



Planning &
Infrastructure

MAJOR PROJECT ASSESSMENT
Jacfin Horsley Park Project
10_0129 & 10_0130



Director-General's
Environmental Assessment Report
Section 75I of the
Environmental Planning and Assessment Act 1979
May 2013

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EXECUTIVE SUMMARY

Jacfin Pty Ltd (the Proponent) proposes to develop a 100 hectare site that it owns for warehousing, distribution and light industry in the Western Sydney Employment Area (WSEA). The site is located in the Penrith local government area (LGA) and borders the western boundary of the Fairfield LGA.

The Proponent is seeking concept approval to establish the site layout and developable areas, regional road connections, site infrastructure and urban design, traffic and parking and environmental management guidelines for future development applications on the site.

The Proponent is concurrently seeking project approval to subdivide the site and to develop the first stage (Stage 1) of the concept plan in the north eastern corner of the site, including a regional road connection, bulk earthworks, the construction of a (one) warehouse building with offices, external and internal access roads, car parking and associated services.

The Concept Plan would generate 1,402 full-time equivalent construction jobs and 3,038 full-time equivalent jobs during operation, once all stages are developed. The Concept Plan has a capital investment value (CIV) of around \$479 million. Stage 1 would generate 110 full-time equivalent construction jobs and 260 full-time equivalent jobs during operation. Stage 1 has a capital investment value (CIV) of around \$40 million.

Both the Concept Plan and project application constitute transitional 'Major Projects' under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as they triggered Clauses 7(1)(b) and 27(1)(b) in Schedule 1 of *State Environmental Planning Policy (Major Projects) 2005*. Director-General's environmental assessment requirements (DGRs) have been issued in respect of these projects. The projects are therefore transitional Part 3A projects.

The Department exhibited the Environmental Assessment for the projects from 21 March 2011 until 9 May 2011 and received 127 submissions, including 8 from public authorities and 119 public submissions, including 1 from a special interest group. Penrith City Council and Fairfield City Council objected to the proposal, particularly due to visual impacts on nearby residents (loss of views of the Blue Mountains) and inconsistency with the WSEA SEPP, and all other public authorities raised issues of concern. All public submissions objected to the proposal or raised issues of concern such as potential visual, noise and traffic impacts and land use conflict.

As more than 25 submissions by way of objection were received on the projects and Penrith City Council objected to the projects, the applications will be determined by the Planning Assessment Commission in accordance with the Minister's Instrument of Delegation, dated 14 September 2011.

On 9 December 2011, the Proponent lodged a response to the issues raised in submissions (RTS). The RTS outlined two revised development options to address the issues raised in submissions on the EA including:

- a 'rural residential option' which replaced 20 hectares of industrial development with rural residential lots on the southern and eastern boundaries of the site; and
- a 'revised industrial option' including a landscaped earth mound on the southern and eastern boundaries of the site.

The Department undertook further consultation with the original submitters and received a further 117 submissions on the RTS including 3 from public authorities and 114 public submissions.

Despite the changes to the proposal as outlined in the RTS, the Department remained concerned about the potential visual and amenity impacts that the proposal could have on nearby residential properties. As a result, the Department requested that the Proponent lodge a Preferred Project Report (PPR) to address both the Department's concerns and those issues raised in submissions.

On 12 November 2012, the Proponent lodged a PPR. The PPR proposed several changes to the development in order to address those issues raised in submissions including:

- the introduction of an earth mound with landscaping along the southern and eastern boundaries of the site to mitigate visual impacts on nearby residents;
- retention of the knoll in the south-eastern corner of the site with additional landscaping;

- including increased boundary setbacks (39m to 54m, previously 20m), maximum building heights of 14m, reorientation of some buildings and lowering of building pad levels (-1m);
- a stormwater management scheme to account for the introductions of the earth mound;
- reconfigurations to the internal road layout to account for the Department's revisions to the preferred alignment of the Southern Link Road Network; and
- amendments to the proposed site development guidelines (building design controls) and Voluntary Planning Agreement (VPA).

The Department again undertook further consultation with the original submitters and received a further 196 submissions on the PPR including 4 from public authorities and 192 public submissions.

The PPR sought to address all of the issues raised to date and represents the Proponent's final position in respect of the proposal. A number of public authorities and public submitters provided multiple submissions in response to the EA, RTS and PPR. The Department's report assesses the proposal as put forward in the PPR and considers each submitter's final position on the proposal.

The Department assessed the concept plan and the Stage 1 project application concurrently. The assessment found that the key issues were visual impact, noise and vibration, traffic, access and parking, surface water and stormwater. Other issues included biodiversity, heritage, bushfire, infrastructure servicing and local and regional infrastructure contributions.

The Department's assessment of visual impact found that the revised PPR proposal did not satisfactorily address the development standards set by Clauses 21 and 23 of the WSEA SEPP and that the proposal could have an unacceptable visual impact on surrounding residential properties as each stage is developed over time. As a result, the Department has recommended a series of modifications in the concept approval which amends the proposal to reduce its visual impacts.

It is considered that the recommended modifications represent a balanced outcome between facilitating industrial development on the site and protecting residential amenity in the wider area. It also provides the flexibility for non-compatible development to the north and west of the landscaped bund if it can be adequately justified by demonstrating that the bund is functioning effectively. In addition, the amended proposal provides improved development outcome for the site as a whole.

Alternatively, the Department considers that a proposal (planning) to rezone the interface zone to enable rural-residential development is also likely to have merit and would be supported.

The Department's assessment of traffic and transport found that the proposed temporary access arrangements for the site would be adequate to cater for Stage 1. The need for additional upgrades to roads (e.g. Old Wallgrove Road) would be assessed and monitored as part of future traffic assessments for all future DAs on land in the WSEA south of the Sydney Water pipeline. These upgrades would be funded or provided by regional infrastructure contributions or, as works in kind by developers.

Overall, the Department is satisfied that the impacts of the amended proposal are acceptable and can be adequately mitigated and managed. The Department has stipulated the overall terms and limits of the approval, together with the environmental assessment requirements for future development applications in the recommended concept plan approval. Conditions have also been recommended in the project approval to address the residual issues for the first stage of the concept proposal.

In addition, the Department's assessment recognises the significance and need for the proposal in terms of promoting development within the south-western subregion of Sydney. The project is consistent with the objectives of the Sydney Metropolitan Plan providing for the development of employment lands and generating jobs in the western Sydney area.

The Department is satisfied that the project has significant social and economic benefits for the south western Sydney community and is therefore in the public interest.

On balance, the Department believes that the benefits of the proposal sufficiently outweigh its costs and that it is therefore in the public interest and should be approved, subject to strict modifications in the concept plan approval and conditions in the project approval.

1. BACKGROUND

1.1 Introduction

Jacfin Pty Ltd (the Proponent) proposes to develop a 100 hectare site that it owns for warehousing, distribution and light industry in the Western Sydney Employment Area (WSEA).

In August 2010, the Proponent submitted two Part 3A Major Project applications with the Department for the whole site:

1. an application for *concept approval* to establish the site layout and developable areas, regional road connections, site infrastructure and urban design, traffic and parking and environmental management guidelines for future development applications on the site; and
2. a *project application* to subdivide the site and to develop the first stage of the concept plan on part of the site, including a regional road connection, bulk earthworks, the construction of a (one) warehouse building with offices, external and internal access roads, car parking and associated services.

A joint Environmental Assessment (EA) was prepared for both applications, and was exhibited in mid 2011. The first proposal was amended by the Proponent to address the issues raised during the exhibition period as well as further submissions received in early 2012 in response to the Proponent's response to submissions (see Section 4).

This culminated in the lodgement of a Preferred Project Report (PPR) in September 2012. The PPR seeks to address all of the issues raised to date and represents the Proponent's final position in respect of the proposal. This report assesses the proposal as put forward in the PPR.

1.2 Regional Context

Western Sydney Employment Area

In December 2005, the NSW Government announced the creation of the WSEA. The area covers approximately 2,450 hectares of land near the intersection of the M4 and the M7 Motorways.

The WSEA included 1,400 hectares of land that was already zoned for employment uses and 826 hectares that has been earmarked for employment uses in the *Metropolitan Strategy City of Cities: A Plan for Sydney's Future*.

In August 2009, the WSEA SEPP was gazetted and established a series of land uses and other development controls for 10 Precincts across four local government areas – Fairfield, Penrith, Blacktown and Holroyd.

Since then, the WSEA has been progressively developed with both the Minister and Council (for development that is not deemed State significant) issuing a combination of approvals and consents.

In particular, a number of Major Project applications have been approved by the Minister in Eastern Creek (Precinct 2) and Erskine Park (Precinct 7) for employment generating uses, including warehousing and distribution centres, manufacturing facilities and data centres.

In addition, the Minister has approved a number of concept plan applications for the nearby Huntingwood West site, Minchinbury Employment Park, Oakdale Central and Ropes Creek (one of the Proponent's other sites in Precinct 6, see Figure 1).

Erskine Park Link Road and Southern Link Road Network

The Department and Roads and Maritime Services (RMS) commissioned a strategic assessment report known as the *AECOM Western Sydney Employment Area Southern Link Road Network Strategic Transport Assessment 2011* (WSEA SLRN report) which was exhibited by the Department from 6 July to 17 August 2011, and identified a preferred alignment option for the SLRN based on more detailed site investigations (see Figure 14).

The WSEA SLRN report confirms the preferred alignment of the SLRN (east-west link) running along the northern boundary of the Proponent's site. As such, as part of this proposal, the Proponent is seeking concept approval to connect to the SLRN (east-west link) via Regional Road 1 (see Section 2.2) and project approval to construct part of Regional Road 1 (see Section 2.3).

The Proponent's Horsley Park site is located within Precinct 8 of the WSEA known as 'South of Sydney Catchment Authority Warragamba Pipeline'.

The site is located in the Penrith local government area (LGA) and borders the western boundary of the Fairfield LGA (see Figure 2).

The majority of the site was rezoned by the WSEA SEPP from Rural 1(a) in the *Penrith LEP No. 201* to General Industrial (IN1) by the then Minister, with the exception of a small area next to the sites western boundary that was rezoned Environmental Conservation (E2) as it forms part of an existing riparian corridor.

There are a number of land uses in the immediate vicinity of the site, including (see Figures 1, 2 & 3):

- Oakland Central (Goodman) to the north which was granted concept and Stage 1 project approval by the then Minister in January 2009 (1 warehouse building on lot 1A is currently under construction and 2 warehouse buildings on lot 2A have been constructed);
- the rural-residential suburbs of Capitol Hill and Mt Vernon to the south, including a Council approved subdivision and paper road running along the sites southern boundary;
- CSR Bricks and Roofing and the rural-residential suburb of Horsley Park to the east including the closest residents in Greenway Place; and
- other areas of the WSEA to the west (Oakdale South and West).

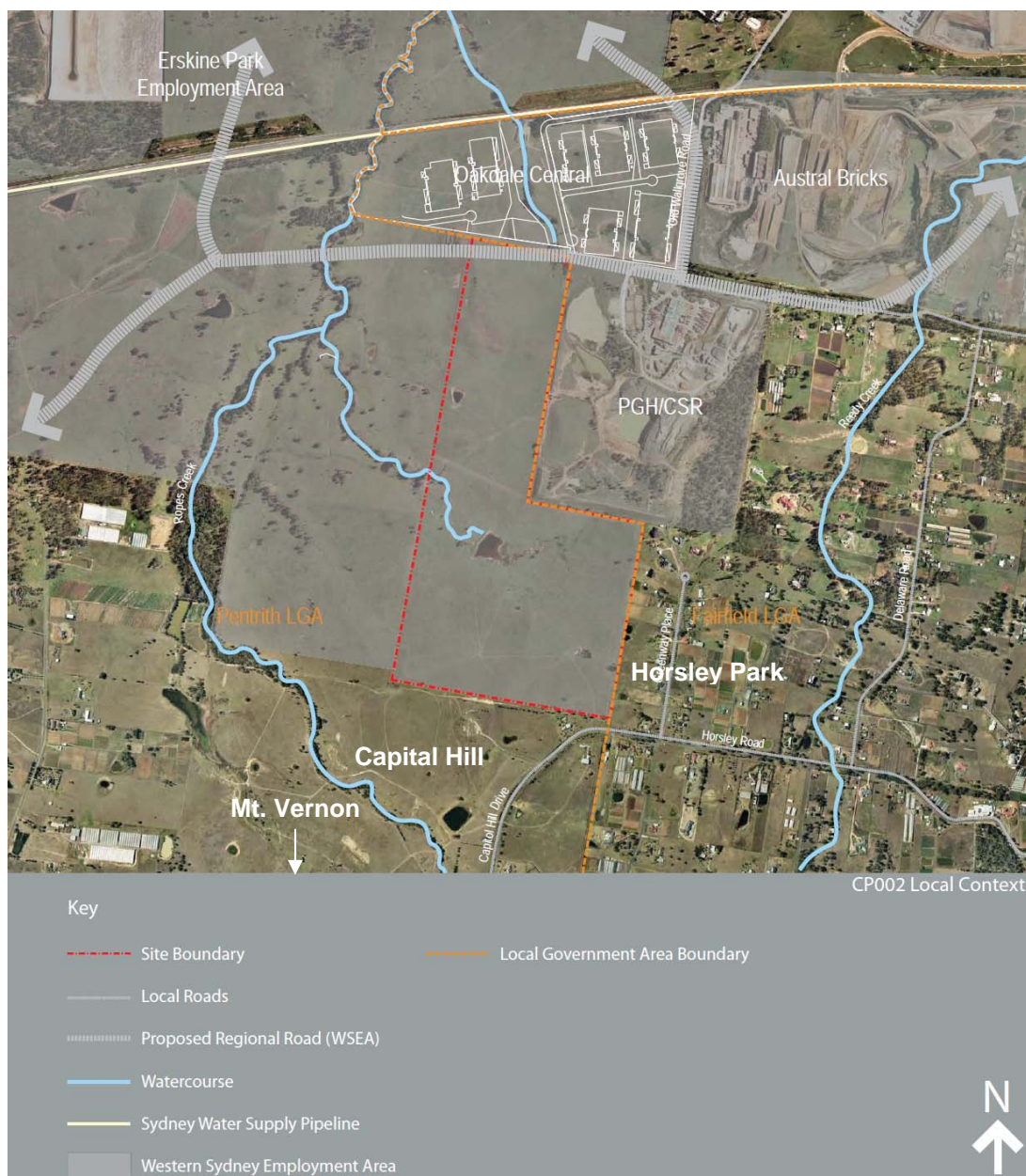


Figure 2: Site and Local Context

The site itself is mainly cleared grazing land aside from an area of intact riparian vegetation along Ropes Creek, which flows into the larger of two farm dams on the site, and is the lowest point at RL 64 metres.

The topography of the site is undulating with a ridgeline running generally in a north-west to south-east direction in the northern portion of the site up to RL 88 metres. A second ridgeline runs east-west across the southern portion of the site, up to RL 93 metres, on which a small demountable cottage is situated. This is the highest point of the site (see Figure 4).



Figure 3: Site Plan



Figure 4: Site Topography

The nearest residential dwellings along Greenway Place are situated around 50 metres from the site boundary at RL96 metres and enjoy uninterrupted views to the Blue Mountains. The nearest existing residential dwelling on Capitol Hill Drive is situated about 30 metres from the site boundary.

Access to the site from the M7 motorway is currently via Old Wallgrove Road which ends at CSR Bricks at an unformed section of Burley Road.

2. DESCRIPTION OF THE PROPOSAL

2.1 Introduction

As noted in Section 1, the Department's summary and assessment is based on the revised proposal, as presented in the Proponent's Preferred Project Report (PPR).

2.2 Concept Plan

The main components of the Concept Plan are summarised in Table 1 and depicted on Figures 5, 7 and 8 (Figure 6 has been included to show how the proposal has changed from what was originally submitted).

