

## **RELEVANT INFORMATION FOR CENTRAL SYDNEY PLANNING COMMITTEE**

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**FILE:** D/2012/1175 **DATE:** 21 February 2013  
**TO:** Central Sydney Planning Committee Members  
**FROM:** Graham Jahn - Director, City Planning, Development & Transport  
**SUBJECT:** Information Relevant To Item 04 – 312-318 Botany Road, Zetland & various sites- Green Square Town Centre- Essential Infrastructure - At Council 21 February 2013

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### **Alternative Recommendation**

That the development application be approved subject to the original conditions contained in the recommendation of the planning assessment report in the agenda for Central Sydney Planning Committee meeting 21 February 2013 and subject to the following (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.

## **SCHEDULE 1A**

### **Approved Development / Design Modifications/Covenants and Contributions/Use and Operation**

**Note:** Some conditions in Schedule 1A are to be satisfied prior to issue of a ***the relevant*** Construction Certificate and some are to be satisfied prior to issue of ***the relevant*** Occupation Certificate, where indicated.

#### **(1) APPROVED DEVELOPMENT**

- (a) Development must be in accordance with Development Application No. D/2012/1175 dated 6 August 2012 (amended 31 October 2012) and Statement of Environment Effects - Green Square Town Centre Essential Infrastructure prepared by City of Sydney, dated August 2012 and the following drawings: prior to the commencement of any work on site ***for that stage of works:***

<b>Drawing Number</b>	<b>Rev.</b>	<b>Title</b>	<b>Prepared by</b>	<b>Date</b>
L100-L305 (incl.)	D	Various	Occulus	22/06/2012
CIV-010 – CV-055 (incl.)		Services Demolition and Relocation Plans	Aurecon	21.08.12
CIV-100-CIV-160	04	Staging Plans	Aurecon	14.06.12
CIV-200-CIV-220	03	General Arrangements	Aurecon	14.06.12

Drawing Number	Rev.	Title	Prepared by	Date
CIV-260-271 (incl.)	03	Typical Cross Sections and Set Out	Aurecon	14.06.12
CIV-272-341	03	Longitudinal Sections and Cross Sections	Aurecon	14.06.12

and as amended by the conditions of this consent:

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

## (2) PLANS / DOCUMENTS NOT APPROVED

The plans and documents set out below are NOT APPROVED as part of the subject development consent and shall be resubmitted for Council approval prior to the commencement of any works on site **for that stage of works and excluding approved preparatory, remediation, demolition and shoring works:**

Drawing Number	Rev.	Title	Prepared by	Date
L300	D	Street Section A	Occulus	22/06/2012
L306-308	D	Shared Zone Sections	Occulus	22/06/2012
L400	D	Landscape Details Village Centre 01	Occulus	22/06/2012
L401	D	Landscape Details Village Centre 02	Occulus	22/06/2012
L402	D	Landscape Details Village Centre 03	Occulus	22/06/2012
L404	D	Landscape Details Local Area 02	Occulus	22/06/2012
L405	D	Landscape Details Local Area 03	Occulus	22/06/2012
CIV-230	03	Joynton Avenue – Detention Basin	Aurecon	14.06.12
CIV-235	03	Green Square Plaza Plan and Sections	Aurecon	14.06.12
CIV-240	04	Typical pavement details	Aurecon	21.08.12
CIV-243	03	Access Way Vehicle Crossing Details	Aurecon	14.06.12
CIV-250-252 (incl.)	03	Stormwater Miscellaneous Details	Aurecon	14.06.12
CIV-400-403 (incl.)	04	Pavement Layout	Aurecon	14.06.12
CIV-450 and 455	03	The Drying Green Plan and Sections	Aurecon	14.06.12
CIV 460-461 (incl.)	03	Culvert Diversion Chambers	Aurecon	14.06.12
Green Square Town Centre – Public Domain Strategy, Draft			McGregor Coxall	January 2013

## SCHEDULE 1B

### Prior to Construction Certificate / Commencement of Work / Health and Building

Note: Prior to the issue of the **relevant** Construction Certificate, sufficient information must be forwarded to the certifying authority (whether Council or a private accredited certifier) illustrating compliance with the relevant requirements of the Building Code of Australia (and a copy forwarded to Council where Council is not the certifying authority). If Council is to be the certifying authority, please contact the Building Unit to discuss the requirements prior to submission of the application for construction certificate.

