



Environmental Assessment Report

Proposed Section 75W
Modification Application

MOD 2 Concept Plan

MOD 3 Project Approval

MP06_0225

Prepared by Willowtree Planning Pty Ltd on behalf of
Fraser's Property Australia

July 2016

Section 75W Modification Application

MOD 2 to Concept Plan & MOD 3 to Project Approval - MP06_0225

Hanson Concrete Asphalt Facility

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SUBMISSION VERIFICATION

Declaration Form

Submission of Environmental Assessment (EA)

prepared under the *Environmental Planning and Assessment Act 1979*

Prepared By

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Bachelor of Urban and Regional Planning, UNE
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In Respect Of

Modification to Approved Hanson Concrete Asphalt Facility

Development

Application

Applicant Name

Paul Solomon – Frasers Property Australia

Address

Level 3, 1C Homebush Bay Drive, Rhodes NSW 2138

Land to be Developed

Lot 5 in DP1145808

EA

An Environmental Assessment (EA) is attached.

Signature



Name

Andrew Cowan
22 July 2016

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GLOSSARY OF TERMS

TERM	MEANING
AU\$	Australian Dollars
Council	Blacktown City Council
DP&E	Department of Planning and Environment
EA	Environmental Assessment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i> (as amended)
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
NSW 2021	<i>NSW 2021: A Plan to Make NSW Number One</i>
OEHS	NSW Office of Environment and Heritage
SEPP	State Environmental Planning Policy
Sqm or m²	Square metres
SREP	Sydney Regional Environmental Plan
The Site	Lot 5 in DP1145808, Honeycomb Drive, Eastern Creek

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EXECUTIVE SUMMARY

This Environmental Assessment (EA) has been prepared by Willowtree Planning Pty Ltd for Frasers Property (Frasers). The proposal seeks to modify Concept Plan and Project Approval MP06_0225 for the Hanson Concrete Asphalt Facility being Lot 5 in DP1145808, Honeycomb Drive Eastern, Creek (the site). The subject application represents the third modification to MP06_0225.

The site previously formed part of larger land holding which was originally developed for a hard rock quarry and associated facilities. The quarry void is located on an adjacent land parcel which is now used for non-putrescible landfill that was approved under (MP06_0239). Hanson has since consolidated operations on the remaining 25.95 hectares to which MP06_0025 relates and is the subject of this application.

Frasers have entered into an agreement with Hanson as the current owner of the land to purchase part of the site (10.4ha) to facilitate an area for warehouse, logistics and industrial purposes and carry out the necessary civil and infrastructure works. All built form for future warehouse/industrial facilities will be subject to development consent from Blacktown City Council or the Minister for Planning; this is contingent on the capital Investment Value of any such development.

Clause 12 of Schedule 6A of the *Environmental Planning & Assessment Act 1979* (EP&A Act) enables Section 75W of the EP&A Act to continue to apply to transitional Part 3A Concept Plans and Projects. As such, the aforementioned provisions apply to the subject proposal.

The proposed changes which apply to the subject proposal include:

- Amendment to the proposed Plan of Subdivision;
- Relocation of the approved re-vegetation approved;
- Amendment to the road alignments;
- Amendments to the retaining walls in terms of location and height;
- Inclusion of warehouse/industrial use on the allotments acquired by Frasers.

In addition to the general requirements, the SEARs for the proposal outlined a number of Key Issues to be addressed as part of an EIS, including:

- Transport, Access and Parking;
- Soil and Water;
- Flora and Fauna.

Based on the findings of this EIS, the proposal supports the continued development of the site, providing employment opportunities and contributing to the retention and growth of warehouse and logistics related development in Western Sydney.

The proposal is suitable for the local context and will not result in any significant environmental impact. As such, it is recommended that the proposal be supported by DP&E.

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PART A PRELIMINARY

1.1 INTRODUCTION

This EA has been prepared by Willowtree Planning Pty Ltd, on behalf of the Proponent, Frasers Property Australia, and is submitted to the New South Wales Department of Planning & Environment in support of a modification to MP06_0225.

This application seeks approval to modify both the Concept Plan and Project Approval as follows:

Concept Plan/Project Approval

- Lots 6-11 consolidated to form part of Frasers proposed warehouse and logistics area;
- Fulton Hogan Asphalt Plant relocated to the western side of the proposed Frasers purchase area;
- Cumberland Plain relocated (18,500sqm) adjoining western side boundary of Frasers purchase area;
- Inclusion of warehouse, logistics and industrial use within proposed Frasers purchase area;
- Associated civil and infrastructure works; and
- Amendment to the northern road alignment.

The structure of the Report is as follows:

- Part A Preliminary
- Part B Site Analysis
- Part C Proposed Development
- Part D Legislative and Policy Framework
- Part E Consultation
- Part F Environmental Risk Assessment
- Part G Statement of Commitments
- Part H Conclusion

1.2 PROJECT TEAM

The Project Team involved in the preparation of this application are:

- Frasers Property Australia (Applicant)
- Frasers Property Australia (Architect)
- Willowtree Planning Pty Ltd (Town Planning Consultant)
- Costin Roe Consulting (Civil Engineering Consultant)
- Cumberland Ecology (Flora & Fauna Consultant)
- Road Delay Solutions (Traffic Consultant)

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1.3 SITE HISTORY

The site previously formed part of a larger land holding which was originally developed for a hard rock quarry and associated facilities. The quarry void is located on an adjacent land parcel which is now used for non-putrescible landfill that was approved under (MP06_0239). Hanson has since consolidated operations on the remaining 25.95 hectares to which MP06_0025 relates and is the subject of this application.

▪ **MP06_0225 – Hanson Concrete Asphalt Facility**

In June 2010, approval was granted to remove the existing facilities and modernise the site as follows:

Concept Plan

- Concrete batching plant with a production capacity of up to 144,000m³ per annum
- Office and laboratory
- Logistics/Fuel depot and workshop
- Materials storage depot (with import of up to 36,000 tonnes of material per annum)
- Asphalt/Emulsion plant with a production capacity up to 360,000 tonnes per annum
- Concrete Recycling Facility importing and processing up to 100,000 tonnes per annum.
- Office and plant
- Subdivision of the site
- Bulk earthworks across the site
- Provision of a precinct plan collector road through the site
- Provision of a range of associated infrastructure to provide essential services to the

Project Approval

- Continued use of the existing industrial facilities, offices, laboratory, work shop and associated infrastructure, with production rates limited as follows;
 - Concrete Batch Plant with a production capacity up to 108,000m³ per annum;
 - Concrete Recycling Facility importing and processing up to 75,000 tonnes per annum
 - Materials Storage Depot (with import of up to 27,000 tonnes of materials per annum); and;
 - Asphalt / Emulsion Plant with a production capacity
- Subdivision and implementation of the Precinct Road through the site, with dedication of the road to Council
- Operation on a 24 hour, 7 day basis.
- **MP06_0225 – Hanson Concrete Asphalt Facility (MOD 1)**

MOD 1 to the Concept Plan MP06_0225 was granted on 24 October 2013, while MOD 1 to the Project Approval was granted on 24 October 2013. **Table 1** below provides a summary of the approval as originally granted versus the modifications sought.

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The approved scheme (as modified) and the proposed scheme is provided below in **Figures 1 and 2**.

- ***MP06_0225 – Hanson Concrete Asphalt Facility (MOD 2)***

MOD 2 to MP06_225 was granted on 3 June 2015 to allow Fulton Hogan (FH) to operate the asphalt plant for an additional two (2) years until 3 June 2017. Specifically this required modification to Condition 2 of Schedule 2 of the Project Approval 06_0025 which permitted FH to operate the plant until 3 June 2015.

To support the continued operation of the Fulton Hogan plant and the orderly development of the precinct other conditions were also imposed relating to timing for the creation of easements to ensure that appropriate easements are in place, in favour of the properties to the east of the site, within three months of the completion of a Council detention basin servicing land to the east of the site or within 3 months of the completion of earthworks, whichever is sooner.

Additionally it is noted within the Secretary's Assessment Report that Condition 21 of Schedule 4 of the Project Approval had been breached as the precinct road to the north of the site and dedication to Council has not been completed within the designated five year period. A condition has therefore been included requiring the proponent to construct the precinct road to the north of the site within 12 months of the date of the approval of MOD 2.

1.4 DIRECTOR GENERAL'S REQUIREMENTS

Director General's Requirements were issued under MP06_0225 and remain relevant to the subject proposal insofar as they relate to the modifications sought. It is considered that the key Environmental Assessment Requirements that relate to the proposal include **traffic, ecology and soil and water**.

