



NSW GOVERNMENT  
**Department of Planning**

**MAJOR PROJECT ASSESSMENT:  
Warehouse and Distribution Centre  
Development, Lenore Lane,  
Erskine Park**



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

February 2007

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## EXECUTIVE SUMMARY

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CSR Limited hold 150 hectares of land within the Erskine Park Employment Area, which forms part of the broader Western Sydney Employment Hub. The Minister has previously approved three separate developments on the CSR land, and CSR now proposes to develop 38 ha of land surrounding these developments for storage and distribution uses. The current proposal includes the creation of up to six buildings along with associated subdivision and infrastructure works including the relocation of a creek. CSR has sought concept plan approval for the proposal as well as Stage 1 project approval which includes bulk earthworks, subdivision of the site and the construction of a new storage and distribution facility. An environmental assessment has been prepared in support of both the concept plan and Stage 1 applications.

The concept plan proposal has a total capital investment value of \$200 million, and would generate employment for an estimated 3,000 people during construction and operation. The Stage 1 works have a capital investment value of \$43 million, and would employ 100 workers during construction and 280 workers during operation.

The Department received four submissions on the proposal during exhibition: 2 from public authorities and 2 from members of the general public, including a submission from the adjoining landowner (Jacfin). The Roads and Traffic Authority and Penrith City Council did not object to the proposal, however Jacfin objected to the proposal and the member from the general public raised concerns about the potential impacts on the surrounding road network and the lack of provisions for the harvesting of rainwater. The key issues raised in submissions included stormwater management, consistency with the Penrith Development Control Plan, and traffic and access.

The Department has assessed the merits of the proposal, and is satisfied that the proposed mitigation measures and recommended conditions of approval would address the concerns raised in submissions and would ensure that the proposal would not generate unacceptable environmental impacts on the surrounding area.

The Department is satisfied that the proposal offers significant economic and social benefits for the Western Sydney community as it would:

- facilitate the creation of a large distribution complex in the Erskine Park Employment Area which would provide considerable employment in the area; and
- facilitate the development of the Erskine Park Employment Area, which is identified as a key strategic initiative in the Metropolitan Strategy.

Consequently the Department believes the proposal is in the public interest, and should be approved subject to conditions.

## 1. BACKGROUND

CSR hold 150 hectares of land within the Erskine Park Employment Area (EPEA). The EPEA is approximately 500 ha in size and forms part of the broader Western Sydney Employment Hub (see Figure 1).

A number of developments have previously been approved by the Minister for Planning within the CSR holdings. These include:

- a Lysaght Manufacturing and Distribution Centre (3 December 2004);
- a National Distribution Centre for Coles Myer (30 June 2005)<sup>1</sup>; and
- a Steel Paintline and Service Centre for Bluescope Steel (19 September 2005).

CSR now proposes to develop the land surrounding these developments to establish a warehouse and distribution centre (see Figure 2). This site is currently vacant industrial land and surrounding landuses include the Enviroguard Landfill to the west of the site and other industrial buildings (as described above) to the west and east of the site. The closest residential area is approximately 950m to the north of the site at Erskine Park, however, a retirement village is located approximately 400m to the south of the site.

On 28 July 2006, CSR Limited lodged two applications with the Department seeking approval for the concept plan and Stage 1 works under Part 3A of the *Environmental Planning & Assessment Act 1979* (EP&A Act). The concept plan and Stage 1 applications are both supported by an environmental assessment.



Figure 1: Regional Context: Showing the CSR landholdings at Erskine Park

<sup>1</sup> This was one of two sites approved for the facility and Coles Myer has selected to build the facility at Eastern Creek.

## 2. PROPOSED DEVELOPMENT

CSR is seeking concept approval for the development of a warehouse and distribution centre on a 38 hectare site, in Erskine Park. The concept plan is for the creation of up to 6 buildings along with associated subdivision and infrastructure; and includes:

- the subdivision of the site;
- bulk earthworks across the site;
- construction of 6 warehouses with a maximum gross floor area of 193,500m<sup>2</sup>;
- provision of a range of associated infrastructure to provide essential services to the site;
- a stormwater management scheme, including the realignment of a creek on site; and
- landscaping.

The concept plan would be developed in stages. The major components of the proposed concept plan are illustrated in Figure 2 and detailed in Table 1 below.

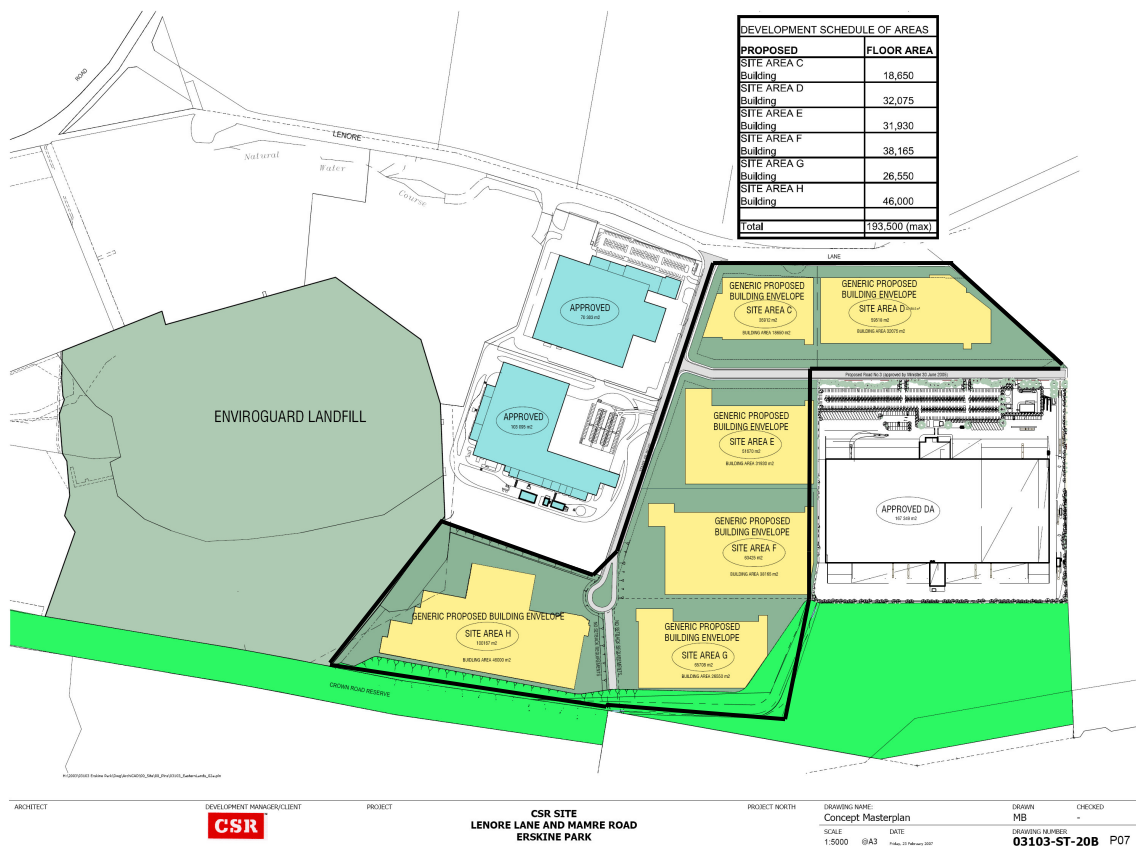


Figure 2: Concept Plan for the Proposed Warehouse and Distribution Centre

— Concept Plan Site

Stage 1 of the project includes the:

- subdivision of the site;
- bulk earthworks;
- provision of associated infrastructure works (water, sewerage, electricity and telephone);
- stormwater management infrastructure including the realignment of the creek; and
- construction and operation of an industrial building with a gross floor area of 46,000m<sup>2</sup> (refer to site area H in Figure 2 above) for storage and distribution purposes, including associated office, hardstand area and carparking.

