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Planning

MAJOR PROJECT ASSESSMENT: Minchinbury Employment Park Concept Plan



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

June 2010

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EXECUTIVE SUMMARY

Afteron Pty Limited (Afteron) proposes to develop the Minchinbury Employment Park (MEP) on 21 hectares at Minchinbury, in the Blacktown local government area. At this stage Afteron is seeking concept plan approval for the establishment of a regional distribution park of warehouses, distribution centres and freight logistics facilities, light industrial, office premises, high technology, and associated infrastructure.

The MEP has a capital investment value of \$60 million and would employ around 300 people once fully operational. The proposal constitutes a 'major project' under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act), and consequently the Minister is the approval authority for the project.

During the exhibition period the Department received 7 submissions on the proposal, including 5 from Government authorities and 2 from the general public (including the Western Sydney Conservation Alliance Inc). The agency submissions raised a broad range of issues about the project, principally concerning stormwater management, the loss of endangered ecological communities and traffic generation. Both submissions received from the public objected to the project, the main concerns being the loss of Endangered Ecological Communities and the potential for additional noise impacts to occur as a result of the 24 hour operations.

The Department has assessed the concept plan application, Environmental Assessment, and submissions on the project, in accordance with the objects of the EP&A Act.

The Department is satisfied that the project is consistent with the State Plan and the broader strategic planning objectives for the area, including the *State Environmental Planning Policy (Western Sydney Employment Area) 2009* (WSEA SEPP).

The Department is also satisfied that Afteron has made adequate provision for infrastructure to service the site and satisfactory arrangements to contribute to regional infrastructure. In addition, the Department considers that potential environmental impacts of the project can be adequately mitigated and/or managed to ensure an acceptable level of performance and has recommended a range of conditions to ensure this occurs.

Further, both DECCW and the Department consider that the Biodiversity Offset Strategy proposed by Afteron to be both satisfactory and an appropriate utilisation of the 'bio-banking' system.

In summary, the Department considers that the site is suitable for development, and that the project offers significant economic benefits for the region, attracting up to \$60 million of capital investment and creating 300 jobs once operational.

Consequently, the Department considers that the MEP project is in the public interest and should be approved subject to conditions.

1. PROPOSAL

1.1 Background

The proposed MEP site is currently occupied by the Eastern Creek Quarantine Station (ECQS), which provides post entry quarantine services for animals and high risk plant species entering the country from overseas. The site has been held in private ownership since 2001 with the ECQS occupying the site pursuant to a lease which is due to expire in December 2010.

Prior to this, and up until 1980, the site had been part of the former Wallgrove Army Camp, which was initially established in 1941. Preceding this the site was used for low intensity agricultural activities.

1.2 Project Setting

Land uses in the surrounding area (see Figure 2) include:

- Pinegrove Lawn Cemetery, which forms an "L" shape around the site, along the northern and western boundaries;
- the Wallgrove Road and M7 Orbital to the east of the site, with parkland and rural residential landuses beyond; and
- the M4 Motorway to the south of the site, with the Interchange Business Park beyond.

The nearest residential areas lie beyond the cemetery approximately 270m to the north of the site and 550m to the west of the site, and adjacent to the road network approximately 310m to the east of the site.



Figure 2: MEP Location Plan and Surrounding Landuses

The site has been predominantly cleared except for 5.1 ha of scattered areas of bushland, comprising of 1 critically endangered ecological community (EEC) and 2 EECs, under the *Threatened Species Conservation Act 1995* (TSC Act). A gentle ridge runs approximately North West across the site with

low points occurring generally at the north western corner and the south western corner of the site. The gently sloping topography of the site is typical of the area.

The site has been identified as part of the WSEA SEPP. The primary objectives of the WSEA SEPP are to protect and enhance land for employment purposes and provide for coordinated development of the area.

1.3 Project Description

Afteron Pty Ltd (Afteron) proposes to establish an employment park, known as Minchinbury Employment Park (MEP), on 21.87 hectares of land near the intersection of the M4 and M7 Orbital Motorways, in the Sydney suburb of Minchinbury (see Figures 1 and 2). Afteron is seeking concept plan approval for the MEP for warehousing, light industrial, high technology and business park purposes, which lies within the Western Sydney Employment Area (WSEA).

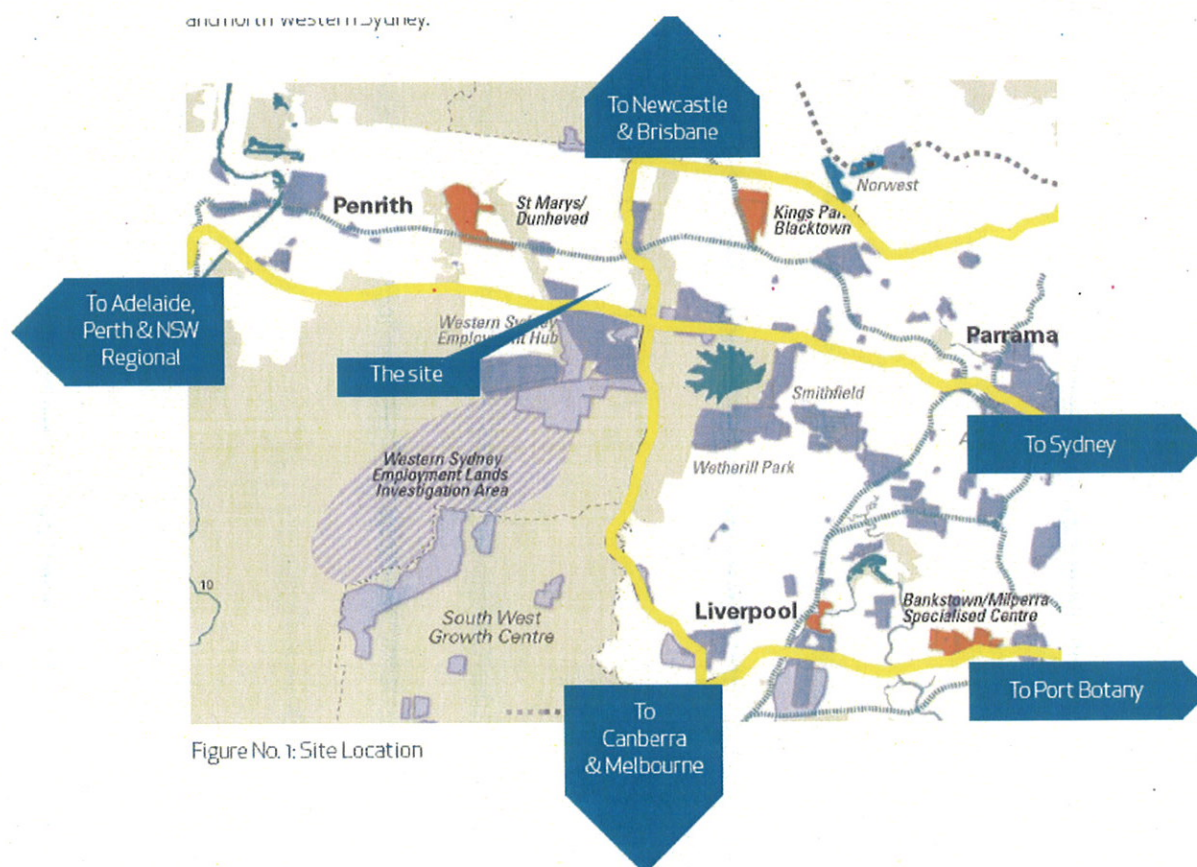


Figure 1: Regional Context

The major components of the project are summarised in Table 1, and depicted in Figure 3. The project is described in full in the Environmental Assessment (EA), which is attached as Appendix F, and the Response to Submissions (Appendix E).

Table 1: Major components of the Minchinbury Employment Park Concept Plan

| Aspect | Description |
|---|--|
| Project Summary | Establishment of 25 subdivided lots to be used for warehousing, light industrial, high technology and business park purposes. |
| Subdivision | Subdivision of the site to create: <ul style="list-style-type: none"> lot sizes of between 4,000 to 10,000 m²; lots with a minimum frontage of 45m; orient lots for slope, site access, solar access and prevailing winds; and 23 metres road reserve – industrial collector roads. |
| Road Upgrades and Internal Roads | <ul style="list-style-type: none"> Internal roads designed for use by B-double sized trucks. With 450 metres of shared cycleway/footpath within the verge of Wallgrove Road |

| Aspect | Description |
|--------------------|---|
| Infrastructure | <ul style="list-style-type: none"> Upgrade of intersection of Wallgrove Road and site access. |
| | The treatment of stormwater would occur within a constructed wetland to be situated in the north western corner of the site and within a bioretention facility to be located in the eastern part of the site. |
| | All other infrastructure (potable water, electricity, gas and telecommunications) would be provided through the augmentation and/or extension of existing services. |
| Capital Investment | \$60 million |
| Employment | 300 once fully operational |
| Hours of Operation | 24 hours a day, 7 days a week. |

The Urban Design report included as part of the EA discusses 3 possible development scenarios for the site. However, only the primary Masterplan is the subject of this assessment and is presented in Figure 3.



Figure 3: Illustrative Master Plan and Street Design

2. STATUTORY CONTEXT

2.1 Major Project

The proposal is classified as a major project under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act), because it is development for the purpose of distribution centres with a capital investment value of more than \$30 million. Consequently, the Minister for Planning is the approval authority for the project.

On 20 March 2009, the Director-General, on behalf of the Minister for Planning formed the opinion that the project was a "Major Project" for the purposes for Part 3A of the EP&A Act and authorised the submission of the concept plan.

2.2 Permissibility

There are no relevant provisions of the *Blacktown Local Environmental Plan 2006* (Blacktown LEP) that affect the subject proposal. However, the development of the MEP is permissible in the IN1-General Industrial zone under the WSEA SEPP.

2.3 Exhibition and Notification

Under Section 75(3) of the EP&A Act, the Director-General is required to make the Environmental Assessment (EA) of a project publicly available for at least 30 days.

After accepting the EA for the project, the Department:

- made it publicly available from 16 December 2009 until 16 February 2010:
 - on the Department's website, and
 - at the Department's Information Centre, Blacktown City Council's office and the Nature Conservation Council;
- notified landowners in the vicinity of the site about the exhibition period by letter;
- notified relevant State government authorities and Blacktown City Council; and
- advertised the exhibition in the Blacktown Advocate.

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

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

- project application;
- Director-General's environmental assessment requirements;
- EA; and
- Afteron's response to issues raised in submissions.

2.4 Environmental Planning Instruments

Under Section 75I of the EP&A Act, the Director-General's report is to include a copy of or reference to the provisions of any:

- *State Environmental Planning Policy* (SEPP), that substantially govern the carrying out of the project; and
- environmental planning instrument that would (but for Part 3A) substantially govern the carrying out of the project and that have been taken into consideration in the environmental assessment of the project.

The Department has considered the project against the relevant provisions of several environmental planning instruments (including Major Development SEPP, Infrastructure SEPP, WSEA SEPP, SEPP 55 and the *Blacktown Local Environmental Plan 1988*). The Department is satisfied that, subject to the implementation of the recommended conditions of approval, the proposal is generally consistent with the aims and objectives of these instruments (see Appendix C).

2.5 Objects of the Environmental Planning and Assessment Act 1979

The Minister is required to consider the objects of the EP&A Act when he makes decisions under the Act. These objects are detailed in Section 4 of the Act, and include:

'The objects of this Act are:

- (a) *to encourage:*
 - (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
 - (ii) *the promotion and co-ordination of the orderly and economic use and development of land,*
 - (iii) *the protection, provision and co-ordination of communication and utility services,*
 - (iv) *the provision of land for public purposes,*
 - (v) *the provision and co-ordination of community services and facilities, and*
 - (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
 - (vii) *ecologically sustainable development, and*

- (viii) *the provision and maintenance of affordable housing, and*
- (b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment.'*

The objects of most relevance to the Minister's decision on whether or not to approve this project are those under Section 5(a)(i), (ii), (iii), (vi) and (vii).

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

The Department has fully considered the objects of the EP&A Act, including the encouragement of ESD, in its assessment of the project application. In particular, the Department considers that although areas of EEC would be cleared from the site, this would not result in a significant impact in biodiversity values in the region due to the biodiversity offset strategy proposed for the project.

2.6 Statement of Compliance

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

The Department is satisfied that the environmental assessment requirements have been complied with.

3. ISSUES RAISED IN SUBMISSIONS

During the exhibition period, the Department received a total of 7 submissions on the project, including:

- 5 submissions from public authorities; and
- 2 submissions from the general public.

A summary of the issues raised in submission is provided below. A full copy of these submissions is attached in Appendix E.

3.1 Public Authorities

The public authorities did not oppose the proposal, however some required amendments to the concept plan and recommended conditions to be included in the consent. Issues raised in submissions from the public authorities are summarised below.

Sydney Regional Development Advisory Committee (SRDAC) did not object to the proposal however requested further information including modelling of the "southern" signalised intersection of Wallgrove Road/M4 Interchange ramps to be submitted to the RTA for review.

As well as this, SRDAC has recommended that the intersection to the site would need to be signalised, and work be undertaken to the Great Western Highway to accommodate for the increased traffic.

Sydney Water provided advice on the provision of water and wastewater services to the site and the requirements for these services.

The **Department of Environment, Climate Change and Water (DECCW)** initially objected to the loss of 3.52ha of EECs and the original proposal to protect and/or re-establish 4.05ha of these EECs in an area zoned E2-conservation, raising concerns about the feasibility of successfully restoring 2ha of

EECs. However, following an amendment to the offset strategy, Afteron now propose to offset the loss of EECs by purchasing biobanking credits. DECCW supports the findings of the Biobanking Assessment undertaken by Cumberland Ecology and subsequently considers the offset strategy for the development to be acceptable.

With regard to Aboriginal Cultural Heritage, DECCW requested a minor amendment to Afteron's Statement of Commitments.

Blacktown City Council does not object in principle to the proposal, but raised concerns regarding heritage and the adaptation of existing buildings into future development on site; planning, urban design and development control matters; as well as traffic issues and parking demand; site drainage and the level of modelling and information included in the Water Sensitive Urban Design report.

Integral Energy does not object to the proposal and confirmed that the development would be supplied by the North Eastern Creek Substation, which is expected to be commissioned in 2012.

3.2 Community

One submission was received from a nearby land owner and one submission from a local environmental group called the Western Sydney Conservation Alliance Inc. Both submissions objected to the proposal. In summary the issues raised included:

- the loss of a critically endangered ecological community;
- lack of adequate biodiversity offset; and
- hours of operations.

3.3 Response to Submissions

Afteron has provided responses to the issues raised in submissions (see Appendix E), as well as a revised Statement of Commitments for the project. These have been made publicly available on the Department's website.

The Department has considered the issues raised in submissions, and Afteron's responses to these issues, in its assessment of the project.

4. ASSESSMENT

4.1 Strategic Planning

Strategic Objectives

The key strategic planning instruments governing the area include:

- the State Plan;
- the Metropolitan Strategy; and
- the *State Environmental Planning Policy (Western Sydney Employment Area) 2009*.