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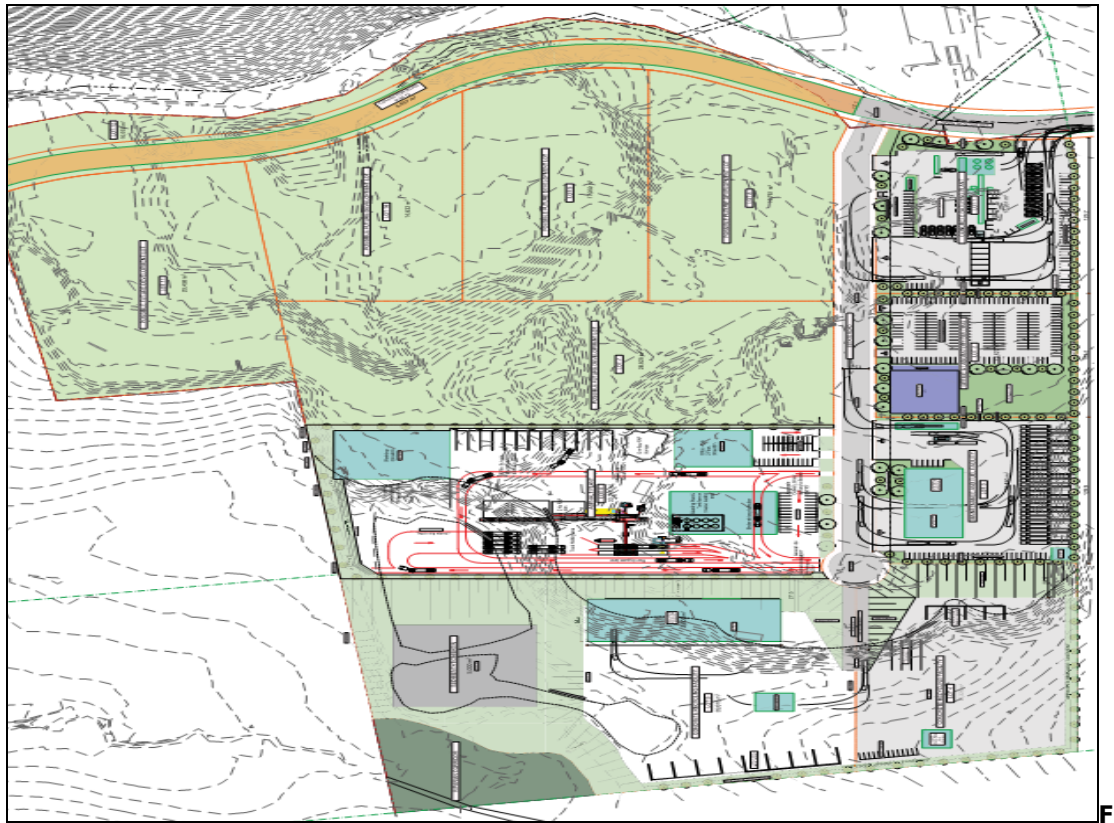


Figure 1: Existing Approved Layout (MOD 1 Scheme)

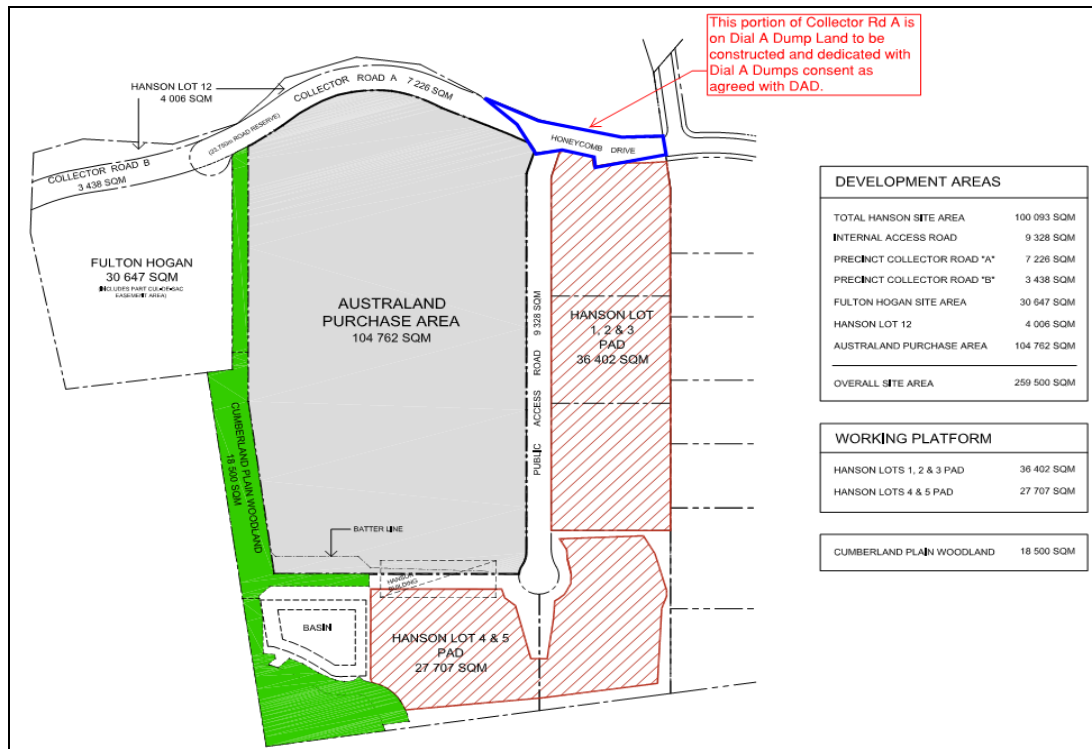


Figure 2: Proposed Scheme

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PART B SITE ANALYSIS

2.1 SITE LOCATION & CHARACTERISTICS

The subject site is identified Lot 5 in DP1145808, Honeycomb, Drive Eastern Creek which forms part of the Western Sydney Employment Area (WSEA). Historically, the site has been used for the purpose of concrete and asphalt facility. The existing facilities have been decommissioned with the exception of Fulton Hogan plant.

Existing attributes of the site are noted as follows:

- A stormwater basin is located in the southwestern corner of the site;
- Cumberland Plain Woodland is interspersed within the southern portion of the site;
- In total, the site area equates to 29.5ha;
- Vegetation has predominately been cleared due to the historic land use associated with the site;
- Vehicle access is available via Honeycomb Drive.

The highest elevation on the property is approximately RL 92.5m (AHD) and the lowest at RL 59.0m. Grades over the site vary generally between 0.5% to 5%. The site is comprised of gravel roads and a number of large fill stockpiles. Concrete and other building waste is also present on the site, along with Hanson asphalt recycling plant. There are also two earth embankment dams located in the south-west corner of the site.

Figures 3 and 4 below provide a visual representation of the site pre and post decommissioning.

2.2 LOCAL CONTEXT

The subject site is located within the suburb of Eastern Creek which forms part of the Blacktown LGA and is located approximately 40 kilometers west of the Sydney Central Business District. The site is also identified within the WSEA being an industrial release area incorporating the LGAs of Blacktown, Fairfield and Penrith.

Given the industrial character of the site it is surrounded by employment lands characterised by vacant land earmarked for industrial development, new industrial and warehousing facilities and new and planned road infrastructure. Surrounding land uses comprise a mix of industrial and commercial operations including:

- Dial A Dump;
- Jacfin;
- Frasers Property;
- Department of Planning; and
- Sargents.

The nearest residential development is located approximately 1km north of the site and 1.5km west of the site and comprises of suburban development.

The WSEA is serviced by major road transport infrastructure including the M7 Motorway and M4 Motorway providing connectivity to surrounding industrial lands and the wider region. Proposed roads under SEPP (WSEA) 2009 will provide enhanced transport access between the site and its surrounds including the Southern Link Road.

The site is accessed via Honeycomb Drive at Eastern Creek which adjoins the eastern edge of the site.

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Figure 5 demonstrates the broader context of the site in relation to the WSEA and Sydney Metropolitan Area.

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Figure 3: Subject site as at October 2009 (pre decommissioning)

