



12811
29 April 2014

Mr Sam Haddad
Director General
Planning & Infrastructure
23-33 Bridge Street
SYDNEY NSW 2000

Attention: Matthew Rosel

Dear Matthew,

**SECTION 96(1A) MODIFICATION APPLICATION SSD-5752
SICEEP, PPP COMPONENT, DARLING HARBOUR**

On behalf of Darling Harbour Live we hereby submit an application pursuant to section 96(1A) of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) to modify Development Consent SSD-5752 relating to the Sydney International Convention, Exhibition and Entertainment Precinct (SICEEP) core facilities and associated public domain improvements at Darling Harbour, Sydney.

Since receiving the development consent and commencing demolition work, Darling Harbour Live has undertaken further structural assessment of the existing building which has revealed that the existing Exhibition Hall slabs at RL 2.5 ('ground level' and RL 5.8 (raised) are not capable of supporting the required loads for the lifetime of the new facilities and will be required to be replaced. Development of the detailed building design has also identified an opportunity to introduce additional architectural treatment to the western elevation of the ICC and a need to provide a security booth for the loading dock.

Fundamentally, the resulting changes are of minimal environmental impact and result in development that is substantially the same as originally approved. The changes do not affect the scope of, or quality or functionality of the approved convention, exhibition or entertainment facilities to be delivered for Sydney and NSW.

This section 96 (1A) application identifies the applicable development consent and describes the proposed modifications. It is accompanied by:

- Amended Architectural and Demolition Plans prepared by Hassell + Populous (**Attachment A**);
- Letter regarding Indigenous and Non-Indigenous Archaeology prepared by Casey & Lowe (**Attachment B**);
- Letter regarding contamination prepared by AECOM (**Attachment C**);
- Site Auditor's review of ground slab replacement prepared by Graeme Nyland (**Attachment D**);
- Acoustic Impact Assessment of additional demolition works prepared by Acoustic Logic (**Attachment E**);
- Letter regarding demolition and construction truck movements prepared by Hyder (**Attachment F**); and
- Letter regarding ESD prepared by AECOM (**Attachment G**).

1.0 BACKGROUND

The proposed changes to the approved development have undergone review and input from the INSW Design Review Panel (DRP). The continued involvement of the DRP through the design development phase ensures the commitment made by the NSW Government in delivering world class convention, exhibition and entertainment facilities and re-affirming Darling Harbour as Australia's premier gathering place is realised.

2.0 CONSENT PROPOSED TO BE MODIFIED

Development consent SSD-5752 was granted by the Minister for Planning and Infrastructure on 22 August 2013 for the development of the Sydney International Convention, Exhibition and Entertainment Precinct – Core Facilities, including:

- Demolition of existing improvements on site, including the existing Convention and Exhibition Centres, and associated tree removal;
- Construction and use of a new Convention, Exhibition and Entertainment Centre;
- Various public domain improvements including upgrade and expansion of Tumbalong Park, new north-south and east-west pedestrian connections, new pedestrian bridge, new square adjoining the Chinese Garden, new open space 'Event Deck', erection of a temporary shelter structure for the 'Event Deck', for use up to 80 days per year, retail kiosks, and integrated art, play zones, water play and recreation areas;
- Provision of ground level parking within the Exhibition Centre and above ground parking in the Theatre;
- Alterations to the existing Metro Transport Sydney Offices;
- Associated building signage;
- Division, extension and augmentation of physical and infrastructure/utilities as required; and
- Temporary works including:
 - Stairs from the raised pathway under the Western Distributor to Darling Harbour ground level;
 - Pedestrian crossing along Darling Drive south of Pier Street; and
 - Pedestrian crossing along Darling Drive north of Convention light rail station.

A s96(1A) application for a range of design development changes was determined by the Minister for Planning (under delegation to NSW Planning & Infrastructure) on 20 February 2014.

3.0 OVERVIEW OF PROPOSED MODIFICATIONS

This application seeks to amend the approved development as follows:

Exhibition Slab Replacement

Following commencement of works on the site Darling Harbour Live has undertaken further detailed structural analysis of the 'ground level' RL 2.5AHD and the 'raised' RL 5.8 AHD Exhibition Centre slabs and has determined that the slabs are not suitable for retention in their entirety. This modification seeks to permit the demolition and reconstruction of these slabs either in part or in their entirety.

Facade Material Change – ICC Convention Parkside (western elevation, lower ground levels)

This modification seeks to amend the western façade of the ICC Convention (Parkside) at the lower levels (Level 00, Level 01 and part Level 02) to add a new architectural screen to the approved, blank wall.

