



13 July 2012

The Director-General  
Department of Planning & Infrastructure  
GPO Box 39  
Sydney NSW 2001

1 Homebush Bay Drive  
Building C, Level 3  
Rhodes NSW 2138

02 9767 2000

PO Box 3307  
Rhodes NSW 2138

[australand.com.au](http://australand.com.au)

**Attention: Mr Alan Bright, Acting Director Metropolitan and Regional Projects**

Dear Mr Bright,

**Section 75W Application Clemton Park Village Concept Plan**

Australand Holdings Limited seeks approval to modify the Project Application Approval MP No 08\_0087 in relation to whole of site subdivision and infrastructure works.

**1.0 INTRODUCTION**

The approved Project Application (MP 08\_0087) as modified for the former Sunbeam Factory site, now known as Clemton Park Village, comprises:

- (a) Demolition, remediation and Torrens Title Subdivision;
- (b) Development of Proposed Lot 11:
  - i. Four (4) storey multiple-unit residential building (with child care centre) – 6,521m<sup>2</sup>
  - ii. Child Care Centre – 547m<sup>2</sup>
  - iii. Stratum subdivision for 2 lots and strata subdivision
- (c) Construction of associated roads, landscaping and infrastructure.

This Section 75W application relates specifically to items (a) and (c) being subdivision and infrastructure works.

This application is submitted to the Minister for Planning and Infrastructure (or delegate) requesting modification of the Concept Plan approval under section 75W and Clause 3C of Schedule 6A of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*.



## **2.0 BACKGROUND**

On 4 February 2010, approval was granted to Concept Plan MP No 07\_0106 and Project Application MP 08\_0087 for the Clemton Park Village site. Both consents were subsequently modified on 15 December 2011.

Demolition of the former site buildings and structures has been completed and the site has been remediated. Construction of the Stage 1 building has commenced.

A development application (DA) for Stage 2 of the Clemton Park development was submitted to Canterbury Council on 22 December 2011. The detailed design for Stage 2 resulted in a proposal comprising 3 buildings rather than the 6 buildings envisaged for the subject lot 21 by the Concept Plan Approval. A modification to the Concept Plan Approval was therefore required. Modification of the Project Approval (MP 08\_0087 MOD 2) was approved by the Department of Planning and Infrastructure (DoPI) on 1 June 2012. The Stage 2 development application is currently being assessed by Canterbury City Council.

## **3.0 DESCRIPTION OF PROPOSED MODIFICATIONS**

The proposed modifications to the Project Application approval are outlined below. This Section 75W application essentially seeks to modify the relevant conditions in accordance with the detailed subdivision design and infrastructure provision.

Modifications to other conditions of consent relevant to these works are outlined in this letter, including an update to the Statement of Commitments.

Words proposed to be deleted are shown in ~~strikethrough~~ and words to be inserted are shown in **red bold**.

### ***Part A – TERMS OF APPROVAL***

#### ***A1. Development in Accordance with Plans and documentation***

*The development will be undertaken in accordance with MP No. MP08\_086 and the Environmental Assessment dated 23 October 2008 prepared by Planning Workshop Australia, except where amended by the Preferred Project Report and additional information to the Preferred Project Report, and the following drawings:*



**Architectural (or Design) Drawings prepared for the Preferred Project Report by Marchese + Partners International – proposed Lot 11 (formerly proposed as Lot 3)**

Drawing No.	Revision	Name of Plan	Date
S75W1.01	B	Coversheet	30-08-11
S75W2.01	B	Level Basement Floor Plan	30-08-11
S75W1.01	B	Coversheet	30-08-11
S75W2.01	B	Level Basement Floor Plan	30-08-11
S75W2.02	B	Level Ground Floor Plan	30-08-11
S75W2.03	B	Level 01 Floor Plan	30-08-11
S75W2.04	B	Level 02 Floor Plan	30-08-11
S75W2.05	B	Level 03 Floor Plan	30-08-11
S75W2.06	B	Level Roof Floor Plan	30-08-11
S75W3.01	B	Sections	30-08-11
S75W4.01	B	Elevations	30-08-11

**Landscape Plans prepared by Habitation**

Drawing No.	Name of Plan	Date
08-062 L02	Precinct B Landscape Plan	9-12-2010
08-062 L03	Precinct A Landscape Plan – Project Application Plan	27-04-09

**Subdivision Drawings prepared by Dunlop Thorpe and Co. Pty Ltd**

Drawing No.	Name of Plan	Date
14200_1ST1	Plan of proposed subdivision of Lot A DP 431356 & Lot 1 DP 721721 - Stage 1 ( <b>Now Lot 100 DP 1170401</b> )	21-05-09  1 June 2009 (Revised 27 June 2012)
14200_1ST2	Plan of proposed subdivision of Lot 12 DP _ (Being part of <del>Lot A DP 431356 &amp; Lot 1 DP 721721</del> <b>Lot 100 DP</b> )	21-05-09  1 June 2009



	<b>1170401) - Stage 2</b>	<b>(Revised 27 June 2012)</b>
14200_1ST3	Plan of proposed subdivision of Lot 22 DP _ (Being part of <del>Lot A DP 431356 &amp; Lot 1 DP 721721</del> <b>Lot 100 DP 1170401)</b> – Stage 3	<del>21-05-09</del> <b>1 June 2009 (Revised 27 June 2012)</b>
14200_1ST4	Plan of proposed subdivision of Lot 32 DP _ (Being part of <del>Lot A DP 431356 &amp; Lot 1 DP 721721</del> <b>Lot 100 DP 1170401)</b> – Stage 4	<del>21-05-09</del> <b>1 June 2009 (Revised 27 June 2012)</b>
<b>Strata Subdivision Plan prepared by Dunlop Thorpe and Co. Pty Ltd as follows:</b>		
14200_1ST1	Plan of proposed subdivision of Lot 11 DP (Being part of Lot 1 DP 721721) Sheet 1 of 2	7-2-11
14200_1ST1	Plan of proposed subdivision of Lot 11 DP (Being part of Lot 1 DP 721721) Sheet 2 of 2	7-2-11

<b>Civil Drawings prepared by Craig and Rhodes</b>		
<b>Drawing No.</b>	<b>Name of Plan</b>	<b>Date</b>
<b>048-11C_E100-108 [02] – 100</b>	<b>Cover Sheet</b>	<b>27/6/12</b>
<b>048-11C_E100-108 [02] - 101</b>	<b>General Notes</b>	<b>27/6/12</b>
<b>048-11C_E100-108 [02] - 102</b>	<b>Site Plan</b>	<b>27/6/12</b>
<b>048-11C_E100-108 [02] – 103</b>	<b>Typical Road Cross Section Sheet 1</b>	<b>27/6/12</b>
<b>048-11C_E100-108 [02] – 104</b>	<b>Typical Road Cross Section Sheet 1</b>	<b>27/6/12</b>
<b>048-11C_E100-108 [02] - 105</b>	<b>Pavement Plan</b>	<b>27/6/12</b>
<b>048-11C_E100-108 [02] – 106</b>	<b>Erosion and Sediment Control Plan Phase 1</b>	<b>27/6/12</b>
<b>048-11C_E100-108 [02] - 107</b>	<b>Erosion and Sediment Control Details</b>	<b>27/6/12</b>



048-11C_E100-108 [02] - 108	Combined Sediment Control and Flood Storage	27/6/12
048-11C_E100-108 [02] - 109	Road and Sediment Basement Construction Setout	27/6/12
048-11C_E300-306 [02] - 300	Road and Drainage Plan Sheet 01	27/6/12
048-11C_E300-306 [02] - 301	Road and Drainage Plan Sheet 02	27/6/12
048-11C_E300-306 [02] - 302	Road and Drainage Plan Sheet 03	27/6/12
048-11C_E300-306 [02] - 303	Road and Drainage Plan Sheet 04	27/6/12
048-11C_E300-306 [02] - 304	Road and Drainage Plan Sheet 05	27/6/12
048-11C_E300-306 [02] - 305	Road and Drainage Plan Sheet 06	27/6/12
048-11C_E300-306 [02] - 306	Road and Drainage Plan Sheet 07	27/6/12
048-11C_E307-314 [02] - 307	Longitudinal Section Road 01 Sheet 1 of 2	27/6/12
048-11C_E307-314 [02] - 308	Longitudinal Section Road 01 Sheet 2 of 2	27/6/12
048-11C_E307-314 [02] - 309	Longitudinal Section Road 02	27/6/12
048-11C_E307-314 [02] - 310	Longitudinal and Cross Section Troy Street	27/6/12
048-11C_E307-314 [02] - 311	Cross Sections Road 01 Sheet 1 of 3	27/6/12
048-11C_E307-314 [02] - 312	Cross Sections Road 01 Sheet 2 of 3	27/6/12
048-11C_E307-314 [02] - 313	Cross Sections Road 01 Sheet 3 of 3	27/6/12
048-11C_E307-314 [02] - 314	Cross Sections Road 02	27/6/12
048-11C_321[02] - 320	Proposed Site Access	27/6/12
048-11C_321[02] - 321	Signage Plan	27/6/12
048-11C_E401-408 [02] - 400	Stormwater External Catchment Plan	27/6/12
048-11C_E401-408 [02] - 401	Stormwater Catchment Plan	27/6/12
048-11C_E401-408 [02] - 402	Stormwater Long Sections Sheet 1 of 4	27/6/12

