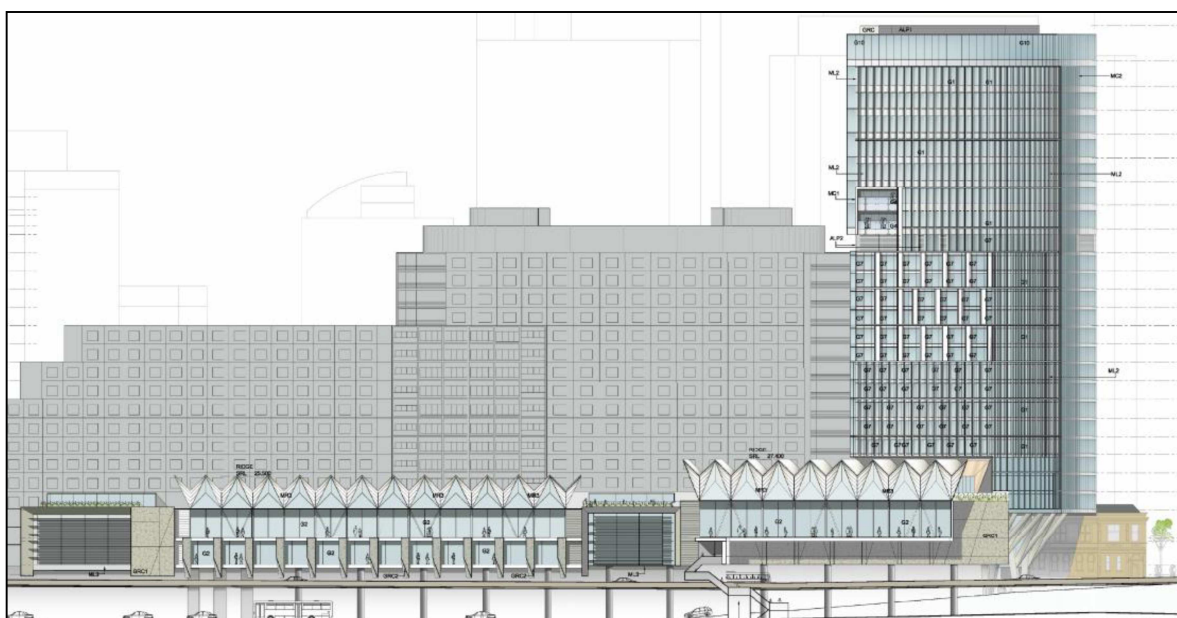


**SECTION 96(1A) MODIFICATION APPLICATION
Four Points by Sheraton Hotel Redevelopment
161 Sussex Street, Sydney
(SSD 4972 MOD 2)**



Secretary's Environmental Assessment Report
Section 96(1A) of the
Environmental Planning and Assessment Act 1979

July 2014

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Cover Photograph: West elevation of the proposed development by Cox Richardson (Source: Applicant's EIS)

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1. INTRODUCTION

1.1 Background

This report provides an assessment of a section 96(1A) modification application, lodged by GL Investment Co Pty Limited, seeking to modify development consent (SSD 4972) for the Four Points by Sheraton Hotel redevelopment. The modification application (MOD 2) seeks approval for changes to the approved structural support system beneath the tower and convention/function space, deletion of the pre-function area and its replacement with a smaller meeting room, and internal building changes to the lift core and commercial lobby areas.

1.2 Site Location

The site is located at 161 Sussex Street and occupies the entire block between King Street and Market Street on the western side of the CBD adjacent to the Western Distributor, overlooking Darling Harbour. The site has an area of 11,223 m² fronting Sussex Street.

Existing buildings on the site include the Four Points by Sheraton Hotel, which extends over Slip Street and the Western Distributor, and four State heritage listed buildings including a Commercial Building (121-127 Sussex Street), Central Warehouses (139-151 Sussex Street), the Dundee Arms Hotel (173 Sussex Street) and the Corn Exchange Building (173-185 Sussex Street). The site's location and layout is illustrated in **Figure 1**.



Figure 1: Site location and layout (source: Applicant's EIS)

1.3 Approval History

On 5 August 2013, the Planning Assessment Commission (PAC) as delegate of the Minister for Planning approved SSD 4972 for the redevelopment of the Four Points by Sheraton Hotel including:

- construction of a 25-storey tower, comprising 231 hotel rooms, 5,775m² (approx.) of commercial floor space and 4,810m² (approx.) of convention, exhibition and function space;
- extension of the existing podium space to provide new convention and exhibition space;
- external and internal demolition works;
- upgrades to the port-cochere, building entries on Sussex Street, the hotel lobby and reception areas and other internal alterations;
- public domain works on Slip Street; and
- realignment of an existing pedestrian link through the site.

On 19 March 2014, the Planning Assessment Commission (PAC) as delegate of the Minister for Planning, approved SSD 4972 MOD 1, which deleted existing Condition A5 requiring the payment of \$1,485,000 as a development contribution to City of Sydney Council (Council) and replaced it with a new Condition A5 requiring works-in-kind to the value of \$1,485,000 to be undertaken within the Darling Harbour public domain, an asset owned by SHFA.

