



NSW GOVERNMENT
Department of Planning

Y09/1005

**CONSTRUCTION OF TWO 9 STOREY
BUILDINGS AND BASEMENT CAR PARKING
FOR DARLING WALK REDEVELOPMENT
Darling Harbour, Sydney**

Proposed by Lend Lease Development

MP 08_0057 (MOD 1)

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

March 2009



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1. EXECUTIVE SUMMARY

This is a report on an application seeking to modify the Project Approval for bulk excavation, basement structure and construction of buildings at Darling Walk, Darling Harbour, approved under MP 08_0057.

The bulk excavation, basement structure and construction of buildings at Darling Walk, Darling Harbour project application was approved by the Minister for Planning on 2 January 2009 and comprised the following:

- Bulk excavation;
- Construction of two 9 storey buildings including 67,827m² gross floor area (GFA) which comprises:
 - approximately 64,235m² GFA of commercial floorspace
 - approximately 2,592m² GFA of retail floorspace
 - approximately 1,000 m² GFA for a children's theatre;
- Basement structure comprising 200 car parking spaces to serve the commercial buildings and a 600 space public car parking facility; and
- Access and egress arrangements.

On 2 February 2009, Lend Lease Development (the Proponent) lodged an application to modify the Part 3A project approval pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The Proponent is seeking to modify the existing approval as follows:

- Part A – table, to correctly identify the Proponent;
- Condition B1 – Traffic and Access Arrangements and Car Parking, to modify the timing of compliance;
- B2 – Sydney Water, to require a Notice of Requirements to be submitted prior to the first Construction Certificate and a section 73 Certificate to be submitted prior to an Occupation Certificate;
- D1 – Hours of work and noise, to extend the hours of construction;
- D16 – Validation of Site Remediation, to require a Site Audit Statement to be provided within 21 days of completion of the site remediation works; and
- E1 – Landscaping and Public Domain, to amend the timing of compliance for McDonald's drive-through works.

The above conditions are all sought to be modified in order to provide greater clarity to the timing of compliance requirements given the staged construction of the project. This modification application represents the first modification to the approved project.

The modifications are minor changes to conditions and timing of compliance and will not result in amenity impacts to the surrounding properties, and therefore it was not publicly notified. Consultation was however undertaken with the RTA in respect to Condition B1 (Traffic and Access Arrangements and Car Parking) and Condition D1 (Hours of work and noise). The modifications will not compromise the public benefits achievable under the original approval. The Department recommends that the modification application be approved as set out in the Instrument of Modification Approval (**TAG A**).

2. THE SITE

Darling Walk is located within the Darling Harbour precinct on the western edge of Sydney Central Business District (see **Figure 1**). The site includes 38 parcels of land and has an area of approximately 32,900m². The site is owned by the Sydney Harbour Foreshore Authority, with owners consent also granted by the RTA in respect of the parcels of land adjoining the site.

The western distributor is located adjacent to the northern boundary of the site, the Chinese gardens are located immediately to the south, Tumbalong Park is to the west and Harbour Street and the western edge of the CBD (including some residential buildings) is to the east the site.

The closest Railway Stations are Town Hall, located approximately 400 metres north-east of the site, and Central Station which is approximately 800 metres to the south-east.



Figure 1. The subject site

3. MAJOR PROJECT APPROVAL

On 9 July 2008, the Minister for Planning approved a concept plan MP 06_0054 for the redevelopment of Darling Walk at Darling Harbour. The approval provided the following parameters for redevelopment of Darling Walk:

- Land uses between 64,000m² and 68,000m² gross floor area (GFA) of commercial floor space including up to 5,000m² GFA of retail floor space (retail and associated uses) and up to 1,000m² GFA for cultural, recreational and entertainment uses;
- Building footprint, height, bulk and scale;

- A maximum of 200 car parking spaces to service the commercial building and a 600 space public car park facility;
- Public domain improvements; and
- Demolition works.

On 2 January 2009, the Minister for Planning approved a major project application MP 08_0057 for the redevelopment of Darling Walk at Darling Harbour including bulk excavation, basement structure and construction of two 9 storey buildings comprising:

- 67,827m² GFA including:
 - 64,235m² GFA of commercial floorspace;
 - 2,592m² GFA of retail floorspace; and
 - 1,000 m² GFA for a children's theatre.
- 200 car parking spaces to serve the commercial buildings;
- A 600 space public car parking facility;
- Access and egress arrangements; and
- Associated bulk excavation.

