

ASSESSMENT REPORT

Commercial Development Berry Street MP 08_0238 MOD 7

1. INTRODUCTION

This report is an assessment of a request to modify the Project Approval (MP 08_0238) for the construction of a commercial tower at 77-81 Berry Street, North Sydney in the North Sydney local government area.

The request has been lodged by Winten Property Group (the Proponent) pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It seeks to increase the height of the approved building by seven storeys, amend the design of the tower and associated internal and external alterations, increase the gross floor area (GFA) of the development by 11,824 square metres (m²), pedestrianise Denison Street and the through-site link, and carryout public domain improvements.

2. SUBJECT SITE

The subject site is located in the centre of North Sydney central business district (CBD) and is divided into two parcels of land (**Figures 1 and 2**).

The main part of the site comprises 77-81 Berry Street (also known as 1 Denison Street), which is bound by Spring Street to the south, Little Spring Street to the east and Denison Street to the west. A residential building at 77 Berry Street, known as the Beau Monde building, adjoins the northern boundary of the site. The main part of the site currently contains the Berry Street Shopping Centre, which is an existing two storey mall with 100 metre (m) frontages to Denison and Little Spring Streets.

The other part of the site comprises Berry Square and the public domain which is located to the north of the Beau Monde building and south of Berry Street.

Surrounding buildings comprise a mixture of commercial, retail and office uses and range in height from one to approximately 40 storeys. The closest residential property is the Beau Monde building, which contains apartments for the full height of the tower above the podium level.

The site is located 500 m north of North Sydney Railway Station, approximately 2.5 kilometres (km) north of the Sydney CBD and 2.1 km south-east of St Leonards. The approved Victoria Cross Sydney Metro Station is located directly to the west of the site (**Figures 1 and 2**).



Figure 1: Site location (Base source: Nearmap)



Figure 2: Aerial view of the site and its immediate surrounding context (Base source: Nearmap)

3. APPROVAL HISTORY

On 25 February 2010, the then Minister for Planning approved the Major Project (MP 08_0238) for mixed-use commercial/hotel development (Project Approval) comprising:

- demolition of the existing buildings on both sites, including the pedestrian bridge;
- excavation of four basement levels at 77-81 Berry Street and two basement levels at 88 Walker Street;
- construction of a part 28 / part 37 storey commercial and retail building on the southern portion of 77-81 Berry Street with vehicular access via Little Spring Street;
- construction of a 33 storey x 200 room hotel at 88 Walker Street, including a connecting service tunnel below Little Spring Street;
- provision of 42 public car parking spaces and 10 motorcycle spaces;
- reconstruction of the Tower Square pedestrian bridge; and
- off-site works, including public domain and landscaping, a new pedestrian plaza in Denison Street, public forecourt to Spring Street, through-site road between Denison and Little Spring Streets, road re-alignments / partial public road closures, tree planting, paving, street furniture and lighting, and public art.

The Project Approval has been modified on five previous occasions as outlined in **Table 1**.

Table 1 – Modifications to the Project Approval (MP 08_0238)

Mod No.	Description of Modification	Approved
MOD 1	Amendments to the building envelope and reduction in building heights, alterations to building design, external facades, internal layout, public domain and reinstatement of the underground service tunnel.	11 March 2011
MOD 2	Staging of construction, changes to development contributions and deletion of off-site car parking works.	18 January 2012
MOD 3	Extension of construction hours for internal fit outs.	10 April 2012
MOD 4	Amendments to the staging of construction and initial works.	29 October 2012
MOD 5	Deletion of hotel component (88 Walker Street), retention of existing storm water infrastructure, reconfiguration of basement levels, internal alterations, including reduction of 2,537 m ² GFA and realignment of Denison Street pedestrian bridge.	16 March 2015

The Department is concurrently assessing a separate modification application for this site (MP 08_0238 MOD 6), which includes the:

- expansion and redesign of the lower ground and basement levels 1-4;
- increase in car, motorcycle and bicycle parking spaces;
- replacement and augmentation of the existing stormwater infrastructure; and
- associated amendments to conditions.

4. PROPOSED MODIFICATION

On 11 November 2017, the Proponent lodged a section 75W modification application (MP 08_0238 MOD 7) seeking approval for the following modifications:

- increase the height of the building by seven storeys (from 30 to 37 storeys) with a maximum height of RL 210.65;
- increase GFA by 11,824 m² (from 53,563 m² to 65,387 m²);
- amendment and reconfiguration of the tower form, layout and associated internal and external alterations;
- additional retail activation fronting Denison Street and the through site-link;
- reconfiguration of site access arrangements and vehicle movements, including pedestrianisation of through-site link and laneway; and
- amendments to public domain landscaping and improvements to Berry Square.

