



Department of Planning and Environment

Each issue raised in the Department's letter is addressed in detail in Section 2 of the Response to Submissions.

Sydney Harbour Foreshore Authority

Recommendation/issue	Comment
<p>Land Use</p> <p>The Authority generally supports the renewal of the IMAX site as evidenced by our support of the previous approval for a commercial office, retail and entertainment complex.</p> <p>The issue of long term residency of serviced apartments in this location is of particular concern, as the Authority's experience in managing active dynamic precincts is that occupiers of buildings that are located in a vibrant entertainment/recreation precinct are often upset at the frequency of the significant noise, light emissions and vibration that occurs with a multitude of cultural and community events.</p>	<p>Noted.</p> <p>See Section 2.1 of the Response to Submissions for discussion relating to the notification of residents of major events, and the restriction of permanent residential accommodation.</p>
<p>Landscape Treatment</p> <p>The retention of the cabbage palms in a scattered layout would ensure the seamless integration of the new upgraded IMAX public domain with the surrounding area to create a more congenial landscape.</p>	<p>Noted. Refer to Landscape Drawings at Appendix D.</p>
<p>Outdoor Dining</p> <p>It is requested that a separate application for any outdoor dining area be submitted, demonstrating compliance with the Authority's policy for outdoor dining in Darling Harbour and ensuring no encroachment within the remaining high intensity pedestrian pathways that surround the development.</p>	<p>Noted. See Section 2.6 of the Response to Submissions for discussion relating to outdoor dining.</p>
<p>City Screen</p> <p>Given the family orientated recreation values in Darling Harbour, the Authority requests that any third party advertising displayed on the screen be limited to that associated with Authority approved events and aligned with an approved curatorial strategy. Strategies for curation of all media content displayed on the screen should be confirmed by the Department prior to the issue of any development consent.</p>	<p>Noted. See Section 2.6 and Appendix J of the Response to Submissions for discussion relating to the City Screen.</p>

City of Sydney

Each issue raised in the City of Sydney's submission is addressed in detail in HASSELL's Architectural Response to Submissions at Appendix E.

Transport for NSW

Each issue raised in Transport for NSW's submission is addressed in detail in the Traffic Response to Submissions prepared by GTA Consultants (refer Appendix G).

Heritage Council of NSW

Recommendation/issue	Comment
The various recommendations of the 'Heritage Significance and Impact Assessment' by GML Heritage (dated 14 December 2015) and Reflectivity Study prepared by Cundall (dated 16 December 15, Revision B) should be incorporated into the final approval.	Noted.
The Darling Harbour Woodward Water Feature (SHR 01933) was not included in the analysis of the Heritage issues regarding the IMAX redevelopment. It is considered that the redevelopment of the IMAX Theatre is likely to have little impact on the heritage significance of the water feature other than that of a visual nature which is considered to be acceptable. Any further studies conducted on the redevelopment should consider the Darling Harbour Woodward Water Feature as part of the study area.	Noted.
It is recommended that appropriate Consent Conditions should be imposed to manage heritage issues as discussed above, if the proposal is approved. It is recommended that these should cover matters such as the following: <ol style="list-style-type: none"> 1. Reflectivity of the exterior finishes of the building shall comply with the recommendations put forward in the Cundall Reflectivity Study. 2. A methodology for the disassembly and relocation of the Carousel and Organ in line with the guidelines and policies included in the Conservation Management Plan for the item, shall be prepared and submitted to the Director-General, Department of Planning and Infrastructure, for approval, prior to commencement of works; 3. A detailed condition assessment and schedule of conservation works for the Sewage Pumping Station No. 12 shall be submitted to the Director-General, Department of Planning and Infrastructure prior to commencement of works. The conservation works shall be implemented prior to completion of works; 4. Prior to the commencement of works, an excavation permit, under section 140 the Heritage Act of NSW, should be obtained. A Section 140 application along with supporting information including an archaeological assessment report prepared by a qualified historical archaeologist (with demonstrated historic sites experience who can meet the Heritage Council's Excavation Director's Assessment Criteria) shall be submitted to the Heritage Council for approval; 5. Should substantial archaeological remains of state significance be uncovered during the archaeological investigation, amendments may be required to the building design to facilitate in-situ conservation, interpretation and display. <p>The client should liaise with the NSW Heritage Division on these outcomes for significant archaeological remains. Further advice, assessment and approval may be required before</p>	Noted.

works continue in the area subject to the nature of the discovery;

6. A specialist heritage consultant shall be nominated for the works. The consultants shall have appropriate qualifications and experience commensurate with the scope of the Major Project works.

7. The heritage and archaeological consultants shall advise on the detail design resolution of new works, and manage the implementation of the conditions of approval for the Project.

