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Your Ref: SSD 7388

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Attention: Simon Truong, Senior Planner  
Email: [simon.truong@planning.nsw.gov.au](mailto:simon.truong@planning.nsw.gov.au)

Dear Simon,

**RE: State Significant Development Application for the redevelopment of the IMAX Theatre and surrounding public domain (SSD 7388), 31 Wheat Road, Sydney**

I refer to your letter dated 25 January 2016, inviting Council to make a submission regarding the subject State Significant Development application. The City has reviewed the information provided as part of the public exhibition and provides the below comments.

The Department needs to seriously consider whether another approval of a building of this size adjacent to freeways in the centre of the Darling Harbour valley, and contrary to the longstanding design intent of the site planning is the best outcome for Darling Harbour. It is an opportunistic proposal based on a theatre lease. The building will cast significant shadows to the south particular in the morning in winter over the new public domain.

The proposal is objected to on the basis of issues 52 concerns and in particular issues 4, 12 & 13.

**SITE AND PROPOSAL**

The site is located within Darling Harbour and is owned by the Sydney Harbour Foreshore Authority (SHFA). The site has a total lease area of 5,060m<sup>2</sup> with a total 'zone of influence' area of 10,885m<sup>2</sup> surrounding the proposed building.

The application seeks approval for the following:

- demolition of the existing IMAX building, tourist office and amenities block;
- construction of a new 23 storey building for hotel, serviced apartment, retail, function and entertainment uses, and a separate 2 storey building consisting of retail tenancies, public amenities and SHFA workshop;

- a total gross floor area of approximately 54,877m<sup>2</sup>, broken down as follows:
  - approximately 32,063m<sup>2</sup> for the hotel use;
  - approximately 17,352m<sup>2</sup> for the serviced apartments use;
  - approximately 5,016m<sup>2</sup> for retail and entertainment uses and an IMAX cinema;
- 170 stacked car parking spaces to be located within the podium levels;
- upgrades to the surrounding public domain including a Harbour Street pedestrian link, new playground and the relocation of the existing carousel; and
- a 'City Screen' on the western facade of the new building.

An existing approval (SSD 5397) currently exists over the site for commercial workspace. This consent, which was granted in June 2014 approves the demolition of the IMAX building and construction of a 20 storey building for office, retail and entertainment purposes with a total gross floor area of approximately 74,250m<sup>2</sup>.

It is understood that the applicant wishes to retain the SSD 5397 consent, with the subject proposal forming an alternative development option. If the subject proposal is approved under this arrangement, the applicant would hold simultaneous consents for two different development schemes over the site.

## **SUBMISSION BY THE CITY OF SYDNEY**

### **Land use and ownership**

1. Section 3.8 of the EIS, states that a future development application will be lodged for the strata subdivision of the development. The effect of strata subdivision of the serviced apartments will be to render them as defacto residential apartments, which is contrary to the conditions of lease and the public intentions for the site since it was first created.
2. Previous experience has shown that when serviced apartments are individually owned, the management of these premises for short-term leases becomes increasingly difficult to police and long-term residential occupation occurs.
3. The occupation of the serviced apartments by long-term residents is undesirable from an amenity perspective, as the apartments are not capable of complying with State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development SEPP 65 and the Apartment Design Guideline.
4. In addition to the above management and occupation concerns, the City objects to any subdivision that allows the private ownership of public land even under leasehold arrangements

### **Urban design**

#### **Built form**

5. The proposed built form should be the result of a design excellence process. The design requires improved modelling. Recommendations are as follows:

- (a) the reveal proposed along the east-west direction (between the hotel wings) should be more fluid and visually legible;
  - (b) the peripheral edges of the built form should incorporate finer, curved, rounded details to reduce visual bulk.
6. The Department is requested to carefully consider the merits of the proposed overhang of Harbour Street. The overhang may cause significant loss of Darling Harbour, Pyrmont and north shore views from private residences to the south of the site. If Harbour Street were controlled by the City, the proposed overhang would not be supported. This concern was raised in the City's submission to SSD 5397 and is maintained for the current proposal.
  7. The proposal shows the northern edge of the level 1 podium projecting beyond the ground floor footprint. This projection contributes to the buildings bulk at the pedestrian scale and disintegrates the scale of waterfront address. Level 1 should follow the alignment of the ground level to provide an appropriate two-storey scale. Height clearances for emergency vehicles should also be considered.