The components of the Stage 1 works are also described in Table 1 and illustrated in Figure 3.

The remaining components of the proposed concept plan involve the erection of subsequent buildings on the remaining 4 building pads.

The concept plan proposal has a total capital investment value of \$200 million, and would generate employment for an estimated 3,000 people during construction and operation. Stage 1 has a capital investment value of \$43 million, and would employ 100 workers during construction and 280 workers during operation.

**Table 1: Major Components of the Concept Plan and Stage 1**

<b>Component</b>	<b>Description</b>
<b>Project Summary</b>	<b>Concept Plan for a warehouse and distribution centre on a 38 hectare site, comprising 6 building pads and associated infrastructure works.</b>
<i>Subdivision</i>	<ul style="list-style-type: none"> <li>Subdivide Part Lot 20 DP 11101801, being 38.09 hectares.</li> </ul>
<i>Bulk Earthworks</i>	<ul style="list-style-type: none"> <li>Cut and fill across the site to create six building pads suitable for future industrial development and to form a turning area at the southern end of Road No. 1.</li> </ul>
<i>Stormwater Management</i>	<ul style="list-style-type: none"> <li>Creek realignment (see below).</li> <li>On-site detention basins and water quality treatment devices to maintain or lessen existing peak flows and to treat stormwater prior to discharge.</li> </ul>
<i>Creek Realignment</i>	<ul style="list-style-type: none"> <li>Realignment of the existing creek in the southern part of the site to the south-eastern corner.</li> <li>Tree removal and earthworks to form the artificial drainage channel (i.e., creek).</li> <li>Landscaping within and surrounding the new creek line.</li> </ul>
<i>Utilities</i>	<ul style="list-style-type: none"> <li>Water to be supplied from mains in Mamre Road.</li> <li>Sewerage to be gravity fed into existing Sydney Water mains.</li> <li>Electricity to be provided via a new Integral Energy substation on Erskine Park Road via high voltage lines.</li> <li>Telephone services to be reticulated underground within the site.</li> <li>Gas services are presently available in Templar Road to the north of the site but will not be provided unless client needs dictate.</li> </ul>
<i>Storage and distribution buildings</i>	<ul style="list-style-type: none"> <li>Construction of 6 warehouses with a combined maximum gross floor area of 193,500m<sup>2</sup>.</li> <li>Construction of offices and associated buildings/structures to support the warehouses.</li> </ul>
<i>Access &amp; Internal Roads</i>	<ul style="list-style-type: none"> <li>Access to the site is via Templar Road, which was approved by Penrith Council in 2004 and has been constructed.</li> <li>A cul-de-sac to be provided at the end of Templar Road to allow vehicles to turn.</li> </ul>
<i>Landscaping</i>	<ul style="list-style-type: none"> <li>Landscaping to be provided to individual warehouses using native species.</li> </ul>
<i>Operations</i>	<ul style="list-style-type: none"> <li>24 hours, 7 days per week.</li> </ul>
<i>Stage 1</i>	<ul style="list-style-type: none"> <li>Subdivision.</li> <li>Bulk earthworks.</li> <li>Installation of stormwater management infrastructure.</li> <li>Creek realignment.</li> <li>Installation of utilities and services to site area H including water, sewerage, electricity, telephone and external lighting.</li> <li>Construction of a warehouse (gross floor area 46,000m<sup>2</sup>) on site area H (south-western corner of the site) and hardstand area (24,520m<sup>2</sup>).</li> <li>Construction of associated buildings/structures including a two story office area (1,000 m<sup>2</sup>) located at the north-eastern corner of the warehouse, a small gatehouse at the street entry and a tank at the south eastern end of the warehouse to be used for fire water storage.</li> <li>Access off Templar Road and carparking for site area H.</li> <li>On-site landscaping (including of Biodiversity corridor) using native species.</li> <li>It is estimated construction would take up to 20 months.</li> </ul>

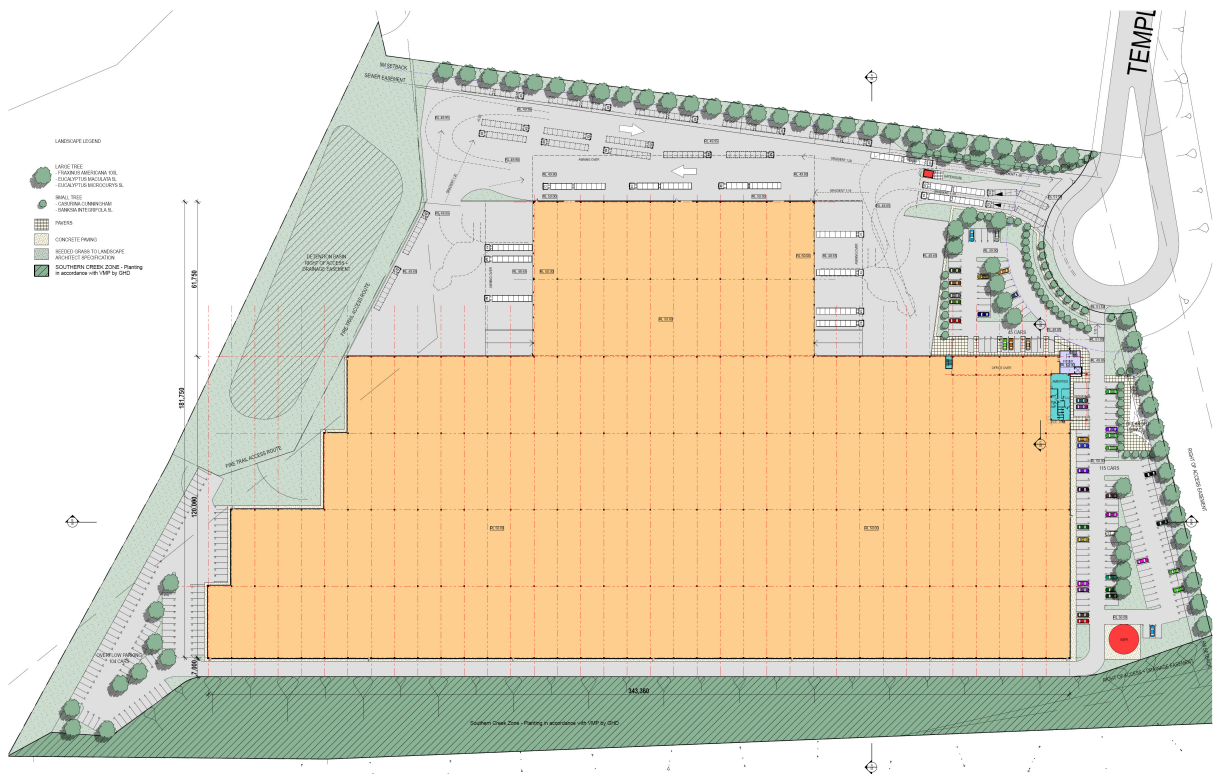


Figure 3: Layout of the Proposed Facility for Site Area H (Stage 1)

### 3. STATUTORY CONTEXT

#### 3.1. Major Project

The proposal is classified as a major project under Part 3A of the EP&A Act as it meets the criteria in Clause 12 Schedule 1 of *State Environmental Planning Policy (Major Projects) 2005*, being development for the purpose of storage or distribution centres with a capital investment of more than \$30 million. Consequently, the Minister is the approval authority for the project.

