

27 February 2012

Jane Flanagan
A/Team Leader
Metropolitan and Regional Projects South
NSW Department of Planning & Infrastructure
GPO Box 39
SYDNEY NSW 2001

Our Ref: C12/260

Dear Ms Flanagan,

Section 96 Modification Application for the Extension of the Outdoor Dining Area at the Overseas Passenger Terminal

Thank you for meeting with Sydney Ports Corporation (Sydney Ports) on 25 January 2012 to discuss the proposed section 96 modification application to Development Application 34-09-98 (the DA). As discussed, the purpose of the proposed modification is to extend the existing outdoor dining area at the Overseas Passenger Terminal (OPT), Circular Quay for a number of tenancies on the eastern side (wharf side) of the OPT building at ground level.

Condition of Approval 17(b) of the DA states:

The extent of outdoor seating area associated with the retail areas shall not at any time extend beyond the boundaries shown on the approved plans.

The plans currently allow for a five (5) metre wide dining area from the building edge for retail tenancies 01, 02, 03 and 04 on the eastern side of the OPT. It is proposed to extend this area by two (2) metres at each of the abovementioned tenancies. This will allow for nine (9) metres of public access between tenancy 01 and the wharf edge and seven (7) metres between tenancies 02, 03 and 04 and the wharf edge. It should be noted that this modification application does not include extending the outdoor dining area for tenancy 05 or the other external tenancy areas as previously approved.

In order to facilitate the proposed extension of the outdoor dining area, Sydney Ports requests that the attached plan (DWG. No. SCQP197A) be added to the list of approved plans in Condition of Approval 1 of the DA with the following additional wording added to this condition:

The following drawing prepared by Sydney Ports Corporation to the list of articles:

Drawing No. SCQP197A Overseas Passenger Terminal Showing Existing and Proposed External Licence Area for Wharf Tenants dated 16.02.2012



Note: This drawing amends the approved drawings only in so far as it relates to the outdoor dining areas on the eastern side of the OPT for tenancies 01, 02, 03 and 04.

The outdoor dining area will be delineated by ground markers or bollards in accordance with Condition of Approval 17(d) of the DA.