The Department also notes the proposal seeks to delete an approved pedestrian bridge linking the site to the Tower Square Shopping Centre located opposite the site. The bridge is proposed for deletion as the shopping centre will now be demolished to make way for the new Victoria Cross Metro Station, and the pedestrian bridge is therefore no longer required.

The Department notes the modification originally sought approval for details relating to the basement layout, access and car parking. However, the Proponent has advised it no longer seeks approval for these components under this modification application. These components are included in the concurrent modification application (MP 08_0238 MOD 6) for assessment and determination.

The modification is requested on the following basis:

- the strategic planning context and importance of the site has changed following the NSW Government's announcement that Victoria Cross Sydney Metro Station will be located adjacent to the site;
- North Sydney Council's (Council) draft North Sydney Centre Capacity Land Use Study concludes the site can accommodate a taller building;
- the modification responds to the requirements of the future tenant for the site; and
- the modification provides for a better overall outcome for the residents of the neighbouring Beau Monde building.

The modifications are shown in **Figures 3 to 5**.

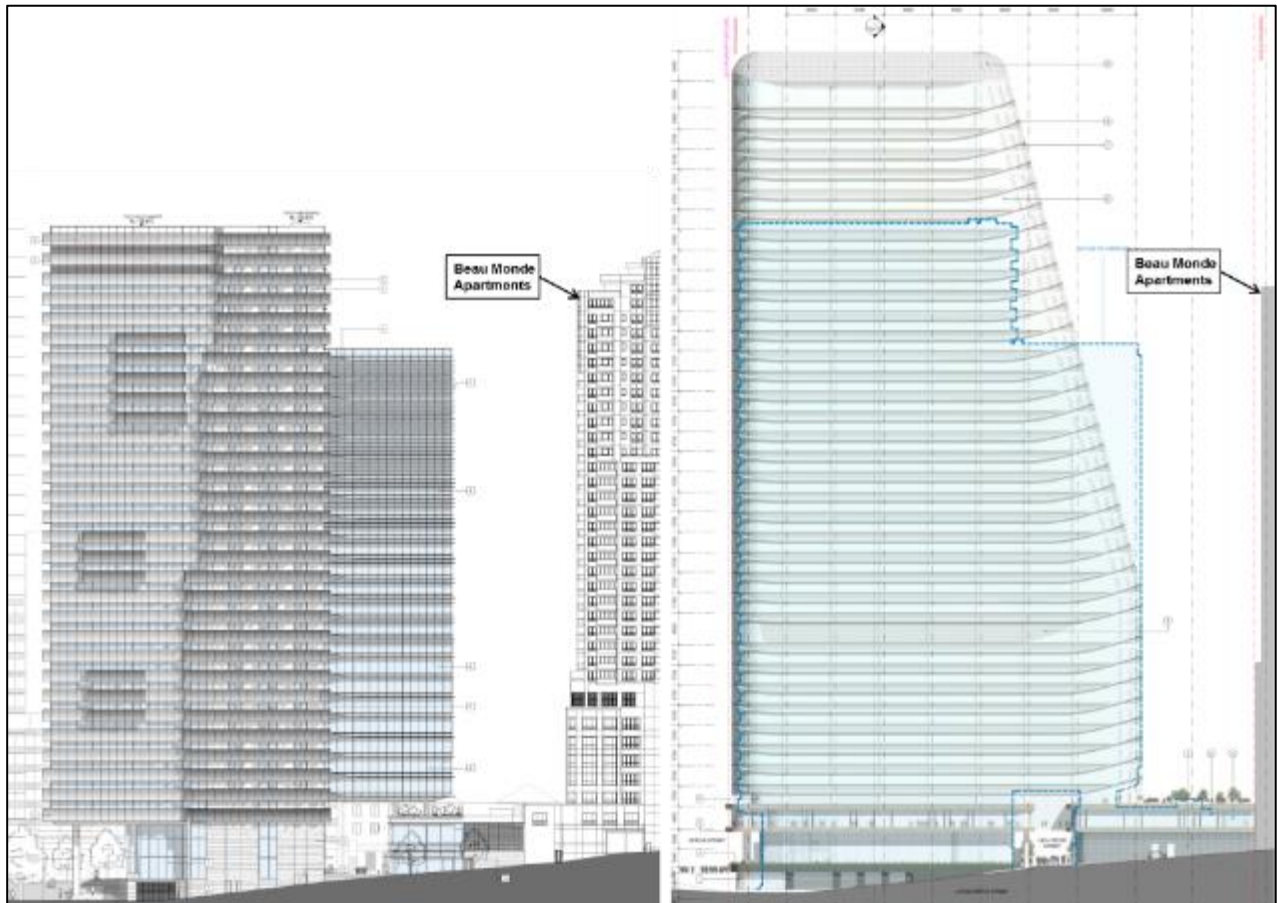


Figure 3: Approved (left) proposed (right) eastern elevation fronting Little Spring Street. The approved building superimposed (blue) on the proposed building (Base source: Project Approval and RtS)



