

## ASSESSMENT REPORT

### ***Sydney International Convention, Exhibition and Entertainment Precinct (SICEEP), Core Facilities, Darling Harbour SSD 5752 MOD 3***

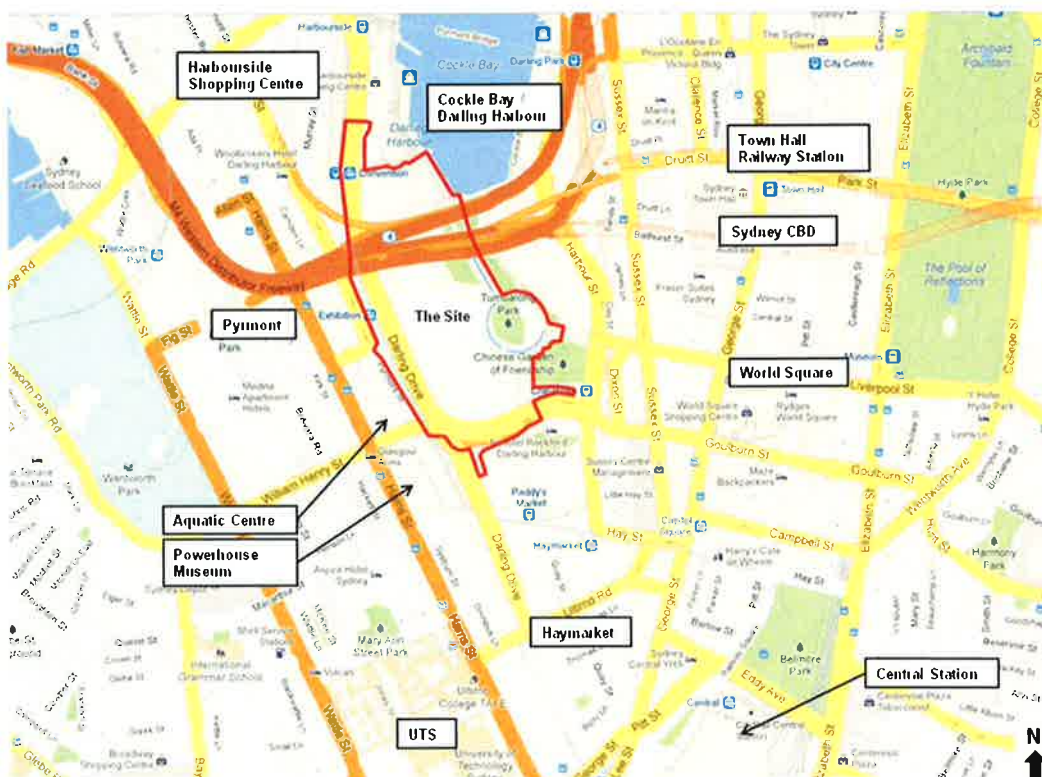
#### **1. BACKGROUND**

This report is an assessment of an application seeking approval to modify State Significant Development (SSD) (SSD 5752) for the Sydney International Convention, Exhibition and Entertainment Precinct (SICEEP) Core Facilities at Darling Harbour in the City of Sydney local government area.

The application was lodged by JBA Urban Planning (on behalf of Darling Harbour Live) pursuant to section 96 (1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It seeks approval to amend Condition (C1(a)) of the Development Consent, which requires a revised design scheme providing a revised ground surface treatment and alignment of the northern termination point of The Boulevard at Cockle Bay.