#### Materiality and reflectivity

8. The Reflectivity Report suggests the use of cladding and/or double glazing at various elevations to mitigate impacts of glare to drivers and pedestrians. The submitted schedule of finishes, elevations and photomontages do not provide adequate information in terms of addressing these reflectivity requirements. The proposal should be amended to detail the variation in materials required to address reflectivity.
9. The Department is responsible for ensuring that the cladding does not pose a fire hazard given this is State Significant Development.
10. The study also suggests that some vertical shading elements may be required to mitigate glare from the building. The proposal should be amended to consider the use of shading elements and their potential impact on the facade design.
11. The proposal will contribute significant night lighting due to the scale of the building, use and the extent of expansive glass façade (north and south) over open landscape. A lighting impact assessment should be carried out.

#### **Public domain and landscaping**

##### North-eastern public domain encroachment and pedestrian connectivity

12. The proposal will result in a significant encroachment of the building into the public domain to the north and west of the building, beyond what is currently experienced. This concern was raised in the City's submission to SSD 5397 and is maintained for the current proposal.
13. The public domain 'take' of the proposal is excessive and will reduce pedestrian circulation and remove visual connectivity between east Darling Harbour, the new SICEEP facilities and the proposed north-south Boulevard. The building as proposed will reduce pedestrian circulation around the south-eastern corner of Darling Harbour, especially during high-use events. The proposal should be limited to the existing building footprint at this corner.

### Hotel entry encroachment, porte cochere and pedestrian connectivity

14. The design approved under SSD 5397 retained the existing porte cochere off Harbour Street. The inclusion of the hotel & serviced apartment uses in the current proposal has substantially increased the vehicle requirements, and subsequently, the size of the porte cochere.
15. The proposed vehicular zone and hotel entry projects significantly into the public domain, towards the waterfront promenade area and is a poor outcome for pedestrians. The position of the structural columns of the Western Distributor, the hotel lobby entry (including escalator) and the porte cochere result in awkward, cramped spaces and conflicts of movement. For example, a busload of people with luggage waiting in this space could potentially block access to the new escalators leading to the Drutt Street pedestrian bridge, as well as the hotel lobby.
16. The entry to the hotel lobby is located away from the main pedestrian area with no clear line of sight, particularly with the impact of the columns for the Western Distributor and the protrusion of the escalator into the public domain. It is recommended the relationship between the lobby and public domain be improved as follows (and shown in Attachment A):
  - (a) the escalator is to be removed or relocated;
  - (b) the glass curtain wall to the hotel entry should be removed and a landing of wide steps, free of obstacles should meet the pedestrian promenade;
  - (c) the space between the built edge and the waterfront must be wide enough for an emergency vehicle to move, with minimal disruption to pedestrian activities;
  - (d) the porte cochere should be reduced to the absolute minimum size, and adequate space provided for waiting passengers and clear signage/wayfinding;
  - (e) wayfinding will also need to be used to ensure access to the lobby is clear.
17. Concerns are raised regarding pedestrian safety and conflict between pedestrians and vehicles crossing the vehicle entry point and around the porte cochere area. No information is provided as to how pedestrian safety will be managed. The design should include a continuous footpath across the driveway crossover to emphasise pedestrian priority and improve awareness of pedestrians and thus safety. Driveway crossing widths should be narrowed as much as possible (preferably to 6m or less).
18. The provision of upgraded wayfinding signage from/to both Drutt Street and Bathurst Street are required to improve pedestrian amenity from the Town Hall area.

