

## ASSESSMENT REPORT

### FOUR POINTS BY SHERATON HOTEL SSD 7014 MOD 1

#### 1. INTRODUCTION

This report provides an assessment of an application seeking approval to modify a State Significant Development approval (SSD 7014) relating to the Four Points by Sheraton Hotel (the hotel) at Darling Harbour.

The application has been lodged by JBA Urban Planning Consultants Pty Ltd on behalf of GL Investment Co Pty Ltd (the Applicant), pursuant to section 96(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It seeks approval for external changes to the executive lounge and bar including a minor reduction in the height of the roof structure and the addition of a privacy screen.

#### 2. SUBJECT SITE

The hotel is located at 161 Sussex Street, Sydney adjacent to the Western Distributor roadway overlooking Darling Harbour. The executive lounge and bar is located at Levels 11 and 12 above the northern tower of the hotel (refer to **Figure 1**).

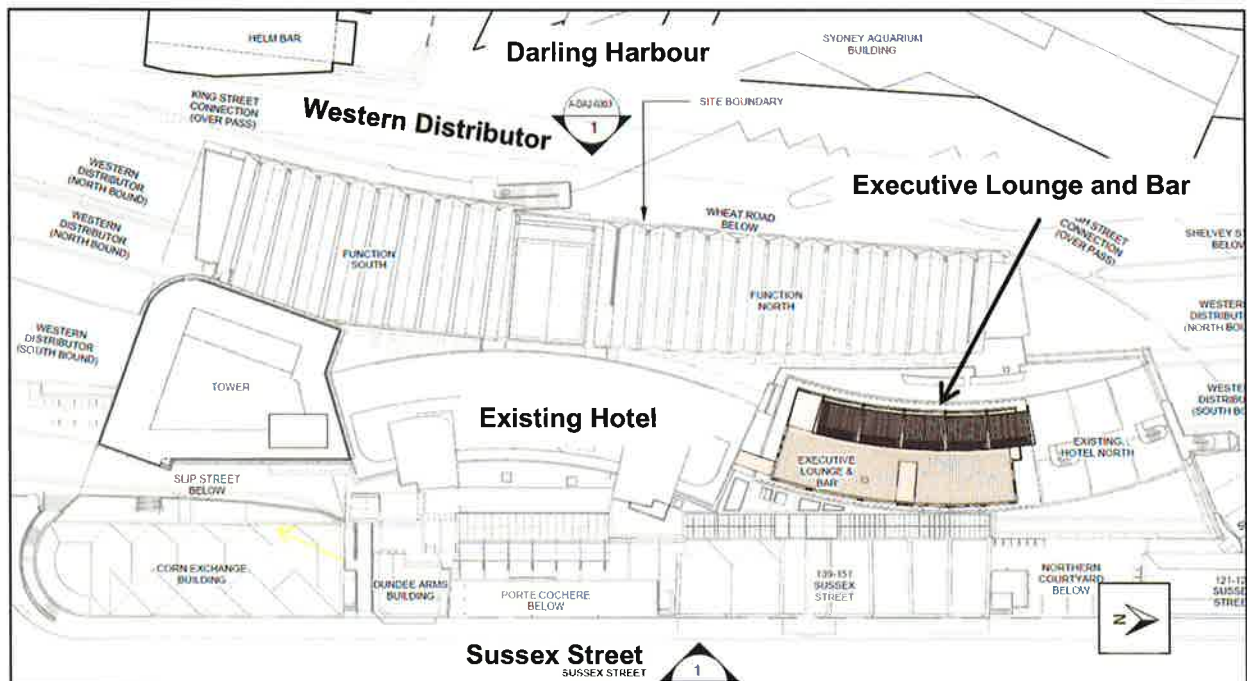


Figure 1: Site Location

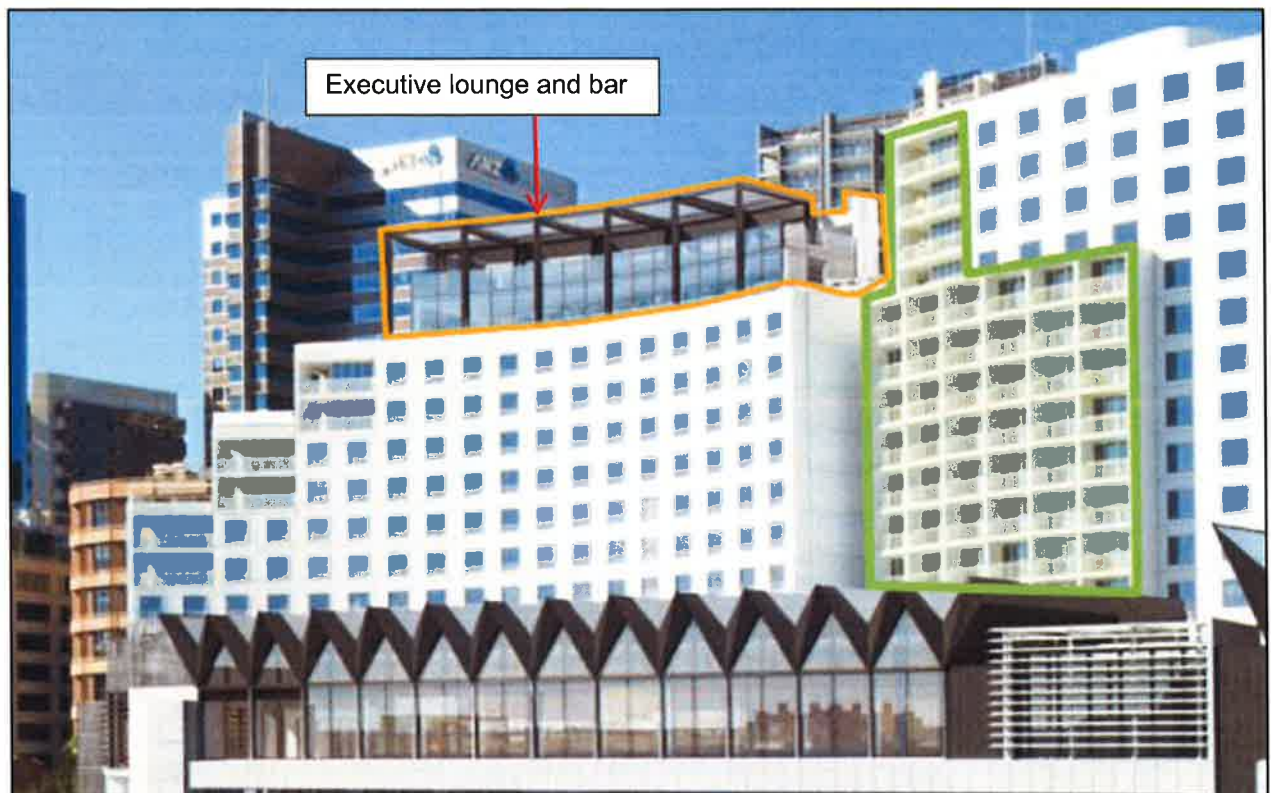
### 3. APPROVAL HISTORY

On 26 February 2015, the Planning Assessment Commission, granted SSD Approval (SSD 7014) for the construction of a new two storey executive lounge and bar above the tenth storey of the northern tower of the existing hotel.

The approved development includes:

- 452 sqm gross floor area (GFA) for an executive lounge at Level 11;
- 475 sqm GFA for a public bar at Level 12;
- associated amenities including bar storage and kitchen; and
- a plant room.

A photomontage of the hotel can be seen at **Figure 2**. The approved development is currently under construction.