State Plan

The State Plan provides priorities for Government action for the State of NSW. In relation to the western Sydney region, the State Plan seeks to improve access to employment lands, simplify planning processes and enhance transport infrastructure particularly around employment lands. The western Sydney region is a major contributor to the economic output of NSW and the provision of jobs closer to home for the people of western Sydney is seen as a key objective for the area.

The State Plan sets out clear priorities for Government action, covering areas such as crime, community services, economic growth and the environment. The Department has assessed the proposal against these priorities and considers that the project would meet the following priorities:

- *P1 Increased business investment.* The development would generate \$60 million in investment;
- *P2 Maintain and invest in infrastructure.* To facilitate the development of MEP, Afteron would construct all infrastructure required to service the facility, would provide local links to the M7 cycleway and would provide monetary contributions towards regional infrastructure;
- *P3 Cutting Red Tape.* Approval of the Concept Plan would allow the efficient establishment of future development on the site; and

- *E3 Better environmental outcomes for native vegetation, biodiversity, land, rivers and coastal waterways.* Afteron has proposed to offset the area of EEC to be cleared in preparation for the MEP, using a bio-banking offset scheme, which would adequately offset the loss of vegetation from the site (see Section 4.5);
- *E5 Jobs closer to home.* The MEP site is located in close proximity to residential areas in Minchinbury, Rooty Hill and the Blacktown and Penrith LGAs and will allow for the creation of approximately 300 full time positions; and
- *E7 Improve the Efficiency of the Road Network.* Alternative mode of transport for employees will be encouraged through the proposed commitment towards bus stops and extension of cycleway links to Wallgrove Road and the Great Western Highway.

The Department is satisfied that the proposal is consistent with the objectives of the State Plan.

Metropolitan Strategy

The Metropolitan Strategy presents a plan for sustainable growth in the Sydney region until 2031. The Metropolitan Strategy is currently under review. However, the strategy sets out key aims for employment, housing, infrastructure and service provision. One of the objectives of the strategy is to protect and enhance the WSEA (see Figure 4).

The broad aims of the strategy are to be implemented through ten sub-regional plans, including the draft North West Subregional Strategy which covers the MEP site. In relation to economic and employment growth, the draft sub-regional plan seeks 130,000 additional jobs to protect and enhance strategic employment land in the North West.

The concept plan is expected to provide 300 jobs when fully developed. The provision of high employment generating development is consistent with the objectives for the area and represents an appropriate use of strategically located employment land. The proposal would assist in achieving employment targets identified in the Metropolitan Strategy and draft North West Subregional Strategy. Further, the proposal incorporates adequate contributions for development of infrastructure and services which is a key strategic objective for the area.

The objectives of the Metropolitan Strategy and draft North West Subregional Strategy are further reflected in State Environmental Planning Policies, as discussed below.

WSEA SEPP

The WSEA covers the area of central western Sydney centred on the intersection of the M7 and M4 motorways, identifying ten precinct areas including the Quarantine Station (see Figure 4 - Precinct 9).

The development of a number of precincts (1, 2, 7 and 10) within the WSEA is well advanced. The Minister has also approved a number of developments within areas 2 (Eastern Creek) and 7 (Erskine Park) including warehousing and distribution centres, manufacturing facilities and quarries. In addition concept plan applications for the Huntingwood West site (Area 5) and the Oakdale Central (Area 8) have also recently been approved by the Department. As well as this, Council has approved a number of warehouse and distribution developments in area 2.

The proposed MEP is located within Area 9. The Department is satisfied that the proposal is consistent with the objectives of the SEPP as it would promote development of the land for high employment generating uses and assist in coordinated development of the area.

The proposal has been designed in a manner to ensure that the regional road network can be accommodated. This is discussed in more detail in Section 4.2.

In summary, the Department is satisfied that the proposal is consistent with the objectives of the State and regional planning strategies and that suitable justification for the proposal has been provided.

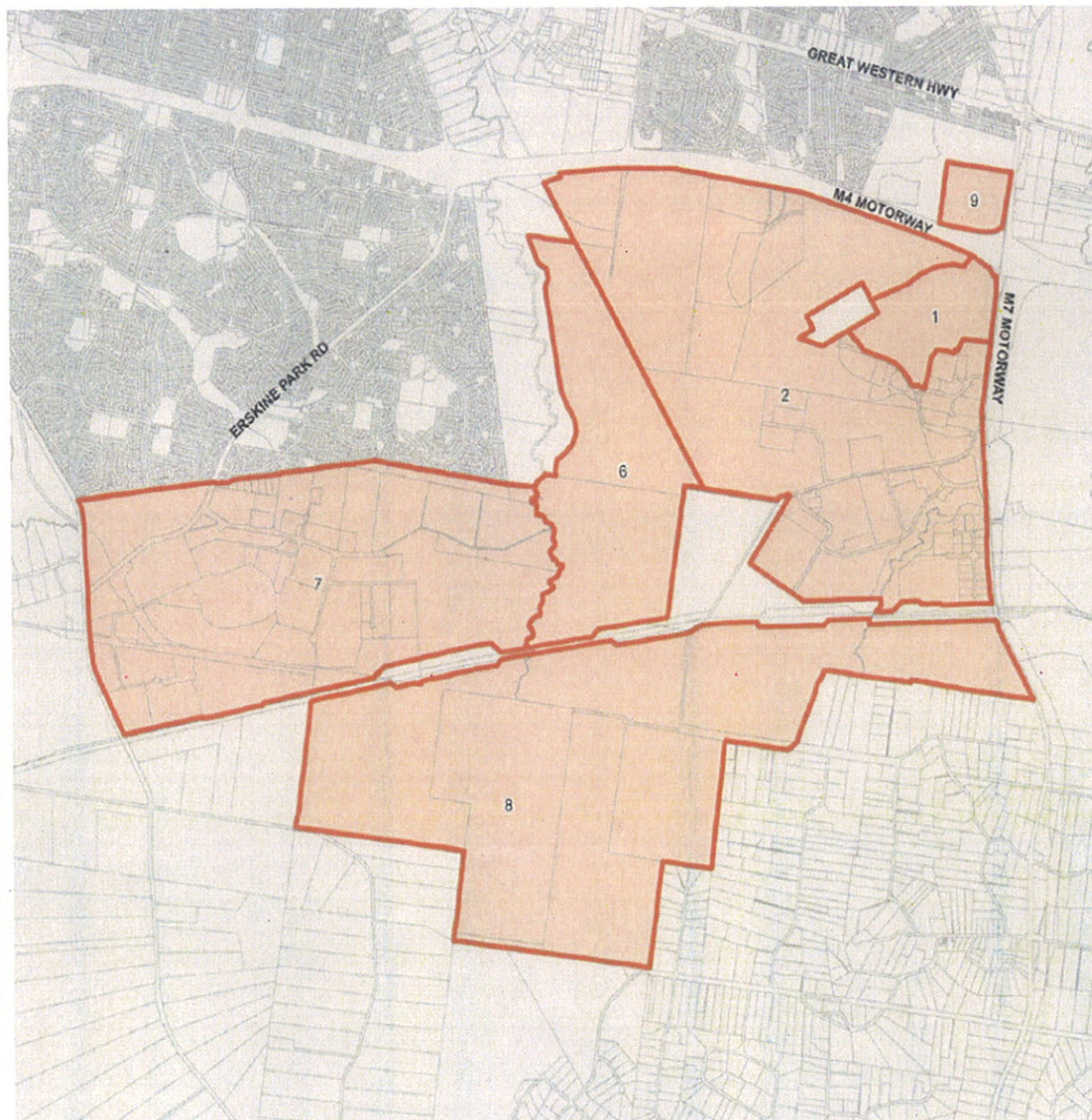


Figure 4: Western Sydney Employment Area (Part Map)

Development Standards

One of the key planning requirements of the WSEA SEPP is that any development requires a Development Control Plan (DCP) to be prepared. The concept plan application for the MEP is considered an equivalent to the required DCP.

The only strategic planning document outlining the development standards that apply to this area is the WSEA SEPP. To complement the provisions in the WSEA SEPP, Afteron has designed the concept plan against relevant development standards, including those prescribed in the *Blacktown Development Control Plan (DCP) 2006* and *Employment Land Precinct Plan (Eastern Creek Precinct)*.

WSEA SEPP

The principal development standards in the SEPP relate to design, sustainability, building heights (in relation to visual impacts), rainwater harvesting, development adjacent residential areas, subdivision and utility infrastructure.

Generally, the concept plan and project application accord with the principal development standards. However, in relation to sustainability, this standard has only been addressed at a preliminary level. The key standards identified in relation to sustainability include reduced water consumption, sustainable building design and reduced greenhouse gas emissions.

The key standards identified in relation to sustainability include reduced water consumption, sustainable building design and reduced greenhouse gas emissions.

The proposal adequately addresses the objectives of reduced water consumption through a commitment to reuse rainwater and through the use of water efficient appliances. Afteron has included a Water Sensitive Urban Design (WSUD) report in the EA and has committed to assessing all future development against the objectives and development controls outlined in the WSUD report. The Department considers that the proposal has adequately addressed this development standard.

However, reduced greenhouse gas emissions have not been addressed. The concept plan includes a commitment to consider energy efficiency, material and resource use for future project and development applications; however no targets or objectives have been established for minimising emissions. The Department recommends that a detailed energy assessment be prepared for future project and development applications within the MEP. This would ensure that the project provides for an energy efficient development thereby reducing greenhouse gas emissions.

Blacktown (DCP) 2006 and Employment Lands Precinct Plan (Eastern Creek Precinct)

In the absence of a Precinct Plan for the area, the Blacktown DCP and the *Employment Lands Precinct Plan (Eastern Creek Precinct)* provide a guide to local development controls.

Development controls for industrial properties include detailed requirements for site dimensions, setbacks, site coverage, parking, vehicle access and manouvering, streetscape and amenity.

In general, the concept plan accords with the development controls, with the exception of lot size and parking provisions. The two plans have very different controls for lot sizes, 1,500 m² for Council and 5,000 m² for the *Employment Lands Precinct Plan (Eastern Creek Precinct)*. Afteron has proposed a lot size of between 4,000-10,000 m², with more generous lots around the south and south east boundaries, to allow for greater flexibility in design. The Department considers this lot size appropriate to accommodate the future industrial uses for the site. Also, Afteron has adopted the RTA parking provision requirements as a more appropriate guideline for this development, see discussion in section 4.2 below.

MEP Concept Plan Controls

In addition to the development controls detailed above, the concept plan outlines a set of controls to guide future project and development applications. The key controls relate to site coverage, building set backs, building heights and the internal road network.

The concept plan includes maximum site coverage of 65% which accords with the *Employment Lands Precinct Plan*. It is recommended that site coverage be limited to a maximum of 65% and consideration of any changes or amendments to development on the site must be consistent with this limit. Also, Afteron has proposed a number of building setback controls and design objectives, including a maximum building height of between 15-20m, depending on a building's location within the site, to ensure that the buildings follow the natural gradient of the site and contribute to the visual amenity of the area. The Department considers these maximum building heights reasonable and generally consistent with other industrial warehousing developments within the WSEA. In addition, the Department has recommended conditions requiring high design standards, particularly for those building with frontage to the M4 & M7 Motorways and Wallgrove Rd.

In summary, the concept plan and project application are consistent with the strategic planning objectives and accord with the majority of development standards for the site and surrounding areas.

4.2 Transport

The EA includes a traffic and parking assessment for the proposed MEP undertaken by Transport and Traffic Planning Associates. The assessment determines the traffic and parking impacts, with reference to the RTA's *Roads and Traffic Guidelines for Traffic Generating Developments*.

The proposal is well located in relation to the arterial road network. The site is located on the north-west corner of the M4 Motorway and Wallgrove Road, which runs adjacent to the M7 Motorway (see Figure 5) and allows site access to the M4 and M7 Motorways, Wallgrove Road and the Great Western Highway.

The site is currently accessed via Wallgrove Road adjacent to the northern property boundary. Wallgrove road has a straight and level alignment along the site frontage and comprises 3 northbound lanes and 2 southbound lanes, divided by a central median. The southbound lanes are supplemented by a right turn lane and an acceleration lane that form part of the seagull intersection.

The most recent Annual Average Daily Traffic (AADT) volumes as recorded by the RTA are presented in the below table.

Table 2: RTA Annual Average Daily Traffic Volumes

| Location | AADT |
|-----------------------|--------|
| Wallgrove Road | 35,981 |
| Great Western Highway | 27,254 |

The existing morning and afternoon traffic flows at 3 intersections serving the site have been assessed for performance. The intersections assessed include:

- Site Access/Wallgrove Road;
- Wallgrove Road/Great Western Highway; and
- Wallgrove Road/M4 eastbound exit and entry ramps.

An assessment was undertaken on the three intersections to determine the current level of operational performance. All were found to operate satisfactorily during the peak traffic periods.

The worst case traffic generation scenario for the proposed MEP is expected to generate up to 695 vehicle trips in the morning and afternoon peak hours, which equates to a site generation rate of 36.5 vph per Hectare.

These traffic volumes have been applied to the analyses of the site access intersection. It has been found that the seagull arrangement does not satisfactorily accommodate the predicted increase in traffic levels, in particular the right turn movements to and from the site. As a result, Afteron has proposed the installation of traffic signals at the sites access road with Wallgrove Road to accommodate for the increased traffic levels.

Although the introduction of traffic signals in this location would inevitably slow traffic travelling on Wallgrove Road, this section of the highway is largely influenced by the operation of traffic signals at the Great Western Highway and the M4 ramp intersections. These intersections have been remodelled to include the proposed traffic signals to the site's access. The results indicate that the intersections would continue to operate satisfactorily during peak times with the installation of traffic signals at the Wallgrove Road/Site Access.

The RTA raised concerns regarding the ability of the access road intersection to function adequately with the increased traffic levels and recommended conditions requiring Afteron to signalise the intersection and provide the following changes:

- Lengthen the existing right turn bay in the Wallgrove Road to provide 130m of storage; and
- Provide for a dual right turn facility out of the Quarantine Site Access (with the second right turn lane providing at least 70m of storage).

The RTA also recommended that Afteron be required to lengthen the storage of the existing (eastbound) dual right turn facility along the Great Western Highway to provide 2 right turn lanes each with 275m of storage, to reduce the likelihood of delays along the Great Western Highway.

Further, the RTA has recommended conditions that all works undertaken, including the proposed access road, be designed and constructed to RTA and Council standards and that a Construction Traffic Management Plan (CTMP) be submitted to the RTA and Council, for approval, prior to the issue of a construction certificate.

The Department is satisfied that the intersections along this part of Wallgrove Road would continue to function satisfactorily with the installation of traffic signals at the site access. Consistent with the RTA's recommendations, a condition has been included requiring Afteron to install traffic signals at this location prior to the occupation of any building on site. The Department has also, included a condition requiring Afteron to develop a Construction Management Plan, which includes a Traffic Management

Plan for the management of all construction related traffic generated at the site during the development process.

