

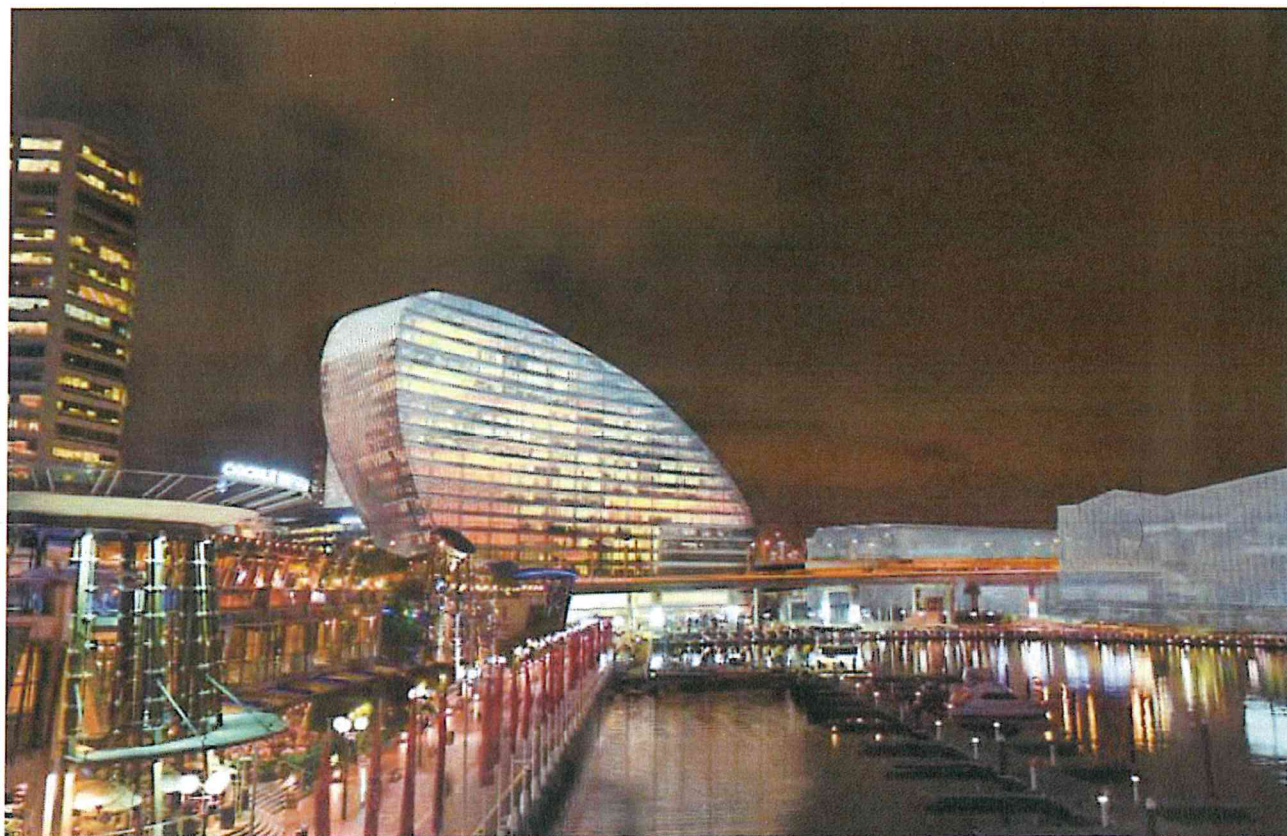


Planning &
Environment

ADDENDUM REPORT:

***State Significant Development Application
Redevelopment of the IMAX building and
surrounding public domain, Darling Harbour***

(SSD 5397)



Secretary's
Environmental Assessment Report
Section 79C of the
Environmental Planning and Assessment Act 1979

June 2014

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NSW Department of Planning & Environment
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BACKGROUND

Grocon Pty Ltd (the applicant) seeks development consent for demolition of the existing IMAX building, tourist office and amenities block, and construction of a new 20 storey building and a separate 2 storey building accommodating office, retail and entertainment uses at Darling Harbour.

The application has been assessed by the department. The Secretary's Environmental Assessment Report, dated April 2014, provided a comprehensive assessment of the environmental impacts of the development and recommended approval of the proposal, subject to conditions.

