> <li>• Reconfiguration of the core; and</li> <li>• Inclusion of external plant located at the northern end of the circulation core.</li> </ul>
<b>Level 10</b>
<ul style="list-style-type: none"> <li>• Conversion of the communal open space area to a gym;</li> <li>• Reconfiguration of the plant rooms;</li> <li>• Increase to the size of the W/C room;</li> <li>• Minor amendments to the configuration of the perimeter landscaping;</li> <li>• Deletion of the western recess next to the southern stair; and</li> <li>• Gym roof extended by 500mm to create a covered walkway around façade.</li> </ul>
<b>Level 11</b>
<ul style="list-style-type: none"> <li>• Extension of the roof plant enclosure to accommodate riser zone; and</li> <li>• Extension of the southern stair to incorporate stair pressurisation plenum.</li> </ul>

Table 1 – Schedule of Design Changes

<b>Eastern Elevation</b>
<ul style="list-style-type: none"> <li>• Inclusion of a timber frame around the entrance doors;</li> <li>• Addition of a concrete facettted continuous awning at street level with planting above;</li> <li>• Minor amendments to the materiality including the replacement of the bay louvres with hinged metal panels;</li> <li>• Replacement of the terracotta tiles with glass reinforced concrete tiles; and</li> <li>• Deletion of the spandrel glass.</li> </ul>
<b>Southern Elevation</b>
<ul style="list-style-type: none"> <li>• Inclusion of external planters in the location of the circulation core from levels 2 and above;</li> <li>• Minor amendments to the materiality including the addition of large format rail-mounted tiles with minor tonal variations; and</li> <li>• Louvres with actuators removed.</li> </ul>
<b>Northern Elevation</b>
<ul style="list-style-type: none"> <li>• Replacement of the terracotta tiles with glass reinforced concrete tiles affixed to fails;</li> <li>• Inclusion of additional columns in the location of the terrace;</li> <li>• Inclusion of planters to the terrace at Level 1; and</li> <li>• Removal of the louvres featuring actuators.</li> </ul>

