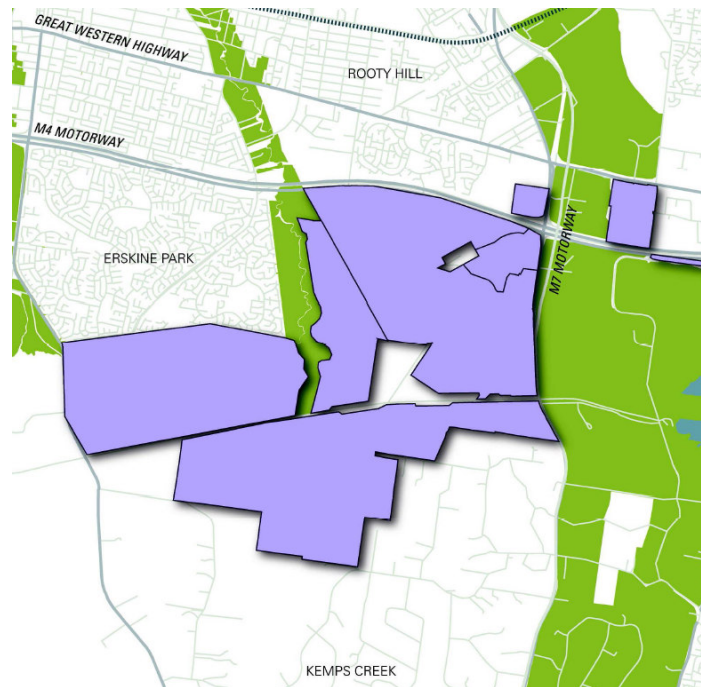




NSW GOVERNMENT  
**Department of Planning**

## **MAJOR PROJECT ASSESSMENT** ***Erskine Park Link Road Network*** ***Concept Plan***



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

**August 2009**

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## EXECUTIVE SUMMARY

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The NSW Roads and Traffic Authority (the Proponent) is seeking concept plan approval for the Erskine Park Link Road Network, located within the future Western Sydney Employment Area (the WSEA) within the Penrith and Blacktown local government areas. The concept plan is subject to Part 3A of the *Environmental Planning and Assessment Act 1979* (the Act) and the Minister for Planning is the approval authority.

The concept plan identifies the preferred alignment for the proposed road network within the north-west precinct of the Western Sydney Employment Area. The network includes:

- an east-west route (the 'Erskine Park Link Road') to connect Mamre Road and Erskine Park Road to Old Wallgrove Road and extends to the M7 Motorway and Old Wallgrove Road interchange;
- two north-south routes to connect the Erskine Park Link Road to the south-west precinct of the Western Sydney Employment Area; and
- a north-south route (Archbold Road) that connects the Erskine Park Link Road to the M4 Motorway and extends to the Great Western Highway.

The network has been developed to improve the accessibility of the north-west precinct of the WSEA in order to support and encourage the growth of employment generating industries. In particular, the proposed network will provide important connections with the M7 and the M4 motorways, provide an alternative access to and from the Erskine Park Industrial Area, which can only be accessed via Lenore Lane, and improved transport connections for Eastern Creek.

The concept plan will not enable the physical construction of the road network. Nevertheless, it does represent an important step in securing the delivery of the road network through the identification of the preferred road network alignment. This will provide greater certainty to the State Government, councils, landowners and the broader community, and will ensure that the road alignment and reserve is secured and appropriately protected in any future land use and precinct planning processes.

Ongoing issues – namely, the funding, acquisition and staging of the network – will not be resolved as part of this concept plan determination as these decisions are embedded in the broader strategic work currently being undertaken by the Department for the *State Environmental Planning Policy (Western Sydney Employment Area)* and the WSELIA. However, the NSW Government will be announcing its approach towards the funding, acquisition, staging and coordination for delivering the required infrastructure to support the employment lands. This includes the proposed road network.

Following a detailed assessment of the Environmental Assessment, Response to Submissions, the Preferred Project Report and the submissions received during the exhibition period for the project, the Department is satisfied that the constraints to the proposed road network can be mitigated or managed, and therefore recommends that the concept plan be approved subject to the recommended modifications and future environmental assessment requirements. The recommendations include:

- a requirement for the upgrade of the entire length of Archbold Road to the Great Western Highway intersection and assess the impacts associated with this upgrade;
- the deferral of the upgrade to Old Wallgrove Road (where acting at the second southern connection) pending further detailed consideration on the appropriate location of the second north-south link as part of the work being conducted for the Western Sydney Employment Area;
- further traffic impact assessments to assess the implications associated with the construction of any component of the proposed network and to detail required works at key intersections proposed under the concept plan; and
- an assessment on the feasibility of the relocation of the proposed North-South Link to avoid a threatened flora species.

In particular, the potential impacts resulting from the Archbold Road extension on Minchinbury residents must be assessed and mitigation measures identified before any extension occurs. However, the Department has concluded that these considerations can be deferred to subsequent applications on the grounds that the recommended further environmental assessment requirements would need to confirm that the impacts can be appropriately managed prior to any physical works commencing.

Consequently, the Department recommends that the Minister for Planning approve the Erskine Park Link Road Concept Plan, subject to the Department's recommendations. In doing so, it is also recommended that the Minister determine under section 75P of the Act, that all other aspects of the concept plan be subject to further environmental assessment under Part 5 of the Act (where the works are to be undertaken by a public authority) or Part 4 of the Act, in all other instances.

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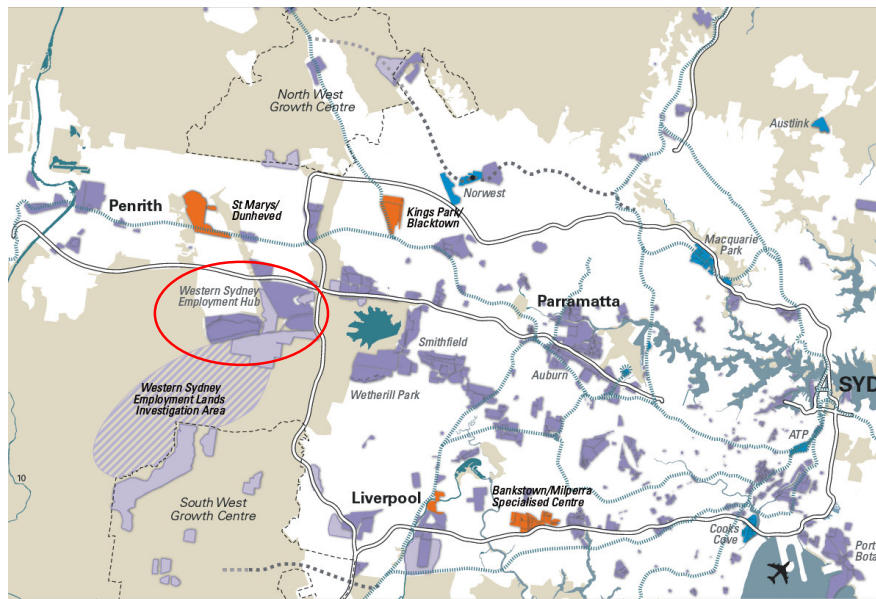


## 1. BACKGROUND

### 1.1 Western Sydney Employment Lands

In May 2004, the former Premier, the Hon. Bob Carr, announced that the Government would be listing additional lands in *State Environmental Planning Policy No.59 (Central Western Sydney Economic and Employment Area)* in order to create new employment areas in Western Sydney. As part of this announcement, the former Premier specifically identified the need to rezone land and build a link road between the established industrial estate at Erskine Park and the M7.

The need to create additional employment opportunities and to meet growing demand for industrial lands in Western Sydney was also reflected in the NSW Government's *Metropolitan Strategy – City of Cities* (2006) and *Employment Lands for Sydney Action Plan* (March 2007), which specifically identified the area known as the Western Sydney Employment Hub (which added lands to SEPP 59) and the Western Sydney Employment Lands Investigation Area (WSELIA) (refer to Figure 1 and Figure 2). The Hub is now referred to as the proposed Western Sydney Employment Area (WSEA).



**Figure 1 – Western Sydney Employment Hub / Area in a regional context  
(extract from the Sydney Metropolitan Strategy)**

The WSEA is positioned to become a major employment generating area for Sydney and the State, with direct motorway access, providing linkages to major transport facilities (Kingsford-Smith Airport and Port Botany) and to the national road network. The area is already evolving as a key location for industrial and related development, with a number of developments already approved and operating within the proposed WSEA, north of the existing Prospect Reservoir pipeline.

On 5 December 2006, the former Minister for Planning (the Hon. Frank Sartor MP) announced that a draft State Environmental Planning Policy would be prepared to rezone the Western Sydney Employment Hub to facilitate the development of this area for major warehousing, industrial, high technology and research purposes. In totality, the SEPP will rezone approximately 2,000 hectares as general industrial and has the potential to generate approximately 36,000 jobs to the region. The draft SEPP reflecting this announcement was publicly exhibited in early-2008 (in conjunction with the Erskine Park Link Road Network Concept Plan) and provided mechanisms to ensure the coordinated development of the WSEA, including the funding of infrastructure to service the area.

