

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF MAJOR PROJECT NO. 07_0099

(File No. S07/00748)

CONCEPT PLAN APPLICATION FOR SURPLUS LANDS
AT POTTS HILL RESERVOIRS SITE

I, the Minister for Planning, under the *Environmental Planning & Assessment Act 1979* (the Act), determine:

- a) pursuant to section 75O of the Act, to grant Concept Plan approval to the proposal (as described in Schedule 1 and Part A of Schedule 2), subject to the conditions set out in Schedule 2;
- b) pursuant to section 75P(1)(b) of the Act, that approval to carry out the project or any particular stage of the project within the lands defined in the Concept Plan as the Potts Hill Reservoir Site is to be subject to Part 4 of the Act (excluding exempt and complying development), with Council as the consent authority, and are subject to further assessment requirements (as specified in Schedule 2 of this approval) in accordance with Section 75P(2)(c) of the Act, unless otherwise specified in the State Environmental Planning Policy (Major Projects) 2005; and
- c) pursuant to section 75P(2)(a) of the Act, that future applications to carry out the project or any particular stage of the project within the lands defined in the Concept Plan as the Potts Hill Reservoir Site is to be generally consistent with the terms of the approval of this Concept Plan.

The reason for the imposition of modifications and conditions are:

- (a) To ensure the site is appropriately managed for the proposed use;
- (b) To adequately mitigate the environmental impacts of the development;
- (c) To encourage good urban design and a high standard of architecture;
- (d) To reasonably protect the amenity of the local area; and
- (e) To protect the public interest.



The Hon Kristina Keneally MP
Minister for Planning

Sydney,

27 April

2009

SCHEDULE 1

PART A – PROJECT

Proponent:	Landcom and Sydney Water Corporation
Application made to:	Minister for Planning
Major Project Number:	07_0099
On land comprising:	Lot 2 DP 456502, Lot 2 DP 225818, Lot 11 DP 16924, Lot 23 DP 16924, Lot 55 DP 16924, Lot 64 DP 16924, Lot 65 DP 16924, Lot 66 DP 16924, Lot 67 DP 16924, Corner of Rookwood Road and Brunner Road, Potts Hill and Pt Lot 1 DP 610303 Bagdad Street, Potts Hill
Local Government Area:	Bankstown City Council and Auburn Council
Approval in summary for:	Concept Plan for development of approximately 40 hectares of land surplus to operational needs of Sydney Water for water supply purposes comprising: an employment business park in the eastern portion of the site, residential development in the western portion of site in a mix of low and medium density housing forms (up to a maximum of 450 dwellings); and three areas of public open space, road access and the internal road network, stormwater and drainage, and associated infrastructure.
Capital Investment Value:	\$287,600,000
Type of development:	Concept Plan approval under Part 3A of the Act
Determination made on:	
Determination:	Concept Plan approval is granted subject to the conditions in Schedule 2 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>
Bagdad Street site, the	Land defined as Pt Lot 1 DP 610303 Bagdad Street, Potts Hill.
Concept Plan	Plan approved by this instrument, as defined by the Environmental Assessment and Preferred Project Report.
Concept Plan: Business Park Design Guidelines	The Potts Hill Reservoir Concept Plan: Business Park Design Guidelines dated 9 July 2008 prepared by Allen Jack + Cottier and included at Appendix I to the EA.
Concept Plan: Residential Precinct Design Guidelines	The Potts Hill Reservoir Concept Plan: Residential Park Design Guidelines dated 9 July 2008 prepared by Allen Jack + Cottier and included at Appendix H to the EA.
Concept Plan: Design Principles	The Potts Hill Reservoir Design Principles dated 3 July 2008 prepared by Allen Jack + Cottier and included at Appendix G to the EA.
Council	Bankstown City Council
DECC	NSW Department of Environment and Climate Change
Department, the	NSW Department of Planning
Director-General, the	Director-General of the Department of Planning (or delegate).
Director Strategic Assessments	The Director Strategic Assessments at the Department of Planning
Employment precinct	Land designated as 'employment precinct' or 'eastern precinct' in the PPR.
Environmental Assessment (EA)	<i>Concept Plan Application under Part 3A – Environmental Assessment – Potts Hill Reservoirs Land</i> (including accompanying Appendices) prepared by Cité Urban Strategies on behalf of Landcom and Sydney Water Corporation dated June 2008.
Minister, the	Minister for Planning
Operational land	Means the land retained by Sydney Water for operational purposes.
Preferred Project Report (PPR)	<i>Concept Plan Application under Part 3A – Preferred Project Report – Potts Hill Reservoirs Land</i> (including accompanying Appendices and addendum titled <i>Potts Hill Eastern Precinct – Downstream Drainage System Capacity Assessment</i> by Worley Parsons, 22 October 2008) prepared by Cité Urban Strategies on behalf of Landcom and Sydney Water Corporation dated February 2009
Proponents	Landcom and Sydney Water Corporation
Residential precinct	Land referred to as the 'residential precinct' or 'western precinct' in this consent excludes reference to the Bagdad Street site.
RTA, the	NSW Roads and Traffic Authority
Site, the	The area of land affected by the Concept Plan and defined as the 'development lands' or 'surplus lands'.
Statement of Commitments	Revised Statement of Commitments submitted as part of the PPR