Figure 4: Public domain improvements (Source: RtS)



Figure 5: Computer-generated image of the proposed modified building (Source: RtS)

5. STATUTORY AND STRATEGIC CONSIDERATIONS

5.1 Section 75W

The project was originally approved under Part 3A of the EP&A Act. Although Part 3A was repealed on 1 October 2011, the project remains a 'transitional Part 3A project' under Schedule 6A of the EP&A Act, and hence any modification to this approval must be made under the former section 75W of the Act.

The Department is satisfied the proposed changes are within the scope of section 75W of the EP&A Act, and the proposal does not constitute a new application.

5.2 Approval Authority

The Minister for Planning is the approval authority for the application. However, the Executive Director, Key Sites and Industry Assessment 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 less than 25 public submissions in the nature of objections.

North Sydney Centre Planning Review

On 1 May 2017, Council resolved to adopt the findings of the Capacity Study and proceed with a Planning Proposal to amend the North Sydney Local Environment Plan 2013 (NSLEP 2013) accordingly. As shown in **Figure 6**, the Planning Proposal recommends the maximum height on the subject site be increased by 60 m to RL 238 m, which is 28 m higher than currently proposed (RL 210.65 m).



Sydney Metro

In February 2016, the NSW Government announced that a new underground station would be constructed in North Sydney as part of the Sydney Metro (refer to **Figure 1**). The new station (Victoria Cross Station) has a north/south alignment and will connect North Sydney to the Sydney CBD and suburbs to the north-west and south west. The new station will be located immediately west of the site between Miller and Denison Streets and a pedestrian entry/exit to the station is proposed to be located on Denison Street, opposite the site.

6. CONSULTATION

6.1 Consultation

The Department made the modification application publicly available on its website, consulted with Council, Sydney Water, Transport for NSW (TfNSW), Roads and Maritime Services (RMS) and Ausgrid, and notification letters were sent to adjoining landowners.

Sydney Water did not object to the above ground works proposed by this modification application.

Council did not object to the proposal and provided the following comments:

- the approved 42 space public car park should be retained within the scheme and not be replaced by tenant car parking;
- the loss of on-street car parking should be offset on-site; and
- insufficient bicycle parking has been provided.

As discussed in **Section 6.2**, matters relating to the detailed design of the basement car park, including parking, will be considered in the concurrent modification application (MP 08_0238 MOD 6).

TfNSW did not object to the proposal and recommended conditions to protect the Sydney Metro City and South West rail corridors.

RMS did not object to the proposal subject to the preparation of a Traffic Management Plan and that the closure of Denison Street be approved by the Local Traffic Committee.

There were nine public submissions objecting to the proposal. Key issues raised in public submissions include:

- inappropriate increase in height resulting in an inconsistent scale and bulk of development within the local context;
- the provision of seven additional storeys contravenes a previous agreement between the developer and the Beau Monde building owners' corporation;
- the increased height and amended separation distance results in the creation of a sense of enclosure, loss of views and privacy to the apartments within the Beau Monde building;
- overshadowing to the south of the building and of the new plaza on Mount Street;
- adverse traffic impacts;
- the basement level public car park should not be deleted from the scheme;
- the modifications are contrary to the NSLEP 2013;
- the amendments are substantial and should form a new planning application rather than a modification under Part 3A of the EP&A Act; and
- the modification sets a precedent for similar developments within the area.

Submissions relating to the basement car park will be considered as part of the assessment of MP 08_0238 MOD 6.

6.2 Response to Submissions (RtS)

Following the notification of the modification application, the Department placed copies of all submissions received on its website and requested the Proponent provide a response to the issues raised in the submissions.

On 2 March 2017, the Proponent provided an RtS (**Appendix A**), which was further updated on 18 and 26 April 2017. The RtS provides further information and clarification of the key issues raised in the submissions by government authorities', Council and in public submissions.

The RtS includes the following amendments to the proposal:

- changes to the finished surface levels at ground floor level and the through site link;
- internal changes to the building core and service locations;
- relocation of plant/building services from level 2 to level 10;

- reduction of 264 m² GFA; and
- confirmation of the basement layout, access and car parking numbers/allocation to concurrent modification application (MP 08_0238 MOD 6).

