

Notice of Modification

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

As delegate of the Minister for Planning, the Planning Assessment Commission modifies the Approval referred to in Schedule 1, subject to the conditions in Schedule 2.



Mr John Hann
Member of the Commission



Mr David Johnson
Member of the Commission

Sydney

23 May 2017

SCHEDULE 1

Concept & Project Approval: granted by Planning Assessment Commission on 18 August 2011

In respect of: Concept Plan and Project Approval MP 10_0118 for land located at Edmondson Park South (Liverpool and Campbelltown local government areas)

For the following: Concept Plan for a development on approximately 413 hectares comprising:

- residential development of 3,530 dwellings;
- development of the Edmondson Park Town Centre including 35,000 – 45,000 sqm of retail business and commercial floor space, along with associated uses, including a single 'landmark development' of up to 30 metres in height within 300 metres of the proposed station;
- protection of approximately 150 hectares of conservation lands within regional parklands;
- adaptive reuse of three heritage listed 'Riley Newsum' pre-fabricated cottages within the open space network, and retention of the Ingleburn Military Precinct and Mont St Quentin Oval;
- a temporary sales and information office and temporary signage associated with the sale of land;
- site remediation works;
- demolition of a number of existing buildings across the site; and
- associated infrastructure.

Project Approval for:

- remediation works in accordance with a remediation action plan relating to lots 1, 2, part lot 7 and part lot 8 DP 1127652;
- remediation of unexpected contamination in accordance with the protocols set out in the concept plan;
- construction and use of a temporary sales office; and
- temporary signage associated with the sale of the land;

Modification: MP 10_0118 MOD 3: the modification expands the scope of approved works under the project approval to include

remediation works relating to the former sewage treatment plant,
associated oxidation ponds and structures.

SCHEDULE 2

The Approval is modified as follows:

- (a) The description of the scope of the Concept Plan Approval is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold struck out~~ words / numbers as follows:

- (a) pursuant to section 75O of the Act, to grant concept plan approval for the proposal referred to in Schedule 1, subject to the modifications set out in Schedule 2, Part B;
- (b) pursuant to section 75P(1)(a) of the Act, the further environmental assessment requirements (as specified in Schedule 2, Part C) for subsequent project or development applications associated with the concept plan;
- (c) pursuant to section 75P(1)(c) of the Act, that the following aspects of the concept plan require no further environmental assessment and approve this development under section 75J of the Act (subject to the conditions set out in Schedule 3 of this approval);
- remediation works in accordance with a **remediation remedial** action plan relating to lots 1, 2, part lot 7 and part lot 8 DP 1127652;
 - **remediation works in accordance with Remedial Action Plan Sewerage Treatment Plant Former Defence Ingleburn Site 43008-57149 prepared by JBS&G and dated 20 April 2015 and as described in Section 75W Modification Application (MOD 3), prepared by JBA Urban Planning Consultants and dated July 2016;**
 - remediation of unexpected contamination in accordance with the protocols set out in the concept plan;
 - demolition of existing buildings and other structures including paved roadways as set out in the concept plan **(as modified)**;
 - construction and use of a temporary sales office; and
 - temporary signage associated with the sale of the land; and
- (d) pursuant to section 75P(1)(b) of the Act, that all other development associated with the concept plan be subject to Part 4 of the Act (excluding exempt and complying development).

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 ensure an appropriate lot layout and built form; and
- to maintain the amenity of the locality.

- (b) Schedule 2 Part A – Administrative Conditions – is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold struck out~~ words / numbers as follows:

Amend Conditions 1.1 and 1.2 as follows:

- 1.1 The Proponent shall carry out the Concept Plan generally in accordance with the:
- (a) Concept Plan Application MP10_0118;
 - (b) State Significant Site Study and Environmental Assessment – Edmondson Park concept plan and State significant site listing, prepared by JBA Planning and dated September 2010;
 - (c) Preferred Project Report – Edmondson Park South state significant site listing and concept plan, prepared by JBA Planning and dated November 2010;
 - (d) Request to modify major project MP 10 – 0118 (MOD 1), prepared by Landcom and dated January 2012;

- (e) Section 75W Modification of Concept Plan and Project Approval MP10-0118 (MOD 2), prepared by APP Corporation Pty Ltd and dated May 2016;
- (f) **Section 75W Modification Application (Mod 3), prepared by JBA Urban Planning Consultants and dated July 2016;**
- (g) this approval.

1.2 In the event of an inconsistency between:

- (a) the modifications of this approval and any document listed from condition 1.1a) to ~~1.1e)~~ **1.1f)** inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
- (b) any document listed from condition 1.1a) to ~~1.1e)~~ **1.1f)** inclusive, the most recent document shall prevail to the extent of the inconsistency.

(c) Schedule 3 Conditions of Project Approval Part A – Administrative Conditions are amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold struck out~~ words / numbers as follows:

Development Description

Project Approval is granted only to carrying out the works associated with the:

- implementation of the ~~Remediation Remedial~~ Action Plan (Golder and Associates 2010);
- **implementation of the Remedial Action Plan (JBS&G 2015);**
- **temporary access road as set out in Section 75W Modification Application (MOD 3), prepared by JBA Urban Planning Consultants and dated July 2016;**
- remediation of unexpected contamination finds in accordance with the protocols set out ~~in~~ **the** Contamination Management Plan (Golder and Associates 2010);
- the demolition of existing structures across the Site; and
- the construction of a temporary sales office and temporary signage associated with the sale of land at Edmondson Park.

