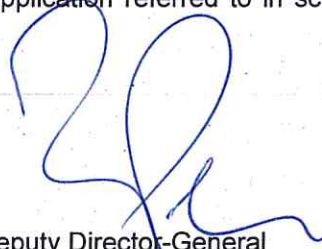


Modification of Minister's Approval

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

As delegate of the Minister for Planning and Infrastructure under delegation effective from 23 February 2012, I approve the modification of the project application referred to in schedule 1, subject to the conditions in schedule 2.



Deputy Director-General
Development Assessment and Systems Performance
Department of Planning & Infrastructure

Sydney

17 April

2012

SCHEDULE 1

Project Approval:

MP10_0048 granted by the Minister for Planning and Infrastructure on 3 March 2011

For the following:

Barangaroo Headland Park – Main Works

Modification Number:

MP10_0048 MOD 2

Modification:

The proposed changes include:

- the deletion of Condition A3(b) to permit the use of the contours proposed in the Headland Park and Northern Cove Main Works Environmental Assessment
- the re-wording of Condition A5 to refer to remediation works and relevant SEPP 55 land contamination guidelines relating to the Remediation Action Plan (RAP) for the Barangaroo Headland Park
- the re-wording of Condition A8 to clarify that separate approval is required for the use of the floor area associated with the cultural facility but not the 300 space car park, which was approved as part of the Main Works project approval
- modifications to Conditions B8, B17, B19, B31, B37(1) to reference the relevant roads approval authority
- the deletion of Condition 37(3)(b) to remove the reference to roads located outside the project area
- the re-wording of Condition B20 to clarify the role of the Office of Environment and Heritage (OEH) (formerly Department of Climate Change and Water) in assessing the Construction Framework and Environmental Management Plan (CFEMP)
- the re-wording of Conditions B21, B22 and B23 to clarify that minor works such as the erection of hoardings, signage, site offices, CCTV cameras and the like can be undertaken prior to the finalisation of the waste, noise and vibration and water management plans
- the deletion of paragraph two of Condition B22(4) to remove an unnecessary drafting note
- the re-wording of Condition B24(6) to insert the correct cross reference to the air management condition contained in Part B of Schedule 2.

SCHEDULE 2 AMENDMENTS TO CONDITIONS

The approval MP10_0048 is modified as follows:

1. In Part A – Administrative Conditions delete Condition A3(b) in its entirety.
2. In Part A – Administrative Conditions, delete Condition A5 in its entirety and replace it with the following Condition A5:

A5 REMEDIAL ACTION PLAN AND HUMAN HEALTH ECOLOGICAL RISK ASSESSMENT

Prior to the commencement of any remediation works:

- a) A Remedial Action Plan (RAP) must be prepared in accordance with the contaminated land planning guidelines under section 145C of the EP&A Act and relevant guidelines produced or approved under section 105 of the *Contaminated Land Management Act 1997*.
- b) The Human Health Ecological Risk Assessment must be approved by DECCW in accordance with the relevant guidelines produced or approved under section 105 of the *Contaminated Land Management Act 1997*.
- c) The RAP must be approved by DECCW and approved through the issue of a Section B Site Audit Statement by a NSW EPA accredited Site Auditor.
- d) After the RAP is approved by DECCW and a Section B Site Audit Statement has been obtained it must be submitted to the Minister for Planning for approval.

Note: The current guidelines under section 145C of the EP&A Act are the guidelines "*Managing Land Contamination, Planning Guidelines, SEPP 55 – Remediation of Land*" 1998.

3. In Part A – Administrative Conditions delete Condition A8 in its entirety and replace it with the following Condition A8:

A8 SEPARATE APPROVALS

A separate development approval is required for the use of the proposed floor area associated with the Cultural Facility.

4. In Part A – Administrative Conditions, after Condition A8 add Condition A8(2) as follows:

A8(2) PLAN OF MANAGEMENT

A plan of management is to be prepared to guide the ongoing operations and management of the Headland Park. This plan is to include arrangements for the operation of the car park within the Headland and must:

- a. provide details on the hours of operation of the car park on weekdays, weekends and during special events;
- b. detail any proposed fee structures in the event that a car parking fee is levied; and
- c. provide details on the ongoing use and management of the car park.

The plan of management is to be prepared in consultation with the City of Sydney and be submitted to the Director-General for approval prior to the opening of the Headland Park to the public (including the car park).

5. In Part B – Prior to Commencement of Work delete Condition B8(a) in its entirety and replace it with the following Condition B8(a):

B8(a) STORMWATER AND DRAINAGE – MAJOR DEVELOPMENT

- (a) Details of the proposed stormwater disposal and drainage from the development including a system of on-site stormwater detention prepared in accordance with Council's standard requirements and details of the provision and maintenance of overland flow paths must be submitted to and approved by the Certifying Authority (following consultation with Council). All approved details for the disposal of stormwater and drainage are to be implemented in the development.