<b>048-11C_E401-408 [02] – 403</b>	<b>Stormwater Long Sections Sheet 2 of 4</b>	<b>27/6/12</b>
<b>048-11C_E401-408 [02] – 404</b>	<b>Stormwater Long Sections Sheet 3 of 4</b>	<b>27/6/12</b>
<b>048-11C_E401-408 [02] - 405</b>	<b>Stormwater Long Sections Sheet 4 of 4</b>	<b>27/6/12</b>
<b>048-11C_E401-408 [02] - 405</b>	<b>Stormwater Long Sections Sheet 4 of 4</b>	<b>27/6/12</b>
<b>048-11C_E401-408 [02] – 408</b>	<b>Stormwater Pit details</b>	<b>27/6/12</b>
<b>048-11C_E600 [02] – 600</b>	<b>Services Plan Sheet 1 of 4</b>	<b>27/6/12</b>
<b>048-11C_E600 [02] – 601</b>	<b>Services Plan Sheet 2 of 4</b>	<b>27/6/12</b>
<b>048-11C_E600 [02] – 602</b>	<b>Services Plan Sheet 3 of 4</b>	<b>27/6/12</b>
<b>048-11C_E800 [01] – 800</b>	<b>Bulk Earthworks Plan</b>	<b>27/6/12</b>
<b>048-11C_E800 [01] – 801</b>	<b>Turning Paths Plan</b>	<b>27/6/12</b>

except for

- (1) any modifications which are 'Exempt and Complying Development' as identified in City of Canterbury Development Control Plan 2001 or as may be necessary for the purpose of compliance with the SCA and any Australian Standards incorporated in the SCA; and
- (2) otherwise provided by the conditions of this approval.

Reason for Modification:

**Architectural:** No changes are proposed to the architectural plans for the Stage 1 building on Lot 11.

**Landscape:** The proposed modification seeks to delete Landscape Plan 08 062 L03 Precinct A Landscape Plan – Project Application Plan prepared by Habitation dated 27 04 09 as this plan relates to the former proposal for a bulky goods retail centre on future Lot 42 which did not form part of the approval and the plan is therefore redundant. A detailed landscape plan for Lot 42 shall be submitted with a future development application for the approved mixed use development on that part of the site. In the interim an updated Landscape Concept Plan for the street verges has been prepared by Umbaco Landscape Architects to outline the future concept design intent for the streetscape. This plan replaces the Landscape Concept Master Plan 08-062 L01 contained within the Landscape documentation in the Statements of Commitments. The revised Landscape Concept Plan is based on the updated civil drawings contained in Condition A1. Detailed landscape plans for the individual stages will be submitted with each development application.



*Subdivision:* The subdivision plans have been updated to reflect the more detailed design work undertaken in respect of the proposed civil infrastructure works. Accordingly the subdivision plans incorporate minor road realignments and identify easements for provision of essential services. The modified subdivision plans also outline the current proposed staging for construction of roads relative to each lot. A copy of the modified subdivision drawings is provided at **Appendix A**.

*Civil Drawings:* The proposed modification seeks to insert the revised civil drawings into Condition A1 of the consent. The Project Approval includes construction of associated roads, landscaping and infrastructure and as such it is considered appropriate that the civil drawings be referenced in Condition A1 in addition to the Statement of Commitments (where they are currently contained). The revised civil drawings are the result of more detailed design work undertaken in relation to the provision of infrastructure across the site taking into account all the relevant conditions of approval. A copy of the modified civil drawings is provided at **Appendix A**.

#### **A5 Construction Certificate**

*This Determination Notice does not constitute permission to begin works associated with the development. A Construction Certificate (where applicable) must be obtained prior to the commencement of any development works **for the relevant stage of works**.*

Reason for Modification: The Project Approval relates to subdivision and infrastructure works for the whole site and the construction of the first residential apartment building and childcare centre on Lot 11. A series of construction certificates will be issued for the works covered by the Stage 1 Project Approval as the works progress. The proposed modifications to the above conditions seek to clarify that works will be undertaken in stages. To date a Construction Certificate has been issued for works related to the construction of works associated with Lot 11.

### **PART B - PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE**

#### **B1 Compliance with the Building Code of Australia (BCA)**

*Details shall be provided to the satisfaction of the Certifying Authority, with the application for a Construction Certificate **for the relevant stage of works**, which demonstrate that the proposal complies with the prescribed conditions of approval under Clause 98 of the Environmental Planning and Assessment Regulation in relation to the requirements of the Building Code of Australia (BCA).*

Reason for Modification: The proposed modification seeks to clarify that a number of Construction Certificates will be issued as various stages of works progress across the site and that the certificates should relate to the relevant stage of works to which they apply.



## **B2 Structural Details**

Prior to the issue of a Construction Certificate **for the relevant stage of works**, the Proponent shall submit to the satisfaction of the Certifying Authority, structural drawings prepared and signed by a suitably qualified practising Structural Engineer that complies with:

- (1) the relevant clauses of the BCA;
- (2) the relevant approval;
- (3) drawings and specifications comprising the Construction Certificate; and
- (4) the relevant Australian Standards listed in the BCA (Specification A1.3).

Reason for Modification: The proposed modification seeks to clarify that a number of Construction Certificates will be issued as various stages of works progress across the site and that the certificates should relate to the relevant stage of works to which they apply.

## **B4 Long Service Levy**

Prior to the issue of the Construction Certificate **for the relevant stage of works**, receipt of payment to the Long Service Payments Corporation in accordance with Section 34 of the Building Construction Industry Payments Act 1986 must be presented to the Certifying Authority.

Reason for Modification: The proposed modification seeks to clarify that a number of Construction Certificates will be issued as various stages of works progress across the site and that the certificates should relate to the relevant stage of works to which they apply.

## **B5 Flooding**

Further investigation is to be undertaken into the likely ponding to be experienced in new Troy Street during a 100 year storm event, and its impact upon future development on Lot 42. Details for the resolution of the issue are to be submitted to the Certifying Authority prior to the issue of a Construction Certificate **for the relevant stage of works**.

Reason for Modification: The proposed modification seeks to clarify that a number of Construction Certificates will be issued as various stages of works progress across the site and that the certificates should relate to the relevant stage of works to which they apply.

## **B6 Stormwater**

Prior to the issue of a Construction Certificate **for the relevant stage of works** detailed stormwater plans are to be submitted to the Certifying Authority for the proposed development. The plans are to be prepared in accordance with Australian Standard AS 3500.3-2003 Stormwater Drainage, Council's Stormwater Management Manual - Specification 9 and AUS-SPEC 0074 Stormwater drainage (Design). The plans are to include the provision of on-site detention. Permissible site discharge is to be limited to 150 litres per second per hectare. Calculations are to be provided supporting the proposed site storage volume, orifice diameter and

*permissible site discharge. The plans must be prepared by a practicing Civil Engineer and include levels reduced to Australian Height Datum (AHD). The submitted plan is to include details of sediment/silt arrestor pits, surface inlet pits, grated drains, pipe lengths, grades and diameters, surface and invert levels of all elements of the system and location, dimensions and details for the on-site detention system. The location and size of any orifice plate required is to be clearly noted on the plans.*

Reason for Modification: The proposed modification seeks to clarify that a number of Construction Certificates will be issued as various stages of works progress across the site and that the certificates should relate to the relevant stage of works to which they apply.

#### **B7 Details of Materials, Colours and Finishes**

*Final design details of the proposed external materials and finishes, including schedules and a sample board of materials and colours, shall be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate **for the relevant stage of works**.*

Reason for Modification: The proposed modification seeks to clarify that a number of Construction Certificates will be issued as various stages of works progress across the site and that the certificates should relate to the relevant stage of works to which they apply.

#### **B8 Reflectivity**

*The visible light reflectivity from building materials used on the facades of the buildings shall not exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place. A report demonstrating compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate **for the relevant stage of works**.*

Reason for Modification: The proposed modification seeks to clarify that a number of Construction Certificates will be issued as various stages of works progress across the site and that the certificates should relate to the relevant stage of works to which they apply.