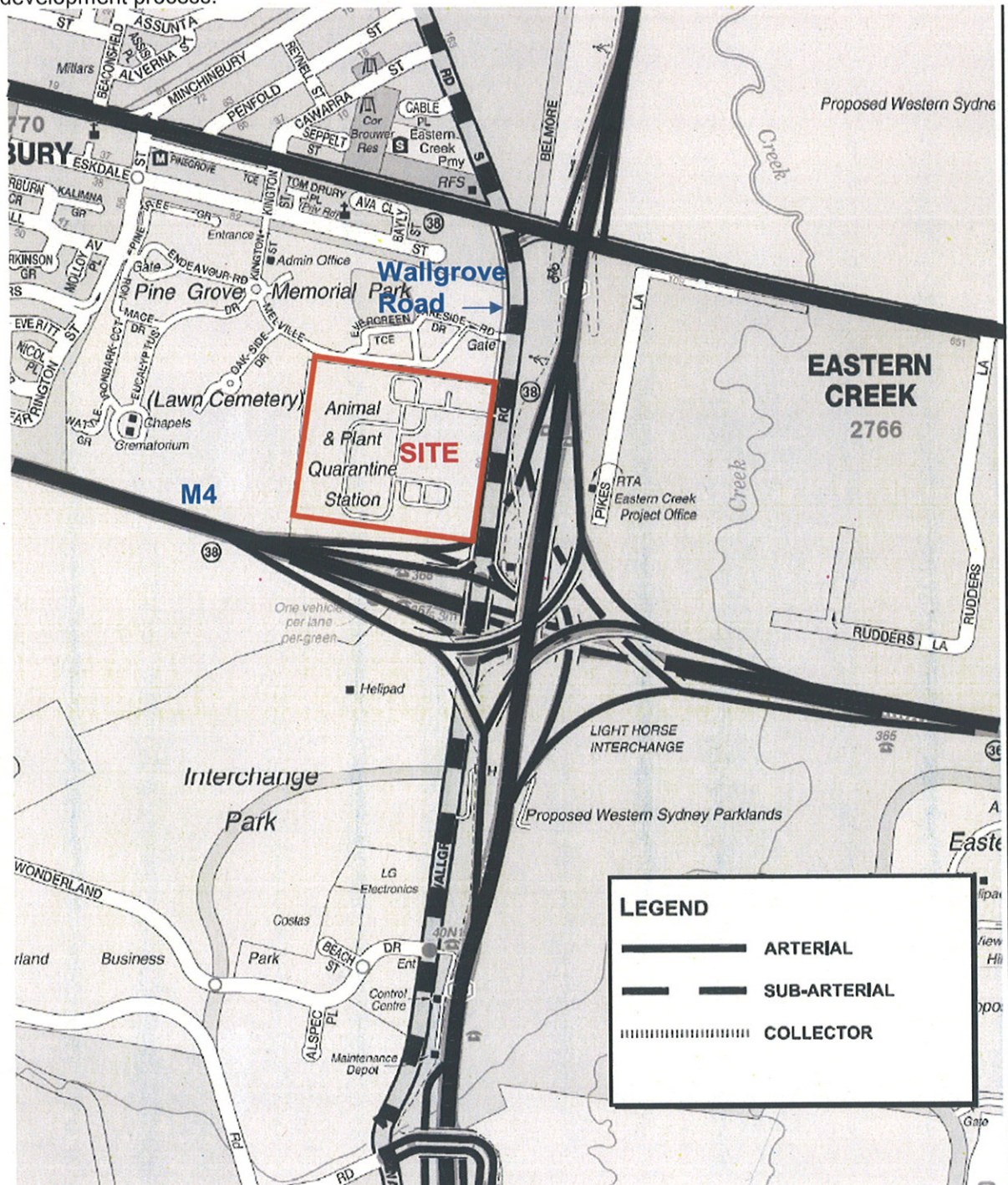


Figure 5: Road Network

Parking

The parking assessment discussed three scenarios to provide a suitable analysis on which to establish the overall future parking outcome. The parking provisions have been adopted from the RTA Development Guidelines, which specify a minimum of 1 space per 300m² of gross floor area (GFA) for warehouse developments. Calculations for the three scenarios outlined in the EA are as follows:

Scenario 1 – Combined Floor Area= 86,900m² @ 1 per 300m²= 290 spaces

Scenario 2 – Combined Floor Area= 90,100m² @ 1 per 300m²= 300 spaces

Scenario 3 – Combined Floor Area= 95,800m² @ 1 per 300m²= 319 spaces

The number of parking spaces calculated is less than that required under the Blacktown DCP (1,445 parking spaces for Scenario 3), which at a rate of 25m² per space would occupy 3.6ha of the site. Council has objected to the use of RTA Guidelines to calculate the parking rates for the development and recommend that Council Guidelines are followed instead.

However, Afteron argue that in cases for similar sized developments, parking rates higher than that stipulated in the RTA Guidelines have resulted in an oversupply of parking spaces, and an inefficient use of the subject area.

The Department accepts Afteron's argument in support of the use of RTA Guidelines. As in other recently approved developments similar to this one, the Department considers that due to the commitment to providing shared cycle/pedestrian access and constructing a bus stop nearby, it is considered unlikely that the level of parking calculated using the Council's parking guidelines would be required for the development. Nonetheless, the Department has recommended conditions of approval requiring Afteron to design the parking area in accordance with Australian Standards, which would restrict vehicles from parking or queuing on public roads. A condition also requires Afteron to provide detailed plans for access and parking with future development/project applications within the MEP.

4.3 Infrastructure Requirements and Contributions

Table 3 summarises infrastructure requirements for the project.

Table 3: Infrastructure requirements to service the project

| Infrastructure Requirements | Comments |
|---|---|
| External Roads | Works to Wallgrove Road and the Great Western Highway as well as the installation of traffic signals at the site access intersection. |
| Internal | Afteron would construct all internal roads, with estate roads to have a reservation width of 23m and 15.5m carriageway, to be dedicated to Council. |
| Pedestrian and Cycle Paths and Public Transport | Afteron proposes to provide shared pedestrian/cycleways on one side of all internal roads. Pedestrians would also have access to footpaths on the other side of the road. The MEP Concept Plan also includes a draft commitment to construct 450m of shared cycleway/footpath within the verge on the western side of Wallgrove Road to connect pedestrians and cyclists to the site. Afteron also aims to work with Transport, Busways, RTA and Council to install provision for bus stops within close proximity to the site. |
| Potable Water | Sydney Water has advised that the site can be supplied with water from the Minchinbury water reservoir zone, subject to the installation of a new main from the 375mm main in the Great Western Highway. Sydney Water would further assess the impacts of the development once Afteron applied for a S73 Compliance Certificate. This requirement has been incorporated into the recommended conditions of approval. |
| Sewage | <p>The site is currently serviced by a 150mm main located within the north-west boundary of the property. However Sydney Water has advised that this does not comply with the Sewerage Code of Australia requirement for minimum sized mains for the scope of this development.</p> <p>Afteron has proposed 2 options, including the installation of approximately:</p> <ul style="list-style-type: none"> • 780m of 225mm diameter sewer pipe between the site and the Sewer Pump Station; or • 320m of 225mm diameter sewer pipe between the site and the Eastern Creek sewer submain. <p>Sydney Water has requested that a system study be undertaken, which should identify whether the development would need a:</p> <ul style="list-style-type: none"> • new 22mm sewer draining to Sewerage Pumping Station No.395 and additionally amplification of Sewerage Pumping Station No.395; or • new Sewerage Pumping Station for the Development; or • gravity connection to the sewer submain east of the motorway. <p>The Department recommends that the system study be undertaken and the system be designed in accordance with Sydney Water's requirements. In addition, the Department has recommended design and management requirements that must be addressed as part of any future development/project application for the centralised sewage management system for the remainder of the MEP project. These requirements have been incorporated into the recommended conditions of approval.</p> |

| Infrastructure Requirements | Comments |
|---|--|
| Stormwater | Stormwater from warehouse buildings and office buildings would be directed through vegetated swales to either a constructed wetland situated in the north western corner of the site or to a bio-retention facility located in the eastern part of the site, prior to being discharged offsite. Further details are provided in Section 4.4. |
| Electricity, gas and telecommunications | Upgrades to existing networks are required. Once further assessment of the gas, electricity and telecommunications equipment required to service the site is undertaken, a more definitive analysis of site demands and plans to provide the necessary infrastructure can be made. |

The Department is satisfied that Afteron has made adequate provision for infrastructure to service the development of the site.

Contributions

Afteron proposes to provide or contribute to all infrastructure required for the development of MEP, including roads, drainage, and sewer. Additionally, Afteron would undertake all necessary road works to facilitate the smooth access and operations of nearby intersections, and will construct a new shared cycle/pedestrian path from Wallgrove Road and the Great Western Highway to the site. The proposal includes a number of works and commitments that offset additional demands on Council provided services. As such, the Department considers that Afteron should not be required to pay contributions in accordance with Section 94A of the EP&A Act for the MEP. Council did not raise Section 94A contributions in their submission. However, Council did raise the issue of the ongoing ownership management and maintenance regime for the stormwater detention basins. This issue is discussed further in Section 4.4 below.

Given the nature of the proposal (warehousing and distribution) the Department considers that the Proponent would be a significant road user. As such, Afteron should be required to contribute to the provision of regional road infrastructure in the WSEA. The Government recently announced the intention to impose a State Infrastructure Contribution (SIC) of \$180,000 per developable ha in the WSEA.

In order to satisfy this requirement, Afteron has committed to enter into a Voluntary Planning Agreement with the Minister within 12 months of the approval of this concept plan. Based on the 21 ha area of the MEP site, the Department estimates this contribution would be in the order of around \$2 million.

The Department is satisfied that through the commitments made by Afteron and the recommended conditions of approval that adequate provisions have been made for local and regional infrastructure.

4.4 Soils and Water

Soils

The site has the potential to be contaminated from previous land uses on site. In 2001 a Phase 2 environmental assessment for contamination, hazardous materials and dangerous goods, which involved groundwater and soil sampling, was undertaken on behalf of the Commonwealth of Australia prior to sale of the site. This assessment indicated that there was the potential for Unexploded Ordnance (UXO) to be encountered on site, as leftover from the period when the site served as a camp and training ground for the Australian Army. However subsequent investigations did not reveal any UXOs on site and concluded that there was no practical likelihood of finding any.

A Phase 1 Environmental Assessment was undertaken in 2009 by an accredited site auditor, which sought to assess the potential for on and offsite contamination and gain a preliminary understanding of the contamination status of the site. A number of locations were identified as having low to moderate potential contamination risk, with areas surrounding the former petrol and diesel tanks identified as high risk. However, due to the nature of the proposed landuse being low in sensitivity and the potential for development with large impervious areas, no further testing was undertaken. Afteron has committed to testing the identified risk spots prior to works commencing onsite.

The Department is satisfied that the likelihood of contamination at the site was adequately assessed and agrees to the commitment from Afteron to carry out a detailed contamination assessment and any recommended remediation/validation actions necessary to ensure that the site is suitable for the proposed development.

With regard to salinity levels on site, Douglas and Partners has found that saline conditions occur in adjoining creeks and riparian areas, or on lower level slopes. The EA specifies that the site does not contain any of these features and therefore the potential for the development to result in surface water salinity impacts are considered to be low. However, saline conditions are predicted within the groundwater and in areas that experience water logging. Afteron has proposed to develop a Salinity Management Plan and a Surface and Groundwater monitoring program to ensure the proposed development does not result in any detrimental impacts to water resources in the area.

The Department is satisfied that salinity issues have been addressed and has included a condition requiring Afteron to undertake a salinity assessment during the detailed planning stage of the project.

Construction

Construction of buildings and associated infrastructure on site has the potential to impact on nearby watercourses through erosion and sedimentation. Due to varying bench levels between adjacent commercial lots, Afteron propose a combination of boundary batters and retaining walls to minimise unproductive space between buildings. However, the erosion of permanent batter slopes is likely unless the faces of the slopes are protected. To minimise any potential impacts, Afteron has committed to preparing an erosion and sediment control plan for each development involving ground disturbance and including excavations, soil handling and filling.

The Department agrees that Afteron be required to prepare an erosion and sediment control plan for future development/project applications associated with the MEP to ensure impacts on nearby watercourses are minimised during future construction activities. These requirements have been incorporated into the recommended conditions of approval.

Stormwater

The proposed stormwater management for the site consists of swales and bio-retention systems (see figure 7). The site would be divided into two approximately equal catchments to accommodate for flows for the 1 in 100 year average recurrence interval (ARI). Stormwater would then be treated to an appropriate level prior to discharge offsite. The largest flows and treatment requirements would occur in the western catchment. The report discusses the possibility of diverting part of the runoff for the eastern catchment to the west in order to supplement the cemetery's irrigation supply and reduce the size of the flood detention basin requirements near Wallgrove Road (see Figure 8).

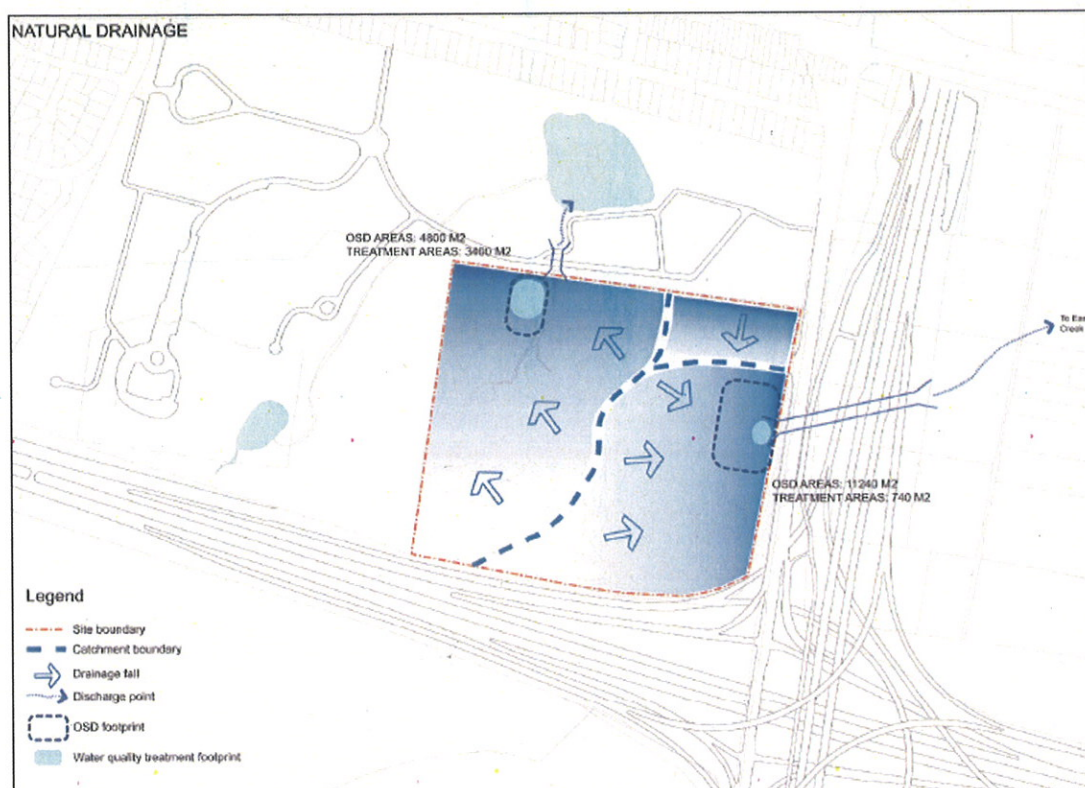


Figure 7: Flow and Basins under Natural Drainage

Council has raised concerns that no hydrologic/hydraulic or water quality modelling was undertaken for the Water Sensitive Urban Design Strategy developed by AECOM for the proposal. The Council has informed the Department that it cannot accept any proposals to place stormwater infrastructure under its care and control until all proposals are fully reviewed and approved. Council also raised concerns regarding the use of regional basins and road side swales for water treatment and recommended that the water treatment be undertaken on each individual lot as road swales are not a preferred method.