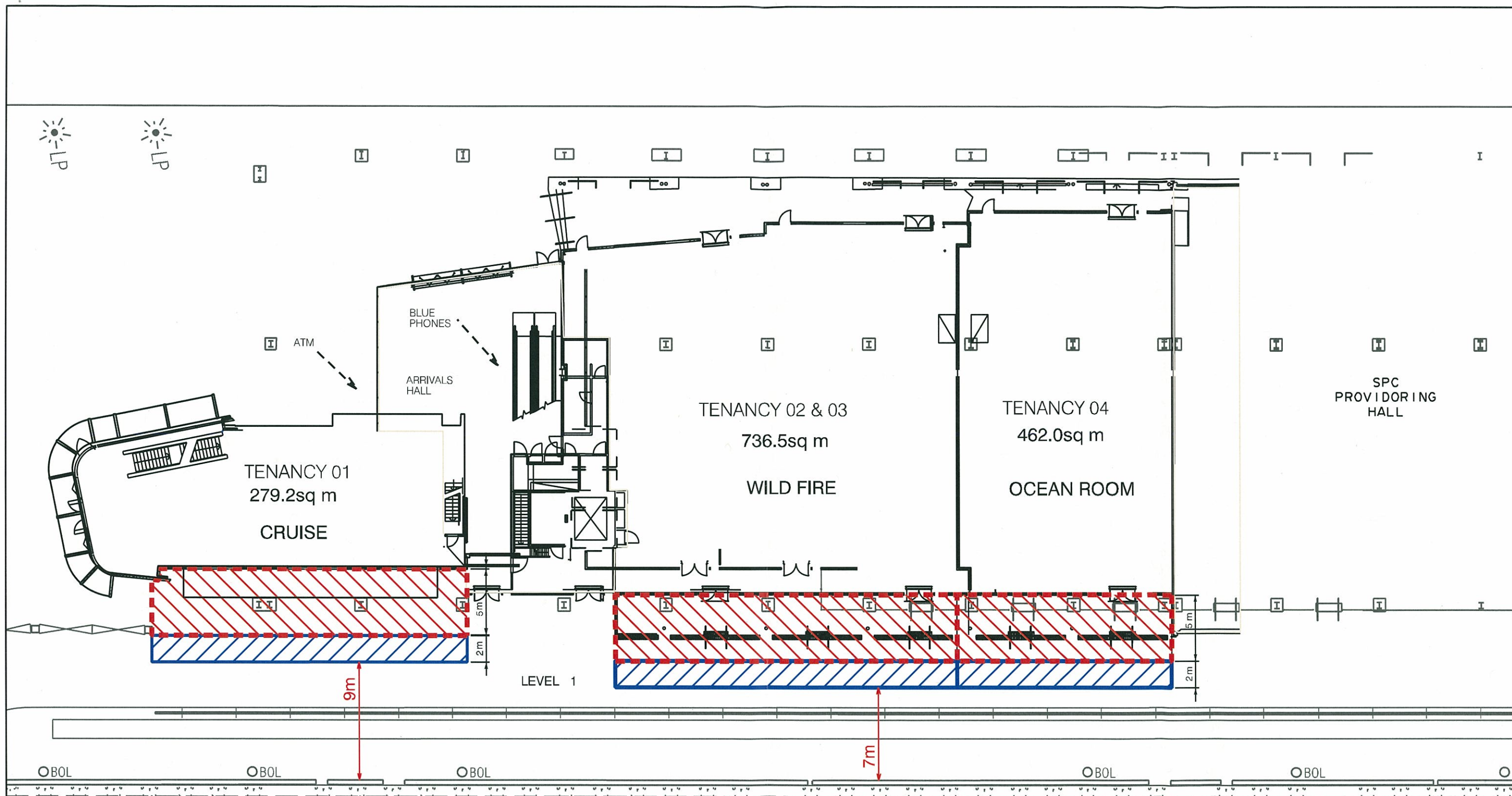
The wharf apron is a popular promenade when ships are not berthed at the terminal. The proposed change to the outdoor dining area will still allow for unimpeded flow of pedestrians along the promenade through the provision of generous clearances to the wharf edge. Visually, the outdoor dining area will be largely unchanged and continue to be demarked by visually unobtrusive bollards or place markers.

Sydney Ports is of the opinion that the above amendments could be conducted under section 96(1A) of the *Environmental Planning and Assessment Act 1979* as "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 is of minimal environmental impact. The use of the outdoor dining area will be substantially the same as was approved albeit in a slightly larger area. All conditions of consent in relation to the use of the external retail areas will continue to be complied with. The proposal slightly reduces the public access area along the wharf face; however, it is considered that there is still sufficient space for pedestrian thoroughfare on and around the wharf apron when it is not being used for port activities.

If you wish to discuss the above matter further please do not hesitate to contact me on 9296 4672.

Yours sincerely,

Greg Walls
Environmental Planner



CRUISE



WILD FIRE

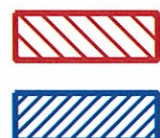


OCEAN ROOM



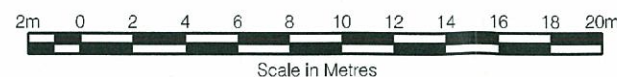
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THIS NOTE IS AN INTEGRAL PART OF THIS PLAN
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Existing Approved
External Licence Area

Proposed Additional
External Licence Area



PLAN PRODUCED ON MGA GRID

**OVERSEAS PASSENGER TERMINAL
 SHOWING EXISTING & PROPOSED EXTERNAL
 LICENCE AREA FOR WHARF TENANTS**

DRAFTED BY: A.K.

DATE: 16/02/2012

PLAN SCALE: AS PER SCALE BAR

DWG NO: SCQP197A