



NSW GOVERNMENT
Department of Planning

26 June 2009

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

Contact: Ellie Caldwell
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Our ref: Notice of Determination
File: DA 029-03-2009 MOD 1

Notice of Modification of Development Consent

Issued under section 80(1)(a) of the *Environmental Planning and Assessment Act 1979*, and pursuant to section 96(1).

Reference No.	S09/01196-1
Modification Application Number	DA 029-03-2009 MOD 1
Development Application Number	DA 029-03-2009

Application Details

Name of Applicant	Glenn Stewart
Address of Applicant	Locked Bag 14 PYRMONT NSW 2009
Address of land to be developed	Sydney Convention and Exhibition Centre 12-30 Darling Drive DARLING HARBOUR NSW 2000

Approved Development	Continued use of the Sydney Convention and Exhibition Centre as a place of public entertainment
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Original DA Determination Date:	27 May 2009
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Proposed Development	Modification to amend a misdescription of venue capacities
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Determination Date	26 June 2009
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Determination	Approval
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Details of conditions	See attached schedule
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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) This consent to the modification application does not affect the timer period in which this consent will lapse.

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 Ellie Caldwell on (02) 9228-6410 or email Ellie.Caldwell@planning.nsw.gov.au

Signed

Under delegated authority from the Minister for Planning, and pursuant to section 96 (1) of the *Environmental Planning and Assessment Act 1979*, I hereby modify the consent in accordance with the attached schedule.



Michael Woodland
Director, Urban Assessments
Delegate for Minister for Planning

Sydney

26/6 /2009

SCHEDULE

ADDRESS:	Sydney Convention and Exhibition Centre 12-30 Darling Drive DARLING HARBOUR NSW 2000
MODIFICATION NUMBER:	DA 029-03-2009 MOD 1
DA CONSENT NUMBER:	DA 029-03-2009
FILE NUMBER:	S09/01196
DESCRIPTION OF MODIFICATION SOUGHT:	Modification to amend a misdescription of venue capacities

The application to modify the above development consent has been approved by the Department of Planning under delegation from the Minister for Planning under the *Environmental Planning and Assessment Act 1979*, as follows:

- Condition A2 has been amended from *Appendix E* to *Appendix D – Building Surveyors Report*.

The modified development consent conditions are attached with additional wording shown in ***bold and italics*** with deletions shown ~~struck through~~.

All other conditions remain as previously approved.

CONDITIONS OF CONSENT
DA 029-03-2009
SYDNEY CONVENTION AND EXHIBITION CENTRE
12-30 DARLING DRIVE, DARLING HARBOUR

[As amended by DA 029-03-2009 MOD 1 on 26 June 2009]

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~~ **Appendix D – Building Surveyor’s Report** of the ~~Statement of Environmental Effects prepared by Sydney Convention and Exhibition Centre Darling Harbour (undated) for the Place of Public Entertainment~~ **prepared by BCA Logic dated 23 February 2009, submitted with the subject** development application.

[As amended by DA 029-03-2009 MOD 1 on 26 June 2009]

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.