

9 November 2015

Natasha Harras
Team Leader, Regional Assessments
NSW Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Mailto: Natasha.Harras@planning.nsw.gov.au

Dear Natasha,

Response to Submissions – MP10_0098 MOD 1 Royal Randwick Racecourse

This letter has been prepared to respond to the matters raised by Randwick City Council and Transport for NSW during the notification period for MP10_0098 Mod 1. Firstly we make no further comment regarding the submission received from Transport for NSW and thank Mark Ozinga for his response.

Firstly, we note that no further comment is required in respect to the supporting submission received from TfNSW.

With regards to the matters raised by Randwick City Council (the Council), we provide the following comments:

- Please refer to a revised Construction Staging Plan included at Attachment 1 which confirms that for the purpose of this Modification, Stage 3 is to be undertaken in one stage (as the final stage of works).
- This amendment to the Construction Staging Plan also addresses the Council's other comments regarding Stage 2 or 'subsequent stages' and we take the opportunity to clarify that there are only three stages proposed (excluding Transport for NSW works). Please refer to the revised Schedule of Amendment Conditions at Attachment 2, which clarifies the intention of the 'subsequent stages' as referenced within the S75W Report.
- With regards to the nature and timing of the TfNSW scope of works as these relate to the overall Stables staging plan, Council may have assumed that the driveway leading from Wansey Road is intended to be constructed prior to the Stage 1 works. This is not the proponent's intent, nor a matter within the proponent's control. Rather, it is highly likely that the Stage 1 (and potentially Stage 2) works may be constructed prior to the commencement or delivery of the driveway, as these works can be accessed through the site from the south. As such, we do not see the delivery of the TfNSW works as being a critical item prior to the commencement of Stage 3.
- As Council note, at the time of writing their submission, TfNSW is yet to finalise the Light Rail alignment. As such we do not consider it appropriate to show the CSELR configurations for Wansey Road, compared to the detail shown which is consistent with that approved within MP10_0098. Further, it is highlighted to the Council that the driveway does form part of the TfNSW works and as such any changes proposed to its alignment or gradient would form part of the TfNSW scope.

- We note and agree with Council's comment that the gradient of the ramp on approach to the pathway system in Wansey Road must meet the requirements of the relevant Australian Standard. This is a matter to be addressed as part of the works for the Light Rail Construction.
- Further to the comments received by the Council regarding the wording of Stage 2 or 'subsequent stages' and the 'relevant stages', we attach a revised table of the conditions to be amended. We request that the Department use this revised table to assist in the finalisation of the revised condition wording.

We thank the Council for providing comments on this application and noting that no objections are raised to the introduction of an early stage works being Stage 1 to precede the remainder of the Stable works.

We trust that the amendments proposed to the construction staging plan and the proposed changes to the Schedule of Amended Conditions address the Council's concerns and this Modification Application can be swiftly determined.

Should you require any additional information or comment regarding this application, please feel free to contact me on (02) 8233 9990 or alternatively by aryan@urbis.com.au.

Yours sincerely,



Ashleigh Ryan
Senior Consultant – Urban Planning

Attachment 1 – Revised Staging Plan

Attachment 2 – Revised Schedule of Amended Conditions

Attachment 1 – Revised Staging Plan

Attachment 2 – Revised Schedule of Amended Conditions

Condition N ^o & Purpose	Implications on the staging of construction	Requested change to the condition			
SCHEDULE 2					
Part A – Administrative Conditions					
A1 Development Description	No implications on the staging of construction.	No change proposed.			
A2 Development in accordance with plans and documents	This request includes the addition of a ‘Construction Staging Plan’ in the approved drawings and documents.	Insert the following as an approved drawings:			
		Drawing No.	Revision	Name of Plan	Date
		SK-003	Issue 5	Construction Staging Diagram	06/11/2015
New Condition A2A Development in accordance with staging plan	This request includes the provision of a ‘Construction Staging Plan’.	Insert the following as a new condition of approval: “A2A Development in accordance with staging plan The development is to be undertaken generally in accordance with the stages as shown on the Construction Staging Plan submitted with the modification request (MP10_0098 MOD 1), and any reference in this approval to any Stage is a reference to the relevant stage as shown on this plan.”			
Council comment: Clarification of the works encompassed within the proposed stages is considered necessary. Applicant response: This detail is provided within Section 4.2 of the S75W Report. This response to submissions further clarifies that Stage 3 is to be constructed as one stage of works.					
A3 Compliance with the Building Code of Australia	No implications on the staging of construction.	No change proposed.			
A4 WorkCover and DECC Requirements	No implications on the staging of construction.	No change proposed.			
A5 Development Expenses	No implications on the staging of construction.	No change proposed.			
A6 NSW Police Requirements	No implications on the staging of construction.	No change proposed.			
A7 Mediation	No implications on the staging of construction.	No change proposed.			
A8 Approval Time Limit	No implications on the staging of construction.	No change proposed.			

