

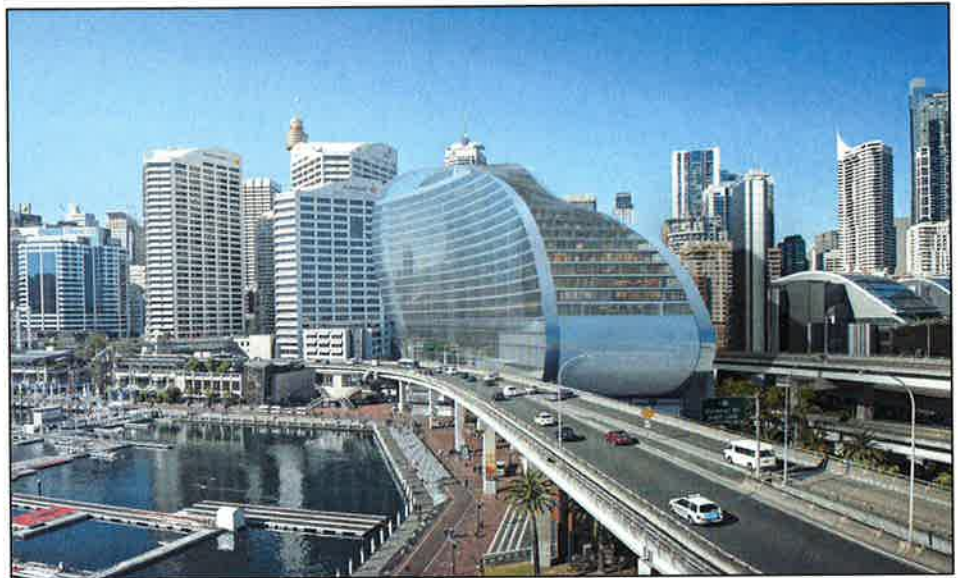


Planning & Environment

STATE SIGNIFICANT DEVELOPMENT ASSESSMENT REPORT:

***Redevelopment of the IMAX building and
surrounding public domain at Darling Harbour***

SSD 7388



Environmental Assessment Report
Section 89H of the
Environmental Planning and Assessment Act 1979

June 2016

ABBREVIATIONS

Applicant	Grocon (Darling Harbour) Developments Pty Ltd, or any other person or persons who rely on this consent to carry out the development that is subject to this consent
CIV	Capital Investment Value
Commission	Planning Assessment Commission
Consent	This development consent
Department	Department of Planning & Environment
EIS	Environmental Impact Statement titled 'State Significant Development - Environmental Impact Statement - 31 Wheat Road, Sydney - Redevelopment of IMAX Building', prepared by JBA Urban Planning Consultants Pty Ltd, dated December 2015
the Act	<i>Environmental Planning and Assessment Act 1979</i>
the Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
Minister	Minister for Planning
RtS	Response to Submissions prepared by JBA Urban Planning Consultants Pty Ltd, dated March 2016
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning & Environment
SHFA	Sydney Harbour Foreshore Authority
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development

Cover Photograph: Photomontage of proposal (Source: Applicant's Response to Submissions)

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EXECUTIVE SUMMARY

This report assesses a State Significant Development (SSD) application, seeking consent for the redevelopment of the existing IMAX site in Darling Harbour including demolition of the existing IMAX building, tourist office and amenities block; construction of a 25 storey building for hotel, serviced apartments, retail, function and entertainment uses and a 2 storey building for retail, public amenities and Sydney Harbour Foreshore Authority (SHFA) purposes; and upgrades to the surrounding public domain including new playground area.

The proposal is largely a remodelled version of the ribbon design previously approved by the Planning Assessment Commission (the Commission) and has been amended to cater for the development and design needs of the proposed hotel and serviced apartment uses.

The proposal is SSD under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as it is development having a CIV of more than \$10 million on land identified as being within the Darling Harbour precinct pursuant to the *State Environmental Planning Policy (State and Regional Development) 2011*. Therefore the Minister for Planning is the consent authority.

The Environmental Impact Statement (EIS) was publicly exhibited from Thursday 28 January 2016 until Monday 29 February 2016. The Department received four public submissions objecting to the development and 10 submissions from public authorities. Key issues raised in submissions were subdivision of public land to allow private ownership, built form, traffic and access and impacts to the public domain. The applicant responded to the concerns raised during exhibition of the proposal and proposed a number of minor amendments.

The Department considered all relevant matters under Section 79C of the EP&A Act in its assessment. The key issues considered are land use, built form, traffic, access and car parking, and public domain. The Department considers the proposed hotel and serviced apartment uses are compatible with the existing and desired future character of the Darling Harbour tourist and entertainment precinct.

The built form of the proposal is largely consistent with the previously approved commercial building. The Department considers the proposed height, scale and bulk of the building has responded to the constraints of the site, the surrounding built context and the changing character of Darling Harbour. It will also result in a building which achieves design excellence and potentially an iconic landmark status.

The Department is satisfied that traffic and access can be appropriately managed. This will be confirmed through a management plan and Stage 2 road safety audit to be prepared in consultation with Council, RMS and TfNSW and submitted to TfNSW and RMS for approval prior to the issue of a Construction Certificate.

The Department has also considered the public domain, signage, ecologically sustainable development, heritage, reflectivity, waste management, lighting, air quality and stormwater aspects of the proposal and is satisfied the impacts have been satisfactorily addressed within the application and the Department's recommended conditions.

The Department concludes the proposal will have a number of significant positive economic, social and environmental impacts and will assist in the revitalisation of the Darling Harbour precinct. The Department considers the proposal is in the public interest and recommends that the Commission approve the application subject to conditions.

TABLE OF CONTENTS

1. BACKGROUND	1
1.1 The Site	1
1.2 Approval History	3
2. PROPOSED PROJECT	4
2.1 Project Description	4
2.2 Project Need and Justification	8
3. STATUTORY CONTEXT	9
3.1. State Significant Development	9
3.2. Determination Under Delegation	9
3.3. Permissibility	9
3.4. Environmental Planning Instruments	9
3.5. Objects of the EP&A Act	10
3.6. Ecologically Sustainable Development	10
3.7. Environmental Planning and Assessment Regulation 2000	11
3.8. Secretary's Environmental Assessment Requirements	11
4. CONSULTATION AND SUBMISSIONS	11
4.1. Exhibition	11
4.2. Public Authority Submissions	11
4.3. Public Submissions	14
4.4. Applicant's Response to Submissions	14
5. ASSESSMENT	15
5.1. Key Assessment Issues	15
5.2. Land Use	16
5.3. Built form	17
5.4. Traffic, Access and Loading, and Parking	21
5.5. Public domain	27
5.6. Other issues	32
6. CONCLUSION AND RECOMMENDATION	38
APPENDIX A ENVIRONMENTAL IMPACT STATEMENT/ RESPONSE TO SUBMISSIONS	40
APPENDIX B SUBMISSIONS	41
APPENDIX C CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS/ SEPPS	43
APPENDIX D SECRETARY'S ENVIRONMENTAL ASSESSMENT REPORT FOR APPROVED COMMERCIAL DEVELOPMENT ON THE SITE (SSD 5397)	49
APPENDIX E RECOMMENDED CONDITIONS OF CONSENT	50

1. BACKGROUND

The State Significant Development (SSD) Application at 31 Wheat Road, Darling Harbour seeks approval to demolish the existing IMAX building, tourist office and amenities block; construct a 25 storey building for hotel, serviced apartments, retail, function and entertainment uses and a separate 2 storey building for retail, public amenities and Sydney Harbour Foreshore Authority (SHFA) purposes; and upgrade the surrounding public domain.

The applicant is Grocon (Darling Harbour) Developments Pty Ltd. The project has a Capital Investment Value (CIV) of \$375,650,000.

1.1 The Site

The site is located at the southern end of Darling Harbour and is bound by the Western Distributor to the north and south, and Harbour Street to the east. The site is occupied by the existing IMAX theatre building, a tourist information centre and public amenities. The site is owned by SHFA and has a total area of 10,885m². The site includes:

- a lease area of 4,672m² (with SHFA), which accommodates the proposed building footprints only (red line in **Figure 1** including building and tower footprint);
- a 'zone of influence' which includes the surrounding public domain and landscaping works (blue line on **Figure 1**); and
- air space on Harbour Street (yellow line on **Figure 2**).

The wider surrounds of the site comprise:

- the eastern and western waterfronts of Cockle Bay to the north, characterised by a mix of retail, recreational, tourist and entertainment functions, Sydney Aquarium, Sydney Wildlife World, Four Points by Sheraton hotel (currently undergoing expansion and refurbishment), Harbourside Shopping Centre (subject to a SSD application for redevelopment of the retail shopping centre and a new commercial tower) and the Australian National Maritime Museum;
- Tumbalong Park and the Darling Quarter precinct to the south, comprising two mixed use commercial office and retail buildings and Darling Quarter playground;
- the Sydney Central business district to the east, including the Parkroyal Hotel, Millennium Towers residential building and Darling Park commercial buildings; and
- the Sydney International Convention, Exhibition and Entertainment Precinct (SICEEP) currently under construction to the west and south west. The SICEEP is a major urban renewal project along the western and southern ends of Darling Harbour. Having an approximate total area of 15 hectares, the SICEEP project involves three interrelated components linked together by a new integrated public domain, including:
 - convention, exhibition and entertainment facilities and open space including a 20 metre wide north south pedestrian connection from Cockle Bay to Haymarket known as 'The Boulevard' (Core Facilities);
 - a mixed use neighbourhood with improved public domain (Darling Square); and
 - a premium hotel complex (ICC Hotel) (**Figures 3 and 4**).

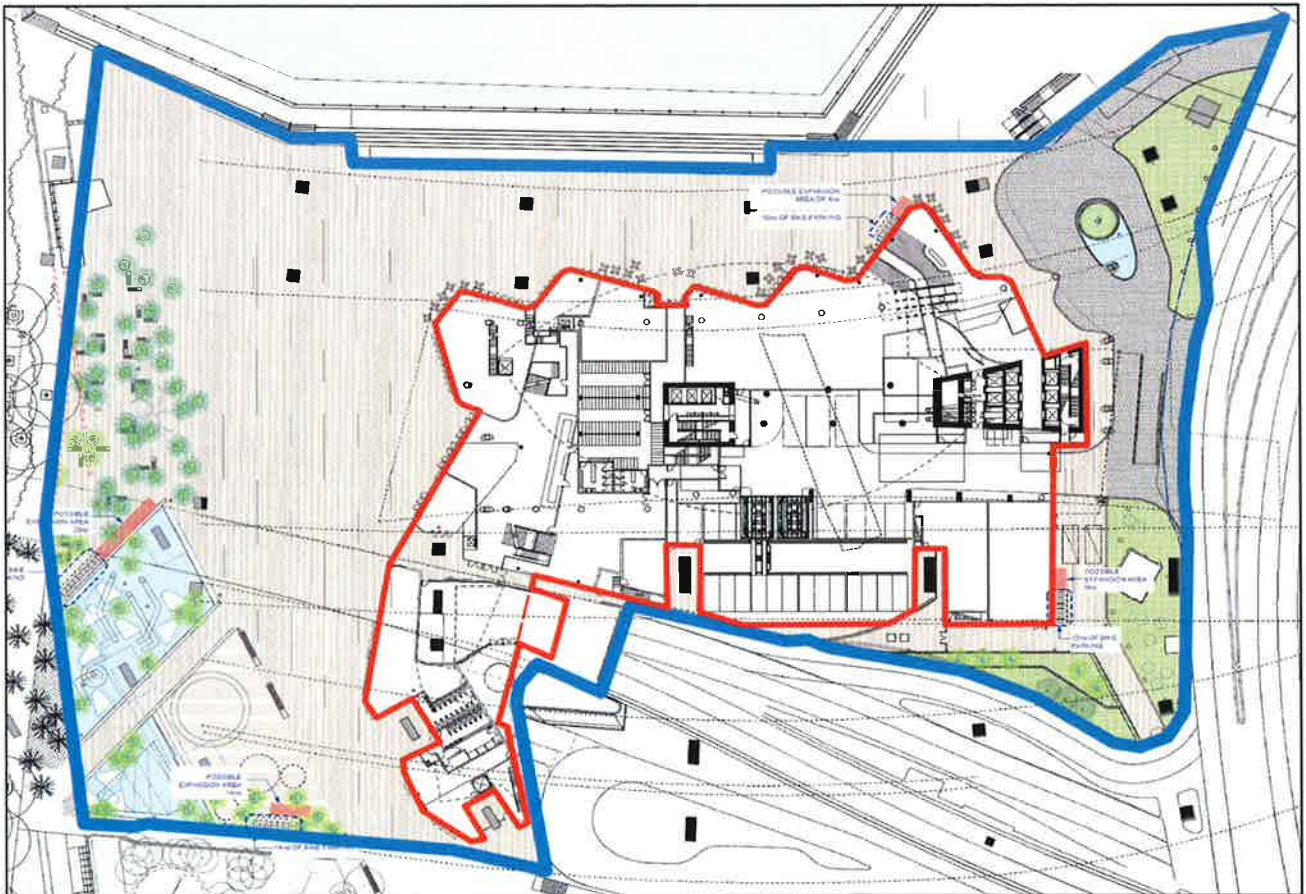


Figure 1: Extract showing site boundary (blue line) including lease area (red line) and zone of influence (blue line)



Figure 2: Aerial photo of the site showing the approximate "ribbon" building footprint including air space over Harbour Street (yellow line)

