

14 April 2016

File No: R/2015/41/B
Your Ref: SSD 7388

Amy Watson, Team Leader
Key Sites and Special Projects
NSW Planning and Environment
22-23 Bridge Street
Sydney NSW 2000

Attention: Simon Truong
Email: simon.truong@planning.nsw.gov.au.

Dear Simon,

RE: CoS Response to Submissions for SSD 7388 for the redevelopment of the IMAX Theatre and surrounds, 31 Wheat Road, Sydney

I write in relation to the Department's email dated 31 March 2016 requesting Council's comments and draft recommended conditions in response to the applicant's Response to Submissions for State Significant Development Application SSD 7388.

Please find attached a table summarising the City's review of the applicant's Response to Submissions. The table nominates the issues raised within the City's original submission, discusses the applicant's response to the issues raised and outlines the City's sustained contentions in relation to the project.

As outlined in the table, the vast majority of the City's contentions still remain. The applicant is seeking to rely on a previous approval and theatre lease to justify a new, opportunistic use. The unwillingness of the applicant to address the City's objections is a serious concern. It is requested that the Department carefully consider the suitability of the site for the proposal to ensure the best outcome for Darling Harbour is realised. Failure to do so may imply that the Department is favouring the interests of the applicant over the public interest.

Should you wish to speak with a Council officer about the above, please contact Natasha Ridler, Senior Planner, on 9246 7720 or at NRidler@cityofsydney.nsw.gov.au

Yours sincerely,



Graham Jahn AM
Director
City Planning | Development | Transport

Attachment A - Reconciliation of City of Sydney issues raised in response to the exhibition of the redevelopment of the IMAX Theatre and surrounding public domain (SSD 7388)

Issue	Applicants response	Issues addressed?	City's contention
Land use and ownership			
<p>1. Section 3.8 of the EIS, states that a future development application will be lodged for the strata subdivision of the development. The effect of strata subdivision of the serviced apartments will be to render them as defacto residential apartments, which is contrary to the conditions of lease and the public intentions for the site since it was first created.</p>	<p><i>A Draft Ribbon Hotel and Serviced Apartments Management Plan has been prepared by Dransfield & Co. This details the ownership and management of the development, including the measures that will ensure future occupants are well aware of major events at Darling Harbour. This plan also details how the function areas of the hotel will be managed to ensure the safety and comfort of guests, as well as the amenity of surrounding residents, is maintained.</i></p> <p><i>The proposed operational structure ensures that the hotel operator is effectively in charge of both the hotel and serviced apartment components, and is responsible for supervising the behaviour of occupants and enforcing building by-laws. The legal, commercial, operational and structural arrangements of the development all combine to strongly influence the following:</i></p> <ul style="list-style-type: none"> • <i>Ensuring that occupants are aware that the site is at the heart of a vibrant cultural area that will experience frequent major events;</i> • <i>Ensuring that occupants are aware that permanent residential accommodation is not a permitted use within the development.</i> 	No	<p>The City's previous experience has shown that even with plans of management in place, private ownership of serviced apartments presents management challenges due to expectations of private owners over their perceived rights to use property they own as they wish.</p> <p>Further, notwithstanding whether the proposed serviced apartments can be appropriately managed, the City maintains its objection to the subdivision of public land for private ownership.</p>
<p>2. Previous experience has shown that when serviced apartments are individually owned, the management of these premises for short-term leases becomes increasingly difficult to police and long-term residential occupation occurs.</p>			
<p>3. The occupation of the serviced apartments by long-term residents is undesirable from an amenity perspective, as the apartments are not capable of complying with State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development SEPP 65 and the Apartment Design Guideline.</p>			
<p>4. In addition to the above management and occupation concerns, the City objects to any subdivision that allows the private ownership of public land even under leasehold arrangements.</p>	No comment or response provided.		
Urban design			
Built form			

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<p>5. The proposed built form should be the result of a design excellence process. The design requires improved modelling. Recommendations are as follows:</p> <p>a) the reveal proposed along the east-west direction (between the hotel wings) should be more fluid and visually legible;</p> <p>b) the peripheral edges of the built form should incorporate finer, curved, rounded details to reduce visual bulk.</p>	<p><i>The use of horizontal elements between the north and south elevations allows long distance views from the units on the west complementing the design intent by creating a continuous façade/roof treatment; these horizontal elements further enhance the visual fluidity of the form by highlighting the 'contour' like nature of the geometry.</i></p> <p><i>The building design intent is based on a ribbon which emerges from the geometry generated by the site's context; the legibility of this ribbon is enhanced by the sharp edges along the north and south facades; introducing a rounder edge would be in contradiction to this design principle diluting the uniqueness of the East-Roof- West ribbon element. The design development will ensure a smooth curvature throughout the ribbon edges.</i></p>	No	As per original response.
<p>6. The Department is requested to carefully consider the merits of the proposed overhang of Harbour Street. The overhang may cause significant loss of Darling Harbour, Pymont and north shore views from private residences to the south of the site. If Harbour Street were controlled by the City, the proposed overhang would not be supported. This concern was raised in the City's submission to SSD 5397 and is maintained for the current proposal.</p>	Issue raised for Department consideration.	N/A	As per original response.
<p>7. The proposal shows the northern edge of the level 1 podium projecting beyond the ground floor footprint. This projection contributes to the buildings bulk at the pedestrian scale and disintegrates the scale of waterfront address. Level 1 should follow the alignment of the ground level to provide an appropriate two storey scale. Height clearances for emergency vehicles should also be considered.</p>	<p><i>One of the design principles of the podium levels was to break the scale to better address the conditions generated by the Western Distributor; as such the first floor perimeter does not follow the ground floor along any of the public interfaces, the small cantilevers and setbacks help articulate the commercial nature of the podium and better relate to the pedestrian scale of the public realm.</i></p>	No	As per original response.
Materiality and reflectivity			

