



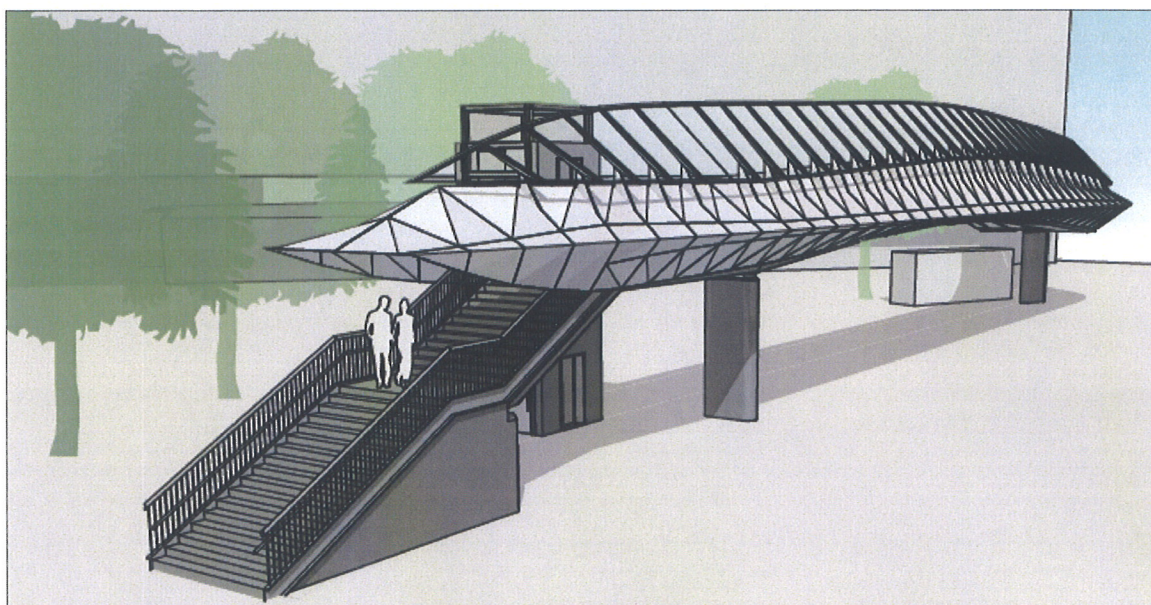
Planning

**SECTION 75W MODIFICATION
APPLICATION
PUBLIC DOMAIN WORKS, DARLING
WALK, DARLING HARBOUR**

MP 08_0093 (MOD 1)

Modification of Minister's Approval under section 75W
of the *Environmental Planning and Assessment Act*
1979

June 2010



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1. INTRODUCTION

This is a report on an application seeking to modify the project application (MP 08_0093) which involved public domain construction works, augmentation works to the Bathurst Street footbridge and road works within the site boundary of the Darling Walk site, Darling Harbour.

The Darling Walk site is situated west of Harbour Street, south of the Western Distributor fly-over, north of the Chinese Garden and east of Tumbalong Park (see **Figure 1**). The site is located within the Darling Harbour precinct and is located within the City of Sydney Local Government Area (LGA). The site comprises of an area of approximately 32,900m².



Figure 1 – Location of the Darling Walk site

On 9 July 2008, the Minister for Planning approved a concept plan (MP 06_0054) for the redevelopment of the Darling Walk site to provide for commercial and retail floor space, private and public car parking spaces, public domain improvements and an approvals pathway for subsequent stages of the development to be assessed under Part 4 of the EP&A Act.

On 8 March 2010, the Minister for Planning approved the project application (MP 08_0093) for public domain construction works, augmentation works to the Bathurst Street pedestrian footbridge (see **Figure 2**) and road works within the site boundary of the Darling Walk site.

On 10 June 2010, the Director, Government Land and Social Projects, approved a modification application (MP 08_0093 MOD 2) to permit public domain and road works on land owned by City of Sydney Council.

