



# ***IMAX Darling Harbour***

*State Significant  
Development  
Modification  
Assessment  
(SSD 7388 MOD 10)*



April 2020

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Cover photo

Perspective view looking southwest from Darling Harbour (Source: SSD 7388 MOD 6)

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# Glossary

Abbreviation	Definition
BCA	Building Code of Australia
Consent	Development Consent
Council	City of Sydney Council
Department	Department of Planning, Industry and Environment
EA	Environmental Assessment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces
RtS	Response to Submissions
Secretary	Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy
SHFA	Sydney Harbour Foreshore Authority
SRD SEPP	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>
SSD	State Significant Development
TCCT	Transurban Cross City Tunnel
TfNSW	Transport for NSW
Transport for NSW (RMS)	Transport for NSW (Roads and Maritime Services)



# 1. Introduction

## 1.1 Preamble

This report provides an assessment of an application to modify the State significant development (SSD) consent (SSD 7388) for the redevelopment of the IMAX and public domain at 31 Wheat Road, Darling Harbour.

The modification application seeks approval for:

- external and internal changes to the Property NSW (former Sydney Harbour Foreshore Authority (SHFA)) building including reconfiguration of approved offices and retail floorspace
- minor amendments to the porte cochere of The Ribbon building
- changes to the public domain, road widening and amendments to approved signage zones.

The application has been lodged by Grocon, Darling Harbour (the Applicant) pursuant to clause 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

## 1.2 Background

The site is known as 31 Wheat Road, Darling Harbour. The site has an area of 10,885 m<sup>2</sup> and is located at the southern end of Darling Harbour between the two-elevated east-west roadways of the Western Distributor.

The site adjoins the Darling Harbour public domain to the north and west, Darling Quarter public domain to the south, and fronts Harbour Street and Wheat Road to the east.

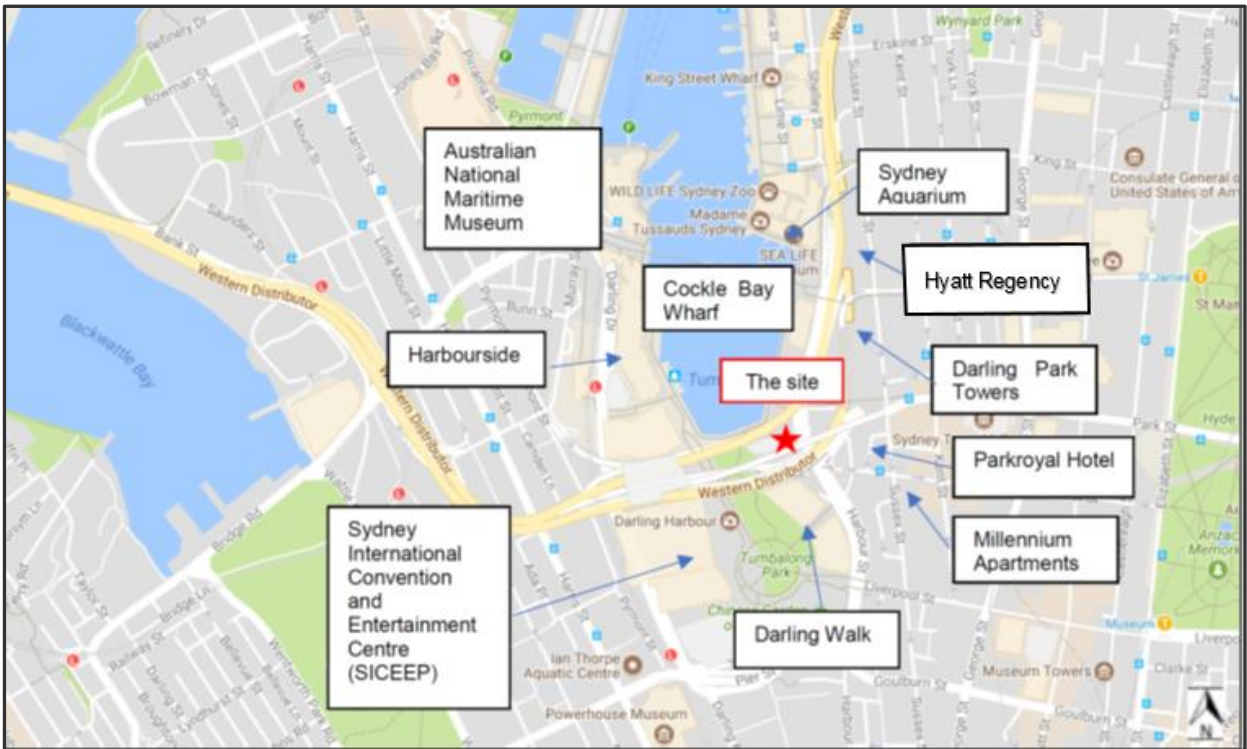
The surrounding area contains a diverse mix of commercial, residential, retail, entertainment and tourist uses including the International Convention Centre (ICC) Sydney, Harbourside Shopping Centre, Cockle Bay Wharf and Darling Walk/Quarter. (**Figure 1**).

The site is located within the City of Sydney local government area (LGA).

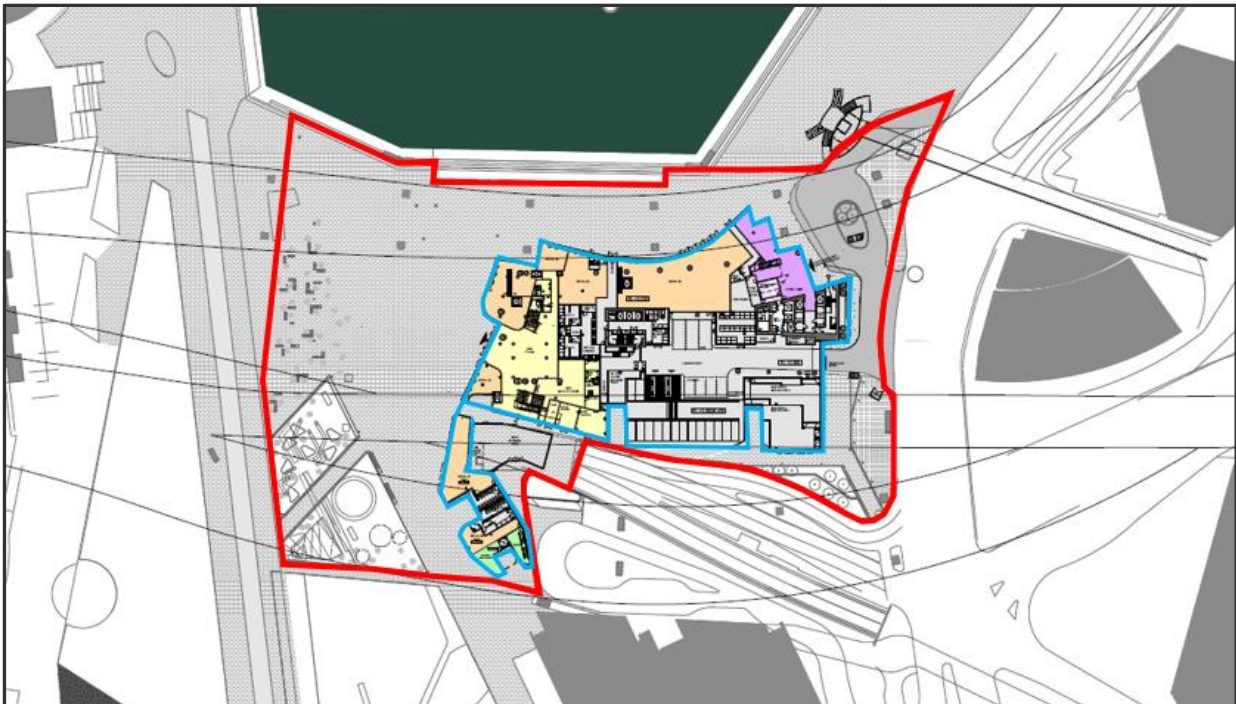
## 1.3 Approval History

On 16 June 2014, the former Planning Assessment Commission (Commission) granted development consent (SSD 5397) for a mixed-use office / commercial development for demolition of the existing IMAX building, tourist office and amenities block and construction of a new 20 storey building and separate 2 storey building for office, retail and entertainment use.