Installation of Security Hut

In order to provide for the efficient management of operational traffic associated with the ICC and Exhibition facilities, it is proposed to install a small security booth for a loading dock manager adjacent to the loading dock entrance near Darling Drive.

4.0 MODIFICATIONS TO CONDITIONS

The proposed modifications described above necessitate amendments to the consent conditions which are identified below. Words proposed to be deleted are shown in **bold strike through** and words to be inserted are shown in ***bold italics***.

SCHEDULE 2

A ADMINISTRATIVE AND DEVELOPMENT CONTRIBUTIONS CONDITIONS

Development description

Condition 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 March 2013;
- b) Further information and Response to Submissions (RtS) prepared by JBA Urban Planning Consultants Pty Ltd, dated June 2013;
- c) The s96 to Development Consent SSD 5752 dated 6 December 2013 ***and the s96 to Development Consent SSD 5752 dated April 2014;***
- d) 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.

Architectural (or Design) Drawings prepared by HASSELL + Populous

Drawing No.	Revision	Name of Plan	Date
PP_AR_D_00000	A	COVER SHEET	24/06/2013
PP_AR_D_00001	A	DRAWING LIST	24/06/2013
PP_AR_D_000010	A	LOCATION PLAN	24/06/2013
PP_AR_D_001007	A C	MASTER PLAN – SITE DEMOLITION – RL 2.5	24/06/2013 28/03/14
PP_AR_D_002007	A C	MASTER PLAN – SITE DEMOLITION – RL 6.0	24/06/2013 28/03/14
PP_AR_D_001000	A	MASTER PLAN LEVEL 1	24/06/2013
PP_AR_D_002000	A	MASTER PLAN LEVEL 2	24/06/2013
PP_AR_D_003000	A	MASTER PLAN LEVEL 3	24/06/2013
PP_AR_D_004000	A	MASTER PLAN LEVEL 4	24/06/2013
PP_AR_D_005000	A	MASTER PLAN LEVEL 5	24/06/2013
PP_AR_D_006000	A	MASTER PLAN LEVEL 6	24/06/2013
PP_AR_D_007000	A	MASTER PLAN ROOF	24/06/2013
PP_AR_0052	A	QUARRY STREET PEDESTRIAN FOOTBRIDGE / LIGHT RAIL OFFICE PLAN	14.03.13

Drawing No.	Revision	Name of Plan	Date
PP_AR_0053	A	QUARRY STREET PEDESTRIAN FOOTBRIDGE / LIGHT RAIL OFFICE ELEVATIONS	14.03.13
TH_AR_D_200000	B	GA PLANS – VIP FOYER – STAGE AND LOADING LEVEL 0 RL 3.4	4/12/13
TH_AR_D_201000	B	GA PLAN – VENUE MANAGEMENT 1 LEVEL 1 RL 7.9	4/12/13
TH_AR_D_202000	B	GA PLANS – MAIN FOYER LEVEL 2 RL 11.5	4/12/13
TH_AR_D_203000	B	GA PLANS – MAIN FOYER PLANT LEVEL 3 RL 15.10	4/12/13
TH_AR_D_204000	B	GA PLANS – MID FOYER LEVEL 4 RL 19.6	4/12/13
TH_AR_D_205000	B	GA PLANS –RIGGING - PLANT RL 22.6	4/12/13
TH_AR_D_206000	B	GA PLANS – UPPER FOYER LEVEL 6 RL 27.7	4/12/13
TH_AR_D_207000	B	GA PLANS – UPPER TIER – FOYER PLANT LEVEL 7 RL 33.1	4/12/13
TH_AR_D_208000	B	GA PLANS – ROOF SCREEN LEVEL 8 RL 44.00	4/12/13
TH_AR_D_410000	B	ELEVATIONS	4/12/13
TH_AR_D_420000	B	ELEVATIONS	4/12/13
TH_AR_D_500000	B	SECTIONS	4/12/13
TH_AR_D_900000	A	THE THEATRE – TUMBALONG 01	24/06/2013
EX_AR_D_200000	C	GA PLAN – CARPARK LEVEL 0 RL 2.5	4/12/13
EX_AR_D_201000	C	GA PLAN – LOWER EXHIBITION LEVEL 1 RL 5.8	4/12/13
EX_AR_D_202000	C	GA PLAN – LOWER EXHIBITION MEZZANINE LEVEL 1M RL 9.00	4/12/13
EX_AR_D_203000	C	GA PLAN – LOWER EXHIBITION – PRE-FUNCTION LEVEL 2 RL 12.00	4/12/13
EX_AR_D_204000	C	GA PLAN – LOWER EXHIBITION MEZZANINE – PLANT 1 LEVEL 3 RL 17.00	4/12/13
EX_AR_D_205000	C	GA PLAN – UPPER EXHIBITION – PRE-FUNCTION LEVEL 4 RL 21.5	4/12/13
EX_AR_D_206000	C	GA PLAN – UPPER MEZZANINE LEVEL 5 RL 25.6	4/12/13
EX_AR_D_207000	C	GA PLAN – PLANT 2 LEVEL 5M RL 29.35	4/12/13
EX_AR_D_208000	B	GA PLAN – EXHIBITION HALL ROOF LEVEL RF	24/06/2013
EX_AR_D_400000	C	OVERALL NORTH AND EAST ELEVATIONS	4/12/13
EX_AR_D_410000	C	OVERALL SOUTH AND WEST ELEVATIONS	4/12/13
EX_AR_D_500000	C	OVERALL SECTIONS – SHEET 1	4/12/13
EX_AR_D_500001	C	OVERALL SECTIONS – SHEET 2	4/12/13
EX_AR_D_500002	C	OVERALL SECTIONS – SHEET 3	4/12/13
EX_AR_D_500003	C	OVERALL SECTIONS – SHEET 4	4/12/13
EX_AR_D_500004	C	OVERALL SECTIONS – SHEET 5	4/12/13
EX_AR_2003	A	EVENT DECK CANOPY AXONOMETRIC	14.03.13
EX_AR_D_900001	B	EXHIBITION_TUMBALONG 01	24/06/2013