Condition N ^o & Purpose	Implications on the staging of construction	Requested change to the condition
Part B – Prior to the Certification of Building Work		
B1 Building Work	No implications on the staging of construction.	No change proposed.
B2 Long Service Levy	Condition B2 requires the Long Service Levy Payment to be made prior to the issuing of a Construction Certificate. This condition should be paid at pro-rata rate for each stage of the proposed construction works.	<p>Revise the relevant portion of Condition B2 to read:</p> <p>“B2 Long Service Levy The required Long Service Levy payment, under the Building and Construction Industry Long Service Payments Act 1986, is to be forwarded to the Long Service Levy Corporation or the Council, prior to the issuing of a the relevant Construction Certificate for the applicable stage of the project, in accordance with Section 109F of the Environmental Planning & Assessment Act 1979.</p> <p>At the time of this development consent, Long Service Levy payment is applicable on building work having a value of \$25,000 or more, at the rate of 0.35% of the cost of the works for that relevant stage.”</p>
<p>Council comment: See comments made under condition B5.</p> <p>Applicant response: With regards to the wording of the Long Service Levy, we consider that joining payment to a relevant construction certificate is reasonable, as this ensures that Long Service Levy payments are provided for each construction certificate, but only for the works impacted by that stage of the project.</p>		
B3 Acoustic Report	This condition shall apply to Stage 3 of the Project Approval.	<p>Revise the relevant portion of Condition B3 to read:</p> <p>“B3 Acoustic Report A report prepared by a suitably qualified and experienced consultant in acoustics shall be submitted to Council prior to a the relevant construction certificate being issued for Stage 3 of the development...”</p>
B4 Water and Cooling Systems	This condition shall apply to Stage 3 of the Project Approval.	<p>Revise the relevant portion of Condition B4 to read:</p> <p>“Details of compliance must be provided with the relevant construction certificate application for Stage 3 of the development. Waste water from cooling tower warm water systems are to be discharged to the sewer under a Trade Waste Agreement from Sydney Water.”</p>

Condition N ^o & Purpose	Implications on the staging of construction	Requested change to the condition
B5 Developer Contributions	Condition B5 requires the 50% of the total monetary levy payable to be made prior to the issuing of a Construction Certificate, with a bank guarantee for the remaining 50% to be provided to Council prior to a Construction Certificate being issued. This condition should be paid at pro-rata rate for each stage of the proposed construction works. It is proposed that 10% of the total monetary levy is payable prior to the issue of a Construction Certificate for Stage 1, and 40% of the total monetary levy payable prior to the issue of a Construction Certificate for Stage 2.	<p>Revise the relevant portion of Condition B5 to read:</p> <p>"Prior to the issuing of a construction certificate a revised report, prepared at the applicant's cost shall be submitted to Council setting out an estimate of the proposed cost of carrying out the relevant stage of the development for the purposes of clause 25J of the Environmental Planning & Assessment Regulation in order to determine the amount of the monetary levy payable.</p> <p>Fifty (50) Ten (10) percent of the total levy must be paid prior to a the construction certificate being issued Stage 1 of the for the proposed development. Forty (40) percent of the total levy must be paid prior to the relevant construction certificate being issued for Stage 2 of the development. A bank guarantee for the remaining fifty (50) percent of the levy must also be provided to Council prior to a any Stage 3 certificate being issued. The remaining fifty (50) percent of the levy must then be paid in full to Council within two years of the date of issuing of the construction certificate or prior to the issuing of an the relevant occupation certificate (whichever occurs first)."</p>
<p>Council comment:</p> <p>(Summarised) The payment of 10% of the levy prior to issue of construction certificate for Stage 1 works and 40% prior to issue of construction certificate for Stage 2 works is considered reasonable. However, the proposed provision of a bank guarantee for the remaining 50% of the levy "prior to the relevant construction certificate being issued" is considered unacceptable. It is recommended that the relevant portion of condition B5 be reworded to:</p> <p>"A bank guarantee for the remaining 50% of the levy must also be provided to Council prior to any Stage 3 construction certificate being issued"</p> <p>Applicant response:</p> <p>The Council suggested rewording is acceptable. Please see revised wording accepted above.</p>		
B6 Roads and Traffic Authority Requirements	<p>The works referred to in this condition shall be required prior to the issue of an Occupation Certificate for Stage 3 of the development. The requirements under Condition B6 are not proposed to be removed, simply deferred on the basis of the required CSELR works in SSI 6042.</p> <p>It is acknowledged that should the road works required on Wansey Road and Alison Road as part of SSI 6042 be completed prior to the issue of an Occupation Certificate for this development, this condition will become redundant.</p>	<p>Relocate this condition to Part E – Prior to Operations. Revise the relevant portion of Condition B6 to read:</p> <p>"Certified copies of civil design plans for the works on the intersection of Alison Road/Wansey Road/Prince Street shall be submitted to the RTA for consideration and approval prior to the issue release of any a relevant Construction Certificate Occupation Certificate for Stage 3 of the proposed development....</p> <p>A demolition and Construction Traffic Plan detailing construction vehicle</p>