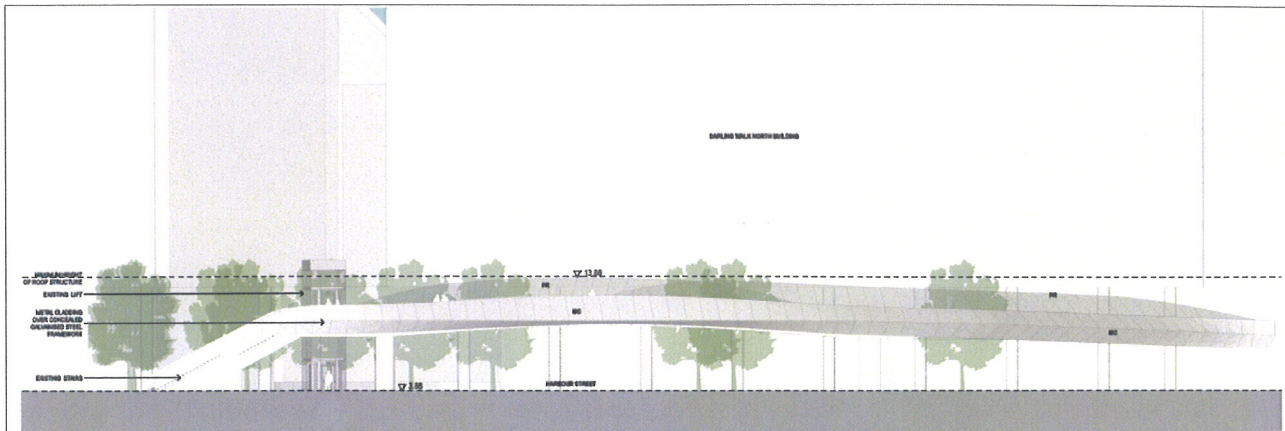


Figure 2 – Approved Bathurst Street pedestrian footbridge

2. PROPOSED MODIFICATION

On 29 April 2010, JBA Urban Planning Consultants Pty Ltd, acting on behalf of Lend Lease Development Pty Ltd, submitted a modification application under section 75W of the EP&A Act to modify the approval of the project application (MP 08_0093) to realign and reconfigure the Bathurst Street pedestrian footbridge (note: the application refers to it as the Harbour Street footbridge) and extend the canopy over the stairway at the eastern end of the footbridge (Figures 3, 4 and 5).

The purpose of the modification request stems from removing the footbridge's bulged area as a result of CrossCity Motorway Pty Ltd advising that no additional loads could be applied to piers 2 and 3 of the bridge as they sit above the Cross City Tunnel. The purpose of extending the canopy stems from providing additional weather protection.

