

ASSESSMENT REPORT

DEVELOPMENT APPLICATION (DA 264-09-01) FOR THE PROPOSED REDEVELOPMENT OF THE YENNORA DISTRIBUTION CENTRE IN THE HOLROYD LOCAL GOVERNMENT AREA

File No: S01/00907

Please note that the figures referred to in the report do not appear in this electronic version. To view copies, please contact David Kitto on 02 9762 8162.

1. SUMMARY

The Stockland Trust Group, (the Applicant) is proposing to redevelop and use the Yennora Distribution Park for storing, handling, and distributing general merchandise.

On 27 September 2001, the Applicant submitted a Development Application for the proposal to the Department. This DA includes:

- A Masterplan setting out the long term development plans for the site; and
- Detailed plans for selected works on the site, including two new buildings on the western side of the site, and a new building on the eastern side of the site.

These plans would be implemented in stages, depending on the demand for new facilities, and are expected to cost about \$40 million to implement, employ 300 additional people, and increase the gross floor area of the site by about 1,000m².

Under the *Environmental Planning and Assessment Act 1979*, the proposal is classified as State Significant and Integrated Development.

The Minister is the consent authority for the DA, which requires additional approvals from the Department of Land and Water Conservation (DLWC) under the *Rivers and Foreshores Improvement Act 1948*, and Holroyd Council under the *Roads Act 1993*.

Between 3 October 2001 and 7 November 2001, the Department exhibited the DA in accordance with the requirements for public consultation in Division 6 of part 6 of the *Environmental Planning and Assessment Regulation 2000* (the Regulation).

During the exhibition period, the Department received 24 submissions on the DA: 4 from public authorities (Holroyd Council, the Sydney Regional Development Advisory Committee, the Department of Transport, and the National Parks and Wildlife Service), and 20 from the general public.

None of the public authorities objected to the proposal, but they did raise a number of concerns about the potential traffic, noise, fire safety, flora and fauna, stormwater management, and landscaping impacts of the proposal.

Most of the submissions (17) from the general public objected to the proposal. These submissions generally raised concerns about the potential traffic, noise, and visual impacts of the proposal; and in particular, they objected strongly to the proposed 24 hour operations, saying this would reduce the quality of life in the surrounding area.

Holroyd Council and the Department of Land and Water Conservation have provided their General Terms of Approval for the proposal.

Despite raising concerns about several aspects of the proposal, Holroyd Council has endorsed the proposed conditions of consent.

The Department has assessed the DA and the submissions on the DA, and recommends that the Minister approve the DA subject to conditions.

2. PROPOSED SITE AND SURROUNDING LAND USE

The Yennora Distribution Park is located at 14-54 Dennistoun Avenue, Yennora in the Holroyd Local Government Area (see Figure 1), and forms part of the larger Smithfield-Yennora Industrial Area.

The site covers 68 hectares, and occupies the bulk of the block bounded by Loftus Road, Boola Avenue/Military Road, Byron Road, Dennistoun Avenue, Fairfield Road, Dursley Road, and Pine Road. However, the western side of the block is occupied by a Woolworths warehouse, and the south-eastern corner is occupied by the Australian Wool Testing Authority.

To the south and west, the site is generally surrounded by industrial development; while to the north and east, it is generally surrounded by residential development.

Figure 1: The Yennora Distribution Park

The site is divided into two major portions by the railway siding, which enters the site via a level crossing on Boola Avenue/Military Road on the south-eastern corner of the site. This siding then splits into two sidings running parallel to one another, with the one siding running close to the southern boundary of the site and the other – the main siding – running to the south of the larger buildings on the site.

There are currently six buildings on the site, three to the north of the main siding and three to the south.

The largest building, Building 1, which comprises the Woolstore and associated offices, has a total floor area of 182,900m², and is located to the north of the main railway siding. Buildings 2 & 3 lie to the west of Building 1, and have total floor areas of 43,400m² and 9,200m² respectively.

Buildings 4,5 & 6 are located to the south of the main siding, and have total floor areas of 14,400m², 13,000m², and 17,700m² respectively.

Development on the site is regulated by a range of development consents that have been issued by Holroyd City Council between the 1960's and 2000. However, Building 1 is used primarily for wool storage, and the remaining buildings are generally used for storing, handling, and distributing general merchandise.

The eastern and western edges of the site are currently undeveloped and cover about 17 hectares of the site, about 4.5 hectares of which contains remnant bushland.

There are currently 3 entrances to the site. The main entrance is on Loftus Road, which is used by both heavy and light vehicles. Then there is the Dennistoun Avenue entrance, which is used only by light vehicles; and finally, the Byron Road entrance, which is used by heavy and light vehicles, but is currently only available between 6am and 6pm Monday to Friday.

The main access routes to the site are via Fairfield Road, Pine Road and, to a lesser extent, Fowler Road.

3. THE PROPOSED DEVELOPMENT

The Applicant is proposing to redevelop and use the Yennora Distribution Park for storing, handling, and distributing general merchandise. This proposal would cost about \$40 million to implement and employ 300 additional people on the site.

The DA includes:

- A Masterplan setting out the long term development plans for the site; and
- Detailed plans for selected works in each of the three precincts on the site: the central, western, and eastern precincts.

The **Masterplan** (see Figure 2) includes proposals to:

- Construct five new buildings on the site: Buildings 7, 8A, 8B, 9, and the new communal facilities facility;
- Divide and alter Buildings 1 & 2;
- Construct new internal roads, parking, and container and general storage areas;
- Upgrade the existing stormwater management system;
- Construct 3 new acoustic walls on the site;
- Construct a new entrance to the site off Byron Road for light vehicles;
- Upgrade the appearance of the existing entrance;
- Provide additional landscaping on the site; and
- Use the site 24 hours a day, 7 days a week to store, handle, and distribute general merchandise.

