



# ASSESSMENT REPORT

## Section 75W Modification

### “Connect @ Erskine Park” Warehouse and Distribution Complex, Erskine Park

## 1. BACKGROUND

On 1 March 2007, the Minister approved a Concept Plan application from CSR Ltd (CSR) to establish a warehouse and distribution complex in the Erskine Park Employment Area (EPEA) (see Figure 1).

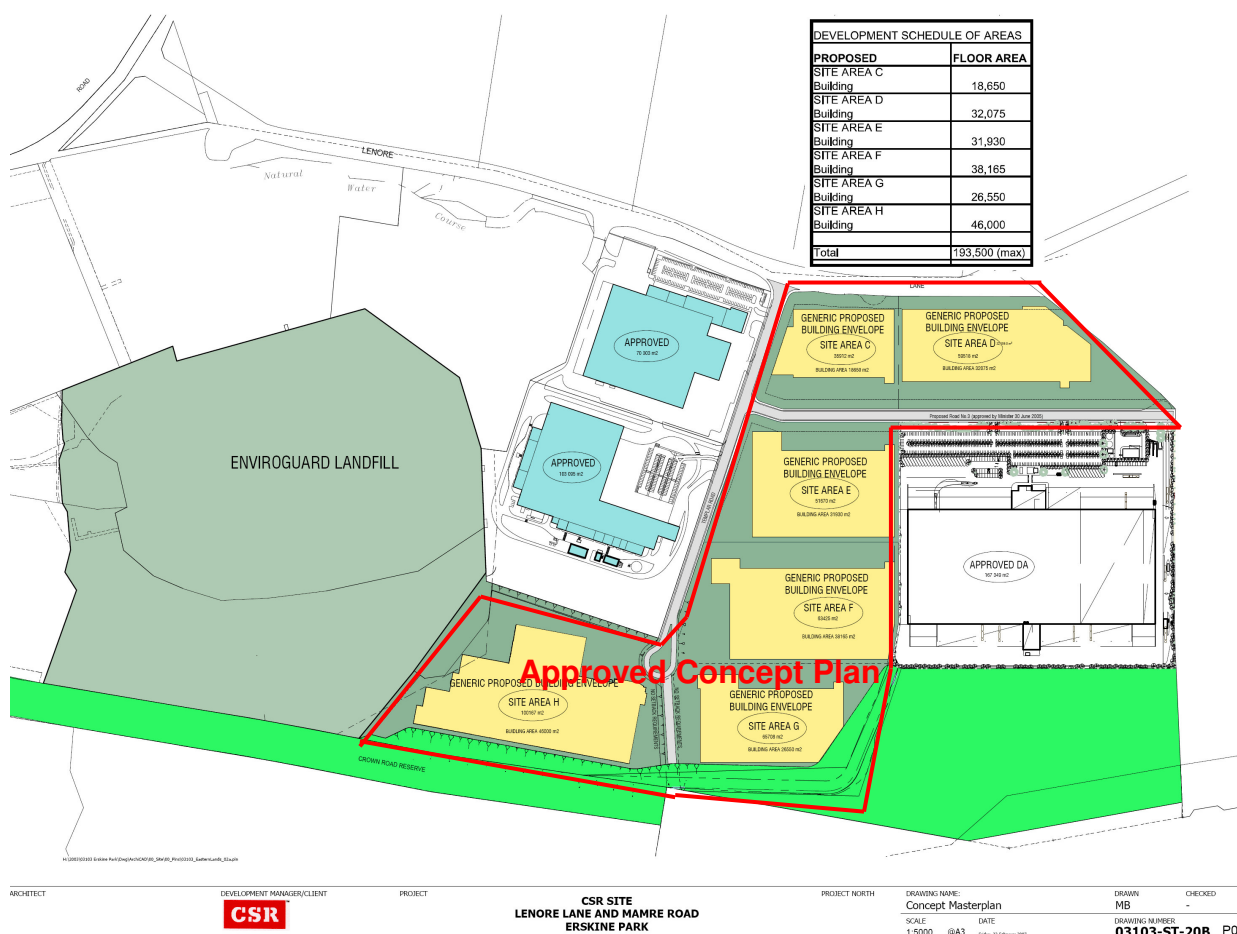


Figure 1: Approved Concept Plan

This approval provided for:

- subdivision of the site into 6 development lots;
- construction of 6 warehouses, including the associated bulk earthworks and provision of estate-wide infrastructure;
- construction and use of a warehouse and associated infrastructure on one of these development lots (site area H); and
- stormwater management infrastructure including the realignment of the creek and landscaping.

