



IMAX Darling Harbour

fit-out and operation

State Significant
Development Assessment
(SSD 8839)



September 2019

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Cover photo

Photomontage of approved building from Darling Harbour (Source: Applicant's EIS)

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Glossary

Abbreviation	Definition
Applicant	Grocon (Darling Harbour) Developments Pty Ltd
Consent	Development Consent
Council	City of Sydney
Department	Department of Planning, Industry and Environment
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
GSC	Greater Sydney Commission
LGA	Local Government Area
Minister	Minister for Planning
RtS	Response to Submissions
SEARs	Secretary's environmental assessment requirements
Secretary	Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
TfNSW	Transport for New South Wales
TfNSW (RMS)	Roads and Maritime Services



Executive Summary

This report provides an assessment of a State Significant Development (SSD) application for the fit-out and operation of the IMAX theatre within The Ribbon development (SSD 8838). The application has been lodged by Grocon (Darling Harbour) Pty Ltd (the Applicant). The site is located at 31 Wheat Road, Darling Harbour within the City of Sydney (Council) local government area (LGA).

The Capital Investment Value (CIV) of the development is \$11,246,379 and would generate 50 construction jobs and 20 operational jobs.

Engagement

The Department publicly exhibited the Environmental Impact Statement (EIS) for 30 days between 28 May 2019 until 26 June 2019. Advice was received from two government agencies. Council raised no issues with the proposal and no public submissions were received.

Assessment

The Department considers the key issues associated with the proposal are the hours of operation, noise impacts and compliance with the Building Code of Australia (BCA) and relevant Australian standards. The Department has considered these issues in its assessment and has considered the merits of the proposal in accordance with relevant matters under Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the objects of the EP&A Act and the principles of Ecologically Sustainable Development (ESD).

The Department considers that proposed operating hours of 9:00 am to 12:00 am and special screenings outside of these hours is appropriate for the use as a cinema and for the site's location within the Darling Harbour tourist precinct. The Department considers the impacts associated with the fit-out and operation of the IMAX cinema are minor, and subject to the recommended conditions, will not result in any adverse impacts to the amenity of adjoining occupiers or the surrounding area.

Summary

Following its detailed assessment, the Department concludes the proposal is appropriate, as it is consistent with the state's strategic planning objectives for the site, as set out in the Greater Sydney Metropolitan Plan and Eastern City District Plan.

The Department considers the proposal would result in benefits to the State of NSW and the local community, is in the public interest and is approvable, subject to conditions.



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1. Introduction

1.1 Introduction

This report provides an assessment of a State significant development (SSD) application for the fit-out and operation of IMAX theatre within the IMAX redevelopment (approved under SSD 7388) known as The Ribbon, located at 31 Wheat Road, Darling Harbour.

The application seeks approval for the fit-out and operation of the IMAX theatre and associated back of house areas.

The application has been lodged by Grocon (Darling Harbour) Pty Ltd (the Applicant) under part 4 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

The project has a Capital Investment Value (CIV) of \$11,246,379.

1.2 The site and surroundings

The site, known as 31 Wheat Road, Darling Harbour, previously contained the 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).

