

***Potts Hill Reservoirs Land
Civil and Infrastructure Works Stage 1
Project Application from Landcom
MP 08_0069***

Director-General's Environmental Assessment Report
Section 75I of the
Environmental Planning and Assessment Act 1979

November 2008



- 1. Eastern Precinct Site
- 2. Brunker Street Site
- 3. Bagdad Street Site

© Crown copyright 2008
November 2008
NSW Department of Planning
www.planning.nsw.gov.au

Disclaimer:

While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

EXECUTIVE SUMMARY

This is a report on a project application seeking approval for civil and infrastructure works for development of surplus lands on the Sydney Water Reservoirs site, Potts Hill (hereafter termed the Potts Hill Reservoirs land) pursuant to Part 3A of the *Environmental Planning and Assessment Act, 1979* (the Act). The purpose of the proposal is to subdivide the site in accordance with the Concept Plan and to prepare the Eastern Precinct, Brunker Road site and Bagdad Street site prior to redevelopment.

The proposal is a project within the terms of the Potts Hill Reservoirs land "surplus lands" Concept Plan (MP 07_0099), submitted by Landcom and Sydney Water Corporation, and essentially consists of stage 1 of the Concept Plan. The Concept Plan includes proposed development of 40 hectares around the edges of the Reservoirs land, specifically employment lands in the Eastern Precinct and Brunker Road site to be utilised primarily by public authorities, and low-medium density residential development and open space in the Bagdad Street site and a western precinct. The Concept Plan is currently under assessment by the Department of Planning.

Landcom (the proponent) is seeking approval for the following to take place in the proposed employment lands and the Bagdad Street site:

- decommissioning and reconnection of utilities and other services;
- site remediation, including removal of hazardous materials;
- demolition of 21 existing built structures;
- removal of existing vegetation and some landscaping;
- bulk excavation and earthworks;
- construction of two roads; and
- provision of new stormwater management and drainage infrastructure.

The proponent is also seeking approval to subdivide the entire Potts Hill Reservoirs land into nine Torrens Title lots, to reflect the uses proposed in the submitted Concept Plan. The estimated project cost is \$16,500,000.

The site is currently zoned 5 Special Uses and 5(a) Special Uses in the Bankstown Local Environmental Plan (LEP) 2001 and the Auburn LEP 2000 respectively. The proposal is permissible under the existing zoning regime.

The environmental assessment for the proposal was exhibited for a period of 33 days from Wednesday 27 August 2008 to Monday 29 September 2008.

During the exhibition period, the Department received one submission from a public authority, the NSW Department of Environment and Climate Change, and no submissions from the public. It is noted that other public authority submissions were received in response to the Concept Plan, some of which raised issues specific to this proposal.

Key Issues

Key Issues raised in public authority submissions include:

- impact on biodiversity;
- traffic management, access roads and intersection design;
- construction noise and vibration;
- stormwater management.

In addition to the above, key issues considered in the assessment include:

- ecologically sustainable development and climate change;
- impact on heritage items in adjoining Sydney Water operational land;
- air quality management; and
- contamination management.

Preferred Project Report

On 24 October 2008, the applicant amended the application via a letter and attached information to address issues raised by the Department and in submissions. The amendments included:

- expansion of the proposal site to include all redevelopment lands for the purpose of subdivision only;
- minor variation to the shape of proposed Lot 105 to exclude all endangered ecological community remnants;
- alteration to the type of reinforcement for the embankment along the edge of the Eastern Precinct adjacent to Graf Avenue; and
- amendment of hours of construction to reflect the standard and provision of more detailed noise management commitments; and
- additional commitments to ensure adequate management of environmental issues, including construction impacts.

Assessment

The Department has assessed the merits of the proposal and is satisfied that the impacts of the proposed development have been addressed via the proponent's Preferred Project Report, the Statement of Commitments and the Department's recommended conditions of approval. Furthermore, the proposal adequately addresses the Director-General's Requirements for the project. On these grounds, the Department is satisfied that the site is suitable for the proposed development and that the project will provide environmental, social and economic benefits to the region. All statutory requirements have been met.

TABLE OF CONTENTS

EXECUTIVE SUMMARY	iii
TABLE OF CONTENTS	v
1 BACKGROUND.....	1
1.1 The Site	1
1.1.1 Site context and location	1
1.1.2 Existing site features	2
1.1.3 Surrounding development	3
1.2 Project History	4
2 PROPOSED DEVELOPMENT	4
2.1 The proposed development.....	4
2.2 Project amendments.....	6
3 STATUTORY CONTEXT.....	6
3.1 NSW Environmental Planning and Assessment Act 1979 and State Environmental Planning Policy (Major Projects) 2005.....	6
3.2 Commonwealth Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act) and NSW Threatened Species Conservation Act 1995 (TSC Act)	6
3.3 NSW Heritage Act 1977	6
3.4 State Environmental Planning Policy No 55 - Remediation of Land	7
3.5 Local Environmental Plans and other Environmental Planning Instruments	7
3.5.1 Bankstown Local Environmental Plan 2001	7
3.5.2 Auburn Local Environmental Plan 2000	8
3.5.3 Bankstown Development Control Plan 2005	8
4 CONSULTATION AND ISSUES RAISED	9
4.1 Pre-exhibition consultation	9
4.1.1 Director-General's Environmental Assessment Requirements.....	9
4.1.2 Other.....	9
4.2 Public Exhibition and Notification.....	9
4.3 Submissions received.....	9
4.4 Proponent's response to submissions	9
5 ASSESSMENT	10
5.1 Legislative Requirements of the Director-General's Report.....	10
5.2 Ecologically Sustainable Development Principles	11
5.3 Climate Change.....	11
5.4 Subdivision	11
5.5 Demolition and excavation	12
5.6 Heritage	12

5.6.1	Non-Aboriginal Heritage	12
5.6.2	Aboriginal Heritage	12
5.7	Geotechnical works	12
5.8	Noise and Vibration	13
5.9	Air Quality	14
5.10	Water Quality and Drainage	14
5.11	Utilities and Infrastructure	15
5.12	Contamination	15
5.13	Traffic and Transport	16
5.13.1	Construction Traffic	16
5.13.2	Access Roads	16
5.13.3	Pedestrian and Cyclist Access	17
5.14	Biodiversity	17
6	CONCLUSION	17
7	RECOMMENDATION	18
APPENDIX A.	DIRECTOR-GENERAL'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS	19
APPENDIX B.	ENVIRONMENTAL ASSESSMENT	21
APPENDIX C.	PUBLIC AUTHORITY SUBMISSIONS	22
APPENDIX D.	PROPONENT'S RESPONSE TO SUBMISSIONS	23
APPENDIX E.	CONDITIONS OF APPROVAL	24

1 BACKGROUND

1.1 The Site

1.1.1 Site context and location

The site is within the 116 hectare Potts Hill Reservoirs land owned by Sydney Water (outlined in red in Figure 1), located primarily within the local government area (LGA) of Bankstown, with a small part in Auburn LGA. The Potts Hill Reservoirs land contains both operational Sydney Water land to be retained for water treatment and distribution purposes (coloured blue in Figure 1 and referred to as the 'retained land'), and 40 hectares under agreement for development by Landcom (coloured yellow in Figure 1 and referred to as the 'redevelopment land'). The redevelopment land is the subject of a Concept Plan that has been submitted to the Department by Landcom and is currently under assessment.

