

RELEVANT INFORMATION FOR CENTRAL SYDNEY PLANNING COMMITTEE

FILE: D/2012/1175 **DATE:** 07 March 2013
TO: Central Sydney Planning Committee Members
FROM: Graham Jahn- Director City Planning, Development and Transport
SUBJECT: Information Relevant To Item 4 – Development Application: 312-318
Botany Road, Zetland and various sites - Green Square Town Centre
Essential Infrastructure - At Central Sydney Planning Committee 08 March
2013 (memo 1B)

Alternative Recommendation

That the Central Sydney Planning Committee grant consent to the development application, in accordance with the conditions contained in Attachment A to the subject report to the Central Sydney Planning Committee on 21 February 2013, and the following amended conditions (additions shown in ***bold italics*** and deletions shown in ~~strikethrough~~):

~~(A) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to D/2012/1175 subject to the following:~~

~~1. REMEDIATION ACTION PLAN~~

~~An overarching Remedial Action Plan (RAP) covering the full extent of the proposed Essential Infrastructure works shall be submitted to and approved by the Council and the NSW EPA accredited Site Auditor Graeme Nyland. A statement must also be submitted by the Site Auditor certifying that the overarching RAP is practical and that the entire site will be suitable after remediation for the proposed development.~~

~~2. APPROVAL BY RAILCORP~~

~~The Applicant shall prepare and provide to RailCorp for approval / certification the following items:~~

- ~~1. Documentation that meets the requirements of the "Airport Line Tunnel Protection Guidelines."~~
- ~~2. Final Construction methodology with construction details pertaining to the installation of services and undertaking of works either above or within 25m of the rail tunnel.~~

3. ~~Final cross sectional drawings showing the tunnel location, sub soil profile, location of works and services to be installed that are located either above or within 25m of the rail tunnel. All measurements are to be verified by a Registered Surveyor.~~
4. ~~Detailed survey plan showing the relationship of the proposed development with respect to RailCorp's land and infrastructure.~~
5. ~~If required by RailCorp, any other documentation to enable assessment of any impacts on the rail tunnel.~~

~~3. APPROVAL OF ROADS & MARITIME SERVICES~~

~~The approval of Roads & Maritime Services pursuant to Section 138 of the Roads Act 1993 shall be obtained.~~

- ~~(B) evidence that will sufficiently enable Council to be satisfied as to those matters identified in the deferred commencement conditions, as indicated above, must be submitted to Council within 2 years of the date of determination.~~
- ~~(C) the consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions as indicated above, have been satisfied.~~
- ~~(D) upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the following conditions of consent and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions.~~

Insert new conditions 3A and 3B in Schedule 1A:

(3A) REMEDIATION ACTION PLAN

An overarching Remedial Action Plan (RAP) covering the full extent of the proposed Essential Infrastructure works, with the exception of 956-996 Bourke St (Lot 10 DP 874704), 355 Botany Rd (Lot Y DP 413956), and 377-497 Botany Rd (Lot 1 DP 628547) subject to the "Green Square Essential Infrastructure and Public Domain – Draft Remedial Action Plan (19 December 2012)" also known as the consortium lands, shall be submitted to and approved by the Council and the NSW EPA accredited Site Auditor prior to Construction Certificate.

A statement must also be submitted by the Site Auditor certifying that the overarching RAP is practical and that the entire site will be suitable after remediation for the proposed development.

(3B) RMS REQUIREMENTS

- (a) Comments provided within the previous Transport for NSW (TfNSW) letter to Council dated 5 January 2012 (see attached) with regard to the Green Square Town Centre – Public Exhibition of Planning Proposal and Draft Development Control Plan continue to be applicable to this development application.***