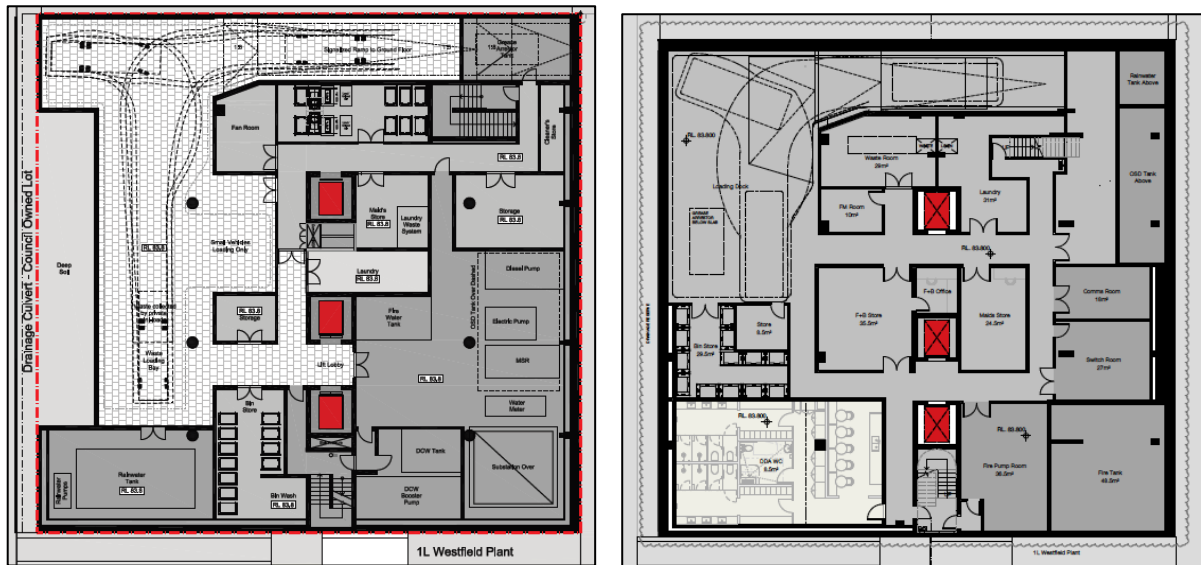
## 4.1 Basement Design

As outlined above, this modification application seeks consent for amendments to the configuration of the basement layout (refer to **Figure 2**). The amendments are a consequence of on-going design development and are minor in nature on the basis that the basement's general arrangement remains unchanged. Specifically, the location of the driveway / loading dock and plant remains consistent with the approval.

The most notable changes relate to the inclusion of W/C amenities in lieu of the rainwater tank along the south western boundary; relocation of the rainwater tank to Level 1; and the deletion of the deep soil planting along the western boundary. A waste storage area is proposed adjacent to the W/C facilities.

The amendments necessitate the reconfiguration of the loading dock. Further discussion regarding the functionality of the revised loading dock is included in **Section 8.0**.





**Figure 2** Approved Basement Design (left) and Revised Basement Design (right)  
Source: Bates Smart

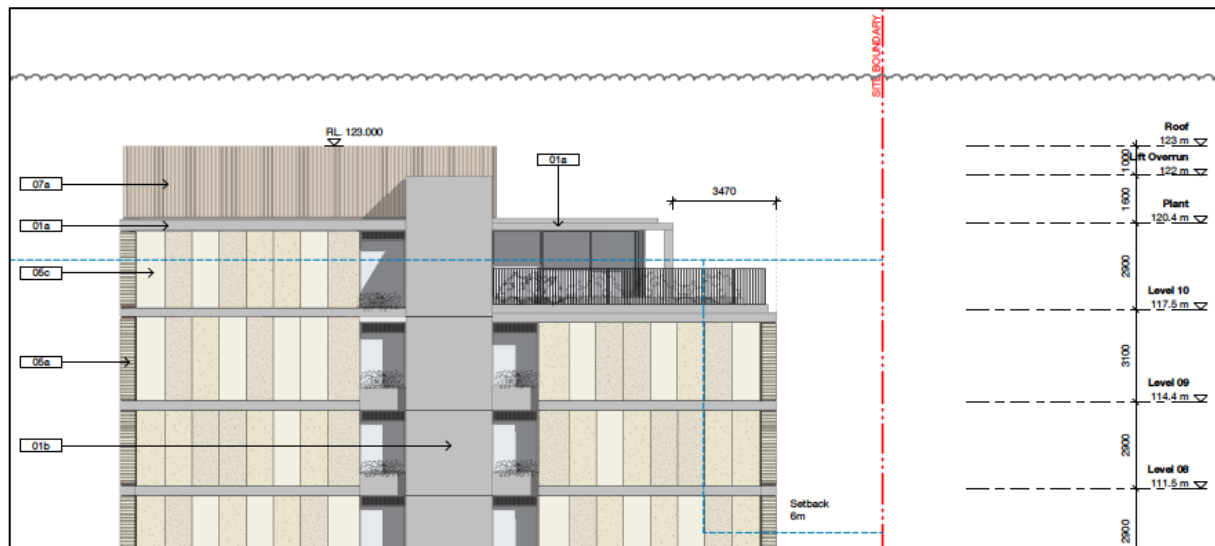
## 4.2 Building Height and Envelope

Minor amendments are proposed to the configuration of the roof structures. Specifically, the width of the roof plant screening is proposed to increase in length. Additionally, the height of the roof of the southern stair is proposed to be extended to accommodate the stair pressurisation plenum (refer to **Figure 3 – 4**).

Notwithstanding the proposed amendments, the height of the overall building continues to sit within the approved envelope and does not exceed the approved maximum height of RL 23.00.