On 28 June 2016, the Commission granted development consent for a further SSD application (SSD 7388) at the site for a mixed-use hotel / retail development comprising demolition of the existing IMAX building, tourist office and amenities block, construction of a new 25-storey building on the site and over Harbour Street and separate 2-storey building for hotel, serviced apartments, retail and entertainment uses and approval for a City screen for (**Figure 2**).



**Figure 1 | Site Location** (base source: Nearmap)



**Figure 2 | Site boundary** (red line) including approved building footprint of The Ribbon development (blue line)  
(source: Applicant's architectural drawings)

The Applicant did not pursue the first consent (SSD 5397) and is currently constructing the building pursuant to the second development consent (SSD 7388).

In addition to the subject application (MOD 10), the development consent has been modified on six occasions, with two modifications (MOD 1 and MOD 2) withdrawn and MOD 9 is under consideration by the Department. (**Table 1**).

**Table 1** | Summary of Modifications

Mod No.	Summary of Modifications	Approval Authority	Type	Status
MOD 1	Modification to the staging of construction	N/A	96 (1A)	Withdrawn
MOD 2	Modification to the staging of construction	N/A	96 (1A)	Withdrawn
MOD 3	Internal and external amendments to the building at podium level, increase GFA (from 54,725m <sup>2</sup> to 52,060m <sup>2</sup> ), reduce the eastern footpath width and modify bicycle parking.	Department	96 (2)	2 November 2017
MOD 4	Modification of construction hours	Department	96 (1A)	9 November 2017
MOD 5	Modification to reduce the number of serviced apartments (from 159 to 143), increase hotel rooms (from 402 to 450) and reduce GFA (from 52,060m <sup>2</sup> to 51, 703 m <sup>2</sup> )	Department	96 (1A)	10 November 2017
MOD 6	Modification to amend the tower form and glazing fenestration, internal amendments at all levels, reduce GFA from 51,703m <sup>2</sup> to 50,731m <sup>2</sup> (-972m <sup>2</sup> ) and new signage zones	Department	4.55(2)	19 December 2019
MOD 7	Modification to create an open roof above the level 21 and 22 pool and bar area and allow use of balconies and operable louvres above 60m	Department	4.55(2)	12 September 2019
MOD 8	Modification to amend the internal layout of the approved IMAX cinema. Reduce retail GFA on level 1 from 671m <sup>2</sup> to 582m <sup>2</sup> (-89m <sup>2</sup> )	Department	4.55(1A)	18 June 2019
MOD 9	Modification of construction hours	Department	4.55(2)	Scoping stage

### 1.3.1 Other relevant applications

**Table 2** | Summary of other relevant Applications

Application	Development description	Approval Authority	Status
SSD 8838	Fit out and operation of the hotel and serviced apartments within The Ribbon building	Department	28 February 2019
SSD 8839	Fit out and operation of the IMAX cinema within The Ribbon building	Department	12 September 2019



## 2. Proposed Modification

### 2.1 Description of proposed modification

On 6 November 2019, the Applicant lodged a modification application (SSD 7388 MOD 10) seeking to amend the development consent under section 4.55 (1A) of the EP&A Act.

The key components and features of the modification as proposed in the Applicant's Modification report and modified by the RtS are shown in **Table 2**. A link to the modification application documents is provided in **Appendix A**.

**Table 2** | Key modification components

#### Key Modification Components

Component	Description
External Changes	<ul style="list-style-type: none"><li>• Amend the layout and design of the two storey Property NSW building including:<ul style="list-style-type: none"><li>○ realign the building footprint and floorplates to create a curved western elevation</li><li>○ amend the second floor level to create access to an additional plant level</li><li>○ create a new wing at ground floor to incorporate a first aid and parent room</li><li>○ increase GFA from 1,786 m<sup>2</sup> to 1,821 m<sup>2</sup> (+35 m<sup>2</sup>).</li></ul></li><li>• Amend the form of The Ribbon building porte cochere reducing the amount of curve and steps in the facade (<b>Figure 7</b>).</li></ul>
Internal changes	<ul style="list-style-type: none"><li>• Reduce the lobby floorspace of the Property NSW building to increase retail floorspace at ground floor level (<b>Figure 3</b>).</li></ul>
Landscaping and public domain	<ul style="list-style-type: none"><li>• Amend the northern public domain fronting Darling Harbour to create two level sections separated by steps, public seating and planting (<b>Figure 6</b>).</li><li>• Relocate the approved "Palm Grove" within the western public domain and amend the playground to provide additional active play structures and seating (<b>Figure 5</b>).</li><li>• Reconfigure and relocate visitor bicycle parking within the public domain (<b>Figure 5</b>).</li></ul>

Signage

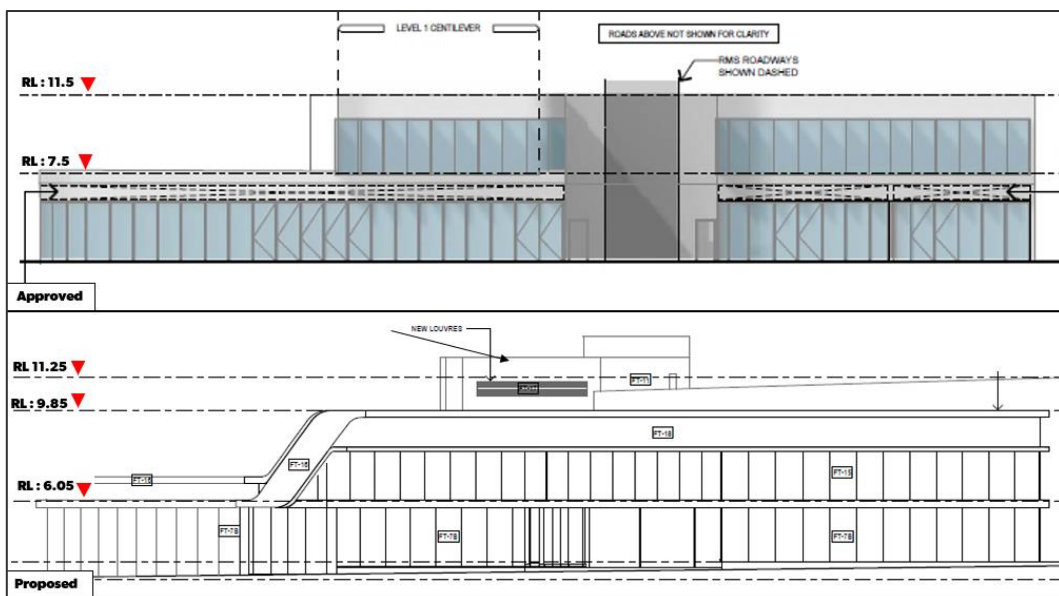
- Realign two approved signage zones on the northern elevation of The Ribbon building (**Figure 8**).

