

Modification of Major Project Approval

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

As the Minister for Planning's delegate, I modify the Project approval referred to in Schedule 1, subject to the conditions in Schedule 2.



David Kitto
A/Executive Director

Dated 23 JULY 2009

SCHEDULE 1

MP 05_0039, which was granted by the Minister for Planning on 12 June 2007:

SCHEDULE 2

1. Replace condition F1 with the following:

F1A Advise occupants of the potential impacts associated with occupation

While construction and decommissioning works are being carried out on 42 Walker Street (also known as Precinct C) and remediation works are being carried out on the Lednez site (also known as Precinct B), the Proponent shall:

- (a) advise all prospective buyers and tenants, and all occupants of the apartments on Lot 100 of the potential impacts associated with occupying the apartments while the construction, decommissioning and remediation works are being carried out; and
- (b) include a copy of this advice on the project website, and on the strata noticeboards in each of the buildings of Lot 100,

to the satisfaction of the Director-General.

Note: A map showing the location of Precinct B and C is provided in Appendix 1.

At a minimum, this advice must include:

- (a) a statement that the Rhodes Peninsula will be subject to a number of construction and remediation activities over the course of several years;
- (b) a statement that that even though the project specific and cumulative impacts associated with construction and remediation works within Precinct B and C have been considered and found to be generally acceptable, there may be periods when certain individuals, particularly

- sensitive receptors, may experience disturbance, discomfort and/or irritation as a result of the noise, dust, and odour impacts associated with these works;
- (c) details on the potential noise impacts that occupants could be exposed to, including the:
 - likely scale, nature and duration of these impacts;
 - the predicted noise levels both inside and outside the apartments; and
 - a statement on the level of annoyance that occupants may experience due to these impacts;
 - (d) information on the complaints management system (see condition F1B below) that will be in place while the construction and decommissioning works in Precinct C and remediation works in Precinct B are being carried out; and
 - (e) information on:
 - the conditions of approval that apply to the construction and decommissioning works in Precinct C and remediation works in Precinct B, and specifically the obligations to minimise the noise, dust and odour impacts of these works, including the conditions attached to:
 - 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;
 - All other relevant approvals/consents for Precinct C; and
 - how occupants can complain about any of these impacts.

F1B Complaints Handling

While construction and decommissioning works are being carried out on 42 Walker Street (also known as Precinct C) and remediation works are being carried out on the Lednez site (also known as Precinct B), the Proponent shall:

- (a) ensure there is a suitable system in place to receive, handle, and respond to any complaints occupants of the apartments on Lot 100 have about the impacts associated with these construction, decommissioning and remediation works; and
- (b) operate this system, to the satisfaction of the Director-General.

In implementing the complaints handling system, the Proponent shall prepare a Complaints Handling Procedure to the satisfaction of the Director-General. The Procedure must:

- (a) be submitted for approval prior to occupation;
- (b) 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
- (c) 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.

2. Replace condition F3 with the following:

Prior to issue of an occupation certificate for the apartments on Lot 100, the Proponent shall amend the notation on the title of the lot in accordance with the memorandum titled "This is Annexure A to the Memorandum Lodged on Behalf of Rhodes Peninsula Developments Pty Ltd CACN 095 304 751 Dated 21st Day of July 2009" (see Appendix 2).

This notation may be removed once the construction works in Precinct C and the remediation works in Precinct B have been completed.

3. Include the following commitments to the Statement of Commitments in Schedule 3 of the approval:

9.8 DUST

Management

1. *Meriton Apartments Pty Limited will carry out all reasonable and feasible measures to minimise dust generated by construction and remediation activities on Precinct C.*
2. *During construction activities on Precinct C, Meriton Apartments Pty Limited will ensure that:*
 - (a) *all trucks carrying soil will have their loads covered when entering or leaving the site;*
 - (b) *trucks associated with construction activities in Precinct C do not track dirt onto the public road network; and*
 - (c) *public roads in the immediate vicinity of the site which are used by these trucks are kept clean of soil during the period of construction.*
3. *Within 6 months of occupation being granted, Meriton Apartments Pty Limited will seal all roadways adjacent to Lot 100 including the installation of curbing.*
4. *Within 12 months of occupation being granted, Meriton Apartments Pty Limited will seal all roadways within Precinct C including the installation of curbing.*
5. *Meriton Apartments Pty Limited will ensure where practicable that there are no visible emissions of dust from the roadways of Precinct C.*
6. *Meriton Apartments Pty Limited will prepare and implement a Dust Management Plan (DMP) to the satisfaction of the Director-General and DECC. The Plan must:*
 - *be submitted for approval prior to the occupation of residential units approved under MP 05_0039 for Lot 100;*
 - *identify activities that could cause dust emissions;*
 - *detail the measures that would be implemented to minimise dust including measures to achieve a 90% reduction in dust emission from Precinct C roads;*
 - *include a monitoring program which features the following mechanisms for the management of dust levels:*
 - i. *Real time dust monitoring of PM₁₀ at Lot 100 using an Australian standard-compliant method;*
 - ii. *Procedures with short-term thresholds to trigger:*
 - (a) *the review of dust management practices*
 - (b) *cessation of dust generating works;*

iii. *Management strategies to implement relevant corrective actions.*

- *Include contingency plans to be implemented in the event of non-compliances and/or substantiated complaints; and*
- *include mechanisms to report results of the monitoring program and any exceedances of DECC goals, to relevant authorities and the community.*