SCHEDULE 2
MODIFICATIONS TO CONCEPT PLAN
CONCEPT PLAN APPLICATION NO. MP 07_0099

PART A – ADMINISTRATIVE TERMS OF APPROVAL

A1. Limits of approval

- (1) Concept Plan approval only is granted to the proposed development of the Potts Hill Reservoirs Site surplus lands as described in the EA and as amended by the PPR, including but not limited to:
- i. development of 15.66 hectares within the eastern part of the site for the purposes of an employment / business park precinct including associated infrastructure and road access;
 - ii. development of 19.9 hectares for residential purposes within the western part of the site, including:
 - 1. a maximum of 450 dwellings;
 - 2. new access roads;
 - 3. pedestrian facilities; and
 - 4. associated infrastructure.
 - iii. development of approximately 3.94 hectares of public open space comprising:
 - 1. Canal Park (0.46ha);
 - 2. Brunker Road Park (2.65ha); and
 - 3. New Park on Cooper Road (0.8ha).
- (2) No works under the Concept Plan shall proceed without additional specific approvals either under Part 3A or under Part 4 of the Act, as relevant. Project approval may pre-date approval of the Concept Plan where works are already permissible.
- (3) The complying development provisions, as detailed in the PPR, are not approved for:
- a. residential lots under 450sqm;
 - b. terrace lots/duplex lots;
 - c. zero lot line lots; and
 - d. bush reserve lots

Note: Approval under Part 4 of the Act, with Council as the consent authority, will be required for the following development (unless or until State wide exempt and complying provisions take effect):

- i. all detached single dwelling houses which do not comply with SEPP (Exempt and Complying Development) 2008, NSW Housing Code or Schedule 3 of this Approval;
- ii. medium density housing forms including garden apartments;
- iii. seniors housing;
- iv. zero lot housing; and
- v. terrace, semi detached and duplex development.

A2 Development in accordance with Plans and Documentation

- (1) The Proponent shall carry out the Concept Plan (as described in A1 of this Approval), generally in accordance with the following:
- a. the Environmental Assessment – Potts Hill Reservoirs Land (including accompanying Appendices);
 - b. the Preferred Project Report – Potts Hill Reservoirs Land (including accompanying Appendices and addendum titled Potts Hill Eastern Precinct – Downstream Drainage System Capacity Assessment by Worley Parsons, 22 October 2008) prepared by Cité Urban Strategies on behalf of Landcom and Sydney Water Corporation dated February 2009;
 - c. the Statement of Commitments dated February 2009; and
 - d. the conditions contained in this Approval.

