



IMAX Darling Harbour

*State Significant
Development
Modification Assessment
(SSD 7388 MOD 6)*



December 2018

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Cover photo

Perspective view looking southwest from Darling Harbour (Source: Applicant's Environmental Assessment)

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Glossary

| Abbreviation | Definition |
|-----------------|--|
| BCA | Building Code of Australia |
| Consent | Development Consent |
| Council | City of Sydney Council |
| Department | Department of Planning and Environment |
| ES | Environmental Assessment |
| EPA | Environment Protection Authority |
| 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 |
| RMS | Roads and Maritime Services |
| RtS | Response to Submissions |
| SEARs | Secretary's Environmental Assessment Requirements |
| Secretary | Secretary of the Department of Planning and Environment |
| SEPP | State Environmental Planning Policy |
| SRD SEPP | <i>State Environmental Planning Policy (State and Regional Development) 2011</i> |
| SSD | State Significant Development |



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 to amend the shape of the approved tower, internal reconfiguration and external design changes, including installation of inclined louvres and Building Management Unit (BMU) rail system, changes to the curtain wall glazing, and eight additional signage zones.

The application has been lodged by Grocon, Darling Harbour (the Applicant) pursuant to clause 4.55(2) of the *Environmental Planning and Assessment Act 1979* (the EP&A Act).

1.2 Background

The site, known as 31 Wheat Road, Darling Harbour previously contained the former IMAX theatre building, a tourist information centre and public amenities. These buildings have now been demolished. The site is located at the southern end of Darling Harbour between the two-elevated east-west roadways of the Western Distributor. It 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 (**Figure 1**). It is located within the City of Sydney local government area (LGA).

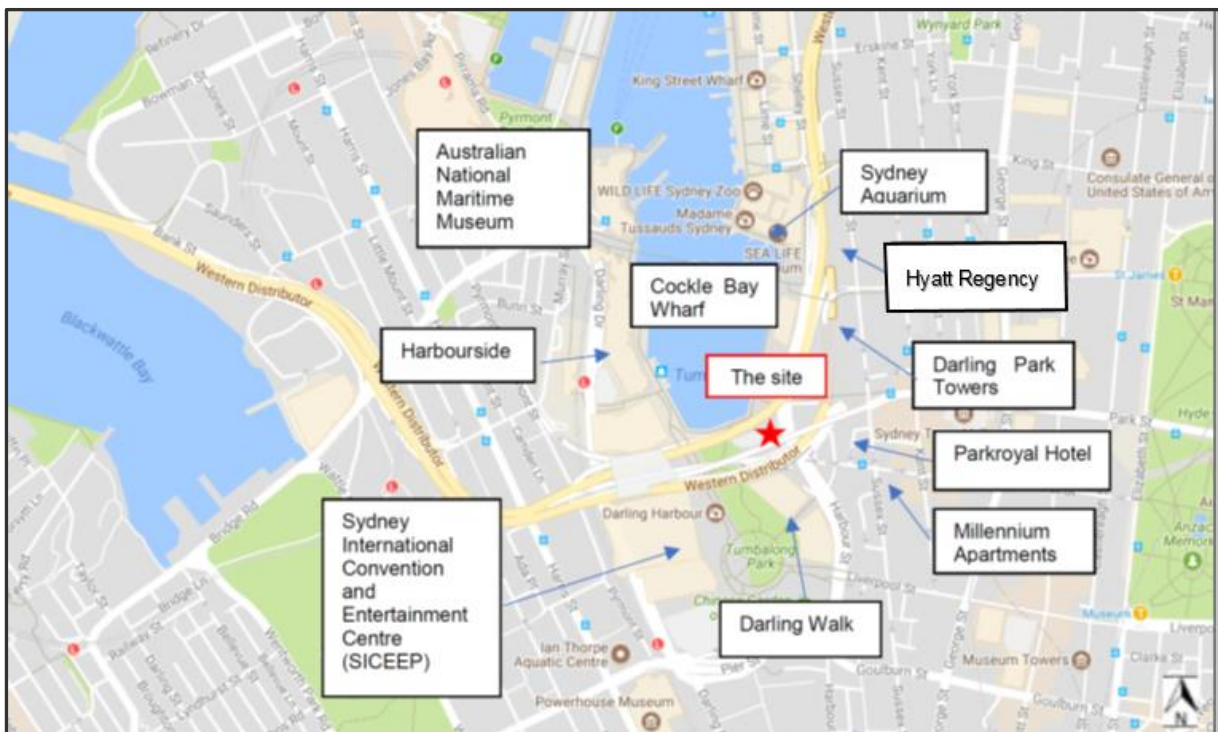


Figure 1 | Site Location (base source: Nearmap)

The site has a total area of 10,885m² and comprises:

- 4,672m² accommodating the approved development called The Ribbon (blue line in **Figure 2**)
- a “zone of influence” which includes the surrounding public domain and landscaping works associated with The Ribbon development (red line in **Figure 2**)
- air space over Harbour Street (red line in **Figure 3**).

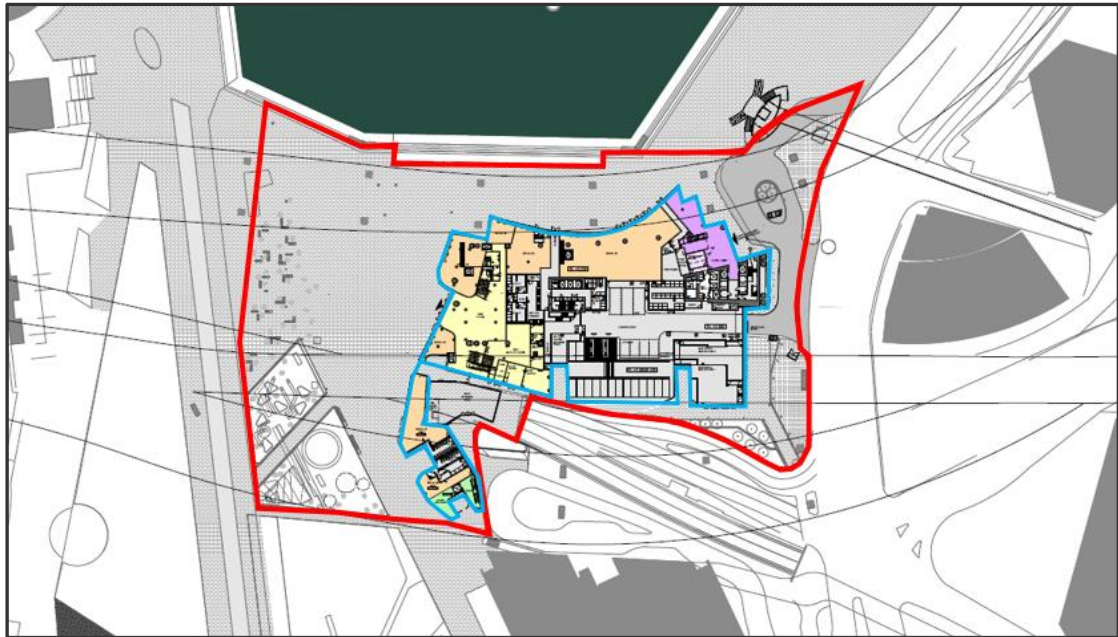


Figure 2 | Site boundary (red line) including approved building footprint of The Ribbon development (blue line)
Source: (Applicant’s EA)



Figure 3 | Aerial view of The Ribbon building footprint above podium level, including airspace over Harbour Street Source: (Applicant’s EA)

1.3 Surrounding Area

The surrounding area contains a diverse mix of commercial, residential, retail, entertainment and tourist uses. To the north and west lies the Sydney International Convention, Exhibition and Entertainment Precinct (SICEEP), Harbourside, Cockle Bay Wharf and Darling Walk/Quarter. To the east lies the Sydney Central Business District (the CBD), Parkroyal Hotel, Millennium Towers residential building and Darling Park commercial buildings. **(Figure 1)**.

The SICEEP is a major urban renewal project along the western and southern ends of Darling Harbour. Having an approximate total area of 15 hectares, the SICEEP project involves three interrelated components linked together by a new integrated public domain, including:

- convention, exhibition and entertainment facilities and open space including a 20 m wide north south pedestrian connection from Cockle Bay to Haymarket known as 'The Boulevard' (Core Facilities)
- a mixed-use neighbourhood with improved public domain (Darling Square); and
- a premium hotel complex (ICC Hotel) .

1.4 Approval History

On 16 June 2014, the former Planning Assessment Commission (Commission) granted development consent (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 use
- 86 car parking spaces within the podium levels 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 signage zones.

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 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 Applicant is currently constructing the building pursuant to the second development consent (SSD 7388).

In addition to the subject application (MOD 6), the development consent has been modified on three occasions and two modifications (MOD 1 and MOD 2) have been withdrawn **(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 ² to 52,060m ²), reduce the eastern footpath width and modify bicycle parking. | Department | 96 (2) | Approved on 2 November 2017 by the Executive Director, Key Sites and Industry Assessments. |
| MOD 4 | Modification of construction hours | Department | 96 (1A) | Approved on 9 November 2017 by the Executive Director, Key Sites and Industry Assessments. |
| 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 ² to 51,703 m ²) | Department | 96 (1A) | Approved on 10 November 2017 by the Director, Modification Assessments. |

1.4.1 Other relevant applications

On 29 November 2017, the Department issued SEARS for an SSD application (SSD 8839) seeking consent for the fit out and operation of the new IMAX cinema within the approved building.

The Department is concurrently assessing a separate SSD application (SSD 8838) for the fit out and operation of the hotel and serviced apartment components of the building. These components are designed to reflect the modified building envelope and internal layout proposed in this modification.