8. A report by the heritage consultant (illustrated by works' photographs) shall be submitted to the Director-General for approval within 6 months of the completion of the works which describes the work, any impacts/damage and corrective works carried out;

9. All construction contractors, subcontractors and personnel are to be inducted and informed by the nominated archaeological consultant prior to commencing work on site as to their obligations and requirements in relation to historical archaeological sites and 'relics' in accordance with guidelines issued by the Heritage Council of NSW;

10. All affected potential historical archaeological 'relics' and/or deposits of Local and State significance are to be subject to professional archaeological excavation and/or recording before construction works commence which will impact those 'relics'. A Research Design including an Archaeological Excavation Methodology must be prepared in accordance with Heritage Council guidelines;

11. After any archaeological works have been undertaken, a copy of the final excavation report(s) shall be prepared and lodged with the Heritage Council of NSW, the City of Sydney and the Department of Planning & Infrastructure. The proponent shall also be required to nominate a repository for the relics salvaged from any historical archaeological excavations; and

12. The results of the archaeological fieldwork, the history of the site and other should be used to inform an Interpretation Plan in line with an overall Interpretation Strategy for the broader SICEEP to guide the future incorporation of the findings from the works in communicating the significance of the site to future visitors. The Interpretation Plan should be prepared in accordance with the Guidelines issued by the Heritage Council of NSW. The Interpretation Plan should be prepared for the approval of the Director-General, Department of Planning & Infrastructure upon receipt of advice from the Heritage Division of the Office of Environment & Heritage.

TransGrid

Recommendation/issue	Comment
We can advise after review of the abovementioned Development Application using TransGrid's Asset Management Information System (TAMIS), this proposed development does not affect our infrastructure, therefore we do not object to this proposal.	Noted.

Jemena

Recommendation/issue	Comment
<p>Natural Gas is available in the vicinity and may be able to supply this proposal.</p> <p>Our policy is to supply all developments wherever possible, depending upon economic viability.</p> <p>In consideration of our shareholders' interests and under NSW regulation, Jemena Gas Networks (NSW) Ltd is required to ensure that any connection to the natural gas distribution system is commercially viable and therefore must assess each request for supply on an individual basis.</p> <p>Upon the provision of the final layout and load configurations for the development a full economic evaluation can be undertaken to determine the availability of natural gas to the site.</p>	Noted.

NSW Environment Protection Authority

Recommendation/issue	Comment
<p>On the basis of the information provided, the proposal does not constitute a Scheduled Activity under Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i> (POEO Act). The EPA does not consider that the proposal will require an Environment Protection Licence (EPL) under the POEO Act. Accordingly, the EPA has no comments regarding the proposal and has no further interest in this proposal.</p>	Noted.

Public Submissions

Recommendation/issue	Comment
Excessive bulk and scale	As detailed in the EIS, critical consideration in assessing the impact of the bulk and scale of the proposed development is the fact that a building of an identical height and very similar built form, bulk and scale has already been assessed and found to be acceptable in this location.
Traffic impacts	The EIS included a Traffic Impact Assessment that considered the additional traffic generated by the proposal with existing traffic volumes within the vicinity of the site. The assessment concluded that the development is not expected to compromise the safety or function of the surrounding road network. Further consideration of traffic issues is provided in the Traffic Response to Submissions at Appendix G.
Legitimacy of concurrent approvals	As detailed in the EIS, on 16 June 2014 the Planning Assessment Commission granted consent to SSD-5397, to demolish the IMAX building and construct a 20 storey building for office, retail and entertainment purposes with a total gross floor area of approximately 74,250m ² . It is the proponent's intention that this consent remains in place and an additional application is made for the alternate development option, being the hotel and serviced apartment scheme. Ultimately, the proponent wishes to hold consents for two different development schemes. This approach is legitimate under the provisions of the <i>Environmental Planning and Assessment Act 1979</i> .

Impacts of City Screen	<p>Clarification of the size and location of the City Screen is provided on additional drawing SK001 (refer Appendix C). This drawing confirms the size and location of the screen, and also that it will not be visible to motorists on the Western Distributor. The City Screen is intended to be used for the following:</p> <ul style="list-style-type: none"> ▫ Security announcements and information; ▫ Precinct information and promotions overseen by SHFA; ▫ IMAX movie trailers and "what's on" information; ▫ Special events (sporting finals, NYE events and the like); and ▫ The screen will not be used for any third party advertising.
Potential public domain view impacts	<p>In determining the visual impact of the proposed development it must be noted that a building of an identical height and very similar built form, bulk and scale has already been assessed and found to be acceptable in this location. Notwithstanding that the visual impacts of the proposed development will be the same or slightly less than that of the already approved building, a comprehensive visual impact assessment was undertaken and provided in the EIS. This assessment concluded that the potential view impacts were acceptable.</p>
Insufficient landscaping	<p>The landscaping scheme has been developed in close consultation with SHFA to ensure that it is consistent with the vision for the public domain of Darling Harbour. Where appropriate, soft landscaping elements are provided.</p>
Requirement for cycling infrastructure	<p>The proposed development includes bicycle parking and suitable end of trip facilities as detailed in Section 2.4 of the Response to Submissions.</p>
Sustainable development	<p>The EIS contained an Ecologically Sustainable Design Report which outlined the key ESD initiatives of the development. The building is being designed to target the following green building ratings:</p> <ul style="list-style-type: none"> ▫ 5-Star Green Star – Design and As-Built v1 rating for the entire development; ▫ 4.5-Star NABERS Energy rating for the hotel; ▫ 3.5-Star NABERS Water rating for the hotel.