Table 1: Major components of the Concept Plan

Component	Description
Summary	Establishment of conceptual: <ul style="list-style-type: none"> • site layout for an industrial park including developable areas for warehouses and light industry on approximately 99ha of land (see Figure 4); • site development guidelines; • landscaping scheme; • bulk earthworks strategy; • internal road layout with regional road connections; • infrastructure servicing strategy; • project staging; and • service centre.
Key Site Development Guidelines	<ul style="list-style-type: none"> • site coverage not to exceed 65%; • minimum industrial lot size of 5000m²; • maximum building height of 14m; • boundary setbacks to proposed buildings ranging from 39m to 54m; • raised and landscaped earth mound approximately: <ul style="list-style-type: none"> - 4m to 5.6m high (RL89) by 35m to 39m wide on the southern boundary; and - 3.5m to 7m high (RL93) by 37.5m to 39m wide on the eastern boundary.
Bulk Earthworks and Landscaping	<ul style="list-style-type: none"> • a conceptual cut and fill balance across the site; • landscaping scheme for the site including the provision of a landscaping earth mound on the southern and south-eastern boundaries of the site primarily to mitigate visual impact to adjoining residences along the southern and eastern boundaries (see Figure 5); and • earthworks for the full width of Regional Road 1 (see Section 2.3). <p><u>Note:</u> the earth mound is proposed to be constructed (as needed) to mitigate the impacts of future development within the concept area.</p>
Road Infrastructure	<ul style="list-style-type: none"> • connection to the SLRN (east-west link) via Regional Road 1 and use as the main site access; • internal road layout (21.5m wide with 7.5m building setbacks) providing a single lane in each direction; and • pedestrian/cycle path/s.
Infrastructure Servicing Strategy	<ul style="list-style-type: none"> • establishment of an integrated stormwater management and trunk drainage strategy for the site, including 7 stormwater detention basins, bio-retention basins, pipe drainage culverts (through the earth mound), pit, pipe and swale system and gross pollutant traps; and • establishment of an indicative infrastructure servicing strategy for electricity, gas, communications, water supply and sewerage.
Environmental Management Plans (for each future DA)	<ul style="list-style-type: none"> • Construction Environmental Management Plan; • Operational Waste Management Plan; • Aboriginal Heritage Management Plan; • Detailed Landscaping Plan; and • Driver Code of Conduct.
Staging	5 Stages, planned to occur over the next 15 to 20 years (see Figure 6)
CIV	\$479 Million
Employment	Construction: 1,402 Operation: 3,038
Hours of Operation	24 hours, 7 days a week.

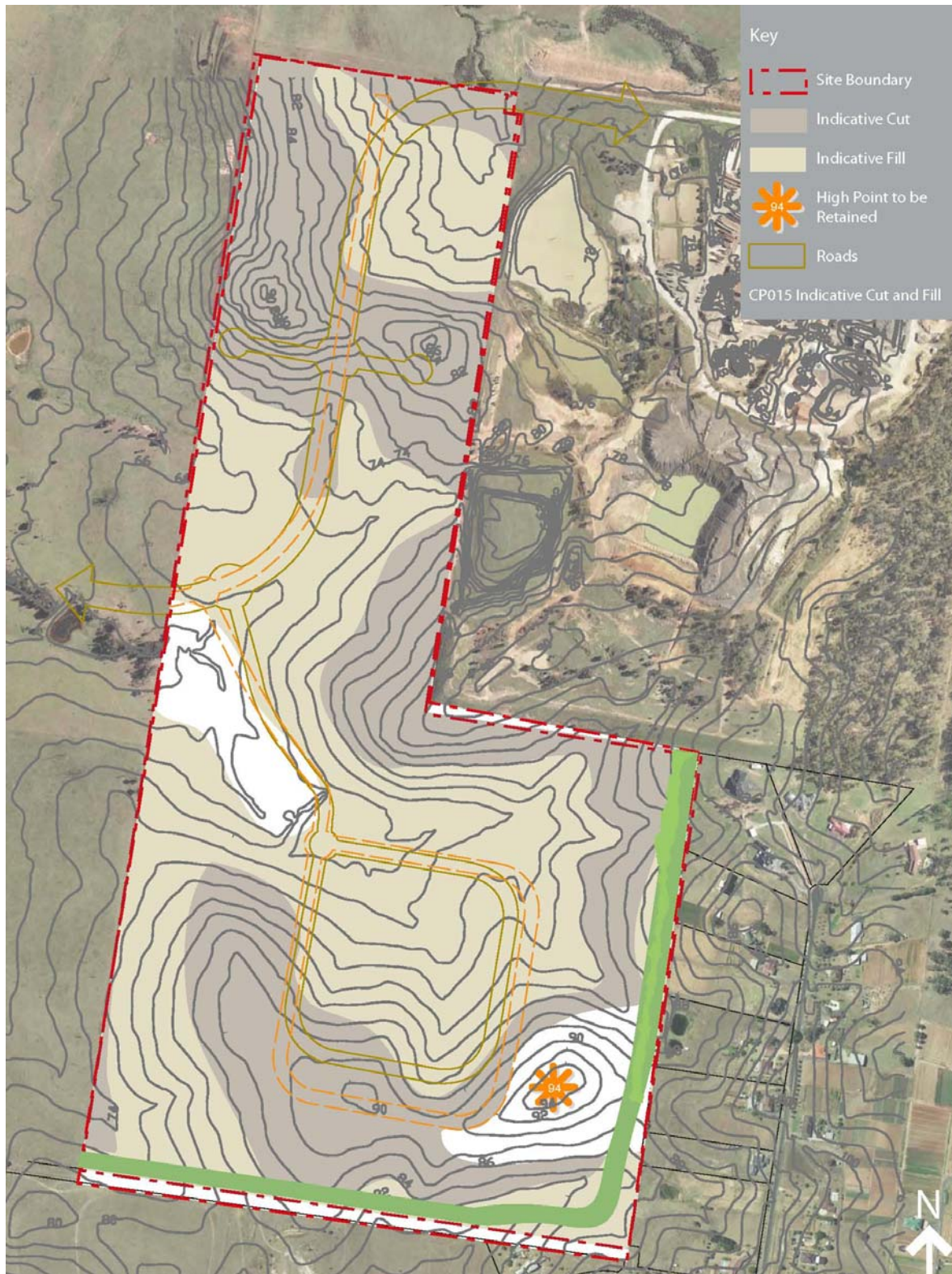


Figure 5: Conceptual Cut and Fill



Figure 6: Concept Plan Layout (EA)



Figure 7: Concept Plan Layout (PPR)



Figure 8: Concept Staging Plan

2.3 Project Application

The main components of the Stage 1 Project Application are summarised in Table 2 and depicted on Figure 9.

Table 2: Major components of the Stage 1 Project

Component	Description
Project Summary	<ul style="list-style-type: none"> • subdivision of the site into 2 allotments; • bulk earthworks; • the construction of Warehouse Building No. 1 and associated office space and parking; • construction of part of Regional Road 1; • construction of part of the internal road system and site access to Stage 1; and • associated infrastructure (i.e. services and utilities).
Subdivision	<p>Proposed subdivision of the site into 2 lots (see Figure 7), including:</p> <ul style="list-style-type: none"> • Lot 100 – Stage 1 for Warehouse Building 1 (~7.35ha); and • Lot 101 – Residual Lot (all land remaining ~91.65ha).
Bulk Earthworks and Landscaping	<ul style="list-style-type: none"> • bulk earthworks, cut and fill for the construction of the Stage 1 (Warehouse 1) building pad (RL75m) including car parking and vehicle manoeuvring areas; • earthworks for the full width of Regional Road 1 (see below), while only constructing the southern carriageway; • implementation of the landscaping scheme to minimise the visual impact of Stage 1 and Warehouse Building 1 including a 20m wide landscape zone between the building and frontage to Regional Road 1, perimeter planting of trees at the entry and car park and various planting beds; • temporary on-site stockpiling of acquired top soil not required for landscaping outside of the Stage 1 area; and • construction of a retaining wall on the eastern boundary of the site with a height ranging between 2.2m and 4.8m.
Warehouse 1	<ul style="list-style-type: none"> • establishment of building pads; • construction of a 27,330m² warehouse (Warehouse Building No. 1) on Lot 100 (see Figure 8) including: <ul style="list-style-type: none"> - 25,300m² of warehouse space (230m long by 110m wide by 13.7m high); and - 2,030 m² of office space (66m long by 18m wide by 8.85m high).
Road and Access Infrastructure	<p>Construction of (see Figure 7 and Figures 15 to 17):</p> <ol style="list-style-type: none"> 1. part of Regional Road 1 between the southern end of Old Wallgrove Road, Burley Road and the entrance to the site. This would be a two-way single carriageway within the southern section of the SLRN alignment (see below); 2. part of Local Road 1, from a connection point of Regional Road 1 to a point just south of the Warehouse Building 1 driveway. This local road would have a temporary cul-de-sac at its southern end until future stages are developed; and 3. temporary intersections at both ends of the new section of Regional Road 1.
Parking	<ul style="list-style-type: none"> • parking for 135 vehicles; and • nominated overflow parking area for an additional 45 vehicles, should they be required.
Infrastructure Services	<p><u>Stormwater Management</u></p> <p>Stormwater control for Stage 1 including construction of:</p> <ul style="list-style-type: none"> • detention Basin number 6 with: <ul style="list-style-type: none"> - a total area of 2,800m²; - a total bio-retention area of 1,700m²; and - a total volume of 1,200m³. • a 3600mm x 1200mm culvert from the regional road to detention basin number 6. <p><u>Water Supply</u></p> <p>Construction of 5.4km long by 450mm diameter lead-in water main (including pressure reduction valve) along Horsley Drive, Arundel Road and Burley Road. Provision of a minimum 150mm reticulated water mains within the site</p> <p><u>Sewer</u></p> <p>Sydney Water is currently investigating two options to service the WSEA that are unlikely to be finalised in the near future.</p> <p>Water and sewer servicing for Stage 1 is to be determined and finalised in consultation with Sydney Water when the Proponent applies for the Section 73 Certificate under the</p>

Component	Description
	Sydney Water Act 1994.
	All other infrastructure (electricity, gas and telecommunications) would be provided through the augmentation and/or extension of existing services along Old Wallgrove Road.
Environmental Management Plans	<ul style="list-style-type: none"> • Construction Environmental Management Plan, including measures to manage: <ul style="list-style-type: none"> ○ Site Construction Activities; ○ Air Quality; ○ Noise and Vibration; ○ Soil and Water; ○ Traffic; ○ Waste and Hazardous Materials; and ○ existing riparian corridor. • Operational Waste Management Plan.
Construction	12 months
CIV	\$40 Million
Employment	Construction: 110 Operation: 260
Hours of Operation	Construction: 7.00am to 6.00pm (Monday to Friday), 8.00am to 1.00pm (Saturday) and no work on Sundays or Public Holidays; and Operation: 24 hours a day, 7 days a week.

It is important to note that approval of the concept plan would not permit any areas of the site to be further subdivided or developed (other than the Stage 1 project application area) without subsequent development applications being submitted, assessed and determined by the relevant consent authority.

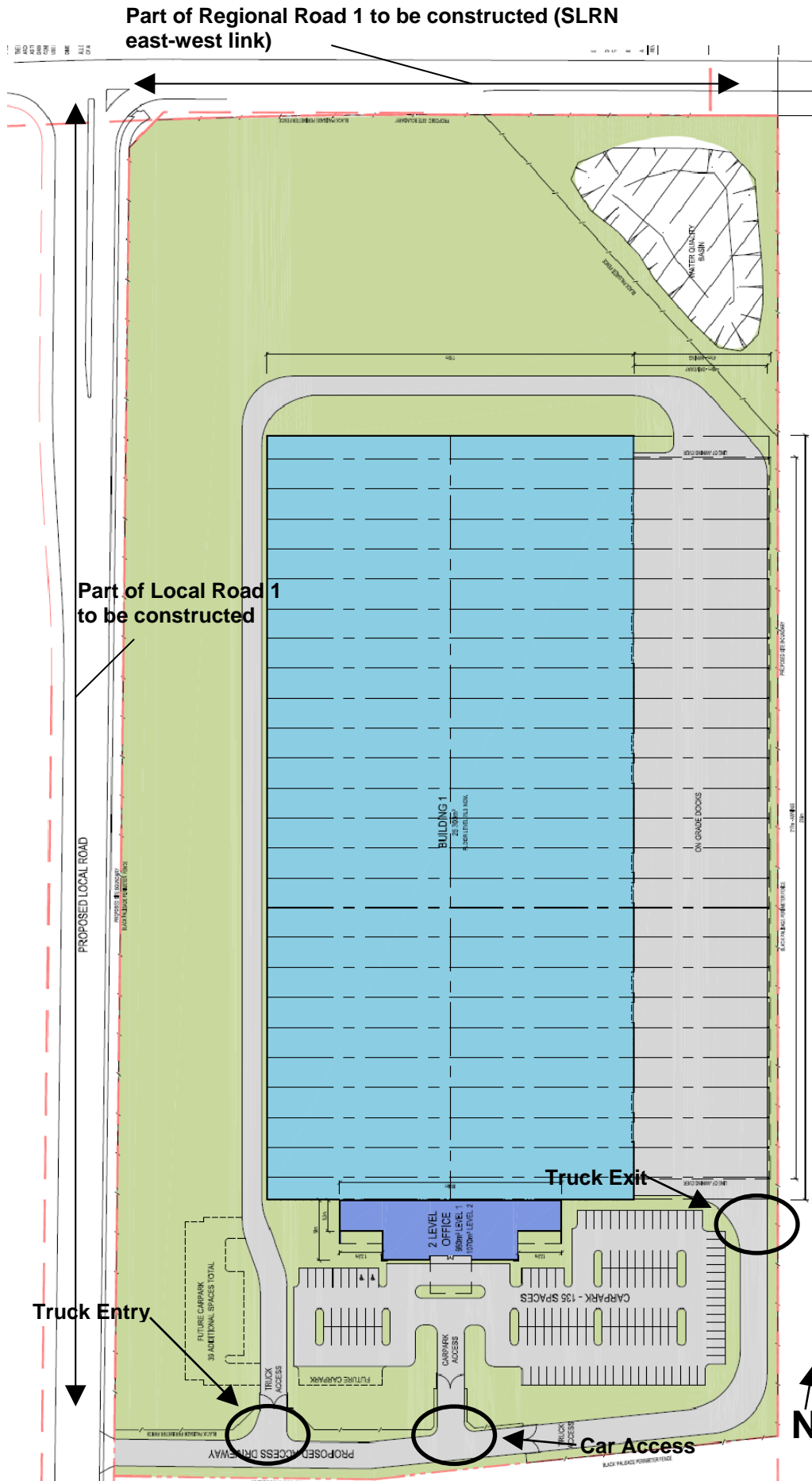


Figure 9: Proposed Stage 1 Warehouse Building

3. STRATEGIC AND STATUTORY CONTEXT

3.1 Strategic Context

NSW 2021 and draft Metropolitan Strategy for Sydney to 2031

The proposal is consistent with the goals and priorities of NSW 2021, particularly Chapter 1 as it would contribute to building the NSW economy by promoting economic and employment growth in the Sydney Metropolitan Region.

The Capital Investment Value is \$479 million for the Concept Plan and \$40 million for the Stage 1 Project Application. The Stage 1 Project would employ approximately 260 full-time staff once operational, while the completed concept area would employ approximately 3038 full-time staff once operational.

The proposal is also consistent with the goals and priorities of the draft Metropolitan Strategy for Sydney to 2031 (Metro Plan) as the site will provide for new economic activity in Western Sydney and in particular, enhance development on designated employment lands in the WSEA.

The broad aims of the Metro Plan are implemented through ten sub-regional plans, including the Draft North West Subregional Strategy that covers the subject site. The proposal would assist significantly in achieving employment targets identified in the Metro Plan and the Draft North West Subregional Strategy.

WSEA SEPP

State Environmental Planning Policy (Western Sydney Employment Area) 2009 (WSEA SEPP) governs land use in the WSEA. The WSEA SEPP broadly aims to promote economic development and the creation of employment in the WSEA by providing for development including major warehousing, distribution, freight transport, industrial, high technology and research facilities.

In the WSEA SEPP there are specific clauses to deal with the interface area of the broader WSEA and adjoining residential areas. The intent of these clauses is to manage potential land use conflicts including visual, bulk and scale impacts associated with industrial development on residences in interface areas. Key clauses include:

- Clause 21 which aims to ensure building heights do not adversely impact on the amenity of adjacent residential areas; and
- Clause 23 which aims to ensure buildings are compatible with the height, scale, siting and character of existing residential buildings in the vicinity.

The Department's detailed consideration of these clauses as they relate to the proposal is set out in Section 5.2.1 of this report.

3.2 Major Projects

Both the concept plan and project application constitute transitional 'Major Projects' under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as they include development for the purpose of storage or distribution centres, with a capital investment value of more than \$30 million, and therefore trigger the criteria in Clause 12 of Schedule 1 of *State Environmental Planning Policy (Major Projects) 2005*.

Part 3A of the EP&A Act, as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A to the Act, continues to apply to transitional Part 3A projects. As Director-General's environmental assessment requirements (DGRs) have been issued in respect of these projects prior to 8 April 2011 the projects are therefore transitional Part 3A projects.

Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated Regulations, and the Minister (or his delegate) may approve or disapprove of the carrying out of the projects under sections 75J and 75O of the EP&A Act.

3.3 Approval Authority

Under the EP&A Act, the Minister is the approval authority for transitional Part 3A Projects. However, as more than 25 submissions by way of objection were received on the projects and Penrith City Council objected to the projects, the applications are referred to the Planning Assessment Commission for determination in accordance with the Minister's Instrument of Delegation, dated 14 September 2011.

3.4 Other Approvals

Under Section 75U of the EP&A Act, a number of other approvals have been integrated into the Part 3A approval process and are not required to be separately obtained for the projects. These include heritage-related approval/s required under the *National Parks and Wildlife Act 1974*.

The Department has consulted with the Office of Environment and Heritage (OEH) and has incorporated the OEH's recommendations into the recommended conditions (see Section 5).

Under Section 75V of the EP&A Act, a number of further approvals are required to be obtained, but these must be approved in a manner that is consistent with any Part 3A approval. In this case, the projects require a license/s under the *Roads Act 1997* (Roads Act).

