

# Modification of Development Consent

Section 96(2) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, I modify the consent referred to in Schedule 1, subject to the conditions in Schedule 2.

Anthea Sargeant  
**Executive Director**  
**Key Sites and Industry Assessments**

Sydney

2017

## SCHEDULE 1

**Development consent:** **SSD 7388** granted by the Planning Assessment Commission on 28 June 2016

**For the following:** IMAX redevelopment, including:

- demolition of the existing IMAX building, tourist office and amenities block
- construction of a new 25 storey building and separate 2 storey building
- hotel, serviced apartments, retail and entertainment uses
- 170 car parking spaces within the podium and 239 bicycle spaces at 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.

**Applicant:** Grocon (Darling Harbour) Developments Pty Ltd

**Consent Authority:** Minister for Planning

**The Land:** 31 Wheat Road, Darling Harbour (including airspace over Harbour Street)

Lots 401, 402, 403, 404 and 405 DP 862501, Lot 800, 801 and 805 DP 1164281, Lot 2, 4 and 9 DP 1048307, Lot 60, 64 and 65 DP 1009964, Lot 11 DP 1125890, Lot 210 and 217 DP 1130038, Lot 8 DP 1048307 and Lot 1010 DP 1147364

**Modification:** **SSD 7388 MOD 3:** the modification includes:

- amend the layout and design and shape of the building
- reduction of the width of the footpath along the eastern boundary
- increase of 107 m<sup>2</sup> GFA (from 54,877 m<sup>2</sup> to 54,984 m<sup>2</sup>)
- internal reconfigurations
- amendments to bicycle parking and end of trip facilities.

## SCHEDULE 2

The consent (SSD 7388) is modified as follows:

- (a) Schedule 2 Part A – Administrative and Development Contribution Conditions, Condition A2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~**bold and struckout**~~ words/numbers as follows:

A2 The Applicant shall carry out the project generally in accordance with the:

- a) Environmental Impact Statement (EIS) prepared by JBA Urban Planning Consultants Pty Ltd, dated December 2015;
- b) Response to Submissions (RtS) and Amendments to Proposed Development prepared by JBA Urban Planning Consultants Pty Ltd, dated March 2016;
- c) Additional information submitted subsequent to the RtS;
- d) Plan of Management dated 26 April 2016;
- e) following drawings as set out in the table below, except for:
  - i) any modifications which are Exempt' or Complying Development;
  - ii) otherwise provided by the conditions of this consent.

**f) Section 96(2) modification application (SSD 7388 MOD 3), prepared by JBA Urban Planning and dated 8 June 2016, as amended by Response to Submissions prepared by Ethos Urban and dated 24 August 2017.**

Architectural (or Design) Drawings prepared by Hassell			
Drawing No.	Revision	Name of Plan	Date
ARC-HSL-DD-1052	<del>G</del> <b><u>M1</u></b>	GFA Area Schedule	<del>21.03.16</del> <b><u>19.10.17</u></b>
ARC-HSL-DD-1060	<del>F</del> <b><u>G</u></b>	Draft Lease Plan	<del>21.03.16</del> <b><u>12.04.17</u></b>
ARC-HSL-DD-1078	<del>D</del> <b><u>H1</u></b>	Lease Line Relationship Plans – Sheet 1	<del>01.04.16</del> <b><u>19.10.17</u></b>
ARC-HSL-DD-1079	C	Lease Line Relationship Plans – Sheet 2	30.03.16
ARC-HSL-DD-1079.1	B	Lease Line Relationship Plans – Sheet 3	30.03.16
ARC-HSL-DD-1080	H	Demolition Plan	30.03.16
ARC-HSL-DD-1090	<del>J</del> <b><u>K</u></b>	Lower Site Plan	<del>01.04.16</del> <b><u>12.04.17</u></b>
ARC-HSL-DD-1091	D	Upper Site Plan	15.12.15
ARC-HSL-DD-1100	<del>K</del> <b><u>N1</u></b>	GA Plans – Ground Floor	<del>26.04.16</del> <b><u>20.10.17</u></b>
ARC-HSL-DD-1101	<del>H</del> <b><u>J1</u></b>	GA Plans – Podium L01	<del>26.04.16</del> <b><u>20.10.17</u></b>
ARC-HSL-DD-1102	<del>E</del> <b><u>K</u></b>	GA Plans – Podium L02	<del>26.04.16</del> <b><u>19.10.17</u></b>
ARC-HSL-DD-1103	E	GA Plans – Podium L03	26.04.16
ARC-HSL-DD-1104	D	GA Plans – Podium L04	15.12.16
ARC-HSL-DD-1105	E	GA Plans – Hotel and Serviced Apartments L05 and L06	21.03.16
ARC-HSL-DD-1106	D	GA Plans – Hotel and Serviced Apartments L07 and L08	15.12.16