Road works

- Widen the loop section of Wheat Road to the north east forecourt of The Ribbon Building to accommodate 8.8 m medium rigid service vehicles (**Figure 9**).



**Figure 3 |** Comparison of approved and proposed ground floor (left) and first floor (right) of the Property NSW building (Source: Applicant’s Modification report)



**Figure 4 |** Approved and proposed western elevation of the Property NSW building (Base Source: Applicant’s Architectural Plans)



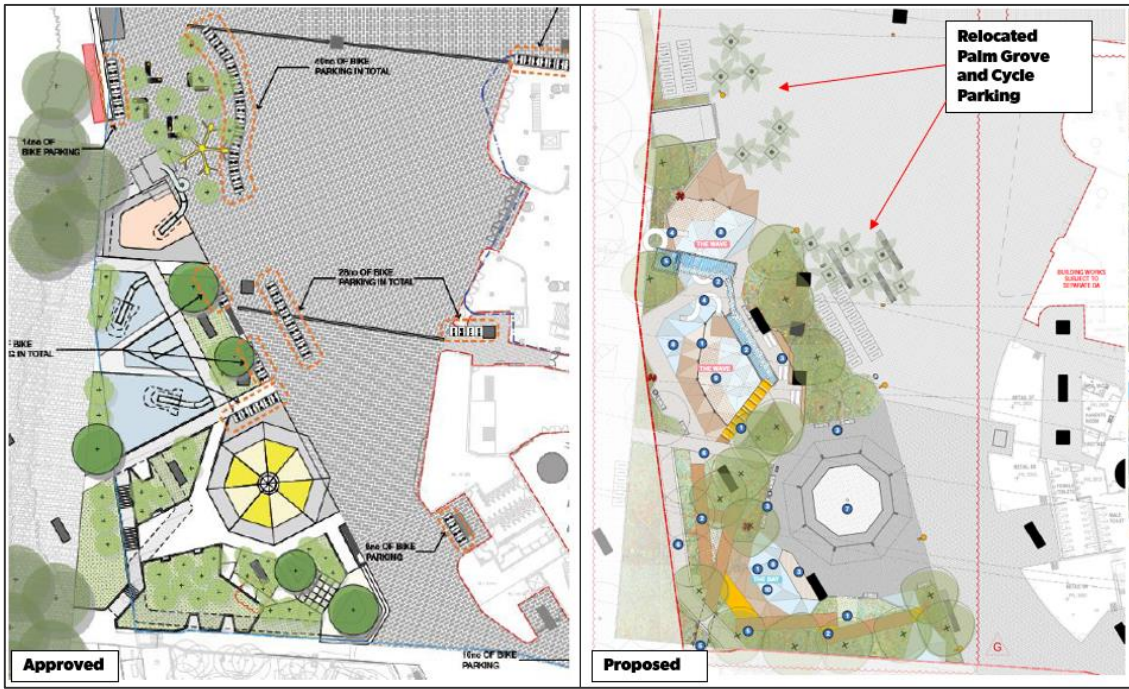


Figure 5 | I Approved and proposed western public domain (Base source: Public Domain Plans)