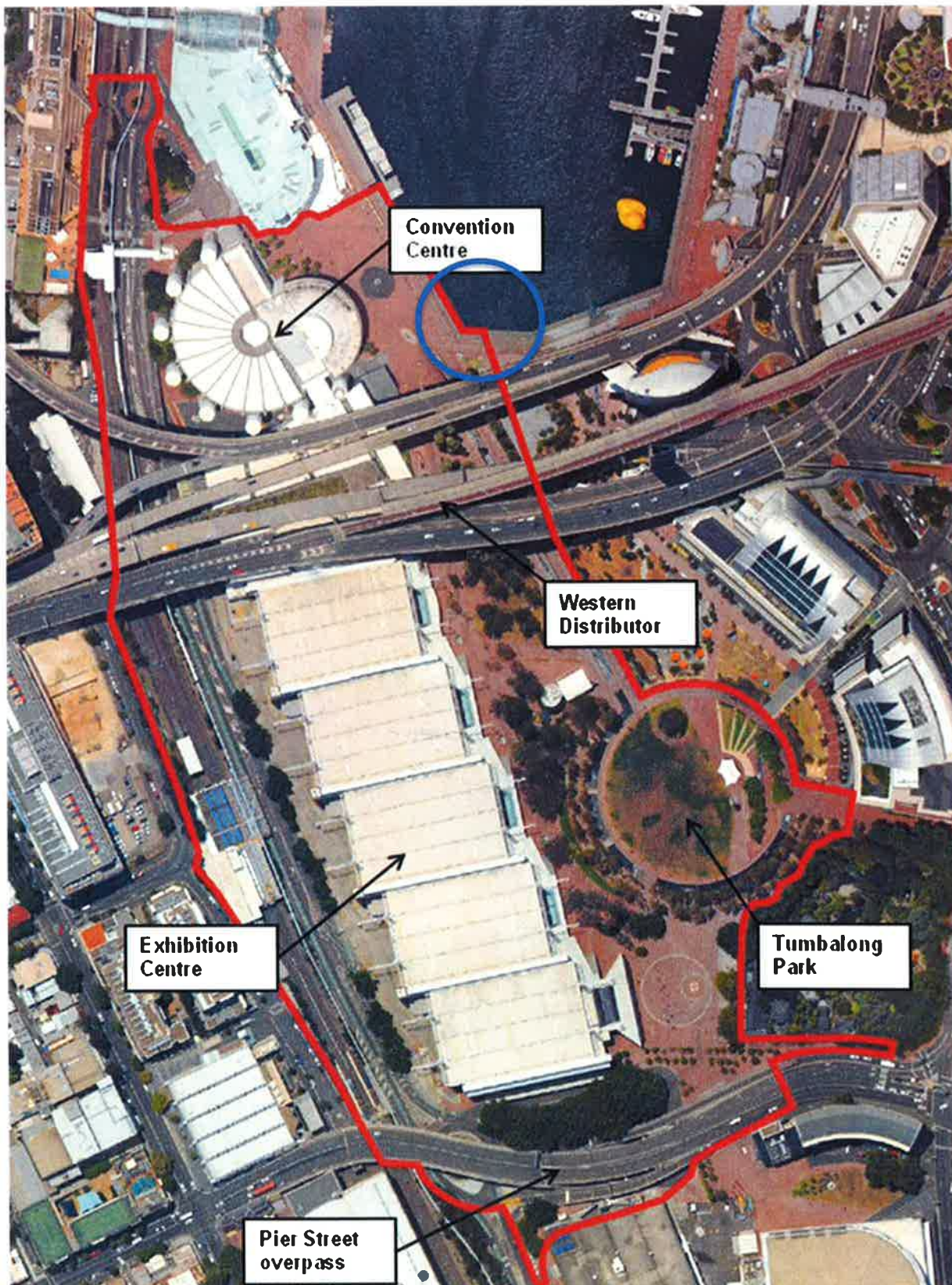
#### **2. SUBJECT SITE**

The entire site occupies the central portion of the Sydney International Convention, Exhibition and Entertainment Precinct (SICEEP) with an area of approx 15 hectares. The site is bound by Cockle Bay to the north, Pier Street overpass to the south, the Light Rail Corridor to the west and Cockle Bay, IMAX, Darling Quarter and the Chinese Garden to the east (see **Figure 1**)



