

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF POTTS HILL – STAGE 2

Major Project No. 08_0116

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

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

The reasons for the imposition of conditions are to:

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



Richard Pearson
Deputy Director General
Development Assessment and Systems Performance

Sydney,

4th September 2010

SCHEDULE 1

PART A — TABLE

Application made by:	Landcom
Application made to:	Minister for Planning
Major Project Number:	08_0116
On land comprising:	Cooper Road and Brunker Road, Potts Hill (Lot 105 in DP 1149790; Lots 11, 23, 55, 64, 65, 66 and 67 in DP 16924).
Local Government Area	Bankstown City Council
For the carrying out of:	Stage 2 Civil and Infrastructure Works at Pott Hill Reservoirs site (proposed residential precinct), to include subdivision, bulk earthworks (including excavation and compaction), vegetation removal, site infrastructure (including roads, drainage works and utilities) and the dedication of public roads and open spaces.
Capital Investment Value	\$31,630,000.00
Type of development:	Project approval under Part 3A of the EP&A Act
Determination:	Project approval is granted subject to the conditions in the attached Schedule 2
Date of commencement of approval:	This approval commences on the date of the Minister's approval
Date approval is liable to lapse	5 years from the date of this approval unless the works associated with the project have substantially commenced.

PART B — NOTES RELATING TO THE DETERMINATION OF MAJOR PROJECT No. 08_0116

Responsibility for other consents/agreements

The proponent is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Legal Notices

Any advice or notice to the approval authority shall be served on the Director-General.

Inconsistencies between documents

In the event of any inconsistency between the conditions to this major project approval and the approved plans and documentation described in Schedule 2 and the Statement of Commitments in Schedule 3, the conditions in this major project approval prevail.

PART C - DEFINITIONS

In this approval the following definitions apply:

Advisory Notes	Advisory information relating to the approved project but do not form a part of this approval.
BCA	Building Code of Australia
Certifying Authority	Has the same meaning as Part 4A of the EP&A Act.
Construction	Any works, including earth and building works
Council	Bankstown City Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays

DECCW	Department of Environment, Climate Change and Water or its successors
Department	Department of Planning or its successors
Director-General	Director-General of the Department of Planning, or nominee
EA	Environmental Assessment titled <i>Western Residential Precinct, Potts Hill</i> , dated November 2009
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
Evening	The period from 6pm to 10pm
Incident	A set of circumstances that causes or threatens to cause material harm to the environment, and/or breaches or exceeds the limits or performance measures/criteria in this approval
Minister	Minister for Planning, or nominee
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
PPR	<i>Preferred Project Report</i> dated June 2010.
Project	The project described in Condition A1, Part A, Schedule 2 and the accompanying plans and documentation described in Schedule 2, Part A, Condition A2.
Proponent	Landcom, or anyone else entitled to act on this Approval
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable and Feasible	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements. Feasible relates to engineering considerations and what is practical to build.
RTA	Roads and Traffic Authority
Subject Site	Lot 105 in DP 1149790; Lots 11, 23, 55, 64, 65, 66 and 67 in DP 16924
Statement of Commitments	The Proponent's Statement of Commitment in Schedule 3

SCHEDULE 2

CONDITIONS OF APPROVAL

MAJOR PROJECT APPLICATION NO. MP 08_0116

PART A – ADMINISTRATIVE CONDITIONS

A1. Development Description

Project Approval is granted for the following:

- Three staged subdivision of the subject site into 226 lots:
 - 217 low density;
 - Two (2) medium density residential lots;
 - Seven (7) lots for open space.
- Dedication of roads, stormwater infrastructure and public domain areas to Bankstown City Council at registration of the subdivision plans;
- Site establishment works, vegetation removal, bulk earth works and stripping and stockpiling works;
- Construction of roads and associated infrastructure;
- Embellishment and construction of all public domain areas and structures; and
- Establishment of all stormwater quality management and on-site detention facilities, to be dedicated to Bankstown City Council, including the provision of servicing infrastructure to residential lots.
- Landscaping and bush regeneration works
- Security and residential fencing to the retained lands and surrounding residential properties; and
- Site disestablishment works, including removal of site offices, sheds, amenities, compounds and rehabilitation of those areas.

