

Department of Planning, Housing and Infrastructure

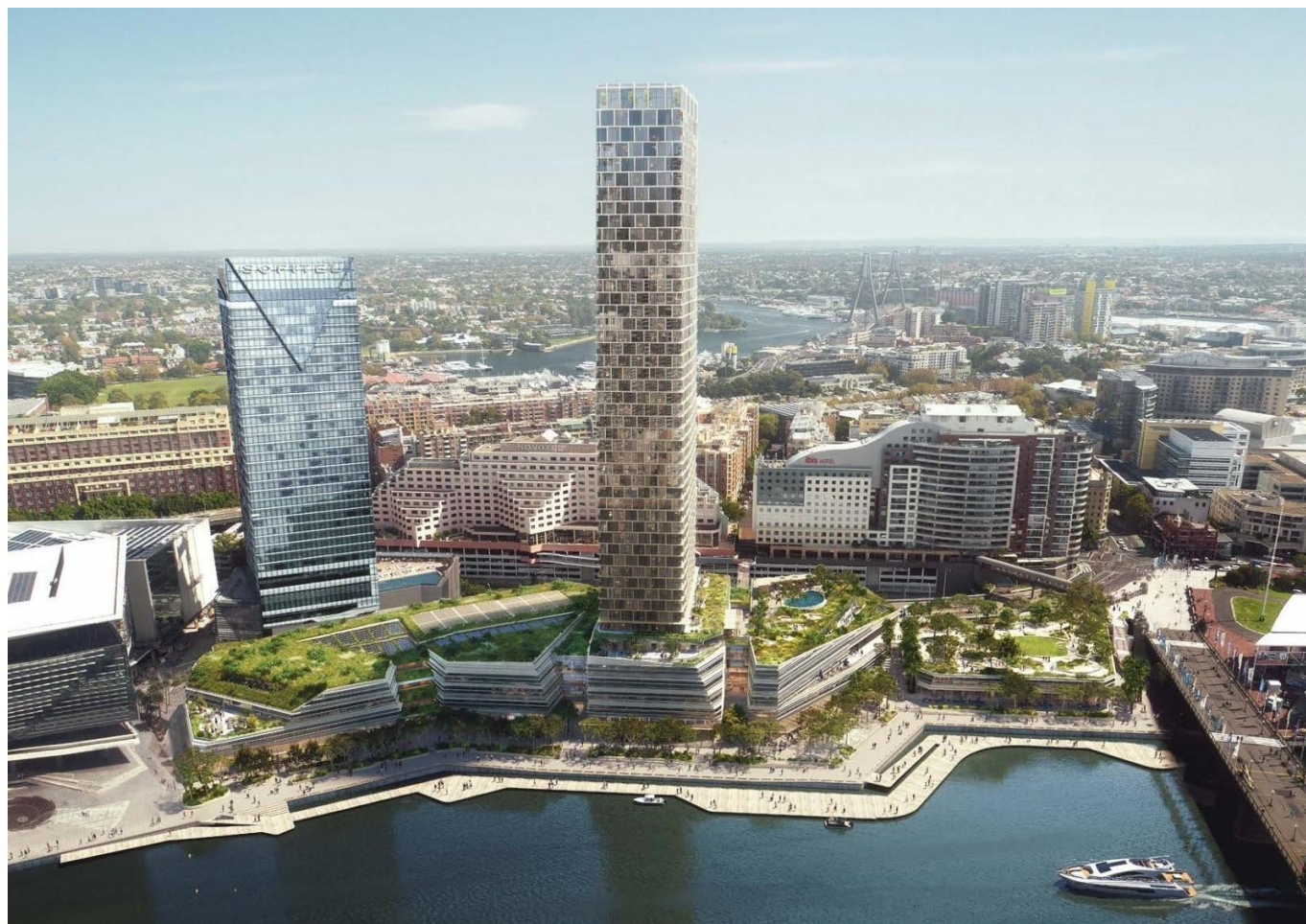
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Modification 6 of the Harbourside Redevelopment – Tower and Podium