#### **B9 Outdoor Living**

*All outdoor lighting shall comply with, where relevant, AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate **for the relevant stage of works**.*

Reason for Modification: The proposed modification seeks to clarify that a number of Construction Certificates will be issued as various stages of works progress across the site and that the certificates should relate to the relevant stage of works to which they apply.



### **B10 Disabled Access**

Access and facilities for people with disabilities shall be provided in accordance with Part D3 of the BCA's Access Policy. Prior to the issue of a Construction Certificate **for the relevant stage of works**, a certificate certifying compliance with this condition from an appropriately qualified person shall be provided to the Certifying Authority.

Reason for Modification: The proposed modification seeks to clarify that a number of Construction Certificates will be issued as various stages of works progress across the site and that the certificates should relate to the relevant stage of works to which they apply.

### **B11 Remediation of Land**

- (1) Prior to the issue of a Construction Certificate **for Stage 1 (Lot 11)**, the Proponent shall submit to the Certifying Authority an Evaluation and Assessment Plan, a Hazardous Materials Survey and where necessary, undertake additional assessments to meet the current DECC Guidelines. If the assessments identify contamination levels which trigger the need for remediation, the Remedial Action Plan (RAP) by URS is to be reviewed and modified as necessary to produce a RAP which reflects the remediation requirements for the entire development site. Remediation is then to be undertaken for Lot 1 DP 721721 and Lot A DP 431356 prior to the commencement of construction, or the release of a Subdivision Certificate.

- (2) Upon completion of the remediation works, the Proponent shall submit a detailed Site Audit Summary Report and Site Audit Statement and Validation Report to the Certifying Authority and the Department of Environment, Climate Change and Water (DECCW).

The site audit must be prepared in accordance with the Contaminated Land Management Act 1997 and completed by a site auditor accredited under the Contaminated Land Management Act 1997 to issue site audit statements. The site audit must verify that the land is suitable for the proposed uses.

Reason for Modification: The proposed modification seeks to clarify that the site has been remediated with a site audit statement issued as part of Stage 1.

### **B12 Erosion and Sedimentation Control**

- (1) Submission of a Soil and Water Management Plan to the Certifying Authority, including details of:
  - (a) property details (location, Proponent, drawn by, date, scale)
  - (b) accurate property description (property boundary)
  - (c) contours
  - (d) access point and access control measures
  - (e) location and type of all sediment control measures



- (f) location of existing vegetation to be retained and undisturbed ground
- (g) any existing watercourse or drainage
- (h) material stockpile areas and storage and control methods
- (i) location of new drainage features (stormwater inlet pits)
- (j) revegetation proposals, including specifications on materials used and methods of application

(NOTE: For guidance on the preparation of the Plan refer to the Soil and Water Management for Urban Development guidelines produced by the Southern Sydney Regional Organisation of Councils.)

- (2) Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater - Soils & Construction Volume 1 (2004)* by Landcom. Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate **for the relevant stage of works**.
- (3) The capacity and effectiveness of erosion and sediment control devices must be maintained at all times.

Reason for Modification: The proposed modification seeks to clarify that a number of Construction Certificates will be issued as various stages of works progress across the site and that the certificates should relate to the relevant stage of works to which they apply.

### **B13 Pre-Construction Dilapidation Reports**

The Proponent is to engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all existing and adjoining buildings, infrastructure and roads. The report shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate **for the relevant stage of works**. A copy of the report is to be forwarded to the Department and Council.

Reason for Modification: The proposed modification seeks to clarify that a number of Construction Certificates will be issued as various stages of works progress across the site and that the certificates should relate to the relevant stage of works to which they apply.

### **B14 Construction Management Plan**

Prior to the issue of a Construction Certificate **for the relevant stage of works**, a Construction Management Plan shall be submitted to and approved by the Certifying Authority. The Plan shall address, but not be limited to, the following matters where relevant:

- (1) hours of work,
- (2) contact details of site manager,
- (3) traffic management (see also 819 below),

- (4) *noise and vibration management (see also 817 below),*
- (5) *waste management (see also 818 below),*
- (6) *erosion and sediment control (see also 814),*
- (7) *flora and fauna management, and*

*The Proponent shall submit a copy of the approved plan to the Department and Council.*

Reason for Modification: The proposed modification seeks to clarify that a number of Construction Certificates will be issued as various stages of works progress across the site and that the certificates should relate to the relevant stage of works to which they apply.

### **B15 Noise and Vibration Management Plan**

Prior to the issue of a Construction Certificate **for the relevant stage of works**, a Noise and Vibration Management Plan prepared by a suitably qualified person shall be submitted to and approved by the Certifying Authority. The Plan shall address, but not be limited to, the following matters:

- (1) *Identification of the specific activities that will be carried out and associated noise sources,*
- (2) *Identification of all potentially affected sensitive receivers including residences, schools, and properties containing noise sensitive equipment,*
- (3) *The construction noise objective specified in the conditions of this approval,*
- (4) *The construction vibration criteria specified in the conditions of this approval,*
- (5) *Determination of appropriate noise and vibration objectives for each identified sensitive receiver,*
- (6) *Noise and vibration monitoring, reporting and response procedures,*
- (7) *Assessment of potential noise and vibration from the proposed construction activities including noise from construction vehicles and any traffic diversions,*
- (8) *Description of specific mitigation treatments, management methods and procedures that will be implemented to control noise and vibration during construction*
- (9) *Justification of any proposed activities outside the construction hours specified in the conditions of this approval.*
- (10) *Construction timetabling to minimise noise impacts including time and duration restrictions, respite periods, and frequency,*
- (11) *Procedures for notifying residents of construction activities that are likely to affect their amenity through noise and vibration,*
- (12) *Contingency plans to be implemented in the event of non-compliances and/or noise complaints,*

*The Proponent shall submit a copy of the approved plan to the Department and Council.*



Reason for Modification: The proposed modification seeks to clarify that a number of Construction Certificates will be issued as various stages of works progress across the site and that the certificates should relate to the relevant stage of works to which they apply.

#### **B16 Construction Waste Management Plan**

Prior to the issue of a Construction Certificate **for the relevant stage of works**, the Proponent shall submit to the satisfaction of the Certifying Authority a Waste Management Plan prepared by a suitably qualified person in accordance with Canterbury Council's Policy. The Proponent shall submit a copy of the plan to the Department and Council.

Reason for Modification: The proposed modification seeks to clarify that a number of Construction Certificates will be issued as various stages of works progress across the site and that the certificates should relate to the relevant stage of works to which they apply.

#### **B17 Traffic Management Works**

The following traffic management works are required as a result of this development:

(1) The road and lane configuration in Alfred Street between Harp Street and Jarrett Street is to be assessed for its capacity to accommodate the proposed traffic flow and parking requirements. The Proponent is to demonstrate that the existing road and footpath widths comply with the minimum requirements of ~~AMCORD, AUSTROADS, RTA guidelines and NSW Manual for the Design of Safer Streets (The Streets Where We Live)~~. Should compliance with ~~AMCORD, AUSTROADS and RTA guidelines and NSW Manual for the Design of Safer Streets (The Streets Where We Live)~~ be unachievable with the current road and lane configuration, the Proponent is **to:**

- (a) **Identify appropriate upgrades to the existing road network to ensure compliance with AUSTROADS is achieved including the construction by the Proponent of a roundabout controlled junction at the intersection of Harp Street and Alfred Street in accordance with the requirements of AUSTROADS and RMS Supplements.**

**The proposal is to be submitted to the Director of City Works at the City of Canterbury Council for consideration by the Canterbury Traffic Committee prior to the issue of a Construction Certificate. The cost of any works required for the intersection shall be borne by the Proponent.**

~~to prepare a report investigating the closure of Alfred Street at Harp Street. Such a report is to include the effect a closure would have on traffic in surrounding streets and the intersections. The report is to be submitted to the Director of City Works at the City of Canterbury for consideration by the Canterbury Traffic Committee prior to the issue of a Construction Certificate. for the relevant stage of works. The Proponent shall be responsible for implementing any traffic control measures approved by Council following consideration of the report by the Canterbury Traffic Committee. The cost of any works arising from this approval is to be borne by the Proponent.~~



~~a) If the additional traffic studies reveal that Alfred Street does not need to be closed at Harp Street, a round-a-bout incorporating the raised pedestrian crossings is to be constructed at this intersection in accordance with RTA guidelines.~~

Reason for Modification: The current condition requires the Proponent to demonstrate that the existing road and footpath widths comply with the minimum requirements of AMCORD, AUSTRROADS, RTA guidelines and NSW Manual for the Design of Safer Streets (The Streets Where We Live). The minimum requirements of these guidelines vary and it is therefore proposed that this condition be modified to relate to Austroads and relevant RMS supplements to Austroads to avoid any inconsistencies. Furthermore these documents supersede the previous RTA guidelines.