The Department made the RtS publicly available on its website and referred the RtS to relevant government authorities.

Council considered the RtS and updated the recommended monetary contributions for the development and railway infrastructure to take account of the reduction in overall GFA.

TfNSW considered the RtS and revised its recommended conditions regarding the Sydney Metro City and South West rail corridors. These conditions have been included as part of the determination of the concurrent modification application (MP 08_0238 MOD 6), which considers the detailed design of the basement.

7. ASSESSMENT

The Department considers the key issues associated with the proposed modification are:

- urban design;
- building height;
- building separation; and
- view loss.

All other issues are considered in **Section 7.3** below.

7.1. Urban Design

The proposal seeks approval to modify the design of the approved commercial tower by increasing its height and changing it from a stepped tower with square corners, to a tapered tower with rounded corners, constructed of glazed curtain walls. The proposal also incorporates a redesigned podium which also adopts curved elements, with a variety of spaces and active facades, predominantly finished in exposed timber, concrete and glass (refer to **Figures 3, 4 and 5**).

The Department considers the modified proposal achieves a high standard of design and the unique architectural approach is likely to result in a landmark building within the North Sydney CBD.

The tapered building envelope is considered to be acceptable as the building becomes more slender as it increases in height. This would reduce its perceived bulk and scale and create a visually interesting built form. The rounded tower corners and varied elements of the podium would also reduce the perceived massing and add visual interest to the building, differentiating it from the surrounding straight-lined built forms. The proposed high quality building materials would also enhance the building's design and appearance.

The proposed ground floor changes incorporate additional retail uses and a proposed media broadcasting space which would improve street activation. These changes, in conjunction with the significant public domain improvements discussed below in **Section 7.5**, are considered to enhance the amenity of the area and provide improved pedestrian permeability and links to the nearby Victoria Cross Metro Station.

The Department's assessment therefore concludes the proposal would result in an improved urban design and public domain outcome, compared to the original approval.

7.2 Building Height

In its assessment of the original application, the Department concluded the overall height of the building should be reduced by seven storeys to RL 178 m, so it better aligned with the height controls in the Draft NSLEP 2009. The Department also concluded that reducing the building height would have a beneficial impact on the amenity of apartments within the upper levels of the Beau Monde building.

The current proposal seeks to increase the approved building height by seven storeys (from RL 178 to RL 210.65) and revisit the overall design and appearance of the building by providing a tapered, rather than stepped tower.

Council is supportive of the proposal, stating it better responds to the changing context of the site. However, concerns were raised in public submissions about the impact of the additional building height on the character of the surrounding area.

The Department notes the strategic context of the site has significantly changed since the original approval, and as such, it is considered appropriate to reconsider the maximum building height for this site. Council undertook a comprehensive planning review of the North Sydney CBD in response to growing demand for commercial floor space, and significant public transport upgrades. Council resolved to increase building heights within the CBD and proceed with a Planning Proposal to amend the NSLEP 2013.

The Planning Proposal seeks to increase the maximum building height on the site by 60 m, to RL 238 m, which is 28 m higher than currently proposed (RL 210.65 m). The Department is therefore satisfied the proposed building height is consistent with the height identified in Council's Planning Proposal.

The Department also considers the proposed building height is appropriate within the context of its CBD location. The Department notes Council's Planning Proposal has identified a number of adjoining sites capable of accommodating taller buildings with heights exceeding RL 200 m (see **Figure 6**). Further, the site is surrounded by existing and approved tall buildings, including the commercial development at 100 Mount Street (currently under construction) which has a similar height of RL 199.7 m. The Department is therefore satisfied the proposed building height would be in keeping with the established and emerging North Sydney CBD skyline.

The Department also notes the proposal would not result in any unreasonable view loss, privacy or overshadowing impacts as discussed later in this report.

The Department's assessment therefore concludes the additional building height is acceptable as it is consistent with the building heights identified in Council's Planning Proposal and it would help realise the site's increased strategic importance to deliver additional commercial floor space, next to the approved Victoria Cross Metro Station.

7.3 Building Separation

As shown in **Figure 7**, the proposal results in the following changes to building separation distances to the Beau Monde building:

- between Levels 1 to 11 of the Beau Monde building, the approved separation distance would remain at 24 m;
- between Levels 12 to 28 of the Beau Monde building, the separation distance would increase by 1 m to 10 m, resulting in a separation distance of 25 to 34m; and
- between Level 28 to 36 of the Beau Monde building, the separation distance would reduce by 9 m to 11 m, resulting in separation distance of 34 m to 50 m.