#### 3.2. Concept Plan

On 17 July 2006, the Minister authorised the Proponent to submit a concept plan for the proposal. The concept plan is seeking approval for the broad parameters of the project; whilst the Stage 1 works application (also part of this report) is seeking approval for specific works. The detailed design and development of subsequent stages would be subject to future project applications.

#### 3.3. Permissibility

Under Section 75O(3) of the EP&A Act, the Minister cannot approve the concept plan for a project that would be wholly prohibited under an environmental planning instrument.

The site is located primarily on land zoned “employment” and partly on land zoned “employment – restricted zone” under *Penrith Local Environmental Plan 1994 (Erskine Park Employment Area)* and the proposal is permissible with development consent as ‘employment generating development’ (i.e. warehousing) in these zones.

#### 3.4. Environmental Planning Instruments

Under Section 75N and 75I(2) of the EP&A Act, the Director-General’s report on this project is required to include a copy of or reference to the provisions of any State Environmental Planning Policy (SEPP) that substantially governs the carrying out of the project.

The Department has considered the project against the relevant provisions of several SEPPs (including SEPP 11, 44, 55 and draft SEPP 66), and is satisfied that none of these SEPPs

substantially govern the carrying out of this project. Nevertheless, it has considered the relevant provisions of these SEPPs in Appendix F.

### 3.5. Public Exhibition

Under Section 75N and 75H(3) of the EP&A Act, the Director-General is required to make the environmental assessment of a project publicly available for at least 30 days.

After accepting the environmental assessment for the project (see Appendix E), the Department:

- made it publicly available from 19 September 2006 until 20 October 2006:
  - on the Department's website, and
  - at the Department's Information Centre, Penrith City Council, and the Nature Conservation Council;
- notified landowners in the vicinity of the site about the exhibition period by letter;
- notified relevant State government authorities and Penrith City Council by letter; and
- advertised the exhibition in the Penrith Press.

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

### 3.6. Statement of Compliance

Under Section 75N and 75I(2) of the EP&A Act, the Director-General's report is required to include a statement relating to compliance with the environmental assessment requirements with respect to the project.

The Department is satisfied that, subject to the additional information provided in CSR's response to submissions, the environmental assessment requirements have been complied with.

## 4. ISSUES RAISED DURING CONSULTATION

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During the exhibition period, the Department received 4 submissions on the proposal (see Appendix D):

- 2 from public authorities: Penrith City Council and the Sydney Region Development Committee (RTA);
- 1 from a neighbouring landowner (Jacfin Pty Ltd); and
- 1 one from a member of the general public.

Penrith City Council and the RTA did not object to the proposal and have provided their recommended conditions of approval.

The submission from Jacfin objected to the proposal on a number of grounds including:

- off-site flooding impacts associated with the stormwater management scheme and in particular the realignment of the creek;
- non-compliance with the Erskine Park Employment Area Development Control Plan, particularly in regards to the biodiversity strategy; and
- compromised site access.

The submission from a member of the general public raised concerns about the lack of consideration to rainwater harvesting and traffic impacts, including impacts on nearby intersections.

Neither the Department of Natural Resources (DNR) nor the Department of Environment and Conservation (DEC) provided a submission during the exhibition period, however during the adequacy assessment of the draft environmental assessment, both agencies provided comments, with key issues relating to biodiversity management and the creek realignment. DNR have subsequently provided recommended conditions of approval.

Following the exhibition period, the Proponent prepared a response to submissions (dated 24 November 2006) and a supplementary response to submission (date 23 January 2007), both of which are included in Appendix C.



The Department has assessed all of the issues raised in the submissions in Section 5. This assessment report considers both the concept plan and Stage 1 applications.

## 5. ASSESSMENT OF KEY ISSUES

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### 5.1. Soil and Water

#### **Construction**

As discussed previously, the proposal involves bulk earthworks (cut and fill) across the 38ha site as part of creating the building pads and to form a turning area at the southern end of Templar Road for the warehouse and distribution centre. The bulk earthworks for the project would be undertaken during the Stage 1 works and CSR has estimated that approximately 125,000m<sup>3</sup> of fill would be required on site. This fill would be sourced from material stockpiled on other CSR land within the EPEA. CSR has approximately 319,000m<sup>3</sup> of material stockpiled which could be used for fill. It is noted that CSR is also required to supply material to cap the nearby Enviroguard Landfill and approximately 150,000m<sup>3</sup> would be required for capping purposes. Therefore, CSR has sufficient material stockpiled for fill required on site and the capping of the landfill.

The earthworks would result in soil being exposed and as such CSR has prepared an Erosion and Sediment Control Plan, in accordance with Landcom's *Managing Urban Stormwater: Soils & Construction* manual, to minimise any impacts from erosion and the discharge of sediment. CSR propose to install a number of erosion and sediment control devices (such as sediment control basins, sediment fences, diversion banks and swales) prior to commencement of construction. Additional measures, such as the use of a shaker pad to remove clay from vehicles, the revegetation of disturbed areas and the weekly inspection of control devices, would be employed to reduce impacts. The Department is satisfied that potential impacts from erosion and sedimentation during the Stage 1 works can be adequately managed through the mitigation measures proposed by the CSR.

However, it is unclear what earthworks would be required in subsequent stages of the Concept Plan. Therefore, the Department's recommended conditions of approval for the concept plan require CSR to submit a soil and water management plan with each subsequent project application. This plan must be prepared in accordance with the relevant requirements of Landcom's *Managing Urban Stormwater: Soils and Construction* and must describe the measures that would be implemented to minimise erosion and the discharge of sediments from any disturbed areas during construction. The Department is satisfied that this will ensure that any potential impacts on nearby watercourses from erosion and sedimentation would be managed.

In relation to possible soil contamination, a Phase 1 Environmental Site Assessment was undertaken in accordance with SEPP 55 (Remediation of Land) for the site. The assessment concluded that there is no evidence of any significant contamination. The Department is satisfied that the site is suitable for development.

#### **Operation**

Due to an increase in impervious area, the proposal would result in an increase in stormwater runoff from the site. CSR has prepared a stormwater concept plan for the management of stormwater for the site, which includes a combination of proposed water quantity and water quality measures to control minor (up to 1 in 20 storm event) and major flows (exceeding 1 in 20 storm events and including 1 in 100 storm events).

CSR is also proposing to relocate approximately 900m of the existing creek located on site, as illustrated in Figure 4 (refer to the blue line in Figure 4). CSR's justification for the relocation of the creek is to minimise the impact on existing vegetation within the Crown Road Reserve; create a vegetated corridor adjoining the biodiversity zone and maximise the developable area.