The Capital Investment Value (CIV) of the proposal is \$259,233,681 and the proposal will create 600 full time equivalent construction jobs and 3,300 full time equivalent operational jobs and the modifications sought will not alter the value of the project or the jobs created.

A copy of the original project approval is at **TAG B** and a copy of the original report is at **TAG C**.

4. DESCRIPTION OF PROPOSED MODIFICATIONS

On 5 February 2009 Lend Lease Development (the Proponent) submitted to the Director General a request for modification of the approved development to permit the following changes:

- Modification to Part A – Table to modify the condition to identify Lend Lease Development as the Proponent;
- Modification to Conditions B1 (1) (a) and (b) – Traffic and Access Arrangements and Car Parking to modify the conditions to be satisfied prior to the submission of the Construction Certificate for the above ground structure;
- Modifications to Conditions B1 (1) (c), (d) and (f) – Traffic and Access Arrangements and Car Parking to modify the conditions to be satisfied prior to issue of a Construction Certificate for the basement superstructure;
- Modification to Condition B1 (1) (e) – Traffic and Access Arrangements and Car Parking to modify the condition to be satisfied prior to the issue of the Occupation Certificate;
- Modification to B2 – Sydney Water to replace the condition requiring a section 73 Certificate prior to the first Construction Certificate, with a condition to obtain a Notice of Requirements. Accordingly, an appropriate condition requiring a section 73 Certificate prior to the issue of an Occupation Certificate will be imposed;
- Modification to Condition D1 – Hours of work and noise to modify the condition to extend the construction hours from between 7.30am and 5.30pm on Mondays to Fridays to 7.00am and 7.00pm, and from between 7.30am and 3.30pm on Saturdays to 7.00am and 5.00pm;
- Modification to Condition D16 – Validation of Site Remediation to modify the condition so the Site Audit Statement is to be submitted in accordance with development consent DA 133-08-2008; and
- Modification to Condition E1 – Landscaping and Public Domain to modify the condition to allow an Occupation Certificate to be issued upon completion of landscaping and public domain works excluding works for the McDonald's drive-through and the public domain immediately surrounding the southern building. Accordingly, a condition will be imposed that will require the surface works for the McDonald's drive-through to be completed within 90

days of the issue of an Occupation Certificate for the northern building and a condition requiring public domain works immediately surrounding the southern building to be completed prior to occupation of the southern building.

5. STATUTORY CONTEXT

5.1 MODIFICATION OF A MINISTER'S APPROVAL

The modification application has been lodged with the Director General pursuant to section 75W of the EP&A Act. Section 75W provides for the modification of a Minister's approval including "*revoking or varying a condition of the approval or imposing an additional condition of the approval*".

The Minister's approval for a modification is not required if the project as modified will be consistent with the existing approval. In this instance, the proposed modification is consistent with the existing approval, however the modification requires changes to specific conditions of the Minister's approval, and accordingly requires formal application and approval.

5.2 ENVIRONMENTAL ASSESSMENT REQUIREMENTS (DGRS)

It is considered unnecessary to notify the proponent of environmental assessment requirements, pursuant to section 75W (3) with respect to the proposed modification as sufficient information was provided to the Department to consider the application, and issues are not different to the original DGR's.

6. CONSULTATION AND EXHIBITION

Under section 75W of the EP&A Act, a request for a modification of an approval does not require public exhibition. However, under section 75X (2) (f) of the EP&A Act, the Director General is to make publicly available requests for modifications of approvals given by the Minister. In accordance with clause 8G of the *Environmental Planning and Assessment Regulation 2000*, the request for the modification was placed on the Department's website.

The modification application was referred to the NSW Roads and Traffic Authority (RTA), as the modifications sought related to conditions that may potentially impact on issues relevant to the RTA. The RTA has provided the following comments regarding the application (see **TAG D**):

- Approval from the RTA for signal design plans is required prior to Construction Certificate for the basement structure given the signal works will be within the subject site;
- Extended construction hours is supported, however the RTA requests restrictions to heavy vehicle movement during the construction hours.