The site is now owned by GPT Group (GPT) and following further design work, GPT now proposes to make some minor modifications to the approved project, and is seeking approval for these proposed modifications under Section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

## 2. PROPOSED MODIFICATION

The proposed modifications involve:

- 1) changing the site layout for site area H and C;
- 2) allowing manufacturing on site D, E, F, G and H in addition to the approved warehouse and distribution uses; and
- 3) allowing amenity uses on site C to provide necessary services for the Erskine Park Employment Area, the proposed uses are child care centres, motels, business premises, food and drink premises, health consulting rooms, medical centres, pubs, recreational facilities, service stations and shops (including supermarket/grocery).

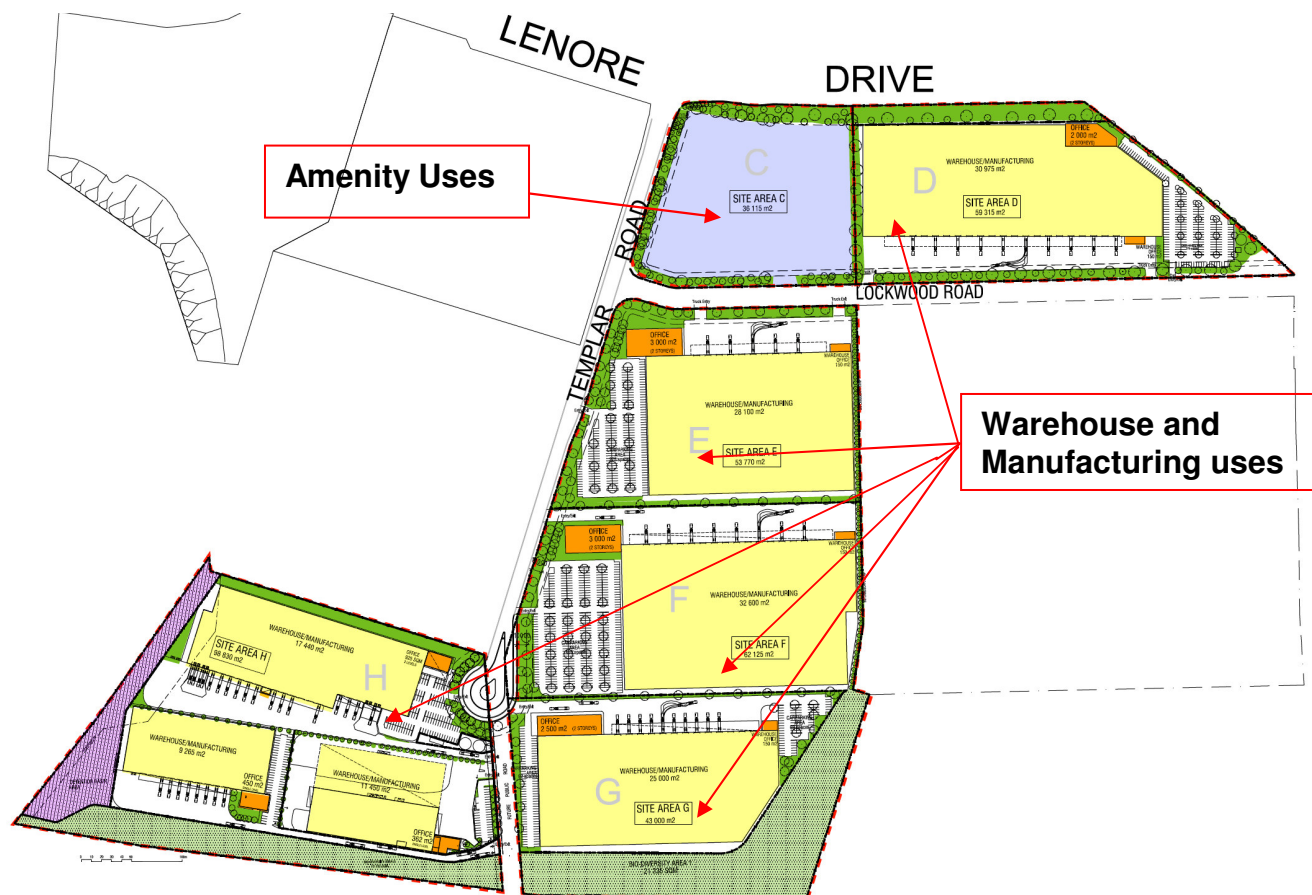


Figure 2: Proposed Modified Concept Plan

## 3. STATUTORY FRAMEWORK

The Minister was the consent authority for the original application, and is consequently the consent authority for the modification application.