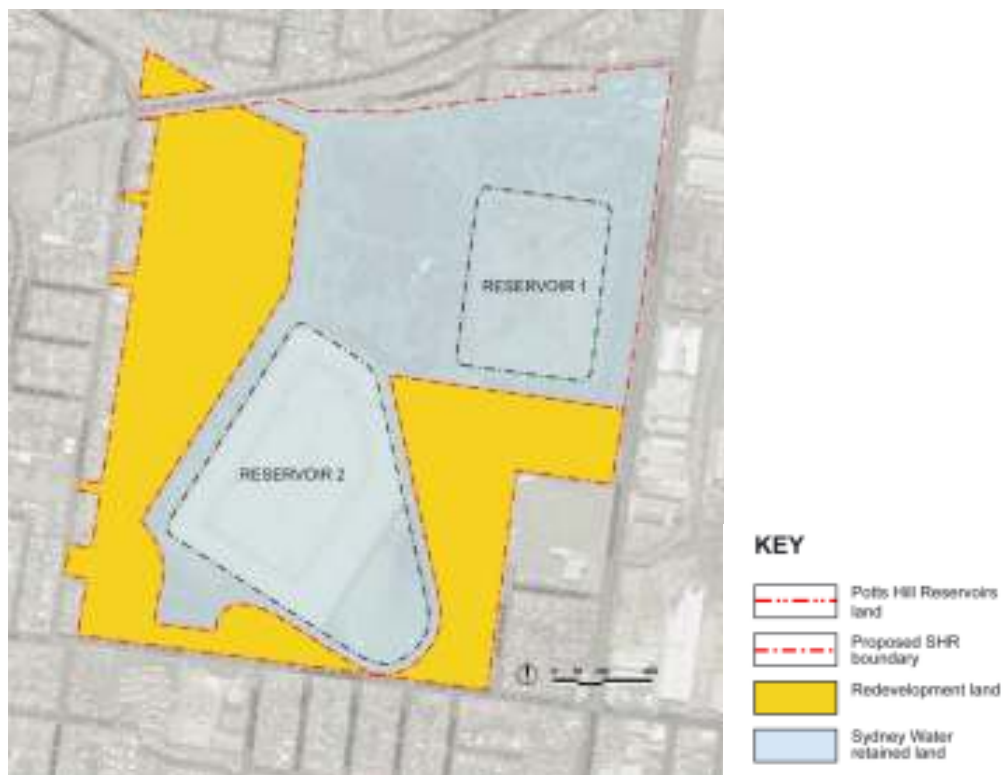


Figure 1: Site to be subdivided as part of proposal (correlating to land to which Concept Plan applies, referred to in legend as 'Redevelopment land') (Cite Urban Strategies 2008).

The civil and infrastructure works stage 1 proposal (this proposal) includes:

- subdivision of the redevelopment land; and
- civil and infrastructure works in part of the redevelopment land.

These works are further described in section 2 of this report.

The land for which civil and infrastructure works has been proposed consists of a total of 18 hectares and has been divided into three precincts or sites as shown in Figure 2, namely an Eastern Precinct, a Brunker Road site and a Bagdad Street site. Further explanation of how this proposal relates to the overall site is given in Table 1.

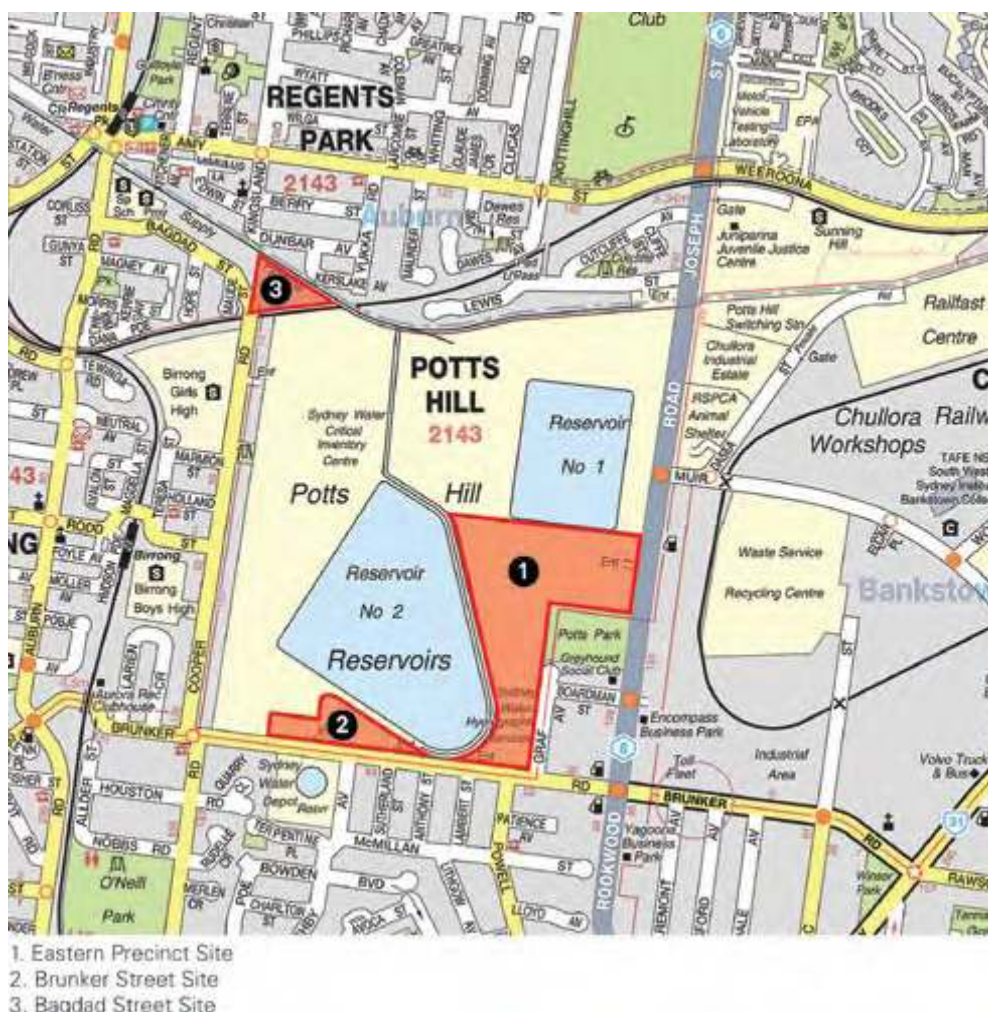


Figure 2: Civil Works Stage 1 site divided into three precincts (marked in red) (JBA 2008)

Table 1: Breakdown of proposed uses for Potts Hill Reservoirs land

Site	Area (ha)	Figure no.	Existing/proposed use
Potts Hill Reservoirs land	116	1 (outlined in red)	Sydney Water and surplus
Redevelopment Land	40	1 (yellow)	Concept Plan proposal: employment lands, residential and open space Subdivision under this proposal (see Figure 4)
Civil Works Stage 1 site	18	2 (red)	Civil and Infrastructure Works under this proposal for future employment lands and Bagdad St site

1.1.2 Existing site features

The Potts Hill Reservoirs land has been used for water infrastructure and associated purposes since the late 1800s, and includes two large reservoirs – Reservoir 1, constructed in 1886, and Reservoir 2, constructed in 1922. It also contains a number of buildings and infrastructure currently used by Sydney Water.

The land is located on a north-south ridgeline between Birrong and Chullora, but as a result of reservoir construction, steep embankments have been created on the eastern and western edges of the site, with the remainder of the site gently undulating. Views to the Sydney CBD skyline are available from the eastern

embankment and views over western Sydney to the Blue Mountains are available from the top of the western embankment.

The proposal site is currently included within a listing of the whole Potts Hill Reservoirs land on the State Heritage Register, listed as "Potts Hill Reservoirs 1 and 2 and Site". The land is of heritage significance due to its role in the history of water supply to Sydney and its retention of a number of distinctive structural and landscaping elements. Aboriginal heritage surveys have found that the site is heavily disturbed and that there are no areas within the site considered to have high archaeological potential or of significant Aboriginal heritage value.