Monitoring

7. *Meriton Apartments Pty Limited will undertake the dust monitoring activities detailed in the DMP until all construction activities on Precinct C have ceased, subject to the review of the Director-General.*
8. *Within 1 month of the commencement of monitoring, Meriton Apartments Pty Limited will submit to the Director-General and Council a monthly monitoring report. The report shall analyse and assess the monitoring data collected against the response levels identified in the AQMP, as well as the DECC 24 hour PM₁₀ goal.*

9.9 NOISE

Management

9. *Meriton Apartments Pty Limited will implement all reasonable and feasible measure to minimise construction noise associated with activities on Precinct C.*
10. *Meriton Apartments Pty Limited will prepare and implement a Noise and Vibration Management Plan to the satisfaction of the Director-General. The Plan will:*
 - *be submitted for approval prior to the occupation of residential units approved under MP 05_0039 for Lot 100*
 - *identify the specific activities that will be carried out and associated noise sources;*
 - *identify all potentially affected sensitive receivers including residences, schools, and properties containing noise sensitive equipment; and*
 - *include:*
 - *the noise and vibration monitoring, reporting and response procedures as specified below;*
 - *a description of specific mitigation treatments, management methods and procedures that will be implemented to control noise and vibration during construction;*
 - *construction timetabling to minimise noise impacts including time and duration restrictions, respite periods, and frequency;*
 - *procedures for notifying residents of construction activities that are likely to affect their amenity through noise and vibration, and*
 - *contingency plans to be implemented in the event of non-compliances and/or noise complaints.*

Monitoring

11. *Prior to the occupation of residential units approved under MP 05_0039, Meriton Apartments Pty Limited will establish the noise monitoring network in Table 4. The monitoring must remain in place as required by the noise management plan.*

Table 4 Noise Monitoring Location

Point	Location	Pollutant	Units of measure	Frequency	Sampling Method
1	On the roof at the building façade near the midpoint of the Southern Boundary of Lot 100	Noise	dBA LA _{eq} 15min	Continuous	Datalogger, to be downloaded fortnightly

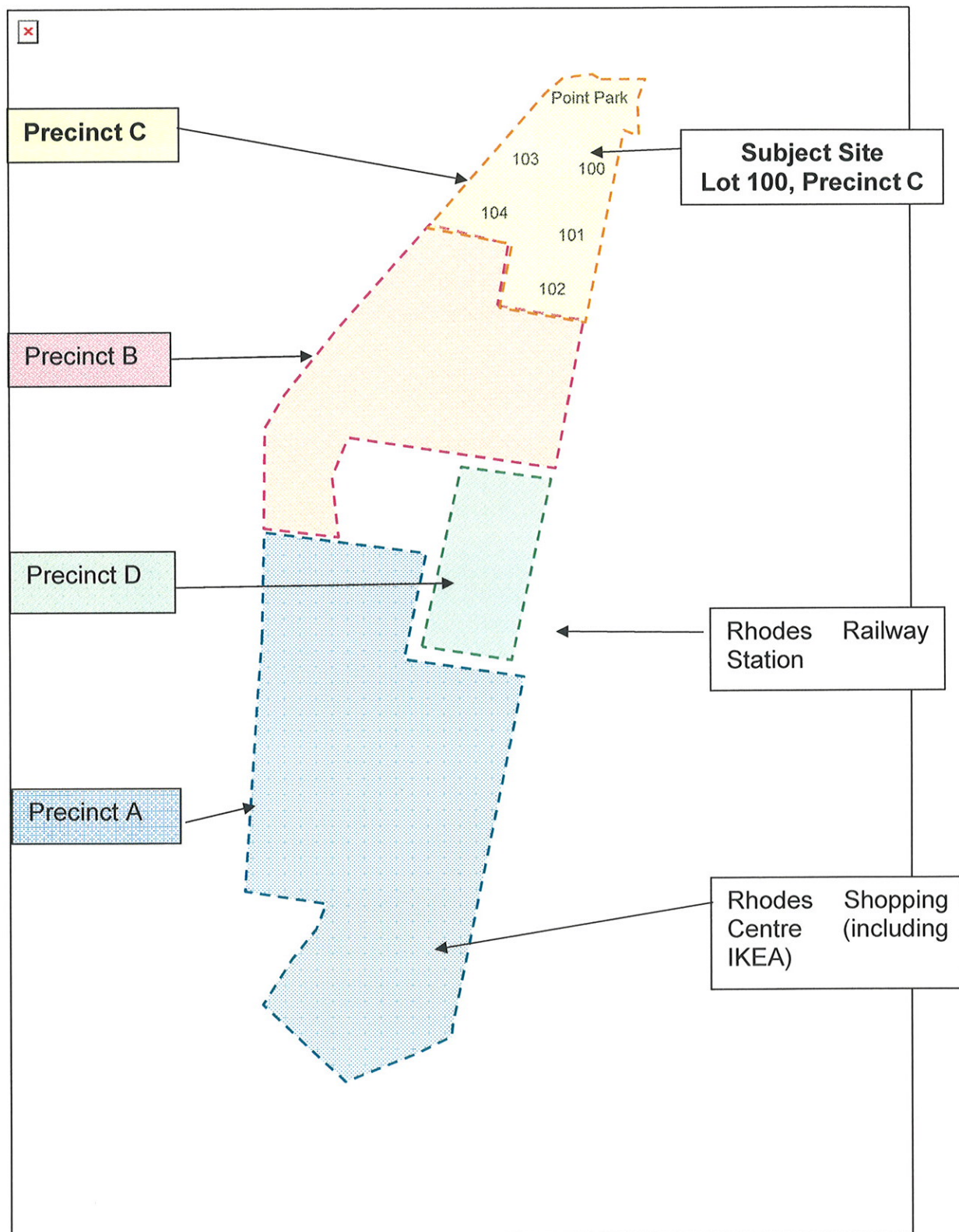
12. Should the monitoring at Point 1 indicate noise is above the response level in Table 5, Meriton Apartments Pty Limited will review noise mitigation measures and implement all feasible and reasonable additional noise mitigation measures to minimise the noise to the maximum extent possible.

