

ASSESSMENT REPORT

IMAX DARLING HARBOUR SSD 7388 MOD 5

1. INTRODUCTION

This report is an assessment of an application seeking to modify the State significant development (SSD) approval (SSD 7388) for a mixed-use development comprising hotel retail and entertainment uses at 31 Wheat Road, Darling Harbour in the Sydney local government area (LGA).

The application has been lodged by Grocon (the Applicant) pursuant to section 96 (1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It seeks approval to change the mix of uses within the approved building by increasing the number of hotel rooms and reducing the number of serviced apartments.

2. SUBJECT SITE

The site is located at the southern end of Darling Harbour between two elevated east-west roadways of the Western Distributor. The site adjoins the Darling Harbour public domain to the north and west and Darling Quarter public domain to the south, and fronts Harbour Street and Wheat Street to the east (refer to **Figures 1 and 2**).

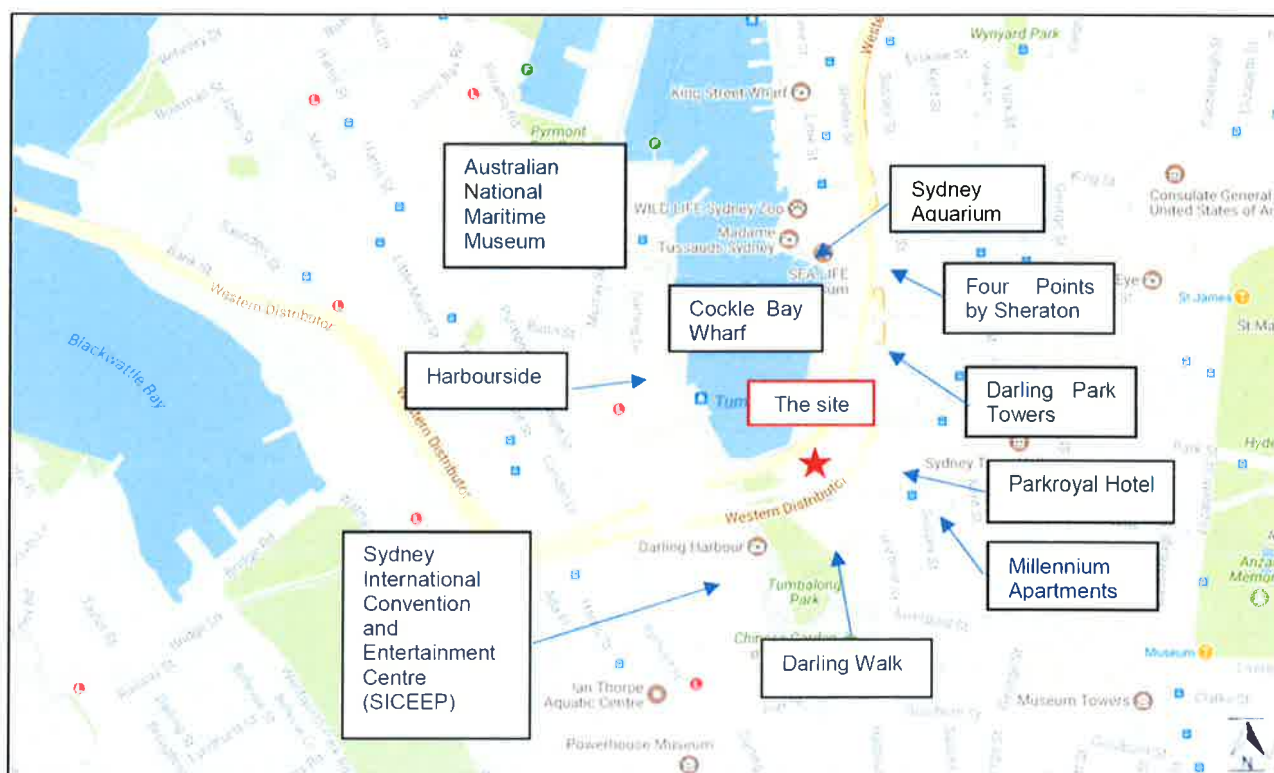


Figure 1: The site and the surrounding context (Base source: Nearmap)



Figure 2: Aerial view of the site (outlined in red) and its surroundings (Base source: Nearmap)

The site was previously occupied by the IMAX theatre building, a tourist information centre and public amenities. These buildings have now been demolished. The site is owned by Property NSW and has a total area of 10,885 square metres (m²).

The surrounding area is characterised by the following development types and land uses:

- to the west, north and south are tourist/entertainment uses including the Sydney International Convention, Exhibition and Entertainment Precinct, Harbourside, Cockle Bay Wharf and Darling Walk/Quarter
- to the east is the Sydney Central Business District (the CBD), including the Parkroyal Hotel, Millennium Towers residential building and Darling Park commercial buildings.

