

***Major Project Assessment:
Potts Hill Reservoirs Sites
Surplus Lands Concept Plan (MP07_0099)***



Director-General's Environmental
Assessment Report
Section 75I of the
*Environmental Planning and Assessment
Act 1979*

March 2009

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March 2009

EXECUTIVE SUMMARY

This report relates to an application seeking approval for a Concept Plan pursuant to Part 3A of the *Environmental Planning and Assessment Act 1979* ("the Act").

Sydney Water Corporation and Landcom (the Proponent) is seeking approval for the redevelopment of the Potts Hill Reservoirs Site (the Site) comprising approximately 40 hectares of land which is surplus to the operational needs of Sydney Water. The Concept Plan proposes the redevelopment of the Site for residential, open space and employment purposes. Some 76 hectares of contiguous land will be retained by Sydney Water as 'operational' lands associated with the Potts Hills Reservoirs

The Concept Plan has an estimated capital investment value of approximately \$287.6 million. It is estimated that the employment lands, which comprise 15.66 hectares of land in the eastern portion of the site, will provide long term employment for 800-900 people (at occupation). The residential development, which comprises 19.9 hectares of land in the western portion of the Site, is anticipated to house 1,000-1,500 people on completion in a mix of low and medium density housing forms (max.450 dwellings). An additional 3.94 hectares of land will be developed for open space purposes.

The application also seeks approval for the Site to be listed as a State Significant Site under Schedule 3 of the *State Environmental Planning Policy (Major Projects) 2005* (Major Projects SEPP) to rezone the site to permit the landuse distribution indicated in the illustrative Concept Plan. This amendment recommends that the Site be zoned: B7-Business Park, R2-Low Density Residential, R3- Medium Density Residential and RE1- Public Recreation and is being considered separately to this Part 3A application.

The Proponent's Environmental Assessment was exhibited for a period of 33 days from 30th July 2008 to 1st September 2008. During the exhibition period the Department received a total of 130 submissions comprising 125 public submissions (117 of which were pro-formas) and 5 submissions from Government agencies, being the NSW Roads and Traffic Authority; the NSW Heritage Council; the Ministry of Transport, the Department of Environment and Climate Change (DECC); and Bankstown City Council.

On 4th February 2009, the Proponent submitted a Preferred Project Report (PPR) in response to submissions. The key issues associated with the concept plan broadly relate to: flora and fauna impacts: stormwater management, amenity impacts, heritage impacts, urban design outcomes, housing mix, traffic impacts and section 94 contributions. These issues were reflected in the submissions received by the Department during the exhibition of the Environmental Assessment.

The Site and the retained Sydney Water 'operational' lands include endangered ecological communities (EEC). The proposal seeks approval to remove a total of 1.16 hectares of EEC's and threatened species to accommodate the development. The Proponent and the Department of Environment and Climate Change have agreed to enter into a Voluntary Conservation Agreement to offset the loss of vegetation on the development lands and to protect approximately 5.24 hectares of EEC's retained within the Sydney Water operational lands. This Agreement will be supported by a Vegetation Management Plan and an Environmental Management Plan to be prepared by the Proponent.

The whole of the Potts Hill Reservoirs Site was until recently listed on the State Heritage Register (SHR). The SHR boundary on the site has been revised by the Heritage Council to more appropriately reflect the sites heritage values and the extent of Sydney Water operations. The amendment to the SHR listing was gazetted on 30 January 2009. As a consequence, all land identified within the Site for redevelopment, and which is the subject of this Concept Plan, now falls entirely outside the SHR boundary. The Proponent has committed to prepare a Heritage Interpretation Plan, to be approved by the NSW Heritage Council. On this basis, the Department is satisfied that the proposal will not have an adverse heritage impact.

The Proponent has committed to undertake infrastructure improvements both on-site and off-site in accordance with the requirements of the RTA and Council to address the commensurate increase in traffic (pedestrian and vehicular) and stormwater/drainage requirements arising from the development. Additional commitments have been made in relation to the payment of Section 94 contributions, the provision of works-in-kind and the dedication of land (and its embellishment) for open space purposes to meet the consequential increase for community services and facilities resulting from the development.

The Proponent's Design Guidelines are considered to incorporate appropriate built form controls to guide the future development of the Site. Conditions are recommended by the Department to confirm and strengthen the outcome of these design guidelines. Lots greater than 450sqm will be subject to the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. The Proponent has agreed to amend the Residential Design Guidelines to ensure compliance with this SEPP and the new NSW Housing Code. In accordance with the Concept Plan, dwelling houses on lots under 450sqm, terrace and duplex developments, residential flat buildings and dwelling houses (which do not comply with the Exempt and Complying provisions) will be determined under Part 4 of the Act.

Overall, the Department has assessed the merits of the proposal and is satisfied that the impacts of the proposed development have been addressed via the Proponent's Preferred Project Report, the Statement of Commitments and the Department's recommended conditions incorporated into the Instrument of Approval. Such key conditions include the following:

- To expand the scope of the Environmental Management Plan and the Vegetation Management Plan;
- To specify the additional environmental assessment requirements relevant to future applications;
- For the Proponent to commit to providing housing choice and affordable housing in the overall development;
- For the Residential Design Guidelines and the Business Park Design Guidelines to be amended (as relevant) to incorporate additional requirements in relation to built form outcomes; and
- For the Proponent to prepare Public Domain Guidelines.

Subject to the above, the Department is satisfied that the site is suitable for the proposed development and that the project will provide environmental, social and economic benefits to the region. The Department is also satisfied that all statutory obligations under the Act have now been met and recommends that the Minister approve the application.

The Department also recommends that development of the site will be subject to the further assessment requirements under Part 4 of the Act, with the exception where *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* applies. Further assessments requirements for future applications are incorporated into the recommended Instrument of Approval.

Pursuant to Section 75O(3) of the Act, this Concept Plan can be approved prior to rezoning as the site is not "environmentally sensitive land of State significance" or in a "sensitive coastal location" (as defined in Clause 8M of the Regulations). Accordingly, the Minister can approve the Concept Plan despite some of the development currently being prohibited under Council's LEP.

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1. BACKGROUND

1.1 Site Location

The Potts Hill Reservoirs Site (the Site), which is the subject of this Concept Plan, is shown yellow in **Figure 1** below and comprises approximately 40 hectares of land. This land is currently owned by the Sydney Water Corporation (SWC) and has been identified as being surplus to their current operational needs. Subsequently, this surplus land is now proposed to be redeveloped for residential, open space and employment purposes in accordance with an agreement with Landcom (who will develop this Site). For the purposes of this Concept Plan, the 'Proponent' is both SWC and Landcom.

The extent of the Potts Hill Reservoirs Site is identified by the broken red line in **Figure 1** and comprises a total 116 hectares of land. Of this land, 76 hectares is proposed to be retained by SWC as 'operational land' and the remaining 40 hectares of the site, which is the subject of this Concept Plan, is proposed to be development.

The Site is generally bounded by Rookwood Road and Graf Avenue to the east, Brunker Road to the south, a water supply pipeline to the north and Cooper Road to the west. The Site also includes a 0.7 hectare triangular parcel of land at the eastern end of Bagdad Street. The legal property description of the Site is Lot 2 DP 456502, Part Lot 2 DP 225818, Lot 11 DP 16924, Lot 23 DP 16924, Lot 55 DP 16924, Lots 64 to 67 DP 16924 and Pt Lot 1 DP 610303.

The Site is located within the City of Bankstown local government area.

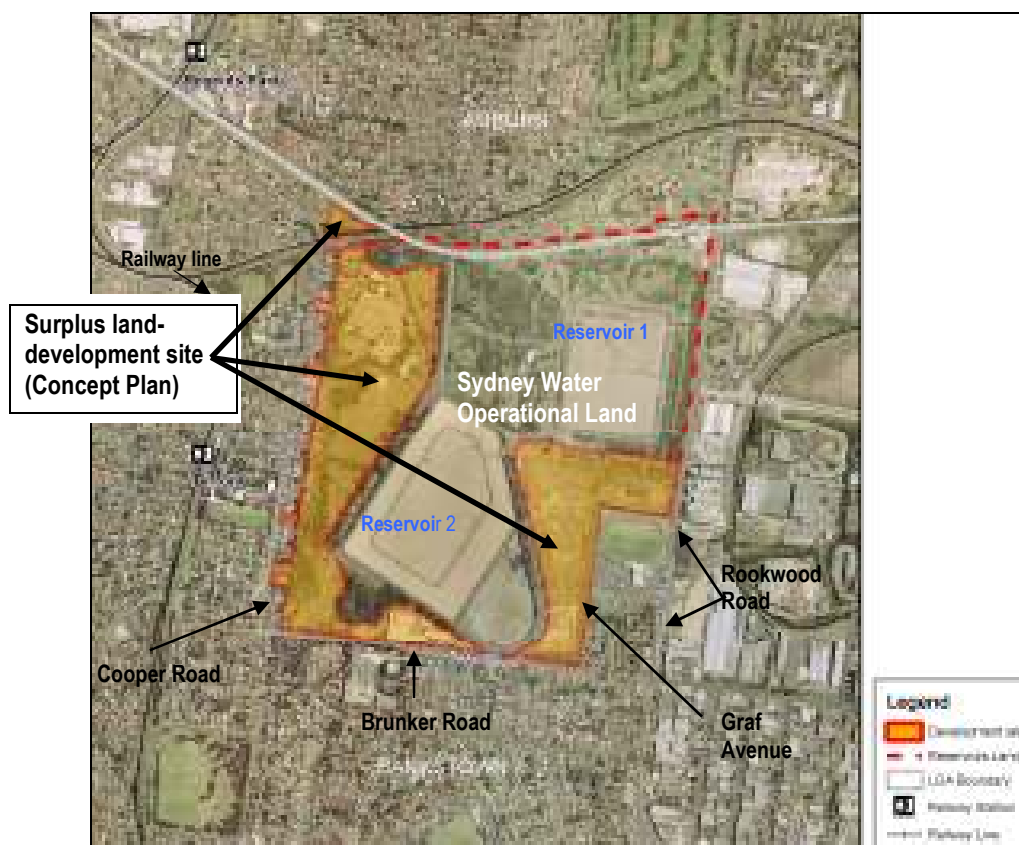


Figure 1: Location plan showing Concept Plan area and Sydney Water's operational lands
(Source: Cite Urban Strategies)

SWC has occupied and used the site for water storage and distribution since 1880. Consequently, there are a number of existing buildings on the site associated with

maintenance, storage and administrative purposes. Outside of the Concept Plan boundary and within the Sydney Water operational land are: Reservoir 1 (disused), Reservoir 2 and a collection of buildings in the north-east corner which are all of State heritage significance.

Figure 2 below illustrates a number of the key features of the Site, as relevant to the Concept Plan:

- The site is located on a north-south ridgeline between Birrong and Chullora. As a result of reservoir construction, steep embankments have been created on the eastern and western edges of the site, with the remainder of the site gently undulating.
- The site contains significant areas of fill of varying depth created during the construction of the reservoirs. The areas of deepest fill are to the east and west of Reservoir 2 and are up to seven metres in depth. Minor levels of contamination have been found throughout the site.
- The site's natural hydrology has been extensively modified through previous construction of reservoirs and other structures, resulting in number of minor catchments and drainage lines. Groundwater has been found in one part of the site adjacent to Graf Avenue at 1.1 metres below the surface.

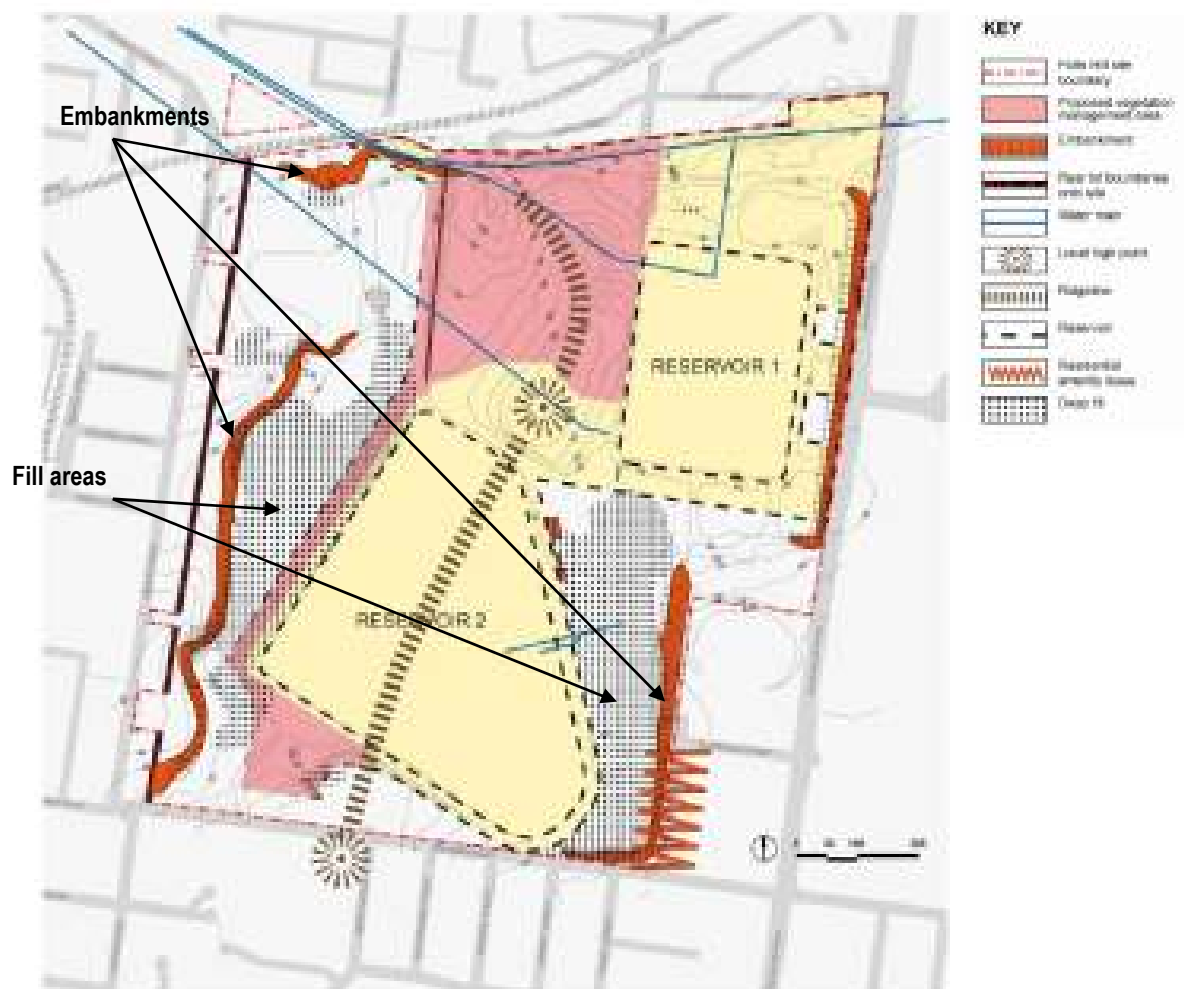


Figure 2: Key site features

(Source: Cite Urban Strategies)

In addition to the above features, the Site has been identified as having a relatively high biological value. In this regard, the site supports three endangered ecological communities (Cooks River/Castlereagh Ironbark Forest and the Sydney Turpentine Ironbark Forest,

Cumberland Woodland Plain) one threatened plant (*Acacia pubescens*- which is only located in the operational lands) and two threatened fauna species (Eastern bent-Wing Bat and Grey-headed Flying Fox).