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8. The Reflectivity Report suggests the use of cladding and/or double glazing at various elevations to mitigate impacts of glare to drivers and pedestrians. The submitted schedule of finishes, elevations and photomontages do not provide adequate information in terms of addressing these reflectivity requirements. The proposal should be amended to detail the variation in materials required to address reflectivity.	<i>All building envelope materials will be in compliance with CUNDALL's Reflectivity Study dated 16/12/2015 Rev B. in order to meet the requirements.</i>	Yes	Additional information provided with regard to types of materials proposed. The Department should ensure all building materials are compliant with reflectivity requirements.
9. The Department is responsible for ensuring that the cladding does not pose a fire hazard given this is State Significant Development.	Issue raised for Department consideration.	N/A	As per original response.
10. The study also suggests that some vertical shading elements may be required to mitigate glare from the building. The proposal should be amended to consider the use of shading elements and their potential impact on the facade design.	<i>CUNDALL's Reflectivity Study dated 16/12/2015 Rev B. items 3.6.1 and 4 state that 'if double glazing is selected and the reflectivity is less than 15%, then some vertical elements could be used to mitigate the glare for pedestrians on the elevated walkway.' From an architectural point of view - as a hospitality project - the addition of lips, fins or frames will be detrimental to the design intent, any potential glare issues will be mitigated using specific coatings on the external glass pane in order to meet the Reflectivity Study requirements.</i>	Partial	The Department should be satisfied that reflectivity requirements can be achieved without the need for use of vertical shading elements and appropriate conditions should be recommended to ensure this.
11. The proposal will contribute significant night lighting due to the scale of the building, use and the extent of expansive glass façade (north and south) over open landscape. A lighting impact assessment should be carried out.	<i>The large areas of expansive glass on the north and south facades are above the Western Distributor levels which are deemed to generate much more lighting pollution levels than building itself. Further towards the north the public realm area beyond the Western Distributor is approximately 22m away (horizontally) and more than 55m away vertically; to the south the distances are 57m horizontally and in excess of 100m vertically.</i>	No	A lighting impact assessment should be carried out as part of the assessment of the proposal.
Public domain and landscaping			
North-eastern public domain encroachment and pedestrian connectivity			

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12. The proposal will result in a significant encroachment of the building into the public domain to the north and west of the building, beyond what is currently experienced. This concern was raised in the City's submission to SSD 5397 and is maintained for the current proposal.	No comment or response provided.	No	As per original response.
13. The public domain 'take' of the proposal is excessive and will reduce pedestrian circulation and remove visual connectivity between east Darling Harbour, the new SICEEP facilities and the proposed north-south Boulevard. The building as proposed will reduce pedestrian circulation around the south-eastern corner of Darling Harbour, especially during high-use events. The proposal should be limited to the existing building footprint at this corner.	<i>The ground floor footprint along the north and east interfaces with the public domain have been retained within the existing approved Development Application SSD 5397 dated 16 June 2014. The alignment of the SFHA building (identified as building 2) is as per our consultation with SHFA during January – March 2016.</i>	No	As per original response.
Hotel entry encroachment, porte cochere and pedestrian connectivity			
14. The design approved under SSD 5397 retained the existing porte cochere off Harbour Street. The inclusion of the hotel & serviced apartment uses in the current proposal has substantially increased the vehicle requirements, and subsequently, the size of the porte cochere.	<i>The Hotel and Serviced Apartments porte-cochere has been optimized to its minimal size to cater for this program and additional statutory requirements serving the public domain and surrounding facilities; the porte-cochere is an integral part of the arrival and departure experience of a 5 star facility, as such extra care has been placed to enhance all its aspects, including pedestrian interfaces and amenity to counterbalance its compress nature in order to minimise the impact of vehicles on the amenity and accessibility of the site to pedestrians.</i>	No	<p>The City has concerns regarding the ability to cater for the twin issues of sufficient capacity within the porte cochere to cater for the uses of the site, and the concerns about the impact of a larger porte cochere on pedestrian safety and amenity.</p> <p>The City has concerns that the traffic generation of the proposed development will lead to queuing on to Harbour Street.</p> <p>Due to the operations of the mechanical stacker relying so heavily on valet services from the porte cochere, and due to the interface between the mechanical stacker and</p>