2. PROPOSED MODIFICATION

2.1 Modification Description

On 17 February 2014, GL Investments Pty Ltd lodged an application under section 96(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify SSD 4972. The proposed modification, hereafter referred to as MOD 2, seeks approval for the following modifications to the approved development:

- changes to the structural columns, trusses and footings under the approved tower, including the removal of the 'V' column and trusses and replacement with a rationalised structural support system with fewer columns and beams (**Figures 2 and 3**);
- changes to the structural columns, trusses and footings under the approved convention/function space, including the addition of 5 new structural columns to be located within the median strip between Wheat Road and the Western Distributor (**Figures 4 and 5**);
- deletion of the approved pre-function area in the building's north-west corner and its replacement with a smaller meeting room, resulting in a minor reduction in the convention, exhibition and function GFA of 300 m² from approximately 4,810 m² to 4,510 m² (**Figures 6 and 7**);
- internal building changes comprising the rationalisation and redesign of the lift core and the commercial lobby areas within the approved tower (**Figures 8 and 9**); and
- removal of four existing trees along Slip Street (between the approved tower and the Corn Exchange building) to allow the provision of a number of electrical pits in this location (**Figures 4 and 5**).

To give effect to the above amendments, it is proposed to amend Schedule 1 (Approved Development) of the development consent SSD 4972 to reflect changes in the floor area of the development and to amend Condition A2 in Schedule 2 to incorporate the amended plans submitted with the modification application.

A comparison of the approved and the proposed modified development is provided in **Figures 2 – 9**.

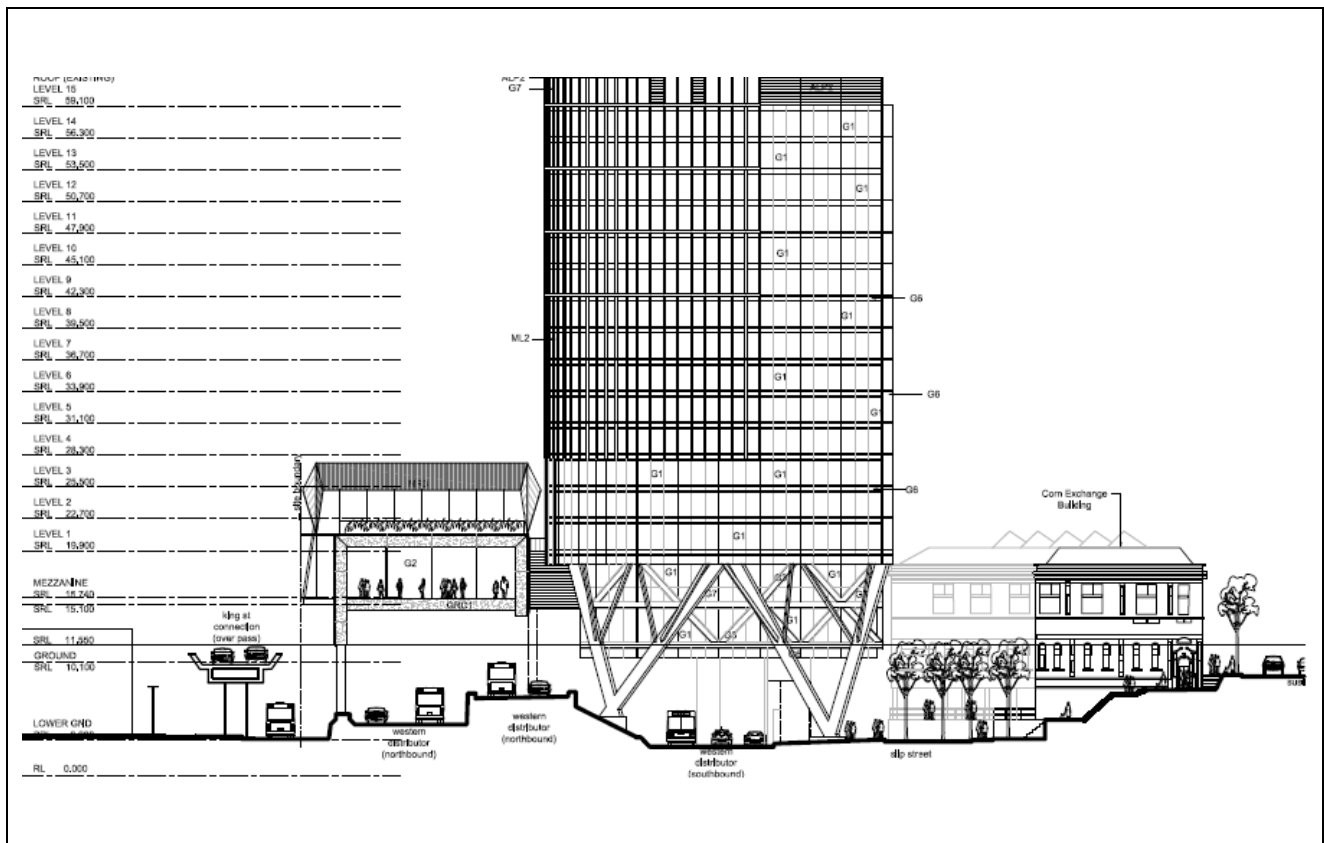


Figure 2: Approved structural columns, trusses and footings design under the tower (South Elevation)