A2. Development in Accordance with Plans and Documentation

The development shall generally be in accordance with the following plans, documentation and recommendations made therein:

A. Environmental Assessment report for Western Residential Precinct Potts Hill prepared by Architectus dated November 2009, including appendices and Preferred Project Report prepared by Architectus dated June 2010, including appendices			
B. Preliminary Construction Environmental Management Plan prepared by Cardno dated 11 May 2010			
C. Statement of Commitments prepared by Architectus contained in Schedule 3			
D. Subdivision plans prepared by Cardno and detailed as follows:			
Drawing No	Revision	Name of Plan	Date
600246 SA - 101	B	Plan of proposed Stage 1 Subdivision	24 November 2009
600246 SA-102	B	Plan of proposed Stage 1 subdivision	24 November 2009
600246 SA-201	B	Plan of proposed Stage 2 subdivision	24 November 2009
600246 SA-202	B	Plan of proposed Stage 2 subdivision	24 November 2009
600246 SA-203	B	Plan of proposed Stage 2 subdivision	24 November 2009
600246 SA-301	B	Plan of proposed Stage 3 subdivision	24 November 2009
600246 SA-302	B	Plan of proposed Stage 3 subdivision	24 November 2009
600246 SA-303	B	Plan of proposed Stage 3 subdivision	24 November 2009
D. Concept Civil Design plans prepared by Cardno and detailed as follows			
600246-001	B	Cover Sheet and Drawing Schedule	2 December 2009

600246-002	A	General Notes	19 November 2009
600246-010	B	Site Plan	19 November 2009
600246-011	B	General Arrangement Plan 1 of 2	11 May 2010
600246-012	B	General Arrangement Plan 2 of 2	11 May 2010
600246-015	B	Typical Road Sections 1 of 3	11 May 2010
600246-016	B	Typical Road Section 2 of 3	11 May 2010
600246-017	B	Typical Road Section 3 of 3	11 May 2010
600246-020	B	Indicative Cut & Fill Plan & Existing Surface to Design Surface	11 May 2010
600246-024	A	Indicative Staging Plan	19 November 2009
600246-025	B	Indicative Lot Treatment Plan	11 May 2010
600246-026	B	Indicative Lot Treatment Details 1 of 3	11 May 2010
600246-027	B	Indicative Lot Treatment Details 2 of 3	11 May 2010
600246-028	B	Indicative Lot Treatment Details 3 of 3	11 May 2010
600246-030	B	Road Longitudinal Sections	11 May 2010
600246-031	B	Road Longitudinal Sections	11 May 2010
600246-032	B	Road Longitudinal Sections	11 May 2010
600246-033	B	Road Longitudinal Sections	11 May 2010
600246-034	B	Road Longitudinal Sections	11 May 2010
600246-035	B	Road Longitudinal Sections	11 May 2010
600246-036	B	Road Longitudinal Sections	11 May 2010
600246-037	A	Indicative Traffic Control Sections	19 November 2009
600246-040	B	Catchment Plan	11 May 2010
600246-041	A	Water Quality & Detention Basin No.1 Plan & Details	19 November 2009
600246-042	A	Water Quality & Detention Basin No.2 Arrangement Plan	19 November 2009
600246-043	A	Water Quality & Detention Basin No.2 Details	19 November 2009
600246-044	A	Water Quality & Detention Basin No.3 Plan	19 November 2009
600246-045	A	Water Quality & Detention Basin No.3 Details	19 November 2009
600246-050	A	Concept Sewer Layout Sheet 1 of 2	19 November 2009
600246-051	A	Concept Sewer Layout Sheet 2 of 2	19 November 2009
600246-052	A	Concept Potable & Recycled Water Layout	19 November 2009
600246-053	A	Concept Stormwater Layout Sheet 1 of 2	19 November 2009
600246-054	B	Concept Stormwater Layout Sheet 2 of 2	19 November 2009
600246-055	B	Erosion and Sedimentation Control Plan	26 June 2010
600246-056	B	Erosion and Sedimentation Control Details	19 November 2009

A3. 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.

A4. Lapsing of Approval

The project approval will lapse 5 years after the approval date in Part A of Schedule 1 of this project approval unless the development has been substantially commenced.

A5. Compliance with Relevant Legislation and Australian Standards

The proponent shall comply with all relevant Australian Standards and Codes (including Building Code of Australia) and obtain all necessary approvals required by State and Commonwealth legislation in undertaking the project described in Condition A1, Part A, Schedule 2 of this approval.

A6. Voluntary Conservation Agreement

The Voluntary Conservation Agreement required under the Concept Plan approval MP07_0099 must be executed prior to the removal of any Endangered Ecological Community.

A7. Conservation Agreement Area

No infrastructure works, the subject of this approval, are to be within the Conservation Agreement Area.