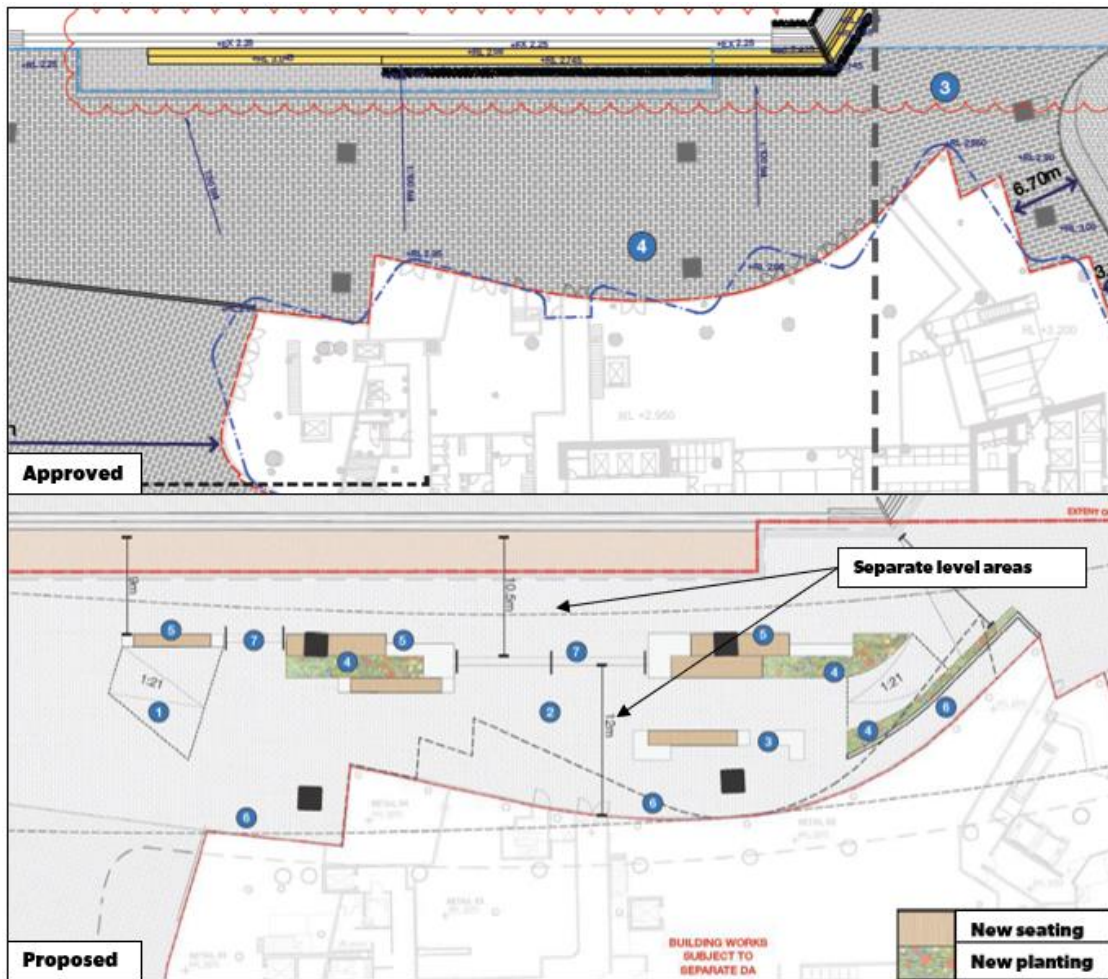
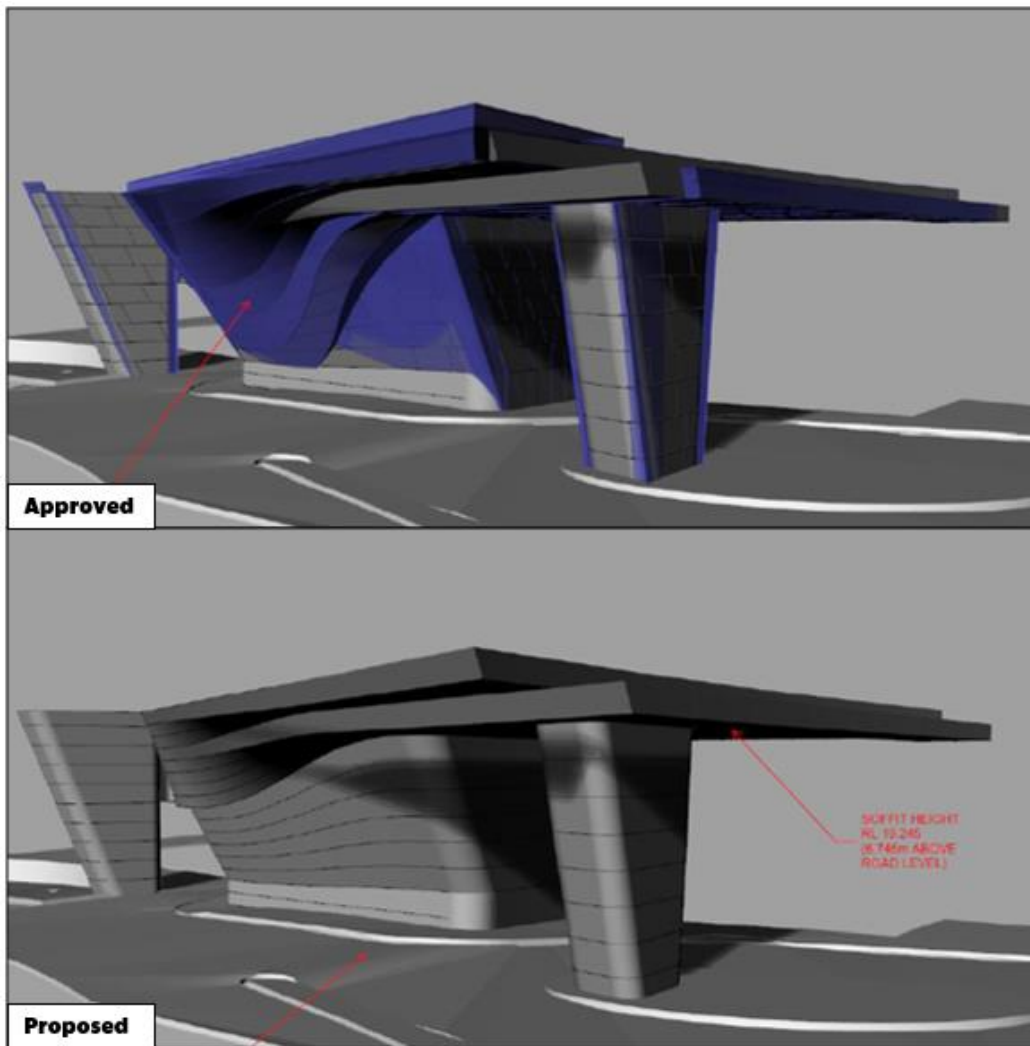
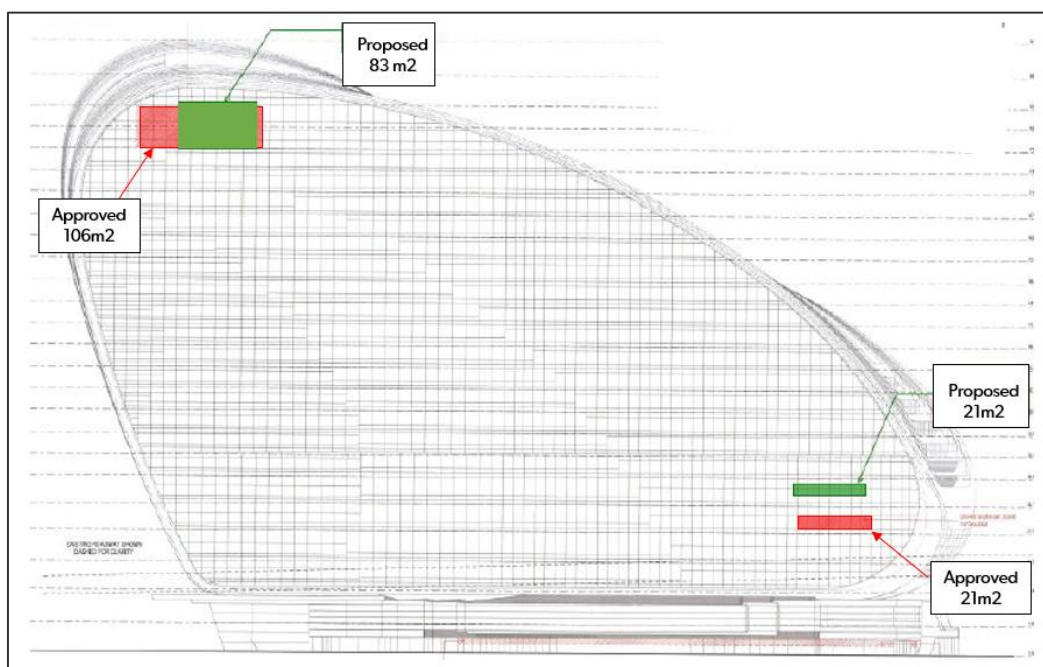


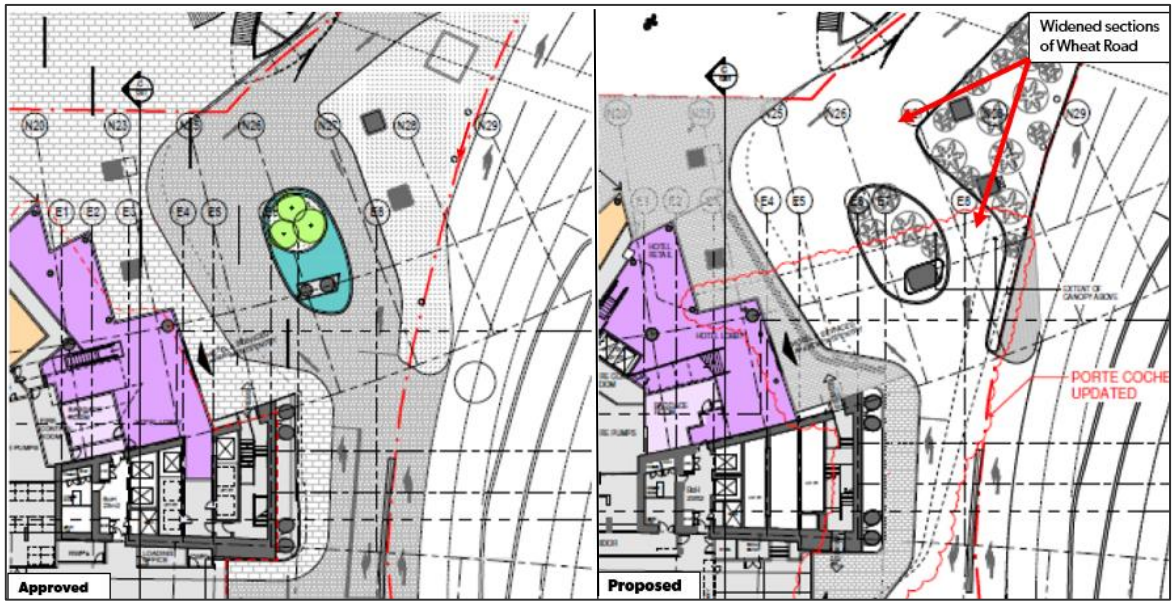
Figure 6 | Approved and proposed northern public domain (Base source: Public Domain Plans)



