DEPARTMENT OF PLANNING & INFRASTRUCTURE

Development Assessment Systems and Approvals

SUBJECT: MODIFICATION REQUEST - EDMONDSON PARK – STAGE 1 PROJECT APPROVAL (MP10-0119 MOD 1)

1. PURPOSE

To determine a modification request in relation to the Stage 1 project approval for Edmondson Park South residential subdivision and release area (MP10_0119), which is part of the South West Growth centre, refer to **Figure 1**.

2. MODIFICATION DESCRIPTION

The proponent (Urban Growth) seeks to amend condition 1.9 (Schedule 2, Part B: Conditions of Approval) to allow further time to obtain an approval from the Office of Environment & Heritage (OEH) for a rehabilitation plan for areas cleared within a Regional Park, due to sewer infrastructure works. Condition 1.9 currently requires preparation and approval of the rehabilitation plan prior to the commencement of construction of the sewer pipeline. Urban Growth seeks to delay the timing for the approval of the rehabilitation plan until prior to completion of the sewer infrastructure works.

This amendment is sought to facilitate the urgent continuation of works (currently ceased) to provide an extension of the sewer line and sewer service to Stage 1 residential allotments and dwellings. Urban Growth is constructing the sewer connection on behalf of Sydney Water, as part of the infrastructure works approved under MP10_0019.

Two hundred and six (206) lots have been registered and dwellings are now beginning to be occupied. Without the completion of the sewer pipeline, these dwellings will otherwise require interim arrangements for a sewer service.

On this basis, Urban Growth seeks to amend condition 1.9 (Schedule 2, Part B: Conditions of Approval) in the following manner:

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***~~ ***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.*

3. THE SITE

The site comprises part of the larger Edmondson Park precinct of Sydney's South West Growth centre, which is located approximately 40kms from Sydney CBD to the west of the Hume Highway. Under the Growth Centres Structure Plan, the Edmondson Park precinct will accommodate 7,500 new dwellings and a new town centre comprising residential, retail, commercial and associated uses, adjacent to the planned south west rail link and the associated Edmondson Park station (**Figure 1** shows the site's location and context).