On 7 June 2007, the Minister delegated his powers and functions as an approval authority to modify certain project approvals under section 75W of the EP&A Act to the Executive Director, Major Project Assessment. This modification application meets the terms of this delegation, consequently, the Executive Director may determine the application under delegated authority.

## 4. CONSULTATION

Under Section 75W of the EP&A Act, the Minister is not required to consult with anyone on modifications to Part 3A approvals. However, the Department referred the application to Penrith City Council (Council) for comment. Council had no objection to the proposed modifications but raised concerns about some of the proposed uses on site area C.

## 5. ASSESSMENT

The Department has assessed the merits of the proposed modification, and is satisfied that they represent minor adjustments to the approved concept plan that would not significantly change the environmental impacts of the approved concept plan (see Table 1). In addition, as the concept approval does not allow any works to commence, any potential impacts would be addressed in more detail at the development/project application stage.

Consequently, the Department supports the proposed modifications subject to some minor changes to the existing conditions of approval.

Table 1: Summary of Key Environmental Issues

<b>Issue</b>	<b>Key Impacts</b>	<b>Conclusions of Assessment</b>
<i>Amenity Uses</i>	<ul style="list-style-type: none"> <li>The amenity uses proposed for site C may not be consistent with the objectives and strategic vision for the employment zone and have the potential to conflict with the surrounding industrial area.</li> <li>Council has raised some concerns regarding certain uses, including motels, health care centres, and retail premises.</li> <li>The amenity uses are unlikely to meet the criteria for a Major Project under <i>State Environmental Planning Policy (Major Projects) 2005</i>.</li> </ul>	<ul style="list-style-type: none"> <li>The Department agrees with Council that uses such as motels, health consulting rooms and retail premises are not consistent with the objectives and strategic vision for the area and are therefore excluded from the recommended permissible uses onsite.</li> <li>The Department also recommends conditions to ensure any proposed use which could be affected by the surrounding industrial area would have to demonstrate the suitability of the site for the proposed use in the development or project application.</li> <li>The Department recommends that any development with a capital investment value of less than \$30 million that employs less than 100 people should be assessed under Part 4 or Part 5 of the EP&amp;A Act.</li> </ul>
<i>Noise</i>	<ul style="list-style-type: none"> <li>The introduction of manufacturing uses could increase noise from the estate.</li> </ul>	<ul style="list-style-type: none"> <li>A noise assessment has been prepared in accordance with the <i>NSW Industrial Noise Policy</i> and indicates that the changes in land use would not result in any exceedances of the noise criteria for the site.</li> <li>The Department considers that any potential noise impacts can be managed and mitigated.</li> <li>The Department considers that all future development on site should comply with the project specific noise criteria and therefore recommends that noise emissions are assessed in detail at the development or project application stage.</li> </ul>
<i>Air</i>	<ul style="list-style-type: none"> <li>The introduction of manufacturing uses could increase air and odour emissions from the estate.</li> </ul>	<ul style="list-style-type: none"> <li>The Department considers that there are a range of engineering, design and management solutions available to GPT to minimise any potential air quality and odour impacts.</li> <li>The Department has recommended revised conditions requiring air and odour emissions are assessed in detail at the development or project application stage to ensure potential impacts are managed and/or mitigated.</li> </ul>
<i>Soil and Water</i>	<ul style="list-style-type: none"> <li>The introduction of manufacturing uses could change the soil and water impacts, including potential soil and water contamination and increased wastewater production.</li> </ul>	<ul style="list-style-type: none"> <li>The Department considers that there are a range of engineering, design and management solutions available to GPT to minimise any potential soil and water impacts.</li> <li>The Department has recommended</li> </ul>