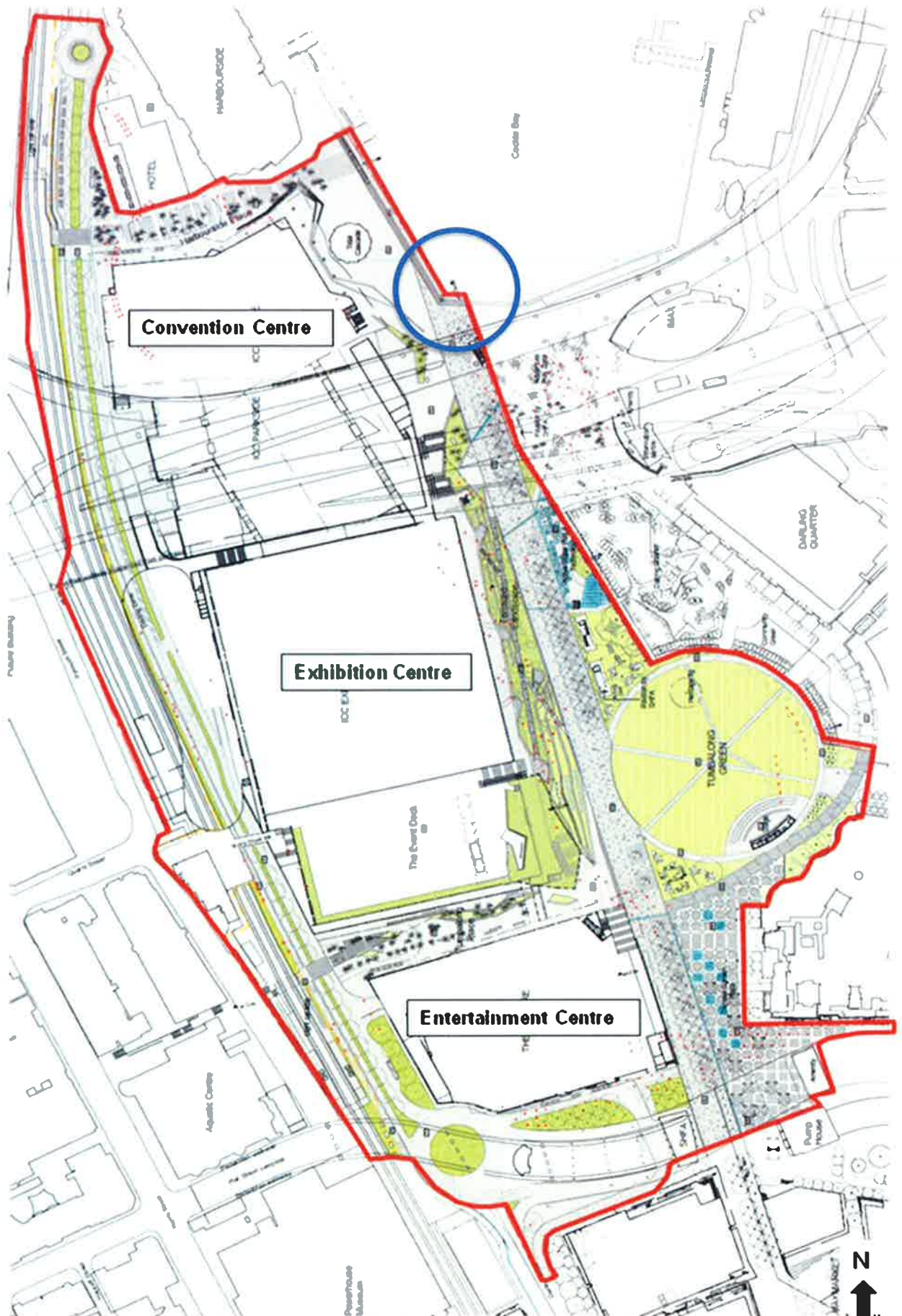


**Figure 1:** Site Location (Base Source: Google Maps)



**Figure 2:** Aerial view of the Convention and Exhibition Centres prior to demolition (Base source: Assessment report SSD 5752) (Note: area subject to Condition C1(a) in **BLUE**)





**Figure 3:** Core Facilities approved building layout and public domain (Source: Assessment report SSD 5752) (Note: area subject to Condition C1(a) in **BLUE**)

### 3. APPROVAL HISTORY

On 22 August 2013 the then Minister for Planning and Infrastructure approved State Significant Development Application (SSD 5752) for the redevelopment of the site for convention, exhibition and entertainment facilities, comprising:

- a 35,000m<sup>2</sup> exhibition space;
- a 7,600m<sup>2</sup> meeting room space, across 40 rooms;
- convention space capacity for more than 12,000 people;
- a ballroom capable of accommodating 2,000 people;
- a 5,000m<sup>2</sup> event deck;
- entertainment facility with a capacity of 8,000-9,000 persons; and
- public domain improvements including reconfiguration and upgrade of Darling Drive (Figure 3).