### Pedestrian wind environment

19. The Pedestrian Wind Environment Study applies the criteria of 'walking' to the majority of the building curtilage, and the criteria of 'standing' immediately adjacent to all external doors. The proposal should confirm that no outdoor seating will be proposed within the building curtilage, or alternatively provide an

assessment that applies a criteria for 'seating'. It is also noted that un-fixed furniture may not be acceptable in these spaces during a high-wind event.

20. The report identifies four 1.5m high wind screens to the northern façade of the building, which are required to ensure an acceptable pedestrian environment. These screens have not been incorporated into either the architectural or landscape plans, and represent even further encroachment into an already compromised public domain. Additional screens within the landscape are not supported. It is recommended that the building footprint be reduced, and any wind-proof elements be designed as an integrated architectural/landscape element.

#### Signage

21. A Signage Strategy has not been submitted as part of the proposal. The EIS references a 'City Screen' to be provided on the lower levels of the western façade of the building, however very limited details of this screen and other signage areas have been provided.
22. The application should include a detailed signage strategy for the proposal in order to assess the proposed City Screen as well as any other commercial signage and building name signage. The signage strategy should include a schedule of compliance with the signage provisions of Sydney DCP 2012.

#### Event space

23. The proposed City Screen on the western elevation of the building and associated event space is located within the primary north-south pedestrian route. A crowd gathered to watch the screen has the potential to disrupt major north-south pedestrian movements to and from the area if not sufficiently controlled. The space appears very limited and may not be sufficient for an influx of thousands of people.
24. In the event that the event space is pursued, a pedestrian plan of management should be prepared outlining crowd and pedestrian management necessities for a series of typical events that would be expected.

#### Public art

25. A Public Art Strategy is to be submitted that addresses the incorporation of public art into the proposal, as well as the integration of existing artworks such as 'Jay flowers' by Robert Parr.

#### Children's playground

26. The current playground is popular, including the water play area. The provision of a range of segmented play types in the new playground is encouraged. The incorporation of activities for older children and young adults, including the proposed skating, scooter riding facilities is supported.
27. The provision of the following is recommended:
  - (a) seating in the area between each play station so that parents and carers of multiple children (of different ages/interests) can watch children playing in two areas;

- (b) public amenities include parent rooms with toilets, 'junior' toilets and nappy change facilities.

#### CPTED

- 28. The Crime Prevention Through Environmental Design aspects that are incorporated within the Landscape Report are fairly generic. The City supports the meaningful incorporation of the CPTED principles and reinforces the importance of clear sightlines and appropriate lighting levels. It is recommended that the applicant consults with the NSW Police through Sydney City Local Area Command in this regard.

#### Stormwater quality

- 29. Sydney DCP 2012 outlines requirements for stormwater quality assessment and sets targets for reductions in pollutants. It is recommended that the stormwater system be designed to comply with these requirements.

#### **Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005**

- 30. The Statement of Heritage Impact limits its discussion to the impact of built heritage within the direct vicinity of the site. The statement fails to assess the importance of views of Darling Harbour in the light of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.
- 31. The proposal increases upon an already excessive bulk and scale, resulting in a building that further dominates the Darling Harbour basin and reduces view corridors from public places, to and from Darling Harbour. The proposal reduces the visual connection between the water and the reclaimed estuarine valley of Darling Harbour both at ground level and within the air space defined by the ridgelines either side of the harbour. This distorts the geographical understanding of the harbour and its catchment area and severs view corridors to the harbour.
- 32. This reduction of view corridors is contrary to a number of the planning principles of the Sydney Harbour Catchment SREP, as set out in clauses 13 and 15. These clauses aim to enhance the visual appreciation of the Sydney Harbour Catchment rather than restrict and sever view corridors, and to safeguard against cumulative environmental impacts.