The Potts Hill Reservoirs land contains significant areas of fill of varying depth created during the construction of the reservoirs. The areas of deepest fill are to the east and west of Reservoir 2 and are up to seven metres in depth. The fill has been found to be suitable for development provided that some form of stability works is undertaken. The reservoirs themselves have been found to be sufficiently stable to withstand the proposed development. Minor levels of contamination, consistent with similar sites in Sydney, have been found throughout the site.

The Potts Hill Reservoirs land natural hydrology has been extensively modified through previous construction of reservoirs and other structures, resulting in number of minor catchments and drainage lines. Groundwater has been found in one part of the site adjacent to Graf Avenue at 1.1 metres below the surface.

The Potts Hill Reservoirs land is in close proximity to the major metropolitan road network, including connections to the Hume Highway, the M5 Motorway, Parramatta Road and the M4 Motorway. Birrong rail station is less than 400 metres from the site to the west and private bus services passing adjacent to the site.

Existing services and utilities will require augmentation for the proposed development to proceed, including construction of new access roads. Adjacent development is fully serviced.

Eastern Precinct

The Eastern Precinct is an L-shaped parcel of land totalling approximately 15 hectares in area. It includes a number of temporary and permanent buildings, bitumen covered areas, driveways and grass/scrub. It is elevated above surrounding roads by up to four metres, with a 9.5 metre embankment bounding the eastern edge of the site along Graf Avenue. It also includes a few established trees scattered throughout the Precinct and various vegetation along the boundaries. A line of mature Canary Palms mark the western boundary of the site and are mentioned as one of the key landscape features in the State Heritage Register site listing.

Brunker Road Site

The Brunker Road Site is approximately 2.3 hectares in area. It lies between Reservoir 2 to the north and Brunker Road to the south.

It currently includes a number of sheds, buildings and car parking areas which are utilised by Sydney Water Corporation. The western boundary of the site is partly vegetated by a remnant identified as the endangered ecological community Sydney Turpentine Ironbark Forest.

Bagdad Street Site

The Bagdad Street Site is 0.7 hectares in area. It is currently vacant and largely cleared of vegetation. A creek dissects the site which does have vegetation along its banks. The site is isolated from the remainder of the Potts Hill Reservoirs lands by a freight railway line to the south. It is also bounded by the Sydney Water Supply pipeline to the north and by Cooper Road / Bagdad Street to the west.

1.1.3 Surrounding development

The Potts Hill Reservoirs land is located within an established suburb comprising a mix of generally low-density dwellings interspersed with new higher density dwellings, predominantly townhouses or similar. Adjacent to the western part of the Potts Hill Reservoir land, two high schools are situated across Cooper Road and a strip of local convenience shops are situated in Auburn Road at Birrong. Birrong rail station sits between the two. The Eastern Precinct abuts a light industrial zone on the other side of Rookwood Road, a major north-south traffic route. On the southern side, the only development apart from houses is a small Sydney Water reservoir site that includes a water storage tank.

1.2 Project History

The proposal is part of a Concept Plan proposed for 40 hectares of the Potts Hill Reservoirs land which is no longer required by Sydney Water for water treatment purposes. The Concept Plan includes proposed development of the Eastern Precinct and Brunker Road site for the purposes of employment lands and of the Bagdad Street site and a western precinct (Lot 106 in Figure 3) for the purpose of low-medium density residential development and open space.

An application from Sydney Water Corporation for construction of a new warehouse building and office facilities within proposed Lot 102 of the employment lands (see Figure 3) is currently under assessment by the Department. The Department has also issued Director-General's Environmental Assessment Requirements for a NSW Police facility within proposed Lot 103 of the employment lands (see Figure 3).

Landcom have also applied for the redevelopment land to be declared a State significant site under the State Environmental Planning Policy (Major Projects) 2005 (MP SEPP) and for the land to be rezoned to permit the development proposed in the Concept Plan. At the time of writing, the proposed MP SEPP amendment includes:

- altering the existing zoning of the Eastern Precinct and Brunker Road site to B7 Business Park, which would permit business premises and office premises and
- the remainder of the surplus lands, including the Bagdad Street site, to a mixture of R2 Low Density Residential, R3 Medium Density Residential and RE1 Open Space, which would permit low density housing, medium density housing and public open space sites respectively.

The Concept Plan is currently under assessment by the Department of Planning and the Minister for Planning is considering the proposed State significant site listing.

2 PROPOSED DEVELOPMENT

2.1 The proposed development

Removal of hazardous materials and remediation

The proposal includes the removal of hazardous materials in existing buildings on the Eastern Precinct and Brunker Road sites, including asbestos, synthetic mineral fibre and lead paint, and the degassing of air conditioning units. Such removal will generally take place within sealed work areas and be undertaken by licenced Hazardous Materials Removal Contractors.

In addition, the Eastern Precinct and Bagdad Street site both require remediation of the soil to remove asbestos, metals, polycyclic aromatic hydrocarbons, blasting grit and paint waste. The sites will require auditing once remediation is complete.

Demolition, excavation and geotechnical works

The proposal includes demolition of 22 buildings and structures located throughout the site, to make way for development proposed in the submitted Concept Plan. None of the structures to be demolished are specifically listed on any environmental planning instrument as being of heritage value.

The site will be regraded in preparation for development of the proposed Sydney Water and NSW Police facilities, with final surface levels no greater than one metre different from existing levels. Significant quantities of fill will be stored along the eastern boundary of the site producing an embankment up to 20 metres wide, which will be graded and stabilised during and at the completion of works.

Construction of physical infrastructure

Two new access roads are proposed to be constructed within the Eastern Precinct (see Figure 4), including signalisation and opening of the intersections of these roads with Rookwood Road and Brunker Road and dedication of the completed roads to Bankstown City Council. Both have been designed to accommodate articulated vehicles. No alteration to existing Bagdad Street access arrangements are proposed at this stage.

Retaining walls will be constructed in the Eastern Precinct, including one of up to 4.2 metres along the external eastern boundary on Graf Avenue, up to 1.2 metre high block work retaining walls at the entry to Road 2 (off Rookwood Road) and along the edges of that road, and up to 6.5 metre reinforced earth retaining walls where Road 2 ends within the site. The final form of the retaining wall on Graf Avenue will depend on the final built form to be constructed on the newly created Lot 103 and so construction of the wall may be deferred to a later time.

Additional stormwater infrastructure will be installed on the site as required to manage flows up to the 20 year ARI within drainage pipes and flows beyond the 20 year ARI within roadways and overland flow paths within the subdivision. Lot generated flows will be treated prior to discharging into existing stormwater drainage lines in Bruncker Road and Rookwood Road.

All services and utilities in the Eastern Precinct and Bruncker Road site will be decommissioned and temporarily disconnected before being augmented, reconfigured and reconnected as needed. Services are not proposed for the Bagdad Street site at this stage.

Subdivision

The proposal includes subdivision of the Potts Hill reservoirs land into nine Torrens Title lots, including five for the purpose of employment lands, two for residential development and two for the retained Sydney Water lands respectively (see Figure 3). These lots are tailored to the constraints of the site and generally avoid items and areas of heritage and ecological significance. They reflect the proposed development of the site canvassed in the submitted Concept Plan.