The Council requests that further modelling be completed before an adequate assessment of the choice of wetland for the north western basin can be undertaken. Council has also questioned the parameters shown for the stormwater detention basins and requests further information regarding the diversion of flows from the eastern catchment to the western catchment and how this would affect local creek systems. Further, Council requires a Rainwater Harvesting Strategy be developed for the site and a local flooding assessment to be undertaken.

The Department has taken these concerns into consideration during the development of the conditions of approval. It is important to note that at this stage, the proposed development of the site and its infrastructure is conceptual and would be the subject of further detailed design before any development or servicing occurs on the site. In order to ensure Council's issues are properly considered, the Department has recommended specific conditions requiring Afteron to consult Council on the detailed design and justification of the proposed stormwater system for the site. The Department is satisfied that this requirement would ensure Council's concerns are satisfied.

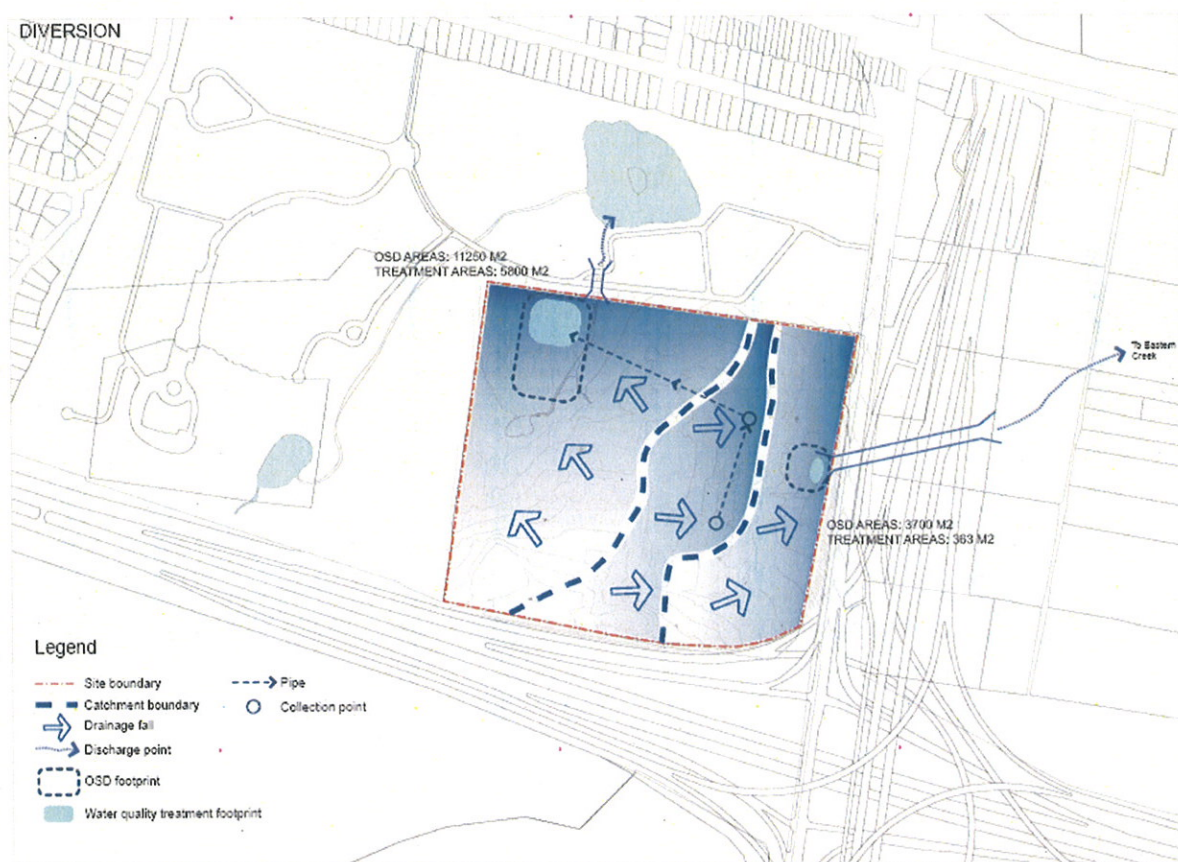


Figure 8: Flow and Basins under Diversion Drainage

Afteron specifies that the current preferred scenario aims to dedicate the stormwater detention basins to Council and agrees to undertake hydrologic/hydraulic water quality modelling, a salinity assessment, as well as develop a Rainwater Harvesting Strategy prior to the development application stage of the proposal, while local flooding impacts would be determined at the detailed design stage of the development.

However, Afteron disagrees with Council's suggestion of the use of on site water treatment facilities (i.e. water treatment on each individual lot) as an alternative to the proposed communal basins, as this could potentially result in reduced flow to the proposed wetland areas, which would threaten the sustainability of the wetland itself. Also, the proposed eastern and western communal basins are considered to be the more appropriate option as the space available for the wetland is located in a flood detention basin and provides for a valuable landscape amenity and habitat area.

Afteron has confirmed that diversion of water from the eastern basin to the western basin would not significantly impact on the local creek system, given that both catchments ultimately drain into Eastern Creek. Also, the diversion proposal would result in the added benefit of increasing water supply to the cemetery, therefore reducing the need for the use of potable water.

Notwithstanding, the Department has included a condition requiring Afteron to undertake modelling to demonstrate that the redirection of runoff from the eastern catchment to the western catchment would not impact flows to the local creek systems. This would be undertaken prior to the approval of the stormwater management plan, which is required to be submitted as part of the future development application for the site.

The Department considers that Afteron's commitments together with the recommended conditions of approval would ensure stormwater from the site is appropriately managed and treated before being discharged.

4.5 Flora and Fauna

Flora

A Flora and Fauna survey was undertaken by Cumberland Ecology for the proposal site. The Quarantine Station site has been modified as a result of past uses and the site now contains approximately 5.10ha of ecologically endangered communities (ECC). Vegetation onsite is actively managed and the majority of the site is mown.

Due to previous actions the native woodland onsite consists of relatively young even aged trees with heavily altered understory. The key vegetation communities are shown on Figure 9 and include:

- 4.01 ha of *Eucalyptus moluccana* – *Eucalyptus tereticornis* (Cumberland Plain Woodland);
- 0.73ha of *Melaleuca decora* (Shale Gravel Transition Forest); and
- 0.35 ha of *Casuarina glauca* (Swamp Oak Floodplain Forest).

Despite their modified state, all three communities are consistent with the final determinations of Endangered Ecological Communities (EECs) listed under the *Threatened Species Conservation Act 1995* (TSC Act). The Cumberland Plain Woodland and the Shale Gravel Transition Forest, are also listed as a critically endangered under the *Environment Protection & Biodiversity Conservation Act 1999* (EPBC ACT), as of November 2009. The upgrading of these vegetation communities to 'critical' is to ensure that conservation and biodiversity values are given adequate attention, primarily as a result of the increased development occurring in the Western Sydney region.

Over 80 flora species were recorded onsite including: 30 exotic, 53 native and 2 noxious weed species as declared under the *NSW Noxious Weeds Act 1993*. No threatened plant species occur onsite. There are very few tree hollows and no substantial fallen timber. However, the remnant areas on the subject site do provide habitat of some value for threatened fauna species recorded previously in the Blacktown LGA.

Development of the MEP would require the removal of all 5.10ha of vegetation occurring onsite. The Department has received a letter of objection from the Western Sydney Conservation Alliance Inc (WSCA) regarding the loss of 4.01ha of Cumberland Plain Woodland. The WSCA argues that Afteron should not be permitted to diminish the representation of a stand of Cumberland Plain Woodland by arguing that the EEC is of poor quality; and that the vegetation community should be protected.

To compensate for the clearing of these vegetation communities, Afteron has considered two options including securing land offsite which contains the appropriate vegetation in order to offset the loss of EECs; or offsetting the development through the use of a Biobanking scheme. Afteron found that the Biobanking scheme was the most appropriate for the development due to the high cost of purchasing land in the Western Sydney region for use as an offset.

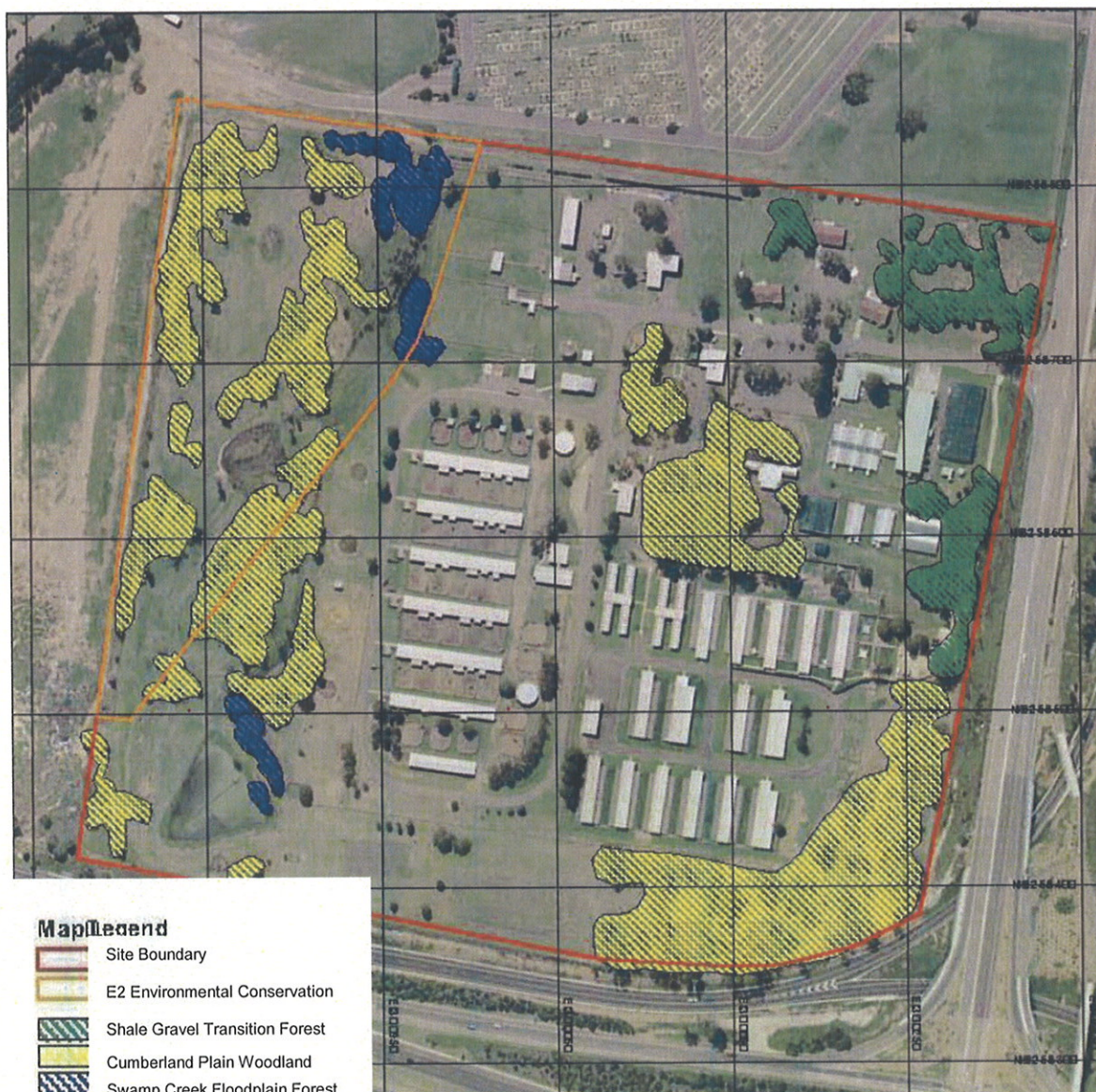


Figure 9: Ecological Communities on site

BioBanking is a market-based scheme that provides a streamlined biodiversity assessment process for development. BioBanking enables 'biodiversity credits' to be generated by landowners who commit to enhance and protect biodiversity values on their land through a biobanking agreement. These credits can then be sold for profit. Credits can be used to counterbalance (or offset) the impacts on biodiversity values that are likely to occur as a result of a development, such as the MEP.

A biobanking assessment was undertaken for the site and found that the site would require the purchase of 76 biodiversity credits in order to be offset sufficiently. Although no credits are currently available, Afteron has committed to purchase credits prior to any development taking place onsite.

DECCW has assessed the updated Biobanking Report prepared for the development and is satisfied that the biobanking credits are sufficient to adequately offset the loss of vegetation from the site.

The Department is satisfied that the quality of endangered and critically endangered communities found onsite is such that this loss can be adequately offset through the retirement of biodiversity offset credits, as endorsed by DECCW. The Department has included conditions requiring Afteron to purchase the appropriate biodiversity credits prior to the clearing of any vegetation onsite.

Fauna

Although the grassland communities onsite do not provide quality habitat, impacts to local fauna are expected to occur from the loss of the regenerating woodland and forest communities and hollow bearing trees from the site.

The fauna survey undertaken for the site found 34 fauna species recorded, including:

- 4 frog species;
- 26 bird species;
- 2 mammal species; and
- 2 reptile species.

Of the species recorded, two were found to be threatened species. The Large-footed Myotis, a micro bat species, listed as Vulnerable under the TSC Act and the Cattle Egret, a protected migratory species listed under the EPBC Act. However, these species are considered to be highly mobile and likely to only forage occasionally on the subject site, rather than rely on the site for roosting purposes.

Several threatened fauna species have also been recorded in the locality, including birds, bats and non-flying mammals. Some of these birds and bats may use the site for foraging. However, although this foraging habitat would be lost as a result of the development, it does not represent any locally or regionally significant foraging habitat and therefore is not considered to greatly impact on these vulnerable species.