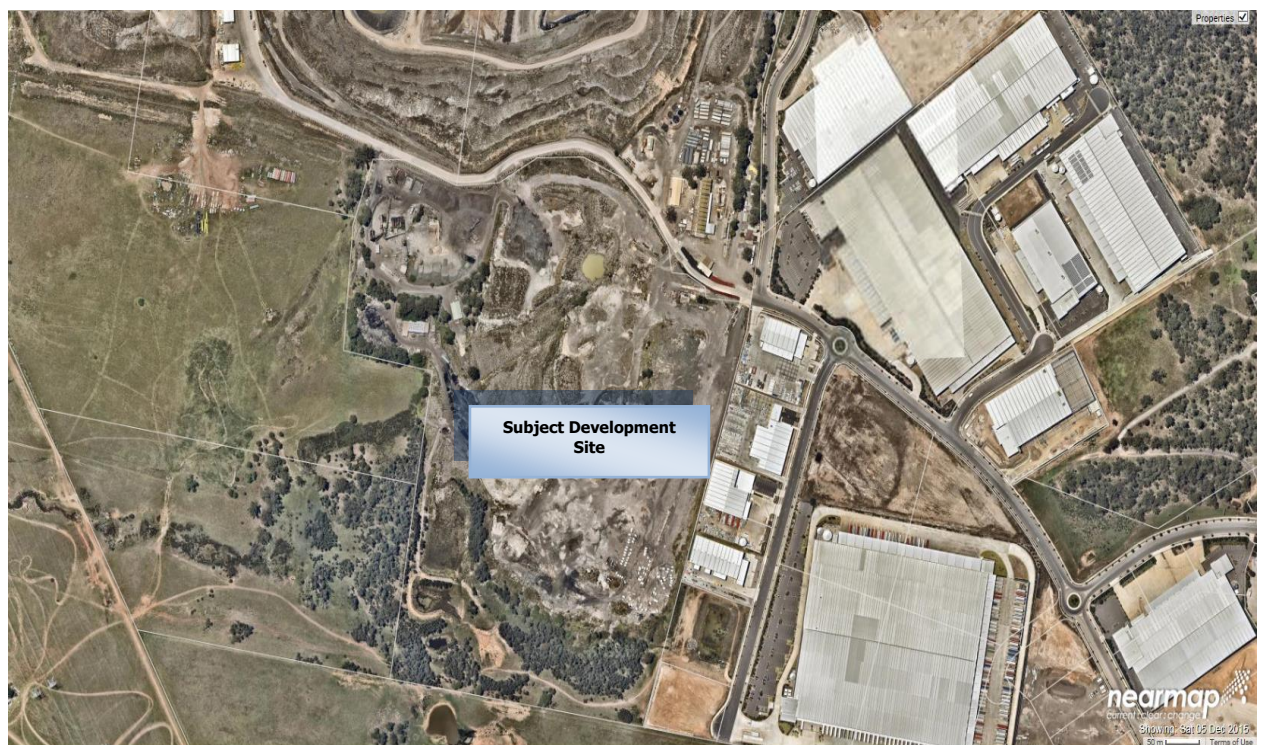


Figure 4: Subject site as at 5 December 2015 (post decommissioning)

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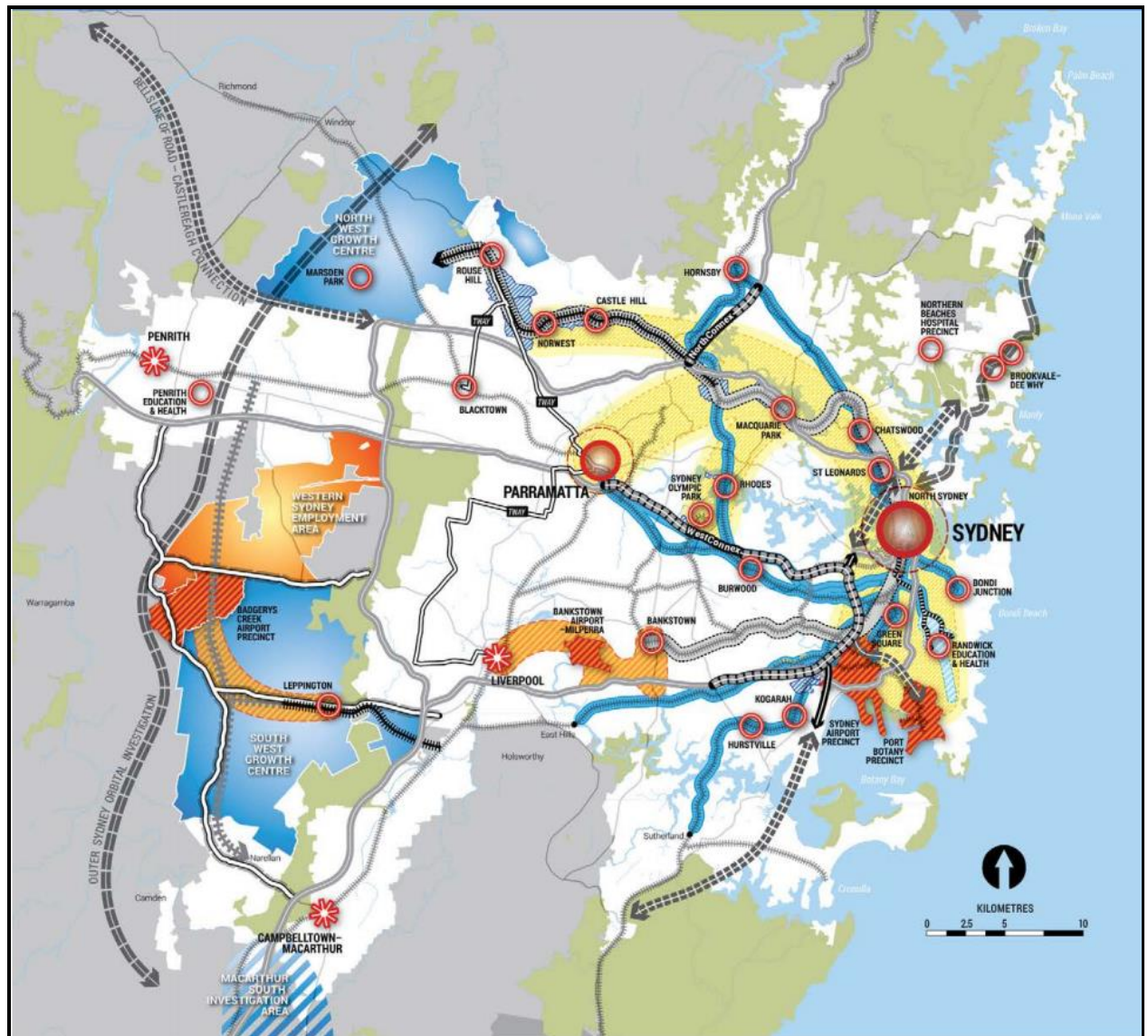


Figure 5: A Plan For Growing Sydney

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PART C PROPOSED MODIFICATIONS

3.1 MODIFICATION SCOPE

Modifications proposed under the subject application are identified below in **Table 2** and at **Appendix 1**:

<i>Table 1: Proposed Modifications</i>	
<i>Project Element</i>	<i>Description</i>
Use	<ul style="list-style-type: none">Use of the proposed lots which are to be consolidated for warehousing and distribution proposes. Note: any future built form will be subject to separate approval.
Civil and Infrastructure Works	<ul style="list-style-type: none">Earthworks and retaining walls to facilitate flat building padsExtension of Honeycomb Drive, consistent with council precinct plans and known future development to the west of the siteInfrastructure works including stormwater, energy, telecommunications and sewerProvision of area for the Hanson Asphalt plant to continue operations within the overall envelope of the propertyProvision of drainage connections and servicing of individual development lots
Relocation of proposed re-vegetation	<ul style="list-style-type: none">1.85 ha re-vegetation area relocated north-south along the western boundary of the subject site rather than the original east-west position located in the lower third of the subject site.
Residual Lot Subdivision	<ul style="list-style-type: none">Lots 6-11 consolidated to form part of Frasers proposed warehouse and logistics area.

It is considered that the proposed amendments will provide a suitable platform for future warehouse development with all necessary infrastructure arrangements in place. The proposal overall represents a suitable outcome in respect of the surrounding land uses as will effectively integrate with the surrounding Western Sydney Employment Area.

The ultimate envisaged scheme for the site is shown in **Figure 6**, while the extent of the area subject to re-vegetation is shown below in **Figure 7**. This clearly illustrates the proposed location of the re-vegetation works (hatched yellow) which is proposed as the location ties in with the proposed building pads for the future warehouse facilities.

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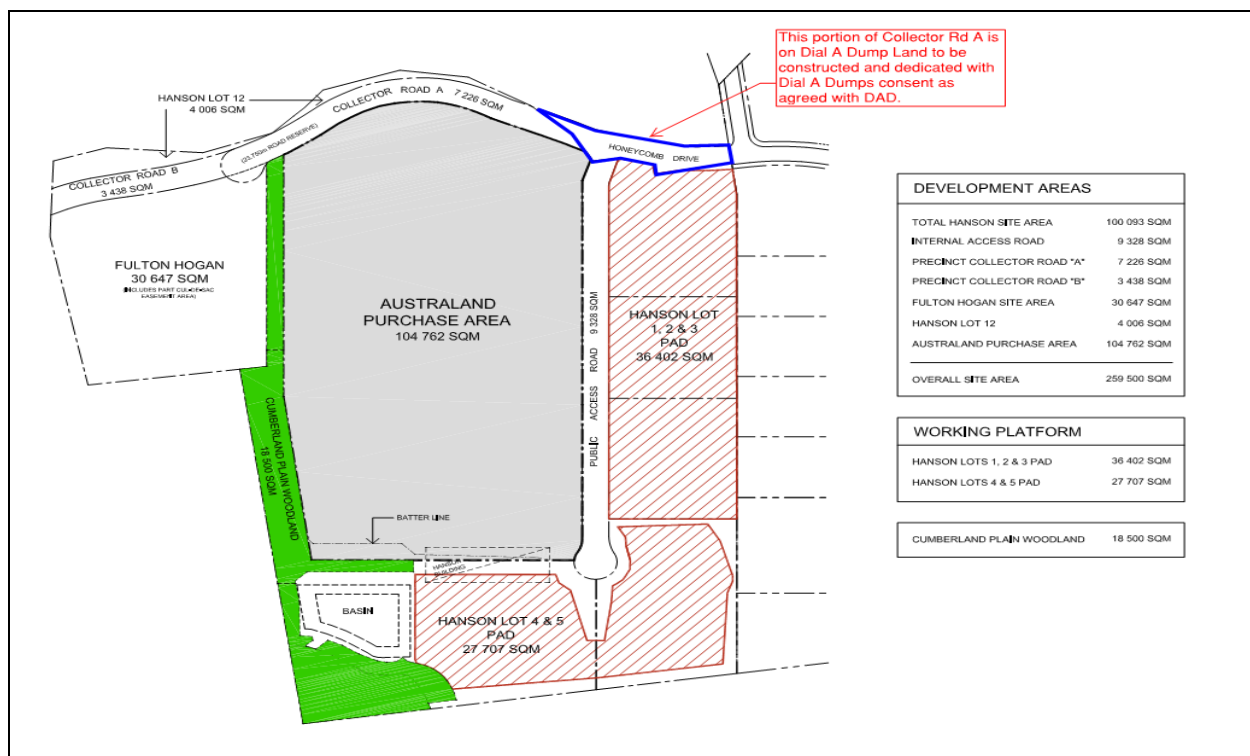