The draft SEPP is presently being finalised by the Department following the conclusion of the exhibition period.



**Figure 2 – Western Sydney Employment Hub / Area (extract from *Employment Lands for Sydney Action Plan*) – the proposed road network is located within the areas circled red<sup>1</sup>**

## 1.2 History of the Erskine Park Link Road Network

The need to link the established Erskine Park industrial area to and from the M7, and to provide the necessary transport infrastructure to support development within the Eastern Creek and Ropes Creek precincts, is an important component in ensuring the realisation of the WSEA

Following the former Premier's announcement in 2004, a number of developments have been approved and are operating within the WSEA lands. This has generated pressure on the existing road network, especially the existing M7 ramps at Old Wallgrove Road, Mamre Road (including the M4 ramps) and Erskine Park Road. Consequently, the improved connection to the regional road network is required to ensure traffic generated by existing and future WSEA developments are properly catered for.

The planning and delivery of a road network linking the Erskine Park, Ropes Creek and Eastern Creek precincts to date has been limited. This is primarily the result of difficulties arising from multiple landowners and multiple local government areas being affected by the proposed network.

Nevertheless, Penrith City Council has implemented a Section 94 contributions plan for development within Erskine Park (between Erskine Park Road and its eastern boundary – Ropes Creek), which has resulted in the partial upgrade of Lenore Lane and the collection of funds to upgrade Lenore Lane to a four-lane road carriageway. A Precinct Plan has been prepared by Blacktown City Council, however, no section 94 mechanisms were put in place to collect contributions towards the construction of road network to the west, and limited connections to the north.

## 1.3 The Site and Surrounding Environment

The Erskine Park Link Road Network is located within Precincts 1 (Former Wonderland Site), 2 (Eastern Creek), 6 (Ropes Creek) and 7 (Erskine Park), being the WSEA lands located south of the M4 Motorway, west of the M7 Motorway and north of the Sydney Water pipeline (refer to Figure 3). A range of uses exist across the precincts, including:

- rural land;
- extractive industries (quarries);
- landfill activities (rehabilitation of former quarry sites);
- large manufacturing and warehousing and distribution facilities, including the “M7 Hub” located immediately west of the M7 ramps at Old Wallgrove Road, Erskine Park Industrial Area and the former Wonderland site; and
- utilities, including a major water pipeline (managed by Sydney Catchment Authority) and a major electricity substation (Transgrid) with associated high voltage power lines.

<sup>1</sup> Note: Precinct 5 and part of Precinct 10 do not form part of the draft SEPP and have been rezoned for industrial purposes



Road access into Precincts is presently restricted to:

- **Old Wallgrove Road/Wallgrove Road**, which provides connection to the M7 interchange as well as access to the M7 Hub, the Transgrid Site and extractive industries south of the pipeline. Portions of Old Wallgrove Road have been partially upgraded along the northern frontage of the M7 Hub development. Other roads connect onto Old Wallgrove Road to provide access to the extractive industries located north of this road;
- **Lenore Lane** (accessed off Mamre Road) which provides access to the Erskine Park Industrial Area and has been partially upgraded to four lanes. The roadway terminates west of Ropes Creek;
- **Archbold Road**, accessed off the Great Western Highway, has been extended across the M4 Motorway but the road access currently terminates north of the M4 Motorway.

The area has limited native vegetation cover, with remaining stands mostly restricted to Ropes Creek, west of the former Wonderland site and within the Erskine Park Biodiversity Corridor. These areas are known to contain Endangered Ecological Communities (for example, the Cumberland Plain Woodland) and threatened species. In association with the majority of landowners in the Erskine Park Precinct, Penrith City Council has established the Erskine Park Biodiversity Corridor, which links South Creek and Ropes Creek riparian corridors.

Immediately adjoining the precincts are the residential suburbs of St Clair, Erskine Park, Rooty Hill and Minchinbury, with the latter also containing industrial/warehousing developments. Horsley Park, largely rural residential developments, are located south of the pipeline.



**Figure 3 – The Proposed Site and Surrounds**



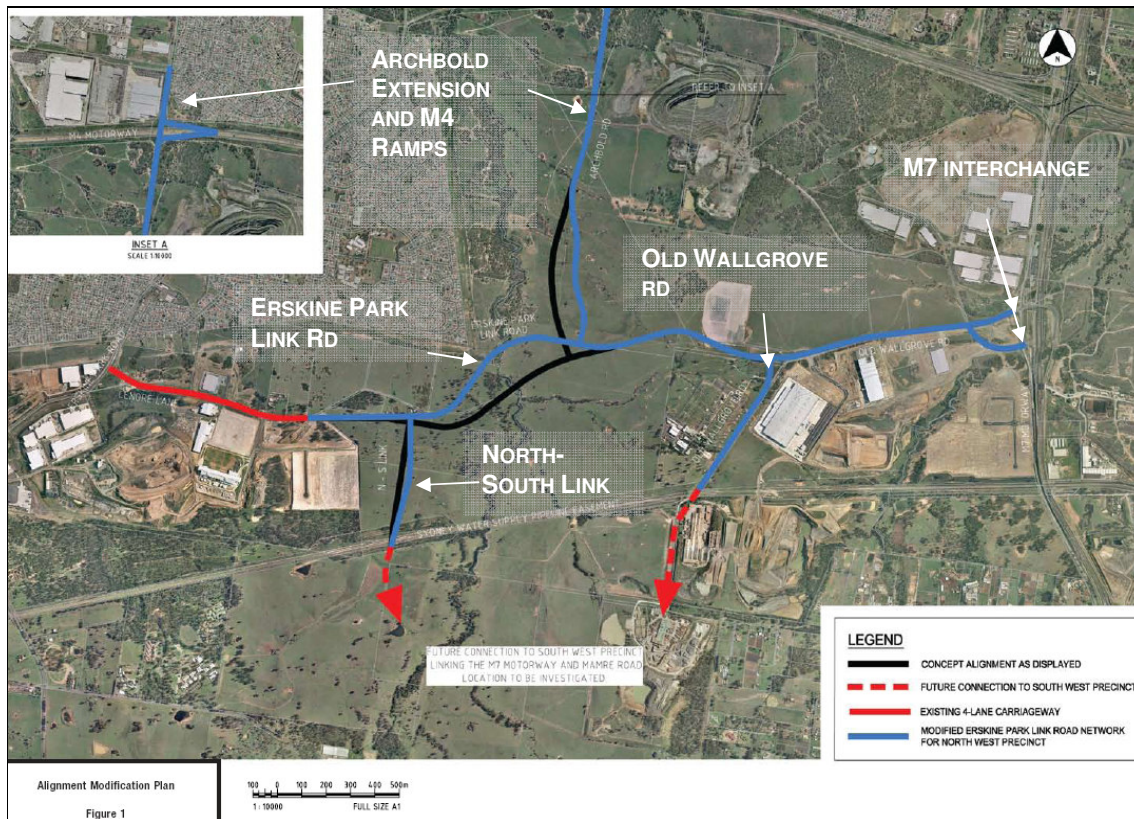
## 2. PROPOSED DEVELOPMENT

### 2.1 Concept Plan

The proposed concept plan seeks approval for the alignment of a proposed road network within the north-west precinct of the Western Sydney Employment Area that connects the employment lands with the M4, M7 and Mamre Road. The network includes:

- an east-west route (the 'Erskine Park Link Road') to connect Mamre Road and Erskine Park Road to Old Wallgrove Road and extends to the M7 Motorway and Old Wallgrove Road interchange;
- two north-south routes to connect the Erskine Park Link Road to the south-west precinct of the Western Sydney Employment Area; and
- a north-south route (Archbold Road) that connects the Erskine Park Link Road to the M4 Motorway and extends to the Great Western Highway.

Key features of the road network (as modified by the Preferred Project Report in response to submissions) are detailed in Table 1 and illustrated in Figure 4 below. These changes are considered to not substantially deviate from the original proposal and were largely in response to submissions from landowners and Penrith City Council. Consequently, the PPR was not publicly exhibited for further comment. However, in accordance with the Act, the PPR was placed on the Department's online Major Project Register.



**Figure 4 – Proposed Network, as originally proposed (Black) and as modified in the Preferred Project Report (Blue)**

### 2.2 Implementation – Staging and Construction

The concept plan does not seek approval for the construction of the road network on the basis that future approvals would be sought. The Proponent had identified within the concept plan that local Councils and/or private developers would be responsible for the construction (and on-going maintenance) of the road network as it considers the proposed network would constitute local roads.

The Proponent had not proposed any staging or funding mechanisms for the network.

Future applications would need to consider the interaction of each road component with the existing and proposed connecting roads. However, it was recognised that the North-South link could be staged (with 2 lanes constructed first) to reflect the timing for development within the adjoining lands.