2. Proposed Modification

2.1 Description of proposed modification

On 7 November 2017, the Applicant lodged a modification application (SSD 7388 MOD 6) seeking approval to amend the approved building under section 4.55 (2) of the EP&A Act.

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

Both the approved and proposed elevations and layouts are illustrated in **Figures 4-10**.

Table 2 | Key modification components

| Key Modification Components | |
|-----------------------------|---|
| Component | Description |
| External changes | <ul style="list-style-type: none">• Amend the shape of the tower, reducing the "curve" at upper levels and removing "steps" in the façade at lower levels on the north and south elevations (Figure 4)• Change the fenestration pattern of curtain wall glazing (Figures 6 & 7)• Provide inclined louvres to the eastern and western elevations and wrapping over the top of the building (Figure 5)• Incorporate an integrated BMU rail system to the outer edge of the building (Figures 5 to 7) |
| Internal changes | <ul style="list-style-type: none">• Change upper level hotel and serviced apartment room dimensions and internal building layout to reflect the revised envelope• Internal layout changes at ground and podium level 1 to stair, escalator and lift configuration, cinema and back of house areas, retail, storage and circulation areas (Figures 8 & 9) |
| GFA | <ul style="list-style-type: none">• Reduce the overall GFA from 51,703m² to 50,731m² (-972m²) as a result of the internal and external changes |
| Signage | <ul style="list-style-type: none">• Eight additional signage zones (Figure 10) comprising:<ul style="list-style-type: none">○ five business identification signs; and○ three advertisements (in the form of "now showing" IMAX cinema signs.)• Amendments to the 13 approved signage zones to reflect changes to the podium (approved under SSD 7388 MOD3) |

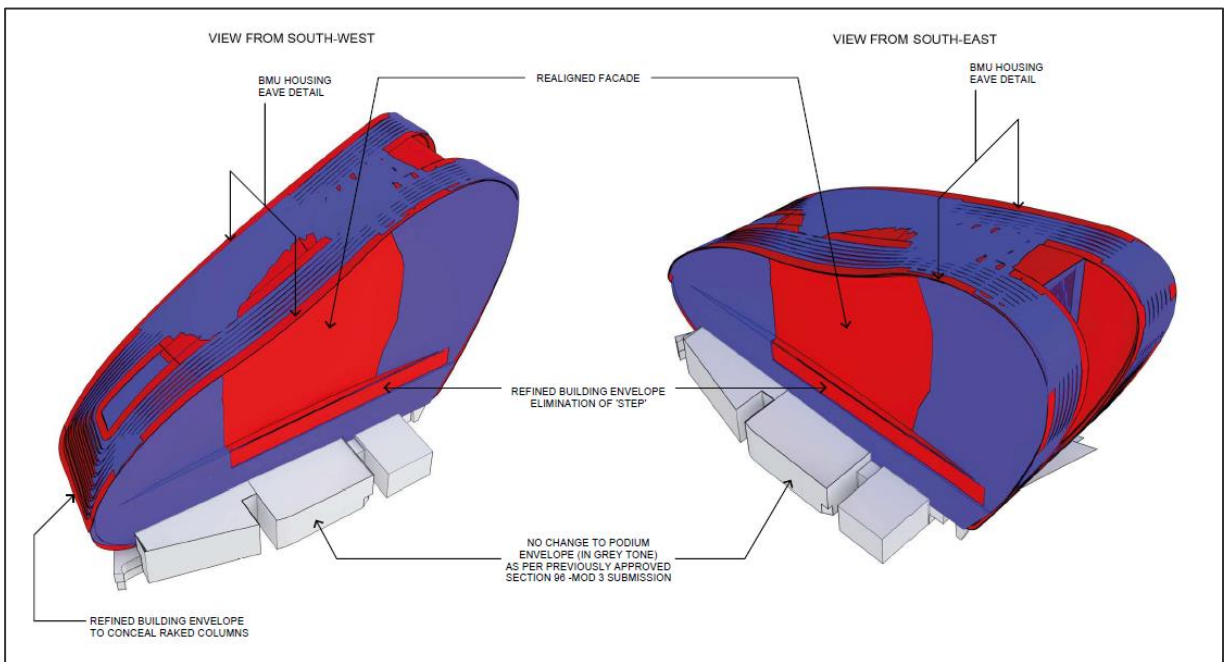
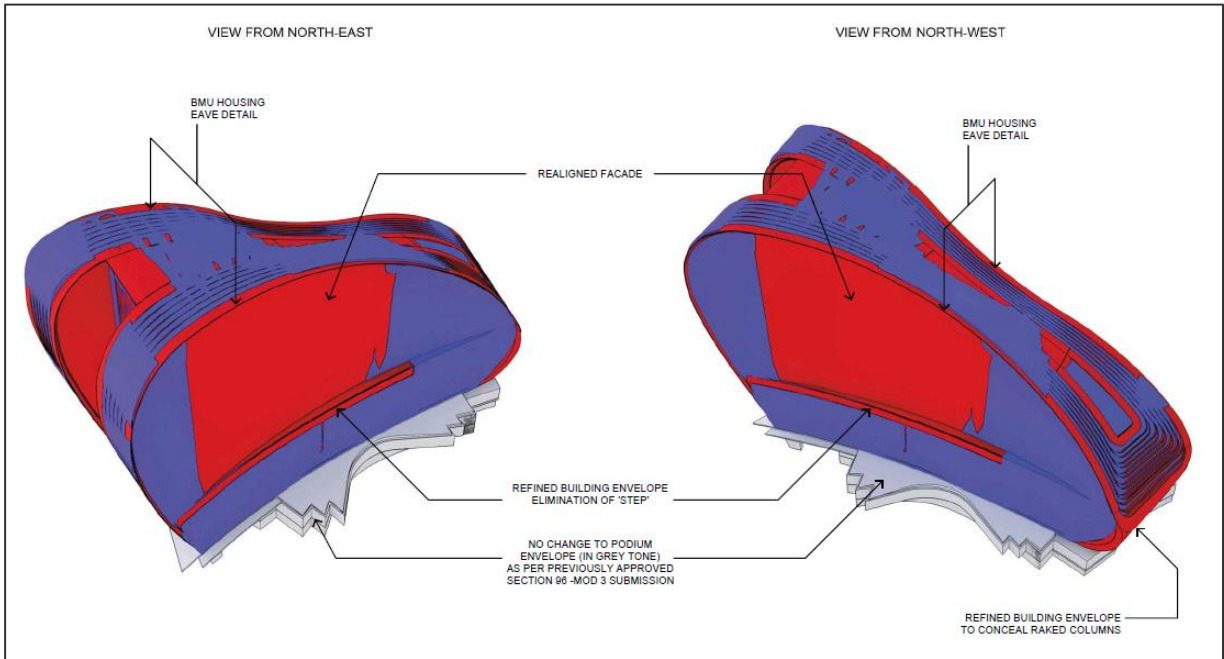


Figure 4 | Building envelope comparison showing approved (purple) and proposed (red) (source: Applicant's RtS).



Figure 5 | CGI of approved west elevation (top) and proposed west elevation (bottom) (source: Applicant’s EA).



Figure 6 | CGI of approved north elevation (top) and proposed north elevation (bottom) (source: Applicant's EA).



Figures 7 | CGI of approved south elevation (top) and proposed south elevation (bottom) (source: Applicant's EA).