Furthermore, it should be noted that the current road and footpath widths in Alfred Street between Harp Street and Jarrett Street do not meet the minimum requirements outlined in this condition. Accordingly, Traffix has investigated the assessment of impacts of closing Alfred Street at Harp Street and such closure would result in unacceptable impacts on the surrounding road network. This assessment was previously provided to Council in a memo dated 7 April 2012 (refer to **Appendix B**). As per the intent of current condition 17(1)(a) a new roundabout is proposed to be located at the Harp Street and Alfred Street intersection.

- (2) *The analysis of the impact on the intersection of Alfred Street and William Street by the additional traffic generated by the development is required. Should the projected traffic volumes impact on the current level of service for this intersection, appropriate treatments are to be recommended to the Canterbury Traffic Committee for consideration prior to the issue of a Construction Certificate **for the relevant stage of works**. The Alfred Street/William Street intersection shall be modified in accordance with the requirements of the Canterbury Traffic Committee and the RTA **following issue of the final Occupation Certificate for all lots**. All costs in relation to the modification shall be borne by the Proponent.*

Reason for Modification: The proposed modification seeks to clarify that a number of Construction Certificates will be issued as various stages of works progress across the site and that the certificates should relate to the relevant stage of works to which they apply. The modification also seeks to clarify that the traffic management works must be undertaken where required upon issue of the final occupation certificate for all lots.

- (3) *The Proponent shall liaise with the RTA and undertake community consultation with the affected residents (Kingsgrove Road/Moncur Avenue) on the proposed change to the intersection of Harp Street and Kingsgrove Road. The results of the community consultation and proposed changes to the intersection are to be forwarded to the Director of City Works at the City of Canterbury and the Canterbury Traffic Committee, prior to the issue of a Construction Certificate **for the relevant stage of works**. Following consideration by the Canterbury Traffic Committee, any works required for the intersection (i.e extension of right-turn bay and installation of "No Stopping" signs and linemarking) shall be undertaken **following issue of the final Occupation Certificate for all lots and be undertaken** at the Proponent's cost.*



Reason for Modification: The proposed modification seeks to clarify that a number of Construction Certificates will be issued as various stages of works progress across the site and that the certificates should relate to the relevant stage of works to which they apply. The modification also seeks to clarify that the traffic management works must be undertaken where required upon issue of the final occupation certificate for all lots.

- (4) *The Proponent shall liaise with the RTA and undertake community consultation with the affected residents (Charlotte Street/Canterbury Road) on the proposed change to the intersection of Charlotte Street at Canterbury Road. The results of the community consultation and proposed changes to the intersection are to be forwarded to the Director of City Works at the City of Canterbury and the Canterbury Traffic Committee, prior to the issue of a Construction Certificate **for the relevant stage of works**. Following consideration by the Canterbury Traffic Committee, any works required for the intersection shall be undertaken **following issue of the final Occupation Certificate for all lots and be undertaken** at the Proponent's cost.*

Reason for Modification: The proposed modification seeks to clarify that a number of Construction Certificates will be issued as various stages of works progress across the site and that the certificates should relate to the relevant stage of works to which they apply. The modification also seeks to clarify that the traffic management works must be undertaken where required upon issue of the final occupation certificate for all lots.

- (5) *The Proponent shall undertake community consultation with the affected residents (Charlotte Street/Troy Street) on the proposed change to the intersection of Charlotte Street at Troy Street. The results of the community consultation and proposed changes to the intersection are to be forwarded to the Director of City Works at the City of Canterbury and the Canterbury Traffic Committee, prior to the issue of a Construction Certificate **for the relevant stage of works**. Following consideration by the Canterbury Traffic Committee, any works required for the intersection (i.e. installation of "No Stopping" signs and linemarking) shall be undertaken at the Proponent's cost.*

Reason for Modification: The proposed modification seeks to clarify that a number of Construction Certificates will be issued as various stages of works progress across the site and that the certificates should relate to the relevant stage of works to which they apply.

- (6) *Charlotte Street, which is a residential street situated between Canterbury Road and Harp Street, will be subject to additional traffic volumes/speed from the proposed development and may require a traffic calming scheme to be proposed for installation in the street. The Proponent is to prepare a report, investigating as to whether or not installation of a traffic calming scheme is warranted in Charlotte Street and submit the proposal to the Director of City Works at the City of Canterbury for consideration by the Canterbury Traffic Committee prior to the issue of a Construction Certificate **for the relevant stage of works**. If considered warranted, the Proponent will be responsible for implementing any proposed traffic calming scheme, as recommended by the Traffic Committee, **following issue of the***

**final Occupation Certificate for all lots**, and the costs of any works arising from this approval are to be borne by the Proponent.

Reason for Modification: The proposed modification seeks to clarify that a number of Construction Certificates will be issued as various stages of works progress across the site and that the certificates should relate to the relevant stage of works to which they apply. The modification also seeks to clarify that the traffic management works must be undertaken where required upon issue of the final occupation certificate for all lots.

- (7) *The Proponent shall undertake community consultation and provide a Traffic Management Plan (TMP) to the RTA on the proposed **partial** closure of Troy St at New Troy St. The results of the community consultation and the proposed closure are to be forwarded to Director of City Works at the City of Canterbury for consideration by the Canterbury Traffic Committee prior to the issue of a Construction Certificate **for the relevant stage of works**.*

Reason for Modification: The proposed modification seeks to clarify that a number of Construction Certificates will be issued as various stages of works progress across the site and that the certificates should relate to the relevant stage of works to which they apply.

Further investigation has been carried out in relation to the proposed closure of Troy Street at New Troy Street and it has been determined that full closure of this street to traffic is not desirable. The alternative design solution presented to Council's traffic Committee is to modify the south-eastern end of Troy Street to facilitate one-way traffic.

*Detailed design of the below traffic management requirements are to be carried out for the approval of the RTA prior to the issue of a Construction Certificate **for the relevant stage of works**:*

- (8) *The kerb return on the north-western corner of the intersection of Harp Street and Charlotte Street shall be modified to improve access from Harp Street into Charlotte Street for heavy vehicles, including **12.5m** STA buses. The detailed design of this work is to be submitted to Council's Director of City Works for approval **prior to the relevant stage of works**. All costs in relation to the modification shall be borne by the Proponent **and undertaken following issue of the final Occupation Certificate for all lots**.*

Reason for Modification: The proposed modification seeks to clarify that a number of Construction Certificates will be issued as various stages of works progress across the site and that the certificates should relate to the relevant stage of works to which they apply. The modification also seeks to clarify that the traffic management works must be undertaken where required upon issue of the final occupation certificate for all lots.

Furthermore, the proposal seeks to clarify that the roundabout will be designed to accommodate 12.5m rather than 14.5m STA buses as previously presented to the Canterbury Traffic Committee.

- (9) *New raised platform pedestrian crossings are to be constructed at the following locations:*



- (a) Crossing New Harp Street, on the eastern side of the Alfred Street intersection.
- (b) Crossing Harp Street on the eastern side of the Charlotte Street intersection.
- (c) Crossing Charlotte Street on the northern side of the Harp Street intersection.
- (d) Crossing New Troy Street on the eastern side of the Charlotte Street intersection.
- (e) Crossing Charlotte Street on the southern side of the New Troy Street intersection.
- (f) Crossing Alfred Street on the southern side of the Harp Street intersection.
- (g) Two (2) crossings in New Alfred Street between New Troy Street and New Harp Street.

*Details are to be submitted on the staging of the above conditions 8 and 9. Such staging is to be relevant to the proposed subdivision staging. The traffic management works shall be carried out at no cost to Canterbury Council or the RTA.*

- (10) *Disabled parking facilities are to be provided along New Harp Street.*
- (11) *The proponent shall enter into discussions with Canterbury Council regarding extending the right hand movement lane out of Charlotte Street onto Canterbury Road by 40m to the South, to cater for additional traffic as a result of the development.*
- (12) *The proponent shall demonstrate that the proposed road and footpath widths comply with the minimum requirements of **AMCORD, AUSTRROADS and the relevant RMS Supplements to Austroads, RTA guidelines and NSW Manual for the Design of Safer Streets (The Streets Where We Live).***

Reason for Modification: The current condition requires the Proponent to demonstrate that the existing road and footpath widths comply with the minimum requirements of AMCORD, AUSTRROADS, RTA guidelines and NSW Manual for the Design of Safer Streets (The Streets Where We Live). The minimum requirements of these guidelines vary and it is therefore proposed that this condition be modified to reflect only the Austroads and relevant RMS supplements to Austroads which supersede the previous RTA guidelines.

