

18 December 2009

Mr Daniel Keary
Director Government Land and Social Project Assessments
Department of Planning
23-33 Bridge Street
Sydney NSW 2001

Attention: Daniel Keary
Director Government Land and Social Project Assessment

Dear Daniel,

RE: Section 75W Application to Major Project No 08_0069
Potts Hill Reservoir Site – Response to submissions

We write in response to the submissions received by the Department of Planning with respect to the Section 75W Application to Major Project No 08_0069. This response is written on behalf of the applicant, Landcom.

A total of two (2) submissions were received from Bankstown City Council and the Department of Environment, Climate Change and Water (DECCW). These submissions are addressed in **Table 1** below.

Architecture
Urban Design
Planning
Interior Architecture

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Table 1 Response to submissions

Submission comment	Propponent comment
Department of Environment, Climate Change and Water submission	
Construction Environmental Management Plan DECCW requires that the CEMP be amended to contain the approved Concept Plan and that all Environmental Management Plans and Sub-Plans be reciered to ensure they reflect the approved Concept Plan boundary and development footprint.	The CEMP has been revised to reflect approved Concept Plan boundary and development footprint. It is noted that the CEMP only applies to land within the approved Western Residential Precinct boundaries. The revised CEMP is provided at Attachment A to this response.
Preliminary Air Quality and Dust Management Sub-Plan The following additional information is required to make a full assessment of air quality and dust management: <ul style="list-style-type: none"> • Identification of sources and quantification of airborne pollutants (including dust and exhaust emissions); • Identification of nearest sensitive receivers; • Mitigation measures to minimise impacts. 	The requested air quality and dust management details will be provided as part of the Final CEMP to be prepared following the appointment of a contractor to undertake the proposed demolition and remediation works in accordance with the Preliminary CEMP prepared by Cardno. This may be required as a Condition of Consent to this application.
Preliminary Soil and Water Management Sub-Plan The following additional information is required to make a full assessment of soil and water quality management: <ul style="list-style-type: none"> • Identification of the areas(s) of potential soil and sediment erosion risks including excavated spoil and stockpiles; • Management of stockpiles (dust and runoff) • Management of vehicles movements to minimise mud tracking beyond the site; 	The requested soil and water management details will be provided as part of the Final CEMP to be prepared following the appointment of a contractor to undertake the proposed demolition and remediation works in accordance with the Preliminary CEMP prepared by Cardno. This may be required as a Condition of Consent to this application.

Auckland
Brisbane
Melbourne
Shanghai
Sydney

Submission comment	Proponent comment
<ul style="list-style-type: none"> Mitigation measures to minimise sediment runoff. Location of sediment basins, including maps; Calculation of sediment basins size, capacity and management/maintenance plans; Revegetation/remediation plans. 	
<p>Preliminary Noise and Vibration Management Sub-Plan</p> <p>The following additional information is required to make a full assessment of noise and vibration management:</p> <ul style="list-style-type: none"> Identify sources of noise and vibration including noise contour maps; Identify nearest sensitive receivers; Mitigation measures in place to minimise impacts. 	<p>The requested noise and vibration management details will be provided as part of the Final CEMP to be prepared following the appointment of a contractor to undertake the proposed demolition and remediation works in accordance with the Preliminary CEMP prepared by Cardno.</p> <p>This may be required as a Condition of Consent to this application.</p>
<p>Potts Hill Western Precinct Contamination Summary</p> <ul style="list-style-type: none"> Further information required detailing the location and extent of contamination (particularly Zone 1A) as part of the area shown in the Contamination Summary includes land subject to a proposed Conservation Agreement area. Further details of the potential direct and indirect impacts from any proposed remediation works upon the Conservation Agreement area and its values to be provided. 	<p>Proposed remediation works are only to occur within the Concept Plan approved Western Residential Precinct Area. No remediation works are to be undertaken within the Sydney Water retained lands or in conservation areas.</p> <p>The Final CEMP will provide protective measures to ensure there is minimal impact of remediation works on the adjoining retained lands.</p> <p>A figure showing in the remediation area in Zone 1A is provided at Attachment C for clarity.</p>
<p>Environmental Protection Licence</p> <p>The proponent will need to determine whether the proposed modifications to the approval will require amendments to any licence which exists for the project. It is recommended that the proponent consult with DECCW on the subject of licencing should the proposed modification be approved.</p>	<p>Landcom has lodged an application to DECCW for a license for Extractive Industry under the existing consent for the Borrow Pit and Embankment Works.</p> <p>Total volumes of excavation required under the RAPs are not yet determined. Landcom will consult with DECCW if the license needs to be varied as a result of the remediation works.</p>
Bankstown City Council submission	
<p>The proposed signage retaining wall on the south western corner of the intersection of Rookwood Road and William Holmes Street, must have the retaining wall moved back against the allotment boundary of the greyhound track and the subject site.</p>	<p>Incorrect plans were inadvertently submitted with the application. The correct plans, to which BCC refers, are provided at Attachment B.</p> <p>It is anticipated that the proposed modification to Condition 2 will be revised by the Department of Planning to reflect the revised Landscape Drawings, prepared by Tanner Architects.</p>
<p>The retaining of the embankment should not be delayed for future landowners as this may compromise safety in regards to slope stability.</p>	<p>The proposed modifications to Condition 21 requires that the design of the proposed stabilisation methods is provided prior to the issue of a Construction Certificate. This will ensure that appropriate stabilisation works, certified by a Civil Engineer, are undertaken appropriately. All works are to be completed prior to the issue of an Occupation Certificate.</p> <p>The proposed modification to Condition 21 will allow for an integrated design and construction approach to ensure structural stability. For example, as stated in the Section 75W Report, the proposed NSW Police development on proposed Lot 103 will be developed in such a way that the building will not place additional loads on the embankment. Appropriate measures will then be implemented to ensure the stability of the embankment.</p>