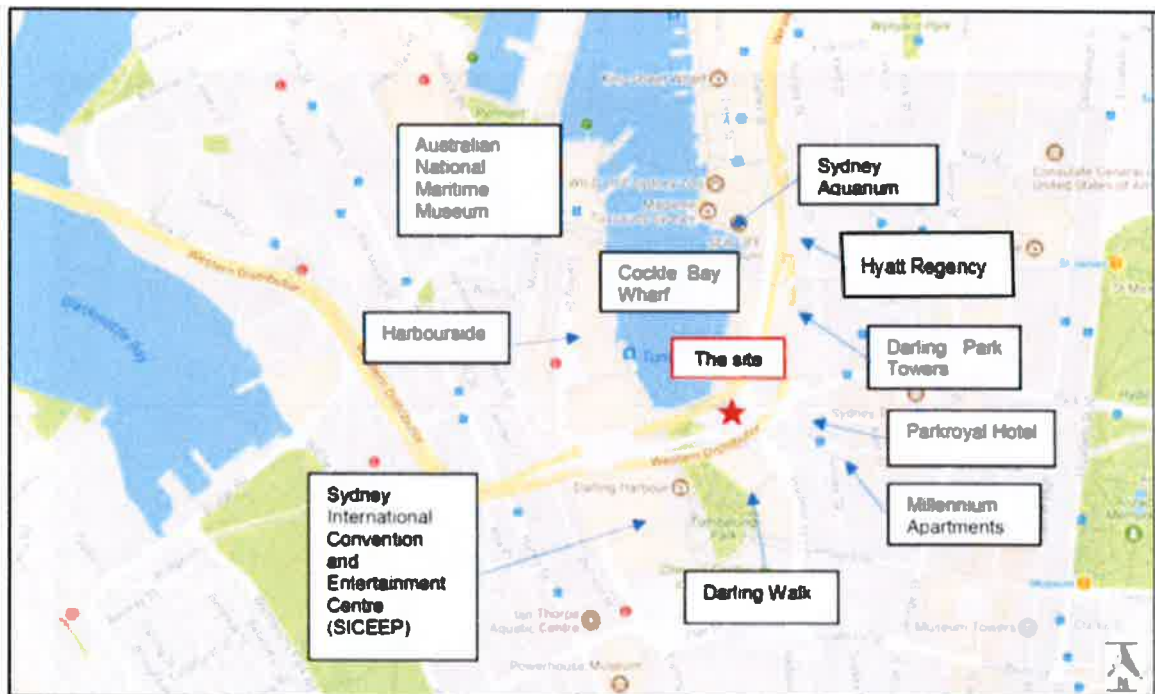


Figure 1 | Site Location (base source: Nearmap)

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

- a lease area of 4,672m² which accommodates the approved building footprint of the Ribbon development(SSD 7388) (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**); and
- air space above 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 EIS)



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

1.3 Surrounding Area

The surrounding area contains a diverse mix of commercial, residential, retail, entertainment and tourist uses including the ICC precinct, 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 ICC precinct is a major urban renewal project along the western and southern ends of Darling Harbour. Having an approximate total area of 15 hectares, the precinct comprises 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)
- a premium hotel complex (ICC Hotel)
- open space and pedestrian links.

On 13 May 2019 the Independent Planning Commission (IPC) approved a concept SSD application (SSD 7684) for the redevelopment of Cockle Bay Wharf, which includes:

- a building envelope providing a podium and tower form with a maximum height of RL 183
- maximum gross floor area (GFA) of 89,000 square metres (m²) commercial floorspace, comprising 75,000 m² office and 14,000 m² retail GFA
- between 5,500 m² and 12,000 m² of new publicly accessible open space.

The Department is also assessing a concept SSD application (SSD 7874) for the redevelopment of Harbourside Shopping Centre to the north west of the site, which includes:

- a building envelope providing a podium and tower form with a maximum height of RL 166.35
- maximum GFA of 87,000 m² for residential and non-residential uses.

1.4 Relevant Planning Context

On 28 June 2016, the former Planning Assessment Commission (Commission) granted development consent (SSD 7388) 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.

Condition A5 of the development consent stipulated that the consent does not approve strata subdivision, fit-out and operation of the retail tenancies, hotel, serviced apartments, function and entertainment uses, and outdoor seating.

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

The development consent has been modified on four occasions and a further two modifications (MOD 1 and MOD 2) were lodged but have not progressed (**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.
MOD 6	Modification to approved building shape, reduction in GFA (from 51,703 m ² to 50,731m ²) associated with envelope changes and alterations to stair, escalator and lift configuration, cinema and back of house areas, retail, storage and circulation areas.	Department	4.55(2)	Approved on 19 December 2018 by the Executive Director, Key Sites and Industry Assessments.
MOD 7	Modification to create an open roof above the level 22 and 23 swimming pool and bar area of The Ribbon hotel.	Department	4.55(1A)	Approved on 11 August 2019 by the Executive Director, Compliance, Industry and Key Sites
MOD 8	Modification to amend the internal layout of the approved IMAX cinema. Reduce retail GFA on level 1 from 671 m ² to 582 m ² (-89 m ²)	Department	4.55(1A)	Approved on 18 June 2019 by Director, Key Sites Assessments



2. Project

The main components of the proposal are summarised in **Table 2** below and a link to the application and supporting documents is provided in **Appendix A**.

Table 2 | Main components of the proposal

Aspect	Description
Fit-out	<ul style="list-style-type: none"> Fit-out to facilitate the approved IMAX theatre including: <ul style="list-style-type: none"> maximum capacity of 450 patrons foyer and back of house areas at Ground, Level 1 and level 2 (Figures 4 to 6) common areas at each floor projection room at level 4.
Operation	<ul style="list-style-type: none"> Opening hours of 9:00am to 12:00 am 365 days per year Special screenings outside of these hours including: <ul style="list-style-type: none"> midnight film premieres (approximately 6 times per year) Live international sports broadcasts (approximately 6 times per year).
Jobs	<ul style="list-style-type: none"> 50 construction jobs 20 operational jobs.
CIV	<ul style="list-style-type: none"> \$11,246,379

