

State Significant Development Response to Submissions



31 Wheat Road, Sydney

Redevelopment of IMAX Building

Submitted to Department of Planning and Environment
On Behalf of Grocon Pty Ltd

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This report has been prepared by:



Robert Stark

30/03/2016

This report has been reviewed by:



Clare Swan

30/03/2016

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Executive Summary

The Environmental Impact Statement (EIS) in support of the State Significant Development Application (SSDA) for the redevelopment of the IMAX building site at Darling Harbour, 31 Wheat Street, Sydney was publicly between 28 January and 29 February 2016.

Ten submissions were received in response to the public exhibition of the EIS, including submissions made by government agencies and authorities and the general public. The key issues raised in submissions can be broadly grouped into the following categories:

- Built form and urban design;
- Serviced apartments and hotel use;
- Hotel lobby and porte cochere;
- Urban design and façade treatment;
- Parking and traffic;
- Noise impacts;
- Additional information.

The proponent, Grocon, and its expert project team have considered all issues raised within the submissions made pursuant to the requirements of the *Environmental Planning and Assessment Act 1979*.

A considered and detailed response to all submissions made has been provided within this report at Section 2.0 and further expanded upon within the accompanying documentation.

In responding and addressing the range of matters raised by government agencies and authorities and the general public, Grocon has sought to refine the project design. The refined proposal also captures minor changes made by the project team post exhibition.

Section 3.0 and the accompanying documentation provide an analysis and assessment of the proposed changes and the refined project more broadly. In summary, the nature of the changes is considered to result in development that does not substantially differ from the original application that was publicly exhibited. Where any changes have occurred to an aspect of an environmental impact as a result of the amended proposal, there is on balance an overall improved outcome that is achieved from the resulting amended development.

Final measures to mitigate the impacts associated with the refined proposal are detailed at Section 4.0.

In conclusion, the redevelopment of the IMAX building responds to the ongoing renewal of the Darling Harbour precinct and provides an opportunity to deliver an upgraded public domain and new hotel, serviced apartment, entertainment and retail spaces which together will further activate the precinct and complement the emerging Convention Centre facilities.

1.0 Introduction

The Environmental Impact Statement (EIS) in support of the State Significant Development Application (SSDA) for the redevelopment of the IMAX building site at Darling Harbour, 31 Wheat Street, Sydney was publicly exhibited for a period of 32 days between 28 January 2016 and 29 February 2016.

Public exhibition occurred in accordance with the requirements of the *Environmental Planning and Assessment Act 1979*.

Ten submissions were received in response to the public exhibition of the EIS, including submissions made by government agencies and authorities and the general public, as follows:

- Government authorities and agencies - 7;
- Members of the public – 3.

The proponent, Grocon, and its specialist consultant team have reviewed and considered all issues raised.

This report, prepared by JBA on behalf of the proponent, sets out the responses to the issues raised in accordance with Clause 85A of the *Environmental Planning and Assessment Regulation 2000*, and details the final project design and final Mitigation Measures for which approval is now sought. The final project design includes amendments made by HASSELL pursuant to Clause 55 of the EP&A Regulation, including changes to address matters raised in the submissions.

The key issues raised in submissions can be broadly grouped into the following categories:

- Built form and urban design;
- Serviced apartments and hotel use;
- Hotel lobby and porte cochere;
- Urban design and façade treatment;
- Parking and traffic;
- Noise impacts;
- Additional information.

This report provides a detailed response to each of the above issues and outlines the proposed amendments to the exhibited Environmental Impact Statement. Where individual issues are not discussed in this report, a detailed response can be found in the tables at **Appendix A**.

Amendments to Proposed Development

To reflect the design changes that have been made to the proposed development following public exhibition of the proposal and for which approval is now sought, and to address issues raised in the submissions, a range of updated plans and documentation has been prepared.

The following consultants' information further supplements the material originally submitted in support of the EIS:

- Draft Plan of Management prepared by Dransfield;
- Wind Effects Statement prepared by Vipac Engineers and Scientists;
- Response to Submissions prepared by HASSELL and GTA;
- Acoustic Response letter prepared by Acoustic Logic;
- Preliminary Remediation Action Plan prepared by Douglas Partners: and
- SEPP 64 Schedule 1 Assessment prepared by JBA.

The revised supporting documentation enables the Department to undertake an informed assessment of the amended proposal.