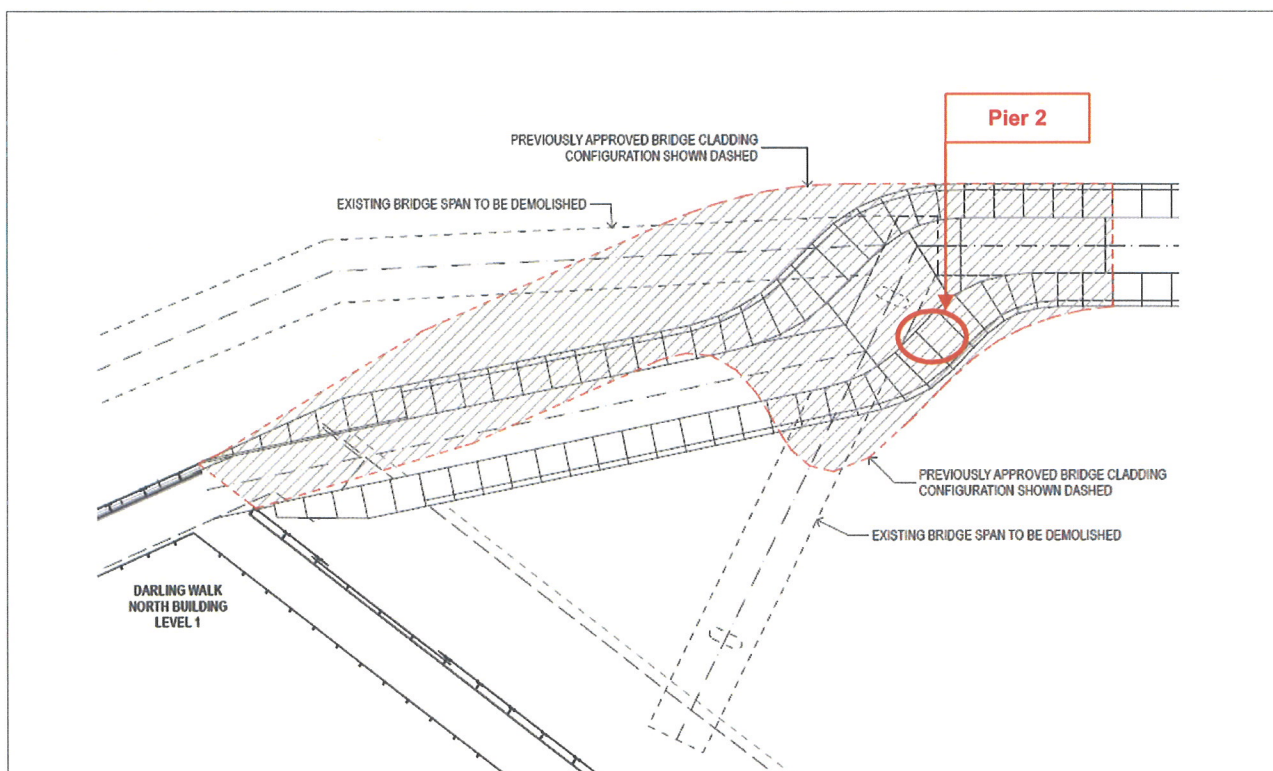


Figure 3: Proposed realignment of the footbridge (western end of footbridge)

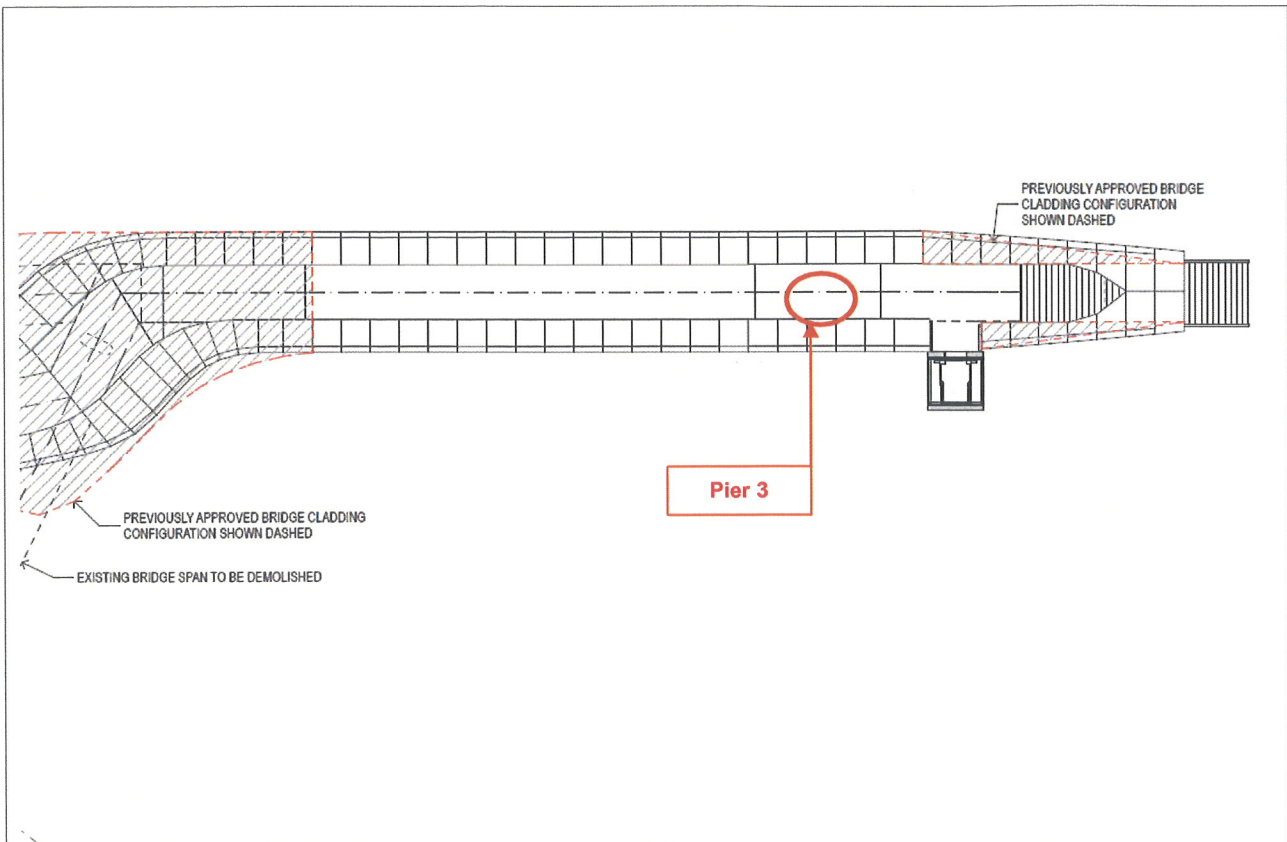


Figure 4: Proposed realignment of the footbridge (eastern end of footbridge)

