

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF MAJOR PROJECT NO. 08_0069

(File No. S08/00509)

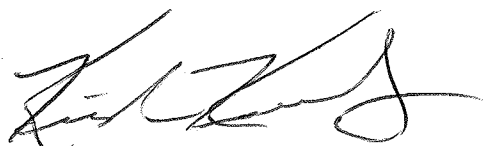
PROJECT APPLICATION FOR CIVIL AND INFRASTRUCTURE WORKS STAGE 1
AT POTTS HILL RESERVOIRS LAND

I, the Minister for Planning, having considered the matters in section 75J(2) of the *Environmental Planning & Assessment Act 1979* (the Act), determine pursuant to section 75J(1) of the Act to **give approval** to the major project referred to in the attached Schedule 1 subject to the conditions of approval in Schedule 2.

This approval applies to the plans, drawings and documents cited by the proponent in their Environmental Assessment, Preferred Project Report and Statement of Commitments, subject to the conditions of approval in Schedule 2.

The reasons for the imposition of conditions are to:

- (a) ensure the site is appropriately managed for the proposed use;
- (b) adequately mitigate the environmental impacts of the development;
- (c) reasonably protect the amenity of the local area; and
- (d) protect the public interest.



The Hon Kristina Keneally MP
Minister for Planning

Sydney, 26 Nov 2008

SCHEDULE 1

PART A – PROJECT

Proponent:	Landcom (Level 2, 330 Church Street, Parramatta NSW)
Application made to:	Minister for Planning
Major Project Number:	08_0069
On land comprising:	Pt Lot 2 DP 225818, Pt Lot 1 DP 610303 and Lot 2 DP 456502 Potts Hill Reservoirs Land, NSW
Local Government Area:	Bankstown City Council and Auburn City Council
Approval in summary for:	Subdivision, demolition of existing buildings, bulk earthworks, soil remediation and construction of site infrastructure, including internal roads, drainage works and utilities.
Capital Investment Value:	\$16,500,000
Type of development:	Project approval under Part 3A of the Act
Determination made on:	26 November 2008
Determination:	Project approval is granted subject to the conditions in Part C of Schedule 1 below.
Date of commencement of approval:	This approval commences on the date of the Minister's approval.
Date approval will lapse:	5 years from the date of determination

PART B – DEFINITIONS

In this approval the following definitions apply:

Act, the	<i>NSW Environmental Planning and Assessment Act, 1979</i>
Concept Plan	<i>Concept Plan Application under Part 3A – Environmental Assessment Potts Hill Reservoirs Land (including accompanying Appendices) prepared by Cite Urban Strategies on behalf of Landcom and Sydney Water Corporation and any subsequent amending documentation submitted to the Department prior to determination of the Concept Plan.</i>
Council	Bankstown City Council
Department, the	Department of Planning
Director-General, the	Director-General of the Department of Planning (or delegate).
Environmental Assessment (EA)	<i>Environmental Assessment Report Project Application – Potts Hill Reservoirs Site Stage 1 Civil Infrastructure Works (including accompanying Appendices) prepared by JBA Urban Planning Consultants Pty Ltd for Landcom and dated August 2008.</i>
Minister, the	Minister for Planning.
Preferred Project Report (PPR)	Letter titled <i>Potts Hill Civil Infrastructure Works Project Application</i> and appended documents submitted by Landcom to the Department on 24 October 2008 (letter dated 22 October 2008).
Proponent	Landcom
Statement of Commitments	Revised Statement of Commitments submitted as part of the Preferred Project Report.

SCHEDULE 2
CONDITIONS OF APPROVAL
MAJOR PROJECT APPLICATION NO. MP 08_0069

1 Development description

Project approval is granted only to construction activities within the areas of the Potts Hill Reservoirs land identified as the Eastern Precinct, Brunker Road Site and Bagdad Street Site as described in the EA and amended in the PPR, principally:

- a) Disconnection, relocation, augmentation and reconnection of utilities and services;
- b) Removal and proper disposal of hazardous materials and site remediation;
- c) Demolition of 21 existing built structures and any associated subterranean elements identified as being of low or no heritage significance;
- d) Removal of existing trees and vegetation/landscaping as necessary;
- e) Bulk excavation and earthworks;
- f) Construction of two roads within the Eastern Precinct and associated retaining walls;
- g) Provision of new stormwater management and drainage infrastructure; and
- h) Subdivision into nine lots.

