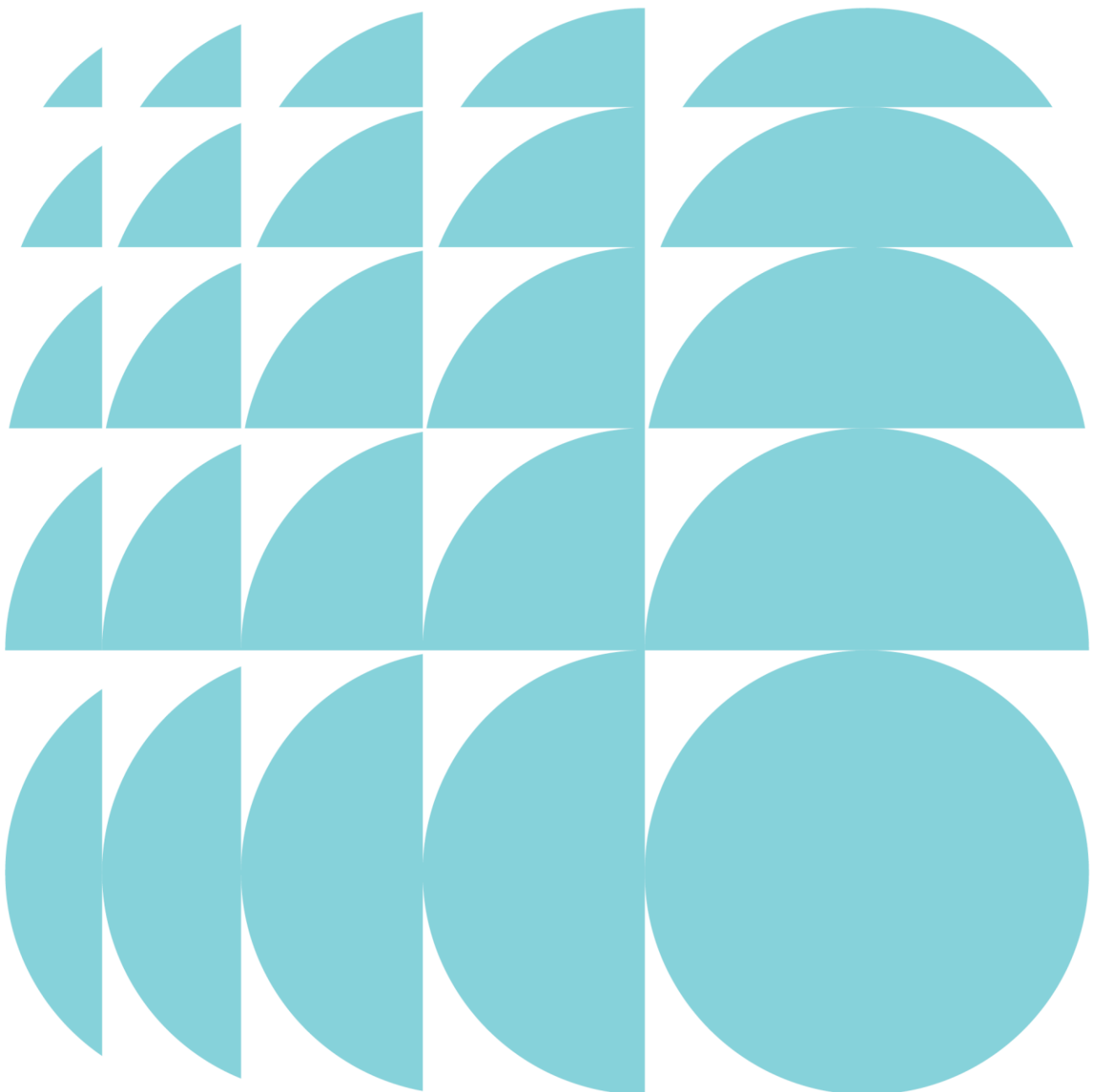


The Ribbon
31 Wheat Road, Sydney

Submitted to Department of Planning and
Environment
On behalf of Grocon (Darling Harbour)
Developments Pty Ltd

7 May 2019 | 12255



CONTACT

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7 May 2019

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7 May 2019

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VERSION NO.	DATE OF ISSUE	REVISION BY	APPROVED BY
1	7 May 2019	JBu	JBu

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1.0 Introduction

On behalf of Grocon (Darling Harbour) Developments Pty Ltd, we hereby submit an application pursuant to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify SSD 15_7388 which relates to The Ribbon development (former IMAX site) in Darling Harbour. This modification application (known as MOD 8) comprises minor internal changes to the layout of the building approved for the IMAX Cinema at the site. The proposed modifications are entirely internal to the IMAX building, and do not comprise any external changes.