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			<p>the loading dock area having limited space, it is vital that a Management Plan be provided prior to approval, which includes Porte Cochere/Loading Management Plan/Mechanical Stacker Operation Plan. Information provided must include a queuing analysis demonstrating that the Porte Cochere/Loading Management Plan/Mechanical Stacker can operate without impacting Harbour Street.</p> <p>The proponent does not address how pick-up/drop-off traffic generation is to be managed – reported as up to 115 vehicle per hour. It is noted that taxi pick-up/drop-off is also not sufficiently addressed.</p>
<p>15. The proposed vehicular zone and hotel entry projects significantly into the public domain, towards the waterfront promenade area and is a poor outcome for pedestrians. The position of the structural columns of the Western Distributor, the hotel lobby entry (including escalator) and the porte cochere result in awkward, cramped spaces and conflicts of movement. For example, a busload of people with luggage waiting in this space could potentially block access to the new escalators leading to the Druitt Street pedestrian bridge, as well as the hotel lobby.</p>	<p><i>Pedestrian and vehicular modelling has been undertaken to ensure safe and fluid unobstructed movement of both pedestrian and vehicles in the area. The northern alignment of the porte cochere is within the existing footprint of the 'Spanish' steps and similar to the existing approved Development Application SSD 5397 dated 16 June 2014. Being a 5 star facility, the arrival of large groups (including those using buses) will be known by Management in advance and particular procedures to deal with these events implemented as part of normal hotel operations.</i></p>	<p>No</p>	<p>It is important to note that a porte cochere is a poor outcome in relation to pedestrian amenity and safety.</p> <p>An extension of the porte cochere and the hotel lobby reduces the pedestrian area of the public domain significantly at the same time as pedestrian foot traffic generated from the hotel will increase.</p>

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			The proposal seeks to reduce the width of the walkway around the existing RMS columns to as little as 2m. The reduction in pedestrian amenity is not supported.
<p>16. The entry to the hotel lobby is located away from the main pedestrian area with no clear line of sight, particularly with the impact of the columns for the Western Distributor and the protrusion of the escalator into the public domain. It is recommended the relationship between the lobby and public domain be improved as follows (shown in Attachment A):</p> <ol style="list-style-type: none"> the escalator is to be removed or relocated; the glass curtain wall to the hotel entry should be removed and a landing of wide steps, free of obstacles should meet the pedestrian promenade; the space between the built edge and the waterfront must be wide enough for an emergency vehicle to move, with minimal disruption to pedestrian activities; the porte cochere should be reduced to the absolute minimum size, and adequate space provided for waiting passengers and clear signage/wayfinding; wayfinding will also need to be used to ensure access to the lobby is clear. 	<p>Responses to each point as follows:</p> <ol style="list-style-type: none"> <i>The escalator has been relocated to the southern side of the hotel lobby enhancing the visual connection to the waterfront and public domain.</i> <i>Although the Hotel and Serviced Apartments reception is on Level 1 the meet-and-greet lobby on the ground floor is fundamental to the arrival and departure experience, as such it contains integrated guest services like concierge, bell boy, greeting desk, etc. which need to be within the first few metres from the porte cochere. Further issues which are best addressed with an enclosed volume are:</i> <ul style="list-style-type: none"> • <i>safety and security of guests and visitors particularly during events.</i> • <i>hotel operational requirements.</i> • <i>the facility's energy performance.</i> <i>This has been addressed, please refer to GTA's tracking diagrams.</i> <i>As noted under item 14 the porte cochere zone has been optimized to its absolute minimum to accommodate the hotel and serviced apartment's guests and visitors requirements. Clear signage and way finding will be integral to the public domain, interior design and</i> 	No	<p>The modification to the location of the escalator is noted and provision of emergency vehicle access has been address. Notwithstanding these item, the City's original concerns have not been addressed.</p>