Concern was raised in public submissions that the reduced building separation would result in the creation of a sense of enclosure and a loss of privacy for apartments within the Beau Monde building.

The Department considers the proposed building separation is acceptable as the proposal is fully compliant with the minimum 24 m building separation distance recommended in the *Apartment Design Guide* (ADG). The Department also notes a greater number of apartments (between Level 12 and 28) within the Beau Monde building would benefit from additional building separation (between 1 m to 10 m), compared to the original approval.

Although the building separation for apartments within the upper levels of the Beau Monde building would be reduced by up to 11 m, these apartments would continue to enjoy generous separation distances exceeding the ADG minimum separation distance by at least 16 m. Further, the tapered form of the northern elevation of the building which would recede away from apartments within the Beau Monde building, would assist with mitigating the potential visual impacts and sense of enclosure associated with the proposal.

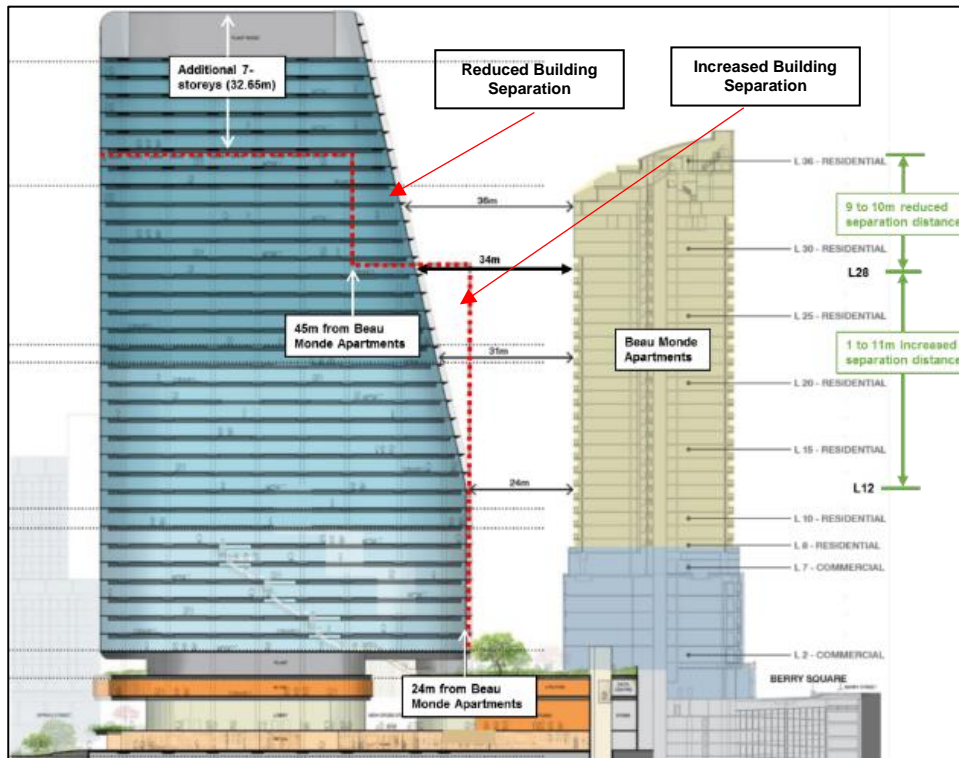


Figure 7: Comparison between the approved (red dashed line) and proposed building setbacks from the Beau Monde building (Base source: Proponent's application)

The Department also considers the proposal would not result in any adverse privacy impacts given the generous building separation distances. In addition, given the northern elevation of the proposal includes obscure glazing which would appropriately minimise overlooking of the neighbouring Beau Monde building.

Given the proposal continues to exceed the minimum building separation distances recommended in the ADG, and it would not result in any unreasonable impacts on the outlook or privacy of apartments within the Beau Monde building, the Department is satisfied the proposal is acceptable.

7.4 View loss

The Proponent has provided a View Impact Assessment (VIA) in support of its application. The VIA provides an analysis of the impacts of the proposed modification on views from the Beau Monde building compared with the Project Approval (refer to **Figures 8 and 9**).

Under the existing Project Approval, the south facing apartments within the Beau Monde building would experience the following views:

- the lower to mid-levels would have no direct view as they would be obscured by the approved building. However, oblique district views, including views towards the water, would be possible to the sides of the development. These views do not include any iconic landmarks; and
- the upper seven storeys would have sky plane views above the approved building, and district and water views to the sides of the approved development. These views do not include any iconic landmarks.