Due to the isolated nature of the vegetation onsite, the proposed clearing of this vegetation is unlikely to increase the isolation of habitat for fauna species. The Department is satisfied that the impacts on flora and fauna resulting from the development are minor and able to be offset.

4.6 Visual

Visual

The MEP site is located a reasonable distance from sensitive residential receivers with the nearest being 270m to the north, beyond the cemetery. However, the site occupies a visually prominent position at the intersection between two important traffic routes. Therefore, the most significant views of the site would be from roads in the area, including Wallgrove Road, the M4 and M7, as well as the adjacent cemetery.

The concept plan allows for building heights of between 15-20m, in order to reflect the sloping nature of the area and respond to the prominent position of the site. Views of the MEP from the adjacent road network would generally be filtered through the stands of existing trees in the area. Further to this, it is considered that vehicles on these roads would be travelling at high speeds and therefore unlikely to be significantly impacted by views of the site. Notwithstanding, Afteron has proposed a 20m set back along boundaries adjoining the M4 and Wallgrove Road, consistent with the Blacktown DCP.

With regard to views from the neighbouring cemetery, the MEP would be visible through trees. Afteron aims to retain a natural landscape buffer to the cemetery and outlying residential areas to the north and west of the site and allow for a 10m setback to provide privacy for the Cemetery.

The Department considers that visual impacts associated with the development of the site would be consistent with the strategic objectives for transforming the area into an employment centre. Residents are located far enough away from the facility that views would not be significantly affected and appropriate landscaping is considered satisfactory in softening views from the cemetery. The Department has included conditions requiring building design excellence and landscaping along the sites frontage to the M4, M7 and Wallgrove Road.

Landscaping

An Urban Design Report & Design Guidelines have been developed for the MEP project.

Landscaping would range from planting of the central median with endemic trees and a grass understory; streetscape planting and interface planting; and vegetated boundary set backs containing plant species that are substantially consistent with species native to the area.

The Council recommended that dense landscaping adjoin the northern site boundary with the Cemetery to ensure visibility is reduced. Afteron has agreed and specified appropriate controls in the Concept Plan, including the provision of a 10m landscape zone to this boundary.

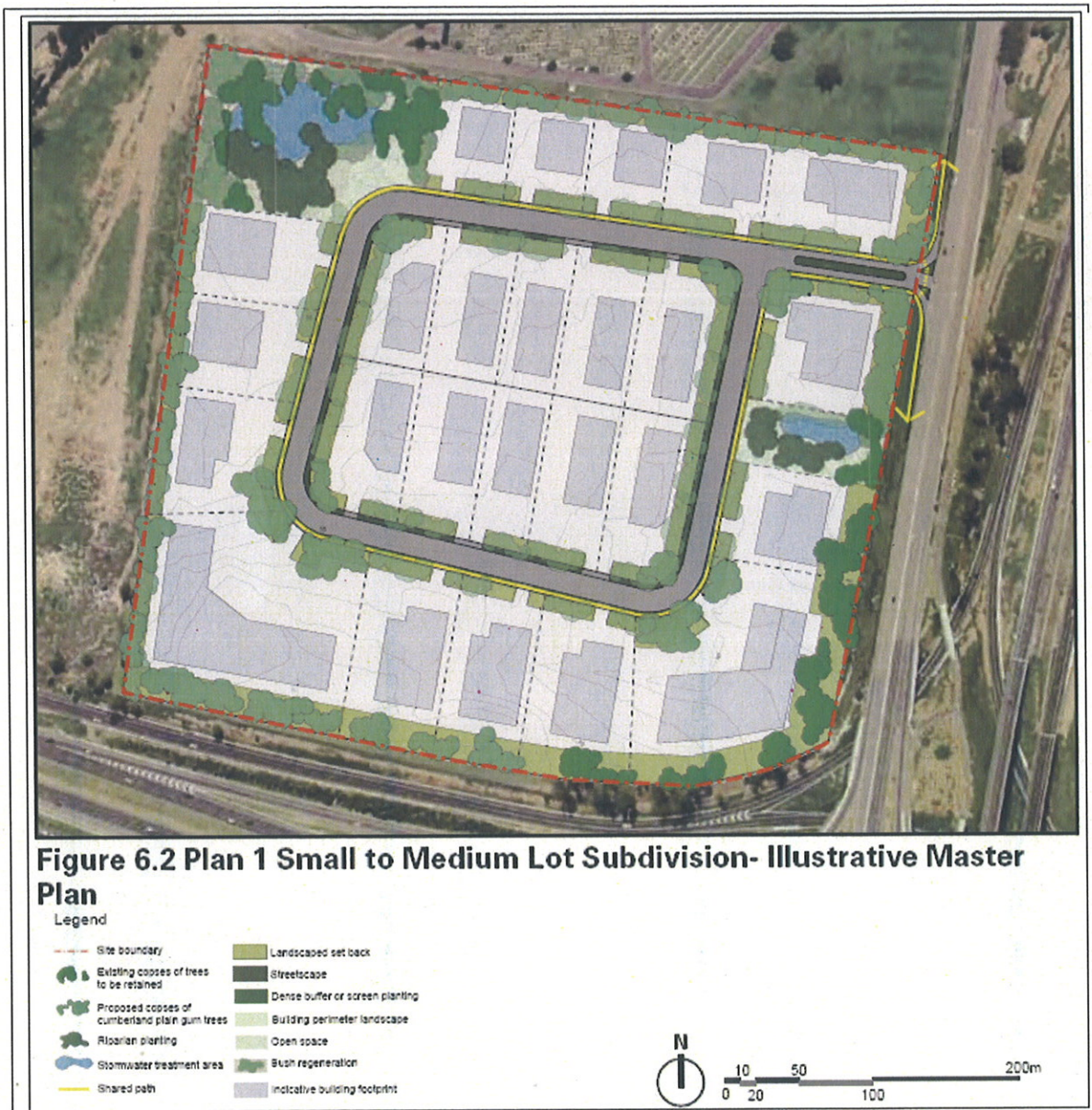


Figure 10: Minchinbury Employment Park Landscape Plan

The Department is satisfied that the proposed landscaping would soften any visual impacts to users of the adjacent road network and surrounding areas.

4.7 Noise

An assessment of operational and traffic noise has been undertaken by Wilkinson Murray Pty Ltd in accordance with DECCW's *Industrial Noise Policy* (INP) guidelines. The assessment was undertaken with reference to sensitive receivers in the vicinity of the project site, including properties to the north in Eskdale Street, east in Pikes Lane and the Cemetery.

The INP classifies the residential properties in Eskdale Street as being "urban" and those in Pikes Lane as "semi rural". Although there are no specific noise goals for cemeteries, Afteron has adopted the passive recreation noise goal of 50 dBA for this area.

Operations on site would predominately occur during day time hours; however some facilities may operate in the night, specifically distribution facilities. The layout of the site facilities would be such that the noise generated by air conditioning plants, vehicles and loading activities is contained through the orientation of the lots. The following project specific noise levels (PSNL) have been established with regard to the provisions in the INP and the high level of existing traffic noise in the area.

Table 4: Project Specific Noise Levels for Minchinbury Employment Park

| Location | Area | Intrusiveness $L_{Aeq,15min}$ | | | Amenity $L_{Aeq,period}$ | | |
|--------------------------|--------------------|-------------------------------|-----|-------|--------------------------|-----|-------|
| | | Day | Eve | Night | Day | Eve | Night |
| A- Eskdale Street | Urban | 54 | 57 | 53 | 55 | 46* | 43* |
| B- Pikes Lane | Semi-Rural | 55 | 59 | 55 | 48* | 48* | 44* |
| C - Cemetery | Passive Recreation | N/A | N/A | N/A | 50 | 50 | 50 |

Note: Daytime 7.00am-6.00pm; Evening 6.00pm-10.00pm; Night 10.00pm-7.00am
 * Based on areas with high traffic noise levels whereby amenity criteria became existing $L_{Aeq} -10$ dB

The noise assessment has been based on the worst case scenarios for day and night, with operational noise impacts presented in the below table. The Department considers that, due to the high background noise measurements, which is mainly dominated by traffic noise, unacceptable noise limits would result if noise levels emanating from the development were to reach the criteria levels presented in Table 4. Also it is the Department's general practice to restrict project specific noise levels (PSNL) to the predicted noise emission levels for the project, not exceeding the PSNLs as calculated under the INP (of background + 5dB(A)). The Department recommends the approach of applying the project noise emission levels as the PSNLs for all locations and noise measurement periods (see Table 5).

Table 5: Worst Case Scenario Noise Predictions for Minchinbury Employment Park

| Receiver | Predicted Noise Level (Day) | Predicted Noise Levels (Night) | Noise Goal (Day) | Noise Goal (Night) | Department Noise Goal (Day) | Department Noise Goal (Night) |
|----------------------------------|-----------------------------|--------------------------------|------------------|--------------------|-----------------------------|-------------------------------|
| Eskdale Street | 39 | 39 | 54 | 43 | 39 | 39 |
| Pike Lane | 38 | 38 | 48 | 44 | 38 | 38 |
| Cemetery - Oaks Drive | 39 | N/A | 50 | N/A | 39 | 39 |
| Cemetery - Melville Drive | 48 | N/A | 50 | N/A | 48 | 48 |

For both the daytime and night time worst case scenarios, the predicted noise levels indicate that operations undertaken on site would remain below established noise criteria at all receivers and therefore have been adopted as the PSNL for the site. The Department has included these noise criteria levels in the conditions of approval, which has been agreed to by Afteron.

Further, Afteron has committed to assess in detail any industrial facilities that are likely to generate high internal noise levels, in order to determine whether additional treatment of the buildings is required. Future developments should be reviewed at the application stage to ensure that noise levels at surrounding receivers are consistent with the predicted levels outlined in the noise assessment report.

Sleep Disturbance

The EA includes an assessment of the potential for sleep disturbance from the proposal. Based on DECCW's criteria of Rating Background Level (RBL) +15 dBA, the sleep disturbance criterion is 63 and 65 dBA for Eskdale Street and Pikes Lane respectively. The assessment indicates that the project would comply with the applicable sleep disturbance criteria at all surrounding receivers.

Traffic Noise

Additional truck movements on public roads to and from the site are likely to increase traffic noise, especially on roads immediately adjacent to the site. However, as the site is in close proximity to the Great Western Highway, M7 and M4 motorways and the majority of traffic generated on site would travel to and from the site via these roads, it is predicted that any noise level increase would be negligible.

The Department is satisfied that noise impacts have been adequately addressed at this stage and has included conditions requiring Afteron to adhere to the project specific noise criteria levels determined in the noise assessment.

4.8 Heritage

Aboriginal Heritage

An Aboriginal Heritage Assessment was undertaken by Jo McDonald Cultural Heritage Management Pty Ltd. Six Aboriginal sites were identified during a survey of the site, with a total of 7 artefacts

discovered. While the artefacts located at each site were in disturbed contexts, the general landscape mapping indicates that there is the potential of intact artefacts being located in the vicinity of identified sites. However, due to past clearing and the highly disturbed nature of the site, overall the area is considered to be low in conservation value and therefore the entire proposal site was found to be developable.

Afteron proposes to prepare an Aboriginal Heritage Management Plan, in consultation with local Aboriginal groups, including a detailed survey plan with measures to salvage and protect Aboriginal sites or objects discovered. The Department and DECCW are satisfied that Aboriginal heritage has been adequately assessed and that the commitments made by Afteron to manage impacts and to preserve Aboriginal sites/objects are appropriate. Notwithstanding, the Department recommends that if Aboriginal objects are identified during the construction of the MEP, all work must cease and the relevant authorities contacted.

Non-Aboriginal Heritage

A Heritage and European Archaeological Assessment by City Plan Heritage was undertaken for the site. The survey found that the site has a long history for land uses; this includes uses such as a residential estate, light agriculture and farming, an army camp and a migrant hostel; before being developed into a Quarantine Station. The current use of the land as a Quarantine Station has resulted in most of the relics or remains connected with the former Wallgrove Army Depot being destroyed or removed.

Although the site is assessed as having a low archaeological potential, archaeological remains connected with the Wallgrove Army Camp, found in the south eastern and south western corners of the site are considered to have local historical significance. City Plan Heritage recommends that a more detailed archaeological assessment should be undertaken prior to disturbance.

Further, it is recommended that a form of historical interpretation be produced to ensure the overall history of the site is appreciated and incorporated into the new development. Afteron has committed to implementing these recommendations.

The Council agrees with the recommendations of the heritage report and also recommends that:

- street names within the MEP contain a historical reference;
- relics found onsite and any historical photos are to be donated to the Historical Society;
- an entry statement or public art should be produced to reflect the history and include a commemorative plaque outlining the key dates of land use on site;
- decorative palisade or pool type fencing is used along the perimeter of the site to promote passive surveillance; and
- at least 1 building is retained onsite for displaying relics for public viewing.

While Afteron has agreed to implementing the recommendations in the heritage report, the donation of photos and relics to the Historical Society, as well as the use of historically referenced street names, it does not agree to the entry statement/public art work, the decorative fencing or the retention of a building onsite for the display of relics.

The Department considers that the implementation of the recommendations outlined in the heritage report is sufficient in preserving the historical value of the site.

4.9 Other Issues

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

Table 6: Other Assessment Issues

| Issue | Consideration | Recommended Conditions |
|--------------|--|--|
| Air Quality | <ul style="list-style-type: none"> • No assessment of air quality emissions was undertaken for the operation of the MEP. The primary emissions expected from the project are from vehicles and plant emissions. • Whilst estimates of emissions from the project are unknown, it is difficult to | <ul style="list-style-type: none"> • The Department recommends that a transport management and accessibility plan be prepared and included as part of the Concept Plan. • The plan shall identify measures to minimise vehicular emissions, particularly from workers travelling to and from the |

| Issue | Consideration | Recommended Conditions |
|--------------------------|--|---|
| | <p>minimise vehicle related emissions from activities that are strongly reliant on vehicular transport, such as distribution facilities. However, some emission reductions may be achieved through provision of alternate transport for workers travelling to and from the site.</p> <ul style="list-style-type: none"> Afteron has committed to constructing shared pedestrian/cycleway from the intersection of the Great Western Highway to the site along Wallgrove Road. As well as new bus stops on both sides of Wallgrove Road near the site entry. | <p>site.</p> |
| Greenhouse Gas Emissions | <ul style="list-style-type: none"> No quantification of greenhouse gas emissions was provided in the EA. The primary sources of emissions from the project are expected to be from vehicles and energy consumption. As noted above, vehicular emissions are difficult to minimise for projects that are reliant on vehicular transport. However, emissions associated with energy consumption can be minimised through reduced energy consumption, improved efficiency and provision of energy from alternate sources. | <ul style="list-style-type: none"> For the MEP, the Department recommends that an Energy Management Plan be prepared and included as part of the Concept Plan. The plan shall detail energy consumption levels, predicted energy savings and options for alternate energy sources. The plan shall specifically address the option of providing solar power generation on warehouse roofs and options for access by third parties. |
| Waste | <ul style="list-style-type: none"> Afteron considers that it is unlikely that future development on site would generate significant waste or emissions, due to the type of office and warehouse development predicted. Further, no hazardous or offensive industries or storage establishments are permitted onsite. Afteron has committed to preparing a waste management plan for the MEP. | <ul style="list-style-type: none"> The Department considers that the waste management plan for MEP should include measures to identify, minimise, manage and monitor waste generated by the project. |

5. RECOMMENDED CONDITIONS

The Department has prepared recommended conditions of approval for the concept plan (see Appendix B) and summarised these conditions in Appendix A. These conditions are required to:

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

Afteron has reviewed and accepts the recommended conditions.