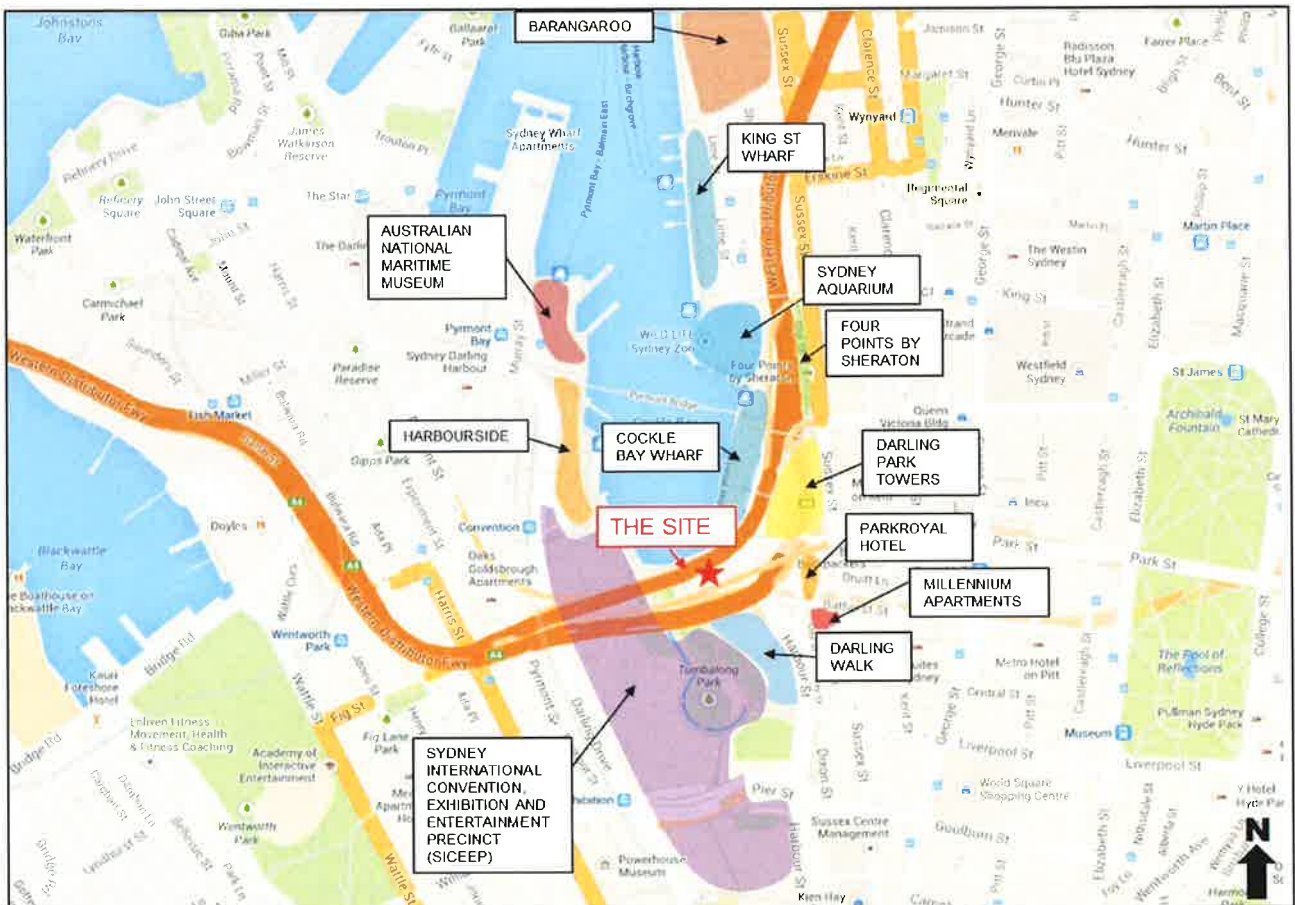


Figure 3: Site location and context

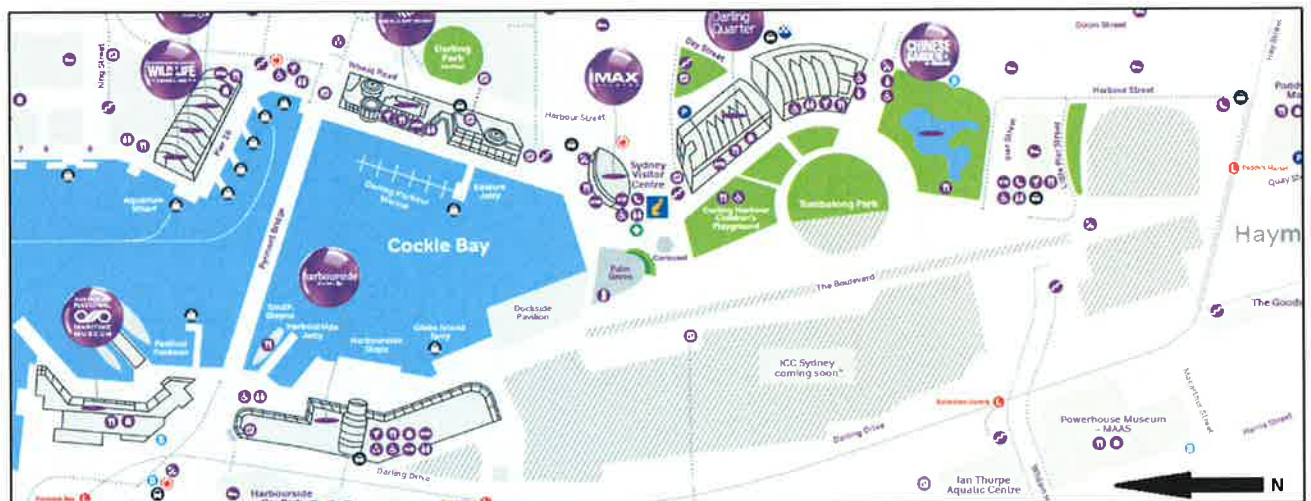


Figure 4: Recreational, tourist and entertainment features of Darling Harbour

1.2 Approval History

1.2.1 Commercial Development

On 16 June 2014, the Planning Assessment Commission (the Commission) approved a State Significant Development (SSD 5397) for a mixed use commercial office, retail, and entertainment development as part of the redevelopment of the IMAX site at Darling Harbour comprising:

- demolition of the existing IMAX building, tourist office and amenities block;
- construction of a new 20 storey building known as the 'ribbon building' and separate 2 storey building;
- office, retail and entertainment uses;

- 86 car parking spaces within the podium levels of the ribbon building and 332 bicycle spaces at ground level;
- realignment of Wheat Road;
- upgrade to the surrounding public domain including a new playground and relocation of heritage items; and
- installation of a City Screen and signage zones on the 20 storey building (**Figure 5**).

The current application is similar to the previously approved application and is largely a remodelled version of the ribbon design approved for the commercial building. The current proposal has been redesigned to cater for the development and design needs of the proposal to include a hotel and serviced apartment uses within the approval. The proposal in effect seeks approval for an alternate development option.

If the current application is approved, the applicant may lawfully act on this or the previous development consent. There is no impediment under the *Environmental Planning and Assessment Act 1979* (EP&A Act) to the Minister granting consent to multiple development applications on the same site. Notwithstanding, as discussed in **Section 5.6**, the two developments are mutually exclusive and therefore could not be developed in combination with one another. The Department is therefore satisfied that consent can be granted for this proposal without the need to relinquish the existing consent.



Figure 5: Approved mixed use entertainment, commercial and retail ribbon development at IMAX site (SSD 5397)

2. PROPOSED PROJECT

2.1 Project Description

The proposal seeks approval for:

- demolition of the existing IMAX Theatre building, tourist office and amenities block;
- construction of a 25 storey ribbon building for hotel, serviced apartments, retail, function and entertainment uses and a separate two storey building for retail, public amenities and workshop uses;
- 170 car parking spaces located within the podium levels of the ribbon building and at least 110 bicycle parking spaces at ground level;
- upgrades to the surrounding public domain, including the Harbour Street pedestrian link, a new playground and the relocation of the carousel; and
- a display screen on the western building façade.

Following the public exhibition of the EIS, the applicant submitted a Response to Submissions (RtS) which made a number of refinements to the proposal as outlined in **Section 4.4**. The development as outlined in the RtS is described in **Table 1**.

Table 1: Key Components of Development

Aspect	Description
Development Summary	<ul style="list-style-type: none"> • Demolition of the existing IMAX building, tourist office and amenities block; • construction of a 25 storey building for hotel, serviced apartments, retail, function and entertainment uses; • construction of a separate 2 storey building for retail, public amenities and Sydney Harbour Foreshore Authority (SHFA) purposes; and • public domain upgrades.
Gross Floor Area (GFA)	<p>Total GFA of 54,877m² comprising:</p> <ul style="list-style-type: none"> • 32,063m² hotel floor space comprising 402 rooms and function areas; • 17,352m² serviced apartments floor space comprising 159 apartment rooms; • 1,799m² retail floor space • 3,217m² IMAX floor space; and • 446m² SHFA offices and public amenities.
Maximum Height	Maximum RL of 93.5m AHD / 25 storeys (including plant).
Vehicle, Bicycle Parking and Loading	<ul style="list-style-type: none"> • 170 car parking spaces within a stacked access arrangement in the podium of the building, operated by a valet; • two car stacker transfer bays; • five motorcycle spaces within the loading area; • secure parking for 239 bicycles at the ground level (within the building); • 56 visitor bicycle spaces within the public domain (with the potential to expand to 100 visitor bicycle spaces if required) • seven loading bays comprising: <ul style="list-style-type: none"> ○ three loading bays for medium rigid vehicles; ○ one loading bay for a small rigid vehicle; and ○ three loadings bays for cars, vans and couriers.
Vehicular access	<ul style="list-style-type: none"> • New driveway access for the car stacker and loading areas of the development from Harbour Street; • realignment of Wheat Road to provide separate access to a new drop off/pick up zone; • exit from the car park, loading areas and drop off/pick up zone via Wheat Road; and • new roundabout at Wheat Road.
Public Domain/Landscaping	<ul style="list-style-type: none"> • New paving to the public domain surrounding the building; • new entry and street address for the hotel off Wheat Road; • expansion of the Darling Quarter playground; • relocation of the Carousel and Organ; • relocation and upgrade of Palm Grove; • new landscaping and relocation of the Jay Flowers sculpture to the western side of the building; and • installation of a City Screen and creation of outdoor event space.
City Screen and event space	<p>A 9 metre x 5.06m video screen at the western elevation which is proposed to be elevated approximately 4.2 metres and used for:</p> <ul style="list-style-type: none"> • promotions and advertisements (for occupants of the building only with no third party advertising); • security announcements and information; • precinct information and promotions overseen by SHFA; • IMAX movie trailers and "what's on" information; and • special events (sporting events, New Years Eve etc).

Aspect	Description
Signage zones	Signage zones as follows: <ul style="list-style-type: none">• two building identification signs on the northern and southern facade;• a business identification sign for the hotel at the eastern ground floor adjoining the hotel lobby; and• nine business identification signs for the individual retail tenancies at the ground floor podium.

Future Development Applications are required for the fitout and operation of the hotel and serviced apartments, function and entertainment uses, and retail tenancies.

Images of the proposal are shown in **Figures 6, 7, 8 and 9.**



Figure 6: Proposed site plan showing proposed building footprint at ground floor (outlined in red).

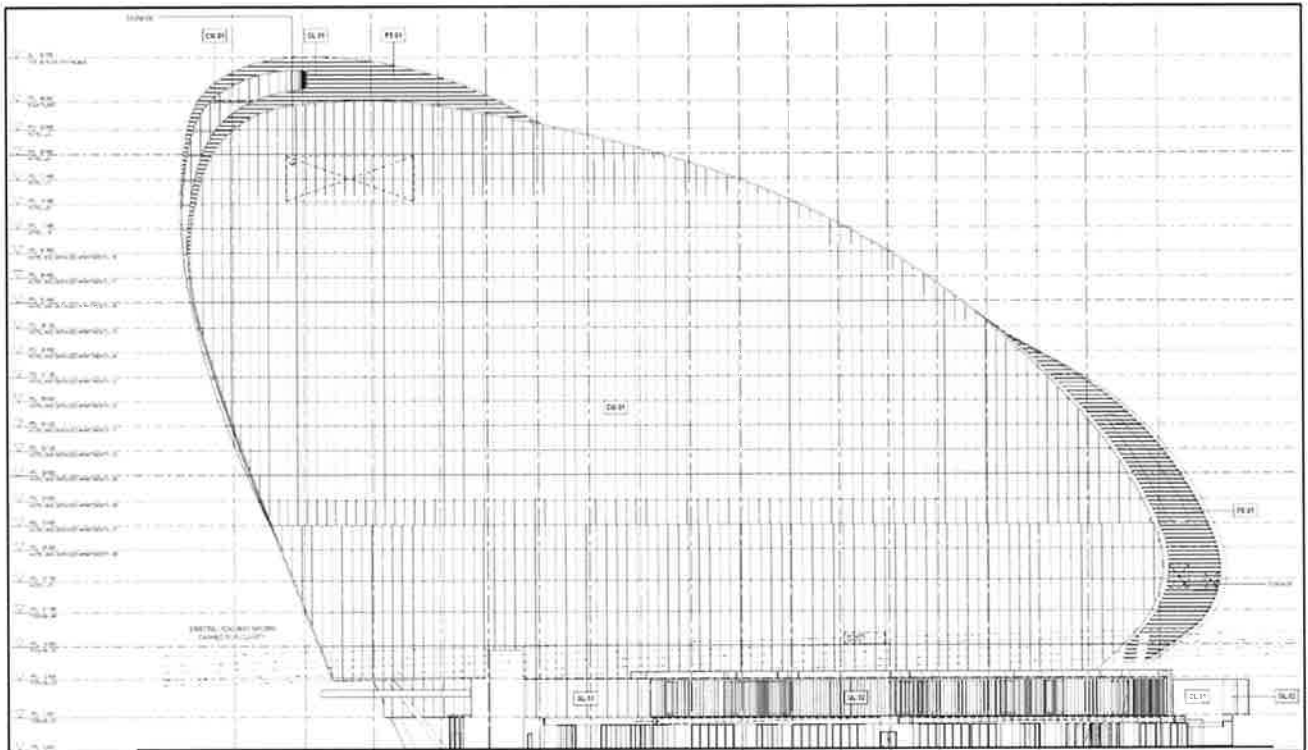


Figure 7: Proposed north elevation.

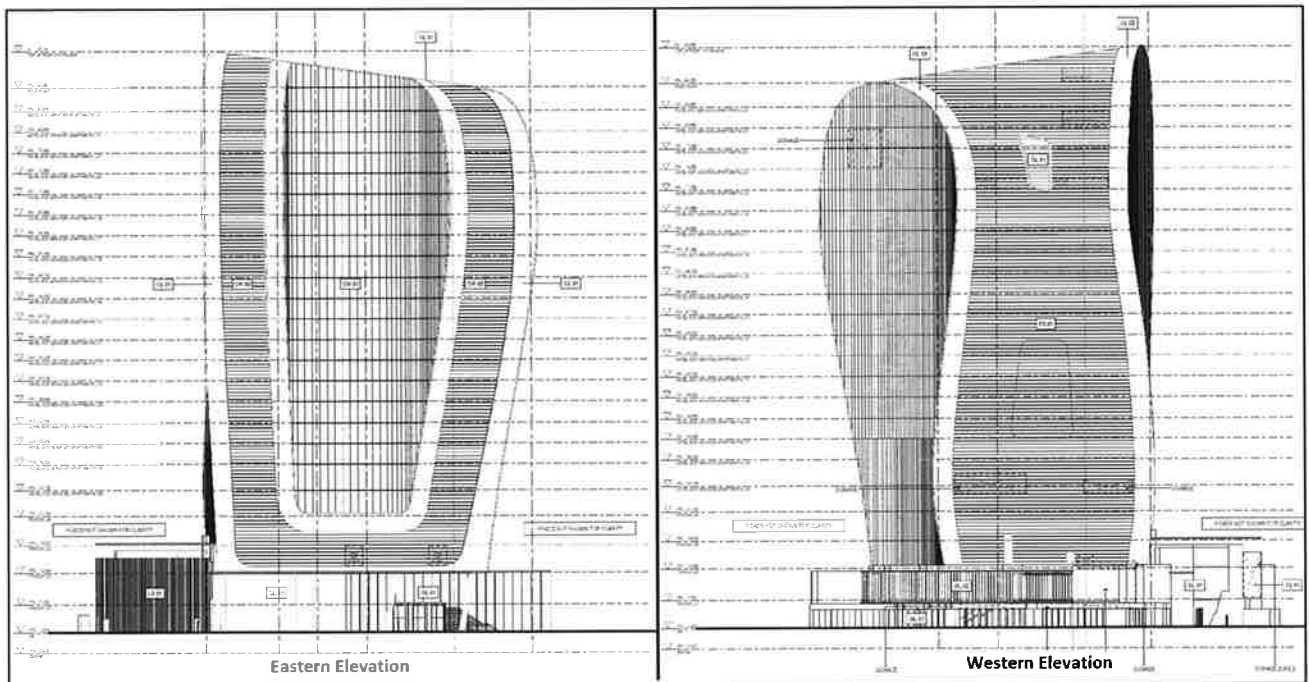


Figure 8: Proposed eastern (left) and western (right) elevations



Figure 9: Photomontage of the proposal from the north in the context of the approved International Convention Centre (ICC)

2.2 Project Need and Justification

A Plan for Growing Sydney

A Plan for Growing Sydney (the Plan) sets out the NSW Government's vision for Sydney to 2031, which is to deliver a strong global city which is a great place to live.