This application is submitted to the Department of Planning and Environment (DPE), and identifies the consent, describes the proposed modifications and provides a planning assessment of the relevant matters for consideration contained in Sections 4.55(1A) and 4.15(1) of the EP&A Act. It should be read in conjunction with the Environmental Impact Statement (EIS) prepared by JBA dated December 2015 and Response to Submissions (submitted with the original SSD), as well as the previously approved modification applications, which have been further discussed at **Section 2.0**.

This application is accompanied by the following additional documents:

- Amended Architectural Drawings prepared by Hassell (**Appendix A**);
- Site Survey prepared by Vekta (**Appendix B**);
- BCA Statement prepared by McKenzie Group (**Appendix C**); and
- Access Statement prepared by Morris-Goding Accessibility Consulting (**Appendix D**).

2.0 Background

2.1 SSD 15_7388

Development consent SSD 15_7388 was granted by the Planning Assessment Commission on 28 July 2016 for the redevelopment of the IMAX building, 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 the ground level;
- realignment of Wheat Road;
- upgrade to the surrounding public domain including a new playground and relocation of heritage items; and
- installation of a City Screen and signage zones.

Five modification applications have been lodged regarding this application to date. The first two modifications (MODs 1 and 2) relate to the staging of the conditions of consent and have been withdrawn prior to determination.

A third modification application (MOD 3) comprised a range of design changes to the development below the tower, within the building podium. This application was approved by the DPE on 2 November 2017.

A fourth modification application (MOD 4) sought an extension of construction hours at the site. MOD 4 sought the provision of extended construction hours broadly comprising 6.00am to midnight, Monday to Saturday, and was approved by the DPE on 10 November 2017.

A fifth modification application (MOD 5) was also approved by the DPE on 10 November 2017, seeking to reflect an updated room number configuration, and layout between the serviced apartment and hotel components of the development.

A sixth modification application (MOD 6) comprised modifications to The Ribbon building including amendments to the tower envelope and facades, reconfiguration of the hotel swimming pool facilities, internal floor plan changes, additional signage size and external façade lighting. It also sought the provision of extended construction hours between midnight and 6.00am for all works, excluding high noise generating appliances. MOD 6 was approved by the DPE on 19 December 2018.

A seventh modification application (MOD 7) is currently undergoing assessment at the DPE. It seeks the creation of an open roof above the hotel pool facilities at Levels 22 and 23 of The Ribbon building. MOD 7 relates to a different physical part of The Ribbon and does not affect the subject application (MOD 8).

2.2 SSD 17_8838

Development consent SSD 17_8838 was granted by the DPE on 28 February 2019 for the fit out and operation of the hotel and serviced apartment components, and its associated ancillary facilities and common areas, of The Ribbon building. As the SSD 7388 MOD 8 (the subject application) concerns only internal changes to the IMAX Cinema component of the site, it pertains to a different part of the building and does not affect SSD 8838.

2.3 SSD 17_8839

Development consent SSD18_8839 has been concurrently lodged with this application for the fit out and operation of the IMAX Cinema components, and its associated ancillary facilities and common areas, of The Ribbon building. The subject application (MOD 8) has been designed to align the approved building design and layout of the IMAX Cinema approved under SSD 15_7388 with that of the fit out and operation proposed under SSD 8839.

3.0 Proposed Modifications to Consent

3.1 Proposed Modifications to Development

The application seeks approval for minor internal reconfigurations in the IMAX Cinema portion of The Ribbon building. These changes have been made following further design improvements to improve the patron experience during the progression of The Ribbon project. Furthermore, these changes are required to align the approved plans of SSD 15_7388 with that of the concurrently lodged SSD_8839.

Amongst other minor alterations (e.g. moved doorways), more significant changes entail:

- Reconfiguration of the IMAX Back of House on the ground floor (L00)
- Provision of additional toilets, an equipment room, and a COMMS room on the 1st podium floor (L01)
- Reconfiguration and enlargement of the toilets on the 2nd podium floor (L02), including replacement of a storage facility with an accessible toilet
- Moving the projection room from the 4th podium floor (L04) to the 5th podium floor (L05).

3.2 Proposed Modifications to Conditions

The proposed modifications described above necessitate amendments to the consent conditions which are identified below. Words proposed to be deleted are shown in ~~bold strike through~~ and words proposed to be inserted are shown in **bold italics**.

- A2. *The Applicant shall carry out the project generally in accordance with the:*
- a) *Environmental Impact Statement (EIS) prepared by JBA Urban Planning Consultants 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 November 2018;*
 - e) *The following drawings, except for:*
 - i) *any modifications which are Exempt or Complying Development;*

ii) otherwise provided by the conditions of consent;

e) Section 96 (2) modification application (SSD 7388 MOD 3), prepared by JBA Urban Planning and dated 8 June 2016, as amended by the Response to Submissions prepared by Ethos Urban 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.