3. APPROVAL HISTORY

On 16 June 2014, the Planning Assessment Commission (the Commission) approved a SSD application (SSD 5397) for a mixed-use office / commercial development comprising:

- demolition of the existing IMAX building, tourist office and amenities block
- construction of a new 20 storey building and separate 2 storey building
- office, retail and entertainment uses
- 86 car parking spaces within the podium levels of the 20 storey building and 332 bicycle spaces at ground level
- realignment of Wheat Road
- upgrade to the surrounding public domain including a new playground and relocation of heritage items
- installation of a City Screen and two signage zones on the 20 storey building.

On 28 June 2016, the Commission approved a revised SSD application (SSD 7388) for the site providing for a mixed-use hotel / retail development (the SSD Approval) comprising:

- demolition of the existing IMAX building, tourist office and amenities block
- construction of a new 25-storey building and separate 2-storey building
- hotel, serviced apartments, retail and entertainment uses

- 170 car parking spaces within the podium and 239 bicycle spaces at ground level
- realignment of Wheat Road
- upgrade to the surrounding public domain including a new playground and relocation of heritage items
- installation of a City Screen and signage zones.

The proposal has been previously modified on two occasions, as summarised in **Table 1**.

Table 1: Summary of modifications to the SSD Approval

MOD no.	Summary of Modifications	Approval Date
MOD 3	Internal and external amendments to the building, increase gross floor area (GFA), reduce the eastern footpath width and modify bicycle parking	2/11/2017
MOD 4	Extension of construction hours	9/11/2017

The Applicant has submitted two previous modification applications (SSD 7388 MOD 1 and MOD 2) relating to the staging of conditions. However, both applications were withdrawn prior to determination.

4. PROPOSED MODIFICATION

On 10 August 2017, the Applicant lodged an application (SSD 7388 MOD 5) seeking approval to make the following amendments to the building:

- a reduction of 16 serviced apartments (from 159 to 143 apartments)
- an increase of 48 hotel rooms (from 402 to 450 rooms) and 49 additional hotel beds (from 471 to 521 beds)
- reduction of 365 m² GFA associated with:
 - the amendments to serviced apartment and hotel room numbers
 - alterations to meeting and administration rooms, storage, housekeeping and circulation areas, pools / lounges, the level 7 atrium, the level 23 speciality restaurant and plant areas
- minor external alterations associated with internal changes.

The modification does not result in any changes to the external design or appearance of the building. Amendments to the building are shown at **Figures 3 and 4**.

The modification is requested in response to increased demand for tourist accommodation within the area.

