

**Section 75W Modification Requests
Bungarribee Industrial Estate, Huntingwood West Precinct
Concept Plan MP06_0203 MOD2
Stage 1 Infrastructure Works Project Approval MP08_0225 MOD1**



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

February 2013

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1 INTRODUCTION

This report assesses two modification requests for the Bungarrabee Industrial Estate, Huntingwood West Precinct within the Blacktown Local Government Area.

The modification to the concept plan approval (MP06_0203 MOD2) proposes to alter the site layout to enable the lot and road layout to be rationalised to allow for a proposed future tenant (Toll IPEC freight transport facility subject of a separate application SSD12_5705). The Huntingwood West Precinct Development Design Controls are also proposed to be amended.

The modification to the Stage 1 infrastructure works project approval (MP08_0225 MOD1) proposes an amended subdivision plan, site layout, amended earthworks levels, stormwater management and landscaping works.

2 THE SITE

The site is located in Huntingwood, western Sydney and is bounded by the M4 to the south, the Great Western Highway to the north, Brabham Drive to the east, and Western Sydney Parklands to the west. The site is also within close proximity to the M7. See **Figures 1 and 2**.

Figure 1: Subject site in regional context



Figure 2: Subject site



The nearest residential properties lie to the west of the site on Pikes Lane, approximately 400-500m from the subject site.

Eastern Creek runs north-south on the western side of the site and Eastern Creek Raceway lies south-east of the site, beyond the M4 Motorway. To the east of the site lies Huntingwood and Arndell Park which largely comprise industrial uses. Stretching from the north-east to the north-west are the residential areas of Mount Druitt, Rooty Hill, Doonside and Blacktown.

3 BACKGROUND

3.1 Concept Plan MP06_0203

On 9 December 2006, the then Minister for Planning approved a concept plan (MP06_0203) proposed by Landcom, for the Bungarrabee Industrial Estate, under Part 3A of the *Environmental Planning and Assessment Act 1979* (the Act). See **Figure 3**.

The concept plan approval provided for the creation of employment lands over a 56ha site, including:

- a 47 lot subdivision for employment generating uses;
- associated roads, services and infrastructure; and
- public open space.

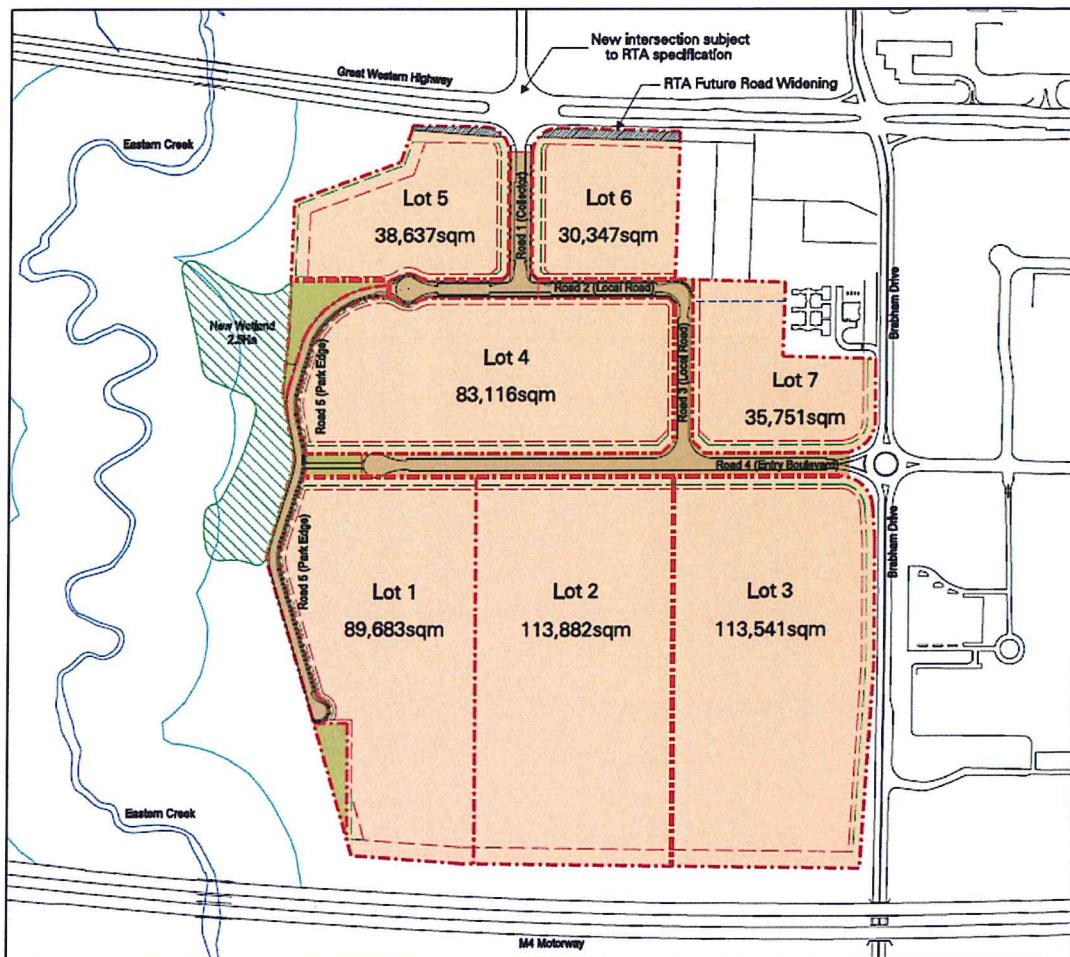
In October 2010, the NSW Office of Strategic Lands (OSL) facilitated a boundary adjustment between Lots 1 and 2. This did not require development consent as it was considered a 'minor realignment of boundaries that did not create additional lots or the opportunity for additional dwellings', in accordance with the provisions of clause 10 of Part 9 of Schedule 3 of the Major Development SEPP. As part of the boundary adjustment, lots 1 and 2 were re-numbered as lots 20 and 21.