Condition N ^o & Purpose	Implications on the staging of construction	Requested change to the condition
		routes, numbers of trucks, hours of operation, access arrangements and traffic control shall be submitted to Randwick City Council prior to issue of a the relevant construction certificate Occupation Certificate for Stage 3 of the proposed development.
<p>Council comment: (Summarised) This condition requires details to be provided prior to the issue of any Construction certificate and not prior to the issue of an occupation certification for stage 3 of the development. Notwithstanding, the applicant seeks an amendment that is consistent with the requirement prior to a construction certificate. At the same time there is a concern with the requirement being subject to an unknown construction certificate stage associated with Stage 3 works.</p> <p>Applicant response: The proposed changes above note that we seek satisfaction of this condition prior to the operation of the Stage 3 works, on the basis of the potential timing of the required CSELR works in SSI 6042 and the objective to minimise redundant or duplicate civil works.</p>		
B7 Wansey Road Accessway	<p>The works referred to in this condition shall be required prior to the issue of an Occupation Certificate for Stage 3 of the development. The requirements under Condition B7 are not proposed to be removed, simply deferred on the basis of the required CSELR works in SSI 6042.</p> <p>It is acknowledged that should the road works required on Wansey Road and Alison Road as part of SSI 6042 be completed prior to the issue of an Occupation Certificate for this development, this condition will become redundant.</p>	<p>Relocate this condition to Part E – Prior to Operations. Revise the relevant portion of Condition B7 to read:</p> <p>“Certified detailed civil design plan of the entry/exit point of proposed new Stables, including proposed traffic control devices and regulatory signage on Wansey Road, must be provided to Randwick City Council for referral to, and approval by, the Randwick Traffic Committee, to the satisfaction of Council's Director City Services prior to issue of a the relevant construction certificate for Stage 3 of the proposed development.”</p>
<p>Council comment: (Summarised) It is imperative that the gradient of the ramp on the approach to the pathway system in Wansey Road meet the requirements of the relevant Australian Standard, to ensure that drivers' view of all categories of pedestrians is maintained.</p> <p>Applicant response: This is noted, and we acknowledge that the TfNSW works may require amendments to the driveway (either with regards to gradients or relocating westerly). As the Council note, as the alignment of the Light Rail is not yet finalised, we do not propose to show on the construction staging plan, or within any conditions an acknowledgement that this alignment may or may not change. As highlighted elsewhere, the construction of Stages 1 and 2 within the Stables redevelopment do not rely on access via this proposed driveway.</p>		
B8 Wansey Road and Alison Road Pedestrian Safety	<p>The works referred to in this condition shall be required prior to the issue of an Occupation Certificate for Stage 3 of the development. The requirements under Condition B8 are not proposed to be removed, simply deferred on the basis of the required CSELR works in SSI 6042.</p> <p>It is acknowledged that should the road works required on</p>	<p>Relocate this condition to Part E – Prior to Operations. Revise the relevant portion of Condition B8 to read:</p> <p>“The applicant shall liaise with Randwick City Council's Manager Integrated Transport to obtain Council's design Certified detailed civil design plans, prepared in accordance with the RTA's Road Design Guide,</p>