PART B—PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

B1 Structural details

Prior to the issue of a Construction Certificate, the proponent shall submit to the satisfaction of the Principal Certifying Authority, structural drawings prepared and signed by a suitably qualified practising Structural Engineer that comply with:

- (a) The relevant clauses of the BCA;
- (b) The relevant project approval;
- (c) Drawings and specifications comprising the Construction Certificate; and
- (d) Relevant Australian Standards listed in the BCA

B2 Pre-Construction Dilapidation Reports

Prior to the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that a dilapidation report on the visible and structural condition of all buildings, infrastructure, roads and public domain areas has been completed and submitted to the Director General and Council.

Particular attention must be paid to accurately recording any pre-developed *damaged* areas on the aforementioned infrastructure so that Council is fully informed when assessing damage to public infrastructure caused as a result of the development (which is not to be repaired by the proponent as part of the development). The developer may be held liable to all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded in detail and demonstrated under the requirements of this condition.

B3 Subsurface drainage

Subsurface drainage systems shall be provided for all road formations, cuttings, public domain areas, and allotments throughout the entire project area. Detailed plans and construction specifications for the drainage systems shall be prepared and certified as complying with Council's specifications prior to the issue of a Construction Certificate. The plans shall include as a minimum the following information:

- The proposed location of all subsoil drains and sub-pavement drains, including the nominal width and depth of trenches, pipe diameters and materials, longitudinal design grades, and the locations of outlets and cleanouts;
- The location of public utility services shall also be included on the plans and cross sectional drawings; and
- Specifications for the construction of all components of the system.

B4 Stormwater and drainage works

The following details are to be submitted to Council for approval demonstrating compliance with Council's requirements prior to a Construction Certificate being issued for the commencement of stormwater drainage works:

- Details of the proposed on-site stormwater drainage system;
- All hydrological and hydraulic modelling and design up to and including peak 1 in 100yr ARI events for the pre and post development. All modelling and design needs to address the adequate and safe movement of overland flow from the total catchment without any adverse impact to this site and to downstream properties;
- Details demonstrating that the proposed development does not adversely impact on downstream properties;
- Details demonstrating adequate compliance with Council's On-Site Detention requirements;

- Detailed calculations including parameters used in the design of the wetlands, detention basins, raingardens, grass swale and GPTs. All stormwater site discharge needs to comply with Council's water quality requirements;
- An electronic copy of the XP Rafts, MUSIC, DRAINS models to be submitted to Council for review;
- Detailed overland flow calculations and design finished surface levels providing evidence that proposed roads, swales and paths have been designed with adequate capacity to convey flows and comply with safe velocity depth requirements for all storm events up to and including the peak 1 in 100 year ARI flows without any adverse impact to vehicular and pedestrian traffic;
- Documented details showing that all proposed stormwater pipe drainage has been designed for the peak 1 in 10 year ARI design event. Details are to include hydraulic grade line analysis, longitudinal drainage pipe sections showing pipe sizes, pipe types, invert levels, grades and minimum pipe cover including stormwater pit inlet types.

In the event that the Proponent and Council cannot reach agreement within 2 months from the date the details listed above are submitted, the Proponent can refer the matter to the Director General for resolution. In referring a matter to the Director General in accordance with this condition, the Proponent shall submit evidence of its attempts to satisfy Council's concerns and any other information required by the Director General.

B5 *Erosion and sediment control*

Soil erosion and sediment control measures shall be designed in accordance with the document Managing Urban Stormwater – Soils & Construction Volume 1 (2004) by Landcom. Details are to be provided to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

B6 *Civil Works and Services*

Low voltage electricity and telecommunications services for the approved development shall be reticulated underground. Details of this requirement shall be provided to the Certifying Authority prior to the issue of any Construction Certificate.

B7 *Public Dedication of roads and public open space*

The proposed internal access roads and public domain space areas shall be designed generally in accordance with the plans and documentation forming part of this approval and with the relevant standards of Bankstown Council. The Proponent shall consult with Council on the design of internal access roads and public domain spaces prior to the issue of a Construction Certificate.

B8 *Construction Standards for Intersections*

All intersections with roads external to the site shall be designed and constructed to comply with standards and specifications of the RTA or Council.

B9 *Construction Traffic Management Plan*

A Construction Traffic Management Plan is to be prepared and submitted to Council for approval prior to the issue of a Construction Certificate. The Construction Traffic Management Plan shall address the matters listed in Schedule 3.