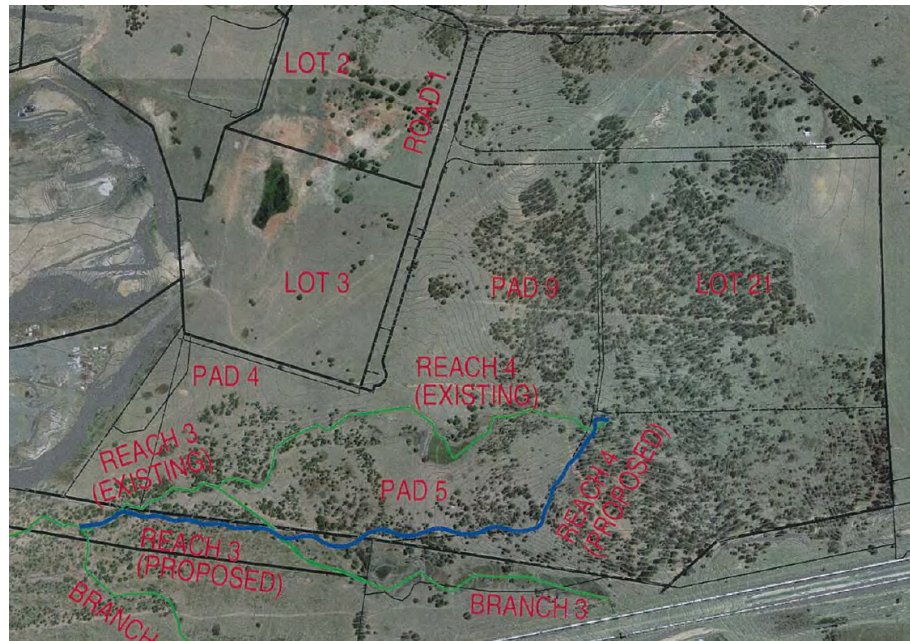


Figure 4: Existing and Proposed Creek Alignments

The submission from Jacfin (a nearby landowner) raised various concerns regarding water related impacts associated with the proposal and engaged the services of Dr Stephen Webb, an engineer and hydrologist, to review the stormwater concept plan and creek realignment. Primarily, Jacfin considers that the EA did not contain sufficient information for a detailed assessment of flooding impacts to be undertaken. The key issues raised in Jacfin's submission include:

- whether the channel would be described as a watercourse under the *Rivers and Foreshore Improvement Act 1948* (RFI Act); and
- the likely increase in flooding impacts on Jacfin's adjacent property (Lot 11 DP 229784) as a result of the realigned creek and the adequacy of the assessment of flooding impacts, including;
  - the lack of detail regarding the design of the channel;
  - the adequacy of the location and sizing of detention basins; and
  - inadequate details relating to water quality treatment of stormwater and the maintenance of the riparian corridor.

In responding to the issues raised, CSR considered that an adequate level of assessment had been undertaken and rejected a number of the issues raised by Jacfin. However, CSR subsequently provided additional information to the Department, clarifying the location and size of the detention basins, the parameters used in the modelling of impacts and the extent of area impacted on Jacfin's property due to flood events. This additional information was also provided to Jacfin.

The Department considers that there is sufficient information available to assess the impacts of the proposal. An assessment of the key issues raised by Jacfin and the Department's recommendations are provided below.

#### Existing Creek

The existing creekline that is proposed to be relocated is an ephemeral drainage line. The proposed creek alignment would cover approximately 3 hectares in area (~900m long) and affect approximately 1.1 hectares on the northern side of the Crown Road reserve. The creek would be diverted from the south-eastern corner of the CSR Erskine Park Estate to rejoin the existing creek south of the Erskine Park Quarry.

Works associated with the creek realignment would include tree removal, earthworks to form an artificial drainage channel, installation of water quality and quantity treatments and comprehensive landscaping within and surrounding the new creek line.

The Proponent has engaged in lengthy discussion with the DNR regarding the proposed creek realignment and whether or not this creek/drainage line is even classified as a watercourse. The DNR has maintained the view that the watercourses present on site are prescribed streams under the RFI Act.

The design of the creek realignment has been a collaborative effort between the Proponent, the DEC, DNR and Greening Australia. The DEC does not object to the proposed realignment and DNR has provided in principle support for the realignment of the creek and has provided its recommended conditions for the detailed design of the realigned creek. These requirements have been incorporated into the Department's recommended conditions of approval for Stage 1.

The Department is satisfied that the creek is a prescribed stream and that CSR has considered and incorporated DNR's requirements regarding the relocation of the creek. Additionally, the recommended conditions of approval would ensure that the realigned creek emulates a natural creek system and mimics the existing creek. Measures to mitigate any off site impacts as a result of the relocation are discussed below.

#### Stormwater Management System Design

The stormwater management system for the concept plan has been designed so that each pad (5 pads in total) and Templar Road has its own on-site detention and stormwater quality treatment. Separate infrastructure would be provided for public roads. The on-site detention basins and the capacity of the basins have been designed so that there will be no increase in peak flow for up to and including 1 in 100 year storm events. The stormwater quality treatment includes gross pollutant traps and bioretention within the detention basins. Modelling indicates that the stormwater quality following treatment would meet Council's requirements.

Essentially, following treatment runoff from site hardstand areas would be discharged to the relocated creek system via detention basins, while water from roof areas of the site would be collected and directed to a separate basin for non-potable reuse (such as irrigation, toilet flushing, truck washing etc). However, the reuse of water on site is limited and as such water collected from roof areas which would not be re-used would also be discharged to the creek system.

CSR has indicated that the concept stormwater management system has been designed for the detention of stormwater from the pads in their current form (i.e., undeveloped for all pads except site area H). However, additional detention may be required once the end use of the remaining pads is known.

The Department is satisfied that the design of the stormwater management system for the site is consistent with Council's requirements within the DCP and current practices. Additionally, the Department notes that Council did not raise any concerns regarding the proposed system. Notwithstanding, the Department's recommended conditions would require CSR to provide detailed plans of the stormwater management infrastructure for subsequent stages of the concept plan to ensure stormwater is managed in accordance with Council's requirements for the EPEA.

The Department of Energy, Utilities and Sustainability (DEUS) is in the process of preparing a rainwater harvesting strategy for the Western Sydney Employment Hub, for indirect potable use of (for example, collected rainwater piped to Prospect Reservoir for drinking purposes). The Department therefore considers that all new development within the EPEA should be required to participate in such a strategy. Consequently, the recommended conditions for the concept plan require CSR to revise the stormwater design concept for the site to include the necessary infrastructure to support a regional rainwater harvesting scheme.

The Department's recommended conditions of approval for Stage 1 require CSR to provide the necessary infrastructure to enable roof water (i.e., clean water) to be collected and stored separately and for this infrastructure to be connected to a regional rainwater harvesting scheme. Therefore, the quantity of stormwater discharged from the site would be considerably less as a result of this requirement.

#### Flooding impacts and adequacy of assessment

Concerns raised by Jacfin regarding off site flooding impacts of the proposal predominantly relate to the relocation of the creek. CSR is proposing to relocate the creek within 10 to 15 m of the northern boundary of Jacfin's property. Modelling undertaken by CSR indicates that there would be a net increase in the flood extent on Jacfin's property. This increase predominantly relates to smaller storm events, with the 2 year events resulting in an increase in the flood extent of 353m<sup>2</sup>, or an additional 3.6% of area impacted on Jacfin's property. A 100 year event would result in a minor increase in the flood extent of 74m<sup>2</sup>, or an additional 0.5% of area impacted on Jacfin's property. While impacts are

considered localised and minor in nature, the Department concurs with Jacfin that all impacts should be contained within CSR's site and there should be no impacts off site.

The Department is confident that engineering solutions would be available to reduce these impacts and can be fully described during the detailed design of the creek realignment and stormwater management system. In addition, the Department considers that any residual impacts on Jacfin's property would be mitigated through the recommended conditions of approval which require CSR to:

1. revise the streamworks design concept (including the location of the realigned creek in the vicinity of Jacfin's property) and demonstrate there is no increase in the flood extent on Jacfin's land and to reduce the risk of creek accretion into Jacfin's land;
2. prepare and implement a creek realignment plan, including:
  - details of the management of streamworks including detailed plans and procedures for the commissioning of the creek;
  - details of the establishment and management of a riparian zone for the realigned creek;
  - a program for the monitoring and maintenance of the realigned creek; and
  - contingency plan to respond to any failures of the realigned creek;
3. commission an independent audit of the realigned creek once completed to ensure works have been carried out in accordance with the creek realignment plan; and
4. to prepare and implement a stormwater management plan detailing the stormwater management scheme, performance criteria for the scheme and the maintenance and monitoring procedures for the scheme.

