

Project Approval

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

Edmondson Park – Stage 1 (MP10_0119)

The Planning and Assessment Commission, under section 75J of the *Environmental Planning and Assessment Act 1979* (the Act) determines to approve the project application referred to in Schedule 1, subject to the conditions set out in Schedule 2;

The reasons for the imposition of modifications and further assessment requirements are:

- to adequately mitigate the environmental impact of the development;
- to ensure that the proposed development is adequately serviced by utilities and infrastructure;
- to manage bushfire hazard;
- to ensure consistency with the Conservation Agreement;
- to manage any impacts on the south west rail line; and
- to maintain the amenity of the locality.

Member of the Commission

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Sydney,

2011

SCHEDULE 1

PART A – PROJECT

Proponent:	Landcom
Application made to:	Minister for Planning
Major Project Number:	MP10_0119
On land comprising:	Lot 2 DP1144667 Lot 1 DP 831149 Lot 1 DP 831148 Lot 3 DP 246213
Local Government Area:	Campbelltown City Council
Approval in summary for:	<p>Project application for stage 1 of Landcom's development at Edmondson Park, which includes:</p> <ul style="list-style-type: none"> • Subdivision to create 206 residential lots, 15 environmental living lots, 8 super lots for future subdivision, 3 lots for dedication to the Council as public open space, and roads for dedication to Council. • Infrastructure and early works within the stage 1 area, including: <ul style="list-style-type: none"> ○ tree removal; ○ earthworks including excavation, cut and fill; ○ design and construction of physical infrastructure; ○ design and construction of staged stormwater water quantity and quality infrastructure ○ demolition of all existing structures; ○ erosion and sediment control to areas of roadworks and bulk earthworks; ○ design and construction of an ornamental pond; ○ landscaping of road reservations; and ○ embellishment of open space. • Infrastructure and early works outside Stage 1 land, including: <ul style="list-style-type: none"> ○ construction of the sewer lead in from the Sydney Water carrier main at Ash Road; ○ upgrade of overhead mains and construction of electrical lead-in feeders from the existing zone substation at Prestons; ○ connection to utility services and existing stormwater drainage; ○ tree removal; ○ earthworks including excavation, cut and fill; ○ design and construction of physical infrastructure, including roads, stormwater, drainage and utility reticulation, traffic management works, including the connection to the existing Macdonald Road; ○ design and construction of staged stormwater water quantity and quality infrastructure; ○ erection of an acoustic wall; ○ proposed new intersection to existing Macdonald Road; and ○ construction of a gravity sewer line through the future Regional Park.
Capital Investment Value:	\$51 million
Type of development:	Project approval under Part 3A of the Act
Date of commencement of approval:	This approval commences on the date of the Planning Assessment Commission's approval
Date approval will lapse:	10 years from the date of determination unless specified action has been taken in accordance with Section 75Y of the Act

PART B – DEFINITIONS

Act, the	<i>Environmental Planning and Assessment Act 1979 (as amended)</i>
APZ	Asset Protection Zone
Council	Liverpool City Council and Campbelltown City Council subject to which Local Government Area the development is located.
Department, the	NSW Department of Planning & Infrastructure
Director-General, the	Director-General of the Department of Planning & Infrastructure (or delegate)
Environmental assessment (EA)	Environmental Assessment Report Part 3A Project Application – Edmondson Park south stage 1 residential subdivision and infrastructure works, prepared by JBA Planning, September 2010.
Minister, the	Minister for Planning & Infrastructure
PMF	Probable Maximum Flood
Proponent	Landcom or any party acting on this approval
Preferred project report (PPR)	Preferred Project Report – Edmondson Park south stage 1 project application, prepared by JBA Planning November 2010
RFS	NSW Rural Fire Service
RTA	NSW Roads and Traffic Authority
Site	Land to which Project Application MP10_0119 applies
Regulation, the	<i>The Environmental Planning and Assessment Regulation 2000 (as amended)</i>
Statement of commitments	Final statement of commitments submitted as part of the PPR.