State Significant Development Modification Assessment Report (SSD-49295711-Mod-6)

March 2026





Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Modification 6 of the Harbourside Redevelopment Stage 2 – Tower and Podium (SSD-49295711-Mod-6) Assessment Report

Published: March 2026

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1 Introduction

1.1 The proposal

On 14 December 2024, Mirvac Retail Sub SPV Pty Ltd (the Applicant) sought and was granted consent for the construction of a 45-storey residential tower and a two to five storey non-residential podium for Stage 2 of the Harbourside redevelopment (SSD-49295711).

The Applicant now proposes to modify the consent to extend construction hours for specific works outlined in Section 2.1.

1.2 Project location

The site is located at 10 Darling Drive in the City of Sydney local government area (LGA), within the Darling Harbour Precinct (Figure 1). The site formerly contained the Harbourside Shopping Centre and surrounding foreshore and public domain. The site is bound by Darling Harbour to the east, Pyrmont Bridge to the north, Darling Drive to the west and the ICC Sydney Precinct and public domain to the south.



Figure 1 | Local context map (Source: Nearmap)

The site is owned by the State Government (managed by Placemaking NSW (PMNSW)), and the Applicant has a long-term lease over the site until 2087. The shopping centre has been demolished in accordance with stage 1 works of the Concept Proposal (SSD 7874) and construction is currently progressing as approved.

1.3 Approval History

1.3.1 Concept approval

On 25 June 2021, the Independent Planning Commission (IPC) approved the Harbourside Redevelopment Concept Plan (SSD-7874) for the redevelopment of the Harbourside Shopping Centre for a mix of land uses including retail, commercial, public recreation and residential. The Concept Approval has been modified five times with another proposed modification under assessment and further specifies a maximum gross floor area (GFA), building envelopes and building volume for the site.

1.3.2 Stage 2 of the Harbourside Redevelopment (SSDA2)

On 14 December 2023, consent was granted by Deputy Secretary, as delegate of the Minister for Planning and Public Spaces for the development of Stage 2 of the Harbourside Redevelopment (SSD-49295711) which includes the construction of a 50-storey tower comprising residential and commercial uses. SSDA2 has been modified several times, and two other modifications are under assessment as summarised in Appendix B.

1.3.3 Related projects and works

The approval for demolition, site preparation and earthworks and all works with the public domain relate to separate SSD development consents as outlined in Table 1.

Table 1 | Overview of related approvals

Reference	Application Summary	Status
SSDA1 (SSD 38881729)	Site preparation, bulk earthworks and including remediation and dewatering.	Approved 2 March 2023
SSDA3 (SSD 49653211)	All construction, fit-out and landscaping works within the public domain located within and around the tower and podium.	Approved 19 June 2025

2 Proposed modification

2.1 Modification overview

The modification seeks to extend construction hours for specific works as outlined in Table 2.

Minor proposed changes to a back-of-house corridor in the podium were removed from this application and incorporated into Modification 7 (see Appendix B).

Table 2 | Key aspects of the modification

Project element	Description	Applicant's Justification
Construction Hours	<p>Extend the approved construction hours to allow:</p> <ul style="list-style-type: none">• jointing in cable pits, connection to water mains and excavation for utilities service operators to occur whenever necessary• concrete pours or finishing works between 6 pm and 10 pm on weekdays no more than two times in each calendar month• hoist/crane climbing and dismantling works between 8 am and 5 pm on Sunday for no more than two instances for the entirety of the project• internal fit-out and service works behind a closed façade for 24 hours a day, except for Sunday and public holidays• delivering internal fit-out materials between 7 pm and 11 pm, Monday to Saturday.	<p>The Applicant considers the proposed amendments would reduce the duration of construction works across the lifetime of the project, enable emergency works, and address the requirements of utility service providers.</p>

3 Statutory context

3.1 Scope of modification and assessment pathway

Details of the legal pathway under which modification is sought and are provided in Table 3 below.