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	<p><i>branding of the new facilities and will be addressed during the detail development phase.</i></p> <p>e) No response provided.</p>														
<p>17. Concerns are raised regarding pedestrian safety and conflict between pedestrians and vehicles crossing the vehicle entry point and around the porte cochere area. No information is provided as to how pedestrian safety will be managed. The design should include a continuous footpath across the driveway crossover to emphasise pedestrian priority and improve awareness of pedestrians and thus safety. Driveway crossing widths should be narrowed as much as possible (preferably to 6m or less).</p>	<p>No comment or response was provided to the specific issues raised by the City. The below comments have been provided in response to issues raised by Transport for NSW regarding pedestrian capacity analysis.</p> <p><i>The development proposes to reduce the walk width along the Harbour Street frontage from 4m to 2.5m.</i></p> <p><i>As outlined in Section 6.2 of the TIA, the maximum patrons at the complex at any one time is 2,300 people with the peak demand for pedestrians to the site likely to occur between 5:00pm and 7:00pm. To provide a conservative analysis, it is assumed that 50% of patrons access the complex via the Harbour Street pedestrian footpath between the hours of 5:00pm and 7:00pm with an even distribution of arrivals and departures. This would result in an additional 144 pedestrians using the footpath in a 15min period. An assessment of the current pedestrian peak hour volumes with the future development pedestrian volumes is shown in Table 1.</i></p> <table border="1" data-bbox="900 1082 1473 1198"> <thead> <tr> <th colspan="2">Peak Ped Vol (p)</th> <th rowspan="2">Walkway width (m)</th> <th rowspan="2">Flow Rate (p/m/min)</th> <th rowspan="2">LOS</th> </tr> <tr> <th>(p/15 min)</th> <th>(p/min)</th> </tr> </thead> <tbody> <tr> <td>199</td> <td>13.2</td> <td>2.5</td> <td>5.3</td> <td>A</td> </tr> </tbody> </table> <p><i>The future pedestrian LOS Assessment shows the Harbour Street site frontage operating at a LOS A with the future development pedestrian volumes. The proposed development will therefore not have a detrimental effect on the surrounding pedestrian network.</i></p> <p><i>The Harbour Street approach (from Bathurst Street) to Cockle Bay is a "back-of-house" route</i></p>	Peak Ped Vol (p)		Walkway width (m)	Flow Rate (p/m/min)	LOS	(p/15 min)	(p/min)	199	13.2	2.5	5.3	A	<p>No</p>	<p>The core issue of pedestrian amenity has not been addressed. The analysis provided merely examines if the pedestrian space can accommodate the pedestrian volumes in a flow rate which is acceptable.</p> <p>If pedestrian footpaths are reduced while accommodating increased pedestrian traffic, this will result in reduced pedestrian amenity.</p> <p>Further, the analysis does not look at the other issues which make up amenity (ie. directness, line of sight, lighting, use of the space for queuing /pick-up and drop-off, conflict with heavy vehicles, valet staff).</p> <p>Pedestrian priority should be provided across the vehicle entry to the loading dock including continuous footpath treatment.</p> <p>The proposed development is likely to have a detrimental effect on the surrounding pedestrian network.</p>
Peak Ped Vol (p)		Walkway width (m)	Flow Rate (p/m/min)				LOS								
(p/15 min)	(p/min)														
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	<p><i>that is not typically use by tourists, event patrons and/or other unfamiliar users. As such, a significant increase in pedestrian activity during special events in not typically expected. Notwithstanding this, pedestrian activity would be addressed in the detailed management plan for the porte cochere and car stacker/ loading area.</i></p>		
<p>18. The provision of upgraded wayfinding signage from/to both Druiitt Street and Bathurst Street are required to improve pedestrian amenity from the Town Hall area.</p>	<p>No response was provided to the specific issues raised by the City. The below comment was provided in response to issues raised by Transport for NSW.</p> <p><i>The travel access guide and wayfinding strategy are important elements and will be developed as part of detailed design, in consultation with TfNSW as appropriate.</i></p>	No	No additional information provided.
Pedestrian wind environment			
<p>19. The Pedestrian Wind Environment Study applies the criteria of 'walking' to the majority of the building curtilage, and the criteria of 'standing' immediately adjacent to all external doors. The proposal should confirm that no outdoor seating will be proposed within the building curtilage, or alternatively provide an assessment that applies a criteria for 'seating'. It is also noted that un-fixed furniture may not be acceptable in these spaces during a high-wind event.</p>	<p><i>The site's wind conditions exist with or without a built intervention. Please refer to revised VIPAC's Wind Effect Statement. Any outdoor furniture within the building curtilage will comply with VIPAC's recommendation. Including any landscape mitigating measures integrated into the design.</i></p>	No	<p>The RtS Landscape and Architectural Drawings shows outdoor furniture present along the northern curtilage of the building. As outlined in the revised Wind Effects Statement, these areas are only suitable for 'standing' or 'walking'.</p> <p>The revised Statement removes the need for fixed screens, but only on the basis of 'standing' or 'walking' criteria.</p> <p>The revised Statement recommends wind tunnel testing to determine any operational solutions required to achieve standing and walking criteria.</p>
<p>20. The report identifies four 1.5m high wind screens to the northern façade of the building, which are required to ensure an acceptable pedestrian environment. These screens have not been incorporated into either the architectural or landscape plans, and represent even further encroachment into an already compromised public domain. Additional screens within the landscape are not supported. It is recommended that the building footprint be reduced, and any wind-proof elements</p>	<p><i>The site's wind conditions exist with or out without a built intervention. Please refer to revised VIPAC's Wind Effect Statement. Any outdoor furniture within the building curtilage will comply with VIPAC's recommendation. Including any landscape mitigating measures integrated into the design.</i></p>		

Issue	Applicants response	Issues addressed?	City's contention
be designed as an integrated architectural/ landscape element.			The revised Wind Effect Statement does not provide comment on whether the building curtilage is suitable for outdoor dining. As per the City's original recommendation, the building footprint should be reduced and any wind-proof elements be designed as an integrated architectural/ landscape element.
Signage			
21. A Signage Strategy has not been submitted as part of the proposal. The EIS references a 'City Screen' to be provided on the lower levels of the western façade of the building, however very limited details of this screen and other signage areas have been provided.	<i>A Signage Strategy and details of the proposed City Screen have been prepared. An assessment of the proposed signage against the relevant provisions of State Environmental Planning Policy 64 – Advertising and Signage has been prepared by JBA.</i>	Partial	Elevations have been amended to include signage zones. No information has been included as to the types of signs proposed, any theme or character of signage, or guidance on acceptable materials etc.
22. The application should include a detailed signage strategy for the proposal in order to assess the proposed City Screen as well as any other commercial signage and building name signage. The signage strategy should include a schedule of compliance with the signage provisions of Sydney DCP 2012.	<i>Please be aware that our site sits within Sydney's DCP 2012 Sheet 8 which does not have a specific Signage precinct map (noted as Not applicable) therefore our proposal will be compliant with section 3.16.1 to 18 of the General Signage Controls of the DCP.</i>	No	In the absence of an assessment against the signage provisions of SDCP 2012, the Department should be satisfied that any future development application for the installation of signage can comply with provisions of these controls.
Event space			
23. The proposed City Screen on the western elevation of the building and associated event space is located within the primary north-south pedestrian route. A crowd gathered to watch the screen has the potential to disrupt major north-south pedestrian movements to and from the area if not sufficiently	<i>The event space has been kept clear of any physical barrier allowing maximum freedom of movement and flexibility within the public realm. An event management plan will be in place to address any public screening, this will ensure</i>	Partial	As detailed in points 14-17 above, the proposal will have a negative impact on pedestrian amenity and circulation around the curtilage of the site as a