3.3 Stage 1 Infrastructure Works Project Approval MP08_0225 & Concept Plan MP06_0203 MOD1

On 25 January 2011, the Deputy Director-General approved a project application (MP08_0225) for the Stage 1 Infrastructure works, to develop the first stage of the estate. The proposal included a 6 into 7 lot subdivision, infrastructure works such as the construction of roads and intersection upgrades, bulk earthworks, estate landscaping, and stormwater and drainage management. See **Figure 5**.

Lodged and approved concurrently with the above Stage 1 infrastructure works was an amendment to the concept plan (MP06_0203 MOD1). It also amended the subdivision plan, made changes to the stormwater management strategy and modified the Development Design Controls specific to the site.

Figure 5: Stage 1 Infrastructure Works (MP08_0225) & Concept Plan modification (MP06_0203 MOD1)



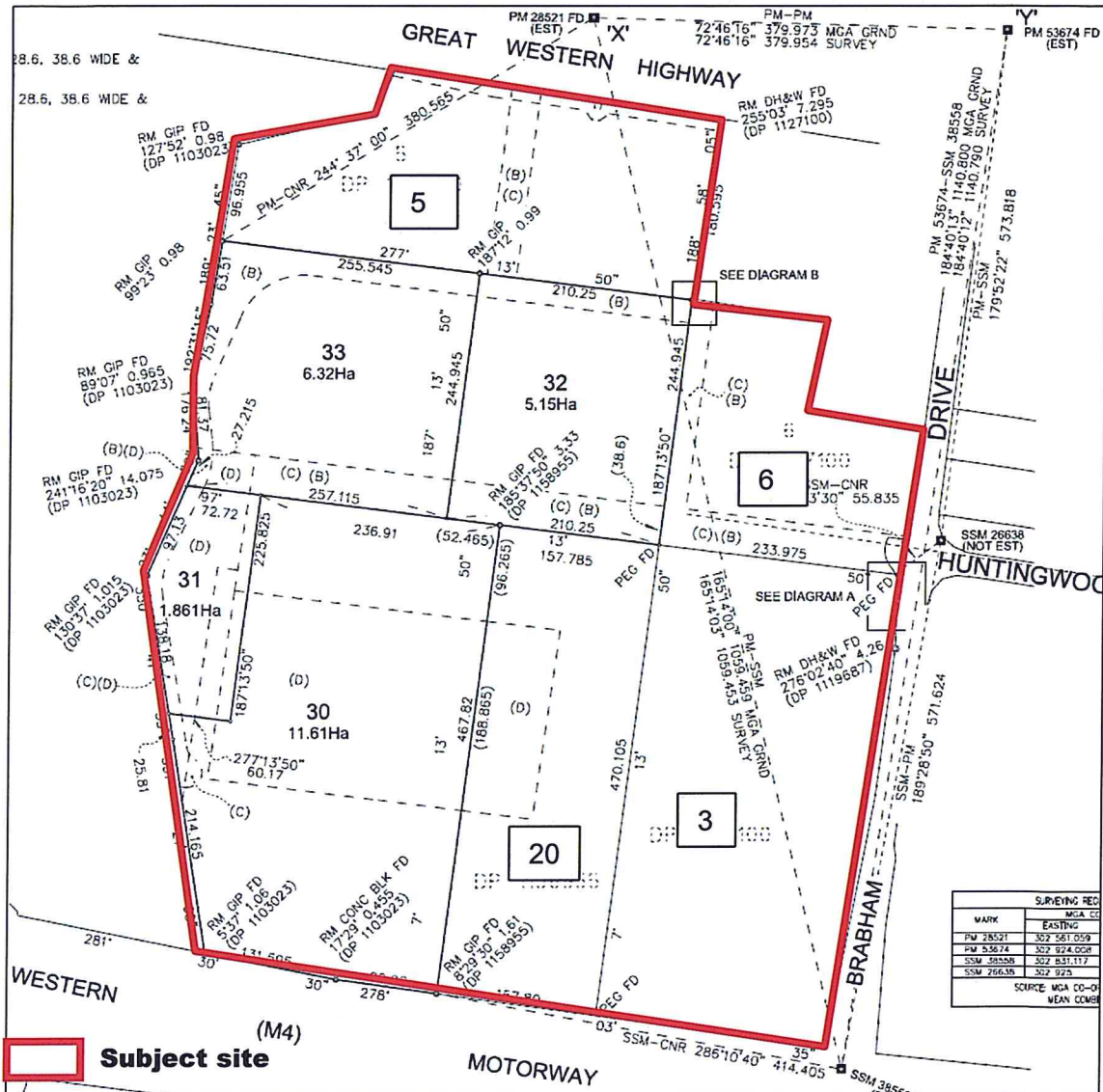
3.4 Subdivision MP08_0055 MOD1

On 20 March 2011, the Executive Director, Major Projects Assessment approved a modification to the 'super lot' subdivision MP08_0055. It involved minor changes including:

- subdividing Lot 21 into two allotments being Lot 30 and Lots 31, and
- subdividing Lot 4 into two allotments being Lot 32 and Lot 33.

This resulted in 8 lots, see **Figure 6**. This plan of subdivision has never been registered.

Figure 6: Plan of subdivision under MP08_0055 MOD1



4 PROPOSED MODIFICATION

This application seeks to amend both the concept plan (MP06_0203) and project approval (MP08_0225). The modifications have been triggered by the proposed future tenant for the south western part of the site. A separate application is currently being assessed by the department for a proposed Toll IPEC warehouse/ distribution facility (SSD12_5705) in this location.

4.1 Concept Plan modification - MP06_0203 MOD2

Site layout

The site layout approved under concept plan MP06_0203 MOD1 (see **Figure 5**) resulted in 7 lots. This modification seeks a layout consisting of 6 lots as shown in **Figure 6**.

One amendment includes taking part of the existing lot 4 to combine with lot 1 to make one large site for the proposed Toll IPEC facility (lot 3 on **Figure 6** below).

The other amendment includes reducing the length of Road 4. Currently it runs through the site but with the proposed lot 3, the road needs to be terminated at the boundary to proposed lot 3.