## **B18 Road Design**

*Kerb and gutter, stormwater drainage, full road width pavement including traffic facilities (roundabouts, median islands etc.) and paved footpaths shall be constructed along the full length of the new roads. All Roads shall be designed in consultation with the relevant requirements of Canterbury City Council and the RTA. Final road design plans shall be prepared by a qualified practising Civil Engineer and submitted to the Certifying Authority prior to the issue of a Construction Certificate **for the relevant stage of works.***

Reason for Modification: The proposed modification seeks to clarify that a number of Construction Certificates will be issued as various stages of works progress across the site and that the certificates should relate to the relevant stage of works to which they apply.

## **B19 Number of Car Spaces**

The maximum number of car spaces to be provided for the development shall comply with the table below. Details confirming the parking numbers shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate **for the relevant stage of works**.

<b>Car parking allocation</b>	<b>Number</b>
Residential and visitor car parking spaces	102
Childcare car parking spaces	8

Disabled Parking is to be provided in accordance with the Building Code of Australia, Section D.

Reason for Modification: The proposed modification seeks to clarify that a number of Construction Certificates will be issued as various stages of works progress across the site and that the certificates should relate to the relevant stage of works to which they apply.

## **B20 Number of Bicycle Spaces**

A minimum of 27 bicycle spaces are to be provided for proposed Lot 11. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate **for the relevant stage of works**.

Reason for Modification: The proposed modification seeks to clarify that a number of Construction Certificates will be issued as various stages of works progress across the site and that the certificates should relate to the relevant stage of works to which they apply.

## **B21 Car Park and Service Vehicle Layout**

- (1) The layout of the car park shall comply with Australian Standard AS2890.1: 1993 Parking Facilities Part 1: Off Street Parking. All parking spaces are to be linemarked.
- (2) The layout of the service vehicle area shall comply with Australian Standard AS2890.2: 1989 Off Street Parking Part 2 - Commercial Vehicles Facilities.
- (3) Details demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior the issue of a Construction Certificate **for the relevant stage of works**.

Reason for Modification: The proposed modification seeks to clarify that a number of Construction Certificates will be issued as various stages of works progress across the site and that the certificates should relate to the relevant stage of works to which they apply.



## **B23 BASIX Certificate requirements**

Prior to the issue of a Construction Certificate **for the relevant stage of works**, details of all amendments and treatments outlined in the BASIX Certificate No.216340M-02, to achieve satisfactory levels of thermal comfort, and satisfactory water and energy ratings, shall be incorporated into the proposed development and provided to the PCA.

Reason for Modification: The proposed modification seeks to clarify that a number of Construction Certificates will be issued as various stages of works progress across the site and that the certificates should relate to the relevant stage of works to which they apply.

## **B25 Sydney Water**

~~Prior to the issue of a Construction Certificate for the relevant stage of works, a Notice of Requirements under Part 6, Division 9 of the Sydney Water Act 1994 shall be obtained and a copy must be submitted to the Certifying Authority (Council or a private accredited certifier).~~

Reason for Modification: The proposed modification seeks to delete this condition as Sydney Water has advised (refer to attached letter in **Appendix C**) that they no longer require the submission of a Notice of Requirements prior to issue of a Construction Certificate.

## **B26 Stormwater and Drainage Works Design**

- (1) Final design plans of the stormwater drainage systems within the proposed subdivision, prepared by a qualified practicing Civil Engineer and in accordance with the requirements of Canterbury City Council shall be submitted to and approved by the PCA prior to issue of a Construction Certificate **for the relevant stage of works**. The hydrology and hydraulic calculations shall be based on models described in the current edition of Australian Rainfall and Runoff.
- (2) The development should include Water Sensitive Urban Design practices such as:
  - (a) Treating stormwater runoff to NSW EPA draft best practice treatment objectives:
    - 85% reduction in Total Suspended Solids
    - 65% reduction in Total Phosphorus
    - 45% reduction in Total Nitrogen
  - (b) Maximising stormwater reuse through integrated water cycle management, which can reduce potable water demand and assist in achieving the above pollutant load reduction objectives.

Reason for Modification: The proposed modification seeks to clarify that a number of Construction Certificates will be issued as various stages of works progress across the site and that the certificates should relate to the relevant stage of works to which they apply.

### **B27 Compliance Report**

Prior to the issue of a Construction Certificate **for the relevant stage of works**, the Proponent, or any party acting upon this approval, shall submit to the Certifying Authority a report addressing compliance with all relevant conditions of this Part.

Reason for Modification: The proposed modification seeks to clarify that a number of Construction Certificates will be issued as various stages of works progress across the site and that the certificates should relate to the relevant stage of works to which they apply.

### **B28 GFA Certification**

A Registered Surveyor is to certify that the Gross Floor Area (GFA) of the development at the subject site does not exceed 6,521m<sup>2</sup> on proposed Lot 11. Details shall be provided to the Certifying Authority demonstrating compliance with this condition prior to the issue of a Construction Certificate **for the relevant stage of works**.

Reason for Modification: The proposed modification seeks to clarify that a number of Construction Certificates will be issued as various stages of works progress across the site and that the certificates should relate to the relevant stage of works to which they apply.

### **B29 Electricity**

The Proponent shall consult Energy Australia to determine the need for an electricity substation prior to the submission of a Construction Certificate **for the relevant stage of works** and, if a site is required, it being situated adjacent to the street alignment with the size, location and area being in accordance with the requirements of Council and Energy Australia. The land required being dedicated without cost as a public roadway to enable Energy Australia to establish the substation.

Reason for Modification: The proposed modification seeks to clarify that a number of Construction Certificates will be issued as various stages of works progress across the site and that the certificates should relate to the relevant stage of works to which they apply.

### **B31 Groundwater**

Should groundwater/seepage water be encountered within the depth of excavation the basement is to be suitably **captured and controlled.**~~tanked and waterproofed. No subsoil drainage is to be discharged from the site.~~ **Any subsoil drainage from the site is to be discharged in accordance with relevant Australian Standards.** Provision is to be made to direct any subsurface flows around subterranean obstructions. All earth retaining structures are to be designed to withstand hydrostatic loading generated by subterranean water and the basement walls are to be adequately tanked and waterproofed.

Reason for Modification: Any subsoil water encountered cannot be stored on site indefinitely and it is therefore necessary to allow it to be discharged in an appropriate manner. A variety of



construction methods exist to facilitate such a process, which are not solely limited to tanking and waterproofing.

### **B37 Storage Facilities**

*Further provision of storage facilities is to be provided within each unit on proposed Lot 11 to meet the storage requirements of the Residential Flat Design Code. Details of such are to be submitted to the Certifying Authority for determination prior to the issue of a Construction Certificate **for the relevant stage of works**.*

Reason for Modification: The proposed modification seeks to clarify that a number of Construction Certificates will be issued as various stages of works progress across the site and that the certificates should relate to the relevant stage of works to which they apply.

## **PART C - PRIOR TO COMMENCEMENT OF WORKS**

### **C1 Commencement of Works**

*Demolition, excavation, clearing, construction, subdivision or associated activities must not commence until a Construction Certificate **for the relevant stage of works** has been issued for the proposed development pursuant to the Act.*

Reason for Modification: The proposed modification seeks to clarify that a number of Construction Certificates will be issued as various stages of works progress across the site and that the certificates should relate to the relevant stage of works to which they apply.

### **C2 Commencement**

*The erection of a building / subdivision works in accordance with this development consent must not be commenced until:*

- (1) Detailed plans and specifications have been endorsed with a Construction Certificate **for the relevant stage of works** (by the consent authority or an accredited certifier), and*
- (2) The person having benefit of the Development Consent has appointed a PCA, and has notified the consent authority and the Council (if Council is not the consent authority) of the appointment, and*
- (3) The person having benefit of the development consent has given at least 2 days notice to the Council of their intention to commence the development works the subject of this consent.*

Reason for Modification: The proposed modification seeks to clarify that a number of Construction Certificates will be issued as various stages of works progress across the site and that the certificates should relate to the relevant stage of works to which they apply.

## **PART D - DURING CONSTRUCTION**

### **D9 Protection of Trees - Street Trees**

All street trees **that are not approved for removal** shall be protected at all times during construction **of the relevant stage of works**. Any tree on the footpath, which is damaged or removed during construction, shall be replaced, to the satisfaction of Council.

Reason for Modification: The proposed modification seeks to clarify that adequate tree protection will be provided for all trees affected by works undertaken in their vicinity. The proposed modification also seeks to acknowledge that some street trees have been granted approval for removal in accordance with the Landscape Plans prepared by Habitation dated April 2009 and the Environmental Assessment Report and associated appendices referenced in the Statement of Commitments.

### **D17 Services to be Underground**

All **new** services associated with the development are to be located underground **subject to the approval of the relevant service provider**. Works associated with this are to be fully borne by the Proponent, within the development and along all street frontages for the length of the development.