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controlled. The space appears very limited and may not be sufficient for an influx of thousands of people.	<i>that the primary northsouth pedestrian route will be kept clear at all times.</i>		result of the proposed porte cochere design and intrusion on the public domain. The suitability of the event space needs to be carefully considered in the context of changes to the entire site, not just north-south movements to the west of the proposed building.
24. In the event that the event space is pursued, a pedestrian plan of management should be prepared outlining crowd and pedestrian management necessities for a series of typical events that would be expected.	<i>An event management plan will be in place addressing the particular necessities of each event.</i>		
Public art			
25. A Public Art Strategy is to be submitted that addresses the incorporation of public art into the proposal, as well as the integration of existing artworks such as 'Jay flowers' by Robert Parr.	<i>The 'Jay flowers' artwork will be relocated to a more prominent position, the Public Art Strategy will be developed in conjunction with the overall buildings art strategy during Schematic Design Stage.</i>	No	A Public Art Strategy has not been submitted. The RtS Landscape Drawings show the 'Jay flowers' located within the Palm Grove. A Strategy should be submitted at the assessment stage to ensure new and relocated artwork is integrated into the landscape and architectural design of the site in a meaningful way.
Children's playground			
26. The current playground is popular, including the water play area. The provision of a range of segmented play types in the new playground is encouraged. The incorporation of activities for older children and young adults, including the proposed skating, scooter riding facilities is supported.	No comment or response required.	N/A	N/A
27. The provision of the following is recommended: a) seating in the area between each play station so that parents and carers of multiple children (of different ages/ interests) can watch children playing in two areas;	No comment or response provided.	No	As per original response.

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b) public amenities include parent rooms with toilets, 'junior' toilets and nappy change facilities.			
CPTED			
28. The Crime Prevention Through Environmental Design aspects that are incorporated within the Landscape Report are fairly generic. The City supports the meaningful incorporation of the CPTED principles and reinforces the importance of clear sightlines and appropriate lighting levels. It is recommended that the applicant consults with the NSW Police through Sydney City Local Area Command in this regard.	No comment or response provided.	No	As per original response.
Stormwater quality			
29. Sydney DCP 2012 outlines requirements for stormwater quality assessment and sets targets for reductions in pollutants. It is recommended that the stormwater system be designed to comply with these requirements.	No comment or response provided.	No	As per original response.
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005			
30. The Statement of Heritage Impact limits its discussion to the impact of built heritage within the direct vicinity of the site. The statement fails to assess the importance of views of Darling Harbour in the light of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.	No comment or response provided.	No	As per original response.
31. The proposal increases upon an already excessive bulk and scale, resulting in a building that further dominates the Darling Harbour basin and reduces view corridors from public places, to and from Darling Harbour. The proposal reduces the visual connection between the water and the reclaimed estuarine valley of Darling Harbour both at ground level and within the air space defined by the ridgelines either side of the harbour. This distorts the geographical understanding of the harbour and	<p><i>The maximum envelope extent of the main building envelope is within current approved Development Application SSD 5397 dated 16 June 2014 with the only exception of the area directly in front of the porte - cochere. Further, GMU's Visual Impact Assessment Dated December 2015 states on page 114.</i></p> <ul style="list-style-type: none"> <i>'the proposal is fairly consistent in bulk and scale to that of the approval and therefore, it is representative of the emerging character of the precinct'</i> 	No	The City acknowledges that the proposal is generally consistent with the building envelope previously approved under SSD 5397. This however, is not adequate justification for a built form that severs view corridors to the Sydney Harbour Catchment and contradicts the principles of

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its catchment area and severs view corridors to the harbour.	<ul style="list-style-type: none"> <i>the proposal faithfully follows the profile of the approved envelope and therefore this is considered to have the same level of impact as the approval on site.</i> 		the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.
32. This reduction of view corridors is contrary to a number of the planning principles of the Sydney Harbour Catchment SREP, as set out in clauses 13 and 15. These clauses aim to enhance the visual appreciation of the Sydney Harbour Catchment rather than restrict and sever view corridors, and to safeguard against cumulative environmental impacts.	<i>The maximum envelope extent of the main building envelope is within current approved Development Application SSD 5397 dated 16 June 2014 with the only exception of the area directly in front of the porte – cochere which does not affect any identified view corridors.</i>		The Department needs to consider whether another approval of a building of this size adjacent to freeways in the centre of the Darling Harbour valley, and contrary to the longstanding design intent of the site planning is the best outcome for Darling Harbour.
Access, connectivity and transport			
Street network and access			
33. The configuration and operation of the intersection of Harbour Street and the car park basement entry, is unclear, raising concerns regarding the operation and safety of the porte cochere area and basement car park/loading dock. Inadequate information has been submitted to address the following concerns: <ul style="list-style-type: none"> a) the configuration provides road safety concerns with regard to the issue of priority at the intersection and the southbound right turn lane; b) concern is raised over potential queuing of vehicles onto Harbour Street. It appears that the queuing analysis provided assumes double parking within the proposed porte cochere area; c) concerns regarding the potential vehicle entry speeds to the proposed porte cochere area given vehicle speeds and volumes on Harbour Street. 	No comment or response provided was provided to the specific issues raised by the City. The below comments have been provided in response to issues raised by Transport for NSW, who raised similar concerns to the City. <p><i>Vehicles can enter the site from Harbour Street into either the loading and car stacker area, or into the porte cochere. At both locations the vehicles entering have priority over other vehicles which are required to give way (hold lines provided). The only vehicles that will be travelling south within the site will be those driven by trained valet drivers from the porte cochere to the car stacker area. The valet drivers will be inducted as to how to navigate the site including to give way to vehicles entering from Harbour Street. In conjunction with appropriate delineation, regular driver confusion is unlikely.</i></p> <p><i>Vehicles are permitted to turn left from Harbour Street to access the car stacker directly, noting that it is assumed that all hotel function space vehicles use the porte cochere and valet</i></p>	No	The City maintains its original concern that there is not adequate vehicle capacity to address all the vehicle access space requirements for the site. Concerns remain that the left turn lane length is inadequate to cater for traffic volumes (made worse by the confusing nature of the intersection). Insufficient analysis has been provided with regard to the cumulative traffic generation and impact of the site, including waste collection, servicing, pick-up/drop-off, taxis, coaches, mechanical car lift access etc. There is inadequate commentary on delays and