**Figure 3** Approved Southern Stair as Viewed from the Southern Elevation Looking North  
Source: Bates Smart



**Figure 4** Proposed Southern Stair as Viewed from the Southern Elevation Looking North  
Source: Bates Smart

### 4.3 Architectural Expression

The proposal seeks consent for minor amendments to the materiality of the façade. The approved profiled terracotta tiles are proposed to be replaced with glass reinforced concrete tiles to provide more tonal variety. At street level, timber framing is also proposed around the doors and windows.

Along the eastern elevation, the modification introduces a concrete faceted continuous awning with planting positioned above. A comparison of the approved and proposed envelope is provided in **Figure 5** below.



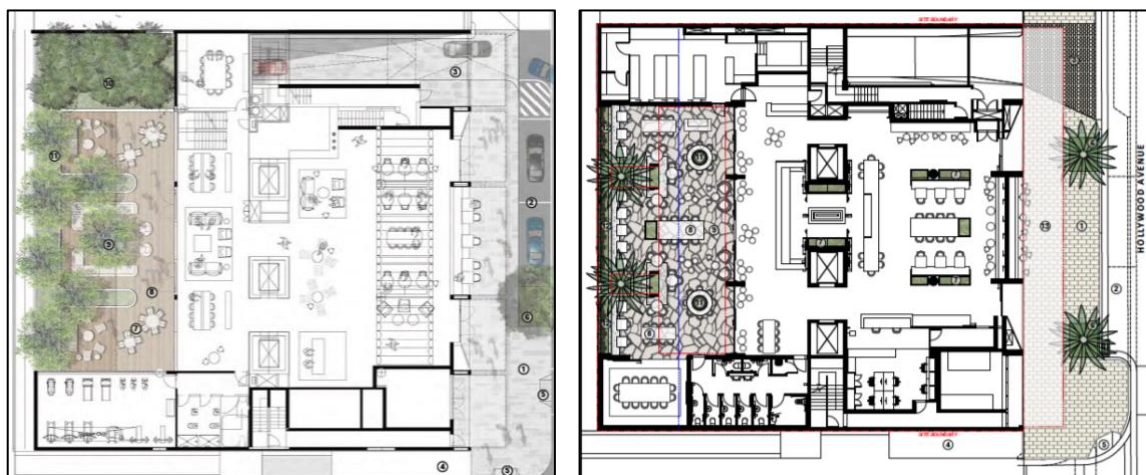
**Figure 5** Approved (Left) and Proposed Façade Design (Right)  
Source: Bates Smart

## 4.4 Landscaping Design

The modified scheme proposes minor amendments to the landscaping design which are discussed in detail below and illustrated at **Attachment 2**.

### Ground Plane

Amendments are proposed at the ground plane within the rear courtyard and adjacent to Hollywood Avenue (refer to **Figure 6**). The approved landscaping within the courtyard consists of timber decking with raised planters along the perimeter containing myrtle trees. The timber decking is proposed to be replaced with paving and the landscaping within the raised planters amended to consist of *Livistona Australis* Palms. *Livistona Australis* Palms are also proposed along Hollywood Avenue in the location of the footpath upgrade that will be undertaken in accordance with Waverley Council's public domain guidelines. Whilst the area of deep soil at the rear has been removed, there are no provisions within the WDCP 2012 that necessitate the provision of areas of deep soil for hotels.