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 Urbana 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 11 April 2019.

Architectural (or Design) Drawings prepared by Hassell			
Drawing No.	Revision	Name of Plan	Date
ARC-HSL-DD-1052	R-S	GFA Area Schedule	05.04.18 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	10.08.18
ARC-HSL-DD-1100	R1 S	GA Plans – Ground Floor	12.06.18 10.04.19
ARC-HSL-DD-1101	P1 Q	GA Plans – Podium L01	12.06.18 10.04.19
ARC-HSL-DD-1102	N1 O	GA Plans – Podium L02	12.06.18 10.04.19
ARC-HSL-DD-1103	L1 M	GA Plans – Podium L03	12.06.18 10.04.19
ARC-HSL-DD-1104	L1 M	GA Plans – Podium L04	12.06.18 10.04.19
ARC-HSL-DD-1105	L1 M	GA Plans – Hotel and Serviced Apartments L05 and L06	12.06.18 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	GA Plans – Hotel and Serviced Apartments L21 and L22	12.06.18
ARC-HSL-DD-1112.2	G	GA Plans – Hotel and Serviced Apartments L23 and L24	10.08.18
ARC-HSL-DD-1113	L	GA Plans – Roof	10.08.18
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	GA Elevations – Sheet 2	12.06.18
ARC-HSL-DD-1152	L	GA Elevations – Sheet 3	12.06.18
ARC-HSL-DD-1153	L	GA Elevations – Sheet 4	12.06.18

Architectural (or Design) Drawings prepared by Hassell			
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	GA Sections – Sheet 2	10.08.18
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	GA Sections – Sheet 5	12.06.18
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 2	23.10.17
ARC-HSL-DD-1952	F	Artist's Impression 3	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
SK-530	-	Eastern Pedestrian Clear Widths	26.03.18

There are no changes to the Public Domain / Landscape Drawings, RMS Clearance Diagrams, Signage Zone Plans and General Building Envelope Materials and Finishes Plans.

4.0 Substantially the Same Development

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if *“it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent for which the consent was originally granted and before that consent as originally granted was modified (if at all)”*.

The proposed development remains substantially the same as that originally approved by way of the following:

- The proposed modifications to the development comprises only minor interior physical changes that have no impact on the public domain and exterior of the building. The changes will not impact the approved building envelope.
- No changes in use composition have been proposed under this modification application, meaning that the previously assessed and determined operational impacts of the building will be generally consistent with that previously considered.
- The environmental impacts of the modified development in terms of operation, traffic generation, waste management and the like remain unchanged from the minor interior changes proposed.

5.0 Assessment of Environmental Impacts

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if “it is satisfied that the proposed modification is of minimal environmental impact”. Under section 4.55(3) the consent authority must also take into consideration the relevant matters given by the consent authority for the grant of the original consent.

The following assessment considers the relevant matters under section 4.15(1) and demonstrates that the development, as proposed to be modified, will be of minimal environmental impact.

5.1 Environmental Planning Instruments

The Environmental Impact Statement (EIS) submitted with the original SSDA addressed the development’s level of compliance against the relevant environmental planning instruments, which include:

- *State Environmental Planning Policy (State and Regional Development) 2011*;
- *State Environmental Planning Policy (Infrastructure) 2007*;
- *State Environmental Planning Policy No. 55 – Remediation of Land*;
- *State Environmental Planning Policy No. 64 (Advertising and Signage)*;
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*; and
- Darling Harbour Development Plan No. 1.

This application seeks approval for only minor modifications to the IMAX Cinema component of the interior of the building. The proposed modifications lack external changes and thereby will not change the relationship of the development with the surrounding area. Therefore, no change in assessment with the relevant environmental planning instruments is necessary.

For completeness, **Table 2** provides a summary overview of the continued compliance with the relevant planning instruments demonstrated in this proposed modification.

Table 2 Compliance with relevant Environmental Planning Instruments

Instrument/Strategy	Comment
State Environmental Planning Policy (State and Regional Development) 2011	The proposed development is within the Darling Harbour Precinct which is identified as a State Significant Site in Schedule 2 of the <i>State Environmental Planning Policy (State and Regional Development) 2011</i> (Regional Development SEPP). As the proposed modified development continues to have a Capital Investment Value of more than \$10 million and is listed in Schedule 2, the modified development continues to be State Significant for the purposes of the Act.
State Environmental Planning Policy (Infrastructure) 2007	Given the internal and minor nature of this modification application, further referral of this modification application to relevant agencies is not required.
State Environmental Planning Policy No. 55 – Remediation of Land	No further assessment regarding the remediation of land is required as the proposed modifications are exclusively internal in nature.
State Environmental Planning Policy No. 64 (Advertising and Signage)	No changes to approved signage are proposed as part of this application.
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	There will be no external changes to The Ribbon development under this modification application.
Darling Harbour Development Plan No. 1	The proposed modified development continues to be permissible with consent under Clause 6 of the Darling Harbour Development Plan No. 1 (Darling Harbour Plan). No other provisions of the Darling Harbour Plan apply to the site.