ARC-HSL-DD-1107	D	GA Plans – Hotel and Serviced Apartments L09 and L10	15.12.15
ARC-HSL-DD-1108	D	GA Plans – Hotel and Serviced Apartments L11 and L12	15.12.16
ARC-HSL-DD-1109	D	GA Plans – Hotel and Serviced Apartments L13 and L14	15.12.15
ARC-HSL-DD-1110	D	GA Plans – Hotel and Serviced Apartments L15 and L16	15.12.16
ARC-HSL-DD-1111	D	GA Plans – Hotel and Serviced Apartments L17 and L18	15.12.15
ARC-HSL-DD-1112	D	GA Plans – Hotel and Serviced Apartments L19 and L20	15.12.16
ARC-HSL-DD-1112.1	A	GA Plans – Hotel and Serviced Apartments L21 and L22	15.12.16
ARC-HSL-DD-1112.2	-	GA Plans – Hotel and Serviced Apartments L23 and L24	15.12.16
ARC-HSL-DD-1113	<del>E</del> <u>H1</u>	GA Plans – Roof	<del>21.03.16</del> <u>19.10.17</u>
ARC-HSL-DD-1130	C	Building 2 GA Plans	19.02.16
ARC-HSL-DD-1150	<del>E</del> <u>J1</u>	GA Elevations – Sheet 1	<del>21.03.16</del> <u>19.10.17</u>
ARC-HSL-DD-1151	<del>E</del> <u>H1</u>	GA Elevations – Sheet 2	21.03.16 <u>19.10.17</u>
ARC-HSL-DD-1152	<del>E</del> <u>H1</u>	GA Elevations – Sheet 3	<del>22.03.16</del> <u>19.10.17</u>
ARC-HSL-DD-1153	<del>E</del> <u>H1</u>	GA Elevations – Sheet 4	<del>21.03.16</del> <u>19.10.17</u>
ARC-HSL-DD-1154	E	GA Elevations – Building 2	21.03.16
ARC-HSL-DD-1200	<del>D</del> <u>H1</u>	GA Sections – Sheet 1	<del>15.12.16</del> <u>19.10.17</u>
ARC-HSL-DD-1201	<del>D</del> <u>H1</u>	GA Sections – Sheet 2	<del>15.12.16</del> <u>19.10.17</u>
ARC-HSL-DD-1202	<del>D</del> <u>J1</u>	GA Sections – Sheet 3	<del>15.12.16</del> <u>19.10.17</u>
ARC-HSL-DD-1203	<del>D</del> <u>J1</u>	GA Sections – Sheet 4	<del>15.12.16</del> <u>19.10.17</u>
ARC-HSL-DD-1204	<del>D</del> <u>J1</u>	GA Sections – Sheet 5	<del>15.12.16</del> <u>19.10.17</u>
ARC-HSL-DD-1350	D	Section Details	15.12.16
ARC-HSL-DD-1930	D	Materials and Finishes Palette	21.03.16
<b><u>ARC-HSL-DD-SK-018.1</u></b>	<b><u>B</u></b>	<b><u>Bicycle Parking and end-of-trip Class B Facility</u></b>	<b><u>12.04.17</u></b>
SK-029	<b><u>A</u></b> <b><u>C</u></b>	Loading Bay: Refuse Areas	<b><u>22.04.16</u></b> <b><u>12 May 2017</u></b>
SK-030	<b><u>B</u></b> <b><u>D</u></b>	Refuse Areas Detail	<b><u>26.04.16</u></b> <b><u>21 May 2017</u></b>

