

Modification of Development Consent

Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.

Sargeant

**Executive Director
Compliance Industry and Key Sites**

Sydney *12 August,* 2019

SCHEDULE 1

Development consent:	SSD 7388 granted by the Planning Assessment Commission on 28 June 2016
For the following:	IMAX redevelopment, including: • 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.
Applicant:	Grocon (Darling Harbour) Developments Pty Ltd
Consent Authority:	Minister for Planning and Public Spaces
The Land:	31 Wheat Road, Darling Harbour (including airspace over Harbour Street) Lots 401, 402, 403, 404 and 405 DP 862501, Lot 800, 801 and 805 DP 1164281, Lot 2, 4 and 9 DP 1048307, Lot 60, 64 and 65 DP 1009964, Lot 11 DP 1125890, Lot 210 and 217 DP 1130038, Lot 8 DP 1048307 and Lot 1010 DP 1147364
Modification:	SSD 7388 MOD 7: creation of an open roof above the level 22 and 23 swimming pool and bar area.

SCHEDULE 2

The consent (SSD 7388) is modified as follows:

- (a) Schedule 2 Part A – Administrative and Development Contribution Conditions, Condition A2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold and struckout~~** words/numbers as follows:

A2 The Applicant shall carry out the project generally in accordance with the:

- a) Environmental Impact Statement (EIS) prepared by JBA Urban Planning Consultants Pty Ltd, dated December 2015;
- b) Response to Submissions (RtS) and Amendments to Proposed Development prepared by JBA Urban Planning Consultants Pty Ltd, dated March 2016;
- c) Additional information submitted subsequent to the RtS;
- d) Plan of Management dated 26 April 2016;
- e) following drawings as set out in the table below, except for:
 - i) any modifications which are Exempt or Complying Development;
 - ii) otherwise provided by the conditions of this consent.
- f) Section 96(2) modification application (SSD 7388 MOD 3), prepared by JBA Urban Planning and dated 8 June 2016, as amended by Response to Submissions prepared by Ethos Urban and dated 24 August 2017.
- g) Section 96(1A) modification application (SSD 7388 MOD 4), prepared by JBA Urban Planning and dated 28 June 2017, as amended by Response to Submissions prepared by Ethos Urban and dated 28 August 2017 and updated on 21 September 2017.
- h) Section 96(1A) modification application (SSD 7388 MOD 5), prepared by JBA Urban Planning and dated 31 August 2017, as amended by email and attachments from Ethos Urban and dated 26 October 2017
- i) Section 4.55(2) modification application (SSD 7388 MOD 6), prepared by Ethos Urban and dated 6 April 2018, as amended by Response to Submissions prepared by Ethos Urban and dated 23 August 2018
- j) Section 4.55(1A) modification application (SSD 7388 MOD 8), prepared by Ethos Urban and dated 7 May 2019, and additional information, prepared by Ethos Urban and dated 4 June 2019.
- k) Section 4.55(1A) modification application (SSD 7388 MOD 7), prepared by Ethos Urban and dated 13 December 2018, and additional information, prepared by Ethos Urban and dated 1 April 2019 and 31 May 2019**

Architectural (or Design) Drawings prepared by Hassell			
Drawing No.	Revision	Name of Plan	Date
ARC-HSL-DD-1052	S	GFA Area Schedule	10.04.19
ARC-HSL-DD-1060	G	Draft Lease Plan	12.04.18
ARC-HSL-DD-1078	L	Lease Line Relationship Plans – Sheet 1	05.04.18
ARC-HSL-DD-1079	H	Lease Line Relationship Plans – Sheet 2	26.03.18
ARC-HSL-DD-1079.1	G	Lease Line Relationship Plans – Sheet 3	26.03.18
ARC-HSL-DD-1080	H	Demolition Plan	30.03.16
ARC-HSL-DD-1090	N	Lower Site Plan	05.04.18
ARC-HSL-DD-1091	H	Upper Site Plan	10.8.18
ARC-HSL-DD-1100	S	GA Plans – Ground Floor	10.04.19