**Figure 7 | CGI of the approved (purple) and proposed Port Cochere (Source: Applicant's Modification report)**



**Figure 8 | Approved and proposed signage zones (Base source: Applicant's Modification Report)**



**Figure 9** | Wheat Road “Loop Road” amendments (Base source: Applicant’s Modification Report)



## 3. Statutory Context

### 3.1 Scope of Modifications

The Department has reviewed the scope of the modification application and considers that the application can be characterised as a modification involving minimal environmental impacts as the proposal:

- would not increase the environmental impacts of the project as approved
- is substantially the same development as originally approved
- would not involve any further disturbance outside the project approved disturbance areas.

The Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged. The matters for consideration under section 4.55(1A) of the EP&A Act that apply to the modification have been considered in **Table 2**.

**Table 2** | Consideration of proposed modification against Section 4.55(1A) of the EP&A Act

Section 4.55(1A) Evaluation	Consideration
a) that the proposed modification is of minimal environmental impact, and	<b>Section 6</b> of this report provides an assessment of the impacts associated with the modification application. The Department is satisfied that the proposed modification will have minimal environmental impacts.
b) that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and	The modification application seeks minor amendments to the approved buildings and public domain and therefore results in development that is substantially the same as the originally approved development.
c) the application has been notified in accordance with the regulations, and	The modification application has been notified in accordance with the EP&A Regulations. Details of the notification are provided in <b>Section 5.1</b> of this report.
d) any submission made concerning the proposed modification has been considered.	All submissions received are summarised in <b>Section 5</b> and the issues raised have been considered in <b>Section 6</b> of this report.

### 3.2 Consent Authority

The Minister for Planning and Public Spaces is the consent authority for the application under section 4.5 (a) of the Act.

#### [The Minister's delegate as consent authority](#)

However, under the Minister's delegation dated 9 March 2020, the Director, Key Sites Assessments may determine the application as:

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

### **3.3 Environmental Planning Instruments**

The following environmental planning instruments (EPIs) are relevant to the application:

- State Environmental Planning Policy (State & Regional Development) 2011 (SRD SEPP)
- State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)
- State Environmental Planning Policy (State Significant Precincts) 2005 (SSP SEPP)
- State Environmental Planning Policy (Advertising and Signage) (SEPP 64)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SHC SREP)
- Darling Harbour Development Plan No. 1.

The Department undertook a comprehensive assessment of the development against the above-mentioned EPIs in its original assessment. The Department has considered the above EPIs and is satisfied the modification remains consistent with these EPIs.

### **3.4 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:

- the precautionary principle,
- inter-generational equity,
- conservation of biological diversity and ecological integrity,
- improved valuation, pricing and incentive mechanisms.

The Department has considered the project in relation to the ESD principles. The Precautionary and Inter-Generational Equity Principles have been applied in the decision-making process by a thorough assessment of the environmental impacts of the project. Overall, the proposal is generally consistent with ESD principles and the Department is satisfied the sustainability initiatives secured in the original consent are not compromised by the proposed modification.

### **3.5 Objects of the EP&A Act**

The Minister or delegate must consider the objects of the EP&A Act when making decisions under the Act. The Department is satisfied the proposed modification is consistent with the objects of the EP&A Act.



## 4. Engagement

### 4.1 Department's Engagement

In accordance with the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation), the application was made publicly available on the Department's website on 6 November 2019 and referred to:

- City of Sydney Council (Council)
- Transport for NSW (RMS) (formerly Roads and Maritime Services)
- Transport for NSW (TfNSW)
- Property NSW
- Office of Environment and Heritage (OEH)
- NSW Police
- Sydney Water
- Ausgrid.

### 4.2 Summary of Submissions

The Department received submissions from Council, TfNSW, TfNSW (RMS) and Property NSW.

No public submissions were received.

A link to the submissions may be viewed at **Appendix A**.

### 4.3 Key Issues – Government Agencies

**Table 3** | Government agency advice

#### TfNSW

TfNSW did not object to the proposal and advised that the Construction Pedestrian and Traffic Management Plan (CPTMP) approved under SSD 7388 should be updated to reflect the revised proposal.

#### TfNSW (RMS)

TfNSW (RMS) raised concerns on behalf of the operator of the Cross-City Tunnel (CCT) Transurban (TCCT). It advised it did not support the revised Property NSW building encroaching within the 2 m clearance zone of the CCT ventilation stack and requested a minimum 2 m clearance be maintained.

#### Property NSW

Property NSW advised that the detailed design of the public domain and Property NSW building were

subject to ongoing discussions with the developer and raised no issues with the proposed modification.

## 4.4 Key Issues – Council

**Table 4** | Council submissions to the notification of the modification

### Council comments

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

- consideration must be given to local wind conditions
- the western façade and the ground floor of the Property NSW building should retain transparency so as to maximise visibility to the internal uses at ground level.
- the modification must be consistent with the required flood planning levels and comply with the City of Sydney Interim Floodplain Management Policy
- a minimum 4 m wide travel path should be maintained between the proposed public domain embellishments and future outdoor seating zones
- the proposed modifications to the playground are generally acceptable. However, relocation of the palm groves and new seating elements appears to detract from the usability of the space for events and the visibility of the City Screen
- the Applicant should clarify the changes in the loop road section of the forecourt which are not reflected on the architectural plans.

## 5.5 Response to Submissions

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

On 7 January 2020, the Applicant provided a Response to Submissions (RtS) (**Appendix A**) which provided clarification and justification on the issues raised during the exhibition, including wind impacts, footway clearances, public domain levels, construction management and clearances to RMS infrastructure.

The RtS was made publicly available on the Department's website and referred to Council TfNSW and TfNSW (RMS). Further advice was received from Council, TfNSW, and TfNSW (RMS) confirming that the issues raised had been addressed by the RtS.



## 5. Assessment

In assessing the merits of the proposal, the Department has considered:

- the modification application and associated documents
- the Environmental Impact Statement and conditions of approval for the original application (as modified)
- all submissions received on the proposal
- relevant environmental planning instruments, policies and guidelines
- the requirements of the EP&A Act.

The Department considers the key assessment issues associated with the proposal are:

- building form
- public domain

These issues are discussed in the following sections of this report. Other issues taken into consideration during the assessment are discussed at **Section 6.3**.