**Table 1 – Key Features of the Road Network**

Component	Description
<b>Road Design</b>	<ul style="list-style-type: none"> <li>Four lane divided carriageway with design speed of 80km/hr.</li> <li>40 metre carriageway, of which 30 metres would be within a road reserve (excluding intersections where additional lanes must be accommodated), and five metre batters accommodated within private land (totalling 10 metres). The exception is a 30 metre road reserve (total) along Old Wallgrove Road where adjacent to the substation.</li> <li>Shared pedestrian and cycleway</li> </ul>
<b>East-West Route "Erskine Park Link Road"</b>	<ul style="list-style-type: none"> <li>Extending from Lenore Lane (partially upgraded to the proposed concept plan standard by Penrith Council) to the Old Wallgrove Road interchange with the M7 Motorway.</li> <li><b>Modified M7 Motorway interchange</b> to join the intersection of Wallgrove Road and the northbound M7 ramps with Old Wallgrove Road at a point approximately 300 metres west of Wallgrove Road.</li> <li><b>Bridge crossing at Ropes Creek.</b></li> <li>Three new intersections with the North-South Link Road, Archbold Road and Old Wallgrove Road.</li> <li>Located within Blacktown (east of creek) and Penrith (west of creek) LGAs.</li> </ul>
<b>North-South Link Road</b>	<ul style="list-style-type: none"> <li>Connects to the Erskine Park Link Road to land in south-western portion of the Erskine Park Precinct (being Fitzpatrick lands) and the South-West Precinct.</li> <li>Located within the Blacktown LGA.</li> </ul>
<b>Old Wallgrove Road</b>	<ul style="list-style-type: none"> <li>Follows the existing alignment of Old Wallgrove Road and extends beyond the Sydney Water pipeline to connect to the South-West Precinct.</li> <li>Located within the Blacktown LGA</li> </ul>
<b>Northern Access Road to Archbold Road</b>	<ul style="list-style-type: none"> <li>Archbold Road would be extended from the intersection of Sargents Road (500 metres north of the M4 Motorway) to connect to the Erskine Park Link Road.</li> <li><b>New M4 Motorway east facing ramps.</b></li> <li>Located within the Blacktown LGA.</li> </ul>

### 2.3 South-West Precinct Connections

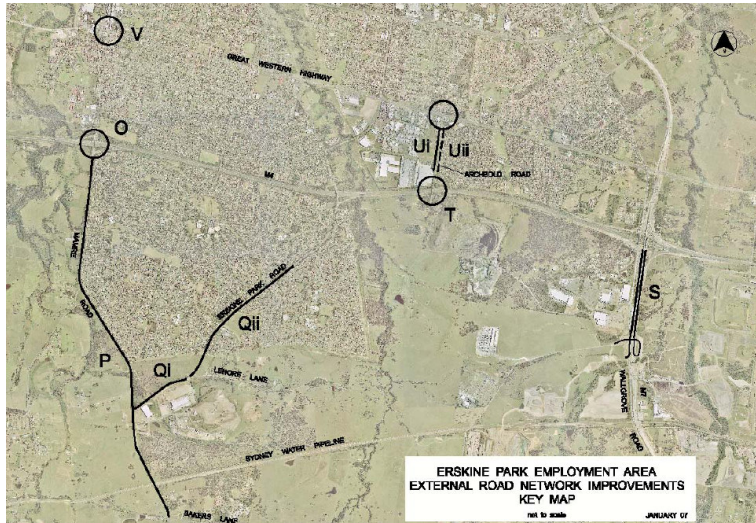
The proposed Erskine Park Link Road Network originally included areas north and south of the pipeline, with a southern road corridor running parallel to the Sydney Water pipeline connecting to a new interchange with the M7. This was removed from the proposed concept plan prior to the lodgement of the Environmental Assessment on the grounds that further investigations would be required before the final alignment and scope of works could be determined. This was particularly influenced by the presence of the Western Sydney Employment Lands Investigation Area and the need to ensure that any influence this may have on the final road alignment was appropriately considered.

However, in recognition that the southern road would require connections to areas north of the pipeline, two connections have been indicated in the concept plan (refer to Figure 4).

This issue is currently being progressed as part of the Department's consideration of the WSEA SEPP amendment and the Western Sydney Employment Lands Investigation Area (WSELIA). This may result in the relocation of these connection points.

## 2.4 External Road Improvements

The Proponent has identified a number of longer term external road upgrades that would be required to support development within the North-West Precinct, once the proposed connection are proposed (refer to Figure 5). These do not form part of the concept plan and include:



- Mamre Road duplication and ramp upgrade;
- Archbold Road to Great Western Highway upgrade to four lanes
- M4-Archbold west facing ramps; and
- Erskine Park Road upgrade (to four lanes).

Additional lanes along the M7 and the widening of access ramps were also identified for development within the South-West Precinct.

**Figure 5 – External Road Network Improvements**

These external road network improvements are matters for the RTA's future planning within the area.

## 2.5 Project Need and Justification

As stated previously, the *Sydney Metropolitan Strategy* identified the need for a road network to encourage growth within the WSEA precincts.

Following the former Premier's announcement in 2004, a number of developments have been approved and are operating within the WSEA lands. This has generated pressure on the existing road network, especially the existing M7 ramps at Old Wallgrove Road, Mamre Road (including the M4 ramps) and Erskine Park Road. Consequently, the improved connection to the regional road network is required to ensure traffic generated by existing and future WSEA developments are properly catered for.

The planning and delivery of a connecting road network within the Erskine Park, Ropes Creek and Eastern Creek precincts to date has been limited. This is primarily the result of difficulties arising from multiple landowners and multiple local government areas being affected by the proposed network

Consequently, the proposed concept plan is an important step in securing the delivery of the road network that will support existing and future employment generating development with the WSEA precincts. The identification of the road alignment will provide greater certainty to Government, Council, landowners and the broader community, and will ensure that the road reserve is secured and appropriately protected in any future land use and precinct planning processes.

### 3. STATUTORY CONTEXT

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#### 3.1 Part 3A of the Act

On 9 June 2006, the Minister for Planning declared under section 75B(1) of the *Environmental Planning and Assessment Act 1979* (the Act) that the proposed network was a project to which Part 3A of the Act applies. Consequently, the Minister for Planning is the approval authority for the proposal.

The Minister concurrently authorised the submission of a concept plan for the proposal.

#### 3.2 Permissibility

The proposed network is subject to a number of Environmental Planning Instruments. The proposed road network is zoned:

- Employment under *State Environmental Planning Policy No 59 (Central Western Sydney Economic and Employment Area)*. Roads are permissible without consent.
- 1(a) - General Rural and 5(a) – Special Uses – General under the *Blacktown Local Environmental Plan (LEP) 1998*. Roads are permissible with consent within each zone; and
- 4(e) – Employment, and 4(e1) – Employment Restricted under the *Penrith Local Environmental Plan (LEP) 1994*. Roads are permissible with consent within each zone.

It is highlighted that once the draft *State Environmental Planning Policy (Western Sydney Employment Area)* is gazetted, the proposed network would be permissible without consent (if undertaken by a public authority or on behalf of a public authority) or permissible with consent.

#### 3.3 Objects of the Act

The Minister's consideration and determination of a project application under Part 3A must be informed by the objects of the Act. The objects of the Act are set out in section 5 as follows:

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

The Department has considered the objects of the Act in its assessment of the concept plan. Relevantly, the objects set out in section 5(a) (i), (ii), (iii), (vi) and (vii) are significant factors in forming the determination of the concept plan. The project does not raise significant issues or relevant issues with regards to subsections 5(a) (viii), (b) and (c).

### 3.4 Ecological Sustainable Development Principles

There are five accepted ESD principles:

- (a) decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations (***the integration principle***);
- (b) if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation (***the precautionary principle***);
- (c) the principle of inter-generational equity - that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations (***the inter-generational principle***);
- (d) the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making (***the biodiversity principle***); and
- (e) improved valuation, pricing and incentive mechanisms should be promoted (***the valuation principle***).