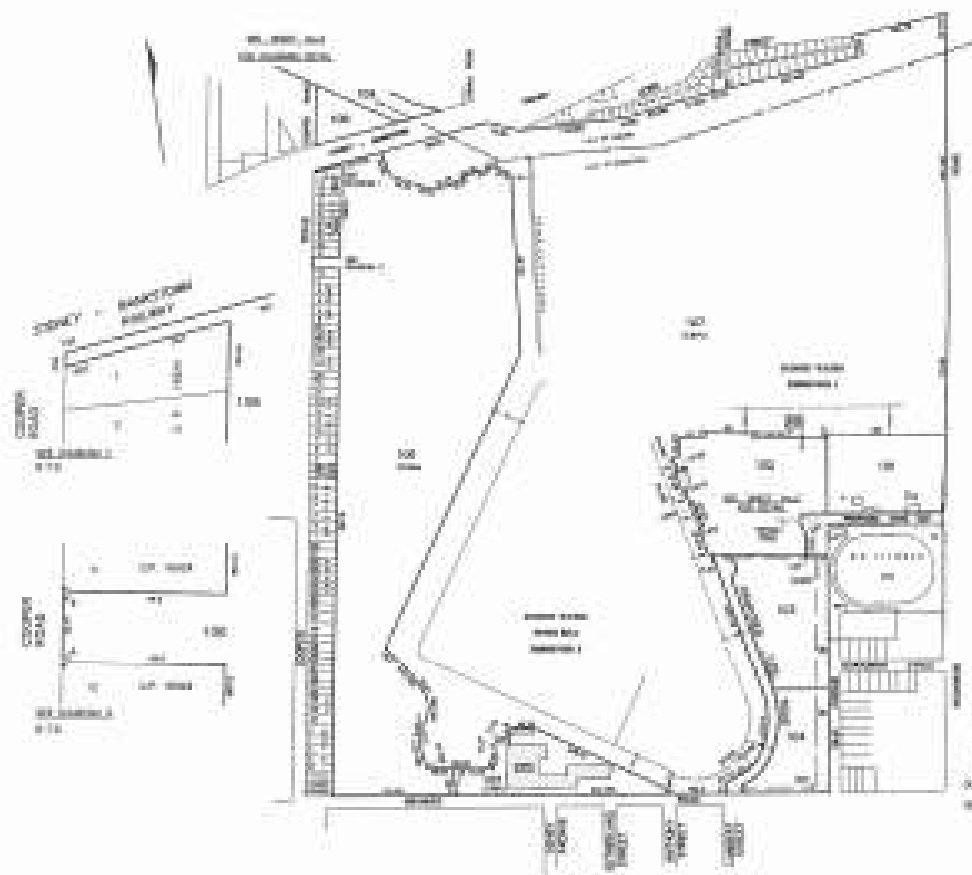


Figure 3: Proposed subdivision lots for site (JBA 2008).

2.2 Project amendments

The proposal has been amended slightly in a number of aspects, as detailed in Section 5 of this report and in Appendix D. The main changes are:

- expansion of the proposal site to include all redevelopment lands for the purpose of subdivision only;
- minor variation to the shape of proposed Lot 105 (see Figure 4) to exclude all endangered ecological community remnants from the Brunker Road site;
- alteration to the type of proposed reinforcement for the embankment along the edge of the Eastern Precinct adjacent to Graf Avenue, with proposed flexibility as to the form and timing of the final outcome;
- amendment of hours of construction to reflect the standard and provision of more detailed noise management commitments; and
- additional commitments to ensure adequate management of environmental issues, including construction impacts.

3 STATUTORY CONTEXT

3.1 NSW Environmental Planning and Assessment Act 1979 and State Environmental Planning Policy (Major Projects) 2005

A Concept Plan was authorised for the redevelopment land and the Concept Plan development proposal declared a Major Project under the *Environmental Planning and Assessment Act 1979* (the Act) by the Minister for Planning on 14 July 2007, as the Concept proposal consists of residential and commercial development with a Capital Investment Value of more than \$50 million and, in the opinion of the Minister, achieves State or regional planning objectives pursuant to Clause 13, Schedule 1 of the State Environmental Planning Policy (Major Projects) 2005 (MP SEPP). The Concept Environmental Assessment was submitted to the Department in July 2008 by Landcom and Sydney Water, and at the time of writing has been publicly exhibited and is under assessment by the Department.

The Major Project declaration was for a "mixed use scheme consisting of residential, employment and recreational uses". All works within the civil works stage 1 proposal, including site subdivision, are specifically canvassed within the authorised Potts Hill Reservoirs land Concept Plan, and are ultimately for the purpose of employment and residential uses. Therefore the Department considers the Concept Plan Major Project declaration to also apply to the proposal.

With regard to clause 8N of the *Environmental Planning and Assessment Regulation 2000* (the Regulation), the proposal is within a site listed on the State Heritage Register and therefore deemed an environmentally sensitive area of State significance. However, as the proposal is permissible under both the Bankstown Local Environmental Plan 2001 and the Auburn Local Environmental Plan 2000 (see section 3.5), project approval may be given.

3.2 Commonwealth Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act) and NSW Threatened Species Conservation Act 1995 (TSC Act)

With the amendment of the proposal to alter the western edge of Lot 105, the proposal no longer results in any impact on native vegetation. Therefore the proposal is unlikely to qualify as a Controlled Action under the EPBC Act and a referral to the Commonwealth Department of Energy, Water, Heritage and the Arts is not required. Similarly, there is unlikely to be any impact on species listed under the TSC Act.

3.3 NSW Heritage Act 1977

The site is currently listed on the NSW State Heritage Register (SHR) as part of the entire Potts Hill Reservoirs site due to its historic role in managing Sydney's water supply. An application has been made to the Heritage Council to revise the boundary of the SHR listing to exclude the Concept Plan development site. The Department has been advised that the NSW Heritage Council has resolved to consider this proposal, which at the time of writing is open to public submission.

The listing renders the site an “environmentally sensitive area of State significance” as defined within clause 8N of the Regulation. However, as discussed above, the proposed works are permissible under the existing zoning. In addition, they do not impact on any items of heritage significance.

3.4 State Environmental Planning Policy No 55 - Remediation of Land

Some degree of contamination has been found in the Bagdad Street site and in zones 5, 6 and 7 of the Eastern Precinct (see Figure 6), resulting in the need for either capping or remediation in all cases. As the site is still listed on the State Heritage Register and therefore considered as a site of heritage conservation, such remediation would be classified as Category 1 under clause 6(e)(ii) of SEPP 55 and therefore requires consent to proceed. The proponent has committed to undertaking the required remediation, as discussed below.



Figure 6: Eastern Precinct Zones (JBA 2008)

3.5 Local Environmental Plans and other Environmental Planning Instruments

Subdivision is proposed within both Bankstown and Auburn local government areas (LGAs). The entirety of the site for which civil works and infrastructure are proposed is within Bankstown LGA.

3.5.1 Bankstown Local Environmental Plan 2001

The site is currently zoned 5 Special Uses (Sydney Water) under the Bankstown Local Environmental Plan (LEP) 2001 (see Figure 5) for which the objectives are:

- (a) to identify land owned, used or required to be used by, or under the authority of, a public authority or for other semi-public purposes, and
- (b) to permit a range of uses which are compatible with the locality.

With regard to clauses 11, 13 and 15 of the LEP none of the proposed works, including excavation, remediation, subdivision, demolition, public utility works and construction of access roads, are prohibited within the zone. Therefore the proposal can be approved prior to approval of the Concept Plan under existing zoning.

Clause 36C of the LEP also requires that vehicle access to the land be provided by a road other than an arterial road, which would include Rookwood Road and that the safety, efficiency and ongoing operation of the arterial road will not be adversely affected by the proposed development. Vehicle access for the duration of the proposal would not be from Brunker Road, which is not arterial.

3.5.2 Auburn Local Environmental Plan 2000

The site is currently zoned 5 (a)—Special Uses Zone under the Auburn LEP 2000. Within this zone, subdivision is permissible with consent. Subdivision is the only activity proposed within Auburn LGA and can therefore be approved prior to approval of the Concept Plan under existing zoning.



Figure 5: Bankstown and Auburn LEP Zoning Map for the site

3.5.3 Bankstown Development Control Plan 2005

The proposal generally complies with the objectives and development controls of the Bankstown DCP 2005 in that the proponent has committed to obtaining all necessary approvals and licences, preparing an erosion and sediment control plan and a waste management plan prior to commencement of works on the site and identifying all structures to be demolished as part of the proposal.

