

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF MAJOR PROJECT NO. 07_0099

(File No. S07/00748)

CONCEPT PLAN APPLICATION FOR SURPLUS LANDS
AT POTTS HILL RESERVOIRS SITE

I, the Minister for Planning, under the *Environmental Planning & Assessment Act 1979* (the Act), determine:

- a) pursuant to section 75O of the Act, to grant Concept Plan approval to the proposal (as described in Schedule 1 and Part A of Schedule 2), subject to the conditions set out in Schedule 2;
- b) pursuant to section 75P(1)(b) of the Act, that approval to carry out the project or any particular stage of the project within the lands defined in the Concept Plan as the Potts Hill Reservoir Site is to be subject to Part 4 of the Act (excluding exempt and complying development), with Council as the consent authority, and are subject to further assessment requirements (as specified in Schedule 2 of this approval) in accordance with Section 75P(2)(c) of the Act, unless otherwise specified in the State Environmental Planning Policy (Major Projects) 2005; and
- c) pursuant to section 75P(2)(a) of the Act, that future applications to carry out the project or any particular stage of the project within the lands defined in the Concept Plan as the Potts Hill Reservoir Site is to be generally consistent with the terms of the approval of this Concept Plan.

The reason for the imposition of modifications and conditions are:

- (a) To ensure the site is appropriately managed for the proposed use;
- (b) To adequately mitigate the environmental impacts of the development;
- (c) To encourage good urban design and a high standard of architecture;
- (d) To reasonably protect the amenity of the local area; and
- (e) To protect the public interest.



The Hon Kristina Keneally MP
Minister for Planning

Sydney,

27 April

2009

SCHEDULE 1

PART A – PROJECT

Proponent:	Landcom and Sydney Water Corporation
Application made to:	Minister for Planning
Major Project Number:	07_0099
On land comprising:	Lot 2 DP 456502, Lot 2 DP 225818, Lot 11 DP 16924, Lot 23 DP 16924, Lot 55 DP 16924, Lot 64 DP 16924, Lot 65 DP 16924, Lot 66 DP 16924, Lot 67 DP 16924, Corner of Rookwood Road and Brunner Road, Potts Hill and Pt Lot 1 DP 610303 Bagdad Street, Potts Hill
Local Government Area:	Bankstown City Council and Auburn Council
Approval in summary for:	Concept Plan for development of approximately 40 hectares of land surplus to operational needs of Sydney Water for water supply purposes comprising: an employment business park in the eastern portion of the site, residential development in the western portion of site in a mix of low and medium density housing forms (up to a maximum of 450 dwellings); and three areas of public open space, road access and the internal road network, stormwater and drainage, and associated infrastructure.
Capital Investment Value:	\$287,600,000
Type of development:	Concept Plan approval under Part 3A of the Act
Determination made on:	
Determination:	Concept Plan approval is granted subject to the conditions in Schedule 2 below.
Date of commencement of approval:	This approval commences on the date of the Minister's approval.
Date approval will lapse:	5 years from the date of determination

PART B – DEFINITIONS

In this approval the following definitions apply:

Act, the	NSW <i>Environmental Planning and Assessment Act, 1979</i>
Bagdad Street site, the	Land defined as Pt Lot 1 DP 610303 Bagdad Street, Potts Hill.
Concept Plan	Plan approved by this instrument, as defined by the Environmental Assessment and Preferred Project Report.
Concept Plan: Business Park Design Guidelines	The Potts Hill Reservoir Concept Plan: Business Park Design Guidelines dated 9 July 2008 prepared by Allen Jack + Cottier and included at Appendix I to the EA.
Concept Plan: Residential Precinct Design Guidelines	The Potts Hill Reservoir Concept Plan: Residential Park Design Guidelines dated 9 July 2008 prepared by Allen Jack + Cottier and included at Appendix H to the EA.
Concept Plan: Design Principles	The Potts Hill Reservoir Design Principles dated 3 July 2008 prepared by Allen Jack + Cottier and included at Appendix G to the EA.
Council	Bankstown City Council
DECC	NSW Department of Environment and Climate Change
Department, the	NSW Department of Planning
Director-General, the	Director-General of the Department of Planning (or delegate).
Director Strategic Assessments	The Director Strategic Assessments at the Department of Planning
Employment precinct	Land designated as 'employment precinct' or 'eastern precinct' in the PPR.
Environmental Assessment (EA)	<i>Concept Plan Application under Part 3A – Environmental Assessment – Potts Hill Reservoirs Land</i> (including accompanying Appendices) prepared by Cité Urban Strategies on behalf of Landcom and Sydney Water Corporation dated June 2008.
Minister, the	Minister for Planning
Operational land	Means the land retained by Sydney Water for operational purposes.
Preferred Project Report (PPR)	<i>Concept Plan Application under Part 3A – Preferred Project Report – Potts Hill Reservoirs Land</i> (including accompanying Appendices and addendum titled <i>Potts Hill Eastern Precinct – Downstream Drainage System Capacity Assessment</i> by Worley Parsons, 22 October 2008) prepared by Cité Urban Strategies on behalf of Landcom and Sydney Water Corporation dated February 2009
Proponents	Landcom and Sydney Water Corporation
Residential precinct	Land referred to as the 'residential precinct' or 'western precinct' in this consent excludes reference to the Bagdad Street site.
RTA, the	NSW Roads and Traffic Authority
Site, the	The area of land affected by the Concept Plan and defined as the 'development lands' or 'surplus lands'.
Statement of Commitments	Revised Statement of Commitments submitted as part of the PPR

