

Notice of decision – IMAX Darling Harbour

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development modification
Application number and project name	IMAX Darling Harbour (SSD 7388 MOD 6)
Applicant	Grocon, Darling Harbour
Consent Authority	Minister for Planning

Decision

The Executive Director under delegation from the Minister for Planning has, under 4.55(2) of the *Environmental Planning and Assessment Act 1979 (the Act)*, modified the consent subject to the recommended conditions.

A copy of the instrument of modification and conditions is available [here](#).

A copy of the Department of Planning & Environment's assessment report is available [here](#).

Date of decision

19 December 2018

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 and section 4.55 (3) of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2000*;
- the objects of the Act;
- all information submitted to the Department during the assessment of the modification application
- the findings and recommendations in the Department's Assessment Report; and
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision.

The decision maker was 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.

The key reasons for granting the modification are as follows:

- the modification would retain the strategic merit of the original proposal, providing a range of benefits for the region and the State as a whole, including supporting the revitalisation of hotel and visitor accommodation within the CBD and tourist district of Sydney
- the modification is permissible with consent, and remains consistent with the relevant Environmental Planning Instruments
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards. The key issues relate to built form and signage zones, in which the Department considers the proposed changes would maintain the design integrity of the original proposal and not result in harm to neighbouring amenity or the character of the surrounding area, and are therefore acceptable
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the proposal and the recommended conditions of consent (where applicable)
- weighing all relevant considerations, the modification is in the public interest.

Attachment 1 – Consideration of Community Views

Two public submissions in the nature of objections were received in relation to the proposed extension to approved construction hours. This element of the proposal was withdrawn by the Applicant in their Response to Submissions.