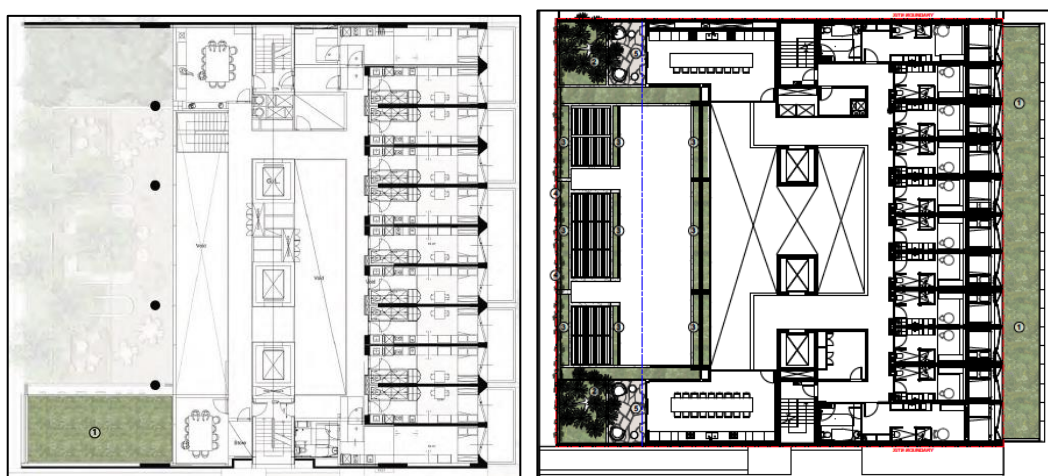


**Figure 6** Approved Landscaping at the Ground Plane (Left) and Proposed (Right)

Source: Bates Smart

### Level 1

The landscaping at Level 1 is proposed to be amended to increase the amount of greenery visible from the streetscape (refer to **Figure 7**). Landscaping comprising a garden bed is proposed above the awning and will contribute greenery to the streetscape. Towards the rear, elevated planters are proposed above the courtyard and will include cascade planting species and climbing plants that will provide shade and privacy screening.



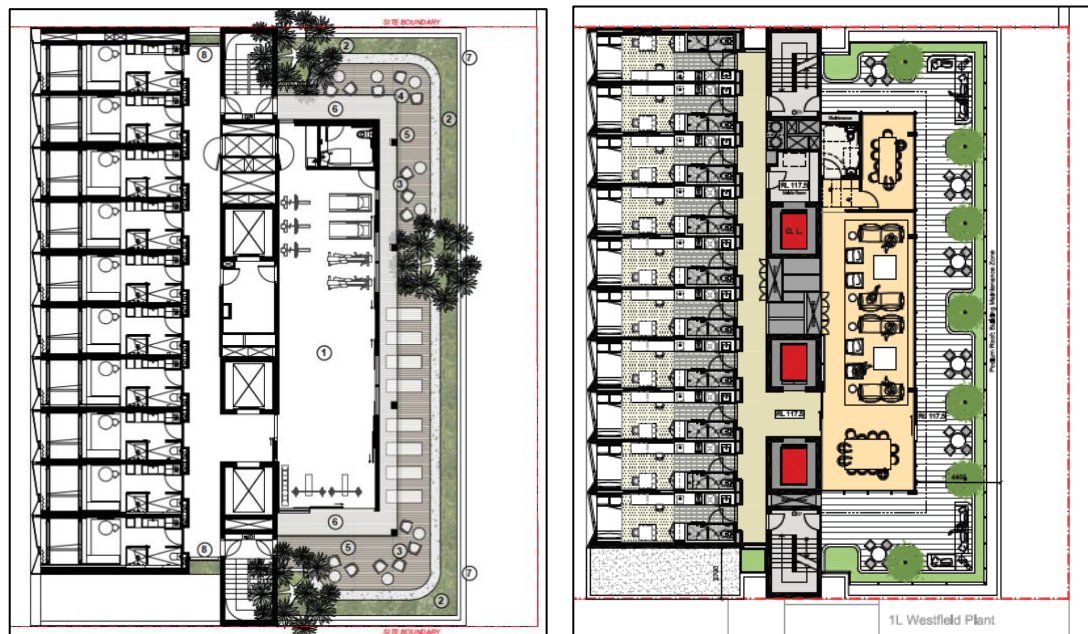
**Figure 7** Approved Landscape Design (Left) and Proposed (Right)

Source: Bates Smart



## Roof Terrace

Changes are proposed to the rooftop communal terrace and relate to the rationalisation of the landscaping. As shown in the figure below, the planters around the perimeter are proposed to increase slightly in width and the approved tree planting consisting of *Cupaniopsis Anacardioides* trees is proposed to be replaced with three (3) *Pandanus Tectorius* Trees.