An action of the Plan is to promote Sydney's arts and culture, tourism and entertainment industries, as these areas contribute to the Sydney CBD as being a tourist destination.

The proposed development supports the aims of the Plan by including IMAX theatre facilities, hotel rooms, serviced apartments, and retail uses as part of an existing major tourism and entertainment precinct. It will also complement the redevelopment of SICEEP and Barangaroo within the Darling Harbour precinct.

The Plan also seeks to improve recreational and access opportunities along Sydney Harbour through improved walking and cycle paths. The improvements to the public domain and provision of bicycle parking and facilities within the development support the objectives of the Plan.

Visitor Economy Industry Action Plan

The *Visitor Economy Industry Action Plan* (the Action Plan) establishes key actions to revitalise tourism and event industries by doubling visitor expenditure by 2020. Key actions identified by the Action Plan include:

- supporting and encouraging private investment in accommodation facilities;
- encouraging and facilitating investment in new visitor accommodation that matches market needs; and
- ensuring visitor accommodation targets are included in major Government-led urban renewal and strategic land use projects.

The proposal supports the Action Plan through private investment of a new hotel and serviced apartment development which will assist in the revitalisation of hotel and visitor accommodation within the CBD and tourist district of Sydney. The proposal further complements the additional demand for visitor accommodation generated by the SICEEP.

Sustainable Sydney 2030

Sustainable Sydney 2030 prepared by the City of Sydney Council highlighted the need for more visitor accommodation in Sydney. It identifies the State significant clusters of employment within the local government area in tourism and supporting industries (retail, accommodation, food and beverage, transport) that are vital to delivering the visitor experience.

The proposed development provides new visitor accommodation including both hotel rooms and serviced apartments. The proposal will also assist in improving the tourism and supporting industries through:

- redevelopment of the existing IMAX building and public domain which will assist in the revitalisation of Darling Harbour with modern buildings and spaces;
- contribution to employment targets for Central Sydney, providing up to 500 construction jobs and 475 ongoing jobs;
- strengthening Darling Harbour as a tourist attraction, with a new IMAX theatre, retail uses and visitor accommodation which will activate the precinct; and
- excellent accessibility to public transport, facilities and services offered in the CBD.

3. STATUTORY CONTEXT

3.1. State Significant Development

Under Clause 2, Schedule 2 of *State Environmental Planning Policy (State and Regional Development) 2011* (State & Regional Development SEPP), any development within the Darling Harbour precinct, with a capital investment value (CIV) in excess of \$10 million is State Significant Development.

As the proposal is for development with a CIV of \$375,650,000 on a site within the Darling Harbour precinct, the Minister for Planning is the consent authority.

3.2. Determination Under Delegation

The Minister has delegated his functions to determine SSD applications to the Commission where an application has been made by persons other than, or on behalf of, a public authority and in cases where:

- the Council has made an objection; and/or
- there are 25 or more public submissions objecting to the proposal; and/or
- a political disclosure statement has been made in relation to the application.

The proposal is referred to the Commission for determination as City of Sydney Council objects to the development.

3.3. Permissibility

The site is subject to the provisions of the *Darling Harbour Development Plan No.1*. From 1 July 2009, this plan is taken to be a State Environmental Planning Policy. The proposed hotel, serviced apartments, retail and entertainment uses are permissible with consent on the site under the Development Plan.

3.4. Environmental Planning Instruments

Under Section 79C of the EP&A Act, the Secretary's report for a project is required to include a copy of, or reference to, the provisions of any environmental planning instruments (EPI) that substantially govern the implementation of the project and that have been considered in assessing the project. These include:

- *State Environmental Planning Policy (State and Regional Development) 2011*;
- *State Environmental Planning Policy (Infrastructure) 2007*;
- *State Environmental Planning Policy No 55 - Remediation of Land*;

- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005; and
- Darling Harbour Development Plan No 1.

The Department's consideration of relevant EPIs (including SEPPs) is provided in **Appendix C**. The proposal is considered to be consistent with the requirements of these EPIs.

3.5. Objects of the EP&A Act

Decision-makers are required to consider the objects of the Act when making decisions under the EP&A Act. These objects are detailed in Section 5 of the Act, and include:

- (a) *to encourage:*
 - (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
 - (ii) *the promotion and co-ordination of the orderly and economic use and development of land,*
 - (iii) *the protection, provision and co-ordination of communication and utility services,*
 - (iv) *the provision of land for public purposes,*
 - (v) *the provision and co-ordination of community services and facilities, and*
 - (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
 - (vii) *ecologically sustainable development, and*
 - (viii) *the provision and maintenance of affordable housing, and*
- (b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

The proposal is consistent with the above objects, particularly (a)(i), (ii) and (vii) as it contributes to the proper management and development of land which enhances the social and economic welfare of the community; promotes the orderly and economic use of the site and includes measures to deliver an ecologically sustainable development (**Section 3.6**).

3.6. Ecologically Sustainable Development

The EP&A Act adopts the definition of Ecologically Sustainable Development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- (a) *the precautionary principle;*
- (b) *inter-generational equity;*
- (c) *conservation of biological diversity and ecological integrity; and*
- (d) *improved valuation, pricing and incentive mechanisms.*

The Department has considered the proposed development in relation to the ESD principles and has made the following conclusions:

- **Precautionary Principle** – The proposal will complement the neighbouring developments and contribute to the revitalisation of the Darling Harbour precinct. The proposal will not result in any serious or irreversible environmental damage.
- **Inter-Generational Equity** - The applicant has proposed to achieve the following design and operation ratings:
 - a 5 Star Green Star standard for design and as built;
 - a minimum 4 star NABERS energy rating; and
 - a minimum 3 star NABERS water rating.

This will minimise its energy and water usage and have positive environmental impacts for the benefit of future generations.

- **Biodiversity Principle** – The subject site has been extensively developed and is currently occupied by built structures and impermeable surfaces. This site has low environmental sensitivity and the project would not disturb any flora or fauna. The proposal involves the retention/relocation of existing palm trees and new landscaping.
- **Valuation Principle** – The cost of infrastructure and measures to ensure an appropriate level of environmental performance have been incorporated into the development costs for the proposal.

ESD targets for the proposal are discussed further in **Section 5.6**.

3.7. Environmental Planning and Assessment Regulation 2000

Subject to any other references to compliance with the Regulation cited in this report, the requirements for Notification (Part 6, Division 6) and Fees (Part 15, Division 1AA) have been complied with.

3.8. Secretary's Environmental Assessment Requirements

Sections 3 and 4 of the EIS address compliance with the Secretary's Environmental Assessment Requirements (SEARs). These matters have been addressed in the EIS sufficiently to enable an adequate consideration and assessment of the proposal for determination purposes.

4. CONSULTATION AND SUBMISSIONS

4.1. Exhibition

Under Section 89F(1)(a) of the EP&A Act, the Secretary is required to make the EIS of a SSD application publicly available for at least 30 days. The Department publicly exhibited the EIS from Thursday 28 January 2016 until Monday 29 February 2016 (33 days) on the Department's website and copies were also available at the Department's office at Bridge Street, and at City of Sydney Council's office.

The Department also advertised the public exhibition in The Sydney Morning Herald, The Daily Telegraph and The Sydney Central Courier on Wednesday 27 January 2016 and notified landholders and relevant State and local government authorities in writing.

The Department received a total of fourteen submissions in response to the proposal, including four public submissions objecting to the development and ten submissions from public authorities.

Copies of submissions may be viewed at **Appendix B**. A summary of the issues raised in submissions is provided below.

4.2. Public Authority Submissions

A total of ten submissions were received from public authorities comprising six submissions in response to the EIS, and four submissions commenting on the RtS. The issues raised by public authorities are summarised in the **Table 2** below. These issues raised have been addressed in detail in **Section 5** and/or by way of recommended conditions in the instrument of consent at **Appendix D**.

Table 2: Summary of public authority submissions

City of Sydney (Council)	
EIS	Council objects to the proposal noting key issues relating to potential future strata subdivision of the serviced apartments; built form, traffic impacts, car parking provision, public domain design, and noise impacts.

RtS	<p>Council maintains its objection to the proposal and notes the applicant has not responded to a number of Council's concerns satisfactorily. Council provided the following additional comments:</p> <ul style="list-style-type: none"> • the development should not be supported based on reliance on the previous approval for the site; • subdivision of public land into private ownership for serviced apartments is not supported noting Council' experiences with private owners utilising serviced apartments for long term residency despite any plan of management; • the built form requires improved modelling in form, footprint and general design; • there is continued traffic impact concerns regarding access, circulation and management of vehicles within the porte cochere, loading dock, on-site car stacker and Harbour Street access; • there is continued concerns regarding the public domain including encroachment of the proposal onto the public domain, pedestrian circulation and safety, and design; • the following additional reports/plans are required: <ul style="list-style-type: none"> ○ revised wind impact assessment assessing any outdoor seating proposed; ○ pedestrian plan of management; ○ public art strategy; ○ lighting impact assessment; and ○ waste management plan.
Transport for NSW (TfNSW)	
EIS	<p>TfNSW raised the following concerns with the proposal:</p> <ul style="list-style-type: none"> • clarification is required on the capability of the car stacker for use by both service vehicles and car park users including a car stacker management plan; • further assessment is required on the impact to taxi ranks, and the surrounding cycling network; • a road safety audit is required for the proposed access arrangements to the porte cochere and the car stacker; • an assessment of pedestrian capacity analysis is required during construction and future operation is required; • a traffic assessment of the Erskine Street intersection is required; • a dedicated area for the existing taxi rank should be accommodated within Wheat Road; • a detailed porte cochere/loading bay management plan is required to manage vehicle conflicts and the car stacker operation; and • an amended construction pedestrian and traffic management plan is required updating the construction program, cumulative construction impacts from nearby developments, potential impacts to traffic, pedestrian and public transport services.
RtS	<p>TfNSW raise concerns relating to vehicular access and has recommended conditions of consent to address these issues including:</p> <ul style="list-style-type: none"> • a Stage 2 road safety audit be prepared to issue of a construction certificate for the proposed access and circulation arrangements from Harbour Street prior to issue of a construction certificate; • further traffic modelling and assessment at the Erskine Street intersections; • written evidence from the car stacker supplier that 83 vehicles per hour for the car stacker can be achieved including any disruptions caused by service vehicle movements; • detailed analysis to the satisfaction of TfNSW and RMS to ensure that vehicular queuing will not extend onto Harbour Street for the car stacker; • amendments to the porte cochere design to incorporate the existing taxi rank into Wheat Road; • a detailed car stacker and loading dock management plan including: <ul style="list-style-type: none"> ○ management of queuing along Harbour Street in the case of malfunction of the proposed car stacker; ○ details of alternate car parking and loading zones to redirect vehicles during extensive queuing at the access to the car stacker and loading bays; ○ management of incidents at the access to the car stacker and loading bays; ○ details of vehicles accessing the loading bays including estimated number of movements and type of heavy vehicles;

	<ul style="list-style-type: none"> ○ loading dock management details including service vehicle movements during peak periods; ○ detailed swept path analysis of the service vehicles accessing the loading bays; ○ management of conflicts between cars accessing the stacker and vehicle movements to/from loading bays; ○ management of conflicts between vehicles accessing the site and pedestrian movements in the precinct; ● a construction pedestrian and traffic management plan to be prepared in consultation with the CBD coordination office and RMS; ● further pedestrian capacity analysis; and ● provision of bicycle and end of trip facilities.
Roads and Maritime Services	
RtS	<p>RMS comment that:</p> <ul style="list-style-type: none"> ● additional facilities should be provided to ensure pedestrians can safely traverse the driveway to access the crossing at Bathurst Street/Western Distributor; ● a loading dock and porte cochere management plan is to be submitted prior to the issue of a Construction Certificate; ● the performance of the two intersections of Shelley Street/ Erskine Street and Erskine Street/ Sussex Street should be assessed as part of the traffic impact assessment; and ● a Construction Management Plan to be prepared in consultation with the RMS and the CBD Coordination Office is required prior to the issue of a construction certificate.
Sydney Harbour Foreshore Authority (SHFA)	
EIS	<p>SHFA support the renewal of the IMAX site and provided the following comments:</p> <ul style="list-style-type: none"> ● the proposed serviced apartments and hotel accommodation within the valley floor of Darling Harbour may result in adverse amenity for future occupants noting the vibrant entertainment/recreation precinct. A time limitation should be imposed on the occupancy of serviced apartments or imposition of a covenant/restriction advising purchasers and occupiers on the potential amenity impacts of the precinct; ● the existing cabbage palms should be relocated in a scattered layout to maintain its original purpose of reducing the visual and physical impact of the overhead Western Distributor whilst integrating with the redeveloped public domain; ● an outdoor dining application should be lodged with SHFA to ensure no encroachment on pedestrian pathways; and ● a strategy should be submitted outlining the how the external cinema screen will be used and its intended purposes.
Heritage Council NSW	
EIS	Heritage Council NSW do not raise concern with the proposal and recommend conditions regarding reflectivity, conservation management, archaeology, and heritage interpretation.
Transgrid	
EIS	Transgrid advised that the proposal does not impact on Transgrid infrastructure.
Sydney Water	
EIS	Sydney Water advised that some existing infrastructure will require upgrading and recommended standard conditions of consent.
RtS	Sydney Water advised it will only consider building over a stormwater asset where there is an existing building over the asset and it is the only feasible solution for redevelopment of the site. Sydney Water requested a feasibility report demonstrating the options considered for diversion of the stormwater channel around the development.

4.3. Public Submissions

The Department received four submissions in response to the proposal. This includes a submission from the local member for Sydney, Alex Greenwich raising concerns about:

- two approvals for the site is inappropriate;
- excessive bulk and scale;
- view impacts;
- excessive car parking provision;
- traffic impacts;
- location of back of house facilities; and
- the commercialisation of the public domain through the City Screen.

Other issues also raised in public submissions include:

- overdevelopment of the site;
- construction impacts;
- need for additional cycling infrastructure;
- renewable energy sources such as solar and wind energy should be considered;
- public domain design;
- increased provision of vegetation required; and
- further consideration of upgrades to Druitt Street footbridge.

The Department has considered the issues raised in public submissions in its assessment of the proposal.