Figure 6: Proposed Site Layout



Figure 7: Proposed Re-Vegetation Works

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PART D LEGISLATIVE AND POLICY FRAMEWORK

Controls and Policies

The following current and draft Commonwealth, State, Regional and Local planning controls and policies have been considered in the preparation of this application:

- ***Commonwealth Planning Context***
 - *Environment Protection and Biodiversity Conservation Act 1999*
- ***State Planning Context***
 - *Environmental Planning and Assessment Act 1979*
 - *Environmental Planning and Assessment Regulation 2000*
 - *Protection of the Environment Operations Act 1997*
 - *Threatened Species Conservation Act 1995*
 - *NSW 2021 : A Plan to Make NSW Number One*
 - *State Environmental Planning Policy (State and Regional Development) 2011*
 - *State Environmental Planning Policy (Western Sydney Employment Area) 2009*
 - *State Environmental Planning Policy (Infrastructure) 2007*
 - *State Environmental Planning Policy No. 19 – Bushland in Urban Areas*
 - *State Environmental Planning Policy No.33 – Hazardous and Offensive Development*
 - *State Environmental Planning Policy No 55 – Remediation of Land*
- ***Regional Planning Context***
 - *A Plan for Growing Sydney*
 - *Draft West Central and South West Sub-regional Strategy*
- ***Local Planning Context***
 - *Blacktown Local Environmental Plan 2015*
 - *Blacktown Development Control Plan 2015*

This planning framework is considered in detail in the following sections:

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4.1 COMMONWEALTH PLANNING CONTEXT

4.1.1 Environment Protection and Biodiversity Conservation Act 1999

The EPBC Act requires that Commonwealth approval be obtained for certain actions. It provides an assessment and approvals system for actions that have a significant impact on matters of national environmental significance (NES). These may include:

- World Heritage Properties and National Heritage Places
- Wetlands of International Importance protected by international treaty
- Nationally listed threatened species and ecological communities
- Nationally listed migratory species
- Commonwealth marine environment

Actions are projects, developments, undertakings, activities, and series of activities or alteration of any of these. An action that needs Commonwealth approval is known as a controlled action. A controlled action needs approval where the Commonwealth decides the action would have a significant effect on an NES matter.

The proposed development was not considered to have a significant impact on matters of national environmental significance. As such a referral to Department of Environment is not required.

4.2 STATE PLANNING CONTEXT

4.2.1 Environmental Planning and Assessment Regulation 2000

Section 4(1) – Designated Development

Section 4(1) of the *Environmental Planning and Assessment Regulation 2000* (the Regulations) states that development described in Part 1 of Schedule 3 is declared to be Designated Development for the purposes of the Act.

The proposal being for civil and infrastructure works does not trigger the designated development thresholds.

4.2.2 Environmental Planning and Assessment Act 1979

4.2.3 Threatened Species Conservation Act 1995

The specific requirements of the TSC Act must be addressed in the assessment of impacts on threatened flora and fauna, populations and ecological communities. The factors to be taken into account in deciding whether there is a significant effect are set out in Section 5A of the Environmental Planning and Assessment Act 1979 (EP&A Act) and are based on a 7 part test of significance. Where a proposed activity is located in an area identified as critical habitat, or such that it is likely to significantly affect threatened species, populations, ecological communities, or their habitats, a Species Impact Statement (SIS) is required to be prepared.

The proposal as modified is not considered to trigger the TSC Act as no additional vegetation is proposed to be removed beyond that of the original approval, MP06_0225.

4.2.4 Protection of the Environment Operations Act 1997

Schedule 1 of the *Protection of the Environment Operations Act 1997* (POEO Act) contains a core list of activities that require a licence before they may be undertaken or carried out. The definition of an 'activity' for the purposes of the POEO Act is:

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"an industrial, agricultural or commercial activity or an activity of any other nature whatever (including the keeping of a substance or an animal)."

The proposal as submitted to DP&E does not trigger any thresholds in respect of this legislation.

4.2.5 State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure) repeals the former *State Environmental Planning Policy No. 11 – Traffic Generating Development* and, pursuant to Clause 104, provides for certain proposals, known as Traffic Generating Development, to be referred to NSW Roads and Maritime Services (RMS) for concurrence.

Schedule 3 lists the types of development that are defined as Traffic Generating Development. The referral thresholds for 'Industry' development are:

- *20,000m² or more in area with site access to any road; or*
- *5,000m² or more in area where the site has access to a classified road or to a road that connects to a classified road (if access is within 90 metres of connection, measured along the alignment of the connecting road).*

The proposal does not trigger any thresholds in respect of SEPP Infrastructure as there is no built form proposed.

4.2.6 State Environmental Planning Policy No. 19 – Bushland in Urban Areas

The provisions of *State Environmental Planning Policy No 19 – Bushland in Urban Areas* (SEPP 19) do not apply to the proposed development.

4.2.7 State Environmental Planning Policy No. 55 – Remediation of Land

Under the provisions of *State Environmental Planning Policy No. 55 – Remediation of Land* (SEPP 55), where a development application is made concerning land that is contaminated, the consent authority must not grant consent unless:

- (a) it has considered whether the land is contaminated, and*
- (b) 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*
- (c) 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.*

Site contamination has previously been dealt with under the parent approvals and subsequent modifications. It is considered that further assessment in respect of SEPP 55 is not required.

4.2.8 State Environmental Planning Policy No (Western Sydney Employment Area) 2009

The land is zoned IN1 General Industrial under the provisions of the SEPP (Western Sydney Employment Area) (2009) (**Figure 8**). The objectives of the General Industrial Zone are:

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- To facilitate a wide range of employment-generating development including industrial, manufacturing, warehousing, storage and research uses and ancillary office space.
- To encourage employment opportunities along motorway corridors, including the M7 and M4.
- To minimise any adverse effect of industry on other land uses.
- To facilitate road network links to the M7 and M4 Motorways.
- To encourage a high standard of development that does not prejudice the sustainability of other enterprises or the environment.
- To provide for small-scale local services such as commercial, retail and community facilities (including child care facilities) that service or support the needs of employment-generating uses in the zone.

The proposal is consistent with the objectives of the zone and is permissible with consent. The proposal will provide for future industrial development that is coherent with the surrounding context and does not adversely impact any surrounding land uses. As such, the proposal will provide a platform for future warehouse/industrial development.