Figure 6: Proposed site layout



Development Design Controls

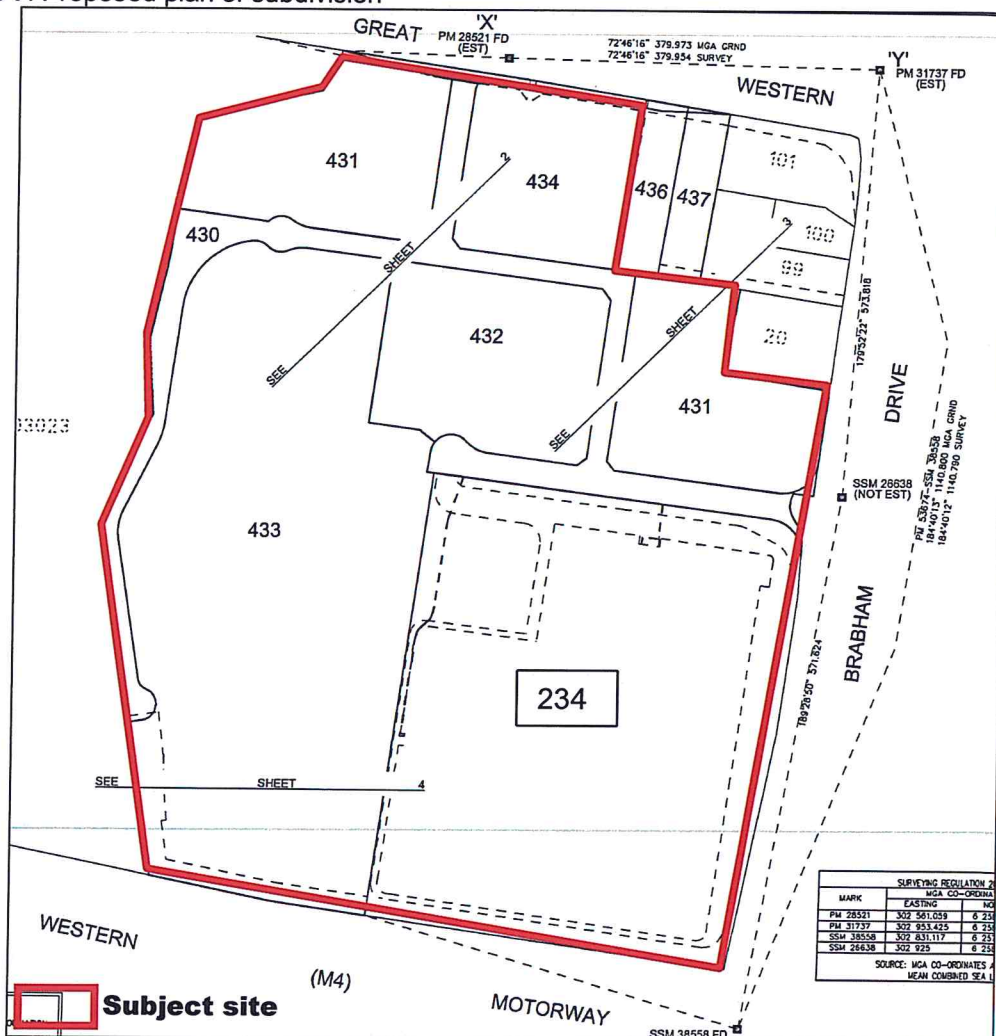
Minor amendments to the Development Design Controls (DDC) as a result of the revised site layout are also proposed. The details of the amendments are reproduced in **Appendix A**. In summary, the changes relate to deleting the requirement for an eco-median road (to incorporate stormwater management measures) and deleting the 'no fencing' requirement to the boundary of the Western Sydney Parklands.

4.2 Project Approval - MP08_0225 MOD1

Site layout and Subdivision

The proposed site layout shown in **Figure 6** is sought as is an amended plan of subdivision to be consistent with the site layout. The proposed plan of subdivision is shown in **Figure 7**.

Figure 7: Proposed plan of subdivision



Bulk earthworks

Revised bulk earthworks pad levels are required to reflect the amended site layout and the future development pads on the site. The modifications will require the importation of approximately 11,000m³ of fill. Under MP08_0225 a balanced cut-to-fill across the estate was approved.

Amendments to the approved pad levels include the northern part of proposed lot 3 in **Figure 6** and levels are proposed for the southern part of proposed lot 3 (they were not approved under MP08_0225).

In the northern part of proposed lot 3 they are being increased by approximately 3m (from 43.29 to 46.75 finished floor level (FFL)). The southern part of proposed lot 3 proposes a FFL of 48.40.

Sedimentation and erosion control

Revised sedimentation and erosion control plans are included with the application.

Stormwater drainage

The existing stormwater drainage lines and overland flow path that currently follow the existing Road 4 alignment will be made redundant as a result of the proposed modifications. A new stormwater drainage line is proposed through the site to reflect the proposed site layout, avoiding any proposed structures and to convey the 20 year Average Recurrence Interval (ARI) storm event. An easement to benefit council will need to be created over the stormwater drainage pipeline.