4.4. Applicant's Response to Submissions

As detailed in **Section 2.2** the RtS (see **Appendix A**), addresses all submissions received during the public exhibition and issues raised by the Department. Key changes proposed in the RtS include:

- amendments to the glazing line of the hotel lobby and internal layout changes to enhance the public domain and sightlines through the building;
- amendment to the corridor width at level 6;
- relocation of the Jay Flowers sculpture to the western side of the building;
- inclusion of signage zones;
- refinements to the design of two storey building to meet SHFA servicing requirements;
- clarification of façade materials and finishes;
- provision of outdoor seating for associated ground floor retail tenancies.
- amendments to bicycle parking and end of trip facilities;
- amendments to the waste room facilities;
- materials and finishes amended to comply with Cundall's Reflectivity Study;
- deletion of Druitt Street stairs and bridge upgrade from the proposal; and
- clarification that the proposal is for a 25 storey building whilst maintaining the maximum height, shape and general bulk from the approved development.

The Department is satisfied that the issues raised in submissions have been addressed through the RtS, this report and the recommended conditions of consent.

5. ASSESSMENT

Table 3 identifies the matters for consideration under Section 79C of the EP&A Act that apply to State significant development. Additional information and consideration is provided in further sections of this report and the relevant appendices or the EIS.

Table 3: Section 79C(1) Matters for Consideration

Section 79C(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Satisfactorily complies - see Appendix C
(a)(ii) any proposed instrument	Not applicable
(a)(iii) any development control plan	Not applicable*
(a)(iiia) any planning agreement	Not applicable
(a)(iv) the regulations <i>Refer Division 8 of the EP&A Regulation</i>	The development application satisfactorily meets the relevant requirements of the Regulation, including the procedures relating to Development Applications (Part 6 of the Regulations), public participation procedures for State Significant Developments and Schedule 2 of the Regulation relating to environmental impact statements.
(a)(v) any coastal zone management plan	Not applicable
(b) the likely impacts of that development	Appropriately mitigated or conditioned - refer to Section 5 of this report.
(c) the suitability of the site for the development	Suitable as discussed in Sections 3 and 5 of this report.
(d) any submissions	Refer to Sections 4 and 5 of this report.
(e) the public interest	Refer to Section 5 of this report.
Biodiversity values except if: (a) On biodiversity certified land (b) Biobanking Statement exists	Not applicable

* Under clause 11 of the SRD SEPP, development control plans do not apply to state significant development. Notwithstanding, consideration of relevant controls has been given in **Appendix C**.

5.1. Key Assessment Issues

As outlined in **Section 1.2**, the Commission has previously granted development consent for the redevelopment of the IMAX site and construction of a mixed use commercial development for office, retail and entertainment uses (SSD 5397).

This consent establishes the ribbon building (**Figure 5**), which was supported by the Department and the Commission. The proposal is largely a remodelled version of the ribbon building which has been amended to cater for the development and design needs of the proposed hotel and serviced apartment uses.

The majority of issues and impacts caused by the current proposal are materially the same as those already considered in the approval of the previous proposal. The Department has therefore focused its assessment on the key changes between the current proposal and the approved development. The Department considers the key issues to be:

- land use;
- built form;
- traffic, access, and car parking; and
- public domain.

Each of these issues is discussed in the following sections of this report. **Section 5.6** of the report discusses other issues that were taken into consideration during the assessment of the application.

5.2. Land Use

The proposal seeks to redevelop the site for hotel, serviced apartments, entertainment uses including an IMAX cinema and retail uses.

The previous approval allows development as commercial office, retail and entertainment uses. The current proposal seeks approval for a hotel on the eastern side of the ribbon building and serviced apartments on the western side.

The Department considers that the proposed hotel and serviced apartment uses are compatible with the existing and desired future character of Darling Harbour as a tourist and entertainment precinct. The proposal will contribute to the continued growth of Darling Harbour as an important tourist and entertainment precinct within Sydney.

Council objects to any potential subdivision of the serviced apartments which would allow for private ownership of public land. Council notes from experience that privately owned serviced apartments have been unlawfully occupied as private long term residences. This is undesirable as they are not subject to the same design requirements as residential apartments, in particular in relation to the SEPP 65 amenity standards.

While the proposal does not include strata subdivision, the applicant has noted the intent to strata subdivide the development in the future. The Department considers the serviced apartments can be strata subdivided as complying development pursuant to *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

The Department understands Council's concerns with regards to future strata subdivision of serviced apartments and has asked the applicant to provide further information to demonstrate how permanent residential use would be prevented within the serviced apartments, particularly in the event they are strata subdivided.

In response, the applicant contends that residential use is not intended and has submitted a plan of management for the hotel and serviced apartments demonstrating how permanent residential uses will be prevented. The plan notes:

- legal structures will be established to prevent residential use including the acknowledgement that residential use is prohibited in future sales contracts, lease restrictions, and covenants on title; and
- a single operator will be appointed for management of the hotel and serviced apartments and associated facilities. The operator will be able to influence usage to prevent long term residency within the hotel or serviced apartments.

As the landowner, SHFA has also advised the Department that any future lease including counterparties to leases, subleases or license will stipulate that 'residential accommodation' as defined in *Sydney Local Environmental Plan 2012* (SLEP 2012) is prohibited. Notwithstanding, SHFA have commented that a time limitation should be imposed on the occupancy of serviced apartments or imposition of a covenant/restriction advising purchasers and occupiers on the potential amenity impacts of the precinct.

The Department has discussed this issue with Council prior to lodgement of the application who advised that it does not impose time limitations on the occupancy of serviced apartments. Rather, Council's usual practice is to include a condition of consent preventing serviced apartments being converted to residential dwellings or other uses, and a covenant/restriction be imposed prohibiting residential or any other use of the site. The Department further considers that SHFA's request for the type of covenant/restriction advising purchasers and occupiers on the potential amenity impacts of the precinct can not be effectively imposed it provides no measureable restriction on the land.

The Department has also considered Council's concerns and the additional information from the applicant and concludes the serviced apartments are an acceptable land use on the site regardless of whether they are in single ownership or strata subdivided as:

- serviced apartments are a permissible use and compatible with the Darling Harbour precinct;
- satisfactory legal frameworks will be implemented to prevent residential use including lease restrictions, clauses within future sales contracts, and a covenant on title prohibiting residential use; and
- satisfactory management practices will be in place to prohibit residential use including a single operator to be appointed under a single Management Agreement to manage both the hotel, and serviced apartments and ancillary facilities.

Whilst this proposal does not seek approval for strata subdivision, the Department notes that strata subdivision and private sale of land on a 99 year lease is an established practice on SHFA and other government owned sites such as the residential towers currently under construction at Darling Square. Therefore, the Department considers it would be unreasonable to restrict future strata subdivision on the basis of Council's concerns.

Instead, the Department recommends a condition requiring a covenant be placed on any future strata subdivision to prohibit permanent residential use consistent with Council's standard practice.

5.3. Built form

5.3.1 Height, bulk and scale

The built form of the current proposal is largely consistent with the previously approved development and maintains the maximum height, shape and general bulk. The proposed asymmetrical ribbon form of the building provides the bulk of the building height and mass to the east, overhanging Harbour Street, and a cascading height falling down to the west. The western elevation and roof form is a sweeping curved structure which is intended to be interpreted as a twisted ribbon in the landscape.

The proposal includes a number of refinements to the building form, including:

- a more slender and curved north south building envelope;
- a reduced overhang on Harbour Street from 18.5 metres to 17.8 metres; and
- a reveal/cut out at the western elevation.

Whilst the proposed building retains a consistent form and presents no additional height, it accommodates five additional storeys through a reduction in floor to ceiling heights from the approved development. Notwithstanding, the proposed GFA is 19,854m² less than the GFA of the approved development (approved 74,731m²/proposed 54,877m²).

A comparison of the approved commercial building and the current proposal is provided in **Figure 10**. The two storey SHFA and amenities building is largely unchanged from the previously approved development.

Public submissions raise concerns about the height and bulk of the building, the impacts on Darling Harbour and the scale along the waterfront. In addition, Council raise the following concerns with the built form:

- the proposed overhang on Harbour Street may impact on private residences views to the south;
- level 1 should align with the ground floor footprint to reduce visual bulk and ensure sufficient height clearances for emergency vehicles; and
- the proposal is contrary to the planning principles within *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* (SREP 2005) with regards to built form and view impacts.

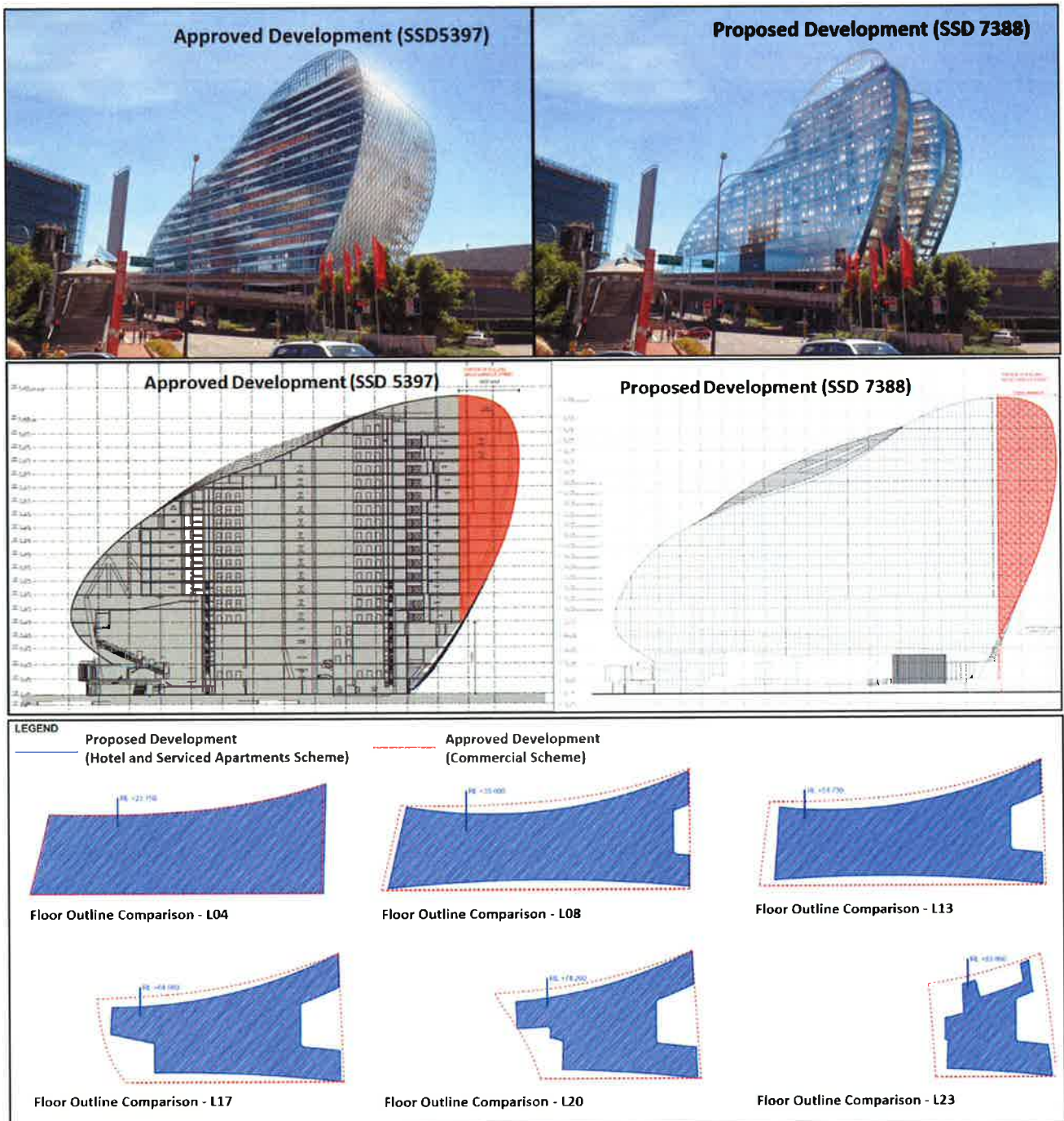


Figure 10: Comparison of approved (left) and proposed (right) redevelopments of the Imax site with overhang highlighted in middle image in red and comparative floor plates at different levels shown in last image.

The Department has carefully considered the issues raised in public submissions and by Council, noting that the overall bulk and scale of the proposal is consistent with the previous approval. The Department considers the built form of this proposal is acceptable for the following reasons:

- the Department and the Commission have previously supported the commercial building which would overhang above Harbour Street by up to 18.5 metres. The current proposal reduces the extent of the overhang by 0.7 metres to 17.8 metres. The Department supports the proposed overhang for the same reasons as the previous development which includes:
 - the overhang is an integral part of the architectural composition and iconic design of the building;
 - the absence of a defined building line in this location ensures the overhang and the building on the whole stand alone as a unique and identifiable landmark;

- the overhang would not result in any traffic or pedestrian safety issues;
- view impacts to private residences are reasonable and acceptable;
- the proposed footprint of level 1 remains consistent with the approved development. The enlarged footprint above the ground floor emphasises the curve of the building podium while maintaining an acceptable bulk noting the ground floor has a floor to ceiling height of approximately seven metres; and
- as discussed in **Appendix C**, similar to the approved development, the Department considers the proposal is consistent with the SREP 2005 as it will not affect the natural assets and unique environmental qualities of the harbour, will maintain public access to and along the foreshore, and provide an iconic building form which contributes to the unique visual qualities of the harbour.

The Department also notes the refinements to the building form (compared to the approved commercial building) will marginally reduce overshadowing and view impacts. In particular:

- the proposal will reduce overshadowing impacts to the Darling Quarter playground from 11% to 3% of the playground at 11am on June 21 (greatest overshadowing impact annually) and continue to have no impacts on Tumbalong Park, Exhibition Green or Village Green at any time of year; and
- view impacts to neighbouring residential and hotel development are the same or lesser than the approved development, which was considered acceptable by the Department in its previous assessment (**Appendix D**).

The Commission previously had concerns with the western extent of the two storey building footprint beyond the existing footprint of the SHFA building and amenities block which would potentially create a pinch point in the public domain impeding north-south pedestrian flows. The Commission subsequently imposed a condition requiring the footprint to be modified so it does not extend westward of the western alignment of the existing building.

Despite the Commission's previous determination, the proposal similarly seeks to extend beyond the existing footprint of the SHFA building and amenities block (**Figure 11**).

This is proposed on the basis that the depth of the footprint is required to accommodate tenancies that provide a continuous activated edge in alignment with the ground floor podium of the ribbon building.

The Department notes the existing public domain and footprint only allows for 13 metres of pedestrian circulation space when taking into the account the existing steps down to the building. The proposed circulation space between the two storey SHFA building and the playground edge ranges from 12.25 metres to 15 metres (**Figure 11**) which is only marginally (approximately 0.75m) less than the current circulation width between the bottom of the stairs and the existing Darling Quarter playground at its narrowest point. As outlined in **Section 5.5.1**, the western edge of the playground has been setback an additional 1.5 metres from the approved development, improving available circulation space.