The proposal has been modified on two occasions as follows:

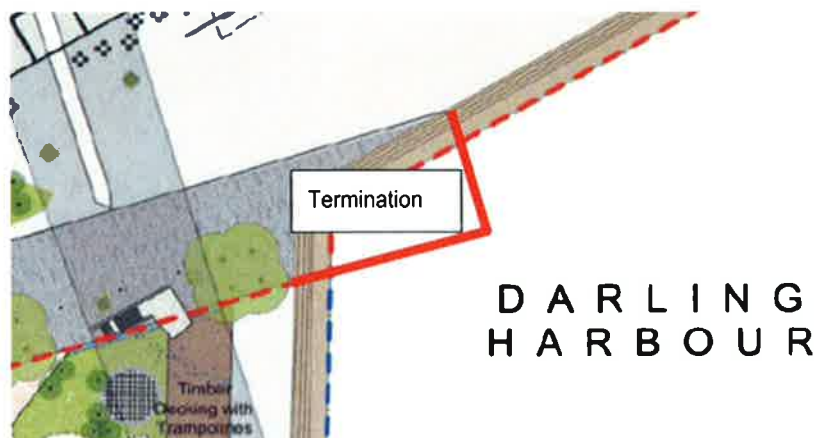
- On 20 February 2014, MOD 1 was approved under delegation for internal and external alterations; relocation and alteration to signage areas; realignment of pedestrian bridges; increase of 9 car parking spaces; and public domain improvements.
- On 18 July 2014, MOD 2 was approved under delegation for demolition and replacement of existing Exhibition Centres slabs; screens to the Convention Centre; and loading dock security booth and boom gates.

### 4. PROPOSED MODIFICATION

On 4 June 2015, the applicant lodged an application (SSD 5752 MOD 3) seeking approval to amend Condition (C1(a)) of the original Development Consent to delete the requirement for a revised design scheme for the alignment of the northern termination point of The Boulevard at Cockle Bay. The condition is proposed to be amended as follows:

- a) A revised design scheme providing a revised ground surface treatment and alignment of the northern termination point of The Boulevard, at Cockle Bay.*

This condition was placed on the consent in response to a submission from the City of Sydney Council (Council) to the original application suggesting that The Boulevard extend beyond the SICEEP Project Area over Cockle Bay (Figure 4).



**Figure 4:** City of Sydney Council original submission with the suggested alternative termination of The Boulevard extending over Cockle Bay outlined in **RED** (Source: City of Sydney Council submission to original EIS)

The current modification is requested on the basis that the revised northern termination point over Cockle Bay is:

- outside of the project boundary for the original approval for SSD 5752 (Figures 3 & 4);
- not supported by Sydney Harbour Foreshore Authority (SHFA); and
- inconsistent with SHFA's current public domain proposal for Cockle Bay as detailed in the State Significant Development Application - Cockle Bay Marine Structures Renewal (SSD 6611), which is currently on public exhibition.

## 5. STATUTORY CONSIDERATION

### 5.1 Modification of approval

Section 96(1A) of the EP&A Act requires the consent authority to be satisfied that the following matters are addressed in respect of all applications that seek modification approvals:

Section 96(1A) matters for consideration	Comment
That the proposed modification is of minimal environmental impact	<b>Section 7</b> of this report provides an assessment of the impacts associated with the proposal. The Department is satisfied that the proposed modifications will have minimal environmental impacts.
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).	The proposed modification seeks approval for minor changes and does not result in any additional adverse impacts on the surrounding area. On this basis, the proposal would result in development that is substantially the same as the originally approved development.
The application has been notified in accordance with the regulations	The modification application has been notified in accordance with the regulations. Details of the notification are provided in <b>Section 6</b> of this report.
Any submission made concerning the proposed modification has been considered.	The Department received a submission from Sydney Harbour Foreshore Authority on the proposal. Sydney City Council made comments on the proposal but did not raise any objection. The issues raised in the submissions have been considered in <b>Section 7</b> of this report.

### 5.2 Environmental Planning Instruments

The following EPIs are relevant to the application:

- State Environmental Planning Policy (State and Regional Development) 2011;
- State Environmental Planning Policy (Infrastructure) 2007;
- Darling Harbour Development Plan No 1;
- State Environmental Planning Policy No 55—Remediation of Land; and
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

The Department undertook a comprehensive assessment of the redevelopment against the above EPIs in its original assessment. The Department has considered the above EPIs and is satisfied that the modification is generally consistent with the EPIs.