Condition N ^o & Purpose	Implications on the staging of construction	Requested change to the condition
	Wansey Road and Alison Road as part of SSI 6042 be completed prior to the issue of an Occupation Certificate for this development, this condition will become redundant.	RTA's technical direction 2002/10 Pedestrian Refuges and Council specifications, shall be submitted to Randwick City Council for consideration and approval by the Randwick Traffic Committee, and to the satisfaction of Council's Director City Services, prior to issue of a the relevant construction certificate."
<p>Council comment: Consideration would be for traffic control at the gate exit in Wansey Road to manage the conflict between pedestrians/cyclists and entering/egressing construction vehicles. However, it is unclear if this would be under the control of TfNSW with the CSELR works or the ATC, but it would be good to reinforce.</p> <p>Applicant response: We understand that based on the current construction timing of the CSELR, traffic signal works will be provided by TfNSW within the CSELR works.</p>		
B9 Wansey Road Pedestrian Refuge	<p>The works referred to in this condition shall be required prior to the issue of an Occupation Certificate for Stage 3 of the development. The requirements under Condition B9 are not proposed to be removed, simply deferred on the basis of the required CSELR works in SSI 6042.</p> <p>It is acknowledged that should the road works required on Wansey Road and Alison Road as part of SSI 6042 be completed prior to the issue of an Occupation Certificate for this development, this condition will become redundant.</p>	<p>Relocate this condition to Part E – Prior to Operations. Revise the relevant portion of Condition B9 to read:</p> <p>"The pedestrian refuge is to be designed in accordance with the RTA's technical direction 2002/10 Pedestrian Refuges. Certified copies of the civil design plans shall be submitted to Randwick City Council, for referral to, and approval by, the Randwick Traffic Committee, to the satisfaction of Council's Director City Services, prior to issue of a the relevant construction certificate for Stage 3 of the proposed development."</p>
<p>Council comment: It is acknowledged that should the road works required on Wansey Road and Alison Road as part of SSI 6042 be completed prior to the issue of an Occupation Certificate for this development, this condition will become redundant.</p> <p>Applicant response: This is noted and agreed.</p>		
B10 Bicycle Parking	Condition B10 relates to Stage 3 works and as such it is appropriate to amend the condition so that it is required prior to the issue of the relevant Construction Certificate.	<p>Revise the relevant portion of Condition B10 to read:</p> <p>"Design details shall be submitted to Randwick City Council for approval prior to issue of a any construction certificate for Stage 3 of the proposed development."</p>
<p>Council comment: Given that this condition now relates to Stage 3 of the proposed development it is recommended that the relevant part of the condition be modified to read "Design details shall be</p>		

Condition N° & Purpose	Implications on the staging of construction	Requested change to the condition
<p>submitted to Randwick City Council for approval prior to the issue of any construction certificate for Stage 3 of the proposed development".</p> <p>Applicant response:</p> <p>This revised wording is acceptable and has been amended above.</p>		
B11 Wansey Road Vehicle Load Limit	No implications on the staging of construction.	No change proposed.
B12 Mechanical Ventilation	No implications on the staging of construction.	No change proposed.
B13 Disabled Access	Condition B13 relates to Stage 3 and subsequent stages of works and as such it is appropriate to amend the condition so that it is required prior to the issue of the relevant Construction Certificate.	<p>Revise the relevant portion of Condition B13 to read:</p> <p>"B13 Disabled Access</p> <p>Access and facilities for people with disabilities must be provided to new buildings and new building work, in accordance with the relevant provisions of the Building Code of Australia, to the satisfaction of the Certifying Authority and details are to be provided with the relevant Construction Certificate application for Stage 3 of the proposed development."</p>
B14 Sydney Water – Notice of Requirements	This condition must be satisfied prior to significant excavation and as such it is proposed to defer this condition prior to the issue of a Construction Certificate for Stage 2.	<p>Revise the relevant portion of Condition B14 to read:</p> <p>"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) prior to certification of any building works for Stage 2 of the development."</p>
<p>Council comment:</p> <p>Sydney Water should be consulted to ascertain their acceptance of the timing of the Section 73 compliance certificate.</p> <p>Applicant response:</p> <p>We have no objection to Council's suggestion above, however note that the only works to be undertaken within Stage 1 is above ground and should not be impacted by a Section 73 certificate.</p>		
B15 Outdoor Lighting	No implications on the staging of construction.	No change proposed.
B16 Civil Works	This will be required to be complied with prior to the first Construction Certificate being issued. No implications on the staging of construction.	No change proposed.