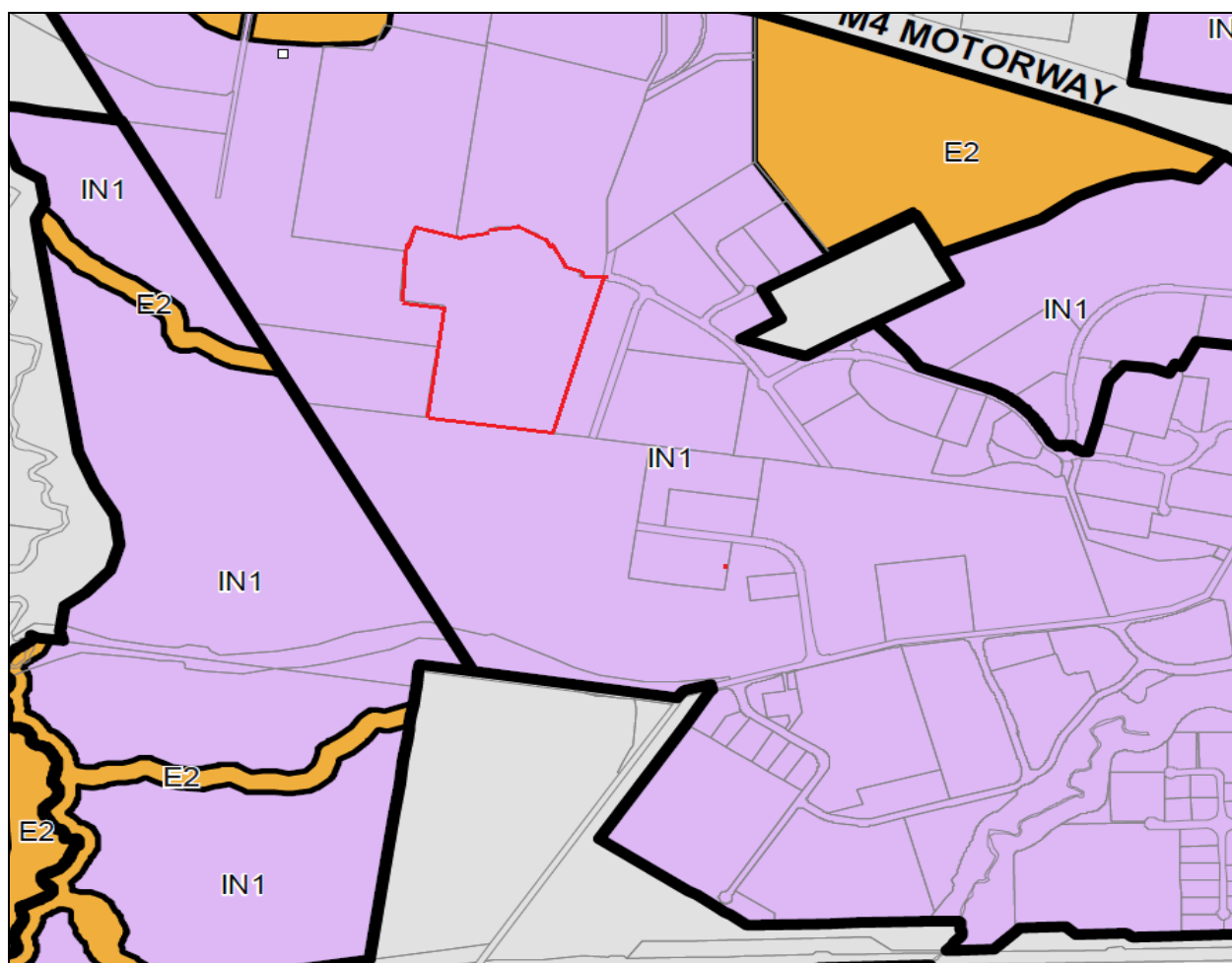


Figure 8: Site Zoning Map (WSEA)

The provisions of SEPP (WSEA) as they relate to the proposal are discussed below in **Table 3**.

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Table 2: Western Sydney Employment Area 2009 Provisions

Clause	Comment
<i>Ecologically Sustainable Development</i>	<p>The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that the development contains measures designed to minimise:</p> <p style="padding-left: 40px;"><i>(a) the consumption of potable water, and</i> <i>(b) greenhouse gas emissions.</i></p> <p>As the proposed modification does not seek consent for construction of any warehouse facilities or change to the capacity of operations approved on the site, it is considered that the ESD provisions will be satisfied.</p>
<i>Height of Buildings</i>	<p>No buildings are proposed under the subject modification application.</p>
<i>Development Adjoining Residential Land</i>	<p>The proposal does not adjoin residential land.</p>
<i>Development Involving Subdivision</i>	<p>The proposal seeks to consolidate existing allotments to provide a platform for future warehouse, logistics and industrial development. In this respect, the proposal will contribute to the provision of employment generating development, consistent with the objectives of the clause.</p>
<i>Public utility Infrastructure</i>	<p>The provisions of SEPP WSEA provide:</p> <p><i>(1) The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.</i></p> <p><i>(2) In this clause, public utility infrastructure includes infrastructure for any of the following:</i></p> <p style="padding-left: 40px;"><i>(a) the supply of water,</i> <i>(b) the supply of electricity,</i> <i>(c) the supply of natural gas,</i> <i>(d) the disposal and management of sewage.</i></p> <p><i>(3) This clause does not apply to development for the purpose of providing, extending,</i></p>

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	<p><i>augmenting, maintaining or repairing any public utility infrastructure referred to in this clause.</i></p> <p>All relevant utilities are available to the site as established under previous approvals.</p>
<i>Development on or in Vicinity of Proposed Transport Infrastructure Routes</i>	<p>The subject site is not located in the vicinity of any proposed transport infrastructure routes.</p>
<i>Industrial Release Area</i>	<p>The subject site is identified in an Industrial Release Area in the SEPP (WSEA) 2009 Industrial Release Areas Map, therefore Clause 29 applies.</p> <p>A Voluntary Planning Agreement has previously been entered into between the Minister for Planning & Infrastructure and Hanson Construction Materials Pty Ltd.</p> <p>Due to the amended subdivision scheme, an amendment to the VPA has been sought which reflects the State Infrastructure Contributions Payable.</p> <p>The status of this VPA amendment and how it relates to the subject modification application is discussed in more detail in Part F.</p>
<i>Design Principles</i>	<p>The proposed site design makes provision for future landscaped buffers that will contribute to provide a high level of amenity. Future built form will give consideration to the detailed design particulars and façade treatments to ensure the desired character of the locality is achieved.</p>
<i>Preservation of Trees or Vegetation</i>	<p>No additional vegetation is proposed to be removed beyond that contemplated as part of the original Project Application.</p>

4.3 REGIONAL PLANNING CONTEXT

4.3.1 NSW 2021: A Plan to Make NSW Number One

NSW 2021 was developed by the NSW State Government to set economic, social and environmental directions for NSW. It sets targets, priorities and actions for delivery of services across the State. The strategies outlined in the Plan include:

- *Rebuild the economy*
- *Return quality services*
- *Renovate infrastructure*
- *Strengthen our local environment and communities*
- *Restore accountability to government*

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The Chapter on Rebuilding the Economy is most relevant to the proposal as it provides objectives for achieving growth and prosperity. The plan makes a commitment that support large and small businesses and describes the importance of the private sector's role in maintaining and creating highly productive jobs to underpin the State's ability to realise higher standards of living for all people.

Key priority actions related to the development of the subject site for a warehouse and distribution facility development are outlined below, as well as the NSW 2021 targets.

Rebuild the Economy

Target: Grow employment by an average of 1.25% per year to 2020

Priority Actions:

- Ensure average employment growth continues at a steady rate and that opportunities are shared by all of the community;
- Target the creation of 100,000 new jobs through the Jobs Action Plan.

Comment:

The economic benefits and potential job creation through the provision of future warehouse facilities as an employment generating use on the site in close proximity to housing will reduce the need to travel.

The retention of employment uses on site through introducing new employment generating land uses will allow for the potential creation of both construction jobs, and jobs associated with the operation of the businesses.

Return Quality Services

Target: Increase the Share of Commuter Trips Made by Public Transport

Target: Increase Walking and Cycling

Comment:

The proximity of the subject site to local bus networks (will enable business/worker travellers to optimise the use of public transport through the ability to provide greater connectivity to the Sydney metropolitan area, and surrounding suburbs.

The availability of local bus within close proximity of the site will promote the reduction of car dependency. The opportunities available to the site to connect with existing bicycle and pedestrian pathways within the immediate vicinity of the site will also reduce car patronage, and promote public transport use.

Renovate Infrastructure

Target: Planning Policy to Encourage Job Growth in Centres Close to Where People Live and To Provide Access by Public Transport

Comment:

The proposed development will result in the provision of employment land uses in close proximity to public transport.

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The proposed development will contribute to the ongoing growth to maintain and create jobs within the Sydney Metropolitan Region as the facilities will provide vital opportunities for industry. *NSW 2021* provides the policy context for the State Government to support companies in achieving significant benefits for NSW.

4.3.2 A Plan for Growing Sydney

A Plan for Growing Sydney was introduced by the NSW DP&E in December 2014 and replaced the Metropolitan Plan for Sydney 2036. A Plan for Growing Sydney supports and implements the NSW 2021 State Plan, which identifies restoring economic growth is its number one priority.

The plan presents a strategy for accommodating Sydney's future population growth. It balances the need for more housing, but also cultivates the creation of strong and resilient communities within a highly liveable city whilst protecting the natural environment and biodiversity.

New housing will be located close to jobs, public transport, community facilities and services. It acknowledges the need to offer choice in housing location, size and typologies, to better suit our lifestyles and budgets. Most importantly, more intensive housing development across the city will be matched with investment in infrastructure and services, culture and the arts, and open spaces.

A Plan for Growing Sydney will also provide a framework for strengthening the global competitiveness of Sydney, in order to facilitate strong investment and jobs growth. Specifically, the Blacktown LGA is located within the West Central subregion, earmarked for significant infrastructure investment and intensive growth over the next 20 years. The strategy seeks to identify suitable locations for housing and employment growth coordinated with infrastructure delivery (urban renewal), including around priority precincts, established and new centres, and along key public transport corridors'.

In response to this aim the proposed development site is considered to provide a development located within close proximity to key precincts that are expected to experience significant employment growth and infrastructure investment.

The following outlines a number of key directions identified in the Plan or Growing Sydney that the proposed development can demonstrate alignment to.