The application was referred to the Planning Assessment Commission (PAC) on 3 April 2013. After the application was referred to the PAC, the department became aware that the application did not correctly identify the land to which it applied.

The applicant wrote to the department on 13 May 2014 seeking to amend the application to more clearly identify the land to which it applies. The applicant also sought that the application be re-exhibited for a period of 14 days.

On 13 May 2014, the PAC also returned the application to allow the department to:

- readvertise and renotify the application; and
- seek further comment from the Roads and Maritime Services in respect of potential impacts on the operation of the Cross City Tunnel Ventilation stack (as this issue has been identified by the PAC in its assessment to date).

The department readvertised the application between 21 May 2014 and 4 June 2014 and re-notified nearby residents by letter. The department received three public submissions, all objecting to the proposal.

The department also requested that the RMS provide further consideration of any potential impacts of the proposed development on the operation of the Cross City Tunnel Ventilation stack. The RMS made a submission to the department on 3 June 2014.

This addendum report provides consideration of the abovementioned submissions.

DEPARTMENT'S CONSIDERATION OF ISSUES

Built form

The three public submissions raised concerns about the height of the proposal and its relationship to the existing low rise development in Darling Harbour.

The department carefully considered the height, scale and bulk of the development in **Section 5.2** of its original Assessment Report. The department remains satisfied that the proposed height and form of the proposal provides an appropriate response to the high rise developments at the fringe of the CBD to the east of the site, and the lower scale development in Darling Harbour to the west. The proposed unique and asymmetrical design of the building will result in a building of potentially iconic landmark status in Darling Harbour.

View loss

One submission raised concerns about view loss from Millennium Towers, apartments in Dixon Street and apartments above Paddy's Markets. The department's original Environmental Assessment included a careful assessment of private view loss impacts in **Section 5.3**. The department considered that the proposal will affect private views from a number of buildings to the east and south of the site. Views over Darling Harbour from apartments on the north-west

corner of the Millennium Towers apartment complex will be impacted by the development, however the department notes that these apartments (and other apartments within the complex) have alternate views to the west which are not impacted on by the proposal. As outlined in the department's original assessment, the extent of impact to apartments ranged from minor to significant depending on the location of the apartment and on which level it is situated.

The department also considered the view loss impacts to the Emporio Apartments and the Parkroyal Hotel. This assessment concluded that apartments located in Dixon Street and above Paddy's Markets are located some distance from the proposal and that this distance will ensure that a suitable level of outlook is maintained.

On balance, the department considered that impacts on views, balanced against the public benefits of the proposal, are reasonable and acceptable. The complete preservation of private views is considered unsustainable given the CBD fringe location of the site.

Overshadowing

One submission was concerned about the additional overshadowing in the morning. The department considered the overshadowing impacts of the proposal in **Section 5.3.2** of its original assessment report. The department notes that the nearest residential properties are situated approximately 160 metres to the east of the site, and given the separation between the sites will not be affected by the shadow cast by the proposed building. The department remains satisfied that the overshadowing impacts of the proposed development are acceptable.

Noise, rubbish and general disturbances

One submission raised concerns in relation to noise, rubbish and general disturbance in Darling Harbour, in conjunction with the current demolition and redevelopment of the convention and exhibition centres.

The department has recommended that standard conditions of consent be imposed to minimise disturbances during demolition and construction. This includes the preparation of a Construction Environmental Management Plan, Construction Noise and Vibration Management Plan, Construction Traffic and Pedestrian Management Plan and Waste Management Plan. The department has also recommended that all demolition and construction be undertaken in accordance with the City of Sydney's standard construction hours.

The department is satisfied that the recommended conditions of consent provide appropriate measures to minimise disturbances during demolition and construction.

Cross City Tunnel Ventilation (CCTV) stack plume

The proposed building is located adjacent to the CCTV stack plume. The submitted Air Quality Assessment Report provides an assessment of the impact of the CCTV stack plume on the proposed development.

However, the assessment did not consider the potential of the proposed development to influence the CCTV stack plume behaviour and potential for elevated pollution levels at ground level.

The RMS has recommended that a wind tunnel or Computational Fluid Dynamics (CFD) study should be conducted to examine the potential for the proposed building to adversely influence the CCTV stack plume behaviour and result in elevation pollution levels at ground level.