#### (50) DRAINAGE SYSTEM DESIGN

Drainage systems **excluding preparatory, demolition, remediation and shoring works** that convey flood waters from upstream catchments through the site must be designed such that:

- (a) The drainage systems convey flood waters up to and including the 1 in 100 year ARI and flows safely to downstream trunk drainage system. The design must comply with the safety standard recommended in the Australian Rainfall and Runoff, a guide to Flood Estimation by the Institution of Engineers and NSW Flood Development manual, 2005
- (b) Minimum of 1 in 20 year ARI flows must be contained within below ground pipes and the remaining flows above the pipe capacity and up to and including the 1 in 100 year ARI flows as overland flows. If roads are to be used to convey overland flows the safety requirements outlined in (a) above must be met.

Any special drainage structures or collection drainage pits within road reserves or in public spaces to capture or divert overland flows must meet safety requirements in (a) above.

#### (52) ALIGNMENT LEVELS

Plans approved in principle

- (a) Prior to a Construction Certificate being issued for each Stage, road and footpath alignment levels must be submitted to Council for approval. The submission must be prepared by a Registered Surveyor and must be in accordance with the City of Sydney's Public Domain Manual.
- (b) These alignment levels, as approved by Council, are then to be incorporated into the plans submitted with the application for a Construction Certificate, excluding a Construction Certificate for approved preparatory, **remediation**, demolition or shoring work.
- (c) If a Public Domain Plan condition applies to the development the Alignment Levels application must be made concurrently or before the submission of a Public Domain Plan.

#### (56) SUBMISSION OF SUBDIVISION APPLICATION

A separate subdivision application shall be submitted to and approved by the City **prior to Occupation Certificate** for the creation of the proposed roads and public reserves, including all easements reasonably necessary to recognise and

support any infrastructure. ***This condition only applies to stages that include road and footpath construction to final surface level.***

**(57) FOOTWAY WIDTH**

Minimum footway widths as detailed in the City LEP and DCP are to be provided including at road intersections. Where kerb and gutter alignments need to be adjusted to accommodate vehicle turning movements, appropriate adjustments to future property boundaries will need to occur. All adjustments are to be submitted to Council for approval ***excluding preparatory, demolition, remediation and shoring works.***

**(62) STREET AND PEDESTRIAN LIGHTING**

The applicant shall provide a system of underground street and pedestrian lighting along all roads, footpaths, and street closures in accordance with Ausgrid and Council standards. Detailed plans, specifications, light level calculations are to be submitted to and approved by Council for each stage prior to the issue of a construction certificate for that stage ***excluding preparatory, demolition, remediation and shoring works.***

The extent of smart pole lighting, Ausgrid standard lighting and wall mounted non-standard lighting types are to be reviewed and agreed with by Council.

The lighting plans shall show layout, location, connections, conduits, types, luminaries, fixtures and footings.

If lighting is to be fixed to adjoining buildings the above details plus details of the fixture and timing for delivery are to be included in the submission.

Temporary lighting to facilitate Staging or until adjoining developments are constructed and permanent lighting installed are to form part of the submission.

**(69) REMEDIATION ACTION PLANS – STAGED WORKS**

Final Remediation Action Plans for each Stage of the proposed works, are to be submitted for approval by the Council and the NSW EPA accredited Site Auditor ~~Graeme Nyland~~ in accordance with the approved Overarching Remediation Action Plan for the Essential Infrastructure works (referred to in Condition 1 above), prior to the commencement of work.

**(71) SITE AUDIT STATEMENT**

PRIOR TO ANY ABOVE GROUND WORKS COMMENCING ***for each stage*** a Site Audit Statement prepared by a NSW EPA accredited auditor is to be submitted to Council certifying that the site is suitable for the intended use. Conditions on the Site Audit Statement shall form part of the consent.

Note: Where the Site Audit Statement is subject to conditions that require ongoing review by the Auditor or Council these should be discussed with Council before the Site Audit Statement is issued.