Despite being inconsistent with the Commission's previous approval, the Department maintains its support of the two storey building footprint for the following reasons:

- the nearby Boulevard to the west within SICEEP has a width of 20 metres and has been designed to provide the main thoroughfare for north-south pedestrian movement through the precinct once completed;
- the Department's observation on site suggests the existing 13 metre width provides sufficient circulation space. The proposal will only result in a marginal loss of 0.75m in circulation width which will not result in a pinch point that impedes north-south pedestrian flows;
- the pedestrian pathway connection to the south at Darling Quarter is narrower than that provided (approximately 8.2 metres in width);

- as discussed in **Section 5.5.1**, the Department is satisfied that the pedestrian widths are adequate for pedestrian circulation noting the pedestrian width increases up to 27m towards Darling Harbour; and
- the footprint alignment supports a continuous and activated edge to the public domain at the ground level with the main building.

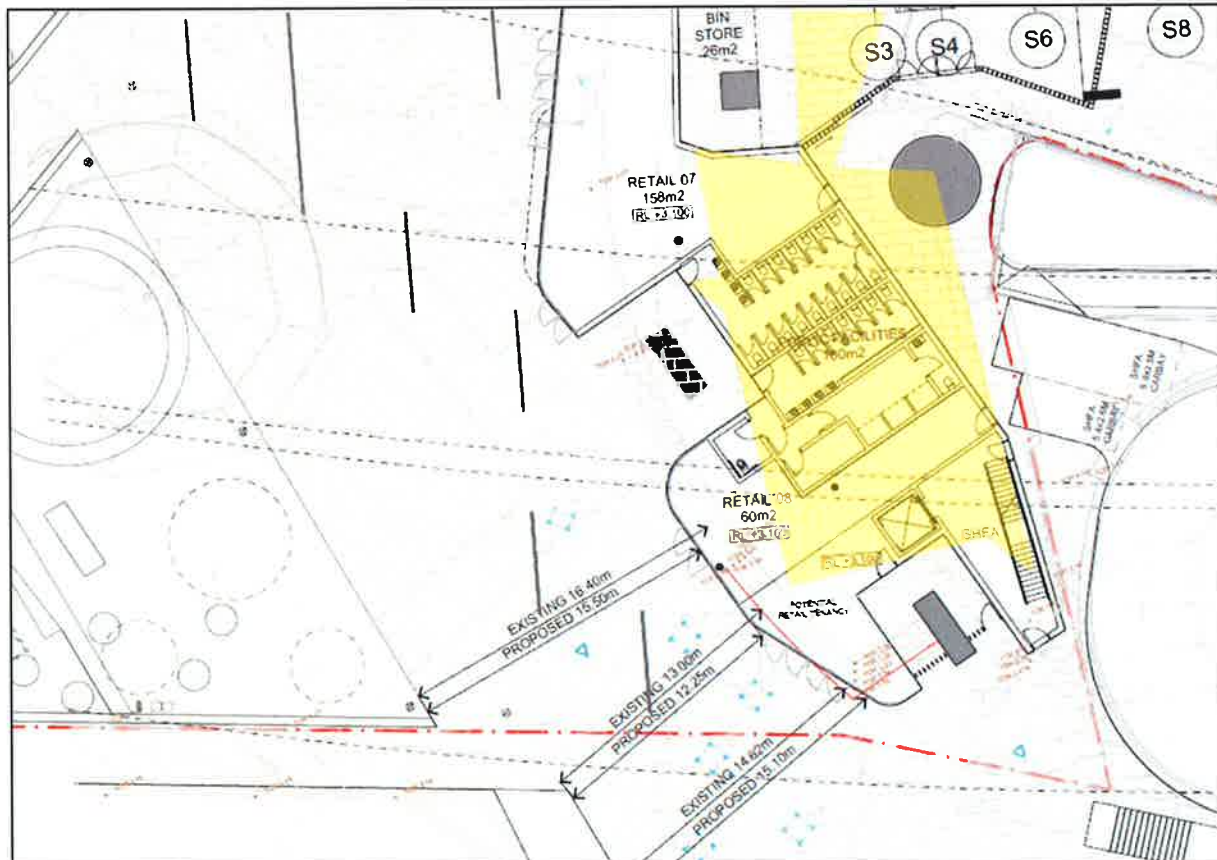


Figure 11: Circulation space between the playground and the proposed two storey SHFA building (approximate location of the existing SHFA building shown in yellow)

In conclusion, the Department is satisfied that the height, scale, bulk and form of the two buildings is an appropriate and acceptable response to the constraints of the site and surrounding built context. The proposal will have a distinct iconic and landmark quality which would positively contribute to the renewal of Darling Harbour.

5.3.2 Architectural Detailing and Materials

The building façade is divided into two distinct parts, the lower public domain interface below the Western Distributor road decks and the ribbon building form above.

At lower levels, the building provides a highly irregular footprint which presents a glazed façade curving out around the pylons beneath the Western Distributor. The southern side of the podium adjacent the lower freeway, and lower levels of the western façade of the ribbon building, will be clad with lower aluminium composite panels to screen car parking and services.

The upper building facade comprises clear glass within a high performance, triple glazed curtain wall system with louvered blinds. The glazed curtain wall is framed with silver aluminium. The roof, eastern and western elevations will consist of banded edges with modular metal panels comprising clear glass with horizontal silver louvres.

Key external changes to the architectural detailing and materials from the approved development include:

- silver aluminium framing and modular metal panels at the building edges of the eastern and western ribbon façade;
- louvres on the podium ground floor at the north, west and east;
- louvres on the eastern and western elevation along the cascading façade of the envelope; and
- two operable sky roofs on the western and eastern façade rooftop.

Council commented that the built form requires improved modelling to be more fluid and visually legible along the east-west façade and the peripheral edges should incorporate finer, curved, rounded details to reduce visual bulk. Council also noted the proposal should be amended to detail the variation in materials and finishes and its potential impact on the façade design, particularly the final glazing type for the main curtain façade noting this may impact on the permeability and ESD outcomes for the building.

The applicant provided further justification for the sharp edges to the reveal, rather than providing more rounded elements as suggested by Council. The applicant contends that the sharp edges accentuate the abstracted ribbon roof form to give the impression of a ribbon rolling up, over and wrapping around the building accentuating the building form and geometry, setting the building apart from other developments in Darling Harbour.

Further, the applicant notes the final glazing type will be carefully selected to ensure it achieves acoustic, reflectivity, visual and ESD criteria. In addition, the glazing type will be certified and the applicant has requested this certification be provided as a condition of consent.

The Department has considered Council's concerns and the justification provided by the applicant, and is of the view that the architectural design quality of the building is of a high standard and the building would potentially have a distinct iconic and landmark quality. The use of the horizontal louvres will articulate and differentiate the ribbon element of the building and further enhance the visual fluidity by highlighting the distinctly contoured form of the building. Further, the sharp edges along the north, south and eastern facades enhance the geometry of the distinct ribbon shape. The Department has considered Council's points regarding architectural detailing and considers that introducing more rounded details would be in contradiction to the ribbon element design principle diluting the uniqueness of the east-roof-west ribbon element.

The Department has considered Council's points surrounding the final materials and finishes, and recommends a condition requiring:

- the final glazing include certification of compliance that it can achieve acoustic amenity, reflectivity, and green star rating requirements; and
- the final glazing achieve a level of permeability consistent with the photomontages and materials and finishes shown in plans.

Overall the Department concludes that the combination of the unique massing form and architectural design quality provides an iconic development of landmark quality which achieves design excellence.

5.4. Traffic, Access and Loading, and Parking

The proposal provides 170 car parking spaces within a three storey car stacker to cater the hotel and serviced apartments. No parking is proposed for the retail and IMAX cinema components of the development. Five motorcycle spaces are proposed near the entry of the loading dock and car park.

The ground level car park and loading dock comprises two car stacker transfer bays and seven loading bays (consistent with the approved development). This includes:

- three loading bays for medium rigid vehicles (up to 8.8m in length);

- one loading bay for a small rigid vehicle (up to 6.4m in length); and
- three loadings bays for trade vehicles, vans and couriers (service vehicles).

A new porte cochere is proposed within Wheat Road as part of the hotel lobby forecourt for circulation of vehicles and allows for two vehicles to pass at key locations. The porte cochere includes a pick up and drop off area for general use and for valet service.

The proposed vehicular access and circulation, and car parking and loading dock design (**Figure 12**) makes a number of changes to the approved development including:

- provision of 84 additional car stacker spaces (from 86 to 170 car spaces);
- provision of two car transfer bays for the car stacker (one less);
- valet operation of the car stacker only; and
- new porte cochere and vehicular circulation at Wheat Road.

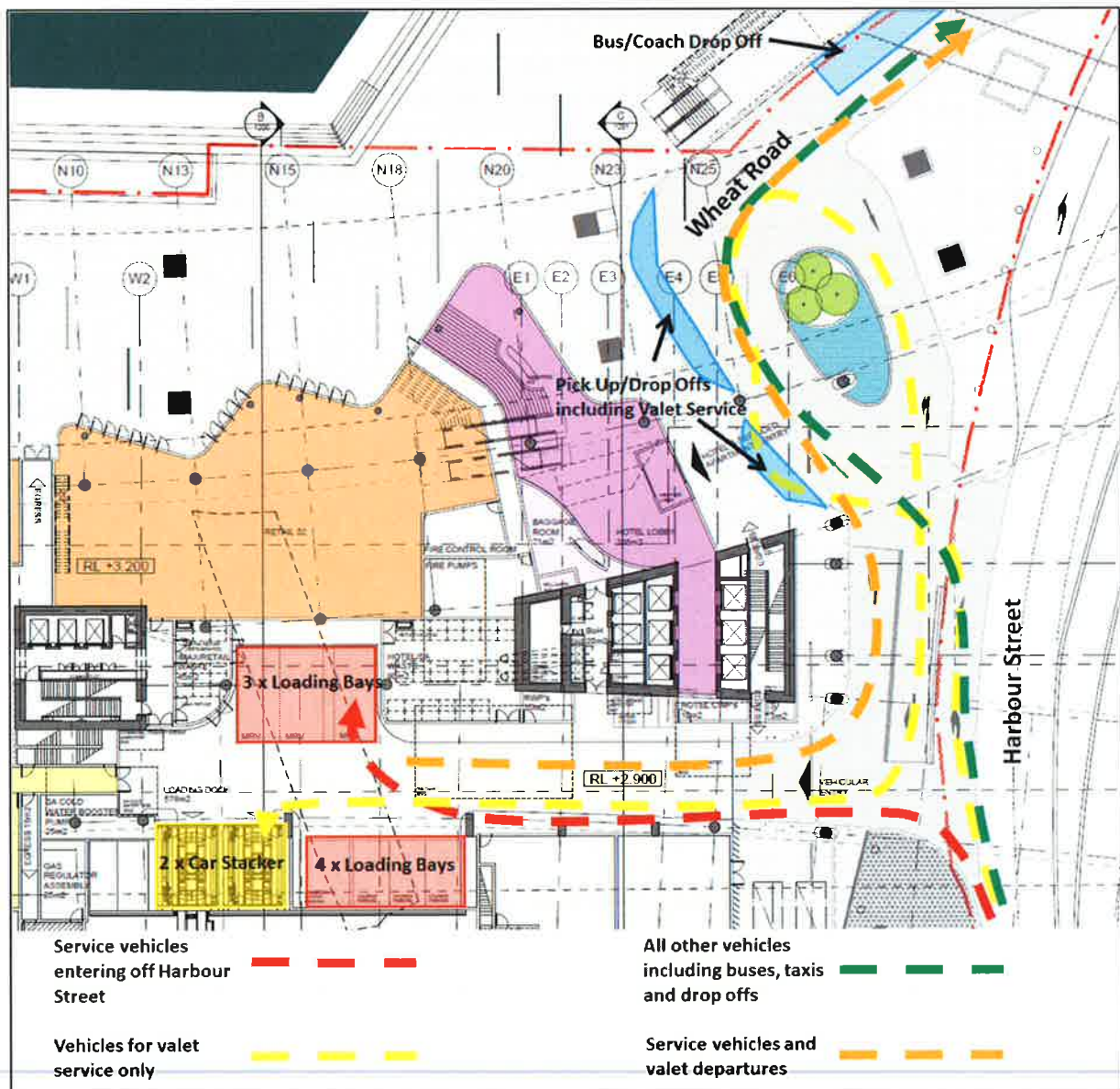


Figure 12: The proposed access and circulation paths for different vehicles navigating the ground floor car park and loading area, and the porte cochere drop off/pick up areas at Wheat Road, and car park/loading dock layout

The key issues in relation to traffic, access and loading, and parking are:

- traffic impacts on the road network;
- car parking and motorcycle parking provision;
- vehicular access, management and operation within the porte cochere, loading dock and car stacker; and
- bicycle parking.

5.4.1 Traffic impacts on the road network

The applicant submitted a traffic impact assessment (TIA) report prepared by GTA Consultants (GTA) which estimates the traffic generated by the development (approximately 75-120 vehicles per hour during the morning and afternoon peak period trips) is not expected to have a significant impact on the local road network, given the existing traffic volumes on Harbour Street (19,000 vehicles per day).

TfNSW and RMS have commented that the performance of the two nearby intersections of Shelley Street/ Erskine Street and Erskine Street/ Sussex Street require further assessment. In particular, TfNSW recommends a condition requiring an assessment be undertaken of the intersection performance prior to the issue of a Construction Certificate and any safety measures recommended in the assessment be implemented.

There are several large developments being constructed in Darling Harbour and Barangaroo which will cumulatively impact on surrounding intersections, including Shelley Street/ Erskine Street and Erskine Street/ Sussex Street. GTA note there is currently no reliable data publicly available to assess these impacts.

The Department notes the predicted traffic generated by the development is substantially less than the peak period trips anticipated for the approved development (approximately 60-95 vehicles less). This is despite an increase in car parking provision of 84 car spaces (from 86 car spaces to 170 car spaces). The decrease in traffic generation is a result of the proposed change in land use as hotels and serviced apartments have a much lower traffic generation than commercial office space, and have different peak periods as guest check in and out times generally occur outside of peak times.

Further, traffic generated by this proposal is limited compared to other developments in the vicinity of the site including the SICEEP and Barangaroo and is unlikely to have any additional capacity impacts (above that already approved). Notwithstanding, the applicant has agreed to undertake further traffic modelling at these intersections in consultation with TfNSW to establish the necessary data. The Department therefore recommends a condition that an amended TIA be submitted assessing the traffic impact at these intersections in consultation with TfNSW and RMS prior to issue of a Construction Certificate. The condition will require the applicant to consult with TfNSW and RMS and implement any recommended safety or efficiency measures.

5.4.2 Car parking and motorcycle parking provision

There are no car parking controls for the site in the Darling Harbour Development Plan. However, the Department notes that SLEP 2012 applies to land near Darling Harbour which allows for a maximum of 180 car parking spaces for the proposed hotel, serviced apartments and associated function centre and would require 14 motorcycle parking spaces. This does not include any car parking required for retail and office uses.

The proposal for 170 car spaces complies with the maximum 180 car spaces allowed and is deficient by nine motorcycle spaces.