PART C—PRIOR TO THE COMMENCEMENT OF WORKS

C1 *Construction Environmental Management Plan*

Prior to the commencement of works, a Construction Environmental Management Plan(s) (CEMP) shall be prepared for excavation and construction activities by a suitably qualified person, generally in accordance with the Draft Construction Environmental Management Plan prepared by Cardno and submitted with the Preferred Project Report dated 11 May 2010, and in accordance with relevant legislation and guidelines, and approved by the Principal Certifying Authority. A copy of the final CEMP shall be submitted to the Director General.

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. Detailed plans may be prepared for each 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) Construction Traffic Management Plan approved by Council under Condition B9;
- (b) Noise and Vibration Management Plan;
- (c) Management of impact on native vegetation prepared in consultation with DECCW;
- (d) Air Quality and Dust Management Plan;
- (e) Erosion and Sediment Control Plan;
- (f) Waste Management Plan;
- (g) Stormwater Management;
- (h) Flora and Fauna Management Plan prepared in consultation with DECCW; and
- (i) Weed Eradication Plan.

C2 Retaining Walls

Structural details of the retaining walls supporting the soil between the proposed lots shall be prepared by a qualified structural engineer or geotechnical engineer must be submitted to and approved by the PCA prior to the commencement of works.

C3 Notice of Commencement

At least 48 hours prior to the commencement of any development (including demolition, excavation, shoring or underpinning works), a notice of commencement of building or subdivision work form and appointment of the Principal Certifying Authority form shall be submitted to Council.

C4 Site Notice

A site notice shall be erected on the site prior to any work commencing and shall be displayed throughout the works period.

The site notice must:

- be prominently displayed at the boundaries of the site for the purposes of informing the public that unauthorised entry to the site is not permitted
- display project details including, but not limited to the details of the builder, PCA and structural engineer
- be durable and weatherproof
- display 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
- be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted

C5 Notification of Builders Details

Prior to the commencement of any development or excavation works, the PCA shall be notified in writing of the name and contractor licence number of the owner/contractor intending to carry out the approved works.

C6 Geotechnical Report

Prior to the commencement of any bulk excavation works on site, the proponent shall submit to the PCA, the results of a detailed geotechnical investigation on the site. The report is to address such matters as:

- appropriate excavation methods and techniques
- vibration management and monitoring
- dilapidation survey
- support and retention of excavated faces
- hydrogeological considerations

The recommendations of the report are to be implemented during the course of the works.

C7 Barricade Permit

Where construction works require the use of a public place including a road or footpath, approval under section 138 of the *Roads Act 1993* is to be obtained from Council prior to the commencement of work.

C8 Environmental Protection Licence (EPL)

An environmental protection licence issued under the *Protection of the Environment Operations Act 1997* shall be obtained (if applicable) prior to the commencement of any works on site.

PART D—DURING CONSTRUCTION

D1 *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.

D2 *Erosion and Sediment Control*

All erosion and sediment control measures are to be effectively maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as source of sediment.

D3 *Disposal of seepage and stormwater runoff*

Any seepage and stormwater runoff collected on-site during construction shall be treated generally in accordance with the Erosion and Sediment Control Plan. Under no circumstances is any collected 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 *Protection of the Environment Operations Act 1997*.

D4 *Hours of Construction*

All building work shall be restricted to within the hours of 7.00 am to 6.00 pm between Monday to Friday, and 7.00 am to 1.00 pm on Saturday, with no work on Sundays and/or Public Holidays.

D5 *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 D5). Background noise levels are those identified in the report by Renzo Tonin & Associates titled *Potts Hill Reservoirs Land – Western Precinct Noise and Vibration Assessment* submitted for the Potts Hill Reservoirs Civil Works Stage 2. Any activities that have the potential for noise emissions that exceed the objective must be identified and managed in accordance with the Construction Environmental Management Plan. The proponent must implement all reasonable noise mitigation and management measures with the aim of achieving the construction noise objective.

D6 *Use of road or footpath*

During excavation, demolition and construction phases, no building materials, plant or the like are to be stored on the road or footpath without written approval being obtained from Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations.

D7 *Asbestos Removal*

All demolition works involving the removal and disposal of asbestos cement must be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with National Occupational Health and Safety Commission (NOHSC: "Code of Practice for the Safe Removal of Asbestos" and any Council guidelines.

D8 *Classification of Waste*

Prior to the exportation of waste from the site, the waste materials must be classified to determine where the waste may be legally taken. *The Protection of the Environment Operations Act 1997* provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility.

D9 *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.

D10 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 direct telephone number on which complaints and enquiries about the project may be registered.
- A postal address to which written complaints and enquiries may be sent
- An email address to which electronic complaints and enquiries may be transmitted

The telephone number, postal address and 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.