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	<p><i>service, and it is only the serviced apartment vehicles and service vehicles that directly access the car stacker area.</i></p> <p><i>The lane configurations and safety concerns regarding conflicts between movements will be addressed at the detailed design stage which will include signage to ensure all vehicles entering the site understand the arrangements. A detailed management plan for the porte cochere and car stacker/ loading area will be prepared as part of the detailed design.</i></p> <p><i>Loading and unloading will be undertaken outside of peak hours when there is limited demand for the car stacker. This will included as part of the above management plan.</i></p> <p><i>A Stage 2 (Concept Plan) Road Safety Audit is being undertaken as part of the RMS WAD process currently being initiated. This audit would inform the final detailed design and construction traffic management planning.</i></p>		<p>waiting time requirements due to the interaction between the different functions (listed above) and vehicles generated. For example, it is noted that there is no turn around area provided within the loading dock if vehicles enter by mistake. There is also no waiting/queuing area provided in the loading dock.</p> <p>Inadequate information has been provided with regard to the number of valet drivers required to service the site, or the safety of the valet drivers or other users that can access the loading dock area. If inadequate numbers of valets are able to service the site, this will result in vehicles waiting for longer periods of time than expected, leading to queuing concerns.</p> <p>Given the nature of the site, concerns are raised as to whether all loading and unloading will be able to be scheduled outside of peak time (noting that this area has longer peaks due to its functioning as an entertainment precinct).</p> <p>Significant concerns are raised regarding the safety and functioning of the turn</p>

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			<p>lanes in and out of the porte cochere and loading dock/stacker. It is not clear how the access driveway into the loading dock and car stacker will be able to restrict access to service and valet drivers only. It is noted that a Safety Audit is currently being undertaken and should be assessed at the earliest availability.</p> <p>It is not clear how vehicles from the loading dock and car stacker can exit the site except through the porte cochere.</p> <p>There are concerns that the 2 lifts will not be sufficient to avoid conflict with the loading dock or avoid queuing in the porte cochere or Harbour Street.</p> <p>Given the above, while the proposed car parking rates technically comply with the rates outlined in SLEP 2012, it is clear that 179 parking spaces for the hotel, service apartment and function centre is an oversupply and that the traffic generated by this supply will not enable the proper functioning of the site.</p>
34. It is unclear what Appendix A, sheets 2 and 3 of the Traffic Impact Assessment are trying to demonstrate. Council does not support heavy rigid	No comment or response provided was provided to the specific issues raised by the City. The below comments have been provided in	No	It is understood that the 19m semi-trailer access via the waterfront area may be

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<p>vehicles such as semi-trailers entering the pedestrian footway area adjacent to the water front (if that is what is proposed). This area is highly pedestrianised and would not be suitable as a shared zone.</p>	<p>response to issues raised by Transport for NSW, who raised similar concerns to the City. <i>To maintain Darling Harbour special event access, the site incorporates the ability for a 19m semi-trailer to access the foreshore area. The associated swept paths to satisfy SHFA requirements were included with the Transport Impact Assessment and does not reflect day-to-day operation.</i></p>		<p>a SHFA requirement. The provision of 19m semi-trailer access via the waterfront area is not supported by Council.</p>
<p>35. A Loading Management Plan should be provided to demonstrate how the dock will be managed. The on-site loading area is to be available to all tenancies of the particular building (i.e. hotel, lounge bar, restaurant, service apartments, shopping, retail, function centre, cinema etc). This shall be managed either by a schedule showing all tenants when they can use the area, or by a register managed on site to allow tenants and residents to reserve a time period for their deliveries.</p>	<p>No comment or response provided was provided to the specific issues raised by the City. The below comments have been provided in response to issues raised by Transport for NSW, who raised similar concerns to the City. <i>A detailed management plan for the porte cochere and car stacker/ loading area would be prepared as discussed previously to address any potential conflict between any loading vehicles and car stacker queued vehicles. Loading and unloading will be undertaken outside of peak hours (where possible) when there is limited demand for the car stacker. It is also anticipated that service vehicles would be able to travel adjacent to any queued vehicles in order to access the loading area. Vehicle manoeuvring in the basement area would be managed by an attendant or security personnel. The vehicle positions shown within the porte cochere vehicle bays are indicative only. The bus swept path is a worst case situation (14.5m long rigid bus which are not used the Sydney Explorer service and would only be occasional pre-arranged coaches for the hotel). The swept path analysis shows there is adequate spare width within the porte cochere area for a 14.5m long rigid bus to pass parked vehicles, however the resultant vehicle positioning at the bus stop would be considered further during detailed design to deliver an appropriate outcome.</i></p>		<p>As noted above, concerns are raised that there is not the vehicle capacity to address all the vehicle access needs of the site. A loading management should be provided up front so a proper assessment of the feasibility of the plan can be determined. As discussed previously, the management plan must address the cumulative impact and management of the porte cochere, car stacker and loading area and address any potential conflict between uses such as conflicts between queuing loading vehicles and car stacker vehicles. In this regard, the queuing of vehicles waiting to use the mechanical stacker is not supported within a loading dock area. Alternatively, the queuing of service vehicles within the loading dock is also not supported.</p>