Drawing No.	Revision	Name of Plan	Date
EX_AR_D_900010	B	NORTH STAIR AND CANOPY DETAIL 1	24/06/2013
EX_AR_D_900011	B	NORTH STAIR AND CANOPY DETAIL 2	24/06/2013
EX_AR_D_900012	B	PLANS & SECTIONS – NORTH CANOPY DISTRIBUTOR CONFLICT 1	24/06/2013
EX_AR_D_900013	B	PLANS & SECTIONS – NORTH CANOPY DISTRIBUTOR CONFLICT 2	24/06/2013
CO_AR_D_200000	B H	GA PLANS – LOBBY – LEVEL 0 RL 3.5	4/12/13 2/04/14
CO_AR_D_201000	B H	GA PLANS – VENUE MANAGEMENT – LEVEL 1 RL 7.2	4/12/13 2/04/14
CO_AR_D_202000	B	GA PLANS – PLENARY 1 & 2 – LEVEL 2 RL 10.9	4/12/13
CO_AR_D_203000	A	GA PLANS – PLANT – LEVEL 2M RL 13.8	24/06/2013
CO_AR_D_204000	A	GA PLANS – PLENARY 3 – LEVEL 3 RL 17.2	24/06/2013
CO_AR_D_205000	A	GA PLANS – PLANT – LEVEL 3M RL 20.85	24/06/2013
CO_AR_D_206000	A	GA PLANS – MEETING – LEVEL 4 RL 24.6	24/06/2013
CO_AR_D_207000	A	GA PLANS – PLANT – LEVEL 4M RL 28.25	24/06/2013
CO_AR_D_208000	B	GA PLANS – THE GRAND BALLROOM – LEVEL 5 RL 32.0	4/12/13
CO_AR_D_209000	A	GA PLANS – PLANT – LEVEL 5M RL 36.0	24/06/2013
CO_AR_D_210000	A	GA PLANS – PLANT – LEVEL 6 – RL 41.0	24/06/2013
CO_AR_D_211000	B	GA PLANS – ROOF – LEVEL ROOF RL 45.0	4/12/13
CO_AR_D_400000	B D	SECTION 96 ELEVATIONS	4/12/2013 2/04/2014
CO_AR_D_400001	B D	SECTION 96 ELEVATIONS	4/12/2013 2/04/2014
CO_AR_D_500000	B	OVERALL SECTIONS	4/12/2013
CO_AR_D_500001	B	OVERALL SECTIONS	4/12/2013
CO_AR_D_640030	B	SHEET 1 – DHT – GATE DETAILS	2/04/14
CO_AR_D_640031	B	SHEET 2 – DHT – GATE DETAILS	2/04/14