Condition N° & Purpose	Implications on the staging of construction	Requested change to the condition
B17 Service Authority Issues	Condition B17 relates to Stage 2 and subsequent stages of works and as such it is appropriate to amend the condition so that it is required prior to the issue of the relevant Construction Certificate.	<p>Revise the relevant portion of Condition B17 to read:</p> <p>“B17 Service Authority Issues</p> <p>Documentary evidence from the relevant public utility authorities confirming that their requirements have been satisfied, must be submitted to the certifying authority prior to a the relevant construction certificate being issued for Stage 2 of the development.</p> <p>Any electricity substation required for the site as a consequence of this development shall be located within a residential site, (i.e. not in any road reserve or recreational area), and shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications. The applicant must liaise with Energy Australia prior to lodging the relevant Construction Certificate to determine whether or not an electricity substation is required for the development.”</p>
<p>Council comment:</p> <p>(Summarised) While the applicant's intention is to allow for the service authorities requirements to be satisfied at the relevant stage of works, the proposed modification may have the effect of allowing the submission of the required documents to be deferred to the last construction certificate for the works. This would be contrary to the original intention of having the service authorities requirements satisfied prior to the issuing of any construction certificate. The original condition required the information to be prepared and approved prior to the issuing of any Construction Certificate, so, if the subject Section 75W modification is granted, it would seem reasonable for the service authorities requirements to be satisfied prior to the issuing of the Stage 2 Construction Certificate and no later.</p> <p>Applicant response:</p> <p>We do not object to the service authorities requirements being required prior to the issuing of the Stage 2 Construction Certificate. Given the minor extent of physical works proposed within Stage 1, we firmly believe that aligning this requirement with Stage 2 of the development, and no earlier, is appropriate in this context. Refer to removal of 'subsequent stages' in the condition above.</p>		
B18 Drainage and associated infrastructure	Condition B18 relates to Stage 2 and subsequent stages of works and as such it is appropriate to amend the condition so that it is required prior to the issue of the relevant Construction Certificate.	<p>Revise the relevant portion of Condition B18 to read:</p> <p>“The plans submitted for any Construction Certificate for Stage 2 shall demonstrate compliance with this requirement and must be certified by the applicant's drainage consultant.”</p>
<p>Council comment:</p> <p>(Summarised) The relevant sections of B18 should be modified to read “The plans submitted for any Construction Certificate for Stage 2 shall demonstrate compliance with this requirement and must be certified by the applicant's drainage consultant.”</p> <p>Applicant response:</p>		

Condition N° & Purpose	Implications on the staging of construction	Requested change to the condition
The Council suggested wording is acceptable. Please see revised wording of condition B18 above.		
B19 Waste management	Condition B19 relates to various stages of works and as such it is appropriate to amend the condition so that this detail is required as relevant to the specific stage of the development.	<p>Revise the relevant portion of Condition B19 to read:</p> <p>“B19 Waste management Prior to the issuing of a the relevant construction certificate the applicant is to submit to Council and have approved by Council’s Manager of Waste Services, a Waste Management Plan detailing waste and recycling storage and disposal for the development site. The plan shall detail the type and quantity of waste to be generated by the that stage of the development; demolition waste; construction waste; materials to be reused or recycled; facilities/procedures for the storage, collection recycling & disposal of waste and the on-going management of waste.”</p>
<p>Council comment: Condition B19A staged approach for waste management should be satisfactory.</p> <p>Applicant response: Noted and agreed.</p>		
B20 Landscape and tree management	This condition shall apply to Stage 3 of the Project Approval.	<p>Revise the relevant portion of Condition B20 to read:</p> <p>“Prior to lodging any the issue of a Construction Certificate for Stage 3 of the development, the Concept Plan must be developed further into more detailed landscape plans and specifications, which must be submitted to, and be approved by, the Certifying Authority, and will need to comply with the following...”</p>
<p>Council comment: Condition B20 – the proposed amendment is generally satisfactory however the modification appears to indicate that there will be further staging of Stage 3 works. It is recommended that the relevant portion of Condition B20 be modified to read “Prior to lodging any Construction Certificate for Stage 3 of the development...”</p> <p>Applicant response: The Council suggested wording is acceptable. Please see revised wording of condition B20 above.</p>		
B21 Drainage Works	Significant drainage works are only required from Stage 2 of the proposed development. As such this condition is to be amended to defer these requirements prior to lodging a Construction Certificate for Stage 2 works.	<p>Revise the relevant portion of Condition B21 to read:</p> <p>“Prior to lodging a Construction Certificate for Stage 2 or subsequent stages of the development, the applicant must undertake a detailed investigation and survey of all Council owned/controlled stormwater</p>

Condition N ^o & Purpose	Implications on the staging of construction	Requested change to the condition
		<p>infrastructure within the Stables Precinct. The proposed development must either be suitably designed so as to allow free and unimpeded access to Council's existing drainage infrastructure or alternatively the pipelines must be relocated /reconstructed clear of any structures. All relocated / reconstructed drainage pipelines/culverts must be designed to discharge stormwater flows generated by the critical 1 in 20 year ARI storm event. Full design details must be submitted to Council for approval, and be approved, prior to lodgement of the relevant Construction Certificate.</p> <p>Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage for the proposed residential developments, (i.e. excluding roads and reserves to be dedicated to Council), shall be submitted to and approved by the certifying authority prior to a the relevant construction certificate being issued. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a the relevant construction certificate being issued, if the Council is not the certifying authority....</p> <p>The relevant Construction Certificate application must demonstrate compliance with this requirement. Compliance with this condition is likely to require the applicant to either construct a new onsite stormwater detention system or to modify the existing onsite stormwater detention systems. Full details of the proposed onsite stormwater detention system must be forwarded to Council, (should Council not be the Certifying Authority) prior to the issuing of a the relevant Construction Certificate for Stage 2 of the proposed development."</p>
<p>Council comment: (Summarised) The requirements of B21 need to be fully considered prior to issuing the construction certificate for Stage 2 and no later.</p> <p>Applicant response: This is noted and accepted; please refer to revised amended condition above.</p>		
B22 Heritage	Due to the minor works proposed in Stage 1, the location of the works from existing heritage items (not within an area of significance), and lack of excavation, it is proposed that this condition is deferred to Stage 2 of the development.	<p>Revise the relevant portion of Condition B22 to read:</p> <p>"Prior to a the relevant construction certificate being issued for Stage 2 of the development:..."</p>
<p>Council comment: (Summarised) It is recommended that the preparation of all the required heritage plans and assessments to be undertaken prior to the construction certificate being issued for Stage</p>		