The extensive areas of significant vegetation (as shown in Pink in **Figure 2**) include an area of Cooks River/Castlereagh Ironbark Forest in the south-western corner, an area of Sydney Turpentine Ironbark Forest extending from the south of Reservoir 2 to Brunner Road and stands of Cumberland Woodland Plain along the western boundary, generally to the west of Reservoir 2. These plant communities are listed as endangered ecological communities under the *Threatened Species Conservation Act 1995*. The Cooks River/Castlereagh Ironbark Forest and the Sydney Turpentine Ironbark Forest are also classified as 'endangered ecological communities' under the *Environmental Protection and Biodiversity Conservation Act 1999*. Outside the Concept Plan site, between Reservoirs 1 and 2, is a significant area of Cooks River/Castlereagh Ironbark Forest and Sydney Turpentine Ironbark Forest.

The whole of the Potts Hill Reservoirs Site was until recently listed on the State Heritage Register (SHR). The listing reflected the significance of the 2 reservoirs, remnant native bushland and cultural plantings and the north-east precinct of the site (which contains water pumping station and other installations). The SHR boundary on the site has been revised by the NSW Heritage Council to more appropriately reflect the sites heritage values and extent of Sydney Water operations. The amendment to the SHR listing was gazetted on 30 January 2009. As a consequence, all land identified within the Site for redevelopment and which is the subject of this Concept Plan now falls entirely outside the SHR boundary.

1.2 Surrounding development

The site is located within an established suburb comprising a mix of predominantly single-story older fibro, weatherboard and brick dwellings interspersed with newer two-storey townhouses or villas and some two-three storey apartment blocks. Most of the older-style houses are on average to large residential lots (i.e. greater than 450sqm) with site coverage typically comprising less than 50% of the lot.

To the west of the site are two high schools on Cooper Road (Birrong Girls High School and Birrong Boys High School) and neighbouring residential development. A strip of local convenience shops are situated in Auburn Road at Birrong, approximately 800 metres from the Site.

The site is in close proximity to the major metropolitan road network, including connections to the Hume Highway, the M5 Motorway, Parramatta Road and the M4 Motorway. Birrong railway station is less than 400 metres to the west of the Site. The neighbouring lands are also serviced by a private bus service.

To the east of Rookwood Road is a light industrial zone. Rookwood Road is a major north-south traffic route connecting to the Hume Highway. Potts Park is located in the south-eastern corner of the site. This park hosts the Greyhound Social Club. To the south-east of Graf Avenue is an existing residential precinct.

On the southern side of Brunner Road is the Birrong Reservoir (a small Sydney Water reservoir site) and a residential precinct largely comprising single dwelling houses.

1.3 Related Projects

A number of Project Applications have recently been lodged with the Department for the development of the land which is the subject of this Concept Plan. These project applications and the status of each application is provided below:

- **Sydney Water Facility:** Project Approval (MP 08_0049) has been granted for Sydney Water's new office, warehouse and storage building, which is located within the proposed employment lands in the Concept Plan. The proposal was permissible with

consent under the current "5 Special Uses" zoning and therefore could be determined before the Concept Plan.

- **Civil works and subdivision- employment lands:** Project Approval (MP08_0069) has granted for demolition, bulk earthworks and subdivision within the employment lands to facilitate the new Sydney Water facility and future development of the precinct. New road access from Rookwood Road and Bruncker Road was included in the approval.
- **NSW Police Facility:** The Department is currently assessing a Project Application (MP08_0050) for a new facility for NSW Police, which will also be located within the proposed employment lands in the Concept Plan.
- **Early works and subdivision- residential land:** Director General's Requirements have been issued for a Project Application (MP08_0116) for demolition, bulk earthworks, civil works and subdivision within the residential precinct of the Concept Plan (western portion of the Site).

The location of the NSW Police Facility and the Sydney Water Facility are shown on **Figure 5** in **Section 2.0** of this report.

1.4 Amendment to State Environmental Planning Policy (Major Projects) 2005

The Concept Plan application is supported by a State Significant Site Study (the SSS Study) proposing to list the Potts Hill Reservoirs Site as a 'State Significant Site' under Schedule 3 of the Major Projects SEPP 2005. The SSS Study identifies various land use zones across the site and objectives for those zones, height and floor space controls in order to facilitate the redevelopment of the land for residential, business and open space purposes as proposed in the Concept Plan.

A separate report pursuant to Section 39 of the Act has been prepared for the Minister's consideration in relation to Amendment No. 36 to the Major Project SEPP (Potts Hill Reservoirs site). This report is being considered concurrently with the determination of this Concept Plan application.

Pursuant to Section 75O(3) of the Act, this Concept Plan can be approved prior to the rezoning. As the site is not "environmentally sensitive land of State significance" or a "sensitive coastal location" (as defined in Clause 8M of the Regulations), the Minister can approve the Concept Plan despite some of the development currently being prohibited under Council's LEP.

Refer to further discussion in **Section 3.3** of this report.

2. PROPOSED DEVELOPMENT

2.1 The Proposal

The Proponent seeks approval of a Concept Plan for the Potts Hill Reservoirs site (MP 07_0099) (the Site), pursuant to *Part 3A of the Environmental Planning and Assessment Act 1979* ("the Act"). The purpose of the Concept Plan is to provide a broad overview of the proposed development of the land for residential, employment and open space purposes and to establish the framework for more detailed development of the Site which will be subject to future development approvals under either Part 3A or Part 4 of the Act.

The Concept Plan, as detailed in the Environmental Assessment, proposes the development of the surplus land for the following purposes, as illustrated in **Figure 3**:

- **Employment Lands:** This land comprises 15.3 hectares of land in the eastern portion of the site. Future uses will include warehouses and offices for Sydney Water and NSW Police, an electricity substation for TransGrid and a depot for Energy Australia. A maximum floor space ratio of 1: 1 and a maximum building height of 16m are proposed for the employment lands. Urban design guidelines have been prepared by the Proponent detailing matters such as architectural style, setbacks, landscaping and other design issues.
It is anticipated that the development of this land will provide long term employment for 800-900 people (at occupation), equating to approximately 50-60 people per hectare.
- **Residential development:** This land comprises 19.8 hectares of land in the western portion of the site. This land is proposed to accommodate approximately 230 dwellings in a low-density housing area and approximately 180 dwelling units in two medium density areas in the southern and northern ends of the precinct. The medium density areas will comprise residential flat buildings.
The low density area is proposed to have a maximum density of 15 dwellings per hectare and the dwellings would typically be one and two storey in scale. A maximum floor space ratio of 0.7:1 and a maximum height of 3 storeys is proposed for the medium density residential areas.
Urban design guidelines have been prepared by the Proponent for the residential lands and detail matters such as setbacks, architectural style, landscaping and public domain treatments.
It is anticipated that the development of this land will house 1,000-1,500 people.
- **Open space:** The provision of 4.9 hectares of open space and parks. Four open space areas are proposed comprising: two smaller parks in the northern portion of the residential lands, a park adjacent to Cooper Road and a large park in the south (which will preserve some of the threatened Cooks River / Castlereagh Ironbark Forest and Turpentine Ironbark Forest species found on the site). Refer **Figure 3** for open space locations.

It is noted that the land to be retained by SWC as operational land does not form part of this Concept Plan

The Concept Plan includes details in relation to the staging of the development. In this regard, the Proponent has advised that development will commence with the civil works and subdivision in the employment precinct, followed by the construction of the new Sydney Water facility (refer discussion in **Section 1.3** above). The civil works for the residential precinct will form the second stage of the works, and will commence after Sydney Water has vacated its existing facilities in the northern end of the residential precinct. Housing construction is not expected to commence until approximately 2010, with completion and full occupancy anticipated for 2015.

The capital investment value for the proposed development is estimated at \$287.6 million.

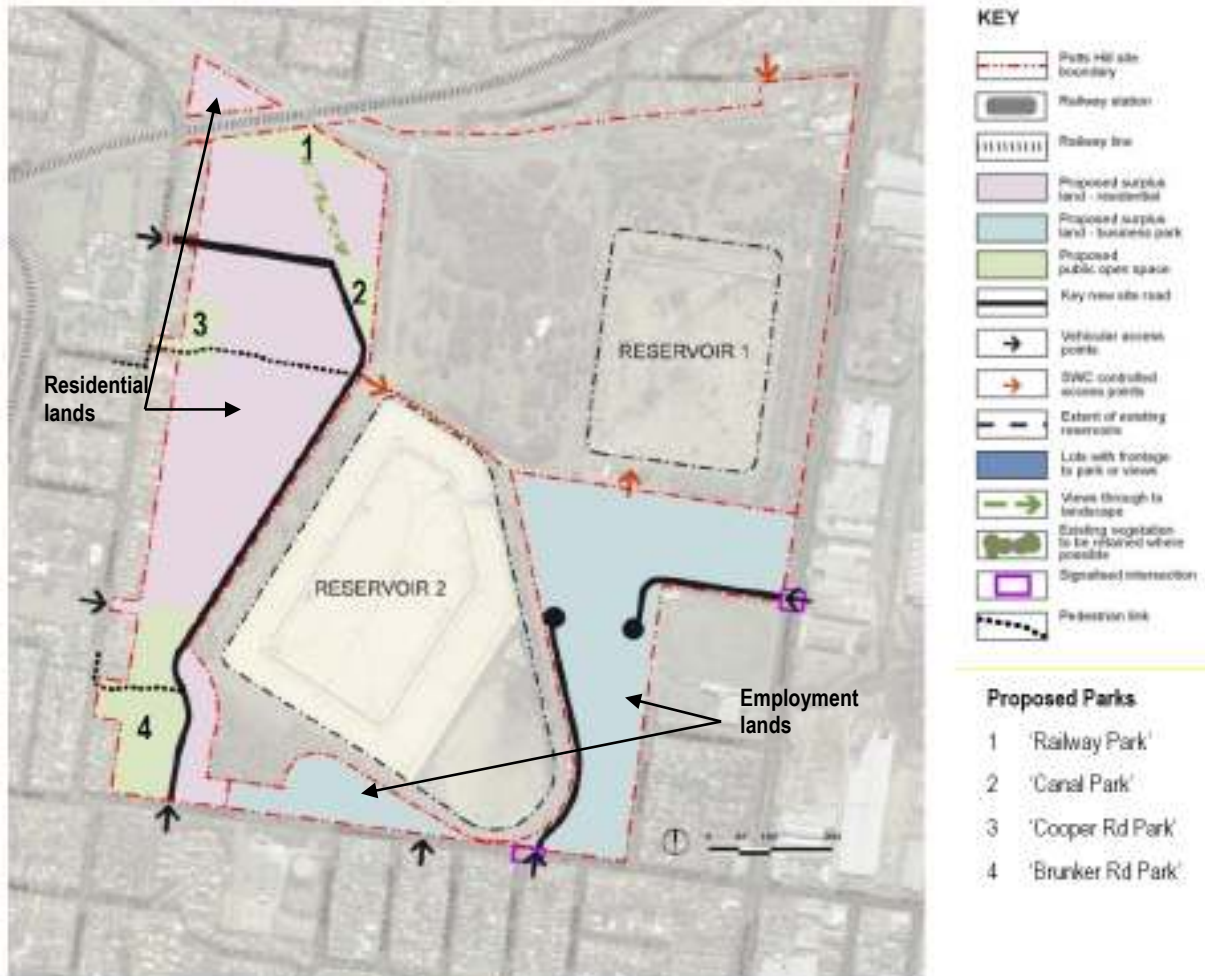


Figure 3: Original Concept Plan – EA

(Source: Cite Urban Strategies)

2.2 Preferred Project Report

In response to key issues raised in submissions (as outlined in **Section 4** of this report), issues raised by the Department and following further site analysis and investigations by the Proponent, the Proponent has prepared a Preferred Project Report (PPR). The PPR incorporates the following key modifications to the Concept Plan:

- The refinement of the 'redevelopment land' and the 'retained land' boundary as detailed below:
 - To more appropriately define the extent of the employment lands and to respond to heritage constraints in the eastern section of the site- refer area marked 'A' on **Figure 4**;
 - To delete the previously proposed "Railway Park" in the north-western portion of the site (as Bankstown Council did not support its future dedication as open space) and to incorporate part of this land as 'redevelopment land' and part as 'retained land'- refer to area marked 'B' on the **Figure 4**;
 - The revision of the boundary relative to the south of Reservoir 2 to ensure that the boundary more appropriately reflects the 'employment land' and excludes valuable vegetation which is now incorporated as 'retained land'- refer to area marked 'C' on **Figure 4**; and
 - To delete the "Cooper Road Park" (western boundary) but maintain an area of open space which will be subject to further detailed stormwater and drainage analysis. This land will be dedicated to Bankstown Council but its design and configuration will be determined in a future application- refer to area marked 'D' on **Figure 4** below.

- The reduction in the proposed maximum building heights for dwellings in the low density area from 10 metres to 9 metres.
- The incorporation of details regarding the Voluntary Conservation Agreement (VCA) with the Department of Environment and Climate Change including refined mapping of vegetation areas and subsequent revision of the offset package.
- The refinement of the Statement of Commitments including the timing for actions (refer **Appendix D** of this report);
- Modifications to the Concept Plan to include:
 - Refinement of the land use boundaries (as a result of the changes identified above) ; and
 - Adjustment of the boundaries to reflect refined State Heritage Register modified boundary gazetted on 30 January 2009 (refer to discussion in **Section 1.1** of this report).
- A revised set of Development Controls and complying development provisions;
- The removal of Reservoir 1 from the Concept Plan and the State Significant Site listing. This land will be subject to a future application, as relevant.

The key amendments to the Concept Plan are illustrated in the **Figure 4** below, as referenced above.

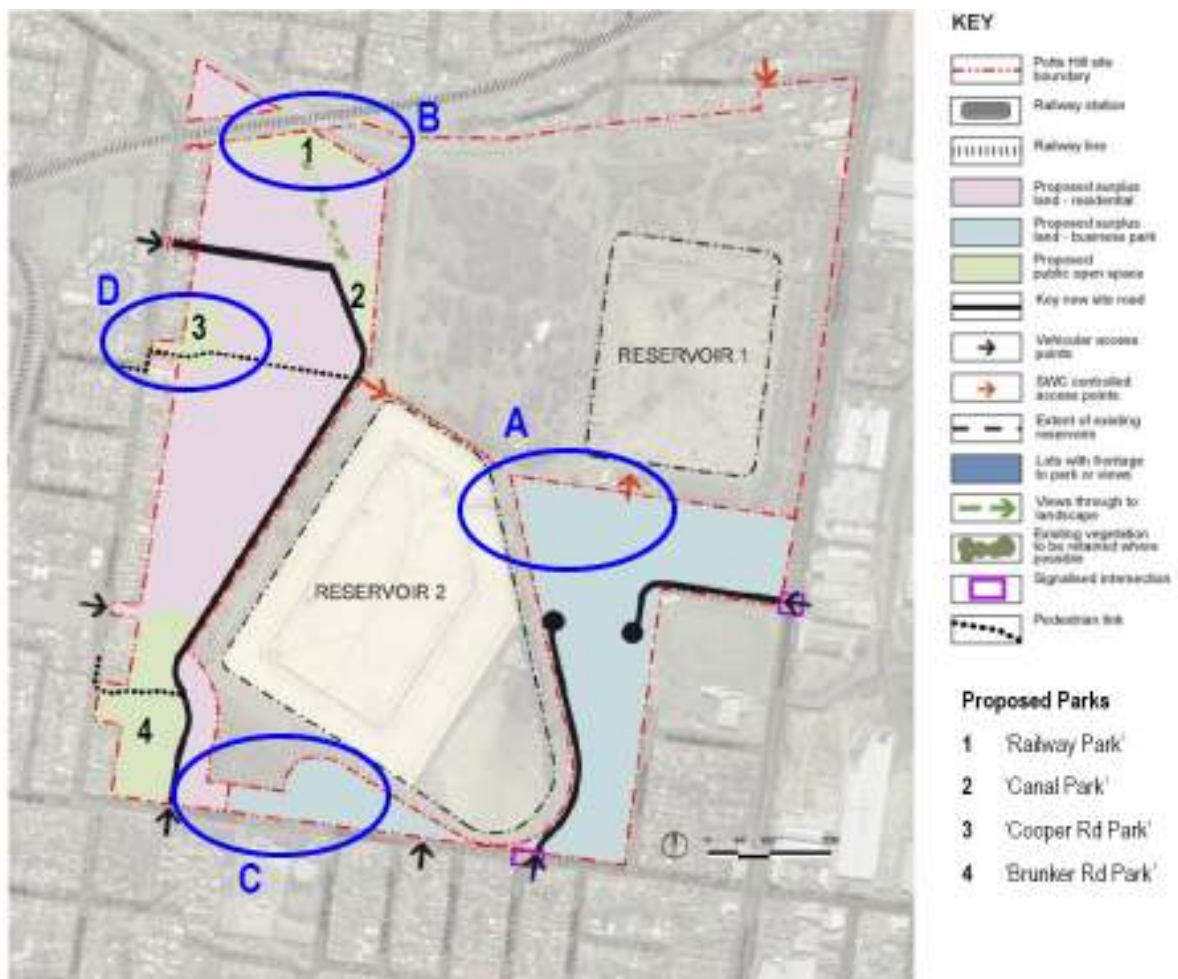


Figure 4: Revised Concept Plan- PPR.