The proposed increase in height and changes to the built form would alter views from apartments within the Beau Monde building as outlined below:

Lower and mid-level apartments

As shown in **Figure 8**, apartments within the lower and mid-levels (16 levels) of the Beau Monde building would gain a marginal increase in district and water views due to the tapering form and rounded corners of the modified proposal. This represents a positive improvement for residents of the Beau Monde building.

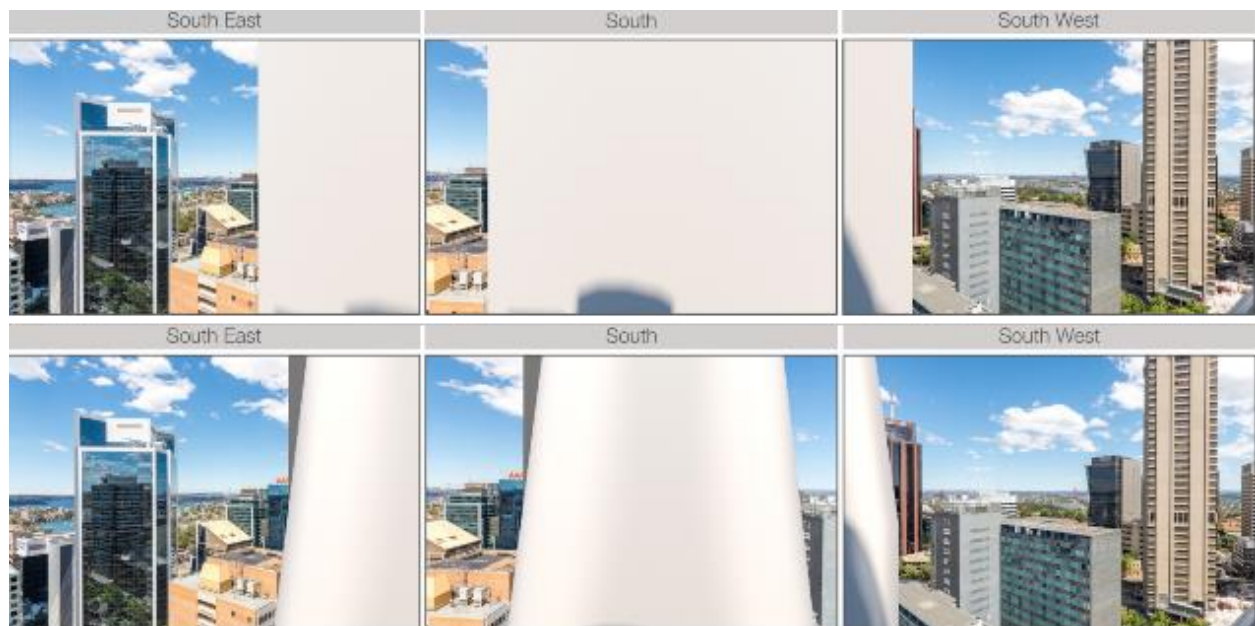


Figure 8: Approved (top) proposed (bottom) views from Level 20 of the Beau Monde building (Source: Proponent's application). Note: white represents the subject site and grey represents 100 Mount Street.

Upper level apartments

As shown in **Figure 9**, the additional building height would impact on views towards the sky, for apartments within the top seven storeys of the Beau Monde building. However, all other views, such as district and water views, would not be affected by the modification. The Department therefore considers the impact on views to be minor in nature.