Public Domain / Landscape Drawings prepared by HASSELL

Drawing No.	Revision	Name of Plan	Date
PP_LA_001	B	DRAWING LIST + DRAWING LAYOUT	21/06/2013
PP_LA_002	B	LEGEND	21/06/2013
PP_LA_003	C	PPP WORK-PRECINCT PLAN	08/08/2013
PP_LA_004	A	MATERIALS SCHEDULE	07/03/2013
PP_LA_101	B	DEMOLITION + TREE PROTECTION	21/06/2013
PP_LA_201	D	GENERAL ARRANGEMENT 1/3	6/12/2013
PP_LA_202	B	GENERAL ARRANGEMENT 2/3	21/06/2013
PP_LA_203	B	GENERAL ARRANGEMENT 3/3	21/06/2013
PP_LA_301	A	SECTIONAL ELEVATION (SHEET 1 OF 6)	07/03/2013

Drawing No.	Revision	Name of Plan	Date
PP_LA_302	B	SECTIONAL ELEVATION (SHEET 2 OF 6)	21/06/2013
PP_LA_303	B	SECTIONAL ELEVATION (SHEET 3 OF 6)	21/06/2013
PP_LA_304	B	SECTIONAL ELEVATION (SHEET 4 OF 6)	21/06/2013
PP_LA_305	A	SECTIONAL ELEVATION (SHEET 5 OF 6)	07/03/2013
PP_LA_306	A	SECTIONAL ELEVATION (SHEET 6 OF 6)	07/03/2013
PP_LA_600	B	PUBLIC REALM STRUCTURES RETAIL BLOCK	21/06/2013
PP_LA_601	A	PUBLIC REALM STRUCTURES PAVILION	07/03/2013
PP_LA_602	B	PUBLIC REALM STRUCTURES BACK OF STAGE	21/06/2013
PP_LA_603	B	PUBLIC REALM STRUCTURES SKY TRACKER AND INFORMATION BOOTH	21/06/2013
Civil Infrastructure Drawings prepared by Hyder Consulting			
Drawing No.	Revision	Name of Plan	Date
PP-CI-0001	A	TITLE SHEET AND LOCALITY PLAN	14/03/2013
PP-CI-0011	A	TRAFFIC, TRANSPORT AND ACCESS PLAN	14/03/2013
PP-CI-0010	A	GENERAL ARRANGEMENT PLAN	14/03/2013
PP-CI-0011	A	TRAFFIC, TRANSPORT AND ACCESS PLAN	14/03/2013
PP-CI-0021	A	SURVEY AND EXISTING SERVICES PLAN SHEET 1	14/03/2013
PP-CI-0022	A	SURVEY AND EXISTING SERVICES PLAN SHEET 2	14/03/2013
PP-CI-0023	A	SURVEY AND EXISTING SERVICES PLAN SHEET 3	14/03/2013
PP-CI-0101	A	CONSTRUCTION STAGING SHEET 1	14/03/2013
PP-CI-0102	A	CONSTRUCTION STAGING SHEET 2	14/03/2013
PP-CI-0103	A	CONSTRUCTION STAGING SHEET 3	14/03/2013
PP-CI-0104	A	CONSTRUCTION STAGING SHEET 4	14/03/2013
PP-CI-0105	A	CONSTRUCTION STAGING SHEET 5	14/03/2013
PP-CI-0106	A	CONSTRUCTION STAGING SHEET 6	14/03/2013
PP-CI-0107	A	CONSTRUCTION STAGING SHEET 7	14/03/2013
PP-CI-0108	A	CONSTRUCTION STAGING SHEET 8	14/03/2013
PP-CI-0109	A	CONSTRUCTION STAGING SHEET 9	14/03/2013
PP-CI-0110	A	CONSTRUCTION STAGING SHEET 10	14/03/2013
PP-CI-0111	A	CONSTRUCTION STAGING SHEET 11	14/03/2013
PP-CI-0112	A	CONSTRUCTION STAGING SHEET 12	14/03/2013
PP-CI-0120	A	CONSTRUCTION TRAFFIC MANAGEMENT PLAN	14/03/2013
PP-CI-0150	A	EXCAVATION PLAN	14/03/2013
PP-CI-0200	A	SEDIMENT AND EROSION CONTROL OVERALL PLAN	14/03/2013
PP-CI-0301	A	DEMOLITION AND SITE CLEARANCE PLAN SHEET 1	14/03/2013
PP-CI-0302	A	DEMOLITION AND SITE CLEARANCE PLAN SHEET 2	14/03/2013
PP-CI-0303	A	DEMOLITION AND SITE CLEARANCE PLAN SHEET 3	14/03/2013
PP-CI-0304	A	DEMOLITION AND SITE CLEARANCE PLAN SHEET 4	14/03/2013