(Source: Cite Urban Strategies)

As a result of the modification detailed above including the adjustments to the boundaries of the 'retained land' and 'redevelopment land', the land use distribution and extent of the redevelopment lands has been amended in the PPR as detailed in **Table1** below:

Table 1: Revised land-use calculations for the redevelopment land- PPR

LAND-USE	AREA	% OF TOTAL AREA
Employment	15.66 hectares	39.6%
Residential (including roads and drainage)	19.9 hectares	50.4%
Low density	16.64 hectares	42.1%
Medium density	3.26 hectares	8.3%
Public open space+	3.94 hectares+	10%
TOTAL	39.5 hectares	

+ Committed open space areas comprise "Canal Park" (0.46ha); "Brunker Road Park" (2.65ha), which total 3.11 hectares. An additional area of open space in lieu of "Cooper Road Park" will also be identified following more detailed design, which will bring the amount of open space to around 3.94 hectares.

(Source: Cite Urban Strategies)

The revised Concept Plan layout (PPR) is illustrated in the **Figure 5** below.

**Figure 5: Illustrative Concept Plan for the redevelopment land - PPR**

(Source: Cite Urban Strategies)

2.3 Project need and justification

The land to be developed has been identified as surplus to the operational requirements of the SWC and is therefore available for development to provide needed housing and employment infrastructure to the area. The proposed mix of residential and employment land illustrated in the Concept Plan was determined after detailed investigations of alternative

options for land use and land use distribution. Such alternative options were determined to be inferior to the Concept Plan given potential impacts to the amenity of the surrounding residential area.

The Concept Plan is consistent with the priorities of the NSW State Plan and the directions and actions of the draft West Central Subregional Strategy. In particular, the Concept Plan will achieve the following:

- the more effective use of urban land resources;
- the utilisation of public transport;
- the provision of a range of dwelling types; and
- the creation of local employment opportunities.

3. STATUTORY CONTEXT

3.1 Major Project

On 14 July 2007, the former Minister for Planning (the Minister) determined that the development was a Major Project under Part 3A of the *Environmental Planning and Assessment Act 1979* (the Act) as it consists of residential and commercial development with a Capital Investment Value (CIV) of more than \$50 million and achieved State or regional planning objectives pursuant to Clause 13, Schedule 1 of the State Environmental Planning Policy (Major Projects) 2005 (MP SEPP). The declaration was amended on 20 December 2007 to include all land parcels within the Site.

On 14 July 2007, the former Minister also authorised the submission of a Concept Plan for the proposal in accordance with Section 75M of the Act.

Consequently, the project is subject to Part 3A of the *Environmental Planning and Assessment Act* (the Act) and the Minister is the approval authority.

3.2 State Significant Site

On the 14 July 2007, the Minister agreed to consider the listing of the Potts Hill Reservoirs Site as a State Significant Site in Schedule 3 of the Major Projects SEPP. The SEPP amendment proposes to rezone the site B7-Business Park, R2- Low Density Residential, R3-Medium Density Residential and RE1- Public Recreation to reflect the land use distribution proposed in the Concept Plan. The amendment is being considered separately.

3.3 Permissibility

The site is currently zoned 5 Special Uses (Sydney Water) pursuant to *Bankstown LEP 2001* with the exception of a number on small lots on the western boundary of the Site fronting Cooper Road, which are zoned 2(a) Residential. Residential development is prohibited in the 5 Special Uses zone.

Pursuant to Section 75O(3) of the Act the Minister may (but is not required) to take into account the provisions of an LEP (or other EPI) in determining a Concept Plan. The site is not “environmentally sensitive land of State significance” or in a “sensitive coastal location” (as defined in Clause 8M of the Regulations) and therefore, the Minister can approve the Concept Plan despite some of the development being prohibited under Council’s LEP. Noting, that the amendment to the State Heritage Register listing has resulted in the land which is subject to the Concept Plan now being entirely outside the boundary of the listing (refer to discussion in **Section 1.1** of this report).

3.4 Environmental Planning Instruments (EPIs)

To satisfy the requirements of section 75I(2)(d) and (e) of the Act, this Report includes reference to the provisions of the environmental planning instruments that govern the carrying out of the project and have been taken into consideration in the environmental assessment of the project application.

A summary of the relevant legislation, environmental planning instruments and planning strategies required to be taken into consideration under Part 3A of the Act is provided at **Appendix F**.

3.5 Objects of the *Environmental Planning and Assessment Act 1979*

The objects of any statute provide an overarching framework that informs the purpose and intent of the legislation and gives guidance to its operation. The Minister’s consideration and determination of a project application under Part 3A of the Act must be informed by the relevant provisions of the Act, consistent with the backdrops of the objects of the Act.

The Objects of the Act are as follows:

- (a) *to encourage:*
- (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
 - (ii) *the promotion and co-ordination of the orderly and economic use and development of land,*
 - (iii) *the protection, provision and co-ordination of communication and utility services,*
 - (iv) *the provision of land for public purposes,*
 - (v) *the provision and co-ordination of community services and facilities, and*
 - (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
 - (vii) *ecologically sustainable development, and*
 - (viii) *the provision and maintenance of affordable housing, and*
- (b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

Of particular relevance to the assessment of the subject application is consideration of the Objects under section 5(a) of the Act. Relevantly, the Objects stipulated under section 5(a) (i), (vi), and (vii) of the Act are significant factors in the assessment and the determination of a Concept Plan. The proposal does not raise significant issues with regards to the objectives of the Act.

The Department has considered the Objects of the Act in the assessment of the Concept Plan. These are given further consideration in **section 5.0** of this report.

3.6 Director-General's Report

The Director-General's report to the Minister for the proposed project application satisfies the relevant criteria under Section 75I of the Act and clause 8B of the *Environmental Planning and Assessment Regulation* as detailed in **Table 2**.

Table 2 – Response to Section 75I(2) and Clause 8B Criteria

Section 75I(2) criteria	Response
Copy of the proponent's environmental assessment and any preferred project report	The Proponent's EA and Preferred Project Report are included as appendices to this report. Refer to Appendices C and D , respectively.
Any advice provided by public authorities on the project	All advice provided by public authorities on the project for the Minister's consideration is set out at Appendix E of this report. A response to submission is provided at Appendix D .
Copy of any report of a panel constituted under Section 75G in respect of the project	No statutory independent hearing and assessment panel was undertaken in respect of this project.
Copy of or reference to the provisions of any State Environmental Planning Policy that substantially govern the carrying out of the project	Each relevant SEPP that substantially governs the carrying out of the project is identified and assessed. Refer to Appendix F .
Except in the case of a critical infrastructure project – a copy of or reference to the provisions of any environmental planning instrument that would (but for this Part) substantially govern the carrying out of the project and that have been taken into consideration in the	An assessment of the development relative to all environmental planning instruments is provided in section 5 of this report and in Appendix F .

environmental assessment of the project under this Division	
Any environmental assessment undertaken by the Director General or other matter the Director General considers appropriate.	This report represents the environmental assessment undertaken by the Director-General.
A statement relating to compliance with the environmental assessment requirements under this Division with respect to the project.	The Environmental Assessment for the Concept Plan (as amended by the PPR) addresses the Director-General's requirements.
Clause 8B criteria	Response
An assessment of the environmental impact of the project	An assessment of the environmental impact of the proposal is discussed in section 5 of this report.
Any aspect of the public interest that the Director-General considers relevant to the project	The public interest is discussed in section 5 of this report.
The suitability of the site for the project	This report assesses the suitability of the site for the project in discussion of the key issues in section 5 .
Copies of submissions received by the Director-General in connection with public consultation under section 75H or a summary of the issues raised in those submissions.	A summary of the issues raised in the submissions is provided in section 4 and Appendices D and E of this report.

3.7 NSW Threatened Species Conservation Act 1995 (TSC Act)

Three endangered ecological communities listed under the TSC Act are located on the site. These are Cooks River/ Castlereagh Ironbark Forest in the south-west corner of the site, Cumberland Plain Woodland on the western edge of the site and Sydney Turpentine Ironbark Forest to the south of Reservoir 2. A total of 1.1 ha of threatened or endangered vegetation is proposed to be removed within the area defined by the Concept Plan.

3.8 Environmental Protection and Biodiversity Act 1999 (EPBC Act)

Cooks River/ Castlereagh Ironbark Forest and Sydney Turpentine Ironbark are also listed under the EPBC Act. The Proponent submission concludes that the proposal does not trigger a 'controlled action' under the EPBC Act.

4. CONSULTATION AND ISSUES RAISED

4.1 Director-General's Environmental Assessment Requirements

The Director-General's Environmental Assessment Requirements (DGRs) were issued on 2 October 2007 and amended on 11 January 2008 and 4 July 2008.

In the course of preparing the DGRs, the Department consulted with the Roads and Traffic Authority (RTA), the Ministry of Transport (MoT), the Department of Environment and Climate Change (DECC), the Heritage Branch within the Department of Planning and Bankstown City Council.

4.2 Public Exhibition

The EA was exhibited from Wednesday 30 July 2008 to Monday 1 September 2008 for a period of **33 days** and was published in the Sydney Morning Herald, the Daily Telegraph, the Canterbury Bankstown Express and the Canterbury Bankstown Torch. Neighbouring residents/landowners were also notified of the exhibition by mail.

The EA was publicly exhibited at the following locations:

- Department of Planning Information Centre, Bridge Street, Sydney;
- Bankstown City Council Civic Centre, Bankstown Central Library and Chester Hill Library; and
- Auburn City Council Civic Centre, Auburn Library, Lidcombe Library and Regents Park Library.

The Environmental Assessment was placed on the Department's website (www.planning.nsw.gov.au) during the course of the exhibition period.

The Department has met all its legal obligations in respect to the administration of the Concept Plan pursuant to Section 75H(3) of Part 3A of the Act. Accordingly, the Minister can now determine this Major Project application.

4.3 Submissions

In response to the exhibition period, the Department received the following submissions:

- A total of **125 public submissions**, all of which objected to the Concept Plan proposal; and
- A total of **5 submissions** from Government agencies, namely the Roads and Traffic Authority, the Heritage Council of NSW, the Department of Environment and Climate Change; the Ministry of Transport and Bankstown City Council. A further 2 letters were received from Bankstown City Council following the close of the exhibition period.

A summary of submissions and the Department's response to submissions is included in **Appendix D**.

4.4 Public Submissions

Of the **125 public submissions** received, 117 were pro-formas. The key issues identified in the public submissions include:

- **Community Consultation:** perceived lack of community consultation and a call for an Independent Hearing Assessment Panel and Community Liaison Committee to be established;
- **Traffic Impacts:** increased congestion, noise and air pollution resulting from increased traffic;
- **Flora and Fauna Impact:** loss of threatened native vegetation and biodiversity; and

- **House Mix:** the need for provision of low-cost/affordable housing as part of the development.
- **General Concerns:** crime levels, house prices, operational infrastructure, heritage items, local traffic, community safety, biodiversity, flooding, contaminated drinking water, and noise and air pollution.

4.5 Government Agency Submissions

Table 3 below provides a summary of the key issues raised by Government agencies in their submissions. This summary represents the current status of the Proponent's consultation with these Government agencies in order to address key environmental issues raised in respect of the exhibition of the EA. A summary of the Department's response to these issues is included at **Appendix D**.

Table 3 – Summary of Government Agency submissions

Key Issues	Submission comments
The Department of Environment and Climate Change	<ul style="list-style-type: none"> • Clearing of endangered ecological communities and threatened species within the development area is acceptable subject to the finalisation of the Conservation Agreement with Sydney Water which secures offsets within Sydney Water's operational land.
The Heritage Council of NSW	<ul style="list-style-type: none"> • Historic railway line and associated cultural plantings to the north-west of Reservoir 2 should be retained and interpreted. • Proposed heritage conservation measures are supported and should include an interpretation plan, moveable heritage plan, landscape plan and conservation of heritage sheds adjacent to employment lands
The Roads and Traffic Authority	<ul style="list-style-type: none"> • Traffic lights are supported on Rookwood Road at the new entrance road to the employment lands. • Traffic lights at Bruner Road are not required until 2016 based on projected demand and therefore, an interim intersection treatment should be provided which will allow for installation of traffic lights in future. • Car parking rates should be in accordance with Council's DCP.
Ministry of Transport	<ul style="list-style-type: none"> • A car parking strategy should be prepared to minimise on-site car parking within the employment lands and encourage use of public transport, cycling and walking trips. • A pedestrian and cycle link should be provided from Birrong Station to the employment lands.
Bankstown City Council	<ul style="list-style-type: none"> • Section 94 Contributions: should be in accordance with Council's adopted plan plus an additional 1% levy under Section 94A. • Shared pedestrian / cycleways: <ul style="list-style-type: none"> • should be provided along the Rookwood Road, Bruner Road and Cooper Road frontages and through the site; • access from the residential area to Birrong Station should be improved by providing an additional vehicle entry point on Cooper Road opposite the intersection with Rodd Street. • Residential streets: should be designed to a 40 km/h speed limit and pedestrian crossings and footpaths provided for pedestrian safety. • Traffic issues: <ul style="list-style-type: none"> ○ Potential traffic safety issues due to proximity of internal intersection of the northern most road to intersection with Cooper Road. ○ Bagdad Street portion of site should be accessed by a driveway and not a public road. • Land dedication: Public dedication of roads and open space is accepted provided the design is to Council's standards. • Stormwater/drainage: <ul style="list-style-type: none"> ○ Grass swales for stormwater management should be designed to minimise maintenance costs to Council. ○ Downstream section of open drain east of Rookwood Road should be upgraded to reduce existing overland flow impacts on Greyhound Social Club.

	<ul style="list-style-type: none"> ○ Overland flooding of the Bagdad Street portion of the site should be investigated further. ○ Parklands should be used as short term not permanent stormwater retention basins. • <u>Building heights</u>: The proposal is consistent with surrounding area and considered appropriate. • <u>Vegetation Management Plan</u>: Corridor areas should be revegetated with indigenous species and a vegetation management plan prepared.
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A copy of the Government agency submissions is included at **Appendix F**.