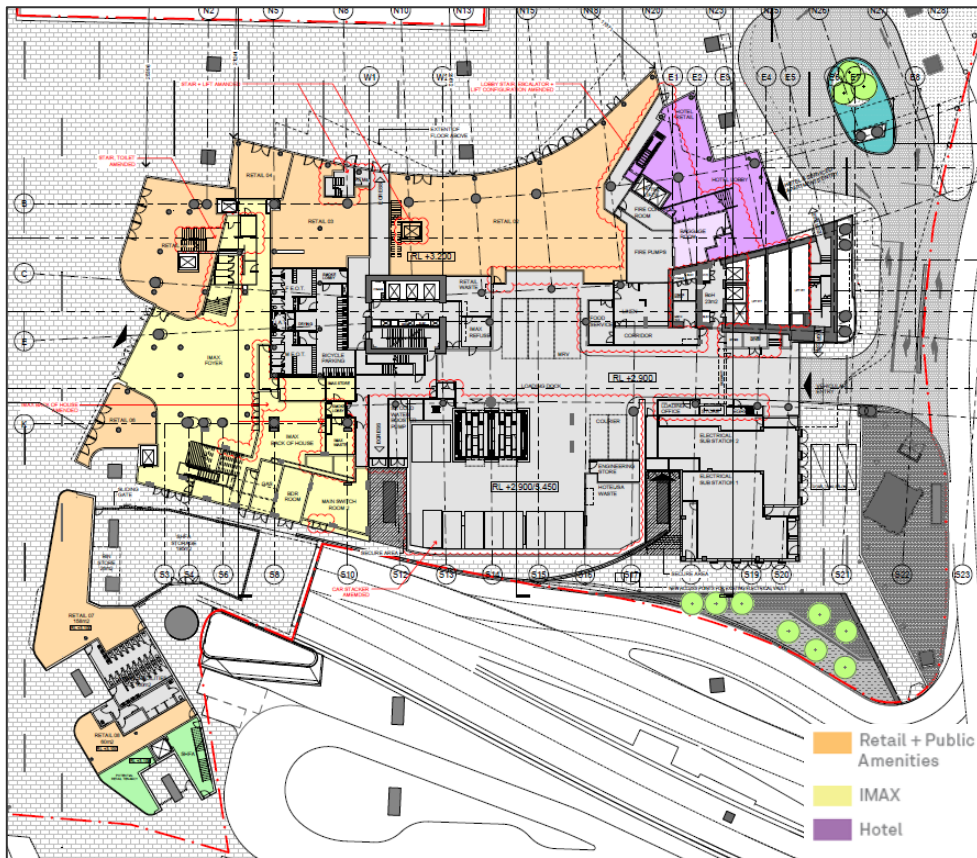
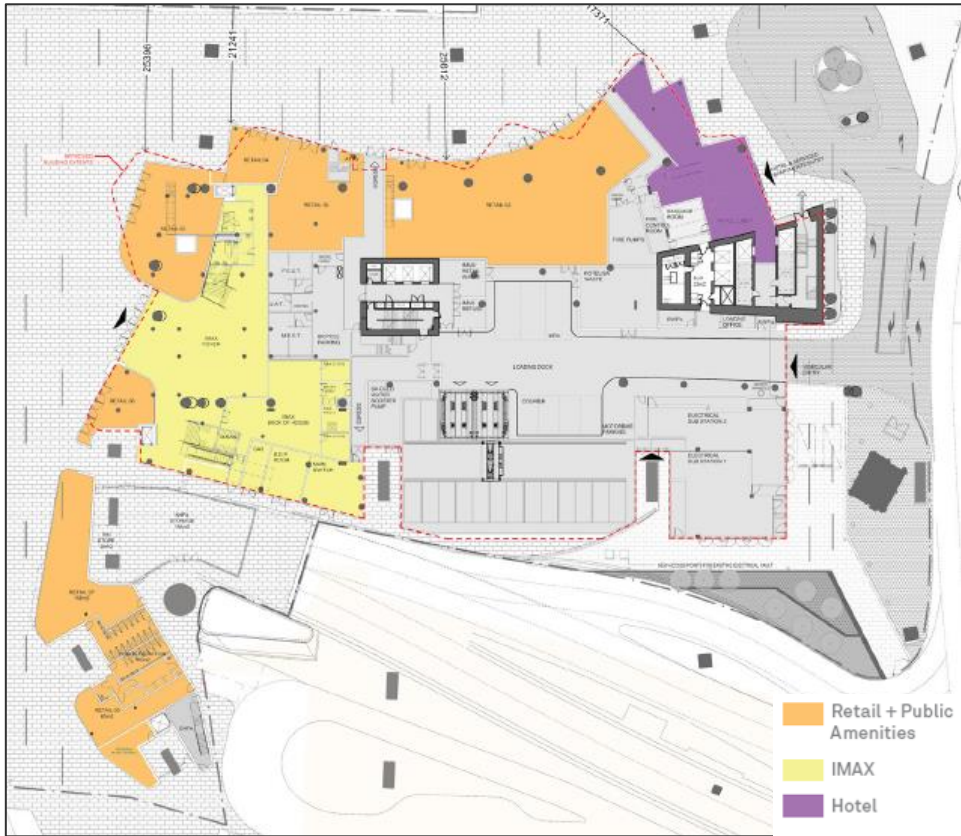


Figure 8 | Approved ground floor layout (top) and proposed ground floor layout (bottom) (source: Applicant's RtS).

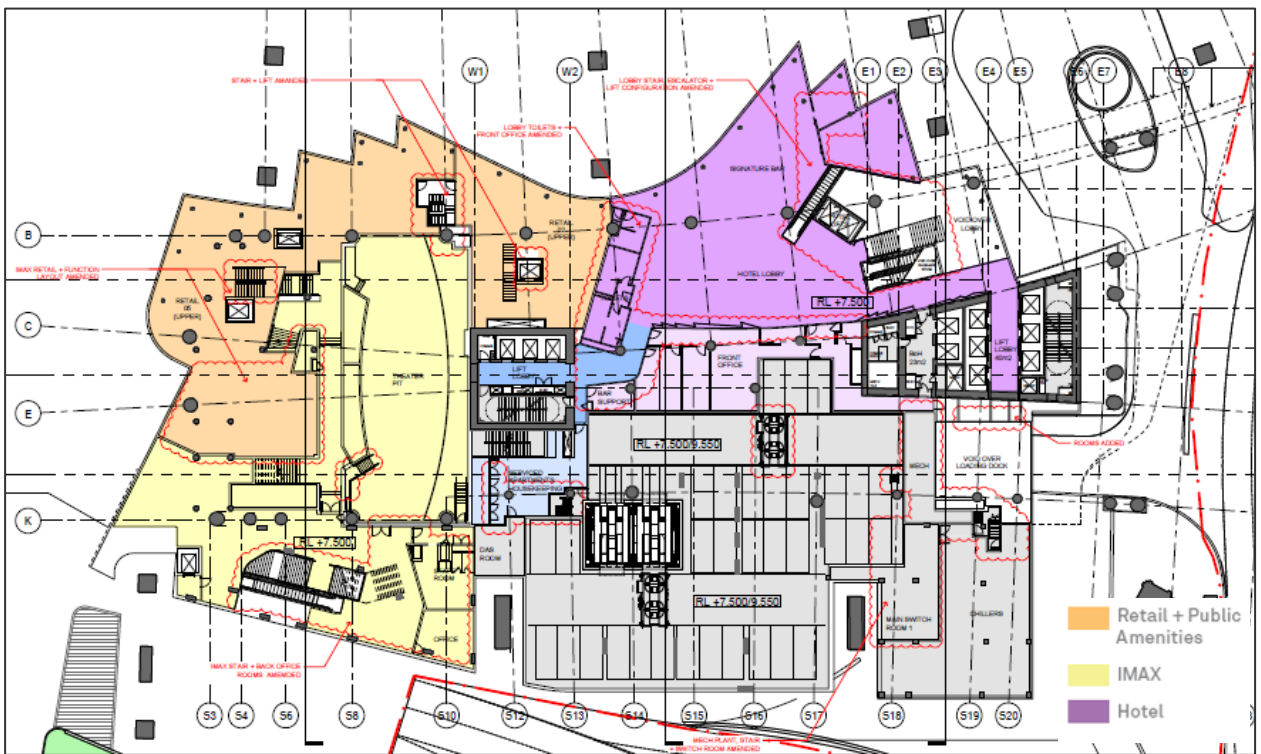


Figure 9 | Approved podium level 1 plan (top) and proposed podium level 1 plan (bottom) (source: Applicant's RtS)

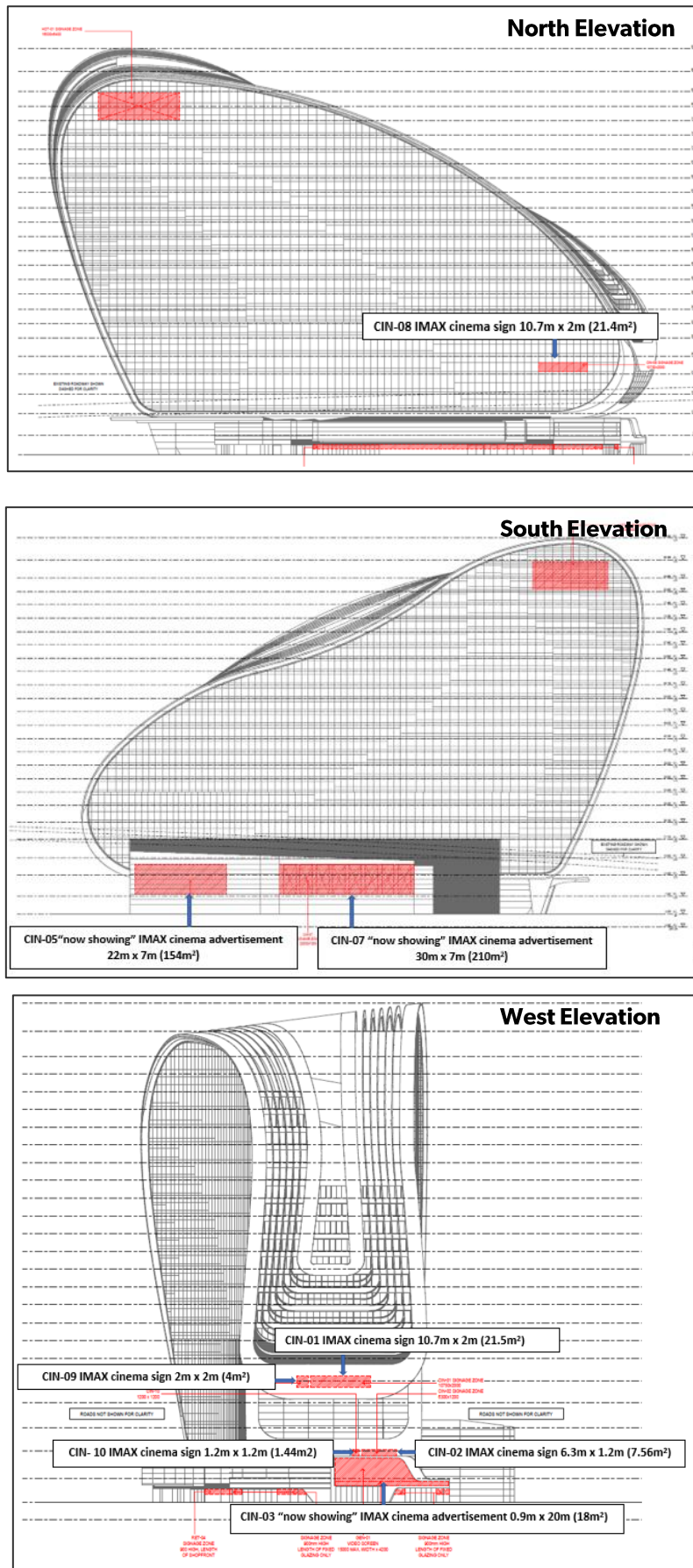


Figure 10 | Proposed signage zones (source: Applicant's EA)



3. Strategic Context

3.1 Greater Sydney Regional Plan and Eastern District City Plan

The Greater Sydney Commission (GSC) has prepared The Greater Sydney Region Plan to provide a 40-year vision for a metropolis of three cities; an Eastern Harbour City, the Western Parkland City and the Central River City, that will rebalance growth and deliver its benefits more equally and equitably to residents across Greater Sydney.