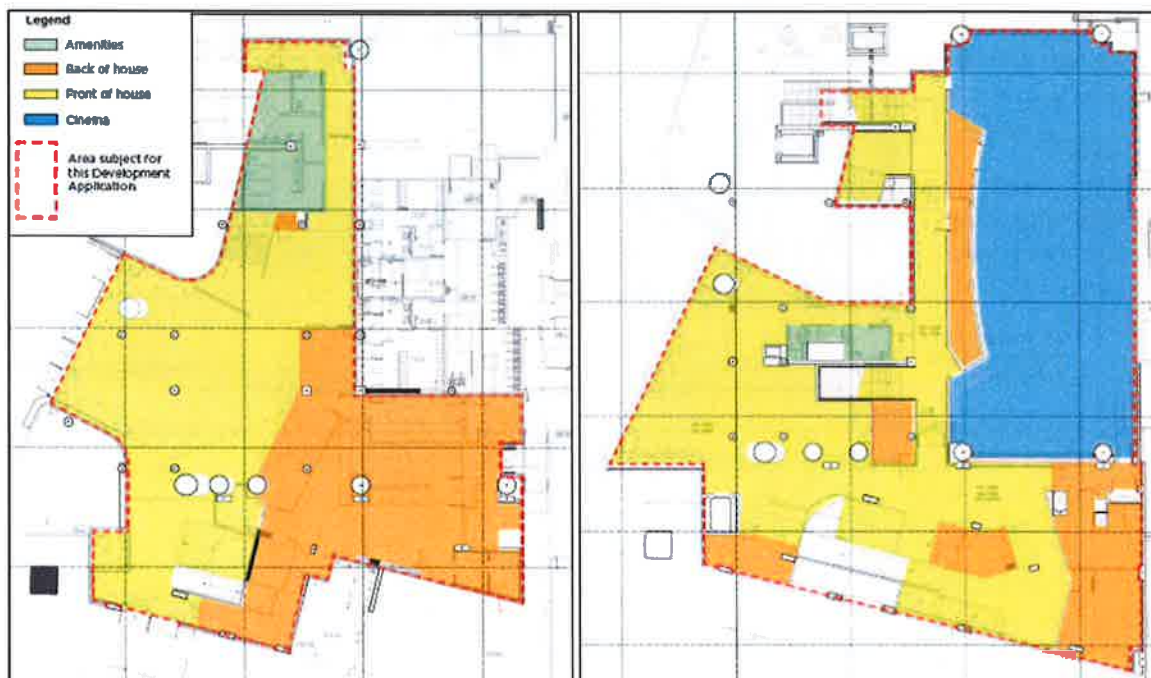


Figure 4 | Ground and Level 1 plan (Source: Applicant's EIS)

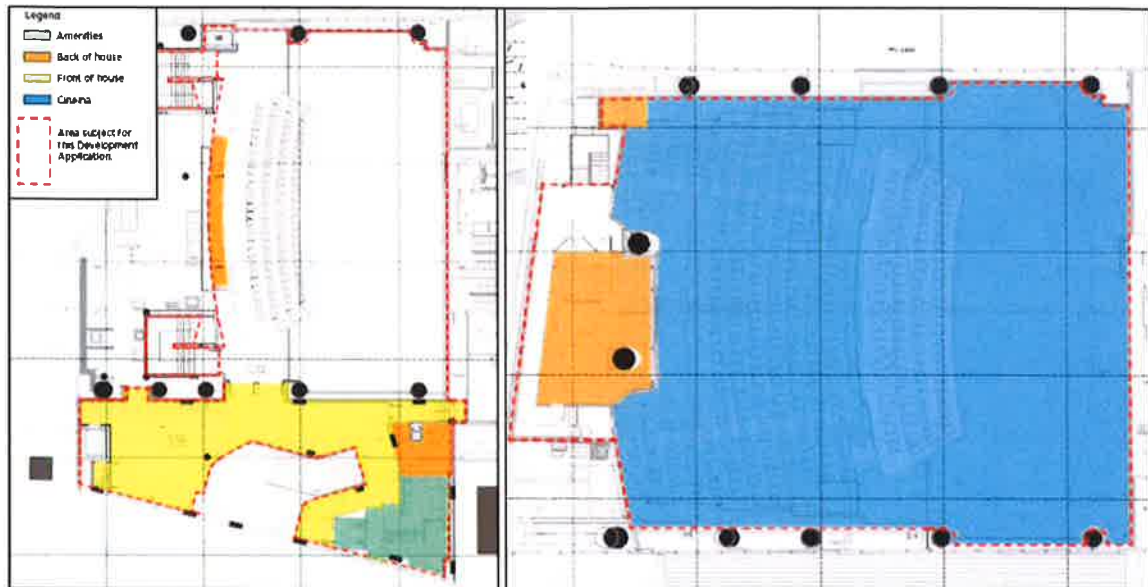


Figure 5 | Level 2 and Level 4 plan (Source: Applicant's EIS)