**Figure 8** Approved (Left) Revised Courtyard Design (Right)

Source: Bates Smart

## 5. Modifications to Conditions

The proposed modifications described in **Section 4.0** necessitate amendments to the conditions of consent. Words proposed to be deleted are shown in **~~bold strike through~~** and words to be inserted are shown in ***bold italics***.

### A. APPROVED DEVELOPMENT

#### 1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

- (a) Architectural Plans prepared by Bates Smart of Project No. S12183 including the following:

Table 2 – Architectural Plans Prepared by Bates Smart		
Drawing No.	Plan Description	Date
DA 01.01 <del>[A]</del> <i>[B]</i>	Demolition plan	<del>04/10/18</del> <i>09/03/2021</i>
DA 03.001 <del>[B]</del> <i>[C]</i>	L001 Basement plan	<del>15/07/19</del> <i>09/03/2021</i>
DA 03.100 <del>[C]</del> <i>[D]</i>	L00 Ground floor plan	<del>01/04/20</del> <i>09/03/2021</i>
DA 03.101 <del>[C]</del> <i>[D]</i>	L01 plan	<del>08/04/20</del> <i>09/03/2021</i>

DA 03.102 <del>[C]</del> [D]	L02 plan	<del>06/04/20</del> 09/03/2021
DA 03.103 <del>[C]</del> [D]	L03 plan	<del>08/04/20</del> 09/03/2021
DA 03.104 <del>[B]</del> [C]	L04 plan	<del>15/07/19</del> 09/03/2021
DA 03.105 <del>[A]</del> [B]	L05 plan	<del>15/07/19</del> 09/03/2021
DA 03.106 <del>[A]</del> [B]	L06 plan	<del>15/07/19</del> 09/03/2021
DA 03.107 <del>[A]</del> [B]	L07 plan	<del>15/07/19</del> 09/03/2021
DA 03.108 <del>[A]</del> [B]	L08 plan	<del>15/07/19</del> 09/03/2021
DA 03.109 <del>[A]</del> [B]	L09 plan	<del>15/07/19</del> 09/03/2021
DA 03.110 <del>[C]</del> [D]	L10 plan	<del>08/04/20</del> 09/03/2021
DA 03.111 <del>[C]</del> [D]	L11 plan	<del>08/04/20</del> 09/03/2021
DA 07.000 <del>[C]</del> [D]	East elevation	<del>08/04/20</del> 09/03/2021
DA 07.001 <del>[C]</del> [A]	South elevation	<del>08/04/20</del> 09/03/2021
DA 07.002 <del>[C]</del> [D]	West elevation	<del>08/04/20</del> 09/03/2021
DA 07.003 <del>[C]</del> [D]	North elevation	<del>08/04/20</del> 09/03/2021
<b>DA 07.004[D]</b>	<b>Street Elevation</b>	09/03/2021
DA 08.000 <del>[C]</del> [D]	Section AA	<del>08/04/20</del> 09/03/2021
DA 11.00 <del>[A]</del> [B]	External Finishes	<del>03/10/18</del> 09/03/2021
<b>DA 23.00[A]</b>	<b>GFA Area Plans Sheet 01</b>	09/03/2021
<b>DA 23.01[A]</b>	<b>GFA Area Plans Sheet 02</b>	09/03/2021

Landscape plans and documentation prepared by 360 Degrees Landscape Architects.