Table 3 | Permissibility and assessment pathway

Consideration	Description
<p>Scope of modification</p>	<p>Modification involving minimal environmental impact</p> <p>The Department has reviewed the scope of the modification and considers that it can be characterised as a modification involving minimal environmental impact as the proposal:</p> <ul style="list-style-type: none"> • is substantially the same development as originally approved and the extended construction hours are for infrequent and finite periods, and unlikely to result in unacceptable amenity impacts to neighbouring occupiers • would not involve any further disturbances outside the already approved disturbance areas of the development. <p>The Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.</p>
<p>Consent Authority</p>	<p>Minister for Planning and Public Spaces</p> <p>The Minister continues to be the consent authority under section 4.5(a) of the EP&A Act and has the capacity to modify the consent of the project.</p>
<p>Decision-maker</p>	<p>Team Leader, Key Sites Assessment</p> <p>Under the Minister’s delegation, the Team Leader, Key Sites Assessment may determine the application as:</p> <ul style="list-style-type: none"> • the modification application has not been made by a person who has disclosed a reportable political donation; and • the application was not publicly exhibited (s 4.55(1A) of the EP&A Act) and, accordingly, no public submissions were received during exhibition. Submissions received during notification do not constitute public submissions for the purpose of this delegation; and • Council has not made a submission by way of objection.

3.2 Mandatory matters for consideration

3.2.1 Matters of consideration required by the EP&A Act

In determining the modification, the consent authority must take into consideration such of the matters referred to in section 4.15(1) of the EP&A Act as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified. The Department's consideration of these matters is shown in Table 4 below.

Table 4 | Matters for consideration

Matter for consideration	Department's assessment
Environmental planning instruments, proposed instruments, development control plans & planning agreements	Section 3 – Statutory context and Appendix C – Statutory considerations
Environmental Planning & Assessment Regulation 2021 (EP&A Regulation)	Section 3 – Statutory context and Appendix C – Statutory considerations
Likely impacts	Section 5 - Assessment
Suitability of the site	Section 1.2 - Project Location and Section 5 - Assessment
Public submissions	Section 4 - Engagement and Section 5 - Assessment
Public interest	Section 4 - Engagement, Section 5 - Assessment and Section 6 - Evaluation

3.2.2 Objects of the EP&A Act

In determining whether or not to modify the consent, the consent authority should consider whether the modified project is consistent with the relevant objects of the EP&A Act (section 1.3) including the principles of ecologically sustainable development. Consideration of those factors is described in Appendix B.

The Department is satisfied that the development is consistent with the objectives of the EP&A Act and the principles of ecologically sustainable development (ESD).

3.2.3 Biodiversity development assessment report

Section 7.17(2) of the *Biodiversity Conservation Act 2016* (BC Act) requires all SSD modifications to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the authority or person determining the application is satisfied that the modification will not increase the impact on biodiversity values (as identified in the BC Act and in the Biodiversity Conservation Regulation 2017)

The Department is satisfied that the modification will not increase the impact on biodiversity values and consequently a BDAR is not required to accompany the modification application.

4 Engagement

4.1 Department's engagement

In accordance with the EP&A Regulation, the Department:

- made the documents publicly available on the NSW Planning Portal
- notified landowners in the vicinity of the site about the proposed modification
- notified each person who made a submission in relation to the original development application
- notified and invited comments on the application from City of Sydney Council (Council), Transport for NSW (TfNSW), and Place Making NSW (PMNSW).

4.1.1 Summary of advice received from Council and government agencies

The Department received advice from Council and two government agencies on the modification report. A summary of the agency advice is provided in Table 5 and a link to the full copy of the advice is provided in Appendix A.