SCHEDULE 2

PART A – ADMINISTRATIVE CONDITIONS

Terms of Approval

- 1.1 The Proponent shall carry out the project generally in accordance with the:
- a) Concept plan application MP10_0118;
 - b) Environmental Assessment Report Part 3A Project Application – Edmondson Park south stage 1 residential subdivision and infrastructure works, prepared by JBA Planning, September 2010.
 - c) Preferred Project Report – Edmondson Park south stage 1 project application, prepared by JBA Planning November 2010; and
 - d) the conditions of this approval.
- 1.2 In the event of an inconsistency between:
- a) the conditions of this approval and any document listed from clause 1.1 a) to 1.1 c) inclusive of this Instrument, the conditions of this approval shall prevail to the extent of the inconsistency; and
 - b) any document listed from condition 1.1a) to 1.1 c) inclusive, the most recent document shall prevail to the extent of the inconsistency.

Statutory Requirements

- 1.3 The Proponent shall ensure that all licences, permits and approvals are obtained as required by law and maintained as required with respect to the project. No condition of this approval removes the obligation for the Proponent to obtain, renew or comply with such licences, permits or approvals.

Staged Development

- 1.4 The Proponent may stage the construction of the development as proposed, subject to the Proponent demonstrating compliance with the relevant conditions prior to the issue of the relevant construction certificate.

Dispute Resolution

- 1.5 Any dispute in respect to the content or application of the plans or strategies listed in this approval is to be referred to the Department and is to be decided by the Director-General of the Department or his delegate. This condition does not extend to disputes between Council and the Proponent with respect to the dedication of assets or land.

PART B: CONDITIONS OF APPROVAL

South West Rail Link

- 1.1 Any development within 25 metres of the South West Rail Link, requires the Proponent to enter into an agreement with Railcorp to address the potential impacts on the South West Rail Link.

Contributions

- 1.2 The Proponent is to provide State infrastructure contributions in accordance with the *Special Infrastructure Contributions Area Practice Note* for the Growth Centres.

Any dedication of land or 'works in kind' in lieu of State contributions it to be negotiated through a works in kind agreement with the Department.

- 1.3 The proponent is to provide local infrastructure contributions as outlined in its stage 1 project application environmental assessment, and within the timeframes nominated within that document.

Bushfire hazard

- 1.4 Perimeter roads are to be in accordance with section 4.1.3 (1) of *Planning for Bush Fire Protection 2006*.
- 1.5 All APZs are to be located outside any area of public open space, unless agreed to by Campbelltown Council.

Drainage and water sensitive urban design infrastructure

- 1.6 The detailed design of all drainage and water sensitive urban design infrastructure is to be reviewed and endorsed by council prior to its construction, and is to demonstrate that it would not result in an increase or concentration of water runoff onto adjoining properties.

Roads

- 1.7 The detailed design of all local roads is to be provided to council for its consideration and comment prior to construction.

Conservation Agreement

- 1.8 The carrying out of any aspect of this approval which is inconsistent with the Conservation Agreement is not to commence until that agreement has been amended by way of written agreement by the relevant parties.

Vegetation management and rehabilitation

- 1.9 A rehabilitation plan is required to be prepared, and approved by Office of Environment and Heritage, prior to commencement of construction of the sewer pipeline, and is to demonstrate how areas of cleared vegetation within the regional park can be revegetated and rehabilitated to an appropriate standard.
- 1.10 The vegetation management plan required under condition 1.21 is to address the following:
- measures to address interface issues between the construction site and both the regional park and vegetation identified as offsets under the concept plan; and
 - appropriate procedures for clearing of vegetation and strategies to retain mature trees where possible.

Sewer pipeline

- 1.11 Planning for the sewer pipeline is to ensure that any future pedestrian / cycleway can be accommodated within the same alignment without the need for further clearing.