The Department considered the original proposal to be consistent with the Region Plan, as it supports productivity through growth in jobs within the Harbour CBD. Due to the minor nature of the proposed modifications the Department considers the proposal to remain consistent with the Region Plan.

The Precinct is located within the Eastern City District area and is consistent with the objectives of the Eastern City District Plan. The Department considered the original proposal will contribute to a stronger and more competitive Harbour CBD (Planning Priority E7), deliver integrated land use and transport planning and a '30-minute city' (Planning Priority E10) and grow investment, business opportunities and jobs within the Harbour CBD (Planning Priority E11). Due to its minor nature, the proposed modifications are considered to remain consistent with the District Plan.

3.3 Sustainable Sydney 2030

Sustainable Sydney 2030 sets out City of Sydney's vision to make Sydney a more global, green and connected metropolis by 2030.

In its original assessment, the Department considered the proposal would contribute to the strategic directions in Sustainable Sydney 2030, as it will deliver a growth in jobs and enhance tourism infrastructure assets and the branding of the city (Strategic Direction 1). Due to its minor nature, the proposed modification is considered to remain consistent with the strategic directions in Sustainable Sydney 2030.

3.4 Visitor Economy Industry Action Plan

The Visitor Economy Industry Action Plan (VEIAP) seeks to double overnight visitor expenditure in NSW (to 36.6 billion) by 2020 and improve the standing of the NSW visitor economy in highly competitive market conditions in Australia and the Asia Pacific region. In addition, it confirms that Sydney's existing hotel provision is nearing capacity, which is resulting in more expensive and uncompetitive accommodation.

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

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

The Department considered the original proposal would support the Action Plan through private investment in a new hotel and serviced apartment development which will assist in the revitalisation of hotel and visitor accommodation within the CBD and tourist district of Sydney. Due to its minor nature, the proposed modification is considered to remain consistent with the VEIAP.



4. Statutory Context

4.1 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; and
- 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(2) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(2) of the EP&A Act rather than requiring a new development application to be lodged. The matters for consideration under section 4.55(2) of the EP&A Act that apply to the modification have been considered in **Table 3**.

Table 3 | Consideration of proposed modification against Section 4.55(2) of the EP&A Act

| Section 4.55(2) Evaluation | Consideration |
|--|---|
| a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), | The development remains a mixed-use development for hotel, serviced apartment and entertainment use with no increase in height or GFA. The proposed modification seeks approval for minor changes to the building envelope, façade materials, and signage zones and does not result in additional adverse impacts on the surrounding area. The Department is therefore satisfied the proposal would result in development that is substantially the same as that originally approved. |
| b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and | Not applicable. |
| c) the application has been notified in accordance with the regulations, if the regulations so require | The modification application has been notified in accordance with the EP&A Regulations. Details of the notification are provided in Section 5 of this report. |

d) it has considered any submission made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.

All submission made during the exhibition are considered in **Sections 5 & 6** of this report

4.2 Consent Authority

The Minister for Planning 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 11 October 2017, the Executive Director, Key sites and Industry 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 25 public submissions in the nature of objections.

4.3 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 No. 64 – Advertising Structures 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. The Department's consideration of the proposed new signage zones against the assessment criteria in SEPP 64 is set out in **Appendix B**

4.4 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.

4.5 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.



5. Engagement

5.1 Department's Engagement

The Department exhibited the application in accordance with clause 10 of Schedule 1 to the EP&A Act and clause 118 of the EP&A Regulation. It was exhibited for 14 days between Thursday 19 April 2018 and Thursday 3 May 2018.

The modification application was advertised in the Central Courier on 18 April 2018. The Department also wrote to surrounding landowners and occupants, the City of Sydney Council (Council) and the following Government agencies:

- Roads and Maritime Services (RMS)
- Transport for NSW (TfNSW)
- Environmental Protection Agency (EPA)
- Heritage Council
- Property NSW
- Sydney Aviation Corp Ltd
- Sydney Observatory.

5.2 Summary of Submissions

The Department received nine submissions, including one from Council, advice from six Government agencies and two submissions from the public. A summary of the submissions is provided in Table 4 below and the issues raised are summarised hereunder. Copies of the submissions may be viewed at **Appendix A**.

Table 4 | Summary of Government Agency Submissions

| Submitters | Number | Position |
|---|----------|------------------------------|
| Government Agencies | 6 | |
| • Heritage Council | ✓ | |
| • Transport for NSW (TfNSW) | ✓ | |
| • Sydney Airport Corporation Ltd | ✓ | Comment |
| • Environmental Protection Agency (EPA) | ✓ | |
| • Transgrid | ✓ | |
| • Road and Maritime Services (RMS) | ✓ | |
| Council | 1 | Object (withdrawn after RtS) |
| Community | 2 | Object |
| TOTAL | 9 | |

5.3 Key Issues – Government Agencies

RMS objected to the proposed open roof above the level 22 pool area due to air quality impacts from the cross-city tunnel vent.

All other agencies advised they had no comments on the proposed modification.

5.4 Key Issues – Council/Community/Special Interest Groups

5.4.1 Council key issues

Council did not support the proposed extension to construction hours as it would allow works to occur 24 hours a day, 6 days a week.

5.4.2 Community Issues

Two submissions were received from the community raising concerns about noise and light disturbance from the proposed extension to construction hours.

5.5 Response to Submissions

Following the exhibition of the 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. The Department also requested further information on potential impacts of the proposed perimeter tower lighting on the night time character of Darling Harbour.

On 24 October 2018, the Applicant provided a Response to Submissions (RtS) (**Appendix A**) which provided additional information and justification on the issues raised during the exhibition. In response to concerns raised in submissions, the Applicant withdrew the following elements from the proposal:

- extension of approved construction hours
- open roof over level 22 pool area
- perimeter tower lighting.

The RtS was made publicly available on the Department's website and referred to Council and relevant Government agencies. Both Council and RMS withdrew their objections as a result of the revisions to the proposal. No further public submissions were received.



6. Assessment

The Department has reviewed the proposal and considers the main assessment issues relates to:

- built form and appearance
- signage zones.

These issues are discussed in the following sections of this report. Other issues taken into consideration during the assessment are discussed at **Section 7**.

6.1 Built form and appearance

Built form was a key consideration in the Department's original assessment. The Department concluded that the proposed height, massing and detailed design would result in an iconic development of landmark quality, appropriate for this highly visible and central location.