Drawing No.	Revision	Name of Plan	Date
PP-CI-0305	A	DEMOLITION AND SITE CLEARANCE PLAN SHEET 5	14/03/2013
PP-CI-0306	A	DEMOLITION AND SITE CLEARANCE PLAN SHEET 6	14/03/2013
PP-CI-0307	A	DEMOLITION AND SITE CLEARANCE PLAN SHEET 7	14/03/2013
PP-CI-0308	A	DEMOLITION AND SITE CLEARANCE PLAN SHEET 8	14/03/2013
PP-CI-0309	A	DEMOLITION AND SITE CLEARANCE PLAN SHEET 9	14/03/2013
PP-CI-0310	A	DEMOLITION AND SITE CLEARANCE PLAN SHEET 10	14/03/2013
PP-CI-0311	A	DEMOLITION AND SITE CLEARANCE PLAN SHEET 11	14/03/2013
PP-CI-0401	C	CIVIL WORKS PLAN SHEET 1	07/08/2013
PP-CI-0402	B	CIVIL WORKS PLAN SHEET 2	20/06/2013
PP-CI-0403	B	CIVIL WORKS PLAN SHEET 3	20/06/2013
PP-CI-0404	B	CIVIL WORKS PLAN SHEET 4	20/06/2013
PP-CI-0405	B	CIVIL WORKS PLAN SHEET 5	20/06/2013
PP-CI-0406	B	CIVIL WORKS PLAN SHEET 6	20/06/2013
PP-CI-0407	A	CIVIL WORKS PLAN SHEET 7	14/03/2013
PP-CI-0408	A	CIVIL WORKS PLAN SHEET 8	14/03/2013
PP-CI-0409	A	CIVIL WORKS PLAN SHEET 9	14/03/2013
PP-CI-0410	A	CIVIL WORKS PLAN SHEET 10	14/03/2013
PP-CI-0411	B	CIVIL WORKS PLAN SHEET 11	20/06/2013
PP-CI-0441	A	DETAILED ROAD CROSS SECTIONS DARLING DRIVE	14/03/2013
PP-CI-0445	A	DETAILED FOOTPATH CROSS SECTIONS PUBLIC REALM	14/03/2013
PP-CI-0501	A	STORMWATER DRAINAGE PLAN SHEET 1	14/03/2013
PP-CI-0502	A	STORMWATER DRAINAGE PLAN SHEET 2	14/03/2013
PP-CI-0503	A	STORMWATER DRAINAGE PLAN SHEET 3	14/03/2013
PP-CI-0504	A	STORMWATER DRAINAGE PLAN SHEET 4	14/03/2013
PP-CI-0505	A	STORMWATER DRAINAGE PLAN SHEET 5	14/03/2013
PP-CI-0506	A	STORMWATER DRAINAGE PLAN SHEET 6	14/03/2013
PP-CI-0507	A	STORMWATER DRAINAGE PLAN SHEET 7	14/03/2013
PP-CI-0508	A	STORMWATER DRAINAGE PLAN SHEET 8	14/03/2013
PP-CI-0509	A	STORMWATER DRAINAGE PLAN SHEET 9	14/03/2013
PP-CI-0510	A	STORMWATER DRAINAGE PLAN SHEET 10	14/03/2013
PP-CI-0511	A	STORMWATER DRAINAGE PLAN SHEET 11	14/03/2013
PP-CI-0701	B	PAVEMENT PLAN SHEET 1	20/06/2013
PP-CI-0702	B	PAVEMENT PLAN SHEET 2	20/06/2013
PP-CI-0703	B	PAVEMENT PLAN SHEET 3	20/06/2013
PP-CI-0851	A	SERVICE STRATEGY PLAN CONCEPT SEWER AND WATER	14/03/2013

Drawing No.	Revision	Name of Plan	Date
PP-CI-0852	A	SERVICE STRATEGY PLAN CONCEPT NATURAL GAS	14/03/2013
PP-CI-0853	A	SERVICE STRATEGY PLAN CONCEPT COMMUNICATIONS	14/03/2013
PP-CI-0854	A	SERVICE STRATEGY PLAN CONCEPT ELECTRICAL	14/03/2013
PP-CI-1101	A	INTERNATIONAL CONVENTION CENTRE LOADING DOCK TURNING PATHS SHEET 1	14/03/2013
PP-CI-1102	A	INTERNATIONAL CONVENTION CENTRE LOADING DOCK TURNING PATHS SHEET 2	14/03/2013
PP-CI-1105	A	ICC EXHIBITION CENTRE LOADING DOCK RL6.0 TURNING PATHS	14/03/2013
PP-CI-1110	A	ICC EXHIBITION CENTRE LOADING DOCK RL21.5m TURNING PATHS SHEET 1	14/03/2013
PP-CI-1111	A	ICC EXHIBITION CENTRE LOADING DOCK RL21.5m TURNING PATHS SHEET 2	14/03/2013
PP-CI-1112	A	ICC EXHIBITION CENTRE LOADING DOCK RL21.5m TURNING PATHS SHEET 3	14/03/2013
PP-CI-1113	A	ICC EXHIBITION CENTRE LOADING DOCK RL21.5m TURNING PATHS SHEET 4	14/03/2013
PP-CI-1115	A	MFEC LOADING DOCK TURNING PATHS	14/03/2013

