

8 July 2009

Mr Chris Wilson
Executive Director
Major Projects Assessments
Department of Planning
23-33 Bridge Street
SYDNEY NSW 2000



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Dear Mr Wilson

**52 WALKER STREET, RHODES – LOT 100 (MP 05_0039)
APPLICATION TO MODIFY CONDITION F1 PURSUANT TO S.75W OF THE ENVIRONMENTAL
PLANNING AND ASSESSMENT ACT**

Please find enclosed an application to modify Condition F1 of the abovementioned development consent.

As you may be aware, a Section 96 application was lodged with Canada Bay Council on 28 November 2008 seeking to amend Condition F1. The Section 96 application was not notified until a Human Health Risk Assessment was submitted. The application was then notified from 24 February 2009 to 10 March 2009. A copy of a document obtained from Council is attached which confirms the notification.

The Section 96 application has not yet been determined.

Given the recent changes to the delegations in Rhodes, it is now prudent for Meriton to withdraw the application from Council and lodge this application with the Department of Planning.

We now seek consent to modify Condition F1 as follows:

- F1 (a) No Occupation Certification (including interim certificates) shall be issued for Lot 100 until all thermal treatment of contaminated soil has been completed in Precinct C. In this regard, a Site Audit Statement is to be prepared in accordance with the *Contaminated Land Management Act 1997* and completed by a site auditor accredited by DECC. The site audit statement shall be provided to the PCA, Director-General, DECC and Council verifying that the whole of 42 Walker Street (also known as Precinct C), is fully remediated in accordance with development consent DA 233-7-2002.**
- (b) Should occupation be sought prior to the issue of a Site Audit Statement encompassing all areas with Precinct C, the Proponent shall prepare a human health risk assessment, assessing the risks to occupants of the project from ongoing decommissioning, excavation and filling works associated with Precinct C. The human health risk assessment must be submitted to and be to the satisfaction of the Director-General. The human health risk assessment must be accompanied by a report that details mitigation and management measures required in response to**

recommendations outlined in the human health risk assessment, and timeframes to implement the measures.

(c) The Proponent shall:

- A. Notify and provide sufficient information to all potential purchasers and all potential residents of the development (including future residents intending to occupy the site by way of a rental lease agreement) about the ongoing works on 42 Walker Street (Precinct C) and also about the activities occurring on the former Union Carbide (also known as the Lednez Site in Precinct B) in order that an informed choice can be made regarding moving into any apartment on Lot 100.**

The required information to all potential purchasers and all potential residents of the development shall, at a minimum, include the following:

- (i) A statement that the Rhodes Peninsula will be subject to a number of construction and remediation activities over the course of several years;**
- (ii) Notwithstanding that project specific and cumulative impacts associated with construction and remediation works within Precinct B and C have been considered and assessed, there may be periods when certain individuals, particularly sensitive receptors, may experience disturbance, discomfort and/or irritation as a result of noise, dust, and odour associated with ongoing decommissioning, excavation, filling, construction and remediation works, particularly in respect of any future works in Precinct B and C;**
- (iii) Details of the duration of construction noise, hours that noise will be experienced, levels of noise that will be experienced both internally and externally, and a statement on the effects of the level of annoyance that occupants will be likely to experience;**
- (iv) Details of the mechanisms available for complaints to be made in relation to disturbance and/or irritation, and proactive and reactive management mechanisms available to respond to such complaints. In this regard, a copy of the conditions of approval (incorporating any modifications to the approvals) and, where applicable, the Statement of Commitments, as approved under:**
 - **Major Project approval MP 05_0039 for Lot 100 in Precinct C;**
 - **Major Project approval MP 05_0043 for Lot 104 in Precinct C;**
 - **Development Consent 497/2007 for the construction of roads and infrastructure in Precinct C;**
 - **Development Consent 409/2007 for the construction of open space and parks on Lots 105 and 106 in Precinct C; and**
 - **All other relevant approvals/consents for Precinct C,**

shall be made available to all potential purchasers and all potential residents of the development (including future residents intending to occupy the site by way of a rental lease agreement).

- B. Place a notation on the title of Lot 100 and include within the terms of and/or attached to any residential rental/lease agreement that details the potential constraints, risks and complaint mechanisms as detailed above. Once construction activities on Precinct B and C have ceased the notation on title can be lifted.
- C. Prepare a Complaints Handling Procedure. The Procedure must:
- (i) describe the role, responsibility, authority, and accountability of all the key personnel involved in environmental management of the Precinct C including contact details of the site manager; and
 - (ii) detail procedures to:
 - keep the local community informed about the environmental performance of surrounding construction activities on Precinct B and C and remediation activities on Precinct B;
 - receive, handle, respond to, and record complaints; and
 - resolve any disputes that may arise during the course of the occupation as a result of surrounding activities on Precinct B and C.

We enclose the completed application form, a lodgement fee of \$750, five copies of the application which was lodged with Council and the accompanying supporting documentation. Also enclosed is an electronic version of the documentation.

For the purposes of this application the Statement of Environmental Effects which was submitted to Council would be adequate to address the requirements of Condition 75W.

Should you require any further information, please contact me on 0417 259 619.

Yours sincerely

MERITON APARTMENTS PTY LIMITED



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