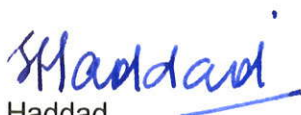


Modification of Major Project Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

I, the Director General, as delegate of the Minister for Planning, under Instrument of Delegation dated 4 March 2009, modify under s.75W of the *Environmental Planning and Assessment Act 1979*, the Project Approval referred to in Schedule 1 in the manner set out in Schedule 2.



Sam Haddad
Director General
Department of Planning

Date: 3 April 2009.

MP 08_0057 MOD 1

SCHEDULE 1

Project approval for the bulk excavation, basement structure and construction of buildings at Darling Walk, Darling Harbour (MP 08_0057) granted by the Minister for Planning on 2 January 2009, comprising:

Bulk excavation, basement structure and construction of 2 x 9 storey buildings including:

- (a) 67,827m² GFA including:
 - (i) approximately 64,235m² GFA of commercial floorspace
 - (ii) approximately 2,592m² GFA of retail floorspace
 - (iii) approximately 1,000 m² GFA for a children's theatre
- (b) 200 car parking spaces to serve the commercial buildings
- (c) 600 space public car parking facility
- (d) Access and egress arrangements

SCHEDULE 2

The above approval is modified as follows:

1. Part A – Table

Delete the following words from the condition “Sydney Harbour Foreshore Authority” and replace with “Lend Lease Development”.

2. Condition B1 – Traffic and Access Arrangements and Car Parking

Amend Condition B1 as follows:

- 1) In part (a) insert after “from the food collection point to be detailed and resolved” the following words “and provided to the Certifying Authority prior to the issue of a Construction Certificate for any above ground structure.”
- 2) In part (b) insert after “other Australian Codes of Practice” the following words “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.”
- 3) Delete the following words “B1 (1) (a), and (b) are to be resolved in consultation with the RTA prior to the issue of the first Construction Certificate.”
- 4) In part (c) insert after “accordance with AUSTROADS” the following words “and provided to the Certifying Authority prior to the issue of Construction Certificate for any basement superstructure.”
- 5) In part (d) insert after “for heavy vehicle usage” the following words “and provided to the Certifying Authority prior to the issue of Construction Certificate for any basement superstructure.”
- 6) Delete part (e) of this condition.
- 7) In part (f) insert after “showers and change rooms” the following words “and provided to the Certifying Authority prior to the issue of Construction Certificate for any basement superstructure.”
- 8) Delete the following words “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.”

3. Condition B2 – Sydney Water

Delete Condition B2 and replace with the following:

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.

4. Condition B4 – Construction and Traffic Management Plan

Delete Condition B4 and replace with the following:

Prior to the issue of a Construction Certificate a Construction and Traffic Management Plan shall be finalised and submitted 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.

5. Condition D1 – Hours of work and noise

- 1) Delete parts e), f) and g) of the Condition D1(1) and replace with the following;
 - "a) 7.00am and 7.00pm on Mondays to Fridays,
 - b) 7.00 am and 5.00pm on Saturdays, and
 - c) No work must be carried out on Sundays or public holidays."
- 2) Insert at the end of Condition D1(1) the following words:
"Activities undertaken on site within the above construction hours shall be consistent with any requirements of the Construction and Traffic Management Plan."

6. Condition D16 – Validation of Site Remediation

Delete the Condition D16.

7. Condition E1 – Landscaping and Public Domain works

After the words "and surrounding the site" insert the following words "with the exception of the McDonald's drive-through and the public domain immediately surrounding the southern building".

8. Insert the following additional conditions in PART E – PRIOR TO OCCUPATION OR COMMENCEMENT OF USE:

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.

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.

E11 Validation of Site Remediation

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.

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.

9. Insert the following additional condition in PART F – POST OCCUPATION & ON GOING OPERATIONAL CONDITIONS:

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.