A final schedule of the mitigation measures proposed to mitigate the impacts associated with the proposed works is provided at Section 4.

This report should be read in conjunction with the EIS prepared by JBA, dated December 2015, as relevant.

2.0 Key Issues and Proponent's Response

This section of the report provides a detailed response to the following key issues raised by the Department, government agencies and authorities, and the general public during the public exhibition of the SSDA:

- Serviced apartments and hotel use;
- Hotel lobby and porte cochere;
- Urban design and façade treatment;
- Parking and traffic;
- Noise impacts;
- Additional information.

2.1 Serviced Apartments and Hotel Use

Plan of Management

A Draft Ribbon Hotel and Serviced Apartments Management Plan has been prepared by Dransfield & Co (refer **Appendix B**). This details the ownership and management of the development, including the measures that will ensure future occupants are well aware of major events at Darling Harbour. This plan also details how the function areas of the hotel will be managed to ensure the safety and comfort of guests, as well as the amenity of surrounding residents, is maintained.

The proposed operational structure ensures that the hotel operator is effectively in charge of both the hotel and serviced apartment components, and is responsible for supervising the behaviour of occupants and enforcing building by-laws. The legal, commercial, operational and structural arrangements of the development all combine to strongly influence the following:

- Ensuring that occupants are aware that the site is at the heart of a vibrant cultural area that will experience frequent major events;
- Ensuring that occupants are aware that permanent residential accommodation is not a permitted use within the development.

Schedule of Rooms and Apartments

A schedule has been prepared (refer **Appendix C**) that sets out the number of serviced apartments and hotel rooms, including typology, size and if they are accessible.

2.2 Hotel Lobby and Porte Cochere

The layout and design of the hotel lobby and port cochere have been refined to enhance the public domain, maintain sight lines and ensure there is appropriate pedestrian accessibility. The key change is the refinement of the glazing line at that northern end of the lobby, and the relocation of the internal escalator (refer to **Figures 1 and 2** below). These changes ensure that appropriate spaces and views for pedestrians are provided, whilst at the same time the proposed building relates appropriately to the existing built form context.

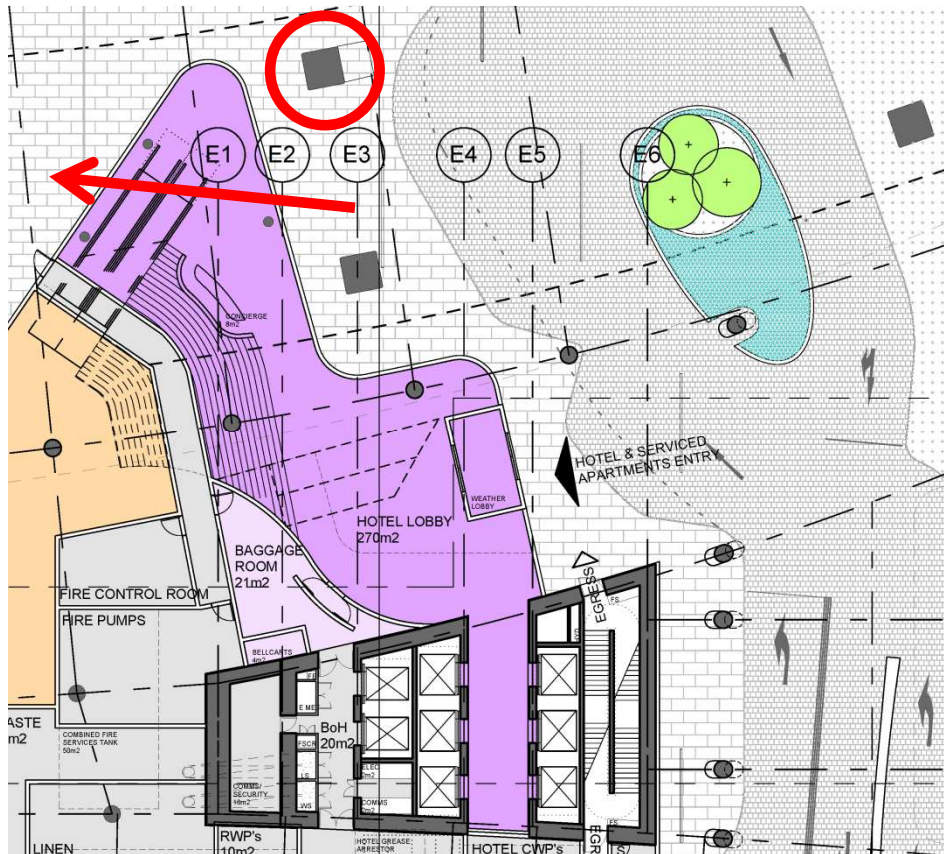


Figure 1 – Original proposal. Note the proximity of the façade to the elevated roadway (circled) and the location of the escalators within the view line (arrow)