Development in Accordance with Plans and Documentation

The development shall be in accordance with the following plans, documentation and recommendations made therein:

- the ~~Remediation Remedial~~ Action Plan and the Environmental Management Plan prepared by Golder and Associates and included in Appendix G of the Environmental Assessment;
- the Contamination Management Plan prepared by Golder and Associates and included in Appendix G of the Environmental Assessment;
- the demolition plan provided at Appendix H of the preferred project report;
- **Section 75W Modification Application (MOD 3), prepared by JBA Urban Planning Consultants and dated July 2016, including:**
 - **the Remedial Action Plan prepared by JBS&G at Appendix B**
 - **the STP Works Plan at Appendix D;**
 - **the Vegetation Management Plan prepared by Eco Logical Australia at Appendix E;**
 - **the Hazardous Materials Survey prepared by JBS&G at Appendix F**
 - **the Response to Submissions prepared by JBA Urban Planning Consultants dated 12 September 2016 and 3 November 2016**
- the temporary sales office plans at Appendix S of the environmental assessment (as amended in the Section 75W Modification (MOD 2)); and
- the sales and information centre signage plans at appendix J of the preferred project report (as amended in updated signage plans prepared by APP Corporation Pty Ltd and dated December 2016).

(d) Schedule 3 Part B – Conditions is amended by the insertion of the following additional conditions **bold and underlined** words / numbers as follows:

Remediation of the STP and associated structures

- 1.11 Approval is given for the construction and use of containment Cell 2 as identified in the Remedial Action Plan. The construction and use of other containment cells, if needed, would require separate approval.
- 1.12 Prior to the commencement of remedial works, groundwater sampling for all chemicals of concern including ammonia shall be undertaken. The results are to be assessed via comparison with criteria nominated in the RAP, and an evaluation made of the need for management/remediation and monitoring of groundwater conditions during remediation. The report and recommendations shall be endorsed by the Site Auditor prior to the commencement of any works that may disturb groundwater conditions. Any requirements or recommendations by the Site Auditor for additional groundwater monitoring during and following the completion of remediation works are to be undertaken to the satisfaction of the Site Auditor.
- 1.13 Prior to the commencement of remedial works, the Remedial Action Plan is to be updated, or an addendum prepared, to include the temporary stockpiles for demolition waste as shown in the Remediation Works Plan to the satisfaction of the Site Auditor. These stockpiles are also to be included in the Validation Report and Site Audit Statement.
- 1.14 Prior to the commencement of dewatering of the oxidation ponds, a Dewatering Plan shall be submitted to and approved by the Site Auditor in consultation with OEH that fully documents the dewatering process and specifies water quality criteria for discharge, having regard to Liverpool City Council's adopted water quality parameters.
- 1.15 Prior to the commencement of remedial works, a Final Landform Plan of the remediated site shall be submitted to and approved by the Site Auditor in consultation with OEH to demonstrate that:
(a) the remediated area will be free-draining, without causing erosion;
(b) appropriate depths of topsoil will be achieved; and
(c) flows into Maxwells Creek will not exceed existing discharge levels.
- The plan is to be implemented to the satisfaction of the Site Auditor.
- 1.16 Monitoring of dust, use of mist sprays and asbestos air fibre monitoring shall be undertaken during the remedial work to the satisfaction of the Site Auditor.
- 1.17 The Proponent shall ensure that any asbestos encountered during remediation is handled and disposed of by appropriately qualified and licensed contractors in accordance with the:
(a) National Occupational Health and Safety Commission (2005): Code of Practice for the Safe Removal of Asbestos (2nd Ed)(NOHSC:2002(2005));
and
(b) Work Health and Safety Regulation 2011;
- 1.18 Monitoring for all chemicals of concern including ammonia shall be undertaken in surface waters during the remediation and as a component of the validation work to the satisfaction of the Site Auditor.
- 1.19 Following the completion of remediation works on the site a Remediation and Validation Report is to be prepared by a suitably qualified environmental consultant and approved by the Site Auditor. The report is to include a full survey and engineering plans, and engineering reports to validate the as-built construction of the containment cell, The report is also to include validation of

surface water, and ground water (where required by condition 1.12) to enable appropriate consideration of whether validation of groundwater and surface waters is required after the remedial work.

1.20 An Environmental Management Plan shall be prepared for the site. The plan shall:

- a) be agreed by all relevant future landowners, agencies and authorities;
- b) be prepared by a suitably qualified environmental consultant and approved by the Site Auditor;
- c) submitted to the Secretary within 6 months from the completion of the remediation works, and prior to the transfer of any land;
- d) include a description of the nature and location of any contamination remaining on site;
- e) include provisions to manage and monitor any remaining contamination, including persons responsible for implementing them;
- f) include a groundwater monitoring program (where necessary, resulting from investigations required by conditions 1.12 and 1.19); identify triggers that would indicate groundwater remediation is required; and include details of any contingency measures that the Proponent or future landowners would carry out to address any ongoing groundwater contamination.
- g) include mechanisms to report results to relevant agencies;

1.21 A Part A Site Audit Statement shall be prepared and issued by a site auditor accredited under the *Contaminated Lands Management Act 1997* following completion of the validation work to confirm that the site is suitable for the proposed use (recreation and open space) prior to any transfer of the land.

1.22 Prior to the commencement of works approved as part of Modification 3 on the site, a Traffic Management Plan shall be prepared by a suitably qualified person in consultation with Roads and Maritime Services and shall be submitted to and approved by the Certifying Authority. The Plan shall address, but not be limited to, the following matters:

- (1) ingress and egress of vehicles to the site,
- (2) loading and unloading, including construction zones,
- (3) predicted traffic volumes, types and routes, and
- (4) pedestrian and traffic management methods

The Applicant shall submit a copy of the approved plan to the Department and Council.

End of Modification