- (b) In accordance with the Green Square Town Centre DCP – Access and Circulation, direct vehicular access to the subject site is not permitted via Botany Road and Bourke Street.**
- (c) The proposed intersection of Bourke Street / Ebsworth Street shall be physically restricted to left-in / left-out movements through the installation of a raised concrete median island similar to that indicated on Drawing No: CIV-390, Rev: 03, Dated: 14/06/12. The raised central concrete median shall have a minimum width of 900mm.**
- (d) To ensure traffic efficiency is not compromised along Botany Road, the RMS will not agree to any at-grade pedestrian crossing facilities at the proposed bus signals at the intersection of Botany Road / East-West Boulevard (Civic Plaza).**
- (e) To address pedestrian desire lines across Botany Road between the proposed Town Centre and the Rail Station, the applicant will be required to install pedestrian fencing along Botany Road which would direct pedestrians to the at-grade crossings at the signalised intersection of Botany Road / Bourke Street / O’Riordan Street (TCS# 346). Note: The scope and length of pedestrian fencing is to be resolved prior to the issue of any construction certificates.**
- (f) Prior to the issue of the relevant construction certificates excluding demolition, remediation, excavation and shoring works, the applicant will be required to submit concept design plans to the RMS for in-principle approval for the following signalised intersections:**
- a. Bourke Street / Portman Street,**
 - b. Zetland Avenue / Joynton Avenue,**
 - c. Zetland Avenue / Paul Street,**
 - d. Botany Road / Geddes Avenue,**
 - e. Botany Road / Bourke Street / O’Riordan Street / Wyndham Street,**
 - f. Botany Road / East-West Boulevard (Civic Plaza).**
- i. Note: The applicant must also submit detailed 2031 (AM / PM Peak) traffic modelling for the abovementioned intersections which details Average Delays, Level of Service, queue lengths, lane configurations, turn bay lengths, etc.**
 - ii. The abovementioned intersections along Botany Road will need to accommodate the provision of right turn storage lanes along Botany Road, which will require land dedication from the subject site as public road at full cost to the developer.**
- (g) Redundant driveways are to be removed with kerb and gutter reinstated to Council’s requirements.**
- (h) Appropriate provision must be made for parking, cyclists, service vehicles, including garbage vehicles, maintenance vehicles, deliveries and buses on the internal roads and intersections. Council must also ensure that a review of all the intersections is satisfactorily carried out using Austroads turning circles for the largest vehicle likely to use the intersection.**

- (i) Full time 'No Stopping' restrictions shall be installed along the entire Botany Road and Bourke Street property frontage of the Green Square Town Centre (except where Bus Zones are required). The applicant is to contact the RMS's Traffic Engineering Services on Phone: (02) 8849 2907 for a Work Instruction, prior to implementing the full time "No Stopping" regulatory signage.**
- (j) A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control shall be submitted to Council, for approval, prior to the issue of any construction certificate.**
- (k) Subject to approval from Council's Local Traffic Committee, full time "No Stopping" restrictions are to be installed in accordance with the Road Marking and Signage Plans (Sheets 1-4).**
- (l) The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.**
- (m) The Applicant is to comply with the requirements of the Technical Direction (GTD 2012/001) – Excavation Adjacent to RMS Infrastructure. The developer is to meet the full cost of this assessment by the RMS. Details of this Technical Direction can be emailed to the applicant upon request.**
- (n) Council should ensure that the post-development storm water discharge from the subject site into the RMS drainage system does not exceed the pre-development discharge.**
 - i. Should the post-development stormwater discharge exceed the pre-development discharge, detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to the RMS for approval, prior to the commencement of any works.**
 - ii. Details should be forwarded to:**

**Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124.**
 - iii. A plan checking fee will be payable and a performance bond may be required before the RMS's approval is issued. With regard to the Civil Works requirement please contact the RMS's Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.**
- (o) Proposed Traffic Signal works at the intersections of Bourke Street / Portman Street, Zetland Avenue / Joynton Avenue, Zetland Avenue / Paul Street, Botany Road / Geddes Avenue, Botany Road / Bourke Street / O'Riordan Street / Wyndham Street, Botany Road / East- West Boulevard (Civic Plaza) and associated civil works along Bourke Street and Botany Road shall be designed in accordance with Austroads with RMS supplements, RMS' Traffic Signal Design Manual other Australian Codes of Practice. Design plans shall be prepared by a suitably qualified practitioner and submitted to RMS for consideration and approval prior to commencement of any Traffic Signals and**

associated civil works. RMS fees for administration, plan checking, signal works inspection and project management will need to be paid by the developer prior to the commencement of any Traffic Signals and associated civil works. A ten (10) year operation charge (payable to Roads and Maritime Services) will apply to each new signalised intersection.

i. RMS fees for administration, plan checking, signal works inspection and project management will need to be paid by the developer prior to the commencement of any road works. A ten (10) year operation charge (payable to Roads and Maritime Services) will apply to each new signalised intersection.

(p) The Applicant will be required to enter into a Works Authorisation Deed (WAD) for the abovementioned traffic signal and civil works. The Works Authorisation Deed (WAD) will need to be executed prior to RMS' assessment of the detailed design plans.

(q) All works / regulatory signage associated with the proposed development are to be at no cost to the RMS.