Table 3: A Plan for Growing Sydney - Strategic Directions

Strategic Direction	Strategic Justification of the proposal
1.3 Transform the productivity of Western Sydney Through Growth and Investment	The proposal contributes to the growth of Western Sydney through the provision of jobs close to housing.
1.6 Expand the Global Economic Corridor	The site is not included within the identified Global Economic Corridor within A Plan or Growing Sydney. The proposed development will however contribute significantly to the growth of the corridor and business in Sydney

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3.1 Revitalise Sydney's existing suburbs

The proposal will contribute to revitalising the Blacktown LGA, and will provide supply of employment uses in an area of high accessibility, and contributing to desirable employment outcomes.

4.4 LOCAL PLANNING CONTEXT

4.4.1 Blacktown Local Environmental Plan 2015

As the site is subject to the provisions of *State Environmental Planning Policy (Western Sydney Employment Area) 2009* the provisions of Blacktown Local Environmental Plan 2015 do not apply.

4.5 OTHER CONSIDERATIONS

4.5.1 Blacktown Development Control Plan 2015

The provisions of Blacktown Development Control Plan 2015 will be considered in more detail as part of future built form DAs for the facilities on the proposed allotments. It is considered that the subject modification application for civil and infrastructure works and subdivision will satisfy the objectives of the DCP.

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PART E CONSULTATION

The relevant authorities have been consulted regarding the proposal as summarised in **Table 5** below.

Table 4: Authority Consultation

Authority	Consultation Notes
Office of Environment & Heritage	<p>On 18 February 2016, a meeting was held with the Office of Environment and Heritage (officer: Sarah Burke). The relocation of the revegetation works was discussed and it was indicated that OEH raises no objection to the proposal provided the quantum of re-vegetation remains the same as that of the Project Approval.</p> <p>As demonstrated within the supporting Flora and Fauna Report, the proposal will retain 1.85ha of the site for this purpose.</p>
Blacktown City Council	<p>A meeting was held with Blacktown City Council 29 January 2016. Judith Portelli (Manager Planning) was present at the meeting and provided the following comments for consideration:</p> <ul style="list-style-type: none">▪ Stormwater Management – Council does not object to the basin being retained in private ownership.▪ Cumulative traffic impacts – the proposal should consider the cumulative traffic impacts of the proposal. <p>The proposal is considered to satisfy the issues raised by Council as demonstrated in Part F below.</p>
NSW Department of Planning & Environment	<p>The NSW Department of Planning & Environment on 14 December 2015 regarding the existing Voluntary Planning Agreement (VPA) which was executed as part of the Project Approval and applies to the entire site.</p> <p>DP&E confirmed at this meeting that the VPA would require amendment is line with the revised subdivision schedule and this amendment could be carried out subsequent to the lodgement of the Section 75W Modification Application.</p> <p>This process to amend the VPA in line with the revised scheme is currently underway so it is consistent with the changes proposed.</p>

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PART F ENVIRONMENTAL RISK ASSESSMENT

6.1 DIRECTOR GENERAL'S ASSESSMENT REQUIREMENTS

The DGRs addressed under the original Part 3A Application are considered below as they relate to the subject modification application.

The above matters are addressed in the following sections:

6.2 BIODIVERSITY

An Ecological Assessment has been prepared by Cumberland Ecology and is provided at **Appendix 3**. The purpose of this report is to provide an ecological assessment of the proposed 75W modification, relating to threatened species, populations and communities that are listed under the *Threatened Species Conservation Act 1995 (TSC Act)* and the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*.

The report confirms that no threatened flora or fauna species have been recorded on the site and none are predicted to make significant use of the site given its highly modified, industrial character. Further, the patch of vegetation to be removed does not possess a large number of habitat features and the overall complexity was low. Seven of the eight threatened fauna species with a potential to occur are migratory or mobile fauna species that could relocate to better quality vegetation to the north-east of the subject site adjacent to Minchinbury Reservoir. The potential of the Cumberland Plain Land Snail is possible although unlikely as extensive targeted searches in 2012 were unable to locate any individuals and the presence of Swamp Oaks (*Casuarina glauca*) does not provide much habitat as leaf-mats suppress native ground vegetation and there is little decaying ground matter. The isolation of the vegetation patch and industrial location would also act as a major deterrent for woodland bats and birds.

In accordance with the original approval it is proposed to remove 1.5ha of native vegetation comprising of disturbed Swamp Oak Floodplain Forest and two small patches of Cumberland Plain Woodlands, a 1.85ha revegetation area is proposed to offset this removal. Also consistent with the original approval a Construction Environmental Management Plan is to be implemented to enhance the riparian area which will also be maintained in perpetuity through a positive public covenant.

The Report concludes that the proposed modification to relocate the 1.85ha revegetation area to the western boundary in a north-south orientation is desirable as the revegetation area will no longer be positioned in the centre of the future development and so will likely to be less affected by edge effects. Also there is currently approximately 0.83ha of vegetation within the proposed revegetation zone which should facilitate the success of plantings.

The report provides a number of recommendations as follows:

- *Where feasible, seeds and plants should be obtained locally for replanting in the revegetation area. Canopy, midstorey and ground species should all be planted in order to allow the vegetation community to become complex and representative of remnant vegetation in the future. Planting and maintenance should be carried out by an adequately trained personnel or bush regenerators that have knowledge of the local area.*
- *Fencing installation and maintenance is a critical part of establishing the revegetation area and protecting the riparian vegetation. A perimeter fence is required around area to exclude grazing by herbivores and trampling by feral animals and humans. Fencing improves the chance of survivorship for seedlings, reduces the chance of*

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weed invasion from trampling and increases the chance of success for each vegetation area.

- *Weeds can have significant detrimental effects on native remnant vegetation and have the potential to compromise revegetation efforts. A weed control strategy is required for the both the riparian vegetation and the revegetation area. By reducing weed densities native plantings will have a higher chance of success. Weed control should be conducted by a qualified bush regenerators or adequately trained personnel.*

6.3 SOILS AND WATER

Soil and water have been addressed in the Civil Engineering Report prepared by Costin Roe Consulting Pty Ltd and provided at **Appendix 2**.

Bulk earthworks, including some extensive cut and fill, are proposed to create building pads suitable for future buildings. Overall the proposal is considered to be sympathetic of the site topography and environment as building pads have been sited to the contours of the land. Cut and fill volumes have been balanced so that neither the importation or exportation of material will be required (with the exception of topsoil and vegetation). Geotechnical testing and inspections will be undertaken to Level 1 geotechnical control in accordance with AS3798-1996.

In order to maintain embankment stability permanent batter slopes will be no steeper than 3 horizontal to 1 vertical, while temporary batters will be no steeper than 2 horizontal to 1 vertical. Stability of batters and reinstatement of vegetation shall be in accordance with the submitted drawings and the Soil and Water Management Plan. Due to the topography of the site retaining walls will also be required. Walls greater than 3m in height will be terraced where they are in the public view including along public roads.

A civil engineering strategy for the site has been developed providing a best practice solution and including a stormwater quantity and quality management strategy. The stormwater management strategy is consistent with the BDCP2015 and strategy defined as part of MP 06_0225 Mod 1 application. In summary stormwater management will include an estate level detention basin, wetland and bio-retention and a water quality system in the south-west corner of the site. Improvements to the original design include the introduction of deep water zones, marsh zones, deep marsh zones, consideration to overflow during 1:100 ARI storm events and the PMF event, rip-rap/ energy dissipater allowances and other detailed information relating to the wetland.

The stormwater management strategy has been designed to reduce peak flows and pollutant loads in stormwater leaving the site. Stormwater quality pollution reduction objectives have been defined for the future operational phase of the development with a treatment train of water quality measures required to achieve the objectives of the BDCP2012.

The report concludes that based on the information provided it has been demonstrated that legal discharge points and a stormwater management strategy is available for the development and that the requirements associated with the strategy can be met.

During the construction phase, a Sediment and Erosion Control Plan will be in place to ensure the downstream drainage system and receiving waters are protected from sediment laden runoff. Erosion control, pollution control, waste management and site inspection and maintenance conditions are provided.

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6.4 TRANSPORT, ACCESS AND PARKING

A Traffic Impact Assessment has been prepared by Road Delay Solutions Pty Ltd to investigate the traffic implications of the proposed development and is provided at **Appendix 4**. The report concludes that the proposed Masterplan complies in respect of traffic generating development with the requirements set-out by Blacktown City Council and the RMS Guidelines.

The Traffic Impact Assessment has utilised projected traffic flow information based on strategic modelling of the Eastern Creek Precinct for 2031. To align the road network usage with projected population and employment increases for the Blacktown LGA, the Assessment has adopted the findings of the current (2015) EMME/2 model developed by the RMS for the proposed Erskine Park link road and calibrated to the Sydney Strategic Travel Model (STM), as reported in the Traffic & Transport Technical Paper1, by Parsons Brinckerhoff, July 2010.

Based on the RMS Guide the site is estimated to generate 2,507 vehicle trips per day including 668 vehicle trips during the morning and evening commuter peaks as per the following:

- 334 vehicle trips during the morning peak = 284 inbound, 50 outbound, and
- 334 vehicle trips during the evening peak = 50 inbound, 284 outbound.