Reason for Amendment: Permit the demolition and replacement of the existing slab at RL 2.50 and RL 5.80 slabs, addition of architectural screen to lower-ground levels of the western Convention Centre facades and the installation of a security booth for the loading dock manager.

B REMEDIAL WORKS

B1 The works shall be undertaken in accordance with the Remedial Works Plan prepared by AECOM, and Site Audit Report prepared by ENVIRON Australia Pty Ltd both submitted with the EIS, *and the contamination support letter by AECOM dated 22 April 2014.*

Reason for Amendment: Incorporates updates to testing methodology in respect to removal of RL 2.5 slab.

5.0 SECTION 96 OF THE EP&A ACT, 1979

The power to amend a development consent is found in section 96 of the EP&A Act. Section 96 is an independent facilitative power that is separate to the grant of a development consent.

The statutory requirements to be satisfied for the grant of consent to modify a development consent are set out in Section 96. These depend on whether or not the modification is made under subsection (1), (1A) or (2).

Pursuant to Section 96(1A) of the EP&A Act, the Minister or his delegate may modify development consent if (our emphasis added):

- a) *it is satisfied that the proposed modification is of **minimal environmental impact**, and*
- b) *it is satisfied that the development to which the consent as modified relates is **substantially the same development** as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- c) *it has notified the application in accordance with:*
 - (i) *the regulations, if the regulations so require, or*
 - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- d) *it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

This modification application to development consent SSD – 5752 is accordingly made under Section 96(1A) of the EP&A Act, as the modification is of minimal environmental impact.

Section 96(3) of the Act requires the consent authority to take into consideration such of the matters referred to in section 79C (1) as are of relevance to the development the subject of the application.

The proposed modifications is substantially the same development as the development as originally approved and will result in a very small or negligible impact, and certainly no more than minimal environmental impact for the following reasons:

- the proposed development retains the same convention, exhibition and entertainment use as the approved development;
- the proposed changes considered in their totality and in the context of the scale of the overall development are of a minor nature;
- the proposed changes include the reconstruction of the RL 2.5 and RL 5.8 slabs to their existing levels, and as such there will be no change to the building form as a result of works to the slab;
- the consequential environmental impacts associated with the change in construction methodology in terms of no longer retaining the slabs at RL 2.5 and RL 5.8 are very small or negligible in the context of the overall project and importantly do not alter the conclusions reached within the original Environmental Impact Statement prepared in support of the SSDA (refer to Section 6.2);
- the proposed development will continue to meet the functional brief requirements as specified by INSW;
- changes to the external appearance of the approved development, including amendments to the architectural treatment to the western Convention façade, are not significant or material and continue to deliver buildings of a design quality commensurate with the approved development; and
- the provision of a small security booth along Darling Drive is immaterial and will ultimately improve safety and security.

6.0 ENVIRONMENTAL ASSESSMENT

Section 96(3) of the Act requires the consent authority to take into consideration such of the matters referred to in section 79C (1) as are of relevance to the development the subject of the application.

Section 79C(1) of the EP&A Act states:

“In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

(i) any environmental planning instrument, and

(ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and

(iii) any development control plan, and

(iv) any matters prescribed by the regulations, that apply to the land to which the development application relates,

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

(c) the suitability of the site for the development,

(d) any submissions made in accordance with this Act or the regulations,

(e) the public interest.”

This s96(1A) Modification Application seeks, in part, consent for the demolition and replacement of some or all of the existing slab within/below the Exhibition Centre. Whilst the exact quantum of the slab to be demolished will be determined during the construction phase, the assessment in this section has been based upon a ‘worst case’ scenario whereby the slabs are demolished and replaced in their entirety.