4 CONSULTATION AND ISSUES RAISED

4.1 Pre-exhibition consultation

4.1.1 Director-General's Environmental Assessment Requirements

In the course of preparing the Director-General's Environmental Assessment Requirements (DGRs) for the proposal (see Appendix A), the Department consulted with Bankstown and Auburn City Councils.

The DGRs required the proponent to consult with both Councils as well as the Department of Environment and Climate Change (DECC), the Roads and Traffic Authority (RTA), the Heritage Branch with the Department of Planning and all relevant utility providers.

4.1.2 Other

In the course of assessing the Concept Plan, which includes the proposal, ongoing consultation has also been undertaken by the Department with the DECC, RTA, the Ministry of Transport and both Councils. Where comments from these agencies have been relevant to the civil works proposal, they have been taken into account in this assessment.

4.2 Public Exhibition and Notification

The Environmental Assessment (EA) for the proposal (*Potts Hill Reservoirs Site Stage 1 Civil Infrastructure Works – Environmental Assessment Report* (JBA August 2008)) was exhibited from 27 August 2008 to 29 September 2008 for a period of 33 days at the Department's Information Centre and at the offices of Bankstown and Auburn City Councils. The details of the exhibition was published at its commencement in the local newspapers, the Sydney Morning Herald and the Daily Telegraph.

4.3 Submissions received

The Department received a total of one submission specifically regarding the proposal from a public authority, namely the DECC, and none from the public. However, it is noted that submissions were also received from the RTA, the Ministry of Transport and Bankstown City Council regarding the Concept Plan, and that some issues raised in those submissions are relevant to the proposal. No issues raised in submissions from the general public to the Concept Plan were directly relevant to the proposal.

Overall, key issues raised by public authorities included:

- impact on biodiversity;
- traffic management, intersection design and dedication of roads;
- construction noise; and
- stormwater management.

Discussion on the key issues which include those raised in submissions is in Section 5 of this report. Copies of all relevant public authority submissions received can be found in Appendix C.

4.4 Proponent's response to submissions

The proponent lodged a Preferred Project Report on 24 October 2008 in the form of a letter (Appendix D) containing responses to issues raised in submissions and minor changes to the proposal. As the changes were not significant, the proposal was not re-exhibited but rather the amending document placed on the Department's website in accordance with the Department's policy.

5 ASSESSMENT

5.1 Legislative Requirements of the Director-General's Report

Section 75I(2) of the Act and Clause 8B of the *Environmental Planning and Assessment Regulation 2000* provide that the Director-General's report is to address a number of requirements. These matters and the Department's response are set out as follows:

Section 75I(2) criteria	Response
Copy of the proponent's environmental assessment and any preferred project report	The Proponent's EA and Preferred Project Report are attached to this report at Appendices B and D.
Any advice provided by public authorities on the project	All advice provided by public authorities on the project for the Minister's consideration is set out at Appendix C of this report.
Copy of any report of a panel constituted under Section 75G in respect of the project	No statutory independent hearing and assessment panel was undertaken in respect of this project.
Copy of or reference to the provisions of any State Environmental Planning Policy that substantially govern the carrying out of the project	Each relevant SEPP that substantially governs the carrying out of the project is identified and assessed. In section 3 of this report.
Except in the case of a critical infrastructure project – a copy of or reference to the provisions of any environmental planning instrument that would (but for this Part) substantially govern the carrying out of the project and that have been taken into consideration in the environmental assessment of the project under this Division	An assessment of the development relative to all environmental planning instruments is provided in section 3 of this report.
Any environmental assessment undertaken by the Director-General or other matter the Director-General considers appropriate.	The Director-General's environmental assessment of the project application is this report in its entirety.
A statement relating to compliance with the environmental assessment requirements under this Division with respect to the project.	The proponent's EA addressed the Director-General's environmental assessment requirements and is considered to have satisfied those requirements as addressed in this report. Refer to the Conclusion in section 6 of this report for a statement relating to this requirement.
Clause 8B criteria	Response
An assessment of the environmental impact of the project	An assessment of the environmental impact of the proposal is discussed in section 5 of this report.
Any aspect of the public interest that the Director-General considers relevant to the project	The public interest is discussed in section 6 of this report.
The suitability of the site for the project	The suitability of the site for the project has been considered in Sections 1 and 5 of this report.
Copies of submissions received by the Director-General in connection with public consultation under section 75H or a summary of the issues raised in those submissions.	A summary of the issues raised in the submissions is provided in section 5 of this report.

The following sections assess each of the key issues associated with the proposal, based on submissions received by the Department, the proponent's assessment of the issue and response to submissions, and the Department's conclusions. In each case, where some environmental impact has been determined as likely to occur, the issue has been addressed through the proponent's commitments to mitigation measures, or the Department's recommended conditions of approval.

The Statement of Commitments has been modified since the documentation was on public exhibition and a number of issues raised during the exhibition period have been addressed by way of the revised Statement of Commitments and within the submitted Preferred Project Report.

5.2 Ecologically Sustainable Development Principles

Issue

The Department is obliged to assess all projects against the principles of Ecologically Sustainable Development (ESD), specifically the precautionary, integration, intergenerational, biodiversity and valuation principles.

Consideration

The proposal does not include threats of serious or irreversible environmental damage, as it does not include significant loss of biodiversity, heritage or other environmental values. It is primarily a short-term project but is part of a longer-term Concept Plan and has few, if any, longer-term environmental impacts apart from physical reshaping and remediation of a previously unused site, and so can be said to integrate both short-term and long-term considerations. It will not result in detrimental impact to the environment for future generations, and conserves biological diversity on the site where it is already present. In some respects, such as landscaping with native species, it is likely to result in an improvement of the site's biodiversity. The proposal will facilitate the delivery of the Concept Plan which, if approved, will redevelop surplus public land for the purpose of new housing, public open space and employment lands, all of which is likely to be of public benefit both locally and regionally.

Having considered the above and the environmental issues in detail below, the Department is satisfied that the proposal meets the principles of ESD where relevant.

5.3 Climate Change

Issue

The Department considers climate change an issue that is relevant to all projects under assessment.

Consideration

The proposal site is in a non-coastal area, is elevated from its surroundings and does not have any significant waterway flowing through it, so is unlikely to be impacted by coastal climate change issues or flooding. Therefore potential climate change impacts are limited to drought, storms or increased bushfire. Storms may affect existing structures but the proposed works should not result in any increased impact from storms. The site is in a suburban area so relatively unthreatened by bushfire, except with regard to the vegetation already existing on the site. The proposal will not increase the potential for bushfire to occur on the site.

5.4 Subdivision

Issue

The proposal includes subdivision of the site into nine lots as required for uses proposed under the Concept Plan (see Figure 3). The proponent has requested flexibility in the timing of lot registration to permit the registration of Lots 105-109 ahead of the other lots, and to potentially register individual lots separately.

Consideration

The proponent has clarified that Lots 101-104 in particular require some services and infrastructure to be completed prior to registration, while Lots 105-109 generally do not require any at this time. The proponent is considering Lot 105 for adaptive re-use by another public authority, for which existing utilities and infrastructure are adequate. There may be minor works or demolition required, but these would not affect the timing of registration of the lot. The Department notes that services and infrastructure for proposed residential lots will be part of a future project application to be submitted by Landcom for which the Director-General's Requirements have already been issued.

The Department considers it appropriate that subdivision be staged to permit lots to be registered together or separately, with Lots 105-109 potentially registered ahead of Lots 101-104, provided that the necessary services and infrastructure on each lot is complete prior to registration. To ensure that the required services and infrastructure are completed prior to making lots available for lease or sale, the Department recommends a condition of approval specifying the need to complete servicing and road access for Lots 101-104 as necessary. In addition, to ensure the necessary flexibility is available to the proponent in the timing and sequence of lot registration, the Department recommends a condition of approval that a staging plan for subdivision be submitted to the Department prior to the commencement of lot registration.