Submission comment	Proponent comment
	<p>The modification to Condition 21 is considered acceptable as proposed, in regards to the stability of the embankment.</p> <p>The wording of the current consent allows for 24 months from the date of the approval before any regrading or works are required to be carried out. It is anticipated that the works will be completed by the end of 2010, earlier than the 24 months allowed under the existing condition.</p> <p>The modification only applies to changing responsibilities for undertaking of those works.</p>
<p>Council requires that all contamination is appropriately removed, disposed of and remediated following all required procedures and processes.</p>	<p>It is proposed that remediation be undertaken in contaminated areas in accordance with the Contamination Summary and the Section 75W Application Report. It is considered that the remediation works proposed will ensure that all contamination is appropriately managed, capped or, disposed of in accordance with the relevant plans and procedures. The remediation works will ensure the land is suitable for future residential and open space development.</p>
<p>Council's Contamination Lands Officer has made the following comments:</p> <ul style="list-style-type: none"> It is requested that Council receive copies of all relevant contamination investigations and reports for the Western Residential Precinct when they have been completed and would include the following: <ul style="list-style-type: none"> Remedial Action Plan; Validation Report; Site Audit Summary Report; Site Audit Statement; Site Environmental Management Plans (if required). <p>It is also requested that the RAP be provided to Council prior to commencement reports. The remaining reports should be provided to Council prior to subdivision to enable the relevant Section 149 information to be updated.</p>	<p>The information requested may be provided by the Department of Planning directly to Council. Landcom make no objection to the Department supplying Council with copies of reports as required.</p>
<p>1A Auburn Road and Lot 108 Bagdad Street/Cooper Road</p> <p>Council notes that these lots may have accessibility difficulties.</p>	<p>This matter is outside the scope of this application. Council's comments are noted and Landcom continue to work with Council to resolve this issue.</p>

It is considered that the above comments raised by DECCW and Bankstown City Council have been adequately addressed, or will be addressed at the relevant stages of works on the subject site.

A Revised Preliminary CEMP has been provided at **Attachment A**, to reflect the approved Concept Plan boundaries as required by DECCW. Revised Landscape Plans have also been provided in response to comments from Bankstown City Council.

We trust that the Department of Planning will consider the above information acceptable and grant development consent to the subject Section 75W Modification Application to MP 08_0069, as described under the Section 75W report prepared by Architectus Group on behalf of Landcom, dated 28 October 2009.

If you require any further information regarding the application or in relation to the information provided in this letter, do not hesitate to contact myself or Murray Donaldson on **8252 8400**. We would be pleased to meet with you to discuss our response at your earliest convenience.

Yours sincerely

Camille Lattouf
Urban Planner

Attachments:

- **Attachment A** – Revised Preliminary Construction Environmental Management Plan, prepared by Cardno.
- **Attachment B** – Revised Landscape Plans, prepared by Tanner Architects.
- **Attachment C** – Images