D11 Impact of Below Ground (Subsurface) Works – Non-Aboriginal Objects

If any archaeological relics are uncovered during the course of the work, then all works shall cease immediately in that area and the NSW Heritage Office contacted. Depending on the possible significance of the relics, an archaeological assessment and excavation permit under the *NSW Heritage Act 1977* may be required before further works can continue in that area.

D12 Impact of Below Ground (Subsurface) Works – Aboriginal Objects

If any Aboriginal archaeological relics are exposed during the course of the work, then all works shall cease immediately in that area and the National Parks and Wildlife Service contacted. The proponent shall comply with any request made by NPWS to cease work for the purposes of archaeological recording.

PART E – PRIOR TO ISSUE OF A SUBDIVISION CERTIFICATE/OCCUPATION CERTIFICATE

E1 All works to be completed

All works as specified in the project approval and Construction Certificate must be completed prior to the issue of a Subdivision Certificate for each stage, unless the Proponent has entered into an agreement under section 109(J)(2) of the Act for any works that are deferred or unable to be completed in part of a stage.

E2 Part 4A Certificate

Prior to the registration of the final subdivision plan in the Office of the Register-General for each stage of subdivision, a Part 4A certificate shall be obtained under section 109D(1)(d) of the Act for each stage of the subdivision.

E3 Dedication of Stormwater Infrastructure

All stormwater infrastructure for each stage shall be constructed by the Proponent and dedicated to Council prior to the issue of a Subdivision Certificate for each stage. The open space and road lots containing stormwater infrastructure are to be dedicated to Council, and at the end of the maintenance period Council will be responsible for the on-going maintenance of the infrastructure.

E4 Dedication of Internal Roads

All internal roads for each stage shall be constructed by the Proponent and dedicated to Council as public roads prior to the issue of a Subdivision Certificate for each stage. The public road lots are to be dedicated to Council and at the end of the maintenance period Council will be responsible for the on-going maintenance of the infrastructure.

E5 Dedication of Open Space

- (a) The Proponent must make necessary arrangements for the dedication to Council at no cost to Council of the seven (7) lots of open space at the time of registration of the Subdivision Certificate.
- (b) Prior to the issue of a Subdivision Certificate for each stage of the subdivision, a deed of agreement must be prepared with Council to allow the Proponent to carry out management and maintenance works on the open space after its dedication. The period in which management and maintenance works must be carried out is to be agreed between the Proponent and Council.

- (c) All necessary work must be undertaken to the satisfaction of Council prior to management passing to Council.
- (d) All costs are to be borne by the Proponent.

E6 Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained. The Section 73 Certificate must be submitted to the PCA prior to the release of the plan of subdivision.

E7 Compliance Report

The Subdivision Certificate will not be issued until documentary evidence of compliance with this Approval has been submitted to Principal Certifying Authority.

E8 Linen Plan

The Linen plan of subdivision shall generally conform with this Approval and all relevant conditions there under.

E9 Registration of easements, restrictions to use and right of carriageway

- (a) The creation of easements for services, rights of carriageway and restrictions as to user are applicable under Section 88B of the *Conveyancing Act 1919*.
- (b) Drainage easements are to be placed over all subsurface drains and interallotment drainage, benefiting and burdening the property owners. Maintenance of the subsurface drains is to be included in the 88B Instrument.
- (c) Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.

E10 General easement provision and certification

Prior to issue of the Subdivision Certificate, a registered surveyor is to provide details to the consent authority or a PCA that all physical structures are fully contained within the proposed allotments or will be fully covered by the proposed burdens upon registration of the final plan of subdivision. Alternatively, where the surveyor is of the opinion that creation of burdens and benefits is not required, then proof to this effect must be submitted to the certifying authority.

E11 Development Contribution

The proponent must pay a levy of **\$304,625.00** which is 1% of the cost of carrying out the development (less the open space embellishment works outlined in the PPR) in accordance with Council's Contribution Plan prior to the issuing of a subdivision certificate for each subdivision stage, in accordance with the following table.

Subdivision Stage	No. of residential lots	Levy
Stage 1	66	\$92,606.00
Stage 2	112	\$157,186.50
Stage 3	39	\$54,832.50

The proposed cost of carrying out the development is to be indexed from the approval date until the date that payment is required in accordance with this condition.

E12 Landscape Maintenance Plan

A Landscape Maintenance Plan, prepared in accordance with the Draft Landscape Maintenance Plan and submitted with the Preferred Project Report, including the cost of expected works and costs associated with works is to be prepared in consultation with Council. The Plan must be implemented until the completion of the agreed maintenance period.