(3C) RAILCORP REQUIREMENTS

- Final construction methodology with construction details pertaining to the installation of services and undertaking of works with the area shown in green or yellow in the plan provided in Attachment D submitted to Railcorp for review and comment on the impacts of the rail corridor. Works are not to commence until written confirmation has been received from Railcorp confirming that this condition has been satisfied.**
- Prior to commencement of works Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Railcorp for review and comment on the impacts on rail corridor. Works are not to commence until written confirmation has been received from Railcorp confirming that this condition has been satisfied.**
- Details of the machinery to be used during the works are to be submitted to Railcorp for review and endorsement. Works are not to commence until written confirmation has been received confirming that this condition has been satisfied.**
- On completion of works the Applicant is to submit the as-built drawings to Railcorp. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into Railcorp property or easement, and that there has not been works deeper than 2m in depth within the area shown in green or yellow in the plan provided in Attachment D.**

Background

The subject application has been assessed by an independent planning consultant (Helena Miller of MG Planning Pty Ltd). The alternate recommendation contained in this 'relevant to' memo has been reviewed by Helena Miller and is supported.

At the meeting of the Central Sydney Planning Committee on 21 February 2012, the item was adjourned to allow for further consideration of the three (3) proposed deferred commencement matters that are required to be satisfied prior to the consent becoming operative, which include:

- Requirement for over-arching Remediation Action Plan
- RMS concurrence to be obtained
- Railcorp requirements to be addressed

Requirement for over-arching Remediation Action Plan

The report prepared for CSPC's consideration on 21 February 2013 (paragraph 26) recommended that a deferred commencement consent condition should be imposed for contamination issues for the following reasons:

'It is noted that the site auditor has confirmed that the site can be made suitable for the proposed use however given the different approaches taken in various RAPs and investigations previously undertaken for the site, and to ensure that all affected land is covered by an appropriate RAP, it is considered that a deferred commencement consent condition should be imposed. This condition would require the preparation of an overarching RAP which covers the entire area covered by the essential infrastructure works prior to any consent becoming operational. In addition other standard conditions in relation to remediation should also be applied'.

Following the CSPC meeting the site auditor (Graeme Nyland of ENVIRON Australia Pty Ltd) was provided with additional reports for his review by the applicant. The following extract forms the conclusion of Mr Nyland's review of the additional reports in his letter to the City of Sydney dated 5 March – Attachment A:

'The additional information provided does not change the conclusions of the previous AIA letters, and the Auditor considers that the Green Square Town Centre Area can be made suitable for commercial/industrial and recreation open space uses including associated Infrastructure if the site is remediated in accordance with the process outlined in this letter. Preparation of an Overarching RAP is not an essential step in the remediation process provided suitable RAPs are produced for each area.

However, as the Green Square area has been subject to numerous separate investigations and remediation concepts, and will be developed in stages, it is recommended that an Overarching Remedial Action Plan is prepared for the greater Green Square area. It should outline the principles and general procedures to be followed for management and remediation of contamination in the Green Square Town Centre. It is further recommended that a Site Audit Report and Section B Site Audit Statement are prepared verifying the suitability of the Overarching Remedial Action Plan'.

The site auditor in his letter dated 5 March 2013 has deemed that the entire site 'can be made suitable' for the proposed infrastructure works, provided RAP's are prepared for each area.

Helena Miller of MG Planning has reviewed the auditor's latest advice and is of the opinion that the previous requirement to prepare an over-arching RAP for the remainder of the site can be removed as a deferred commencement matter, and imposed as a condition of development consent prior to the issue of Construction Certificate .

As the portion of the site known as the 'consortium lands' is already subject to a detailed draft RAP it is not recommended that the overarching RAP be required for this part of the overall site, the subject of this DA. Proposed condition 3A reflects this requirement.

RMS concurrence to be obtained

Roads and Maritime Services had not provided their concurrence to the development application at the time the matter was reported to the CSPC meeting on 21 February 2013.

RMS concurrence has since been received (Attachment B) and the deferred commencement condition has been removed. Proposed condition 3B is recommended requiring compliance with the matters identified in the RMS concurrence letter.

Railcorp requirements to be obtained

Since the previous CSPC meeting, a letter from Railcorp has been sent to Council with revised conditions (Attachment C) and the deferred commencement condition has been removed. Proposed condition 3C is recommended requiring compliance with the matters identified in the Railcorp concurrence letter.

Attachments

A – Interim Advice from Site Auditor dated 5 March 2013

B – Concurrence letter from RMS dated 21 February 2013

C- Concurrence letter from Railcorp letter dated 8 March 2013

Prepared by: Calvin Houlison

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Approved



**Graham Jahn- Director City Planning,
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