The Department has considered the proposed development in relation to the ESD principles and has made the following conclusions:

- **Integration Principle** -The environmental impacts of the development can be appropriately mitigated as discussed in this report. The Department's assessment has duly considered all issues raised by the community and public authorities. The recommended final alignment it is considered that the proposal will not compromise the benefits or opportunities to others, subject to the further environmental assessment requirements recommended by the Department.
- **Precautionary Principle** – the EA is supported by an assessment of the proposed road network alignment, which concludes that there are no major environmental constraints to the proposed road alignment. The Statement of Commitments, and the recommended further environmental assessment requirements, provides an appropriate mechanism to ensure that the construction and operational impacts of the road network will be appropriately offset, mitigated and/or managed.
- **Inter-Generational Principle** – it is considered that the identification of the preferred alignment of the proposed road network will provide a positive social and economic benefit to the community – by providing certainty to landowners, and the community, as well as providing direct connections to the M7 and M4 that will enhance the economic utilisation of the Western Sydney Employment Area. Environmental impacts have been minimised through the route selection process, and any residual impacts can be mitigated and/or managed.
- **Biodiversity Principle** – the flora and fauna assessment commissioned by the Department has identified that there will be no significant impacts to flora, fauna or endangered ecological impacts (subject to proposed mitigations measures), with the exception of the *Grevillea juniperina subsp. Juniperina*. With respect to this species, the Department has recommended that consideration should be given to avoiding this population through detailed design, and if not, then translocation and/or offsets should be identified. This will likely comprise of the relocation of individuals to the Erskine Park Biodiversity Corridor, ensuring the local preservation of this species.
- **Valuation Principle** – It is difficult to assign a monetary value to the environment of a locality, or environmental resources not exploited for commercial use. A monetary value could not be placed against the greatest proportion of environmental attributes of the site which may be affected. The more appropriate approach adopted for this concept plan is to manage environmental impacts by identifying appropriate safeguards to mitigate adverse environmental impacts.

Further assessment of ESD principles will be undertaken during subsequent stages of the proposal.



### 3.5 Director-General's Environmental Assessment Report

The Director-General is required to provide a report to the Minister for the purpose of determining the project application under Part 3A of the Act pursuant to section 75O of the Act. Section 75I(2) of the Act and clause 8B of the *Environmental Planning and Assessment Regulation 2000* (the Regulation) set out the scope of the Director-General's report to the Minister. Each of the criteria set out therein have been addressed in this Report as outlined in Table 2.

**Table 2 - Compliance with section 75I(2) and clause 8B criteria**

<b>Section 75I(2) criteria</b>	<b>Response</b>
Copy of the proponent's environmental assessment and any preferred project report.	The Proponent's EA is attached at Appendix D. A copy of the Proponent's Response to Submissions and Preferred Project Report is attached at Appendix C.
Any advice provided by public authorities on the project.	All submissions provided by government agencies on the project for the Minister's consideration are attached at Appendix E.
Copy of any report of a panel constituted under section 75G of the project.	No statutory independent hearing and assessment panel was undertaken in respect of the project.
Copy of or reference to the provisions of any State Environmental Planning Policy that substantially govern the carrying out of a project.	Each relevant SEPP that substantially governs the carrying out of the project is identified and assessed in Appendix F.
Except in the case of a critical infrastructure project – a copy of or reference to the provisions of any environmental planning instrument that would (but for this Part) substantially govern the carrying out of the project and that have been taken into consideration in the environmental assessment of the project under this Division.	An assessment of the development relative to prevailing environmental planning instruments is provided in Appendix F.
Any environmental assessment undertaken by the Director General or other matter the Director-General considers appropriate.	The environmental assessment of the project application is this Report in its entirety.
A statement relating to compliance with the environmental assessment requirements under this Division with respect to the Project.	The Department is satisfied that the Proponent's EA for the concept plan complied with the environmental assessment requirements issued on 7 March 2008.
<b>Clause 8B criteria</b>	<b>Response</b>
An assessment of the environmental impact of the project.	All environmental impacts associated with the development are discussed in section 5 of this Report.
Any aspect of the public interest that the Director-General considers relevant to the project.	Matters of public interest are discussed in section 5 and 7 of this Report.
The suitability of the site for the project.	The site is considered suitable for the proposal.
Copies of submissions received by the Director-General in connection with public consultation under section 75H or a summary of the issues raised in those submissions.	A summary of submissions is attached at Appendix E.

## 4. CONSULTATION AND ISSUES RAISED

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### 4.1 Introduction

The Environmental Assessment (EA) for the proposed concept plan was publicly exhibited from 20 March 2008 until 28 April 2008 at the following locations:

- Department of Planning (Head Office), Information Centre, Sydney;
- Department of Planning (Parramatta);
- RTA Blacktown Motor Registry;
- Nature Conservation Council of NSW;
- Penrith City Council;
- Blacktown City Council; and
- Fairfield City Council.

The EA was also available on the Department's website for public viewing during the exhibition period and details of the concept plan and exhibition were published on two occasions in the Sydney Morning Herald, Daily Telegraph, Fairfield Advance, Blacktown Advocate and the Penrith Press. The Department also sent notification letters to relevant Government agencies, and surrounding landowners to inform them of the proposed development, exhibition of the EA and how to make a submission.

In response to the exhibition period, the Department received 40 submissions of which five (5) were from Government agencies, three (3) from utility providers and three (3) from local Councils.

### 4.2 Submissions from the General Public

The 29 submissions received from the public consisted of four from special interest groups (Nature Conservation Council, Western Sydney Conservation Alliance, Minchinbury Action Group and Westlink) and 25 from businesses/landowners within the WSEA and local residents.

Of these submissions, three conditionally supported the proposal, 22 objected to the proposal and four did not state a position. The objection from the Minchinbury Action Group included a petition of 145 signatures.

Key issues raised in the submissions are summarised below.

1. Traffic and transport impacts, including:
  - excludes the consideration or commitment for external road works;
  - changes to the nature of Archbold Road given the change in volume and type of vehicles, and the associated impacts on pedestrian safety. Upgrade of Roper Road should be considered as an alternative;
  - no intersection analysis was provided; and
  - exclusion of road network south of the pipeline and impacts of development within these areas on existing and proposed infrastructure.
2. Funding and Staging of the road network, particularly lack of detail on how this will be delivered.
3. Noise and vibration impacts, specifically, the impact on residential amenity along Archbold Road;
4. Flora and Fauna impacts relating to the removal of remnant vegetation and biodiversity corridors;
5. Air quality and greenhouse gas emissions;
6. Lack of consultation, particularly with Minchinbury residents during the preparation of the EA;
7. Decrease in property values along Archbold Road; and
8. Public transport options should be catered for.

### 4.3 Submissions from Government Agencies / Utility Providers

The Department received submissions from the Department of Environment and Climate Change, the Department of Primary Industries (Fisheries), the Ministry of Transport, Department of Water and Energy, Sydney Catchment Authority, Sydney Water and Transgrid and Integral Energy.

None of the agencies stated an explicit position but identified a number of key issues for further consideration/information including: noise and vibration impacts; ecological impacts; flooding; public transport; and impacts on infrastructure (pipeline).

Comments made by each agency are summarised below.



- The **Department of Environment and Climate Change** (DECC) raised a number of concerns about the Concept Plan relating to: road design, in particular the proposed width of the median strip; adequacy of data used on air quality and dust; Aboriginal cultural heritage; contamination assessment; noise monitoring; greenhouse gas impacts; threatened species surveys, including the need for targeted surveys for *Pimelea spicata*; water quality impacts; and the environmental risk assessment. DECC also outlined a number of recommended conditions of approval.
- The **Department of Primary Industries (Fisheries)** (DPI) made a number of recommendations relation to the detailed design stage being: the inclusion of appropriate erosion and sediment control measures for each roadway component: and design of waterway crossings that do not obstruct fish passage and comply with relevant DPI guidelines.
- The **Department of Water and Energy** (DWE) made comments regarding the protection and rehabilitation of watercourses as natural systems, vegetated riparian corridors, provision of bridge crossings over category 1 and 2 watercourses and groundwater and groundwater dependent ecosystems.
- The **Ministry of Transport** (MoT) considers that the deferral of subsequent detailed assessments to be problematic from a public transport perspective as it could give rise to fragmented development of the road network and delay in implementing bus services. The MoT considers that the assessment needs to be viewed on a network wide basis to be meaningful. The proposal needs to recognise SEPP 59 and be consistent with this policy in relation to mode split objectives. To effectively guide future development, the proposed concept plan should include: staging of road works; means of integration to existing and future development; and consideration of measures for public transport provisions.
- The **Sydney Water Corporation** (SWC) requested that the RTA take all necessary steps in adequately protecting Sydney Water's existing assets and proposed infrastructure in the EPLR corridor.
- **Sydney Catchment Authority** (SCA) highlighted raised concern about the impact of the proposal on its pipelines including increased security risk and impacts on accessibility. SCA requested that bridges should be constructed over the pipelines 1 and 2 if required by road crossings. Any upgrade of the interchange of Old Wallgrove Road should include consultation with SCA regarding a 1940 section of the pipeline under Old Wallgrove Road.
- **Integral Energy** made a submission in support of the Concept Plan, but did not make any specific comments.
- **Transgrid** has objected to the proposed development on the basis of the impact on the security of its substation, which is a critical to the supply of electricity to Western Sydney. Transgrid proposed that the existing road be terminated at the entrance to the substation site and that any future link road be positioned to the west of the site. Transgrid also provided a list of conditions which it considers should be imposed in the event that the Concept Plan is approved.

#### 4.4 Submissions from Local Government

Submissions were received from Penrith City Council, Blacktown City Council and Fairfield City Council. Penrith City Council indicated its conditional support for the proposal, whilst Blacktown City Council objected to the proposal. Fairfield City Council did not state a position but identified a number of issues for consideration.