Notwithstanding, Council does not support the provision of 170 car parking spaces for the development and requests that car parking be reduced to encourage more sustainable modes of travel. Council is concerned that 170 car parking spaces contributes to the requirement for an enlarged porte cochere which takes up additional public domain space and has the potential to

result in queuing onto Harbour Street. Council has not raised a concern regarding motorcycle parking.

The Department supports the provision of 170 car parking spaces and five motorcycle spaces for the following reasons:

- it is within the maximum rate that would be applicable for similar sites under Council's LEP;
- the proposed uses will have a lesser peak hour traffic impact compared with the approved development (60-95 less vehicles per hour during peak periods);
- the applicant has advised the porte cochere design and size is based on the demand from the hotel and serviced apartments including pick up and drop off, taxis, buses, coaches and valet service and a reduction in car parking provision would not affect its size;
- the size of the porte cochere and remaining public domain is satisfactory for pedestrian movement subject to a condition for footpath widths to be increased to a minimum of 4.5 metres as discussed in **Section 5.5**;
- the car stacker will be valet serviced only and managed by the hotel to minimise potential for delays and prevent queuing onto Harbour Street as discussed in **Section 5.4.3**; and
- there is limited area available within the confined car park and loading dock to provide additional motorcycle parking noting all car parking is provided via a car stacker. In addition, a large public motorcycle parking area is located further east at the entry to the Druitt Street footbridge on Sussex Street.

5.4.3 Vehicle access, management and operation within the porte cochere, loading dock and car stacker

As illustrated in **Figure 12**, vehicle access to the site is via northbound traffic at Harbour Street and vehicular circulation is proposed as follows:

- service vehicles will turn left off Harbour street with direct access into the loading dock area;
- all other vehicles will travel onto a left turn lane that can accommodate vehicles up to 8.8 metres in length (medium rigid vehicles) before turning into the porte cochere;
- vehicles entering the porte cochere will have priority over other vehicle movements within the porte cochere;
- vehicles can pick up and drop off passengers, and use the valet service for car parking from a dedicated lane which can accommodate up to four vehicles. The adjacent travel lane will be used as an additional pick up and drop off for additional capacity for eight vehicles during peak periods;
- a loop section and associated travel lane to be accessed by valet drivers only will allow valets to circulate the porte cochere in order to access the car stacker in the ground floor car park and loading dock;
- bus and coaches can travel through the porte cochere to park within the dedicated bus/coach parking area provided further north of Wheat Road; and
- all vehicles exit the site and the porte cochere via Wheat Road.

Council raise concerns in relation to access, circulation and management of vehicles onto the site, including:

- the capacity of the proposal to cater for vehicle access demands, noting the proposed car parking is excessive and exacerbates this demand;
- operation, navigation, circulation and safety to access the porte cochere area and basement car park/loading dock;
- potential for queuing on Harbour Street;
- vehicle entry speeds to the proposed porte cochere area given vehicle speeds and volumes on Harbour Street;
- conflicts between the car stacker and the loading area; and
- the need for a detailed cumulative management plan prior to approval addressing the operation and management of the car stacker, loading dock, and porte cochere.

TfNSW also raise concerns regarding vehicular access, car stacker and loading dock operation and impacts on the taxi rank. TfNSW recommends conditions of consent as outlined in **Table 2**.

In response, the applicant and GTA contend that the proposal, including the car stacker, porte cochere and loading area can operate without adverse impacts to Harbour Street as:

- the proposed car stacker is capable of transferring 83 vehicles per hour and is to be operated by valet only with drop off and pick up within the porte cochere bays on Wheat Road;
- the traffic generation rates during peak periods includes taxis and other vehicles for pick up and drop off which do not utilise the car stacker (peak car stacker usage of 46 vehicles per hour is predicted in the afternoon peak noting that the afternoon peak has greater traffic generation than the morning peak);
- noting that the afternoon peak has greater traffic generation than the morning peak, estimated queues to access the car stacker during afternoon peak are up to 4 vehicles (or 25 metres long) which can be accommodated within the site;
- further queuing capacity is provided if needed (six vehicles within the site and an additional maximum 15 vehicles within the porte cochere) without impacts on other porte cochere activity, buses and Harbour Street;
- servicing requirements in the loading dock will be scheduled outside of peak arrival hours to minimise potential conflict with vehicles using the valet serviced car stacker;
- service vehicles will be able to pass any queued vehicles in order to access the loading area. This will be possible noting the average processing times for car stackers of 28 seconds for parking and 16 seconds for retrieving; and
- the loading dock will be managed by an attendant who will assist in coordinating this and the car stacker.

GTA also note that a Stage 2 road safety audit is currently being undertaken which will inform the final detailed design and construction traffic management planning. The audit will be undertaken prior to the issue of a Construction Certificate. Further, a detailed management and operational plan for the car stacker and valet service, loading dock, and porte cochere will be developed and refined as part of design development with input from the future hotel and retail operators. The plan will address access and loading requirements of all tenants within the building and address any potential conflict between loading vehicles and car stacker queued vehicles to ensure they are managed appropriately. This would include scheduling service vehicles for loading and waste pick up to be undertaken outside of peak hours to limit potential conflict with the car stacker operation.

The Department has considered the concerns raised by Council and TfNSW and the applicant's response. The Department notes that requirement for the porte cochere is driven by both the drop off and pick up requirements for the hotel and serviced apartments and the valet service to the carpark stacker. Given the range of functions provided in this space, the Department acknowledges it will need to be carefully managed to ensure it operates efficiently and safely without adverse impacts to traffic on Harbour Street or pedestrian safety.

The Department also acknowledges Council's concern and agrees that unless properly managed, vehicular circulation has the potential to lead to conflict and delays. However, the Department also accepts it is not uncommon to have multi-function access space in higher density areas and that this may be managed in a way that ensures safety and minimises delays. The Department recommends the following conditions of approval prior to the issue of a Construction Certificate:

- a Stage 2 road safety audit be prepared and endorsed by the CBD Coordination office within RMS and TfNSW;
- preparation of a cumulative detailed management and operation plan for the car stacker, loading dock, valet service and porte cochere in consultation with Council, RMS and TfNSW and to be endorsed by the CBD Coordination office within RMS and TfNSW;
- requirement for way finding signage and visual cues for vehicles approaching and within the porte cochere to:
 - direct service vehicles only to turn left off Harbour Street straight into the loading dock;
 - prohibiting non service vehicles from entering directly via the entry off Harbour Street;

- direct general traffic towards the porte cochere;
- direct all service and non-service vehicles to exit north bound down Wheat Road; and
- plans demonstrating that with double parking against the drop-off/pick-up lanes in the porte cochere, a bus/coach will still be able to travel unimpeded north bound down Wheat Road without delay.

The Department notes TfNSW's recommendation for an amended porte cochere to incorporate a taxi rank. The Department considers this is not necessary noting the pick up and drop off bays would provide a similar function and the hotel could book taxis for hotel guests if required. Further, the Department notes the porte cochere is designed to its minimum size and any increase to incorporate a taxi rank would further impede on the public domain.

Subject to the above conditions, and the conditions recommended by TfNSW (with the exception of the taxi rank), the Department is satisfied that vehicular access and circulation around the porte cochere and car park/loading area can operate efficiently and safety and is unlikely to result in queuing onto Harbour Street.

5.4.4 Bicycle parking

The proposal provides a total of 295 bicycle spaces on the site including:

- 239 secure bicycle spaces provided internally with end of trip facilities including male and female change rooms, showers and lockers; and
- 56 visitor bicycle spaces provided within the public domain surrounding the site, with the potential to expand to 100 visitor bicycle spaces if required (**Figure 13**).

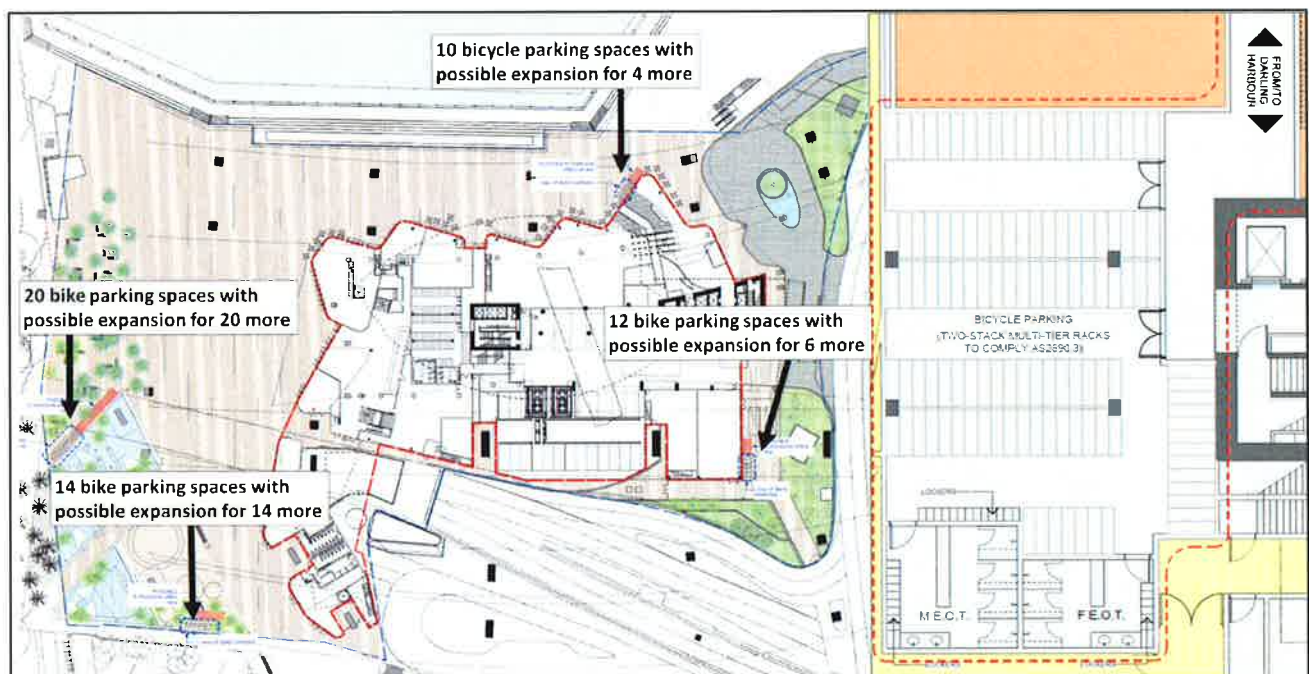


Figure 13: Extracts of proposed bicycle parking showing external visitor parking (left) and internal bicycle parking at the ground floor (right)

While *Sydney Development Control Plan 2012* (SDCP 2012) does not apply to the site, it provides relevant guidelines on bicycle parking provision within the surrounding area and recommends that 111-131 bicycle parking spaces and 130 visitor bicycle parking spaces be provided for the development (total 241-261 bicycle parking spaces). The Department supports the provision of a total of 295 bicycle spaces noting it exceeds the relevant guidelines and will promote a sustainable mode of travel.

The Department notes the 56 proposed visitor parking spaces component is deficient (74 visitor spaces less) but considers this is acceptable as:

- the provision of 56 visitor spaces is able to expand to 100 spaces within the public domain surrounding the building if required; and
- there is sufficient visitor bicycle parking provided within the wider Darling Harbour precinct as part of the SICEEP and Darling Quarter developments.

The proposal also includes a Green Travel Plan to be prepared in the future to encourage active and sustainable travel choices. The Department recommends that a condition be imposed that this plan include a monitoring requirement to enable the number of visitor bicycle spaces to be expanded in the future if the demand rises.

5.5. Public domain

Similar to the approved development, the site has a 'zone of influence' of 10,885m², which includes proposed works to upgrade and revitalise the surrounding public domain including:

- new paving and landscaping;
- new entry and street address for the hotel and serviced apartments from Wheat Road;
- new porte cochere and vehicular circulation route at Wheat Road;
- expansion of the Darling Quarter playground;
- relocation and upgrade to Palm Grove (group of Palm trees) including the "Jay Flowers" public artwork;
- creation of a new outdoor event space under the proposed "City Screen"; and
- through site connections to "The Boulevard" within SICEEP.

The proposed public domain works are generally consistent with the previous approval, in terms of the building footprint, pedestrian circulation space, the outdoor event space and City Screen, playground and connections to The Boulevard. There are however, a number of differences in the western and eastern portions of the site. The Department has considered these changes below.

5.5.1 Western public domain

The public domain to the west of the existing IMAX building is currently characterised by paved circulation areas, a carousel, palm trees, low concrete walls, seating areas, and event space.

The previous approval provides an upgrade of the public domain with defined spaces for:

- expansion of the Darling Quarter playground and carousel in the south-west corner of the site;
- passive seating within the raised turf area, Palm Grove;
- a raised deck for small event space and informal seating in the north-west corner of the site; and
- a City Screen on the western elevation of the building and large event space within the circulation area.

The proposal retains the key playground, landscaped, seating and event elements, however involves a number of refinements including:

- the raised deck and seating area in the north-west corner of the site has been removed to allow increased circulation space along with waterfront (from approximately 10.8 metres to 17.7 metres) and a larger flexible event space;
- Palm Grove is expanded and the raised turf area has been removed and replaced with paving to ensure continuation of the materials and levels to better connect with The Boulevard;
- the Jay Flowers artwork is located in a more prominent location within Palm Grove;
- the previously approved climbing net and climbing wall within the playground has been removed to increase connectivity to The Boulevard and maximise views through to the harbour; and
- the western edge of the playground has been set back by approximately 1.5 metres and the carousel relocated.

A comparison of the existing, approved and proposed public domain is provided in **Figure 14**.