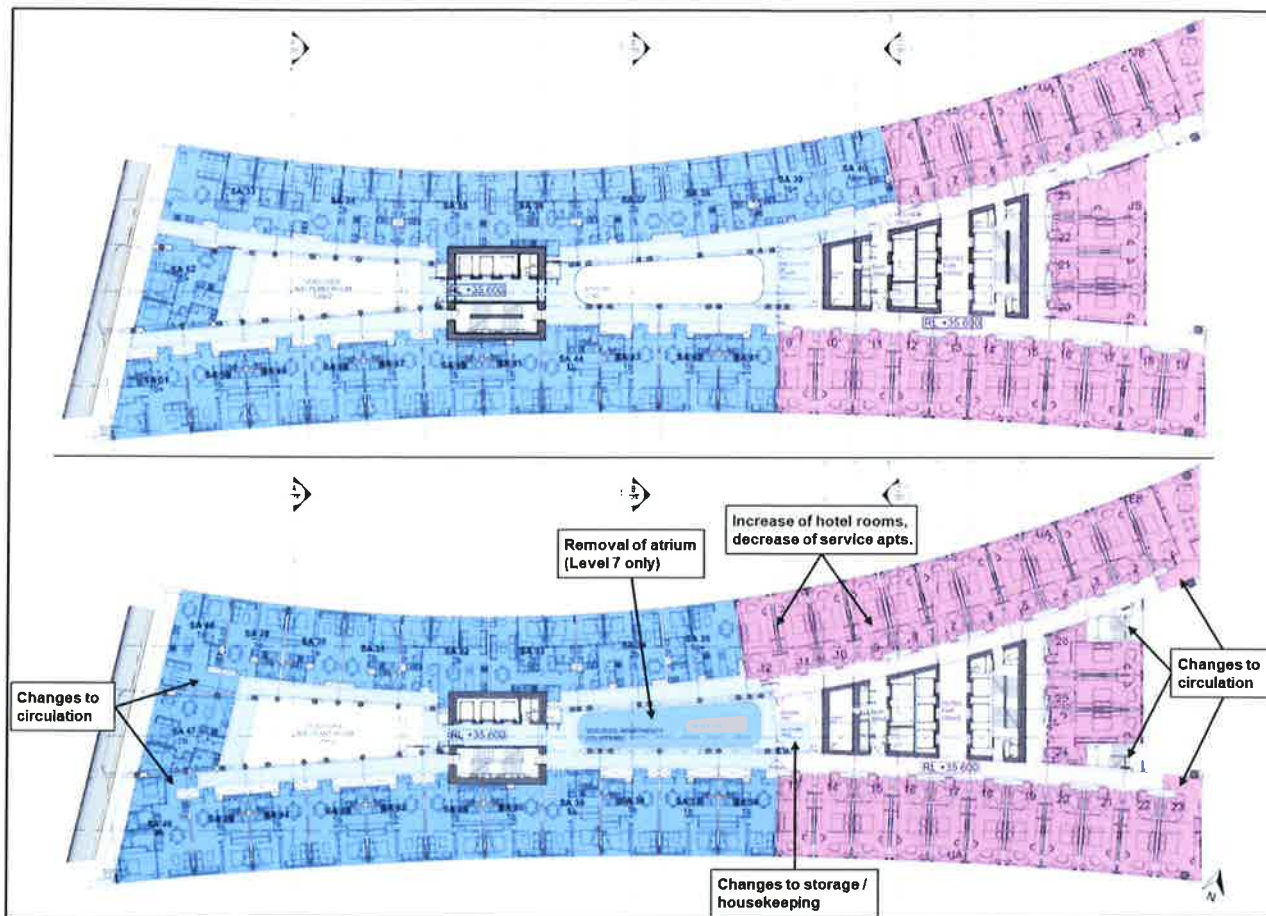


Figure 3: Approved (top) and proposed (bottom) amendments to Level 7 (typical mid-building level) (Base source: Applicant's EIS)

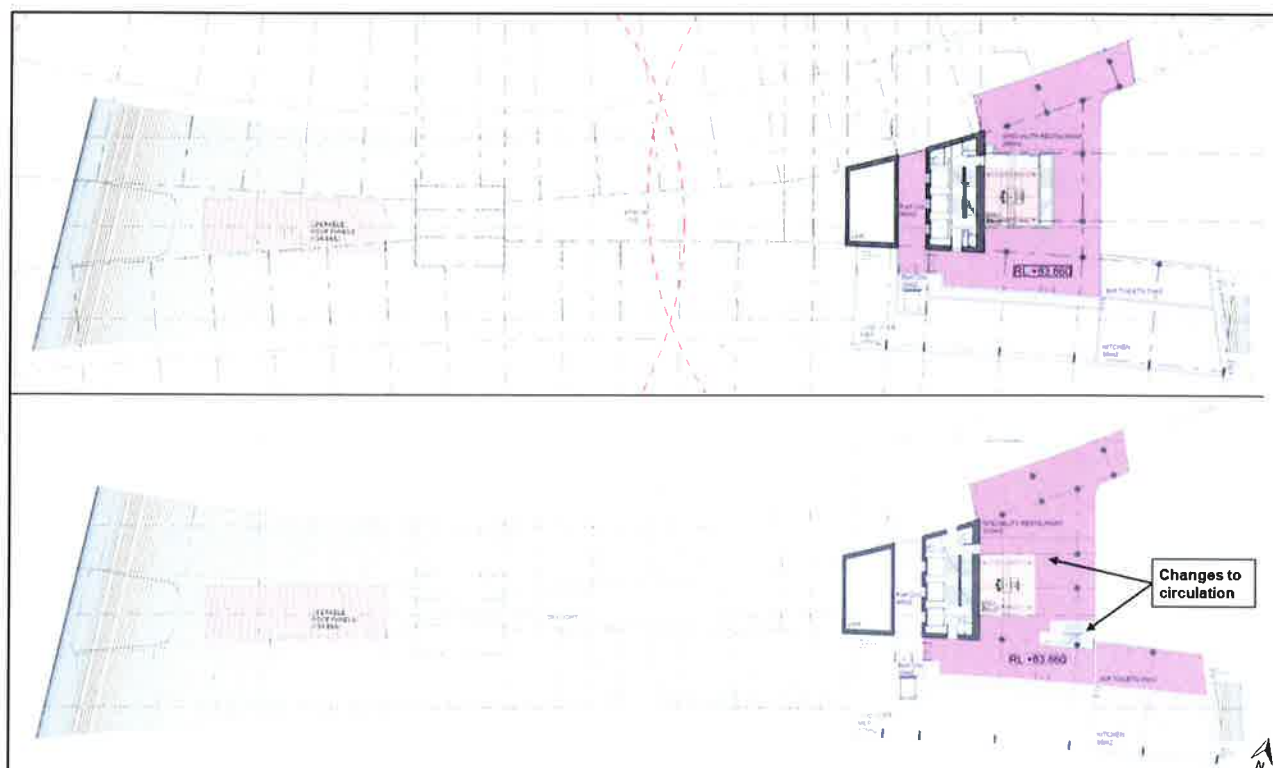


Figure 4: Approved (top) and proposed (bottom) amendments to Level 23, the speciality restaurant (Base source: Applicant's EIS)