Given the modifications sought are providing greater clarity and linking the relevant conditions to the appropriate stages of construction, no other referrals to government agencies was considered necessary.

The Department has discussed the issues raised in RTA's comments with the RTA and the Proponent. The Proponent has provided additional information (see **TAG E**) to justify their position which was forwarded to the RTA for their consideration. The RTA has provided further comments which support a Construction Certificate for excavation and foundations prior to finalisation of signal works, provided the Proponent implements interim signal plans (see **TAG F**). The issues raised in RTA's comments are addressed in detail below.

7. CONSIDERATION OF PROPOSED MODIFICATIONS.

7.1 PROPONENT CLARIFICATION

Part A – Table

Application made by:	Sydney Harbour Foreshore Authority Lend Lease Development
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The Proponent seeks to amend part of Table A in Schedule 1 of the MP 08_0057 approval to specify Lend Lease Development as the Proponent, as shown above. The proposed modification is considered acceptable given it was a clerical error.

7.2 STAGED CONSTRUCTION PROGRAM

The Proponent seeks to modify Condition B1 – Traffic and Access Arrangements and Car Parking to relate the conditions to the staged construction program that has been developed for the project. The Proponent has identified the relevant stages and their status' are as follows:

- *Demolition (Complete)*
- *Remediation (Complete)*
- *Excavation and Foundations (ready to commence and awaiting issue of Construction Certificate)*
- *Basement Superstructure*
- *Above Ground Structure*
- *Services and Façade*
- *Landscaping*

The existing Condition B1 of the approval is as follows:

Condition B1 – Traffic and Access Arrangements and Car Parking

- (1) (a) *Access and traffic management measures in relation to the entrance / exit to and circulation within the McDonald's drive-through by both cars and delivery vehicles including signage and line marking at the egress from the food collection point are to be detailed and resolved.*
- (b) *The proposed alterations to the traffic signals at the intersection of Harbour Street and Day Street and Harbour Street and Liverpool Street are to be designed to meet the RTA's requirements and endorsed by a suitably qualified Traffic Signal Engineer. The design requirements are to be in accordance with the RTA's Road Design Guide and other Australian Codes of Practice.*
- B1 (1) (a), and (b) are to be resolved in consultation with the RTA prior to the issue of the first Construction Certificate.
- (c) *Details of the swept path of the longest vehicle (including garbage trucks) entering and exiting the subject site, as well as manoeuvrability through the site, is to be in accordance with AUSTROADS.*
- (d) *The layout of the proposed car parking areas (including driveways, grades, turn paths, sight distance requirements, aisle widths and lengths and parking bay dimensions) are to be in accordance with AS 2890.1-2004 and AS2890.2-2002 for heavy vehicle usage.*
- (e) *Provide dynamic signposting at the car park entrance and on each parking level advising of the number of available spaces.*
- (f) *Details and locations of suitable bicycle storage facilities, including showers and change rooms.*

Details satisfying all of the above conditions are to be provided to the Certifying Authority prior to the issue of a Construction Certificate for the basement car park.

Provided in the table below is a summary of when the relevant parts of Condition B1 need to be satisfied, modifications sought by the Proponent, Proponent's justification for the modifications, RTA's comment, Department's comment and the Department's recommendation.