Passenger car or commuter trips are estimated to constitute 80% of the development's peak hour generation. Heavy vehicle movements will predominantly occur during business and off peak hours with only 20% of Class 3 to Class 10 heavy vehicle truck movements envisaged during the morning and evening peaks (66vph, respectively).

The modelling of Honeycomb Drive suggests that the volume of traffic, projected in the year 2031, and the interaction between local traffic and the associated development vehicle generations, will result in a satisfactory level of service during the morning and evening peak commuter periods. Accordingly the report concludes that traffic generated by the proposal *will be capably managed on the planned road network within the Eastern Creek Precinct, as evidenced by the computer based mesoscopic and operational modelling.*

Access to the site for cars will be provided via dedicated laybacks on Honeycomb Drive and the internal access road to secure car parking areas. A total of 456 car parking spaces are capable of being provided in the future which exceeds the minimum requirements of both the RMS Guidelines (255 spaces required) and the relevant Eastern Creek Precinct Plan (348 spaces required). The proposed car parking responds to the projected traffic generation of the site and as concluded by the report *is considered acceptable in facilitating the proposed Master Plan, given the anticipated vehicle generation.* All car parking and disabled parking have been designed in accordance with relevant Australian Standards including AS2890.1-2004 and AS2890.6-2009.

Additional to the information provided within the Traffic Impact Assessment, the Civil Engineering Report prepared by Costin Roe Consulting details proposed road construction. The proposed estate and collector roads have been designed in accordance with Council's requirements for industrial and collector roads with regard to carriageway, verge and number of lanes.

The proposed road alignments have been designed in accordance with the requirements of Council and Austroads. In accordance with the Council standards, a minimum longitudinal grade of 1% and a maximum of 7.5% have been designed. The maximum grade of the industrial access road is slightly higher than councils desirable grade limit of 6% however less than the absolute maximum of 10%. The steeper than desirable grade is required to

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facilitate access to the development lots and given the short extent of travel within the cul-de-sac the 7.5% grade is considered acceptable. Where a change of grade is in excess of 0.6%, a vertical curve in accordance with the RTA Road Design Guide for a design speed of 60 km/h has been provided.

6.5 SITE DESIGN

The proposed subdivision layout as part of the subject modification application has sought to ensure that future warehouse facilities will be capable of operating successfully and independently of the Fulton Hogan facility and the lots retained under ownership by Hanson.

The layout of the allotments is such that they can accommodate large format warehouses that will respond to the needs of tenants and be suitably serviced by car parking. Setbacks, building height, visual articulation and landscaping will form part of future development applications, whilst having regard to vehicle turning provision and ingress/egress.

6.6 PLANNING AGREEMENT

A Voluntary Planning Agreement (VPA) was executed on 18 October 2013 between Hanson Construction Materials Pty Ltd and the minister for Planning and Infrastructure.

Based on a net developable area of 23.3595ha (excluding certain stormwater infrastructure and conservation areas - based on the approved MOD 1 Concept Plan), a total monetary contribution of \$4,204,710.00 is payable for the purposes of providing designated regional infrastructure. The contribution is payable over thirteen (13) stages consistent with the development of the lots outlined in the approved MOD 1 Concept Plan. The contributions for each stage are summarised below.

Stage of Development	Lot	Net Developable Area (Hectares)	Amount of Regional Contribution	Face Value of Bank Guarantee
1	Lot 1	1.326	\$238,680	\$238,680
2	Lot 2	1.057	\$190,260	\$190,260
3	Lot 3	1.248	\$224,640	\$224,640
4	Lot 4	1.6303	\$293,454	\$293,454
5	Lot 5	2.0982	\$377,676	\$377,676
6	Lot 6	3.334	\$600,120	\$600,120
7	Lot 7	2.852	\$513,360	\$513,360
8	Lot 8	1.676	\$301,680	\$301,680
9	Lot 9	1.793	\$322,740	\$322,740
10	Lot 10	1.463	\$263,340	\$263,340
11	Lot 11	2.343	\$421,740	\$421,740
12	Lot 12	1.697	\$305,460	\$305,460
13	Lot 14	0.842	\$151,560	\$151,560
		TOTAL: 23.3595	TOTAL \$4,204,710	TOTAL \$4,204,710

Figure 9: Monetary Contributions Payable

The VPA requires contributions for each stage to be paid prior to the issue of the first Occupation Certificate for any building on that lot or prior to the commencement of operations on or any use of any part of the land in that lot, whichever is the earlier date.

To align with the proposed subdivision scheme and proposed number of allotments, the VPA is currently being amended and will be exhibited subsequent to lodgement of this application.

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PART G CONDITION AMENDMENTS

The following conditions are requested to be amended under the subject Modification Application. The amendments to the conditions are shown in red and bold

MP06_0025 Concept Plan

A. Replace condition 4 of Schedule 3 as follows:

Sewerage System

4. The Proponent shall ensure that in seeking approval for the implementation of the sewerage system, the application includes:

(a) details of consultation with relevant government agencies including Council, NSW Health and Sydney Water;

(b) detailed description of the design, and ongoing management and maintenance of the infrastructure, including:

- Detailed technical specifications;*
- Operation of the wastewater treatment works (treatment processes, disinfection methods, effluent quantity and quality, overflow performance, etc);*
- Wet weather storage requirements;*
- Chemical use and storage;*
- Effluent storage and management (location, capacity, overflows, etc);*
- Biosolids treatment and management processes, including storage, transport and recycling or disposal; and*
- Opportunities to incorporate water and energy efficiency measures;*

(c) Details of the timing for the provision of a sewage treatment facility and for when the facility would connect to Sydney Water's sewerage system;

(d) Satisfactory arrangements for local and regional infrastructure;

(e) Where re-use is proposed, details regarding the beneficial re-use of treated effluent in accordance with DECC's Environmental Guidelines: Use of Effluent by Irrigation, relevant National Water Quality Management Strategy guidelines and other relevant guidelines;

(f) Where discharge of treated effluent is proposed, demonstration that DECC will issue a licence under the Protection of the Environment Operations Act 1997;

(g) An assessment of the potential impacts of the infrastructure, including:

- An assessment of the potential hazards and risks associated with the construction and operation of the infrastructure, and in particular the waste water treatment works. A preliminary risk screening must be completed in accordance with State Environmental Planning Policy No. 33—Hazardous and Offensive Development (SEPP 33) and Applying SEPP 33 (DUAP, 1994), and where necessary, a Preliminary Hazard Analysis undertaken;*
- An assessment of odour and other emissions (including greenhouse gas emissions) and the management of these emissions;*
- An assessment of noise generated during construction and operation and demonstration that the operational noise generated by the proposed development and any other development on-site would not exceed noise criteria detailed in the Project Approval (MP 06_0225 Project);*
- An assessment of soil and groundwater salinity;*

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- ~~• A flood assessment;~~
- ~~• An assessment of any other significant issues identified during the design of the infrastructure; and~~
- ~~• A description of the measure that would be implemented to avoid, minimise, mitigate, offset, manage and/or monitor the impacts; and~~
- ~~(h) A construction management plan, containing a:~~
 - ~~• Noise and dust management plan;~~
 - ~~• Soil and water management plan, prepared in accordance with Landcom's Managing Urban Stormwater: Soils and Construction guidelines. The plan must include details of water supply requirements for construction, management of wastewater during construction and any approvals/licences required;~~
 - ~~• Waste management plan;~~
 - ~~• Traffic management plan;~~
 - ~~• Aboriginal heritage management plan that has been prepared in consultation with the DECCW and local Aboriginal community groups; and~~
 - ~~• A complaints management plan detailing the procedures that would be implemented to receive, handle, respond to and record any complaints that are received.~~

Deleted

Comment: It is requested that this condition be simplified with a more contemporary condition that would satisfy the relevant authorities.

4. Prior to operation of the development, the Applicant shall obtain a compliance certificate for water and sewerage infrastructure under Section 73 of the Sydney Water Act 1994 from Sydney Water Corporation or Section 68 under the Local Government Act 1993.

MP06 0025 Concept Plan (MOD 1)

B. Replace the term of approval 1 in Schedule 2 with the following:

1. Concept plan approval is granted for:

- (a) ~~subdivision~~ **Residue** subdivision of the site;
- (b) bulk earthworks across the site;
- (c) provision of the Precinct Plan collector road and Internal Estate Road;
- (d) provision of a range of associated infrastructure to provide essential services to the site;
- (e) development of an Asphalt and Concrete Production & Recycling Facility, consisting of:
 - i. Maintenance and Fuel Depot and Workshop;
 - ii. Concrete Recycling Facility importing and processing up to 100,000 tonnes per annum; and
 - iii. Asphalt/Emulsion Plant with a production capacity up to 360,000 tonnes of material per annum.
 - iv. Concrete Batch Plant with a production capacity up to 144,000m³ per annum;
 - v. Office and Laboratory;

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vi. Materials Storage Depot (with import up to 360,000 tonnes of material per annum)

vii. Proposed future development of **proposed** Lot **6** ~~5-7-11~~.