Reason for Modification: The proposed modification seeks to clarify that this condition should relate to new as opposed to existing services and that the ability to satisfy this condition and provide new services underground will be dependent on the approval of the relevant service provider.

### **D25 Site Entry**

~~A single~~ Entry/exit points must be provided to the site which will **generally** be constructed of a minimum of 40mm aggregate of blue metal or recycled concrete **or similar**. The depth of the entry/exit point must be 150mm. The length will be no less than 15m and the width no less than 3m. Water from the area above the entry/exit point shall be diverted to an approved sediment filter or trap by a bund or drain located above.

Reason for Modification: The proposed modification seeks to clarify that more than one entry/exit point will be provided to the site for construction of the various stages of development.

### **D28 Existing Street Trees**

~~The existing street trees, Lophostemon confertus (common name Brushbox), adjacent to the development site in Charlotte Street and Harp Street are to be retained and protected during construction. A tree protection zone (TPZ) of minimum 6 m radius must be observed. A tree protection barrier is to be erected around the perimeter of the TPZ prior to the commencement of any site works. This barrier must be a minimum 1800mm high chain link fabric (with standard~~



~~50mm pitch) on 2400mm star pickets driven 600mm into the ground so that the fencing cannot be breached. A 600mm x 450mm prohibition sign complying with AS1319, and stating 'TREE PROTECTION ZONE - KEEP OUT' must be attached to the barrier. The barrier is to be well maintained during construction. No building material storage or construction activity shall be allowed to encroach within this TPZ.~~

Reason for Modification: The proposed modification seeks to delete this condition as the protection of existing street trees is already covered in condition D9. A tree protection zone of 6m radius is not achievable as Concept Plan approval permits development within this zone and a public footpath is also located within this area. Tree guards have been erected around the existing street trees along Charlotte Street to appropriately protect these trees from construction related activities. As previously mentioned some street trees along Charlotte Street have been approved for removal generally in the vicinity of the proposed vehicular entry points proposed under the Concept Plan approval. This matter will be addressed in more detail in the development application for the relevant mixed use stage of the proposal.

## **PART E - PRIOR TO SUBDIVISION OR STRATA SUBDIVISION**

### **E4 Stormwater**

*Prior to the issue of the Subdivision Certificate the following detailed plans of the site stormwater system, street/trunk drainage system and the flood detention storage tanks (FDSTs) are to be submitted for approval to **the Certifying Authority Council's Director City Works.***

Reason for Modification: The proposed modification seeks to amend the wording to reflect the current provisions of the Environmental Planning and Assessment Act 1979 which allows a certifier to be satisfied in the role as PCA.

- (1) *The proposed flood detention storage tank as shown on the plans within proposed Lot 42 is to be relocated from the proposed development lot to within the proposed road reserve. Details of the proposed amendment are to be submitted prior to the issue of the first Subdivision Certificate.*
- (2) *The detailed stormwater plans for each stage are to be submitted prior to the issue of the Subdivision Certificate, and accompanied by detailed calculations demonstrating that the performance of all new and existing trunk/street drainage lines will be satisfactory. Calculations are to include a catchment analysis detailing the expected overland flow to be directed to the flood detention storage tanks (FDST) for the design storm. Calculations are also to be provided to demonstrate that the proposed kerb inlet pits will be adequate to capture and direct the previously determined overland flow to the flood storage tank (FDST). Evidence shall be provided to show that freeboard above any ponding levels satisfies Council, NSW Floodplain Management Manual and Australian Standard AS 3500.3 requirements.*
- (3) *The location of infrastructure including street alignment, traffic calming devices, services and driveways may influence the design of the street drainage system and*

FTSDs. The plans and calculations for the FDSTs and street/trunk drainage system are to be in accordance with Australian Standard AS 3500.3-2003 Stormwater Drainage, NSW Floodplain Management Manual, AUS-SPEC 0074 Stormwater drainage (Design) and City of Canterbury's Stormwater Management Manual - Specification 9. Details of such are to be submitted prior to the issue of the Subdivision Certificate for the relevant stage.

- (4) Notwithstanding conditions set by Sydney Water, the minimum design storm shall be 1 in 10 year, subject to overland flow routes. Details of such are to be submitted prior to the issue of the Subdivision Certificate for the relevant stage.
- (5) Provision is to be made in the street/trunk drainage design for the connection of the proposed bioretention street tree pits detailed on the concept landscaping plan. Details of such are to be submitted prior to the issue of the Subdivision Certificate for the relevant stage.
- (6) The street/trunk drainage system is to be constructed in accordance with the plans, details and specifications submitted for the Construction Certificate. The street/trunk drainage system is to be constructed in accordance with AUS-SPEC 1351 Stormwater Drainage (Construction), 1352 Pipe Drainage, Australian Standard AS 3500.3-2003 Stormwater Drainage, and other relevant standards and specifications. All street/trunk drainage pipe work is to be constructed of rubber ring jointed pipes. All work being carried out by an approved contractor, at the Proponent's cost.
- (7) Construction of the flood detention storage tank (FDST) and associated street/trunk drainage system for each stage is to be undertaken prior to any other civil works commencing for that stage.
- (8) Construction of the proposed FDSTs are to be undertaken in accordance with AUSSPEC 1351 Stormwater Drainage (Construction), 1352 Pipe Drainage, Australian Standard AS 3500.3-2003 Stormwater Drainage, AUS-SPEC 041 Tanking and Dampproofing, and other relevant standards and specifications. All work is to be carried out by an approved contractor, at the Proponent's cost and details of such are to be submitted prior to the issue of the Subdivision Certificate for the relevant stage.
- (9) Following the completion of the new drainage system, the Proponent shall **decommission** ~~demolish~~ and remove the existing Sydney Water pipeline traversing the site.
- (10) Final Works-As-Executed plans for the flood detention storage, street/trunk drainage, roads, footpaths are to be submitted to Council's Director of City Works, for each stage. The plan shall be prepared by a registered surveyor or an engineer. The plan shall record all the relevant design and finished levels and dimensions of the works. The Works-As-Executed plans are to be accompanied by a certification from a suitably qualified and experienced engineer stating that the works have been inspected and comply with the approved plans, specification and standards.



Reason for Modification: The proposed modification seeks to clarify that existing Sydney Water pipeline will not be demolished but rather will be remain in situ but be decommissioned.

#### **E6 Public Domain**

- (1) *Prior to the release of the Subdivision Certificate for **Lot 42** (Stage **13**), the proposed footpaths, street furniture and street landscaping on the northern side of New Troy Street between Charlotte Street and New Alfred Street are to be constructed. All work is to be carried out by an approved contractor, at the Proponent's cost.*
- (2) *Prior to the issue of a Subdivision Certificate for each stage, a detailed planting plan is to be submitted for approval to Council's Director of City Works for all landscaping works in public spaces.*
- (3) *All street bins are to conform to Council's standard 2401 stainless steel bin enclosure. The location and details of the proposed street bins for each stage are to be approved by Council's Manager Waste Services.*
- (2) *The location and specifications of the proposed seating along Harp Street, Charlotte Street, New Wade Street, New Troy Street, New Harp Street and New Alfred Street is to be approved by Council's Director City Works for each stage.*

Reason for Modification: The proposed modification seeks to clarify that the above works are relevant to the staging of works for Stage 3 (proposed Lot 42) and will be carried out with the development of Lot 42 rather than as part of the Stage 1 works.

#### **E8 Civil Works**

*Prior to the issue of any subdivision certificate, detailed designs and documentation are to be submitted to ~~Council~~ **the Certifying Authority** for approval for the proposed road construction works. The design is to include the kerb and gutter, pavement, dish drains, footpath, pedestrian and cycle facilities required for each new street. The detailed design is to be undertaken in accordance with AUS-SPEC, AUSTROADS, Australian Standard HB 153:2002 : Urban Road Design: A Guide to the Geometric Design of Major Urban Roads and RTA Road Design Guide.*

Reason for Modification: The proposed modification seeks to amend the wording to reflect the current provisions of the Environmental Planning and Assessment Act 1979 which allows a certifier to be satisfied in the role as PCA.

#### **E9 Underground Services**

*All **new** services are to be provided underground **subject to the approval of the relevant service provider**, including water and sewer supply, telecommunications, electricity, gas and the like, and are to be constructed in conjunction with the construction of the new roads New Troy Street, New Alfred Street, New Harp Street and New Wade Street. Services are to be located*

under the footpath in accordance with the proposed Services Plans **numbered 048-11C\_E600 [02] -600 to 603 inclusive dated 27/06/12 and prepared by Craig and Rhodes. project code AA001875 drawing number C061 issue 2 by Hyder Consulting Pty Ltd.** Service provision is to be in accordance with the requirements of each Service Authority. All electricity distribution infrastructure shall be located underground in accordance with Energy Australia requirements. Street light poles and fixtures are to be in accordance with the requirements of Energy Australia and City of Canterbury. All work being carried out by an approved contractor, at the Proponent's cost prior to the issue of any subdivision certificate **for the relevant stage of works.**

Reason for Modification: The proposed modification seeks to update the reference to the Services Plans which are superseded by the Craig and Rhodes infrastructure drawings identified in proposed modifications to condition A1.