An overland flow path will also be provided through the site to allow conveyance of the 100 year storm event. An easement to benefit council will be created over the overland flow path and this would be effected through the development process for the Toll IPEC facility, as it will be required at that stage.

The drainage system for the proposed Toll IPEC facility is subject of a separate application (SSD12_5705) but has been designed to align with the proposed amendments to the approved drainage strategy for this part of the site. In this respect, proposed lot 3 will be divided into three separate catchments that drain to each of the southern, central and northern wetland inlet basins, which will then drain to the stormwater basin within the adjacent Western Sydney Parklands.

Water sensitive urban design

The following amendments to the approved WSUD approach are required:

- removal of two small rain gardens;
- realignment of stormwater pipes previously laid along Huntingwood Drive; and
- integration of an overland flow path with the surface levels proposed for the site to safely convey flood flows through the site.

Flooding

A review of potential flooding impacts has been undertaken as part of these modification requests and discussed further in section 7 of this report.

Traffic and access

The proposed modifications include amendments to the internal road layout and hierarchy to reflect changes to the site layout.

Vehicular access to Road 5 (Park Edge Road) via Road 4 will be terminated. Access to Road 5 will be available via Road 2.

The existing Road 4 is to be shortened at its western extent to terminate at the entrance to proposed lot 3 (see **Figure 6**). Along Road 2, a new cul-de-sac head is being provided at the entrance to proposed lot 3 (Road 2) and at its termination point, both suitable for use by a B-double truck.

The entrance to the existing Metcash facility (approved under MP10_0140, lot 1 in **Figure 6**) will be maintained off the proposed cul-de-sac head in Road 4.

As mentioned, the project approval MP08_0225 approved balanced cut-to-fill on the site. This modification, involving changes to site levels, will require the importation of approximately 11,000m³ of fill. This will increase traffic movements during the earthworks phase.

Based upon a four month earthworks program (assuming construction activities five days per week), approximately 64 truck movements per day would be generated for the importation of the required fill.

Landscaping and public domain

The majority of the landscaping treatment and streetscape fabric is unchanged by the proposal. Amendments will only be required as a result of the shortening of Road 4. The amendments are detailed in plans part of the modification package.

5 STATUTORY CONTEXT

5.1 Modification of the Minister's Approval

Both the Concept Plan MP08_0203 and the Project Approval MP08_0225 were granted in accordance with Part 3A under sections 75O and 75J of the *Environmental Planning and Assessment Act 1979* (the Act). In accordance with clause 3 of Schedule 6A of the Act, section 75W as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A, continues to apply to transitional Part 3A projects.

Section 75W(2) of the Act provides that a proponent may request the Minister to modify the Minister's approval of a project. The Minister's approval of a modification is required if the approval of the project as modified would be consistent with the original approval. As the proposal involves minor modifications to the site layout, subdivision, road layout and stormwater arrangement, the modifications will require the Minister's approval.

5.2 Delegated Authority

Under the Instrument of Delegation dated 14 September 2011, the Minister has delegated his functions to determine section 75W modification requests to the Deputy Director General, Development Assessment and Systems Performance, where:

- the relevant local council has not made an objection to the proposal; and
- a political disclosure statement has been made, but only in respect of a previous related application; and
- there are less than 10 public submissions in the nature of objections.

Blacktown City Council (council) has not objected to the applications and no public submissions were received.

However, as the proponent made a political donations disclosure under section 147(3) of the Act in respect to a previous related application, ie the original concept plan application (MP08_0203), the Deputy Director-General, Development Assessment & Systems Performance is delegated to determine the modification requests.

6 EXHIBITION AND SUBMISSIONS

6.1 Exhibition

Under section 75X(2)(f) of the Act, the Director-General is to make publicly available requests for modifications of approvals given by the Minister. In accordance with clause 8G of the EP&A Regulation 2000, the request for modification was made publicly available on the department's website from 28 November 2012.

Referrals were sent to Blacktown Council, RMS, the NSW Office of Water (NOW), Western Sydney Parklands Trust (WSPT) and Office of State Lands (OSL).