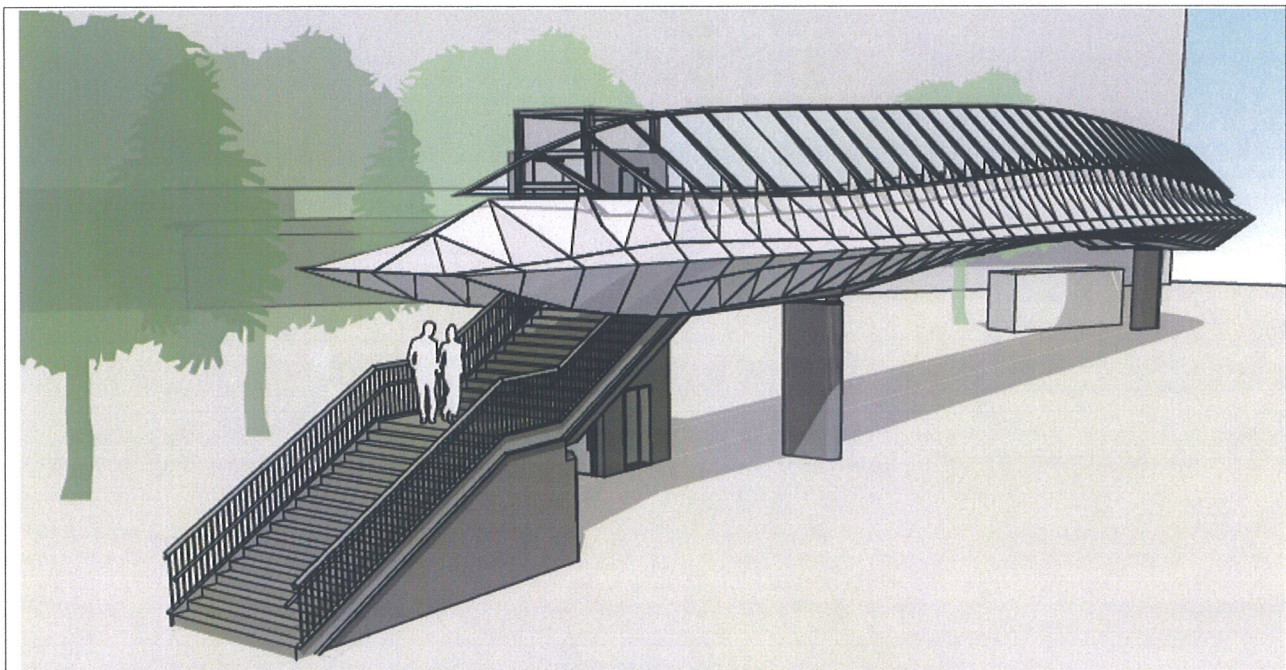


Figure 5: Proposed footbridge canopy design over stairway, (eastern end of footbridge)

3. STATUTORY CONTEXT

3.1 MODIFICATION OF A MINISTER'S APPROVAL

Section 75W(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) provides that a proponent may request the Minister to modify the approval of a project. The Minister's approval is not required if the project as modified will be consistent with the original approval. As the subject

modification seeks to change the terms of the Minister's determination through amending the conditions of approval, including the approved plans, the modification requires approval.

3.2 ENVIRONMENTAL ASSESSMENT REQUIREMENTS (DGRs)

Section 75W(3) of the EP&A Act provides the Director General with scope to issue environmental assessment requirements (DGRs) that must be addressed with respect to the proposed modification. As the modification application largely relates to administrative amendments, the Department considered it unnecessary to re-issue the DGRs.

