

# Modification of Minister's Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation executed on 14 September 2011, I approve the section 75W modification of the project approval referred to in Schedule 1, subject to the modified conditions of approval outlined in Schedule 2.

  
Dan Keary  
**Director**  
**Industry, Key Sites & Social Projects**

Sydney     3     APRIL     2014

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## SCHEDULE 1

- Project Approval:** 08\_0200 granted by the Deputy Director-General, Development Assessment & Systems Performance on 28 February 2011.
- Proponent:** LEDA Manorstead Pty Ltd
- For the following:** Cobaki Estate at Lot 1 DP 5700076, Lot 2 DP 566529, Lot 1 DP 562222, Lot 1 DP 570077, Lot 1 DP 823679 and Lots 46, 54, 55, 199, 200, 201, 202, 205, 206, 209, 228 and 305 DP 755740
- Modification:** 08\_0200 MOD 2 involving amendments to:
- Condition 3 to include reference to Precinct 9 & 11 borrow area earthworks plans and erosion & sediment control plans;
  - Condition 4 to reference documentation submitted as part of the modification request;
  - Condition 21A to reference Precincts 9 & 11 as bulk earthwork borrow areas;
  - Condition 39A inserted as a new condition requiring fencing of environmentally sensitive areas during Precinct 9 & 11 earthworks;
  - Condition 39B inserted as a new condition requiring a 100m buffer to the existing Raptor nest should the species be located;
  - Condition 41(b) to reference Precincts 9 & 11 as areas whereby bulk earthworks may be carried out for the sole purpose of winning fill to be placed in the central open space area;

- Condition 41(c) to allow fill material sourced for the central open space to be approved by the Director-General; and
- Condition 51A inserted as a new condition requiring a Blasting Plan be submitted for approval by the PCA, and for Council to be notified prior to any blasting activities being carried out on the site.

## SCHEDULE 2

The project approval as described in Schedule 1 is modified as follows:

- (a) Insert twelve new rows following the forty-seventh row of the table under Condition 3 as follows:

Earthworks Drawings prepared by Yeats Consulting Engineers (MOD 2)			
Drawing No.	Revision	Name of Plan	Date
YC0229-1E1-D03	F	Scope of Works & Key Sheet Plan	10 December 2013
YC0229-1E1-E01	F	Erosion & Sediment Control Plan Sheet 1 of 2	11 December 2013
YC0229-1E1-E03	D	Sediment Basin Setout Details Sheet 1 of 3	16 December 2013
YC0229-1E1-E04	D	Sediment Basin Setout Details Sheet 2 of 3	16 December 2013
YC0229-1E1-E05	A	Sediment Basin Setout Details Sheet 3 of 3	11 December 2013
YC0229-1E1-EC01	G	Bulk Earthworks Cut & Fill Plan Sheet 1 of 2	10 March 2014
YC0229-1E1-EW13	B	Precinct 9 Borrow Area Earthworks Plan	10 March 2014
YC0229-1E1-EW14	A	Precinct 11 Borrow Area Earthworks Plan	11 December 2013
YC0229-1E1-ES08	B	Precinct 9 Borrow Area Earthworks Sections	10 March 2014
YC0229-1E1-ES09	A	Precinct 11 Borrow Area Earthworks Sections	11 December 2013

- (b) Insert new clauses (h) to (l) following clause (g) under Condition 4 as follows:

- h. *Modification Report – Precinct 9 and Precinct 11 Borrow Areas – Project Approval for Central Open Space* prepared by Darryl Anderson Consulting Pty Ltd dated December 2013
- i. *Cobaki Estate Environmental Assessment Report – Precincts 9 & 11 Borrow Areas – Bulk Earthworks* prepared by SMEC dated December 2013

- j. *Cobaki Estate Construction Environmental Management Plan (CEMP) – Precincts 9 & 11 Borrow Areas – Bulk Earthworks* prepared by SMEC dated December 2013
- k. *Environmental Noise Impact Report – Proposed Earthworks for Central Open Spaces Stages 9 and 11, Cobaki Development, Cobaki NSW* prepared by CRG Acoustical Consultants dated 17 December 2013
- l. *Report on Geotechnical Investigation – Proposed Borrow Source Precincts 9 and 11 Cobaki Lakes, Cobaki* prepared by Douglas Partners dated December 2013

- (c) **Delete the words “1 and 2” under clause (a) of Condition 21A and replace with the following:**

1, 2, 9 and 11

- (d) **Following Condition 39 and prior to Condition 40 insert new Conditions 39A and 39B as follows:**

**39A. *Fencing of Environmentally Sensitive Areas – Precinct 9 and 11 Earthworks***

Environmentally sensitive areas shall be appropriately fenced during Precinct 9 and 11 earthworks activities, in accordance with the *Fencing Plan Precinct 9, 11 and SSP* (Drawing No. 3310071E-044) prepared by SMEC Urban and dated 10 December 2013 and submitted as part of the Construction Environmental Management Plan.

- a. The boundaries of rehabilitation and covenant areas together with the 5m buffer to existing threatened flora species is required to be surveyed and marked with high visibility netting barriers/fencing prior to the commencement of any works in Precincts 9 or 11.
- b. The establishment of high visibility netting barriers/fencing around the existing Raptor nesting tree (identified on the *Bulk Earthworks Cut & Fill Plan Sheet 1 of 2* – Drawing No. YC0229-1E1-EC01 prepared by Sedgman Yeats and dated 10 March 2014) is required prior to the commencement of any works in Precinct 9. The barriers/fencing must provide a minimum 5m buffer radius between the existing tree and any physical works.

**39B. *Buffer to Raptor Nesting Site***

The Proponent’s Environmental Officer must determine whether the existing Raptor nest (identified on the *Bulk Earthworks Cut & Fill Plan Sheet 1 of 2* – Drawing No. YC0229-1E1-EC01 prepared by Sedgman Yeats and dated 10 March 2014) is in use by any Raptor species prior to Precinct 9 earthworks being carried out. Should it be determined that the nesting site is being utilised by any Raptor species, no works are permitted to be carried out within a 100m radius of the nesting site to protect it from disturbance and damage.

- (e) **Delete the words “1 and 2” under clause (b) of Condition 41 and replace with the following:**

1, 2, 9 and 11

**(f) Delete clause (c) of Condition 41 and replace with new clause (c) as follows:**

- c. Notwithstanding a.) and b.) above, fill material required for the central open space area sourced from elsewhere on/off the site requires separate development approval, unless otherwise approved by the Director-General.

**(g) Following Condition 51 and prior to Condition 52 insert new Condition 51A as follows:**

**51A. *Blasting***

Should blasting be required, the Proponent shall:

- a. notify Council that blasting is required and that a Blasting Plan will need to be prepared;
- b. engage a specialist blast overpressure and vibration consultant to prepare a Blasting Plan for approval of the PCA. The plan must also outline notification procedures to potentially affected sensitive receivers. A copy of the approved plan is to be provided to Council; and
- c. notify Council of the location and timing of any blasting activities on the site at least 48 hours prior to any such activity being carried out.

Note: Any blasting activities are restricted to the timings specified at Condition 51(a)(I) and (II).

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