

COUNCIL ASSESSMENT REPORT

Panel Reference	2016SYW135
DA Number	DA-628/2016
LGA	Liverpool City Council
Proposed Development	Clearing of vegetation, bulk earthworks, temporary stormwater and drainage works and removal of services within the Proposed Edmondson Park Town Centre and Residential Precinct 1, as part of the first stage of the Concept Plan delivery.
Street Address	Lots 1 and 2 DP 1204198 and Lot 62 in DP 1191356 Campbelltown Road and Lot 62 Zouch Road, Edmondson Park.
Applicant	Frasers Property Limited
Owner	Landcom
Date of DA Lodgement	8 July 2016
Number of Submissions	Nil
Recommendation	Approval subject to conditions
Regional Development Criteria (Schedule 4A of the Act)	Development with a Capital Investment Value (CIV) of more than \$20 million. The proposal has a CIV of \$23,005,000.
List of all relevant s79C(1)(a) matters	<p><i>List all of the relevant environmental planning instruments: s79C(1)(a)(i)</i></p> <ul style="list-style-type: none"> • State Environmental Planning Policy No.55 – Remediation of Land. • State Environmental Planning Policy (State and Regional Development) 2011. • State Environmental Planning Policy (State Significant Precincts) 2005 • State Environmental Planning Policy (Infrastructure) 2007. • Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment. <p><i>List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s79C(1)(a)(ii)</i></p> <ul style="list-style-type: none"> • No draft Environmental Planning Instruments apply to the site.

	<p><i>List any relevant development control plan: s79C(1)(a)(iii)</i></p> <ul style="list-style-type: none"> Edmondson Park South Development Control Plan 2012. <p><i>List any relevant planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F: s79C(1)(a)(iv)</i></p> <ul style="list-style-type: none"> No planning agreement relates to the site or proposed development. <p><i>List any coastal zone management plan: s79C(1)(a)(v)</i></p> <ul style="list-style-type: none"> The subject site is not within any coastal zone management plan. <p><i>List any relevant regulations: s79C(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288</i></p> <ul style="list-style-type: none"> Not Applicable
List all documents submitted with this report for the Panel's consideration	<p>Plans Bulk Earthworks Drawings</p> <p>Reports Flora and Fauna Assessment Water Cycle Management Noise and Vibration Assessment Remediation Action Plan Statement of Commitments Assessment Statement of Environmental Effects</p>
Report prepared by	Brad Harris, Senior Development Planner
Report date	21 February 2017

Summary of s79C matters

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report?

Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Yes

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

N/A

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)?
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

No

Conditions**Yes**

Have draft conditions been provided to the applicant for comment?

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

1. EXECUTIVE SUMMARY

1.1 Reasons for the report

The Sydney South West Planning Panel (SSWPP) is the determining body as the development has a Capital Investment Value (CIV) in excess of \$20 million, pursuant to Clause 3 of Schedule 4A of the Environmental Planning and Assessment Act 1979. The CIV is \$23,005,000.

1.2 The proposal

The application seeks consent for the clearing of vegetation, bulk earthworks, temporary stormwater and drainage works and services removal within the proposed Edmondson Park Town Centre and Residential Precinct 1, as part of the first stage of the Concept Plan delivery.

1.3 The site

The subject site is legally described as Lots 1-2 in DP 1204198 and Lot 62 in DP 1191356. The site is irregularly shaped and approximately 19ha in area. It has frontage to Campbelltown Road, Edmondson Park and is located to the north-west of the M5 Motorway.

1.4 The issues

The main issues identified during the assessment of the application are:

- Environmental issues including tree and vegetation removal
- Site Contamination

These issues are discussed in more detail throughout the report.

1.4 Exhibition of the proposal

The application did not require public exhibition in accordance with the notification requirements of the Liverpool Development Control Plan. No submissions have been received in respect of the proposal.

1.5 Conclusion

The application has been assessed pursuant to the provisions of the Environmental Planning and Assessment Act (EP&A Act) 1979. Based on the assessment of the application, it is recommended that the application be approved subject to conditions.

2. SITE DESCRIPTION AND LOCALITY

2.1 The site

The site is identified as Lot 1 Campbelltown Road, Edmondson Park. It is legally described as Lots 1 and 2 in DP 1204198 and Lot 62 in DP 1191356. The site has an area of approximately 19ha and is situated on the northern side of Campbelltown Road (which marks the boundary between the Liverpool and Campbelltown LGA's) and south of the South West Railway (Edmondson Park Railway Station).

The site of the Edmondson Park Town Centre is largely vacant and was formerly occupied by defence buildings associated with the Ingleburn Army Village. These buildings have been demolished by Urban Growth NSW in anticipation of the future Town Centre development. The internal roads associated with the former army camp largely remain along with the recently constructed Soldiers Parade, which connects Campbelltown Road to the new Edmondson Park South Station

The site is depicted with red shading on the following aerial photograph. The blue line represents the extent of the Edmondson Park Town Centre.