2 Development in accordance with plans and documentation

The development shall be in accordance with the following plans and documentation, as provided in the EA and PPR, unless otherwise approved by the Director, Strategic Assessments, Department of Planning:

Drawing Number	Revision Number	Name of Plan	Date
7337-PA-01	Issue C	Title Sheet, Locality Plan and Drawing List	16 July 2008
7337-PA-02	Issue D	Site Layout	11 August 2008
7337-PA-03	Issue C	Road 2 Long Section and Typical Cross Section	16 July 2008
7337-PA-04	Issue C	Road 1 Long Section and Typical Cross Section	16 July 2008
7337-PA-05	Issue C	Bulk Earthworks Plan	16 July 2008
7337-PA-06	Issue C	Retaining Wall Plan*	16 July 2008
5128-T-01	Issue D	Wall Layout and Notes	30 September 2008
5128-T-02	Issue D	Wall Elevations Sheet No. 1	1 October 2008
5128-T-03	Issue D	Wall Elevations Sheet No. 2	1 October 2008
5128-T-04	Issue D	Wall Elevations Sheet No. 3	1 October 2008
5128-T-05	Issue D	Wall Elevations Sheet No. 4	1 October 2008
5128-T-07	Issue C	Typical Wall Sections	1 October 2008
7337-PA-07	Issue C	Site Cross Sections	16 July 2008
7337-PA-08	Issue C	Demolition Plan	16 July 2008
7337-PA-09	Issue C	Erosion and Sediment Control Plan	16 July 2008
7337-PA-10	Issue C	Erosion and Sediment Control Details	16 July 2008
7337-PA-11	Issue D	Construction Staging Plan	11 August 2008
LC01	Revision A	Landscape Planting	29 September 2008
LC02	Revision A	Landscape Details	29 September 2008

* This plan is approved with the exception of the gabion retaining wall for the eastern slope of the Eastern Precinct – see Plans 5128-T and Condition of Approval 21.

3 Subdivision

Prior to the registration of any lots, a staging plan for subdivision shall be submitted indicating:

- staging plans depicting the proposed sequence of lot registration; and
- a final subdivision plan generally consistent with the following plans prepared by YSCO Geomatics Land Resource Consultants dated 26 September 2008, unless otherwise approved by the Director, Strategic Assessments, Department of Planning:

Drawing Number	Sheet Number	Name of Plan	Date
1008/14A	1 of 3	Proposed subdivision of part of Sydney Water Land at Rookwood Road and Brunker Road, Potts Hill, being Lot 2 DP 225818, Lot 1 DP 610303 and Lot DP 456502 in Bankstown and Auburn LGAs.	26 September 2008
1008/14A	2 of 3		26 September 2008
1008/14A	3 of 3		26 September 2008

4 Completion of services prior to lot registration

Lots 101, 102, 103 and 104 shall not be registered until the services and infrastructure for those lots as described in the EA and PPR are completed.

5 Public dedication of roads

The proposed public access roads shall be designed in accordance with the relevant standards of Bankstown Council and the proponent shall obtain the written agreement of Council prior to the dedication of the roads.

In the event that an agreement can not be reached within 3 months from the date of this approval, or at such earlier time that negotiations have been exhausted, the proponent shall submit to the Department of Planning evidence of their attempts made to satisfy Council's concerns and the Director General shall determine the future designation of the roads.

6 Inconsistency between plans and documentation

In the event of any inconsistency between conditions of this project approval and the plans and documentation referred to above, the conditions of this project approval prevail.

7 Construction standards for intersections

All intersections with roads external to the site shall be designed and constructed to comply with standards and specifications agreed with the NSW Roads and Traffic Authority or relevant roads authority.

8 Stormwater and drainage works design

Final design plans of the stormwater drainage systems and utilities shall be prepared by a qualified practicing Civil Engineer prior to the commencement of relevant works.

9 Site audit

In the Bagdad Street site, the Brunker Road site and zones 5, 6 and 7 of the Eastern Precinct, the proponent shall prepare a Site Audit Summary Report, Site Audit Statement and Validation Report, with the approval of an accredited site auditor, in accordance with the *Contaminated Land Management Act 1997*. These documents must verify that the land is suitable for the proposed uses. Each site may be managed separately from other sites in regard to this matter.

10 Environmental Management Plan

Prior to the commencement of relevant works, Environmental Management Plan(s) shall be prepared for demolition, excavation and construction activities by a suitably qualified person in accordance with relevant legislation and guidelines. The Plan(s) shall include mechanisms for monitoring and recording results of management measures, and be implemented prior to and throughout the period of construction, as relevant. Detailed plans may be prepared for individual stages of construction, sites or issues as appropriate.