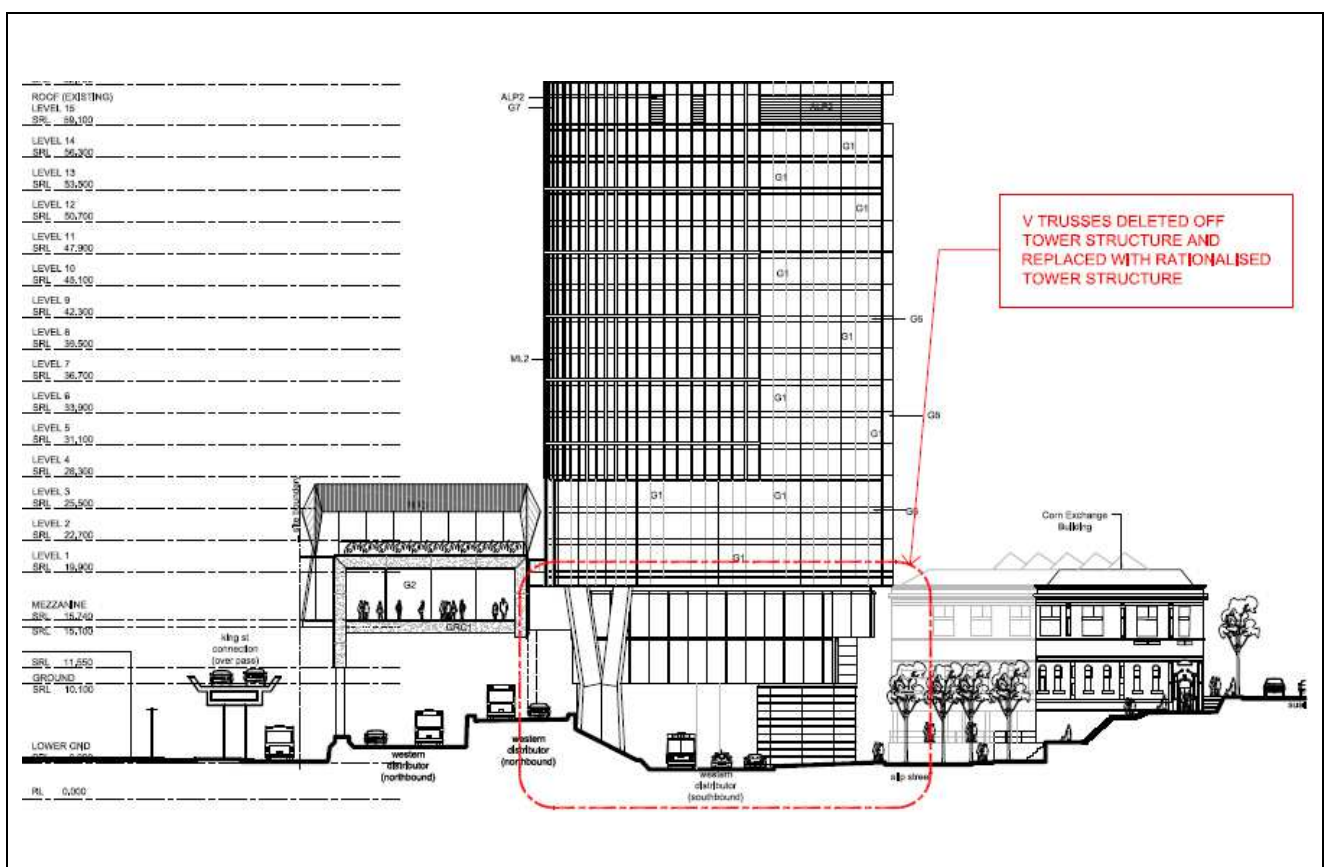


Figure 3: Proposed modified structural columns, trusses and footings design under the tower (South Elevation)

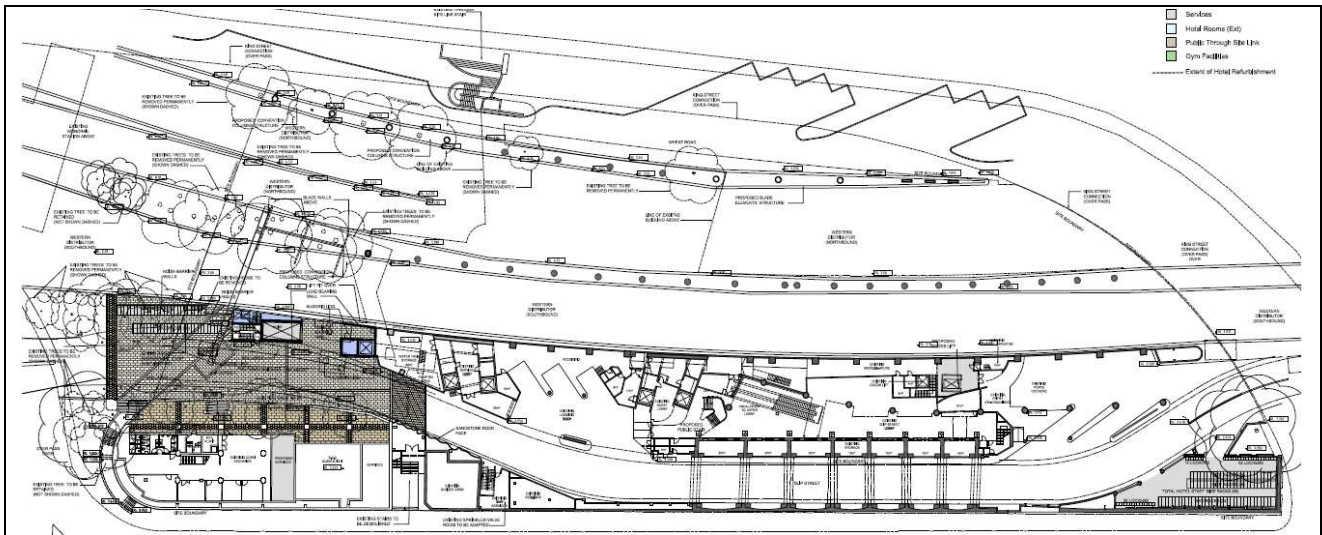


Figure 4: Approved structural columns, trusses and footings design under the convention/function space and retention of trees (Lower Ground Level)

