



NSW GOVERNMENT
Department of Planning

27 May 2009

Glenn Stewart
Darling Harbour Convention and Exhibition Pty Ltd
Locked Bag 14
Pyrmont NSW 2009

Notice of Determination of a Development Application

Issued under the Environmental Planning and Assessment Act 1979
Section 81(1)(a)

Reference No. S09/00399

**Development Application
Number**

DA 029-03-2009

Development Application

Name of Applicant Darling Harbour Convention and Exhibition Pty Ltd

Address of Applicant Locked Bag 14, Pyrmont, NSW 2009

Address of land to be developed 12-30 Darling Drive, Darling Harbour

Proposed Development Continued use of the Sydney Convention and Exhibition Centre as a place of public entertainment

Determination Date 27 May 2009

Determination Approval

Details of conditions See attached schedule

Note:

- (1) This notice should be read in conjunction with the approved plans endorsed as part of this determination.
- (2) This consent becomes effective from the endorsed determination date.
- (3) The consent will lapse 5 years after the date of the effective consent date, unless a specific condition of the consent stipulates a lesser period or the consent is subject to a "deferred commencement" consent, or the use has commenced or any building works have been physically commenced.
- (4) Section 125 of the Act confers the authority to direct any person to comply with the terms and conditions of any consent and any person failing to comply with such a direction shall be guilty of an offence under the Act.
- (5) The Applicant or any other person entitled to act on this consent may apply to modify the consent in accordance with Section 96 of the Act.
- (6) Additional advisory notes regarding this consent maybe attached to the Notice of Determination.

Other approvals

Nil

Right of appeal

If you are dissatisfied with this decision, section 97 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.

Further information

If you have any queries regarding this matter, please contact Stacy Warren on 9228 6332.

Signed

Development consent has been granted under delegated authority from the Minister for Planning under the *Environmental Planning and Assessment Act 1979*.



Shayne Watson
Planning Assessment Manager
Delegate for Minister for Planning

Sydney 27 May /2009

SCHEDULE

ADDRESS: 12-30 Darling Drive, Darling Harbour

DA NUMBER: DA 029-03-2009

FILE NUMBER: 09/00399 Pt1

DESCRIPTION OF DEVELOPMENT: Continued use of the Sydney Convention and Exhibition Centre as a place of public entertainment.

A APPROVED DEVELOPMENT

- A1** The development shall be generally in accordance with DA 029-03-2009 submitted by the Applicant on 17 March 2009 and in accordance with the supporting documentation submitted with that application, including, but not limited to, the Statement of Environmental Effects prepared by Sydney Convention and Exhibition Centre Darling Harbour (undated) for the Place of Public Entertainment Development Application, including appendices A - H.
- A2** The maximum capacity for each of the rooms and venues within the Sydney Convention and Exhibition Centre must not exceed the numbers prescribed in Appendix E of the Statement of Environmental Effects prepared by Sydney Convention and Exhibition Centre Darling Harbour (undated) for the Place of Public Entertainment Development Application.
- A3** The development is approved to operate 24 hours per day, 7 days per week.

B CONDITIONS TO BE MET DURING THE OPERATION OF THE CONSENT

- B1** The owner of the building shall certify to Council every year that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard. The purpose of this condition is to ensure that there is adequate safety of persons in the building in the event of fire and for the prevention of fire, the suppression of fire and the prevention of spread of fire.
- B2** The Applicant shall comply with all conditions of any liquor licence issued and any directions from the NSW Police.
- B3** Access and facilities for people with disabilities shall be provided and maintained in accordance with AS1428 – "Design for Access and Mobility" where required by the BCA, and the City of Sydney Access Policy December 1992.
- B4** Noise caused by the approved use including music and other activities must comply with the following criteria:
- (a) The use must not result in the transmission of "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy.
 - (b) The L10 noise level emitted from the use must not exceed 5dB above the background (L90) noise level in any Octave Band Centre Frequency (31.5 Hz to 8 KHz inclusive) between the hours of 7.00am and 12.00 midnight when assessed at the boundary of

the nearest affected property. The background noise level must be measured in the absence of noise emitted from the use.

- (c) The L10 noise level emitted from the use must not exceed the background (L90) noise level in any Octave Band Centre Frequency (31.5 Hz to 8 KHz inclusive) between the hours of 12.00 midnight and 7.00am when assessed at the boundary of the nearest affected property. The background noise level must be measured in the absence of noise emitted from the use.
- (d) Notwithstanding compliance with (a) and (b) above, the noise from the use must not be audible within any habitable room in any residential property between the hours of 12.00 midnight and 7.00am.

PRESCRIBED CONDITIONS

- P1.** A sign must be displayed in a prominent position in the building that specifies the following:
 - (a) The maximum number of persons, as specified in the development consent, that are permitted in any part of the building used as a place of public entertainment,
 - (b) The name, address and telephone number of the council of the area in which the building is located,
 - (c) The name and business telephone number of an owner or manager of the part of the building used as a place of public entertainment.
- P2.** An emergency evacuation plan must be prepared, maintained and implemented for any building (other than a temporary structure) used as a place of public entertainment.
- P3.** An **emergency evacuation plan** is a plan that specifies the following:
 - (a) The location of all exits, and fire protection and safety equipment, for any part of the building used as a place of public entertainment,
 - (b) The number of any fire safety officers that are to be present during performances,
 - (c) How the audience are to be evacuated from the building in the event of a fire or other emergency.
- P4.** Any fire safety officers appointed to be present during performances must have appropriate training in evacuating persons from the building in the event of a fire or other emergency.
- P5.** The owner or occupier of a building that is used as a place of public entertainment must, if required to do so at any time by the council of the area in which the building is located, furnish to the council a certificate from a registered testing authority (within the meaning of the *Building Code of Australia*) or other approved testing authority, as to the early fire hazard or flammability properties of the finish of a wall, ceiling or floor, or of a curtain, blind or cinematograph screen.
- P6.** Any upholstery, curtains or blinds must, on installation (including replacement), comply with any relevant specifications set out in the following:
 - (a) in the case of any upholstery, curtains or blinds installed in a temporary structure—NSW Part H102.7 in Volume One of the *Building Code of Australia*,

- (b) in the case of any upholstery, curtains or blinds installed in any other kind of building— Specification C1.10a and NSW Specification C1.10 in Volume One of the *Building Code of Australia*.

The reasons for the imposition of the above conditions are:

- To confirm the details of the application and plans submitted by the Applicant, and to ensure that the structure is not altered without approval.
- To comply with the provisions of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.
- To ensure compliance with relevant planning controls.
- To ensure that the work is carried out to an acceptable standard and in accordance with the *Building Code of Australia*.
- To protect the amenity of the local environment, residents and adjoining landowners.