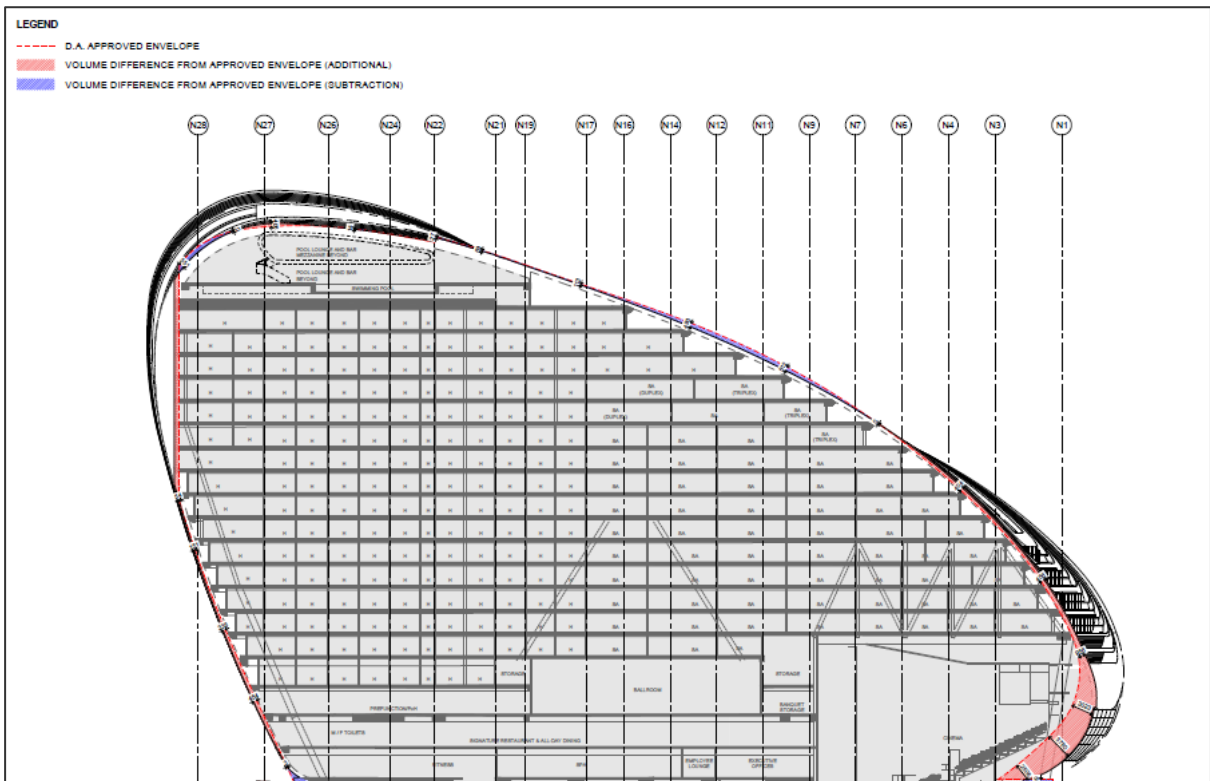
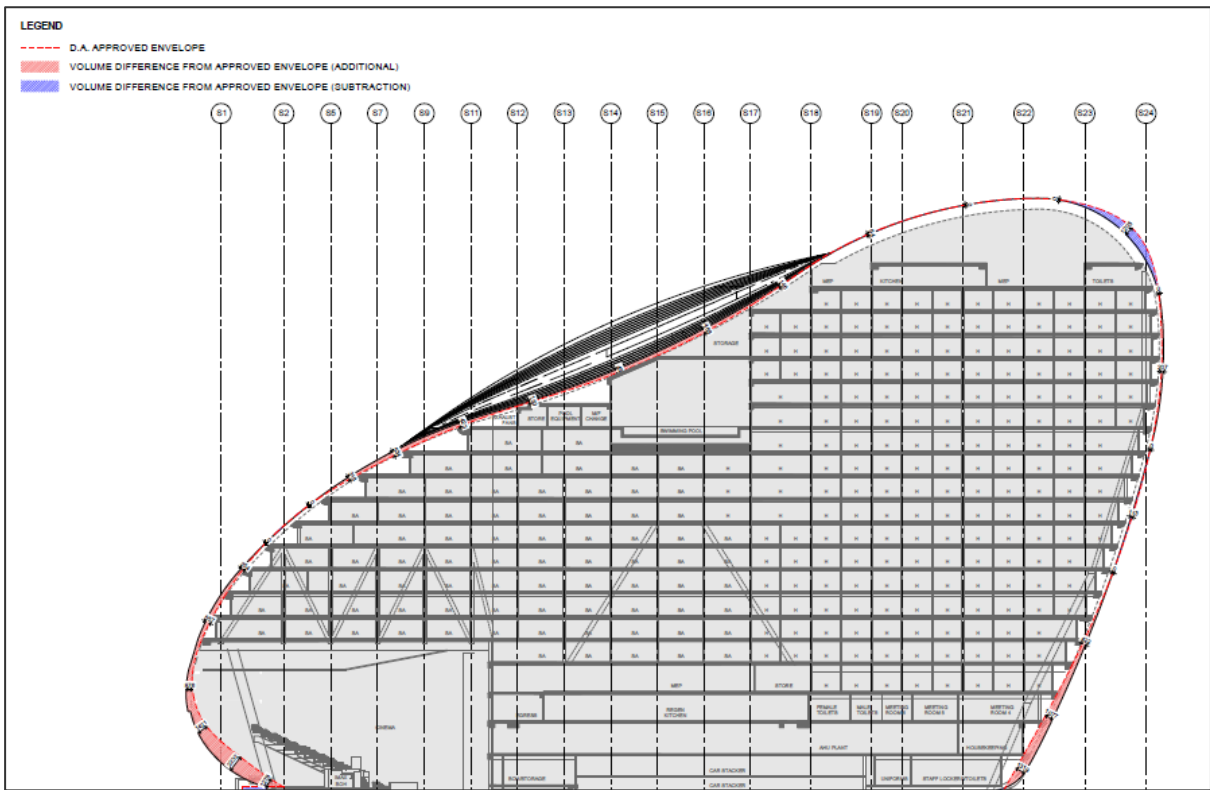
The building is divided into two distinct parts, the podium (lower public domain interface) below the Western Distributor road decks and the tower element above (level 2 to 23). No external changes are proposed to the lower podium and ground floor levels of the building with all external changes confined to the tower. The key external design changes are:

- rationalise the geometry of the tower envelope to consolidate elements that were previously projecting from the curvilinear form (**Figure 4**)
- incorporate curved and faceted aluminum clad inclined louvres into the east and west elevations to provide solar shading and privacy to the accommodation space (**Figure 5**)
- modify the curve of the northern façade (from "radial" to "parabolic") to reduce reflective solar focus
- reduce the previous step in the façade at 4th floor level on the north and south elevation (**Figure 4**)
- extend the uppermost outer edge of the tower form to integrate a BMU rail system
- alter the façade mullion and transom arrangement to the north and south elevations to limit the maximum size of glazed units (to 2m x 2m) to mitigate risks associated with glass replacement (**Figures 6 & 7**).

The Departments consideration of the built form and appearance aspects of the modification is set out below.

6.1.1 Tower form and massing

The proposed modified built form is largely consistent with the approved building and maintains the maximum height and general form, bulk and massing. The changes to the tower form and massing are shown in **Figures 4 to 10** and below (**Figures 11 to 14**).



Figures 11 | North and south elevations showing areas of additional volume (red) and reduced volume (blue) (source: RtS).

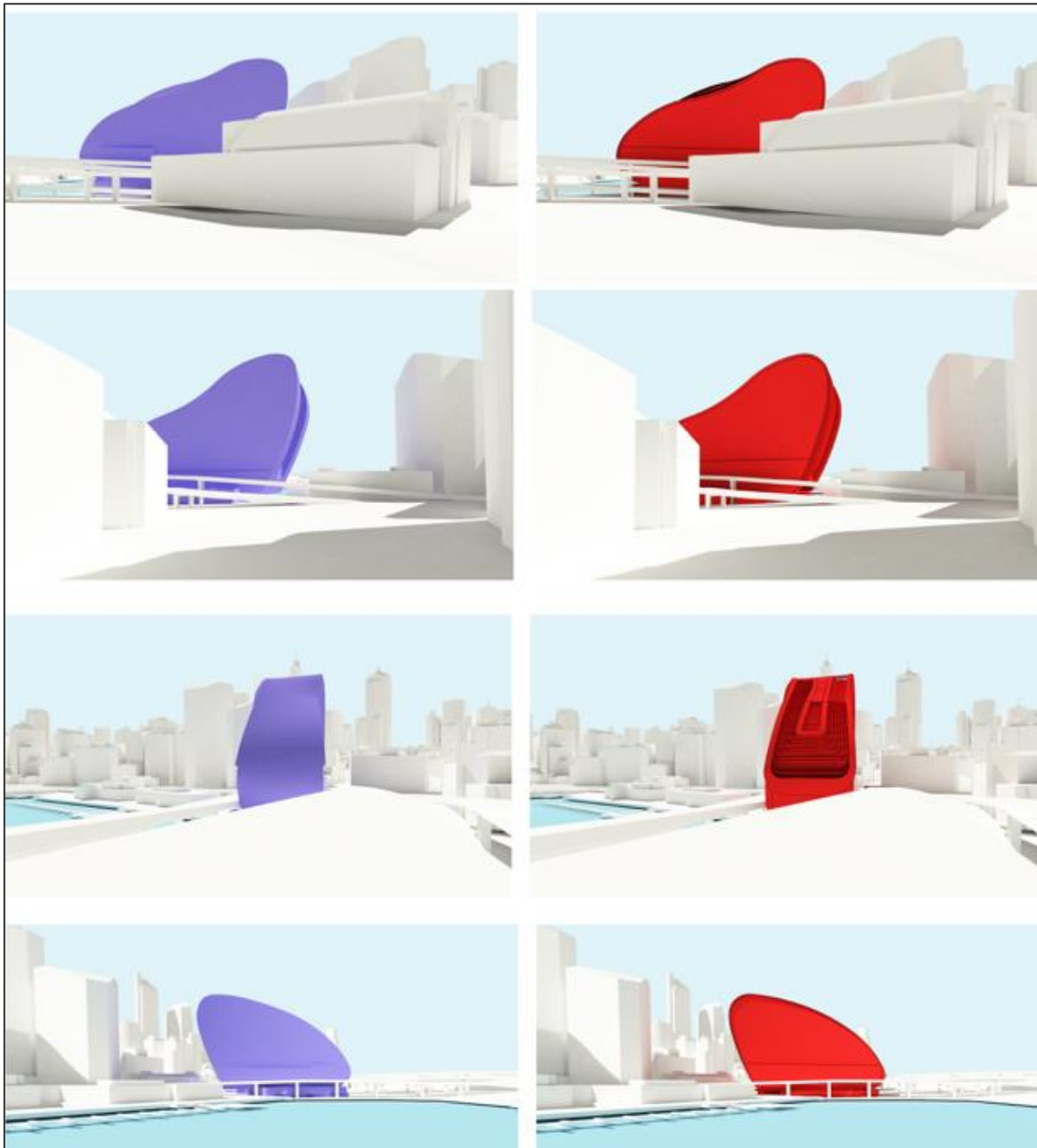


Figure 14 | View comparison of approved envelope (purple) and proposed envelope (red) (source: Applicant’s Visual Impact Assessment)

The modified building form features various increases and reductions around the edge of the undulating curved shape, whilst effectively maintaining the shape of the approved building. The largest increases are to the lower western edge of the tower where the building curve extends between 3 and 3.7m (**Figure 11**) and the projection of the BMU rail from the perimeter façade between 1.2 and 1.7m (**Figure 13**).

The Department considers the proposed changes to the tower form to be minor in the context of the overall development. The tower form would continue to provide an undulating curved shape, maintaining the integrity of the original design concept and would not result in any additional impacts in terms of overshadowing or affect any sensitive views of the site. The proposed changes would not result in additional height, or overall increase in bulk or massing, with the variances to the curved shape of the facades being largely imperceptible. The modified building envelope also maintains the required minimum setbacks to RMS assets of the Western Distributor road deck and supporting columns.

The Department notes that existing Condition B6 requires a detailed wind impact assessment for the original development consent. While this condition was discharged on 3 November 2017, the Applicant has provided a letter from MEL wind engineering consultants, which states that the proposed modification will not affect ground level wind conditions. This conclusion however, is based on a review of the changes to the level 29 pool deck only, which are no longer proposed. The Department therefore recommends a new condition requiring the endorsed wind impact assessment be reviewed and updated, to ensure the revised tower form and geometry will not result in adverse ground level wind conditions.

