

30 April 2012

Sam Haddad  
Director General  
Department of Planning and Infrastructure  
23 -33 Bridge Street  
Sydney NSW 2000

Dear Mr. Haddad,

**Re: MP09-0169 – Section 75W modification application – Stage 1 Project Approval for 78 - 96 Arncliffe Street & 31 – 45 Princes Highway, Wolli Creek**

On behalf of Wolli One Pty Limited (Wolli One) we write to request the Minister for Planning and Infrastructure (or his delegate) modify Stage 1 Project Approval MP09\_0169 under Section 75W of the *Environmental Planning and Assessment Act 1979* (the Act) as described below.

This modification application seeks an administrative amendment for the following:

1. Delete condition E12, which requires dedication of land;
2. Modify condition B22(4) that states that the design of the application is to be modified in line with the design measure proposed in the Road Safety Audit; and
3. Request that the attached amended plan for the site be approved that demonstrates how the measures proposed in the Road Safety Audit (as required by condition B22(8)) are to be incorporated.

The modification would enable an Occupation Certificate to be issued in a timely manner.

This submission identifies the existing Stage 1 Project Approval and describes the proposed modification.

## **1. Background**

On 7 July 2010, the Department of Planning and Infrastructure (D&PI) approved the Stage 1 Project Application on the site located at 78-96 Arncliffe St and 31-45 Princes Highway, Wolli Creek (the site). The Stage 1 Project Approval (MP09\_0169) permits the construction of a retail development and required car parking on the site. In addition, Stage 1 Project Approval forms part of an overall concept for a mixed-use retail and residential development on the site.

Wolli One are now nearing completion of the approved development, and need to obtain Occupation Certificate to open the retail store. The proposed modification enables an Occupation Certificate to be issued.

## 2. Description of Modification

In order to allow for an Occupation Certificate to be issued in a timely manner, it is proposed to delete condition E12. The condition states:

### **E12 Dedication of Land**

*The dedication to Council for the purposes of public roads of:*

- (a) A 5m x 5m splay at the corner of Arncliffe Street and Brodie Spark Drive*
- (b) 3.6m strip along the Princes Highway*

*A plan of subdivision for the dedication of roads shall be registered with the NSW Department of Lands to the issue of an Occupation Certificate. Council requires proof of lodgement of the signed Linen Plan and 88B instrument with the Land Titles Office.*

It is also proposed to modify the existing condition B22(4). The existing condition states:

**B22(4)** *The provision of the deceleration lane requires a 3.5m wide lane dedication along the Princes Highway frontage of the subject site to be dedicated as public road at full cost to the developer. A Stage 3 detailed design Road Safety Audit prepared by an independent certified auditor is to be carried.*

A Road Safety Audit has been prepared for the approved development. Refer to **Attachment 1** for the audit report. However, there was never any discussion with Council or DP&I as to the dedication of land along the frontage of the Princes Highway at this stage of the development. As such, the condition should be modified to state:

**B22(4)** *The provision of the deceleration lane requires a 3.5m wide lane along the Princes Highway frontage. A Stage 3 detailed design Road Safety Audit prepared by an independent certified auditor is to be carried. The findings of the Road Safety Audit including any corrective measures are to be adopted by the developer in the construction of the deceleration lane.*

In addition, **Attachment 2** provides an amended plan for the site which includes the minimum required width for the deceleration lane as condition B22(4).

## 3. Justification

The proposed modifications would bring the design of the deceleration lane inline with the Roads and Maritime Services' (RMS) requirements as well as allow for the Occupation Certificate to be issued in a timely manner.

The subject land identified in condition E12 and B22(4) was never suggested to be dedicated to Council at this stage in the development but it is recognised that the deceleration lane is required to have a minimum width for safety purposes.

In addition, the splay on the corner of Brodie Spark Drive and Arncliffe Street is to form part of large public open space to the future development of the site, which was previously subject to a Concept Plan declaration by the Minister for Planning. As previously discussed with Council the public open space is to be dedicated to Council in its entirety.

Given the above, it appears that there has been a misinterpretation of when land is to be dedicated to Council, and therefore we request the deletion or modification to the relevant conditions.

Importantly, the proposed modifications do not change the overall nature of the development and therefore the approved development is substantially the same. Further, the proposal having been audited to RMS's guidelines and requirements does not generate any impacts beyond those already addressed in the approval.

#### **4. Conclusion**

The modification proposed in this Section 75W application relates to the issuing of an Occupation Certificate. The proposed modification will not give rise to any additional environmental impacts, and the development as modified will be substantially the same as that which was approved under MP09\_0169 on 7 July 2010. Therefore, we request that the Minister for Planning and Infrastructure (or his delegate) approve the proposed S75W modification.

Should you have any queries, please do not hesitate to contact me on 0419 265659.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Michael Gheorghiu', with a stylized flourish at the end.

Michael Gheorghiu

# Attachment 1 – Road Safety Audit



# Attachment 2 – Site Plan