### 5.3 Approval Authority

The Minister for Planning is the approval authority for the application. However, the Acting Director Regional Assessments, may determine the application under delegation as:

- the relevant local council has not made an objection; and
- a political disclosure statement has not been made; and
- there are no public submissions in the nature of objections.



## 6. CONSULTATION

The application was notified in accordance with the *Environmental Planning & Assessment Regulation 2000*. The modification request was made publicly available on the Department's website and referred to Council and SHFA for comment. Due to the minor nature of the proposed modification, the modification request was not exhibited by any other means.

**Council** provided comments on the proposed modifications, noting its previous detailed submission to the original application on this matter. Council did not raise any objection to the proposal, noting that the Department will need to consider land ownership and project boundaries as part of its assessment of the current modification application.

**SHFA** provided comments advising that the area is located outside of the project boundary for the project and will not be progressed by the applicant as part of the original development consent (SSD 5752). SHFA supports the deletion of Condition C1(a) and advise the renewal of Cockle Bay and public domain will be undertaken as part of the current State Significant Development Application - Cockle Bay Marine Structures Renewal (SSD 6611), which is currently on public exhibition.

There were no public submissions received on the proposal.

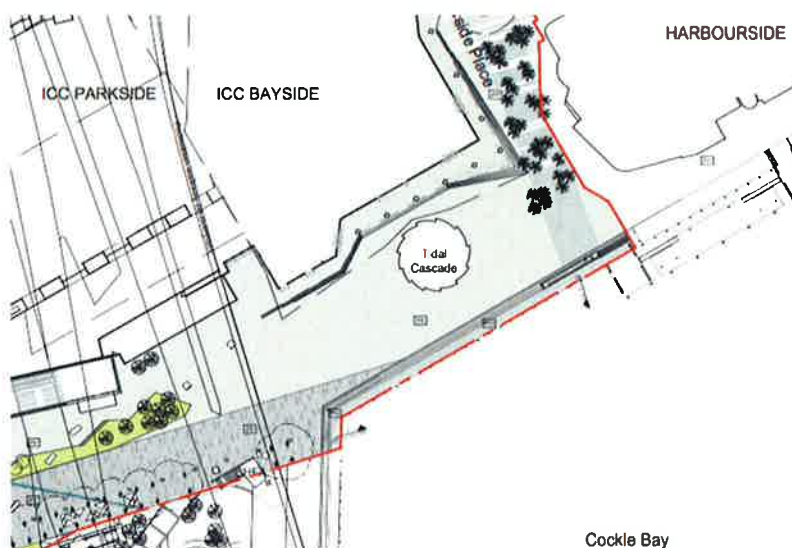
## 7. ASSESSMENT

The Department considers the key issue associated with the proposed modification relates to the potential impact of the proposed modification on the public domain in the context of the project area and broader precinct.

### 7.1 Public domain and broader precinct

The creation of high quality activated public domain for the SICEEP project is an important element to the success of the entire Darling Harbour/Cockle Bay precinct. Creating urban spaces that invite and connect the SICEEP site to the Sydney CBD and other parts of Darling Harbour have been carefully considered throughout the preparation, assessment and determination of this SSD Consent.

The Boulevard is recognised as the main north-south pedestrian link between the Core Facilities and other areas of public domain at Cockle Bay and Darling Quarter. The original design placed significant emphasise on this link within the boundaries of the project area for the application.



**Figure 5:** Original design with The Boulevard terminal within the SICEEP Project Area (outlined in RED) (Source: Original EIS)

### Condition C1(a) – Revised design scheme for the northern termination of The Boulevard

Following public exhibition of the original application, Council raised concern with the treatment of the northern termination of The Boulevard as part of its submission (Figure 4). The relevant extract from Council's submission is detailed below:

#### ***...Termination of The Boulevard***

*It is suggested that the northern end of The Boulevard needs termination where it reaches Cockle Bay. Otherwise it blends with the surrounds and is unlikely to have the desired effect of marking the entry and exit to and from the PPP facilities...*

It is noted that the applicant did not provide a specific response to this issue as part of the Response to Submissions. As part of its assessment, the Department advised that it shared Council's view that this area could be better resolved and recommend Condition C1(a) seeking a resolution to the design and alignment of the northern termination point of The Boulevard in close consultation with Council and SHFA.