The department considers that the proposal is unlikely to adversely impact pollution levels at ground level, given the height of the stack plume and the ability for pollutants to disperse prior to reaching ground level. Notwithstanding this it is recommended that the applicant provide further

assessment on this matter prior to issue of a construction certificate as outlined in the following condition:

B66. Prior to issue of a Construction Certificate for Stage 4, a Wind Tunnel or Computational Fluid Dynamics (CFD) Study shall be submitted to the department for endorsement. The Study shall be undertaken by an appropriately qualified environmental consultant and shall:

- (a) identify any impacts of the approved building on the CCTV stack plume behaviour and pollution levels at ground level; and*
- (b) provide recommended measures for the development to mitigate any identified impacts.*

The Principle Certifying Authority shall ensure that the construction certification for Stage 4 and associated works shall comply with any mitigation measures required by (b).

CONCLUSION

The department has considered the comments received from submissions and reiterates the department's previous assessment provided in the original Environmental Assessment Report.

The department considers that the matters raised have been carefully considered and that the application should be supported, subject to an additional condition of consent to require the assessment of any impacts on the CCTV stack plume behaviour prior to issue of a construction certificate.

RECOMMENDATION

It is recommended that the Planning Assessment Commission, as delegate for the Minister for Planning:

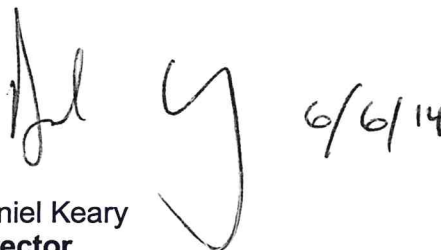
- **consider** the findings and recommendations of the original Environmental Assessment Report;
- **consider** the findings and recommendation of this addendum report;
- **approve** the development application subject to conditions; and
- **sign** the attached updated consent instrument (**Appendix B**).

Endorsed by:



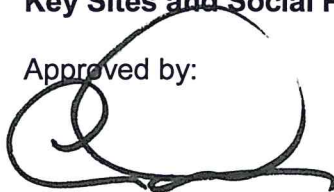
Ben Lusher
Manager
Key Sites and Social Projects

Endorsed by:



Daniel Keary
Director
Industry, Key Sites and Social Project

Approved by:



10.6.14

Chris Wilson
Executive Director
Development Assessment Systems & Approvals

APPENDIX A SUBMISSIONS IN RESPONSE TO RE-EXHIBITION

Mark E Brown

From: Sandra Rynehart <ryneharts@bigpond.com>
Sent: Thursday, 22 May 2014 4:07 PM
To: Amy Watson
Cc: Mark E Brown
Subject: Submission Details for Sandra Rynehart (object)



Confidentiality Requested: no

Submitted by a Planner: no

Disclosable Political Donation: no

Name: Sandra Rynehart
Email: ryneharts@bigpond.com

☐ Address:
653/243 Pyrmont St

Pyrmont, NSW
2009

Content:
The height of the proposed building is too high.
This will spoil the low rise look around the harbour foreshore.
The demolition of another site in this area.
Wasteful and unnecessary. The IMAX is hardly ever full.
Noise, rubbish and disturbance to this area again on top of the ICC and Exhibition centre's destruction and rebuilding.

IP Address: cpe-121-216-170-4.inse2.ken.bigpond.net.au - 121.216.170.4
Submission: Online Submission from Sandra Rynehart (object)
https://majorprojects.affinitylive.com/?action=view_activity&id=97954

Submission for Job: #5397 IMAX - Entertainment, retail and commercial development
https://majorprojects.affinitylive.com/?action=view_job&id=5397

☐ Site: #2721 IMAX, Darling Harbour; 31 Wheat Road, Sydney
https://majorprojects.affinitylive.com/?action=view_site&id=2721

Sandra Rynehart

E : ryneharts@bigpond.com

Amy Watson

From: [REDACTED]
Sent: Sunday, 1 June 2014 8:05 PM
To: Amy Watson
Cc: Mark E Brown
Subject: Submission [REDACTED] (object)



Confidentiality Requested: yes

Submitted by a Planner: no

Disclosable Political Donation: no

Name [REDACTED]

Organisation: [REDACTED]

Email: [REDACTED]

Address:

[REDACTED]
Sydney, NSW
2000

Content:
Dear Sir/Madam,

I have seen the proposal. It looks out of proportion compared to other buildings (eg. Commonwealth Bank, Darling quarter). The proposed building is 20 storey, it will cast bigger and longer shadow in the morning than other adjacent buildings. As the building is inside the park and very tall comparatively, it does not look harmonious with the area.