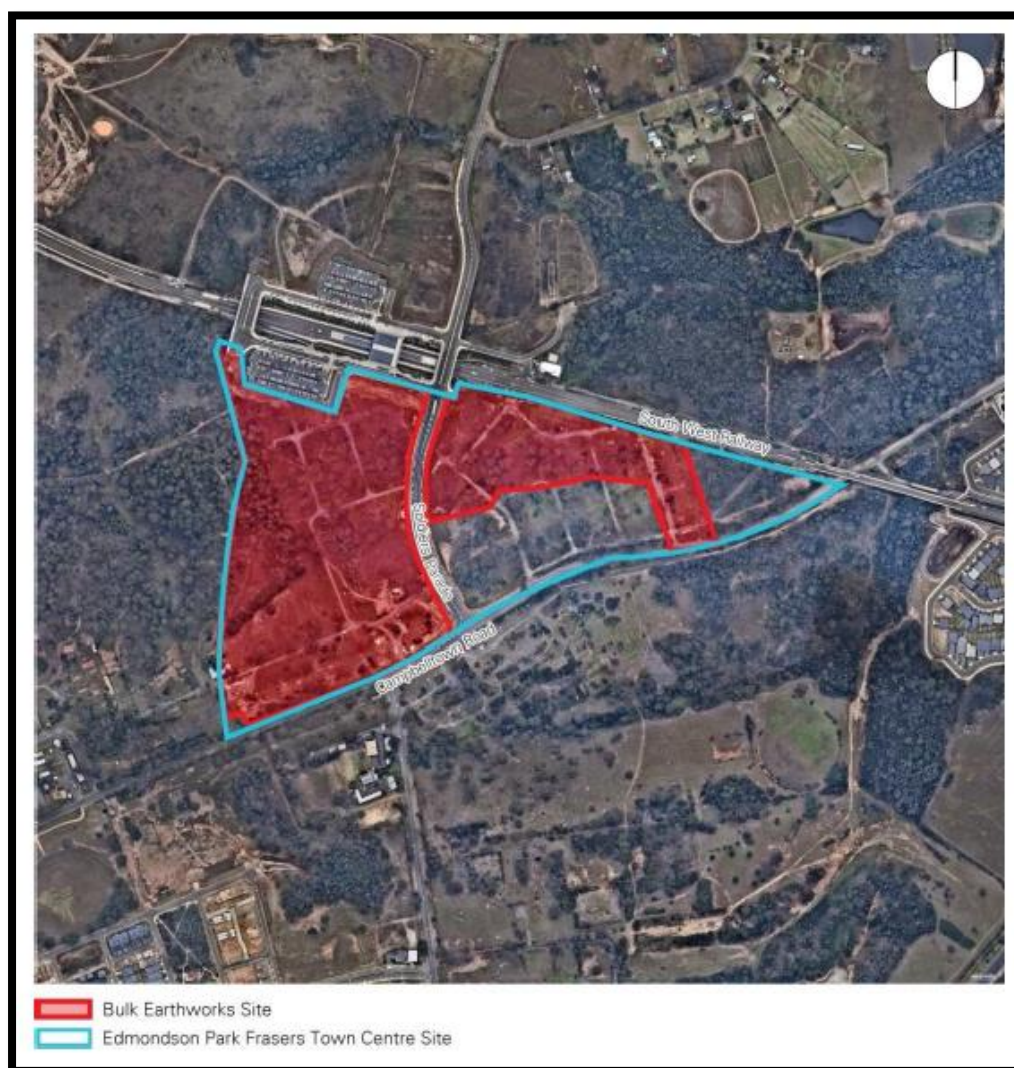


Figure 1: Aerial photograph of the Site

2.2 The locality

Edmondson Park is undergoing significant transformation from rural to urban land centred on the Edmondson Park railway station. Development of Edmondson Park will see the introduction of a new Town Centre featuring a diverse mix of commercial, retail and residential uses.

In March 2010, Landcom (now UrbanGrowth NSW (UGNSW)) lodged a Concept Plan (MP 10_0118) and concurrent Project Application (MP 10_0119) for the development of Edmondson Park South. The Concept Plan was approved by the Planning Assessment Commission (PAC) on 18 August 2011 and provides for a development on approximately 413 hectares comprising:

- residential development of 3,530 dwellings;
- development of the Edmondson Park Town Centre including 35,000-45,000m² of retail, business and commercial floor space, along with associated uses, including a single 'landmark development' of up to 30 metres in height within 300 metres of the proposed station;
- protection of approximately 150 hectares of conservation lands within regional parklands;
- upgrade of Campbelltown Road with a maximum road width of 38.8 metres, and construction of three signalised intersections with Campbelltown Road;
- a temporary sales and information office and temporary signage associated with the sale of land;
- site remediation works;
- demolition of a number of existing buildings across the site; and
- associated infrastructure.

Photos of the site are provided below.