This condition formed part of a number of other design amendments relating to public domain as detailed below. It is understood that the other design amendments required under this condition can be satisfied (C1(b)-(d)) by the applicant.

### **C PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

#### **Design Changes**

C1 Prior to the issue of the relevant Construction Certificate, amended plans and documentation are required to be submitted to the Director General of the Department of Planning and Infrastructure for approval. This shall include:

- a) A revised design scheme providing a revised ground surface treatment and alignment of the northern termination point of The Boulevard, at Cockle Bay.
- b) An amended alignment and pathway geometry in and around Tumbalong Green including a widened footpath at The Boulevard (consistent with the alignment as provide in the RTS).
- c) An extension of the median island along Darling Drive up to the mid block pedestrian crossing to prevent vehicles from turning right from the proposed loop road at Harbourside Place.
- d) Signalised pedestrian crossings at Darling Drive (adjacent to the Convention Centre and proposed Hotel) and Darling Drive (adjacent to the Exhibition Centre and The Theatre).

All revised design schemes shall be developed in close consultation with SHFA, and any other relevant agencies.

Since that time, it has become apparent that Council's suggested alignment of the northern termination of The Boulevard (Figure 4) is problematic for the following key reasons:

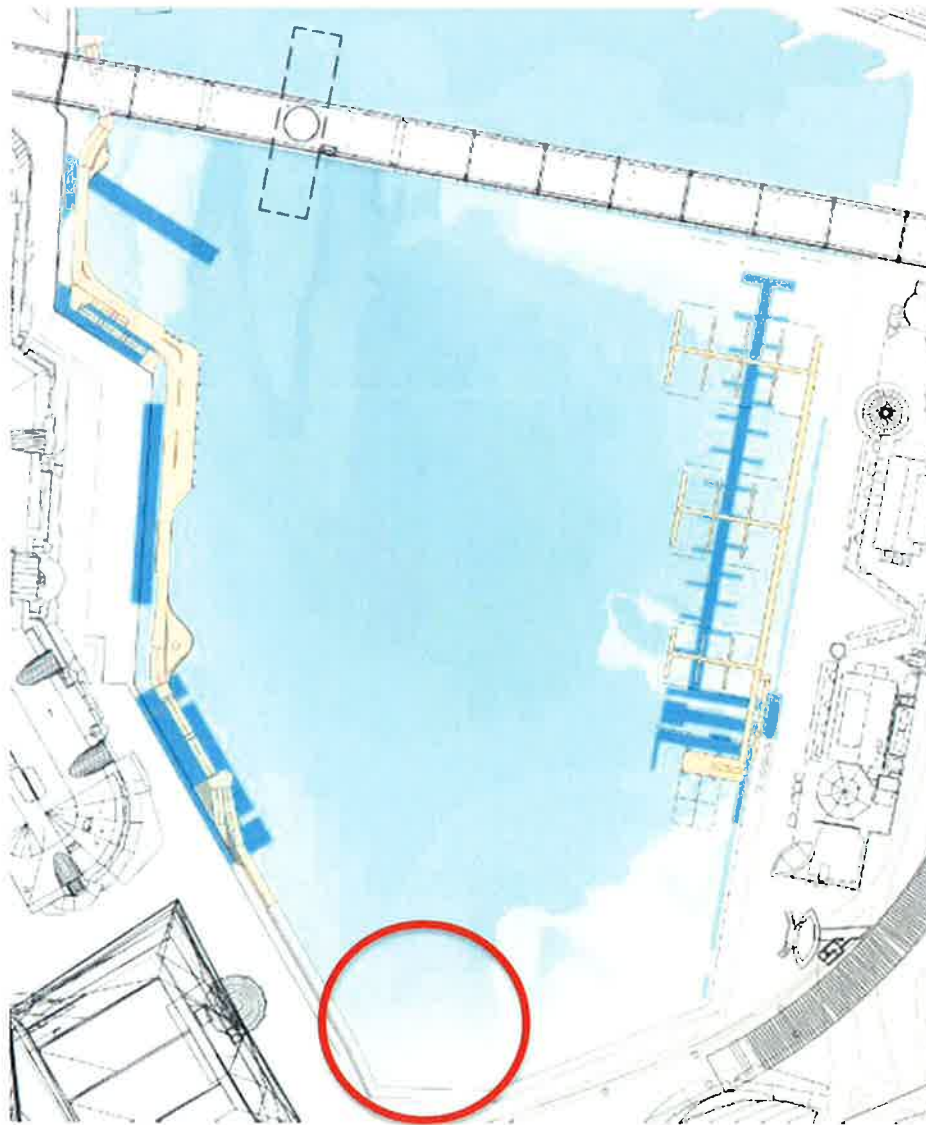
- it extends beyond the project area and outside the scope of the project and responsibility of the applicant; and
- it is inconsistent with SHFA's proposed renewal for Cockle Bay (SSD 6611).