Table 3 – Landscape Plans Prepared by 360 Degrees Landscape Architects		
Drawing No.	Name of Plan	Date
L-DA-04	Landscape Plan – Ground Floor, Issue <b>B C</b>	<del>12/10/18</del> 09.03.21
L-DA-05	Landscape Plan – Level 01, Issue <b>B C</b>	<del>12/10/18</del> 09.03.21
L-DA-06	Landscape Plan – Level 02, Issue <b>B C</b>	<del>12/10/18</del> 09.03.21
L-DA-07	Landscape Plan – Roof Terrace, Issue <del>B</del> <b>C</b>	<del>12/10/18</del> 09.03.21
<del>L-DA-08</del>	<del>Landscape Section 1, Issue B</del>	<del>12/10/18</del>
L-DA-09	Landscape Section 2, Issue <b>B C</b>	<del>12/10/18</del> 09.03.21
L-DA-11	Planting Palette (Sheet 1), Issue <b>B C</b>	<del>12/10/18</del> 09.03.21
L-DA-12	Planting Palette (Sheet 2), Issue <b>B C</b>	<del>12/10/18</del> 09.03.21

L-DA-13	Irrigation + Maintenance Notes, Issue B	<b>12/10/18 09.03.21</b>
<b>L-DA-14</b>	<b>Landscape Plan – Levels 3,5,7,9</b>	<b>09.03.21</b>
<b>L-DA-15</b>	<b>Landscape Plan – Level 4,6,8</b>	<b>09.03.21</b>

**Justification** - The plans are required to be updated in accordance with the revised drawings that accompany this modification application.

## 6. Substantially the Same Development

Section 4.55(2) 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 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)'*.

Whilst there is no definitive approach to determining what constitutes 'substantially the same development', the LEC case of *Moto Projects (No 2) Pty Ltd v North Sydney Council [1999] NSWLEC 280* established some key principles to be considered when determining if a modification request satisfies the substantially the same development test. These principles include:

- The verb 'modify' means to alter without radical transformation;
- The word 'substantially' means essentially, materially or as having the same essence';
- For a modified development to be 'substantially' the same it is not required to be exactly the same as that for which consent was originally granted;
- When determining whether a modified development is substantially the same, a consideration of both the quantitative and qualitative amendments is required;
- Although a comparative task is required to be undertaken to satisfy the requirement of s 4.55(2) (formerly s 96(2)) and involves a comparison of the whole of the developments being compared, the fact does not eclipse or cause to be eclipsed a particular feature of the development, particularly if that feature is found to be important, material or essential;
- Environmental impacts associated with the proposed modifications are relevant to the assessment of the modification; and
- Material changes such as amendments to the height, floor space, facades and building profile can be considered provided that the development as modified is essentially or materially the same in essence.

An assessment of the proposed modifications against these key principles is set out below.

### Quantitative Assessment

The numeric features of the development largely remain unchanged, with variations considered minor in the context of the overall development. The proposal's floor space ratio (FSR) is proposed to be amended from 5,653m<sup>2</sup> to 5,694m<sup>2</sup>, representing a 41m<sup>2</sup> increase. This represents a minor change from the approved FSR and results in an FSR of 5.96:1, which is still less than the maximum permitted FSR of 6:1 for the site.

Whilst the proposal maintains the variation to the maximum building height development standard prescribed by clause 4.3 of the WLEP 2012 as per the original development, the maximum height continues to remain unchanged.

In addition to the above, the approved 198 rooms (including 4 accessible rooms) remain unchanged.