6. CONCLUSION

The Department has assessed the merits of the project in accordance with the requirements in the EP&A Act.

This assessment has found that the environmental impacts of the project can be mitigated and or managed to ensure an acceptable level of performance.

It has also found that the proposal is consistent with the objectives of the State Plan, Metropolitan Strategy, and broader strategic planning being carried out for the area.

Finally, it has found that the proposal offers significant economic and social benefits to the Western Sydney region, as it would attract up to \$60 million worth of capital investment and create up to 300 jobs close to the homes within western Sydney.

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

7. RECOMMENDATION

It is RECOMMENDED that the Deputy Director-General:

- consider the findings and recommendations of this report;
- approve the project application, subject to conditions, under section 75J of the EP&A Act; and
- sign the attached concept plan approval (see Appendix C).



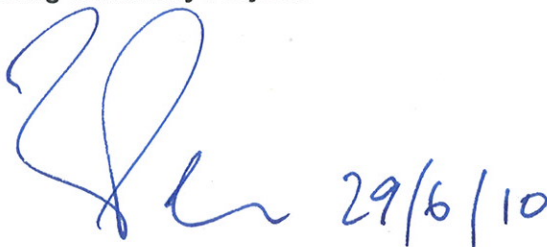
Chris Ritchie
**Manager - Industry
Mining & Industry Projects**

28/6/10



28.6.10

Chris Wilson
**Executive Director
Major Project Assessment**



Richard Pearson
Deputy Director-General DASP

APPENDIX A: SUMMARY OF CONDITIONS OF APPROVAL

Table A-1: Concept Plan Conditions of Approval

| Aspect | Condition | Requirement |
|-----------------------------------|-----------|---|
| Schedule 2 | | |
| General Terms of Approval | 1 | Defines permissible land uses. |
| Modifications to the Concept Plan | 2 | Details modifications to the concept plan including the requirement to: <ul style="list-style-type: none"> • submit a staging plan for the provision of all infrastructure for the project and likely timeframes; • revise the Minchinbury Employment Park Concept Plan Development Controls to include targets and objectives for minimising energy consumption, maximising energy efficiency and reducing greenhouse gas emissions; and • provide a Transport Management Accessibility Plan for Minchinbury Employment Park. |
| Limits on the Approval | 3 | Environmental limits, consistency of future development and timeframe for contributions. |
| Application Requirements | 8-11 | Details the requirements that must be addressed as part of future development/project applications within Minchinbury Employment Park for industrial buildings, water supply infrastructure, sewerage system, and ancillary development/facilities. |

APPENDIX B: CONCEPT PLAN LAYOUT



Figure 1: Illustrative Master Plan and Street Design

APPENDIX C: CONDITIONS OF CONCEPT APPROVAL

APPENDIX D: CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

State Environmental Planning Policy (Infrastructure) 2007

SEPP (Infrastructure) 2007 aims to ensure the RTA is made aware of and allowed to comment on projects for developments listed in Schedule 3 of the SEPP. Schedule 3 identifies development including industry with a site area of more than 20,000m², or any purpose with a capacity of 200 or more motor vehicles. The project therefore triggers the Infrastructure SEPP. The project was referred to the RTA for comment in accordance with the Infrastructure SEPP.

State Environmental Planning Policy (Western Sydney Employment Area) 2009

As discussed in Section 4.1, the proposal is consistent with the aims of the WSEA SEPP as it will assist in meeting the objectives of the Sydney Metropolitan Strategy, provide for new economic activity in Western Sydney and provide for efficient land use in the employment lands.

State Environmental Planning Policy No. 55 – Remediation of Land

The Department is satisfied that the land subject to the project application does not have a significant risk of contamination given its historical landuse and on site investigations. Additionally, the Department is satisfied that the proposal is generally consistent with the aims, objectives, and requirements of SEPP 55.

State Environmental Planning Policy No. 64 – Advertising and Signage

SEPP 64 aims to ensure signage is appropriately located and designed and to regulate signage within transport corridors. The Department has recommended conditions to ensure detailed signage plans are prepared in consultation with Blacktown City Council, and to the satisfaction of the Director-General.

Draft State Environmental Planning Policy No. 66 – Integration of Land Use and Transport

Draft SEPP 66 aims to ensure that urban structure, building forms, land use locations, development designs, subdivision and street layouts help achieve the following planning objectives:

- a) improving accessibility to housing, employment and services by walking, cycling and public transport,
- b) improving the choice of transport and reducing dependence solely on cars for travel purposes,
- c) moderating growth in demand for travel and distances travelled especially by car,
- d) supporting the efficient and viable operation of public transport services,
- e) providing for the efficient movement of freight.

The Department is satisfied the proposal is not contrary to the above objectives and considers that the project would help achieve the objectives of draft SEPP 66 by providing employment lands within proximity to residential areas in Western Sydney and major transport routes including the M4 and M7 motorways.

APPENDIX E: RESPONSES TO SUBMISSIONS & ADDITIONAL INFORMATION

APPENDIX F: SUBMISSIONS



File No: MC-09-1050

18 February 2010

Department of Planning
GPO Box 39
Sydney NSW 2001

Attention: Ms Felicity Greenway

Dear Madam,

**Re: Proposed Minchinbury Employment Park Project, Eastern Creek
Quarantine Station, H/N 60 Wallgrove Road, Minchinbury- Submission**

Reference is made to your letter dated 16 December 2009 and accompanying Environmental Assessment Report Dated 6 December 2009 prepared by Phillip Drew Consultants for the above cited development proposal that is currently before the Minister for consideration as a Major Project under Part 3A of the EP & A Act 1979 (as amended).

The submitted Environmental Assessment Report documentation was referred to Council's internal departments for review/comment as well as various heritage groups given the historical significance of the site.

As a result, a consolidated submission prepared by Council's Planning Department in this regard is set out below. Whilst Council does not object in principle to the redevelopment of the site, Council does raise concerns with certain aspects of the proposal. Council's issues which require further consideration in the lodgement of the formal Major Project Application to the Department are detailed in Attachment A.

In issuing any preliminary comments for this project, Council expects that each of the individual components of the development will be subject to further assessment. This is considered necessary as the standard of plans provided in this documentation is only conceptual in nature and lacking in sufficient detail/specifications.

Should you have any further enquiries concerning this matter, please do not hesitate to contact David Wong of Council's Development Services Unit on the number below, between 9 am and 12 noon.

Yours faithfully,

Glennys James
DIRECTOR CITY STRATEGY AND DEVELOPMENT

Council Chambers • 62 Flushcombe Road • Blacktown NSW 2148

Telephone: (02) 9839 6000 • **Facsimile:** (02) 9831-1961 • DX 8117 Blacktown

Email: council@blacktown.nsw.gov.au • **Website:** www.blacktown.nsw.gov.au

All correspondence to: The General Manager • PO Box 63 • Blacktown NSW 2148

APPENDIX A

1. Historical Matters

- (a) Given the historical significance of the site both as an Army Camp, migrant centre and quarantine station, that the naming of the street, estate etc have historical relevance.
- (b) Both Council and historical societies support the recommendation made by City Plan heritage in their report dated March, 2009, that the adaptation of the existing buildings that are not affected by contamination should be considered in future development of the site for industrial purposes.
- (c) A copy of the photographic archival recordings of the Eastern Creek Quarantine Station be given to the Mt Druitt Historical Society for exhibit at their office in the Manse at Mount Druitt.
- (d) That copies of photos of the historical uses of the site, any equipment or other European relics be donated to the Historical society for viewing at the Manse, Mt Druitt or a local museum or see (g) below.
- (e) Any entry statement or public art should represent the interpretation of the history of the site including a commemorative plaque outlining the key dates of the landuse.
- (f) Proposed perimeter fencing around OSD reserve and along the back of cemetery and subject land should be open style decorative palisade or pool type fencing 1.8m – 2.1m high to prevent graffiti and provide passive surveillance.
- (g) Retention of at least 1 building for displaying relics etc for public viewing.

2. Planning Issues

(a) Zoning

The entire precinct is zoned IN1 General Industrial under the SEPP (Western Sydney Employment Area) 2009. Any reference of the E2 Environmental Conservation zone, which still appears in some sections of the Concept Plan document, should be deleted.

(b) Concept Plan

In general, Strategic Planning Policy (SPP) supports the Concept Plan approach based on the urban design analysis undertaken by EDAW which considers the site to be developed in a manner that is consistent with Blacktown DCP 2006 (Part E) and Council's SEPP 59-Eastern Creek Precinct Plan (Stage 3) controls. However, the controls for stormwater, drainage and WSUD provisions should be based on Council's requirements outlined in its *Draft Integrated Water Cycle Management DCP* (a copy can be obtained from WRO/Investigation & Design).

(c) Master Plan Options & Urban Design Features

Council is supportive of the integrated master plan as proposed in terms of a functional land use hierarchy, a defined central / loop road, a range of lot sizes articulated to the loop road, appropriate landscape and setback arrangements, and an opportunity to create sustainable yet robust architectural built forms.

Council is concerned with the fact that the detention basins and associated open space areas would become part of private lots under community title as opposed to public reserve in 2 alternative master plan scenarios to accommodate medium to large lot subdivision/super lot subdivision. This concern relates to potential difficulties ensuring that these facilities are maintained on an ongoing basis as opposed to if these spaces were dedicated as public reserves.

(d) Proposed Controls in the Urban Design Guidelines

The majority of development controls in the urban design guidelines are either consistent with Part E of the Blacktown DCP 2006 and/or Eastern Creek (Stage 3) Employment Lands Precinct Plan or acceptable as proposed, except for a few provisions.

Council requests that the following provisions be reinstated as mandatory controls for the development of Minchinbury Employment Park:

- (i) *Car parking provision:* in accordance with Blacktown DCP 2006 and/or Eastern Creek (Stage 3) Employment Lands Precinct Plan (not RTA standards)
- (ii) *Private open space provision:* 5% of total GFA of office component or minimum 50 sq-m, whichever is greater, to a maximum area of 100 sq-m (in accordance with Eastern Creek (Stage 3) Employment Lands Precinct Plan).
- (iii) *Neighbourhood Centre provision:* in accordance with Eastern Creek (Stage 3) Employment Lands Precinct Plan.
- (iv) *Stormwater, Drainage & WSUD provision:* in accordance with Council's Draft Water Cycle Management DCP (details to be obtained from Council's Senior Engineer Design Drainage and/or Waterways Rehabilitation Officer).

(e) Proposed Orders

It is noted that further to the approval of the Concept Plan, the proponent has sought the determination that *no further DCP or Precinct Plan is required to be approved prior to the determination of a DA by a consent authority* despite the SEPP (WSEA) 2009 requiring the preparation of a DCP.

This is a concern as a consolidated controlling document in force is required to ensure the development is assessed and implemented according to the approved provisions. If the Urban Design Guidelines submitted as part of the Concept Plan is intended to become a controlling document, it has to be consolidated, incorporating all comments and relevant controls from other documents (as a post exhibition exercise) to be approved in conjunction with the Concept Plan.

(f) Development Control matters

- (i) The future industrial uses should be encouraging more than just warehousing, but rather manufacturing uses that can provide a better employment base.

- (ii) The Development Controls listed in Table 9: Comparison Development Controls are somewhat ambiguous. With respect to the last control (Car parking (ancillary office)) it is stated that the requirement is 1 space per 40m² GFA (where office exceeds 20% of warehouse GFA). No provision is made for offices less than 20% of warehouse which could still constitute significant floor space for offices, particularly for larger warehouses. It is recommended that the entire office floor space should generate a car parking provision of 1 space per 40 square metres irrespective of size of the office component which is consistent with the way in which carparking for office space is calculated under Blacktown Development Control Plan 2006 in Precinct Plans for the Eastern Creek Area.
- (iii) Table 9 also contains a section called "carparking forward of the building line) and indicates that for the Minchinbury Employment Park it is proposed to permit visitor carparking encroaching."

This is of concern as the front setback (or building line) is typically the only part of the site where a developer will provide landscaping. In most instances all other parts of the site are hardpaved. By allowing visitor parking to encroach the front setback will erode what will typically be the only area of landscaping on the respective sites. Council's strong preference is that the instrument not refer to visitor parking being permitted to occur within the front setback areas as this will become "from the developer's perspective" the standard practice and the 10m landscaped front setback in the plan will never be achieved. The issue of whether it is appropriate to permit any carparking encroachment should be left to Council's discretion as part of the DA assessment, but not be an option written into the instrument.
- (iv) The building height control under Table 9 is listed as being 15-20m. It is unclear as to whether this is a height range whereby all buildings must meet (ie. no building to be less than 15m?). If this is not the case, then the height limit should be shown as being 20m only.
- (v) Given that the subject development site abuts a very well landscaped cemetery to the north (Chinese garden plots), it is considered appropriate that the presentation to this garden be of high standard with dense landscaping to act as a backdrop to preserve the tranquil setting.
- (vi) Furthermore, to prevent the potential for the area between the rear of future industrial buildings and the boundary of the cemetery being used for activities that could be visually unattractive and a source of noise as viewed from the cemetery, and in order to ensure the integrity of the 10m landscaped buffer to the cemetery is maintained exclusively for this landscaped purpose, Council requests that a restriction pursuant to Section 88E be placed over this 10m setback to prevent the use of this setback area for industrial activities, storage and parking. This will assist developers when designing for these sites in what restrictions to plan for, it will give clarity to future purchasers of what Council's requirements are with respect to this setback area so they can buy with full knowledge and will better assist Council to enforce compliance to prevent unauthorised storage and industrial activities occurring within the 10m landscaped setback.
- (vii) The Concept plan should contain (especially in the absence of any Precinct Plan or Development Control Plan) more detailed guidelines to better guide to ensure a better design outcome. See points (i) to (xiv) below for examples of additional matters that need to be included as development controls.