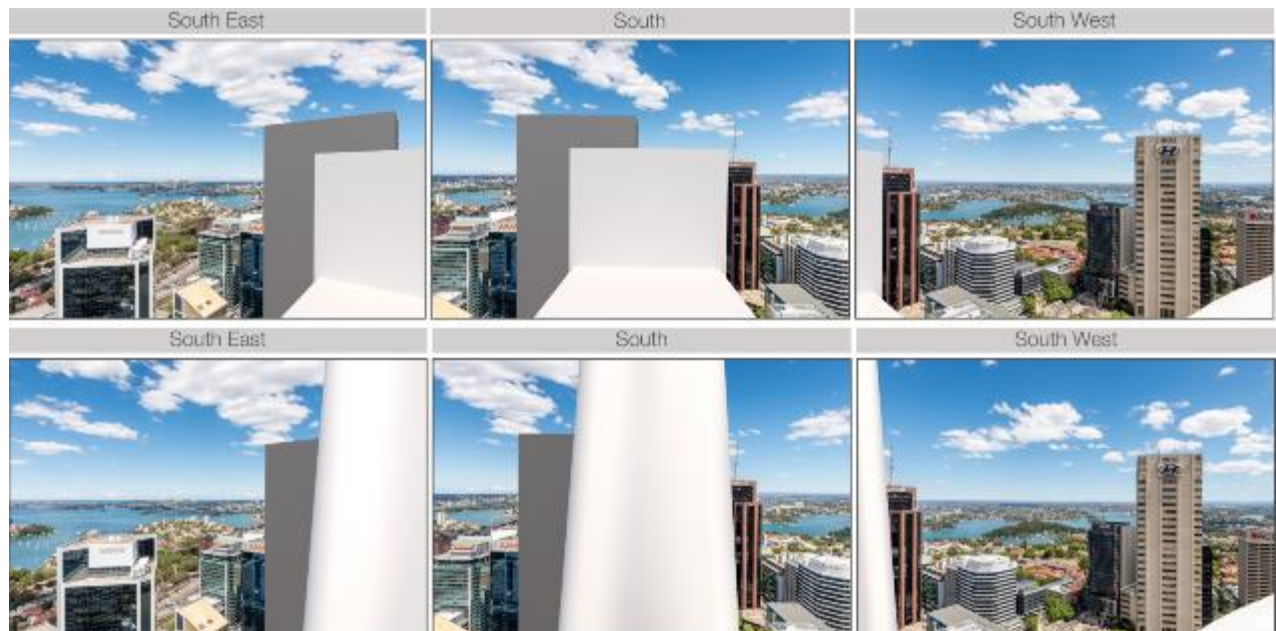


Figure 9: Approved (top) proposed (bottom) views from Level 37 of the Beau Monde building (Source: Proponent's application). Note: white represents the subject site and grey represents 100 Mount Street.

Given view losses are either reduced or minor in nature, the Department considers the impacts on views are reasonable and acceptable.

7.5 Other Issues

Table 2: Assessment of other issues

Issue	Consideration	Recommendation
<i>Increase in GFA</i>	<ul style="list-style-type: none"> The proposed increase in building height and changes to the built form results in an increase of 11,824 m² GFA (from 53,563 m² to 65,387 m²). Council has not objected to the increase in GFA and recommends the developer and railway contributions be revised accordingly. The additional GFA is considered to be acceptable as it is consistent with the Capacity Study and adopted Planning Proposal which identifies the site as an appropriate location for additional GFA. The proposal would also achieve a high standard of design and appearance and would not have any adverse amenity impacts. In addition, the proposal would not have any adverse traffic impacts and it provides appropriate on-site car parking spaces for the development. The Department is, therefore, satisfied the increase in GFA is acceptable and recommends the developer and railway contributions be updated accordingly. 	The Department has recommended the contributions within Conditions B4, B6 and E25 be modified to account for the increase in GFA.
<i>Landscaping</i>	<ul style="list-style-type: none"> The proposal seeks approval to update the proposed landscaping plan for the site, including new tree planting, planter boxes and a water feature. In addition, the Proponent has recommended a new condition requiring the final design be approved by Council. Council has raised no objection to the proposed landscaping or suggested condition. The Department notes the landscaping plan has been updated to better respond to Council's Laneway Master Plan and Public Domain Master Plan. The Department supports the proposed landscape upgrades noting the changes would improve pedestrian amenity of the area, compared to the original approval. 	The Department has recommended a new condition requiring the provision of landscaping.
<i>Pedestrianisation of through site link and laneways</i>	<ul style="list-style-type: none"> The proposal includes the pedestrianisation of part of Denison Street to the west of the site and the east-west through-site link beneath the building. Council raised no objection to the proposed pedestrianisation or the closure of Denison Street, which would be subject to separate approval by its Traffic Committee. The Department supports the pedestrianisation of Denison Street and the through site link as: <ul style="list-style-type: none"> it would improve permeability and pedestrian links to the approved Victoria Cross Metro Station; pedestrianisation of Denison Street and the through site link would appropriately minimise the risk of vehicular/pedestrian conflicts; the public domain would be upgraded, including hard and soft landscaping; and the Transport Assessment submitted with the application confirms the road closures would not have an adverse impact on vehicular movements within the local road network and vehicular access will continue to be provided (via a shared surface) to existing building entrances. 	The Department has recommended that Condition B7 be updated to reflect the changes resulting from the pedestrianisation of Denison Street and the through site link.
<i>Overshadowing</i>	<ul style="list-style-type: none"> Concern was raised in public submissions about the potential overshadowing impacts to the south of the site, including over shadowing of open space areas such as a plaza at 99 Mount Street. The Department notes buildings to the south comprise a mix of commercial, retail and office uses. The overshadowing analysis submitted with the application demonstrates the additional shadows cast from the proposal are minor. In addition, the proposal would not result in additional overshadowing of the Elizabeth or Blue Street Plazas between 12 noon and 2 pm mid-winter in accordance with the NSLEP 2013. The Department notes the 99 Mount Street Plaza, which is located 75 m to the south of the site, beyond a 40 storey development under construction at 86-96 and 100 Mount Street, is already overshadowed by existing buildings and will be extensively overshadowed by that building once constructed. The additional height proposed as part of this modification would not result in any additional overshadowing impacts on the plaza beyond those from 	No additional conditions or amendments necessary.