6.2 Submissions

Responses were received from council, Department of Primary Industries (NOW and Fisheries NSW) and RMS. The RMS and Fisheries NSW had no objections or requirements and no responses were received from WSPT and OSL.

Blacktown Council

Blacktown Council did not object to the modifications but asked that a number of issues be addressed prior to the determination of the applications. Its full response can be found at **Appendix B** and **Table 1** summarises its issues and how they will be addressed.

Department Comments

The majority of the issues are already covered by conditions of MP08_0225 or conditions can be amended to cover those issues.

The main concern is the outstanding voluntary planning agreement (VPA) as conditioned under MP08_0225. It requires the proponent to enter into two planning agreements within 12 months of the approval. Conditions 13 and 14 required one planning agreement between the proponent and council, and one planning agreement between the proponent, WSPT and OSL.

A single agreement is now proposed between the proponent, the Minister for Planning and Infrastructure, the council and WSPT for roadworks, the construction of the wetland and bioretention basin, cyclepaths and Roads and Maritime (RMS) contributions.

To date a planning agreement has not been executed. However, the draft VPA has been received by the department and is due to commence notification in February 2013.

The council issues are discussed in **Table 1**.

Table 1: Council issues

Issue	Comment
<p><i>Traffic</i> Proposed traffic changes to be constructed to the satisfaction to council.</p>	<p>This is already covered by condition 24 of MP08_0225.</p>
<p><i>Engineering</i> Any infrastructure upgrades must comply with BCC Engineering Guide for Development – 2005.</p>	<p>This is already covered by condition 18 of MP08_0225.</p>
<p><i>Asset Design Service</i> Local overland flow paths to be provided in accordance with council requirements and detailed modelling of the overland flow paths and pipes within easements to be provided to council for review.</p>	<p>Condition 23 of MP08_0225 is recommended to be amended to add point (h): 'Any amendments to the Stormwater and Drainage Management Plan as a result of any approved modification request must be prepared in consultation with and to Council requirements.'</p>
<p><i>Planning Agreement</i> BCC request no further determination of applications on site until outstanding planning agreement is placed on notification.</p>	<p>The draft VPA is due to commence notification early February 2013.</p>
<p><i>Salinity assessment and management plan</i> Approved plan details to be included in a condition.</p>	<p>The Salinity Assessment and Management Plan, prepared by GHD, dated February 2009 formed part of the documents lodged for MP08_0225. Therefore this matter is already covered by condition 4 of MP08_0225.</p>
<p><i>Asbestos management plan</i> Approved plan details to be included in a condition.</p>	<p>The Asbestos Management Plan prepared by Douglas Partners, dated January 2008 formed part of the document lodged for MP06_0203. Therefore compliance with this document is already covered by condition A2 of MP06_0203.</p>
<p><i>Fill</i> Fill imported to site must be certified clean and contamination free.</p>	<p>This is already covered by condition 20 of MP08_0225.</p>
<p><i>Retaining walls</i> Proposed retaining walls to be in maximum 2 metre high sections and stepped with 1 metre high wide minimum planting bays to be landscaped.</p>	<p>These requirements apply to the proposed Toll IPEC application (SSD12_5705), currently being assessed by the department.</p>
<p><i>Landscaping</i> Tall tree planting undertaken along the southern boundary to the M4 Motorway to screen retaining walls with tree species able to go to a height of 15 metres and spaced at 10 metre centres.</p>	<p>The modification requests do not alter approved landscaping to the M4 Motorway boundary and therefore these matters will be addressed as part of the Toll IPEC assessment process.</p>

NSW Office of Water

The Department of Primary Industries' full response (which contains the NOW comments) can be found at **Appendix B**.

The NOW provided comments and recommended conditions. It noted:

- The wetland/detention basin is located outside the subject site within Western Sydney Parklands. The NOW objected to this off-site location as part of the original referral for MP08_0225. It recommended the proponent ensure the appropriate offset requirements are applied as detailed in the 'Guidelines for Riparian corridors on Waterfront Land (July 2012)'.
- The outlet structure which connects the proposed wetland basin to Eastern Creek is located on an outside bend. The location could exacerbate stream bank erosion issues. Recommended the outlet be located mid-way between bends.

Its recommended conditions relate to the Eastern Creek riparian corridor, its vegetation and the preparation of a Vegetation Management Plan (VMP).