SCHEDULE 2
MODIFICATIONS TO CONCEPT PLAN
CONCEPT PLAN APPLICATION NO. MP 07_0099

PART A – ADMINISTRATIVE TERMS OF APPROVAL

A1. Limits of approval

- (1) Concept Plan approval only is granted to the proposed development of the Potts Hill Reservoirs Site surplus lands as described in the EA and as amended by the PPR, including but not limited to:
- i. development of 15.66 hectares within the eastern part of the site for the purposes of an employment / business park precinct including associated infrastructure and road access;
 - ii. development of 19.9 hectares for residential purposes within the western part of the site, including:
 - 1. a maximum of 450 dwellings;
 - 2. new access roads;
 - 3. pedestrian facilities; and
 - 4. associated infrastructure.
 - iii. development of approximately 3.94 hectares of public open space comprising:
 - 1. Canal Park (0.46ha);
 - 2. Brunker Road Park (2.65ha); and
 - 3. New Park on Cooper Road (0.8ha).
- (2) No works under the Concept Plan shall proceed without additional specific approvals either under Part 3A or under Part 4 of the Act, as relevant. Project approval may pre-date approval of the Concept Plan where works are already permissible.
- (3) The complying development provisions, as detailed in the PPR, are not approved for:
- a. residential lots under 450sqm;
 - b. terrace lots/duplex lots;
 - c. zero lot line lots; and
 - d. bush reserve lots

Note: Approval under Part 4 of the Act, with Council as the consent authority, will be required for the following development (unless or until State wide exempt and complying provisions take effect):

- i. all detached single dwelling houses which do not comply with SEPP (Exempt and Complying Development) 2008, NSW Housing Code or Schedule 3 of this Approval;
- ii. medium density housing forms including garden apartments;
- iii. seniors housing;
- iv. zero lot housing; and
- v. terrace, semi detached and duplex development.

A2 Development in accordance with Plans and Documentation

- (1) The Proponent shall carry out the Concept Plan (as described in A1 of this Approval), generally in accordance with the following:
- a. the Environmental Assessment – Potts Hill Reservoirs Land (including accompanying Appendices);
 - b. the Preferred Project Report – Potts Hill Reservoirs Land (including accompanying Appendices and addendum titled Potts Hill Eastern Precinct – Downstream Drainage System Capacity Assessment by Worley Parsons, 22 October 2008) prepared by Cité Urban Strategies on behalf of Landcom and Sydney Water Corporation dated February 2009;
 - c. the Statement of Commitments dated February 2009; and
 - d. the conditions contained in this Approval.

A3 Inconsistency between plans and documentation

- (1) In the event of any inconsistency between:
- a. the terms of this Approval and any documents listed above, the modifications of this Concept Plan Approval (as amended by Part B of this approval) prevail; and
 - b. any documents listed in A2(1) a. to c., the most recent document shall prevail to the extent of the inconsistency.

A4 Lapsing of Consent

- (1) Approval of this Major Project No. MP07-099 shall lapse 5 years from the after the date of approval unless an application is submitted to carry out a development for which concept approval has been given.
- (2) To avoid any doubt, this Concept Plan Approval does not permit the construction of any aspect of the development.