## Qualitative Assessment

A qualitative assessment of the proposed modifications demonstrates that the essential elements of the approved development will not be substantially amended as a result of the modifications sought by this application. The proposal is substantially the same development as that originally approved in that:

- The modifications to the roof do not substantially alter the configuration of the envelope and sit within the approved maximum height for the development;
- Minor changes are proposed to the materiality of the façade, with the architectural expression and geometric proportions generally remaining unchanged from the approved development;
- The increase in GFA is minor and a consequence of internal amendments rather than an increase to the size of the approved building envelope;
- The development, as modified will not result in any adverse visual or streetscape impacts, or additional overshadowing to surrounding private property;
- The proposal continues to incorporate a range of high quality communal areas which will be enhanced by the modifications sought by this application;
- The public benefits associated with the proposal as outlined in the original SEE remained unchanged;
- The proposal retains the same approved use;
- The development continues to provide an active street frontage along Hollywood Avenue; and
- The approach to integrating landscaping throughout the development has been increased by this modification application.

Based on the above, it is considered that from a quantitative and qualitative perspective, the development as proposed to be modified is substantially the same as the approved scheme.

## 7. Planning Assessment

The SEE submitted with the original DA addressed the proposal's compliance against the relevant planning instruments, including:

- *State Environmental Planning Policy 55 – Remediation of Land*;
- *State Environmental Planning Policy (State and Regional Development) 2011*;
- *Waverley Local Environmental Plan 2012*; and
- *Waverley Development Control Plan 2012 (WDCP 2012)*.

The proposed modifications do not substantially alter the development. They are proposed for the purpose of improving the internal floor planning and the external appearance of the development. An assessment against the relevant planning matters is provided below.

### Waverley Local Environmental Plan 2012

The proposed modifications do not alter the proposal's compliance with the *Waverley Local Environmental Plan 2012* (WLEP 2012). A detailed discussion is provided below.

#### *Building Height*

The proposed envelope continues to sit within the parameters of the approved envelope and therefore does not exceed the approved maximum height of RL 23.00m. In consequence, the justifications for the height variation set out in the Clause 4.6 Variation Request that accompanied the original SEE remain applicable to the proposal.

#### *Gross Floor Area*

The WLEP 2012 applies an FSR maximum of 6:1 to the site. The approved development has a



gross floor area 5,653m<sup>2</sup> and a compliant FSR of 5.9:1.

The proposed modifications necessitate an amendment to the development's gross floor area (GFA). Specifically, the GFA is proposed to be amended from 5,653m<sup>2</sup> to 5,694m<sup>2</sup>, representing a 41m<sup>2</sup> increase. Based on a site area of 954.8m<sup>2</sup>, the proposal has an FSR of 5.96:1 and complies with clause 4.4 of the WLEP 2012.

#### *Active Frontages*

Clause 6.5 of the WLEP 2012 requires the provision of an active frontage to Hollywood Avenue. The development as modified continues to provide an active frontage through the inclusion of a café / lounge area. The continuous awning proposed along Hollywood Avenue will provide shelter and will improve accessibility to these active uses.

#### **Waverley Development Control Plan 2012**

The SEE submitted with the original DA addressed the proposal's compliance against the relevant planning instruments, including:

- The proposal will continue to comply with Control 8.3 of the WDCP 2012 in that adequate space will continue to be provided to facilitate the provision of loading facilities and will meet the swept path requirements;
- The findings of the Acoustic Impact Assessment prepared by Acoustic Logic (refer to *Appendix 11* of the SEE) remain unchanged given that the modifications do not alter the developments approved use and the location of the communal facilities remain consistent with the approval;
- The removal of the area of deep soil does not alter the proposal's compliance with the WDCP 2012 given that there are no deep soil provisions for hotel uses;
- The location and siting of the envelope remains unchanged from the approval and therefore the assessment of the setbacks contained within the original SEE continues to remain applicable; and
- The proposed awning complies with the requirements of *Section 6.4 Awnings and Colonnades* in that it has a minimum height above the footpath of 3.1m and is positioned a minimum of 0.6m away from the kerb line.