5.5 Demolition and excavation

Issue

The proposal includes demolition of 22 buildings and structures, none of which are listed as having particular heritage value on either the State Heritage Register or the Bankstown LEP. The site will also be excavated and regraded in preparation for future development under the Concept Plan, and some minor excavation will be required as part of remediation works. A number of recommendations are made within the EA that further testing of subsoil conditions and certain stabilisation works are required to ensure stability of the site prior to further development.

Consideration

The proponent has committed to undertaking the development in accordance with the recommendations of the technical reports submitted as part of the EA and to undertake all filling and earthworks in accordance with the relevant Australian Standard. The Department is satisfied that the proponent is committed to ensuring the stability of the final development.

5.6 Heritage

5.6.1 Non-Aboriginal Heritage

Issue

The entire Potts Hill Reservoirs land is currently listed on the NSW State Heritage Register as a site of heritage significance due to its historic role in managing Sydney's water supply. The civil works stage 1 proposal site does not include any items listed as being of heritage significance and all proposed works are within areas that the proponent has proposed to be excised from the State Heritage Register listing.

There will be works undertaken within the vicinity of Buildings 19 and 20 (as referred to in Figure 8 of the EA), two buildings which lie to the east of Reservoir 2 and are listed as being of high heritage significance and proposed for conservation as part of the Concept Plan (NB these buildings are referred to as Buildings 41 and 42 under the Concept Plan's Conservation Policy).

Consideration

The potential impact of vibration from the proposed works on items of heritage significance is discussed in section 5.8 below.

It is clear that the Civil Works proposal is unlikely to impact upon buildings 19 and 20, and the proponent has committed to addressing protection measures for these sheds and any other heritage items within the vicinity of the works in the project EMP.

The Department is satisfied that this will be sufficient to ensure prevention of any negative impact on buildings or any other items on the site of heritage significance.

5.6.2 Aboriginal Heritage

Issue

The proponent has provided evidence that the potential development areas have either no or low potential to contain Aboriginal heritage artefacts. The landscape itself has been significantly altered and so is also of minimal Aboriginal heritage significance. The relevant local Aboriginal groups have been consulted and have not raised any concerns about the proposal. No further investigation of this issue is proposed.

Consideration

The Department is satisfied that the proposal is unlikely to have any impact on areas or artefacts of Aboriginal heritage significance.

5.7 Geotechnical works

Issue

Geotechnical analyses submitted as part of the proposal EA conclude that some parts of the Brunner Road and Eastern Precinct require compaction or similar treatment to ensure adequate stability prior to construction. Similarly, regrading and stabilisation of the western, eastern and southern slopes of the Precinct have been

recommended if development is to proceed within the vicinity of those slopes. The eastern slope in particular was found to have a history of instability and water seepage problems and was observed to show signs of distress. Specifications for appropriate foundations for future structures are also given.

Consideration

The proponent has committed to ensuring that detailed design of these and future works and all construction practices address these issues. The Department notes that although a reinforced concrete wall is proposed for the eastern slope, the design will not be determined until finalisation of the proposed built form of any development of Lot 103 (the site of the proposed NSW Police Facility). The proponent has also committed to submitting all final detailed design plans to the appropriate authority prior to the issue of relevant construction certificates, and submitting final works as executed plans to the Department of Planning following the completion of works.

The Department is satisfied that the proponent is committed to ensuring long-term stability of the site and undertaking necessary stabilising action as part of the proposed civil and infrastructure works, and that stabilisation works required for further development will be addressed through relevant project applications. However, it is not clear whether the eastern slope will be stabilised if no development was to proceed adjacent to the site. In order to ensure long-term stability of the eastern slope, the Department recommends a condition of approval requiring the proponent to undertake regrading of the slope or other stabilisation works as recommended by the EA within 24 months of the date of the Minister's approval of this proposal, if no other stabilising works have commenced by that date.

5.8 Noise and Vibration

Issue

Construction activities such as demolition, excavation and compaction are likely to produce noise and vibration that may disturb neighbouring sensitive receivers, particularly residents. The duration of works is likely to be a total of approximately seven months. The proponent has submitted a noise assessment that indicates acceptable noise criteria are likely to be exceeded for sensitive receivers along Graf Avenue, Bruncker Road and at Potts Park by construction activities at sites closest to these locations.

The original proposed hours of construction were 7am-7pm on weekdays and 8am-4pm on weekends. The DECC highlighted that these are outside standard construction hours of 7am-6pm on weekdays and 8am-1pm on Saturdays, with no work to take place on Sundays or public holidays. The proponent has since amended the proposal to reflect the standard hours of construction.

The noise assessment also confirms that minimum buffer distances for vibration from construction plant to preserve human comfort and prevent structural damage will be complied with for sensitive receivers external to the site.

Consideration

The proponent has committed to managing noise impact in accordance with the recommendations of the submitted noise assessment. The mechanisms to be used will include those identified in the relevant Australian Standards (AS 2436-1981 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*) and the proponent will also ensure that acoustic engineers are commissioned to undertake monitoring of noise levels during construction.

To confirm the appropriate noise objective and ensure adequate management of this issue, the Department recommends conditions of approval that:

- standard construction hours be adhered to, with the exception of deliveries via Rookwood Road for which the RTA has specific requirements, with the option for a variation if approved by the Department;
- the construction noise objective be to manage noise levels to within acceptable limits in accordance with the DECC's draft NSW Construction Noise Guideline, as quantified in the noise assessment submitted by the proponent;
- that the proponent must implement all reasonable noise mitigation and management measures with the aim of achieving the construction noise objective; and

- that, 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.

The Department notes that construction noise impacts for work on the Bagdad Street Site have not been assessed, but that these works include soil remediation only without demolition, compaction or significant excavation, so are not likely to cause significant noise impact on any adjacent sensitive receivers. The Department is satisfied that the proponent's commitments and the recommended conditions of approval will ensure that construction noise is appropriately managed for work on that site also.

The proponent has indicated that a complaints management system will be outlined as part of the Environmental Management Plan(s) (EMP) for the works. To ensure any such system is adequate, the Department also recommends a condition of approval requiring the implementation of such a complaints management system prior to the commencement of works, including a direct phone number for receiving and registering complaints, notification of the complaints number on the site notice and a system for responding to all complaints.

With regard to the impact of vibration on structures within the site, the Department notes that the distance of works from heritage items is not specifically stated in the EA, but that no heritage items will be directly impacted by works. The listed heritage items nearest to works are likely to be Buildings 19 and 20 (see section 5.14.1 below). To ensure that vibration does not impact on these or other heritage structures, the Department recommends a condition of approval that the EMP determine appropriate measures to ensure works do not have vibratory impact on such structures, based on the noise and vibration assessment submitted by the proponent.

5.9 Air Quality

Issue

The potential sources of air quality impact from the proposal are asbestos and dust particles from excavation and construction vehicle emissions. Site investigations have identified the presence of asbestos contamination within fill material in the Bagdad Street site and concluded that this fill must be removed and safely disposed of before the site can be developed for residential purposes.

Consideration

The proponent has committed to the preparation of an Air Quality Management Plan for the project, which will include specific strategies to be implemented in the management of this issue and regular measurement of background dust levels, with material-specific monitoring during the removal of hazardous materials. The proponent has also committed to recording and retaining the results of all such monitoring for the life of the project. With the implementation of a complaints management system as discussed above, the Department is satisfied that this commitment will be sufficient to manage this issue to ensure minimal impact on sensitive receivers in the vicinity of the works.

5.10 Water Quality and Drainage

Issue

The EA identifies that well designed and constructed temporary and permanent drainage for stormwater, surface and subsurface water flow is essential to maintain the stability of the proposed development. Trial excavations are recommended to be carried out adjacent to Reservoir 2 to investigate possible leakage, which may then necessitate further drainage construction.