Subject to submission of a revised wind impact assessment, the Department considers the amendments to the tower form and massing are acceptable.

6.1.2 Appearance

The key external changes to architectural detailing and materials (appearance) are the incorporation of the BMU railing around the perimeter of the tower, new aluminium clad vertical louvres (**Figure 5**) and amendments to the façade glazing pattern to smaller 2m x 2m panels (**Figures 6 & 7**).

The Applicant advised that the proposed vertical louvres have been incorporated to improve solar shading and provide additional privacy to the hotel and serviced apartments, whilst the 2m x 2m glazing panels have been designed to facilitate future glass maintenance and replacement above the Western Distributor.

That Applicant has provided a statement of design integrity from the original project architect in support of the proposed changes. The statement concluded that the form of the vertical louvres and revised glazing pattern enhances the visual fluidity of the design and offers a more refined response to the curved nature of the building than the original development consent. The project architect considered that the design integrity of the proposal has been maintained and improved.

No submissions were received objecting to the proposed changes.

The Department considers that the proposed vertical louvres and revised glazing pattern are an acceptable design solution, which compliments and enhances the original design concept. The proposed inclined louvres respect the curved form of the tower envelope, and further emphasise the lateral movement and flow of the tower design in elevation. The integrated BMU rail is incorporated into the louvre design and is considered to represent a superior design outcome compared to a separate non-integrated railing.

The proposed glazing pattern, though smaller in size, is considered to maintain the visual effect of the original glazed curtain wall system. Using a concentric pattern detail, it also visually reinforces the signature curve of the façade.

The reflectivity of the glazing was an important consideration in the Department's original assessment and the proposed glazing will continue to achieve a high level of visible light transparency with low reflectivity. The proposed glazing would result in reduced reflectivity (reduced from 15% to 8%) when compared with the originally approved glazing. Furthermore, the Department notes that condition B21 of the original consent requires details of the final glazing be submitted to the certifying authority, demonstrating that the glazing will achieve the acoustic amenity, reflectivity, and green star requirements of the approval.

The Department therefore considers that the proposed changes to architectural detailing and materials would maintain the design integrity and appearance of the original proposal and are therefore acceptable.

6.1.3 Internal changes

The external changes to the tower envelope (discussed above) reduce the overall GFA for the development by 972m². Internal design development has also resulted in minor reconfigurations of GFA for approved uses within

the building, though the type, mix and proportion of uses remains largely consistent with the original approval. Key internal changes include:

- minor internal layout changes at podium level, such as reconfiguration to the stair, escalator and lift, cinema and back of house, retail and circulation (**Figures 8 & 9**)
- infill of an internal atrium at level 7
- new serviced apartment lounge at level 8
- relocation of serviced apartment lounge from level 9 to level 10
- provision of a new fire tank at level 10
- provision of an additional swimming pool for serviced apartment guests at level 16.

A comparison of the approved and proposed GFA is provided in **Table 5**.

Table 5 | GFA comparison

| Use | Approved GFA | Proposed GFA | Difference |
|---------------------------------|-----------------------------|-----------------------------|---------------------------|
| Retail | 1,751 m ² | 1,875 m ² | + 124 m ² |
| Cinema | 2,237 m ² | 2,300 m ² | + 63 m ² |
| SHFA Building | 365 m ² | 365 m ² | 0 |
| Serviced apartments (143 rooms) | 13,530 m ² | 13,775 m ² | +245 m ² |
| Hotel (450 rooms) | 33, 820 m ² | 32, 416 m ² | - 1,404m ² |
| TOTAL | 51,703 m² | 50,731 m² | - 972m² |

The proposed internal changes at podium level are the result of detailed design development and the rationalisation of back of house, storage and circulation spaces. This reconfiguration results in a minor increase in retail and cinema floorspace at ground and podium level. However, the changes are internal and will not impact the amenity of the surrounding area.

The external amendments to the tower envelope and reconfiguration of internal space at upper levels to accommodate a new swimming pool and revised circulation layouts, has resulted in a minor reduction in hotel floorspace and minor increase in serviced apartment floorspace. The number of serviced apartments and hotel rooms remain unchanged however, and all rooms maintain a similar layout, with acceptable light, outlook and internal circulation consistent with the approved consent.

The Department considers the proposed internal changes are minor in the context of the overall development. The location, layout and proportion of uses remains largely consistent with the original approval and compatible with the character of Darling Harbour as a tourist and entertainment precinct.

The Department notes the modification is supported by an updated Accessibility Statement which concludes that the amended internal layout would continue to comply with the *Disability Discrimination Act 1992, Building Code of Australia* and relevant Australian Standards. The Department notes that existing Condition B26 of the original development consent already requires compliance with the BCA for accessibility.

For the reasons set out above the Department considers the building form and internal changes, and associated decrease in GFA, to be minor in the context of the overall development and therefore acceptable.

6.2 Signage zones

The modification proposes eight additional signage zones (**Figure 10**) and revisions to 13 approved signage zones for business identification (to allow for changes to the podium approved under SSD 7388 MOD 3). The proposed additional signage zones are shown in **Table 6** below. An assessment of the proposed signage zones against the assessment criteria in SEPP 64 is included at **Appendix B**.

The Department notes that neither Council or RMS raised concerns in relation to the proposed signage zones.

Table 6 | Proposed new signage zones

| Sign | Type | Purpose | Location | Size |
|--------|--------------------------|--------------------------------------|--|-------------|
| CIN-01 | Backlit logo | Primary cinema signage | West elevation above Western Distributor | 10.7m x 2m |
| CIN-02 | Backlit, logo | Secondary cinema signage | West elevation, podium | 6.3m x 1.2m |
| CIN-03 | LED, Animated | "Now showing" animated advertisement | West elevation, podium | 20m x 0.9m |
| CIN-05 | Back and face lit poster | "Now showing" poster advertisement | South elevation, podium | 22m x 7m |
| CIN-07 | Back and face lit poster | "Now showing" poster advertisement | South elevation, podium | 32m x 7m |
| CIN-08 | Backlit, logo | Secondary cinema signage | North elevation, above western distributor | 10.7x 2m |
| CIN-09 | Backlit, logo | Secondary cinema signage | West elevation, above Western Distributor | 2m x 2m |
| CIN-10 | Backlit, logo | Secondary cinema signage | West elevation, podium | 1.2m x 1.2m |

The proposed eight new signage zones are of a similar size and location to the signage zones proposed as part of the original application. However, during the original assessment nine signage zones were withdrawn from that application following concerns raised by the Department in relation to:

- procedural requirements of State Environmental Planning Policy No. 64—Advertising and Signage (SEPP 64) in that these zones were submitted as part of the RtS and not exhibited
- the size, location and visual impacts of the advertisement signs on the streetscape and passing traffic at the roadway could not be confirmed without consultation with key stakeholders, including RMS and Council.

The current proposal is for signage zones only. Existing Condition E3 of the original development consent requires details of future signage within approved signage zones be submitted to the Secretary for approval. Noting the increased number of signage zones, the Department considers it is important to ensure a co-ordinated design approach for future signage. The Department therefore recommends Condition E3 be amended to require submission of a detailed signage strategy, setting out the final design, content and any illumination of all signs within the proposed signage zones, to be endorsed by the Secretary. This strategy will need to demonstrate that the detailed design, content and any illumination complies with relevant guidelines, such as the Transport Corridor Outdoor Advertising and Signage Guidelines 2017 and Australian Standards.

SEPP 64 requires that signage is compatible with the desired amenity and visual character of an area, does not obscure important views and vistas and is of an appropriate scale and form to both its setting and the proportions of the site or building. Having considered the proposed signage zones against the assessment criteria in SEPP 64, the Department considers them acceptable for the reasons set out below.

The Department considers the proposed business identification signage zones for the IMAX cinema (CIN-01, 02, 08, 09 and 10) are well integrated into the lower northern and western facades and are reasonable in the context of the overall height and scale of the building. The Department notes that although multiple signage zones are proposed on the western elevation, this elevation is split between the tower elevation above the road deck and the podium elevation below, ensuring the signs will be read separately (by motorists above and pedestrians at ground level) and would not result in visual clutter. The location of signage within these zones will not obscure or obstruct any existing views or detract from the character of building, surrounding buildings, or the amenity and visual character of Darling Harbour, which is typified by an active ground plane and a variety of building, advertising and wayfinding signage.

The “now showing” cinema advertisement zones (CIN-05 and CIN-07) are located on the rear southern elevation at podium level, below the road deck (**Figures 15 & 16**).