A5. Determination of future applications

- (1) The determination of all future applications for development of the Site under Part 4 of the Act, which Council is the consent authority for, is to be generally consistent with the following as amended by Part B of this Approval, as appropriate:
- a. terms of this Approval;
 - b. the Concept Plan: Design Principles;
 - c. the Concept Plan: Residential Precinct Design Guidelines; and
 - d. the Concept Plan: Business Park Design Guidelines.

PART B – CONDITIONS AND MODIFICATIONS TO THE CONCEPT PLAN

B1 Voluntary Conservation Agreement and associated Management Plans

- (1) The Voluntary Conservation Agreement referred to in the Statement of Commitments in respect to the retained lands, is to be executed by the Sydney Water Corporation and the Minister (administering *the National Parks and Wildlife Act 1974*) prior to the commencement of any works within the residential precinct which would result in the removal of Endangered Ecological Communities and/or threatened species or the approval of the first application for subdivision or civil works within the residential precinct, whichever is the first.

The Voluntary Conservation Agreement is to be prepared in consultation with the DECC.

An executed copy of the Voluntary Conservation Agreement is to be forwarded to the Director Strategic Assessment.

- (2) No vegetation identified as an endangered ecological community or a threatened species under the *Threatened Species Conservation Act 1995* may be removed or impacted by development on the surplus lands until the Voluntary Conservation Agreement referred to in B1(1) has been executed.
- (3) The **Environmental Management Plan** and the **Vegetation Management Plan** referred to in the Statement of Commitments in respect to the retained lands, is to be prepared in consultation with the DECC prior to the commencement of any works in the residential precinct which would result in the removal of Endangered Ecological Communities and/or threatened species or any future approval in relation to subdivision or civil works for the residential precinct, whichever is the first.
- (4) The scope of the **Environmental Management Plan** referenced in Condition B1(3) is to be expanded to include appropriate procedures for the management and protection of the Grey-headed Flying Fox and the Eastern Bent-wing Bat, through all stages of development of the surplus lands.
- (5) A **Vegetation Management Plan** is to be prepared by the Proponent to address the retention and protection of significant vegetation within the surplus lands during all stages of construction. In particular, the Plan is to reference:
- i. the management of land at the interface with the Endangered Ecological Communities and/or threatened species; and
 - ii. the Peppercorn trees, cultural plantings and other significant vegetation to be retained and incorporated into the open space and public domain within the surplus lands.

B2 Residential Design Guidelines

- (1) The Residential Design Guidelines are to be amended to:
- a. reflect the revised Concept Plan boundary illustrated in the PPR.
 - b. include specific design guidelines to address the treatment of the residential precinct at the interface with the operational land including where the public domain, parks and residential lots abut the operational land.
 - c. include a minimum continuous landscape strip of 3 metres (within the nominated 6 metres setback) where medium density housing abuts the western boundary of the retained lands.
 - d. specify the minimum rear setback for dwelling houses on lots under 450sqm is 3.0 metres (and not 0.9m as indicated in the PPR).
 - e. incorporate specific design guidelines for the detached dwelling houses on lots over 450sqm in accordance with the requirements of the NSW Housing Code including a minimum rear setback of 3.0 metres.
 - f. incorporate an illustrative concept plan which nominates lot distribution across the site to demonstrate that housing choice will be provided.
 - g. specify the type and nature of ESD measures to be incorporated into new development.
 - h. incorporate new schematic drawings to illustrate the above and the following:
 - i. the stated maximum site coverage; and

- ii. privacy requirements for dwelling houses in accordance with Council's Development Control Plan.

The amended Residential Design Guidelines are to be submitted for the approval of the Director Strategic Assessments prior to the determination of the first application in relation to the subdivision or civil works for the residential precinct.

- (2) An Affordable Housing Strategy is to be prepared and submitted to the satisfaction of the Director Strategic Assessments prior to the determination of the first application in relation to the subdivision or civil works for the residential precinct.