Condition N° & Purpose	Implications on the staging of construction	Requested change to the condition
<p>2 of the development and no later.</p> <p>Applicant response:</p> <p>This is noted and accepted; please refer to revised amended condition above.</p>		
B23 Aquifer Recharge	No implications on the staging of construction.	No change proposed.
Part C – Prior to construction		
C1 Construction Site Management Plan	No implications on the staging of construction.	No change proposed.
C2 Notice to be Given Prior to Construction	No implications on the staging of construction.	No change proposed.
C3 Notice to be Given Prior to Commencement/Excavation	No implications on the staging of construction.	No change proposed.
C4 Demolition Work Plan for hazardous materials	No implications on the staging of construction.	No change proposed.
C5 Sydney Water services	No implications on the staging of construction.	No change proposed.
C6 Waste Control	No implications on the staging of construction.	No change proposed.
C7 Heritage Item Management	<p>Due to the minor works proposed in Stage 1, the location of the works from existing heritage items (not within an area of significance), and lack of excavation, it is proposed that this condition is deferred to Stage 2 of the development.</p> <p>It is to be noted that this Modification Application does not seek to ignore or removal any obligations with regards to heritage and archaeological impact, it merely seeks to align this work with the relevant stage of the development.</p>	<p>Revise the relevant portion of Condition C7 to read:</p> <p>“The Proponent shall prepare a Non-Indigenous Heritage Management Plan for the approval of the consent authority as a supplement to the Construction Environmental Management Plan prior to the commencement of Stage 2 works. That document shall include details of all procedures to be implemented during the works to manage impacts to non-Indigenous heritage items and non-indigenous archaeology. A specialist heritage manager or heritage consultant shall be nominated for the relevant works. The consultant shall have appropriate qualifications and experience commensurate with the scope of the Major Project works. The name and experience of this consultant shall be submitted to the consent authority for approval prior to commencement of Stage 2 works. The heritage consultant shall advise on the detail design resolution of new works, undertake on site heritage inductions, and shall inspect new works, design and installation of services (to minimise impacts on significant fabric and views) and manage the implementation of the conditions of approval for the Project. All construction contractors, subcontractors and</p>

Condition N° & Purpose	Implications on the staging of construction	Requested change to the condition
		<p>personnel are to be inducted and informed by the nominated heritage consultant prior to commencing the relevant work on site as to their obligations and requirements in relation to historical archaeological sites and 'relics' in accordance with guidelines issued by the Heritage Council of NSW...</p> <p>Photographic and archival recording of all buildings, structures, landscape elements area areas identified as having moderate, high or exceptional significance, as identified in the specialist reports prepared as part of the Environmental Assessments for the project, is to be undertaken prior to the commencement of any construction activity."</p>
<p>Council comment: (Summarised)... As such, the preparation of the Heritage Managed Plan should be required at the commencement of Stage 2 works and not at any subsequent stages. Additionally, as part of this condition, the submission of details about the name and experience of the specialist heritage consultants for the works must be fixed at Stage 2 and no later.</p> <p>Applicant response: This is noted and accepted; please refer to revised amended condition above.</p>		
C8 European Archaeological Heritage Management	<p>Due to the minor works proposed in Stage 1, the location of the works from existing heritage items (not within an area of significance), and lack of excavation, it is proposed that this condition is deferred to Stage 2 of the development.</p> <p>It is to be noted that this Modification Application does not seek to ignore or removal any obligations with regards to heritage and archaeological impact, it merely seeks to align this work with the relevant stage of the development.</p>	<p>Revise the relevant portion of Condition C8 to read:</p> <p>"The Proponent shall submit a baseline European (Non-Indigenous) Archaeological Assessment and Archaeological Management Plan for the approval of the consent authority as a supplement to the Construction Environmental Management Plan prior to the commencement of Stage 2 works...</p> <p>All construction contractors, subcontractors and personnel are to be inducted and informed by the nominated Archaeologist prior to commencing relevant work on site as to their obligations and requirements in relation to historical archaeological sites and 'relics' in accordance with guidelines issued by the Heritage Council of NSW."</p>
<p>Council comment: (Summarised)... The original condition required the Assessment and Plan to be prepared prior to the commencement of any works, so, if the subject Section 75W modification is granted, it would seem reasonable to requiring submission at Stage 2 and no later.</p> <p>Applicant response: This is noted and accepted; please refer to revised amended condition above.</p>		
C9 Aboriginal Heritage	No implications on the staging of construction.	No change proposed.