- (viii) Signage (especially facing the GWH and Wallgrove Road). This to be restricted to business identification signage only and not product promotional or advertising signage.
- (ix) Frontages of building facing GWH and Wallgrove Road need to be high quality and feature glazed elements (offices), articulation mix of finishes such as alucobond, glazing must consist of 50% of masonry (not all colorbond / metal) and feature elements to prevent plain appearance.
- (x) No water tanks or pumproom structures to occur within the building lines to Wallgrove Road and GWH or where visible from a public place. All watertanks are to be painted in a mat, non reflective colour which blends in with the colour(s) of the main building for which it serves.
- (xi) Units next to the landscaped OSD area should have offices, windows orientated with an outlook over that area for passive surveillance.
- (xii) Each unit should include outdoor staff lunch area of minimum 20 square metres with dimensions not less than 3m in width on either ground level (not in the front setback) or in a balcony or terrace leading off an office area. Such area should be shaded by way of pergola, gazebo, shade sails or the like and shall include outdoor tables and bench seating as a minimum.
- (xiii) Provide landscaping details for each development site nominating the species, quantities and maintenance schedule to be provided for the developments.
- (xiv) Any fencing in the front setback shall be of open style palisade fences in a dark colour finish.

3. Traffic Issues

TMS (Traffic Management Services) has reviewed the Traffic Assessment and Parking Implications report prepared by Transport and Traffic Planning Associates and offer no objection in principle with the proposal. However, the following comments are made:

- (a) It is noted that the existing seagull type intersection at the Wallgrove Road with the site access will be upgraded to a traffic signal controlled intersection.
- (b) It is noted that the internal road layout of each of the options adopts the road width stipulated in Council's DCP for industrial collector and local road and would be designed to accommodate B-double vehicles.
- (c) Potential parking demand of the proposed development should be determined by application of the rate stipulated in Blacktown Council's Development Control Plan Part A Table 5.1 and/or Eastern Creek (Stage 3) Employment Lands Precinct Plan (not RTA standards).
- (d) If the internal road is dedicated to Council as a public road, such road must be built to Council's standards which include inspections by Council's Maintenance Section.

4. Stormwater Drainage

- (a) These comments relate to the report Water Sensitive Urban design Strategy – 60 Wallgrove Road, Minchinbury by EDAW / AECOM dated November 2009 and Chapters 4 to 8 of a report, provided without title or details.
- (b) It should be noted that hydrologic / hydraulic or water quality modelling was not provided to support this application. With regard to this Council cannot accept any proposals to place stormwater infrastructure under its care and control until any proposals are fully reviewed and approved. i.e. This assessment does not provide or imply any acceptance, by Council, of the proposed stormwater infrastructure.

- (c) The Water Sensitive Urban Design (WSUD) has been generally based on Council's requirements given in the Draft Integrated Water Cycle Management DCP although some parameters shown in the report are not those adopted by Council. Specific comments include:
- i. The WSUD report indicates that water quality treatment will be undertaken utilising two regional basins and some road side swales. Council's current requirements are that all treatment for private lots is undertaken on lot, with public property being treated in regional basins. This provides a more effective approach to WSUD and gives some equity to the community in the costs of WSUD. The landscape requirements for these developments will provide suitable locations for WSUD infrastructure. Road side swales are not a preferred treatment method due to the difficulties in maintaining them and providing adequate protection during development of the industrial precinct.
 - ii. The choice of a wetland for the north western basin cannot be assessed as modelling was not provided to indicate if there are sufficient base flows to ensure the viability of a wet basin.
 - iii. A Rainwater Harvesting Strategy needs to be provided to ensure that the release complies with Part 5 Clause 22 of the WSEA SEPP. This is mentioned in the Draft Statement of Commitments but no strategy has been provided.
 - iv. Stormwater Strategy Options 2 and 3 propose diverting flows from the eastern catchment to the western catchment. This is not generally accepted by Council and as modelling has not been provided it cannot be assessed. In regard to this Council has a concern about how this will impact flows to the local creek systems and will need to assess the modelling before further consideration can be given.
 - v. A detailed salinity study is required to ensure that Stormwater / WSUD infrastructure is not adversely affected. The report suggests that there is potential for salinity problems in the area but there has been no study to quantify this. Council requests that a salinity study be undertaken prior to any concept approval being issued.
- (d) The WSUD report discusses the use of On-site Detention for control of stormwater quantity. This terminology is generally used to describe on lot stormwater controls and would be more appropriately described as precinct or regional stormwater detention basins. This matter is raised to help avoid confusion once development of the precinct commences.
- (e) There is concern that some of the parameters shown in the report are inappropriate for modelling the stormwater detention basins and there is a high probability that the proposed basin has been undersized. This will possibly lead to a greater land requirement than is proposed in the report. This needs to be undertaken sooner rather than later as it could potentially affect the area suitable for built form.
- (f) Although this site is not shown affected by mainstream flooding no assessment has been made of the potential for local flooding and how these will be mitigated, particularly as the precinct covers 22 ha and will generate significant runoff in extreme storm events. As a minimum this should be undertaken to satisfy the requirements of Schedule 4, Clause 5 of WSEA SEPP.
- (g) A drainage easement will need to be created to protect any conduits/flowpaths that direct flows across the cemetery. Included with this, an assessment of the overland flowpath need to be made to ensure that flows greater than the pipe capacity do not have an adverse impact on downstream properties.

- (h) All stormwater / hydraulic modelling shall be provided to Council for assessment. All modelling parameters need to be approved by Council prior to final modelling. Council's approved MUSIC parameters can be provided upon request. Some of the modelling parameters in the report are not acceptable, particularly for the undeveloped condition.

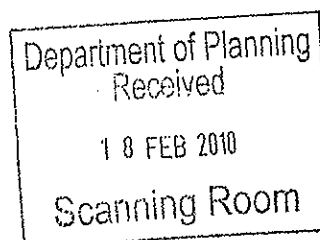
5. Other issues of concern

- a. Who will be responsible for the OSD basin and reserve maintenance – will it be dedicated to Council?
- b. Concern that the exhibition of the proposal has taken place during the Christmas School Holiday period when public consultation can be minimised. Was additional time given for exhibition as a result.

Your reference 9042128
Our reference: DOC09/60448, FIL09/4077
Contact: Richard Bonner, 9995 6833



Mr Chris Ritchie
Manager, Mining & Industry
Department of Planning
GPO Box 39
SYDNEY NSW 2001



Attention: Ms Felicity Greenway

Dear Sir/Madam

Re: Minchinbury Employment Park Project (09_0099) - Exhibition of Environmental Assessment

I refer to your 16 December 2009 letter seeking comments from the Department of Environment, Climate Change and Water (DECCW) on the Environmental Assessment (EA) prepared for the Minchinbury Employment Park Project (MEPP).

DECCW has reviewed the EA and provides the following comments:

Biodiversity

I note the Director-General's Requirements (DGRs) oblige the proponent to provide *'justification for the proposed site layout and access, and alternatives considered to minimise impacts'*. The DGRs also require the proponent to detail *'proposed offset measures to avoid and/or mitigate any significant impacts, including details of the provision and protection of land for conservation purposes'*.

The EAS details the location and condition of 5.1 ha of remnant vegetation comprising one Critically Endangered Ecological Community (EEC) and two EECs listed under the *Threatened Species Conservation Act 1995*.

In September 2009, DECCW advised the Department of Planning (DoP) that a proposal to protect and/or re-establish 4.05ha of these EEC's within an E2 zoned conservation area could not be supported given the loss of 3.52ha of EECs and concerns about the feasibility of successfully restoring around 2ha of EECs. DECCW recommended a reconfigured conservation area of around 6.8ha accompanied by a comprehensive vegetation management plan be considered. This proposal would conserve all remnant EECs nearest the western boundary of the MEPP and provide a more viable E2 zoned area for protecting biodiversity values by minimising the edge impacts of adjoining land uses. It would appear this proposal was assessed by the EA and rejected as it would *'not readily deliver a good conservation outcome'*.

The Department of Environment and Climate Change is now known as the Department of Environment, Climate Change and Water

Department of **Environment and Climate Change** NSW



Should it not be possible to establish an appropriate conservation area within the MEPP, DECCW suggested consideration be given to offsetting biodiversity losses offsite. I note a BioBanking assessment of the vegetation within the MEPP has been undertaken which is considered an objective methodology for determining the area and type of offsets. DECCW have commenced an assessment of the BioBanking Credit Report (BBCR) attached to the EA and are awaiting additional information from the proponent's environmental consultants, Cumberland Ecology, to assist in completing this process. DECCW's assessment of the BBCR will be provided to you as soon as possible. Whatever the outcome of this assessment, DECCW supports determination of the MEPP subject to a commitment to retire the agreed number and type of biodiversity credits to DECCW's satisfaction. No vegetation should be cleared on-site until this commitment has been fulfilled.


Aboriginal Cultural heritage

DECCW requires removal of the following sentence within draft commitment 14 in relation to the Aboriginal Heritage Management Strategy: *'The strategy shall be submitted to the NSW National Parks and Wildlife Service for approval'*.

DECCW should not be named as an approval body within a Statement of Commitments for any project assessed under Part 3A of the *Environmental Planning and Assessment Act 1979* unless DoP has expressly been requested by DECCW to do so.

If you have any queries regarding this matter please contact Richard Bonner on 9995 6833.

Yours sincerely

 15/2/10

LOU EWINS
Manager Planning and Aboriginal Heritage
Metropolitan Branch
Environment Protection and Regulation

Felicity Greenway - ENL1227 - Minchinbury Employment Park Project (09_0009)

From: "David Ho" <David.Ho@integral.com.au>
To: "Felicity Greenway" <felicity.greenway@planning.nsw.gov.au>
Date: 15/02/2010 10:24 AM
Subject: ENL1227 - Minchinbury Employment Park Project (09_0009)

Dear Felicity,

Thank you for your enquiry regarding the electricity supply to above proposed industrial/commercial development. This enquiry has been registered under our reference number – ENL1227, please quote this number for all future correspondence.

In reply to your letter (reference: 9042128), Integral Energy would confirm that this development will be supplied from our North Eastern Creek Zone Substation which is expected to be commissioned in 2012. A more definitive analysis of the site demand and electrical infrastructure requirements for this development can be made once detailed development plans and timings are made available to IE.

In addition, we have no further comment on the environmental assessment of this development.

If you have any questions regarding this matter, please contact me.

Regards,
David

**David Ho | Contestable Project Manager - North
Network Connections | INTEGRAL ENERGY**
david.ho@integral.com.au | 51 Huntingwood Drive, Huntingwood NSW 2148
PH 02 9853 6680 | FAX 02 9853 6036

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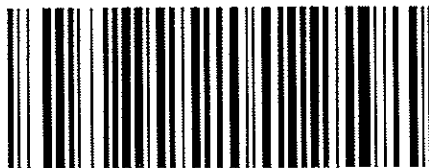
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Our Reference:
Your Reference:
Contact:
Telephone

RDC 09M675 Vol 3 – SYD09/00378
MP09_0099
Andrew Popoff
8849 2180

SRDAC



PCU002174

Manager
Mining & Industry
Department of Planning
GPO Box 39
Sydney NSW 2001

**SYDNEY
REGIONAL
DEVELOPMENT
ADVISORY
COMMITTEE**

Attention: Felicity Greenway

PROPOSED MINCHINBURY EMPLOYMENT PARK (MP09_0099).

Dear Sir/Madam,

Department of Planning
Received
25 JAN 2010
Scanning Room

I refer to the Department's letter of 16 December 2009 (Ref: MP 09_0099), concerning the above mentioned Development Application referral to the Roads and Traffic Authority (RTA) for comment in accordance with *Clause 104* and Column 2 of Schedule 3 of *State Environmental Planning Policy (Infrastructure) 2007*. I wish to advise that the Sydney Regional Development Advisory Committee (SRDAC) considered the traffic impact of this application at its meeting on the 13 January 2010.

Below are the Committee's recommendations and RTA's comments on the subject application:

1. The RTA requires the developer to model the "southern" signalised intersection of Wallgrove Road / M4 Interchange Ramps. The files / results of such traffic modelling must be submitted to the RTA for further review and comment prior to the determination of the application.
2. In accordance with the draft statement of commitments the developer / landowner will be required to enter into a future planning agreement (VPA) with the Minister for Planning for appropriate contribution towards upgrading of relevant state funded transport infrastructure and that the level of funding / VPA is to be agreed to prior to the release of the first subdivision certificate or occupation certificate (whichever occurs first).
3. In accordance with the draft statement of commitments current / future developers will be required to provide the following facilities to encourage alternative modes of transport.
 - Obtain approval from relevant authorities (RTA and Council) and construct a shared pedestrian/cycleway from the intersection of the Great Western Highway to the site along Wallgrove Road (western side) – or other links agreed to between the developer and those authorities.
 - Negotiate with Busways, RTA, and Blacktown City Council to construct bus stops on both sides of Wallgrove Road near the site entry that can be accessed by the existing bus service that passes the site.

The scope and timing of such works must be satisfactorily resolved between the developer(s) and the respective agencies prior to the release of the first subdivision certificate or occupation certificate (whichever occurs first).

4. To accommodate the future development traffic at the intersection of Wallgrove Road / Quarantine Site Access the developer will be required to signalise the intersection and provide the following changes.
 - Lengthen the existing right turn bay in Wallgrove Road to provide 130m of storage.
 - Provide for a dual right turn facility out of the Quarantine Site Access (with the second right turn lane providing at least 70m of storage).

The signals are to be operational prior to the occupation of the first new building on the site.

5. A detailed review of the operational performance of the intersection of Great Western Highway / Wallgrove Road / Rooty Hill Road has indicated that the existing dual right turn facility along the Great Western Highway for movements turning into Wallgrove Road will overflow into the eastbound through traffic lanes along the Great Western Highway as a result of the Minchinbury Employment Park traffic. This will result in eastbound traffic being restricted to one lane and cause significant delays along the Great Western Highway.

Therefore to address this concern, the applicant will be required to lengthen the storage of the existing (eastbound) dual right turn facility along the Great Western Highway to provide two right turn lanes (each) with 275m of storage.

These works must be provided prior to the issue of the occupation of the first new building on the site.

6. The proposed access road is to be designed and constructed to Council's standards and be appropriately designed to accommodate turning movements associated with semi trailers and b-doubles.
7. Car parking provision to the Department of Planning's satisfaction. However, to reduce the reliance upon the motor vehicle and to promote the use of other modes of transport, the Department may wish to consider recommending the use of RTA rates for car parking.
8. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council and the RTA, for approval, prior to the issue of a construction certificate.
9. The proposed signalisation / civil works at Wallgrove Road / Quarantine Site Access (including Bus Stops) coupled with the increased storage to the eastbound dual right turn facility at Great Western Highway / Wallgrove Road / Rooty Hill Road shall be designed to meet RTA's requirements, and endorsed by a suitably qualified and chartered Engineer (i.e. who is registered with the Institute of Engineers, Australia). The design requirements shall be in accordance with the RTA's Road Design Guide and other Australian Codes of Practice. The certified copies of the civil / signal design plans shall be submitted to the RTA for consideration and approval prior to the commencement of road works.

The RTA fees for administration, plan checking, civil / signal works inspections and project management shall be paid by the developer prior to the commencement of works.

The developer may be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. Please note that the Works Authorisation Deed (WAD) will need to be executed prior to the RTA's assessment of the detailed civil / signal design plans.

10. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.

11. All works / regulatory signposting associated with the proposed development are to be carried out at no cost to the RTA.