### 5.1 Building form

#### 5.1.1 Property NSW building

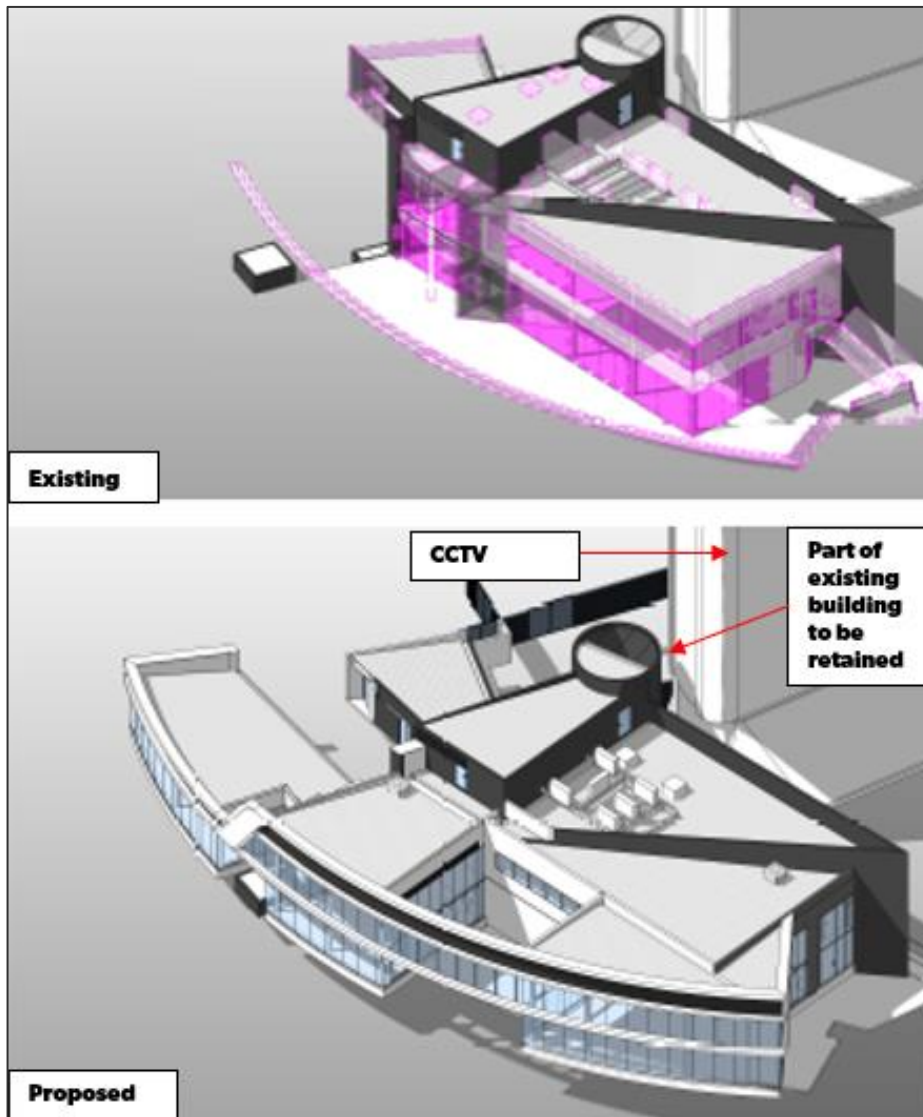
The modification proposes to redesign the two-storey Property NSW building, partially retaining the existing building and introducing a new single storey northern wing, a curved western elevation, and reconfiguration to increase retail space at ground floor level. The modifications to the building result in an increase of GFA from 1,786 m<sup>2</sup> to 1,821 m<sup>2</sup> (+35 m<sup>2</sup>).

Council raised concerns about the wind conditions as a result of the amended façade design. TfNSW (RMS) raised concerns about the encroachment of the building into the 2.0m clearance zone of the Cross City Tunnel Vent (CCTV).

In response to concerns raised by Council and TfNSW (RMS), the Applicant:

- submitted a wind impact assessment which demonstrates that the revised design of the building will not have a negative impact on wind conditions at ground level for pedestrians
- clarified that the only areas of encroachment result from the retention of part of the existing building (**Figure 10**). TfNSW (RMS) subsequently confirmed that their concerns had been addressed.





**Figure 10** | Existing and Proposed Property NSW building showing encroachment of the retained building into 2.0m RMS clearance zone.

The Department has considered the proposal and the additional information provided by the Applicant to address concerns raised. The Department is of the view that the proposed changes to the Property NSW building are minor in the context of the overall development and the new curved design more closely relates to the approved podium and overall design intent of The Ribbon building. The revised design also retains floor to ceiling glazing as originally approved, providing an active frontage addressing the western public domain.

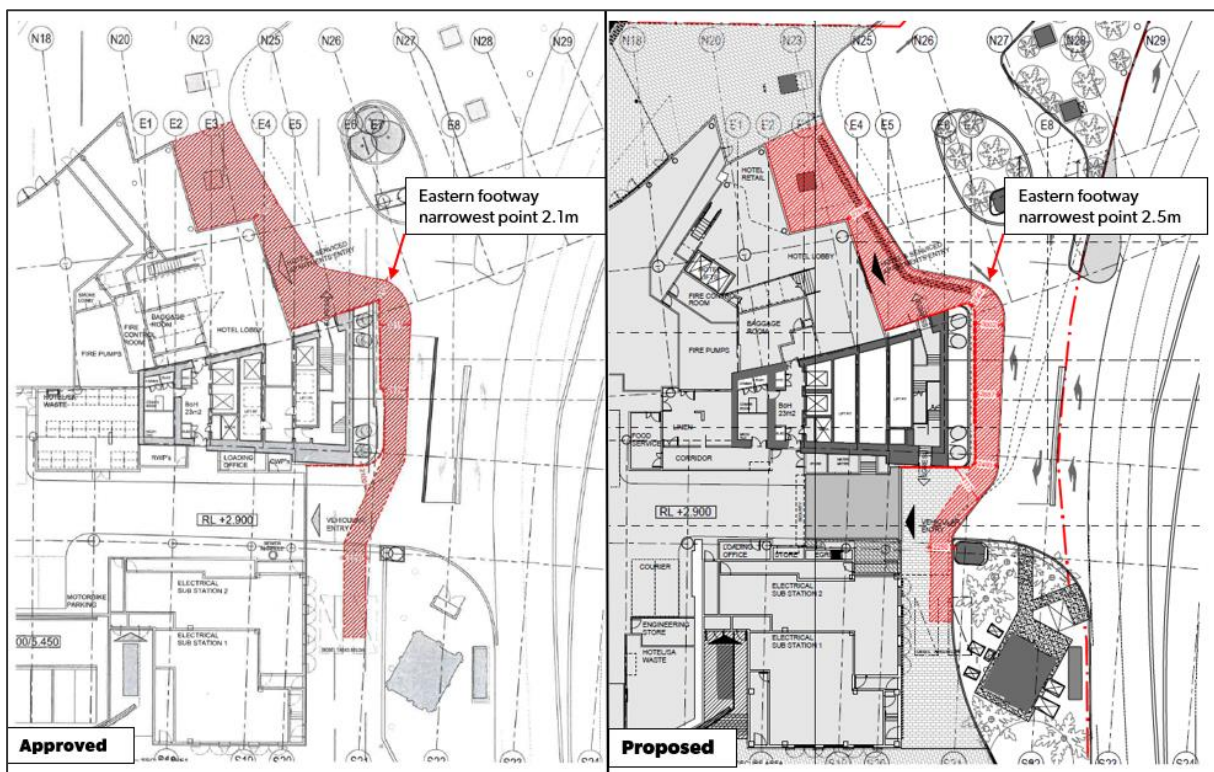
The Department therefore supports the revised design of the Property NSW building for the following reasons:

- it will better integrate with the design of The Ribbon building podium in form and materiality and represents a superior design outcome compared to the approved building
- it will provide adequate activation and surveillance of the public domain

- the amended building layout is capable of complying with the provisions of the BCA, Disability (Access to Premises) Standard 2010, relevant Australian Standards and the Disability Discrimination Act 1992 (DDA)
- the submitted wind impact assessment demonstrates that there will be no additional wind impacts
- only the retained part of the existing building encroaches into the exclusion zone of the CCTV
- existing Conditions B40 and B41 include requirements to protect RMS assets/infrastructure and allow for Access/Maintenance.