Public Domain / Landscape Drawings prepared by Aspect Studios			
Drawing No.	Revision	Name of Plan	Date
12023-LDA01	G	Public Domain Context Plan	05.05.16
<del>12023-LDA02</del>	<del>G</del>	<del>Public Domain Plan</del>	<del>05.05.16</del>
<del>12023-LDA03</del>	<del>G</del>	<del>Public Domain Sections</del>	<del>05.05.16</del>
12023-LDA04	G	Playground Detail Plan	05.05.16
<del>12023-LDA05</del>	<del>G</del>	<del>Eastern Public Domain</del>	<del>05.05.16</del>
12023-LDA06	G	Public Domain Planting Plan	05.05.16
<del>12023-LA-105</del>	<del>B</del>	<del>Allocated Bike Parking</del>	<del>22.03.16</del>
<u>12023-S96 01</u>	<u>A</u>	<u>Public Domain Plan</u>	<u>May 2017</u>
<u>12023-S96 02</u>	<u>A</u>	<u>Public Domain Sections</u>	<u>May 2017</u>
<u>12023-S96 03</u>	<u>A</u>	<u>Eastern Public Domain Detail Plan</u>	<u>May 2017</u>
<u>12023-S96 04</u>	<u>A</u>	<u>Allocated Bike Parking</u>	<u>May 2017</u>
<del>SK-0235.1</del>	-	<del>Harbour Street Pedestrian Path</del>	<del>28.06.16</del>
<u>SK530</u>		<u>Eastern Pedestrian Clear Widths</u>	<u>4 May 2017</u>
RMS Clearance Diagrams prepared by Hassell			
Drawing No.	Revision	Name of Plan	Date
ARC-HSL-DD1070	<del>F</del> <u>H1</u>	Ground Floor Proposed Clearances to RMS Roadway Structures	<del>01.04.16</del> <u>20.10.17</u>
ARC-HSL-DD1071	C	Podium Level Proposed Clearances to RMS Roadway Structures	15.12.15
ARC-HSL-DD1072	C	Hotel Level Proposed Clearances to RMS Roadway Structures	15.12.15
ARC-HSL-DD1073	<del>C</del> <u>F1</u>	Proposed Clearances to RMS Roadway Structures	<del>15.12.15</del> <u>19.10.17</u>
ARC-HSL-DD1074	C	Temporary Construction Screen Clearances to RMS Roadway Structures	15.12.15
ARC-HSL-DA1075	<del>C</del> <u>F1</u>	Temporary Construction Screen Clearances to RMS Roadway Structures	<del>15.12.15</del> <u>19.10.17</u>
ARC-HSL-DD1076	C	Upper Hotel Levels Cantilever over RMS Roadway	15.12.15
ARC-HSL-DD1077	C	Proposed Cantilever over RMS Roadway	15.12.15
Signage Zone Plans prepared by Hassell			
Drawing No.	Revision	Name of Plan	Date
	A	Signage Matrix	19.04.13
SK026.1	E	Signage Types & Locations South Elevation	18.04.16
SK026.2	E	Signage Types & Locations East Elevation	18.04.16
SK026.3	E	Signage Types & Locations West Elevation	18.04.16
SK026.4	E	Signage Types & Locations North Elevation	18.04.16
SK026.5	E	Signage Types & Locations Building 2 Elevations	18.04.16
General Building Envelope Materials and Finishes Plans prepared by Hassell			

Drawing No.	Revision	Name of Plan	Date
	A	General Building Envelope Materials & Matrix	19.04.13
SK027.1	-	Materials and Finishes View from North-West	18.04.16
SK027.2	-	Materials and Finishes View from South-West	18.04.16
SK027.3	-	Materials and Finishes View from South-East	18.04.16
SK027.4	- <b>C1</b>	Materials and Finishes View from North	<del>18.04.16</del> <b>20.10.2017</b>

- (b) Schedule 2 Part B – Prior to issue of Construction Certificate, Condition B3 is deleted as follows:

### Design Changes

~~**B3 Prior to the issue of the Construction Certificate for Stage 2, amended plans and documentation are required to be submitted to the Secretary for approval, showing:**~~

- ~~a) a footpath width of 4.5 meters where achievable and variable width, as indicated on drawing SK-0235-1, dated 28 June 2016 SK-530 dated 4 May 2017, along the eastern frontage to the main building to provide adequate pedestrian circulation.~~
- ~~b) deletion of the following signage zones from the plans:
 
  - ~~seven advertisement signs for IMAX (CIN-01, CIN-02, CIN-03, CIN-04, CIN-05, CIN-06 and CIN-07)~~
  - ~~two advertisement signs for tenants and sponsors (TEN-01 and TEN-02)~~~~
- ~~c) deletion of the proposed demolition of the existing Druitt Street steps and construction of escalators.~~

~~**All revised design schemes shall be developed in consultation with SHFA.**~~

- (c) Schedule 2 Part B – Prior to issue of Construction Certificate, Condition B10 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~**bold and struckout**~~ words/numbers as follows:

### Bicycle Facilities

B10 The following bicycle parking is to provided:

- (a) a minimum of ~~239~~ **32** bicycle parking spaces within the ground floor level of the podium;
- (b) a minimum of ~~56~~ **176** visitor bicycle parking spaces shall be provided within the public domain, ~~with the ability to expand this area to accommodate 100 spaces if demand warrants in the future.~~

Plans/details are to be approved by the Certifying Authority prior to issue of a Construction Certificate for Stage 2.

- (d) Schedule 2 Part B – Prior to issue of Construction Certificate, Condition B26 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~**bold and struckout**~~ words/numbers as follows:

### Access for People with Disabilities

B26 Prior to the issue of the Construction Certificate for Stage 2, detailed design documentation demonstrating compliance with the recommendations of the Disability Access Review Report **as amended by the access statement prepared by Morris Goding dated April 2017** submitted with the EIS shall be submitted. The building must

be designed and constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia. The Certifying Authority must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on the Construction Certificate drawings.

**End of modification  
(SSD 7388 MOD 3)**