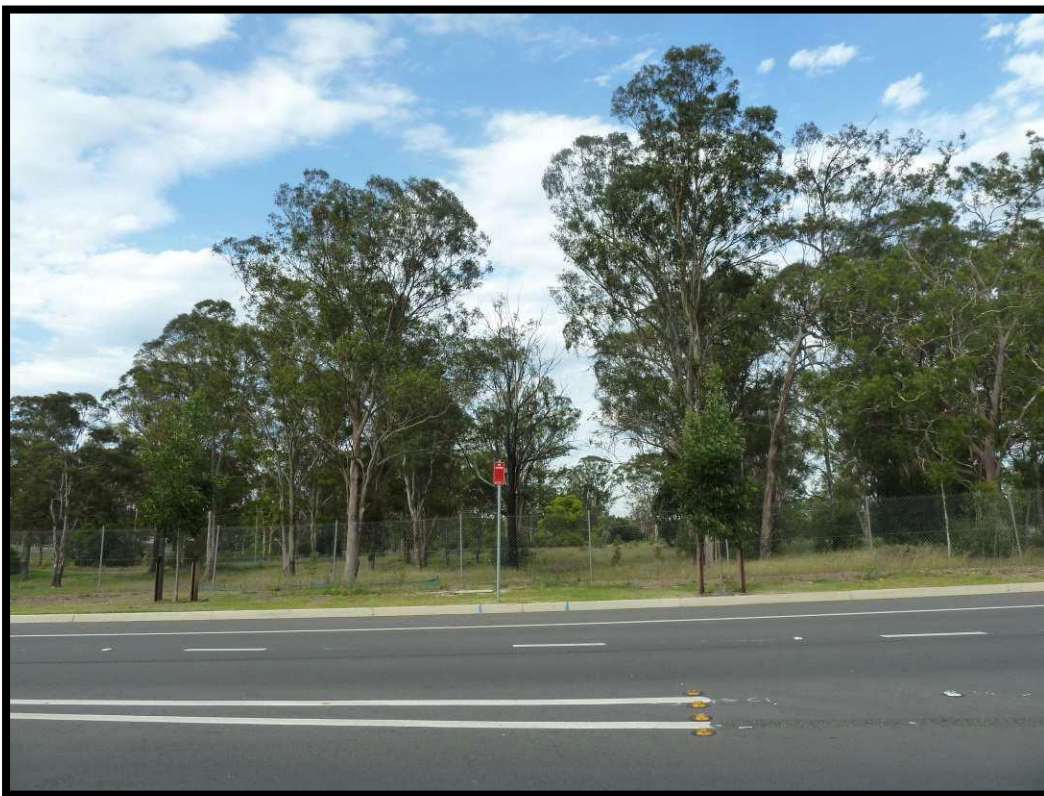


Figure 2: The site as seen from Soldiers Road



Figure 3: The site adjacent to Edmondson Park rail station

2.3 Site affectations

The site is affected by the following:

- Bushfire Prone Land (Vegetation Category 1 and Vegetation Buffer); and
- Road and Rail Noise from the South West Rail Line and Campbelltown Road

The site is largely vacant with the former defence buildings associated with the Ingleburn Village having now been demolished by the land owners, Urban Growth NSW in anticipation of the future town centre development. The internal roads associated with the former army camp largely remain along with the recently constructed Soldiers Parade, which connects Campbelltown Road to the new Edmondson Park South Station.

Large parts of the site are covered with vegetation including scattered trees of varying maturity. The site is Biocertified under State Environmental Planning Policy (Sydney Region Growth Centres) 2006, and as a result may proceed without the usual requirement under the Environmental Planning and Assessment Act 1979 for site-by-site threatened species assessment.

2.3.1 Heritage

At the time of the original Concept Plan approval, 3 buildings located within the Town Centre 'Ingleburn Village' site (Riley Newsum Prefabricated cottages) were heritage listed. These buildings were approved to be demolished by Liverpool Council under DA595/2014. The buildings were demolished in accordance with that consent by Urban Growth NSW. There are now no listed heritage items within or in the immediate proximity of the site.

3. BACKGROUND

3.1 Issues Identified in Initial Assessment

The following issues were identified during the initial assessment of the application:

- Potential environmental impacts during the process of carrying out earthworks such as dust mitigation, stormwater runoff and vibration from construction activities; and
- Land contamination issues.

These issues have been considered during the assessment of the application and through recommended conditions of consent.

3.4 Sydney South West Planning Panel Briefing

A briefing was held on 1 December 2016 with the Sydney South West Planning Panel. The panel requested that the following issues be addressed in the assessment of the application.

- Clarification of applicability of Special Infrastructure Levy (SIC); and
- Stormwater issues

It is unlikely the preparatory earthworks to facilitate future development on the site would generate the need for a SIC. To ensure that this is confirmed, a condition of consent is recommended requiring the applicant to provide to the PCA written confirmation from the Department of Planning confirming either that the payment has been made or that the payment of a SIC is not required.

Stormwater control measures are proposed by the applicant and have been assessed by Council's Land Development Engineers as satisfactory. Conditions of consent have been recommended to ensure no adverse impacts arise from stormwater runoff.

4. DETAILS OF THE PROPOSAL

The application seeks approval for the clearing of vegetation, bulk earthworks, temporary stormwater and drainage works and services removal within the Edmondson Park Frasers Town Centre and Residential Precinct 1, as part of the first stage of the Concept Plan delivery.

The works will be undertaken over a 7 month period and will operate Monday to Friday from 7:00am to 5:00pm and Saturday from 7:00am to 1:00pm with no work on Sundays or Public Holidays.

The scope of works fall into the following categories:

Clearing of Vegetation

The proposal seeks approval for the clearing of all vegetation within the site. The identification of all vegetation to be removed is provided in the tree removal plan which forms part of the Bulk Earthworks Drawings (**Attachment 1**). As the site is Biocertified under SEPP (Sydney Regional Growth Centres) 2006, no threatened species assessment is required.

Bulk Excavation

The proposal includes changes to the existing levels on the site to accommodate the future Edmondson Park Town Centre Core and Residential Precinct, including excavation for the future town centre core basement.

It is proposed to excavate approximately 150,000m³ of VENM/ENM material over a 7 month period. The greatest extent of excavation will be located in the retail precinct of the Town Centre to accommodate future basement car parking. The excavation in this location will take the natural ground level from RL60.00 – 68.00 to a finished level of RL55.00.