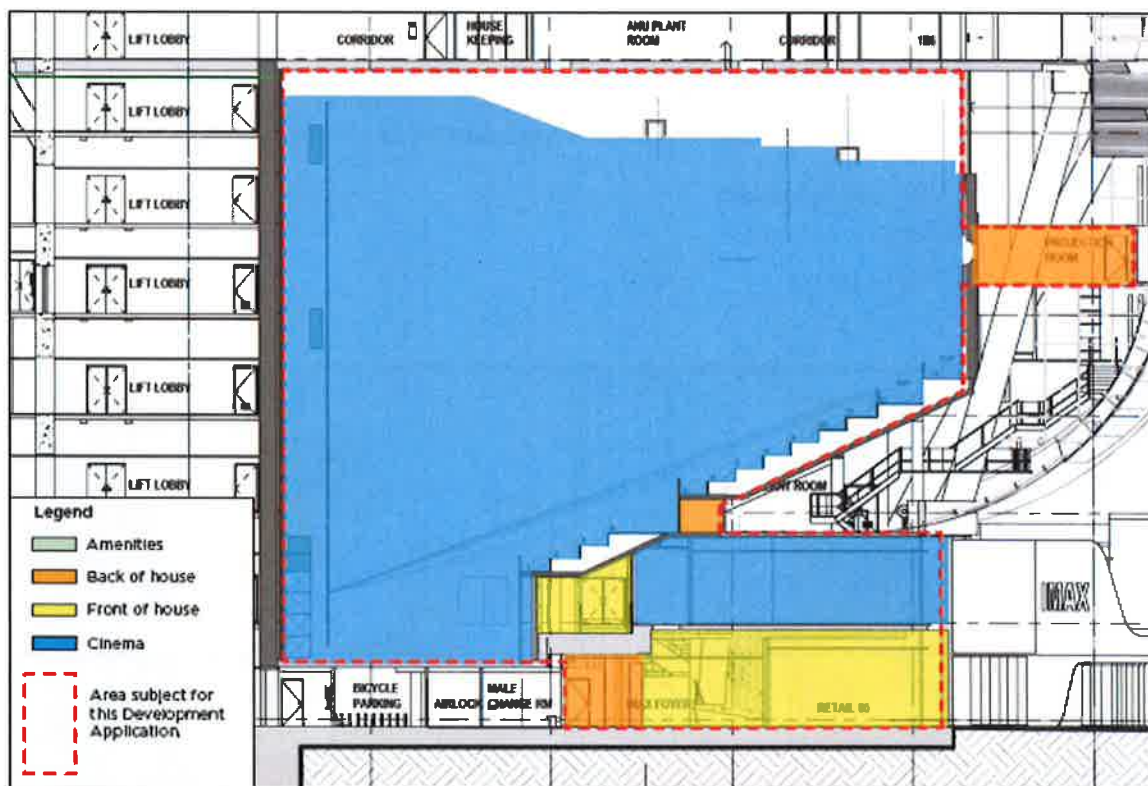


Figure 6 | Section of the IMAX theatre (source: Applicant's EIS)



3. Strategic Context

3.1 Greater Sydney Region Plan

The Greater Sydney Commission (GSC) released A Metropolis of Three Cities - Greater Sydney Region Plan (Region Plan) and associated District Plans in March 2018.

The Region Plan sets the vision and strategy for Greater Sydney, to be implemented at a local level through District Plans. The Region Plan outlines how Greater Sydney will be transformed into a metropolis of three cities, being the Eastern Harbour City, the Western Parkland City and the Central River City (with Greater Parramatta at its heart). The site is located within the Eastern Harbour City.

The Region Plan sets ten directions, including a city supported by infrastructure, a collaborative city, a city for people, housing the city, a city of great places, a well-connected city, job and skills for the city, a city in its landscape, an efficient city and a resilient city.

The fit out of the IMAX theatre and The Ribbon development more generally is consistent with the Region Plan, as it:

- contributes to a stronger and more competitive Harbour CBD (Planning Priority E7),
- delivers employment opportunities in proximity to existing centres, public transport, local services and amenities, which supports the realisation of the '30-minute city' (objectives 4, 6 & 13)
- delivers a healthy, safe and inclusive space for people in a well-designed built environment that encourages opportunities to walk, cycle and use public transport (objective 7)
- contributes to growth of an internationally competitive economy (objective 15).

3.2 Eastern City District Plan

To support the delivery of the Region Plan, the GSC has prepared District Plans to inform local council planning and influence the decisions of State agencies. The aim of the District Plans is to connect local planning with the longer term metropolitan planning for Greater Sydney.

The site is located within the Eastern City District Plan area. The proposal is consistent with the relevant planning priorities identified in that plan, as it will:

- contribute towards 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)
- grow investment, business opportunities and jobs within the Harbour CBD (Planning Priority E11).

3.3 City of Sydney – Sustainable Sydney 2030

Sydney 2030, prepared by the City of Sydney (Council), sets a target of 97,000 new jobs (between 2006 and 2030) with an increase in finance, advanced business services, education, creative industries and tourism sectors.

The proposal will 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).



4. Statutory Context

4.1 State Significant Development

The proposal is SSD under section 4.36 (development declared SSD) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as the development has a Capital Investment Value (CIV) over \$10 million (being \$11,246,379) within the Darling Harbour precinct which is identified as an SSD site under clause 2 of Schedule 2 of State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP).