Plans included in the EA depicted a stormwater line and level spreader to be constructed from the Brunner Road precinct into nearby endangered ecological communities on the retained Sydney Water lands. However, the proponent has since clarified that this is erroneous and has committed to preparing the final detailed design and construction plans for the works accordingly.

The proponent has also submitted an erosion and sediment control plan as part of the EA, committed to implementing one as part of the proposal EMP, and committed to regular inspections of stormwater and drainage measures for maintenance purposes by individual lot and landowners and Bankstown City Council in accordance with standard practice.

Consideration

The proponent has committed to undertaking the development in accordance with the recommendations of the technical reports submitted as part of the EA. The Department is satisfied that the proponent is committed to ensuring the stability and adequate drainage of the final development. Drainage of building constructions will be canvassed in future detailed project applications.

The proponent has clarified that there already exists some drainage from Lot 105 into an adjacent endangered ecological community (EEC), drainage which is proposed to be retained at existing levels in accordance with the recommendations of the EA. The Department is aware of the need to carefully manage drainage during all stages construction, until all relevant stormwater management measures are fully implemented, and notes that there may be some overlap between completion of the measures canvassed in this proposal and the commencement of further construction works in individual lots which would be dependent on future project applications. Therefore the Department recommends a condition of approval that for the duration of the proposal, onsite stormwater drainage be managed to ensure additional water is not diverted into the EECs.

The DECC has stated that any erosion and sediment control plan for the project should be developed and implemented in accordance with current NSW guidelines, specifically Landcom's document *Managing Urban Stormwater: Soils and Construction* (NSW Landcom 2004). The proponent has committed to ensuring all such plans are prepared in accordance with this guideline.

5.11 Utilities and Infrastructure

Issue

Capacity exists within most services to accommodate the development, but relocation and augmentation will need to be undertaken for some existing Sydney Water infrastructure, sewerage and electricity. Small electricity substations may also need to be provided within some of the proposed lots but this will be the subject of future project applications. No issues have been raised with the Department regarding potential impact of the proposal on existing water treatment facilities on the site.

Consideration

The Department is satisfied that utility services and infrastructure capacity is not a constraint on the development and that augmentation of these can be undertaken without adverse environmental impact. The proponent has committed to obtaining necessary compliance certificates from relevant utility service providers prior to the issue of subdivision certificates.

5.12 Contamination

Issue

There are known to be hazardous materials in existing buildings on the Eastern Precinct and Brunner Road sites, including asbestos, synthetic mineral fibre, lead paint, and gas in air conditioning units. Site investigations have also determined that remediation of soil is required to remove asbestos in the Bagdad Street site, metals and polycyclic aromatic hydrocarbons in zones 5 and 6 of the Eastern Precinct and blasting grit and paint waste in zone 7. Remediation works are necessary prior to any residential or industrial / commercial development.

Consideration

The proponent has committed to undertaking the necessary works and disposal of materials safely, to preparing a Remediation Action Plan for all the sites where some form of soil contamination has been identified, and to seeking the sign-off of a site auditor accredited under the *Contaminated Land Management Act 1997* at the completion of remediation works. The proponent has also committed to implementing dust and air quality control through the EMP.

The Department recommends a condition of approval requiring the proponent to minimise the impact of dust on neighbouring receivers, and to ensure that the dust of any hazardous material does not leave the site. The Department is satisfied that these measures will result in adequate remediation of the site for the proposed development purposes.

5.13 Traffic and Transport

5.13.1 Construction Traffic

Issue

The proposal will generate some construction traffic, potentially including heavy vehicles to remove fill or waste from the site. The volume of construction traffic has not yet been quantified by the proponent. There is the potential for noise, vibration and traffic disruption to result from such construction traffic, which would have a negative impact on commuters and neighbouring private residents in particular.

The RTA has stated that a Construction Traffic Management Plan should be submitted to Council.

Consideration

The proponent has committed to addressing construction traffic as part of EMP for the works. The EA highlights the need to consider cumulative traffic generation of multiple construction works being undertaken simultaneously, but states that the overall volume of construction traffic generation is anticipated to be lower than the operational traffic flows anticipated as a result of the Concept Plan. The noise assessment submitted by the proponent concludes that construction traffic is likely to add less than 1dB(A) to existing noise levels and therefore are not likely to cause undue negative noise impact on sensitive receivers.

The Department notes that satisfactory traffic flows for operation of the Concept Plan depend upon the implementation of proposed external roadworks, including additional roundabouts and traffic signals. The timing and nature of the implementation of these measures remains dependent upon the outcome of negotiations between the proponent and the Roads and Traffic Authority. The Department recommends a condition of approval that intersections with roads external to the site be constructed to comply with standards and specifications agreed with the NSW Roads and Traffic Authority.

The Department is satisfied that a construction traffic plan as part of a broader EMP will be sufficient to manage this issue. The Department's recommended condition of approval requiring an EMP includes a specification to address parking of construction vehicles. The plan would enable construction routes and potentially the timing of construction works to be managed to limit negative impacts of vehicle routes on the surrounding area.

The recommended complaints management system would also contribute towards management of this issue, as discussed in section 5.8 above.

5.13.2 Access Roads

Issue

The proposal includes the construction of two new access roads within the eastern precinct, specifically one from Rookwood Road and one from Brunner Road, with the intersections of these new roads to be signalised. The RTA has expressed concern that signalisation of these intersections is not justified. Council has expressed support for the signalisation. The RTA has also stated that the Rookwood Road access must be designed to RTA's requirements and endorsed by a suitably qualified Chartered Engineer. The proponent has informed the Department that ongoing negotiation is being undertaken with Bankstown Council with regard to whether the two access roads will be dedicated to Council after completion.

Consideration

The proponent has committed to designing the roads in consultation with Bankstown Council or the RTA as appropriate, employing a qualified Civil Engineer to design the final plans and submitting the plans to the relevant roads authority prior to the issue of a construction certificate. The proponent has also committed to completing these works prior to the issue of occupation certificates for future buildings to be constructed within the newly created lots. In order to ensure adequate standards are adhered to, the Department recommends a condition of approval that the two access roads be designed and constructed in accordance with the relevant standards of Bankstown City Council.

The proponent has informed the Department that ongoing negotiation is being undertaken with the RTA regarding signalisation of the intersections and has committed to demonstrating that an agreement with the RTA has been reached with the RTA regarding the type and specification of intersection treatment prior to the issue of a construction certificate for these works. The Department recommends a condition of approval that all

intersections with roads external to the site are to be constructed to comply with standards and specifications agreed with the NSW Roads and Traffic Authority.

The future ownership of the access roads is not determined at this stage. Whilst there is a strong preference for all roads to be public, as a matter of public policy, it is noted that the Council has raised concerns about the standards of the roads, in particularly the ramped section and associated retaining walls. It is recommended that the Council and proponent continue their negotiations and seek a resolution such that the proposed roads can become part of the local road network. However, if no resolution is reached within three months or negotiations are exhausted, details of the attempts made to satisfy the Council's concerns shall be given to the Director-General who shall determine the future designation of the roads.

5.13.3 Pedestrian and Cyclist Access

Issue

The Ministry of Transport has stated that the proponent should ensure continuous and safe access for pedestrians and cyclists during construction, particularly at site entrances or boundaries.

Consideration

The proponent has committed to producing a construction management plan for the purpose of managing various construction issues, including traffic access. The Department is satisfied that the implementation of this plan will ensure pedestrian and cyclist access along public roads and at site boundaries is retained.

5.14 Biodiversity

Issue

The proposal has been amended since the EA to exclude any impact on threatened native vegetation, specifically a patch of Sydney Turpentine Ironbark Forest on the boundary of proposed Lot 105 which is listed as an endangered ecological community under the NSW *Threatened Species Conservation Act 1995* (TSC Act) and as critically endangered under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1995* (EPBC Act). The proposal also includes the removal of 0.06 hectares of riparian vegetation in the highly modified Bagdad Street site, which consists of some native species and weeds. The Bagdad Street vegetation is not listed under any legislation and has been found to be void of any hollow-bearing trees.

