

Modification of Development Consent

Section 96 (1A) 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 10 November 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 4:** the modification includes:

- Extension of the hours of construction

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:

Development Description

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.
- g) Section 96(1A) modification application (SSD 7388 MOD 4), prepared by JBA Urban Planning and dated 28 June 2017, as amended by Response to Submissions prepared by Ethos Urban and dated 28 August 2017 and updated on 21 September 2017.**

Architectural (or Design) Drawings prepared by Hassell			
Drawing No.	Revision	Name of Plan	Date
ARC-HSL-DD-1052	M1	GFA Area Schedule	19.10.17
ARC-HSL-DD-1060	G	Draft Lease Plan	12.04.17
ARC-HSL-DD-1078	H1	Lease Line Relationship Plans – Sheet 1	19.10.17
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	J	Lower Site Plan	01.04.16
	K		12.04.17
ARC-HSL-DD-1091	D	Upper Site Plan	15.12.15
ARC-HSL-DD-1100	N1	GA Plans – Ground Floor	20.10.17
ARC-HSL-DD-1101	J1	GA Plans – Podium L01	20.10.17
ARC-HSL-DD-1102	K	GA Plans – Podium L02	9.10.17
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	H1	GA Plans – Roof	19.10.17
ARC-HSL-DD-1130	C	Building 2 GA Plans	19.02.16
ARC-HSL-DD-1150	J1	GA Elevations – Sheet 1	19.10.17
ARC-HSL-DD-1151	H1	GA Elevations – Sheet 2	19.10.17
ARC-HSL-DD-1152	H1	GA Elevations – Sheet 3	19.10.17
ARC-HSL-DD-1153	H1	GA Elevations – Sheet 4	19.10.17
ARC-HSL-DD-1154	E	GA Elevations – Building 2	21.03.16
ARC-HSL-DD-1200	H1	GA Sections – Sheet 1	19.10.17
ARC-HSL-DD-1201	H1	GA Sections – Sheet 2	19.10.17
ARC-HSL-DD-1202	J1	GA Sections – Sheet 3	19.10.17
ARC-HSL-DD-1203	J1	GA Sections – Sheet 4	19.10.17
ARC-HSL-DD-1204	J1	GA Sections – Sheet 5	19.10.17
ARC-HSL-DD-1350	D	Section Details	15.12.16
ARC-HSL-DD-1930	D	Materials and Finishes Palette	21.03.16
ARC-HSL-DD-SK-018.1	B	Bicycle Parking and end-of-trip Class B Facility	12.04.17
SK-029	C	Loading Bay: Refuse Areas	12 May 2017
SK-030	D	Refuse Areas Detail	21 May 2017
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
12023-LDA02	G	Public Domain Plan	05.05.16
12023-LDA03	G	Public Domain Sections	05.05.16
12023-LDA04	G	Playground Detail Plan	05.05.16
12023-LDA05	G	Eastern Public Domain	05.05.16
12023-LDA06	G	Public Domain Planting Plan	05.05.16
12023-LA-105	B	Allocated Bike Parking	22.03.16
12023-S96 01	A	Public Domain Plan	May 2017
12023-S96 02	A	Public Domain Sections	May 2017

12023-S96 03	A	Eastern Public Domain Detail Plan	May 2017
12023-S96 04	A	Allocated Bike Parking	May 2017
SK-0235.1	-	Harbour Street Pedestrian Path	28.06.16
SK530		Eastern Pedestrian Clear Widths	4 May 2017
RMS Clearance Diagrams prepared by Hassell			
Drawing No.	Revision	Name of Plan	Date
ARC-HSL-DD1070	H1	Ground Floor Proposed Clearances to RMS Roadway Structures	20.10.17
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	F1	Proposed Clearances to RMS Roadway Structures	19.10.17
ARC-HSL-DD1074	C	Temporary Construction Screen Clearances to RMS Roadway Structures	15.12.15
ARC-HSL-DA1075	F1	Temporary Construction Screen Clearances to RMS Roadway Structures	19.10.17
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	- C1	Materials and Finishes View from North	20.10.2017

