



**MERITON**  
MERITON PROPERTY SERVICES  
PTY LIMITED

19 March 2012

Department of Planning and Infrastructure  
23-33 Bridge Street  
SYDNEY NSW 2001

**HEAD OFFICE**  
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Dear Sir/Madam,

**Planning Submission**  
**Section 75W application to amend condition B4(c) –Public Infrastructure**  
**Major Project MP09\_0148**  
**12-40 Bonar Street and 5 Loftus Street, Arncliffe**

Pursuant to Section 75W of the *Environmental Planning and Assessment Act 1979*, consent is sought from the Department of Planning to amend condition B4(c) (Public Infrastructure). It is proposed that the condition be amended to allow for the use of a bank guarantee in lieu of works to satisfy the condition.

**THE SITE**

The subject site is located at 12-40 Bonar Street and 5 Loftus Street, Arncliffe. It is bound by Hurst Street, to the south, Loftus Street, to the west, and Bonar Street, to the east. The legal details for the site are as follows:

Address	Legal Details	Title Area
12-38 Bonar Street, Arncliffe	Lot 100, DP 706950	9,152 sqm
40 Bonar Street, Arncliffe	Lot E, DP 399131	1,334 sqm
5 Loftus Street, Arncliffe	Lot 101, DP 706950	5,833 sqm

The site has a surveyed land area of 16,326 sqm.

The area surrounding the site is in transition due to the rezoning of the Bonar Street Precinct. Land to the south, on the other side of Hirst Street, is occupied by existing residential development comprising dwelling houses. Land to the north is occupied by the Arncliffe West Public School and associated grounds. Land to the east and west is currently occupied by industrial buildings.

Arncliffe railway station is location south east of the site and within approximately 400m walking distance.

## CONSENT BACKGROUND

On 3 March 2010, the Planning Assessment Commission granted development consent (MP09\_0148) subject to conditions, to the following development on the subject site:

- *Excavation of and dewatering of site*
- *Construction of basement level car parking for 450 vehicles*
- *Erect 4 residential flat buildings comprising 305 apartments*
- *Undertake landscaping works*

## PROPOSED AMENDMENTS & JUSTIFICATION

This S.75W application proposes to amend condition B4(c) (Public Infrastructure), which currently requires the proponent to provide conduits within the footpath / nature strip to accommodate future undergrounding of RailCorp power lines. It is proposed to amend the wording of the condition to allow for the use of a bank guarantee (in lieu of works) to satisfy the condition. This approach is consistent with discussions that have ensued between Meriton and Rockdale Council's Technical Services team.

## AMENDMENTS TO THE CONSENT

In order to amend condition B4(c) to allow for the submission of a bank guarantee in lieu of works, the following amendments are required to the development consent (shown **bold**).

- (c) *The proponent shall design and construct the streetscaping of the Hirst Street (northern side only) and Loftus Street (eastern side only) frontages of the site, including all paving, footpaths, tree planting, landscaping, lighting, and street furniture and the undergrounding of electricity and other service (excluding railcorp power lines), in accordance with the requirements of DCP 80 and the Wolli Creek Streetscape Design Manual (or any design manual that supersedes this manual), to the satisfaction of Council's Manager – Technical Services. ~~Prior to streetscaping the proponent shall provide conduits within the footpath / nature strip along the entire Bonar Street and Hirst Street frontages of the site suitable to accommodate the future undergrounding of the power lines.~~ **The proponent shall provide a Bank Guarantee in favour of Rockdale City Council to the value of \$40,604.00 to cover costs for Council to install conduits along Bonar Street should the installation of electrical ducts for undergrounding of Rail Corp cables be undertaken. The Bank Guarantee will expire on 01 March 2015.***

## CONSIDERATION

### Environmental Planning Instruments

The proposed rewording of condition B4(c) does not affect compliance of the development with the relevant planning instruments. The amendment seeks to allow for use of a bank guarantee in lieu of works.

### Development Control Plans

The proposed amendment does not affect compliance of the development with relevant DCP's.

### **Impact of the Development**

The proposal will not have any adverse impacts. The proposed use of a Bank Guarantee is consistent with discussions with the Council and is considered a suitable and appropriate mechanism to address funds required to address any future need for undergrounding of the RailCorp cabling.

### **Suitability of the site**

It is considered that the proposed modification does not change the original assessment as to the site's suitability for this development.

### **Public Interest**

The site is to be developed in an orderly and economic manner; this application seeks to achieve this. Public exhibition of the proposed modification is considered unnecessary as it has no visible impact on the appearance of the building.

### **CONCLUSION**

Alterations to condition B4(c) to allow for the use of a bank guarantee in lieu of works will not have any impact on the Council's ability to access the funds for the purposes of undergrounding the RailCorp power lines.

It is therefore requested that the application be supported as proposed.

Yours sincerely

**MERITON APARTMENTS PTY LIMITED**

A handwritten signature in black ink, appearing to read 'Tom Hutchison', is written over the printed name and title.

**TOM HUTCHISON**  
**SENIOR TOWN PLANNER**