The Department has consulted with Roads and Maritime Services (RMS) and considered the relevant issues relating to the issue of an approval under the Roads Act in its assessment of the proposal (see Section 5 of this report).

3.5 Permissibility

The site is predominantly zoned part 'IN1 – General Industrial' with a small part 'E2 - Environmental Conservation' under the *State Environmental Planning Policy (Western Sydney Employment Area) 2009* (WSEA SEPP). The Proponent is proposing to develop land within the IN1 zone only. Development for the purposes for warehousing and distribution facilities is permissible in this zone.

No development (apart from vegetation enhancement) is proposed (or would be permitted) as part of the concept plan or project application on the part of the site that is zoned E2.

3.6 Environmental Planning Instruments

Section 75I of the EP&A Act requires the Director-General's report to include a copy of or reference to environmental planning instruments that substantially govern the carrying out of the projects. Those instruments are:

- *State Environmental Planning Policy (Major Development) 2005* (Major Development SEPP);
- *State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP);
- *State Environmental Planning Policy (Western Sydney Employment Area) 2009* (WSEA SEPP);
- *State Environmental Planning Policy No. 55 – Remediation of Land* (SEPP 55);
- *State Environmental Planning Policy No. 64 – Advertising and Signage* (SEPP 64); and
- *Penrith Local Environmental Plan 2010* (Penrith LEP).

The Department has assessed the projects against these instruments and considers:

- the proposal is a 'transitional' Part 3A project and has been assessed in accordance with the Major Development SEPP (see Section 3.2);
- the relevant matters of the Infrastructure SEPP have been considered and assessed in Section 5 and the proposal is consistent with this SEPP;
- the proposal would be located on suitable land zoned under the WSEA SEPP (Section 3.5) and would be generally consistent with the relevant aims and objectives (in particular Clause 23) of the WSEA SEPP (Section 5). The clauses of the WSEA that relate to height of buildings and development adjoining residential land are discussed in Section 5.2.1 of this report;
- the land is not contaminated in a manner that requires the preparation of a Preliminary Contamination Investigation under SEPP 55;

- the proposal does not include signage but the Department has recommended conditions to ensure future signage is consistent with SEPP 64; and
- the proposal satisfies the relevant provisions of Penrith LEP.

Section 3.3 of the EA also includes an assessment of the proposal against relevant environmental planning instruments. A copy of all of these instruments is included as Appendix B.

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

The Minister is required to consider the objects of the EP&A Act when he makes decisions under the Act. These objects are detailed in Section 5 of the Act, and include:

'The objects of this Act are:

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

With respect to ecologically sustainable development (ESD), the EP&A Act adopts the definition in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD 'requires the effective integration of economic and environmental considerations in decision-making processes' and that ESD 'can be achieved through' the implementation of the principles and programs including the precautionary principle, the principle of inter-generational equity, the principle of conservation of biological diversity and ecological integrity, and the principle of improved valuation, pricing and incentive mechanisms. In applying the precautionary principle, public decisions should be guided by careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment and an assessment of the risk-weighted consequences of various options.

The Proponent has undertaken an environmental risk analysis of the proposal, and considered it in the light of ESD principles. The Department has fully considered the objects of the EP&A Act, including the encouragement of ESD, in its assessment of the applications. This assessment found that the objects of most relevance to the Minister's decision on whether or not to approve these projects are those under Section 5(a)(i), (ii), (vi) and (vii) and that the proposal is consistent with these principles.

4. CONSULTATION

4.1 Exhibition and Notification

An Environmental Assessment (EA) was jointly prepared for both projects. Under Sections 75H(3) and 75N of the EP&A Act, the Director-General is required to make the EA publicly available for at least 30 days.

After accepting the EA for the projects, the Department:

- made it publicly available from **Thursday 31 March 2011** until **Monday 9 May 2011**:
 - at the Department's Information Centre;

- at Penrith City Council;
- at the Nature Conservation Council.
- notified landowners in the vicinity of the site about the exhibition period by letter;
- notified other relevant State government agencies, Penrith City, Blacktown and Fairfield Council's by letter; and
- advertised the exhibition in the Blacktown Advocate and Penrith Press.

This satisfies the requirements in Section 75H(3) and 75N of the EP&A Act.

During the assessment process the Department also made a number of documents available for download on the Department's website. These documents included the:

- applications for concept approval and project approval;
- Director-General's environmental assessment requirements;
- EA;
- submissions received;
- the Proponent's response to issues raised in these submissions (RTS); and
- the Proponent's Preferred Project Report (PPR).

During the exhibition period, the Department received a total of 127 submissions on the proposal comprising:

- 8 from public authorities; and
- 119 public submissions, including 1 from a special interest group.

On 9 December 2011, the Proponent lodged a response to issues raised in submissions (RTS). The Department undertook further consultation with the original submitters on the proposal. In response to the RTS, the Department received a further 117 submissions on the RTS including:

- 3 from public authorities; and
- 114 public submissions.

On 12 November 2012, the Proponent lodged a Preferred Project Report (PPR). The Department again undertook further consultation with the original submitters on the proposal. In response to the PPR, the Department received a further 196 submissions on the PPR including:

- 4 from public authorities; and
- 192 public submissions.

A number of public authorities and public submitters provided multiple submissions in response to the EA, RTS and PPR.

A copy of all of these submissions is attached in Appendix D. A summary of each submitter's position on the proposal is provided below.

4.2 Public Authorities

Penrith City Council (PCC) maintained its objection to the proposal primarily due to unacceptable visual impacts caused by the loss of views to the Blue Mountains for residents in Greenway Place due to insufficient buffer distances and the introduction of an earth mound.

PCC suggested that the existing view of the adjoining residential properties to the south could be unimpeded by retaining the knoll as proposed without the natural topography being removed by a building envelope on its southern side. In light of this, it was considered that the proposal does not comply with the provisions of the WSEA SEPP.

Fairfield City Council (FCC) maintained its objection to the proposal based on unacceptable impacts on westerly views of residents in Horsley Park towards the Blue Mountains, inadequacy of the visual assessment, provision of a deficient setback area, inconsistency with Clauses 21 and 23 of the WSEA SEPP (discussed in detail in Section 5.2.1 of this report) and Section 79C(1)(e) of the EP&A Act in that the proposal is not in the public interest.

FCC recommended that the Department require the Proponent to prepare an amended proposal with an increased minimum setback (buffer) area between the site and surrounding residential properties in consultation with surrounding residents and Penrith City Council. FCC also requested that the

members of the Planning Assessment Commission should conduct a site inspection before determining the applications.

Blacktown City Council (BCC) noted that although the site is located outside the Blacktown LGA, traffic associated with the proposal would primarily utilise BCC owned roads.

BCC did not object to the applications but raised concern regarding traffic impacts and construction noise. BCC requested road maintenance contributions for the upgrade of Old Wallgrove Road, that the proposal be considered against BCC's stormwater management guidelines and that all electricity and communications easements be located underground. BCC also supported the use of native species to landscape the site.

The **Office of Environment and Heritage (OEH)** requested some outdated references to the *National Parks and Wildlife Act 1974* in the EA be updated, Aboriginal stakeholders be consulted in accordance with the relevant OEH heritage guidelines and noted that previous comments provided regarding the archaeological assessment in the draft EA had not been addressed. In the previous submission, the OEH requested all areas of potential archaeological deposit be assessed prior to public exhibition of the EA.

The **NSW Office of Water (NOW)** recommended a series of conditions of approval to protect and manage the Ropes Creek riparian corridor. The NOW also noted that the Proponent may need to gain an approval under Part 5 of the *Water Act 1912* if the proposal is likely to use or intercept groundwater.

Sydney Water (SW) outlined the works that would be necessary to service the site. SW did not support the proposed sewerage treatment plant proposed by the Proponent in the EA and noted the Proponent would need to obtain a separate approval for water and sewerage infrastructure servicing of the site from SW under Section 73 of the *Sydney Water Act 1994*.

The **Sydney Catchment Authority (SCA)** raised a number of concerns regarding the proposal and the proposed regional road network in the WSEA with maintenance of access (to), integrity (of) and security (of) SCA pipeline infrastructure.

SCA supported the proposed stormwater management system based on its design to ensure post-development flows are maintained at pre-development rates up to a 100 Year Annual Recurrence Interval (ARI) storm event.

Endeavour Energy (EE) outlined the works that would be necessary to make electricity supply available to the site, via an underground connection to Endeavour Energy's Eastern Creek Zone Substation.

Roads and Maritime Services (RMS) made no objection in principal to the applications including the proposed site layout, developable areas, regional road connections, and indicative staging of the proposal, subject to further consultation with RMS regarding the timing of the construction and the final location and design of Regional Road 1 being approved by the Department.

RMS also recommended a number of conditions of approval in relation to road design and that further consultation be undertaken with RMS as each future stage of the proposal progresses.

4.3 Public Submissions

All 119 submissions received from the community objected to and/or raised concerns about the proposal.

Around 75 per cent of public submissions were form letters. A number of different formats of form letter were received. However, the issues raised in all letters were generally the same. The main reasons for these objections were:

- visual impacts (e.g. building bulk and scale and lighting);
- land use conflict;
- noise (e.g. from 24 hour operation);

- traffic impacts;
- dust and air quality impacts;
- incompatibility of the site with the proposed project layout;
- a lack of consideration of the natural topography of the site (considerable bulk earthworks and fill);
- a lack of community consultation by the Proponent pre-lodgement; and
- potential property devaluation.

One public submission was received from a special interest group, the Blacktown and District Environment Group Inc, which objected to the proposal and raised concerns about the impact on biodiversity, vertebrate and invertebrate fauna that inhabit the on-site farm dams.

4.4 Response to Submissions

On 9 December 2011, the Proponent lodged a RTS for the proposal. The RTS outlined two revised development options to address the issues raised in submissions on the EA including:

- a 'rural residential option' which replaced 20 hectares of industrial development with rural residential lots on the southern and eastern boundaries of the site; and
- a 'revised industrial option' including a landscaped earth mound on the southern and eastern boundaries of the site.

Despite the changes to the proposal as outlined in the RTS, the Department remained concerned about the potential visual and amenity impacts that the proposal could have on nearby residential properties.

As a result, on 10 February 2012, the Department requested that the Proponent lodge a Preferred Project Report (PPR) to address both the Department's concerns and those issues raised in submissions.

On 12 November 2012, the Proponent lodged a PPR. The PPR proposed several changes to the development in order to address those issues raised in submissions including:

- the introduction of an earth mound with landscaping along the southern and eastern boundaries of the site to mitigate visual impacts on nearby residents;
- retention of the knoll in the south-eastern corner of the site with additional landscaping;
- building design changes on the southern and eastern boundaries of the site including increased boundary setbacks (39m to 54m, previously 20m), maximum building heights of 14m, reorientation of some buildings and lowering of building pad levels (-1m);
- a stormwater management scheme to account for the introductions of the earth mound;
- reconfigurations to the internal road layout to account for the Department's revisions to the preferred alignment of the Southern Link Road Network; and
- amendments to the proposed site development guidelines (building design controls) and Voluntary Planning Agreement (VPA).

5. ASSESSMENT

5.1 Introduction

The Department's assessment, as outlined in Sections 5.2 and Section 5.3 below, provides an assessment of the proposed concept plan and project application for Stage 1. This includes the recommendation of specific modifications for the overall concept plan area in terms of limits of approval, modifications and future assessment requirements and the recommendation of specific conditions in the project approval to mitigate and manage all issues relevant to the construction and operation of Stage 1.

In assessing the merits of the project, the Department has considered:

- the EA, submissions and response to submissions (RTS) on the projects (see Appendices D to F);
- the Preferred Project Report (PPR – Appendix C);
- the Proponent's statement of commitments and site development guidelines;
- the findings of the Department's appointed visual expert (Appendix G);

- the relevant environmental planning instruments, guidelines and policies (see Appendix B); and
- the objects of the EP&A Act, including the object to encourage ecologically sustainable development.

The Department considers the key issues relate to visual impacts, noise impacts, traffic, access and parking and surface water.

5.2 Key Issues

5.2.1 Visual Impacts

The Department appointed O'Hanlon Design Pty Ltd (OHD) to independently review the visual aspects of the proposal, including the potential impact it could have on residential amenity. OHD's final report is attached at Appendix G and should be read in conjunction with this section of the Department's assessment report.

The main components of the concept plan, as modified by the PPR, include the overall site layout for the industrial park, the establishment of developable areas around an internal road layout with regional road connections and provision of a man-made landscaped bund along the southern and eastern boundaries of the site.

Subsequent development applications would need to be submitted, assessed and determined by the relevant consent authority to subdivide the site into industrial lots, carry out bulk earthworks and progressively develop buildings and associated infrastructure in a north to south direction on the site. All development would be required to be carried out in accordance with the site development guidelines submitted as part of the application which provide a framework for future development on the site, subject to any modifications imposed in the concept approval.

Whilst the building footprints shown on the plans are indicative, it shows how the site could be developed, based on the Proponent's preferred development outcome for the site. They also form the basis of the additional plans, sections and photomontages that were produced in support of the revised PPR proposal (see below).

As set out in Section 1.2, the whole of the site is zoned IN1 – General Industrial under the WSEA SEPP. As pointed out by many of the local residents in the vicinity of the site, the industrial use of the site is not in dispute, and it is fully acknowledged by the Department that the proposal is consistent with this land use zoning. Further, the Department considers that the form of development proposed in the northern portion of the site to the west of the CSR brickworks site, is likely to be generally compatible in this area, subject to future development applications being assessed and determined on their merits.

Rather, the issue relates to the form of development proposed in the southern portion of the site and how this could impact on existing residential amenity given its close proximity to existing residences on Capitol Hill Drive and Greenway Place (see Figure 10).

During the course of the assessment, the Proponent has amended its proposal in response to concerns raised by the Department about the potential visual and amenity impact that it could have on nearby residential properties, together with objections received from Penrith and Fairfield Councils and local residents in the vicinity of the site. The main changes that have been made by the Proponent to address these issues have been to (see Figure 10):

- reduce the size of some indicative building envelopes to show increased boundary setbacks to between 39 – 54 metres;
- reorientate some indicative building envelopes to open up view corridors to the Blue Mountains from Greenway Place;
- reduce the height of the indicative building envelopes from up to 14 to 10 metres along the sites southern boundary (a maximum building height of RL94);
- introduce a raised landscaped bund with tree planting along the eastern and southern boundaries of the site; and
- retain the knoll in the south eastern corner of the site.



Figure 10: PPR Proposal (including proposed landscaped bund)

Photomontages were produced to illustrate how the industrial buildings along the southern and eastern boundaries could theoretically be sunk into the landscape behind a landscaped bund and retaining wall to screen or hide them from existing residences (see Figures 11 and 12).

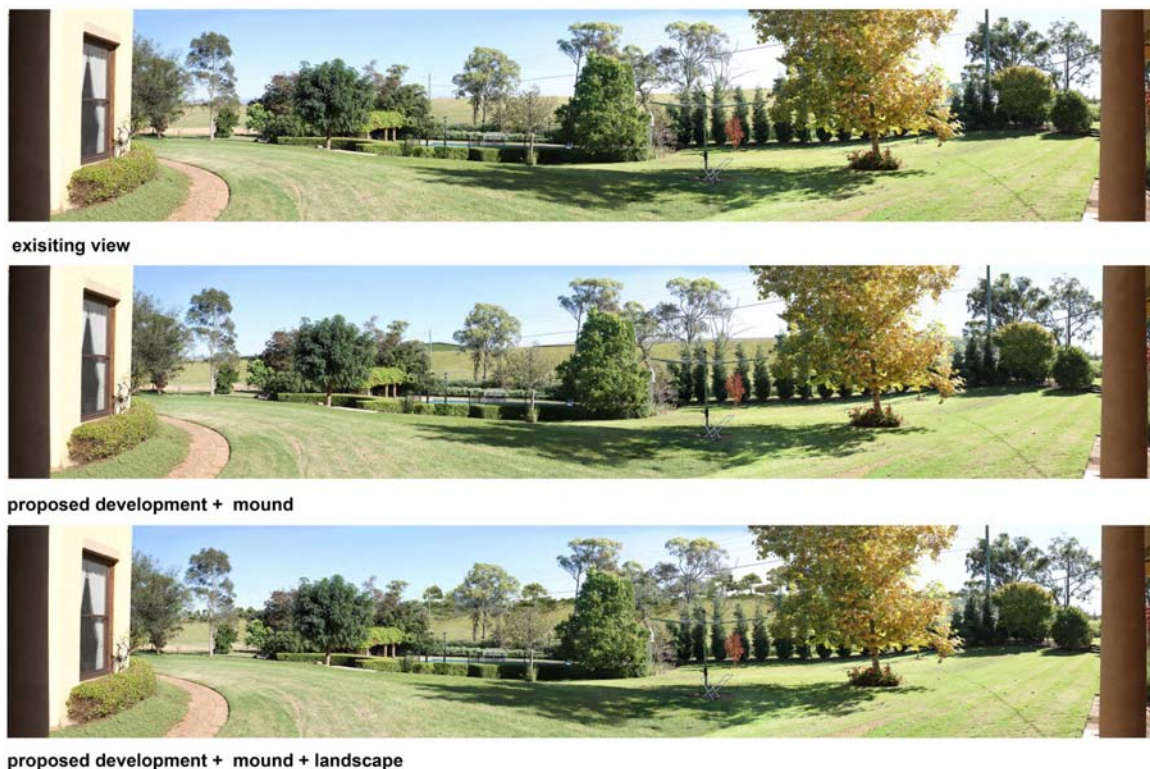


Figure 11: Photomontage view from 1 Capitol Hill Drive



Figure 12: Photomontage view from 37 Greenway Place

Clauses 21 and 23 of the WSEA SEPP seek to protect visual and other amenity issues where industrial/residential interfaces exist and are the key heads of consideration that need to be examined by the Department in assessing the visual impact of the proposal. These clauses stipulate that the consent authority must not grant consent to development on this land unless it is satisfied that a series of development standards have been met. Clause 27 provides exceptions to these development standards where it can be adequately justified.