E13 Road and Intersection Upgrades

Prior to the issue of any Occupation Certificate of any residential development within the corresponding stage of subdivision, the proponent is to undertake all road and intersection works related to the following intersections:

Stage of subdivision	Intersection
Stage 1	Intersection of road 3 and Brunner Road

Stage 2	Intersection of road 13 and Cooper Road
Stage 3	Intersection of road 1 and Cooper Road (including pedestrian refuge islands at roundabout)

ADVISORY NOTES

AN1 Requirements of Public Authorities for Connection to Services

The proponent shall comply with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, AGL, etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the proponent.

AN2 Application for Hoardings and Scaffolding

A separate application shall be made to Council for approval under Section 68 of the *Local Government Act, 1993*, to erect a hoarding or scaffolding in a public place. Such an application shall include:

- (1) Architectural, construction and structural details of the design in accordance with Council's policies.
- (2) Structural certification prepared and signed by a suitably qualified practising structural engineer.

AN3 Use of Mobile Cranes

The proponent shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters shall be complied with:

- (1) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council:
 - (a) At least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions, and
 - (b) At least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (2) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30am without the prior approval of Council.

AN4 Roads Act, 1993

A separate application shall be made to Council for approval under Section 138 of the *Roads Act, 1993* to undertake any of the following:

- (1) erect a structure or carry out a work in, on or over a public road, or
- (2) dig up or disturb the surface of a public road, or
- (3) remove or interfere with a structure, work or tree on a public road, or
- (4) pump water into a public road from any land adjoining the road, or
- (5) connect a road (whether public or private) to a classified road.

AN5 Road repairs necessitated by excavation and construction works

Section 102(1) of the Roads Act states "A person who causes damage to a public road is liable to pay to the appropriate roads authority the cost incurred by that authority in making good the damage."

Council will notify when road repairs are needed, and if they are not carried out within 48 hours, then Council will proceed with the repairs, and will invoice the proponent, owner and relevant contractor for the balance. confirmation has been received from RailCorp that the particular condition has been complied with.

AN6 Excavation – Historical Relics

Should any historical relics be unexpectedly discovered then all excavations or disturbance to the area is to stop immediately and the Heritage Council of NSW shall be informed in accordance with Section 146 of the *Heritage Act, 1977*.

AN7 *Long Service Levy*

Under Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* any work costing \$25,000 or more is subject to a Long Service Levy. The levy rate is 0.35% of the total cost of the work and shall be paid to either the Long Service Payments Corporation or Council. Under section 109F(1) of the *Environmental Planning & Assessment Act, 1979* this payment must be made prior to commencement of building works.

AN8 *Movement of Trucks Transporting Waste Material*

The proponent shall notify the RTA's Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting waste material from the site, prior to the commencement of the removal of any waste material from the site.

SCHEDULE 3

MP 08_0116

POTTS HILL – STAGE 2

STATEMENT OF COMMITMENTS

(Source: Preferred Project Report, dated June 2010)

Table 7 Revised Statement of Commitments

Commitment	Description	Timing
Roads, pedestrian and cycleway works		
1. All internal roads (including shared zones) will be dedicated to Bankstown City Council.	All internal roads (including shared zones) and associated infrastructure will be dedicated to Bankstown City Council.	At the registration of the subdivision.
2. Pedestrian and cycle paths	The Proponent is to construct and/or upgrade existing pedestrian and cycle paths within the site and on Cooper Road and Brunker Road in accordance with the pedestrian and cycleway plan at Appendix D.	Prior to completion of works.
3. Specific detailed design drawings to be prepared.	Detailed design specifications and plans are to be prepared and provided to the Private Certifying Authority and to the satisfaction of Council, generally in accordance with the Concept Civil Design Plans provided at Appendix L.	Prior to the issue of a construction certificate.
4. External road intersections and associated works to be undertaken by the Proponent.	The Proponent is to undertake all road and intersection works related to the intersections with Cooper Road and Brunker Road to the satisfaction of Council including: - The intersection of Road 1 and Cooper Road (including pedestrian refuge islands at roundabout); - The intersection of Road 3 and Brunker Road (including raised median); and - The intersection of Road 13 and Cooper Road.	Prior to the residential occupation of the first lot within the corresponding stage associated with each intersection.
5. 37 Cooper Road	The Proponent commits to undertake access works to 37 Cooper Road, Birrong, in accordance with the plan provided at Appendix N.	Prior to completion of works.
Open space and public domain		
6. All public open space areas, including Brunker Road Park, Canal Park and new Cooper Road Park to be dedicated to Bankstown City Council.	All public open space areas and associated embellishment and treatment works will be dedicated to Bankstown City Council. All public open space areas will be completed in accordance with the Landscape Concept Report at Appendix C.	Embellishment of the public open spaces will occur prior to the occupation of the first residential lot within the corresponding stage associated with each public open space.
7. Landscape Maintenance Plan	The Proponent is to implement a Landscape Maintenance Plan, in accordance with the Draft Landscape Maintenance Plan provided at Appendix E. The Landscape Maintenance Plan is to include details of expected works and costs associated with works over a 20 year period. This is to be prepared in consultation with Council.	Prior to the registration of the subdivision.
8. Weed Eradication Plan	A Weed Eradication Plan will be prepared in accordance with the weed eradication and bushland regeneration components of the Vegetation Management Plan at Appendix M.	Prior to the issue of a Construction Certificate.
9. Western boundary landscape strip	Only tree species listed by Council in their submission at Appendix A are to be planted in the landscape strip along the western boundary of the subject site.	Prior to occupation of lots along the western boundary of the site.