Table 5 | Summary of Council and agency advice

Agency	Advice summary
Council	Council did not object and provided the following comments: recommend internal fit-out works be restricted to between 7am and 10pm to prevent sleep disturbances to the surrounding residents.
TfNSW	TfNSW did not object and did not provide any comments.
PMNSW	PMNSW did not object and did not provide any comments.

4.1.2 Summary of issues raised during notification

The Department received feedback from six members of the community following notification of the application. The concerns related to:

- the noise impact from out-of-hours deliveries, traffic generation, internal fit out works, and the overall loss of residential amenity
- the justification and benefits identified by the Applicant, and

- the effectiveness of the proposed mitigation measures including a lack of respite periods.

4.2 Additional Information

Following the notification period, the Department asked the Applicant to respond to the issues raised in the community feedback and the advice received from government agencies.

In response to the matters raised, the Applicant provided a submissions report to the Department on 10 October 2025 that clarified the scope of utility works proposed and provided updated construction noise modelling and mitigation measures.

The additional information was made available on the NSW Planning Portal and a link to the additional information is at **Appendix A**.

5 Assessment

The Applicant seeks to extend the construction hours for certain works (internal fit-out works and associated out-of-hours deliveries, utility service works, limited crane removal and limited concrete pours) to shorten the overall construction program, accommodate emergency works, and address the requirements of utility service providers.

Community feedback raised concerns about noise impact from out-of-hours deliveries, traffic generation, internal fit out impacts, the effectiveness of mitigation measures, lack of community consultation and insufficient justification/benefits to justify out-of-hours works. Council requested internal fit-out works be restricted to 7 am -10 pm to reduce sleep disturbance risk to surrounding residential receivers.

In response to Council advice, public feedback and Departmental queries the Applicant provided acoustic modelling, updated management plans, and a traffic statement in support of the application and concluded:

- internal fit-out works (undertaken behind an enclosed façade) would comply with all established Noise Management Levels (NMLs)
- while concrete pours/finishing works, utility servicing and crane removals have the potential to exceed the NMLs in Council's 'Construction Hours/Noise within the Central Business District Code of Practice', these activities will be restricted in both the number of instances permitted over the project lifespan and the specific times/durations during which they are allowed to occur.
- the proposed works are not expected to generate adverse vibration or traffic impacts subject to proposed mitigation measures such as restrictions on hours, use of acoustic barriers, and restrictions on vehicle idling.

The Department has carefully considered the proposed extended construction hours, Council's advice, and the community feedback and notes:

- the proposed additional construction hours would reduce the overall construction program by two months and reduce the duration over which construction impacts are experienced
- the proposed internal fit-out works must occur behind an enclosed façade and are predicted to comply with all NMLs within Council's Construction Hours/Noise Code of Practice and be inaudible at neighbouring receivers.

- deliveries associated with internal fit-out works would occur within the building's underground loading dock and would not occur after 11 pm Monday to Saturday. This arrangement reduces the risk of on street noise impacts and ensures delivery noise is screened by the building structure.
- the utilities and services works have the potential to exceed the NMLs by up to 16 dB(A) and would be noticeable at sensitive receivers. However, the Department notes that these works would only occur where they are demonstrably required by the relevant utility/service provider to avoid risks to service access, are limited to the maximum duration necessary and are subject to additional mitigation (including restricting higher-impact excavation/demolition to one instance and requiring cable jointing works to be undertaken under an acoustic blanket or equivalent treatment).
- crane removal is limited to two Sundays between 8 am and 5 pm across the life of the project and would only occur where the works are unavoidable and standard construction hours are insufficient. The Department notes that such works would also otherwise be permitted to proceed under Condition E6 when occurring on the road (rather than from within the site) and the proposed hours and frequency limits reduce the likelihood of sleep disturbance.
- the concrete pours are restricted to two days per calendar month between 6 pm and 10 pm, excluding weekends, with acoustic modelling predicting a maximum exceedance of 8 dB(A) at 50 Murray Street. The Department considers these works may be acceptable where it is demonstrated they cannot be reasonably undertaken within standard hours, are time-limited, and are subject to verification monitoring and responsive mitigation/stop-work controls.
- the cumulative impacts were also modelled, and the Applicant has confirmed that concrete pours would not occur concurrently with crane dismantling. On this basis and subject to conditions preventing concurrent high-impact activities, the Department considers cumulative noise impacts can be managed to not exceed the predicted noise levels.
- the Applicant has prepared an addendum Construction Noise and Vibration Management Plan that proposes a range of additional mitigation and management measures, including a two-week trial period of real time noise verification monitoring, out-of-hours notification requirements, a complaints management system and stop work triggers.