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			Swept path movements are required to show how vehicles could manoeuvre around queued cars/trucks.
Parking			
36. The amount of parking proposed for the hotel and serviced apartment uses is considered excessive. It is recommended that parking supply be constrained to encourage sustainable transport such as public transport and active transport. See further comments under point 39 below.	No comment or response provided.	No	As per original response.
37. Section 3.9 of the EIS states that the stacked car park is to be fully serviced by valet. This arrangement is to be carefully managed as the use of mechanical parking is not appropriate for visitors to the site who are unfamiliar operating such facilities and in turn, adds significant dwell time and queuing.	<i>Fully serviced by valet means that the driver and passengers will leave the car at the porte cochere where the valet service will take over and drive the car to the fully automated car stacker which will only be operated by qualified personnel.</i>	No	The applicant's response implies that the stacker will be managed solely by valet, however page 6 of the GTA Traffic Response to Submissions states that serviced apartment vehicles will be able to directly access the car stacker area. This contradicts the applicant's statement that the stacker will be fully serviced by valet.
38. The application does not clarify how accessible parking spaces will be provided for using the mechanical parking facilities proposed, even with a valet service.	<i>The valet service will attend any driving guests and/or visitors on the porte cochere including people with special needs. Automated parking bays with additional height have been provided within the automated stacker. Provision is a per NCC table D3.5 (7 accessible parking bays)</i>	No	No information is provided as to how parking in the mechanical lift or the porte cochere will be DDA compliant and meet AS2890.6:2009 (Off-Street parking for people with disabilities). The proposal does not address how to accommodate additional delays from people with access issue requiring additional time to enter/exit

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			their vehicle. Nor does it address the safety of people with access issue to enter/exit their vehicle in the loading dock (ie. adjacent to the car lifts) or in the porte coche.
Bicycle parking and facilities			
39. The application should include improved bicycle parking and end of trip facilities. The staff parking should be located on the ground floor or basement level in a separate location to visitor parking. These facilities should be Class B and comply with AS2890.3:2015. Visitor parking should be Class C, comply with AS2890.3:2015 and be provided at an accessible at-grade location.	<i>The end of trip facilities are provided within the ground floor at the western end of the building, with access via the Darling Harbour waterfront. It is proposed to provide 239 secure bicycle spaces which exceeds the City of Sydney DCP requirement of 110 spaces. It is also proposed to provide 7 showers and 70 lockers to be utilised by staff. The end of trip facilities would be designed in accordance with Austroads guidelines and AS 2890.3:2015.</i>	Partial	More information is required as to where the Class 'C' (or Class 3) visitor spaces will be provided. These spaces must be located in an accessible location on the ground floor (near the entrance).
40. It is recommended that the minimum number of bicycle parking spaces and end of trip facilities be provided to reflect Sydney DCP 2012 as follows: <ul style="list-style-type: none"> • 70 Class 2 staff spaces • 60 Class 3 non-residential spaces • 7 showers with change area • 70 personal lockers 	<i>Bicycle parking and EoT facilities have been provided for visitors and staff. Provision for bicycle parking and EoT facilities has been calculated according to Green Star Design & As Built v1.1 Guidelines which are more onerous than the current statutory documents. Further changing, showers and lockers facilities are also provided as part of the Staff Facilities on Level 2.</i>		
41. A reduction in the quantity of visitor bicycle parking should only be considered if there is an increase in the overall quality of parking facilities. Council supports the provision of innovative bicycle parking solutions in new development. The City would welcome investigations into the opportunity to provide first class staff and visitor bicycle facilities.	No comment or response provided.	No	As per original response.
Sustainable transport			

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<p>42. The proposal should include an analysis of the projected public transport modal splits and how these will be achieved. Specifically, the proposal should encourage sustainable transport in a manner which aligns with the targets and objectives set out in Sustainable Sydney 2030 such as:</p> <ul style="list-style-type: none"> a) Target 6 – 80% of City workers commuting on public transport – 80% of work trips by City residents in non-private vehicles; b) Target 7 – By 2030, at least 10% of City trips will be made by bicycle and 50% by pedestrian movement; c) Objective 3.1 – Support and plan for enhanced access by public transport from the Sydney Region to the City of Sydney; d) Objective 3.3 – Reduce the impact of transport on public space in the City Centre and Activity Hubs; e) Objective 3.4 – Manage regional roads to support increased public transport use and reduce car traffic in City streets; f) Objective 4.1 - Develop a network of safe, linked pedestrian and cycle paths integrated with green spaces throughout both the City and Inner Sydney; g) Objective 4.2 - Give greater priority to cycle and pedestrian movements and amenity in the City Centre; h) Objective 4.3 – Promote green travel for major workplaces and venues in the city. 	No comment or response provided.	No	As per original response.
<p>43. Consideration should be made to catering for east-west cyclist desire lines to provide upgraded connections to existing bicycle routes at Liverpool Street and Kent and Druiitt Street.</p>	No comment or response provided.	No	As per original response.
Waste management			
<p>44. Insufficient information has been provided in relation to operational waste management collection and</p>	No comment or response provided.	No	As per original response.