Engineering Drawings showing the extent of cut and fill are included the Bulk Earthworks Drawings (Attachment 1).

Retention and Stabilisation Works

The Town Centre Core will be excavated to accommodate the future multi-level car park and platform for the future development of the mixed use/retail precinct. Engineering details of site stabilisation and retaining walls are provided as part the Bulk Earthworks Drawings.

Site Stockpiling

The excavation works will be staged within the Town Centre Core as shown on the Bulk Earthworks Drawings. Surplus excavated material from the Town Centre Core and Residential Precinct 1 will be placed into four controlled stockpile formations within the residential precinct east of Soldiers Parade. Future development applications will propose use of the stockpiled material to create the future Residential Precincts east of Soldiers Parade.

Infrastructure and Services Removal

The site will be largely cleared of existing utility infrastructure. Most services will be relocated outside the site development boundary. A summary of works to infrastructure and services is shown the Bulk Earthworks Drawings.

Construction Management

The application indicates that Construction Management and Soil Management Plans will be prepared prior to the issue of the first Construction Certificate. The Construction Management Plan will outline measures to manage or mitigate potential impacts arising from construction. The Soil Management Plan will ensure the appropriate erosion and sediment controls are implemented in order to ensure that there are no adverse impacts from any potential sediment exports from the disturbed soils on site, in accordance with Council's requirements.

Interim Stormwater Works

Approval is sought for an interim water quality management program. Details of temporary stormwater management and erosion control measures are provided on the Bulk Earthworks Drawings.

Staging of Construction Certificates

It is proposed to carry out construction of the proposal in three (3) stages. This will have the benefit of reducing the balance of cut and fill on the site and minimising the need for stockpiling. The excavation of the town centre core for the future car park will be constructed

across three stages as shown on the Bulk Earthworks Drawings. The general bulk excavation of the residential precinct will be undertaken in conjunction with “Stage 1 Excavation Area” of the retail precinct.

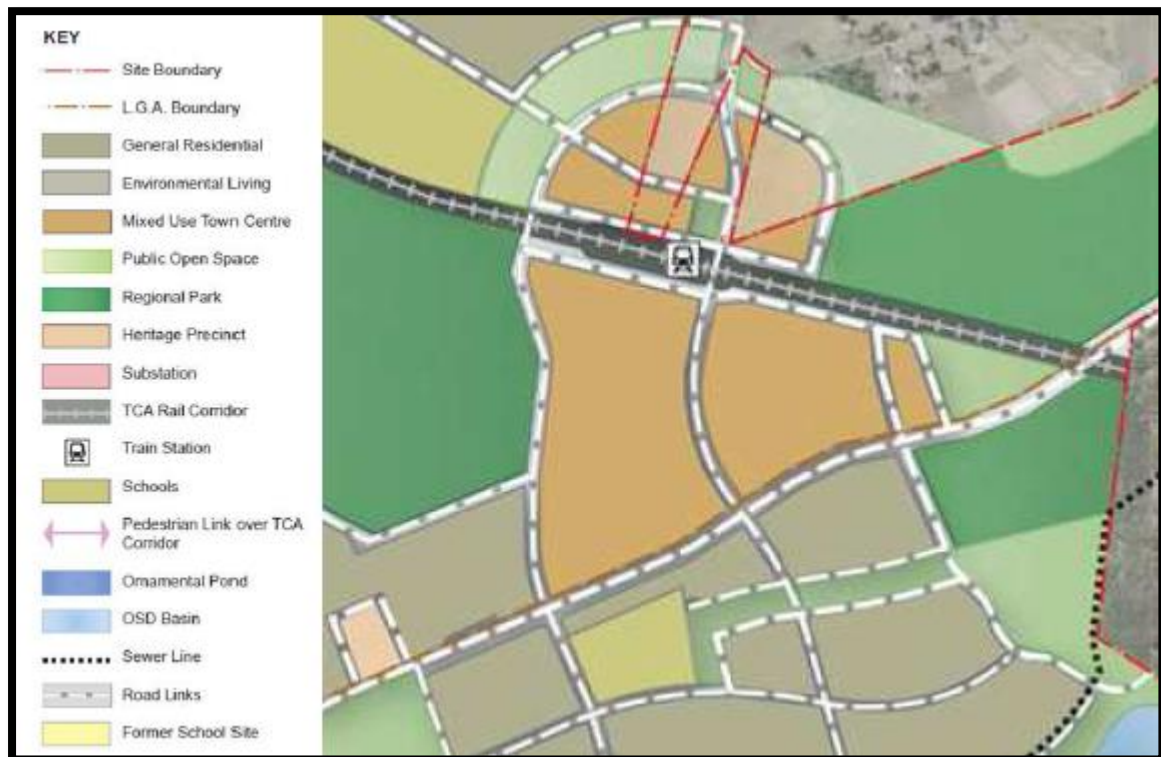


Figure 4 – Approved Concept Plan showing location of Edmondson Park Town Centre

5. STATUTORY CONSIDERATIONS

5.1 Relevant matters for consideration

The following Environmental Planning Instruments, Development Control Plans and Codes or Policies are relevant to this application:

Environmental Planning Instruments (EPI's)

- State Environmental Planning Policy No.55 – Remediation of Land.
- State Environmental Planning Policy (State and Regional Development) 2011.
- State Environmental Planning Policy (Infrastructure) 2007.
- State Environmental Planning Policy (State Significant Precincts) 2005, Schedule 3, Part 31 Edmondson Park South Site
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment.