3.3 CONSULTATION AND EXHIBITION

While section 75W of the EP&A Act does not require a modification application to be publicly exhibited, the application was placed on the Department's website in accordance with section 75X(2)(f) of the EP&A Act and clause 8G of the *Environmental Planning and Assessment Regulation 2000*. The City of Sydney Council (Council), the Roads and Traffic Authority (RTA) and the Sydney Harbour Foreshore Authority (SHFA) were notified of the modification application.

At the time of finalisation of this assessment report, the Department had received no public submissions. A submission from the RTA was received but did not raise any issues. No submissions were received from City of Sydney Council or SHFA.

3.4 PERMISSIBILITY

The site is unzoned under the Darling Harbour Development Plan No.1 (DHDP). Parks, gardens and public utility undertakings are permissible with consent under Schedule 1 of the DHDP.

The proposal is consistent with the objectives of the DHDP as it encourages the development of tourist, educational, recreational, entertainment, cultural and commercial facilities.

4. CONSIDERATION OF PROPOSED MODIFICATIONS

4.1 VISUAL IMPACT

The proposed modification seeks to realign the Bathurst Street pedestrian footbridge which connects with the northern building of the Darling Walk development for structural support.

The approved design of the footbridge included a protruding bulging element midway along the footbridge to compensate for demolition of a span that previously connected to the old Sega World building, which provided some structural support for the footbridge (see **Figure 3**). The protruding element required additional concrete weighting to balance and stabilise the bridge. The concrete weighting resulted in a 22% increase in the load on Pier 2 of the bridge. Pier 2 sits above the wall of the Cross City Tunnel (CCT) structure.

Since approval of the footbridge design, CrossCity Motorway Pty Ltd (operators of CCT), has advised that no additional loads could be applied to piers 2 and 3 of the footbridge which are positioned and affixed to the ground above the CCT structure. Lend Lease has revised the design and alignment of the footbridge so no additional loading would be placed on Piers 2 or 3 of the footbridge.

The modified design involves a slight repositioning of the footbridge and the removal of the protruding element midway along the footbridge (see **Figure 3**). This creates a consistent form across the full length of the footbridge, which provides for a more streamlined and visually unobtrusive structure. Accordingly, the Department supports the deletion of the bulged section of the footbridge.

The proposed modification also seeks to extend the footbridge canopy over the stairway at the eastern end of the footbridge (see **Figure 6**). The intention of the proposed canopy design is to provide additional weather protection and to create a more clearly defined entry to Darling

Harbour. The proposed canopy would be a continuation of the approved canopy (**Figure 7**) which covers the full length of the footbridge and constructed of the same materials.