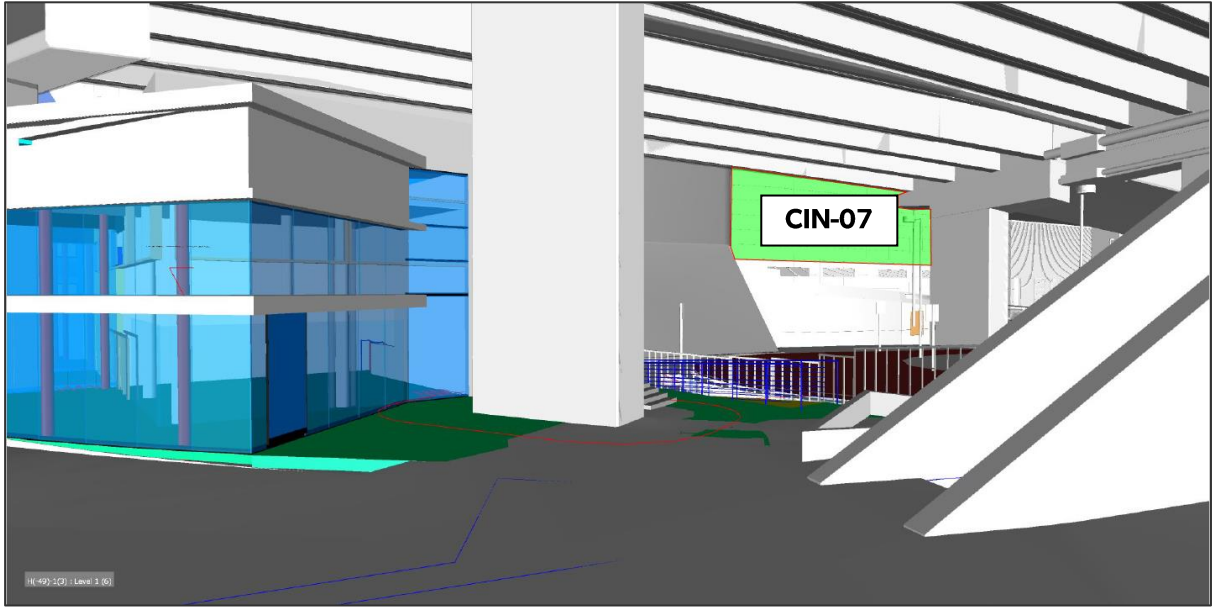


Figure 15 | South west view of signage zone CIN-07 from ground level (source: Applicant’s RtS)

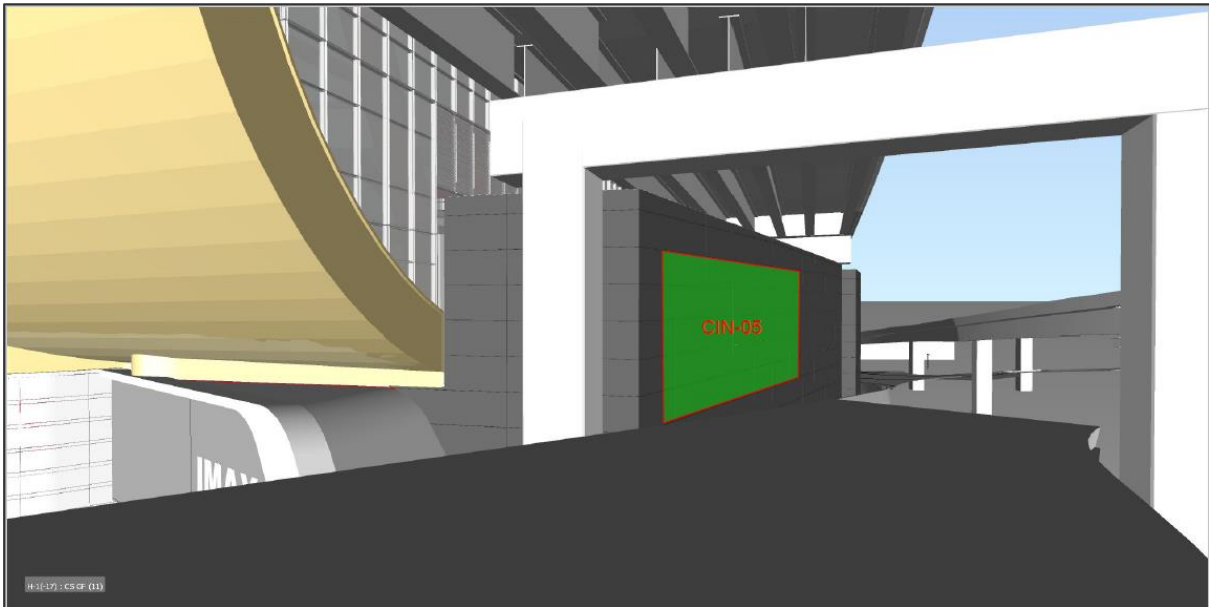


Figure 16 | West view of signage zone CIN-05 from the road deck (source: Applicant’s RtS)

Although large, these advertisement zones are unlikely to result in harm to visual amenity of the public realm due to being heavily obscured by the multiple road decks of the Western Distributor to the south and located away from important views from Darling Harbour foreshore. The Department considers promotional “now showing” signage is appropriate for the cinema building and will add visual interest to the otherwise blank rear façade of the podium, whilst marking the location of the IMAX cinema to pedestrians approaching the site from the south.

The modification application was referred to RMS in accordance the requirements of SEPP 64 and the Applicant submitted a road safety assessment in support of the proposed signage zones. The road safety assessment concluded that the proposed signage locations would not have an unacceptable impact on road safety. The Department notes that RMS raised no objection to the proposed signage zones however recommended that future advertising signage within zones CIN-05 and CIN-07, should comply with the Transport Corridor Outdoor Advertising and Signage Guidelines 2017 (due to their proximity to the Western Distributor). The Department therefore recommends that existing Condition E3 be amended to require future signage within zones CIN-05 and CIN-07 demonstrate compliance with these guidelines and subject to this condition, considers the location of the signage zones is acceptable with respect to road safety impacts.

The “now showing” strip cinema advertisement zone (CIN-03) is appropriately located above the entrance to the cinema and designed to be integrated into both the podium façade and the approved City Screen above. While the Department considers that “now showing” signage zones are appropriate for cinema uses such as the IMAX, the principal of third party advertising is not supported anywhere on the building. As such, a condition is recommended that no third party advertising is permitted in any signage zones.

The approved business identification signage zones for retail tenancies at podium level, building identification signage zones at upper levels and the “City Screen” (all approved under SSD 7388), are proposed to be amended to reflect the revised podium design approved under SSD 7388 MOD 3. However as amended, the proposed signage zones retain their approved size, scale and location and are well integrated into the amended design of the podium façade.

Overall, the Department considers the proposed signage zones are appropriate in terms of their size, number and location and are acceptable.

6.3 Other Issues

Table 11 | Department’s assessment of other issues

| Issue | Consideration | Recommended Condition |
|----------|---|--|
| Lighting | <ul style="list-style-type: none"> • The proposed perimeter tower lighting was removed from the application due to concerns raised by the Department in relation to potential impacts on the nighttime character of Darling Harbour. • The revised lighting strategy includes integrated lighting designed to accentuate the podium level and activate the ground plane only. • The proposed lighting includes: <ul style="list-style-type: none"> ○ inground up-lights at the hotel entrances ○ directional downlighting and in ground lighting outside the port cochere. • All up lighting is to be located under the building /soft structure to minimise light pollution and prevent direct lighting to the sky. No lighting is proposed at upper levels of the building. • The Applicant has advised that the lighting design will comply with the relevant Australian Standards for outdoor lighting and has been designed to prevent glare, light spill and other obtrusive impacts. • The Department notes that existing Condition B25 requires that the lighting design is further assessed prior to the issue of a Construction Certificate and that appropriate measures are implemented to protect residential amenity. • The Department considers the proposed lighting strategy is appropriate for the building and its location. • Existing conditions will ensure compliance with relevant Australian Standards to control the obtrusive effects of outdoor lighting. The Department therefore considers the proposed lighting strategy is acceptable. | No additional conditions or amendments to existing conditions necessary. |



7. Evaluation

The Department has assessed the merits of the proposal taking into account the issues raised in submissions and the Applicant's response to these issues and is satisfied the impacts have been satisfactorily addressed by the proposal and through the Department's recommended conditions.

The Department considers that the proposed modification retains the strategic merit of the original proposal. The modification seeks minor amendments to the approved building design and additional signage zones associated with the use of the building. The modifications will further refine and enhance the original building and support the delivery of visitor accommodation and the revitalisation of hotel and visitor accommodation within the CBD and tourist district of Sydney. This is consistent with directions and actions in the Greater Sydney Region Plan and Eastern District Plan which encourage integrated land use and transport planning, and growth in investment, business opportunities and jobs within the Harbour CBD.

The Department considers the proposed external and internal changes are minor in the context of the original development consent. The modification will not result in additional height, bulk or massing and the modified architectural detailing including inclined louvres, BMI railing and revised glazing pattern will retain the integrity of the original design.

While the proposal includes eight additional signage zones, these are well integrated into the facades of the building and will not obscure or obstruct any existing views or detract from the character of building, surrounding buildings, or the amenity and visual character of Darling Harbour. A condition is recommended so that the detailed signage within these zones, including design, content and any illumination will be the subject of a signage strategy to be approved by the Secretary.

Overall the modified proposal is considered to be in the public interest and will contribute to a number of significant economic, social and environmental benefits including:

- strengthening the role of Darling Harbour as a tourist attraction
- revitalisation of an important cultural precinct
- providing an iconic landmark building.

The Department is satisfied the impacts of the proposal can be adequately addressed through the existing conditions of the original development consent and the additional conditions as identified in the report. Consequently, it is recommended that the modification be approved, subject to the recommended conditions.



8. Recommendation

It is recommended that the Executive Director, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report;
- **determines** that the modification application (SSD 7388 MOD 6) falls within the scope section 4.55(2) of the EP&A Act;
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for approving the modification;
- **agrees** with the key reasons for approval listed in the notice of decision (**Appendix C**);
- **modifies** the consent SSD 7388
- **signs** the attached Modification of Development Consent (**Appendix D**).

Recommended by:

David McNamara

Director

Key Sites Assessments

Recommended by:

Anthea Sargeant

Executive Director

Key Sites and Industry Assessments



Appendices

Appendix A – Relevant Supporting Information

Appendix B - State Environmental Planning Policy No. 64 – Advertising and Signage

Appendix C – Notice of Decision

Appendix D – Recommended Instrument of Modification

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
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8678
2. Submissions
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8678
3. Proponent’s Response to Submissions
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8678
4. Supplementary Information and amendments.
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8678

Appendix B – State Environmental Planning Policy No. 64 – Advertising and Signage

SEPP 64 applies to all signage that under an EPI can be displayed with or without development consent and is visible from any public place or public reserve.