All three Councils expressed in the submissions that Council should not be the acquisition or roads authority for the proposed network on the grounds that it constituted an arterial road network. Concerns were also identified with respect to the funding arrangements and on-going maintenance.

Environmental issues identified by the Councils included:

- **Road Alignment / Design** - the proposed EPLR does not align with PCC's preferred alignment through the Erskine Park Industrial Area and that only 30 metres should be required for acquisition to reflect the existing Lenore Lane upgrade (PCC);
- **Exclusion of the areas south of the pipeline** – states that road network south of the pipeline should be developed concurrently;
- **Traffic Modelling and traffic impacts** – concerns that no intersection analysis was conducted and impacts on the capacity of the M4, and M4/Erskine Park Road interchange have not be adequately considered.
- **Noise impact** – need for noise attenuation measures along the entire length of Archbold Road between the M4 and Great Western Highway to manage impact to residents and preparation of an acoustic report following the construction of noise attenuation measures to validate the findings of the report.
- **Flooding** – specifically, that impact of the EPLR on floods greater than 100 ARI event up to probable maximum flood should be assessed to ensure no adverse impact occurs to the floodplain, including no

increase in mainstream or overland flow. Recommendations included that bridges should be constructed to a minimum of 500 mm above the 100 ARI event and that development should meet current DECC water quality and stormwater management guidelines.

- *Riparian corridors* – the length of bridges should be at least equal to any designated riparian corridor width as determined by DWE or the width required not to impact on the 100 year ARI.
- *Metro Strategy* – the proposal should demonstrate how it will help achieve the mode share shift targets identified in the Metropolitan Strategy.
- *Access to EPLR* – lots should not have direct access except via designated access point to increase the efficiency of the networks.
- *Pedestrian and cycleways* – the pedestrian and cycleway should link to the to the pathway along the M7.
- *Public transport corridor* - widening of the M7 is supported but not at the expense of the proposed public transport corridor.
- *Badgerys Creek Airport* - the proposal has not considered the links required to a future Badgerys Creek Airport.

#### 4.5 Response to Submissions / Preferred Project Report

On 16 February 2009, the Proponent submitted its response to the above submissions and a Preferred Project Report. The key modifications to the project (as illustrated in Figure 6) are:

- **Realignment of the southern portion of Archbold Road** further to the east. This also results in the relocation of the Erskine Park Link Road/Archbold Road intersection 50m north;
- **Realignment of the Erskine Park Link Road** between the intersection of the N-S Link and 100m west of the Archbold Road intersection to the north to align closer with the Penrith City Council proposal. This also results in the relocation of the Ropes Creek crossing approximately 150m north of the original proposal; and
- **Realignment of the N-S Link** to 50 metres east of the original alignment.

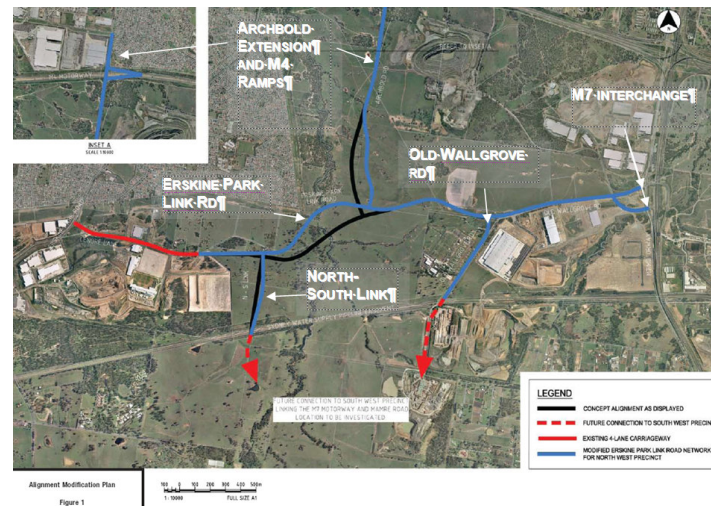


Figure 6 – Original (Black) and Revised Alignment (blue), as presented within the PPR

In addition, the Proponent submitted additional environmental assessments on:

- traffic modelling, which included intersection analysis of the key intersections in proximity to the M7 interchange and adjustments to the input data (to reflect employment estimates rather than net developable area assumptions);
- Aboriginal heritage detailing the outcomes of its consultation with local Aboriginal representatives and a walkover of the site;

Revised Statement of Commitments were also submitted, which can be found in Appendix B. A copy of the Proponent's Response to Submissions and Preferred Project Report can be found in Appendix C. The Department has reviewed these changes, and did not consider that the re-exhibition was required on the Preferred Project Report. However, the PPR and Response to Submissions was placed on the Department's website. Issues that the Department considers requires further discussion and/or consideration are detailed in Section 5 and 6 of this report.

## 5. ASSESSMENT OF ENVIRONMENTAL IMPACTS

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After consideration of the Environmental Assessment, submissions, Submissions Report and the Government agency response to the Submissions Report, the Department has identified the following key environmental issues associated with the proposal:

- road network/transport and traffic impacts;
- ecological impacts; and
- traffic noise impacts, particularly along Archbold Road.

The Proponent has also assessed the potential impacts of the project on flooding, public transport, Aboriginal heritage, European heritage, soil and water impacts and urban design. These issues are considered to be minor and although adequately assessed, require consideration. The Department's consideration of these issues is addressed in Section 5.4 below

### 5.1 Road Network

#### ROUTE ALIGNMENT

In consultation with the Department and affected landowners, the Proponent has modified the proposed route alignment to:

- align closer to PCC's preferred alignment for the Erskine Park Link Road, by relocating the road in a northerly extension between Lenore Lane to Ropes Creek (PCC and Fitzpatrick);
- relocate the Archbold Road extension to the west to improve the utilisation of the land for future industrial development; and
- relocate the Erskine Park Link Road between Ropes Creek and Old Wallgrove Road to the property boundaries to enable equitable distribution of the road carriageway between the affected landowners and to minimise the severance of developable areas within the southern land holdings.

Transgrid has expressed concern that the increased development of the area will generate security issues and cannot support the upgrade of Old Wallgrove Road. This has not been amended as part of this concept plan. However, it is acknowledged that the proposed upgrade to Old Wallgrove Road (to four lanes) is currently being reconsidered as part of the strategic planning currently underway for the draft WSEA SEPP, partly in response to concerns expressed by Transgrid.

This will exclude Old Wallgrove Road from the primary road network, with the second pipeline crossing being provided by extending and continuing Archbold Road to cross the water pipeline. This amendment should not preclude the Minister's determination of the concept plan, as the final alignment is subject to processes still underway by the Department. However, it is recommended that the Minister's determination modify the concept plan to defer the upgrade of Old Wallgrove Road to four lanes until the outcome of the Department's strategic direction for the southern lands is determined.

It is also noted that some submissions raised concerns that modifications to the alignment, once further assessments are undertaken, could not occur due to the identification of an acquisition corridor within the draft WSEA SEPP – as amendments would be required to the SEPP to reflect any changes. The acquisition corridor will no longer be identified within the SEPP. This will ensure flexibility to the road alignment, should subsequent applications demonstrate that realignments are necessary.

Overall, the Department is satisfied with the proposed changes to the alignment, subject to the recommended modifications.

#### ARCHBOLD ROAD

It is proposed that the road network would be extended across the M4 to connect with Archbold Road and the Great Western Highway. This road is of varying width and condition, and contains primarily residential areas to the east and industrial development to the west (refer to Figure 7).

Approximately 20% of traffic originating/travelling to the WSEA during peak hours will use Archbold Road (representing 1712 inbound trips during the AM peak). This is likely to increase, should the Archbold Road be extended to connect to areas south of the pipeline.

The majority of objections from the general public were in relation to the proposed Archbold extension within Minchinbury. The submission from the Minchinbury Community Action Group requested that if Archbold Road had to be used, that consideration be given the acoustic mitigation, load limits, signage to minimise the use of compression braking and traffic controls to protect the safety of residents. Blacktown City Council,



who also identified a connection to Archbold Road and the Great Western Highway within its Eastern Creek Precinct Plan, did not object to this element of the network but did raise concerns regarding the design of the road upgrade, the impacts on neighbouring residents and the exclusion of Archbold Road from the proposed network between Sargents Road and the highway.

The justification of this connection is to provide direct access to the WSEA from the north via the Great Western Highway. Alternative routes, as identified by objectors (such as Roper Road) would not provide for the optimal distribution of traffic that originates from or travels to the WSEA. Consequently, the Department does not concur with the elimination of this component from the proposed network.

The concept plan does not provide a detailed design of Archbold Road, but the Proponent has indicated that the road upgrade can be accommodated within existing road reserves. The Department accepts that the detailed design of Archbold Road can be deferred to future applications as certain design considerations – such as the possible closure of Robinson Street, the acquisition of properties (if required), and acoustic mitigation measures (for example acoustic walls) – do require more detailed consideration and consultation with the community.