#### **8. S.79C(1)(b) Impact on the Environment**

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

- Compliance with statutory and strategic plans and policies;
- Built form, scale and massing;
- Landscaping;
- Traffic and parking;
- Traffic impacts
- Overshadowing;
- Heritage;
- Noise;
- Stormwater Management;
- Erosion and Sediment Control;
- Waste Management;
- Energy and Water Efficiency;
- Building Code of Australia (BCA); and

- Accessibility.

The planning assessment of the proposed modified development remains generally unchanged with respect to the above matters. However, the following matters warrant further assessment.

### **Built Form**

As outlined in the qualitative assessment in **Section 6.0**, the development continues to provide a high-quality built form that is in keeping with the approved development. The revised materiality comprising the inclusion of glass reinforced concrete tiles in lieu of the approved terracotta tiles is proposed for the purpose of enhancing the aesthetic appearance of the proposal and providing more tonal variety.

The approved development provides a clearly defined three (3) storey podium, with an eight (8) storey tower element above. The podium is accentuated by a 3.5m upper podium setback. The development as proposed to be modified continues to retain this design approach; however, the continuous awning proposed along Hollywood Avenue will further reinforce the scale of the podium and achieve a more human scale at street level.

The additional landscaping proposed above the awning on the western façade will soften the appearance of the development when viewed from the streetscape.

### **Amenity Impacts**

This modification application proposes a range of minor internal amendments. The internal amendments primarily relate to the reconfiguration of the lift core and the plant rooms contained within the basement. The amendments are a consequence of ongoing design development will not give rise to additional amenity impacts.

More substantial amendments include the repurposing of the rooftop communal area to a gym. The communal space will continue to be enclosed and the use of this space as a gym will not give rise to additional acoustic impacts.

### **Overshadowing**

As addressed in **Section 4.2**, the height of the southern stair is proposed to increase by a minor amount in order to accommodate the stair pressurisation plenum. The additional height sits within the approved envelope which reaches a height of RL 123.00m.

Bates Smart have assessed the overshadowing impacts associated with the minor increase to the height of the southern stair. The overshadowing analysis confirms that the modified design will not result in additional shadow impacts.

### **Traffic and Parking**

Varga Traffic Planning has prepared an Addendum Traffic Report which is included at **Attachment 3**. The report includes a swept path analysis which assesses the revised loading dock arrangement. The report concludes that the basement design continues to comply with the relevant Australian Standards (AS2890.2-2002) and a small rigid truck (6.4m long SV) will be able to enter and exit the site in a forward direction at all times.

## **9. Site Suitability and the Public Interest**

The site remains suitable for the proposed development for the reasons outlined in the Statement of Environmental Effects which accompanied the original application. The proposed modifications will improve the internal layout and will enhance the architectural expression of the development.

The proposal continues to be permissible within the zone, involves the construction of a high quality building with architectural design merit that will contribute positively to the streetscape. The modifications will not result in additional environmental impacts beyond those already addressed in the approved application.

## **10. Conclusion**

In accordance with Section 4.55(2) of the EP&A Act, the modified development will be substantially the same as the originally approved development. This Section 4.55(2) application seeks to facilitate amendments in order to improve the proposal's architectural expression and the internal floor planning. The proposed modifications will not substantially alter the environmental impacts assessed and approved as part of the existing development consent, nor will they give rise to any additional adverse amenity impacts.

In accordance with Section 4.55(2) of the EP&A Act, Council may modify the consent as:

- The consent, as proposed to be modified, is substantially the same development as that originally approved and reflects the standard design development process that has taken place prior to commencement of construction;
- The modifications will assist in rationalising the internal layout of the building, improving the hotel's amenities and enhancing its architectural expression;
- The modifications will not amend the bulk or scale of the approved development; and
- The proposal will not result in any unacceptable adverse environmental, social or economic impacts.

We trust that this information is sufficient to facilitate an assessment of the modification request. Should you have any queries about this matter, please do not hesitate to contact the undersigned on (02) 8667 8668.

Yours sincerely



Ian Cady  
**Director**