Under clause 8 of SEPP 64, consent must not be granted for any signage application unless the proposal is consistent with the objectives of SEPP 64 and with the assessment criteria which are contained in Schedule 1.

Table 14 below demonstrates the Department’s assessment of the consistency of the proposed signage zone with this assessment criteria. Further, pursuant to clause 13(2) of SEPP 64, prior to granting development consent, the Minister must ensure the proposed signage is consistent with the objectives of SEPP 64, the detailed assessment criteria in Schedule 1 of SEPP 64, and the SEPP 64 Guidelines.

Table 14 | SEPP 64 Compliance assessment for “now showing” cinema advertisement zones

| Clause | Criteria | Comments | Compliance |
|--|---|--|------------|
| Part 2- Signage generally | | | |
| 8. Granting of consent to signage | The signage is to be consistent with the objectives of this Policy. | The proposed signage zones are considered to be compatible with the desired amenity and visual character of the area and therefore, consistent with the objectives of SEPP 64. | Yes |
| | The signage is to satisfy the assessment criteria in Schedule 1 | See relevant assessment in Table 5 | Yes |
| Part 3- Advertisements | | | |
| 13. Matters for consideration | The advertisement or advertising structure is to be: | Although technically for advertisements, the proposed signage zones for “now showing” signage relate to the IMAX theatre only and not for third party advertising. Details of signage within the proposed signage zones will be subject to approval by the Secretary under Condition E3. | Yes |
| | (a) consistent with the objectives of this Policy (b) assessed in accordance with the assessment criteria in Schedule 1 and the Guidelines (c) satisfies any other relevant requirement of this Policy. | | |
| 14. Duration of consents | A consent under this Part ceases to be in force on the expiration of 15 years after the date on which the consent | The proposed signage zones have been assessed in accordance with the assessment criteria in Schedule 1 in Table 5. | Yes |
| | | Limits on consent can be imposed as appropriate by the Secretary when approving future signage within the | |

| | | | |
|---|--|---|-------------------------------|
| | becomes effective and operates in accordance with section 4.20 of the Act. | approved signage zones under Condition E3. | |
| 17. Advertisements with display area greater than 20 square metres or higher than 8 metres above ground | For an advertisement with a display area greater than 20 square metres: | Signage zones CIN-05 and CIN-07 have an area greater than 20 m ² . | Yes |
| | (a) the applicant has provided the consent authority with an impact statement that addresses the assessment criteria in Schedule 1 and the consent authority is satisfied that the proposal is acceptable in terms of its impacts, and | The Applicant's EA addresses the assessment criteria in Schedule 1. The Department is satisfied that the signage zones are acceptable in terms of their impacts as detailed in Section 6 of this report. Details of signage within the signage zones is subject to further approval by the Secretary under Condition E3. | |
| | (b) the application has been advertised in accordance with schedule 1 of the Act, and | The application has been advertised in accordance with schedule 1 of the EP&A Act as detailed in Section 4 of this report. | |
| | (c) the consent authority gave a copy of the application to RMS at the same time as the application was advertised in accordance with schedule 1 of the Act if the application is an application for the display of an advertisement to which clause 18 applies. | The Department provided a copy of the application to RMS during the advertisement period. | |
| 19. Advertising display area greater than 45 square metres | The consent authority must not grant consent to the display of an advertisement with an advertising display area of greater than 45 square metres unless: | Signage zones CIN-05 and CIN-07 have an area greater than 45 m ² . | No, but considered acceptable |
| | (a) a development control plan is in force that has been prepared on the basis of an advertising design analysis for the relevant area or precinct, or | Whilst it is typically a requirement that a Development Control Plan be prepared as an advertising design analysis for the relevant area or precinct, in accordance with Clause 11 of the <i>State Environmental Planning Policy (State and Regional Development) 2011</i> , Development Control Plans do not apply to State Significant Development. | |
| | (b) in the case of the display of | | |

an advertisement on transport corridor land, the consent authority is satisfied that the advertisement is consistent with the Guidelines.

The Department notes that Council has raised no objection to the proposed signage zones.

The proposed signage zones are located below the Western Distributor roadway and are visually and physically separated from the remainder of the building, on an otherwise blank elevation.

The application is for signage zones only, with details of signage within the zones subject to further approval by the Secretary under Condition E3.

22. Wall Advertisements

- 1) Only one wall advertisement may be displayed per building elevation.
- (2) The consent authority may grant consent to a wall advertisement only if:
 - (a) the consent authority is satisfied that the advertisement is integrated with the design of the building on which it is to be displayed, and
 - (b) for a building having:
 - (i) an above ground elevation of 200 square metres or more—the advertisement does not exceed 10% of the above ground elevation, and
 - (c) the advertisement does not protrude more than 300 millimeters from the wall, unless occupational health and safety standards require a greater protrusion, and
 - (d) the advertisement does not protrude above the parapet or eaves, and
 - (e) the advertisement does not extend over a window or other opening, and

Signs CIN-05 and CIN-07 to the southern podium elevation exceed the minimum number of wall advertisements per elevation.

No, but considered acceptable

The Department considers that the provision of two signage zones in this location is acceptable for the following reasons:

- o The advertisement zones are designated for “now showing” cinema posters related directly to the IMAX cinema located inside the building and are considered to function more as business identification signs than advertisements.
- o The signage zones are separated by a distance of over 12m and are located on separate elements of the southern elevation with CIN-05 on the angled south west elevation and CIN-07 facing directly south.
- o Due to the varied angles of the podium elevation and the location below the road deck the signage zones would not be viewed in the same visual plane from the public realm

Sign CIN -03 is located on the western elevation and below the business

- (f) the advertisement does not obscure significant architectural elements of the building, and
- (g) a building identification sign or business identification sign is not displayed on the building elevation.

identification signage zones above the IMAX entrance. CIN-03 is designed to accommodate scrolling “now showing” cinema screening times.

The signage zones at podium level are designed so that signage will be integrated into the podium design. The signage zone is considered to respect and enhance important architectural features of the podium and has been designed in a coordinated manner with the base building.

The advertisement signage zones comply with the size requirements being less than 10% of the elevation.

Details of signage within the signage zones will be subject to further approval by the Secretary under Condition E3.

Table 14 | SEPP 64 Schedule 1 compliance assessment

| Assessment Criteria | Comments | Compliance |
|---|---|------------|
| 1. Character of the area | | |
| Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? | The proposed signage zones are considered compatible with the character of the locality, and the character of the building as a landmark hotel and Cinema within Darling Harbour. | Yes |
| Is the proposal consistent with a particular theme for outdoor advertising in the area or locality? | The modification proposes signage zones only, the location of which is considered appropriate for the locality. Detailed signage within the signage zones will be subject to further approval by the Secretary and will need to demonstrate consistency with the theme of outdoor advertising in the locality. | N/A |
| 2. Special Areas | | |
| Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas? | The signage zones are integrated into the building and would not detract from the amenity or visual quality of any sensitive areas. Details of proposed signage within the signage zones will be subject to further approval by the Secretary under Condition E3. | Yes |
| 3. Views and Vistas | | |
| Does the proposal: | | Yes |
| - obscure or compromise important views? | All signage zones are located on the proposed building and do not obscure important views or dominate the skyline. | |
| - dominate the skyline and reduce the quality of vistas? | | |
| - respect the viewing rights of other advertisers | | |
| 4. Streetscape, setting or landscape | | |

| | | |
|---|--|-----|
| Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? | The proposed signage zones are of an appropriate scale, proportion and form. | Yes |
| Does the proposal: | | |
| - contribute to the visual interest of the streetscape, setting or landscape? | The proposed signage zones are consistent with the character of business identification signage within Darling Harbour and the CBD generally. The signage zones are located on the proposed building facades, are not located near any vegetation and would not protrude beyond the building envelope. Details of proposed signage within the signage zones will be subject to further approval by the Secretary under Condition E3. | Yes |
| - reduce clutter by rationalizing and simplifying existing advertising? | | |
| - screen unsightliness? | | |
| - protrude above buildings, structures or tree canopies in the area or locality? | | |
| - require ongoing vegetation management? | | |
| 5. Site and Building | | |
| • Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? | The proposed signage zones are considered to be at an appropriate scale and respect the architectural features of the building. The signage zones are designed to accommodate business identification signage for future tenants of the hotel, cinema and retail units at ground floor level with detail subject to approval by the Secretary under Condition E3. | Yes |
| • Does the proposal respect important features of the site or building, or both? | | |
| • Does the proposal show innovation and imagination in its relationship to the site or building, or both? | | |
| 6. Associated devices and logos with advertisements and advertising structures | | |
| Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed? | No | N/A |
| 7. Illumination | | |
| Would illumination result in unacceptable glare? | Illumination type, levels and curfews associated with detailed signage within the signage zones, will be | N/A |

| | |
|--|---|
| <p>Would illumination affect safety for pedestrians, vehicles or aircraft?</p> <p>Would illumination detract from the amenity of any residence or other form of accommodation?</p> <p>Can the intensity of the illumination be adjusted, if necessary?</p> <p>Is the illumination subject to a curfew?</p> | <p>subject to further approval by the Secretary under Condition E3.</p> |
|--|---|

8. Safety

| | | |
|---|--|------------|
| <p>Would the proposal reduce safety for?</p> <ul style="list-style-type: none"> pedestrians, particularly children, by obscuring sightlines from public areas? any public road? | <p>The proposed signage zones will not obscure any sightlines from the public domain.</p> <p>The application was supported by a road safety assessment and RMS raised no objections to the proposed signage zones. Detailed signage within the approved signage zones will be subject to further approval by the Secretary under Condition E3.</p> | <p>Yes</p> |
|---|--|------------|