Draft Environmental Planning Instruments

- No draft Environmental Planning Instruments apply to the site.

Other Plans and Policies

- Concept Plan Approval (MP10_0118) – approved by the Planning Assessment Commission on 18 August 2011

Development Control Plans

- Edmondson Park South Development Control Plan 2012

Contributions Plans

- Liverpool Contributions Plan (Edmondson Park) 2008 applies to the site, however the proposed works do not require payment of a s.94 Contribution as contributions will be levied when the site is further developed.

5.2 Zoning

The site is zoned part B4 (Mixed Use) and Part SP2 (Local Road) under the State Environmental Planning Policy (State Significant Precincts) 2005.

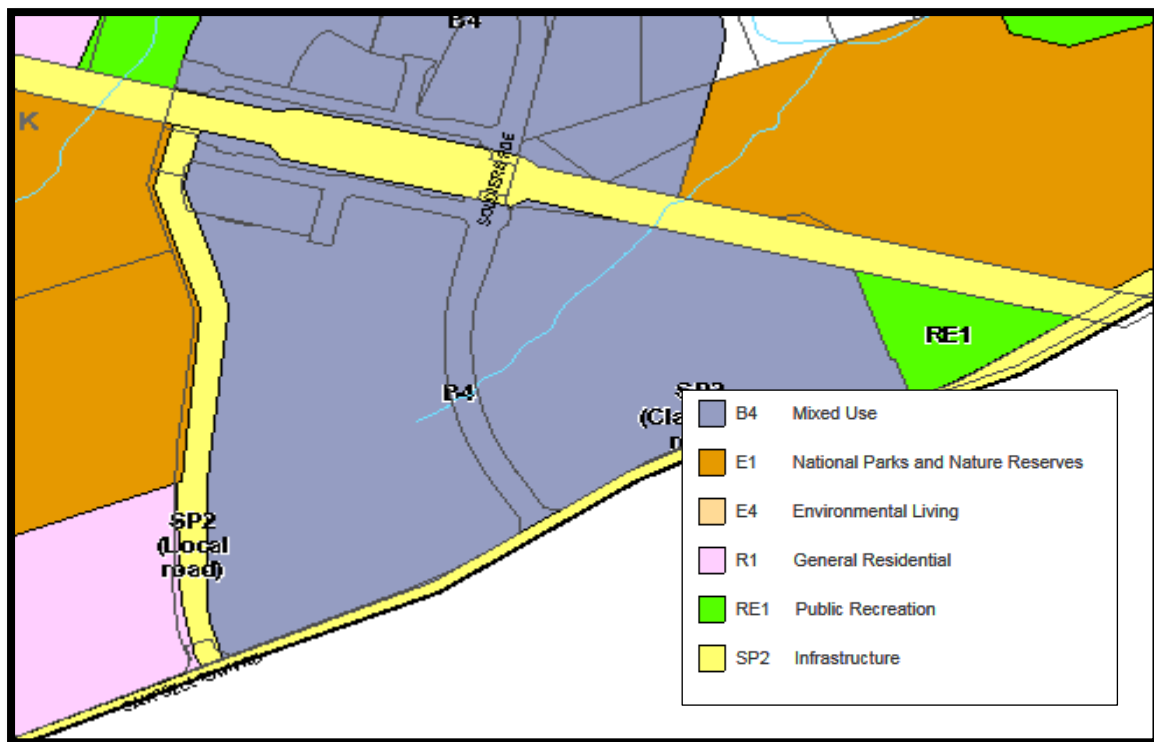


Figure 5: Zoning of the site (Source: Geocortex)

5.3 Permissibility

The proposed development is defined as 'earthworks' which is a permissible form of development with consent within both the B4 and SP2 zones.

6. ASSESSMENT

The development application has been assessed in accordance with the relevant matters of consideration prescribed by Section 79C of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000 as follows:

6.1 Section 79C(1)(a)(1) – Any Environmental Planning Instrument

a) State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

The objectives of SEPP 55 are:

- *to provide for a state wide planning approach to the remediation of contaminated land.*
- *to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.*

Pursuant to the SEPP, Council must consider:

- whether the land is contaminated.
- if the land is contaminated, whether it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the proposed use.

A number of contamination studies and environmental site investigations have been undertaken to assess the extent and nature of contaminants within the Edmondson Park South site as a whole, as well as within the proposed Town Centre.

The Geotechnical, Contamination and UXO Site Suitability Assessment prepared by Golder Associates dated 10 September 2010 for the Concept Plan, concluded that there was some form of localised contamination, potential unexploded ordnances, and small arms ammunition on what was then termed 'the Defence Site' which includes the proposed Edmondson Park Town Centre.

However, the assessment noted that a NSW DECCW accredited Site Auditor was engaged by Defence in 2003 to carry out a non-statutory site audit of the Defence Lands. The Auditor concluded that the investigated and remediated areas were "considered suitable for residential land use".

The Concept Plan accordingly granted approval for implementation of the Remediation Action Plan and Remediation of Unexpected Contamination Finds in accordance with the protocols set out in the Contamination Management Plan as submitted with the original application.

To ensure the potential existence of isolated occurrences of contamination are appropriately managed an Unexpected Finds Protocol (UFP) has been developed by DLA Environmental Services.

Council's Environmental Health Section has reviewed the RAP and supports its findings. Appropriate conditions have been recommended.