Commitment	Description	Timing
10. Detailed Plans	Detailed plans for the public open space will be submitted to Bankstown City Council for review.	Prior to the issue of a Construction Certificate.
Residential dwellings and design guidelines		
11. All future residential development is to be undertaken in accordance with the Residential Design Guidelines.	All future residential development will be undertaken in accordance with the Residential Design Guidelines provided at Appendix R.	Development of all residential development on the subject site.
Heritage		
12. A register of Moveable Heritage Items to be prepared.	Sydney Water Corporation is to prepare a register of Moveable Heritage Items on the subject site in accordance with the Sydney Water Moveable Heritage Policy and Procedures Manual provided at Appendix O. The register is to be submitted to the Director, Heritage Office of the Department of Planning.	Prior to commencement of works.
13. A plan outlining the use of Moveable Heritage Items on the subject site to be prepared.	The Proponent and Sydney Water Corporation are to prepare a plan outlining the use of Moveable Heritage Items on the subject site to the satisfaction of the Director, Heritage Office of the Department of Planning. This is to be submitted to the Director, Heritage Office of the Department of Planning together with the Register of Moveable Heritage Items.	Prior to the issue of a Construction Certificate for the proposed works.
Construction management		
14. Construction Environmental Management Plan to be updated.	The Preliminary Construction Environmental Management Plan is to be updated upon approval of this Project Application in order to be consistent with all relevant conditions imposed by the Conditions of Approval.	Prior to the commencement of any bulk earthworks and infrastructure works associated with the proposed subdivision.
15. Hours of construction activities	Construction activities on the subject site are only to be undertaken within the following times: - Monday to Friday: 7.00am to 6.00pm. - Saturday – 8.00am to 1.00pm. No construction work is to be undertaken on the subject site on Sundays or Public Holidays.	During the undertaking of construction work on the subject site.
16. Construction impacts on Conservation Agreement Area	DECCW is to be consulted in the preparation of the Flora and Fauna Management Sub-Plan of the CEMP.	Prior to the commencement of construction.
17. Repair works	Any damage to the surrounding road network and/or properties will be repaired by the Proponent.	Prior to the completion of works.
Servicing Infrastructure		
18. Detailed drawings for site services and infrastructure to be prepared.	Detailed design for site services and infrastructure, including location and details of stormwater drainage, potable water network, telecommunication lines, gas pipes and electricity lines are to be prepared in accordance with the Concept Civil Design Plans prepared by Cardno and provided at Appendix I. Plans are to be submitted to the Principal Certifying Authority.	Prior to the issue of a Construction Certificate for any infrastructure works associated with the proposed subdivision.
19. Electricity supply details	Details confirming the proposed electricity supply and outcomes of negotiations between the Proponent and Energy Australia regarding existing power cables on the subject site are to be provided to the Principal Certifying Authority.	Prior to the issue of a Construction Certificate for any infrastructure works associated with the proposed subdivision.