4.2 Consent Authority

The Minister for Planning and Public Spaces is the consent authority for the application under section 4.5(a) of the EP&A Act.

The Minister's delegate as consent authority

However, under the Minister's delegation, dated 11 October 2017, the Executive Director, Compliance, Industry and Key Sites, 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 Permissibility

The site is subject to the provisions of the *Darling Harbour Development Plan No.1*. From 1 July 2009, this plan is taken to be a State Environmental Planning Policy. Entertainment uses are permissible with consent under the development plan. Consent for the IMAX theatre was granted on 28 June 2016 (SSD 7388).

4.4 Mandatory Matters for Consideration

The following are the mandatory/ relevant matters for consideration:

- the matters in section 4.15(1) of the EP&A Act
- the provisions of EPIs (including draft instruments), planning agreements and the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation)
- objects of the EP&A Act
- ecologically sustainable development (ESD).

Section 4.15(1) matters for consideration

Table 3 identifies the matters for consideration under section 4.15(1) of the EP&A Act that apply to SSD in accordance with section 4.40 of the EP&A Act. The table represents a summary for which additional information and consideration is provided below, in **Section 6** (key and other issues) and relevant appendices or other sections of this report and EIS, referenced in the table.

Table 3 | Section 4.15 (1) Matters for Consideration

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Satisfactorily complies. The Department's consideration of relevant EPIs is provided in Appendix B and summarised below.
(a)(ii) any proposed instrument	Not applicable.
(a)(iii) any development control plan	Under clause 11 of the SRD SEPP, DCPs do not apply to SSD.

(a)(iii) any planning agreement	Not applicable.
(a)(iv) the regulations	The proposal satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications (Part 6 of the EP&A Regulation), public participation and Schedule 2 of the EP&A Regulation relating to an EIS.
(a)(v) repealed	Not applicable.
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	Appropriately mitigated or conditioned - refer to Section 6 of this report.
(c) the suitability of the site for the development	The site is suitable for the proposal, as discussed in Table 4 and Section 6 of this report.
(d) any submissions	Consideration has been given to submissions received during the exhibition period (see Sections 5 and 6).
(e) the public interest	The proposal is in the public interest. Refer to Section 6 of this report.

Environmental Planning Instruments (EPIs)

The Department has reviewed the relevant environmental planning instruments (EPIs) that apply to the proposal, including:

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Infrastructure) 2007
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005; and
- Darling Harbour Development Plan No. 1.

The Department's consideration of relevant EPIs is provided in **Appendix B**. In summary, the Department is satisfied the proposal is consistent with the requirements of the EPIs.

Objects of the EP&A Act

The objects of the EP&A Act are the underpinning principles upon which the assessment is conducted. The statutory powers in the EP&A Act (such as the power to grant consent/ approval) are to be understood as powers to advance the objects of the legislation, and limits on those powers are set by reference to those objects. Therefore, in making an assessment the objects should be considered to the extent they are relevant.

A response to the objects of the EP&A Act, as they relate to the SSD application, is provided at **Table 4**.

Table 4 | Response to the objects of section 1.3 of the EP&A Act

Objects of the EP&A Act	Consideration
(a) <i>to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources</i>	The proposal will deliver jobs to enhance economic and social welfare, while not impacting on any natural or artificial resources, agricultural land or natural areas.
(b) <i>to facilitate ecologically sustainable development by integrating relevant</i>	The proposal includes measures to deliver ESD, as discussed below (Section 4.4).

	<i>economic, environmental and social considerations in decision-making about environmental planning and assessment</i>	
(c)	<i>to promote the orderly and economic use and development of land</i>	The proposed development facilitates the fit-out of the approved IMAX theatre, the merits of which are considered in Section 6 .
(d)	<i>to promote the delivery and maintenance of affordable housing</i>	N/A
(e)	<i>to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats</i>	The proposal involves the fit-out of an approved building and will not adversely impact on any native animals and plants, including threatened species, populations and ecological communities, and their habitats.
(f)	<i>to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage)</i>	The proposal would not have an adverse impact on nearby heritage items or conservation areas.
(g)	<i>to promote good design and amenity of the built environment</i>	The proposal relates to internal fit-out and will not affect the visual appearance or impacts of the approved building.
(h)	<i>to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants</i>	The proposal promotes the proper construction and maintenance of buildings in accordance with the recommended conditions of consent.
(i)	<i>to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State</i>	The Department publicly exhibited the proposal, which included consultation with Council and other relevant Government agencies
(j)	<i>to provide increased opportunity for community participation in environmental planning and assessment.</i>	The Department publicly exhibited the proposal, which included notifying adjoining landowners, Council, relevant Government agencies, a notice in the newspaper and displaying the proposal on the Department's website and at Council's office (see Section 5).

Ecologically Sustainable Development

The EP&A Act adopts the definition of ecological 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 social, economic and environmental considerations in decision-making processes.