However, the Department does question the exclusion of Archbold Road between Sargents Road and the Great Western Highway, given this component can reasonably be considered to form part of the northern connection between the WSEA and the Great Western Highway. Consequently, the Department has also recommended that any future application for this component of the road network must demonstrate how the remainder of Archbold Road and the intersection of the Great Western Highway will be upgraded in conjunction with the proposed works to accommodate the expected increase in traffic flows.

**Figure 7 – Archbold Road, Minchinbury**

#### NETWORK HIERARCHY

The road hierarchy of the proposed network has not been established within the concept plan, but the Proponent considers that the roads could be classified as 'sub-arterial' or as 'collector' roads. Blacktown City Council has requested that the road network be access controlled (i.e. that no direct access is afforded to development).

Direct access is unlikely to be acceptable in terms of network efficiencies and road safety, given the volume of heavy vehicles and the design speed of the road network. Adjoining land to the network comprises of large holdings, and the detailed planning for these sites and the development of precinct plans/development control plans is yet to commence to ascertain what access arrangements would be required.

Consequently, the Department recommends that future applications for the network should detail what level of access control is necessary and appropriate in terms of current land holdings, adjoining proposals and

existing road connections to ensure an acceptable balance is reached for land access requirements and road network performance.

### INTERSECTION ANALYSIS

In response to submissions, the Proponent has submitted an analysis of the three key intersections, being the three intersections in proximity to the M7 interchange. This demonstrated that the intersections would perform at a level of service D in 2031 – which factors in traffic generated from the areas north and south (including WSELIA) of the pipeline. Whilst this demonstrates that traffic generated within the precincts can be accommodated, it is the Department's opinion that further assessment is required to identify the scope of the upgrade works required at the key intersections.

However, the Department is satisfied that the finer level of assessment required for the intersection analysis can be deferred to subsequent applications as:

- the concept plan only serves to provide a strategic model for the road network to demonstrate key connections and design requirements for the road network;
- that final decision of the road network south of the pipeline will influence key intersections of the network, and that this should be factored in when finalising the detailed design; and
- no physical works can commence as part of the concept determination.

Consequently, the Department has identified further environmental assessment requirements for any application that involves the upgrade of the existing intersections. This is reflected within the recommended instrument of approval.

## 5.2 Flora and Fauna

The Proponent stated that the landscape within the WSEA precincts has been substantially altered as a result of past activities, and identified that impacts (direct and indirect) would likely be limited areas at the proposed M4 ramps, along the N-S link in proximity to the pipeline and at Ropes Creek – which are known to contain Cumberland Plain Woodland (an Endangered Ecological Community) and River Flat Eucalypt Forest (an Endangered Ecological Community).

Cumberland Plain Land Snail, a threatened species, has also been previously recorded in the area. However, no potential habitat is known to occur along the road alignment. A population of *Grevillea juniperina subsp. Juniperina* was also identified adjacent to the Erskine Park Link Road corridor. This has been avoided.

The Proponent also argued that the location of the road corridor within the Erskine Park Biodiversity Corridor was unavoidable (being the Ropes Creek Crossing and the N-S Link), but that the connectivity impacts would be minimised through the proposed bridging design at both locations. The Proponent did identify that the modified design at Ropes Creek will alter the impacts on the corridor (and the riparian habitat it contains) from that originally proposed (as a greater area is affected). However, the Proponent considers these impacts are manageable through bridge design.

The Proponent's assessment has not based on field surveys, on the basis that it is only intended to identify likely constraints/opportunities for the road alignment with future applications to require more detailed assessments. However, broad commitments for future applications (as provided in the PPR) included the:

- retention of remnant vegetation and the protection of populations, wherever possible;
- evaluation for the need of compensatory habitat packages;
- detailed design for the bridge at Ropes Creek would have consideration to aquatic habitats and movement of ground-dwelling and arboreal fauna; and
- construction management controls.

The DECC raised concerns regarding the adequacy of the flora and fauna assessment, and requested that surveys be undertaken to inform the location of the proposed road alignment. DECC was particularly concerned that there was potential for *Pimelea spicata* (a significantly threatened flora species) to be present within the site and that acquisition corridor identified within the draft SEPP would significantly reduce the opportunity for alignment changes to occur to protect this species.

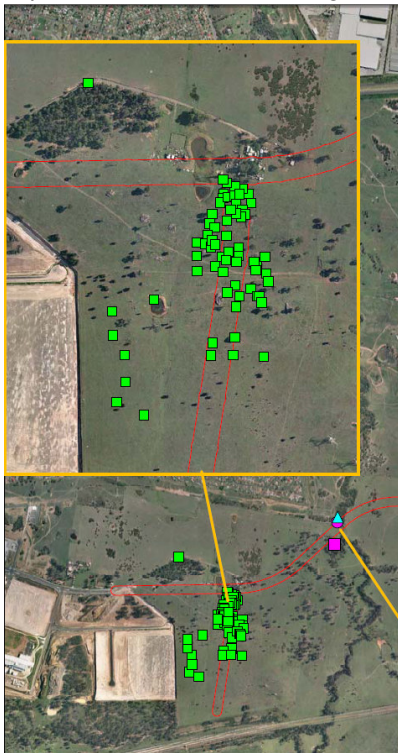
The DWE identified that any bridge crossing should protect riparian habitats, including the Archbold Road crossing, to ensure the natural hydraulic, geomorphic and ecological functions of the streams are maintained. The DWE also indicated that riparian corridors should be protected (in line with the DWE policy)

to ensure connectivity but indicated its support for the use of bridging at Ropes Creek. DWE also had concerns that groundwater dependant ecosystems had not been considered.

Submissions from the public, notably the Nature Conservation Council, Western Sydney Conservation Alliance, objected to the proposal on the potential impacts on flora and fauna. This included that the requirement for M4 ramps was not justified (due to the removal of Cumberland Plain Woodland), that the Ropes Creek and Biodiversity Corridor crossings should be removed unless appropriate safeguards are implemented, and that barriers to fauna movement should be considered.

The Department commissioned a survey of the proposed road network (as modified). This assessment (provided in Appendix G) concluded that the impacts on flora and fauna would not constitute a significant impact subject to the implementation of mitigation measures, with the exception of the proposed clearing of 1.7 ha of habitat for the Juniper Leaved Grevillea (a vulnerable species listed under the *Threatened Species Act 1994*). A number of mitigation and management measures have been recommended, which have been incorporated into the future assessment requirements for subsequent applications.

This population of Grevillea, located within the road reserve for the Erskine Park Link Road (west of Ropes Creek) and the N-S Link, consists of 500 individuals (refer to Figure 8). 286 individuals (or 57%) will require the direct removal as a result of the proposed road. The remaining individuals will be subject to indirect impacts due to increased fragmentation.



Due to the healthy nature and size of the population, and that the population is poorly represented within nature reserves, it has been recommended that the population be avoided in the first instance with the road relocated east of its current location. However, the Department believes that it should be recognised that:

- the species is known to colonise disturbed areas. Evidence of recent disturbance within these areas was detected;
- the species has been known to be successfully transplanted;
- the remaining individuals subject to indirect impacts will likely be impacted by the future development of the land for industrial purposes;
- areas to the east of the current road location are potentially constrained by the presence of high voltage power lines; and
- any potential relocation should be considered in the context of potential ramifications of the likely road network south of the pipeline (which is still unknown).

Consequently, the Department has recommended that the future assessment requirement for the N-S Link Road which will require consideration to investigate the feasibility of relocating the N-S Link (in the context of the broader road network). Should this assessment demonstrate the N-S link should or cannot be relocated, then the future application must include offsets for this species. This includes the translocation of the species directly impacted by the road reserve into the Erskine Park Biodiversity Corridor. This will ensure that the impacts are minimised and that presence of this species is maintained locally.

**Figure 8 – Population of Juniper Leaved Grevillea (SKM, Nov 2008)**

The Department also recognises that some areas of high-quality Cumberland Plain Woodland would require removal to accommodate the M4 ramps. It could be considered that all remnant patches of Woodland should be avoided, given the future development of the WSEA could lead to cumulative impacts on this community. However, the Department is satisfied that the impact attributed to the proposed roadway is minimal and that any cumulative impact will be minimised by virtue of the proposed WSEA SEPP, which will zone the remaining areas for environmental protection.

With respect to the DWE's comments, the Department is satisfied that the assessment for groundwater dependant ecosystems can be undertaken within future applications, as committed by the Proponent. This will ensure that mitigation measures are suitably incorporated into the detailed design phase of the project. The Department is also satisfied that the Proponent's Statement of Commitments will ensure that future bridge designs will address DWE requirements. No further environmental assessment requirements are considered necessary.

### 5.3 Traffic Noise

There is potential for sensitive receptors within the residential suburbs of Erskine Park and Minchinbury to be impacted by the proposed network due to the introduction of new road traffic noise sources (Erskine Park Link Road) or due to the intensification of the existing roads resulting from direct connections (Archbold Road). The majority of submissions from the general public originated from residents located within Minchinbury, which expressed strong objections to the use of Archbold Road and the resulting impacts on residential amenity.

