



17 March 2017

Ms Carolyn McNally
Secretary
23-33 Bridge Street
Sydney NSW 2000

Attention: Ms Natasha Harras, Team Leader Modification Assessments

Dear Ms McNally,

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

GL Investment Co Pty Ltd GL No 1 Trust, hereby submit this application pursuant to section 96(1A) of the Environmental Planning and Assessment Act, 1979 (EP&A Act) to modify State Significant Development Consent SSD-4972 relating to the redevelopment of the 161 Sussex Street development involving the construction of a 27 storey tower, comprising 231 hotel rooms and approximately 7,000m² of commercial floor space and approximately 4,810m² of convention, exhibition and function space.

This modification relates to the reconstruction of Wheat Road to return the area, including bus parking and through site link stair connection between the hotel and Darling Harbor, to the pre-development configuration included in the original development application documentation referred to above.

The current configuration was developed as a temporary arrangement to facilitate construction of the 161 Sussex Street development and was to be in place for the period of construction only. The design of these temporary works, developed in consultation with SHFA and adjoining stakeholders, improved pedestrian safety and traffic circulation by eliminating the requirement for buses to reverse when leaving the bus parking area.

In order to achieve the temporary arrangement GL entered into a license agreement with Helm Bar to utilize approximately 153m² of Helm Bar lease area (not utilized by Helm Bar as it was wholly located within the public domain), within the relocated roadway. Refer attached plan ZC-A-SK-131 showing location of the lease area in question relative to the current arrangement.

Due to the success of the temporary arrangement, considerable funds were also expended with the introduction of new soft landscaping, paving and service vehicle parking on the eastern side of Wheat Road.

Unexpectedly, Helm Bar are now demanding return of their lease area, the subject of the license agreement with GL. Accordingly, GL has no option but to return Wheat Road to its original condition in order to comply with our legal obligations under the license agreement.

It is considered by the land owner (Property NSW formerly SHFA) and our planning consultants JBA, that due to the considerable time elapsed since the temporary arrangement was put in place (2014), a S96 modification is now required to return the area to its original condition.

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

- A signed and completed Section 96 application form;

- Amended Architectural Plan prepared by Cox Richardson Architects (**Attachment B**).
- Helm Bar licensed area plan (**attachment C**)

CONSENT PROPOSED TO BE MODIFIED

State Significant Development Consent SSD-4972 was granted by the Planning Assessment Commission on 5th August 2013 for the construction of a 25 storey tower comprising 231 hotel rooms and approximately 5,775m² of commercial floor space and circa 4,810m² of convention, exhibition and function space.

Since that approval there have been five modifications approved by the Department.

PROPOSED MODIFICATIONS TO CONSENT

The proposed modification to the development consent comprises the reconstruction of Wheat Road from its current arrangement to the arrangement existing prior to the commencement of 161 Sussex Street construction works, and as shown on the attached plan.

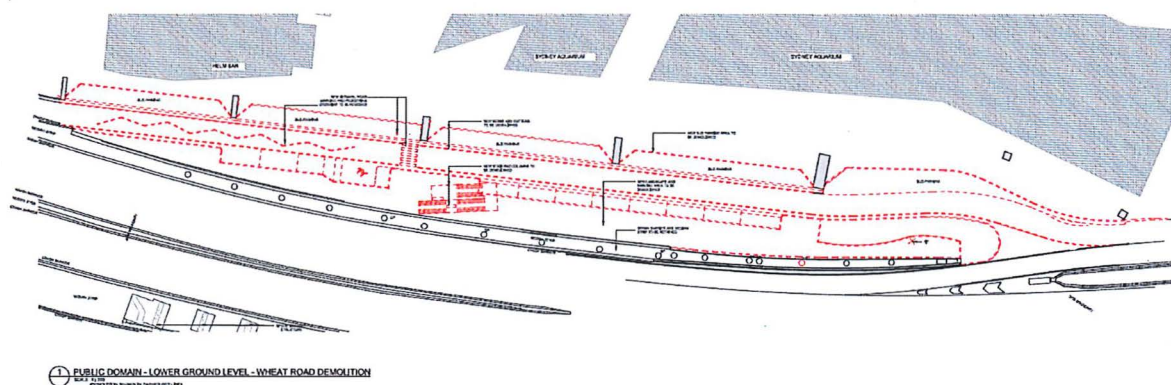


Figure 1 – Proposed extent of demolition

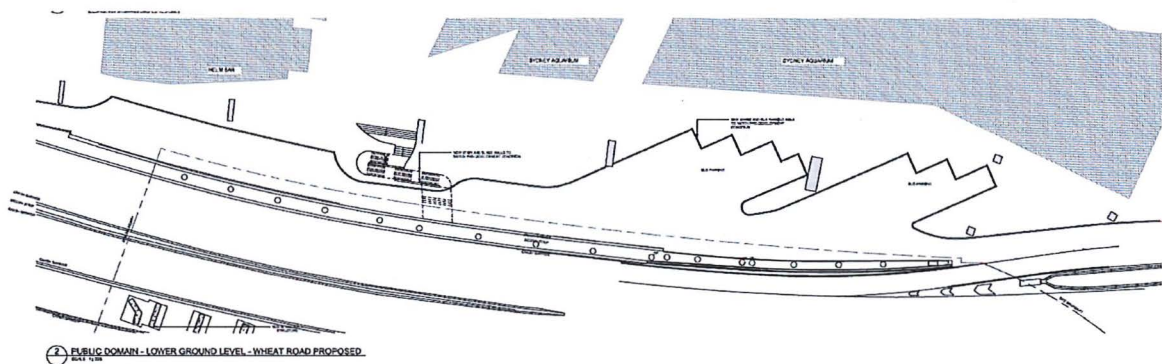


Figure 2 – Proposed relocated roadway, stair and kerbs

SUBSTANTIALLY THE SAME DEVELOPMENT

Section 96(1A) of the EP&A Act states that a consent authority may modify a development consent if *"it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all)"*.

The development, as proposed to be modified, is substantially the same development as that originally approved in that it:

- retains the same mix of land uses as the approved development;
- does not result in any significant amendment to the approved building works;
- does not substantially change the built form outcome;
- does not significantly affect the appearance of the building;

- continues to provide the numerous approved public benefits including a new pedestrian through link; and
- will not result in any adverse impacts to surrounding developments or land uses.

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

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".

While the current Wheat Road arrangement provides a superior outcome for the public domain in the vicinity of Wheat Road adjacent to the 161 development, the reinstatement of Wheat road to its predevelopment configuration is consistent with the development approval.

CONCLUSION

This S96 application seeks approval for the reinstatement of Wheat Road to the configuration identified in the development application i.e. the pre-existing condition. This change, in the context of the overall development will not alter the environmental impacts assessed and approved as part of the existing development consent.

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

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

Should you have any queries about this matter, please do not hesitate to contact me on (02) 9228 0350 or jenny@mandlinvestments.com.sg

Yours faithfully



Jenny Watt