The proposal incorporates ecologically sustainable design initiatives and sustainability measures, including:

- energy efficient LED lighting, and lighting control systems
- water efficient fittings, fixtures and appliances
- Air-conditioning, ventilation, lighting, power and hot water use compliant with BCA energy efficiency requirements.

The Department notes The Ribbon as a whole has been designed to achieve a 5-star Green Star rating, 4.0 -Star NABERS energy rating and 3.0 Star NABERS water rating (as required under SSD 7388). Having considered the objects of the EP&A Act, including the encouragement of ESD in its assessment of the application, the Department is satisfied the proposal encourages ESD.

4.5 Environmental Planning and Assessment Regulation 2000

Subject to any other references to compliance with the EP&A Regulation cited in this report, the relevant requirements for Notification and Fees have been complied with.

4.6 Secretary's Environmental Assessment Requirements

On 29 November 2017, the Department notified the Applicant of the Secretary's Environmental Assessment Requirements (SEARs) for the application. The Department is satisfied the EIS adequately addresses compliance with the SEARs to enable the assessment and determination of the proposal.



5. Engagement

5.1 Department's Engagement

In accordance with Schedule 1 of the EP&A Act, the Department publicly exhibited the proposal between Tuesday 28 May 2019 and Wednesday 26 June 2018 (30 days). The proposal was exhibited on the Department's website, NSW Service Centres and at Council's Office.

The Department placed public exhibition notices in The Sydney Morning Herald and The Daily Telegraph on Monday 27 May 2019 and notified adjoining landholders, Council and relevant Government agencies in writing.

5.2 Summary of Submissions

The Department received advice from two government agencies. Council did not provide comments on the application and no submissions were received from the public.

A summary of the submissions is provided in **Table 5**. A copy of the submissions is provided in **Appendix A**.

Table 5 | Summary of Submissions

Submitters	Number	Position
Government agencies	2	
• Transport for NSW	✓	Comment
• Transport for NSW (Roads and Maritime Services)	✓	
Council	1	No comment
Community	0	
TOTAL	3	

5.3 Key Issues – Government agencies and Council

Council advised they had no comments to make on the proposal.

Transport for NSW (including Roads and Maritime Services) recommended that a Construction Pedestrian and Traffic Management Plan be secured by condition.

5.4 Response to Submissions

Following the exhibition of the proposal, the Department placed copies of all submissions received on its website and requested the Applicant provide a response to the issues raised in submissions.

On 6 January 2019, the Applicant provided a response to submissions (RtS) (**Appendix A**), which included revised fitout plans consistent with the base building plans approved under SSD 7388 (as modified).

The RtS was made publicly available on the Department's website and referred to Council and relevant government agencies. No other comments were received in response to the RtS.



6. Assessment

The application seeks approval for the internal fit-out to facilitate the approved use of the IMAX theatre. The proposed fit-out relates to the use and floorspace approved under SSD 7388, comprising the theatre and associated front and back of house facilities. The proposal does not alter the external appearance of the building.

The Department considers the key assessment issues associated with the proposal are:

- hours of operation
- noise
- compliance with the Building Code of Australia (BCA) and relevant Australian Standards.

6.1 Hours of Operation

The IMAX theatre is proposed to operate as follows:

- 9:00 am to 12:00 am, 7 days a week, 365 days a year
- midnight film premieres (approximately six times per year)
- live international sports broadcasts, outside of the standard hours (approximately six times per year).

The Department is satisfied that the proposed hours of operation from 9:00 am to 12:00 am and special event screenings outside of these hours are appropriate for the use as a cinema within the tourist precinct of Darling Harbour, and that any potential adverse impacts on the surrounding area can be managed or mitigated as:

- the theatre is co-located with the hotel and serviced apartment uses within The Ribbon building, which operate 24 hours a day 7 days a week
- the theatre is accessed via the ground floor foyer where access will be monitored and managed by theatre staff
- the theatre, including foyer and bar area are fully enclosed within the building and well screened from residential uses by the Western Distributor and neighbouring commercial buildings.

The Department therefore considers the proposed Hours of operation are acceptable.

6.2 Noise

The acoustic requirements of the IMAX theatre have been incorporated into the design of the base building. The theatre is separated from the serviced apartments above by a floor system comprising a 200mm connector slab and 2 x 16mm resilient sound insulated suspended ceiling. The application is supported by a Noise Impact Assessment (NIA) prepared by Acoustic Logic, which confirms that with this ceiling construction, internal noise levels within the adjacent serviced apartments will comply with Australian Standard 2017 for noise limits within hotel rooms.

The Department notes that noise impacts to surrounding residential receivers were addressed and conditioned as part of the base building approval (conditions B5, E9 and F8 of SSD 7388). The Department recommends a condition restricting noise from the theatre to background +5dBA from 7:00 am to 12:00 am and background +0dBA from 12:00 am to 7:00 am at nearest residential receivers. Subject to this condition, the Department considers that the operation of the theatre will not result in adverse noise impacts.