4.6 Preferred Project Report / Response to Submissions

A Preferred Project Report (PPR) and response to submissions was prepared by the Proponent (**Appendix D**) and submitted to the Department on 4 February 2009. In accordance with Section 8G of the Environmental Planning and Assessment Regulation 2000, the PPR was placed on the Department's website.

The amendments to the Concept Plan, as presented in the PPR, have been outlined in **Section 2.2** of this report.

5. ASSESSMENT OF ENVIRONMENTAL IMPACTS

The Department's assessment of the EA, submissions and the PPR form the basis for consideration of the significance environmental issues associated with the development proposal. The key issues identified are assessed below.

5.1 ESD Principles

The *Protection of the Environment Administration Act 1991* provides five accepted ESD principles:

- (a) decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations (**the integration principle**);
- (b) if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation (**the precautionary principle**);
- (c) the principle of inter-generational equity - that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations (**the inter-generational principle**);
- (d) the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making (**the biodiversity principle**); and
- (e) improved valuation, pricing and incentive mechanisms should be promoted (**the valuation principle**).

The Department has considered the Concept Plan in relation to the ESD principles and has made the following conclusions:

- **Precautionary Principle**

Following an assessment of the Proponent's PPR, it is considered that there will be no threat of serious or irreversible environmental damage as a result of the proposal. The studies into stormwater management, flora and fauna impacts, and European Heritage and Aboriginal Cultural Heritage have not revealed any uncertainty regarding potential impacts. Impacts identified can be appropriately managed and have not been found to result in serious or irreversible environmental damage as a consequence of this proposal.

The findings and recommendations of the range of specialist studies have not revealed the need to adopt the precautionary principle from an ecological point of view to either delay or prevent the Concept Plan from proceeding.

- **Integration Principle**

The social and economic benefits of the proposal are well documented. The environmental impacts are and will be addressed through the proponent's Statement of Commitments. Additionally, the environmental impacts will be further assessed as future Part 3A or Part 4 applications are lodged for the redevelopment of the Concept Plan site.

The Department's assessment has duly considered all issues raised by the community and public authorities. The proposal, as recommended for approval, does not compromise nor hinder the opportunities of a particular stakeholder.

- **Inter-Generational Principle**

It is considered that the development of this site will have positive social, economic and environmental impacts and as a result will maintain and improve the environment for the benefit of future generations. The proposal, as represented in the PPR, has been designed to ensure that it does not impose a burden on future generations whilst realising

the benefits for both the existing and future use of the site for residential and employment purposes including:

- The implementation of a heritage interpretation strategy;
 - The provisions of improved infrastructure including local area traffic improvements;
 - The protection of the sites environmental significance including the embellishment works to the south-west bushland areas (proposed Bruncker Park);
 - The implementation of a Voluntary Conservation Agreement relating to the ongoing management of the ecologically significant vegetation on the 'retained land'; and
 - Improved landscaping and environmental sensitive integration of the development on the site.
- **Biodiversity Principle**

The conservation of the biological diversity and ecological integrity of the site was a consideration in the Proponent's preparation of the PPR. Issues associated with biodiversity, ecology and the protection of threatened species have been resolved in consultation with the DECC and will be subject to a future application to be lodged with the Commonwealth pursuant to the EPBC Act (refer to discussion in **Section 3.7** of this report). The terms of the DECC have been incorporated into the Instrument of Approval and will assist in maintaining the biological diversity and ecological integrity of the site now and into the future.

- **Valuation Principle**

It is difficult to assign a monetary value to the environment of a locality, or environmental resources not exploited for commercial use. A monetary value could not be placed against the greatest proportion of environmental attributes of the site which may be affected. The more appropriate approach adopted for this project is to manage environmental impacts by identifying appropriate safeguards to mitigate adverse environmental impacts. This cost of implementing these safeguards is included in the total project cost as a means of pricing the protection of the environmental attributes of the site.

Conclusions:

The proposal will result in few negative longer-term impacts. The key impact will be the removal of 1.16 hectares of endangered ecological communities (of a total 9.62 hectares on the entire Potts Hill Reservoirs site) which will be offset by the permanent conservation of 5.24 hectares through a voluntary Conservation Agreement with DECC (the offset ratio is approximately 1:4.5). In addition, the Proponent has committed to maintaining or improving the remaining vegetation on the development site. Therefore, the proposal is likely to result in an overall improvement in the site's biodiversity and the majority of the threatened native vegetation on the site will be retained.

The proposal will facilitate the redevelopment surplus public land for the purpose of new housing, public open space and employment. This will create local and regional benefits associated with increase housing choice and employment opportunities. The proposal will also add significant value to the redevelopment land for the benefit of the wider community including improved infrastructure, open space and improvements to the ecological values of the site.

The Department recommends that the merits of each individual project with regard to ESD, such as energy and water efficient design, be a further assessment requirement for future project applications. The Proponent has committed to ensuring that all development on the site complies with relevant energy and water sustainability design guidelines and principles. On this basis, the Department is satisfied that the future development of the retained lands will meet the principles of ESD.

5.2 Climate Change

The Site is in a non-coastal area, is elevated from surrounding land and does not have any significant waterway flowing through it. Therefore, it is unlikely to be impacted by coastal climate change issues or flooding. Similarly, the Site is not in a zone currently deemed to be bushfire prone and subsequently, is considered by the Rural Fire Service and Bankstown Council to be at low risk from bushfire.

The Department is therefore satisfied that the proposal is appropriate and unlikely to experience adverse impacts as a result of climate change.

5.3 Biodiversity

5.3.1 Flora

The Site has been identified as having a relatively high biological value. In this regard, the site supports three endangered ecological communities (Cooks River/Castlereagh Ironbark Forest and the Sydney Turpentine Ironbark Forest, Cumberland Woodland Plain) one threatened plant (*Acacia pubescens*- which is only located in the operational lands) and two threatened fauna species (Eastern bent-Wing Bat and Grey-headed Flying Fox).

The extensive areas of significant vegetation include an area of Cooks River/Castlereagh Ironbark Forest in the south-western corner, an area of Sydney Turpentine Ironbark Forest extending from the south of Reservoir 2 to Brunner Road and stands of Cumberland Woodland Plain along the western boundary, generally to the west of Reservoir 2. These plant communities are listed as endangered ecological communities under the *Threatened Species Conservation Act 1995*. The Cooks River/Castlereagh Ironbark Forest and the Sydney Turpentine Ironbark Forest are also classified as 'endangered ecological communities' under the *Environmental Protection and Biodiversity Conservation Act 1999*. Outside the Concept Plan site, between Reservoirs 1 and 2, is a significant area of Cooks River/Castlereagh Ironbark Forest and Sydney Turpentine Ironbark Forest.

The endangered ecological communities (EEC) within the Concept Plan area and the operational lands are illustrated in **Figure 6**.

In response to concerns raised by the DECC in relation to the long term management and the fragmented nature of the EEC areas proposed to be protected, the Proponent has revised the boundaries of the development land and the nominated areas to be protected, as detailed in **Section 2.2** of this report.

The revised proposal, as presented in the PPR, now involves the removal of a total of 1.16 hectares EEC's and threatened species to accommodate the land-use distribution detailed in the Concept Plan (PPR). The EEC to be removed comprises approximately 0.06 ha of Cooks River / Castlereagh Ironbark Forest, 0.31ha of Sydney Turpentine Ironbark Forest and 0.73 ha of Cumberland Plain Woodland. It is noted that there is no loss of *Acacia pubescens* (threatened plant) as the identified plants are located entirely within the retained land.

The DECC has advised that the revised proposal (PPR) is acceptable and have agreed to enter into a Voluntary Conservation Agreement (VCA) with Sydney Water under the *National Parks and Wildlife Act 1974* to protect approximately 5.24 ha of endangered ecological communities within the retained land, as identified in **Figure 6**.

The Proponent has also committed to prepare and implement a Vegetation Management Plan and an Environmental Management Plan, as required by the DECC as part of the conservation package. Such Management Plans will detail the ongoing management and conservation of the EEC within the retained lands.

Subject to the VCA being executed prior to the commencement of any works on the redevelopment land, the Department endorses this aspect of the Concept Plan.



Figure 6: Location of threatened species and areas protected under Conservation Agreement

(Source: Eco Logical Australia)

It is appropriate that the VCA and the associated Management Plans are finalised prior to the commencement of works or the approval of the first application for subdivision or civil works within the residential precinct (whichever is the first). This will ensure that the appropriate conservation mechanisms are in place to provide for the long term security of the EEC's and threatened species. Accordingly, an appropriate condition is included in the Instrument of Approval to require the Minister (administering the *National Parks and Wildlife Act 1974*) and Sydney Water to execute the CVA prior to the commencement of works that would permit the clearing of the EEC's and threatened species within the development lands.

5.3.2 Fauna

As detailed in **section 1.2** of this report, the site supports the Grey-headed Flying Fox and the Eastern Bent-wing Bat, both of which are identified as threatened species under the Threatened Species Conservation Act 1995. The Proponent's Ecological Assessment has identified the following in relation to the impact of the Concept Plan on these threatened species:

- Both species are highly mobile and therefore, any loss of foraging habitat is unlikely to result in significant disturbance or displacement as the species is able move to retained vegetation on the site or to other remnants in the vicinity of Potts Hill.
- Both species do not require continuous canopy for their movement and between areas of habitat.
- The breeding cycle of both species is unlikely to be disrupted.
- There is a lack of roosting habitat on the site for both species and therefore, their respective roosting behaviour is unlikely to be disturbed by the proposal.
- Both species are found throughout the Sydney area and beyond and as such the Potts Hill site is not at the limit of their distribution.

On this basis of the above, the Department concurs with the Proponent that the Concept Plan will not adversely impact on the long term viability of both species. The Proponent has committed to the preparation of an Environmental Management Plan prior to the commencement of works within the residential precinct that would result in the removal of any endangered ecological communities, critically endangered ecological communities or threatened plant species. However, the current scope of this report does not extend to the management and protection of the Grey-headed Flying Fox and the Eastern Bent-wing Bat. It is considered appropriate the terms of the Environmental Management Plan be expanded to deal with the management of these threatened species and to ensure the protection of these species through all stages of the development process. Accordingly the Department has incorporated a modification in the Instrument of Approval to address this matter.

5.3.3 Environmental and Vegetation Management

In addition to expanding the terms or scope of the Environmental Management Plan to deal with significant fauna on the site (as recommended in **Section 5.3.2** above), the Department also considers it to be appropriate for the terms or scope of the Environmental Management Plan to be expanded to address the strategic and ongoing management of the site during the construction process and to deal with the interface between the redevelopment lands and the retained lands, in order to ensure construction impacts are appropriately mitigated in particular, in respect to the ecologically sensitive land. A Condition is incorporated into the Instrument of Approval to address this requirement.

Further to the above, the Department has also recommended that the terms of the Vegetation Management Plan be expanded to deal with the retention and protection of significant vegetation within the Concept Plan area during the construction phase including:

- the land at the interface with the ecologically sensitive land; and
- other vegetation (including Peppercorn trees and cultural plantings) within the Concept Plan to be retained and incorporated into the open space in accordance with the Preliminary Landscape Plan prepared by Taylor Brammer.

The Department also considers it appropriate for the design detail or treatment of the development land, where it interfaces with the operational lands (and in particular, EEC's or threatened plant species), to be incorporated into the Residential Design Guidelines to ensure a consistent and integrated outcome. An appropriate modification is recommended to address this requirement.

5.4 European Heritage

The Potts Hill Reservoirs site (operational lands) is listed on the State Heritage Register (SHR) and as heritage item under Bankstown LEP 2001 due to its role as an integral part of the Upper Nepean Water Supply Scheme, which was crucial to the development and growth of Sydney from the late nineteenth century.

The heritage items of medium, high and exceptional significance are shown in **Figure 7** opposite coloured "pink", "orange" and "red", respectively. The heritage items of exceptional

significance are located outside the Concept Plan boundary and include Reservoir 1 and 2, two sheds east of Reservoir 2 and the former Migrants Camp.

An historic railway line (as shown white in **Figure 7** above) is located within the Concept Plan boundary. Whilst this historic railway line is no longer part of the SHR listing for the site, the Heritage Council of NSW has recommended that the former railway alignment be conserved and interpreted along with the retention of the associated cultural plantings. The Proponent's PPR proposes to interpret the alignment of the railway line with a road and to retain the significant cultural plantings.

The Heritage Council has also advised that there may be some opportunity to retain the row of trees planted along the eastern side of the Concept Plan and to incorporate these into the open space area proposed immediately to the south of the medium density residential area. The Department considers this to be an acceptable interpretation outcome and has recommended modification in the Instrument of Approval to address the above matters.



Figure 7: Items of heritage significance

The Heritage Council also recommends that:

- An interpretation plan be prepared for the site including the former Migrants Camp, signage, street names, original street pattern, former railway alignment and cultural plantings;
- A moveable heritage plan be prepared for the retention and conservation of moveable objects in existing sheds at the site;

- A landscape plan be prepared for the management of cultural plantings and vegetative buffers; and
- The two heritage sheds (Buildings 41 and 42) be conserved and restored.

The Proponent has committed to the preparation and implementation of works in accordance with a Heritage Interpretation Plan (HIP). The Proponent's Statement of Commitments currently proposes that the HIP be prepared and submitted to the Heritage Council within 1 year of approval of the first project application within the residential precinct. The Department concurs that the preparation of the HIP should be linked to the preparation of the first project application for the residential precinct. However, it is recommended that the HIP be approved by the Department of Planning prior to the determination of the first application in relation to subdivision or civil works for the residential precinct. This will ensure that the terms of the HIP are appropriately integrated into the ongoing management and development of the site during the construction phases.

5.5 Traffic, Transport and Accessibility

5.5.1 Traffic Generation

Public submissions expressed concern regarding the amount of traffic likely to be generated by the proposal, in particular along Brunker Road in addition to associated noise and pollution impacts.

Existing traffic around the site is already reasonably heavy particularly during peak times, with existing levels of service unacceptably low at the intersections of Brunker Road / Cooper Road, Brunker Road / Rookwood Road and Brunker Road / Graf Avenue. Rookwood Road (eastern boundary) functions as a major arterial route, carrying large volumes of traffic during the peak period (up to 5,300 vehicles per hour), and is classified as a State road. Brunker Road (southern boundary) currently acts as a sub-arterial road connecting the Hume Highway with Potts Hill and Birrong, and is a designated regional road where adjacent to the proposal site. Graf Avenue and Boardman Street (south-western corner) are local roads but are used by traffic during peak periods (up to 650 vehicles per hour) to avoid the traffic lights at the intersection of Rookwood and Brunker Roads. This has resulted in negative implications for the environmental amenity of residences along these streets. Cooper Road (western boundary) is a local collector road running north-south which experiences significantly fewer vehicles in peak periods (up to 630 vehicles per hour) than Brunker Road (up to 1,800). The existing traffic and transport constraints relative to the site are illustrated in **Figure 8**.

The existing level of performance at the intersections of Brunker Road and Cooper Road, Brunker Road and Rookwood Road, and Brunker Road and Graf Avenue is considered poor with average delays greater than 90 seconds.

The EA indicates that, as a worst case across the whole site, the proposal would generate up to 676 vehicle trips per hour at peak times, comprising 400 trips resulting from the employment land usage and 276 from the residential areas. This is based on an assumption that all dwellings would generate traffic at a standard rate, when apartments dedicated for seniors are in fact likely to generate less traffic, and no allowance appears to have been made for the transfer of existing traffic resulting from the relocation of the existing Sydney Water facility within the site. Therefore, this prediction is likely to be an over-estimation. As a result of the proposal, it has been determined that the Level of Service at the key intersections surrounding the site would remain generally unchanged and therefore, the traffic impacts in terms of congestion, noise and pollution have been determined to be acceptable.