A3 Inconsistency between plans and documentation

- (1) In the event of any inconsistency between:
- a. the terms of this Approval and any documents listed above, the modifications of this Concept Plan Approval (as amended by Part B of this approval) prevail; and
 - b. any documents listed in A2(1) a. to c., the most recent document shall prevail to the extent of the inconsistency.

A4 Lapsing of Consent

- (1) Approval of this Major Project No. MP07-099 shall lapse 5 years from the after the date of approval unless an application is submitted to carry out a development for which concept approval has been given.
- (2) To avoid any doubt, this Concept Plan Approval does not permit the construction of any aspect of the development.

A5. Determination of future applications

- (1) The determination of all future applications for development of the Site under Part 4 of the Act, which Council is the consent authority for, is to be generally consistent with the following as amended by Part B of this Approval, as appropriate:
- a. terms of this Approval;
 - b. the Concept Plan: Design Principles;
 - c. the Concept Plan: Residential Precinct Design Guidelines; and
 - d. the Concept Plan: Business Park Design Guidelines.

PART B – CONDITIONS AND MODIFICATIONS TO THE CONCEPT PLAN

B1 Voluntary Conservation Agreement and associated Management Plans

- (1) The Voluntary Conservation Agreement referred to in the Statement of Commitments in respect to the retained lands, is to be executed by the Sydney Water Corporation and the Minister (administering *the National Parks and Wildlife Act 1974*) prior to the commencement of any works within the residential precinct which would result in the removal of Endangered Ecological Communities and/or threatened species or the approval of the first application for subdivision or civil works within the residential precinct, whichever is the first.

The Voluntary Conservation Agreement is to be prepared in consultation with the DECC.

An executed copy of the Voluntary Conservation Agreement is to be forwarded to the Director Strategic Assessment.

- (2) No vegetation identified as an endangered ecological community or a threatened species under the *Threatened Species Conservation Act 1995* may be removed or impacted by development on the surplus lands until the Voluntary Conservation Agreement referred to in B1(1) has been executed.
- (3) The **Environmental Management Plan** and the **Vegetation Management Plan** referred to in the Statement of Commitments in respect to the retained lands, is to be prepared in consultation with the DECC prior to the commencement of any works in the residential precinct which would result in the removal of Endangered Ecological Communities and/or threatened species or any future approval in relation to subdivision or civil works for the residential precinct, whichever is the first.
- (4) The scope of the **Environmental Management Plan** referenced in Condition B1(3) is to be expanded to include appropriate procedures for the management and protection of the Grey-headed Flying Fox and the Eastern Bent-wing Bat, through all stages of development of the surplus lands.
- (5) A **Vegetation Management Plan** is to be prepared by the Proponent to address the retention and protection of significant vegetation within the surplus lands during all stages of construction. In particular, the Plan is to reference:
- i. the management of land at the interface with the Endangered Ecological Communities and/or threatened species; and
 - ii. the Peppercorn trees, cultural plantings and other significant vegetation to be retained and incorporated into the open space and public domain within the surplus lands.

B2 Residential Design Guidelines

- (1) The Residential Design Guidelines are to be amended to:
- a. reflect the revised Concept Plan boundary illustrated in the PPR.
 - b. include specific design guidelines to address the treatment of the residential precinct at the interface with the operational land including where the public domain, parks and residential lots abut the operational land.
 - c. include a minimum continuous landscape strip of 3 metres (within the nominated 6 metres setback) where medium density housing abuts the western boundary of the retained lands.
 - d. specify the minimum rear setback for dwelling houses on lots under 450sqm is 3.0 metres (and not 0.9m as indicated in the PPR).
 - e. incorporate specific design guidelines for the detached dwelling houses on lots over 450sqm in accordance with the requirements of the NSW Housing Code including a minimum rear setback of 3.0 metres.
 - f. incorporate an illustrative concept plan which nominates lot distribution across the site to demonstrate that housing choice will be provided.
 - g. specify the type and nature of ESD measures to be incorporated into new development.
 - h. incorporate new schematic drawings to illustrate the above and the following:
 - i. the stated maximum site coverage; and