### 5.1.2 Porte Cochere

The proposal seeks to make minor amendments to the porte cochere of The Ribbon building to rationalise the curved steps in the eastern elevation and simplify the overall design (**Figure 7**). The modification will also result in an increase of the minimum pedestrian pathway width outside the porte cochere from 2.1 m to 2.5 m (**Figure 11**).



**Figure 11** | Approved and proposed minimum pedestrian path widths (Base Source: Approved Plans MOD 3 and Architectural plans).

The Department notes that the footpath width in the public domain to the east of The Ribbon building was a key issue in its original assessment. The Department found that a minimum footpath width of 2.1 m at its narrowest was acceptable. The proposed modifications to the porte cochere and Wheat Road loop will increase the minimum footpath width to 2.5 m which the Department considers will enhance pedestrian permeability and amenity in this location.

The Department therefore considers the revised port cochere is acceptable as:

- it will result in a simpler more refined design which reflects the form and materiality of the approved Ribbon podium
- it would not impact the approved layout of the forecourt link road with respect to vehicle circulation and would increase the minimum vehicle clearance height above the road and adjacent pedestrian path
- it will reduce the severity of the existing pinch point in the pedestrian pathway increasing the footpath width from 2.1 m at its narrowest to 2.5 m.

## 5.2 Public Domain

The proposal seeks to make the following changes to the public domain:

- replace the sloping area to the north of The Ribbon building with two level sections separated by steps, seating and planting, with ramp access to the upper levels
- revise the playground design in the western public domain
- relocate the approved 'palm grove' planting and seating within the western public domain approximately 20 m further south to integrate with the public events space adjacent to the approved City Screen
- relocate public bicycle parking to locate a greater proportion of the approved 176 cycle parking spaces within the eastern public domain.

Council initially raised concerns about the impact of the relocated palm grove and northern public domain seating on views to the City Screen. Council also sought confirmation of footway gradings, drainage and minimum path widths adjacent to the proposed outdoor seating (subject to separate DA with Council) to north facing retail tenancies.

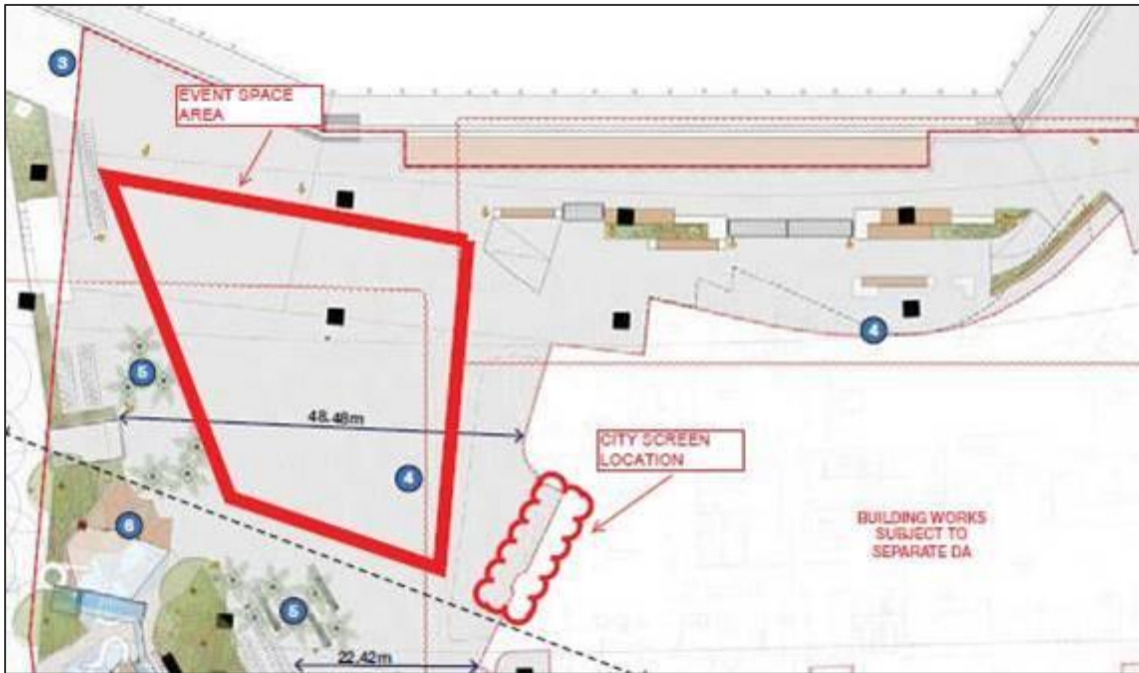
In response, the Applicant advised that:

- the City Screen can't be seen from the northern seating area
- the location of the palm trees was chosen to tie into the playground and to enhance the amount of open space for public events within the public domain, and to maximise the viewing area for the City Screen (**Figure 11**)
- a 4.2 m clearance from the proposed outdoor seating is maintained
- the proposed levels within the stepped northern public realm provide adequate cross falls for drainage and to prevent localised pooling on footways.

Following consideration of the RtS, Council confirmed that its concerns had been addressed.

Pedestrian circulation was a key issue in the Department's original assessment and the Department notes that the proposed amendments to the public domain provide:

- a minimum 4.2 m width is maintained outside the seating adjacent to The Ribbon ground floor retail tenancies, in line with or exceeding Council requirements.
- a minimum width of 13 m between the playground and the Property NSW (increased from 11.58 m as approved)



**Figure 11** | Plan showing the relocated palm grove, City Screen, event space and northern public domain  
(Source: RtS)

The Department therefore considers that the proposal continues to provide a high level of permeability though the site to ensure the public domain is both welcoming and publicly accessible without feeling privatised.

The Department also supports the relocation of the palm grove to the south and west and considers it would not adversely affect views of the City Screen or the harbour and would increase permeability and usability of the event space area.

In conclusion the Department considers the changes to the public domain are acceptable as:

- the proposed public domain works are generally consistent with the original approval in terms of hard and soft landscaping and pedestrian circulation space (**Figure 6**)
- stepped seating and planting areas in the northern public domain represent a small area of the total public domain and are located around the pylons to the Western Distributer above, maximising the function and amenity of this space
- they would enhance visual interest and public amenity of the northern public domain without privatising the space
- they would enhance the function and usability of the event space in the western public domain
- the relocation of cycle parking spaces would further declutter the western public domain resulting in improved circulation and amenity for pedestrians
- the revised playground layout will result in a greater width of the pedestrian pathway between the playground and Property NSW building (from 11.58 m to 13 m) improving pedestrian permeability.