Note: The general scope of this approval is depicted in the modified concept master plan (see Appendix 1)

MP06_0225 Project Approval

C. Replace the schedule of the Project Approval as follows:

SCHEDULE 1

Application Number:	06_0225 Project
Proponent:	Hanson Construction Materials Pty Ltd
Approval Authority:	Minister for Planning
Land:	Lot 5 and Part Lot 4 in DP 1145808
Project:	<ul style="list-style-type: none">- Continued use of the existing asphalt & concrete production and recycling facilities, ancillary infrastructure until 3 June 2017;- Construction of a Precinct Plan Road through the site; and- Residue Lot Subdivision

Comment: The aforementioned changes are to be included, consistent with the revised scheme.

D. Replace Condition 1 in Schedule 4 to read as follows:

Noise Limits

1. **With the exception of proposed Lot 6**, noise generated by the project must not exceed the noise limits identified in the table below. The noise limits represent the noise contribution from the project site.

Noise Limits (dB(A))

Location	Day	Evening	Night	
	<i>L_{Aeq} (15 Minute)</i>	<i>L_{Aeq} (15 Minute)</i>	<i>L_{Aeq} (15 Minute)</i>	<i>L_{A1} (1 minute)</i>
Minchinbury (south) MB3 Agrafe Place	45	45	45	57
Erskine Park (north) EN1 Warbler Street	35	35	35	57
Erskine Park (south) ES2 Fantail Crescent	35	35	35	57

Notes:

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- (a) *Noise from the development is to be measured at the most affected point or within the residential boundary, or at the most affected point within 30 metres of a dwelling (rural situations) where the dwelling is more than 30 metres from the boundary, to determine compliance with the L_{Aeg} (15 minute) noise limits in the above table. Where it can be demonstrated that direct measurement of noise from the project is impractical, the DECC may accept alternative means of determining compliance (see Chapter 11 of the NSW Industrial Noise Policy). The modification factors in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise levels where applicable.*
- (b) *The noise emission limits identified in the above table apply under meteorological conditions of:*
- *Wind speeds of up to 3m/s at 10 metres above ground level; or*
 - *Temperature inversion conditions of up to 3°C/100m, and wind speeds of up to 2m/s at 10 metres above ground level.*

Comment: Given that proposed Lot 6 will be sold and operated under separate ownership to Hanson, it is requested that a stipulation be made in the condition that this lot should not be subject to the specified noise requirements. Future warehouse facilities on proposed Lot 6 will be subject to separate approval and detailed noise modeling as part of any approval process. Therefore to prevent any further modifications to this existing Project Approval, it is requested that proposed Lot 6 be excluded.

E. Replace condition 1 of Schedule 5 as follows:

1. ***With the exception of proposed Lot 6, the Proponent shall prepare and implement an Environmental Management Strategy for the project to the satisfaction of the Director-General. The Strategy must:***
 - a) *be submitted to the Director-General for approval within 6 months of the date of this approval;*
 - b) *provide the strategic framework for environmental management of the project;*
 - c) *identify the statutory approvals that apply to the project;*
 - d) *describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project;*
 - e) *describe the procedures that would be implemented to:*
 - *keep the local community and relevant agencies informed about the operation and environmental performance of the project;*
 - *receive, handle, respond to, and record complaints;*
 - *resolve any disputes that may arise during the course of the project;*
 - *respond to any non-compliance; and*
 - *respond to emergencies;*
 - f) *include:*
 - *copies of the various strategies, plans and programs that are required under the conditions of this approval once they have been approved; and*
 - *a clear plan depicting all the monitoring currently being carried out within the project area.*

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Comment: Given that proposed Lot 6 will be sold and operated under separate ownership to Hanson, it is requested that a stipulation be made in the condition that this lot should not be subject to the specified noise requirements. Future warehouse facilities on proposed Lot 6 will be subject to separate approval and specific environmental management requirements as part of approval process. Therefore to prevent any further modifications to this existing Project Approval, it is requested that proposed Lot 6 be excluded.

F. Delete Appendix 3 of the Project Approval as below

APPENDIX 3: GENERAL TERMS FOR THE PLANNING AGREEMENT

The agreement will provide that:

- 1.—The Proponent contribute \$1,926,000 payable to the Minister for Planning in accordance with the payment schedule in table 1 below, for the provision of regional infrastructure within the broader Western Sydney Employment Hub (~~the~~ **Contribution**) in relation to Lot 11 in DP 558723, Part Lot 2 in DP 262213 and Part Lot 1 in DP 400697 under the Hanson Eastern Creek Asphalt and Concrete Project, shown as proposed Lot 10 in DP241859 on the proposed plan of subdivision at Appendix 3. The contribution is made on the basis of the indicative land areas shown in the table below at the rate of \$180,000 per hectare. The final contribution made by the Proponent shall reflect the actual areas (hectares) in each stage, as identified by a registered surveyor.
- 2.—If a special infrastructure contribution (SIC) is determined under section 94EE of the Act (or 116O of the amended Act) that covers the land which is the subject of the Hanson Eastern Creek Asphalt and Concrete Project Approval:
 - Prior to the Proponent making the Contribution, the Proponent will pay the value of the SIC as if it has applied to the Hanson Eastern Creek Asphalt and Concrete Project subject to the amount being \$1,926,000; or
 - After the Proponent makes the Contribution and the value of the Contribution is more than the SIC, the Proponent will be entitled to a credit for that difference in amount.
- 3.—With the agreement of the Minister for Planning (or his delegate), the Proponent may provide regional infrastructure within the Western Sydney Employment Hub in to Lot 11 in DP 558723, Part Lot 2 in DP 262213 and Part Lot 1 in DP 400697 under the Hanson Eastern Creek Asphalt and Concrete Project Approval or dedicate land for the provision of this infrastructure, and obtain a credit against the Contribution.

The value of the credit shall be determine by an independent person, and

- In relation to the provision of regional infrastructure works, be based on the cost of providing the works; and
 - In relation to the dedication of land for the provision of regional infrastructure works, be calculated in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 as if a compulsory acquisition had occurred.
- 4.—The Proponent will provide suitable security for the Contribution once the planning agreement is entered into.

Table 1: Regional Contributions Schedule

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<u>Land Area</u>	<u>Total Regional Contributions</u>
Stage 1—Concrete batch plant, logistics, fuel depot and workshop, concrete recycling and materials depot 7.7ha Refer to Plan at Appendix 1	\$1,386,000 Payable at construction certificate stage, or equivalent, for any project construction component of Stage 1
Stage 2—Asphalt Plant, Office & Lab 3ha Refer to Plan at Appendix 1	\$540,000 Payable at construction certificate stage, or equivalent, for any project construction component of Stage 2

Comment: A revised Planning Agreement is being drafted concurrently with the subject Section 75W Modification Application. The terms of this Planning Agreement will be consistent with the revised subdivision scheme. As such it is considered that Appendix 3 is not applicable in its current form.

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G. Replace Condition1 in Schedule 3 as follows:

Subdivision Certificate

- 1. The Proponent shall carry out subdivision of the site in accordance with the Plan of Subdivision at Appendix 2, ***titled Draft Subdivision (Rev F) dated 18 April 2016 prepared by Boxall Surveyors.****

Comment: The revised plan of subdivision is to be included, consistent with proposed scheme under the subject application.

H. Replace Condition 2 in Schedule 3 as follows:

- 2. Subdivision and the works within the estate can be undertaken as a two phase process for each stage of the development as follows:***

Phase 1 – Create Residual Lots.

Phase 2 – ~~The proponent shall~~ register easements, positive covenants and retraction to user preventing building works on site pursuant to Section 88B of the Conveyancing Act, 1919 to the satisfaction of Council, within three months of completion of the following:

- a) All pipelines and structures collecting discharge from public road ways;*
- b) All stormwater quality improvement devices including the OSD;*
- c) The riparian riparian area shown in figures 1 in Appendices 1 and 4, which includes the 1 in 100 year extents of the Ropes Creek Tributary.*

Comment: The proposed wording of condition 2 will enable the programme of works to be completed in a timely manner and aligns with the strategy for the site which is to subdivide the land prior to works commencing.

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PART H CONCLUSION

As demonstrated throughout this report, no unacceptable impacts are anticipated to result from the construction or operational phases of the development given its context in a developing area that has been identified for the intended activities. The proposal is also suitably separated from residential areas and is serviced by adequate infrastructure, including a sufficient road network

The proposal is consistent with the document entitled *NSW 2021: A Plan to Make NSW Number One* as well as *A Plan for Growing Sydney* by creating employment opportunities in a site earmarked for such development. The proposed development is also consistent with the legislative and policy framework for the local and regional area.

Based on the findings of this report, the proposal supports the continued development of jobs in Sydney and contributes to the retention and growth of industry. The proposal is suitable for the local context and is appropriate based on social, cultural, economic and environmental considerations.

As such, it is recommended that the proposal be supported by the Department of Planning and Environment.

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Appendix 1 – Proposed Site Plan

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Appendix 2 – Civil Design Report & Plans

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Appendix 3 – Flora and Fauna Assessment

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Appendix 4 – Traffic Impact Assessment