6.3 Compliance with BCA and Australian Standards

The EIS includes a BCA report prepared by Mackenzie Group and an accessibility review of the proposed fit-out, prepared by Morris-Goding Accessibility Consulting. The reports confirm that the proposed fit works are capable of complying with the provisions of the BCA, Disability (Access to Premises) Standard 2010 and the Disability Discrimination Act 1992 (DDA).

The Department is satisfied that the proposal is capable of complying with the BCA, relevant Australian Standards and the DDA, and that specific compliance can be demonstrated at Construction Certificate stage. The Department recommends an appropriate condition to ensure compliance.

6.4 Conclusion

The Department considers the proposed fit-out and operation of the IMAX theatre is acceptable. The fit-out is capable of complying with the BCA, and relevant Australia Standards and the proposed operation is unlikely to result in adverse impacts on the amenity of the surrounding areas, subject to the recommended conditions.

The Department's consideration of other issues is provided at **Table 6**.

Table 6 | Summary of other issues

Issue	Consideration	Recommended Condition
Construction	<ul style="list-style-type: none"> TfNSW (including RMS) recommended a condition requiring the Applicant submit a Construction Pedestrian Traffic Management Plan (CPTMP) prior to commencement of works, which considers the cumulative impacts of nearby concurrent infrastructure projects, including Sydney Light Rail and the Chatswood to Sydenham section of the Sydney Metro. 	The Department recommends a condition requiring the submission of a Construction Pedestrian and Traffic Management Plan.
Biodiversity	<ul style="list-style-type: none"> Section 7.9 of the Biodiversity Conservation Act 2016 requires all SSD applications to be accompanied by a Biodiversity Development Assessment Report (BDAR), unless given a waiver. In March 2018, the delegated Environmental Agency head and delegated Planning Agency head issued waivers for the requirement to prepare a BDAR. 	No additional conditions necessary.
ESD	<ul style="list-style-type: none"> The EIS includes a review of the proposed fit-out by Cundall Consulting which confirms that the proposal will adopt best practice building principles in relation to energy, water and materials and will not compromise the ability of the building to achieve a 5 Star Green Star – Design and As Built v1 rating The Department is satisfied that the proposal will not compromise the ability of the building to meet its ESD commitments under SSD 7388. 	The Department recommends a condition requiring the applicant to demonstrate compliance with the ESD ratings required by Condition E7 of SSD 7388.
Waste	<ul style="list-style-type: none"> The application is supported by a Waste Management Plan (WMP) prepared by The Aquis Group dated March 2019. The WMP details the total waste for the IMAX theatre and storage and disposal processes which include separation of general waste, recyclables and organic material. The submitted WMP also includes measures related to the 	The Department recommends a condition requiring the submission of a WMP specific to the IMAX theatre, prior to occupation.

Issue	Consideration	Recommended Condition
	<p>hotel, serviced apartments and retail uses within The Ribbon building.</p> <ul style="list-style-type: none"> The Department notes that Condition E9 of the base building approval (SSD 7388) requires submission of a WMP for the whole site prior to occupation. As the site wide WMP is not yet finalised, the Department recommends a condition requiring the submission of a WMP specific to the IMAX theatre, prior to occupation. 	



7. Evaluation

The Department has assessed the merits of the proposal and is satisfied the impacts have been satisfactorily addressed by the proposal and through the Department's recommended conditions.

The proposal is consistent with the objects of the EP&A Act (including ESD principles) and the State's strategic planning objectives for the site as set out in the Region and District Plans.

The Department is also satisfied that the proposal would provide significant public benefits through the provision of a new IMAX theatre which will assist in the revitalisation of tourism and entertainment uses within Darling Harbour. The proposal would also provide approximately 50 construction jobs and 20 operational jobs.

The Department concludes the impacts of the development are satisfactory and can be appropriately mitigated through the implementation of the recommended conditions. The Department considers the proposal is approvable, subject to the conditions outlined within this report.



8. Recommendation

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

- **considers** the findings and recommendations of this report
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approval to the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants consent** for the application in respect of SSD 8838
- **signs** the attached development consent and recommended conditions of consent (see **Appendix C**).

Recommended by:

Amy Watson
Team Leader
Key Sites Assessments

Recommended by:

David McNamara
Director
Key Sites Assessments



9. Determination

The recommendation is: **Adopted by:**

Sargeant
Anthea Sargeant 12/9/19

Executive Director

Compliance, Industry and Key Sites



Appendices

Appendix A – Relevant Supporting Information

Appendix B – Consideration of EPIs

Appendix C – Development Consent

Appendix A – Relevant Supporting Information

The following supporting documents and supporting information to this assessment report can be found on the Department's website at:

1. SSD application
<https://www.planningportal.nsw.gov.au/major-projects/project/10871>
2. Submissions
<https://www.planningportal.nsw.gov.au/major-projects/project/10871>
3. Response to Submissions
<https://www.planningportal.nsw.gov.au/major-projects/project/10871>

Appendix B – Consideration of EPIs

To satisfy the requirements of section 4.15(a)(i) of the EP&A Act, this report includes references to the provisions of the EPIs that govern the carrying out of the project and have been taken into consideration in the Department's environmental assessment.