Figure 8: Traffic and Transport constraints

(Source: Masson Wilson Twiney)

The proposal includes the construction of two access roads into the employment area, which will provide direct access routes to the surrounding regional road network via Rookwood Road and Brunner Road and remove the need for cars originating from this precinct to use Graf Avenue. The design of the intersections of the access roads with the public roads have been addressed as part of the civil works stage 1 project approval (MP 08_0069) and further agreements between the proponent and the RTA. The RTA has indicated that improvements to these intersection will be required in order to provide a satisfactory level of service for the employment precinct traffic and has sought improvements to the intersection of Rookwood (signalisation) and Brunner Roads (interim traffic improvements). Subject to these intersection improvements being undertaken to the satisfaction of the RTA and Council (as appropriate), the Department is satisfied that the Proponent will provide adequate mitigation for traffic generated by the proposal for the employment precinct.

In order to ensure suitable traffic flows as cars enter and exit the residential precinct, the Proponent has committed to the provision of roundabouts at the two proposed vehicular access points along Cooper Road and at the proposed Brunner Road access. Cooper Road has sufficient capacity to accommodate additional traffic, but there is a need to retain existing amenity and safety of access to nearby schools by reducing traffic speed. The proposed roundabouts would assist with this. The Council has not sought additional traffic calming measures at this stage from the Proponent, but the EA indicates that more may be required. Therefore, the Department recommends that the Proponent, in consultation with Council, undertake further assessment of the impact of the proposal traffic on local amenity and the need for further traffic calming or pedestrian safety measures once the detailed design of the residential precinct has been finalised. This can be addressed as a further assessment requirement and it is recommended that an appropriate condition be incorporated into the Instrument of Approval.

Having regard to the above, the Proponent has committed to the provisions of the following off-site traffic management works to an appropriate standard to be determined in conjunction with Bankstown Council and the RTA, as appropriate:

- roundabouts at 2 entrances along Cooper Road;
- a roundabout at an entrance to the residential precinct along Brunner Road;
- an appropriate intersection at the junction of Brunner Road and the eastern employment land with the possible full or partial closure of Lambert Street;

- a signalised intersection at the junction of Rookwood Rd and the eastern employment land (north of Boardman Street);
- a combined cycleway/pedestrian path on the northern side of Brunner Rd between Cooper Rd and Graf Avenue; and
- a footpath on the eastern side of Cooper Road from Brunner Rd to the Freight line.

Additionally, the Proponent will be responsible for the provision of all roads and associated infrastructure within the area defined by the Concept Plan. Following further consultation with Council, the Proponent has agreed to retain ownership of the roads servicing the employment precinct and also the Baghdad Street section of the site (northern most residential land), as these roads effectively act as driveways to the site and do not serve any broader public purpose. Such works and detailed consideration of the impacts of the internal road network will be addressed through the assessment of future development applications.

The Department submits that the redevelopment of the site will exacerbate the existing levels of performance and capacity of the road network. However, subject to the implementation of the committed schedule traffic improvement works identified above, the Department is satisfied that the Concept Plan will result in an acceptable outcome. A number of conditions recommended by the RTA have been incorporated into the Instrument of Approval.

In regard to pollution and noise levels, based on the predicted worst-case traffic level predictions, the Department considers that the additional traffic created by the proposal will not be sufficient to alter the nature of the existing road usage in the area, nor to create significant additional noise or air pollution, particularly given that the already affected streets of Graf Avenue and Boardman Street will not be further impacted.

5.5.2 Carparking

The proponent's urban design principles state that residential carparking will be provided in accordance with Council's DCP 2005, with the employment precinct parking to be determined on an individual project application basis.

No overall goals have been identified for public transport modal share for the Concept Plan as a whole or for the individual precincts. The Ministry of Transport has advised that it would be appropriate for this matter to be considered at the concept planning stage of the proposal, particularly with regard to the employment precinct, as causal links have been established between increased car parking provision and reduced public transport usage. The applicable Council standards for the employment area specify a minimum number of spaces per square metre of gross floor area, or sufficient parking to meet peak demand, and so are aimed at minimising on-street parking rather than encouraging public transport use.

Given the varied needs of the proposed employment land uses, the Department considers that it would be difficult to apply one overall rule or parking limitation. Instead, the Department recommends that for all future employment land proposals the Proponent be required to:

- justify all car parking in terms of employee numbers and usage patterns, with the assumption of some public transport use by employees;
- include proposals for travel demand management measures for employment uses with the goal of encouraging public and active transport use, with monitoring and scheduled reviews of success; and
- provide adequate and secure bicycle storage facilities and cyclist amenities as part of the development.

In addition, the Department recommends that for all future proposed development in the residential precinct, parking be provided in accordance with Council's Development Control Plan. Appropriate conditions are included in the Instrument of Approval to address these matters.

5.5.3 Access

The Proponent has provided an illustrative concept design which includes an indicative layout for the residential area. Council has queried whether the concept design provides sufficient points of access for pedestrians and vehicles from the residential precinct to Cooper Road and from Birrong Station from dwellings in the middle of the residential precinct.

The proposal includes four access points along Cooper Road, two of which can accommodate vehicles and two of which are pedestrian-only access via proposed public open spaces. Under the illustrative concept plan (PPR), the furthest distance a resident would have to walk to Cooper Road is approximately 500 metres, with a further 400 metres to Birrong Station. The Proponent has also indicated that opportunities to provide additional access to Cooper Road are under investigation. The Department also considers it appropriate for the extent of these investigations to include opportunities for improved access to the section of the site off Bagdad Street.

The Department considers the proposed access to Cooper Road to be adequate. The Department recommends approval of the illustrative Concept Plan (refer **Figure 5**) as the concept design which must be generally adhered to in the future development of the site.

The Ministry of Transport has raised a need for the Proponent to identify and resolve existing barriers to provide efficient and safe pedestrian access throughout the site. The Department agrees that this is important for the effective operation of the site, particularly if staff and residents of the site are to be encouraged to use public and active transport.

In accordance with the requirements of the Ministry of Transport, the Department recommends that the Proponent be required to:

- develop a shared bicycle / pedestrian strategy for the site, and
- provide continuous and safe access for pedestrians and cyclists during construction as appropriate, particularly at the interface of the site with existing public roads.

Appropriate conditions are incorporated into the Instrument of Approval to address these issues.

External to the site, the Department notes that the Proponent has committed to:

- the provision of a combined cycleway / pedestrian path on the northern side of Brunner Road between Cooper Road and Graf Avenue, to be completed prior to significant subdivision within the residential precinct; and
- the provision of a footpath on the eastern side of Cooper Road from Brunner Road to the rail line, to be completed prior to significant subdivision within the residential precinct.

With these commitments and the Ministry of Transport recommended requirements, the Department is satisfied that the issue of access will be adequately managed under the Concept Plan. The Department recommends that matters related to the provision of future access be addressed as a further assessment requirement.

5.5.4 Impact of the South Sydney Freight Line

The Proponent has advised that the augmentation of the Southern Sydney Freight Line (SSFL) includes installation of 4m high acoustic barriers along part of the northern boundary of the Potts Hill Reservoir site. The Proponent has sought advice from the Proponent of the SSFL, The Australian Rail Track Corporation, in relation to the details of the location and form of the proposed acoustic barriers and the expected date of installation. This matter is yet to be finalised.

In order to ensure that the impact of the SSFL is adequately considered in the future design and development of the site, the Department has recommended that the impact of the freight line be considered prior to the determination of the subdivision application for the

development of the relevant stage of residential precinct. This will ensure that suitable measures can be incorporated into the design of the residential precinct to address any consequential amenity impacts for neighbouring dwelling houses. As appropriate, the Department has also recommended that suitable acoustic attenuation measures be incorporated into the design of dwelling immediate to the SSFL, if required.

5.6 Urban Design and Subdivision Layout

Matters relevant to the proposed urban design and subdivision layout are discussed below. It is noted that the listing of the site as a 'State Significant Site' under Schedule 3 of the Major Projects SEPP 2005 incorporates maps which specify the building heights and development density distribution across for the land which is the subject of the Concept Plan.

5.6.1 Design Guidelines- Employment Precinct

The proposed development for the employment precinct consists primarily of low-rise office or warehouse buildings with car parking and landscaping. The Proponent has prepared design guidelines for the employment precinct which specify:

- a maximum height of 16 metres (with the exception of telecommunication towers that may be required for the NSW Police facility);
- an overall floor space ratio (FSR) of 1:1;
- a maximum site coverage per lot of 70%; and
- setbacks of generally 20 metres from the eastern boundary and 6-10 metres from the southern boundary of each lot.

Under Bankstown Council's Development Control Plan (DCP), the industrial zone standards are the most applicable to the employment precinct, based on the type of land use permissible in that zone. The standards specified in the Proponent's employment precinct principles generally match those permitted in the DCP and are considered acceptable.

The guidelines also include specifications for building design, façade design and materials, sustainable development, landscaping, signage, heritage management, access and carpark design. The Department is generally satisfied that the proposed design guidelines for the employment precinct are adequate in scope and define appropriate standards for the future development of this precinct.

Refer to further discussion on setbacks in **Section 6.4** below.

5.6.2 Design Guidelines- Residential Precinct

The majority of the proposed residential development in the Concept Plan is low to medium density, and therefore similar to the surrounding existing development which largely consists of single dwelling houses. The Proponent has advised that the housing types will comprise: detached, semi-detached, zero lot housing and attached dwellings. 3 storey residential apartment buildings are proposed in the north-eastern portion of the site and along Brunker Road. **Figure 5** illustrates the proposed location of the low density and medium density housing throughout the Concept Plan including to illustrate the internal road network and the open space provisions.

The Proponent has prepared Residential Design Guidelines for the development which includes specifications for building design, façade design and materials, sustainable development, landscaping, signage, heritage management, access and carparking and other aspects of design as relevant to the development types.

The Proponent has requested in the PPR, that the Residential Design Guidelines be included in the Major Project SEPP Amendment as 'complying' development controls (applicable to lots over 450sqm) and furthermore, for a proposed set of additional complying development provisions (which apply lots smaller than 450sqm) to apply to the Concept Plan as 'complying' development provisions until such time as complying development provisions are

prepared for lots under 450sqm by the State government. This matter is discussed below in this report.

Residential lots greater than 450sqm

The Department has compared the Proponent's Residential Design Guidelines for the residential development with Council's DCP and the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Exempt and Complying SEPP 2008). These Guidelines have been found to generally accord with Council's DCP. An exception to this is the maximum FSR for one-two storey dwelling houses (within the low-density residential area) of 0.7:1, which exceeds Council's maximum FSR of 0.5:1. Despite this, the proposed FSR is similar to that of the Exempt and Complying SEPP 2008 which specifies a maximum floor area of 330sqm or 0.73:1 for lots of 450sqm.

The Proponent's Residential Design Guidelines deviate from the standards specified in the Exempt and Complying SEPP 2008 including those in relation to building setbacks and site coverage. However, in most instances, the proposed designed guidelines do not exceed the maximum or minimum requirements stipulated in the Exempt and Complying SEPP 2008 and therefore, will enable the application of the Exempt and Complying SEPP 2008 to the development of the land (i.e. subject to full compliance with the specified development standards and where dwelling houses are proposed on lots greater than 450sqm).

The Proponent has agreed to amend the Residential Design Guidelines to accord with the provisions in the Exempt and Complying SEPP 2008 and has requested that a modification be imposed on the Instrument of Approval to require this amendment to be completed within 12 months of the issue of the Concept Plan approval. The Department considers it appropriate that the Residential Design Guidelines be completed prior to the determination of the first application for the subdivision and civil works within the residential precinct.

In reviewing the Residential Design Guidelines, the Department also recommends that the Proponent prepare new schematic drawings accurately reflecting the stated maximum site coverage, open space and privacy requirements for development.

On the basis of the above, the Department is satisfied that the proposed design principles will deliver a suitable design outcome for the site and furthermore, will ensure that new development is appropriately integrated with the existing neighbouring residential development.

Residential Lots under 450sqm

The Proponent's PPR also includes a set of design guidelines for residential lots under 450sqm. This includes dwelling houses, terrace lots/duplex lots and zero lot line lots. The Proponent has requested that these design guidelines form 'complying development' provisions for lots under 450sqm. The range of small residential lots proposed by the Proponent range from 195sqm (terrace/duplex) to 405sqm (small housing). The Department is currently preparing an *Exempt and Complying Development Code* for single dwelling houses on lots under 450sqm.

Notwithstanding this, the Department is satisfied that the development controls proposed in the Proponent's design guidelines will generally deliver a suitable urban design outcome subject to minor amendments to address building setbacks, privacy, ESD measures and site coverage requirements.

Having regard to the above, it is recommended that approval under Part 4 of the Act will remain applicable to all dwelling houses on lots which do not comply Exempt and Complying SEPP 2008. In this instance, this will include dwelling houses on lots under 450sqm in size, terrace/duplex development, residential flat buildings and seniors housing (until such time as State wide exemptions exist).

5.6.3 Lot sizes

The Proponent's Residential Design Guidelines propose the distribution of varying lot sizes across the development land in order achieve a maximum density of 15 dwellings per hectare for the low density area.

The lot types proposed by the Proponent comprise:

- *Terrace/duplex lots*: minimum lot area of 195sqm suitable for attached and semi attached dwellings, limited to a maximum of 8 attached dwellings in a row.
- *Small house lots*: 405sqm lots suitable for zero lot or detached dwellings.
- *Traditional lots*: 450sqm lots up to 540sqm lots suitable for detached dwellings.
- *Bush Reserve lots*: lots which have a minimum frontage of 13.5m and depth of 40-100m and which include an embankment or associated vegetation which is not to be built on. Suitable for zero lot or detached dwellings.
- *Garden apartment lots*: 2000sqm minimum lots, suitable for walk-up, big house or small apartment buildings.

The Department has recommended that an illustrative concept plan which nominates lot distribution across the site, in order to demonstrate that housing choice be provided, be submitted with the first application for the subdivision of the residential precinct. Additionally, the Proponent has agreed to submit an Affordable Housing Strategy with the first application for the subdivision of the residential precinct.

5.6.4 Impact on amenity and security of adjacent residences

There are approximately 60 private properties (residences) along the eastern side of Cooper Road that back directly onto the Reservoirs site. Some residents have raised concerns regarding safety and security of their properties and loss of amenity. Many of these properties only have a chainlink fence separating their property from the reservoirs land. The Concept Plan proposes that the majority of rear fences will be replaced with fencing that will visually enclose their backyards. The exact type of fencing to be used is yet to be determined.

Although a number of properties along Cooper Road will lose their existing view beyond their backyard into vegetated areas of the reservoir land, the new fencing will provide privacy and security to these properties and the public road will provide an additional measure of security through passive surveillance.

The Department recommends that the Proponent replace the rear fencing of all residences affected by the proposal with a style of fence that provides privacy and discourages public entry. It is recommended that the fencing and landscape proposal form part of the Public Domain Design Guide and Residential Precinct Design Guidelines which the Proponent has committed to finalise prior to the lodgement of the project application for subdivision of the residential land. An appropriate modification is incorporated into the Instrument of Approval to address these issues.

5.6.5 Landscape/Building setbacks

The Business Park Design Guidelines include nominated building setbacks to various site boundaries. These typically relate to Graf Avenue and Rockwood Road where 20 metre landscaped setbacks are proposed for Sites identified as A, C, and D. However, landscape setbacks have not been nominated for the following Sites as illustrated in **Figure 9** below:

- **Site A**: northern boundary where the development interfaces with the an existing vegetation belt on neighbouring land; and
- **Site E**: the southern and northern boundary where the development site interfaces with Bruncker Road (and residential development beyond) and ecological land (within the operational land), respectively.