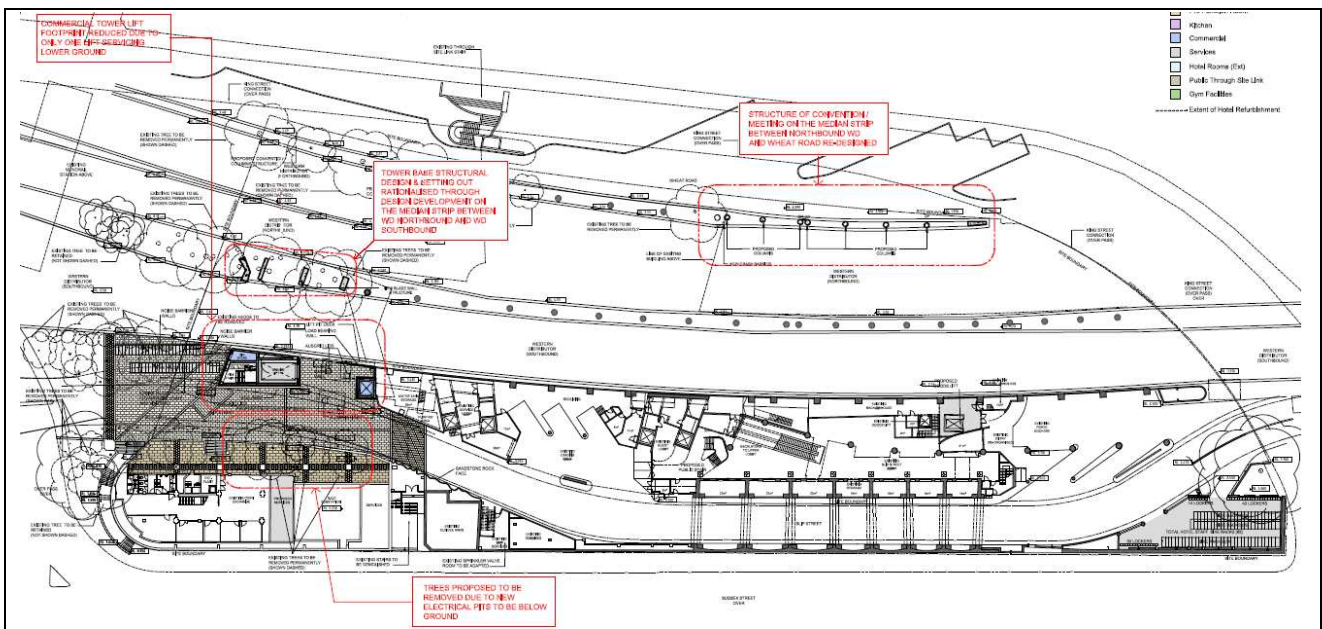


Figure 5: Proposed modified structural columns, trusses and footings design under the convention/function space and removal of 4 trees (Lower Ground Level)

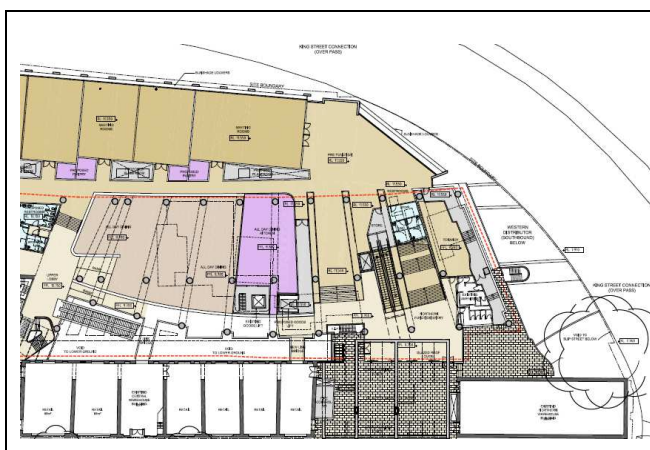


Figure 6: Approved pre-function area (Ground Level)

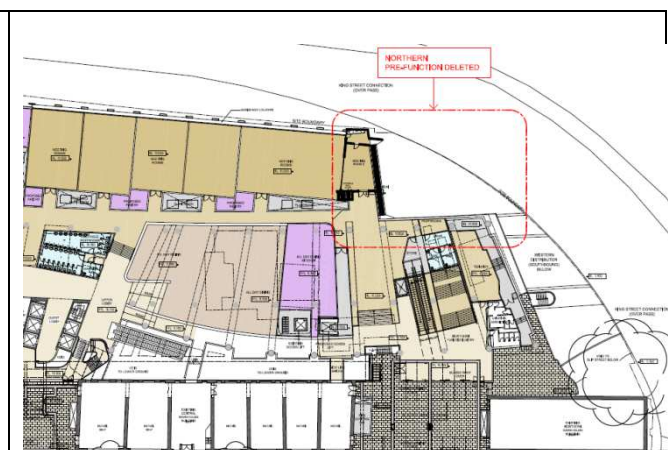


Figure 7: Proposed deletion of pre-function area and replacement with smaller meeting room (Ground Level)



Figure 8: Approved lift core and commercial lobby area (Level 1)

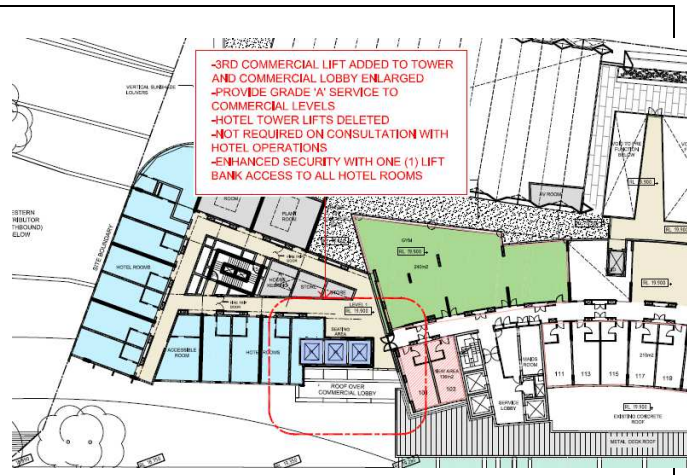


Figure 9: Proposed modified lift core and commercial lobby area (Level 1)