**Figure 2:** *Photomontage of the approved development (western elevation)*

### 4. PROPOSED MODIFICATION

The Applicant lodged an application (SSD 7014 MOD 1) seeking approval to make minor external changes to the executive lounge and bar. The proposed modifications include:

- reconfiguration of external glazing and louvers on the eastern elevation;
- the addition of a glazed screen and louvers, and an increase in height of the glazed panel at slab level at the western elevation;
- installation of fixed vertical privacy louvers at the southern elevation;
- a minor decrease in the height of the portal frame roof structure.

There would be no change to the floorspace area as a result of the proposed modifications.

The proposed modifications are illustrated in **Figures 4** and **5** below.

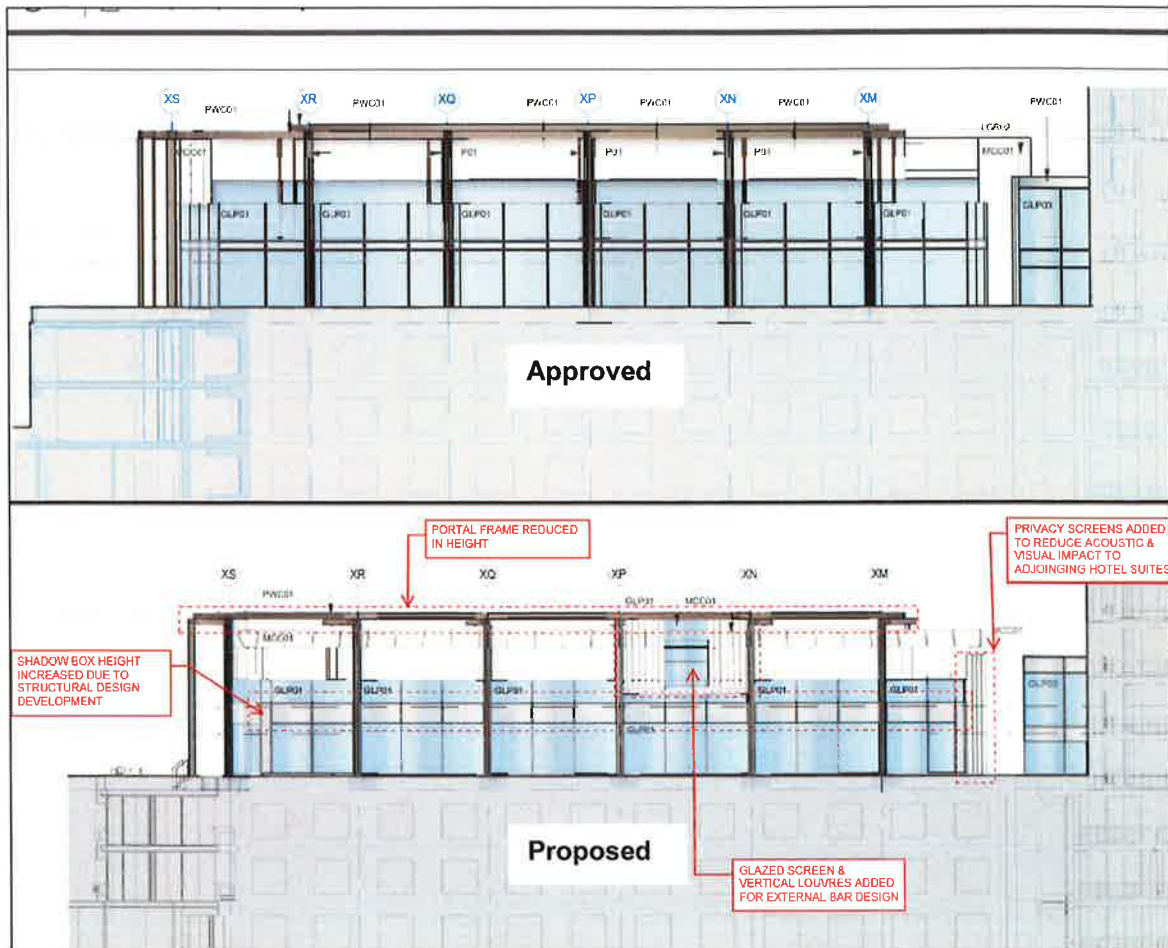


Figure 4: Eastern Elevation facing Sussex Street

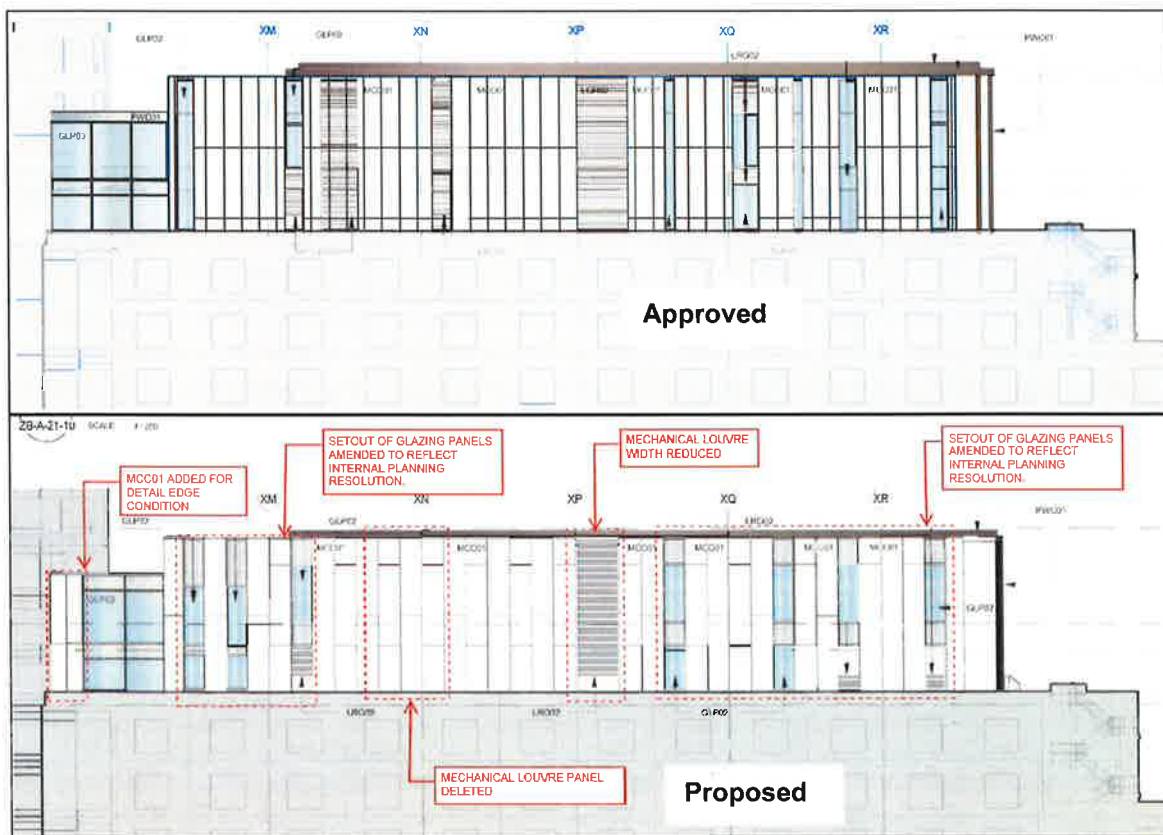


Figure 5: Western Elevation facing Darling Harbour

## 5. STATUTORY CONSIDERATION

### 5.1 Modification of approval

Section 96(1A) of the EP&A Act requires the consent authority to be satisfied that the following matters are addressed in respect of all applications that seek modification approval:

**Table 1: Section 96(1A) matters for consideration**

Section 96(1A) matters for consideration	Comment
<i>That the proposed modification is of minimal environmental impact</i>	<b>Section 7</b> provides an assessment of the impacts of the proposal. The Department is satisfied the proposal would have minimal environmental impacts.
<i>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).</i>	The proposed modification would not result in any apparent change to the overall form and design of the building. There would be no additional visual or amenity impact on the surrounding areas. The Department is satisfied that the proposal is substantially the same development for which consent was originally granted.
<i>The application has been notified in accordance with the regulations</i>	The modification application has been notified in accordance with the regulations. Details of the notification are provided in <b>Section 6</b> of this report.
<i>Any submission made concerning the proposed modification has been considered.</i>	Council raised no concerns with the proposed modification (refer to <b>Section 6</b> ). No other submissions were received by the Department.

### 5.2 Environmental Planning Instruments

The following environmental planning instruments (EPIs) apply to the site:

- *State Environmental Planning Policy (State and Regional Development) 2011;*
- *Darling Harbour Development Plan No. 1; and*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.*

The Department undertook a comprehensive assessment of the redevelopment against the above EPIs in its original assessment. The Department has considered the above EPIs and is satisfied that the modification is generally consistent with the EPIs.

### 5.3 Approval Authority

The Minister for Planning is the approval authority for the application. However, in accordance with the Minister's delegation, the Director Modification Assessments may determine the application as:

- Council has not objected to the application;
- a political disclosure statement has not been made; and
- there are no public submissions in the nature of objections.

## 6. CONSULTATION

The Department made the modification request publicly available on its website and consulted with the City of Sydney (Council) about the proposed modification. Due to the minor nature of the proposed modification it was not exhibited by any other means.

**Council** raises no concerns with the proposed modification, and considers the proposed changes are minor and do not alter the overall design of the approved development.

There were no **public** submissions received on the proposal.

## 7. ASSESSMENT

The proposal seeks approval to make minor changes to the external design and appearance of the approved roof top bar and executive lounge.

The key external change involves reconfiguring the window openings within the eastern elevation of the executive lounge and bar as a result of detailed design development. The Department considers the level of glazing provided is consistent with the approved development and the proposed changes would not give rise to any increased overlooking or visual privacy impacts to neighbouring properties.

Other changes to the building façade include:

- reconfiguring external louvers to correspond with the final specification of mechanical plant;
- an increase in height of the non-transparent glazed panel at the eastern elevation to conceal the slab edge and service zone;
- a small reduction (approximately 200 mm) in the height of the roof frame structure to match the interior planning of the lounge and bar space; and
- installation of fixed louvers at the southern end of the building to mitigate privacy impacts to the adjoining hotel suites on site.

The Department is satisfied the proposed changes would not alter the approved building envelope, and would not materially change the overall form of the building when viewed from the public domain. The Department is also satisfied the proposed changes would not result in any additional view loss, overshadowing or other amenity impacts on neighbouring properties.

Overall, the Department is satisfied the proposed external changes are minor and would not result in any adverse visual or amenity impacts beyond those already assessed and approved.

## 8. CONCLUSION

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes that the proposed modification is appropriate on the basis that it would:

- not alter the overall design and appearance of the building;
- not result in any additional visual or amenity impacts on the surrounding area; and
- enhance the internal amenity for future users of the hotel.

Consequently, it is recommended that the modification be approved subject to the recommended conditions.

## 9. RECOMMENDATION

It is recommended that the Director, Modification Assessments, as delegate of the Minister for Planning:

- considers the findings and recommendations of this report;
- approves the application under section 96(1A), subject to conditions; and
- signs the notice of modification (**Appendix A**).

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**Modification Assessments**



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**Modification Assessments**

## **APPENDIX A: INSTRUMENT OF MODIFICATION**

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The Instrument of Modification can be found on the Department of Planning and Environment's website at the following address:

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=7929](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7929)

## **APPENDIX B: SUPPORTING INFORMATION**

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The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows:

1. Modification request

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=7929](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7929)

2. Submissions

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=7929](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7929)