#### **Access, connectivity and transport**

##### Street network and access

- 33. The configuration and operation of the intersection of Harbour Street and the car park basement entry, is unclear, raising concerns regarding the operation and safety of the porte cochere area and basement car park/loading dock. Inadequate information has been submitted to address the following concerns:
  - (a) the configuration provides road safety concerns with regard to the issue of priority at the intersection and the southbound right turn lane;
  - (b) concern is raised over potential queuing of vehicles onto Harbour Street. It appears that the queuing analysis provided assumes double parking within the proposed porte cochere area;

- (c) concerns regarding the potential vehicle entry speeds to the proposed porte cochere area given vehicle speeds and volumes on Harbour Street.
34. It is unclear what Appendix A, sheets 2 and 3 of the Traffic Impact Assessment are trying to demonstrate. Council does not support heavy rigid vehicles such as semi-trailers entering the pedestrian footway area adjacent to the water front (if that is what is proposed). This area is highly pedestrianised and would not be suitable as a shared zone.
35. A Loading Management Plan should be provided to demonstrate how the dock will be managed. The on-site loading area is to be available to all tenancies of the particular building (i.e. hotel, lounge bar, restaurant, service apartments, shopping, retail, function centre, cinema etc). This shall be managed either by a schedule showing all tenants when they can use the area, or by a register managed on site to allow tenants and residents to reserve a time period for their deliveries.

### Parking

36. The amount of parking proposed for the hotel and serviced apartment uses is considered excessive. It is recommended that parking supply be constrained to encourage sustainable transport such as public transport and active transport. See further comments under point 39 below.
37. Section 3.9 of the EIS states that the stacked car park is to be fully serviced by valet. This arrangement is to be carefully managed as the use of mechanical parking is not appropriate for visitors to the site who are unfamiliar operating such facilities and in turn, adds significant dwell time and queuing.
38. The application does not clarify how accessible parking spaces will be provided for using the mechanical parking facilities proposed, even with a valet service.

### Bicycle parking and facilities

39. The application should include improved bicycle parking and end of trip facilities. The staff parking should be located on the ground floor or basement level in a separate location to visitor parking. These facilities should be Class B and comply with AS2890.3:2015. Visitor parking should be Class C, comply with AS2890.3:2015 and be provided at an accessible at-grade location.
40. It is recommended that the minimum number of bicycle parking spaces and end of trip facilities be provided to reflect Sydney DCP 2012 as follows:

Bicycle Parking Type	Number	Requirements
Staff	70	Spaces must be Class 2 bicycle facilities
Non-residential visitor	60	Spaces must be Class 3 bicycle rails
End of Trip Facility Type	Number	
Showers with change area	7	
Personal lockers	70	

41. A reduction in the quantity of visitor bicycle parking should only be considered if there is an increase in the overall quality of parking facilities. Council supports the provision of innovative bicycle parking solutions in new development. The

City would welcome investigations into the opportunity to provide first class staff and visitor bicycle facilities.

#### Sustainable transport

42. The proposal should include an analysis of the projected public transport modal splits and how these will be achieved. Specifically, the proposal should encourage sustainable transport in a manner which aligns with the targets and objectives set out in Sustainable Sydney 2030 such as:
  - (a) Target 6 – 80% of City workers commuting on public transport – 80% of work trips by City residents in non-private vehicles;
  - (b) Target 7 – By 2030, at least 10% of City trips will be made by bicycle and 50% by pedestrian movement;
  - (c) Objective 3.1 – Support and plan for enhanced access by public transport from the Sydney Region to the City of Sydney;
  - (d) Objective 3.3 – Reduce the impact of transport on public space in the City Centre and Activity Hubs;
  - (e) Objective 3.4 – Manage regional roads to support increased public transport use and reduce car traffic in City streets;
  - (f) Objective 4.1 - Develop a network of safe, linked pedestrian and cycle paths integrated with green spaces throughout both the City and Inner Sydney;
  - (g) Objective 4.2 - Give greater priority to cycle and pedestrian movements and amenity in the City Centre;
  - (h) Objective 4.3 – Promote green travel for major workplaces and venues in the city.
43. Consideration should be made to catering for east-west cyclist desire lines to provide upgraded connections to existing bicycle routes at Liverpool Street and Kent and Druitt Street.