In accordance with Clause 104 (4) of State Environmental Planning Policy (Infrastructure) 2007, it is essential that a copy of the Department's determination on the proposal (conditions of consent if approved) is forwarded to the RTA at the same time it is sent to the developer.

Any further enquiries in relation to this matter can be directed to nominated A / Senior Landuse Planner, Andrew Popoff on telephone (02) 8849 2180 or facsimile (02) 8849 2918.

Yours sincerely,



Ken Moon
Chairman, Sydney Regional Development Advisory Committee

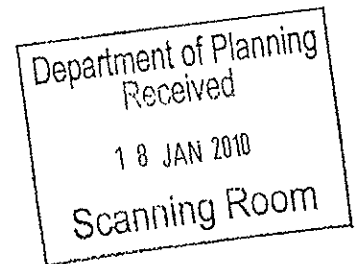
19 January 2010

13 January 2010



WATER

Chris Ritchie
Department of Planning
GPO Box 39
Sydney NSW 2001



Attention: Felicity Greenway

Dear Mr Ritchie,

Re: Minchinbury Employment Park Project MP09_0099

Thank you for your letter of 16 December 2009 regarding the exhibition of environmental assessment for the Minchinbury Employment Park Project MP09_0099. Sydney Water has reviewed the proposal and provides the following comments for the Department's consideration.

Sydney Water Servicing

Bulk water will be supplied from the Minchinbury Reservoir Zone, however a link main to supply water for the proposed redevelopment will be required. The development is fronting a 250mm water main in Wallgrove Road, however this main is not available to service the proposed development. A new main from the 375mm main in the Great Western Highway will be required to service the development.

The development is currently served by a 150mm main located within the north-west boundary of the property. This 150mm sewer main does not comply with the Sewerage Code of Australia (Sydney Water Edition – WSA 02-2002) requirement for minimum sized mains for the scope of this development. A system study should be conducted to confirm servicing arrangements when the sewerage demands are identified. This study should identify whether the development will need:

- A new 225mm sewer draining to Sewage Pumping Station No.395 and additionally amplification of Sewage Pumping Station No.395
- A new Sewage Pumping Station for the development
- A gravity connection to the sewer submain east of the motorway

No recycled water servicing strategy was developed for the site, however Sydney Water would encourage onsite stormwater reuse and any strategy to minimise potable water consumption.

Sydney Water will further assess the impact of the development when the proponent applies for a Section 73 Certificate. This assessment will enable Sydney Water to specify any works required as a result of the development and to assess if amplification and/or changes to the system are applicable. Sydney Water requests the Department continue to instruct proponents to obtain a Section 73 Certificate from Sydney Water.

The proponent must fund any adjustments needed to Sydney Water infrastructure as a result of any development. The proponent should engage a Water Servicing Coordinator to get a Section 73 Certificate and manage the servicing aspects of the development. Details are available from

any Sydney Water Customer Centre on 13 20 92 or Sydney Water's website at www.sydneywater.com.au.

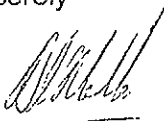
Sydney Water e-planning

Sydney Water has created a new email address for planning authorities to use to submit statutory or strategic planning documents for review. This email address is urbangrowth@sydneywater.com.au. The use of this email will help Sydney Water provide advice on planning projects faster, in line with current planning reforms. It will also reduce the amount of printed material being produced. This email should be used for:

- Section 62 consultations under the *Environmental Planning and Assessment Act 1979*
- consultations where Sydney Water is an adjoining land owner to a proposed development
- Major Project applications under Part 3A of the *Environmental Planning and Assessment Act 1979*
- consultations and referrals required under any Environmental Planning Instrument
- draft LEPs, SEPPs or other planning controls, such as DCPs
- any proposed development or rezoning within a 400m radius of a Sydney Water Sewage Treatment Plant
- any proposed planning reforms or other general planning or development inquiries

If you require any further information, please contact Alexandra Plumb of the Urban Growth Branch on 02 8849 6066 or e-mail alexandra.plumb@sydneywater.com.au

Yours sincerely



Adrian Miller
Manager Urban Growth Strategy and Procurement

Haley Rich - Project Application Number 09_0099

From: Deidre Sawyer <dsawyer65@hotmail.com>
To: <plan_comment@planning.nsw.gov.au>
Date: 15/02/2010 11:34 PM
Subject: Project Application Number 09_0099

Deidre Sawyer
56 Eskdale Street
Minchinbury NSW 2770

Re: Project Application Number 09_0099

Dear Department of Planning,

I am sending this email because **I OBJECT** to the proposal.

My objection is mainly related to the hours of operation. To have an industrial employment park that operates 24/7 so close to a residential area is just not on! The noise carries quite a distance.

There is already enough noise from the highway & motorways not to mention the noise from the Wonderland Industrial area & the Eastern Creek Dragway. When the Wonderland Theme Park was operating, the rides (plus the screaming from the people on them) could be heard quite easily. And now, the noise from trucks braking as they enter & leave is just as audible. Also, when the drag races are on at Eastern Creek the noise from the engines is considerably loud. On top of all this there is the motorway & highway traffic noise (with trucks braking for the traffic lights at Fleurs Street quite regularly too).

Although all of these noises are generally heard throughout the day, they can also be heard into the night. I want to have at least some time of relative quiet to be able to try to get some sleep.

While I'm not necessarily against the concept of the Employment Park, I am definitely against the 24/7 operation. Surely, we can have some quiet time between 10pm and 7am of a night. (I believe this is in accordance with council's residential noise regulations anyway.)

Yours sincerely,

Deidre Sawyer.

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Our Reference:
Your Reference:
Contact:
Telephone

RDC 09M675 Vol 3a – SYD09/00378
MP09_0099
Andrew Popoff
8849 2180

Manager
Mining & Industry
Department of Planning
GPO Box 39
Sydney NSW 2001

Attention: Felicity Greenway / Haley Rich

PROPOSED MINCHINBURY EMPLOYMENT PARK (MP09_0099).

Dear Sir/Madam,

I refer to the Department's email of 17 March 2010 (Ref: MP 09_0099), which included responses to submissions from Planning Logic and an amended Draft Statement of Commitments. On the 3 March 2010 the applicant's Traffic Consultant also emailed to the RTA detailed traffic modelling as requested within Point No 1 of the SRDAC's response dated 19 January 2010 (Ref: RDC 09M675 Vol 3).

The RTA has reviewed the submitted material and provides the following amended comments for the Department's consideration in the determination of the application:

The SRDAC's response dated 19 January 2010 (Ref: RDC 09M675 Vol 3) should be superseded and replaced with this response.

The submitted traffic modelling demonstrated that the "southern" signalised intersection of Wallgrove Road / M4 Interchange Ramps would continue to operate at a reasonable Level of Service even with the development traffic. Therefore, the RTA's concerns on this matter have been satisfactorily addressed.

No objections are raised to the amended Draft Statement of Commitments.

In addition, the following conditions listed below continue to remain applicable:

1. In accordance with the draft statement of commitments the developer / landowner will be required to enter into a future planning agreement (VPA) with the Minister for Planning for appropriate contribution towards upgrading of relevant state funded transport infrastructure and that the level of funding / VPA is to be agreed to prior to the release of the first subdivision certificate or occupation certificate (whichever occurs first).
2. In accordance with the draft statement of commitments current / future developers will be required to provide the following facilities to encourage alternative modes of transport.

Roads and Traffic Authority

27-31 Argyle Street Parramatta NSW 2150
PO Box 973 Parramatta CBD NSW 2150 DX28555 Parramatta
www.rta.nsw.gov.au | 13 17 82

- Obtain approval from relevant authorities (RTA and Council) and construct a shared pedestrian/cycleway from the intersection of the Great Western Highway to the site along Wallgrove Road (western side) – or other links agreed to between the developer and those authorities.
- Negotiate with Busways, RTA, and Blacktown City Council to construct bus stops on both sides of Wallgrove Road near the site entry that can be accessed by the existing bus service that passes the site.

The scope and timing of such works must be satisfactorily resolved between the developer(s) and the respective agencies prior to the release of the first subdivision certificate or occupation certificate (whichever occurs first).

3. To accommodate the future development traffic at the intersection of Wallgrove Road / Quarantine Site Access the developer will be required to signalise the intersection and provide the following changes.
 - Lengthen the existing right turn bay in Wallgrove Road to provide 130m of storage.
 - Provide for a dual right turn facility out of the Quarantine Site Access (with the second right turn lane providing at least 70m of storage).

The signals are to be operational prior to the occupation of the first new building on the site.

4. A detailed review of the operational performance of the intersection of Great Western Highway / Wallgrove Road / Rooty Hill Road has indicated that the existing dual right turn facility along the Great Western Highway for movements turning into Wallgrove Road will overflow into the eastbound through traffic lanes along the Great Western Highway as a result of the Minchinbury Employment Park traffic. This will result in eastbound traffic being restricted to one lane and cause significant delays along the Great Western Highway.

Therefore to address this concern, the applicant will be required to lengthen the storage of the existing (eastbound) dual right turn facility along the Great Western Highway to provide two right turn lanes (each) with 275m of storage.

These works must be provided prior to the issue of the occupation of the first new building on the site.

5. The proposed access road is to be designed and constructed to Council's standards and be appropriately designed to accommodate turning movements associated with semi trailers and b-doubles.
6. Car parking provision to the Department of Planning's satisfaction. However, to reduce the reliance upon the motor vehicle and to promote the use of other modes of transport, the Department may wish to consider recommending the use of RTA rates for car parking.
7. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council and the RTA, for approval, prior to the issue of a construction certificate.

8. The proposed signalisation / civil works at Wallgrove Road / Quarantine Site Access (including Bus Stops) coupled with the increased storage to the eastbound dual right turn facility at Great Western Highway / Wallgrove Road / Rooty Hill Road shall be designed to meet RTA's requirements, and endorsed by a suitably qualified and chartered Engineer (i.e. who is registered with the Institute of Engineers, Australia). The design requirements shall be in accordance with the RTA's Road Design Guide and other Australian Codes of Practice. The certified copies of the civil / signal design plans shall be submitted to the RTA for consideration and approval prior to the commencement of road works.

The RTA fees for administration, plan checking, civil / signal works inspections and project management shall be paid by the developer prior to the commencement of works.

The developer may be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. Please note that the Works Authorisation Deed (WAD) will need to be executed prior to the RTA's assessment of the detailed civil / signal design plans.

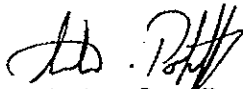
9. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.

10. All works / regulatory signposting associated with the proposed development are to be carried out at no cost to the RTA.

In accordance with Clause 104 (4) of State Environmental Planning Policy (Infrastructure) 2007, it is essential that a copy of the Department's determination on the proposal (conditions of consent if approved) is forwarded to the RTA at the same time it is sent to the developer.

Any further enquiries in relation to this matter can be directed to the undersigned on telephone (02) 8849 2180 or facsimile (02) 8849 2918.

Yours sincerely,



Andrew Popoff
A / Senior Landuse Planner
Transport Planning, Sydney Region

26 March 2010

Western Sydney Conservation Alliance Inc.

Saving our Natural Heritage

16 February 2010
Tel: (02) 9621 2105

Major Development Assessment
Dept of Planning
GPO Box 39
SYDNEY NSW 2001

**60 Wallgrove Road (Lot 1 in DP 1040948)
former Eastern Creek Quarantine Station, Minchinbury
Application No. 09 0099**

Western Sydney Conservation Alliance Inc herewith lodges objection to the proposed wholesale destruction of stands of "Endangered" and "Critically Endangered" Ecological Communities on the subject site.

The flora & fauna survey completed as part of the environmental assessment clearly identifies the existence of these ecological communities on site but offers no argument for protection of them. The flora & fauna consultant thus delivers all the proponent wanted (and paid for) to endorse destruction of the stands of native vegetation. Further, in discussing government guidelines for offsetting and biobanking the consultant consigns it all into the "too hard basket."

The mentality prevailing in degenerate government policy is that 'development' overrides every other value. Thus, we find developers and the building industry as drivers of the economy and immigration policy. All this comes at cost to natural heritage, biodiversity and quality of life for citizens of Australia.

In such a climate, ecological communities which sustained the environment of what is Western Sydney have been reduced to such an extent that they have been listed as Endangered or, in the case of Cumberland Plain Woodland, now listed as Critically Endangered under the Threatened Species Conservation Act of NSW and under the Environment Protection and Biodiversity Conservation Act of the Commonwealth while Shale Gravel Transition Forest is listed as Critically Endangered under the latter. Further, according to the flora & fauna survey, the native vegetation on site is an active source of foraging for listed species of fauna.

The proposal before your office seeks continuation of destructive practices with no meritable environmental consideration. If there is anyone with integrity, any honesty, any regard for environmental protection in the NSW Dept of Planning this development proposal, in its present form will be rejected.

Western Sydney Conservation Alliance Inc opposes the proposed destruction. If your office is such a captive of the development lobby that you want to allow this destruction then an offset proposal which does compromise the DECCW guidelines must be pursued. Western Sydney Conservation Alliance Inc can offer advice in this regard but our first preference is conservation of existing biodiversity values on site.

Yours respectfully,
Wayne Olling
Vice-President

P.O. BOX 4134 WERRINGTON NSW 2747

Haley Rich - Fw: Eastern Creek Quarantine Station 09 0099

From: "wayne oling" <w.olling@optusnet.com.au>
To: <plan_comment@planning.nsw.gov.au>
Date: 16/02/2010 8:10 PM
Subject: Fw: Eastern Creek Quarantine Station 09 0099
Attachments: WSCA - Quarantine Station sub.doc

Major Development Assessment,

Further to the WSCA submission lodged earlier today I should have added the following comment by the NSW Scientific Committee when advising me of the decision last December to declare Cumberland Plain Woodland to be Critically Endangered.

The Committee said: "In its final determination, the NSW Scientific Committee considered all remnants containing the necessary characteristic species to be part of the community and did not establish any condition thresholds."

What the Committee is saying is that development proponents cannot diminish the representation status of a stand of Cumberland Plain Woodland by asserting poor quality etc. The subject site contains 4ha of Cumberland Plain Woodland which represents 1% of the estimated 400ha of Cumberland Plain Woodland lost since the ecological community was first listed as Endangered in 1997 and which prompted the NSW Scientific Committee and the Commonwealth Government to declare the ecological community Critically Endangered in late 2009.

Continued assent to destruction such as the proponent seeks at Eastern Creek is untenable.

I trust you will include these comments with my submission despite my forwarding the comments after the deadline.

Yours respectfully,
Wayne Oling
Vice-President
WSCA

----- Original Message -----

From: wayne oling
To: plan_comment@planning.nsw.gov.au
Sent: Tuesday, February 16, 2010 3:42 PM
Subject: Eastern Creek Quarantine Station 09 0099

Major Development Assessment,

Attached please find the submission of WSCA on the subject matter.

Yours respectfully,
Wayne Oling
Vice-President
WSCA