Yours Sincerely,

[REDACTED]

IP Address: d110-33-97-23.mas800.nsw.optusnet.com.au - 110.33.97.23

Submission: Online Submission from [REDACTED] (object)
https://majorprojects.affinitylive.com/?action=view_activity&id=99064

Submission for Job: #5397 IMAX - Entertainment, retail and commercial development
https://majorprojects.affinitylive.com/?action=view_job&id=5397

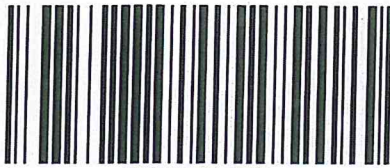
Site: #2721 IMAX, Darling Harbour; 31 Wheat Road, Sydney
https://majorprojects.affinitylive.com/?action=view_site&id=2721

[REDACTED]

E: [REDACTED]

Graeme Smith
& Alice Lam

8/40 Grasmere Lane
Cremorne
NSW 2090



PCU53450

Phone: 02 9904 0381
Email: sumisu@iprimus.com.au

22 May 2014

NSW Planning & Infrastructure
GPO Box 39
Sydney 2001



Attention: Director – Industry, Key Sites & Social Projects

Dear Sir

Re: **Redevelopment of Imax Building Site (SSD-5397) – OBJECTION**

We are co-owners of 229/158 Day St, Millennium Towers, Sydney 2000.

We object to the height and bulk of this building at 20 storeys, which if built will be the same height as Millennium Towers.

The existing Imax building is no more than 7 storeys, and the new CBA building (the old Segaworld) is 9 storeys maximum. The developers are planning to replace a 7 storey building with a 20 storey building, and on the waterfront. The new building should be no taller than that being demolished, ie 7 storeys.

SSD-5397 will be on the waterfront. All the other buildings that waterfront Cockle Bay are no more than 3 – 4 storeys.

A 20 storey building in front of Cockle Bay will block all views from Millennium Towers, the apartment blocks in Dixon Street, and the apartment block at Paddy's Market.

Loss of views result in diminished property value for the owners in previous paragraph.

We declare that neither signatories, Graeme Smith & Alice Lam, have made any reportable Political Donations in the past two years.

Sincerely

.....
Graeme Smith

.....
Alice Lam



3 June 2014

Roads and Maritime Reference: SYD12/00883/03(A6856291)
Department Ref: SSD5397

A/Team Leader – Key Sites and Social Projects
Department of Planning & Environment
GPO Box 39
Sydney NSW 2001

**PROPOSED IMAX REDEVELOPMENT – POTENTIAL IMPACTS ON CROSS CITY TUNNEL
VENTILATION (CCTV) STACK**

Dear Ms Watson,

I refer to your email of 14 May 2014 requesting clarification for the potential impact on CCTV stack from the abovementioned development (SSD5397), which was forwarded to the Roads and Maritime Services (Roads and Maritime) for comment.

In addition to the letter previously provided by Roads and Maritime on the proposed development dated 29 October 2013 (attachment 1), Roads and Maritime also provides the following comments on the potential impacts on CCTV stack.

The submitted Air Quality Assessment Report provides an appropriate screening assessment of the potential impact of the CCTV stack plume on the proposed building.

However, the assessment does not provide a rigorous assessment of the potential of the proposed building to adversely influence CCTV stack plume behaviour and result in elevated pollution levels at ground level.

An assessment using either a wind tunnel or Computational Fluid Dynamics (CFD) should be conducted to rigorously examine the potential of the proposed building to adversely influence CCTV stack plume behaviour and result in elevated pollution levels at ground level.

Further enquiries on this matter can be directed to the nominated Land Use Planner Xi Lin on phone 8849 2906 or via email at xi.lin@rms.nsw.gov.au.

Yours sincerely,

Angela Malloch
Senior Land Use Planner
Land Use Assessment, Network Management

APPENDIX B RECOMMENDED INSTRUMENT