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<p>traffic arrangements for this collection. A waste management plan is to be submitted that addresses the following:</p> <ul style="list-style-type: none"> a) plans and drawings of the proposed development that show location and space allocated to the waste management facilities; b) nomination of the waste collection point for the site; c) identification of the path of access for use collection vehicles; d) details of the ongoing management of the storage and collection of waste, including responsibility for cleaning, transfer of bins between storage areas and collection points, maintenance of signage and security of storage areas; e) the nominated waste and recycling storage area must be constructed to meet the relevant conditions within the <i>City's Policy for Waste Minimisation in New Developments (2005)</i>; f) waste and recycling receptacles must be stored on property at all times; g) arrangements for the collection of waste in accordance with the <i>City's Waste Policy - Local Approvals Policy for Managing Waste in Public Places (2013)</i>. 			
Proposed and future uses			
Food and drinks premises			
<p>45. The EIS notes ground and first floor podium retail uses will include restaurants and food premises. Restaurants typically create significant kitchen exhaust air discharges (smoke and odour), which has the potential to cause adverse amenity if discharged at low levels, particularly if there are high volumes of pedestrians outside the premises. The design of the lower podium levels needs to include provision for kitchen exhaust air discharges to be</p>	<p><i>All kitchen exhaust are discharged at high level away from any public facilities.</i></p>	<p>Partial</p>	<p>The suitability of the future use of first floor podium retail spaces will be assessed under future development applications and appropriate limitations on food preparation will be imposed, if required.</p>

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<p>expelled from upper levels of the building so that satisfactory amenity may be provided, should cooking be proposed at lower levels. 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>			
Hotel and licensed premises			
<p>46. No operational details or plans of management have been provided for the hotel and associated uses including the hotel bar and function centre. Plans of Management should be submitted for the hotel, hotel bar and function centre.</p>	<p>No comment or response provided.</p>	<p>No</p>	<p>As per original response.</p>
Acoustics			
<p>47. The Noise Impact Assessment limits the external noise emission assessment to noise generated by mechanical plant. The assessment does not consider the impact of existing, surrounding commercial premises (including entertainment venues) on the proposal, or impact from the proposed hotel bar, function centre, retail or IMAX uses on the hotel and serviced apartment uses within the building. The report should include an assessment against the City's standard noise condition for entertainment venues.</p>	<p><i>A letter has been prepared by Acoustic Logic to respond to concerns raised in relation to acoustic impacts on future occupants from external and internal noise sources.</i></p> <p><i>In summary, the existing acoustic impacts from the adjacent Western Distributor roadways are so significant that it is not possible any entertainment venue noise sources would have a greater impact. As the building is designed to appropriately ameliorate acoustic impacts from the roadways, it will also be able to ameliorate any potential impacts from surrounding entertainment venues.</i></p> <p><i>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.</i></p>	<p>Partial</p>	<p>In the absence of a detailed assessment, the this assessment against the City's standard noise condition for entertainment venues, the Department should be satisfied that the proposal is able to address potential noise impacts from all external and internal noise sources.</p>
<p>48. Table 7 of the Noise Impact Assessment states the location of background noise level measurements as Riley Street. Clarification of the location of these measurements is required.</p>	<p>No comment or response provided.</p>	<p>No</p>	<p>As per original response.</p>
Internal design comments			

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49. The area identified for toilet facilities on the level 2 podium plan appears to be undersized for the proposed 400+ IMAX capacity. Further, the plans do not identify toilet facilities for the podium retail spaces. It is assumed that these facilities would be provided within each individual retail tenancy.	<i>The facilities provided match the current approved Development Application SSD 5397 dated 16 June 2014. Toilet facilities for retail tenancies are a tenant fit out and will follow statutory and licencing requirements.</i>	Partial	The Department should ensure that adequate toilet facilities are capable of being provided for all proposed uses, in line with regulatory requirements.
50. No information has been submitted regarding the provision of accessible hotel rooms or serviced apartments.	<i>The Disability Access Review by DCS, dated 8 December 2015 states: on page 10_16 Hotel and 8 Serviced Apartments sole-occupancy units. All universal access facilities will be compliant with the relevant statutory codes.</i>	Yes	N/A
51. The level 6 plans show corridors as narrow as 1m in order to accommodate the hotel gym entry. This corridor should be increased to a minimum of 1.4m.	<i>Noted, this was a drawing omission.</i>	Yes	N/A
52. Some hotel and serviced apartment suites do not indicate the entry doors.	<i>We have checked our drawings and all units show entrance doors, please note that multi bay suites and serviced apartments only show one entrance door.</i>	Yes	N/A