### **E11 Certificates**

Prior to the release of the subdivision certificate all certificates for inspections, fill, sub base, base, wearing surface, compaction and stabilisation for the civil works are to be submitted to **Council the Certifying Authority.**

Reason for Modification: The proposed modification seeks to amend the wording to reflect the current provisions of the Environmental Planning and Assessment Act 1979 which allows a certifier to be satisfied in the role as PCA.

### **E13 Subsoil Drainage**

**~~No subsoil drainage is to be discharged from the site. Any subsoil drainage from the site is to be discharged in accordance with relevant Australian Standards.~~** Provision is to be made to direct any subsurface flows around subterranean obstructions. All earth retaining structures are to be designed to withstand hydrostatic loading generated by subterranean water and the basement walls are to be adequately tanked and waterproofed.

Reason for Modification: Any subsoil water encountered cannot be stored on site indefinitely and it is therefore appropriate to allow it to be discharged in an appropriate manner.

## **PART F - PRIOR TO OCCUPATION OR COMMENCEMENT OF USE**

### **F7 Registration of Easements**

Prior to the issue of any Occupation Certificate **for the relevant stage of works**, the Proponent shall provide to the PCA evidence that all easements required by this approval, approvals, and other consents have been or will be registered on the certificates of title.

Reason for Modification: The proposed modification seeks to clarify that a number of Occupation Certificates will be issued as various stages of works progress across the site and that the certificates should relate to the relevant stage of works to which they apply.





### **F8 Sydney Water**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site <http://www.sydneywater.com.au> then follow the "e-Proponent" icon or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the PCA prior to occupation of the development or release of the plan of subdivision **for the relevant stage of works**.

Reason for Modification: The proposed modification seeks to clarify that a number of Certificates will be issued as various stages of works progress across the site and that the certificates should relate to the relevant stage of works to which they apply.

### **F9 Post-construction Dilapidation Report**

- (1) The Proponent shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works subdivision **for the relevant stage of works**. This report to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads.
- (2) The report is to be submitted to the PCA. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:
  - (a) compare the post-construction dilapidation report with the pre-construction dilapidation report required by Condition B15, and
  - (b) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
- (3) A copy of this report is to be forwarded to the Director and Council.

Reason for Modification: The proposed modification seeks to clarify that a number of such reports will be issued as various stages of works progress across the site and that the reports should relate to the relevant stage of works to which they apply.

### **F10 Shop/Premise Occupation**

The specific use of each shop/premise shall be Subject to a separate development application to Council.

Reason for Modification: The proposed modification seeks to delete this condition as the works subject to the Stage 1 project application approval do not contain any shops.

#### **F14 Kerb and Gutter**

*If required, the reconstruction of the kerb and gutter along areas of the site fronting Charlotte Street is **to be carried out** required. Work to be carried out by Council or an approved contractor, at the Proponent's cost **upon completion of proposed Lot 42**. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".*

Reason for Modification: The proposed modification seeks to amend the wording to allow some flexibility with regard to these works considering the existing works are in good condition.

#### **F15 Footpaths and Reserves**

- (1) *The construction of concrete footpath paving and associated works along all areas of the site fronting New Troy Street, New Alfred Street and New Harp Street is required. Work being carried out by Council or an approved contractor, at the Proponent's cost. The work is to be carried out **progressively with the relevant stage of works** in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter" and the approved streetscape treatments. The paving material, pattern and construction specification is to be in accordance with the requirements adopted by Council for the Campsie town centre and is to be carried out to the satisfaction of the **Certifying Authority Council's Director of City Works**.*
- (2) *The reconstruction of concrete footpath paving and associated works along all areas of the site fronting Charlotte Street is required **prior to occupation of Lot 42**. Work being carried out by Council or an approved contractor, at the Proponent's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter" and the approved streetscape treatments*
- (3) *The nature strip outside the property shall be repaired as necessary. Work to be carried out by Council or an approved contractor, at the Proponent's cost. The work is to be carried out in accordance with AUS-SPEC 0257 Landscape - roadways and street trees.*
- (4) *The provision of footpath, landscaping, street furniture and street trees in accordance with the approved landscaping plan for the whole site and adjoining public areas is required.*
- (5) *All ground covers and shrubs proposed for street planting adjacent to carriageways and vehicular accesses are to have a maximum expected height of 600mm.*



Reason for Modification: The proposed modification seeks to amend the wording to reflect the current provisions of the Environmental Planning and Assessment Act 1979 which allows a certifier to be satisfied in the role as PCA.

#### **F17 External Road Construction**

Following **issue of the final occupation certificate for ~~construction of the final~~ lot** the resheeting of the full width of Harp Street, Alfred Street and Charlotte Street adjacent to the development site is to be undertaken **subject to an independent pre and post development pavement assessment by a suitably qualified engineer to the satisfaction of Council.** The surface is to be milled and paved with 45mm of AC14 and 30mm of AC10 overlay.

Reason for Modification: The proposed modification seeks to amend the wording to allow some flexibility with regard to these works considering the existing works are in good condition.

#### **ADVISORY NOTES**

##### **AN1 Sydney Water**

An application shall be made to Sydney Water for a Certificate under Part 6, Division 9, Section 73 of the Sydney Water Act, 1994 (Compliance Certificate). Evidence that a Compliance Certificate has been applied for (i.e. Notice of Requirements) shall be produced to the satisfaction of the PCA prior to the issue of a Construction Certificate **for the relevant stage of works.** The Section 73 Certificate shall be submitted to the PCA prior to the occupation of the development or release of the linen plan **for the relevant stage of works.**

Reason for Modification: The proposed modification seeks to clarify that a number of Construction Certificates will be issued as various stages of works progress across the site and that the certificates should relate to the relevant stage of works to which they apply.

##### **AN2 Compliance Certificate, Water Supply Authority Act, 2000**

Prior to issuing a subdivision certificate **for the relevant stage of works,** a Compliance Certificate shall be provided to the approval authority showing that the development has met with the detailed requirements of the relevant water supply authority for the region that the subject site is located within.

The Proponent shall obtain the Compliance Certificate from the relevant local water supply authority and produce this to the satisfaction of:

- (1) the certifying authority before release of the Construction Certificate **for the relevant stage of works,**
- (2) the approval authority before the release of the Subdivision Certificate **for the relevant stage of works,** and

- (3) *the principal certifying authority prior to occupation **for the relevant stage of works.***

Reason for Modification: The proposed modification seeks to acknowledge that works will progress across the site in a number of stages and that the certificates should relate to the relevant stage of works to which they apply.

### **AN3 Requirements of Public Authorities for Connection to Services**

*The Proponent shall comply with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, AGL, etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any **reasonable** costs in the relocation, adjustment or support of services **relating to the development** shall be the responsibility of the Proponent. Details of compliance with the requirements of any relevant public authorities are to be submitted to the satisfaction of the PCA prior to the issue of the **Construction Occupation Certificate for the relevant stage of works.***

Reason for Modification: The proposed modification seeks to acknowledge that works will progress across the site in a number of stages and that the certificates should relate to the relevant stage of works to which they apply.

### **AN4 Compliance with Building Code of Australia**

- (1) *The Proponent is advised to consult with the PCA about any modifications needed to comply with the BCA prior to submitting the application for a Construction Certificate **for the relevant stage of works.***
- (2) *Compliance with the Building Code of Australia does not guarantee protection from prosecution under "The Disability Discrimination Act". Further information is available from the Human Rights and Equal Opportunity Commission on 1800021 199.*

Reason for Modification: The proposed modification seeks to acknowledge that works will progress across the site in a number of stages and that the certificates should relate to the relevant stage of works to which they apply.

### **AN13 Application under Part 4A of the Act**

*An application under Part 4A of the Act shall be submitted to the approval authority or the Council along with a plan of subdivision prepared by a registered surveyor, for certification prior to the issue of the Subdivision Certificate **for the relevant stage of works.***

Reason for Modification: The proposed modification seeks to acknowledge that works will progress across the site in a number of stages and that the certificates should relate to the relevant stage of works to which they apply.



