

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.



Anthony Witherdin
Director
Modification 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 5: the modification includes:
- reduction of 16 serviced apartments
 - increase of 48 hotel rooms (49 beds)
 - reduction of 365 m² GFA.

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.
- 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.
- h) Section 96(1A) modification application (SSD 7388 MOD 5), prepared by JBA Urban Planning and dated 31 August 2017, as amended by email and attachments from Ethos Urban and dated 26 October 2017**

Architectural (or Design) Drawings prepared by Hassell			
Drawing No.	Revision	Name of Plan	Date
ARC-HSL-DD-1052	M4 <u>N1</u>	GFA Area Schedule	19.10.17 <u>23.10.17</u>
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	K	Lower Site Plan	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	19.10.17
ARC-HSL-DD-1103	E	GA Plans – Podium L03	26.04.16
ARC-HSL-DD-1104	D <u>H1</u>	GA Plans – Podium L04	15.12.16 <u>23.10.17</u>
ARC-HSL-DD-1105	E <u>J1</u>	GA Plans – Hotel and Serviced Apartments L05 and L06	21.03.16 <u>23.10.17</u>

ARC-HSL-DD-1106	D <u>G1</u>	GA Plans – Hotel and Serviced Apartments L07 and L08	15.12.16 <u>23.10.17</u>
ARC-HSL-DD-1107	D <u>G1</u>	GA Plans – Hotel and Serviced Apartments L09 and L10	15.12.15 <u>23.10.17</u>
ARC-HSL-DD-1108	D <u>G1</u>	GA Plans – Hotel and Serviced Apartments L11 and L12	15.12.15 <u>23.10.17</u>
ARC-HSL-DD-1109	D <u>G1</u>	GA Plans – Hotel and Serviced Apartments L13 and L14	15.12.15 <u>23.10.17</u>
ARC-HSL-DD-1110	D <u>G1</u>	GA Plans – Hotel and Serviced Apartments L15 and L16	15.12.15 <u>23.10.17</u>
ARC-HSL-DD-1111	D <u>G1</u>	GA Plans – Hotel and Serviced Apartments L17 and L18	15.12.15 <u>23.10.17</u>
ARC-HSL-DD-1112	D <u>G1</u>	GA Plans – Hotel and Serviced Apartments L19 and L20	15.12.15 <u>23.10.17</u>
ARC-HSL-DD-1112.1	A <u>D1</u>	GA Plans – Hotel Serviced Apartments L21 and L22	15.12.15 <u>23.10.17</u>
ARC-HSL-DD-1112.2	- <u>D1</u>	GA Plans – Hotel Serviced Apartments L23 and L24	15.12.15 <u>23.10.17</u>
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	H4 <u>J1</u>	GA Sections – Sheet 1	19.10.17 <u>23.10.17</u>
ARC-HSL-DD-1201	H4 <u>J1</u>	GA Sections – Sheet 2	19.10.17 <u>23.10.17</u>
ARC-HSL-DD-1202	J4 <u>K1</u>	GA Sections – Sheet 3	19.10.17 <u>23.10.17</u>
ARC-HSL-DD-1203	J4 <u>K1</u>	GA Sections – Sheet 4	19.10.17 <u>23.10.17</u>
ARC-HSL-DD-1204	J4 <u>K1</u>	GA Sections – Sheet 5	19.10.17 <u>23.10.17</u>
ARC-HSL-DD-1350	D	Section Details	15.12.16
ARC-HSL-DD-1930	D	Materials and Finishes Palette	21.03.16
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-LDA04	G	Playground Detail Plan	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
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	20.10.17

- (b) 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 2 June** 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.

- (c) Schedule 2 Part B – Prior to issue of Construction Certificate insert the following new Condition B67:

External Walls and Cladding Flammability

B67 The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of the relevant Construction Certificate and Occupation Certificate the Certifying Authority must:

- a) **Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and**
- b) **Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.**

A copy of the documentation required under (b) must be provided to the Secretary within 7 days of being accepted by the Certifying Authority.

**End of modification
(SSD 7388 MOD 5)**