The Department also notes Condition B4 requires the submission of detailed public domain and landscaping plans, including materials and finishes, grading levels and drainage in accordance with

Council’s specifications to be endorsed by SHFA (now Property NSW) and submitted to the Secretary for approval prior to the issue of a Construction Certificate.

The Department notes that the revised landscaping plans are conceptual only and therefore recommends that this condition be updated to also require full details of the design, materials and location of all outdoor furnishings, planters and playground structures prior to the issue of the Construction Certificate for the public domain.

**5.3 Other Issues**

**Table 7 | Department’s assessment of other issues**

Issue	Consideration	Recommended Condition
Wheat Road	<ul style="list-style-type: none"> <li>• The modification includes the widening of part of Wheat Road “Loop Road”, located outside the eastern forecourt of The Ribbon building, to enable 8.8 m medium rigid vehicles to access the southern loading dock from the north (<b>Figure 9</b>).</li> <li>• The Department considers the change to Wheat Road is acceptable as:               <ul style="list-style-type: none"> <li>○ the closure of the southern access to the loading dock directly from Harbour Street was required by TfNSW to discharge Condition B20 - <i>Comprehensive Management and Operation Plan for the Car Stacker, loading Dock, Valet Service and Porte Cochere</i>. The access closure necessitates the use of Wheat Road for all vehicles accessing the loading dock.</li> <li>○ the Applicant submitted swept path diagrams demonstrating that the proposed amendments to Wheat Road are sufficient to accommodate the required service vehicles.</li> <li>○ The widening of the road does not impact pedestrian pathways or the approved pick up and drop of areas within the Port Cochere and will not affect the function or amenity of the public domain.</li> </ul> </li> </ul>	No additional conditions necessary
Signage zones	<ul style="list-style-type: none"> <li>• The modification proposes minor amendments to two approved signage zones on the northern elevation of The Ribbon building (<b>Figure 8</b>)</li> <li>• The upper level signage zone would be reduced in area from 106 m<sup>2</sup> to 83 m<sup>2</sup> and remain in the same location. The lower level signage zone would remain the same size as approved and move approximately 4 m above its approved location.</li> <li>• This change is sought to correct inconsistencies between the signage plans and photomontages approved under MOD 6 and reflect the size and location of the signage zones as shown in the photomontages.</li> <li>• The Department undertook a detailed assessment of the signage zones against SEPP 64 under MOD 6 and considers the proposed changes are minor and</li> </ul>	No additional conditions necessary

acceptable as they would not result in any additional impacts above those already assessed.

Bicycle Parking	<ul style="list-style-type: none"> <li>The modification proposes a revised cycle parking layout, to locate a greater proportion of the 176 approved visitor bicycle parking spaces within the north east and south east areas of the public domain</li> <li>The Department considers the revised cycle parking layout is acceptable as it will concentrate cycle parking in the least trafficked area of the public domain, increase the functionality of the large event space and reduce conflict between pedestrians and cyclists.</li> </ul>	No additional conditions necessary
Flooding and drainage	<ul style="list-style-type: none"> <li>Council advised that the proposed finished floor levels (FFL) of the Property NSW building must be consistent with the required flood levels and comply with the City of Sydney Interim Floodplain Management Policy.</li> <li>The Applicant has submitted a flood depth analysis which confirmed that the FFLs of the PNSW building are protected from 1% Annual Exceedance Probability (AEP).</li> </ul>	The Department recommends a condition requiring the Applicant to submit details confirming the FFLs of the Property NSW building are consistent with the required flood levels and comply with Council's interim Floodplain Management Policy prior to the issue of a Construction Certificate.
Construction Management	<ul style="list-style-type: none"> <li>TfNSW requested that an updated Construction Pedestrian and Traffic Management Plan (CPTMP) be submitted to the Coordinator General, Transport Coordination for endorsement, for any changes to the construction methodology that would have the potential to impact on the general traffic and bus operation within the CBD.</li> <li>The Department recommends the CPTMP be updated in accordance with TfNSW requirements.</li> </ul>	The Department recommends a condition requiring the approved CPTMP be updated in accordance with the requirements of TfNSW.
Condition F2	<ul style="list-style-type: none"> <li>Condition F2 restricts the provision of outdoor seating within the public domain fronting the tenancies of the Property NSW building. Condition F2 was imposed to enhance the legibility and permeability of the main north south route between the playground and the building and prevent outdoor seating for ground floor retail tenancies of the Property NSW building.</li> <li>The conditions states: <i>No outdoor seating is permitted within the public domain fronting the tenancies of the two storey building located south west of the site.</i></li> <li>The applicant proposes to change the wording to: <i>No outdoor seating <b>forward of the building line</b> is permitted within the public domain fronting the tenancies of the two storey building located south west of the site.</i></li> <li>The Applicant notes that this amendment will allow the provision of seating within the relocated palm grove north west of the Property NSW building, while specifically prohibiting seating adjacent to the ground floor retail tenancies within the building.</li> <li>The Department notes the intention of the condition is not to prevent public seating within the public domain and considers that the revised wording will provide</li> </ul>	Amend Condition F2

additional clarify, so as not to prevent the proposed public domain seating, whilst ensuring the permeability and legibility of the north south route is maintained.

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Conditions B7 and F12 to F15	<ul style="list-style-type: none"><li>• The Applicant seeks to correct the numbering of Condition B7 and Conditions F12 to F18.</li><li>• This a minor error update to remove duplication and ensure condition numbering is correct.</li><li>• The Department supports this change.</li></ul>	Update the numbering of Conditions B7 and F12 to F15 to correct the minor error
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## 6. Evaluation

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes that the proposed modification is appropriate as it:

- would result in an improved relationship between the podium of The Ribbon and Property NSW building
- would improve the function and amenity of the public domain
- would ensure safe and effective access to the southern loading dock
- is substantially the same development as the approved development and would not result in any adverse environmental impacts.

Consequently, the Department considers the modification application is in the public interest and should be approved, subject to the recommended changes to the existing conditions (**Appendix B**).





## 7. Recommendation

It is recommended that the Executive Director, Compliance Key Sites and Industry, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **determines** that the modification application (SSD 7388 MOD 7) falls within the scope section 4.55(1a) of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for approving the modification
- **modifies** the consent SSD 7388
- **signs** the attached Modification of Development Consent (**Appendix B**).

Recommended by:

David Glasgow  
**Principal Planning Officer**  
**Key Sites Assessments**

Recommended by:

Amy Watson  
**Team Leader**  
**Key Sites Assessments**



## 9. Determination

The recommendation is: **Adopted by:**

Anthony Witherdin

**Director**

**Key Sites Assessments**



# Appendices

## Appendix A – Relevant supporting information

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows.

1. Modification Application  
<https://www.planningportal.nsw.gov.au/major-projects/project/11046>
2. Submissions  
<https://www.planningportal.nsw.gov.au/major-projects/project/11046>
3. Proponent's Response to Submissions  
<https://www.planningportal.nsw.gov.au/major-projects/project/11046>
4. Supplementary Information.  
<https://www.planningportal.nsw.gov.au/major-projects/project/11046>

## Appendix B – Modification of Development Consent

<https://www.planningportal.nsw.gov.au/major-projects/project/11046>