### State Significant Development Application – Cockle Bay Marine Structures Renewal (SSD 6611)

The State Significant Development Application – Cockle Bay Marine Structures Renewal (SSD 6611) is currently on public exhibition. This project outlines SHFA's future desired marine structures renewal for Cockle Bay. The Department's assessment concludes that this application is a relevant consideration in the assessment of the suitability of any revised alignment for the northern termination of The Boulevard.

It is noted that this project will be subject to a separate merit assessment by the Department following public exhibition. Notwithstanding, this proposal was not available at the time of assessment and determination of the original SSD 5752 for the SICEEP project. This current modification provides an opportunity to assess the northern termination of The Boulevard in the context of the Cockle Bay Marine Structures Renewal Project.

The Cockle Bay Marine Structures Project seeks approval for the demolition of existing marine structures at Cockle Bay and replacement of new floating facilities to enhance functionality of the bay for public events and create a contemporary forecourt to ICC Sydney (Figure 6).



**Figure 6:** Overlay of Proposed Scheme over Existing, with area subject to Condition C1(a) in **RED**  
(Source: SSD 6611 EIS)

These proposed works do **not** include any work at the termination of the Boulevard. The EIS maintains that this proposal will enhance this area for public entertainment and events in and around ICC Sydney and Darling Harbour.



The proposal seeks to de-clutter existing marine structures in Cockle Bay and provide links with other public domain work, including the SICEEP approval to create a linkage to the broader precinct as detailed in the EIS below:

*... The western facility acts as an extension to **The Boulevard**, the main north-south pedestrian street in Darling Harbour, providing a strong link to the open space system of Darling Harbour. The entry/exit ramps are within convenient walking distance to the Australian National Maritime Museum, ICC Sydney and Harbourside Shopping Centre ...*

The Department's assessment concludes that an alternative alignment for northern termination of The Boulevard (particularly as suggested by Council over Cockle Bay) is inconsistent with the above proposal and is not considered to lead to significant public domain improvements.

In this regard, the original alignment for this area as proposed in the SICEPP project is considered an appropriate public domain outcome in the context of the proposed Cockle Bay renewal works.

A revised scheme for the ground surface treatment at this point would still be required under the condition to ensure that the ground surface is designed to provide an appropriate interface with the adjoining surface treatments at the boundary. A minor amendment to the wording of the condition is recommended to ensure this requirement is clear. The amended condition would read:

- a) *A revised design scheme providing a revised ground surface treatment ~~and alignment~~ of at the northern termination point of The Boulevard, at Cockle Bay.*

## 8. CONCLUSION

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes that the proposed modification is appropriate on the basis that:

- the assessment of the current modification has the benefit of considering SHFA's proposed public domain plans for Cockle Bay as proposed under SSD 6611 which do not include works in this area and seek to maintain strong pedestrian sight lines and north south links through The Boulevard;
- the proposed alternative termination of the Boulevard extending over Cockle Bay (as envisaged by ConditionC1(a)) is outside the project area of SICEEP and not supported by SHFA as landowner;
- Council raise no objection to the removal of the Condition which seeks an alternative alignment of The Boulevard; and
- The modification of the Condition to maintain the original alignment of The Boulevard results in an acceptable public domain outcome for the project and broader precinct.

Consequently, it is recommended that the modification be approved subject to the recommended conditions.

## 9. RECOMMENDATION

It is RECOMMENDED that the Acting Director, Regional Assessments as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report;
- **approves** the application under section 96 (1A), subject to conditions; and
- **signs** the notice of modification (**Appendix A**).

Prepared by:  
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01.07.2015

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Team Leader  
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1.7.15

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Regional Assessments





## **APPENDIX B: SUPPORTING INFORMATION**

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The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows:

1. Modification request

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=7098](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7098)

2. Submissions

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=7098](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7098)