2.2 Justification

The applicant has advised the department that:

- changes to the structural support system beneath the approved tower will simplify the structural form and will de-clutter and improve the building's appearance, improve the building's relationship with the State heritage listed Corn Exchange building, and open up entrance views and sightlines from the Corn Exchange building;
- changes to the structural support system beneath the approved pre-function area are required for additional support and will be obscured when viewed from Darling Harbour and will not affect traffic along Wheat Road or the Western Distributor;
- the proposed replacement of the northern pre-function space with a smaller meeting room may change the building's appearance when viewed from north to west, but the change would be inconsequential due to the scale of the overall development; and
- the proposed changes to the lift core and commercial lobby area will provide an efficient lift service and building layout, whilst improving energy efficiency by removing an unnecessary lift.

3. STATUTORY CONTEXT

3.1 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 which seek modifications to approvals:

1. *That the proposed modification is of minimal environmental impact.*

The department is satisfied that the proposed modifications will have minimal environmental impacts. Relevant environmental impacts are considered in **Section 5** of this report.

2. *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 proposal is substantially the same development for which consent was originally granted as the project (as modified) will essentially remain a redevelopment of the Four Points by Sheraton Hotel.

3. *It has notified the application in accordance with the regulations.*

Refer to **Section 4** of this report.

4. It has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

Submissions are considered in **Section 5** of this report.

3.2 Environmental Planning Instruments

Under section 79C of the EP&A Act, the consent authority is required to take into account the relevant provisions of any State Environmental Planning Policy (SEPP) or Environmental Planning Instrument (EPI) that applies to the carrying out of the proposal. The following EPIs apply to the carrying out of the proposal:

- State Environmental Planning Policy (State and Regional Development) 2011;
- State Environmental Planning Policy (Infrastructure);
- Darling Harbour Development Plan No.1;
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005; and
- State Environmental Planning Policy No 55—Remediation of Land.

The proposed development complies with the relevant requirements and standards within these EPIs and the department's consideration of relevant EPIs is provided in **Appendix C**.

3.3 Permissibility

The original development was permissible with consent and the subject modification does not give rise to any permissibility issues as no changes are proposed to the land uses of the development.

3.4 Delegation

Under the Instrument of Delegation dated 14 September 2011, the Minister for Planning's function to determine applications under section 96(1A) of the *Environmental Planning and Assessment Act 1979* has been delegated to the Director, Industry, Key Sites and Social Projects where:

- the relevant local council has not made an objection; and
- a political disclosure form has not been made; and
- there are less than 10 public submissions in the nature of objections.

As council did not object, a political donation has not been made, and no public submissions were received, the Director, Industry, Key Sites and Social Projects, may determine the modification request under delegated authority.

4. CONSULTATION

The application was notified in accordance with the Environmental Planning & Assessment Regulation 2000. The modification application was made available on the department's website and referred to Council and various agencies for comment. Submissions received on the modification application are summarised below.

4.1 Public Authorities

Agency	Summary of Issues
City of Sydney Council (council)	The department should ensure that the external modifications do not further obscure views of the Corn Exchange Building and the Dundee Arms building from Pymont Bridge.
Office of Environment and Heritage (Heritage Council)	The proposed removal of trees along Slip Street would remove screening between the Corn Exchange building and the Four Points development.

Agency	Summary of Issues
of NSW)	
Transport for NSW (TfNSW)	<p>TfNSW initially advised that the application does not provide details on the proposed foundation system which will support the structural support system below ground, which may interfere with the future CBD rail link corridor.</p> <p>TfNSW subsequently advised it had no comments in relation to the application, and Sydney Trains (previously part of RailCorp) subsequently advised it was satisfied the proposed modified development would have no impacts on the future CBD rail link corridor.</p>
Sydney Harbour Foreshore Authority	<p>SHFA sought clarification on:</p> <ul style="list-style-type: none"> the changes to the architectural expression of the building resulting from the proposed changes to the structural columns, trusses and footings design under the new tower; impacts to the ground plane resulting from the proposed changes to the structural columns, trusses and footings under the new tower, and proposed mitigation strategies; the potential heritage and archaeological impacts associated with tree removal, and whether any alternatives to tree removal have been considered; and the impact of removing shading devices on western elevation on the architectural language of the approved building <p>The applicant consulted with SHFA and SHFA has confirmed that its enquiries are now resolved.</p>

4.2 Public Submissions

No public submissions were received.

4.3 Response to Submissions

The applicant submitted a Response to Submissions (RtS) on the 11 June 2014. A summary of the RtS is provided below:

- The applicant consulted with SHFA on the issues raised in its submission and has resolved its concerns.
- Two of the four trees which were originally sought to be removed as part of the subject modification have since been removed under a separate tree removal permit sought and issued by City of Sydney Council. In addition, as a result of further design development, the applicant no longer seeks removal of the remaining two trees.
- In response to concerns raised by TfNSW regarding the potential impacts of the revised structural support system under the tower and under the convention/function space, the applicant has obtained a letter from a structural engineer (Taylor Thomson Whitting NSW Pty Ltd) which advises that the proposed modifications would not impact on the future CBD rail link corridor.

5. ASSESSMENT

The department considers that the key issues related to the proposed modification include:

- revised structural support system;
- future CBD rail link corridor;
- external building changes; and
- other issues.

