

ASSESSMENT REPORT

Executive Lounge and Bar at the Four Points by Sheraton Hotel SSD 7014 MOD 2

1. INTRODUCTION

This report is an assessment of an application seeking to modify the State Significant Development (SSD) approval for a new two storey executive lounge and rooftop bar above the northern tower of the Four Points by Sheraton Hotel at Darling Harbour. The site is within the City of Sydney local government area. The application has been lodged by JBA Pty Ltd pursuant to section 96 (1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It seeks approval to provide mechanical exhaust ducts and hot water flues on the roof.

2. SUBJECT SITE

The site is located at 161 Sussex Street, Sydney (**Figure 1**). It occupies the entire block between King Street and Market Street on the western side of the Sydney Central Business District (CBD) adjacent to the Western Distributor roadway, overlooking Darling Harbour. The site has an area of 11,223m².



Figure 1: Site Location

3. APPROVAL HISTORY

On 26 February 2015, the Planning Assessment Commission (the Commission) granted SSD approval for development at the Four Points Hotel by Sheraton for the construction of a two storey addition for an executive lounge and public bar on the rooftop of the northern tower. The proposal has been modified on one previous occasion to modify the external façade and architectural features of the building.

4. PROPOSED MODIFICATION

On 11 November 2016, the Proponent lodged an application (SSD 7014 MOD 2) seeking approval to add exhaust ducts and water flues to the rooftop bar and executive lounge.

The modification is requested on the basis that the additional ventilation is required to be added to the roof to ensure compliance with the Building Code of Australia and relevant Australian Standards.

No other modifications are proposed as part of this application.

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 approvals:

Section 96(1A) matters for consideration	Comment
That the proposed modification is of minimal environmental impact	Section 7 of this report provides an assessment of the impacts associated with the proposal. The Department is satisfied that the proposed modifications will have minimal environmental impacts.
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 proposed modification seeks approval for minor changes and does not result in any additional adverse impacts on the surrounding area. On this basis, the proposal would result in development that is substantially the same as the <u>originally approved development</u> .
The application has been notified in accordance with the regulations	The modification application has been notified in accordance with the regulations. Details of the notification are provided in Section 6 of this report.
Any submission made concerning the proposed modification has been considered.	The Department received 1 submission on the proposal. The submission raised no issues and did not object to the proposal.

5.2 Environmental Planning Instruments

The following EPIs are relevant to the application:

- 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 mentioned 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, the Director, Modification Assessments, may determine the application under delegation as:

- the relevant local council has not made an objection; and
- a political disclosure statement has not been made; and
- there are no public submissions in the nature of objections.

6. CONSULTATION

The application was notified in accordance with the *Environmental Planning & Assessment Regulation 2000*. The modification request was made publicly available on the Department's website and referred to City of Sydney (Council) for comment. Due to the minor nature of the proposed modification, it was not exhibited by any other means.

The City of Sydney acknowledged the minor nature of the proposal and did not raise any objections.

There were no public submissions received on the proposal.

7. ASSESSMENT

The Proponent seeks to install additional plant on the roof of the hotel, including mechanical exhaust ventilation, air ducts and hot water flues. The additional facilities are required to ensure the building complies with the Building Code of Australia and relevant Australian Standards.

The proposed vents and exhaust would barely be noticeable in the context of the overall development and would not significantly protrude above the roof of the approved building. Therefore the proposed changes would not result in any adverse impacts on views, overshadowing or the appearance of the building.

The Department also notes the existing consent contains conditions which would appropriately manage potential noise impacts associated with the proposed plant.

Overall, the Department is satisfied the proposed changes are minor, and there would be no adverse impacts as a result of the modification.

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:

- there would be no adverse impacts generated as a result of the proposal; and
- the modification allows the building to achieve compliance with the Building Code of Australia.

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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 23/11/16

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APPENDIX A: NOTICE OF MODIFICATION

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7929

APPENDIX B: SUPPORTING INFORMATION

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

2. Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7929

3. Response to Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7929