It is noted that the new Sydney Water Facility is located on Site B and therefore, setback requirements do not need to be confirmed for this site. The Proponent's PPR recommends that the setbacks for Site E be no less than the setbacks of the current buildings on the site (refer to **Figure 9**). In order to ensure a consistent and appropriate design outcome on the Site E, in addition to ensuring that the employment lands appropriately respond to the ecological and residential lands adjacent, the Department recommends that landscape setbacks of 6 metres and 10 metres be applied to the northern and southern boundaries, respectively. It is recommended that a minimum landscaped setback of 6 metres be applied to northern boundary of Site A.

In accordance with the Proponents current Business Park Design Guidelines, it is recommended that a minimum of 60% of these nominated landscape setback areas incorporate deep soil planting. An appropriate modification is included in the Instrument of Approval to address these setback requirements and furthermore, to require that the Proponent submit an amended set of 'subdivision and site planning' controls for the Business Park to reflect these requirements.

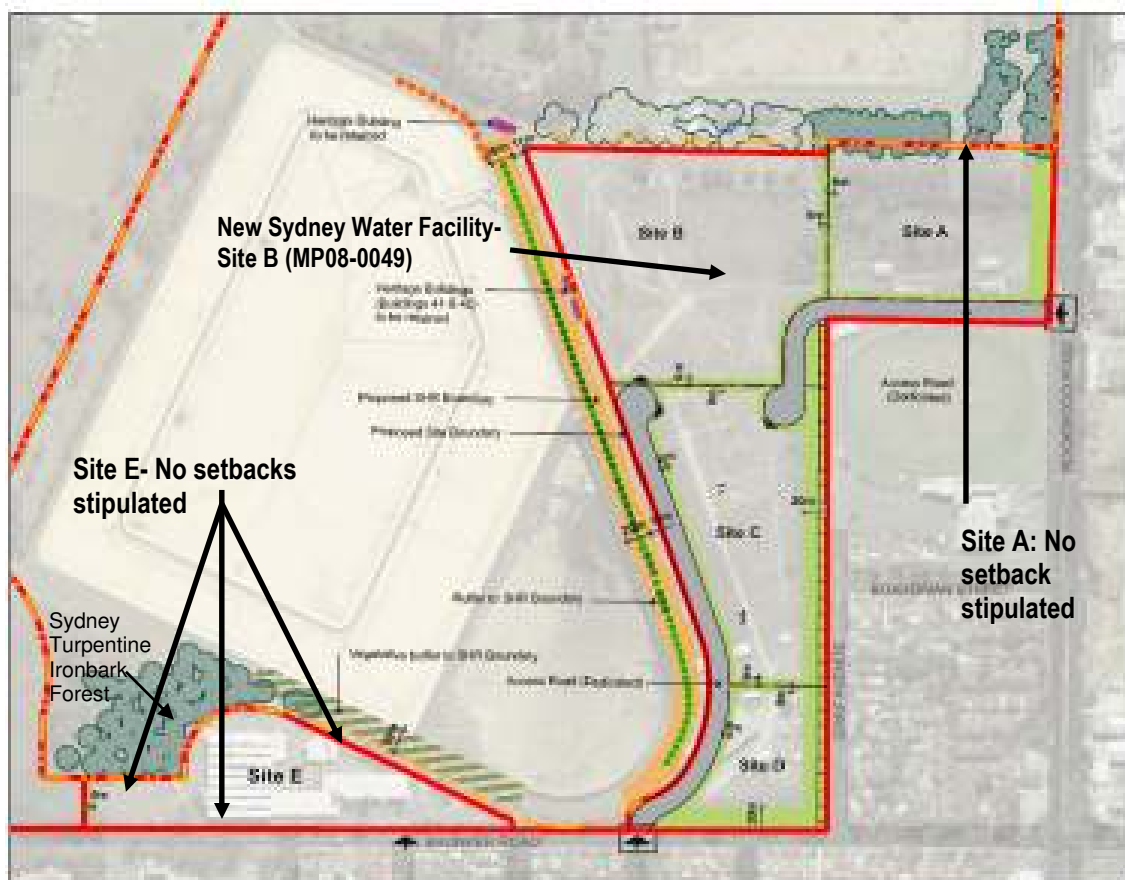


Figure 9: Subdivision and site planning- Business Park

(Source: Allen Jack + Cottier)

In relation to the residential precinct, the PPR typically proposes a landscaped street abutting the boundary of the retained lands- refer to **Figure 5**. The exception to this is where the two medium density housing areas will abut the western boundary of the operational land and its significant vegetation (i.e. land subject to the VCA- refer **Section 5.3.1**). Accordingly, the Department has recommended that the 6 metre rear setback proposed by the Proponent for medium density housing include as a minimum, a continuous landscaped strip of 3 metres of deep soil planting comprising indigenous plant species. An appropriate modification is included in the Instrument of Approval to address this matter.

5.7 Public Open Space

The original proposal included four dedicated open space areas totalling 4.9 hectares within the residential area.

As result of concerns raised by Bankstown Council regarding the location, topography and the presence of threatened flora in the northern most section of the site (i.e. 'Railway Park'- refer **Figure 3**), the PPR has amended the open space provision to remove the former Railway Park and has adjusted the northern boundary of the development land and the retained land (refer **Figure 4**), as detailed in **Section 2.2** of this report.

In addition, there is uncertainty as to the final configuration and size of the originally designated 'Cooper Road Park' (western boundary- refer **Figure 4**). Notwithstanding this, the Proponent has committed to dedicating open space land for Cooper Road Park, and has indicated in the PPR that this park will be approximately 0.8 hectares in size.

The Department considers the provision of open space detailed in the PPR to be adequate for the scale of the residential development. The parks are also appropriately distributed across the site to ensure suitable access for future residents. The proposed location of the parks also captures and enables retention of several areas of endangered ecological community.

The Proponent's Statement of Commitment includes an undertaking to dedicate to Bankstown City Council, public open space land including the revised Cooper Road Park in order to achieve a standard of 2.83 hectares of open space per 1000 people in the residential precinct. Additionally, the Proponent has committed to embellishing the open space in lieu of Section 94 Contributions. Such works will be detailed in future applications for the residential precincts and will be constructed in conjunction with the staged development of the residential land. A public domain design guideline is to be submitted to the Department for approval prior to the determination of the first application for subdivision within the residential precinct.

5.8 Utilities Infrastructure

Existing services and utilities to the site will require augmentation for the proposed development including construction of new access roads. The Proponent has prepared a Services, Civil Engineering and Water Management Report that demonstrates that the amplification of services is achievable and will not constrain development of the land.

The Proponent's Statement of Commitments includes an undertaking to provide infrastructure in accordance with the requirements of Bankstown City Council or the relevant service authority, as appropriate. The Department recommends that this matter be addressed as a further assessment requirement.

5.9 Water Quality and Drainage

Council has raised concerns regarding the adequacy of proposed stormwater management in the employment precinct, particularly drainage off Rookwood Road, as the Greyhound Social Club currently receives significant flows through its property.

Drainage infrastructure has not been detailed in the Concept Plan proposal, but has been approved for the eastern precinct as part of the stage 1 civil works project (MP 08_0069) and will be assessed for the western precinct as part of the stage 2 civil works proposal (MP 08_0116). The approved works include on-site detention, water sensitive urban design and treatment trains.

Although the eastern precinct drainage has already been approved, the Proponent has undertaken an additional downstream drainage system capacity assessment which has been provided as an addendum to the PPR. The additional assessment affirms the need for stormwater detention to be implemented as part of the eastern precinct civil works, and that the extent of the works committed to by the Proponent under the Civil Works Stage 1 project,

previously approved by the Minister for Planning, is sufficient to mitigate any additional runoff resulting from the proposal and to provide a slight improvement compared to existing conditions. Minor improvements to the Greyhound Club's own drainage are also recommended.

The Proponent has committed to examining stormwater management in detail with each future application for the residential precinct. The Department considers that the preparation of stormwater management plan to also be relevant to the employment precinct and furthermore, that the final design and/or improvements to the system be developed in consultation of Council. This will ensure that issues associated with the cost and ongoing maintenance the stormwater and drainage design (including the use of swales) can be resolved to the satisfaction of Council. The Department recommends that this matter be addressed as a further assessment requirement and recommends an appropriate modification be incorporated into the Instrument of Approval.

5.10 Social Impact

5.10.1 Housing Affordability and Accessibility

Housing affordability within Sydney has declined in recent years and a public submission to the proposal has queried whether affordable housing will be provided by the proposal. Landcom has previously issued a policy committing to the provision of affordable housing in its developments.

In response to the submission, the Proponent has advised that:

- the proposal encompasses a range of housing options;
- it is seeking funding under the Commonwealth Government's newly established Housing Affordability Fund to enable a degree of affordable housing for the proposal; and
- it is undergoing consultation with community housing associations to assist with the provision of long-term affordable rental accommodation.

The Department is satisfied that the Concept Plan generally proposes a diversity of housing types and lot sizes, including apartments and small-lot terraces that are compatible with and will supplement existing housing stock in the area. In order to provide certainty in respect of the design vision, the Department recommends that the Concept Plan be amended to reflect the requirement for housing choice to be provided.

5.10.2 Community Services and Facilities

In accordance with the principles for the levying of Section 94 contributions, the proposal will increase the local population and therefore, will create a commensurate demand for additional community services and facilities in the local area. Appropriately, the Proponent has committed to making contributions in accordance with Bankstown Council's Section 94 Contributions Plan with such contributions generally to be made prior to the issue of a subdivision certificate for subsequent applications for residential subdivision within the residential precinct. The Proponent also proposes works-in-kind to in lieu of section 94 contributions in respect the dedication and embellishment of open space land, and the rehabilitation of the bushland area in "Brunker Park" in lieu of section 94 contributions for bushland and biodiversity projects.

The Proponent has already undertaken significant consultation with the local community in developing the proposal. However, further consultation and investigations are required to ensure any adverse social impacts arising from the development are minimised. Accordingly, the Proponent has committed to:

- The payment of Section 94 contributing towards the upgrading of local community centres, the library and the Urban Villages and CBD in accordance with Bankstown Council's Section 94 Contributions Plan; and
- The preparation and implementation of a Strategic Social Plan (SSP) to determine the appropriate level of any additional social infrastructure and funding, to be completed prior to the first project application for residential dwellings.

Bankstown City Council has recommended the imposition of a Section 94A contribution (1% levy) in addition to the payment of Contributions pursuant to Council's Section 94 Contributions Plan. The Department does not support this position and notes that Section 94A of the Act clearly stipulates that a consent authority cannot impose a condition on the same development to require both a Section 94A contribution and a Section 94 contribution to be levied.

5.11 Contamination

The Proponent has advised that an assessment of the soil composition has been undertaken both by Coffey Geosciences and HLA ENSR. The later assessment included soil sampling and analysis in accordance with the legislative requirement of *State Environmental Planning Policy No.55- Remediation of Land* (SEPP55). As a result of these investigations, minor levels of soil contamination have been identified on the site associated with the former construction and use of the site by Sydney Water.

The Proponent has advised that the site is capable of being remediated to a standard suitable for residential use and furthermore, that a draft Remediation Action Plan has been prepared to outline the extent of the requisite remedial works. Additionally, the Proponent has committed to the preparation of a detailed Environmental Management Plan to deal with remediation (and other environmental issues) prior to the issue of a future approvals involving work within the residential precinct. Notwithstanding this, and in order to ensure that remediation is completed in a timely manner, the Department recommends the imposition of the following conditions to ensure compliance with *State Environmental Planning Policy No. 55- Remediation of Land*:-

- The preparation of a Remediation Action Plan to be submitted with the first application for subdivision and civil works for the Residential Precinct; and
- The preparation of a Site Audit Summary Report, Site Audit Statement and Validation Report prior to the registration of any lots or the commencement of civil works in the Residential Precinct.

The Department is satisfied that any necessary remediation relevant to the remainder of the employment precinct can be assessed with subsequent project applications. A condition is recommended to address this future assessment requirement.

5.12 Construction Impacts

Construction work has potential to generate impacts on the surrounding environment and properties associated with noise, soil and water, air quality and traffic. This was a concern raised in submissions from the general public.

Limited assessment of these impacts has been conducted at this stage, as it is however considered pertinent for these issues to be addressed in subsequent applications. Accordingly, the Department has recommended that a overarching Construction Environmental Management Plan to be prepared for the site including to provide an assessment of construction noise, air quality (dust), soil and erosion, salinity, contamination and a construction traffic assessment.

The Department has recommended the imposition of a condition requiring the Proponent to provide details for the staging sequence for the development of the residential precinct in addition to providing details regarding the delivery of infrastructure linked to each development stage. Information to satisfy this condition is required to be submitted to the Department prior to the registration of the first residential lots or the commencement of work, whichever is the first.

6. CONCLUSION AND RECOMMENDATION

The Department has reviewed the EA and the PPR and duly considered advice from public agencies as well as issues raised in general submissions in accordance with Section 751(2) of the Act. All the relevant environmental issues associated with the proposal have been extensively assessed.

Accordingly, the Department is satisfied that the proposal can proceed without adverse environmental impacts. In assessing the proposal, the Department has recommended a number of modifications to ensure the appropriate resolution of outstanding environmental impacts at future development stages.

Further, the Department considers that the Proponent's Statement of Commitments, the Voluntary Conservation Agreement and the Design Guidelines for development will collectively deliver an environmentally sensitive and high quality development. The Department through the imposition of recommended modifications further strengthens this outcome.

The Department considers the site to be suitable for the proposed development and that the Concept Plan is in the public interest and will provide environmental, social and economic benefits to the region. Development of the site in accordance with the Concept Plan will deliver significant new housing and employment opportunities within the Bankstown and Auburn local government areas close to established urban services and employment areas.

Consequently, the Department recommends that the Concept Plan for the redevelopment of the Potts Hill Reservoirs Site be approved, subject to the modifications provided in **Appendix A**. The reason for the imposition of these conditions is to encourage good urban design, to maintain the amenity of the local area and to adequately mitigate environmental impacts of the development.

Endorsed by:

Sara Roach
Contract Planner

Simon Bennett
Team Leader, Strategic Assessments

Michael File
**Director
Strategic Assessments**

Jason Perica
**Executive Director
Strategic Sites and Urban Renewal**

APPENDIX A – INSTRUMENT OF APPROVAL

APPENDIX B – ENIRONMENTAL ASSESSMENT

APPENDIX C –PREFERRED PROJECT REPORT

APPENDIX D –SUMMARY OF SUBMISSIONS

The Proponent's response to submission is included in the PPR (Appendix D)- refer to **Appendix C** of this report.