6. In Part B – Prior to Commencement of Work delete Condition B17 in its entirety and replace it with the following Condition B17:

B17 VEHICLE FOOTWAY CROSSING

A separate application is to be made to, and approved by, Council in consultation with the relevant road authority for the construction of any proposed vehicle footway crossing or for the removal of any existing crossing and replacement of the footpath formation where any such crossings are no longer required.

All disused or redundant vehicle crossings and laybacks must be removed and footway and kerb reinstated in accordance with Council's standards, to suit the adjacent finished footway and edge treatment materials, levels and details as detailed in the Sydney Street Design Code 2010. All construction and replacement works are to be completed in accordance with the approved plans prior to the issue of an Occupation Certificate, if required.

Note: In all cases the construction materials should reinforce the priority of pedestrian movement over that of the crossing vehicle.

7. In Part B – Prior to Commencement of Work delete Condition B19 in its entirety and replace it with the following Condition B19:

B19 ALIGNMENT LEVELS

Prior to the commencement of work footpath alignment levels along the perimeter of the Barangaroo site where it adjoins public land must be submitted to Council for approval. The submission must be prepared by a Registered Surveyor and must be in accordance with the City of Sydney's Public Domain Manual. The submission shall include the existing location, size and levels (AHD) of all service covers, trees, poles and street furniture, and alignment levels of cross sections, alignment levels at pedestrian entrances within the footway adjacent to and extending 20 metres past either side of the site.

These alignment levels, as approved, are then to be incorporated into the plans.

8. In Part B – Prior to Commencement of Work amend Condition B20 by deleting in the first paragraph the word "endorsement" and replacing it with "comment".

9. In Part B – Prior to Commencement of Work amend Condition B21 by deleting the first paragraph and replacing it with:

Prior to commencement of each stage of the works (with the exception of site establishment works such as erection of site perimeter hoardings and signage, erection of site facilities including offices, ablutions, first aid, storage, installation of CCTV cameras and the like), the Proponent must

develop and submit to DECCW for review and comment a revised Waste Management Plan. The Plan must include (but not be limited to):

10. In Part B – Prior to Commencement of Work amend Condition B22 by deleting the first paragraph and replacing it with:

The proponent must prepare and implement a detailed Construction Noise and Vibration Management Plan (CNVMP), to be approved by the Director General of the Department of Planning before commencement of works (with the exception of site establishment works such as erection of site perimeter hoardings and signage, erection of site facilities including offices, ablutions, first aid, storage, installation of CCTV cameras and the like), that includes but is not necessarily limited to:

11. In Part B – Prior to Commencement of Work amend Condition B22(4) by deleting the second paragraph in its entirety.

12. In Part B – Prior to Commencement of Work amend Condition B23 by deleting Condition B23(1) and replacing it with:

1. Prior to the commencement of works (with the exception of site establishment works such as erection of site perimeter hoardings and signage, erection of site facilities including offices, ablutions, first aid, storage, installation of CCTV cameras and the like), the proponent must develop and provide to the DECCW for comment, a comprehensive Stormwater and Water Management Plan.

13. In Part B – Prior to Commencement of Work amend Condition B24(6) by deleting the reference to “Condition 1.5” and replacing it with “Condition B24(5)”.

14. In Part B – Prior to Commencement of Work amend Condition B31 by deleting the word “Council” and replacing it with “the relevant road authority”.

15. In Part B – Prior to Commencement of Work delete Condition B37 in its entirety and replace it with the following Condition B37:

B37 PAVING MATERIALS

The surface of any material used or proposed to be used for the paving of footways, thoroughfares, plazas and the like which are used by the public must comply with AS/NZS 4586:2004 (including amendments) “Slip resistance classification of new pedestrian surface materials”.

- (1) The applicant shall provide a system of underground street and pedestrian lighting along all roads, footpaths and within the new park in accordance with Energy Australia standards. Detailed plans and construction specifications for the works shall be prepared, submitted to the relevant Roads Authority (following consultation with Council where there is a direct impact on Council owned or controlled land) for approval and certified as complying with Energy Australia’s specifications. Compliance with Council’s standards is also required where proposed works affect Council owned or controlled land.
- (2) The Lighting Plan(s) shall indicate layout, location, connections, conduits, types, luminaires, fixtures and category for street lighting, pedestrian lighting and feature lighting.
- (3) The detailed plans and supporting documentation shall conform to the following design criteria:
 - (a) Lighting in laneways and pedestrian pathways to comply with AS1158.3.1 Category P2;
 - (b) All through traffic roads shall be illuminated to comply with AS1158.3.1 Category V3;

- (c) Lighting designs to be certified by a practicing lighting engineer; and
- (d) That all fittings and fixtures used other than metal halide luminaries shall be compatible with those used within Energy Australia's street lighting network.

SCHEDULE 3

STATEMENT OF COMMITMENTS

The Statement of Commitments is modified as follows:

Delete Commitment 30 in its entirety and replace it with the following:

Plan of Management	30. A plan of management will be prepared to guide the ongoing operations and management of the Headland Park. This plan is to include arrangements for the ongoing operation and management of the car park within the Headland. The plan of management will be prepared in consultation with the City of Sydney.	Prior to opening of the park to the public.
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