Issue	Consideration	Recommendation
	<p>the new Mount Street building.</p> <ul style="list-style-type: none"> The Department is therefore satisfied the proposal would not have any adverse overshadowing impacts to the south of the site. 	
<i>Wind impact</i>	<ul style="list-style-type: none"> The proposal seeks approval for the deletion of Condition B38, which requires the development to incorporate appropriate wind mitigation measures. The modification includes the following wind mitigation measures: <ul style="list-style-type: none"> tree planting on pedestrian footpaths at the ground and lower ground levels; an awning above the western entrance to the through-site link; and hedge planting/screening on the Level 2 terrace. Council has raised no objection to the deletion of Condition B38. The Department notes the Wind Assessment submitted with the application confirms the proposal would achieve an acceptable wind environment and appropriate pedestrian comfort levels. The Department is satisfied the proposed wind mitigation measures adequately address the requirements of Condition B38 and the condition can therefore be deleted. 	The Department has recommended that Condition B38 be deleted.
<i>Modifications are contrary to the NSLEP 2013</i>	<ul style="list-style-type: none"> Concern was raised in a public submission about the modification not being consistent with the development controls within the NSLEP 2013. The Department notes former section 75R(3) of the EP&A Act states that environmental planning instruments (other than State Environmental Planning Policies (SEPPs)) do not apply to Part 3A applications. The Department has considered the merits of the proposal, and as discussed in Section 7, considers the proposal would not result in any unreasonable amenity or built form impacts and is therefore considered acceptable. The Department also considered the emerging strategic context of the site, which indicates it can accommodate buildings of greater scale. For these reasons, the Department concludes the proposal is acceptable. 	No additional conditions or amendments necessary.
<i>Assessment under Part 3A</i>	<ul style="list-style-type: none"> Concern was raised in a public submission that the substantial nature of the proposed changes warrants the submission of a new planning application not a modification under section 75W of the EP&A Act. The Department is satisfied the proposal is within the scope of section 75W and the impacts of the proposal are reasonable. The Department is therefore satisfied the proposal can be assessed and determined in accordance with section 75W and it does not require the submission of a new application. 	No additional conditions or amendments necessary.
<i>Development precedent</i>	<ul style="list-style-type: none"> Concern was raised in a public submission that the proposed increase in building height may set a precedent for the development of other tall buildings in the locality. The Department notes there are other tall buildings in the vicinity of the site, including 86-96 and 100 Mount Street which has approval for a 40 storey building (RL 199.7 m). In addition, Council's Planning Proposal has identified other surrounding sites capable of accommodating taller buildings with heights exceeding RL 200 m. Notwithstanding the evolving planning context noted above, the Department considers the proposal would not set a precedent as development of surrounding land would require separate Development Applications to be submitted to and determined by Council in accordance with its relevant controls. 	No additional conditions or amendments necessary.
<i>Contravention of private agreement</i>	<ul style="list-style-type: none"> Concern has been raised in a public submission that the increase in building height contravenes a previous agreement between the developer and the Beau Monde building owners' corporation to retain the subject building at its current approved height. The Department notes the agreement does not form part of any condition, Statement of Commitment or Planning Agreement associated with the Project Approval. The Department considers this is not a material planning consideration and is beyond the scope of this modification application. 	No additional conditions or amendments necessary.

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 the proposed modification is appropriate on the basis that:

- the change in the site's strategic context warrants an increase in height and associated GFA;
- the additional height is less than the height recommended by Council in its recently adopted Planning Proposal;
- the proposal would result in an improved urban design outcome compared to the approved project;
- the proposal would not result in any unreasonable overshadowing, privacy or view loss impacts; and
- the pedestrianisation of Denison Street, the through site link and the landscape and public domain improvements would have positive impacts on the site and the locality.

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

9. RECOMMENDATION

It is RECOMMENDED that the Executive Director, Key Sites and Industry Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report;
- **approves** the application under section 75W, subject to conditions; and
- **signs** the notice of modification (**Appendix A**).

Anthony Witherdin
Director
Modification Assessments

Anthea Sargeant
Executive Director
Key Sites and Industry Assessments

APPENDIX A: NOTICE OF MODIFICATION

A copy of the notice of modification can be found on the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8067

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=8067

2. Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8067

3. Response to Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8067