Commitment	Description	Timing
20. Gas supply details	An application to Jemena by the Proponent is to be made for the provision of gas supplies to the subject site. Details are to be made available to the Principal Certifying Authority.	Prior to the issue of a Construction Certificate for any infrastructure works associated with the proposed subdivision.
21. Recycled water details	Details of Landcom and Sydney Water discussions regarding the use of recycled water to be provided.	Prior to the issue of a Construction Certificate for any infrastructure works associated with the proposed subdivision.
22. Responsibility for undertaking works	The Proponent takes on all responsibility to the undertaking of all public utility and servicing infrastructure, necessitated by the proposed development and outlined in the Statement of Commitments, including any utility adjustment or relocation works.	Ongoing up to handover of public domain to Council.
Stormwater Infrastructure		
23. Stormwater Infrastructure including detention basins to be dedicated to Bankstown City Council.	All stormwater infrastructure including detention basins is to be dedicated to Bankstown City Council for ownership, operation and maintenance.	Prior to the residential occupation of the first lot within the corresponding stage associated with each stormwater detention basin.
Future applications		
24. All residential dwellings, including apartment developments, (other than those considered as exempt and complying development under the Exempt and Complying SEPP) will require development consent from Bankstown City Council.	All future residential dwellings and apartment developments (other than those considered as exempt or complying under the Exempt and Complying SEPP/NSW Housing Codes) will require development consent under Part 4 of the EP&A Act. All Development Applications are to be submitted to, assessed and determined by Bankstown City Council.	Prior to construction of individual residential dwellings.
25. All future development is to be assessed against the Concept Plan Approval, or as amended by this Project Application and the Residential Design Guidelines.	All future development applications (including apartment development) are to be assessed for compliance against the Concept Plan Approval (provided at Appendix T), or as amended by this Project Application and the Residential Design Guidelines provided at Appendix R.	Assessment of residential dwelling Development Applications.
Excavation		
26. Disposal of surplus fill.	The disposal of any fill to be disposed of off-site is to be in accordance with the Construction Environmental Management Plan and any relevant legislative requirements. Surplus fill to be disposed of off-site is to be transported to a legal landfill or to another work site if required.	During site works.
Section 94 Contributions		
27. Section 94 Contributions payment.	The Proponent is to pay \$304,625.00 in accordance with the Bankstown City Council Section 94A Contributions Plan, as detailed at Appendix H. CPI is to be adjusted at time of payment.	Prior to the release of the linen plan for the final stage of subdivision.
28. Additional contributions	The Proponent is to make additional contributions to Rodd Street cycle way signage and management and/or revegetation of the Bagdad Street Reserve (adjacent to north side of Railway overpass). Contribution value to be determined in consultation with Council.	Prior to the completion of works.
Erosion and Sediment Control Plan		
29. Erosion and Sediment Control Plan	An Erosion and Sediment Control Plan is to be prepared, and include the following information: • Identification of the area(s) of potential soil and sediment erosion risks including excavated spoil and stockpiles; • Management of vehicles movements to minimise tracking	Prior to the issue of a Construction Certificate.

Commitment	Description	Timing
	beyond the site; • Mitigation measures to minimise sediment runoff; • Location of sediment basins, including maps; • Calculation of sediment basins size, capacity and management/maintenance plans; and • Revegetation/remediation plans.	
Access, traffic and Transport		
30. Construction Traffic Management Plan	A Construction Traffic Management Plan is to be prepared, and is to include the following details: • Construction vehicle routes; • Number of trucks; • Timing of proposed works; • Hours of operation; • Access arrangements and traffic control; • Parking areas for construction workers; • Mitigation and management measures including stop/go signals and vehicle circulation and access arrangements; and • Contact details for on site construction personnel. The CTMP is to consider the following: • Impacts of access arrangements on adjacent properties and land uses and access to the retained Sydney Water lands; • Degradation of residential amenity via construction vehicle noise; • Road network operation and loss of intersection capacity with additional construction vehicle movement; • Safety implications for all road users as a result of additional heavy vehicle flows and construction vehicle access arrangements; and • Potential loss of on street parking as a result of additional demand created by construction workers and site access arrangements. The following requirements should be included in the CTMP: • Vehicle access should be restricted to the existing site access points; • To the maximum extent possible, materials being delivered to or extracted from the site should be undertaken via Brunner Road. The use of residential streets should be minimised; • Heavy construction vehicles should be restricted from using Cooper Road during school start and finish times (8.00am to 9.30am and 2.30pm to 4.00pm); • Dedicated off-street parking areas should be provided for construction workers; • All vehicles should enter and exit the site in a forward direction. This will require sufficient manoeuvring area within the site; and • Vehicle access to and from adjoining properties is to be kept clear and unobstructed at all times unless otherwise agreed by the residents of the affected property.	Prior to issue of Construction Certificate (subject to approval by Council – see following Commitment).
31. Construction Traffic Management Plan	Any Construction Traffic Management Plan prepared for the proposed works is to be submitted to the Local Traffic Committee of Bankstown City Council for approval.	Prior to issue of a Construction Certificate.
32. Dilapidation Report	A dilapidation report will be prepared for the surrounding roads and properties.	Prior to Issue of a Construction Certificate.