Based on the above, it is concluded that the site is suitable for the proposed use and the provisions of SEPP 55 have therefore been satisfied.

b) State Environmental Planning Policy (Infrastructure) 2007

The proposal was referred to Sydney Trains under the provisions of Division 15 - Railways of SEPP (Infrastructure) as the works were considered to be development immediately adjacent to a Rail Corridor (Subdivision 2, Clause 85). Sydney Trains has provided its support for the proposed works subject to conditions. Sydney Trains' letter forms **Attachment 8**.

c) Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (deemed SEPP).

The Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment generally aims to maintain and improve the water quality and river flows of the Georges River and its tributaries.

When a consent authority determines a development application planning principles are to be applied (Clause 7(b)). Accordingly, a table summarising the matters for consideration in determining development application (Clause 8 and Clause 9), and compliance with such is provided below.

Clause 8 General Principles	Comment
When this Part applies the following must be taken into account:	Planning principles are to be applied when a consent authority determines a development application.
(a) the aims, objectives and planning principles of this plan	The plan aims generally to maintain and improve the water quality and river flows of the Georges River and its tributaries.
(b) the likely effect of the proposed plan, development or activity on adjacent or downstream local government areas	The proposal provides soil and erosion control measures.
(c) the cumulative impact of the proposed development or activity on the Georges River or its tributaries	The proposal provides a Water Cycle Management Assessment indicating that the proposal will be managed to ensure the existing overland flow is maintained directing flows within the site.
d) any relevant plans of management including any River and Water Management Plans approved by the Minister for Environment and the Minister for Land and Water Conservation and best practice guidelines approved by the Department of Urban Affairs and Planning (all of which are available from the respective offices of those Departments)	The site is located within an area covered by the Liverpool District Stormwater Management Plan, as outlined within Liverpool City Council Water Strategy 2004.
(e) the <i>Georges River Catchment Regional Planning Strategy</i> (prepared by, and available from the offices of, the Department of Urban Affairs and Planning)	The proposal includes a Water Cycle Management Assessment. There is no evidence that with imposition of mitigation measures, the proposed development would affect the diversity of the catchment.
(f) whether there are any feasible alternatives to the development or other proposal concerned	The site is located in an area nominated for residential development and the proposal provides an opportunity to address past potentially contaminating land use practices.

Clause 9 Specific Principles	Comment
(1) Acid sulphate soils	The land is not identified as containing acid sulphate soils on LLEP 2008 Acid Sulphate Soil mapping.
(2) Bank disturbance	No disturbance of the bank or foreshore along the Georges River and its tributaries is proposed.
(3) Flooding	The site is not identified by Council's mapping systems as flood affected land. However Council's Flood Engineer has recommended a condition of consent in relation to control of overland flow.
(4) Industrial discharges	There will be no industrial discharges.
(5) Land degradation	Water Cycle Management Assessment aims to manage salinity and minimise erosion and sediment loss.
(6) On-site sewage management	Not applicable.
(7) River-related uses	Not applicable.
(8) Sewer overflows	Not applicable.
(9) Urban/stormwater runoff	A Water Cycle Management Assessment proposes connection to water quality management devices.
(10) Urban development areas	The Water Cycle Management Assessment ensures that the environment within the Catchment is to be protected in accordance with the Urban Development Program and the Metropolitan Strategy and that the level of nutrients entering the waterways and creeks is not increased by the development.
(11) Vegetated buffer areas	Not applicable
(12) Water quality and river flows	A drainage plan proposes stormwater connection to water quality management devices.
(13) Wetlands	Not applicable.

It is considered that the proposal satisfies the provisions of the GMREP No.2 and subject to appropriate sedimentation and erosion controls being implemented during construction, the development will have minimal impact on the Georges River Catchment.

d) State Environmental Planning Policy (State Significant Precincts) 2005

(i) Permissibility

The proposed development is defined as 'earthworks' which is a permissible form of development within the B4 and SP2 zoning under SEPP (State Significant Precincts) 2005.

(ii) Objectives of the zone

The objectives of the applicable zones are as follows:

Zone B4 Mixed Use

(1) The objectives of Zone B4 Mixed Use are as follows:

- (a) *to provide a mixture of compatible land uses,*
- (b) *to integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*

Zone SP2 Infrastructure

The objectives of Zone SP2 Infrastructure are as follows:

- (a) *to provide for infrastructure and related uses,*
- (b) *to prevent development that is not compatible with or that may detract from the provision of infrastructure,*
- (c) *to reserve land for the provision of infrastructure.*

The proposal is considered to satisfy the above objectives of the B4 and SP2 zones in that the earthworks are permissible works which will facilitate future development within the site in accordance with the objectives of the State Significant precincts SEPP.