Additionally, the Department considers that the participation in a regional rainwater harvesting scheme, as described above, would also reduce the quantity of stormwater discharged to the creek, further minimising any off site impacts.

In summary, the Department considers that impacts on Jacfin's property can be mitigated through the detail design of the creek realignment and stormwater management system and through the recommended conditions of approval.

## 5.2. Consistency with Penrith Development Control Plan (Biodiversity)

CSR considers that the proposal is generally consistent with the objectives and aims of the Penrith Development Control Plan 2006 (DCP) and in particular the section relating to the EPEA. Additionally, CSR considers that the concept plan meets the specific requirements of the DCP for stormwater management, the subdivision of land, traffic and parking, site development and urban design, and the management of environmental impacts associated with the proposal (noise, waste, air quality, sediment and erosion control, pollution control etc). However, the realignment of the creek would result in the removal of vegetation within the biodiversity areas/corridors identified in the DCP, and in this respect the proposal is inconsistent with the DCP.

Strategic planning for the conservation of biodiversity within the EPEA has advanced since the DCP was first introduced in 2002, and further studies have highlighted limitations with the biodiversity strategy within the EPEA section of the DCP. Subsequently, the Erskine Park Landowners Group<sup>2</sup>, with assistance from Greening Australia, Council, DEC, the Department and the Commonwealth Department of Environment and Water Resources, has prepared the *Biodiversity Strategy 2005* to outline the strategic framework for biodiversity conservation within the EPEA. More recently the *Biodiversity Management Plan* (BMP) was prepared providing for the development and maintenance of a biodiversity corridor in the area. It is noted that the *Biodiversity Strategy 2005* and BMP have not yet been adopted in the DCP.

In preparing the concept plan and project application for the Stage 1 works, CSR has therefore referred to the *Biodiversity Strategy 2005* and BMP rather than the DCP, as these documents reflect the current approach for the conservation of biodiversity within the EPEA. The Department and DEC consider that this approach is suitable. The differences between the biodiversity corridors identified in the BMP and DCP is illustrated in Figures 5 and 6.

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<sup>2</sup> Comprising of CSR; Austral Tile Company; Fitzpatrick Investments; ING; and Trust Company of Australia.

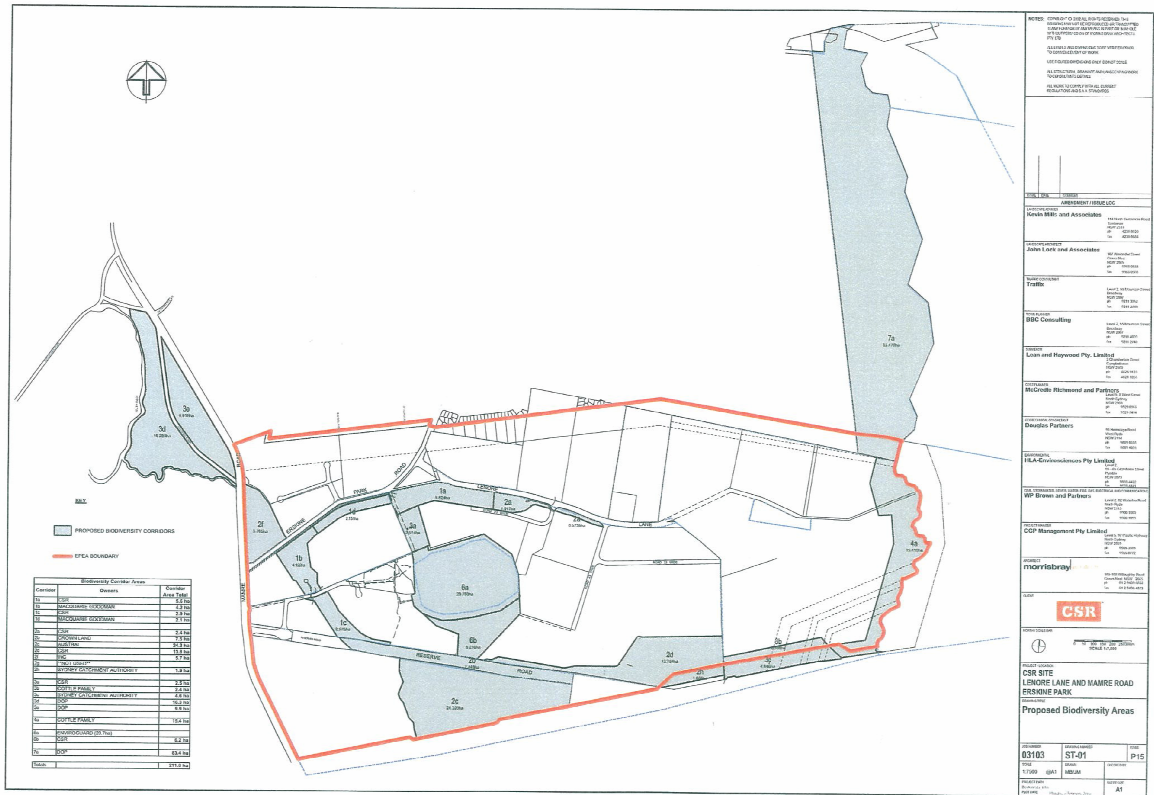


Figure 5: Biodiversity Corridor identified in the Biodiversity Management Plan

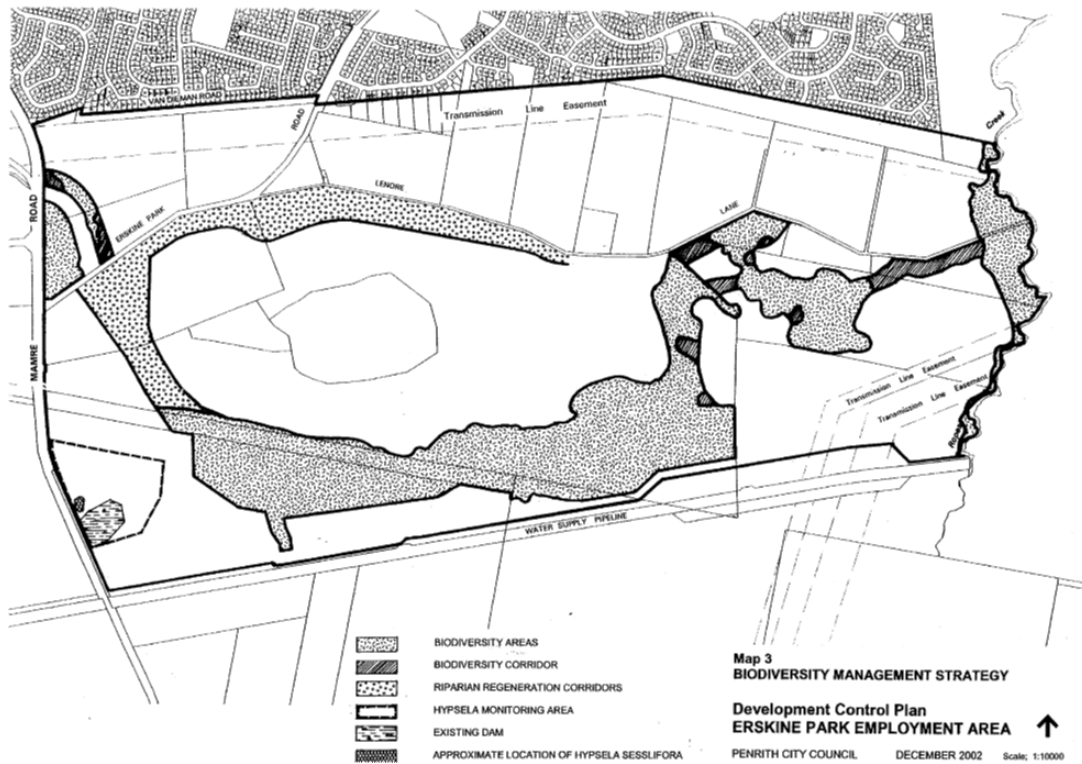


Figure 6: Biodiversity Corridor identified in the Penrith Development Control Plan 2006