B1(1)	Existing	Modification Sought	Justification	RTA's Comment	Department's Comment	Department Recommends
(a)	first CC	Above ground CC	Allow early / critical works to proceed as RTA approval process can take up to six months	No objection and this part of the condition does not require RTA approval	The staged construction program distinguishes the basement superstructure from the above ground structure. Any measures required to resolve the condition will only impact on above ground structures due to McDonald's drive-through location, which is west of the above ground structure and located beyond the basement structure.	Above ground CC
(b)	first CC	Above ground CC	Allow early / critical works to proceed as RTA approval process can take up to six months	Traffic signal plans are currently being assessed by the RTA. Works may need to be undertaken within the subject site and could require modifications to the basement structure. RTA Approval is required prior to Basement Superstructure CC The RTA also requests that the Proponent implement interim signal plans prior to issue of any CC	Interim signal plans are required for the construction period and have been approved by the RTA and now requires implementation. The implementation is an issue for the RTA, as they consider that there has been impact on nearby intersections as a result of construction traffic. It would be unreasonable to delay further construction due to this matter which is progressing in a due manner and should be resolved shortly. Traffic signal plans required by this part of the condition are currently being assessed by the RTA. Modifying this condition to allow CC for excavation and foundations will ensure the critical component of the construction program proceeds and is considered appropriate considering approval of the traffic signal plans is imminent. Construction of the basement superstructure and above ground structures will not be significantly disrupted as the RTA process will be finalised shortly.	Traffic signal plans required prior to Basement Superstructure CC
(c)	CC for the basement car park	Basement Superstructure CC	Relate to staging of works	No objection	Corresponds with staged construction program and provides greater clarity	Basement Superstructure CC
(d)	CC for the basement car park	Basement Superstructure CC	Relate to staging of works	No objection	Corresponds with staged construction program and provides greater clarity	Basement Superstructure CC
(e)	CC for the basement car park	Occupation Certificate	Relate to staging of works	No objection	Signage cannot be installed until the car park is constructed and is not required until the car park is operational.	Occupation Certificate
(f)	CC for the basement car park	Basement Superstructure CC	Relate to staging of works	No objection	Corresponds with staged construction program and provides greater clarity	Basement Superstructure CC

As a result of the proposed modifications, the Department recommends that Condition B1 be amended as follows and Condition E9 (below) is imposed to replace Condition B1(1)(e):

Condition B1 – Traffic and Access Arrangements and Car Parking

- (1) (a) *Access and traffic management measures in relation to the entrance / exit to and circulation within the McDonald's drive-through by both cars and delivery vehicles including signage and line marking at the egress from the food collection point are to be detailed and resolved **and provided to the Certifying Authority prior to the issue of a Construction Certificate for any above ground structure.***
- (b) *The proposed alterations to the traffic signals at the intersection of Harbour Street and Day Street and Harbour Street and Liverpool Street are to be designed to meet the RTA's requirements and endorsed by a suitably qualified Traffic Signal Engineer. The design requirements are to be in accordance with the RTA's Road Design Guide and other Australian Codes of Practice **and prepared in consultation with the RTA and provided to the Certifying Authority prior to the issue of a Construction Certificate for any basement superstructure.***

~~B1 (1) (a), and (b) are to be resolved in consultation with the RTA prior to the issue of the first Construction Certificate.~~

- (c) *Details of the swept path of the longest vehicle (including garbage trucks) entering and exiting the subject site, as well as manoeuvrability through the site, is to be in accordance with AUSTROADS **and provided to the Certifying Authority prior to the issue of Construction Certificate for any basement superstructure.***
- (d) *The layout of the proposed car parking areas (including driveways, grades, turn paths, sight distance requirements, aisle widths and lengths and parking bay dimensions) are to be in accordance with AS 2890.1-2004 and AS2890.2-2002 for heavy vehicle usage **and provided to the Certifying Authority prior to the issue of Construction Certificate for any basement superstructure.***
- ~~(e) Provide dynamic signposting at the car park entrance and on each parking level advising of the number of available spaces.~~
- (f) *Details and locations of suitable bicycle storage facilities, including showers and change rooms **and provided to the Certifying Authority prior to the issue of Construction Certificate for any basement superstructure.***

~~Details satisfying all of the above conditions are to be provided to the Certifying Authority prior to the issue of a Construction Certificate for the basement car park.~~

E9 Car Park Signage

Provide dynamic signposting at the car park entrance and on each parking level advising of the number of available spaces. Details are to be provided to the satisfaction of the Certifying Authority prior to issue of an Occupation Certificate for the car park.

7.3 SYDNEY WATER CERTIFICATE

Condition B2 – Sydney Water

~~A Section 73 Certificate is to be obtained from Sydney Water prior to the issue of the first Construction Certificate. **Prior to issue of the first Construction Certificate, a Notice of Requirements is to be obtained from Sydney Water and submitted to the Certifying Authority.**~~

Condition B2 requires a section 73 Certificate to be obtained from Sydney Water prior to issue of a Construction Certificate. However, section 73 Certificates are not issued until the completion of all physical works. The Proponent seeks to replace this condition with a requirement to provide a Notice of Requirements.