Consideration

The proponent has also amended its commitments to reflect the recommendations made in the EA, specifically:

- to protect all trees proposed to be retained during works;
- implementation of exclusion fencing, signage, and sediment controls if earthworks are required in proximity to Cooks River/Castlereagh Ironbark Forest or Sydney Turpentine Ironbark Forest; and
- utilisation of locally indigenous native species for any landscaping undertaken on site.

The proponent has also committed to the installation or replacement of any perimeter fencing adjacent to Cooks River/Castlereagh Ironbark Forest or Sydney Turpentine Ironbark Forest retained within Sydney Water lands.

Given the amendment of the proposal, the proponent's commitments and the requirement that the EMP will include management of impact on native vegetation, the Department is satisfied that the proponent's commitments are adequate to prevent any negative impact on native vegetation in the vicinity of the works, particularly endangered ecological communities and threatened species.

6 CONCLUSION

The Department has assessed the EA and PPR and considered the submissions received in response to the proposal and the Concept Plan, where relevant. The key issues raised in submissions included traffic management and intersection design, local traffic congestion, construction noise and vibration, impact on biodiversity and stormwater management.

The Department has considered these and other relevant issues and recommends a number of conditions of approval to ensure that all environmental impacts are minimised or managed to an acceptable level.

On these grounds, the Department considers the site to be suitable for the proposed development and that the proposal is in the public interest. Consequently, the Department recommends that the proposal be approved, subject to conditions.

7 RECOMMENDATION

It is recommended that the Minister:

- (A) consider the findings and recommendations of this report; and
- (B) approve the proposal under section 75J(1) of the NSW *Environmental Planning and Assessment Act, 1979*, subject to conditions, and sign the Determination of the Major Project (**tag A**).

Prepared by:

Endorsed by:

Mary Gibbs
Senior Planner
Strategic Assessments

Simon Bennett
Team Leader
Social Infrastructure

Michael File
Director
Strategic Assessments

Jason Perica
Executive Director
Strategic Sites and Urban Renewal

Sam Haddad
Director-General

APPENDIX A. DIRECTOR-GENERAL'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS

Director-General's Requirements

Section 75F of the *Environmental Planning and Assessment Act 1979*

Major Project No.	MP08_0069
Project Description	Project application for Stage 1 Civil Works at Pott Hill Reservoirs site (proposed employment lands and Pt Lot 1 DP 610303), to include: • Subdivision • Demolition • Bulk earthworks (including excavation and compaction) • Soil remediation • Site infrastructure (including internal roads, drainage works and utilities)
Site	Potts Hill Reservoirs site , Rookwood Road, Bankstown (Pt Lot 2 DP 225818, Pt Lot 1 DP 610303)
Proponent	Landcom
Date of Issue	4 July 2008 (If the environmental assessment is not exhibited within 2 years after this date, the applicant must consult further with the Director-General in relation to the preparation of the environmental assessment.)
General Requirements	The Environmental Assessment (EA) must include: 1) Executive summary. 2) Description of the proposal comprising: a) project vision, objectives and need; b) description of the site, including cadastral and title details; c) various precincts and staging (including infrastructure staging); and d) alternatives considered. 3) Consideration of: a) all relevant State Environmental Planning Policies; and b) proposed Concept Plan approval and show consistency with. 4) Draft Statement of Commitments outlining commitments to public benefits including, environmental management, mitigation and monitoring measures and clear indication of responsibilities. 5) Signed statement from the author of the EA confirming that the information is neither false nor misleading. 6) Report from a quantity surveyor identifying the capital investment value of the proposed works.
Key Assessment Requirements	1) Relevant EPIs and Guidelines to be addressed • Demonstrate compliance with the submitted Concept Plan. 2) Subdivision • Site opportunities and constraints, identifying natural and built environmental features within and adjoining the site. • Subdivision layout plans showing allocation of precincts and zones. 3) Demolition and excavation • Assess the potential for contaminated materials. • Provide a management plan for correct disposal of materials. 4) Geotechnical • Geotechnical report assessing the suitability of the site for its proposed uses, slope stability, erosion hazard, proposed earthworks and retention methods. 5) Noise and vibration • Assess potential noise impact of activities on any sensitive receivers. • Provide a management plan for any noise impact on sensitive receivers. 6) Air quality • Provide a management plan for the minimisation of any dust or other air

	quality impacts. 7) Water Quality and Drainage - Provide a management plan for the minimisation of impacts on the quality of surface water and groundwater. 8) Utilities and Infrastructure - Address the existing capacity and requirements of the development for the provision of utilities including staging of infrastructure works. - Provide detailed design specifications for roadworks, drainage and associated infrastructure works. 9) Contamination - Justify site suitability for proposed use in accordance with SEPP 55. - Provide details of any remediation measures to be carried out. 10) Traffic & Transport - Assess the likely volumes of construction traffic and any potential impacts on the local road network, including existing interesections. - Demonstrate plans for safe management of construction traffic and minimising impact on the road network. 11) Biodiversity - Assess potential impacts on Endangered Ecological Communities, threatened species and their habitat as listed under the NSW Threatened Species Conservation Act 1995 and the Commonwealth Environment Protection and Biodiversity Conservation Act 1999. - Provide a management plan for the minimisation of impacts on biodiversity. 12) Heritage - Assess potential impacts on National, State and local heritage significance of the site, both Aboriginal and non-Aboriginal. - Provide a management plan for the minimisation of impacts on heritage.
Consultation Requirements	An appropriate and justified level of consultation should be undertaken with the following relevant parties during the preparation of the environmental assessment, having regard to any previous consultation. Agencies and other authorities: - Bankstown Council; - Auburn Council; - NSW Department of Environment and Climate Change; - NSW Roads and Traffic Authority; - NSW Heritage; and - All relevant utility providers. The consultation process and the issues raised should be described in the Environmental Assessment.
Landowner's Consent	Landowner's consent is to be provided within the EA in accordance with clause 8F of the Environmental Planning & Assessment Regulation 2000.
Deemed refusal period	60 days (see Clause 8E of the Environmental Planning & Assessment Regulation 2000)
Application Fee Information	The application fee is based on Capital Investment Value of the project as defined in the Major Projects SEPP and as set out in Clause 8H of the Environmental Planning and Assessment Regulation 2000.
Documents to be submitted	Ten (10) hard copies of the environmental assessment with plans to be to scale and A3 in size. Ten (10) copies of the environmental assessment and plans on CD-ROM (pdf format) Please ensure that electronic files are less than 2Mb in size.

APPENDIX B. ENVIRONMENTAL ASSESSMENT

See attached disc titled *Potts Hill Reservoirs Site – Stage 1 Civil Infrastructure Works - Environmental Assessment Report Project Application (August 2008)*

APPENDIX C. PUBLIC AUTHORITY SUBMISSIONS

APPENDIX D. PROPONENT'S RESPONSE TO SUBMISSIONS

See attached disc titled *Potts Hill Reservoirs Site Preferred Project Report (24 October 2008)*

APPENDIX E. CONDITIONS OF APPROVAL

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	NSW <i>Environmental Planning and Assessment Act, 1979</i>
Concept Plan	<i>Concept Plan Application under Part 3A – Environmental Assessment Potts Hill Reservoirs Land</i> (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.
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</i> (including accompanying Appendices) prepared by JBA Urban Planning Consultants Pty Ltd for Landcom and dated August 2008.
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, Brunner 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 Brunner 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 Brunner 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 $L_{Aeq}(15\text{minute})$ 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 report by Renzo Tonin & Associates titled *Landcom Potts Hill Precinct Development Construction Noise and Vibration Impact Assessment –Eastern Precinct* submitted for the Potts Hill Reservoirs Civil Works Stage 1 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.