The proposal involves the removal of approximately 10.8ha of vegetation, consisting of two endangered ecological communities (EEC) – Cumberland Plain Woodland and Shale/Gravel Transition Forest. The threatened Cumberland Plain Land Snail (*Meridolum corneovirens*) and Grey-headed Flying Fox (*Pteropus poliocephalus*) have also been observed previously at the site. CSR has committed to dedicating approximately 33.4ha of its land to the Corporation (Minister administering the EP&A Act) as a contribution towards Biodiversity Corridor. In addition, CSR has committed to providing over \$3.5 million towards the long term establishment (including rehabilitation of degraded areas), protection and management of the biodiversity corridor through a voluntary planning agreement with the Minister. The Department is satisfied that the dedication of this land would off-set the proposed clearance on site and make a positive contribution towards biodiversity conservation within the EPEA.

The submission from Jacfin initially raised concerns that the proposal would involve the removal of large portions of vegetation identified in the Penrith DCP as biodiversity corridor, which is a significant non-compliance with the DCP and that it was not possible to assess the justification for this non-compliance as the *Biodiversity Strategy 2005* and BMP were not exhibited with the proposal. A copy of the BMP which includes the *Biodiversity Strategy 2005* was subsequently provided with CSR's response to submissions and the response was made available to the public on the Department's website.

Jacfin subsequently raised concerns that the land identified for conservation in the BMP is less than that identified for conservation in the revised DCP. Additionally, Jacfin also raised concerns that even though Council has recently released the Penrith DCP 2006, sections relating to biodiversity conservation within the EPEA had not been updated to reflect the BMP.

The BMP has support from the Department, DEC, Council and Greening Australia, and neither the DEC nor Council raised any specific concerns regarding the CSR proposal. It is noted that the preparation of the BMP is a separate process to CSR's proposal. Council has been heavily involved in the preparation of the BMP and the Department understands that following the endorsement of the BMP by the Minister, Council will incorporate the relevant biodiversity information into the DCP.

The Department is satisfied that any inconsistencies with the DCP relating to biodiversity have been justified. Additionally, the Department and DEC are satisfied that the proposal is consistent with the BMP. Notwithstanding, to ensure that the BMP is acted upon, the Department's recommended conditions of approval require CSR to enter into the abovementioned voluntary planning agreement with the Corporation prior to the construction of Stage 1. The Department is therefore ensuring that CSR will contribute to the broader aim of establishing a biodiversity area and management regime across the EPEA.

### **5.3. Traffic and Transport**

#### ***Regional Road Network***

Council and RTA have adopted a trip rate of 15 trips per hectare during the peak period for the majority of the EPEA, including the area covered by the concept plan. Based upon the generic traffic rate, the concept plan area would generate 570 vehicles during the peak hour period when fully developed.

CSR has estimated that the Stage 1 proposal would generate approximately 230 vehicles per hour during the peak periods. This estimate is based on RTA's guideline of 0.5 trips per 100m<sup>2</sup> of floor space (the warehouse floor area would be 46,000m<sup>2</sup>) and is considered a worst-case scenario when compared to the abovementioned trip rate (150 vehicles based on 15 trips per hectare with 10 hectares being developed).

Lenore Lane and Templar Road have been designed to accommodate traffic generated from this proposal and surrounding developments as part of the development of the EPEA. The Department is satisfied that the proposal would not impact on the safety or capacity of Lenore Lane and Templar Road.

The submission from a member of the general public raised concern about the impact the project would have on the Carlisle Road/ Roper Road intersection as well as Mamre Road/ Erskine Park Road intersection. The RTA (through the Sydney Regional Development Advisory Committee) raised no concerns regarding CSR's proposed Concept Plan and Stage 1 works and only provided

recommendations in relation to minor design issues. It is noted that there is broader strategic planning for the regional road network and the RTA is in the process of seeking concept approval for a road network connecting employment areas in the Fairfield, Blacktown and Penrith LGAs (including the EPEA) with the M7 & M4 motorways and Mamre Road. Therefore, any potential impacts on nearby intersections would be in the short to medium term, while strategic regional road planning for the area would ensure long term impacts would be minimal.

#### **Access to Lot 11 DP 229784**

Jacfin claims that the proposal would sterilise its only access to Lot 11 DP 229784 (a Jacfin site) by locating part of the proposed creek realignment in the Crown road reserve, and including the reserve in the proposed biodiversity corridor.

At present, the only access to Jacfin's property is via the Crown road reserve (option 2 on Figure 7). The proposal would use at least 25 metres of the 60 metre wide reserve for the creek realignment works. However, the Department does not accept that these works would sterilise Jacfin's only access to its property as at least 35 metres of the reserve would be available, which is more than adequate for an access road to the property.

In addition, the Department does not accept Jacfin's claim that the inclusion of the Crown road reserve in the proposed biodiversity corridor would effectively extinguish Jacfin's right to build on this road reserve. The conservation value of the vegetation on the Crown road reserve is significant regardless of whether it is part of the biodiversity corridor or not, and it is important to note that this road reserve was already included in the biodiversity corridor for the EPEA identified in the Penrith DCP (see Figure 6). In other words it was, and will remain, difficult to secure approval for the construction of a road within the reserve, particularly since the DEC and Council support the conservation of the vegetation within this reserve. However, it is important to note that this was the case before the proposal, and that this proposal will not alter the status quo. Consequently, the Department is satisfied that Jacfin's ability to access its property would not be significantly affected by this proposal.

In fact, the proposal would improve the accessibility of Jacfin's property, as it includes the provision of an easement to the Jacfin property via a corridor from the end of Templar Road (option 1 on Figure 7). This corridor would be approximately 120m long, as opposed to the corridor through the Crown road reserve which is approximately 900m. The Department considers that the proposal provides an additional access route to Jacfin's property and a more feasible option for access.

There is a third option for access to Jacfin's property, which is shown as a possible link in the Penrith DCP (option 3 on Figure 7). However, this route traverses land owned by Macquarie Goodman Management (otherwise known as Austral Bricks). Macquarie Goodman Management is currently seeking approval to utilise this land for storage and distribution purposes and therefore this land would not be available for an access road. It is noted that the access route was never formalised in the DCP and is not covered by Council's development contributions plan for the EPEA. Additionally, Council has no intention of acquiring this land to construct a road. Therefore, this option is not considered a viable option for access to Jacfin's property.

While Jacfin acknowledges that the proposal would provide an alternate option for securing access to its property it argues that CSR should be required to pay the cost associated with constructing the bridge over the proposed creek realignment as the need for a such a bridge is a direct consequence of the proposal.

The Department and Council do not support this argument. The road to Jacfin's property, whether it be built through the Crown road reserve or through CSR land is only required for the development or use of the Jacfin land, and should be paid for by Jacfin. Both roads would need bridges (or similar), and the fact that Jacfin would need to construct a bridge over CSR's proposed creek realignment is an irrelevant consideration to the CSR proposal and is simply an economic cost associated with the use of CSR's land to secure access to the Jacfin land. In fact, based on preliminary estimates, the Department understands that it would be significantly cheaper for Jacfin to construct the access road on CSR's land (including the cost of the construction of a bridge) than it would be to construct an access road through the Crown road reserve.