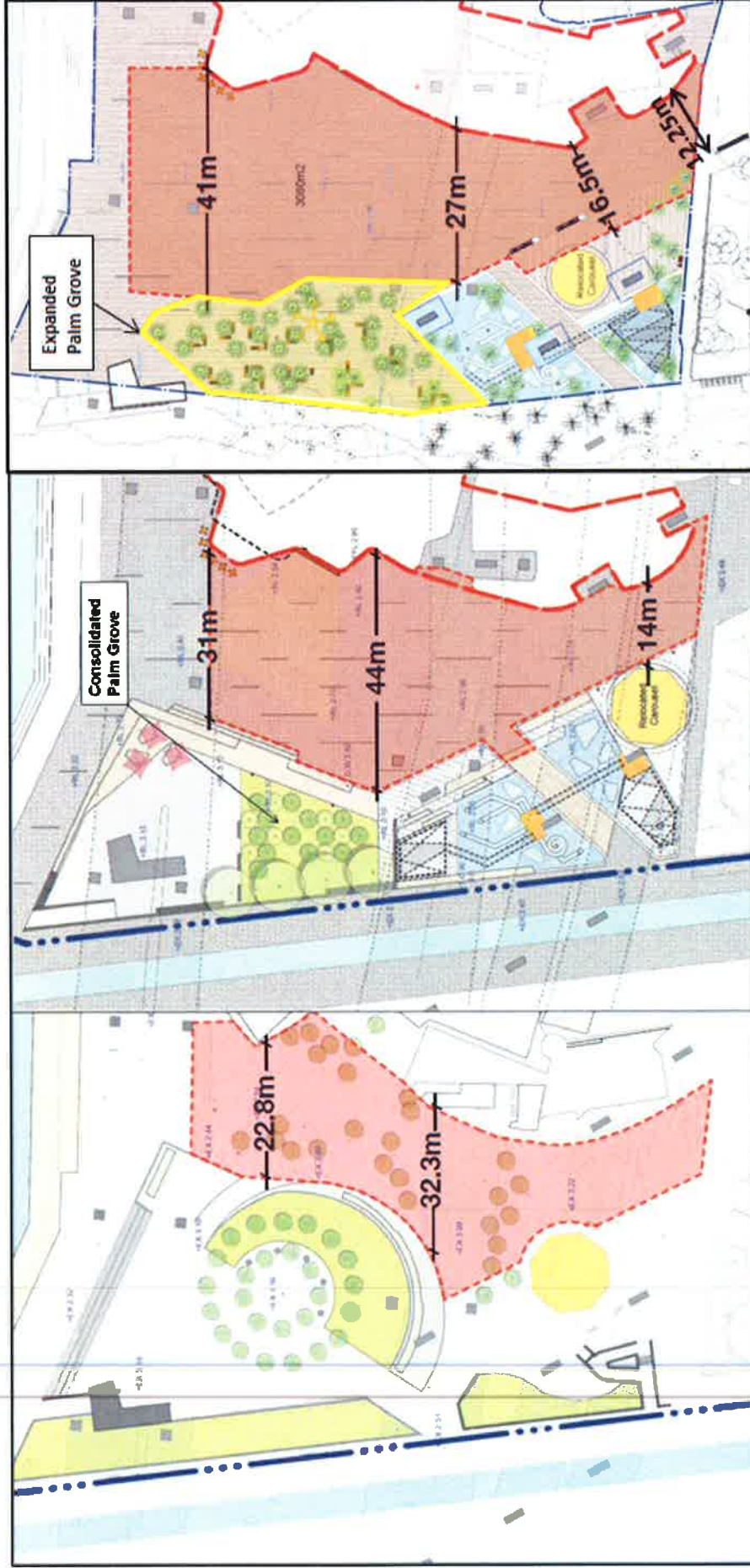


Figure 14: Comparison of the existing (left), approved (middle) and proposed (right) public domain upgrades and circulation areas to the west of the proposed building

Council raise concerns about:

- encroachment of the building into the public domain;
- the potential interference of pedestrian movements by a crowd gathered to watch the City Screen;
- integration of public art, including the Jay Flowers art work, into the landscape and architectural design; and
- the need for seating within the playground.

The Department has assessed the key changes and carefully considered Council's concerns and notes that:

- the encroachment of the building into the western public domain remains unchanged from the previous approval, with the exception of the two storey SHFA building (as discussed in **Section 5.3.1**);
- the circulation space between the proposed building and the playground and landscaped areas to the west of the site is the same or greater than the previous approval (15 to 35.6 metres), as the playground edge has been moved further west and the raised deck and turf areas have been deleted;
- the circulation space along the waterfront is increased from approximately 10.8 metres to 17.7 metres as a result of the removal of the previously approved raised deck;
- circulation space between the two storey SHFA building and the playground edge ranges from 12.25 metres to 15 metres (**Figure 11**) which is only marginally (approximately 0.75m) less than the current circulation width between the bottom of the stairs and the existing Darling Quarter playground at its narrowest point;
- the removal of the raised deck and turf area and the climbing net and climbing wall within the playground will enhance connectivity to The Boulevard with the SICEEP development allowing greater movement throughout the precinct without raised barriers and allow a larger and more flexible event space;
- the City Screen remains unchanged from the previous approval and is unlikely to have a significant impact on circulation around the building. The location and height of the screen will encourage viewing from a distant location in the north-western corner allowing for circulation to be maintained between the building and any crowd. The Department recommends a condition for a pedestrian management plan to be developed in consultation with SHFA to ensure that pedestrian circulation is not affected during special events;
- the expansion of Palm Grove to accommodate a larger area with approximately 70 palm trees (dependent on the health of existing trees and suitability for relocation) is significantly greater than the 20 palms previously proposed, and is consistent with the Department's previous recommendation to increase tree canopy cover throughout the site;
- the relocation of the Jay Flowers artwork from the traffic island to the east of the building to Palm Grove will enhance its prominence and fulfil its intended purpose as a meeting place in Darling Harbour. The Department recommends a condition for a public art strategy to be developed in consultation with Council and SHFA prior to the issue of a Construction Certificate; and
- there is adequate seating on the edges of the playground area and further north within the relocated palm grove event space to allow parents to supervise children playing in the playground area. The applicant has also committed to a condition of consent requiring seating areas be provided within close proximity of the playground to allow casual surveillance opportunities for parents and carers.

The Department concludes the public domain works to the west of the building will enhance visual permeability and way finding through the precinct. Additionally it will have a positive relationship and interface with the adjoining public domain in the Darling Quarter precinct and SICEEP, subject to conditions to ensure the palette of materials and finished ground levels provide a seamless transition between the three sites.

5.5.2 Eastern public domain

The public domain to the east of the existing IMAX building is currently used as a pedestrian and vehicular thoroughfare, without any particular recreation or public amenity purpose. The Western Distributor overpasses are a dominant visual feature in this space, which also comprises:

- a secondary public entry to the IMAX building;
- Wheat Road, which provides access to the existing building and bus and taxi drop-off/pick-up;
- the Jay Flowers sculpture within a landscaped traffic island;
- palm trees within existing paving; and
- the Sewerage Pumping Station No. 12.

The previous approval maintains the service function of this area with a new driveway providing access to car parking and loading areas, a paved forecourt in front of the commercial lobby, new paving and landscaping.

The key differences between the previously approved commercial building and the current proposal include:

- realignment and expansion of the Wheat Road bus and taxi drop-off/pick-up area to provide an enhanced porte cochere for the hotel and serviced apartment lobby; and
- realignment of the building footprint to accommodate internal changes to the lobby design and lift core.

A comparison of the approved and proposed public domain is provided in **Figure 15**.



Figure 15: Comparison of the approved (left) and proposed (right) public domain upgrades to the east of the proposed building including approximate pedestrian pathway widths

The proposed public domain plans also show the replacement of the existing DrUITT Street steps with an escalator which is outside of the lease area and zone of influence. The applicant has been

unable to obtain consent from the leaseholder of the site to undertake these works and has advised it no longer seeks approval for these works as part of this application. The Department therefore recommends a condition to clarify that the escalator does not form part of the approval.

Council raise concern about:

- the encroachment of the porte cochere and hotel entry into the public domain;
- reduced pedestrian circulation; and
- pedestrian safety and conflict between pedestrians and vehicles crossing the vehicle entry point and around the porte cochere area.

RMS also comment that additional facilities should be provided to ensure pedestrians can safely traverse the car park and loading dock driveway to access the crossing at Bathurst Street/ Western Distributor.

TfNSW recommends the applicant undertake pedestrian capacity analysis for the area to the north-east of the building where the available width for pedestrians is reduced, prior to the issue a Construction Certificate. TfNSW also recommends that management plans be prepared to address conflicts between vehicles accessing the site and pedestrian movements.

The Department has reviewed the changes in the eastern public domain and notes that the vehicular access, porte cochere, hotel lobby, footpaths and landscaping are all accommodated within a smaller space than provided for in the previous approval. The proposal maintains approximately the same amount of soft landscaping, however as a result of the larger porte cochere and additional area required for access into the car park, the minimum footpath widths are reduced from approximately 4.5 metres to 2 metres at its narrowest point as shown in **Figure 15**.

The Department has previously accepted that footpath widths of 4.5 metres are acceptable for the expected volume of pedestrians using this path. Further, this area serves primarily as a service area and will not provide the same level of amenity and connectivity as the primary connections through Darling Harbour located to the west of the building.

However, the Department agrees with Council's concerns about the further reductions to pedestrian circulation as a result of the enlarged porte cochere, the Western Distributor pylons and the potential for people to congregate outside the hotel lobby. The Department requested the applicant review the proposal in this location and seek to maximise the public domain.

The Department also requested the applicant provide further details of how safety and security will be ensured in the south eastern corner of the site.

In response, the applicant advised that the porte cochere has been designed to the minimum size required to accommodate the hotel and serviced apartment, taxi and coach access requirements, and cannot be reduced any further. However, the hotel and serviced apartment lobby has been redesigned and reduced to increase the space between the edge of the porte cochere and the hotel lobby and the clearance around the Western Distributor pylons (**Figure 16**).

The Department notes the improvements to the circulation width, compared to the original proposal, but still notes there are areas of footpath which are less than 4.5 metres in width.

Noting the hotel and serviced apartment use will generate higher volumes of drop off-pick up vehicle traffic and pedestrian circulation and activity, the Department maintains its position that all footpaths should be a minimum width of 4.5 metres consistent with the previous approval. This will ensure adequate circulation widths and pedestrian safety around the porte cochere and hotel lobby to minimise risks to pedestrian safety.



Figure 16: Redesign of the hotel and serviced apartment lobby in response to the Department's concerns (original proposal – left and refined proposal – right)

The Department therefore recommends a condition requiring amended plans demonstrating that the footpaths are a minimum of 4.5 metres in width, in conjunction with the pedestrian capacity analysis recommended by TfNSW.

In response to Council and RMS's concerns about conflicts between vehicles accessing the car park and loading dock driveway, and pedestrian movements, the Department considers the six metre wide driveway entrance, consistent with the previous approval, is an acceptable width to enable safe pedestrian movements. To further improve safety in this location the Department recommends conditions to ensure the footpaving material across the driveway is consistent with the footpath to provide a sense of priority to pedestrians in conjunction with appropriate signage or other visual cues to alert both pedestrians and vehicles of interface between the footpath and driveway. The required loading dock and car stacker management plans will also address conflicts between vehicle and pedestrian movements as discussed in **Section 5.4**.

The Department is also satisfied that the proposed crime prevention and safety measures, including lighting, low level planting, fencing and CCTV surveillance, will provide an appropriate level of safety and security around the inactivated edges of the building in the south eastern corner of the site. The Department also recommends a condition requiring the applicant to further develop crime prevention measures in consultation with NSW Police prior to issue of a Construction Certificate and implement these prior to occupation of the building.

5.6. Other issues

Issue	Assessment
Signage Zones	<p>As originally proposed (and exhibited) the application did not propose any signage zones. The applicant sought to include signage zones as part of the proposal in the RtS including:</p> <ul style="list-style-type: none"> • seven advertisement signs for IMAX; • two advertisements signs for tenants and sponsors; • two building identification signs; • a business identification sign for the hotel; and • nine business identification signs for the individual retail tenancies. <p>The Department has raised concern with the applicant in relation to the advertisement signs sought in the RtS. In particular:</p> <ul style="list-style-type: none"> • procedural (exhibition) requirements of <i>State Environmental Planning Policy No. 64 – Advertising and Signage</i> (SEPP 64) not being met; and • the size, location and potential adverse visual impacts of the advertisement signs on

	<p>the streetscape and passing traffic at the roadway.</p> <p>In response the applicant has sought to delete all advertisement signs from the proposal. The Department notes that the advertisement signs are still shown on plans and therefore recommends a condition requiring these signs be removed.</p> <p>The Department has considered the signage zones for the remaining two building identification signs, business identification sign for the hotel, and nine business identification signs for individual retail tenancies. The Department considers they are appropriately sized, positioned and proportioned in relation to the overall height and scale of the proposed building. An assessment against SEPP 64 is provided in Appendix C. On this basis, the signage zones are considered acceptable subject to a condition of consent requiring signage details be approved prior to any signage installation.</p>
<p>Dual Consent</p>	<p>A public submission raises concern in relation to the existing consent and that it should be relinquished prior to assessment and approval of the current proposal.</p> <p>There is no requirement within the EP&A Act prohibiting more than one consent on a site. The two developments are mutually exclusive and therefore could not be potentially developed in combination with one another. The Department is therefore satisfied that consent can be granted for the proposal without the need to relinquish the existing consent.</p> <p>The Department has assessed both the current hotel and serviced apartment proposal and the previous commercial development and is satisfied that both developments are acceptable in terms of built form, land use, public domain, traffic and amenity impacts. On this basis, the Department does not have concern with having dual consents for the site noting ultimately it is up to the landowner/developer to choose which consent they wish to act upon.</p>
<p>Reflectivity</p>	<p>The external elevations of the building are glazed which may cause reflectivity issues for pedestrians and vehicular traffic.</p> <p>The application was accompanied by a Reflectivity Study, which considers the impact of the building from four locations along the Western Distributor overpasses and on/off ramps and from four pedestrian view points along Cockle Bay wharf and Darling Quarter.</p> <p>SDCP 2012 requires visible light reflectivity from building materials used on the facades of new buildings should not be above 20%. However, given the amount of glazing proposed, and the sensitive location in terms of vehicular and pedestrian traffic, the Reflectivity Study recommends more stringent reflectivity requirements to mitigate any unacceptable reflectivity impacts including:</p> <ul style="list-style-type: none"> • a maximum visible light reflectivity of 15% be achieved on the northern and southern façade; and • a maximum reflectivity of 8% be achieved on the eastern and western ribbon façade. <p>Council in its submission commented that the proposal should detail the final glazing type for the main curtain façade noting in order to address reflectivity requirements, this may impact on the permeability and ESD outcomes for the building.</p> <p>The applicant has submitted further information outlining the future selection process for the final glazing type to ensure a high quality finish and permeability whilst achieving ESD, acoustic, and reflectivity targets (as recommended).</p> <p>The Department is satisfied that the more stringent reflectivity requirements will minimise issues for vehicles, pedestrians and occupants of surrounding buildings. Further, the Department is satisfied the selection process for the final materials and finishes, particularly the glazing will be consistent with the photomontages to ensure permeability, and achievement of ESD outcomes for the building. The Department recommends a condition requiring that the final glazing achieve these minimum requirements.</p>