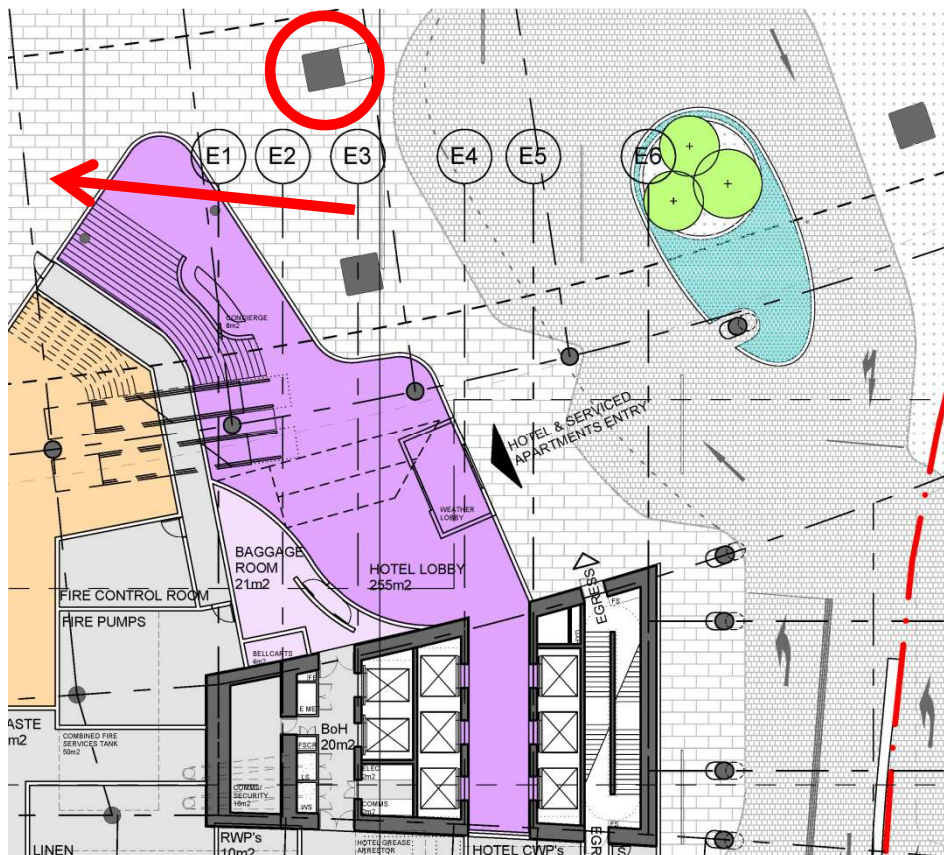


Figure 2 – Refined proposal. Note the increased separation to the elevated roadway structure (circled) and the relocation of the escalators to allow for views through the façade

Further details in relation to the design of the porte cochere have been provided by Aspect Studios (refer **Appendix D**). **Figures 3 and 4** below provide photomontages of the area, illustrating the look and feel of the space.



Figure 3 – Photomontage of porte cochere looking west



Figure 4 – Photomontage of porte cochere looking north

2.3 Urban Design and Façade Treatment

Architectural Design

HASSELL's response to submissions statement (refer **Appendix E**) provides detailed consideration of the architectural design issues raised in the submissions, particularly by the City of Sydney. In summary, HASSELL's response is that the suggested amendments will detract from the architectural concept. Although careful consideration was given to each proposed amendment, the architectural analysis indicated that no changes to the design were required.

Louvres

Concern was raised in relation to the potential of air intake louvres to disrupt the visual quality of the northern façade, and in particular at the podium level. To clarify this issue, no louvres are proposed on the northern facade. There is a single air intake proposed on the northern façade, however, this is not at podium level and will not be screened by a louvre. Rather, air will pass through via a system integrated with the curtain façade, with the glass panels set short of the mullions to allow air flow. With this system, it is not readily apparent that this portion of the façade allows for airflow, but rather its appearance is consistent with the surrounding facade.