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Management		
C10 Heritage Interpretation Strategy	<p>Due to the minor works proposed in Stage 1, the location of the works from existing heritage items (not within an area of significance), and lack of excavation, it is proposed that this condition is deferred to Stage 2 of the development.</p> <p>It is to be noted that this Modification Application does not seek to ignore or removal any obligations with regards to heritage interpretation, it merely seeks to align this work with the relevant stage of the development.</p>	<p>Revise Condition C10 to read:</p> <p>"An Interpretation Strategy will be prepared in accordance with Heritage Council guidelines prior to the commencement of Stage 2 works for approval by the consent authority. In particular this will outline how heritage significance to be lost will be interpreted within the site."</p>
<p>Council comment: (Summarised) The original condition required the HIS to be prepared prior to the commencement of any works, so, if the subject Section 75W modification is granted, it would be reasonable to defer the preparation of the HIS until Stage 2 but no later.</p> <p>Applicant response: This is noted and accepted; please refer to revised amended condition above.</p>		
C11 State Transit Authority Requirements	No implications on the staging of construction.	No change proposed.
C12 RTA requirement - Alison and Wansey Road Intersection reconfiguration	This condition will only apply should the road reconfiguration works as part of MP10_0098 be required prior to the issue of an Occupation Certificate.	<p>Revise the relevant portion of Condition C12 to read:</p> <p>"The RTA fees for administration, plan checking, civil works inspection and project management for required reconfiguration of the Alison Road and Wansey Road intersection shall be paid by the proponent prior to the commencement of the relevant works."</p>
C13 Demolition	No implications on the staging of construction.	No change proposed.
C14 Contamination	This condition requires additional investigation to be undertaken prior to above-ground works to ensure that the site is suitable for its intended land use, posing no immediate or long term risk to public health or the environment and is fit for occupation by persons. As the proposed Stage 1 works are for a construction platform only, does not involve excavation works, or a permanent land use, this condition is proposed to be deferred to Stage 2 of the development.	<p>Revise the relevant portion of Condition C14 to read:</p> <p>"Prior to above-ground Stage 2 works commencing for the development, a detailed site contamination investigation must be undertaken by an independent appropriately qualified environmental consultant in order to provide information on land and ground water contamination and migration in relation to past and current activities and uses that may have occurred on the site."</p>
<p>Council comment: (Summarised)... it is recommended that the condition shall read at the beginning of the condition as follows:</p>		

Condition N° & Purpose	Implications on the staging of construction	Requested change to the condition
<p>"Prior to works commencing for the development in stage 2 or subsequent stages of works commencing for the development."</p> <p>Applicant response:</p> <p>The Council suggested wording is acceptable. Please see revised wording of condition C14 above.</p>		
C15 Works within road reserve/public place	No implications on the staging of construction.	No change proposed.
C16 Tree management	This will be complied with prior to the commencement of Stage 1 works. No implications on the staging of construction.	No change proposed.
Part D – During Construction		
D1 Ecological Sustainable Development	No implications on the staging of construction.	No change proposed.
D2 Protection of adjoining premises	No implications on the staging of construction.	No change proposed.
D3 Hours of Work	No implications on the staging of construction.	No change proposed.
D4 Public Health and Safety	No implications on the staging of construction.	No change proposed.
D5 WorkCover	No implications on the staging of construction.	No change proposed.
D6 Site Notice	No implications on the staging of construction.	No change proposed.
D7 Excavation	No implications on the staging of construction.	No change proposed.
D8 Noise Control	No implications on the staging of construction.	No change proposed.
D9 Standards and Codes	No implications on the staging of construction.	No change proposed.
D10 Work Cover Requirements	No implications on the staging of construction.	No change proposed.
D11 Footpath protection	No implications on the staging of construction.	No change proposed.
D12 Service authority Issues	No implications on the staging of construction.	No change proposed.
D13 Tree Management Issues	No implications on the staging of construction.	No change proposed.
D14 NSW Office of Water Requirements - Groundwater	No implications on the staging of construction.	No change proposed.
D15 Tanking and waterproofing issues	No implications on the staging of construction.	No change proposed.