ARC-HSL-DD-1101	Q	GA Plans – Podium L01	10.04.19
ARC-HSL-DD-1102	O	GA Plans – Podium L02	10.04.19
ARC-HSL-DD-1103	M	GA Plans – Podium L03	10.04.19
ARC-HSL-DD-1104	M	GA Plans – Podium L04	10.04.19
ARC-HSL-DD-1105	M	GA Plans – Hotel and Serviced Apartments L05 and L06	10.04.19
ARC-HSL-DD-1106	K1	GA Plans – Hotel and Serviced Apartments L07 and L08	12.06.18
ARC-HSL-DD-1107	J1	GA Plans – Hotel and Serviced Apartments L09 and L10	12.06.18
ARC-HSL-DD-1108	J1	GA Plans – Hotel and Serviced Apartments L11 and L12	12.06.18
ARC-HSL-DD-1109	J1	GA Plans – Hotel and Serviced Apartments L13 and L14	12.06.18
ARC-HSL-DD-1110	J1	GA Plans – Hotel and Serviced Apartments L15 and L16	12.06.18
ARC-HSL-DD-1111	J1	GA Plans – Hotel and Serviced Apartments L17 and L18	12.06.18
ARC-HSL-DD-1112	J1	GA Plans – Hotel and Serviced Apartments L19 and L20	12.06.18
ARC-HSL-DD-1112.1	F1 <u>H</u>	GA Plans – Hotel L21 and L22	12.06.18 <u>27.03.19</u>
ARC-HSL-DD-1112.2	G <u>I</u>	GA Plans – Hotel L23 and L24	10.08.18 <u>27.03.19</u>
ARC-HSL-DD-1113	L <u>N</u>	GA Plans – Roof	10.08.18 <u>27.03.19</u>
ARC-HSL-DD-1130	C	Building 2 GA Plans	19.02.16
ARC-HSL-DD-1150	M	GA Elevations – Sheet 1	12.06.18
ARC-HSL-DD-1151	J1 <u>L</u>	GA Elevations – Sheet 2	12.06.18 <u>27.03.19</u>
ARC-HSL-DD-1152	L <u>N</u>	GA Elevations – Sheet 3	12.06.18 <u>27.03.19</u>
ARC-HSL-DD-1153	L <u>N</u>	GA Elevations – Sheet 4	12.06.18 <u>27.03.19</u>
ARC-HSL-DD-1154	E	GA Elevations – Building 2	21.03.16
ARC-HSL-DD-1200	L1	GA Sections – Sheet 1	12.06.18
ARC-HSL-DD-1201	M <u>O</u>	GA Sections – Sheet 2	10.08.18 <u>27.03.19</u>
ARC-HSL-DD-1202	M1	GA Sections – Sheet 3	12.06.18
ARC-HSL-DD-1203	M1	GA Sections – Sheet 4	12.06.18
ARC-HSL-DD-1204	M1 <u>O</u>	GA Sections – Sheet 5	12.06.18 <u>27.03.19</u>
ARC-HSL-DD-1350	E	Section Details	23.10.17
ARC-HSL-DD-1930	F	Materials and Finishes Palette	23.10.17
ARC-HSL-DD-1950	F	Artist's Impression 1	23.10.17

ARC-HSL-DD-1951	F	Artist's Impression 1	23.10.17
ARC-HSL-DD-1952	F	Artist's Impression 1	23.10.17
ARC-HSL-DD-005.1	D	Schedule of Accommodation Hotel Rooms	23.10.17
ARC-HSL-DD-005.2	D	Schedule of Accommodation Serviced Apartments and Retail	23.10.17
SK-029	F	Loading Bay: Refuse Areas	05.04.18
SK-030	G	Refuse Areas Detail	05.04.18
Public Domain / Landscape Drawings prepared by Aspect Studios			
Drawing No.	Revision	Name of Plan	Date
12023-LDA01	G	Public Domain Context Plan	05.05.16
12023-LDA04	G	Playground Detail Plan	05.05.16
12023-LDA06	G	Public Domain Planting Plan	05.05.16
12023-S96 01	A	Public Domain Plan	May 2017
12023-S96 02	A	Public Domain Sections	May 2017
12023-S96 03	A	Eastern Public Domain Detail Plan	May 2017
12023-S96 04	A	Allocated Bike Parking	May 2017
SK530		Eastern Pedestrian Clear Widths	26.03.18
RMS Clearance Diagrams prepared by Hassell			
Drawing No.	Revision	Name of Plan	Date
ARC-HSL-DD1070	L	Ground Floor Proposed Clearances to RMS Roadway Structures	05.04.18
ARC-HSL-DD1071	G	Podium Level Proposed Clearances to RMS Roadway Structures	26.03.18
ARC-HSL-DD1072	F	Hotel Level Proposed Clearances to RMS Roadway Structures	26.03.18
ARC-HSL-DD1073	H	Proposed Clearances to RMS Roadway Structures	26.03.18
ARC-HSL-DD1074	F	Temporary Construction Screen Clearances to RMS Roadway Structures	26.03.18
ARC-HSL-DA1075	H	Temporary Construction Screen Clearances to RMS Roadway Structures	26.03.18
ARC-HSL-DD1076	F	Upper Hotel Levels Cantilever over RMS Roadway	26.03.18
ARC-HSL-DD1077	F	Proposed Cantilever over RMS Roadway	23.10.17
Signage Zone Plans prepared by Hassell			
Drawing No.	Revision	Name of Plan	Date
	G	Signage Matrix	12.10.17
SK026.1	B	Signage Types & Locations South Elevation	18.09.17
SK026.2	B	Signage Types & Locations East Elevation	18.09.17
SK026.3	B	Signage Types & Locations West Elevation	18.09.17
SK026.4	B	Signage Types & Locations North Elevation	18.09.17
SK026.5	E	Signage Types & Locations Building 2 Elevations	18.04.16