- (b) Schedule 2 Part D – During Construction, Condition D2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold and struckout~~** words/numbers as follows:

Hours of Work

- D1 All work, including demolition, excavation and building work, and activities in the vicinity of the site generating noise associated with preparation for the

commencement of work (eg. loading and unloading of goods, transferring of tools, etc) in connection with the proposed development must only be carried out:

- a) between 7:00 am and 7:00 pm, Mondays to Fridays inclusive; and
- b) between 7:00 am and 5:00 pm, Saturdays; and
- c) no work is to be undertaken on Sundays and public holidays; and
- d) works may be undertaken outside these hours where:
 - i) it is required by a major works authorisation deed executed with the RMS; or
 - ii) the delivery of materials is required outside these hours by Police or other authorities; or
 - iii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; and
 - iv) variation is approved in advance in writing by the Secretary.
 - v) **works are carried out during the following hours ('the extended hours of construction'), subject to the requirements of Condition D1A:**
 - 1. **between 6:00 am and 7:00 am Monday to Saturday**
 - 2. **between 7:00 pm and 12 midnight Monday to Friday**
 - 3. **between 5:00 pm and 12 midnight Saturday.**

- (c) Schedule 2 Part D – During Construction, is amended by the insertion of the following new condition D1A:

D1A: During the extended hours of construction outlined in Condition D1(d)(v), the following requirements must be met:

- a) **works shall be undertaken in accordance with the Acoustic Assessment prepared by Acoustic Logic, titled *Extended Hours Construction Noise Assessment Revision 4* and dated 24/10/17**
- b) **no deliveries of materials to the site or collection of materials or waste from the site are to be made**
- c) **construction works shall exclude the use of high noise generating appliances, including the following tools:**
 - i) **hydraulic/nematic hammers**
 - ii) **angle grinders**
 - iii) **concrete saws and rock saws**
 - iv) **any other tools that generates a noise level equal to, or louder than, any of the above listed tools**
- d) **all workers are to be appraised of the following requirements, and the builder is to ensure the following practices are adhered to:**
 - i) **access to the site during the extended hours is restricted to the site personnel only**
 - ii) **workers entering or exiting the site after 7:00 pm are to take care not to speak in raised voices, talk on mobile phones, use any radio including car radio, cause noise disturbance through the transportation of tools or other activity**
- e) **all construction works shall be carried out in accordance with the requirements of Conditions C5, C6, D20 to D25.**

- (d) Schedule 2 Part D – During Construction, is amended by the insertion of the following new condition D1B:

D1B: If investigation of complaint(s), through appropriate noise testing, establishes that offensive noise has occurred or works have been carried out during the extended construction hours outlined in Condition D1(d)(v) in breach of conditions of approval, and the complaint is justified, then the Department may require by notice to the Applicant, owner or developer, that the construction

hours be restricted or revert to the approved construction hours of the original consent.

- (e) Schedule 2 Part D – During Construction, Condition D2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~**bold and struckout**~~ words/numbers as follows:

D2 Internal works may be undertaken outside the approved **extended** hours of **construction work** in Condition D1(~~**d**~~)(**v**), only after the completion of the external shell and the sealing of the entire floor, during the following hours:

- a) between ~~**7:00 pm**~~ **12 midnight** and 7:00 am, Mondays to Fridays inclusive; and
- b) between ~~**5:00 pm**~~ **12 midnight** and 7:00 am, Saturdays, subject to:
- c) no work is to be undertaken externally without the prior consent from the Secretary;
- d) no material delivery of removal of waste must take place during the extended hours; and
- e) approval is not given for the use of any high noise intrusive plant and equipment other than hand operated power tools.

**End of modification SSD 7388
(SSD 7388 MOD 4)**