Submission/ Agency/ Issue	Department's Response to Issues
Dept Environment & Climate Change	
Seek Voluntary Conservation Agreement with SWC for biodiversity package – written acceptance would be required prior to approval of Concept Application – if unable to agree, E2 Environmental Conservation zone recommended	The DECC and Sydney Water have now agreed to enter into a Voluntary Conservation Agreement (VCA) in relation to the long term protection and management of the EEC and threatened species on the Sydney Water retained lands. This agreement will off-sets the loss of vegetation within the surplus land.
Seek increase in off-set area and associated buffers to conserve more vegetation north of Reservoir 2 shown as future SWC development footprint	This matter has been satisfactorily addressed in the PPR. DECC correspondence of 30 January 2009 supports the amended proposal detailed in the PPR subject to a VCA and associated Management Plans being prepared. Refer to further discussion in Section 5.3.1 of this report. Appropriate conditions are incorporated into the Instrument of Approval to address this matter.
Seek clarification of use of land north-west of Reservoir 1.	The Proponent's PPR has addressed this matter to the satisfaction of DECC. Refer to Section 2.2 of the PPR at Appendix C .
Seek options to reduce potential loss of vegetation south of Reservoir 2	The Proponent has resolved this matter in consultation with the DECC. The VCA will address the long terms management and conservation of vegetation on the operational lands. Refer to further discussion in Section 5.3.1 of this report.
Consideration to be given to greater buffers to residential and business park areas	The Proponent has resolved this matter in consultation with the DECC. The VCA will address the long terms management and conservation of vegetation on the operational lands. Refer to further discussion in Section 5.3.1 of this report.
Aboriginal heritage within operational land to be addressed when development proposal are identified	Noted.
Request removal of reference to Memorandum of Understanding for biodiversity outcomes in SSS Planning Report.	The Proponent has agreed to a VCA, which would supersede the option of a MoU mentioned in the SSS Report.
Ministry of Transport	
Identify and resolve existing barriers to pedestrian and cycle access. Specifically, the proposed link from the Site to Birrong Station should provide cycle access consistent with the Department's Best Practice Guidelines for Walking and Cycling.	The Department concurs with the comments of the MoT. Refer to detailed discussion in Section 5.6.5 of this report. An appropriate condition is included in the Instrument of Approval to require the Proponent to develop a shared Bicycle and Pedestrian Strategy for the site. The Proponent's Statement of Commitments includes an undertaking to provide a footpath on the eastern side of Cooper Road from Bruner Road to the Station.
Pedestrian/ cycle access during construction (Graf, Bruner, Cooper, Rookwood)	Refer to comments above.
Determine likely public transport needs of residents and employees and capacity of services to meet demand – identify additional infrastructure	The Proponent's EA and PPR includes an assessment of the transport and service requirements of the development. The Department is satisfied that the site has sufficient access to public transport and that capacity exists in the system to meet the demands generated by the development.
Consider relationship between parking provision and demand for private vehicle use	Parking within the residential precinct will be provided in accordance with Council's Parking DCP. Parking requirements for the employment precinct will be determined on an individual basis, subject to the Proponent justifying the number of spaces proposed, providing travel demand management measures; and demonstrating that adequate provision has been made for bicycles. Refer to discussion in Section 5.5.2 of this report. An appropriate condition is included in the Instrument of Approval to address this matter.
Bankstown City Council	
The proposed zoning (R1-General Residential) of the land is contrary to the current zoning proposed in Bankstown LEP and seeks to use the Departments new LEP template.	It is appropriate that the zoning of the land correlate with the land use zonings specified in the Standard template. The zoning selected is appropriate to the land uses proposed. The zoning will be incorporated into the Major Projects SEPP. Refer to discussion in Section 1.4 of this report.

Submission/ Agency/ Issue	Department's Response to Issues
Concern regarding the design, use and long term maintenance of internal access roads in the Business Park/Employment zone. These Roads should be retained in the ownership of Sydney Water and be identified as 'rights-of-ways', driveways or as easements over an allotments. The access roads should not be dedicated as public roads as their primary function is related to provision of vehicle access to the buildings.	The Civil works and subdivision project application (MP-0069) considered the ownership of these roads in its determination. In the D-G's report on this application, it was advised that <i>"The future ownership of the access roads is not determined at this stage. Whilst there is a strong preference for all roads to be public, as a matter of public policy, it is noted that the Council has raised concerns about the standards of the roads, in particularly the ramped section and associated retaining walls. It is recommended that the Council and proponent continue their negotiations and seek a resolution such that the proposed roads can become part of the local road network. However, if no resolution is reached within three months or negotiations are exhausted, details of the attempts made to satisfy the Council's concerns shall be given to the Director-General who shall determine the future designation of the roads."</i> A Condition has been imposed on the Instrument of Approval (MP 08-0096) to this effect.
The proposal for Traffic signals at the new road junction of Rookwood Road is supported subject to the provision of signalised pedestrian facilities and footpath links to adjacent bus stops.	In accordance with the Proponent's negotiated position with the RTA, traffic signals will be installed on the Rookwood Rd entry to the employment land along with signalised pedestrian facilities, to RTA standards. Refer to further discussion in Section 5.5.1 of this report.
Support traffic signals at Lambert, subject to no access to Lambert from business park	This matter has been discussed in detail in Section 5.5.1 of this report. Suitable alternative traffic management measures will be determined in conjunction with Council and/or RTA as part of the determination of the Project Application for Infrastructure/civil works within the Business Park area. Refer to discussion above.
Dedication and construction of a new pedestrian/cycleway path to be built along Rookwood Rd frontage.	This matter has been addressed in Section 5.5.1 of this report. A signalised pedestrian crossing will be provided at the proposed entry to the employment land on Rookwood Road in accordance with the Statement of Commitments.
The suggested layout of proposed roads within the residential area results in a large number of dwellings between Cooper Road and Reservoir 2 that will have poor access to Birrong Station. Increased pedestrian and bicycle permeability through the area will maximise pedestrian access.	Four pedestrian/ vehicular connection points are proposed along Cooper Road, including 2 pedestrian only connections. Each of the connections is within 5-10 minutes comfortable walk of the rail station on flat land. Landcom is investigating opportunities to secure other opportunities for better connectivity.
Consideration to the construction of a new link road from Rodd Street to the subject site to improve access.	Refer to further discussion in Section 5.6.5 of this report. The Department has recommended that this matter be addressed as a further assessment requirement.
Internal roads should be designed for 40km/h speeds- the straight sections of the roads will promote excessive speeds.	The final design of the roads will be subject future application.
Shared bicycle/ pedestrian strategy to be developed for site.	This requirement is consistent with comments made by the Ministry of Transport. An appropriate condition is included in the Instrument of Approval to address this issue. Refer to further discussion in Section 5.6 of this report.
A 2.8 m wide shared bicycle/pedestrian access path to the RTA standards should be constructed on the northern side of Brunner Road.	Refer to detailed discussion in Section 5.6 of this report. The Proponent has committed to the provision of a combined cycleway/pedestrian path on the northern side of Brunner Road.
All intersections with Cooper/ Brunner/ Rookwood to be built to RTA/Australian standard road design standards	The Proponent has committed to complying with all relevant legislation and standards in the future design of the development. A Condition is included in the Instrument of Approval to address this matter. Refer to further discussion in Section 5.5.1 of this report.
The footpath network within and adjacent to the site shall be developed in consultation with Council staff to provide safe pedestrian and bicycle links with the surrounding network of footpaths.	Refer to discussion in Section 5.6 of this report. The Proponents Statement of Commitments includes undertaking for the standard/design of civil works to be determined in conjunction with Council.
A footpath should be constructed on the eastern side of Cooper/Bagdad Street Railway bridge to permit future residents with young children to walk to the local primary school without the need to cross Cooper Street.	In response to this matter, the Proponent has advised that a footpath is currently located on western side of railway bridge. The traffic assessment prepared by MWT does not support a footpath on eastern side of the railway bridge on the grounds of low pedestrian traffic volumes and low accident record. However, it is considered pertinent that the Proponent investigate further opportunities to improve access to this section of the site. An appropriate condition is included in the Instrument of Approval.
The northern most proposed road to connect to Cooper Road has the first internal intersection in close proximity to the major intersection. Minor changes to the layout will minimise traffic conflict.	The Department concurs with this advice. However, notes that the Concept Plan is indicative only. All future roads will be the subject of further detailed design in conjunction with the RTA and Council, as appropriate. Refer to comments above.

Submission/ Agency/ Issue	Department's Response to Issues
The construction of roads in the residential area must be to Council standards to ensure a smooth hand-over after construction and an agreeable defects liability period.	The Department concurs. Refer to comments above. The Proponent's Statement of Commitment adequately addresses this matter.
The construction of swales in the road design will result in additional maintenance costs to Council, when the roads are transferred. Council would suggest that Landcom enter into a Planning Agreement which details how the swales will be managed and maintained. Alternatively, council should be involved in the design of the swales to reduce maintenance costs.	The Department concurs with Council's concerns. This matter is addressed in Section 5.9 of this report.
Stormwater and overland flow matters for the Business/ Employment areas are minimal, however off-site areas such as the Greyhound Social Club receive significant flows through their property. Council has discussed with the Proponent the need to rectify downstream drainage off Rookwood Rd.	This matter is addressed in Section 5.9 of this report. The Proponent has committed to submitting a detailed stormwater management plan with each future application in the residential precinct. The Proponent has advised that further investigations and meetings have occurred with Council, Sydney Water, Greyhound Club and Landcom and revealed that no rectification of downstream drainage is required. A drainage report on this matter prepared by Worley Parsons has been forwarded to the Department of Planning under separate cover. Further details of drainage measures within the upstream areas (Business Park site) are contained within the Project Applications MP 08_0049, MP 08_0050, and MP 08_0069.
Detailed Stormwater Management Plans for both the residential precinct and the employment precinct will be required to address stormwater management issues	This matter is addressed as a condition in the Instrument of Approval. Refer to discussion in Section 5.9 of this report. It is noted that details are also contained within Project Applications MP 08_0049, MP 08_0050, and MP 08_0069.
Efforts should be made to capture/re-use stormwater on the site.	The Department concurs with this comment. This matter has been addressed as a further assessment requirement.
The installation of infrastructure such as supply of street lighting to the residential streets must be constructed using similar materials and built in consultation with Council and to appropriate standards.	The Proponent has committed to prepare a 'public domain design guide' which will include details relevant to the construction of the public domain to the satisfaction of Council. This Plan will be prepared prior to the lodgement of the first project application for the civil works/subdivision of the residential precinct.
The zone R1-General Residential is inappropriate. Council acknowledged that the zoning has been amended to R2 Low Density Residential Zone and R3 Medium Density Residential Zone which are more suitable for this locality.	Noted. Refer to discussion in Section 1.4 of this report.
Concern that the recent changes to the plans now propose medium density housing on what was to be level useable open space in the north eastern corner of the residential area. The open space are generally uneven, vegetated land that result in only minimum flat useable open space for recreational activities. Consideration should be given to relocating the medium density development from the northern corner of the site to other locations to provide this flat area as a level open space/recreational area.	The concerns of Council have been accommodated in the PPR. Refer to the discussion on open space provision in Section 5.7 of this report.
The triangular allotment of land should be considered as a separate residential area with an access driveway rather than a residential road into the site due to its isolation. Further investigation of this allotment of land in relation to the overland flooding should be undertaken before development application stage.	Access arrangements for Bagdad Street site will be determined with the future project application/ development application. Driveway proposal supported in principle. Overland flooding to be assessed as part of project application for subdivision of this site. Refer to comments above.
There is a lack of connectivity from the subject site to the railway station along Rodd or Holland Street. The development must encourage pedestrian and bicycle movement throughout.	As detailed above, the Proponent has committed to investigate further opportunities for connectivity. This will be addressed in the bicycle and pedestrian strategy for the site. Refer to comments in section 5.6 of this report.
The building heights of the proposed residential dwellings are consistent with that of neighbouring residential suburbs and are supported.	Noted.
Contamination of the lands should be adequately addressed to ensure that there are no contamination issues after the residential occupation of the land.	Refer to detailed discussion in Section 5.11 of this report.
The embellishment of the parks should be to Council standard. Council is supportive of dedication of open space at completion of residential development subject to embellishment to Council standards	The Proponent's Statement of Commitment adequately addresses this matter. Refer to discussion in Section 5.7 of this report.

Submission/ Agency/ Issue	Department's Response to Issues
The use of the parklands for retention of stormwater in the short-term is suitable, however long term ponding of water in these locations would be a burden on Council.	The final detailed design of the open space will be subject to a future application. As per the Statement of Commitments, the Proponent has undertaken to finalise the design of the open space in consultation with council and to dedicate the parklands to council on completion.
Council supports the proposal to revegetate the corridor areas with indigenous species.	Noted.
A Vegetation Management Plan should be prepared for the site. Council suggests that there will be an ongoing cost to the community to maintain these areas and as such, the Plan should recognise the future maintenance regime and funding sources for a further period of time (i.e. beyond 5 years)	The Proponent has committed to prepare a Vegetation Management Plan. Refer to detailed discussion in Section 5.3 of this report.
The area north of the bushland in the northern most section of the residential precinct should be protected and detailed further in the VMP. Areas of high conservation land (e.g. proposed triangular railway park area) should be protected in E2 Environmental Conservation zone	The Proponent's PPR has responded to this concern, as part of the ongoing negotiations with the DECC. This land now falls outside the boundary of the development land and is no longer subject to the rezoning. This land is now included in the land to be retained by Sydney Water and will be subject to the VCA. This bushland will be protected in the long term in accordance with VCA to be executed by DECC and the Proponent. It is considered that the VCA will afford an appropriate level of protection to this land. Refer to comments in Section 5.3 of this report.
Water recycling opportunities should be maximised for open space at no cost to Council	The Proponent has committed to design all public domain areas to the satisfaction of Council. This matter has been addressed as further assessment requirement and will be resolved with the relevant future application.
Opportunities to incorporate or expand existing facilities through development contributions or by physical construction of various facilities should be further investigated through the development of a social plan for Potts Hill.	The Proponent has committed to the preparation and implementation of a Strategic Social Plan to determine the appropriate level of any additional social infrastructure and funding. Refer to discussion in Section 5.10.1 of this report.
Council supports the development of parklands and open spaces, infrastructure and embellishment of the precincts to ensure works are completed before the commencement of residential construction.	Refer to discussion in Section 5.10.1 of this report.
Council requests that s.94 contributions are provided to enable other projects and works off-site to be carried out as per the appropriate city-wide s.94 plans unless other arrangements are negotiated with Council.	The Proponent has committed to make other contributions in accordance with Council's S.94 Plan (as appropriate) prior to the issue of the subdivision certificate for subsequent applications for residential subdivision within the residential precinct. Refer to discussion in Section 5.10.1 of this report.
Sydney Water should ensure that on-site stormwater management is adequate for the significant change in impervious areas proposed on the site, and that these additional built areas do not adversely impact on the stormwater flow over adjoining lands, specifically the Greyhound Social Club.	This matter has been addressed in comments above.
Development of the employment precinct for the NSW Police will provide additional jobs to the area and is supported. Council raises concerns regarding the use of helicopters as the site adjoining a residential area.	This is a matter relevant to Project Application MP 08_0050.
Council wants to ensure that any approval is appropriately conditioned to guarantee that contributions are made towards works in the local areas including works at the local town centre of Yagoona. Council wants to ensure that local community infrastructure is funded via s.94 and s.94A as a result of the development, as appropriate	Refer to detailed discussion in Section 5.10.1 of this report. The Proponent has committed to the payment of s.94 contributions.
NSW Heritage Council	