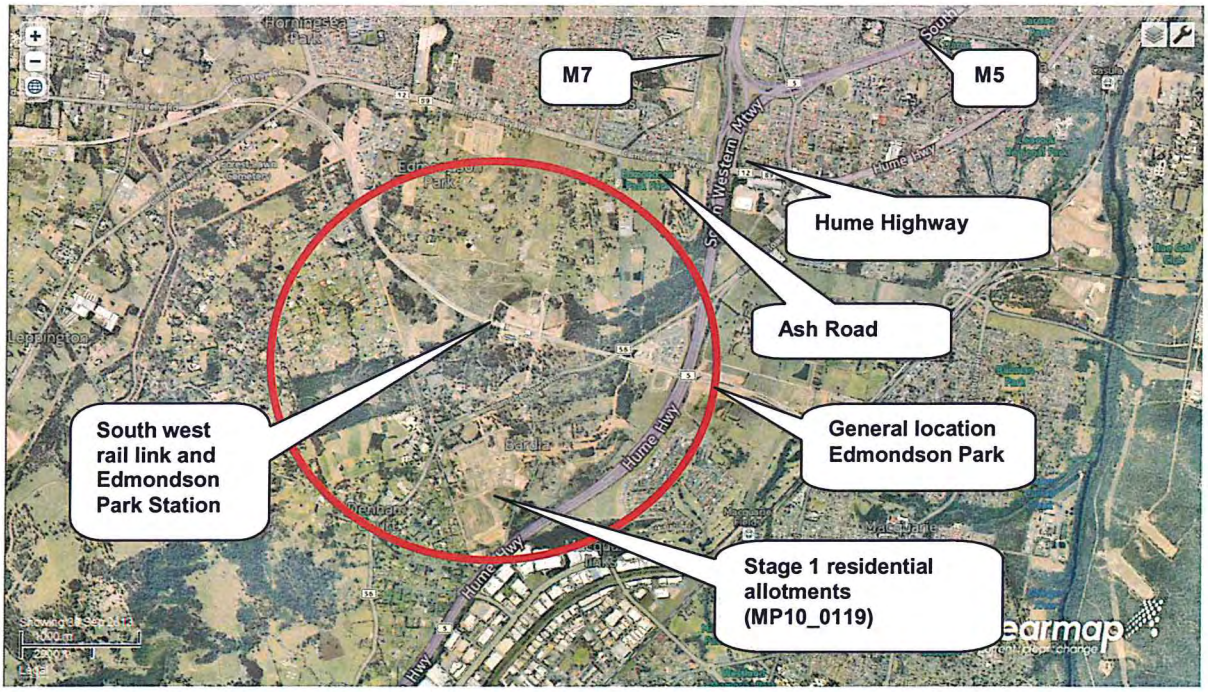

Figure 1: Location and Context

4. PREVIOUS APPROVALS

On 18 August 2013, the NSW Planning and Assessment Commission (PAC) approved a concept plan for the Edmondson Park residential release area (**MP10_0118**) including:

- residential development of 3,530 dwellings;
- development of Edmondson Park town centre including 35,000 to 45,000 m^2 of commercial, retail and associated land uses;
- protection of approximately 150ha of conservation lands within regional; parklands;
- remediation of contamination; and
- associated infrastructure.

Project approval was issued under this concept plan (within Schedule 3 of the concept plan determination) for the implementation of a Remedial Action Plan, demolition of structures and construction of a temporary sales office and signage.

On 18 August 2011, the PAC approved a project application for Stage 1 (**MP10_0119**) of the concept plan, which included:

- subdivision of initial stage/s to create 206 residential lots;
- 15 environmental living lots;
- 8 super lots for future subdivision;
- 3 lots for dedication to Council and public open space (regional parkland); and
- infrastructure and early works for within and outside Stage 1; including the construction of a sewer lead in (connection) by the proponent, from an existing Sydney Water main at Ash Road, to the north of the site, by way of a gravity main.