(iii) Development Standards

The State Significant Precincts SEPP 2005 (Schedule 3, Part 31 Edmondson Park South Site) contains a number of development standards. The applicant's Statement of Environmental Effects (SEE) addresses these standards as follows:

Clause	Provision	Comment
Clause 10 – Zone	Zone Objectives and Land Use Table	The proposed earthworks are permissible with development consent in the B4 zone.
Clause 31 – Preservation of Trees	Approvals required for tree removal	The Concept Plan along with the Biodiversity Certification Order and Edmondson Park Conservation Agreement set up the framework for the future clearance of the existing trees within the developable area of the Town Centre whilst retaining the native vegetation in the Reserve in the east of the site.
Clause 33 – Heritage Conservation	Consent required to demolish heritage buildings or works	There are no indigenous or non-indigenous heritage items within or located in proximity to the site. The Statement of Commitments establish protocols to be followed in the event of unexpected finds.
Clause 34 – Public Utility Infrastructure	Development consent must not be granted for development unless the consent authority is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been	The proposal does not involve the need for the supply of water, electricity or gas and does not require the disposal and management of sewage at this stage of the development program.

	made to make that infrastructure available when required	
Clause 36 – Development Control Plan	Development consent must not be granted for development on land within the Edmondson Park South site unless a development control plan has been prepared for the land.	The Concept Plan in conjunction with the Design Guidelines makes the need for a separate DCP redundant. Once the Design Guidelines are approved, the existing Edmondson Park DCP will no longer apply to the Frasers Town Centre. (See further comment below under 6.3)
Clause 37 – Relevant Acquisition Authority	The objective of clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired.	The proposal includes works to land identified on the Land Acquisitions Map. The proposal is consistent with the future acquisition requirements under Clause 37.

As outlined in the above compliance table, the applicant has demonstrated that the proposed development is consistent with the provisions of SEPP (State Significant Precincts) 2005.

6.2 Section 79C(1)(a)(ii) - Any Draft Environmental Planning Instrument

There are no draft Environmental Planning Instruments applies to the site.

6.3 Section 79C(1)(a)(iii) - Provisions of any Development Control Plan

The application has been assessed against the controls of the Edmondson Park South DCP, particularly Part 8 – Edmondson Park Town Centre.

Whilst the current application has been prepared in the context of the future development envisaged under a proposed modification of the approved Concept Plan (Mod 2), it has been demonstrated by the applicant that the current proposal is consistent with the Concept Plan as approved.

The Concept Plan requires preparation of amendments to Edmondson Park South Development Control Plan 2012 prior to the determination of any development applications for subdivision or development within the Town Centre. The need for the above amendment to the DCP is effectively superseded by the current 75W Application (Mod 2) which seeks to introduce a set of site specific Design Guidelines. The Concept Plan in conjunction with the Design Guidelines therefore makes the need for the DCP amendment redundant. Notwithstanding that the 75W has not yet been determined, the subject DA is for a preparatory site works to facilitate future built form which will, subject to future development applications which will be assessed in accordance with the Design Guidelines which satisfy the requirement under Condition B1.1 for detailed built form and development controls for the town centre to be prepared.

The proposal is considered to comply with the provisions of the DCP in that it will facilitate the delivery of the future Town Centre.

The Edmondson Park South DCP 2012 (Part 6.12) contains cut and fill controls, however these are in relation to development of R1 (General Residential) zoned land for the purposes of dwelling houses, semi-detached and attached dwellings, multi-unit housing and studio dwellings. Accordingly, the controls are not relatable to the proposed scale of works proposed for the town centre with multi-storey basement car parking. This will require excavation of land to approximately 13.35m below the existing surface at the town centre core.

The development is generally compliant with the provisions of the DCP and is therefore satisfactory.

6.5 Section 79C(1)(a)(iiia) - Any Planning Agreement or any Draft Planning Agreement

There are no draft Environmental Planning Instruments or Planning Agreements which apply to the development.

6.5 Section 79C(1)(a)(iv) – The Regulations

Relevant provisions of the Environmental Planning and Assessment Regulation 2000 have been considered.

6.6 Section 79C(1)(a (v) – Any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates

There are no Coastal Zones applicable to the subject site.

6.7 Section 79C(1)(b) – The Likely Impacts of the Development

(a) Natural and Built Environment

Vegetation Removal

Eco Logical Australia (ELA) on behalf of the applicant has undertaken a review of the proposed development and has confirmed that the majority of the area of the site on which the works are proposed is 'biodiversity certified land' according to Part 7 of Schedule 7 of the Threatened Species Conservation Act 1995 (TSC Act).

Under s126(l) of the TSC Act 1995 development on biodiversity certified land is taken to be development that is not likely to significantly affect any threatened species, populations or ecological communities or its habitat. A consent authority is not required to take into consideration the likely impact of the development on biodiversity values (despite any provision of the EP&A Act or any regulation or instrument made under that Act). Therefore, no further assessment of impacts to threatened species, populations or ecological communities is required under the TSC Act.

Some works are also proposed within a minor portion (0.27ha) of non-biocertified land being the western batter of Bernera Road and a manhole associated with a new lead-in sewer within the future regional park to the east of the Edmondson Park Town Centre.

It should be noted that although the Flora and Fauna Assessment submitted with the application refers to works within the future regional park to the east of the site, being construction of a manhole, the applicant has been advised that the application itself did not refer to this site in the description of the site. Accordingly the applicant has agreed that a future development application will be lodged for works on this land.

The proposed works affecting non-certified land within Edmondson Regional Park therefore are restricted to a portion of the western batter of the proposed Bernera Road. This batter is adjacent to land that is zoned RE1 and will be developed for residential purposes by Urban

Growth NSW. To address works within this portion of the site, ELA has provided a Flora and Fauna Assessment (FDFA). The FFA identifies 55 flora species within the study area, of which 23 were exotic species. No threatened flora species were recorded within the study area during the survey. A range of fauna habitat features were present throughout the study area. No hollow bearing trees were recorded within the study area.