6.1 Section 79C(1)(a) Planning Instruments

The Environmental Impact Statement (EIS) submitted with the original State Significant Development Application (SSDA) addressed the proposed development’s level of compliance against relevant environmental planning instruments (EPIs), including:

- State Environmental Planning Policy – (State & Regional Development) 2011;
- State Environmental Planning Policy – Infrastructure 2007;
- State Environmental Planning Policy No. 55 Remediation of Land (SEPP 55);
- State Environmental Planning Policy No.64 – Advertising and Signage (SEPP 64);
- Draft State Environmental Planning Policy – (Competition) 2010;
- Darling Harbour Development Plan No. 1; and
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

The proposed modifications described in **Section 3.0** do not alter the approved development’s compliance with the EPIs above. Accordingly, the assessment as carried out for the original proposal against these EPI’s still applies, and no additional assessment of the amended proposal against these EPIs is required, with the exception of SEPP 55 which is discussed in **Section 6.2** below.

6.2 S.79C(1)(b) Impact on the Environment

The EIS submitted with the original SSDA addressed the likely impacts of the development, including:

- Design Excellence
- Built Form and Urban Design
- Public Domain
- Visual and View Impact
- Transport and Accessibility
- European Heritage
- Archaeology
- Geotechnical
- Contamination
- Reflectivity
- Wind Impact
- Water Cycle Management
- Air Quality
- Noise and Vibration
- Access
- Ecologically Sustainable Development
- Operational Waste Management
- Building Code of Australia
- Social and Economic Impacts
- Crime Prevention through Environmental Design
- Environmental and Construction Management

The proposed modification does not give rise to any material alteration to the assessment of the potential impacts considered as part of the original SSDA. The following matters however warrant further assessment and consideration.

Design Excellence, Built Form and Urban Design

The proposed introduction of an architectural screen to the lower ground levels of the ICC Convention western façade has undergone review and input with the DRP and will result in an improved design outcome that fulfils the design excellence objectives for the SICEEP project. The proposed material adds a degree of visual interest to the presentation of the approved building to Darling Drive and breaks up a large, blank façade. The proposed architectural treatment is considered to be appropriate to the form and role of this streetscape in the context of the overall project.

Archaeology (Indigenous and Non-Indigenous)

The existing RL 2.5 slab sits above a layer of fill imported onto the site in the 1980s during the construction of the Exhibition Hall, capping the original soil layers that contain actual and potential archaeological evidence. Whilst the proposed modification will result in the exposure of the upper surface of this fill level, it is not anticipated that the demolition of the slab will result in any disturbance of soils beneath this layer. Casey and Lowe have reviewed the proposed modification (**Attachment B**) and concluded that, provided that works do not penetrate this 1980s fill level, the proposed modification will not pose any impacts with regard to archaeology.

Contamination

AECOM have prepared a letter detailing the potential contamination impacts for the removal of the Exhibition slab (**Attachment D**) which has regard to the Remedial Works Plan (RWP) dated 15 March 2013 and approved in the Development Consent.

The removal of the RL 2.5 AHD slab will result in the exposure of a substantially larger area of soil beneath the existing slab, allowing better visual and chemical characterisation of the underlying fill material. Due to the increased area of excavation, soil sampling will be carried out on a 20m grid to identify any unexpected contaminants.

AECOM expects that the proposed modification will result in:

- exposure of known hydrocarbon contamination at two sites beneath the northern Exhibition Hall; and
- potential exposure of unexpected chemical contamination.

Groundwater is not expected to be encountered during the removal of the RL 2.5 AHD slab, and therefore further consideration of groundwater contamination is not warranted.

Known and unexpected soil contamination finds will continue to be managed in accordance with the protocols established in the RWP, with impacted materials not suitable for reuse on site disposed of in accordance with the Waste Classification Guidelines (NSW DECCW 2009). The mitigation measures detailed in the RWP and Construction and Environmental Management Plan prepared by Lend Lease continue to be relevant and applicable to works carried out on site, including the proposed demolition of slabs.

As detailed in **Section 4.0** above, it is proposed to amend Condition B of the development consent in order to ensure that the updated methodology for soil contamination testing arising from the removal of the RL 2.5 slab is incorporated in the consent.

Overall, AECOM find that the expected environmental impacts as a result of soil and groundwater contamination from the amended works to be minimal.

The AECOM letter has been reviewed by Graeme Nyland (EPA Accredited Site Auditor, ENVIRON Australia) (**Attachment E**), who has found the approach taken by AECOM in response to the proposed modification to be consistent with the methodology adopted in the approved RWP and is adequate to achieve the site objectives for identifying and managing potential contamination within the site. As such, the proposed modification is not expected to alter the conclusion of the Site Audit Report and Statement prepared by Graeme Nyland dated 13 March 2013 and submitted with the SSDA, which found that the site can be made suitable for the proposed public open space and commercial/industrial land use. The proposed modified development therefore is considered to continue to be consistent with the requirements of clause 7 of *State Environmental Planning Policy No 55 – Remediation of Land*.