In particular, Clause 21 states that the consent authority must not grant consent to development on land unless it is satisfied that *building heights will not adversely impact on the amenity of adjacent residential areas and site topography has been taken into consideration*.

Clause 23 applies to land that is within 250 metres of land zoned primarily for residential purposes. In this case, this includes all of the existing properties located along Greenway Place to the east and, to the south, existing properties on Capitol Hill Drive, as well as adjacent land to the south of the site which is subject to a Council approved rural residential subdivision. Clause 23(a) states that the consent authority must not grant consent to development on such land unless it is satisfied that *wherever appropriate, proposed buildings are compatible with the height, scale, siting and character of existing residential buildings in the vicinity*.

The Proponent's overall approach to developing the site has not fundamentally changed with the lodgement of the PPR. The existing topography of the site would be significantly altered by carrying out extensive cut and fill to create level building pads (see Figures 4 and 5) with large scale industrial warehouse buildings being developed across the site, much like has occurred in other parts of the WSEA.

Notwithstanding, the Department acknowledges the changes that the Proponent has made to the original proposal, particularly the retention of the existing knoll in the south eastern corner of the site, the introduction of a landscaped bund along the southern and eastern boundaries and the proposed reduction in building heights. The reduction and reorientation of the proposed buildings is also recognised, however these changes are considered to be of lesser significance since the building footprints are indicative and do not form part of a project application at this stage.

Importantly, the site development guidelines for the site, which will be used as a framework by the future consent authority in assessing and determining future development applications, have been subject to limited changes in the PPR from the version contained in the original EA. The only changes that have been made have been to increase minimum setbacks in accordance with the PPR proposal (see above) and to introduce maximum heights for buildings located at the boundary of Greenway Place and Capitol Hill Drive of up to RL95 and RL94 respectively.

The Department does not consider that these changes to the proposal go far enough in addressing the visual impacts of the proposal and it is not satisfied that the development standards set by Clauses 21 and 23 of the WSEA SEPP have been adequately addressed by the PPR. As such, the proposal is likely to have an unacceptable visual impact on surrounding residential properties as each stage is developed over time. This view is shared by Penrith City Council (likely to be the consent authority for future development on the site) and Fairfield City Council, as well as a large number of submitters in the vicinity of the site who have all strongly maintained their objections to the proposal on the same grounds.

At the Department's request, OHD has also carefully analysed the visual impacts of the proposal in the context of Clauses 21 and 23 of the WSEA SEPP and agreed with the Department that, despite the changes made in the PPR, the proposal is inconsistent with these clauses. A series of recommendations have been made to further mitigate the potential visual impacts of the proposal to ensure residential amenity is protected.

The overall rationale behind these recommendations is to provide a baseline or starting point of compatibility with Clauses 21 and 23 with flexibility for additional development opportunities where it can be justified. The Department considers these changes to be reasonable and represent a balanced outcome, particularly since these suggested controls would only apply to around a third of the site area.

It is recommended that the southern portion of the site be divided into two zones: an *interface development zone* extending 250 metres from the southern and eastern boundaries and a *general development zone* making up the remainder of the southern portion of the site. It is further recommended that the landscaped mound be relocated and modulated across the *interface development zone* to screen future proposed development.

The existing southern ridgeline should not be removed and should form part of the visual screening, supplemented with compatible mounding to the site's western boundary and along the eastern boundary. Mounding along the eastern boundary should be further modulated with setbacks increased as required to create a mound that is more integrated with the existing topography, creeks, slopes and knolls as oppose to the linear, manmade shape proposed by the Proponent.

Within these zones, a series of development controls are recommended.

In the *general development zone* (i.e. outside of the 250 metre buffer area), development is not required to be compatible with the height, scale, siting and character of existing buildings on adjacent residential land but is only permitted up to a height of RL92, unless detailed visual analysis carried out in support of each development application justifies higher buildings and maintains existing visual amenity.

In the *interface development zone* (i.e. within the 250 metre buffer area):

- to the south and east of the landscaped bund, development is to be generally compatible in height, scale, siting and character of existing buildings on adjacent residential land, with building heights of up to 8.5 metres, floor plates not exceeding 500 square metres and up to 1 metre of cut and fill permitted;
- to the north and west of the landscaped bund, the same development controls apply, however non-compatible development is permitted provided the landscaped bund is established appropriately to provide adequate screening and that future development in this area does not generally exceed a maximum height of RL92 from Greenway Place and up to RL88 along a 200 metre section in the south western corner of the site unless it can be adequately justified that the visual impact is acceptable when more detailed visual analysis are carried out in support of each development application on the site;

- the landscaped bund is to vary in height from RL90 to RL92 along the eastern boundary to the knoll and along the western boundary, except for the last 200 metres to the west which again is to be limited to RL88. The mounding should have a high proportion of slopes not greater than 1:6 to allow revegetation to match the low density agricultural appearance of the area and to allow effective maintenance (i.e. access by a ride on mower) as some of the Proponent's landscaped bund area at a 1:3 slope would not allow this;

The recommended development controls referred to above are shown diagrammatically in Figure 13.

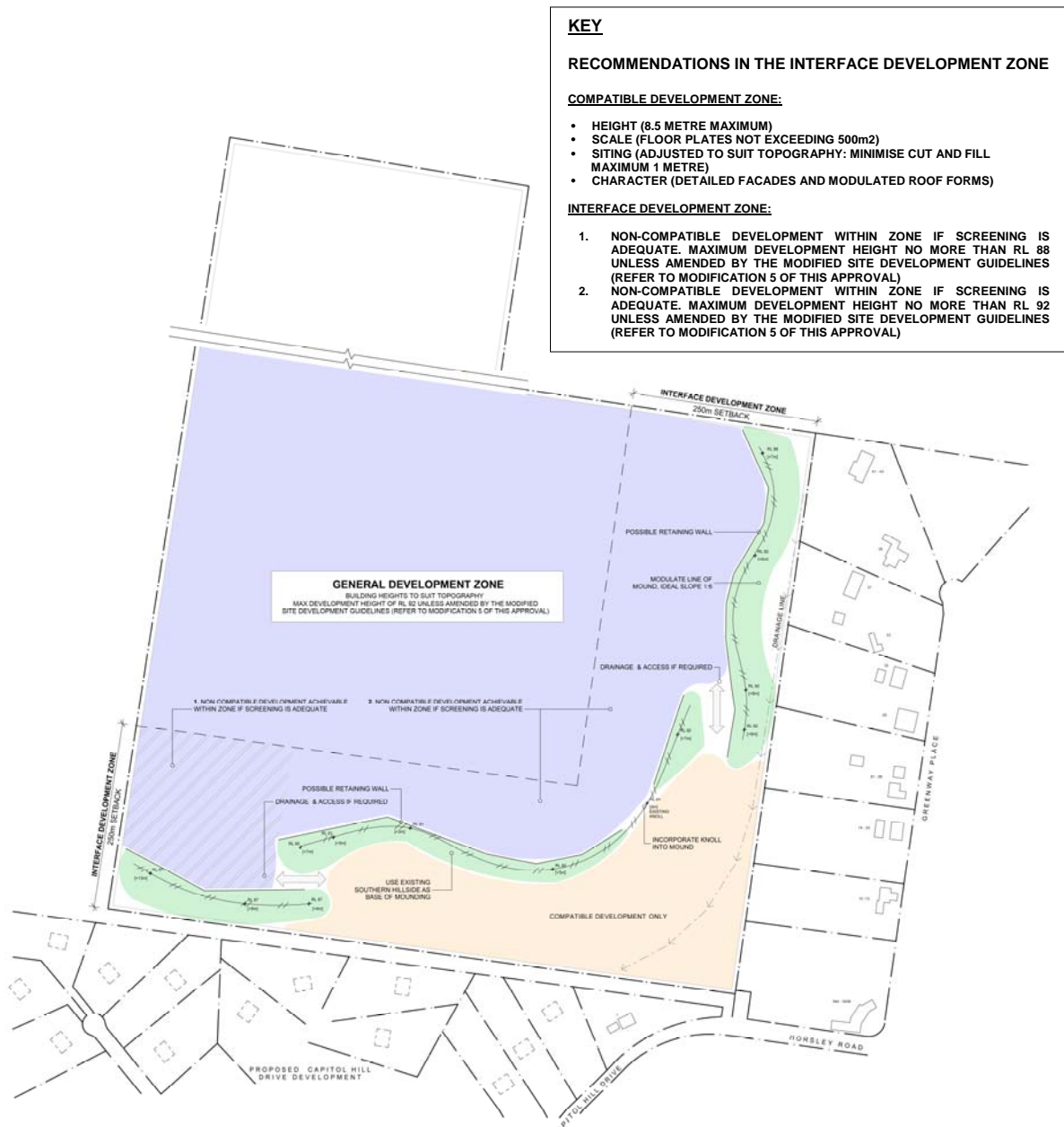


Figure 13: Mapped Visual Recommendations

Under the current IN1 zoning, it is noted that warehouse and distribution centres form one of several permissible land uses and that one of the objectives of the IN1 zoning is to provide for small-scale local services such as commercial, retail and community facilities (including childcare centres) which service and support the needs of employment generating uses elsewhere on the site. Permissible uses that could be explored within the *interface development zone* include food and drink premises, neighbourhood shops, industrial training facilities and retail outlets which support employment generating uses.

OHD also pointed out that rural-residential development would be highly compatible in the *interface development zone* to the south and east of the proposed landscaped bund, as optioned by the Proponent in its RTS. Whilst the Department cannot predetermine this outcome, it is likely to support rural-residential development in this area. Further, it is also aware that Council and some local residents in the area would be supportive of this alternative outcome. However, at present, rural-residential is not a permissible land use under the current zoning in the WSEA SEPP and whilst there may be support for this and it may well be a more appropriate use in this area, the Proponent would need to progress a separate planning process (i.e. rezoning) to achieve this outcome in this area of the site.

The *interface development zone* has the added advantage of having a separate access (with a reserved paper road having been approved) from the south via Horsley Road, which could potentially be utilised independently, subject to gaining the necessary approvals.

As well as recommending development controls for the site, ways to improve the detailed design, timing and maintenance regime for the landscaped bund have also been included.

In particular, it is recommended that two drainage breaks be provided within the landscaped bund to provide a link between the *interface development zone* and the *general development zone*. In addition, a north-south drainage line should also be provided to create a permanent water body to enhance visual diversity and amenity, to partly account for the loss of the existing farm dams on the site and to provide a useful source of water to irrigate revegetation areas.

The Proponent proposes that the bund be progressively constructed as each lot is developed over time. The Department remains concerned that this could prove problematic and may lead to a fragmented, dysfunctional outcome. To address this, it is recommended that the landscaped bund and associated drainage channels be required to be established and demonstrated to be functioning effectively as it is critical in mitigating the potential visual and amenity impacts of future development.

It is further recommended that the bund be managed as a collective entity with some form of common management and maintenance mechanism established to co-ordinate ongoing maintenance activities over time.

Finally, the species of trees and shrubs to be planted in the landscaped bund area should be selected on the basis of their potential growth height so that they do not grow to the point where existing residents are impeded. This could be achieved by demarcating the mounded area into height bands to inform the selection of species to ensure this aim is met.

To implement the above outcomes, the Department has developed a series of modifications to the concept plan. In particular, it is recommended that:

- the site development guidelines be modified to incorporate the development controls recommended by Department and OHD for development in the southern portion of the site;
- a Staging Plan be prepared to show the likely sequence of development applications that would be lodged and how development would be staged over the life of the concept plan;
- development consent be obtained to carry out the bulk earthworks and establish the landscaped bund and drainage channels in the southern portion of the site before any development applications to subdivide or erect buildings beyond Stage 3A are permitted to be lodged;
- the landscaped bund and drainage channels must be fully functioning before development applications are permitted to be lodged in this area;
- a legal mechanism be established to provide for the ongoing management of the bund in consultation with local residents; and
- a Landscape Management Plan be prepared and implemented to address the Department's detailed recommendations in relation to the landscaped bund.

Further, the environmental assessment requirements for the future development applications on the site are to include a requirement for the Proponent to prepare a detailed visual impact assessment of the proposed development including any further design solutions to ameliorate or reduce the visual impacts of the development, in addition to the landscaped bund.

Clauses 21 and 23 of the WSEA SEPP are specifically in place to protect existing amenity at residential and industrial interfaces. The Department has carefully considered the visual and amenity impacts of the proposal, in consultation with its visual expert and Penrith City Council and Fairfield City Council, and has found that the proposal even as modified by the PPR does not satisfactorily address these clauses and that significant modifications to the proposal are required.

It is considered that the recommended modifications outlined above represent a balanced outcome between facilitating industrial development on the site and protecting residential amenity in the wider area. It also provides the flexibility for non-compatible development to the north and west of the landscaped bund if it can be adequately justified by demonstrating that the bund is functioning effectively. In addition, the amended proposal provides improved development outcome for the site as a whole.

Alternatively, the Department considers that a proposal (planning) to rezone the interface zone to enable rural-residential development is also likely to have merit and would be supported.

5.2.2 Noise and Vibration

The EA included a Noise Impact Assessment by Wilkinson Murray Pty Ltd. An updated report was submitted to reflect the revised PPR proposal. The assessment examined the potential construction and operational noise impacts that the overall concept plan proposal and the stage 1 project application could have on the amenity of residential receivers in the vicinity of the site.

Ambient background noise measurements were made at a series of locations to establish Rating Background Levels (RBL's) at the nearest receivers. Specific noise criteria were then set for each receiver based on applicable policies and guidelines.

A Noise Management Level (NML) was assigned for construction noise based on the *Interim Construction Noise Guideline* and, for operational noise, intrusive and amenity criteria were developed in accordance with the *NSW Industrial Noise Policy* (INP).

The Department and the EPA are satisfied with the calculation of both the construction and project specific noise levels and that the results of the modelling indicated that the predicted noise levels are commensurate with other similar industrial developments in NSW.

Construction Noise

The assessment modelled the likely level of construction noise that could be experienced by surrounding residential receivers and compared the predictions against a NML of RBL+10dB(A) LAeq(15minute), as construction works would only be taking place during daytime hours only.

It was found that the loudest period of construction is likely to be during the bulk earth moving phase and that there could be some exceedances of the NML at the nearest receivers of around 10dB(A) LAeq(15minute) when these activities take place in close proximity to the receivers in the southern portion of the site.

The assessment specifies a number of reasonable and feasible management and mitigation measures that could be adopted to reduce these impacts. The most significant measure is to limit construction activities to daytime hours only, scheduling potentially noisier activities to avoid mornings and other sensitive periods where possible and implementing a series of simple operational measures on site to minimise impacts. Importantly, pro-active community consultation with local residents and regular monitoring would also form part of the overall approach to managing construction noise. These measures are supported by the Department.

These and other measures would be set out in a Noise Management Plan which would form a key component of a Construction Environmental Management Plan (CEMP) required to be prepared and implemented as each stage is developed. The noise management and mitigation measures that would be specifically developed for each industrial lot would vary depending on the likely nature and duration of the predicted impact.

The Department notes that such exceedances of the NML's are quite common and are often tolerated during day time hours given their short term and temporary nature, particularly in cases such as this where earth moving activities would result in a positive long term benefit (i.e. the construction of a bund to mitigate visual and noise impact). In addition, the predicted level of construction noise in this case is well below 75dB(A) $L_{Aeq}(15\text{minute})$, which is considered to be the point at which there may be strong community reaction to noise.

Overall, the Department is satisfied that whilst there could be some impacts from construction noise in the future when the southern portion of the site is developed, these impacts would be short term and temporary, and can be managed through the implementation of a series of management and mitigation measures as outlined above. These measures would be developed as a component of future noise impact assessments for subsequent development stages. It is recommended that this be stipulated as part of the future environmental assessment requirements in the concept plan approval.

Further, the level of impact would probably not be as high as predicted now that the Department is requiring the bund to be pushed back from the southern and eastern boundaries in the southern portion of the site to create additional setback distances. This would require significantly less cut and fill and earth moving to be carried out in close proximity to existing receivers than originally proposed by the Proponent (see Section 5.2.1).

