

16 May 2012

Our Ref: P3A-2010/2  
Contact: Marta Sadek - 9562 1743

Department Of Planning  
GPO BOX 39  
SYDNEY NSW 2001



**ATTENTION : Mr Ben Lusher**

Dear Mr Lusher

**Re: Modification request (MP09\_0169 MOD 2) Development at 78-98 Arncliffe Street & 31-47 Princes Highway, Wolli Creek**

I refer to your letter dated 1 May 2012 notifying Council of the proposed modification under S75W of the Environmental Planning and Assessment Act, 1979 and thank you for the opportunity to comment. The proponent is seeking deletion of condition E12 and modification to condition B22(4).

Whilst the issues covered by these two conditions may be related, Council's comments will focus on the proposed modification to condition E12, which was the condition recommended in Council's submission to the Stage 1 Project Application. The Department should seek comments from RMS in regard to the proposed modification to condition B22(4). It is nevertheless noted that the existing condition B22(4) requires a 3.6m lane dedication along the Princes Highway and not a 3.5m lane dedication as claimed in the proponent's submission dated 30 April 2012.

Council does not agree to the proposed deletion of condition E12 for the following reasons:


1. The 5m x 5m splay corner is required as a road safety measure to improve visibility on the corner of Brodie Spark Drive and Arncliffe Street.
2. The 3.6m road dedication along the Princes Highway is a requirement of Rockdale Local Environmental Plan 2011 as reflected in clause 5.1A. This clause applies to any development on the land. The road dedication applies to all lots fronting the Princes Highway except for Lot 2 DP 1066102 (corner lot known as 31 Princes Highway Wolli Creek).
3. The road dedications required under condition E12 (both on the corner and along the Princes Highway) are necessary for the provision and/or redirection of utility services within the road reserve (if required). They are also required to facilitate the provision of footpaths for the unencumbered passage of pedestrians. The current arrangement would allow the owner of the land to restrict access to the site, including pedestrian access to the footpath.

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4. The Concept Plan declaration has been revoked by the Minister and thus cannot be relied upon. The approved development, whilst of a temporary nature, will remain on the site for at least 15 years.

Should you have any queries, please contact Marta Sadek on 9562 1743.

Yours faithfully



Marta Sadek

**Senior Development Assessment Planner**