B3 Public Domain Design Guidelines

- (1) The **Public Design Guidelines** are to be prepared prior to the determination of the first application in relation to the subdivision or civil works for the residential precinct. The Guidelines are to include details in relation to:
 - a. boundary treatments (i.e. fencing & landscaping) details for the existing dwellings on Coopers Road. Such details are to be determined in consultation with the existing property owners and are to result in cohesive and integrated streetscape solution;
 - b. the treatment of all roads and access paths (vehicle, pedestrian and cycle);
 - c. the landscape detailing of all parks/open space including the use of water sensitive urban design. Such details are to the future Cooper Road Park which is to be designed to maximise the retention of Cumberland Plain Woodland;
 - d. signage, lighting and street furniture;
 - e. treatment of the residential precinct at the interface with the operational land including where the public domain and open space abuts the retained lands;
 - f. the incorporation of the Peppercorn trees, cultural plantings and other significant vegetation into the open space and public domain design within the surplus lands; and
 - g. the interpretation of the former historic railway line and the associated cultural plantings.

The Public Domain Design Guidelines are to be developed in consultation with Council.

A copy of the approved Public Domain Design Guideline is to be submitted to the Director Strategic Assessments prior to the determination of the first application in relation to the subdivision or civil works for the residential precinct.

B4 Business Park Design Guidelines

- (1) The **Business Park Design Guidelines** are to be amended to incorporate the following landscape setback requirements:
 - a. **Site E:**
 - i. a minimum building setback of 6 metres to the northern boundary
 - ii. a minimum building setback of 10 metres to the southern boundary
 - b. **Site A:** a minimum building setback of 6 metres for the northern boundary

A minimum of 60% of the nominated landscaped setbacks areas are to incorporate deep soil planting.

B5 Heritage Requirements

- (1) A **Heritage Interpretation Plan** for the Potts Hill Reservoirs site committed to by the Proponent shall be prepared to the satisfaction of the Director, Heritage Branch of the Department of Planning prior to the determination of the first application in relation to the subdivision or civil works for the residential precinct. The Plan shall interpret the site and its history within the new development. The Plan shall specifically outline the interpretation policy for the site including having reference to the former Migrants Camp, signage, street names, the original street pattern, the former railway alignment and cultural plantings.
- (2) The Proponent shall prepare a **Moveable Heritage Plan** for the Potts Hill Reservoirs site to the satisfaction of the Director, Heritage Office of the Department of Planning prior to the determination of the first application in relation to the subdivision or civil works for the residential precinct. The Plan shall

outline the policy for the retention and conservation of the moveable objects in existing sheds on the Potts Hill Reservoir site.

B6 Construction Impacts

- (1) The Proponent shall submit a **Construction Environmental Management Plan (CEMP)** for:
- (a) the residential precinct with the first application in relation to subdivision or civil works for the residential precinct; and
 - (b) the Bagdad Street site prior to the determination of the first application or the issue of a construction certificate whichever is the first.

The CEMP (as an overarching plan) is to address: construction noise, air quality, soil and erosion, salinity, contamination, construction traffic and measures to mitigate adverse construction impacts on the operational land. The Plan shall provide for continuous and safe access for pedestrians and cyclists during construction as appropriate, particularly at the interface of the site with existing public roads.

B7 Shared Bicycle and Pedestrian Strategy

- (1) Prior to the determination of the first application in relation to the subdivision or civil works for the residential precinct, the Proponent is to complete investigations into the opportunities to improve pedestrian access to Copper Street. Such investigations are to include consultation with Council.
- The outcomes of these investigations are to be incorporated into the Public Domain Design Guidelines, as appropriate.
- (2) Prior to the determination of the first application in relation to the Bagdad Street site, the Proponent is to complete investigations into the opportunities to improve pedestrian access. Such investigations are to include consultation with Council.
- (3) The proponent shall prepare a **Shared Bicycle / Pedestrian Strategy** for the Concept Plan site in consultation with Council, to be implemented by the completion of construction of the residential precinct. The Plan shall be prepared having regard to the Department's Best Practice Guidelines for Walking and Cycling and prior to the determination of the first application in relation to the subdivision or civil works for the residential precinct.

PART C – FURTHER ASSESSMENT REQUIREMENTS

C1 Residential Subdivision and Civil works

- (1) Prior to the registration of the any lots or the commencement of civil works, the Proponent shall prepare and submit a construction/development staging plan which clearly identifies the following:
 - a. A staging plan depicting the proposed sequence of development for the entire residential precinct; and
 - b. scope of each future development stage and the delivery of associated infrastructure in each stage.