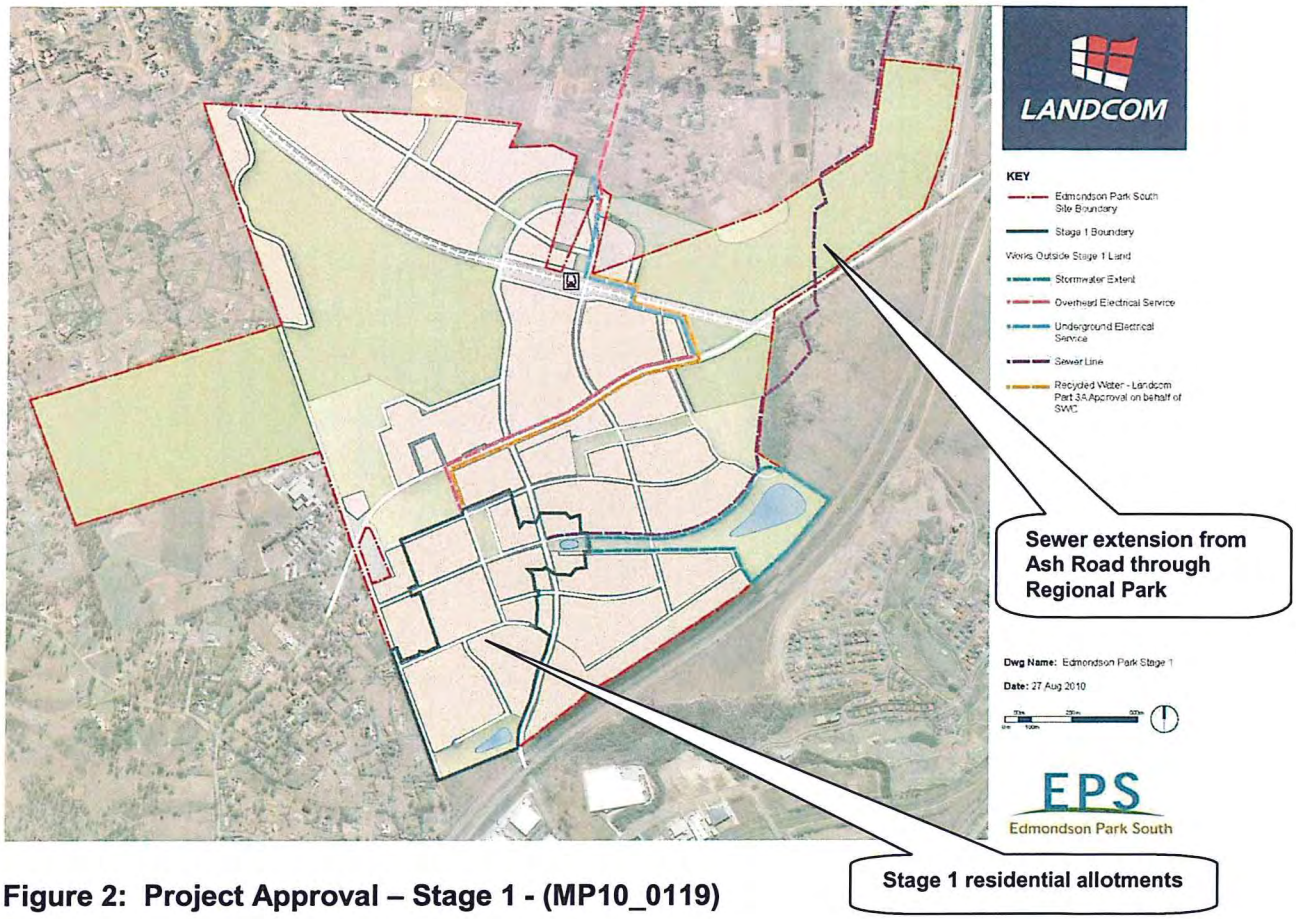

Figure 2: Project Approval – Stage 1 - (MP10_0119)

5 MODIFICATION JUSITIFICATION

The construction of the sewer extension and pipeline through the Regional Park will result in the clearing of 0.3ha of existing vegetation, (refer to **Figure 2** showing alignment of the sewer through the Regional Park). Urban Growth proposes to revegetate the areas which would be impacted by the construction of the sewer pipeline. Accordingly, condition 1.9 (Schedule 2, Part B: Conditions of Approval) requires the preparation and approval of a rehabilitation plan for revegetation of areas cleared within the Regional Park, prior to commencement of construction of the sewer pipeline.

Urban Growth has advised that while a draft rehabilitation plan had been prepared in 2012, it was not forwarded to OEH for approval until October 2013, after works on site had started in July 2013. When this oversight recently came to light, Urban Growth instructed that the contractor cease all works within the sewer corridor. A revised copy of the rehabilitation was sent to OEH on 25 October 2013 but approval is still outstanding.

Urban Growth has further advised that development on the site has substantially progressed, with approximately 60% complete and now at a critical phase in the construction of the sewer. Two hundred and six (206) lots have been registered and homes are beginning to be occupied, potentially reliant upon an interim sewer plant in the absence of the completion of the sewer connection. Significant delays and costs will incur if there is no timely continuation of the sewer extension works on site.

6. CONSULTATION

In accordance with section 75X of the EP&A Act and clause 8G of the EP&A Regulation; the modification request was made available on the Department's website. Due to the minor nature of the proposed modification, the modification request was not exhibited by any other means. No public submissions were received on the modification request.

Office of Environment & Heritage (OEH)

The request was referred to OEH for their review. OEH advised on 20 November 2013 that they have no objection to condition 1.9 being amended to allow UrbanGrowth more time to obtain an approved rehabilitation plan.

The OEH, however, consider the proposed wording of condition 1.9 needs to be revised to provide adequate certainty and clarity about the timing of approval and the area to which the plan relates. The OEH therefore suggested the following amended and revised wording.

Revised condition as suggested by OEH:

Vegetation management and rehabilitation

1.9 *A rehabilitation plan is required to be prepared* ***for the 10 metre wide sewer easement identified through land to be included in Edmondson Regional Park*** *and approved by Office of Environment and Heritage* ~~***prior to commencement of construction of the sewer pipeline***~~ ***prior to issue of practical completion of the construction of the sewer carrier or pipeline*** *and is to demonstrate how areas of cleared vegetation within the regional park can be revegetated and rehabilitated to an appropriate standard.*

The proponent confirmed on 21 November 2013 that they have no objection to the revisions and amendments suggested by the OEH.