5.1 Revised Structural Support System

The modification application includes changes to the structural columns, trusses and footings under the approved tower, as well as under the approved convention/function space. Each is considered separately over the page.

Structural Support of Tower

The changes proposed beneath the approved tower comprise the removal of the 'V' column and trusses and replacement with a rationalised structural support system with fewer columns and beams (**Figures 2 and 3**). The revised design also necessitates a minor relocation of the building footings in the median between the Western Distributor northbound and southbound lanes.

Council's submission requested that the department ensure that the external modifications do not further obscure views of the Corn Exchange Building and the Dundee Arms building from Pyrmont Bridge.

Given the proposed changes comprise a simplified structural form with fewer columns and beams, the department considers that the modifications are in fact more likely to enhance views and sightlines from the Pyrmont Bridge. TfNSW raised no issues relating to the potential impacts of the revised structural support system on the Western Distributor or the roads capacity or safety, however, it sought further clarification on potential impacts on the future CBD rail link corridor (refer to **Section 5.2** for further consideration of this issue).

The department is satisfied that the proposed changes to the structural support system beneath the tower would provide an outcome generally consistent with the approved development, and that the changes would not give rise to any issues affecting the design of the road, its capacity or road safety. TfNSW has also confirmed it has no issues with the revised structural support system.

Additionally, as the development involves construction activities directly adjacent to and above the Western Distributor, a number of conditions were imposed on the original consent requiring the applicant to submit detailed drawings and geotechnical reports relating to the piling and support structure to the RMS for assessment. A condition was also included to ensure that the design mitigates road traffic noise from the Western Distributor. The revised structural support system will also be required to satisfy these conditions.

The department therefore considers the proposed changes to the structural support system beneath the approved tower to be acceptable.

Structural Support of Convention/Function Space

The changes proposed beneath the approved convention/function space comprise the addition of five new structural columns to be located along the median strip between Wheat Road and the north bound Western Distributor (**Figures 4 and 5**). The applicant advised that the changes are the result of a structural and engineering review of the approved design which identified a need for the additional support columns.

No issues were raised by any agencies or council in relation to the changes proposed beneath the approved convention/function space, and TfNSW raised no issues relating to any impacts on the Western Distributor, road capacity or safety (notwithstanding its initial concerns raised regarding the potential impacts on the future CBD rail link corridor which are discussed further in **Section 5.2**).

The department notes that the new columns would be adjacent to the existing approved columns and that they would provide an outcome generally consistent with the approved development, and they would largely be obscured from view from Darling Harbour. Additionally, as outlined earlier, should the proposed modification be approved, the revised structural support system will also be required to satisfy the conditions relating the provision of detailed drawings, geotechnical reports, and the mitigation of road traffic noise associated with the Western Distributor.

The department therefore considers the proposed changes to the structural support system beneath the approved convention/function space to be acceptable.

5.2 Future CBD Rail Link Corridor

The site is located above the future CBD rail link corridor (identified in State Environmental Planning Policy (Infrastructure) 2007). TfNSW initially raised some concerns regarding the changes to the structural support system proposed in the modification application, and sought further clarification on any resultant changes to the loading on the foundations and potential impacts on the future CBD rail link corridor.

By way of background, a detailed Rail Corridor Impact Statement (prepared by Aurecon) was submitted as part of the EIS for the original application (SSD 4972) which considered potential impacts of the original development on the future CBD rail link corridor. In RailCorp's submission on the original application, it advised it had reviewed the Rail Corridor Impact Statement and was satisfied with the outcomes of the statement, and advised there was no need to impose any conditions on the development in respect of the future CBD rail link corridor.

The applicant's RtS for the subject modification was accompanied by a letter from a structural engineer (Taylor Thomson Whitting NSW Pty Ltd) which advised it had reviewed the changes proposed in the subject modification in light of the Rail Corridor Impact Statement submitted as part of the original application, and advised that none of the proposed changes alter the conclusions or outcomes of the original Rail Corridor Impact Statement.

Sydney Trains (previously part of RailCorp) subsequently advised it was satisfied the proposed modified development would have no impact on the future CBD rail link corridor.

Having regard to the structural engineer's letter accompanying the RtS and the advice from Sydney Trains, the department is satisfied that the proposed modified development would not result in any impacts on the future CBD rail link corridor.

5.2 External Building Changes

The modification application includes the removal of the pre-function area, situated in the building's north-west corner, and its replacement with a smaller meeting room (**Figures 6 and 7**). The applicant advised that:

- the building façade when viewed from the north and west would remain generally consistent with the approved development;
- the building's roofline would remain consistent with the approved development; and
- the design response for the removal of the pre-function area includes the addition of glazing and other building features that better complement the design of the approved development.

The department notes that the proposed changes would result in a reduction in floor space of 300 m² and a minor change to the building's appearance when viewed from the north and west. The main change to the building's appearance relates to the removal of the shading fins from the north-west corner, which would be replaced with a predominantly glazed façade.

The department does not object to the proposed changes, and considers that the design changes are minor in the context of the overall development.

5.3 Other Issues

Internal Building Changes

The application proposes rationalisation to the lift core from four to three lifts and minor changes to layout of the commercial lobby area for each level of the hotel (**Figures 8 and 9**).

The proposed changes are minor in nature and they would not compromise the functionality of the building as the existing lifts would be utilised to service the existing and some of the new hotel area in the tower. The department is therefore supportive of the proposed internal changes.

Heritage

Heritage was a key issue assessed as part of the original application. Whilst the site contains four existing State heritage listed buildings, the major heritage issues associated with the original application related to the setting of the Corn Exchange building, conservation of Wharf Lane and the interpretation of the Sussex Street frontage.