Controls considered as part of the assessment of the proposal are:

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Infrastructure) 2007
- draft State Environmental Planning Policy (Environment)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005; and
- Darling Harbour Development Plan No. 1

State Environmental Planning Policy (State and Regional Development) 2011

Relevant Sections	Consideration and Comments	Complies?
3 Aims of Policy The aims of this Policy are as follows: (a) to identify development that is State significant development,	The proposed development is identified as SSD.	Yes
8 Declaration of State significant development: section 89C (1) Development is declared to be State significant development for the purposes of the Act if: (a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and (b) the development is specified in Schedule 1 or 2.	The proposed development is permissible with development consent. The development is specified in Schedule 2.	Yes
Schedule 2 State significant development —identified sites 2 Development on specified sites Development that has a capital investment value of more than \$10 million on land identified as being within any of the following sites on the State Significant Development Sites Map: (b) Darling Harbour Site.	The proposed development is within the identified Darling Harbour Site and has a CIV in excess of \$10 million.	Yes

State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP (ISEPP) aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.

Clause	Consideration	Compliance
101 Development with frontage to classified road (1) The objectives of this clause are: (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and (b) to prevent or reduce the potential impact of traffic noise and	The proposal involves the fit-out and use of an approved building and will not impact on the effective and ongoing operation or function of the Western Distributor. Further, the base building approval (SSD 7388) imposed appropriate conditions to ensure future occupants are not affected by	Yes

Clause	Consideration	Compliance
vehicle emission on development adjacent to classified roads.	traffic noise or vehicle emissions.	
102 Impact of road noise or vibration on no-road development	SSD 7388 imposed appropriate conditions to ensure future occupants of the building are not affected by traffic noise or vibration.	Yes
(1) This clause applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicle and that the consent authority considers is likely to be adversely affected by road noise or vibration		
(a) residential accommodation		
(b) a place of public worship		
(c) a hospital		
(d) an educational establishment or centre-based child care facility		

Draft State Environmental Planning Policy (Environment)

The draft State Environmental Planning Policy (Environment) (Draft Environment SEPP) is a consolidated SEPP which proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property. Once adopted, the draft SEPP would replace seven existing SEPPs. The proposed SEPP would provide a consistent level of environmental protection to that which is currently delivered under the existing SEPPs. Where existing provisions are outdated, no longer relevant or duplicated by other parts of the planning system, they will be repealed.

The proposal is consistent with the provisions of the existing SEPPs that are applicable, and the proposed development would generally be consistent with the provisions of the Draft Environment SEPP.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The site is located within the Foreshores and Waterways boundary under the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Sydney Harbour REP). The Sydney Harbour REP aims to provide a clear and consistent planning framework to protect and enhance the unique attributes of the Harbour.

The site is identified as a strategic foreshore site, and the REP states that development must not be undertaken unless a master plan has been prepared for the site which addresses:

- (a) design principles drawn from an analysis of the site and its context;
- (b) phasing of development,
- (c) distribution of land uses including foreshore public access and open space,
- (d) pedestrian, cycle and motor vehicle access and circulation networks,
- (e) parking provision,
- (f) infrastructure provision,
- (g) building envelopes and built form controls,
- (h) heritage conservation (including the protection of archaeological relics and places, sites and objects of Aboriginal heritage significance), implementing the guidelines set out in any applicable conservation policy or conservation management plan,
- (i) remediation of the site,

- (j) provision of public facilities,
- (k) provision of open space, its function and landscaping,
- (l) the impact on any adjoining land that is reserved under the National Parks and Wildlife Act 1974,
- (m) protection and enhancement of the natural assets of the site and adjoining land,
- (n) protection and enhancement of the waterway (including water quality) and any aquatic vegetation on or adjoining the site (such as seagrass, saltmarsh, mangroves and algal communities).

The proposal involves the fit-out and operation of an approved building and is consistent with the planning principles outlined in the REP as it will not affect the natural assets and unique environmental qualities of the harbour or impact public access to and along the foreshore.

Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005

The Development Control Plan outlines guidelines to protect and enhance the ecological and landscape values of the harbour foreshore, and provides specific guidelines for water based, land based and land/water interface developments. The proposal involves the fit-out and operation of an approved building and does not involve any external works or changes to the approved building.

Darling Harbour Development Plan No. 1

The proposal is consistent with the objectives of the Darling Harbour Development Plan No. 1 (the Development Plan) as it provides a tourist and entertainment facility which will assist in revitalising Darling Harbour.

Other Policies

In accordance with Clause 11 of the State & Regional Development SEPP, Development Control Plans do not apply to State significant development.

Appendix C – Development Consent

The recommended Development Consent can be found on the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/project/10871>