7. DELEGATED AUTHORITY

On 14 September 2011 the Minister delegated his powers and functions under section 75W of the EP&A Act to Directors in the Major Projects Assessment Division in cases where:

(a) the relevant local council has not made an objections, and
(b) a political disclosure statement has not been made, and
(c) there are less than 10 public submissions in the nature of objections.

As no submissions were received and council has not made an objection, the Director may determine the modification request under delegated authority.

8. KEY ISSUES

Delay and timing of approval of Rehabilitation Plan

The proponent considers that no environmental or material impacts are expected as a result of the proposed delayed timing in approval of the rehabilitation plan as there is no revision of the standards or level of revegetation and rehabilitation that will be required. The proponent also notes that in 2012 the concept plan approval was similarly modified (MP10_0118 MOD 1) in relation to the timing for the preparation of a rehabilitation plan for areas that were cleared for remediation, so as to allow approval of a rehabilitation plan, by the Office of Environment & Heritage, to be

delayed until prior to issue of site audit statement and commencement of remediation works.

The department agrees that the delay in timing of the approval of the rehabilitation plan until prior to completion of the construction of the sewer line will have no significant environmental impacts. Other conditions of approval such as condition 1.21 will require that construction management procedures are in place including soil and water management, which will assist in stabilising disturbed areas pending their final rehabilitation.

The department notes that the proponent seeks to delay the plan until 'practical' completion of the works. It is considered that the use of the word 'practical' would introduce some ambiguity into the condition and therefore its use should be avoided. The department has subsequently clarified with the proponent (by phone conversation on 21 November 2013) that the word 'practical' relates to contractual arrangements and that there is no objection if this term is deleted from the condition, as proposed to be modified, in order to avoid any confusion. Accordingly the department recommends that the condition be amended as follows:

Revised condition as recommended by the department

Vegetation management and rehabilitation

1.9 *A rehabilitation plan is required to be prepared* ***for the 10 metre wide sewer easement identified through land to be included in Edmondson Regional Park*** *and approved by Office of Environment and Heritage* ~~***prior to commencement of construction of the sewer pipeline***~~ ***prior to the completion of the construction of the sewer carrier or pipeline. This is*** *to demonstrate how areas of cleared vegetation within the regional park can be revegetated and rehabilitated to an appropriate standard.*

With the above amendment, the department considers that the modified condition is satisfactory. There are no other issues as a result of the proposed modification.

9. RECOMMENDATION

It is RECOMMENDED that the Acting Director:

- note the information provided in this briefing;
- approve the modification request; and
- sign the attached modifying instrument (**Tag A**).

Prepared by:

25/11/13

Ray Lawlor
Planner, Industry, Social Projects and Key Sites

Endorsed by:

26/11/13

Sally Munk
A/Team Leader, Industry, Social Projects and Key Sites

Approved by:

26/11/13

Chris Ritchie
A/Director, Industry, Social Projects and Key Sites

Modification of Minister's Approval

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

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

Chris Ritchie
A/Director – Industry, Social Projects and Key Sites
Department of Planning and Infrastructure

26 NOVEMBER 2013

SCHEDULE 1

Project Approval:	10_0119 granted by the Planning Assessment Commission, on 18 August 2011, as delegate of the Minister for Planning and Infrastructure.
For the following:	Stage 1 of Landcom's development at Edmondson Park, including • subdivision of to create 206 residential lots; • 15 environmental living lots; • 8 super lots for future subdivision; • 3 lots for dedication to Council and public open space (regional parkland); and • infrastructure and early works for Stage 1 land and outside Stage 1 lands.
Modification:	MP09_0119 MOD 1: Delete condition 1.9 and replace it with a new condition 1.9 to allow for approval of the required rehabilitation plan prior to completion of construction of sewer carrier or pipeline works.

SCHEDULE 2

1. Delete Condition 1.9 (Schedule 2, Part B) and replace it with new condition 1.9 as follows

Vegetation management and rehabilitation

1.9 *A rehabilitation plan is required to be prepared for the 10 metre wide sewer easement identified through land to be included in Edmondson Regional Park and approved by Office of Environment and Heritage prior to the completion of the construction of the sewer carrier or pipeline. This is to demonstrate how areas of cleared vegetation within the regional park can be revegetated and rehabilitated to an appropriate standard.*