To clearly show the architectural intent of the lower portion of the northern façade, additional photomontages have been prepared by HASSELL (SK014.1 to SK014.3, refer **Appendix C**). One of these montages is provided in **Figure 5** below.



Figure 5 – Photomontage of northern podium facade

Operable Roof Panels

The operable roof panels are to allow the building maintenance units (BMUs) to travel from within their enclosures to clean and service the building. The roof panels will only be open when the BMUs are being operated, which is expected to be once every six months for a period of up to two weeks.

Materials and Finishes

A Materials and Finishes Palette Drawing has been prepared by HASSELL (ARC-HSL-DD-1930, refer **Appendix C**). This details the colour and type of material for each portion of the façade. The dominant materials are high performance glazing and high performance modular metal panels, as shown in **Figure 6**. It should be noted that all building envelope materials will be in compliance with the Reflectivity Study prepared by Cundall (dated 16 December 15, Revision B) submitted with the EIS.



Figure 6 – Proposed high performance glazing and high performance modular metal panels

An amended Wind Effect Statement has been prepared by Vipac Engineers and Scientists (refer **Appendix F**). Further analysis of the proposed development has confirmed that the originally proposed wind screens on the northern side of the boundary are not required, and that the impact of the wind from the north can be mitigated with the use of portable planters and other operational strategies.

2.4 Parking and Traffic

Transport for NSW Submission

A response was requested in relation to the submission received from Transport for NSW in relation to traffic, access, parking, porte cochere design, car stacker operation, queuing and safety and sustainable transport. A detailed response has been prepared by GTA Consultants (refer **Appendix G**) that clearly addresses each item raised in the submission.

Bicycle Parking

Details were requested in relation to bicycle parking and end of trip facilities. Internal bicycle parking and end of trip facilities are shown on drawings ARC-HSL-DD-SK018.1 and ARC-HSL-DD-SK018.2 prepared by HASSELL, and external bicycle parking is shown on drawing 12023-LA-105 prepared by Aspect Studios (refer **Appendix C** and **D** respectively).

A total of 239 internal bicycle parking spaces are provided, in addition to 70 lockers and seven showers. A total of 56 external bike parking spaces are provided, with the opportunity to expand this provision to a total of 100 spaces if required.

2.5 Noise Impacts

A letter has been prepared by Acoustic Logic (refer **Appendix H**) to respond to concerns raised in relation to acoustic impacts on future occupants from external and internal noise sources.

In summary, the existing acoustic impacts from the adjacent Western Distributor roadways are so significant that it is not possible any entertainment venue noise sources would have a greater impact. As the building is designed to appropriately ameliorate acoustic impacts from the roadways, it will also be able to ameliorate any potential impacts from surrounding entertainment venues.

In relation to internal noise sources, the acoustic requirements of the proposed IMAX theatre, function spaces and retail areas have been incorporated into the design of the building. The relevant acoustic criteria will easily be met for the hotel rooms and serviced apartments.

2.6 Additional Information

Preliminary Remediation Action Plan

A Preliminary Remediation Action Plan (RAP) has been prepared in relation to the proposed development by Douglas Partners (refer **Appendix I**). The objectives of the RAP are to:

- Present a summary of the contamination issues identified at the site;
- Provide the requirements for additional contamination investigation;
- Detail how the need for remediation or management will be assessed;
- Identify the principals for remediation of the site (if required); and
- Provide a framework for any remediation/ management which may be required at the site.

Level by Level Comparison

Comparison drawings of the approved commercial scheme and the current proposal are provided at **Appendix C**.

Footprint Drawings

Drawings of the footprint of the proposed development at each level are provided at **Appendix C**.

City Screen

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:

- 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.

It should be noted again that the City Screen will not be visible from the Western Distributor, and therefore will not be a hazard to traffic

Signage

Proposed signage zones are shown on the revised elevations at **Appendix C**. The proposed signage zones will rationalise and modernise the current signage on and around the current building. An assessment of the proposed signage against the criteria of Schedule 1 of SEPP 64 is provided at **Appendix I**. This assessment includes consideration of the City Screen.