The Department considers the proposed additional construction hours are acceptable subject to conditions that allow for limited exceptions for the identified activities that may exceed NMLs (utilities, concrete pours, crane removal), including caps on hours/frequency, demonstrated need, additional mitigation, monitoring, reporting and stop-work provisions.

The recommended conditions include:

- prior notification for all out-of-hours works (24 hours) and at least 48 hours prior for utility service operator works
- compliance with NML's calculated in accordance with Council's Construction Hours/Noise Code of Practice for all proposed works except where specifically authorised under defined conditions including for concrete pours, hoist and crane climbing/dismantling and delivery of materials for internal fit-out works. These authorised works must instead comply with the predicted external noise levels established in the Extended Construction Hours Construction Noise and Vibration Management Plan.
- attended noise verification monitoring at the start of each construction activity to verify the predicted NMLs or maximum predicted external noise levels (whichever is applicable) and to ensure that any exceedances are managed effectively
- ongoing unattended real-time noise monitoring for the duration of the out of hours works to ensure works comply with the predicted NMLs or approved predicted external noise levels as defined by the Extended Construction Hours Construction Noise and Vibration Management Plan (whichever is applicable) including real time active alerts which must be logged and provided to the Planning Secretary for information every three months
- a stop work provision which enables the compliance team to stop works where complaints have been substantiated with works only recommencing when it can be demonstrated that the amelioration measures have resolved the complaints.

6 Evaluation

The Department's assessment has considered the relevant matters and objects of the EP&A Act (Appendix B and Section 5) and advice from government agencies and local councils (Section 4).

The Department's assessment concludes that the modification is acceptable as it would:

- be substantially the same development as the originally approved development
- reduces the construction program by a minimum of two months, benefitting surrounding receivers by reducing the overall construction impacts of the development
- appropriately minimises the acoustic impacts experienced by surrounding receivers through the careful management and documentation of mitigation measures and complaints
- not result in significant construction noise or traffic impacts beyond those already assessed, subject to the additional conditions specifying the allowable works and activities.

For these reasons, the Department considers the modification is in the public interest and should be approved, subject to the recommended modified conditions of consent.

7 Recommendation

It is recommended that the Team Leader, Key Sites Assessment as delegate of the Minister for Planning and Public Spaces:

- considers the findings and recommendations of this report
- accepts and adopts the findings and recommendations in this report as the reasons for making the decision to approve the modification
- agrees with the key reasons for approval listed in the notice of decision
- modifies the consent for the Harbourside Redevelopment Stage 2 (SSD 49295711 MOD 6), subject to the conditions in the attached instrument of modification.
- signs the attached instrument of modification (Appendix D).

Recommended by:



Anson Tong
Student Para Planner
Key Sites and TOD Assessment

Recommended by:



Tom Piovesan
Senior Planner
Key Sites and TOD Assessment

8 Determination

The recommendation is adopted by:

A handwritten signature in blue ink, appearing to read 'D Glasgow', is positioned below the text 'The recommendation is adopted by:'. The signature is fluid and cursive.