## AN22 Subdivision

- (1) Prior to the release of the subdivision certificate **for the relevant stage of works** Council will undertake Works-As Executed/ handover inspections of all infrastructure to be handed over to Council.
- (2) Each lot created by the proposed Torrens Title subdivision, with the exception of proposed Lot 31, will be required to provide on-site stormwater detention within the lot created as part of the redevelopment of the lot.
- (3) Each lot created by the proposed Torrens Title subdivision will be required to provide street furniture, footpath and streetscape landscaping as part of the redevelopment of the lot. The paving material and construction specification is to be in accordance with Council's standard drawing SD 650 - Segmental Paving Details for Shopping Centres. The paving is to be in accordance with the materials adopted by Council for the Town Centres. Paving is to be carried out to the satisfaction of Council's Director of City Works.

Reason for Modification: The proposed modification seeks to acknowledge that works will progress across the site in a number of stages and that the certificates should relate to the relevant stage of works to which they apply.

## FINAL STATEMENT OF COMMITMENTS – FORMER SUNBEAM SITE CAMPSIE

### A – GENERAL

1. The project will be carried out generally in accordance with the plans and material submitted as part of the Environmental Assessment for Major Project No. 07\_0106, **except where amended by the Preferred Project Report dated May 2009, the Revised Preferred Project Report dated December 2010 and subsequent modification applications under Section 75W**, as described in:
  - a) Environmental Assessment Report and associated appendices dated 27 October 2008 as amended by the Preferred Project Report dated May 2009,
  - b) **Amended Architectural Approved Architectural Drawings contained within Modification A1, of this approval for Lots 2,3,4 and 5 prepared by Marchese and Partners dated 20 April 2009;**
  - c) ~~Amended Architectural Drawings for Lot 1 prepared by Buchan group dated 24 April 2009;~~
  - d) **c. Amended Landscape Plans prepared by Umbaco Habitation dated 8 July 2012 24 April 2009;**
  - e) **d. Amended subdivision plans prepared by Dunlop Thorpe dated 1 June 2009 13 June 2012**
  - f) **e. BASIX Assessment, BASIX Certificate prepared by Cundall;**

- g) **f.** Amended Traffic Impact Assessment (TMAP) prepared by Traffix (Version 10) dated 24 April 2009
- h) **g.** Stormwater and Flood Management Report prepared by Hyder consulting dated October 2008;
- i) **h.** Utilities Investigation Report prepared by Hyder consulting dated September 2008;
- j) **i.** Infrastructure Report ~~and Plan~~ prepared by Hyder Consulting dated October 2008 **and plans prepared by Craig and Rhodes dated 27 June 2012**
- k) **j.** Waste Management Plan prepared by JD Macdonald dated October 2008;
- l) **k.** Construction Management Plan prepared by Davids Group dated October 2008;
- m) **l.** Demolition Management Plan prepared by Metropolitan Demolitions dated 27 March 2009; and
- ~~n) Amended Draft Voluntary Planning agreement prepared by Maddocks dated April 2009.~~

Reason for Modification: The recent modification to the Concept Plan approval (MP070\_0106 MOD 2) already includes these updated Statement of Commitments. This proposed modification seeks to ensure that the Statement of Commitments for the Concept Plan approval and Project Application approval remain consistent.

To recap, the plans listed in Commitment 1 (b) and (c) above do not reflect the approved Concept Plan drawings and the draft VPA prepared by Maddocks has been deleted as this VPA did not progress. A new VPA is currently being prepared by Minter Ellison Lawyers. Furthermore, the Hyder Infrastructure Plans referred to in (i) above have been updated by the plans prepared by Craig and Rhodes as per proposed modifications to Condition A1.

2. The Proponent ~~(Parkview Sydney Development)~~ will ensure that all contractors engaged to carry out work are aware of and will comply with relevant conditions of consent issued under Major Project No.09\_0106.

Reason for Modification: The recent modification to the Concept Plan approval (MP070\_0106 MOD 2) already includes these updated Statement of Commitments. This proposed modification seeks to ensure that the Statement of Commitments for the Concept Plan approval and Project Application approval remain consistent.

It is proposed to modify the definition of Proponent to encapsulate not only the former Proponent Parkview Sydney Development but also any another Party acting upon the approval.



### 3. TRANSPORT AND TRAFFIC

- 3.2 *Parking to be generally in accordance with the maximum car parking rates required under Condition A5 of the Concept Plan approval. ~~Council's requirements with concessions to promote alternate travel modes as appropriate.~~*

Reason for Modification: The recent modification to the Concept Plan approval (MP070\_0106 MOD 2) already includes these updated Statement of Commitments. This proposed modification seeks to ensure that the Statement of Commitments for the Concept Plan approval and Project Application approval remain consistent.

Condition A5 of the Concept Plan approval prescribes the maximum car parking rates for all future development within the Clemton Park Village site. The Statement of Commitments is proposed to be updated accordingly as the requirements of Condition A5 will prevail to the extent of any inconsistency with Council's DCP requirements.

- 3.3 *Construction of New Troy Street between Charlotte Street and Troy Street **in accordance with the approved plans for roadwork.**~~which includes the adjustment to the road reserve boundary so that New Troy Street is wholly within a new lot to be dedicated to Council.~~*

Reason for Modification: The recent modification to the Concept Plan approval (MP070\_0106 MOD 2) already includes these updated Statement of Commitments. This proposed modification seeks to ensure that the Statement of Commitments for the Concept Plan approval and Project Application approval remain consistent.

The proposed roadworks already form part of the Project Application Approval. All roads within the site are to be dedicated to Council. The approved plans include construction of a section of road immediately adjoining the boundary of the site between Charlotte Street and Troy Street. It is not possible for the Proponent to dedicate land to Council which is not within its ownership. The existing approval does however permit the Proponent to undertake the necessary road works on the adjoining parcel of land to construct New Troy Street.

### NOISE IMPACT

- 4.10 *Delivery Hours: ~~No~~ **All** deliveries, loading or unloading associated with the premises at Lot 1 are to take place between the hours of 6am and 9pm on any day.*

Reason for Modification: The recent modification to the Concept Plan approval (MP070\_0106 MOD 2) already includes these updated Statement of Commitments. This proposed modification seeks to ensure that the Statement of Commitments for the Concept Plan approval and Project Application approval remain consistent.

As this commitment is contained in the noise impact section of the Statement of Commitments we assume that this commitment contains a typographical error as deliveries to retail centres typically occur during daytime periods to minimise noise impacts on surrounding residents. The existing commitment would require all deliveries to occur between 9pm and 6am.

## **ENVIRONMENTAL SUSTAINABILITY**

### **Transport**

- 6.30 *New bus stops will be provided **along Charlotte Street** to serve the site to encourage the use of public transport, a low-emissions mode of transport, **where required**. ~~A commitment is being sourced from bus service providers to reroute bus services to serve the site.~~*

Reason for Modification: The recent modification to the Concept Plan approval (MP070\_0106 MOD 2) already includes these updated Statement of Commitments. This proposed modification seeks to ensure that the Statement of Commitments for the Concept Plan approval and Project Application approval remain consistent.

A letter from Transport NSW dated 8 April 2011 advises that the Department of Transport would not support the circulation of regular STA bus route services on the internal street network, however subject to further investigation the potential may exist to divert STA Route 490 via Harp and Charlotte Streets. A copy of the letter is attached at **Appendix C**.

## **7. CONTAMINATION**

- 7.1 *The Proponent will:*

~~*Prepare an Evaluation and Assessment Plan prior to the commencement of each stage*~~

Reason for Modification: The recent modification to the Concept Plan approval (MP070\_0106 MOD 2) already includes these updated Statement of Commitments. This proposed modification seeks to ensure that the Statement of Commitments for the Concept Plan approval and Project Application approval remain consistent.

The site has already been remediated and a Site Audit Statement has been issued.

## **CONSTRUCTION**

- 11.10 *All excavations associated with the erection or demolition of the building are to be properly **secured guarded** and protected to prevent them from being dangerous to life or property.*

Reason for Modification: The recent modification to the Concept Plan approval (MP070\_0106 MOD 2) already includes these updated Statement of Commitments. This proposed modification





seeks to ensure that the Statement of Commitments for the Concept Plan approval and Project Application approval remain consistent.

Each stage of site works will be secured in accordance with this Commitment. This can be achieved without the use of a guard.

#### **4.0 CONCLUSION**

The project as proposed to be modified by this application will be generally the same development as that approved. No changes are proposed to the overall gross floor area or height of the development or to the proposed land uses.

We look forward to a timely assessment and determination of this application. Should you require any further information please do not hesitate to contact me on 9767 2000.

Yours faithfully

A handwritten signature in dark ink, consisting of a series of fluid, connected loops and strokes, extending horizontally across the page.

**Richard McLachlan**  
**Senior Development Manager**  
**Residential NSW**



# APPENDIX A





## **APPENDIX B**



## **APPENDIX C**