The final detail of the signs will be subject to future development applications.

Outdoor Seating

Outdoor seating associated with the ground level retail tenancies will be provided. Specific details relating to patron numbers and lease areas will be negotiated with SHFA, however, the general principal is that the outdoor seating will contribute to the vibrancy of the locality.

The amended Wind Effect Statement prepared by Vipac Engineers and Scientists (refer **Appendix F**) confirms that the originally proposed wind screens on the northern side of the boundary are not required. Outdoor seating is generally not required during bad weather, meaning that there is a degree of self-regulation for these space. Other operational strategies, such as the use of portable planters, will also mitigate potential wind impacts.

Relocation of Jay Flowers

It is now proposed to relocate the Jay Flowers sculpture to within the palm grove to the west of the proposed building. This is a prominent location, visible to the main north-south pedestrian flow through Darling Harbour. This location will encourage the use of the sculpture as an informal meeting place.

Safety and Security

Further details in relation to safety and security at the south eastern corner of the building are provided on drawings 12023-LA-107 (Rev B) and SK08-A3-1:100 (Rev B) prepared by Aspect Studios (refer **Appendix D**). In summary, this area will be safe and secure by virtue of the following:

- Clear site lines;
- Low level planting;
- Pole top lights and CCTV cameras;
- Restricted access to the southern pathway; and
- Passive surveillance.

3.0 Proposed Amended Development

Following public exhibition and in response to the issues and concerns raised by the Department, other government agencies and the general public, a number of minor design changes have been made to the proposed development. The proposed changes are shown on the revised Architectural Plans prepared by HASSELL (**Appendix C**), and are summarised as follows:

- Amendments to the location of the glass line and the location of stairs and escalators within the lobby at the north-eastern corner of the building;
- Provision of signage zones;
- Relocation of Jay Flowers sculpture to the western side of the building;
- Amendments to bicycle parking and end of trip facilities;
- Amendment to Level 6 Serviced Apartment corridor width north of Hotel Gym;
- SHFA building and associated uses (including extent of SHFA storage/bin store and new loading bays to east) updated to agreed scheme following consultation with SHFA;
- Lower air intake revised to be 1.5m high AFFL (shown on elevations);
- Upper air intake noted on elevations;
- Materials amended to comply with Cundall's Reflectivity Study;
- Realignment of Druitt Street bridge, escalator and stairs; and
- Confirmation of pedestrian and vehicle capacities.

The changes overall are considered to be positive and aim to deliver an improved outcome. Accordingly the changes are not considered to give rise to any material alteration to the environmental assessment of the potential impacts considered as part of the original development application.

The Department has requested that all reports submitted with the EIS be reviewed in light of any revisions made or to assist in the resolution of the issues, and to ensure consistency with the final proposal. The reports that required amendment, together with additional information, are appended to this report and listed in the Table of Contents.

The exhibited EIS assessed the potential impacts of the overall development against a range of matters relevant to the development. Except where addressed in this report, the conclusions of the original assessment remain unchanged.

4.0 Final Mitigation Measures

The collective measures required to mitigate the impacts associated with the proposed works are detailed in **Table 9** below. These measures have been derived from the assessment described in Section 5.0, and detailed in the appended consultants' reports.

Table 1 – Mitigation measures

Mitigation Measures
Wind <ul style="list-style-type: none"> ▪ The recommendations of the Vipac Engineers and Scientists Wind Effect Statement (dated 24 March 2016) are to be implemented prior to the issue of a Construction Certificate.
Solar Reflectivity <ul style="list-style-type: none"> ▪ The recommendations for the facade glazing provided in the Cundall facade reflectivity assessment (dated 16 December 15, Revision B) are to be incorporated into the detailed design. ▪ Subject to the facade material selection satisfying the criteria outlined in the assessment, reflectivity shall be within acceptable limits and shall be consistent with the City of Sydney DCP which requires that visible light reflectivity from facade material should not exceed 20%.
Noise <ul style="list-style-type: none"> ▪ The construction noise mitigation measures outlined in the Construction Noise Impact Assessment (within the Construction Management Plan) are to be adopted during construction.
Air Quality <ul style="list-style-type: none"> ▪ The recommendations provided within the Air Quality Assessment prepared by PEA are to be employed.
Geotechnical and Contamination <ul style="list-style-type: none"> ▪ The recommendations outlined in the Geotechnical Desktop Report prepared by Douglas Partners and dated November 2012 are to be implemented. ▪ A Phase 2 Contamination Assessment is to be undertaken prior to the issue of a Construction Certificate to identify the nature and risks associated with any potential contamination on site.
Building Code of Australia (BCA) and Access <ul style="list-style-type: none"> ▪ The recommendations of the BCA report by BCA Capability Statement and the Access Review prepared by Disability Consultancy Services are to be incorporated into the detailed design.
Ecologically Sustainable Development <p>The following measures will be incorporated into the building design to maximise its environmental performance and energy efficiency:</p> <ul style="list-style-type: none"> ▪ The ESD measures outlined in the Ecologically Sustainable Design Report prepared by Cundall are to be incorporated into the building design to maximise the environmental performance and energy efficiency of the building. ▪ The measures included in EFWF's Water Management Plan are to be incorporated into the detail design to maximise water efficiency.