#### **Waste Management**

44. Insufficient information has been provided in relation to operational waste management collection and traffic arrangements for this collection. A waste management plan is to be submitted that addresses the following:
  - (a) plans and drawings of the proposed development that show location and space allocated to the waste management facilities;
  - (b) nomination of the waste collection point for the site;
  - (c) identification of the path of access for use collection vehicles;
  - (d) details of the ongoing management of the storage and collection of waste, including responsibility for cleaning, transfer of bins between storage areas and collection points, maintenance of signage and security of storage areas;



- (e) the nominated waste and recycling storage area must be constructed to meet the relevant conditions within the City's *Policy for Waste Minimisation in New Developments (2005)*;
- (f) waste and recycling receptacles must be stored on property at all times;
- (g) arrangements for the collection of waste in accordance with the City's *Waste Policy - Local Approvals Policy for Managing Waste in Public Places (2013)*.

## **Proposed and Future Uses**

### Food and drinks premises

- 45. The EIS notes ground and first floor podium retail uses will include restaurants and food premises. Restaurants typically create significant kitchen exhaust air discharges (smoke and odour), which has the potential to cause adverse amenity if discharged at low levels, particularly if there are high volumes of pedestrians outside the premises. The design of the lower podium levels needs to include provision for kitchen exhaust air discharges to be expelled from upper levels of the building so that satisfactory amenity may be provided, should cooking be proposed at lower levels. Failure to do so may result in limitations on the types of food premises that may occupy lower podium levels, including limitations on types of food prepared.

### Hotel and licensed premises

- 46. No operational details or plans of management have been provided for the hotel and associated uses including the hotel bar and function centre. Plans of Management should be submitted for the hotel, hotel bar and function centre.

### Acoustics

- 47. The Noise Impact Assessment limits the external noise emission assessment to noise generated by mechanical plant. The assessment does not consider the impact of existing, surrounding commercial premises (including entertainment venues) on the proposal, or impact from the proposed hotel bar, function centre, retail or IMAX uses on the hotel and serviced apartment uses within the building. The report should include an assessment against the City's standard noise condition for entertainment venues.
- 48. Table 7 of the Noise Impact Assessment states the location of background noise level measurements as Riley Street. Clarification of the location of these measurements is required.

## **Internal design comments**

- 49. The area identified for toilet facilities on the level 2 podium plan appears to be undersized for the proposed 400+ IMAX capacity. Further, the plans do not identify toilet facilities for the podium retail spaces. It is assumed that these facilities would be provided within each individual retail tenancy.
- 50. No information has been submitted regarding the provision of accessible hotel rooms or serviced apartments.

51. The level 6 plans show corridors as narrow as 1m in order to accommodate the hotel gym entry. This corridor should be increased to a minimum of 1.4m.
52. Some hotel and serviced apartment suites do not indicate the entry doors.

## **CONCLUSION**

The City does not support the proposal in its current form. As detailed above, concerns are raised regarding the future proposal to subdivide the serviced apartments and potential conversion of serviced apartments to residential uses. The City's assessment has found that the proposal will result in unacceptable urban design, public domain and landscaping and access, connectivity and transport impacts. Inadequate information has been submitted to properly assess a number of BCA and urban design issues, acoustic impacts, waste management and the operation of proposed future uses.

Prior to the application being determined, the City would appreciate the opportunity to meet with the consent authority to discuss the proposal. Conditions have not been recommended due to the outstanding issues raised above.

Should you wish to speak with a Council officer about the above, please contact Natasha Ridler, Senior Planner, on 9246 7720 or [nridler@cityofsydney.nsw.gov.au](mailto:nridler@cityofsydney.nsw.gov.au)

Yours sincerely,

A handwritten signature in black ink, appearing to read 'G Jahn', with a stylized, flowing script.

**Graham Jahn AM**  
**Director**  
City Planning | Development | Transport

**Attachment A - Enhanced Public Domain Area at the Darling Harbour Waterfront**