Noise and Vibration

Acoustic Logic Consultancy have reviewed the additional demolition works proposed in this modification with regard to potential noise and vibration emissions (**Attachment F**). A Construction Noise and Vibration Management Plan (CNVMP) has been prepared by Acoustic Logic to satisfy Condition D5 of Development Consent SSD-5752, which establishes criteria and management measures to minimise noise and vibration during construction. The demolition and reconstruction of the RL 2.5 and RL 5.8 Exhibition Hall slabs is not predicted to exceed the noise and vibration emission levels criteria specified in the CNVMP, and as such it is not considered that the proposed modification alters the conclusions reached within the noise and vibration impact assessment prepared in support of the original SSDA.

Transport and Accessibility

Hyder Consulting have reviewed the proposed modification and provided a letter assessing the traffic implications (**Attachment G**). The demolition of the existing slabs is expected to result in an additional 340 truck movements in both directions (inbound and outbound) during the demolition phase and the construction of the new slab is expected to generate an additional 1,100 truck movements in both directions during the construction phase. This equates to 16 additional truck movements per day (8 inbound, 8 outbound) between March 2014 and August 2014, and 10 additional truck movements between April 2014 and February 2015. This increase is minor in the context of the overall development and associated truck movements, and Hyder concludes that the additional truck movements are not expected to alter the conclusions of the original traffic assessment in support of the SSDA.

Ecologically Sustainable Development

AECOM have reviewed the implications of the proposed modifications with regard to the sustainability of the project (**Attachment G**). The proposed modification does not alter the assessment of the approved development's consistency with the principles of ecologically sustainable development contained within the Environmental Impact Statement prepared by JBA dated March 2013.

The demolition and replacement of the RL2.5 and RL 5.8 slabs will result in a reduction in total embodied carbon savings from retaining the existing structure from 13,800 tonnes to 10,400 tonnes. It is anticipated, however, that the longer lifespan of the new slabs will to a degree offset this reduction by providing sustainability benefits in the long-term. Further, the proposed modification will not impact on the ability of the project to achieve a LEED Gold New Construction rating.

6.3 S.79C(1)(c) Suitability of the site for the proposed development

The site remains suitable for the proposed development for the reasons outlined in the EIS lodged with the original SSDA.

6.4 S.79C(1)(d) Submissions made

Any submissions made on this subject modification application will be duly considered and addressed by Darling Harbour Live.

6.5 S.79C(1)(e) The public interest

The proposed modifications to the approved development are considered to be in the public interest, as the changes will:

- provide an improved architectural treatment for the western façade of the ICC Convention facility, thereby improving the quality of the public domain within Darling Drive
- ensure the structural integrity and durability of the approved Exhibition facilities; and
- facilitate improved management of the ICC loading dock and operational truck movements in the vicinity of Darling Drive.

Further, the modified development overall continues to be in the public interest as:

- The ICC Sydney facilities will generate \$200 million per year in economic benefit for NSW, or some \$5 billion over the course of the 25 year concession period for operating the new facilities;
- The redevelopment of Tumbalong Park and the core facilities will create a vibrant and high quality public open space which is commensurate with the central location of the precinct within central Sydney and sustains activity throughout the day;
- The Darling Harbour Live proposal (PPP component) will create 1,600 new jobs during construction with ongoing employment opportunities for 4,000 people across the precinct;
- The PPP Site redevelopment will facilitate the development of The Haymarket which is expected to improve housing supply, choice and affordability by accommodating approximately 2,360 dwellings (comprising 1,360 residential apartments and 1,000 student beds) upon completion with a resident population in the order of 3,400 – 3,700; and
- The provision of material community benefits through the provision of publicly available meeting rooms free of cost, and at discount, to approved community groups and charities.

7.0 CONCLUSION

This section 96 modification application seeks to facilitate amendments necessary to ensure the structural integrity and durability of the proposed Exhibition facilities and other minor design amendments. The proposed modifications will not materially alter the environmental impacts assessed and approved as part of the existing development consent and results in substantially the same development as the existing development consent. The environmental impacts of the proposed amendment are very small or negligible, and certainly no more than minimal.

In accordance with section 96(1A) of the EP&A Act, the Minister or his delegate may modify the consent as the proposed modifications are:

- of minimal environmental impact; and
- substantially the same development as development for which the consent was granted.

We trust that this information is sufficient to enable assessment and approval of the proposed modification request. Should you have any queries about this matter, please do not hesitate to contact Alexis Cella or the undersigned on 9956 6962.

Yours faithfully,

A handwritten signature in blue ink, appearing to be 'Lesley Bull', written in a cursive style.

Lesley Bull
Director