		conditions to ensure soil and water impacts are assessed in detail at the development or project application stage and measures to manage wastewater are included.
<i>Traffic</i>	<ul style="list-style-type: none"> <li>The change in use of site C with the provision of ancillary services has the potential to generate extra traffic in the estate and the surrounding area.</li> </ul>	<ul style="list-style-type: none"> <li>Any additional traffic associated with the amenity uses on site C are likely to only be from existing vehicles in the Employment Area.</li> <li>The provision of ancillary services within the Employment Area should minimise traffic by reducing the distance travelled and trip times.</li> <li>The Department recommends conditions to ensure any traffic impacts are assessed at the individual development/project application stage to ensure the total traffic volume generated by the estate does not impact on the safety and capacity of the surrounding network.</li> </ul>
<i>Visual</i>	<ul style="list-style-type: none"> <li>The proposal would result in changes to the layout of sites C and H. This could change the visual impact of the proposal.</li> </ul>	<ul style="list-style-type: none"> <li>These changes are considered to be minor adjustments to the approved layout that would have minimal visual impacts.</li> <li>The most significant changes would be the reduction in landscaping on site H however, visual impacts would be minimal because of the location of the site and any measures to manage or mitigate the visual impacts would be assessed at the project application stage.</li> </ul> <p>In addition, these changes would mainly be visible from Templar Road, a no through road which only services the Erskine Park Employment Area.</p> <ul style="list-style-type: none"> <li>The Department considers that any visual impacts would be minimal.</li> </ul>
<i>Landscaping</i>	<ul style="list-style-type: none"> <li>The proposal would reduce the landscaping on site H and potentially site C.</li> </ul>	<ul style="list-style-type: none"> <li>The reduced landscaping could reduce the sites integration with the adjacent biodiversity area.</li> <li>To minimise any potential impacts, the Department recommends that a Landscape Management Plan for each site is provided at the development or project application stage and that the site is landscaped using endemic species.</li> </ul>
<i>Water and Energy Efficiency</i>	<ul style="list-style-type: none"> <li>The estate has the potential to consume substantial water and energy resources.</li> </ul>	<ul style="list-style-type: none"> <li>The Department recommends conditions to ensure water and energy consumption is assessed and minimised at the development or project application stage.</li> </ul>
<i>Contributions</i>	<ul style="list-style-type: none"> <li>Provisions need to be made for local and regional infrastructure</li> </ul>	<ul style="list-style-type: none"> <li>Under the Section 94 contribution plan for Erskine Park, the previous land owner (CSR) paid over \$8.5 million towards local infrastructure (~\$190,000 per developable hectare).</li> <li>The Section 94 contribution plan includes works to upgrade Lenore Lane, which will form part of the Link Road (i.e., regional road network for the Western Sydney Employment Hub).</li> <li>Contributions have been paid as part of the project approval</li> </ul>

## 6. CONCLUSION

The modification represents minor changes to the approved Concept Plan and the Department considers that the proposed changes to the approved land uses on site would allow the strategic aims and objectives for the EPEA to be achieved by providing more flexibility in the range of developments that are permitted on the site (subject to further approvals or consents).

The Department considers that the modification to the concept plan would not significantly change the environmental impacts of the approved concept plan. However, any potential impacts associated with the implementation of the various components of the Concept Plan would be required to be assessed at the individual development or project application stage.

The Department and Council recognise the need for employee services in the EPEA, particularly the potential demand for food outlets and childcare facilities. The Department and Council are also aware that at this point in time some of the proposed land uses may not be consistent with the objectives and strategic vision for the EPEA. As such, the Department recommends that some land uses (including motels, health consulting rooms) should be excluded from the Concept Plan approval.

Overall, the Department considers that the proposed modification is consistent with the strategic planning for the EPEA, including the aims and objectives of the NSW Government's *State Plan* and the *Draft State Environmental Planning Policy (Western Sydney Employment Hub) 2008*. Additionally, the proposed changes are considered minor, and any potential impacts would be minor and could be appropriately managed.

## 7. RECOMMENDATION

It is RECOMMENDED that the Executive Director:

- consider the findings and recommendations of this report;
- approve the proposed modification under section 75W of the EP&A Act; and
- sign the attached notice of modification.

Chris Wilson  
**Executive Director**  
**MPA**