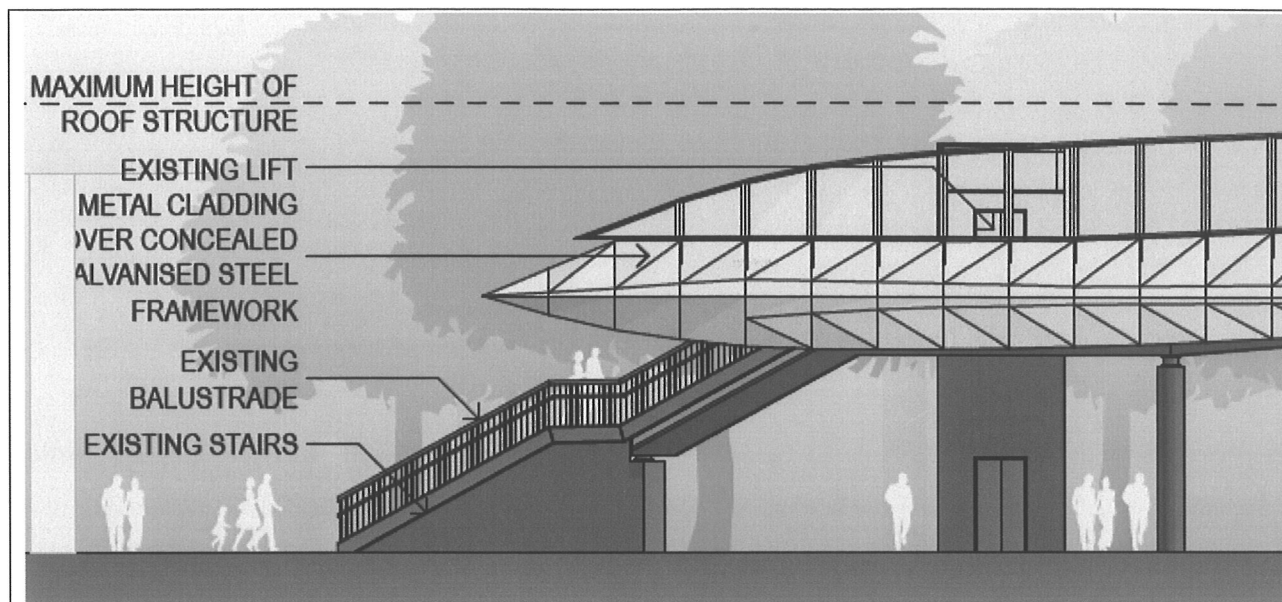


Figure 6: Proposed footbridge canopy design, (eastern end of footbridge)

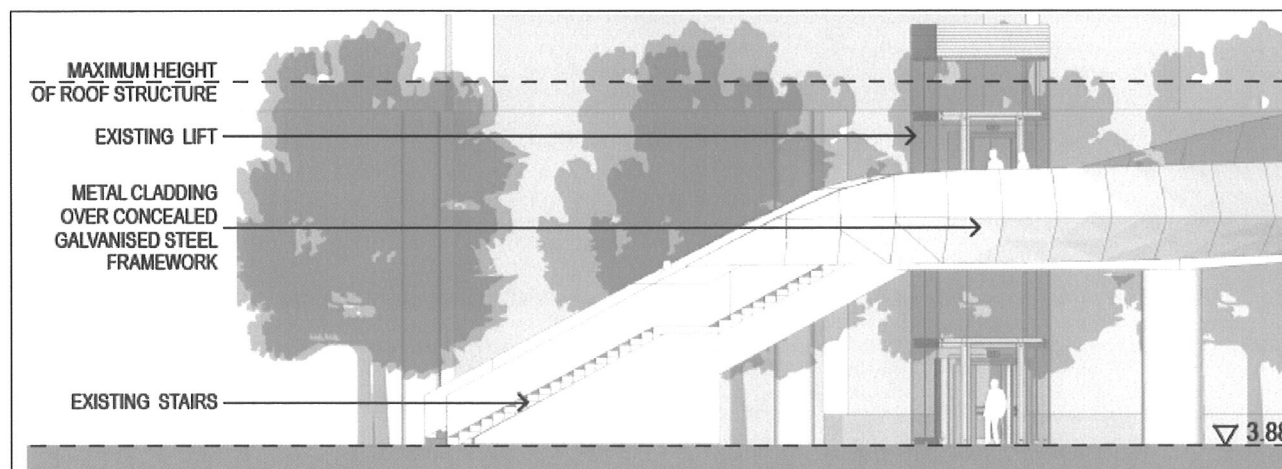


Figure 7: Approved footbridge canopy design, (eastern end of footbridge)

The Department considers that the proposed realignment of the footbridge is required to minimise impacts on the CCT and will have no adverse visual impacts. The proposed extension of the footbridge canopy over the stairway is considered to be an improved entry to Darling Harbour and also will not have any adverse visual impacts.

5. CONCLUSION

The Department considers that the proposed realignment and the extension of the canopy on the eastern end of the Bathurst Street pedestrian footbridge are acceptable and appropriate in the context of the built form and character of the area and would not result in any adverse visual impacts. As such the proposed modifications are supported.

6. DELEGATION

Under the Instrument of Delegation dated 25 January 2010, the Minister delegated his functions under section 75W of the EP&A Act to the Director, Government Land and Social Projects, where there are fewer than 10 public submissions in the nature of objections in respect of the modification request. As there were no public submissions, the modification application can be determined under delegation.

7. RECOMMENDATION

It is recommended that the Director, as delegate for the Minister for Planning:

- (a) **Consider** the findings and recommendations of this report; and
- (b) **Approve** the modification, under section 75W of the *Environmental Planning and Assessment Act 1979*; and
- (c) **Sign** the attached Instrument of Modification Approval (**TAG A**).

Prepared by:

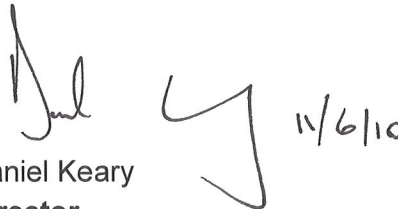


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