Consequently the Department is satisfied that the proposal would not sterilise Jacfin's access to its land. If anything, the proposal would greatly improve the accessibility of the land and provide a cheaper option for securing access to Jacfin's property regardless of the need to construct a bridge.

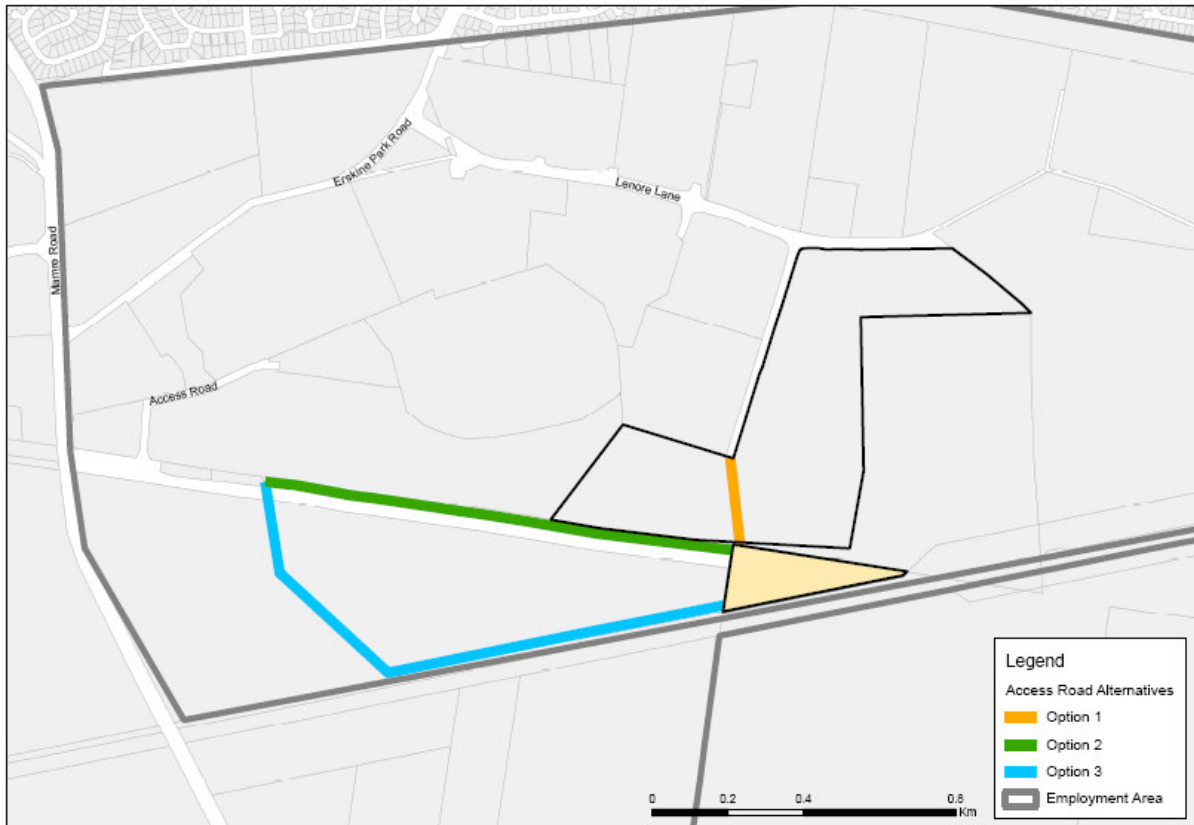


Figure 7: Access Options to Jacfin's Property

#### Site Access and Parking

CSR proposes to provide 264 parking spaces for the Stage 1 warehouse, approximately 71% more spaces than that required by RTA (154 spaces) but less than the 475 spaces required by Council. Of the 264 spaces, 160 spaces would be located to the east of the warehouse building, while the remaining 104 spaces would be located to the west of the warehouse building in an area designated for overflow parking.

The access to the staff/visitor car park would be separated from heavy vehicle access to the site. A one-way system is proposed from heavy vehicles accessing the site.

The Department considers that the parking provisions and access arrangements for the Stage 1 warehouse are suitable. Notwithstanding, the Department's recommended conditions require CSR to design and construct the internal road network and parking in accordance with the relevant Australian Standard. Additionally, to ensure that vehicles do not impact on nearby roads, the Department's recommended conditions prohibit any vehicles associated with the project from queuing or parking on local roads in the vicinity of the site.

The access and parking arrangements for subsequent stages of the concept plan are unknown at this stage. As such, the Department's recommended conditions require CSR to provide detailed plans for access and parking with each subsequent application.

#### 5.4. Noise

##### Construction

Construction of Stage 1 would take approximately 6 months and would include the bulk earthworks, the creek realignment, installation of the stormwater management system for the whole site and the construction of a warehouse facility on site area H. The construction period for subsequent stages is unknown at this stage and would be determined during the detailed design of each stage.

The assessment of noise impacts from the construction phase of the proposal was limited to the construction works associated with Stage 1 works only. The assessment indicates that the construction of the Stage 1 works would exceed DEC criteria by as much as 31 dB(A) at Lenore Lane.



While impacts at residential areas at Erskine Park (exceedence of 7dB(A)) and at the Emmaus Village (exceedence of 18dB(A)) would be less, predicted noise emissions are considerably higher than the criteria for these areas. However, the Department acknowledges that impacts predicted by CSR represent a worst case scenario and that noise emissions would generally be lower than that predicted. Additionally, the Department acknowledges that impacts would be short term and that construction works would be transient, with impacts on residential areas decreasing as works move away from the southern and northern boundaries of the site.

The Department considers that noise impacts from the construction phase can be managed, and has therefore recommended a number of conditions of approval relating to both the approval of the Concept Plan and the Stage 1 works to minimise impacts, including:

- requiring CSR to include a noise assessment of subsequent stages as part of future applications to demonstrate that construction at the site would comply with noise limits;
- restricting the hours of construction for the Stage 1 works;
- the setting of construction noise goals for the first 6 months of the construction of Stage 1, with CSR required to meet operational noise limits should the construction period exceed 6 months; and
- requiring CSR to prepare and implement a noise management plan detailing mitigation measures to control noise emissions from the construction of Stage 1, a noise monitoring program and contingency measures should monitoring indicate non-compliance with the noise limits.

The Department is satisfied that the recommend conditions of approval would ensure that potential noise impacts from the construction of Stage 1 and subsequent stages will be adequately managed.

### Operation

Similarly to construction noise, the assessment of the noise impacts associated with the operation of the proposal has been restricted to the Stage 1 works only. The main source of noise emissions from the operation of Stage 1 predominantly relates to on site vehicle movements including heavy vehicles and forklifts. CSR has predicted that noise emissions from the operation of the Stage 1 would comply with project specific noise limits, as detailed in Table 4. It is noted that predicted noise levels provided for the night period have been calculated using adverse weather conditions, and therefore are conservative estimates based on a worst case scenario. Predicted noise limits based on calm conditions are considerably lower than those presented below for the night period.

Table 4: Predicted Operational Noise Impacts ( $L_{Aeq, 15 \text{ minute dB(A)}}$ ) at Various Locations

Receiver Location	Period	Predicted Noise	Criteria
Erskine Park	Day	34	41
	Evening	34	41
	Night	35	37
	Night (Sleep Disturbance)	39*	47*
Emmaus Village	Day	36	42
	Evening	36	43
	Night	38	38
	Night (Sleep Disturbance)	42*	48*
Lenore Lane	Day	38	41
	Evening	38	41
	Night	37	37
	Night (Sleep Disturbance)	41*	47*

\*  $L_{1(1 \text{ minute})}$  dB(A)

The Department is satisfied that noise emissions from the operation of Stage 1 will meet the DEC criteria. However, as the operation of the Concept Plan has not been assessed, the Department's recommended conditions of approval would require CSR assess the operational noise impacts

associated with each subsequent stage to demonstrate that the operation of the complex complies with the relevant DEC criteria.