5. STATUTORY CONSIDERATION

5.1 Modification of approval

Section 96(1A) of the EP&A Act requires the consent authority to be satisfied that the following matters are addressed in respect of all applications that seek modification approvals:

Table 2: Section 96(1A) matters for consideration

Section 96(1A) matters for consideration	Comment
That the proposed modification is of minimal environmental impact	Section 7 of this report provides an assessment of the impacts associated with the proposal. The Department is satisfied that the proposed modifications will have minimal environmental impacts.
That the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all).	The proposed modification seeks approval for minor internal alterations to reduce the number of service apartments and increase the number of hotel rooms. The proposed alterations would not result in any adverse traffic or amenity impacts (see Section 7). On this basis, the proposal would result in development that is substantially the same as the originally approved development.
The application has been notified in accordance with the regulations	The modification application has been notified in accordance with the regulations. Details of the notification are provided in Section 6 of this report.
Any submission made concerning the proposed modification has been considered.	The Department received one submissions on the proposal from the City of Sydney Council. The comments raised in submissions have been considered in Section 7 of this report.

5.2 Environmental Planning Instruments

The following EPIs are relevant to the application:

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

The Department undertook a comprehensive assessment of the redevelopment against the above-mentioned EPIs in its original assessment. The Department has considered the above EPIs and is satisfied the modification does not change the development's consistency with the EPIs.

5.3 Approval Authority

The Minister for Planning is the approval authority for the application. However, the Director, Modification Assessments may determine the application under delegation as:

- the relevant local council has not made an objection
- a political disclosure statement has not been made
- there are no public submissions in the nature of objections.

6. CONSULTATION

6.1 Consultation

The application was notified in accordance with the *Environmental Planning & Assessment Regulation 2000*. The modification request was made publicly available on the Department's website and referred to the City of Sydney Council (Council). Council raised no objection to the proposed modification and no public submissions were received.

7. ASSESSMENT

The proposal seeks approval to modify the mix of uses within the approved building by replacing 16 serviced apartments with 48 additional hotel rooms, in response to increased market demand for tourist accommodation within the area.

The Department considers the proposed changes are acceptable as:

- the modified development would continue to be compatible with the existing/desired future character of the area and appropriately support the tourist and entertainment function of Darling Harbour
- the external alterations are minor in nature and would not have any impact on the overall appearance of the building or attainment of design excellence
- the proposal would not result in any new or additional solar access, view or privacy impacts
- the Traffic Assessment submitted with the application concludes the modification would have a negligible impact on traffic generation (7 additional AM trips and 7 additional PM trips) and would therefore not have a significant impact on the local road network beyond what has already been approved
- the modification does not propose to amend the approved number of on-site car parking spaces (170 spaces), which remains below the *Sydney Development Control Plan 2012* maximum of 180 for this site
- the modification includes an updated Accessibility Report, which concludes the revised proposal would continue to provide an acceptable level of accessibility as required by the *Disability Discrimination Act 1992*, *Building Code of Australia* and relevant Australian Standards.

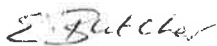
The Department's assessment therefore concludes the proposal is acceptable as it would not result in any significant impacts beyond those already assessed and approved. Consequently, the Department is satisfied the proposal is in the public interest and it is recommended that the modification be approved subject to conditions.

7. RECOMMENDATION

It is recommended the Director, Modification Assessments, as delegate for the Minister for Planning:

- **consider** the findings and recommendations of this report
- **determine** that the application falls within the scope of section 96(1A) of the EP&A Act
- **approve** the IMAX Darling Harbour modification application (SSD 7388 MOD 5), subject to conditions
- **sign** the attached notice of modification (**Attachment A**).

Recommended by:



Emma Butcher
Planning Officer
Modification Assessments

DECISION

Approved:



Anthony Witherdin
Director
Modification Assessments
as delegate of the Minister for Planning.

APPENDIX A: NOTICE OF MODIFICATION

A copy of the notice of modification can be found on the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8683

APPENDIX B: 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 request

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8683

2. Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8683

3. Response to Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8683