No works are proposed to any of the heritage listed buildings as part of the subject modification. The Heritage Council of NSW reviewed the subject modification and raised no issues regarding the proposed revised structural support system or internal or external building changes.

The department is therefore satisfied that the proposed modified development would not give rise to any significant impacts to the heritage significance of any surrounding buildings or the locality. The department also considers that the revised structural support system beneath the approved tower is likely to enhance views and sightlines of the State heritage listed Corn Exchange building, particularly from Pyrmont Bridge.

6. CONCLUSION

The modification application has been assessed in accordance with the matters for consideration under section 96(1A) and 79C of the Act, and all relevant environmental planning instruments, and is considered to comply with all relevant items.

The department supports the proposed modification as it will simplify the structural form beneath the tower, provide the appropriate additional structural support beneath the convention/function space, will result in only minor changes to the external appearance of the building, and will improve the building's internal layout.

It is therefore recommended that the modification application be approved.

7. RECOMMENDATION

It is recommended that the Director, Industry, Key Sites and Social Projects:

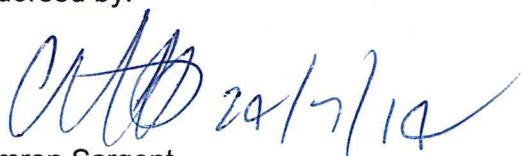
- (a) **consider** the findings and recommendations of this report;
- (b) **approve** the modification under delegated authority, subject to condition; and
- (c) **sign** the attached Instrument of Modification for SSD-4972 MOD 2.

Prepared by:



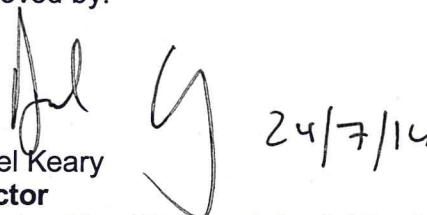
Ben Eveleigh
Senior Planner
Industry, Key Sites and Social Projects

Endorsed by:



Camron Sargent
Team Leader
Industry, Key Sites and Social Projects

Approved by:



Daniel Keary
Director
Industry, Key Sites and Social Projects

APPENDIX A MODIFICATION REQUEST

See the department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6405

APPENDIX B SUBMISSIONS

See the department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6405

APPENDIX C CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

Relevant EPIs

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Infrastructure) 2007
- Darling Harbour Development Plan No 1
- State Environmental Planning Policy No 55—Remediation of Land
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

State Environmental Planning Policy (State and Regional Development) 2011

The original proposal was determined to be an SSD in accordance with section 89C of the Environmental Planning and Assessment Act 1979 (EP&A Act) because it is development with a capital investment value (CIV) in excess of \$10 million under Schedule 2 of State Environmental Planning Policy (State and Regional Development) 2011.

State Environmental Planning Policy (Infrastructure) 2007

Relevant Sections	Consideration and Comments	Complies?
2 Aim of Policy The aim of this Policy is to facilitate the effective delivery of infrastructure across the State by: (e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and (f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing.	Relevant agencies have been consulted about the proposed modifications to the approved development.	Yes
88 Development within or adjacent to interim rail corridor This clause applies to development that is: (b) in the area marked "Zone B" on a rail corridors map and: (i) involves the penetration of ground to a depth of at least 2m below ground level (existing), or (ii) has a capital investment value of more than \$200,000 and involves the erection of a structure that is 10 or more metres high or an increase in the height of a structure so that it is more than 10m. (4) Except as provided by subclause (6), consent must not be granted to development to which this clause applies without the concurrence of the chief executive officer of the relevant rail authority. (6) The consent authority may grant consent to development to which this clause applies without the concurrence of the chief executive officer of the relevant rail authority if: (a) the consent authority has given the chief executive officer notice of the development	The proposed modifications to the development is on land within zone B of the Interim Rail corridor CBD Rail Link & CBD Metro (Map 6 of 90 and has a capital investment of more than \$200,000 and its more than 10m in height. Consideration of potential impacts of the proposed modified development on the future CBD rail corridor are considered in Section 5 of this report.	Yes

State Environmental Planning Policy (Infrastructure) 2007

Relevant Sections	Consideration and Comments	Complies?
application, and (b) 21 days have passed since that notice was given and the chief executive officer has not granted or refused to grant concurrence.		

Darling Harbour Development Plan No 1

Relevant Sections	Consideration and Comments	Complies?
3 Objects (b) to encourage the development of a variety of tourist, educational, recreational, entertainment, cultural and commercial facilities within that area (c) to make provision with respect to controlling development within that area.	The amended proposal will continue to provide a mixture of tourist and commercial facilities within the area as no changes are proposed to the mix of land uses within the development. The proposed modified development is permissible with consent.	Yes
6 Permit required for certain development Development: (a) for the purposes of tourist, educational, recreational, entertainment, cultural or commercial facilities (other than facilities used for pawnbroking or other forms of moneylending)...[or] (d) for any purpose specified in Schedule 1... [includes commercial premises, convention centres; hotels; places of assembly; recreation facilities; refreshment rooms; shops...] ...may not be carried out except with a permit being obtained therefore	No changes are proposed the approved uses within the development.	Yes
8 Permits required for renovation and demolition (1) The renovation or demolition of a building or work may not be carried out except with a permit being obtained therefore	The modified building works are permissible with consent.	Yes
9 Development etc of the Corn Exchange (4) The Authority shall not grant a permit that would allow the Corn Exchange to be demolished, damaged or despoiled. (5) In determining an application for a permit for the development, conservation or renovation of the Corn Exchange, the Authority shall ensure that the heritage value of the Corn Exchange is maintained.	No works are proposed to the Corn Exchange building itself.	Yes