For the stage 1 project, no adverse construction noise impacts are anticipated. Notwithstanding, a Noise Management Plan should be prepared and implemented as a component of a CEMP for the project. A condition has been recommended to this effect.

Operational Noise

The assessment modelled the level of operational noise at surrounding receivers and compared the predictions against the most stringent of the intrusive and amenity criteria, which, at this point in time, is an intrusive criteria of RBL+5dB(A) $L_{Aeq}(15\text{minute})$. A criteria of RBL+15dB(A) $L_{A1}(1\text{minute})$ was adopted as a sleep disturbance criteria since operations are proposed 24 hours, 7 days a week.

Whilst the actual end user of each industrial lot is not yet known, it was assumed that the site would be developed for industrial warehousing and distribution type uses not dissimilar to that which has occurred so far in the WSEA and is proposed for stage 1.

Noises from these types of uses comprise of internal stationery noise sources such as roof fans, air conditioning, compressors and the like. Externally, noise would mostly be generated by truck movements and associated dock and yard activities. The model assessed a worst case scenario as if all of the buildings were operating simultaneously at night and trucks were travelling in between each building.

The Proponent has made a commitment to adopt all reasonable and feasible measures to mitigate and manage these impacts.

In particular, the industrial buildings in the south eastern portion of the site are to be designed to minimise noise impacts. This includes locating them further away from the eastern boundary, orientating some of the eastern most buildings in a north-south direction so that they form a barrier to Greenway Place, locating loading docks on the western side of these buildings and installing noise barriers in the gaps between these buildings to reduce noise breakout.

A series of other more detailed engineering noise controls mostly in the form of source and path controls would be incorporated into the detailed design of each building to further reduce or eliminate noise. Such measures would include building façade and roof treatments, noise barriers, enclosures, silencers and acoustic louvers and the use of broadband 'quakker' type reversing alarms.

These measures have been incorporated into the site development guidelines and are supported by the Department.

It was found that the predicted noise levels from the overall proposal would comply with the intrusive and sleep disturbance criteria at almost all receivers at all times, including at night. The only exception was a single, 1dB(A) exceedance in the yard of 14 – 20 Greenway Place but this is not considered to

be significant given the minor nature of the exceedance and since compliance at the dwelling itself is predicted.

The Department is aware of the level of concern from surrounding properties relating to the potential impacts from operational noise, particularly at night. However, the Department is satisfied that whilst some surrounding receivers may experience some noise impacts from development proposed in the southern portion of the site, these impacts would not be significant and are able to be minimised, mitigated and managed to within applicable NSW noise criteria.

Further, in reality, the noise impacts are likely to be less than predicted by the noise modelling given the recommended amendments to the proposal along the southern and eastern boundaries and in the south eastern corner of the site as recommended by the Department. The modifications to the concept plan which would see a much lower scale of development set back further from what was modelled by Wilkinson Murray (see Section 5.2.1).

This would be confirmed in future noise assessments that would be required to be prepared in support of each development application for the site, which is a requirement established by the concept approval. Each development application would also set out what detailed measures would be implemented to manage and mitigate predicted noise impacts in each case.

For stage 1, it was found that noise emissions would easily comply with applicable INP and sleep disturbance criteria at all receivers, primarily due to the distance between these receivers and the proposed warehouse building. As a result, the development of this first stage would not adversely impact on surrounding receivers. Nonetheless, for stage 1, it is recommended that the Proponent be required to comply with strict noise criteria for the project and prepare and implement an operational Noise Management Plan on the site.

As the site is developed over time, the amenity criteria will become the controlling criteria for new development on site. As the existing noise level from industrial noise approaches the acceptable noise level, the noise level from each source(s) is required to be controlled to protect the overall amenity of the area (see Table 2.2 of the INP). In this case, the surrounding area has been identified by Wilkinson Murray to be a rural area, which is subject to a maximum ambient noise level of 40dB(A) LAeq(period). The aim of this is to avoid background noise creep as multiple industrial developments contribute to the overall noise environment.

The implication of this for the Proponent is that the amount of noise that each industrial development lot is permitted to generate may become progressively restricted over time.

Alternatively, if Jacfin chooses to retain overall management control for the site, the development could be acoustically modelled as a single entity with the Proponent being responsible for noise management across the whole site. This would allow for a more equitable approach towards the share of the noise allocation or 'budget' for the site and could allow for the consideration of shielding from buildings, topography and meteorological effects. It could also have allowed noise control measures to be adopted and siting advice on activities that could be disruptive to surrounding receivers.

Overall, the Department's assessment has found that:

- whilst there would be some short term construction noise impacts during day time periods experienced by surrounding receivers, these impacts can be mitigated and managed to within reasonable levels;
- surrounding receivers may hear noise from operations, particularly as future stages are developed, but the level of noise that would be experienced is not considered to be significant and would comply with applicable NSW noise criteria;
- in reality, the level of construction and operational noise is likely to be lower than predicted because of the Department's recommended modifications to the concept plan, as outlined in Section 5.2.1;
- the above conclusions would be confirmed by project-specific noise and vibration assessments prepared in support of future development applications on the site; and
- there are two ways in which overall noise from the site can be managed in the future depending on whether Jacfin retains or relinquish control of the site.

5.2.3 Traffic, Access and Parking

Introduction

While some parts of the WSEA are serviced by existing regional roads, a large portion of employment land in the WSEA, including the Proponent's site, remains undeveloped and is currently not serviced by regional road infrastructure.

Since the creation of the WSEA, both RMS and the Department have been working in collaboration to plan and provide a regional road network to service the WSEA as it develops over time. The Department has been collecting financial contributions from developers within the WSEA at a rate of \$180,000 per net developable hectare. These funds are then used by RMS to construct the regional road network in stages.

Some parts of the future regional road network are currently under construction, however other parts are not expected to be completed for several years (see below).

WSEA Regional Road Network

The WSEA SEPP outlines the conceptual regional road network for the WSEA, comprising the Erskine Park Link Road (EPLR) and the Southern Link Road Network (SLRN).

The EPLR is currently under construction and is estimated to be completed by mid 2013. However, the SLRN is still currently in the conceptual design phase and the Department and RMS are still finalising the exact staging of the SLRN construction works. Therefore, at present there is no specific timeframe for its completion. The SLRN is proposed to join the EPLR, completing the network access to the industrial areas located west of the M7 (see Figure 14).

The Department and RMS commissioned a strategic assessment report known as the AECOM *Western Sydney Employment Area Southern Link Road Network Strategic Transport Assessment 2011* (WSEA SLRN report) which was exhibited by the Department from 6 July 2011 to 17 August 2011, and identified a preferred alignment option for the SLRN based on detailed site investigations (see Figure 14).

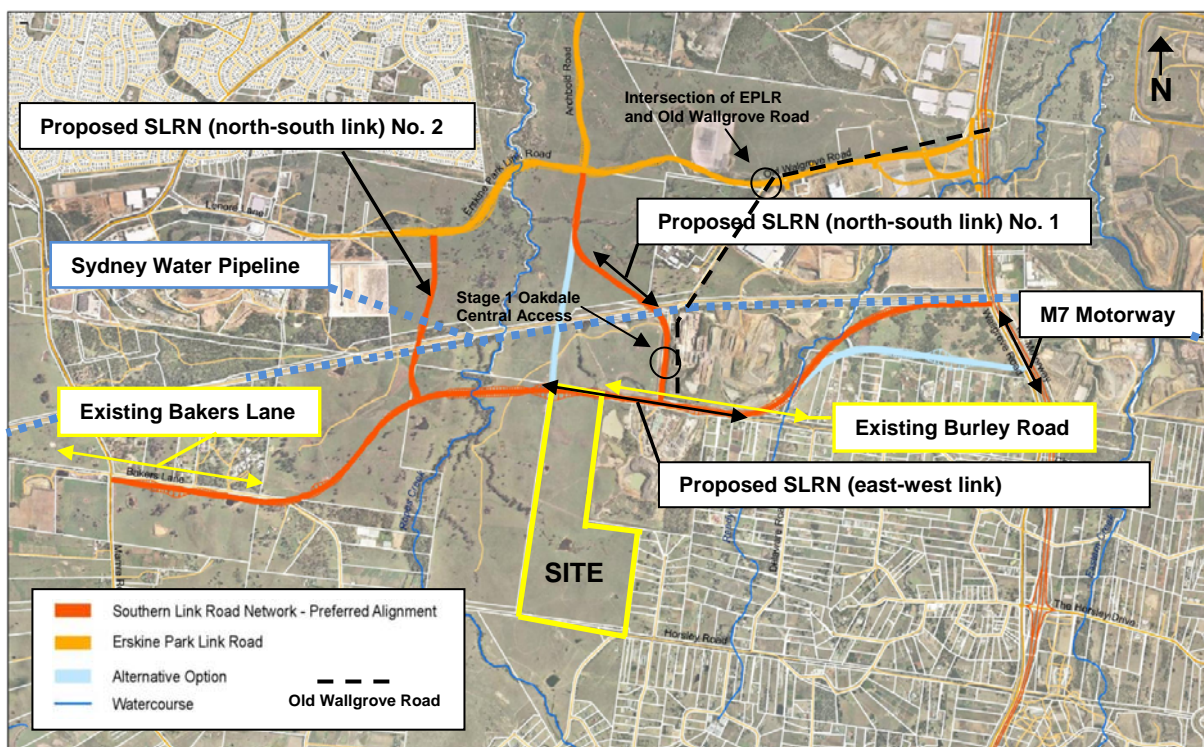


Figure 14: Preferred Alignment of the SLRN

The WSEA SLRN report identifies a 40m wide regional road (i.e. the preferred SLRN alignment) running along the northern boundary of the subject site which will eventually service the site (see Figure 14).

Adequacy of Existing Road Network and Interim Site Access Arrangements

Bearing in mind that road infrastructure in the WSEA is still being planned, the issue of traffic for this proposal is complex.

The Department considers that the key traffic issue is ensuring that the proposed site access and capacity of the existing road network is adequate in the interim, until such time as the final regional road network for the WSEA is complete and that any interim access arrangements are consistent with and do not preclude development of the regional road network in the longer term.

For the project, the Department must be satisfied that:

1. the alignment of the Regional Road 1 is consistent with the preferred alignment of the SLRN in the WSEA SEPP;
2. the design of the interim site access is adequate until the regional road network for the WSEA is complete; and
3. the existing road network and interim access arrangements have capacity to safely cater for traffic generated by the proposal until the regional road network for the WSEA is complete.

The Department's consideration of these three key issues is set out below.

1. Alignment of Regional Road 1

The WSEA SLRN report confirms the preferred alignment of the SLRN (east-west link) running along the northern boundary of the Proponent's site (see Figure 14).

The Proponent is seeking approval to connect to the SLRN (east-west link) via Regional Road 1 (see Section 2.2).

The Department has considered the alternatives in detail and is satisfied that the alignment of Regional Road 1 as shown in the PPR is appropriate as this route:

- is generally consistent with the conceptual alignment of the SLRN outlined in the WSEA SEPP;
- has been identified by the multi-criteria analysis in the WSEA SLRN report and exhibited as the preferred SLRN road alignment; and
- could accommodate both the proposed project and potential future development of Oakdale land to the west (see Figure 1).

RMS raised no concerns regarding the proposed alignment of Regional Road 1 or its connection to Old Wallgrove Road. The Department is satisfied that the SLRN alignment, as exhibited in the WSEA SLRN report, is emerging as the preferred option, following a thorough and transparent planning process and is unlikely to change.

The final alignment of the SLRN was raised by Fairfield City Council (FCC) and Penrith City Council (Council) and in a number of public submissions, which requested that the Department delay the determination of the projects until it has been finished.

The Department considers that this should not prevent the proposal from going ahead given that Regional Road 1 is consistent with the SLRN, for the reasons set out above, provided that the Proponent can demonstrate that it can provide a safe and efficient access to its site via Old Wallgrove Road until the SLRN is operational. This issue is discussed below.

2. Design Adequacy of Interim Site Access

Regional Road 1 and Local Road 1

Vehicles would access the site via the M7 Motorway, Old Wallgrove Road (travelling south), Burley Road, Regional Road 1 and Local Road 1 and into site (see Figures 14 & 15). These interim access arrangements would be superseded by the construction of SLRN once completed.

As described in Section 2.3 of this report, as part of the Stage 1 project application, the Proponent is seeking approval to construct (see Figures 15 to 17):

- part of Regional Road 1 between the southern end of Old Wallgrove Road, Burley Road and the entrance to the site. This would be a two-way single carriageway within the southern section of the future SLRN alignment (see below);
- part of Local Road 1, from a connection point of Regional Road 1 to a point just south of the Warehouse Building 1 driveway. This local road would have a temporary cul-de-sac at its southern end until future stages are developed; and
- temporary intersections at both ends of the new section of Regional Road 1.