Submission/ Agency/ Issue	Department's Response to Issues
<p><i>Heritage-related measures identified in EA supported by Heritage Council including:</i></p> <ul style="list-style-type: none"> • Interpretation of Migrant Camp in street names/signage • Original street pattern to be interpreted in residential precinct • The former Railway alignment and the associated cultural plantings should be conserved and interpreted in redevelopment. • Two heritage sheds east of Reservoir 2 to be restored and conserved • Street names for business park based on people associated with Potts Hill and SWC • Vegetative buffers along revised SHR boundary to be enhanced • New development and heritage elements in retained land to be adequately separated • Visual connections through site and views across site to be respected • Landscape treatment at key locations in residential area to relate to plantings in reservoir land • Landscape along interface of redevelopment and retained land to provide visual transition • Development should occur at a suitable scale given past use and future relationship with retained land 	<p>Noted.</p> <p>It is noted that the Concept Plan Application (as amended by the PPR) identifies future development on the redevelopment lands. The proposal does not involve any development on the retained land.</p> <p>The Proponent has committed to prepare a heritage interpretation plan for the residential and business park precinct.</p> <p>Refer to further discussion in Section 5.4 of his report.</p>
<p><i>Suggested heritage-related conditions of consent:</i></p>	
<p>1. interpretation plan to satisfaction of Director, Heritage Branch prior to commencement of work on site – to address migrant camp, signage, street names, original street pattern, former railway alignment and cultural planting</p>	<p>An Interpretation Plan reflecting the railway alignment in the street layout; the use of Sydney Water staff names for street names; retention of significant cultural plantings; retention of historically significant buildings and engineering structures will be prepared by the Proponent. The Department has recommended that this be completed and approved prior to the release of the subdivision certificate/civil works for the residential precinct.</p> <p>Refer to further discussion in Section 5.4 of this report.</p>
<p>2. movable heritage plan prepared to satisfaction of Director, Heritage Branch – to address retention and conservation of movable objects in existing sheds at Potts Hill Reservoir</p>	<p>The Proponent has advised that Sydney Water has a Moveable Heritage Policy that includes a collection policy. An initial assessment of the Potts Hill site for items of moveable heritage value was completed in 2003. Over 35 items were identified, tagged and catalogued.</p> <p>All buildings are being checked for moveable heritage items.</p> <p>No above ground heritage items are located outside the revised SHR boundary.</p>
<p>3. Landscape plan prepared to satisfaction of Director, Heritage Branch prior to commencement of work on the site – to address management of landscaping including cultural plantings and vegetative buffers</p>	<p>The proposed public domain guide committed to by the Proponent will deal with cultural planting and vegetation buffers.</p> <p>The Department has also recommended that the scope of the Vegetation Management Plan be expanded to address this issue. Refer to Section 5.3.3 of this report.</p>
<p>4. Appropriate notification of Heritage Council in accordance with relevant legislation if archaeological relics found during construction</p>	<p>Noted. This condition is relevant to the determination of future applications which seek approval for works and not the Concept Plan.</p>
<p>5. Notification of DECC in accordance with relevant legislation if any Aboriginal objects found during construction</p>	<p>Noted. This condition is relevant to the determination of future applications which seek approval for works and not the Concept Plan.</p>
<p>6. Restoration of 2 sheds east of Reservoir 2 to satisfaction of Director, Heritage Branch</p>	<p>Proposals for restoration of these sheds has been addressed in MP 08_0050. The two sheds (41 & 42) will be conserved and restored using traditional building materials whilst being adapted to suit current operational needs.</p>
<p>Revision of State Heritage Register boundary – Council will consider following preparation of DCP in consultation with Heritage Council.</p>	<p>At its meeting of October, 2008, the Heritage Council resolved that "...a DCP is no longer required due to the Part 3A and Master Planning process that is underway".</p>
<p>Re-use of Reservoir 1 for excess fill – short-term use of Reservoir 1 may be acceptable subject to (i) options paper confirming Sydney Water commitment to acceptable long-term use for Reservoir 1, and (ii) further details of proposal submitted to Heritage Council.</p>	<p>Proposed re-use of Reservoir 1 is no longer part of Concept Application, as a consequence of the revised SHR boundary. When appropriate this matter will be dealt with in a separate application.</p>

Submission/ Agency/ Issue	Department's Response to Issues
Development outside revised curtilage may be acceptable subject to further details submitted to Heritage Council.	At its meeting of October, 2008, the Heritage Council resolved that "... part Lot 2 DP225818 (part of Potts Hill Reservoir), defined in accordance with the curtilage shown at Annexure C may not be of State heritage significance". At that meeting the Heritage Council also resolved to approve the revision to the SHR boundary, and to delete the requirement for a DCP.
Sydney Region Development Advisory Committee (SRDAC)/ Roads & Traffic Authority (RTA)	
Lack of justification for traffic signals at entry road to business park on Rookwood Road – suggested seagull intersections be assessed	RTA has since issued correspondence confirming that signalisation is warranted at Rookwood Rd entry to employment land. This matter has been addressed as part of the civil works Stage 1 project application for the employment lands. Refer to discussion in Section 5.5.1 of this report. A copy of the RTA's submission is included in Appendix E . The Proponent's Statement of Commitments to this work.
Lack of justification for traffic signals at entry road to business park on Brunker Road – suggested seagull intersections be assessed	Signalisation of this intersection is not supported by RTA. The RTA has advised that there is not sufficient traffic generated in Brunker Road to warrant signalisation. An interim intersection treatment is to be developed to the satisfaction of the RTA and Council. This matter has been addressed as part of the civil works Stage 1 project application for the employment lands. Refer to further discussion in Section 5.5.1 of this report. The Proponent's Statement of Commitments commits to this work.
Brunker Road is not an approved B-double route. The NSW Police are to apply to Bankstown Council to for approval regarding this use.	This matter is relevant to the assessment of the NSW Police Facility (if B-Double access is required) and is not a relevant consideration for this Concept Plan.
Car parking to be provided to Council's satisfaction.	The Department concurs that carparking in the Residential Precinct should be provided in accordance with Council's DCP. An appropriate condition has been incorporated into the Instrument of Approval to address this matter. Refer to further discussion in Section 5.5.2 of this report.
Off-street parking to be designed to relevant standards.	Agreed. An appropriate condition is included in the Instrument of Approval to address this matter.
Swept path of longest vehicle to be in accordance with AUSTROADS standards.	Agreed. This matter is not relevant to the concept plan and is a condition that can be appropriately imposed in the determination of future applications.
Damage to RTA assets during construction to be rectified to RTA satisfaction at developer's cost.	Agreed. This matter is not relevant to the concept plan and is a condition that can be appropriately imposed in the determination of future applications.
All works/ regulatory signposting at no cost to RTA.	Agreed. This matter is not relevant to the concept plan and is a condition that can be appropriately imposed in the determination of future applications.
All works associated with access road to Rookwood Rd to be to RTA requirements.	Agreed. An appropriate condition is included in the Instrument of Approval to address this matter.
Construction Management Plan to be submitted to Council prior to issue of construction certificate.	Agreed. An appropriate condition is included in the Instrument of Approval to address this matter.
Developer responsible for all public utility adjustments.	Agreed. This matter is not relevant to the concept plan and is a condition that can be appropriately imposed in the determination of future applications.
Road Occupancy Licence to be obtained from RTA for any works affecting traffic flows on Rookwood Road.	Agreed. This matter is not relevant to the concept plan and is a condition that can be appropriately imposed in the determination of future applications.
Demolition and construction vehicles to be contained within the site. No construction zone will be permitted on Rookwood Road.	Agreed. This matter is not relevant to the concept plan and is a condition that can be appropriately imposed in the determination of future applications.
Private submission	
Concerned about increased traffic arising from redevelopment	Whilst it is submitted that the proposal will result in increased traffic on the local road network, the Proponent's Traffic consultant has advised that the level of service at key intersections surrounding the site will remain unchanged. The Proponent has committed to intersection and infrastructure improvement, on and off the site, to the satisfaction of the RTA and Council which will appropriately integrate the concept plan with neighbouring sites. Refer to further discussion in Section 5.5 of this report.

Submission/ Agency/ Issue	Department's Response to Issues
Concerned about impact of development on trees and heritage.	<p>An Ecological Report was submitted with the EA. Additionally, the DECC has fully assessed the application. The Department is satisfied that the level of documentation is sufficient to enable the determination of the application. Relevant matters in relation to the biodiversity of the site are addressed in Section 5.3 of this report.</p> <p>The Concept Plan has been amended (as detailed in the PPR). The boundary of the site now reflects the SHR listing and in this regard, all items of State Significance are retained on the 'operational' lands.</p> <p>The Proponent has committed to the preparation of an Interpretation Plan reflecting the railway alignment in the street layout; the use of Sydney Water staff names for street names; retention of significant cultural plantings; retention of historically significant buildings and engineering structures. The Department has recommended that this be completed and approved prior to the release of the subdivision certificate/civil works for the residential precinct. Subject to the completion and implementation of the recommendations of the Interpretation Plan, the Department is satisfied that the impact of development of the heritage significance of the site has been appropriately addressed.</p> <p>Refer to further discussion on heritage in Section 5.4 of this report.</p>
Private submission	
Concerned about scale of development on Bagdad Street site and traffic impacts.	<p>The Bagdad Street site is proposed to accommodate Low Density Housing which is compatible with neighbouring development. Access to the site will continue via the Cooper Road/ Bagdad Street railway overbridge. Detailed design, including road access is to be addressed through future applications to the satisfaction of Council.</p>
Private submission	
Object to intensity of development and traffic impacts.	<p>The scale and density for the residential and employment lands is considered to be comparable to the surrounding area. Development is similar to other employment uses in the area. Appropriate provisions to control the density and FSR of development have been incorporated into Amendment 36 to the Major Projects SEPP.</p> <p>Whilst it is submitted that the proposal will result in increased traffic on the local road network, the Proponent's Traffic consultant has advised that the level of service at key intersection surrounding the site will remain unchanged.</p> <p>The Proponent has committed to intersection and infrastructure improvement on and off the site to the satisfaction of the RTA and Council which will appropriately integrate the concept plan with neighbouring sites. Refer to further discussion in Section 5.5 of this report.</p>
Private submission (SWEC)	
Potential impact of freight rail noise or proposed concrete barriers	<p>The Proponent has advised that the augmentation of the Southern Sydney Freight Line (SSFL) includes installation of 4m high acoustic barriers along part of the northern boundary of the Potts Hill site. Advice has been sought from the proponent for the SFL (ARTC) to provide additional details of the location and form of the proposed acoustic barriers, and expected date of installation. In order to ensure that this matter is adequately considered in the future development of the site, the Department has recommended that the impact of the freight line be considered prior to the determination of the subdivision/civil works application for the residential precinct.</p>
Traffic impacts	<p>Whilst it is submitted that the proposal will result in increased traffic on the local road network, the Proponent's Traffic consultant has advised that the level of service at key intersection surrounding the site will remain unchanged.</p> <p>The Proponent has committed to intersection and infrastructure improvement, on and off the site, to the satisfaction of the RTA and Council which will appropriately integrate the concept plan with neighbouring sites. Refer to further discussion in Section 5.5 of this report.</p>
Environmental degradation – loss of trees (Cumberland Plain Woodland)	<p>The loss of EEC and threatened species has been fully addressed in the Proponent's consultation with DECC. Refer to comments above.</p> <p>The Proponent has committed to enter into a VCA with the DECC and to prepare a number of management studies to deal with the ongoing protection and management of the EEC and threatened species within the retained lands.</p> <p>Refer to further discussion in Section 5.3.1 of this report.</p>

Submission/ Agency/ Issue	Department's Response to Issues
Flora and fauna assessments incomplete and inadequate	An Ecological Report was submitted with the EA. Additionally, the DECC has fully assessed the application. The Department is satisfied that the level of documentation is sufficient to enable the determination of the application. Relevant matters in relation to the biodiversity of the site are addressed in Section 5.3 of this report.
Impact on services from additional residents and employees	The Proponent has committed to the payment of Section 94 contribution in accordance with Council requirements. Additionally, a Strategic Social Plan will be prepared by the Proponent in order to determine the appropriate level of social infrastructure and funding. The Department is satisfied that the Proponents commitments have adequately addressed the demand for additional services and facilities arising from the development. Refer to further discussion in Section 5.10.1 of this report.
Referral of proposal under EPBC Act to DEWHA (Commonwealth)	The Proponent has prepared a submission to the DEWHA. Refer to discussion in Section 3.7 of the Report.
Private submission	
Project should include affordable or moderate income housing	This matter has been addressed in detail in Section 5.10.1 of this report.
Further issues raised in response to Landcom consultation	
Redevelopment will exacerbate existing traffic conditions	This matter has been addressed in detail above. Refer to Section 5.5 of this report.
Interface between existing Cooper Road properties and new residential area – safety and security	This matter has been addressed in detail in Section 5.6.3 of this report. The Department has recommended that the Proponent's Residential Guidelines and Public Domain Design Guide be expanded to address this fencing and landscape solution for this interface.
Interface between existing Cooper Rd properties and new residential area – loss of amenity and bushland views	The Proponent has advised that the redevelopment will result in the replacement and rehabilitation of existing bushland within the residential area where possible. In addition to Brunker Road Park, Cooper Road Park will also be located along the interface. For the remaining areas, every effort will be made to retain trees where these fit with the street design and subdivision layout. Refer to further discussion in Section 5.3 and Section 5.6.3 of this report.
Impacts on flora and fauna/ loss of habitat	Matters relevant to the impact of the proposal on flora and fauna have been addressed by the Proponent to the satisfaction of the DECC. Refer to discussion above and in Section 5.3 of this report.
Security of the Reservoir	Sydney Water has undertaken to ensure that the security of the reservoir will be maintained.
Management of stormwater	Matters relevant to the management of stormwater and drainage have been addressed above in the response to Council issues.
Inadequacy of existing community services and facilities	The Proponent has committed to provide new services and facilities commensurate with the new development. It is not appropriate for the developer to fund an existing shortfall in facilities and services. Refer to Section Refer to discussion in Section 5.10.1 of this report.

APPENDIX E – AGENCY SUBMISSIONS

APPENDIX F- ENVIRONMENTAL PLANNING INSTRUMENTS

The table below provides the Department's assessment of compliance against key Environmental Planning Instruments, including State Environmental Planning Policies that substantially govern the carrying out of the development.

State Environmental Planning Policy No. 55 – Remediation of Land	
SEPP 55 promotes the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated.	<p>SEPP 55 requires that an assessment be made as to whether the land is contaminated, and if so, whether it is suitable for the proposed use in its contaminated state or requires remediation first.</p> <p>Minor levels of contamination have been found in the site</p> <p>Remediation works for the employment precinct have been approved as part of the Project Application for subdivision and civil works (MP 08_0069). Remediation works are also expected to be necessary for the residential precinct and this will require further assessment as part of the application for subdivision and civil works for that precinct (MP 08_0116).</p> <p>The proponent has committed to meeting all requirements of SEPP 55. Conditions are included in the Instrument of Approval to address compliance with SEPP 55.</p>
Environmental Protection and Biodiversity Conservation Act 1999	
<p>The EPBC Act provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places — defined in the Act as matters of national environmental significance.</p> <p>The objectives of the EPBC Act are to:</p> <ul style="list-style-type: none"> • provide for the protection of the environment, especially <u>matters of national environmental significance</u> • <u>conserve Australian biodiversity</u> • provide a streamlined national environmental <u>assessment and approvals process</u> • enhance the protection and management of important natural and <u>cultural places</u> • <u>control the international movement of plants and animals (wildlife), wildlife specimens and products made or derived from wildlife</u> • promote ecologically sustainable development through the conservation and ecologically sustainable use of natural resources 	Matters relevant to the assessment of the Proposal pursuant to the EPBC Act 1999 will be undertaken by the DEWHA. Refer to discussion in Section 3.7 of this report.
State Environmental Planning Policy (Infrastructure) 2007	
The main objectives of the SEPP for Infrastructure are to facilitate the effective delivery of infrastructure by improving regulatory certainty through consistent	Noted.

planning management for infrastructure and providing greater flexibility in the location of infrastructure and service facilities.	
Schedule 3 of the SEPP lists traffic generating development that is required to be referred to the Roads and Traffic Authority (RTA).	The Roads and Traffic Authority (RTA) have been consulted accordingly. Their comments have been duly considered and their suggested conditions of approval have been incorporated into Concept Plan approval.