Table 5 Response Level for Noise

Point	Pollutant	Averaging Period	Response Level
1	Noise	15 minutes	81dBA LA _{eq} 15min

13. Meriton Apartments Pty Limited will notify the Director-General and Council of an exceedence of the Response Level in Table 5 as soon as practicable after the exceedence. Meriton Apartments Pty Limited will provide written details of the notification to the Director-General and Council within 7 days of the date on which the exceedence occurred and, as a minimum, include the following in the written notification:
- the cause, time and duration of the event;
 - action taken in relation to the event; and
 - details of the additional noise mitigation measures implemented to prevent or mitigate against a recurrence of such an event.

Appendix 1 Location of Precinct B and C



Appendix 2
Notation on Title

**THIS IS ANNEXURE A TO THE MEMORANDUM LODGED ON BEHALF
RHODES PENINSULA DEVELOPMENTS PTY LTD ACN 095 304 751
DATED 21TH DAY OF JULY 2009**

**DISCLOSURE TO REGISTERED PROPRIETOR AND OCCUPANT
OF THE LAND BEING LOT 100/1049649**

Pursuant to Condition F3 of Development Consent 333-10-2002

(issued by Minister of Infrastructure & Planning)

And

Condition E(9) of Development Consent 207/08

(issued by City of Canada Bay Council)

1. The land may be affected by remediation activities occurring within adjoining site to the south at 40 Walker Street (also known as 'Lednez Site' or 'Precinct B') as shown on the Plan annexed hereto as Annexure "B" and general surrounds of the Homebush Bay by way of odour, dust, **noise** etc. The remediation activities are expected to be finished by end of 2009 but, may extend beyond this date.
2. The Rhodes Peninsula will continue to be subject to a number of construction and remediation activities over the course of several years.
3. Approved construction and remediation works on the Rhodes Peninsula have been assessed in accordance with the Environmental Planning and Assessment Act 1979, which development consent(s) granted based on compliance with accepted environmental, human health and amenity criteria and that this will continue to be the case in relation to developments still to be submitted for Council's approval.
4. Notwithstanding that project-specific and cumulative impacts associated with **construction and remediation works within the 52 Walker Street site (also known as the former Allied Feeds Site) and the 40 Walker Street site (also known as the former Lednez site)** have been considered and assessed as meeting acceptable criteria, or will be in relation to future Development Applications, 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.**
5. There are mechanisms available for complaints to be made in relation to disturbance and/or irritation and proactive and reactive managements mechanisms to respond to such complaints.

6. **This memorandum should be read in conjunction with the letter to purchasers/tenants dated 21 July 2009 titled "Occupation of 52 Walker Street Rhodes" available from the Meriton Apartments Pty Limited head office at Level 11, 528 Kent Street Sydney.**
7. Clauses 1 to 6 above shall cease to apply when the construction and remediation activities are completed on F.I. 100/1049649 and the Lednez Site and this Memorandum is extinguished or cancelled and Rhodes Peninsula Developments Pty Ltd ACN 095 304 751 may obtain the removal of the notation of the encumbrance of this Memorandum from the title hereof.