Upon application for a section 73 Certificate to Sydney Water, Sydney Water will issue a Notice of Requirements outlining the conditions to be met to obtain a section 73 Certificate. Upon meeting all the requirements, a section 73 Certificate will then be issued. The modification is considered satisfactory, given the section 73 Certificate procedures. Accordingly, Condition E10 will be imposed requiring a section 73 Certificate to be obtained and submitted to the relevant parties prior to the issue of an Occupation Certificate as follows:

E10 Sydney Water

Prior to the issue of an Occupation Certificate, a section 73 Certificate is to be obtained from Sydney Water and shall be submitted to Council or the Principal Certifying Authority.

7.4 CONSTRUCTION HOURS

Condition D1 – Hours of work and noise

(1) *All excavation and construction work and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg loading and unloading of goods, transferring of tools etc) in connection with the approved development must only be carried out between the hours of:*

- a) ~~e) 7.30am and 5.30pm~~ **7.00am and 7.00pm** on Mondays to Fridays, ~~with safety inspections permitted from 7.00am,~~
- b) ~~f) 7.30am and 3.30pm~~ **7.00 am and 5.00pm** on Saturdays, and
- c) ~~g) No work must be carried out on Sundays or public holidays.~~

Activities undertaken on site within the above construction hours shall be consistent with any requirements of the Construction and Traffic Management Plan

The Proponent seeks to modify Condition D1(1) to modify the hours of work and noise regarding excavation and construction as outlined above. The Proponent's justification for the amendment is that the modifications will allow the construction hours to:

- align with the construction hours approved under DA 133-08-2008 (remediation) and DA 122-08-2008 (stormwater diversion);
- maintain consistency with standard construction hours for City of Sydney Central Business District (CBD) hours;
- assist in minimising traffic disruptions during peak periods; and
- assist in avoiding prolonging overall construction programme.

The approved works under DA 122-08-2008 for the diversion of the James Street stormwater drainage culvert and DA 133-08-2008 for the remediation of contamination at the site. The Proponent's proposed construction hours for the excavation and construction of the new buildings are sought to be consistent with those approved for the above works, and is also consistent with hours of construction in the CBD and the site is located adjoining the CBD boundary as identified in Construction Hours / Noise within the Central Business District Code of Practice 1992.

The RTA was generally supportive of the proposed construction hours, however requested that the heavy vehicle movement from the site be restricted to 5.30pm and preferably 4.30pm, as the increase in heavy vehicle traffic will create additional traffic delays to an area that is already heavily congested. The Proponent has responded to RTA's concerns and identified that there would be a maximum of 20 heavy vehicles traversing the site after 5:30pm on a weekly basis. The Department notes that the RTA considers vehicles that are 12.5 metres or longer as heavy vehicles.

Given the minimal number of heavy vehicles leaving the site after 5.30 pm, the Department recommends restricting heavy vehicle movements in the period after 5.30pm to require all heavy vehicles on site after 5.30pm remain on site until 7.00pm to avoid adverse impacts to peak traffic flow. To ensure that this traffic management measure is adequately addressed, the Department requires the Proponent to detail these requirements in any Construction and Traffic Management Plan. The Department recommends that Condition B4 – Construction and Traffic Management Plan also be amended as follows:

Condition B4 –Construction and Traffic Management Plan

Prior to issue of a Construction Certificate a Construction and Traffic Management Plan shall be finalised and submitted to the Certifying Authority for the approval of the Department.

The Construction and Traffic Management Plan shall include traffic management measures that limit heavy vehicle movement from the site between the hours of 5.30pm and 7.00pm to minimise disruption to traffic flow. The Construction and Traffic Management Plan shall detail that any heavy vehicle on site at 5.30pm shall remain on site and leave as soon as possible after 7.00pm. Heavy vehicles for the purpose of the Construction and Traffic Management Plan shall be defined as any vehicle that is 12.5 metres in length or longer.

Extending the hours of construction to before and after peak traffic will allow traffic disruptions to be minimised and dispersed. In relation to concerns raised in public submissions to the Major Project application, the proposed modification does not result in any additional issues to those already considered in the assessment of the Major Project application.

The Department has taken into consideration the location of the site and the surrounding environment and the previous development approvals for the site, and is satisfied that the amended construction hours, with management of heavy vehicle movements from the site after 5.30pm, are satisfactory for the site. The Proponent has raised no issue with these restrictions and the condition as stated above.