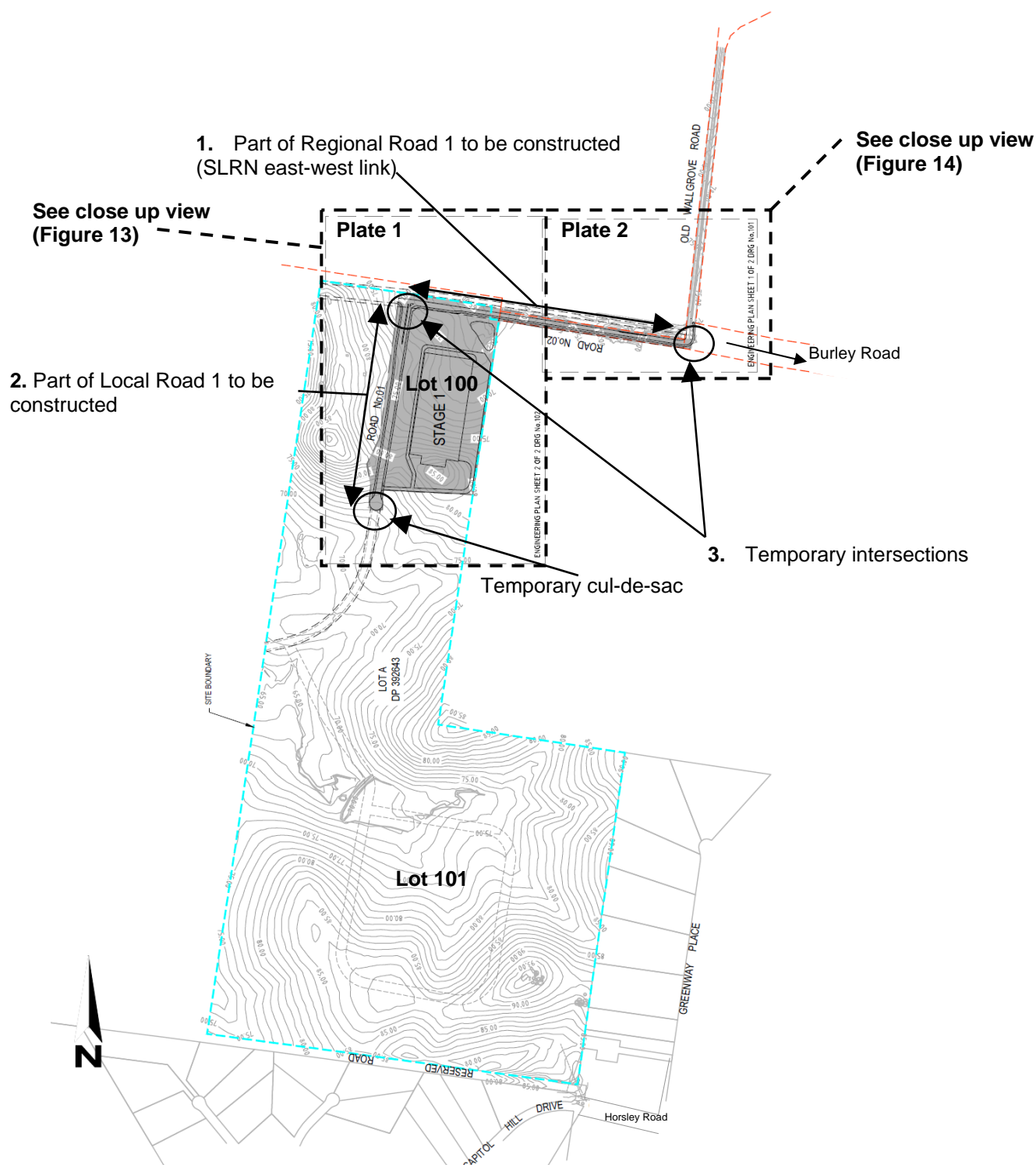


Figure 15: Proposed Plan of Subdivision and Stage 1 road infrastructure

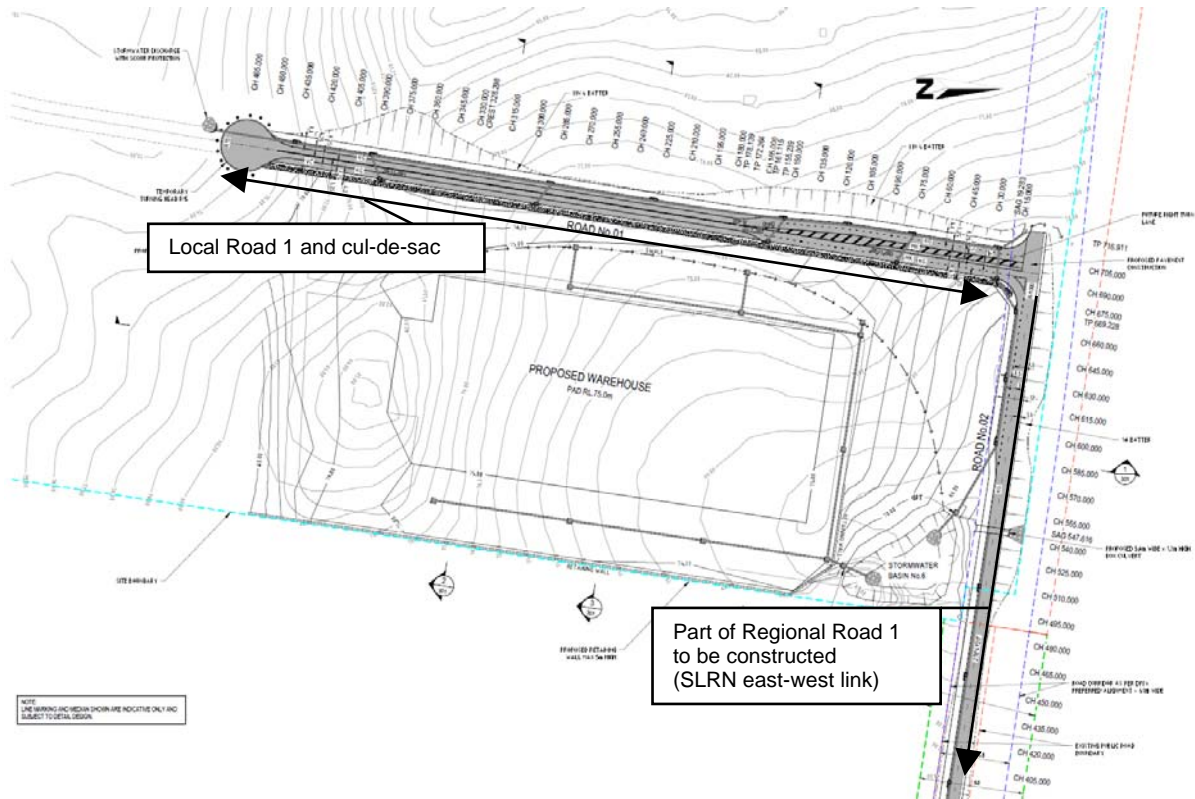


Figure 16: Close up view of proposed road works (plate 1)

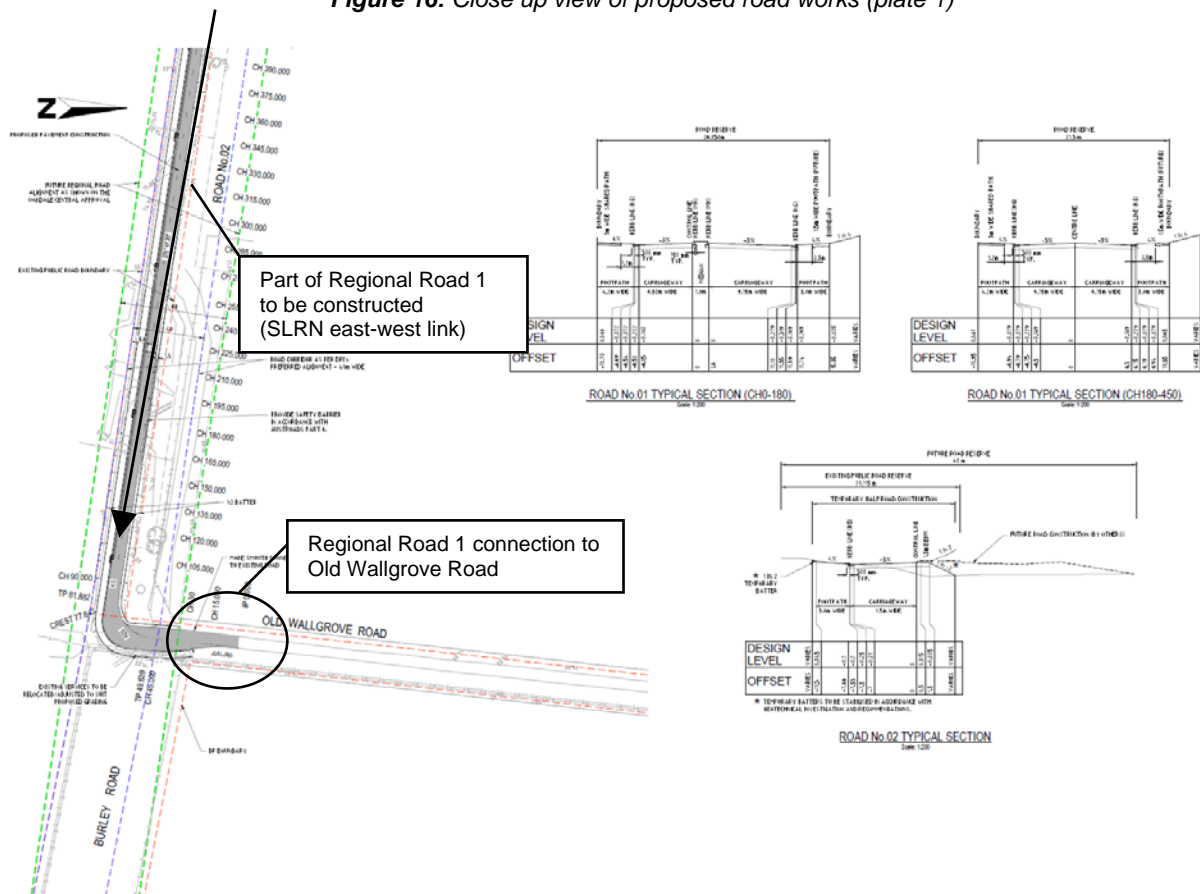


Figure 17: Close up view of proposed road works (plate 2)

It is proposed to control the intersections of Regional Road 1 and Local Road 1 with stop signs until traffic levels on this road reach a point at which formal signalisation is required. Suitable traffic control measures are to be provided by the Proponent at these intersections to the satisfaction of RMS (see recommended conditions below). The intersection of Local Road 1 and Local Road 2 (the internal ring road, see Figure 7) would also be controlled by stop signs.

These roads would be dedicated to the relevant roads authority once completed. Should the Proponent be unable to finalise a Voluntary Planning Agreement (VPA) for Stage 1, then the Department considers that the Proponent should be required to construct the relevant roads in order to access its Project, which the Department considers would be sufficient for the purposes of providing suitable satisfactory arrangements for regional contributions under the WSEA SEPP.

Once the construction of the EPLR is completed by RMS, it is understood that RMS would commence a major upgrade of Old Wallgrove Road (from the intersection of the EPLR and Old Wallgrove Road extending east to the M7) which is expected to be completed by the end of 2016. It is understood that RMS would then construct the SLRN, beginning with the section proposed to extend from the southern extent of Old Wallgrove Road to the Proponent's site (see Figure 14), including the northern carriageway of Regional Road 1.

Whilst the Department and RMS are still finalising the exact staging of the SLRN construction works, it is known that they (including intersection upgrades) would be carried out by RMS and funded using regional infrastructure contributions collected by the Department or works in kind by other developers in the WSEA (similar to what Jacfin proposes in this instance), consistent with the preferred alignment for the SLRN.

In its submission, RMS gave in principle support for the construction of the section of Regional Road 1 to service Stage 1, subject to consultation with RMS regarding the timing, construction, location and design being approved by the Department.

RMS recommended conditions of approval for Stage 1, to ensure that the design of Regional Road 1 meets relevant classified (state) road standards to enable a smooth transition from an interim site access to a regional road, once construction of the SLRN begins.

As set out above, whilst Regional Road 1 will be used as part of the interim access arrangements for the Proponent's site, it will eventually be incorporated into the broader SLRN road alignment. As such, the Department considers that it is important to ensure that the initial design and construction of Regional Road 1 can be incorporated into the final design of the SLRN road. To ensure this occurs, the Department has consulted extensively with RMS and the Department's Precinct Project Manager (Strategies and Land Release) for the WSEA and has developed a series of specific conditions of approval to ensure this occurs.

In particular, the Department's key conditions include requirements for the Proponent to:

- enter into a Works Authorisation Deed (WAD) with RMS for the construction of Regional Road 1;
- ensure the design of Regional Road 1 is in accordance with AUSTROADS to accommodate B-triple trucks, relevant Australian Codes of Practice and RMS Supplements, is prepared in consultation with the Department, Penrith City Council and Fairfield City Council, and is endorsed by a suitably qualified expert;
- ensure all works including any future upgrades or modifications to Regional Road 1 are undertaken at no cost to RMS;
- ensure all allotments within the concept area fronting Regional Road 1 have an access denied boundary to ensure road safety;
- ensure that suitable traffic control measures are in place on the intersection of Local Road 1 and Regional Road 1 to the satisfaction of RMS;
- ensure internal (local) roads, driveways, car parking areas are designed in accordance with the relevant Australian Standards;
- ensure vehicles do not queue on the public road network; and
- ensure all vehicles enter and leave the site in a forward direction.

The local roads within the concept area would be constructed progressively by the Proponent when

required to provide access to subsequent stages. The future environmental assessment requirements in the concept approval includes a requirement for future DA's to prepare traffic and transport assessments for these stages.

Warehouse Access

Vehicles would access Warehouse Building 1 from Local Road 1.

Separate vehicular entrances are proposed for staff car parking and truck servicing areas for Warehouse Building 1. This warehouse has been designed to allow trucks to circulate around the site in a clockwise and forward direction.

Trucks would enter Warehouse Building 1 in the south-west and exit from the south-east (see Figure 9).

3. Traffic Generation and Capacity of Existing Road Network

The EA includes a traffic and transport assessment undertaken by Halcrow Pacific Pty Ltd (Halcrow) (see Appendices I1 and I2 of the EA, which is attached as Appendix F). GTA consultants (GTA) were also commissioned by the Proponent to review the revised PPR proposal (see Appendix N of the PPR, which is attached as Appendix C).

The assessment identifies the traffic and parking impacts for the entire Concept Plan and Stage 1, in accordance with the RMS's *Guide to Traffic Generating Developments*. The assessment also draws on several other transport studies and RMS traffic modelling data undertaken for the area, including the EPLR.

The traffic assessment was conservatively based on RMS's traffic generation rate of 15 vehicle trips per developable hectare per peak hour (AM) in order to calculate the traffic generation for the entire concept plan, including Stage 1.

Current Operational Traffic

The worst-case traffic scenario for the entire site (when fully developed) is expected to generate up to 1,470 vehicle trips in the morning peak hour, calculated using the RMS's *Guide to Traffic Generating Developments*.

The traffic assessment for the proposal was based on the RMS's peak traffic forecasts used to determine the intersection capacity of the proposed road network. This assessment was undertaken on the assumption that vehicles would access the site using the interim access arrangements, as set out above.

The capacity of key external intersections using the interim access arrangement was considered in the traffic assessment using the SIDRA model. The assessment indicated that based on current traffic levels (i.e. current background and the subject site), all intersections would operate with an 'acceptable' level of service (LOS) during the peak traffic periods with a worst-case LOS of D at two intersections on Old Wallgrove Road which are currently operating at near capacity.

The traffic assessment also considered the capacity of the proposed intersection of Regional Road 1 and Local Road 1 to cater for predicted future traffic flows identified in the WSEA SLRN report on the SLRN. This assessment indicated that this intersection would operate at a satisfactory LOS (C). Intersections proposed for internal roads within the concept area were also found to operate at a good level of service (LOS A to C).

Considering the above, the Department is satisfied that the interim access arrangements would have sufficient capacity to cater for the traffic generated by the concept plan based on current traffic levels. Further, the Department is satisfied that Regional Road 1 and the proposed local roads would have sufficient capacity to cater for current and predicted future traffic flows in the WSEA.

Current Operational Traffic

The worst case traffic scenario for Stage 1 is expected to generate up to 120 vehicle trips in the morning peak hour.

The traffic assessment concludes that the existing road network, proposed Stage 1 access roads, temporary intersections and cul-de-sac (see Figure 15) would easily accommodate this relatively low traffic volume.

Notwithstanding this, due to the current state of Old Wallgrove Road (i.e. some intersections operating at near capacity – see detailed discussion below) which was a concern raised in a number of public submissions, the Department has recommended a number of conditions of approval requiring the Proponent to prepare and implement a comprehensive Traffic Management Plan for the project in consultation with RMS and Council including (but not limited to):

- details of the measures that would be implemented to ensure road safety and network efficiency during construction and operation of Stage 1 including (but not limited to):
 - installation of signage and implementation of maximum speeds limits on internal roads; and
 - final details of the proposed traffic control measures.
- final details of heavy vehicle routes, vehicle access and parking arrangements during construction and operation; and
- a Driver Code of Conduct detailing traffic management measures to be implemented during construction and operation to:
 - minimise the impacts of the project on the local and regional road network; and
 - minimise conflicts with other road users.

The Department is satisfied that traffic generated by Stage 1 would not compromise the safety or efficiency of the surrounding road network at this stage.

To ensure the local/regional road network continues to operate at a satisfactory level, the Department has recommended future environmental assessment requirements in the concept plan requiring the Proponent to undertake traffic assessments as part of future DA's including further assessment of the capacity of the proposed road network at each stage of the development and a demonstration that the road layout can accommodate each stage of the development.

Stage 1 and Concept Plan – Future Operational Traffic

As discussed above, two intersections on Old Wallgrove are currently operating at near capacity. The current and future capacity of Old Wallgrove Road was an issue raised in a number of submissions and has been carefully considered by the Department.

The traffic assessment found that up to 120ha of industrial development in the WSEA south of the SW pipeline (see Figure 14) can continue to use Old Wallgrove Road to access the M7 Motorway before Old Wallgrove Road needs to be upgraded, provided RMS upgrades the intersection of Old Wallgrove Road and the proposed EPLR and that Goodman constructs a suitable intersection at the junction of its Stage 1 Oakdale Central site access and Old Wallgrove Road (see Figure 11).

In relation to these intersections, the Department and RMS are currently finalising the funding necessary to upgrade the intersection of Old Wallgrove Road and the EPLR with a view to completing the upgrade by the end of 2014. As set out above, the remainder of Old Wallgrove Road (from the intersection of the EPLR and Old Wallgrove Road extending east to the M7) is expected to be completed by the end of 2016, subject to funding. The Department is also aware that Goodman has constructed its intersection at the junction of its Stage 1 Oakdale Central site access and Old Wallgrove Road to service the two constructed buildings on lot 2A. The need for additional upgrades would be considered by the consent authority in its assessment of future DA's within the Oakdale Central concept plan area as other buildings are constructed.

As set out above, the remainder of Old Wallgrove Road (from the intersection of the EPLR and Old Wallgrove Road extending east to the M7) is expected to be completed by the end of 2016.

The developable area of WSEA land south of the SW pipeline is estimated to be approximately 400ha. At present, Goodman have concept plan and Stage 1 project approval for the Oakdale Central development which covers a total area of 40ha (11ha for Stage 1). The Proponent's concept plan covers an area of 98ha (8ha for Stage 1). Therefore, with the addition of the Proponent's concept land, the total area of approved developable land south of the SW pipeline would increase to 138ha, some 18ha above the 120ha cap above which Old Wallgrove Road would require upgrading.

The assessment concluded that since Oakdale Stage 1 covers 11ha and the subject Stage 1 covers 8ha (total 19ha) there would be no need to upgrade Old Wallgrove Road at this point in time and that further development could occur south of the SW pipeline. Based on available information, and as previously discussed, the Department is satisfied that Old Wallgrove Road and the interim access arrangements set out above can accommodate Stage 1 of the current proposal.

In the future, once a development application is lodged to develop land south of the SW pipeline, each Proponent (including Jacfin and Goodman) will be required to demonstrate that the existing roads and associated infrastructure (e.g. intersections) have the capacity to accommodate their respective development proposals. If required, each Proponent would have to upgrade these roads and infrastructure through works in kind and/or financial contributions to the relevant road authority.

Over time, the need for each developer to provide interim access arrangements and road and infrastructure upgrades would be reduced as the amount of money collected from developers would increase and the development of the regional road network advances.

Once the regional road network is complete, final site access arrangements would be provided via the SLRN direct to the M7 Motorway along the existing Burley Road alignment reducing the need for traffic to utilise Old Wallgrove Road altogether.

Conclusion

Overall, the Department is satisfied that that the location of Regional Road 1 is generally consistent with the preferred alignment of the SLRN (east-west link) exhibited for the WSEA SEPP and that the design of Regional Road 1 would meet RMS standards for classified (state) roads. Internal roads would also be designed to meet the relevant Australian Standards.