The Proponent did not present a noise impact assessment with the concept plan on the basis that this would be undertaken in subsequent applications in accordance with the *Environmental Noise Criteria for Traffic Noise* (DECC), the *Industrial Noise Policy* (DECC) and *Environmental Noise Management Manual* (RTA). Noise criteria for this type of road, as set by the ENCTN, are 5dB(A)<sub>(LAeq, 15hr)</sub> between 7am-10pm and 50dB(A)<sub>(LAeq, 9hr)</sub>.

As detailed above, the Department agrees that a direct northern extension along Archbold Road is required for the WSEA, as the removal of this connection will result in the intensification of traffic along other routes, most of which are already under pressure. Consequently, the Department considers that this component of the concept plan should still proceed on the proviso that adequate protection is afforded to the adjoining residential receptors before this route is used. At a minimum, the Department expects that the expected increase in road traffic volumes will require the implementation of reasonable and feasible measures for residents located in close proximity to the Archbold Road alignment. The Department also recognises that other residences located in proximity to the proposed M4 ramps and the Erskine Park Link Road may also require treatment depending on the distance of these receptors from the road alignment.

Consequently, the Department has recommended that the future environmental assessment for each component will need to include a detailed noise impact assessment, with the application to detail what reasonable and feasible noise mitigation measures would be implemented as part of the proposal. This could include the investigation of at source treatments (such as pavements), acoustic walls and/or building treatments.

### 5.4 Other Issues

<b>Issue</b>	<b>Assessment</b>	<b>Recommendation</b>
<b>Construction Impacts</b>	<ul style="list-style-type: none"> <li>No physical works will be able to commence as part of the concept plan.</li> <li>The revised Statement of Commitments outlines a number of matters that will need to be considered as part of future applications.</li> <li>A number of submissions outlined recommended conditions or issues associated with the construction stage of the network, however the Department considers these to have greater relevance for subsequent applications.</li> </ul>	The Department is satisfied with the measures proposed within the revised Statement of Commitments and has recommended that future applications undertake an assessment of potential construction impacts – such as construction traffic, road safety, erosion and sediment control and contamination. The Department has also recommended that the outcomes of the flora and fauna specialist review (where it relates to construction issue) also be incorporated into future applications.
<b>Public Transport</b>	<ul style="list-style-type: none"> <li>The concept plan has identified that there will be scope for the provision of bus stops within the proposed road reserve.</li> <li>Dedicated bus lanes are not considered to be necessary.</li> <li>The provision of bus services cannot be determined at this stage of the development, given this will be dictated by demand – which will only occur once the surrounding area is developed.</li> <li>It is considered that the road network will only serve to enhance the penetration of bus services into the area, and that it provides the opportunity for the Ministry of Transport to extend services into the area.</li> </ul>	Future applications will need to demonstrate in the road design that bus infrastructure will be provided as part of the development, or can be facilitated at a future date to meet patronage demand. This should be prepared in consultation with the Ministry of Transport.
<b>Urban/Road Design</b>	<ul style="list-style-type: none"> <li>The proposed road reserve has been decreased to 30 metres to reflect the approach taken at Lenore Lane. This excludes the portion of Old Wallgrove Road which is already being partially upgraded. This will still adequately accommodate a shared pedestrian/cyclist</li> </ul>	Future applications will need to detail: <ul style="list-style-type: none"> <li>proposed bridge designs and major infrastructure, such as the M4 ramps;</li> <li>Road design for the Archbold</li> </ul>



<b>Issue</b>	<b>Assessment</b>	<b>Recommendation</b>
	<p>path, and bus stops where needed.</p> <ul style="list-style-type: none"> <li>▪ The Proponent has identified that cyclist network can be connected to existing on- and off- road networks, including the dedicated M7 cycleway.</li> <li>▪ Details on the urban design of the road network is limited, and engineering details in more constrained areas. In particular, there is limited detail on how Archbold Road will be designed in order to be accommodated within existing reserve and how intersections with adjoining streets (such as Robinson or Sargents) will occur. Acoustic treatment (should walls be required) and the embankments required for the M4 ramps could also have visual impacts on neighbouring receivers.</li> <li>▪ However, it is recognised that the majority of the network is located within an evolving landscape and as such, the impacts of the road network are largely limited to where residential areas are located in close proximity.</li> <li>▪ However, given this only seeks approval for the footprint of the road network, the Department is satisfied that future applications would need to provide details on the detailed engineering design (such as stormwater detention, medians etc) and the associated urban design treatment of the road, such as landscaping, pedestrian and cyclist networks,.</li> </ul>	<p>Road extension (including portions between Sargents Road and the Great Western Highway), including information on treatments of Sargents Road and Robinson Street intersections.</p> <ul style="list-style-type: none"> <li>▪ Urban design treatment of proposed road component, including an visual impact assessment if the component can be viewed from residential areas (such as the Archbold Road, M4 ramps and Erskine Park Link Road bridge structure). This is to detail pedestrian and cycleway infrastructure, bus infrastructure, lighting and landscaping.</li> </ul>
<b>Aboriginal Heritage</b>	<ul style="list-style-type: none"> <li>▪ The proposed link road will impact on approximately nine of sites of Aboriginal heritage – consisting of either artefact scatters or potential archaeological deposits.</li> <li>▪ Further consultation undertaken by the Proponent with the Aboriginal community indicates that there are no sites or places that would preclude the construction of the road network. This agreement with the Aboriginal representatives was subject to further assessments and protocols being undertaken in future applications. This includes a program of subsurface archaeological testing to define the nature and extent of deposits.</li> <li>▪ The Department is satisfied that the assessment sufficiently demonstrates that there are no known significant constraints to the concept in terms of Aboriginal heritage, but recognises that further work is required.</li> </ul>	<p>The Department has recommended the inclusion of further environmental assessment requirements to ensure the appropriate assessment of the detected items within the road corridor. In doing so, the assessment should be consideration to avoiding or mitigating the extent of the impact.</p>
<b>European Heritage</b>	<ul style="list-style-type: none"> <li>▪ Future applications will need to ensure the protection of the heritage values associated with the Warragamba-Prospect Pipelines No.1 and 2. The Proponent has suggested impacts will at first be avoided, and if not, protected in future detailed design.</li> <li>▪ There is potential that items listed within the <i>Penrith Local Environmental Plan 1991</i> may be impacted by the proposal, and that a field survey has not been conducted along the route alignment.</li> </ul>	<p>Future applications must identify any items of non-Aboriginal heritage located within the route alignment. If any items are detected, an assessment must be conducted to determine the level of significance, if the site can be avoided and/or what mitigation measures would be implemented. This is to be conducted in consultation with the relevant Council and the Heritage Branch of the Department.</p>
<b>Flooding</b>	<ul style="list-style-type: none"> <li>▪ The proposed road corridor is subject to flooding, in particular areas in the vicinity of Ropes Creek. The construction of road infrastructure has the potential to alter flooding behaviour.</li> <li>▪ The key area at risk in the vicinity of the Ropes Creek Crossing. The design parameters set by the concept plan does provide a 1 nominal 1m freeboard for a 1 in 100 year flood event. However, the impact of possible associated structures (such as embankments) within the 1 in 100 year extends would need to be assessed once more detail is known of the bridge structure requirements.</li> </ul>	<p>It is not considered necessary for detailed flooding assessments to be undertaken at this stage of the proposal. Consequently, it is recommended that the future application for the Erskine Park Link Road, and any other component of the network that is potentially subject to flooding, incorporates detailed assessment of this issue and the identification of appropriate mitigation measures.</p>



<b>Issue</b>	<b>Assessment</b>	<b>Recommendation</b>
<b>Soil and Water</b>	<ul style="list-style-type: none"> <li>There has been limited assessment on the potential soil and water impacts of the proposed network, on the basis that the mitigation measures cannot be determined until more detailed design of the road carriageway occurs. The Department is satisfied that the majority of these impacts can be resolved through engineering measures and that this can be deferred to subsequent applications.</li> </ul>	<p>Future applications must include an assessment of:</p> <ul style="list-style-type: none"> <li>– an assessment of soil contamination which identifies the nature and extent of contamination and detailing what remediation activities would be required.</li> <li>– Acid Sulphate Soils and/or saline soil impacts, and mitigation measures where relevant;</li> <li>– Stormwater impacts (including potential ecological impacts) and the identification of stormwater control and treatment, as well as consistency with Council stormwater strategies.</li> </ul>

## 6. NETWORK DELIVERY AND FUTURE ASSESSMENT REGIME

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### 6.1 Network Delivery

The Proponent has not identified any component of the road network that should be given higher priority, on the basis that future applications would need to consider the interaction of this component with the existing and proposed connecting roads. It also stated that it was not the relevant roads authority. Submissions from the general public and councils raised concerns with the lack of staging program for the works, particularly given:

- existing infrastructure has or is nearing capacity, namely the M7 Interchange, and that internal connections within the north-west precinct will impact on the function of the existing M7 interchange unless upgraded; and
- the amount of external road works that will be needed in conjunction with the proposed road network, including the resolution likely road infrastructure south of the pipeline and the additional M7 interchange; and
- that no funding mechanism had been identified.