Department Comments

The department was satisfied at the time of assessment of MP08_0225 with the basin and outlet structure locations. The wetland basin is now constructed including the outlet structure. As these modifications do not relate to the wetland basin or riparian corridor, the proponent will not be requested to review the location of the outlet structure or prepare a VMP for Eastern Creek.

7 ENVIRONMENTAL ASSESSMENT

The department considers the key issues associated with the modification requests to include:

- site layout and subdivision;
- bulk earthworks;
- stormwater drainage and flooding;
- Water Sensitive Urban Design;
- traffic and access;
- landscaping and public domain; and
- Development Design Control amendments.

7.1 Site layout and Subdivision

The proposed site layout amendments are to primarily accommodate the proposed Toll IPEC freight transport, warehouse and distribution facility, subject of a separate development application (SSD12_5705) being processed by the department. The site layout will also reflect other approved and existing development on site.

Appropriate access will be maintained to all lots within the estate. The changes to the site layout are considered to be minor and the development will remain substantially the same as that approved under both MP06_0203 (as modified) and MP08_0225.

The proponent is also seeking to amend the subdivision plan for the site. Subdivision has been approved under MP08_0055 and MP08_0225. The subdivision plan submitted as part of this modification request will be consistent with the revised site layout proposed and will require the proponent to surrender the subdivision approval under MP08_0055. A condition is proposed to the amended project approval to address this matter. The

proponent has agreed to this condition as the subdivision layout approved under MP08_0055 is now redundant. Subdivision approval will now be wholly under MP08_0225.

Conditions relating to subdivision works are also proposed. A condition relating to the provision of services is proposed for public road access and dedication within the estate.

7.2 Bulk earthworks and Levels

The amended pad levels and proposed pad levels for proposed lot 3 (Toll IPEC site) are consistent with the levels elsewhere on site, in that they follow the slope of the estate from east to west.

As detailed below in section 7.5, the importation of approximately 11,000m³ of fill will not adversely impact the surrounding road network. Furthermore, appropriate measures are in place to ensure the integrity of the fill.

Accordingly, the department does not raise any objection to the importation of 11,000m³ of fill.

7.3 Stormwater drainage and Flooding

Council has raised no issues with the revisions to the stormwater drainage design. The revised stormwater arrangements have been designed to accommodate the 20 year and 100 year ARI events.

A letter from GHD dated 26 November 2012 has been submitted with the application stating:

'The proposed Estate Infrastructure modification works are outside the 100-yr flood extents of Eastern Creek and hence they will not impact on the 100-yr flood levels. The 100-yr flood levels have been appropriately considered with regards to the proposed Estate Infrastructure modifications in terms of site drainage system receiving water levels.'

The department is satisfied stormwater drainage and flooding issues have been satisfactorily addressed.

7.4 Water Sensitive Urban Design

The total catchment area will increase from 75.92 ha to 77.64 ha as a result of differences in the mapped catchment boundaries at the interface with surrounding roads. There will be a small increase in the catchment directed to the central sedimentation basin, and a small decrease in the catchment area directed to the northern bioretention basin.

For the purposes of the original Concept Plan approval, the treatment targets set for the site for the purposes of the Model for Urban Stormwater Improvement Conceptualisation (MUSIC) modelling were agreed to be (% pollutant load reduction):

- total suspended solids – 80%
- total phosphorus – 45%
- total nitrogen – 45%

The MUSIC modelling undertaken for these modification applications demonstrates that the proposed modified layout meets the above criteria for all pollutants of concern, both with gross pollutant traps (GPT) included in the model and when GPTs are excluded. The

removal of the two small rain gardens in Huntingwood Drive does not impact on the site meeting the water quality targets.

It is noted that council's current water quality targets are now more stringent than the targets that were in place when the initial WSUD strategy was developed. The current council targets are considered to be benchmarks for the site. They are 85:65:45 (compared with 80:45:45) for percentage reduction in mean annual loads of Total Suspended Solids (TSS), Total Phosphorus (TP) and Total Nitrogen (TN) respectively. The benchmarks for TSS and TN are met for both models and the benchmarks for TP are achieved with GPTs represented in the model.

In summary, the latest MUSIC modelling reflects the current design of the proposed development and demonstrates that relevant water quality targets can be achieved. The modelling accurately reflects the proposed site conditions based on the current design and this design achieves the water quality targets.