The Department is also satisfied with the proposed temporary access arrangements, in particular that the affected roads would have sufficient capacity to cater for Stage 1.

In any case, the need for additional road upgrades to Old Wallgrove Road would be assessed and monitored as part of traffic assessments for all future DAs on land in the WSEA south of the SW pipeline. These upgrades would be funded or provided by regional infrastructure contributions and completed by RMS or Council/s or, as works in kind by developers. Once the SLRN is constructed over time, these interim access arrangements would no longer be needed and access the land south of the SW pipeline from the M7 provided by the SLRN without having to use Wallgrove Road or Old Wallgrove Road.

It is likely that the recommended modification to the concept plan relating to the southern portion of the site would reduce the volume of traffic that would be generated by this element of the proposal compared to what has been assessed in the EA and PPR. This would be confirmed in traffic assessments that would be required to be prepared for relevant future DAs.

The future environmental assessment requirements in both Goodman's and the Proponent's concept approvals include requirements for each DA to prepare a traffic and transport assessment and each project approval requires that a VPA be prepared to collect the levies payable to the NSW State Government to develop the regional road network in the WSEA.

These arrangements provide the mechanism to check and ensure that the necessary future temporary and permanent road and associated infrastructure is provided as required.

5.2.4 Surface Water

The EA for the proposal includes a Stormwater Management and Trunk Drainage Strategy (Stormwater Management Strategy) undertaken by Brown Consulting Pty Ltd (Browns) based on Water Sensitive Urban Design (WSUD) principles

The site is located within the Ropes Creek Catchment. Ropes Creek flows in a northerly direction to the confluence with South Creek, approximately 13.5 km north-west of the site.

Flooding

Concept Plan

Browns undertook a flood assessment for the proposal which found that during the 1 in 100 Year Annual Recurrence Interval (ARI) storm event, the site would be marginally inundated up to a level of RL 71.5m and a maximum depth of about 1.5m above ground level at the lowest point of the site where the on-site farm dam is currently located. This inundation would be predominantly confined to the location of the existing E2 corridor branching in a south-easterly and north-easterly direction (see Figure 18).

Browns assessment found that all of the proposed lots within the concept area would be capable of accommodating development above the 1 in 100 year ARI level once a stormwater management system is in place (see below). Browns recommended that the floor levels for the proposed warehouse buildings and associated infrastructure be set at a minimum of 500mm above the 100 year ARI flood level.

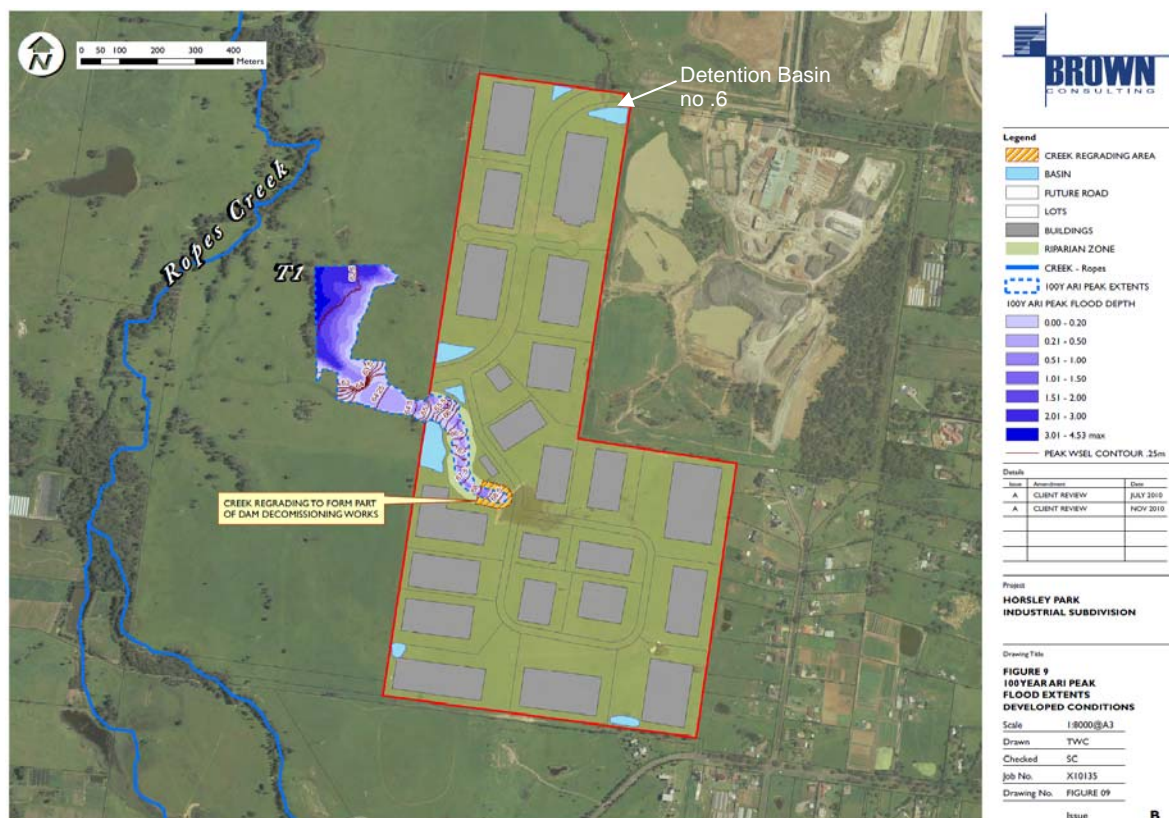


Figure 18: Flood modelling of the site during a 100 Year ARI storm event (post-development)

Stage 1

Stage 1 would involve bulk earthworks and, cut and fill for the construction of the Stage 1 (Warehouse 1) building only and would not be affected by any flood prone land.

Stormwater Management

Concept Plan

Browns undertook stormwater flow modelling of the site during a 1 in 100 Year ARI storm event for both the pre and post-development scenarios.

To ensure that post-development flows remain the same (or less) than pre-development flows, Browns developed a conceptual stormwater management system for the concept area, incorporating a combination pit, pipe and swale system discharging to 7 stormwater detention basins (see Figure 18) with bioretention base/s at various locations around the site. The basins would be fitted with gross pollutant traps (GPTs) and designed to meet Penrith City Council's design requirements for attenuating 1 in 100 Year ARI overland flows.

The bioretention basins and GPTs would treat stormwater to meet the relevant water quality objectives outlined in the EPA's *Growth Centres Development Code* before eventual discharge into the trunk drainage system to Ropes Creek.

The implementation of the stormwater management system would be staged with each project application to ensure the detention and water quality objectives are met at each stage. Each future development application within the concept area would need to include a comprehensive stormwater assessment (see conclusion). This arrangement would ensure no increase in peak flows at Ropes Creek upstream or downstream of the site, which was a concern raised in public submissions.

NOW supported the proposed location of the stormwater basins on urban land (and not the riparian zone) and requested the stormwater detention basins be planted with species that are complementary to the adjacent communities in the riparian zone (E2 corridor). The Proponent has made commitments in the PPR for the concept plan to this effect.

SCA also supported the findings (and key objective) of Browns for the proposed stormwater management system.

FCC requested some clarification regarding the way the modelling was undertaken for flooding and overland flows. BCC also requested that the Proponent consider the proposal against the stormwater management objectives outlined in Council's adopted *Eastern Creek Precinct Plan Stage 3*.

In the PPR, the Proponent confirmed that the proposal has been considered in relation to Council's stormwater management controls as the site is located in the Penrith local government area, which the Department supports, and notes that Council did not raise any issues in relation to flooding or stormwater. Following this, FCC and BCC did not raise any further issues in relation to stormwater.

Stage 1

The following stormwater infrastructure would be constructed as part of Stage 1 to ensure post development flows remain the same (or less) than pre-development flows in a 1 in 100 Year ARI storm event, consistent with the stormwater management strategy for the site:

- detention basin number 6 (see Figure 18) with:
 - a total area of 2,800m²;
 - a total bio-retention area of 1,700m²; and
 - a total volume of 1,200m³.
- a 3600mm x 1200mm culvert from the regional road to detention basin number 6.

With the above infrastructure in place, Browns is satisfied that Stage 1 of the development would manage 1 in 100 Year ARI flows to pre-development rates or less and that treated water meets the adopted EPA water quality requirements.

Conclusion

Based on the available information and modelling undertaken by Browns, the Department is satisfied that the projects would not result in significant changes to surface water hydrology at the site or adjacent properties. In addition, the Department is satisfied that the proposed stormwater

management strategy would be effective in ensuring that the proposed development restricts 1 in 100 Year ARI flows to pre-development rates or less and treats stormwater to an acceptable quality, prior to discharge.

Notwithstanding this, the Department has recommended:

- a modification to the concept plan to revise the Stormwater Management Strategy for the Stages 3A to 5 to accommodate for the amended site layout (see Section 5.2.1); and
- environmental assessment requirements in the concept approval which require future DAs within the concept area to include a comprehensive Stormwater Assessment.

The Department has also recommended conditions of approval for Stage 1 requiring the Proponent to:

- ensure that all surface water discharges comply with the discharge criteria set for the development in any EPL or relevant provisions of the POEO Act; and
- prepare and implement a Stormwater and Drainage Management Plan in consultation with Council, NOW and the SCA, prior to construction including (but not limited to):
 - details of all stormwater infrastructure with hydraulic calculations based on a 1 in 100 ARI;
 - details of all proposed stormwater, treatment and control infrastructure;
 - measures to ensure that plantings within detention basin no. 6 are complementary to the native plant species in the riparian corridor (E2 zone) located on site;
 - details of how surface water flows would be restricted to pre-development rates or less;
 - surface water impact assessment criteria including trigger levels for investigating adverse impacts and implementing mitigation measures for identified exceedances of the criteria; and
 - a program to monitor stormwater quantity and quality.

As outlined above, the Department is satisfied with the findings of the assessment and that surface water can be managed on-site in accordance with the conceptual stormwater management strategy developed by Browns Consulting and that this strategy would be implemented over time through the DA process.

As set out in Section 5.2.1 it is required that the modifications to the layout of the proposal are made in the southern portion of the site. In addition, it is further required that development consent for bulk earthworks and establishment of the landscaped bund be obtained and these would be substantially completed before DAs are to be lodged to subdivide and erect in this area of the site.

The Proponent would be required to lodge a detailed surface water assessment in conjunction with the DA for bulk earthworks and the establishment of the bund and for each subsequent DA to erect buildings in this portion of the site, albeit in a modified form.

5.3 Other Issues

Table 5 presents the Department's consideration of all other issues for the proposal.

Table 5: Assessment of other issues

Issue	Assessment	Recommendation
Biodiversity	<ul style="list-style-type: none"> • Whelans Insites (Whelans) undertook an ecological impact assessment (EIA) of the site including a site survey and a desktop review of previous studies undertaken for the site in 2008 and 2010. • The assessment found that the site is predominantly cleared with highly disturbed vegetation that is dominated by exotic pasture grasses. • No threatened species or endangered ecological communities (EEC) were (or have been) recorded on the site or adjacent lands. • Some degraded riparian vegetation (potential EEC) is located along the watercourse within the E2 corridor which would be retained and protected. • Two on site farm dams and some hollow bearing trees that provide potential habitat for native fauna would be removed but Whelans considered the significance of these habitats to be limited. • The semi-aquatic vegetation established in and around the proposed stormwater basins would provide similar habitat values 	<ul style="list-style-type: none"> • Conditions are recommended in the Stage 1 Project Approval which require Proponent to: <ul style="list-style-type: none"> - prepare and implement a Biodiversity Management Plan for Stage 1 in consultation with OEH and NOW implementing all recommendations of the EIA, measures to safely translocate native fauna inhabiting the on site farm dams, and measures to protect and enhance the on-site E2 corridor and riparian zone.

Issue	Assessment	Recommendation
	<p>and features as the removed dam and to minimise impacts on terrestrial fauna, a hollow bearing tree protocol would be established to avoid injury or mortality.</p> <ul style="list-style-type: none"> • Whelans concluded that the proposal as a whole would not cause adverse impacts on the natural environment in general, or on threatened biota or their habitats. • Whelans recommended a number of measures to improve the biodiversity value of the site including: <ul style="list-style-type: none"> - implementation of the proposed stormwater management system to control surfacewater flow rates and provide replacement aquatic habitat for the farm dams (i.e. via the proposed stormwater basins); - retention of the E2 zone to allow natural revegetation; - use of various erosion and sediment control measures during construction to prevent release of contaminants into the local environment; and - implementation of a hollow tree bearing protocol. • NOW supported the retention and enhancement of the E2 corridor and riparian zone and recommended a number of conditions of approval to protect and manage riparian land contained on-site. • OEH did not raise any issues in relation to biodiversity. • A few public submissions requested the two on-site farm dams be retained for their ecological value. • The Department is satisfied that the biodiversity impacts of the proposal would be minor but has recommended conditions to minimise these impacts, in particular for native fauna in the on-site dams. 	<ul style="list-style-type: none"> • The Concept Plan approval includes Environmental Assessment Requirements which require all future DAs in the concept area to include a Biodiversity Assessment.
Heritage	<ul style="list-style-type: none"> • Godden MacKay Logan (GML) undertook an Aboriginal and non-Aboriginal heritage assessment of the site including desktop assessment and field surveys. • For Aboriginal heritage, a desktop search revealed no previously recorded sites on the subject land. • However, field surveys identified one artefact scatter (3 artefacts in total registered with the OEH as Horsley Park AS1) adjacent to the on-site farm dam and four Potential Archaeological Deposits (PADs) in areas of low surface visibility and low ground disturbance. • GML concluded the identified artefact scatter is considered to have low scientific value, while the PADs are considered to have high potential to contain buried archaeological material. However, further testing would be required to determine the actual cultural significance of the PADs. • Stage 1 would not affect the identified artefact scatter (Horsley Park AS1) but Local Road 1 (see Figure 7) would impact the footprint of identified PAD No. 3. • GML recommended undertaking test excavations at all PAD locations and if significant archaeological deposits are discovered, permission to salvage the objects be sought from the OEH. However, no timeframe was recommended for these test excavations to occur. • OEH recommended that test excavations at the identified PADs be undertaken, prior to public exhibition of the EA and that Aboriginal community representatives be given the opportunity to collect any surface objects, prior to earthworks. • The Proponent committed to undertaking test excavations for all PADs, prior to the issue of a construction certificate, for any parts of the site/future Stages that contain a PAD. • The Department considered that, as Stage 1 would affect PAD No. 3 only, undertaking the test excavations of all PADs prior to the public exhibition of the EA would be unnecessary. • For non-Aboriginal heritage, the assessment found no listed heritage items and that the site had little or no historical archaeological potential (with one potential exception – see below). • The remains of an old farmhouse in the north-west corner of the 	<ul style="list-style-type: none"> • Conditions are recommended in the Stage 1 Project Approval which require Proponent to: <ul style="list-style-type: none"> - provide the opportunity for representatives of the local Aboriginal Community to collect any surface objects off the site, prior to earthworks; - ensure that collected surface objects are stored in a documented location chosen in consultation with the local Aboriginal Community and the OEH; and - undertake test excavations for PAD No. 3, prior to earthworks for Local Road 1 and if significant archaeological deposits are discovered, seek permission from OEH to salvage and store the objects. • The Concept Plan approval includes Environmental Assessment Requirements which require all future DAs in the concept area to include a Heritage Assessment.