All three Councils also argued that the Proponent is the relevant roads authority given the function of the network, and the ongoing maintenance of this road network.

Since the exhibition of the concept plan, a number of decisions have been made as a result of work conducted by the Department for the WSEA. This includes the decision that the NSW State Government will take responsibility for the acquisition, funding and delivery of the 'east-west' link, being the Erskine Park Link Road. The Proponent will design and construct the road. Upon completion, it is expected that discussions will be held between the RTA, Blacktown Council and Penrith Council for the dedication and maintenance of the road network. However, it should be noted that the design and construction standards that would be employed for the road network should minimise the maintenance costs in the future.

The NSW Government will also make an announcement shortly on the mechanism for road infrastructure funding, in the form of a Special Contributions Area. This will clarify and resolve the concerns expressed in the submissions. Further, in determining this funding regime, it has been decided that a coordinating body will be created to oversee the staging of the network (in conjunction with road infrastructure programs outside the north-west precinct of the WSEA) to ensure the delivery of the infrastructure reflects funding priorities and addresses interrelated road works in line with traffic demand and industrial development.

As this funding mechanism is still under development, and that the coordinating body will dictate future staging, it is not appropriate for the Minister's determination to dictate any staging program for the network within the concept plan determination. However, the requirement for future applications to assess the implications associated with the construction of any component of the proposed network will safeguard any potential impacts occurring at major connection points, such as the M7 ramps.

The delivery of the remaining components of the road network would likely be the Proponent, the relevant Council or another nominated party. The dedication and maintenance of these components would be determined at that point in time. Regardless, the determination of the relevant roads authority and the classification of roads is not a relevant consideration under the Act nor does the Minister for Planning have the power to classify roads under the *Roads Act 1993*. The Department considers this to be an issue that the relevant councils must resolve with the Proponent.

### 6.2 Future Assessment Regime

Under section 75P of the Act, the Minister is able to establish the future planning regime for subsequent stages for a project for which concept plan approval has been granted. In doing so, she is able to identify the future assessment requirements for future stages that are subject to Part 3A, Part 4 and Part 5 of the Act.

It is the Department's recommendation to the Minister that she determines that the network components be subject to Part 5 of the Act (where works are undertaken by or on behalf of a public authority), and in all other instances, Part 4 of the Act.

As detailed in section 5 of this report, there are a number of key issues that will require further environmental assessment before construction works can commence. Further consultation is also required with the relevant Government agencies, Councils, landowners and neighbouring communities whilst these more detailed stages are assessed. Consequently, it is recommended that all subsequent stages are subject to these requirements, as detailed in the recommended Instrument of Determination.

## 7. CONCLUSIONS AND RECOMMENDATIONS

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The Erskine Park Link Road Network Concept Plan represents the first step in securing the delivery of the road network that will support and encourage the growth of the north-west precinct of the Western Sydney Employment Area. Although the concept plan will not allow any physical works to commence, the identification of the network alignment will provide greater certainty to the State Government, councils, landowners and the broader community, and will ensure that the road reserve is secured and appropriately protected in any future land use and precinct planning processes.

The key issues raised in submissions – being the funding, acquisition of land, staging of the road network and on-going responsibility of the road network – are embedded in the broader strategic work currently being undertaken by the Department for the *State Environmental Planning Policy (Western Sydney Employment Area)* and the WSELIA. It is expected that announcements will be made shortly on the funding and implementation mechanisms that will be created by the NSW Government. These mechanisms will ensure the effective coordination and delivery of road infrastructure which will reflect development and traffic demands within the WSEA. However, this should not delay the Minister's determination of the concept plan.

Consequently, following a detailed assessment of the Environmental Assessment, Response to Submissions, the Preferred Project Report and the submissions received during the exhibition period for the project, the Department is satisfied that the constraints to the proposed road network can be mitigated or managed. But further assessments will be required for any physical works can commence. Therefore, a number of modifications to the concept plan and future environmental assessment requirements have been identified for subsequent stages, which include:

- a requirement for the upgrade of Archbold Road to provide for the upgrade of the entire length of Archbold Road to the Great Western Highway intersection and assess the impacts associated with this upgrade;
- the deferral of the upgrade to Old Wallgrove Road (where acting at the second southern connection) pending further detailed consideration on the appropriate location of the second north-south link as part of the work being conducted for the Western Sydney Employment Area;
- further traffic impact assessments to assess the implications associated with the construction of any component of the proposed network and to detail required works at key intersections proposed under the concept plan;
- further road traffic noise impact assessments, particularly at residences located along Archbold Road; and
- an assessment on the feasibility of the relocation of the proposed North-South Link to avoid a threatened flora species.

In particular, the potential impacts resulting from the Archbold Road extension on Minchinbury residents must be assessed and mitigation measures identified before any extension occurs. However, the Department has concluded that these considerations can be deferred to subsequent applications on the grounds that that the recommended further environmental assessment requirements would need to confirm that the impacts can be appropriately managed prior to any physical works commencing.

Consequently, the Department recommends that the Minister for Planning approve the Erskine Park Link Road Concept Plan, subject to the Department's recommendations. In doing so, it is also recommended that the Minister determine under section 75P of the Act that future development under the concept plan be subject to further environmental assessment under Part 5 of the Act (where the works are to be undertaken by a public authority) or Part 4 of the Act, in all other instances.

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

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## **APPENDIX B – STATEMENT OF COMMITMENTS**

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

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## **APPENDIX D – ENVIRONMENTAL ASSESSMENT**

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## **APPENDIX E – SUBMISSIONS SUMMARY**

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## APPENDIX F – ENVIRONMENTAL PLANNING INSTRUMENTS

The table below provides the Department's assessment of compliance State Environmental Planning Policies that substantially govern the carrying out of the development.

<b>State Environmental Planning Policy (Major Development) 2005</b>	
State Environmental Planning Policy (Major Development) 2005 outlines the types of development declared a Major Project for the purposes of Part 3A of the Act. For the purposes of the SEPP certain forms of development may be considered a Major Project if the Minister (or his delegate) forms the opinion that the development meets criteria within the SEPP.	The Concept Plan proposal is a Major Project to which Part 3A of the Act applies, however it is not identified as such by the SEPP. The proposal was declared by the former Minister to be a Major Project to which Part 3A of the Act applies by way of an order, pursuant to Section 75B(1) of the Act. The former Minister also authorised the submission of a Concept Plan.
<b>State Environmental Planning Policy No. 59 – Central Western Economic and Employment Area</b>	
SEPP 59 rezoned land within Precinct 2 for employment purposes, and sets out development controls for this land. The aims of the policy include: <ul style="list-style-type: none"> <li>• promotion of economic development and the creation of employment in Western Sydney by providing the development of major warehousing, industrial, high technology, research or ancillary facilities with good access to road freight networks, including the M4 motorway and the Western Sydney orbital;</li> <li>• conservation of those areas that have a high biodiversity or heritage, scenic or cultural value and, in particular, areas of remnant vegetation, and; and</li> <li>• helping to achieve the goals set out in <i>Action for Air, the New South Wales Government's 25 year Air Quality Management Plan</i>, published by the New South Wales Government in March 1998, by containing the per capita growth in VKT (vehicle kilometres travelled) by achieving higher than normal public transport usage.</li> </ul>	The proposed development is permissible without consent under the SEPP. The proposed development is considered to be consistent with the objectives of the SEPP and these objective are given further consideration in Section 5/6 of this report.
<b>Draft State Environmental Planning Policy (Western Sydney Employment Area) 2008</b>	
The draft SEPP has been prepared to provide consistent planning parameters for the future land use across the Western Sydney Employment Area. The draft SEPP proposes to override planning controls for the Western Sydney Employment Area set out in a various existing environmental planning instruments. The draft SEPP also identifies and protects the Erskine Park Link Road Alignment for development as a road. The draft SEPP was exhibited from 19 March 2008 to 28 April 2008.	The proposed development is permissible with consent under the draft SEPP, and is consistent with the objectives of the draft SEPP.
<b>State Environmental Planning Policy No. 55 – Remediation of Land</b>	
SEPP 55 promotes the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated.	The Proponent has undertaken preliminary soil contamination assessment for parts of the site and it has been concluded that there is no evidence of contamination. Detailed soil contamination assessment would be

	undertaken as part of any subsequent project application and prior to the commencement of any development works.
<b>Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River</b>	
This SREP aims to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. The SREP sets out development controls applicable to specific types of development and area. The SREP also sets out general planning considerations and specific planning policies and recommended strategies.	The SREP does not set out any specific development controls which relate to the Concept Plan. The planning considerations and planning policies set out in the SREP are considered and addressed in Section 5 of this report.

## **APPENDIX G – FLORA AND FAUNA REPORT**

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