



10279
14 November 2013

Sam Haddad
Director-General
NSW Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2000

Attention: Sally Monk

Dear Sally

**SECTION 75W MODIFICATION - CONDITION B1.9
EDMONDSON PARK - PROJECT APPLICATION (MP 10_0119)**

1.0 INTRODUCTION

This Environmental Assessment Report (EAR) is submitted to the Department of Planning and Infrastructure in support of an amendment to Project Approval MP10_0119 pursuant to Section 75W of the Environmental Planning and Assessment Act 1979 (EP&A Act). MP 10_0119 approved subdivision to create approximately 206 residential and 15 rural residential lots and associated earthworks and infrastructure including construction of a sewer lead in from the Sydney Water carrier main at Ash Road.

This S75W modification seeks to amend the approved wording of Condition B1.9 (Vegetation management and rehabilitation), regarding the timing of approval of the rehabilitation plan within the Regional Park.

This EAR has been prepared by JBA on behalf of UrbanGrowth NSW. It describes the proposed development in the context of the approved Project Application and assessment of environmental impacts.

1.1 Background

UrbanGrowth NSW is constructing the Ash Road Sewer Carrier on behalf of Sydney Water which forms part infrastructure and early works outside of Stage 1 approved in the Project Application (PA). The carrier services the UrbanGrowth landholdings including the first stage of Edmondson Park, and another 1,000 lots (held in fragmented land ownership). To date, 206 lots have been registered and homes are beginning to be occupied. Completion of the carrier sewer line as soon as possible is required.

Condition B1.9 required a rehabilitation plan to be prepared and approved by NSW Office of Environment and Heritage (OEH) prior to the commencement of construction. A draft rehabilitation plan was prepared in June 2012 as required by Condition B1.9, however it's submission to OEH was inadvertently overlooked. A rehabilitation plan was handed to OEH on the 16th October 2013 and a revised copy sent on 25th October 2013.

Following approval of the PA, works on the site were tendered, awarded and started in July 2013 and are now approximately 60% complete. The oversight of the revegetation plan came to light in recent weeks when the contractor sought to remove additional trees and OEH advised that they had not approved a rehabilitation plan. Following this advice, the contractor was instructed to

cease all work within the corridor. However, significant delays and costs will be incurred if the contractor cannot continue the works on site next week. Given almost 60% of the works have been completed, the area remaining for works to be completed is minimal.

UrbanGrowth have previously been required to prepare a vegetation/rehabilitation plan for the remediation 'cap and contain' area within the Zouch Road Regional Park Precinct. A similar approach was taken to the timing of preparation of the revegetation plan for this area. In this instance the condition of consent was revised to require the revegetation plan to be approved prior to issue of a Site Audit Statement.

As demonstrated with the previous revegetation plan, and contained within the draft rehabilitation plan UrbanGrowth NSW is committed to achieving the appropriate revegetation outcomes for the Regional Park.

2.0 DESCRIPTION OF MODIFICATION

The application seeks to amend the wording of condition B1.9 (Vegetation management and rehabilitation). This condition requires the preparation of a rehabilitation plan, and for it to be approved by OEH prior to the commencement of construction.

The amendment seeks to revise the timing of approval by OEH from 'prior to the commencement of construction' to 'prior to the issue of practical completion'. This will allow critical infrastructure works to continue to progress on the site, so that essential sewer services can be provided to the current landholdings (including occupied dwellings) and another 1,000 lots (held in fragmented land ownership).

Based on the current programme, works are expected to be practically completed in Feb/March 2014.

3.0 NEED FOR THE MODIFICATION

As discussed above, since approval of the PA, development on the site has substantially progressed. UrbanGrowth NSW are now at a critical phase in the construction of the sewer where no further works can proceed unless approval for the rehabilitation plan is provided from OEH or an amendment to the relevant condition of approval is sought.

A draft rehabilitation plan was prepared in June 2012 as required by Condition B1.9, however it's submission to the OEH was inadvertently overlooked. A rehabilitation plan was handed to OEH on the 16th October 2013 and a revised copy sent on 25th October 2013.

Whilst the efforts indicated by OEH to review the document and provide comments promptly are acknowledged, UrbanGrowth NSW has been advised a response will not be received until late next week. Given OEH are likely to require further amendments to the plan, the outcome is anticipated to be a further two week delay.

An interim sewer plant is currently operating on the site to provide sewer to the homes that are completed, however already within the first week of its operation it has almost reached capacity due to heavy rains. There is consequently an urgent need to seek a modification to the approval to allow the sewer works to be completed.

4.0 MODIFICATION OF CONDITION

The above changes necessitate the following modifications to the conditions of consent. Deletions are shown in ~~bold strikethrough~~ and insertions are shown in ***bold italics***.

Schedule 2, Part B

Condition 1.9 (Vegetation management and rehabilitation)

"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~~ ***prior to issue of practical completion***, and is to demonstrate how areas of cleared vegetation within the regional park can be revegetated and rehabilitated to an appropriate standard."

5.0 ENVIRONMENTAL ASSESSMENT

The proposed amendment is not considered to result in any environmental or material impacts. The amendment involves changes to the timing of approval of a rehabilitation plan, and in no way seeks to revise the standards or level of revegetation and rehabilitation required. Additionally, the proposed wording of the condition of approval will not detrimentally affect Sydney Water or OEH.

6.0 STATEMENT OF COMMITMENTS

There are no amendments required to the approved statement of commitments

7.0 CONCLUSION

This application seeks a minor amendment to the wording of condition B1.9 of the PA, to allow for required approval of the rehabilitation plan to be obtained from OEH prior to the issue of practical completion.

This Environmental Assessment Report has demonstrated that the amendment to the approval of rehabilitation plan timing will have not have any detrimental environmental or material impacts.

The proposed amendment will ensure that efficient development is able to continue on the site, to provide essential services to existing and future homes.

Should you have any queries about this matter, please do not hesitate to contact me on 9956 6962 or sgouge@jbbaust.com.au.

Yours faithfully



Stephen Gouge
Urban Planner