Issue	Assessment	Recommendation
	<p>site were considered to have local heritage research potential (at most). However, the farmhouse would not be impacted by Stage 1.</p> <ul style="list-style-type: none"> The Proponent has committed to notifying OEH should any archaeological evidence be discovered during future site works (particularly at the location of the former farmhouse). Penrith, Blacktown and Fairfield Councils did not raise any issues in relation to Aboriginal or non-Aboriginal heritage. The Department is satisfied that the heritage impacts of the proposal would be minor but has recommended conditions to manage these impacts. 	
Bushfire Risk	<ul style="list-style-type: none"> A Bushfire Protection Assessment (BPA) was undertaken by Australia Bushfire Protection Planners Pty Ltd (ABPP). Although the site is not currently bushfire prone, the E2 corridor on the central-west portion of the site is likely to become bushfire prone as it becomes naturally revegetated. A 10m Asset Protection Zone (APZ) zone is proposed around the E2 corridor to maintain a safe separation distance consistent with the recommendations of the BPA, <i>Planning for Bushfire Protection 2006</i> (NSW RFS) and <i>Standards for Asset Protection Zones</i> (NSW RFS). The BPA recommended a number of measures to ensure that the APZ, buildings, infrastructure (e.g. water supply tanks), landscaping and vegetation maintenance are provided in accordance with the relevant bushfire guidelines, policies and legislation for the projects. The BPA identified that future stages would also need to consider the provision of adequate vehicle access to the bushfire prone land in the E2 corridor for fire fighting operations. The footprint of Stage 1 would not be affected by or located near the potential (future) bushfire prone land or the proposed APZ at the E2 corridor. However, the Department considers that the APZ and vehicular access for fire fighting should be established and provided as part of Stage 1 to ensure safety and provide assurance regarding its provision and future management. NOW supported the location of the APZ outside the area of riparian land. Penrith, Blacktown and Fairfield Councils did not raise any issues in relation to bushfire risk. The Proponent has committed to ensuring future development applications within the concept area comply with the recommendations of the BPA. The Department is satisfied that sufficient consideration has been given to bushfire risk and that bushfire risk can be sufficiently managed at the site, subject to conditions. 	<ul style="list-style-type: none"> Conditions are recommended in the Stage 1 Project Approval which require Proponent to: <ul style="list-style-type: none"> establish and provide a 10 metre wide APZ around the E2 corridor on site; ensure the APZ does not contain riparian land; establish and provide a permanent vehicular access to bushfire prone vegetation within the E2 corridor on site; and ensure that measures to maintain the APZ and fire access are detailed in the Operational Environmental Management Plan for the project. The Concept Plan approval includes Environmental Assessment Requirements which require all future DAs in the concept area to include a Bushfire Risk Assessment considering the recommendations of the BPA.
Service Centre	<ul style="list-style-type: none"> The Proponent proposed a Service Centre in the middle of the concept area (see Figure 7). Retail uses greater than 200m² are not permitted under the WSEA SEPP. The Proponent has not identified this inconsistency with the SEPP or provided any assessment of the Service Centre or identified potential impacts that may arise as a result of the retail use within the site, which is currently zoned for industrial use. The Department therefore recommended that the Service Centre be removed from the concept plan. 	<ul style="list-style-type: none"> Modification recommended to the concept plan to remove the Service Centre.
Construction Impacts (excluding noise and traffic)	<ul style="list-style-type: none"> Potential construction impacts relate to erosion and sediment control, dust generation, groundwater, contaminated soils, soil salinity and waste. The Proponent proposed to implement standard erosion and sediment controls in accordance with Landcom's <i>'Managing Urban Stormwater: Soils and Construction'</i> (Blue Book). A number of public submissions raised concern about dust during construction. The Proponent also proposes to implement a number of dust 	<ul style="list-style-type: none"> Conditions are recommended in the Stage 1 Project Approval which require Proponent to: <ul style="list-style-type: none"> prepare and implement a CEMP for Stage 1; implement standard erosion and sediment controls during

Issue	Assessment	Recommendation
	<p>control measures during construction, including the covering of stockpiles and locating them away from sensitive areas, wetting disturbed areas during high winds, minimising disturbed areas, and undertaking dust monitoring (both prior to and during construction works).</p> <ul style="list-style-type: none"> • Groundwater would be generally encountered at about 1m below ground level and would be dewatered via sump pumping for shallow excavations. For deeper excavations, a formal dewatering system may be necessary. • NOW noted a separate licence/approval under Part 5 of the <i>Water Act 1912</i> may be required if groundwater is intercepted or to be used by the proposal. • A Phase 1 preliminary contamination investigation was undertaken by Consulting Earth Scientists Pty Limited (CES) as part of the EA. Levels of contaminants in soil samples analysed were below the adopted site assessment criteria for commercial/industrial land use. • CES concluded the site is suitable for the proposed development and recommended a detailed Phase 2 contamination investigation be undertaken to confirm the results of the preliminary investigation, however provided no timeframe for this to occur. • Penrith City Council recommended the detailed Phase 2 contamination investigation be undertaken prior to the issue of any approval to ensure the site is suitable for the proposed development. • Construction waste would be collected on-site and sorted at an appropriate recycling and landfill facility. Full details of construction waste management would be outlined in the CEMP for Stage 1. • The EPA did not raise any issues in relation to dust, contamination or waste. • The Proponent has committed to preparing a construction and environmental management plan (CEMP), which would outline measures to manage any potential construction impacts. • The Department is satisfied that construction impacts could be suitably minimised and managed, subject to conditions. 	<p>construction in accordance with the Blue Book;</p> <ul style="list-style-type: none"> - implement best practice air quality management measures; and - undertake a Phase 2 contamination investigation prior to construction and if necessary, prepare and implement a Contamination Management Plan for Stage 1. • The Concept Plan approval includes Environmental Assessment Requirements which require all future DAs in the concept area to include a Geotechnical Assessment including a Phase 2 contamination investigation.
Construction Traffic	<ul style="list-style-type: none"> • The interim site access arrangements described above in Section 2.2.3 would be required to be in place, prior to the commencement of construction of Stage 1. • Peak construction traffic generation would occur during concrete pours and bulk earthworks at approximately 20 trips per hour (10 in/10 out) over a period of approximately 12 months. • It is anticipated that daily traffic flows during the construction period would be similar to or less than the operational traffic of the proposed Stage 1 therefore, the interim site access arrangements would have sufficient capacity to accommodate construction traffic. • RMS recommended a condition requiring the Proponent to prepare a Construction Traffic Management Plan for Stage 1 which the Department has incorporated into the recommended conditions. • Within this condition in place, the Department is satisfied that construction traffic from Stage 1 would be effectively managed and would not adversely impact the safety or capacity of the surrounding street network. 	<ul style="list-style-type: none"> • Conditions are recommended in the Stage 1 Project Approval which require Proponent to: <ul style="list-style-type: none"> - complete the construction of Regional Road 1 and Local Road 1 to the satisfaction of the Director-General, prior to construction; and - prepare and implement a Transport Management Plan for Stage 1 in consultation with RMS and Council to the satisfaction of the Director-General, prior to construction.
Operational Impacts for Stage 1 (excluding visual, noise and traffic)	<ul style="list-style-type: none"> • Air quality impacts for the operation of Stage 1 of the development are expected to be minor as the site would be sealed (no dust) and used for warehousing and distribution only. In addition, goods are likely to be pre-packaged off-site with no processing of goods on-site. • Operational waste to be generated is likely to include general industrial waste (e.g. glass, paper, liquids), packing materials (e.g. wrapping plastic) and general waste from the site (including glass, paper and food waste). • The Proponent has committed to managing operational waste by 	<ul style="list-style-type: none"> • Conditions are recommended in the Stage 1 Project Approval which require Proponent to: <ul style="list-style-type: none"> - implement best practice air quality management conditions during operation; - classify and dispose of all waste in accordance with

Issue	Assessment	Recommendation
	<p>preparing a Waste Management Plan for Stage 1, prior to occupation of Warehouse 1.</p> <ul style="list-style-type: none"> • The EPA did not raise any issues in relation to air quality or waste. • In relation to hazards and risk, as the end user of Warehouse 1 is currently unknown, the Proponent proposed to undertake a Hazard Assessment for storage of hazardous goods, prior to issue of construction certificate, if required. • The Department considers that such an assessment must be undertaken prior to determination to ensure estimated risks would be below the relevant land use safety criteria adopted in NSW. • As such, the Department has recommended a condition of approval requiring the Proponent to limit storage of Dangerous Goods on-site to ensure any material is below relevant thresholds (see recommendation). • The Department is satisfied that the operational impacts of Stage 1 would be negligible, subject to conditions. 	<p>the EPA's <i>Waste Classification Guidelines</i>;</p> <ul style="list-style-type: none"> - prepare and implement a Waste Management Plan for Stage 1; and - ensure the quantities of Dangerous Goods present at any time on the site or transported are kept below the screening threshold quantities listed <i>Applying SEPP 33</i>. • The Concept Plan approval includes Environmental Assessment Requirements which require all future DAs in the concept area to include a Hazards Assessment and Air Quality Assessment.
Parking	<ul style="list-style-type: none"> • Parking provision for each development based on the number of employees and the nature of operations proposed on each lot. • The Proponent proposes to provide a number of sealed parking spaces and to designate undeveloped areas on each lot, for additional overflow parking if there is a demonstrated need. • The Proponent proposes to provide sealed formal parking for the entire site, at a rate of: <ul style="list-style-type: none"> - Office: 1/40m² GFA; - Factory: 1/100m² GFA for the first 100m² then 1/200m² GFA, which includes the office component; and - Warehouse: 1/300m² GFA + 1/40m² GFA for office space. • The above rates are reflected in the Proponent's proposed Site Development Guidelines for the concept area, and have been used to determine Stage 1 car parking rates. • At the adopted rate (above) parking would be provided for Stage 1 at a rate that is higher than RMS guidelines but lower than Penrith City Council's and Blacktown City Council's. Parking provision for Stage 1 would equate to 135 spaces for Warehouse Building 1 comprising 84.3 spaces for the warehouse and 50.8 spaces for the office/s. • Additional provisional overflow parking of 45 spaces would be supplied at a lower rate if required on designated undeveloped areas of the lot. • RMS, Council and BCC did not raise any issues in relation to parking provision. • FCC requested increased justification for the proposed number of car parking spaces. • The Proponent considered that given that the site will ultimately be served by public transport in the distant future, a lower parking provision rate is considered appropriate. The Proponent also noted that examples of other nearby industrial developments where FCC's parking rates have proved excessive. • The Department generally agrees with the Proponent and considers that due to the alternate transport options available to employees, such as bus access and the construction of shared pedestrian/cycle ways as a component of the project, the proposed parking rates would be sufficient in accommodating operational traffic levels for the development, generally in accordance with the relevant guidelines. • Further, it is noted that Penrith City Council did not object to the project on this basis. • The Department believes that new developments should strive to encourage alternative forms of transport and agrees with the Proponent's proposal to limit parking on-site unless it is demonstrated that the additional spaces are required. It is also noted that the Proponent has set aside part of the site for overflow 	<ul style="list-style-type: none"> • Conditions are recommended in the Stage 1 Project Approval which require Proponent to: <ul style="list-style-type: none"> - construct 135 car parking spaces during the construction of Warehouse Building 1 and provide an additional undeveloped area of the lot for 45 overflow car parking spaces if required; - design parking in accordance with the relevant Australian Standards; and - prepare a Work Place Travel Plan to encourage employees to use sustainable transport options to and from the site for Stage 1. • The Concept Plan approval includes Environmental Assessment Requirements which require all future DAs in the concept area to include detailed plans for access and parking.

Issue	Assessment	Recommendation
Infrastructure Servicing	<p>parking.</p> <ul style="list-style-type: none"> As part of the projects, the Proponent would be required to provide a number of infrastructure services to the site such as water, sewerage, electricity, gas and telecommunications. In order to accommodate Stage 1 of the development, augmentation of infrastructure services would be required. In their submissions, Sydney Water (SW) and Endeavour Energy outlined the water, sewer and electricity servicing options for the site, which have been acknowledged by the Proponent in the PPR. SW also noted that the Proponent would need to obtain an approval for water and sewerage infrastructure servicing of the site from SW under Section 73 of the <i>Sydney Water Act 1994</i>. At the time of application, SW would undertake a more detailed assessment of the specific works required to service the site. The Proponent has acknowledged the need to continue to consult with SW and obtain the relevant approvals. Table 1 summarises the anticipated infrastructure requirements for the Stage 1. The Department is satisfied that the Proponent would be able to provide sufficient infrastructure to service Stage 1 of the development and has recommended a number of conditions (see recommendation) to ensure future applications within the concept area also consider adequate provision of infrastructure. 	<ul style="list-style-type: none"> Conditions are recommended in the Stage 1 Project Approval which require Proponent to: <ul style="list-style-type: none"> obtain all relevant approvals from service providers prior to the construction of utility services for Stage 1. The Concept Plan approval includes Environmental Assessment Requirements which require all future DAs in the concept area to include an infrastructure plan for the provision of (but not limited to) water supply, sewer, gas, electricity and telecommunications services.
Local and Regional Infrastructure Contributions	<ul style="list-style-type: none"> The Proponent proposes to provide all <u>local infrastructure</u> required to service the concept area including all local roads which would be dedicated to Penrith City Council, pedestrian/cycle paths and the abovementioned utilities. The Proponent argues that because they would provide all local infrastructure to service the development via the concept plan, the projects would not place increased demand on local infrastructure and therefore no Section 94 contributions are warranted. Currently there is no Section 94 contributions plan applicable to the site. However, the Department considers that the Proponent should pay any relevant Section 94 contributions, in consultation with the Council, should a plan be established for the area. Blacktown City Council requested that the Proponent pay monetary contributions towards the upgrade and maintenance of Old Wallgrove Road. Under the WSEA SEPP, a development contribution rate of \$180,000 per net developable hectare must be paid by developers to ensure adequate provision of <u>regional infrastructure</u> in the WSEA (e.g. for regional roads such as Old Wallgrove Road). The Proponent has committed to enter into a voluntary planning agreement (VPA) with the Minister, to satisfy the requirements of the WSEA SEPP for the provision of regional infrastructure. However, should the Proponent be unable to finalise the VPA, then the Department considers that the proposed road works required to access its property would be adequate in terms of satisfying the 'satisfactory arrangement' provisions of the WSEA SEPP. The Department is satisfied that through the commitments made by the Proponent and the recommended conditions of approval, adequate contribution towards local and regional infrastructure would be made. 	<ul style="list-style-type: none"> Conditions are recommended in the Stage 1 Project Approval which require Proponent to enter into a VPA consistent with a Letter of Offer OR alternatively build the required access roads at no cost to Government. The Concept Plan approval includes Environmental Assessment Requirements which require all future DAs in the concept area to include satisfactory arrangements for local and regional infrastructure provision.

6. CONCLUSION

The Department has assessed the proposals, the EA, submissions on the proposals and the Proponent's response to submissions and preferred project report, in accordance with relevant statutory requirements.

The Department assessed the concept plan and the Stage 1 project applications together. The assessment found that the key issues were visual impact, noise and vibration, traffic, access and parking, surface water and stormwater. Other issues included biodiversity, heritage, bushfire, infrastructure servicing and local and regional infrastructure contributions.

The Department has assessed these issues in detail having regard to the objects of the EP&A Act and the principles of ecologically sustainable development.

The Department's assessment of visual impacts found that the revised PPR proposal did not satisfactorily address the development standards set by Clauses 21 and 23 of the WSEA SEPP and that there is a risk that the proposal could have an unacceptable visual impact on surrounding residential properties as each stage is developed over time. As a result, the Department recommended a series of modifications in the concept approval which amended the proposal. It is also acknowledged that any future planning proposal to change the use in the south-eastern corner of the site to rural-residential is likely to have merit.

It is considered that the recommended modifications represent a balanced outcome between facilitating industrial development on the site and protecting residential amenity in the wider area. It also provides the flexibility for non-compatible development to the north and west of the landscaped bund if it can be adequately justified by demonstrating that the bund is functioning effectively. In addition, the amended proposal provides improved development outcome for the site as a whole.

Overall, the Department is satisfied that the impacts of the amended proposal are acceptable and can be adequately mitigated and managed. The Department has stipulated the overall terms and limits of the approval, together with the environmental assessment requirements for future development applications as recommended modifications in the concept plan approval. Conditions have also been recommended in the project approval to address the residual issues for the first stage of the concept proposal.

In addition, the Department's assessment recognises the significance and need for the proposal in terms of promoting development within the south-western subregion of Sydney. The project is consistent with the objectives of the draft Sydney Metropolitan Plan providing for the development of employment lands and generating jobs in the western Sydney area.

The Department is satisfied that the project has significant social and economic benefits for the south western Sydney community and is therefore in the public interest.

On balance, the Department believes that the benefits of the proposal sufficiently outweigh its costs and that it is therefore in the public interest and should be approved, subject to strict modifications in the concept plan approval and conditions in the project approval.

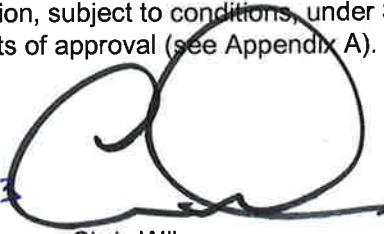
7. RECOMMENDATION

It is recommended that the Planning Assessment Commission:

- **consider** the findings and recommendations of this report;
- **approve** the concept plan application, subject to the modifications in the concept approval, under Sections 75O and 75P of the EP&A Act;
- **approve** the project application, subject to conditions, under Section 75J of the EP&A Act; and
- **sign** the attached instruments of approval (see Appendix A).



Chris Ritchie
Manager – Industry



Chris Wilson
Executive Director
Development Assessment Systems and Approvals

17.5.13

APPENDIX A – INSTRUMENTS OF APPROVAL

APPENDIX B – COPY OF ENVIRONMENTAL PLANNING INSTRUMENTS

See the attached CD-ROM entitled *Copy of Environmental Planning Instruments*.

APPENDIX C – PREFERRED PROJECT REPORT

See the attached CD-ROM entitled *Preferred Project Report*, dated August 2012

APPENDIX D – RESPONSE TO SUBMISSIONS

See the attached CD-ROM entitled *Response to Submissions*, dated December 2012.

APPENDIX E – SUBMISSIONS

See the attached CD-ROM entitled *Submissions*.

APPENDIX F – ENVIRONMENTAL ASSESSMENT

See the attached CD-ROM entitled *Environmental Assessment*, dated March 2011.

APPENDIX G – REPORT FROM VISUAL EXPERT

See the attached CD-ROM entitled *OHD Report*, dated February 2013.