<p>Heritage</p>	<p>The Department's original assessment of the approved development carefully considered the key heritage issues of:</p> <ul style="list-style-type: none"> • impacts on the Pymont Bridge; • archaeological heritage; • relocation of the Carousel and Organ; and • conservation of the Sewerage Pumping Station No. 12. <p>The current proposal is unlikely to cause any additional impacts to heritage compared with the impacts assessed for the approved development. The Department notes that:</p> <ul style="list-style-type: none"> • both the approved development and the proposal will alter the views to and from Pymont Bridge, however it is not expected to reduce the heritage significance of the bridge, due to its separation distance from the bridge; • there is limited potential for the site to contain Aboriginal Archaeological evidence given the majority of the site is reclaimed land which occurred after 1830. Notwithstanding, as introduced fill may contain isolated Aboriginal artefacts, and a small part of the site forms the previous harbour shoreline, the applicant has committed to undertake an Aboriginal Due Diligence assessment. The Department supports this commitment and the approach to Aboriginal archaeology and has recommended appropriate conditions; • the proposed new location for the State heritage listed Carousel and Organ will have a better relationship with both the proposed playground facilities within the western public domain and the existing Darling Quarter Playground. The Department recommends conditions for the submission of a methodology to disassemble and relocate the Carousel and Organ to the Heritage Council NSW for approval prior to commencement of works and archival recording of the Carousel and Organ be undertaken prior to their relocation; • the applicant's heritage consultant has recommended that conservation works to the Sewerage Pumping Station (SPS) No. 12 be incorporated into the current proposal. The Heritage Division also considers that conservation works should be undertaken as part of the current proposal including a structural condition assessment. The Department recommends appropriate conditions accordingly; <p>Heritage Council NSW recommends that an Interpretation Plan for the site be prepared in line with an overall Interpretation Strategy for the broader SICEEP. The Interpretation Plan should incorporate historical information about the cultural and natural history of the site including existing heritage items on site, and any potential archaeological results and findings.</p> <p>Heritage Council NSW also recommends conditions surrounding conservation management, archaeology, and heritage interpretation. The Department recommends these as conditions of consent.</p>
<p>Wind Assessment</p>	<p>Council note in their submission that plans show outdoor seating at the frontage of retail tenancies and raise concern that the wind impact assessment indicates these areas are only suitable for 'standing' or 'walking'. Council suggests that any wind-proof elements be designed as an integrated architectural/ landscape element.</p> <p>The applicant has subsequently submitted a revised Wind Impact Assessment which recommends that satisfactory seated amenity can be achieved subject to installation of portable planters in outdoor seating areas. Further the wind impact assessment finds:</p> <ul style="list-style-type: none"> • wind conditions as a result of the proposal will achieve the recommended walking criterion in all ground level areas and exceed the recommended criterion for standing for some wind directions at the entrance areas; and • a wind tunnel test is recommended to determine the optimal wind control and operational solution for standing/sitting comfort and should be completed prior to the commencement of works. <p>Outdoor seating does not form part of the proposal but the applicant has advised it will lodge outdoor seating applications with SHFA depending on future tenancy needs. The Department is satisfied that wind impacts can be mitigated to achieve a reasonable level of amenity based on the proposed design. Consistent with the recommendations of the Wind Impact Assessment, the Department recommends a condition requiring a detailed wind impact assessment incorporating wind tunnel testing be completed prior to the issue of a</p>

	<p>Construction Certificate and includes adoption of any recommended changes. Where the recommendations include additional measures on the building facades, a statement from the architect is required certifying that the mitigation measures have been integrated into the design of the building and maintains the integrity of the facades and overall building design.</p>																								
<p>Ecological Sustainable Development</p>	<p>Both the approved and proposed development have targeted various green star building and NABERs energy and water rating as part of the ESD initiatives. These are summarised below in Table 4.</p> <p>Table 4: Summary of approved and proposed ESD ratings</p> <table border="1" data-bbox="368 539 1465 1160"> <thead> <tr> <th rowspan="2"></th> <th colspan="2">Approved Development</th> <th colspan="2">Proposed Development</th> </tr> <tr> <th>Targeted</th> <th>Approved minimum</th> <th>Targeted</th> <th>Recommended Minimum</th> </tr> </thead> <tbody> <tr> <td>Green Star</td> <td>6 star Green Star - Office Design (v3) rating and 6 star Green Star - Office As-Built (v3) rating</td> <td>5 star Green Star - Office Design (v3) rating and 5 star Green Star - Office As-Built (v3) rating</td> <td>5-Star Green Star - Design and As-Built v1 rating</td> <td>5-Star Green Star - Design and As-Built v1 rating</td> </tr> <tr> <td>NABERs energy rating</td> <td>5 star NABERS Energy base building rating</td> <td>4.5 star NABERS Energy base building rating</td> <td>4.0-4.5-Star NABERS Energy rating for the hotel</td> <td>4.0 Star NABERS Energy rating for the hotel</td> </tr> <tr> <td>NABERs water rating</td> <td>N/A</td> <td>N/A</td> <td>3.0-3.5-Star NABERS Water rating for the hotel</td> <td>3.0 Star NABERS Water rating for the hotel</td> </tr> </tbody> </table> <p>The proposed green star rating and NABERs energy rating is one star lower and potentially half a star lower, respectively, than the targets of the previous commercial development. The applicant's ESD report provides the following justification for the revised ratings:</p> <ul style="list-style-type: none"> the current proposal seeks to use the new version of the green star rating tool "Green Star Design & As-Built v1", which has raised the green star rating benchmarks from the original star rating system; the proposed use as hotel, serviced apartments and retail has higher energy and water requirements including heated swimming pools, commercial kitchens and a high volume of hot water demand. The new targets are equivalent to previously approved targets for the commercial office scheme; there are currently no known green star certified hotels in the world noting the green star rating is an Australian system; and there are currently 12 NABERS energy rated hotels in the world (NABERS is an Australian rating tool) which range from 2.5 to 5 energy stars. Some of these have NABERS water ratings which range from 2.5 to 4 energy stars and within the 5 Star hotel category, the highest energy rating achieved is 3.5 Stars. <p>The Department accepts there is a practical difference in the use of NABERs and Green Star ratings in respect of the differing uses. Further it notes the proposed ratings are equivalent or higher than other major hotels assessed by the Department (ICC Hotel at Darling Harbour and Crown Hotel at Barangaroo) The Department is satisfied the change in targeted green star as built rating is acceptable. The Department considers it appropriate to require achievement of the 5 star green star design and as built rating in accordance with the new green star tool. Further, the Department is satisfied the targeted NABERs energy and water rating is amongst the top spectrum for hotel developments. The Department has recommended conditions accordingly.</p>		Approved Development		Proposed Development		Targeted	Approved minimum	Targeted	Recommended Minimum	Green Star	6 star Green Star - Office Design (v3) rating and 6 star Green Star - Office As-Built (v3) rating	5 star Green Star - Office Design (v3) rating and 5 star Green Star - Office As-Built (v3) rating	5-Star Green Star - Design and As-Built v1 rating	5-Star Green Star - Design and As-Built v1 rating	NABERs energy rating	5 star NABERS Energy base building rating	4.5 star NABERS Energy base building rating	4.0-4.5-Star NABERS Energy rating for the hotel	4.0 Star NABERS Energy rating for the hotel	NABERs water rating	N/A	N/A	3.0-3.5-Star NABERS Water rating for the hotel	3.0 Star NABERS Water rating for the hotel
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<p>Mechanical ventilation and exhaust for future restaurant tenancies</p>	<p>Council raise concern that provision needs to be made for kitchen exhaust air discharges from future food premises within the podium to be expelled from upper levels of the building so that satisfactory amenity may be provided. Failure to do so may result in limitations on the types of food premises that may occupy lower podium levels, including limitations on types of food prepared.</p> <p>The applicant has submitted a plan showing future mechanical exhaust systems within retail tenancies in the podium will gather to a central location and be expelled from the upper levels of the building.</p> <p>The Department notes that a separate development application will be required for the first use and fitout of these spaces and is satisfied that consideration has been given to the required mechanical ventilation and exhaust system for future food premises within the retail tenancy.</p>
<p>Waste Management</p>	<p>Council initially commented that insufficient information has been provided in relation to operational waste management collection and traffic arrangements for this collection. Further, Council have noted through discussions that is unclear how the single 40m² waste room will meet the waste needs for the entire building.</p> <p>The applicant subsequently amended the proposal to provide two waste rooms within the ground floor including a 45m² waste room for IMAX and retail tenancies, and a 90m² waste room for hotel and serviced apartments.</p> <p>The Department notes operational waste requirements will be further developed and refined as part of design development with input from the future hotel operator. The Department is satisfied the larger rooms provided can be made adequate for waste storage and the future operations can manage the frequency of waste collection. Similar to the approved development, the Department recommends a condition requiring submission of an operational waste management plan prior to the issue of an Occupation Certificate.</p>
<p>Acoustic Amenity</p>	<p>The proposed hotel and serviced apartments are located within a tourist and late night entertainment precinct and also adjoins heavily trafficked roads.</p> <p>Council comment the noise impact assessment does not provide a detailed assessment against general noise impacts associated with the tourist and entertainment precinct. In the absence of this, Council recommended that the Department should be satisfied the proposal is able to achieve Council's standard noise condition for entertainment venues.</p> <p>The noise impact assessment prepared by Acoustic Logic and submitted with the RtS notes the building has been carefully designed to mitigate acoustic impacts from the adjoining roadways. This is sufficient to mitigate any potential impacts from surrounding entertainment venues noting the noise from the roadways is louder than any noise from entertainment venues. In relation to internal noise sources, the acoustic requirements of the proposed IMAX theatre, function spaces and retail areas have been incorporated into the design of the building. The relevant acoustic criteria will easily be met for the hotel rooms and serviced apartments.</p> <p>The Department notes the hotel accommodation and serviced apartments would be susceptible to the following noise sources:</p> <ul style="list-style-type: none"> • external noise from adjoining entertainment venues including night clubs and future SICEEP core facilities and major events; • external noise from adjoining road ways; and • internal noise from other uses and plant within the development. <p>An amended acoustic assessment report was submitted in the RtS assessing external noise sources within the precinct and adjoining roadways. The assessment notes that noise from the adjoining roadways is higher than any other noise sources within the tourist and entertainment precinct and the recommended levels of glazing thickness to all facades will achieve high noise attenuation levels capable of meeting relevant acoustic criteria.</p>

	<p>Notwithstanding, the Department considers that major events have the potential to generate noise above usual standards. The Department recommends that a further noise impact assessment is undertaken assessing the internal acoustic amenity of the hotel and serviced apartment uses having regard to internal and external noise sources including major events and if necessary further measures be implemented to ensure an acceptable level of acoustic amenity is provided in accordance with the <i>NSW Industrial Noise Policy, Interim Guidelines for Development near Rail Corridors and Busy Roads</i> and relevant Australian Standards.</p>
<p>Stormwater Infrastructure</p>	<p>The site contains two stormwater channels/culverts. The Hay Lackey Channel lies underneath the existing IMAX building and will also be located beneath the proposed new building. The Southern Outfall Culvert is currently within the public domain, however will be partially covered by the north-west corner of the proposed building.</p> <p>Sydney Water has advised that it is possible to build over a stormwater asset where there is an existing building located over the asset, and where it is the only feasible option to facilitate the reasonable redevelopment of the site. In this case, as the Hay Lackey Channel passes through the centre of the site, and under the existing building, it is possible to build over the channel in accordance with Sydney Water's policy.</p> <p>Sydney Water has provided a number of requirements to ensure the proposal does not interfere with the operation and accessibility to the stormwater assets; including:</p> <ul style="list-style-type: none"> • determine feasible options to deviate stormwater access around the building; • provide a Stormwater Impacts Report; and • investigate the condition of the assets to determine if deviation or reconstruction is necessary. <p>Consistent with the previously approved development, these requirements have been included as recommended conditions of consent to be satisfied prior to issue of a Construction Certificate.</p>
<p>Stormwater Quality</p>	<p>Council raise concern the proposal does not demonstrate how stormwater quality will be achieved in accordance with SDCP 2012 requirements.</p> <p>The applicant notes that Water Sensitive Urban Design measures have been incorporated to ensure water quality leaving the site meets SDCP 2012 requirements. Further, best practice principles including rainwater harvesting and reuse, will be incorporated in an Integrated Water Cycle Management Plan to be submitted prior to commencement of construction.</p> <p>The Department is satisfied the 5 star green star building is capable of achieving the stormwater quality requirements of SDCP 2012 and accordingly recommends a condition requiring compliance with stormwater quality requirements in accordance with SDCP 2012.</p>
<p>Hotel, Serviced Apartments and IMAX Cinema Operation</p>	<p>Council has requested a plan of management be submitted for the hotel, serviced apartment and associated hotel bar and function centre.</p> <p>The applicant has responded that the operational requirements will be further developed and refined as part of design development with input from the future hotel operator. The applicant requests the plan be required as a condition of consent prior to the commencement of above ground works.</p> <p>The Department notes that details of the operation and fitout of the hotel, serviced apartments and IMAX cinema have not been provided with the proposal. The Department therefore recommends a condition requiring a separate application be lodged for the operation and fitout of the hotel, serviced apartments and IMAX cinema.</p>
<p>Lighting</p>	<p>Council has requested a lighting impact assessment be undertaken noting the scale of the building and expansive glass façade at the northern and southern facades.</p>

	<p>The applicant has responded that a lighting impact assessment is not necessary noting the glazing to the northern and southern facades is above the Western Distributor overpass which generates higher levels of lighting pollution than the proposed building.</p> <p>The Department notes the nearest residential development is located approximately 150 metres to the south east and the proposal is similar to surrounding developments with glazing and general lighting including the currently under construction SICEEP buildings and nearby commercial office buildings. The Department therefore considers that a lighting impact assessment is not necessary.</p>
Air Quality	<p>The applicant has undertaken an Air Quality Assessment given the proximity of the building to the Cross City Tunnel stack plume (being 10 metres at its closest point). This assessment notes the stack plume does not cause air quality risks at levels below 60 metres (above ground level). Above 60 metres, the air quality is reduced as a result of the stack plume. It is therefore not appropriate to locate any balconies, terraces, operable windows or air intakes for the building above a height of 60 metres.</p> <p>The Department has reviewed the applicant's Air Quality Assessment and considers the proposal is acceptable, subject to the imposition of conditions to ensure the building does not include balconies, terraces or operable windows above a height of 60 metres, and the air intakes for the building are also located below 60 metres above ground level.</p>

6. CONCLUSION AND RECOMMENDATION

The Department has assessed the merits of the proposal taking into consideration the issues raised in all submissions and is satisfied the impacts have been satisfactorily addressed within the application and Department's recommended conditions.

The proposal will have a number of significant positive economic, social and environmental benefits including:

- strengthening the role of Darling Harbour as a tourist attraction and complementing the revitalisation of the precinct in association with the SICEEP;
- providing a potentially iconic landmark building; and
- enhancing the public domain by improving its functionality and creating seamless connections to adjacent sites.

The Department considers the proposed hotel and serviced apartment uses are compatible with the existing and desired future character of the Darling Harbour tourist and entertainment precinct.

The built form of the proposal is largely consistent with the previously approved commercial building. The Department considers the proposed height, scale and bulk of the building has responded to the constraints of the site, the surrounding built context and the changing character of Darling Harbour. It will also result in a building which achieves design excellence and potentially an iconic landmark status.

The Department is satisfied that traffic and access can be appropriately managed. This will be confirmed through a management plan and Stage 2 road safety audit to be prepared in consultation with Council, RMS and TfNSW and submitted to TfNSW and RMS for approval prior to the issue of a Construction Certificate.

The proposed public domain upgrade around the site will also enhance the function and purpose of the spaces to the east and west of the building, improve pedestrian amenity and circulation and create seamless connections to adjacent sites, subject to conditions.

Ecologically sustainable development, signage, heritage impacts, reflectivity impacts, waste management, lighting, air quality and stormwater aspects of the proposal have also been carefully considered and can be satisfactorily addressed through recommended conditions of consent.

Subject to recommended conditions, the Department considers the proposal is in the public interest and recommends the application be approved.

It is **RECOMMENDED** that the Planning Assessment Commission:

- **note** the information provided in this report;
- **approve** the development application, subject to recommended conditions; and
- **sign** the attached consent instrument (**Appendix E**).

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Key Sites Assessments



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