<p>10 Development etc of buildings on the same street frontage as the Corn Exchange</p> <p>[on] Lot 1, DP 775101, other than the Corn Exchange... the Authority:</p> <p>(a) shall ensure that the heritage value of the Corn Exchange is maintained, and</p> <p>(b) shall ensure that:</p> <p>(i) a sufficient number of the buildings situated on the land are retained, and</p> <p>(ii) any infill development is carried out on the street frontage, so as to maintain the coherence of the streetscape.</p>	<p>The proposed modifications to the approved development are not on the same street frontage as the Corn Exchange building.</p>	<p>N/A</p>
<p>11 Other development in the vicinity of the Corn Exchange</p> <p>[on] land (other than Lot 1, DP 775101) in the vicinity of the Corn Exchange... the Authority shall take into consideration the effect of the proposed development, renovation or demolition on the heritage value of the Corn Exchange.</p>	<p>Potential heritage impacts of the proposed modified development are considered in Section 5 of this report. On the basis of this assessment the department concluded that the proposed modified development would not give rise to any significant impacts to the heritage significance of any surrounding buildings (including the Corn Exchange Building) or the surroundings, and given the modifications beneath the tower comprise a simplified structural form with fewer columns and beams, the modifications are likely to enhance views and sightlines of the State heritage listed Corn Exchange Building, particularly from Pyrmont Bridge.</p>	<p>Yes</p>

State Environmental Planning Policy No 55 - Remediation of Land		
Relevant Sections	Consideration and Comments	Complies?
<p>The object of this Policy is to provide for a Statewide planning approach to the remediation of contaminated land and to promote the remediation of contaminated land by specifying when consent is required for remediation.</p> <p>Clause 7(1) of SEPP 55 provides that a consent authority must not consent to the carrying out of any development on land unless:</p> <p>(a) It has considered whether the land is contaminated.</p> <p>(b) If the land is contaminated, be satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.</p> <p>(c) If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, be satisfied that the land will be remediated before the land is used for that purpose.</p> <p>Clause 7(2) requires a consent authority, when considering an application for consent to carry out development that would involve a change of use on land, to consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.</p>	<p>The Preliminary Environment Site Assessment (PESA) submitted with the original application identified that the "soil results reported no contaminants present at concentrations exceeding the [site assessment criteria] (guidelines for commercial and industrial use)".</p> <p>As no changes are proposed to the location of the development the department considers the findings of the PESA still relevant.</p>	Yes

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005		
Relevant Sections	Consideration and Comments	Complies?
<p>2 Aims of plan</p> <p>(a) to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected, enhanced and maintained:</p> <p>(i) as an outstanding natural asset, and</p> <p>(ii) as a public asset of national and heritage significance, for existing and future generations,</p> <p>(b) to ensure a healthy, sustainable environment on land and water,</p> <p>(c) to achieve a high quality and ecologically sustainable urban environment,</p> <p>(d) to ensure a prosperous working harbour and an effective transport corridor,</p> <p>(e) to encourage a culturally rich and vibrant place for people,</p> <p>(f) to ensure accessibility to and along</p>	<p>The development as modified will continue to be consistent with these aims.</p>	Yes

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005		
Relevant Sections	Consideration and Comments	Complies?
Sydney Harbour and its foreshores...		
14 Foreshores and Waterways Area (a) development should protect, maintain and enhance the natural assets and unique environmental qualities of Sydney Harbour and its islands and foreshores, (b) public access to and along the foreshore should be increased, maintained and improved, while minimising its impact on watercourses, wetlands, riparian lands and remnant vegetation... (d) development along the foreshore and waterways should maintain, protect and enhance the unique visual qualities of Sydney Harbour and its islands and foreshores...	The proposed modified development does not detract from the natural assets and unique environmental qualities of Sydney Harbour, maintains and improves access to the foreshore, and does not give rise to adverse impacts on the unique visual qualities of Sydney Harbour.	Yes
21 Biodiversity, ecology and environment protection	The modified development will have no impact on the quality of water entering the waterways, species, aquatic vegetation or wetlands.	Yes
22 Public access to, and use of, foreshores and waterways	The department notes that the proposed modifications do not change the approved pedestrian link through the site to the foreshore. It is also noted that the development as modified does not adversely impact on watercourses or riparian lands or vegetation, and has minimal impact on sediments.	Yes
23 Maintenance of a working harbour	N/A	N/A
24 Interrelationship of waterway and foreshore uses	The proposed modified development, being sited some distance back from the foreshore, does not give rise to any adverse impacts in relation to this section.	Yes
25 Foreshore and waterways scenic quality (a) the scale, form, design and siting of any building should be based on an analysis of: (i) the land on which it is to be erected, and (ii) the adjoining land, and (iii) the likely future character of the locality, (b) development should maintain, protect and enhance the unique visual qualities of Sydney Harbour and its islands, foreshores and tributaries, (c) the cumulative impact of water-based development should not detract from the character of the waterways and adjoining foreshores.	No substantial changes are proposed to the approved development's scale, form or design. The development as modified does not on impact water based development.	Yes

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Relevant Sections	Consideration and Comments	Complies?
26 Maintenance, protection and enhancement of views (a) development should maintain, protect and enhance views (including night views) to and from Sydney Harbour, (b) development should minimise any adverse impacts on views and vistas to and from public places, landmarks and heritage items, (c) the cumulative impact of development on views should be minimised.	No changes are proposed to the height or overall bulk of the development.	Yes
27 Boat storage facilities	N/A	N/A

APPENDIX D RECOMMENDED MODIFYING INSTRUMENT