C2 Contamination

- (1) A **Remedial Action Plan** is to be submitted with the first application for subdivision and civil works for the Residential Precinct.
- (2) Upon completion of the remediation works on the site and prior to the registration of any lot or the commencement of civil works in the Residential Precinct, the Applicant shall submit a Site Audit Summary Report and a Site Audit Statement and Validation & Monitoring Report to the Director of Strategic Assessments. The Site Audit must be prepared in accordance with the *Contaminated Land Management Act 1997* and completed by an accredited site auditor. This site audit must verify that the land is suitable for the proposed land use/s pursuant to clause 18 of SEPP 55.
- (4) All future applications within the employment precinct shall demonstrate compliance with *Statement Environmental Planning Policy No. 55- Remediation of Land* including to demonstrate that the land proposed to be developed has been fully remediated.

C3 South Sydney Freight Line

- (1) The potential impact on the residential precinct of the freight noise and acoustic barriers proposed as part of the South Sydney Freight Line construction is to be resolved prior to determination of any future application for the residential subdivision of the superlot relevant to this northern portion of the precinct.

If determined appropriate, the Residential Design Guidelines are to be amended to address appropriate acoustic attenuation measures to be incorporated into the design of affected residential properties. The Residential Design Guidelines shall also include measures to reduce the visual impacts of the acoustic barriers.

C4 Road design and construction

- (1) The internal road network is to be designed and constructed to the satisfaction of the relevant roads authority.
- (2) Further assessment of the following is required for all future project approvals as relevant:
 - i) Road design, including layout and associated specifications,
 - ii) pedestrian and cyclist access;
 - iii) traffic calming and pedestrian safety measures;
 - iv) Landscaping;
 - v) Street lighting;
 - vi) Signage; and
 - vii) Connectivity and integration with existing bus routes and networks.
- (3) Further assessment of the impact of operational traffic resulting from the proposal on Cooper Road and the need for further traffic calming or pedestrian safety measures is required once the detailed design of the residential precinct has been finalised. This assessment shall be undertaken in consultation with Council and shall be submitted with the relevant future project applications for development of the residential precinct.
- (4) Further assessment of the detailed design of the following roads and infrastructure committed to by the Proponent will be required with the relevant future application to the satisfaction of the Roads authority:
 - i) roundabouts at 2 entrances along Cooper Road;
 - ii) roundabout at the entrance to the residential precinct along Brunker Road;

- iii) the appropriate intersection at the junction of Brunner Road and the eastern employment land with the possible full or partial closure of Lambert Street;
- iv) the signalised intersection at the junction of Rookwood Rd and the eastern employment land (north of Boardman Street);
- v) the combined cycleway/pedestrian path on the northern side of Brunner Rd between Cooper Rd and Graf Avenue; and
- vi) the footpath on the eastern side of Cooper Road from Brunner Rd to the Freight line.

C5 Carparking

- (1) All future applications within the residential precinct and the Bagdad Street site are to comply with the carparking rates specified in Bankstown Development Control Plan 2005, Part D8- Parking.
- (2) All developments within the employment precinct are to justify the carparking rates proposed including to provide the following:
 - i) Employee numbers and usage patterns, with the assumption of some public transport use by employees;
 - ii) travel demand management measures with the goal of encouraging public and active transport use, with monitoring and scheduled reviews of success; and
 - iii) adequate and secure bicycle storage facilities and cyclist amenities as part of the development.

C6 Utilities and stormwater

- (1) Further assessment of the following is required for all future project approvals for the residential precinct and the Bagdad Street site:
 - i. Provision of utilities; and
 - ii. Stormwater drainage and storage.
- (2) All future applications for the both the residential and employment lands will be required to address stormwater management. The design of the stormwater system and any associated upgrade work (on and off site) are to be resolved to the satisfaction of Council including measures to capture and re-use stormwater on site.

C7 Built form- ESD

- (1) All future applications are demonstrate that ESD provisions have been incorporated into the development to reduce water and energy consumption including demonstrating compliance with the provisions in the Design Guidelines.

C8 Section 94 Contributions

- (1) Section 94 Contributions are to be resolved with the determination of each future application and are to be subject to the relevant Council Contribution Plan applicable at that time.

In determining the applicable developer contributions, the Council is to take into account the financial costs of works-in-kind, land dedications, and infrastructure and service provision committed to by the Proponent both on-site and off-site, as appropriate.

In the event that a dispute between the Proponent and the Council in relation to developer contributions can not be resolved, the Department will act to mediate the matter.