Construction Management

- A Construction Management Plan (CMP) will be finalised and agreed to with the RMS prior to the release of the Construction Certificate.
 - A Works Agreement Deed is to be negotiated with the RMS and executed prior to the issue of a Construction Certificate.
 - A dilapidation survey is to be undertaken on the immediate surrounding RMS assets prior to the issue of a Construction Certificate.
-

Heritage

- Heritage recommendations are to be implemented in accordance with the Heritage Impact Assessment prepared by Godden Mackey Logan dated December 2015 prior to the issue of a Construction Certificate.
-

Visual Impact

- Mitigation Measures outlined in the Visual Impact Assessment prepared by GMU Architecture dated December 2015 shall be considered in the detail design of the development.
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Plans of Management

- Final plans of management relating to the operation of the hotel (including bar and function areas) and serviced apartments will be prepared and implemented. These plans of management will include measures to ensure occupants are notified of major events at Darling Harbour, and measures to ensure the serviced apartments are not used for permanent residential accommodation.
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5.0 Conclusion

The proponent Grocon and its expert project team have considered all submissions made in relation to the public exhibition of the redevelopment of the IMAX building site at Darling Harbour, 31 Wheat Street, Sydney. A considered and detailed response to all submissions made has been provided within this report and the accompanying documentation.

In responding and addressing the range of matters raised by government agencies and authorities, independent bodies and the general public, Grocon has sought to refine the project design. The refined proposal also captures changes made by the project team post exhibition.

As outlined within this report, the analysis of the amendments to the proposed development confirms that all key elements of the proposed development as originally proposed and exhibited have remained unchanged.

Further and more importantly, the refined development does not substantially differ from the original publicly exhibited development proposal. In addition, and to the benefit of the overall project, the refinements to the design are considered to reduce the environmental impacts and on balance deliver a project that results in an overall improvement to the scheme originally publicly exhibited.

In conclusion, the proposed development will have significant and long lasting public benefits:

- The redevelopment of the site responds to and complements the ongoing renewal of the Darling Harbour Precinct and will provide a world class hotel and serviced apartments building, entertainment and retail/ restaurant facilities within an identifiable landmark building, as well as new public amenities, workshop and offices for SHFA.
- The building form of the 'Ribbon' responds to the heights of the city buildings to the east and will be a comfortable fit with the scale and massing of the new SICEEP development to the west.
- The building will target a high level of Ecologically Sustainable Design measures.
- The building will have a minor and acceptable level of overshadowing impact to the public domain areas and nearby commercial buildings.
- As with the previous scheme, there will be no new overshadowing of Tumbalong park as a result of the proposal.
- The development will have some view and visual impact on some residential apartments located 150 to 300 metres to the south east of the site which were deemed acceptable in the previous commercial approval.
- The redeveloped site incorporates new public domain elements, with the extension of the Darling Quarter playground, a new 'City Screen' and new paving to the Darling Harbour precinct.
- The redeveloped site will improve direct and legible pedestrian links that encourage the use of the Darling Harbour public domain.
- The redevelopment respects the existing heritage items in the vicinity of the site.
- The redevelopment will not have a significant adverse environmental impact and will provide a high quality, enlivening commercial and entertainment complex at Darling Harbour, consistent with the prevailing character of the precinct.

- The proposed redevelopment will make a positive visual impact to the cityscape, particularly in relation to the changing scale and form of Darling Harbour.