### **Traffic Noise**

The traffic noise assessment indicates that daytime traffic noise would marginally exceed DEC criteria while night time traffic noise would exceed DEC criteria by 7dB(A) for residences at Lenore Lane. It is the Department's understanding that up to 3 dwellings at Lenore Lane are used for residential purposes and these dwellings are within the area zoned as employment restricted zone under the Penrith LEP. The Department understands that one property is in the process of being purchased/developed and another which is located to the east of the site is unlikely to be impacted by traffic noise. The Department understands that the remaining property undertakes industrial activities on site and has an agreement with Council and other industrial landowners concerning impacts of their property. Therefore, the Department is satisfied that traffic noise will not impact on the private landowners on Lenore Lane.

### **5.5. Other Issues**

The Department's consideration of other issues is provided below.

<b>Issue</b>	<b>Comment</b>
Dust	<ul style="list-style-type: none"> <li>The site is in the middle of an industrial area, and at least 600 metres away from the closest residential area at Erskine Park. Consequently, the Department is satisfied that the proposal is unlikely to affect the amenity of the surrounding residential areas.</li> <li>Standard dust mitigation measures would be implemented during construction to minimise the potential dust impacts of the proposal.</li> </ul>
Visual	<ul style="list-style-type: none"> <li>The proposed storage and distribution facility for site area H addresses potential visual impacts when viewed from Templar Road by including the office and loading dock elements on the northern and north eastern end of the building providing a more attractive and modelled façade and ensuring that activity is focused on the corner near the main entry. Council raised no issues associated with the visual amenity of the proposed building.</li> </ul>
Bushfire	<ul style="list-style-type: none"> <li>The bushfire risk likely to affect the proposed project is considered low based on the provision of setbacks from vegetated areas and the use of lower growing species on the edges of the Biodiversity Conservation Corridor.</li> </ul>
Heritage	<ul style="list-style-type: none"> <li>The site contains Aboriginal cultural material in the form of low density subsurface artefacts. An application to destroy this material has already been approved by the DEC under section 90 of the <i>National Parks and Wildlife Act 1974</i>.</li> </ul>

## **6. RECOMMENDED CONDITIONS**

The Department has prepared recommended conditions of approval for the project. These conditions are required to:

- prevent, minimise, and/or offset adverse impacts of the project;
- set standards and performance measures for acceptable environmental performance;
- ensure regular monitoring; and
- provide for the ongoing environmental management of the project.

CSR has reviewed and accepts the recommended conditions.

## **7. CONCLUSION**

The Department has assessed the merits of the proposal, and is satisfied that it is unlikely to generate any significant impacts on the surrounding area.

While there are potential impacts associated with the creek realignment, the Department is satisfied that these can be minimised through the detail design phase and through the recommended conditions of approval. The Department is also satisfied the extra traffic generated can be accommodated safely and efficiently on the local and regional road network. In addition, both the RTA

and the Department are confident that the proposed road network would not compromise the strategic road network that the RTA is currently developing for the Western Sydney Employment Hub.

Finally, the Department is satisfied that the proposal offers significant economic and social benefits for the Western Sydney community and beyond as it would:

- result in capital investment of \$200 million;
- create jobs for 3000 workers;
- facilitate the conservation of biodiversity in the area; and
- facilitate the development of the Western Sydney Employment Hub, which is identified as a key strategic initiative in the metropolitan strategy.

Consequently the Department believes the proposal is in the public interest, and should be approved subject to conditions.

## 8. RECOMMENDATION

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It is recommended that the Minister:

- **consider** the Director-General's report;
- **approve** the concept plan and Stage 1 project application subject to conditions; and
- **sign** the attached instruments.

David Kitto  
**Director**  
**Major Development Assessment**

Chris Wilson  
**Executive Director**  
**Major Project Assessments**

Sam Haddad  
**Director-General**

# **APPENDIX A – RECOMMENDED CONDITIONS OF APPROVAL – CONCEPT PLAN**

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## **APPENDIX B – RECOMMENDED CONDITIONS OF APPROVAL – PROJECT APPROVAL**

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## **APPENDIX C – RESPONSE TO SUBMISSIONS**

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## **APPENDIX D – SUBMISSIONS**

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## **APPENDIX E – ENVIRONMENTAL ASSESSMENT**

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## APPENDIX F – ENVIRONMENTAL PLANNING INSTRUMENTS CONSIDERATION

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The assessment of the proposed development is subject to the following environmental planning instruments and strategies:

- *State Environmental Planning Policy No. 11 - Traffic Generating Developments;*
- *State Environmental Planning Policy No. 44 – Koala Habitat Protection;*
- *State Environmental Planning Policy No. 55 – Remediation of Land; and*
- *Draft State Environmental Planning Policy No 66 – Integration of Land Use and Transport.*

Consideration of the proposed development in the context of the objectives and provisions of these environmental planning instruments is provided below.

### **State Environmental Planning Policy No. 11**

*State Environmental Planning Policy No. 11 – Traffic Generating Developments* applies to the site. SEPP 11 aims to ensure that the RTA is made aware of and allowed to comment on proposals for developments listed in Schedule 1 of SEPP 11. SEPP 11 requires the Department to forward a copy of the application to the RTA within 7 days of receipt. A copy of the application was provided to the RTA on 18 September 2006. The RTA provided a response on the proposal within the exhibition period detailing its recommended conditions of approval. Therefore, pursuant to clause 7(5) of SEPP 11, the Minister is able to determine the application.

### **State Environmental Planning Policy No. 44**

*State Environmental Planning Policy No. 44 – Koala Habitat Protection* (SEPP 44) applies to Penrith LGA. A survey of the site identified the presence of one Koala feed tree species on the site on the basis that White Box trees, identified in Schedule 2 of the SEPP, constituting more than 15% of the total tree canopy. Under clause 9 of the SEPP, the consent authority is not to grant consent unless it is satisfied that any “potential koala habitat” is not “core koala habitat” as defined under the SEPP. CSR has indicated that there is no evidence of koala activity and Koala habitat would be preserved on site. The Department is satisfied with the consideration of SEPP 44 contained in the Environmental Assessment.

### **State Environmental Planning Policy No. 55**

*State Environmental Planning Policy No. 55 – Remediation of Land* applies to the site. SEPP 55 aims to ensure that potential contamination issues are considered in the determination of a development application. Clause 7 of SEPP 55 states that:

- 7(1) *A consent authority must not consent to the carrying out of any development on land unless:*
- it has considered whether the land is contaminated, and*
  - if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
  - if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

A preliminary site investigation for contamination indicated that the site was suitable for the proposed warehouse and distribution centre. The Department is satisfied with the consideration of SEPP 55 contained in the Environmental Assessment.

### **Draft State Environmental Planning Policy No. 66**

*Draft State Environmental Planning Policy No 66 – Integration of Land Use and Transport* applies to the site. Draft SEPP 66 aims to ensure that urban structure, building forms, land use locations, development designs, subdivision and street layouts help achieve the following planning objectives:

- improving accessibility to housing, employment and services by walking, cycling and public transport,*
- improving the choice of transport and reducing dependence solely on cars for travel purposes,*

- c) *moderating growth in demand for travel and distances travelled especially by car,*
- d) *supporting the efficient and viable operation of public transport services,*
- e) *providing for the efficient movement of freight.*

The Department is satisfied with the consideration of Draft SEPP 66 contained in the Environmental Assessment.