5.2 Gross Floor Area and Land Use

As a result of the proposed modifications, there have been minimal changes to the Gross Floor Area (GFA) of The Ribbon building. Specifically, there has been a minor 89m² reduction for the proposed retail use. A comparison of the approved and proposed GFA is provided below in **Table 3**.

Table 3 Comparison of approved and proposed Gross Floor Area across the development site

Use (GFA)	Approved	Proposed	Change
Retail	1,875m ²	1,786m ²	-89m ²
Cinema	2,300m ²	2,300m ²	No change
SHFA Building	365m ²	365m ²	No change
Serviced apartments	13,775m ²	13,775m ²	No change
Hotel	32,416m ²	32,416m ²	No change
Total	50,731m²	50,642m²	-89m²

As can be seen in the above table, the resultant changes to GFA are insignificant in nature and will not result in an outcome that requires further discussion or is unacceptably different from what is currently approved for the site.

5.3 Building Code of Australia (BCA) Compliance

As part of SSD 8839, the McKenzie Group undertook a review of the IMAX fit out, including the proposed modifications, against the applicable requirements of the Building Code of Australia (BCA), with this report provided at **Appendix C**. This included assessment with regards to fire protection, egress provisions, access for persons with disabilities, fire services and equipment, health and amenity, as well as energy efficiency.

The report concluded that the IMAX Cinema, including the proposed modifications, is capable of complying with the relevant BCA guidelines. By extension of this, it can also be determined that the proposed changes in this application, which have been designed to be consistent with SSD8839, are also capable of complying with the provisions of the BCA.

5.4 Access Review

As part of SSD 8839, an access review was undertaken by Morris-Goding Accessibility Consulting, with this report provided at **Appendix D**. The review included an evaluation of ingress and egress, paths of travel, circulation areas, and sanitary facilities with regards for access for people with disabilities.

The assessment found that with respect to all areas assessed, the proposed modified internal layout is capable of compliance with all the necessary requirements, including the Disability Discrimination Act (DDA), Building Code of Australia (BCA), relevant Australian standards and the higher level of accessibility and inclusiveness set by the project.

5.5 Social and Economic Impacts

The proposed modifications will have positive social and economic impacts in providing a more appealing and engaging experience for patrons of the IMAX Cinema use of the site, in what will become a key entertainment facility in one of Sydney's most important tourist precincts. The proposed changes represent detailed design work undertaken following approval of SSD15_7388, with the intention of providing a workable and useable IMAX cinema layout.

The proposal will not result in any adverse social and economic impacts, due to the minor and internal nature of the proposed changes.

5.6 Site Suitability and Public Interest

The proposed development is suitable in the context of the site, given the following:

- The site has been long associated with entertainment and tourist uses, and the proposed modifications will help ensure that a high level of amenity and experience is provided to patrons of the IMAX Cinema portion of the site.
- The proposed modifications are internal in nature and thereby do not result in any changes to the bulk and scale of the building, and will result in a building form at the site which presents the same as the existing approved building.
- Given that the proposal has been demonstrated as being appropriate through the provision of previous consents, and that the additional economic impacts from this proposal do not change the suitability of the site, then the proposal will continue to be suitable for the site.

The proposal is consistent with the public interest given that it works to contribute to the future experience of The Ribbon for the enjoyment of guests and visitors.

6.0 Conclusion

This Section 4.55(1A) modification application comprises minor internal modifications to the approved IMAX Cinema component of the site. These amendments seek to provide a more workable and useable internal layout and improve the guest experience for future patrons, and are the result of detailed design work undertaken following approval of SSD 15_7388.

In accordance with Section 4.55(1A) of the EP&A Act, the Minister or their delegate may modify the consent, given that:

- The proposed modification is of minimal environmental impact;
- The consent, as proposed to be modified, is substantially the same development as that originally approved; and
- The building's compliance with the key statutory plans and controls remains consistent with the originally approved SSD.

In light of the merits of the proposed development and in the absence of any significant environmental impacts, it is without hesitation that we respectfully recommend this application for development consent.

We trust that this information is sufficient to enable assessment of the proposed modification application. Should you have any queries regarding this matter, please do not hesitate to contact tsmith@ethosurban.com or 9956 6962.

Yours sincerely,



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