Site filling and disposal

- 1.12 Details of the extent of all cut and fill (including total quantities) are to be provided in accordance with the requirements of Campbelltown Council, and private certifier (where relevant) prior to the issue of any construction certificate for civil works subject of this approval.
- 1.13 The proponent shall obtain a certificate from a qualified practicing engineer confirming the satisfactory compaction of the filling and the suitability of the subject site for the intended purposes prior to the commencement of building works.

Remediation

- 1.14 A Site Audit Statement is required to have been provided by a suitably accredited site auditor prior to the issue of a subdivision certificate.
- 1.15 Any finds of unidentified contamination are to be managed in accordance with the unexpected finds protocols. The protocols are to be included the construction environmental management plans (CEMP's).

Noise wall

- 1.16 Construction of the proposed noise wall cannot commence unless it can be demonstrated that it is located completely outside the freeway/motorway corridor and each face is accessible for maintenance without entering any part of the freeway/motorway corridor. Alternatively, endorsement of RTA would be required.

Easements

- 1.17 Copies of any instruments under Section 88B or 88E of the *Conveyancing Act 1919* are to be submitted with the final plan of subdivision, as relevant to any restrictive covenants, easements, rights of way created or affected by this development.

Requirements of public authorities for connection to services

- 1.18 The Proponent shall comply with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, 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. Details of compliance with the requirements of any relevant public authorities are to be submitted to the satisfaction of the certifying authority prior to the issue of the subdivision certificate.

Hours of Work

- 1.19 Construction activities associated with the project shall only be undertaken during the following hours:
- a) 7:00am to 6:00pm, Mondays to Fridays, inclusive;
 - b) 8:00am to 1:00pm on Saturdays; and
 - c) at no time on Sundays or public holidays.

- 1.20 Construction outside the hours stipulated in the condition 1.19 is permitted in the following circumstances:
- a) for the delivery of plant or materials required outside these hours by the Police or other authorities for safety reasons; or
 - b) where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental harm; or
 - c) where prior approval has been granted in writing by a relevant authority, RTA or Campbelltown City Council.

Construction Management Plan

- 1.21 Prior to the commencement of construction, the Proponent shall prepare to the satisfaction of the Certifying Authority a construction environmental management plan, prepared in accordance with *Guideline for the Preparation of Environmental Management Plans* (DIPNR, 2004), which shall include (but not limited to):
- i) a construction noise and vibration mitigation plan;
 - ii) an air quality and dust management plan;
 - iii) a soil and water management plan, prepared in accordance with Landcom's *Managing Urban Stormwater: Soils and Construction guidelines*;
 - iv) a vegetation management plan;
 - v) a waste management plan;
 - vi) a construction traffic management plan;
 - vii) a complaints management plan detailing the procedures that would be implemented to receive, handle, respond to and record any complaints that are received; and
 - viii) an archaeological management plan which provides for the monitoring of works and contingency plans should previously unidentified archaeological deposits be discovered.

The construction environmental management plan shall demonstrate compliance with recommendations contained in the Aboriginal Cultural Heritage Assessment Report prepared by Kelleher Nightingale Consulting Pty Ltd November 2010.

Prior to the commencement of works, all heritage items and precincts within the vicinity of the works, which are to be retained and conserved, will be fenced off to ensure their protection. Fencing will be maintained throughout the duration of works.

Prior to the commencement of work, the Proponent shall submit a copy of the approved plan (including all relevant subplans) to the Department and Council if Council is not the Certifying Authority.

- 1.22 The various elements of the construction environmental management plan shall have regard to the potential for cumulative construction impacts resulting from works being carried out at the same time as the South West Rail Link project is constructed within the Edmondson Park precinct. Where specific or additional mitigation measures are required as a result of potential cumulative impacts this should be specifically referenced in the relevant plan specification or document.
- 1.23 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 Department, Council or the private certifier.