The Plan(s) shall address, but not be limited to, the following matters where relevant:

- a) Contact details of site manager;
- b) Construction traffic, pedestrian management and parking of construction vehicles (including staff cars);
- c) Noise and vibration management;
- d) Management of impact on heritage items;
- e) Management of impact on native vegetation;
- f) Air quality (including hazardous materials);
- g) Erosion and sediment control;
- h) Waste management; and
- i) Stormwater management.

11 Construction hours

The hours of construction, including the delivery of materials to and from the site, shall be restricted as follows (except deliveries via Rookwood Road), unless approved by the Director, Strategic Assessments, Department of Planning:

- a) Between 7:00am and 6:00pm, Mondays to Fridays inclusive;
- b) Between 8:00am and 1:00pm, Saturdays; and
- c) No work on Sundays and public holidays.

The hours of construction for the Rookwood Road intersection shall be at the direction of the Roads and Traffic Authority.

12 Construction noise

The construction noise objective for the project is to manage noise from construction activities (as measured by a L_{Aeq} (15minute) descriptor) so it does not exceed the measured existing background L_{90} noise level by more than 10dB(A) during standard construction hours or more than 5dB(A) outside standard construction hours (noting that construction hours are to apply in accordance with Condition 8). Background noise levels are those identified in the PPR or otherwise identified in the Environmental Management Plan.

Any activities that have the potential for noise emissions that exceed the objective must be identified and managed in accordance with the Environmental Management Plan. The proponent must implement all reasonable noise mitigation and management measures with the aim of achieving the construction noise objective.

If the noise from a Construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the *NSW Industrial Noise Policy*), 5dB(A) must be added to the measured Construction noise level when comparing the measured noise with the Construction noise objective.

13 Construction vibration

To ensure that works do not have vibratory impact on items of heritage significance within the Potts Hill Reservoirs site, the Environmental Management Plan(s) are to include management measures based on the noise and vibration assessment submitted as part of the PPR.

14 Notification of noisy works

If works are planned that will exceed the construction noise objective, all sensitive receivers are to be notified in writing at least 48 hours prior to the commencement of those works.

15 Dust control measures

Adequate measures shall be taken to prevent dust from affecting the amenity of the surrounding area during construction. In particular, any dust resulting from contamination remediation procedures shall be prevented from leaving the site.

16 Disposal of seepage and stormwater

Any seepage or rainwater collected on-site during construction shall be treated generally in accordance with the Erosion and Sediment Control Plan. Under no circumstances is any collected water or additional stormwater flow or drainage to be directed or discharged into any endangered ecological communities. Discharges are to be managed in accordance with the provisions of the NSW *Protection of the Environment Operations Act 1997*. This condition applies beyond the period of construction until further on-site development commences under other project approvals.

17 Approved plans to be on site

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Council or the Department.

18 Site notice

A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to the details of the Proponent, Builder and Engineer. The notice(s) is to satisfy all but not be limited to, the following requirements:

- a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- b) The notice is to be durable and weatherproof and is to be displayed throughout the works period;
- c) The approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
- d) The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

19 Complaints Management System

The Proponent must prepare and implement a construction Complaints Management System before construction commences and maintain the System for the duration of construction. The System shall include the following:

- a) a direct telephone number on which complaints and enquiries about the project may be registered;
- b) a postal address to which written complaints and enquires may be sent; and
- c) an email address to which electronic complaints and enquiries may be transmitted.

The telephone number, the postal address and the email address shall be included on the Site Notice prior to the commencement of construction. A record of complaints received and responses shall be maintained for the duration of construction.

20 Storage of hazardous or toxic material

Any hazardous or toxic materials must be stored in accordance with Workcover Authority requirements and all tanks, drums and containers of toxic and hazardous materials shall be stored in a bunded area. The bund walls and floors shall be constructed of impervious materials and shall be of sufficient size to contain 110% of the volume of the largest tank plus the volume displaced by any additional tanks within the bunded area.

21 Stability of eastern slope

If works for the purpose of stabilising the eastern slope of the Eastern Precinct have not commenced within 24 months of the date of this approval, the proponent is to regrade the slope or construct appropriate reinforcement, with landscaping, in accordance with the recommendations of the geotechnical report in Appendix G of Environmental Assessment.