**(72) CLEAN FILL**

Documentation is to be submitted to Council for approval demonstrating that clean fill will be established with an adequate clearance around all infrastructure,

services, roads and public domain works ***excluding preparatory, demolition, remediation and shoring works.***

**(76) ~~STORMWATER AND DRAINAGE – MAJOR DEVELOPMENT~~**

~~On-site detention, treatment and re-use is encouraged.~~

- ~~(a) Prior to a Construction Certificate being issued, details of the proposed stormwater disposal and drainage from the development including a system of on-site stormwater detention in accordance with Council's standard requirements and details of the provision and maintenance of overland flow paths must be submitted to and approved by Council. All approved details for the disposal of stormwater and drainage are to be implemented in the development.~~
- ~~(b) Any proposed connection to the Council's underground drainage system will require the owner to enter into a Deed of Agreement with the Council and obtain registration on Title of a Positive Covenant prior to Construction Certificate being issued and prior to the commencement of any work within the public way.~~
- ~~(c) The requirements of Sydney Water with regard to the on-site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to a Construction Certificate being issued.~~
- ~~(d) An "Application for Approval of Stormwater Drainage Connections" must be submitted to the Council with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the Council's drainage system.~~
- ~~(e) A Positive Covenant must be registered on the title for all drainage systems involving On-site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection.~~

**(79) UTILITY SERVICES**

To ensure that utility authorities are advised of the development ***excluding preparatory, demolition, remediation and shoring works:***

- (a) Prior to the issue of a Construction Certificate a survey is to be carried out of all utility services within and adjacent to the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services.
- (b) Prior to the commencement of work the applicant is to obtain written approval from the utility authorities (e.g. Energy Australia, Sydney Water, and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.

## Background

### Roads & Maritime Services NSW Concurrence

Paragraph 81 of the assessment report prepared by MG Planning states that:

*'The proposal is integrated development under S91 of the EP & A Act (roads connecting to classified road under s138 of the Roads Act) and hence the matters has been referred to the RMS. No response has been received to date. It is however understood that advice is being forwarded from RMS and that a separate memo on this matter will be prepared by Council officers and will accompany this report.'*

Roads & Maritime Services NSW have not as yet provided their general terms of approval for the proposal. It is recommended that an additional deferred commencement condition be applied requiring RMS approval prior to the consent becoming operational.

### Other matters

The applicant has suggested a number of minor amendments to the conditions recommended within the report. Following consultation with Council's Public Domain, Surveying and Environmental Health conditions, the bulk of these minor amendments are supported as they ensure consistency throughout the consent.

However, the applicant's request for the deferred commencement condition is not agreed to. The preparation of an overarching RAP prior to the commencement of the consent has been recommended to ensure that Council has met its obligations under SEPP 55, that is:

*Consent must not be granted unless the consent authority has considered whether the land is contaminated and if it is, is satisfied that the land is suitable in its contaminated state (or will be suitable after remediation) for the purpose for which the development is proposed to be carried out.*

Two contamination reports were submitted with the DA: an Interim Contamination Audit Report and a Draft Remedial Action Plan. The Interim Contamination Audit Report reviews a range of previously prepared reports and RAPs applying to the land. It is not however clear that all affected land is covered by these investigations or existing RAPs. The report does however conclude that on the basis of existing available information the Site Auditor is satisfied that the land can be made suitable for the proposed use.

Following the initial DA submission, a Draft RAP was also submitted. The Draft RAP however only applies to that part of the land owned by the Green Square Consortium (UrbanGrowth NSW/Mirvac/Leighton). It does not cover all land affected by the Essential Infrastructure DA.

To understand the implications of the above reports, Council's external planning consultant Helena Miller discussed the report with its author Graeme Nyland of Environ Australia (EPA Accredited Site Auditor). In that discussion Graeme made it clear that he was not sure that all land affected by the Essential Infrastructure DA was the subject of relevant investigations or a RAP. He indicated that he considered it appropriate that an Overarching RAP be prepared to pull all previous investigations together and to ensure consistency in proposed remediation measures. The preparation of an Overarching RAP was a recommendation of his Interim Contamination Audit Report.

Given uncertainties regarding (1) the extent of investigations undertaken to date and (2) the consistency of proposed remediation measures outlined in existing RAPs applying the site, it is considered that the preparation of an Overarching RAP is essential to enable Council to satisfy its obligations under SEPP 55. This is necessary prior to commencement of any consent.

Prepared by: Calvin Houlison, Specialist Planner

TRIM Document Number: 2013/056953

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Approved

A handwritten signature in black ink, appearing to read 'G Jahn', with a large, stylized initial 'G'.

**Graham Jahn- Director, City Planning,  
Development & Transport**