An analysis undertaken by AECOM, as submitted with the applications confirms that the modifications to the WSUD strategy do not impact upon the ability of the site to achieve the required water quality targets.

7.5 Traffic and access

The proposed changes to the road layout will accommodate the enlarged site for the proposed Toll IPEC facility as well as maintain access to the remainder of the estate.

As the modification requests will require the importation of 11,000m³ of fill, additional truck movements will occur during the earthworks stage. Approximately 64 truck movements per day will occur above that imagined under MP08_0225 for the earthworks stage. No 'figure' of truck movements was approved but as no importation of fill was required, these truck movements are an addition to all other vehicular movements. It will result in an extra 40 days of construction traffic coming to the site.

A statement prepared by Traffix accompanies the applications which states the movements will have a negligible impact on the operation of the critical intersections of Huntingwood Drive and Brabham Drive with the Great Western Highway which will continue to operate as currently occurs during peak periods.

The revised road layout is supported to accord with the approved and proposed developments on site. No objection to the importation of fill is raised as the surrounding road network can handle the short term impact of construction trucks delivering the fill.

7.6 Landscaping and public domain

The only amendments to landscaping will result because of the shortening of Road 4, ie internal changes.

Council has requested tall tree planting along the boundary to the M4 Motorway. However, as these modifications do not change the approved landscaping under MP08_0225 to the boundary with the M4 Motorway, no amendments are considered necessary at this stage.

As part of the Toll IPEC assessment, the adequacy of the landscaping approved under MP08_0225 will be assessed against the TOLL IPEC proposal and conditions to increase screening, if required, can be placed on any approval taking into consideration the modified concept plan.

7.7 Development Design Controls

The Development Design Controls (DDC) are like a development control plan to guide detailed site layout and building design within the estate. They were approved under the concept plan.

The concept plan approval requires that future development within the estate must be consistent with the requirements of the DDC. Therefore as a result of the proposed site layout amendments to the concept plan subdivision, the DDC must also be amended.

The amendments proposed will reflect the proposed changes to the subdivision and road layout. See **Appendix A** for the detailed wording changes but in summary, the changes involve deleting the:

- requirement for an eco-median road (to manage stormwater); and
- 'no fencing' requirement to the boundary of the Western Sydney Parklands.

The original form of the DDC matched the proposed subdivision layout that had a large number of small allotments. The site now has a small number of large lots.

As a result of the approved and proposed amendments to the site layout, the DDC requires amendments relating to road layouts and fencing.

The intent of the DDC will be maintained; which is to support the use of the estate as an industrial precinct. These amendments only seek to remove some of the specific details that would make compliance with the DDC impossible when considering the future occupation of the estate.

The amendments are not considered to adversely impact future development within the Precinct or the intent of the DDC and the amendments are supported by the department.

The DDC have been modified previously under concept plan MP06_0203 MOD1 and therefore a condition proposed as part of this modification is for the proponent to provide a consolidated version of the document to the department and council a maximum two months after the amendments are approved.

8 CONCLUSION

The department is satisfied that the proposed amendments to the approved concept plan and project approval are justified and would not result in any additional adverse environmental impacts occurring.


The amendments to the subdivision plan, site layout, bulk earthwork levels, stormwater drainage, water sensitive urban design strategy, landscaping and development design controls will mean the developments will remain substantially the same as that originally approved. Furthermore, they will facilitate the continued development of the site, including the proposed future tenants and support the provision of jobs in Western Sydney.

Consequently, the department is satisfied that the proposed modifications are minor and should be approved.

9 RECOMMENDATION

It is RECOMMENDED that the Deputy Director-General, Development Assessment and Systems Performance:

- a) **approve** the proposed modification under Section 75W of the EP&A Act to the Concept Plan MP06_0203 and **sign** the Instrument of Approval, **Tag A**.
- b) **approve** the proposed modification under Section 75W of the EP&A Act to the Project Approval MP08_0225 and **sign** the Instrument of Approval, **Tag B**.



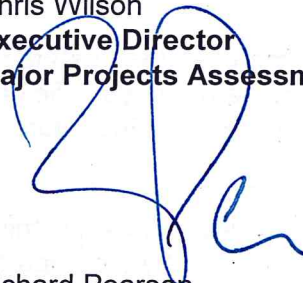
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