Condition N ^o & Purpose	Implications on the staging of construction	Requested change to the condition
Part E – Prior to operations		
E1 Occupation Certificate	No implications on the staging of construction.	No change proposed.
E2 Alison Road and Wansey Road Intersection Reconfiguration	This condition shall apply, or otherwise as satisfied by the completion of all road works in accordance with SSI 6042.	Amend Condition E2 to read: “The required reconfiguration works for the Alison Road and Wansey Road intersection (or otherwise delivered to the satisfaction of the consent authority) shall be fully constructed and operational prior to the release of the Occupation Certificate.”
<p>Council comment: No objections</p> <p>Applicant response: Noted and agreed.</p>		
E3 Fire Safety	No implications on the staging of construction.	No change proposed.
E4 Structural Inspection and Certification	No implications on the staging of construction.	No change proposed.
E5 Cooling Systems	No implications on the staging of construction.	No change proposed.
E6 Sydney Water Requirements	No implications on the staging of construction.	No change proposed.
E7 Drainage Works Requirements	No implications on the staging of construction.	No change proposed.
E8 Work Place Travel Plan and Travel Access Guide	No implications on the staging of construction.	No change proposed.
Part F – During operations		
F1 RTA Requirements	No implications on the staging of construction.	No change proposed.
F2 Annual Fire Safety Certificate	No implications on the staging of construction.	No change proposed.
F3 Noise & Vibration Controls – Operational, Plant & Machinery	No implications on the staging of construction.	No change proposed.
F4 Operation Management Plans	No implications on the staging of construction.	No change proposed.
F5 Operation Waste Management	No implications on the staging of construction.	No change proposed.
F6 NSW Health Requirements	No implications on the staging of construction.	No change proposed.

Condition N ^o & Purpose	Implications on the staging of construction	Requested change to the condition
Advisory Notes		
AN1 Use of Mobile Cranes	No implications on the staging of construction.	No change proposed.
AN2 Movement of Trucks Transporting Waste Material	No implications on the staging of construction.	No change proposed.
AN3 Disability Discrimination Act	No implications on the staging of construction.	No change proposed.
AN4 Temporary Structures	No implications on the staging of construction.	No change proposed.
AN5 Structural Capability for Existing Structures	No implications on the staging of construction.	No change proposed.
AN6 Commonwealth Environment Protection and Biodiversity Conservation Act 1999	No implications on the staging of construction.	No change proposed.
AN7 Building Code of Australia	No implications on the staging of construction.	No change proposed.
AN8 Fire Safety	No implications on the staging of construction.	No change proposed.
AN9 Council Assets	No implications on the staging of construction.	No change proposed.
SCHEDULE 3		
Statement Of Commitments		
Section 94 Contributions	Section 94 Contributions to be paid as a proportion of the works proposed within each stage.	Revise the relevant portion of the commitment to read: “Prior to issue of the relevant Construction Certificate for Stage 2 works ”
<p>Council comment: See comments relating to condition B5.</p> <p>Applicant response: See response relating to condition B5.</p>		
Residential Amenity – Light Spill	No implications on the staging of construction.	Revise the relevant portion of the commitment to read: “Prior to issue of the relevant Construction Certificate”
Residential Amenity – Odour and Dust Management	No implications on the staging of construction.	No change proposed.

Condition N ^o & Purpose	Implications on the staging of construction	Requested change to the condition
Landscape Design and Tree Preservation	No implications on the staging of construction.	No change proposed.
Ecologically Sustainable Development	No implications on the staging of construction.	Revise the relevant portion of the commitment to read: “Prior to issue of the relevant Construction Certificate”
Stormwater Management	No implications on the staging of construction.	Revise the relevant portion of the commitment to read: “Prior to issue of the relevant Construction Certificate for Stage 2 works ”
<p>Council comment: See comments relating to condition B18 and B21.</p> <p>Applicant response: See response relating to condition B18 and B21.</p>		
Groundwater Management	No implications on the staging of construction.	Revise the relevant portion of the commitment to read: “Prior to issue of the relevant Construction Certificate”
<p>Council comment: No objections</p> <p>Applicant response: Noted and agreed.</p>		
Environmental Health and Animal Welfare	No implications on the staging of construction.	No change proposed.
Integrated Water Management	No implications on the staging of construction.	Revise the relevant portion of the commitment to read: “Prior to issue of the relevant Construction Certificate”
<p>Council comment: No objections</p> <p>Applicant response: Noted and agreed.</p>		
Contamination	No implications on the staging of construction.	No change proposed.
Aboriginal Archaeological Heritage	No implications on the staging of construction.	No change proposed.

Condition N° & Purpose	Implications on the staging of construction	Requested change to the condition
European Heritage	No implications on the staging of construction.	No change proposed.
Waste Management	No implications on the staging of construction.	No change proposed.
Construction Management	No implications on the staging of construction.	No change proposed.