David Glasgow

Team leader

Key Sites and TOD Assessment

Glossary

Abbreviation	Definition
Council	City of Sydney Council
Department	Department of Planning, Housing and Infrastructure
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
EPI	Environmental planning instrument
ESD	Ecologically sustainable development
LGA	Local government area
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces
Planning Systems SEPP	State Environmental Planning Policy (Planning Systems) 2021
PMNSW	Place Management New South Wales
Secretary	Secretary of the Department of Planning, Housing and Infrastructure
SEPP	State Environmental Planning Policy
SSD	State Significant Development
TfNSW	Transport for NSW

Appendices

Appendix A – List of referenced documents

The Applicant's modification application, Council and government agency advice and additional information can be found on the Department's website:

<https://www.planningportal.nsw.gov.au/major-projects/projects/mod-6-construction-hours>

Appendix B – Previous modifications to the consent

The modification history and status of SSD 49295711 is outlined in Table 6.

Table 6 | Summary of modifications to SSD 49295711

Mod No.	Summary of Modifications	Status
MOD 1	Amend the internal layout of apartments on levels 9 to 45, amend the mix of three and four bed apartments, make minor external façade changes.	Approved 3 July 2024
MOD 2	Allow new event/conference land use within the existing office space, amendments to the basement, podium and residential tower layout and design, and changes to the façade and podium rooftop landscaping and layout.	Approved 11 April 2025.
MOD 3	Stage construction certificate timings and minor amendment to the extent of Level 4 podium plant area.	Approved 12 March 2025
MOD 4	Amendment to conditions to facilitate staged occupation.	Approved 14 July 2025
MOD 5	Staged occupation certificate timings and minor amendment to conditions to facilitate occupation feasibility.	Approved 8 September 2025
MOD 7	Alterations to substations, building overhangs, and retail tenancies.	Approved 25 November 2025
MOD 8	Amendment to built form to align with demolition of the north bridge and relocation of pedestrian lift.	Under Assessment
MOD 9	Amendment to conditions to identify relevant authority for public access and easement arrangements.	Approved 9 December 2025

Mod No.	Summary of Modifications	Status
MOD 10	Amend existing operational noise requirements.	Under Assessment.

Appendix C – Statutory considerations

Objects of the EP&A Act

A summary of the Department’s consideration of the relevant objects (found in section 1.3 of the EP&A Act) are provided in Table 7 below.

Table 7 | Objects of the EP&A Act and how they have been considered

Object	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State’s natural and other resources,	<ul style="list-style-type: none"> The development, as proposed to be modified, will have an acceptable level of impact on the social and economic welfare of the community through the reduction in construction timeframe and appropriate management of acoustic impacts.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	<ul style="list-style-type: none"> The proposed modification will facilitate the same ESD outcomes as previously assessed.
(c) to promote the orderly and economic use and development of land,	<ul style="list-style-type: none"> The development, as proposed to be modified, would continue to promote the orderly and economic use and development of land by the development of an existing urban site.
(d) to promote the delivery and maintenance of affordable housing,	<ul style="list-style-type: none"> The State Planning Agreement between the Applicant and the Minister includes an affordable housing contribution of \$5.2 million.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	<ul style="list-style-type: none"> The development, as proposed to be modified would not have any additional environmental impact above those already assessed. On 3 February 2023, the Department granted a BDAR waiver for the proposal and considers a new

Object	Consideration
	waiver or BDAR is not required for the modification.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	<ul style="list-style-type: none"> The modification would not have any impact to built and cultural heritage above those already assessed.
(g) to promote good design and amenity of the built environment,	<ul style="list-style-type: none"> The modification does not seek to change the existing measures or conditions that promote good design and amenity of the built environment.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	<ul style="list-style-type: none"> Existing conditions would ensure the proposed works are undertaken in compliance with all relevant building codes and health and safety requirements.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the state,	<ul style="list-style-type: none"> The modification was referred to Council, TfNSW and PMNSW for comment (refer to Section 4).
(j) to provide increased opportunity for community participation in environmental planning and assessment.	<ul style="list-style-type: none"> The modification was made publicly available on the NSW Planning Portal and notified to surrounding landowners (refer to Section 4).