General Building Envelope Materials and Finishes Plans prepared by Hassell			
Drawing No.	Revision	Name of Plan	Date
	C	General Building Envelope Materials & Matrix	23.10.17
SK027.1	A	Materials and Finishes View from North-West	23.10.17
SK027.2	A	Materials and Finishes View from South-West	23.10.17
SK027.3	A	Materials and Finishes View from South-East	23.10.17
SK027.4	C1	Materials and Finishes View from North	20.10.2017

- b) Schedule 2 Part B – Prior to issue of Construction Certificate, Condition B26 is amended by the insertion of the **bold and underlined** words as follows:

Air Quality

B30 No balconies, terraces or operable windows shall be incorporated within the building above a height of 60 metres above ground level **except for the open roof above Levels 22 and 23**

- c) Schedule 2 Part F – Post occupation, Condition F2 is deleted by the **~~bold and struckout~~** words/numbers as follows:

Operable roof louvres

~~F2 The operable roof louvres are to remain closed at all times with the exception of when building maintenance units are required to access the building for maintenance and repairs.~~

- d) Schedule 2 Part F – Post Occupation, Condition F9(1) is added by the insertion of the **bold and underlined** words/numbers as follows:

F9 (1) All speakers within the level 22 and 23 swimming pool and bar area are to be located within covered areas and limited to the following maximum sound pressure levels:

(a) Between 7am and Midnight: 80 dB(A) L10 when measured at 3m distance from speakers

(b) Between Midnight and 7am: 65 dB(A) L10 when measured at 3m distance from speakers.

- e) Schedule 2 Part F – Post Occupation, Condition F12 is added by the insertion of the **bold and underlined** words/numbers as follows:

Use of the level 22 and 23 swimming pool and bar area

F12 Use of the level 22 and 23 swimming pool and bar area is restricted to hotel guests only after midnight and total patron numbers restricted as follows:

(a) Between 7am and midnight: not exceeding 300 patrons at any one time.

(b) Between midnight and 7am: not exceeding 200 patrons at any one time.

- f) Schedule 2 Part F – Post Occupation, Condition F13 is added by the insertion of the **bold and underlined** words/numbers as follows:

F13 Noise levels at levels 22 and 23 shall be managed in accordance with the recommendations of the Noise Impact assessment prepared by Acoustic Logic and dated 15 May 2019.

- g) Schedule 2 Part F – Post Occupation, Condition F14 is added by the insertion of the **bold and underlined** words/numbers as follows:

F14 Air Quality monitoring, safety and evacuation procedures are to be undertaken in accordance with the recommendations of the Air Quality Assessment prepared by ERM and dated 3 September 2018, the letter from ERM dated 25 March 2019, and the Ribbon Hotel Plan of Management Revision 6 dated March 2019.

- h) Schedule 2 Part F – Post Occupation, Condition F15 is added by the insertion of the **bold and underlined** words/numbers as follows:

F15 Instrument calibration records from the air quality monitoring equipment located at levels 22 and 23 are to be made available to the operator of the Cross-City Tunnel on request, on a quarterly basis.

End of modification
(SSD 7388 MOD 7)