Endangered fauna species are known or are likely to occur within a 5 km radius of the site. The FFA includes an assessment of significance of threatened fauna species consistent with s5A of the EP&A Act and impact assessment under the EPBC Act was undertaken for these fauna species. Given only 0.27 ha of native vegetation will be removed as a result of the proposed works, and 82.82 ha of more connected, high quality potential habitat to be retained within Edmondson Regional Park, the FFA concludes that any impact from the proposed works is not considered to be significant on the long-term survival of any threatened fauna species.

This FFA has been reviewed by Council's Natural Resources Planner who has raised no objection to the proposal and recommended referral to the Office of Environment and Heritage (OEH). However, as the applicant has clarified that no works are proposed within the future regional park, referral to the Office of Environment and Heritage is not considered necessary.

Traffic Impacts

The removal of excavated material will involve approximately 80 truck movements per day. Trucks will interface with the immediate road network at Campbelltown Road via Soldiers Parade.

To ensure traffic impacts are controlled, Council's Traffic And Transport Department have recommended a condition of consent requiring submission of a Construction Traffic Management Plan (CTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and a Traffic Control Plan (TCP) to ensure safe and efficient vehicular and pedestrian movements prior to issue of a construction certificate.

Noise and Vibration Impacts

An Acoustic report has been prepared by a qualified acoustic consultant which identifies the nearest sensitive residential receiver as:

- Residences to the north west on Zouch Road at a distance of 500 m from the site boundary.
- Residences to the north east at a distance of 400 m from the site boundary
- Residences to the south on Arthur Allen Drive at a distance of 330 m from the site boundary.
- Residences to the east on Lowe Avenue at a distance of 850 m from the site boundary.
- Bardia Public School to the south at a distance of 100 m from the site boundary.
- Edmondson Park Railway station and carpark immediately to the north of the Site.

The report outlines that the likelihood of adverse impact from bulk earthworks noise and vibration is considered low. The noise and vibration assessment concludes that noise from construction activities including bulk earthworks and excavation is likely to meet noise criteria at all residential receivers and education facilities. This report has been reviewed by Council's Environmental Health Department who concur with the findings of the report.

Stormwater Impacts

Details of site stormwater management are contained within the engineering plans. The plans show the creation of a sediment control basin that will facilitate the immediate site works. The contractor will be responsible for the operation and maintenance of the sediment basin. Appropriate site soil and water management systems have been recommended as conditions of consent by Councils Land Development Engineering department.

Overland flow Impacts

The site is not mapped as being flood affected, however a review of the proposal by Council's Flood Engineer has identified that the site is located within Maxwells Creek catchment and overland flow paths run through the site. The flood engineer has provided appropriate conditions of consent to ensure overland flows from adjoining areas running through the site are not disturbed and to prevent the proposed works from having any adverse impact on the adjoining properties.

(b) Social Impacts and Economic Impacts

The proposal will facilitate the future development of the Edmondson Park Town Centre and therefore is considered to have positive social and economic impacts.

6.8 Section 79C(1)(c) – The Suitability of the Site for the Development

The site is considered to be suitable for the proposed development.

The proposal is generally compliant with the provisions of State Environmental Planning Policy (State Significant Precincts) 2005 and the Edmondson Park South Development Control Plan.

Overall the development is considered to satisfy the relevant controls applicable to an application for bulk earthworks and will facilitate the development of the Edmondson Park Town Centre.

6.9 Section 79C(1)(d) – Any submissions made in relation to the Development

(a) Internal Referrals

The following comments have been received from Council's Internal Departments:

Department	Comments
Engineering	Supported, subject to conditions.
Health and Environment	Application supported, subject to conditions.
Natural Environment	Application supported. Condition of consent will ensure no works are undertaken within non-Biocertified land.
Flooding	Application supported, subject to conditions

(b) External Referrals

The DA was referred to the following public authorities for comment:

Authority	Comments
Sydney Trains	Application supported, subject to recommendations.

(c) Community Consultation

In accordance with LDCP 2008, the application did not require notification. No submissions have been received in respect of the proposal.

6.8 Section 79C(1)(e) – The Public Interest

The proposed development is consistent with the zoning of the land and will facilitate the future development of the Edmondson Park Town Centre in accordance with the approved Concept Plan for the Edmondson Park Town Centre, State Environmental Planning Policy (State Significant Precincts) 2005 and the Edmondson Park South DCP.

In addition to the social and economic benefit of the proposed development, it is considered to be in the public interest.

7 CONCLUSION

In conclusion, the following is noted:

- The application has been assessed having regard to the matters of consideration pursuant to Section 79C of the Environmental Planning and Assessment Act 1979 and is considered satisfactory.
- The proposal substantially complies with the provisions of the provisions of State Environmental Planning Policy (State Significant Precincts) 2005 and the approved Concept Plan for the Edmondson Park Town Centre.
- The development will facilitate the future development of the Edmondson Park Town Centre which is well located in relation to existing transport, and future employment, shopping, business and community services, as well as recreation facilities.
- The application was referred to Sydney Trains with no objections raised, subject to imposition of conditions.

It is for these reasons that the proposed development is considered to be satisfactory and the subject application is recommended for approval, subject to conditions.

8 ATTACHMENTS

1. Bulk Earthworks Drawings
2. Flora and Fauna Assessment
3. Water Cycle Management
4. Noise and Vibration Assessment
5. Remediation Action Plan
6. Statement of Commitments Assessment
7. Statement of Environmental Effects
8. Sydney Trains Letter
9. Recommended conditions of consent