7.5 SITE REMEDIATION

Condition-D16-E11 – Validation of Site Remediation

~~*Prior to commencement of construction works associated with the approved basement structure a*~~ ***A Site Audit Statement must be submitted to Council and the Department validating that the site has been remediated in accordance with development consent DA 133-08-2008 issued by the Minister.***

The Proponent seeks to modify the timing of compliance with this condition to be consistent with the timing required in the development approval that is referred to in the condition. The Proponent seeks this modification as the development of the site will be undertaken in stages and a Site Audit Statement cannot be obtained until all remediation works are completed. The condition requires the Site Audit Statement to be obtained prior to commencement of works for the basement structure which is not feasible given the public domain works are subject to a separate approval which has not been obtained given the staging of works on the site.

The conditions for DA 133-08-2008 approval for site remediation works require the Site Audit Statement to be provided to Council and the Sydney Harbour Foreshore Authority within 21 days of completion of the remediation works. The intent of the condition is to ensure that verification of site remediation is obtained and provided to the relevant consent authorities. Given the site needs to be developed in stages and the statement cannot be obtained until all site remediation works are completed, the Department considers the modification to the condition is satisfactory.

7.6 LANDSCAPING AND PUBLIC DOMAIN

Condition E1 – Landscaping and Public Domain works

All landscaping and public domain works the subject of the Concept Plan Approval and surrounding the site with the exception of the McDonald's drive-through and the landscape immediately surrounding the southern building are to be completed prior to occupation of any component of the building or car park.

The Proponent seeks to allow the northern building to be occupied prior to the completion of the public domain works for the McDonald's drive-through and landscape works immediately surrounding the southern building, as these works will be completed in a later stage of the development. The Proponent has committed to completing the landscaping and public domain works around the southern building prior to occupation of the southern building and completing the landscaping and public domain works for the McDonald's drive-through within 90 days of occupation of the northern building.

The McDonald's drive-through location is constrained due to the existing pedestrian ramp which will not be removed until the northern building is complete. The works for the McDonald's drive-through, which are predominantly surface works, cannot be undertaken until the pedestrian ramp is removed.

The intent of the condition is to ensure that all public domain works are completed upon development of the site. Given the constraints of the McDonald's drive-through site and the staging of development, the modification sought is considered satisfactory. The following conditions, Condition E12 and Condition F4, are recommended to be imposed:

Condition E12 – Public Domain Works surrounding the Southern Building

The landscape and public domain works immediately surrounding the southern building shall be completed prior to the issue of an Occupation Certificate for the southern building.

Condition F4 – McDonald's drive-through works

Works to the McDonald's drive-through are to be completed within 90 days of the issue of an Occupation Certificate for the northern building.

8. PUBLIC BENEFIT

The public benefits resulting from the original proposal include:

- The activation and rejuvenation of the Darling Walk site;
- Increased employment opportunities through the additional 600 full time construction and 3,300 operational jobs generated through the development (total of approximately 3,900 jobs);
- The improved public domain areas, including engagement between the private and public realms (to be provided through the completion of the public domain works); and
- Improved pedestrian connectivity and accessibility between the site, interface with the CBD to the east and Darling Harbour to the west.

The proposed modifications would not compromise the projects ability to continue to provide these public benefits and would not alter the value of the project or the number of jobs created.

9. MODIFICATIONS TO CONDITIONS OF APPROVAL

The Department recommends that Conditions of Approval apply to the proposed modifications. These are included at **TAG A**.

10. DELEGATION

Under the instrument of delegation dated 4 March 2009, the Minister has delegated her functions under section 75W of the EP&A Act relating to modifying Part 3A approvals to the Director General. Having regard to the instrument of delegation, it is considered appropriate that the application be determined under delegation.

11. CONCLUSION

Under section 75W (4) of the EP&A Act, the Minister may modify the approval (with or without conditions) or disapprove the modification. This assessment report describes the Department's assessment of the requested modifications and supporting documentation as provided by the Proponent, and recommends approving the proposed modifications, subject to the amendments as discussed.

The proposed modifications are minor and do not result in significant changes to the overall development. The proposal achieves the same objectives as assessed for the originally approved development under Major Project 08_0057 and does not alter the overall nature, need or justification of the approved project.

12. RECOMMENDATION

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

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

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APPENDIX A. Instrument of Modification Approval