A consent authority may modify the consent if it is satisfied the proposed modification application meets the requirements of section 4.55(1A) of the EP&A Act. An assessment of the proposed modification application against the requirements of section 4.55(1A) of the EP&A Act is included in Table 8.

Table 8 | Consideration of section 4.55 of the EP&A Act

Section 4.55 Evaluation (1A)	The Department's assessment
(a) the proposed modification is of minimal environmental impact	<p>Section 5 of this report provides a detailed assessment of the impacts associated with the modified development. The Department is satisfied that the proposed modification is of minimal environmental impact as:</p> <ul style="list-style-type: none"> the physical changes are minor in nature and do not affect the overall scale or appearance of the development impacts can be managed / mitigated

Section 4.55 Evaluation (1A)**The Department's assessment**

- overall use and future operation of the site remains unchanged by this proposal.

(b) the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified

The proposal seeks consent for changes that do not materially impact the nature of the overall development. The modification application is considered to result in development that is substantially the same development as that originally approved.

(c) the application has been notified in accordance with the regulations

The application was notified in accordance with the EP&A Regulation and was made publicly available on the NSW Planning Portal.

(d) any submission made concerning the proposed modification has been considered

The Department received advice from Council, TfNSW and PMNSW which has been considered in Section 4 and 5 of this report.

Under section 4.55(3) of the EP&A Act, the consent authority must consider the matters referred to in section 4.15(1) of relevance to the development. Table 9 identifies the matters for consideration under section 4.15 of the EP&A Act that apply to the proposed modification.

Table 9 | Consideration of the matters listed under Section 4.15(1) of the EP&A Act

Section 4.15(1) Evaluation**The Department's assessment**

(a)(i) any environmental planning instrument

The modified development is consistent with the relevant EPIs, as addressed within the following section of this Appendix.

(a)(ii) any proposed instrument

Not applicable.

(a)(iii) any development control plan

Under clause 11 of the SRD SEPP, development control plans do not apply to SSD.

(a)(iiia) any planning agreement

The approved development includes a State Planning Agreement. The proposed modification does not seek to modify this agreement.

(a)(iv) the regulations

The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications, the requirements for notification and fees.

Section 4.15(1) Evaluation	The Department's assessment
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The likely impacts of the proposed modification are acceptable and have been appropriately addressed at Section 5.
(c) the suitability of the site for the development	The site remains suitable for the development.
(d) any submissions	The Department has considered the submissions received from Council and government agencies at Section 4 and 5.
(e) the public interest	The Department considers the proposed modification to be in the public interest.

EP&A Regulation

The EP&A Regulation requires the Applicant to have regard to the *State Significant Development Guidelines*. The Department considers the modification is consistent with the guidelines.

Environmental Planning Instruments (EPIs)

To satisfy the requirements of section 4.15(1)(a)(i) of the EP&A Act, the Department has considered the relevant SEPPs as part of its assessment. The following EPIs are relevant to the application:

- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65), now known as State Environmental Planning Policy (Housing) 2021
- State Environmental Planning Policy (Housing) 2021
- State Environmental Planning Policy (Industry and Employment) 2021
- State Environmental Planning Policy (Building Sustainability Index: Basix) 2004
- State Environmental Planning Policy (Biodiversity and Conservation) 2021

The Department undertook a comprehensive assessment of the application against the relevant EPIs in its original assessment. The Department has considered the above EPIs and is satisfied the modifications do not result in any inconsistency with these EPIs.

Appendix D – Recommended instrument of modification

The Notice of Modification can be found at the Department’s website:

<https://www.planningportal.nsw.gov.au/major-projects/projects/mod-6-construction-hours>