Figure 2: The Yennora Distribution Park Masterplan

The detailed plans for the **Central Precinct** (see Figure 3) include proposals to:

- Subdivide Building 1 (178,000m²) into Buildings 1 and 1B;
- Subdivide Building 1B (82,000m²) into up to 8 separate warehouses;
- Raise the roof of Building 1B to 11.5 metres to the ridge;
- Remove part of the southern end of Building 1B;
- Upgrade and expand the hard stand storage area to the south of Building 1, adjacent to the railway siding;
- Carry out ancillary drainage works;
- Construct an acoustic wall along the Dennistoun Avenue frontage of the site;
- Upgrade the appearance of the existing entrance on Dennistoun Avenue; and
- Provide additional landscaping.

Figure 3: The Detailed Plans for the Central Precinct

The detailed plans for the **Western Precinct** (see Figure 4) include proposals to:

- Construct two new buildings: Buildings 8A & 8B;
- Construct internal roads, parking, and additional container and general storage areas;
- Construct a new acoustic wall along the western edge of the site;
- Upgrade the appearance of the existing entrance on Loftus Road;
- Upgrade the existing stormwater management system, including the provision of a new on-site detention basin; and
- Protect and regenerate the remnant bushland on the north-western corner of the site.

Figure 4: The Detailed Plans for the Western Precinct

The detailed plans for the **Eastern Precinct** (see Figure 5) include proposals to:

- Construct one new building: Building 7;
- Construct a new acoustic wall to the north west of Building 7;
- Construct internal roads, parking, and a truck marshalling area;
- Construct a new entrance for light vehicles off Byron Road;
- Upgrade the appearance of the existing entrance on Byron Road;
- Provide additional landscaping;
- Upgrade the existing stormwater system, including the provision of a new on-site detention basin; and
- Protect and regenerate the remnant bushland on the north-eastern corner of the site.

Figure 5: The Detailed Plans for the Eastern Precinct

4. STATUTORY PLANNING FRAMEWORK

Permissibility

The site is zoned 4(a) General Industrial under *the Holroyd Local Environmental Plan 1991*. The proposal is permissible with development consent in the zone.

State Significant Development

On 12 June 2001, the Minister declared all development on the site (except for minor alterations and additions to existing development) to be State Significant Development, under Section 76A(7)(b) of the Act.

Consequently, the Minister is the consent authority for the DA.

Integrated Development

The proposal requires additional approvals from:

- The Department of Land and Water Conservation (DLWC) under the *Rivers and Foreshores Improvement Act 1948*; and
- Holroyd City Council under the *Roads Act 1993*.

Consequently, it is classified as Integrated Development under Section 91 of the Act.

Non-Designated Development

Under Schedule 3 of the Regulation, railway freight terminals (including any associated spur lines, freight handling facilities, truck or container loading or unloading facilities, container storage, packaging or repackaging facilities) are classified as Designated Development if they:

- (a) *Involve more than 250 truck movements per day, or*
- (b) *Involve the clearing of more than 20 hectares of native vegetation, or*
- (c) *Are located:*
 - (i) *within 40 metres of a natural water body, wetland or environmentally sensitive area, or*
 - (ii) *within 500 metres of a residential zone or dwelling not associated with the development and, in the opinion of the consent authority, having regard to topography and local meteorological conditions, are likely to significantly affect the amenity of the neighbourhood by reason of noise, odour, dust, lights, traffic or waste.*

The existing development can be characterised as a railway freight terminal that generates more than 250 truck movements a day within 500 metres of a residential zone, and is therefore classified as Designated Development.

Consequently, the proposal should be classified as an alteration and addition to an existing Designated Development.

Under Clause 35 of Part 2 of Schedule 3 of the Regulation, alterations or additions to existing development would not be classified as Designated Development if:

In the opinion of the consent authority, the alterations or additions do not significantly increase the environmental impacts of the total development (that is the development together with the additions or alterations) compared with the existing or approved development.

In forming an opinion on whether or not a development is Designated Development, a consent authority is required to consider:

- (a) *the impact of the existing development having regard to factors including:*
 - (i) *previous environmental management performance, including compliance with the conditions of any consents, licences, leases or authorisations by a public authority and compliance with any relevant codes of practice, and*
 - (ii) *rehabilitation or restoration of any disturbed land, and*
 - (iii) *the number and nature of all past changes and their cumulative effects, and*
- (b) *the likely impact of the proposed alterations or additions having regard to factors including:*
 - (i) *the scale, character or nature of the proposal in relation to the development, and*
 - (ii) *the existing vegetation, air, noise and water quality, scenic character and special features of the land on which the development is or is to be carried out and the surrounding locality, and*
 - (iii) *the degree to which the potential environmental impacts can be predicted with adequate certainty, and*
 - (iv) *the capacity of the receiving environment to accommodate changes in environmental impacts, and*

- (c) *any proposals:*
- (i) *to mitigate the environmental impacts and manage any residual risk, and*
 - (ii) *to facilitate compliance with relevant standards, codes of practice or guidelines published by the Department or other public authorities.'*

In its submission on the DA, Holroyd Council argues that the proposal should be classified as Designated Development because it would:

- Generate 850 additional truck movements a day, which is “well over the threshold for traffic generation for a *railway freight terminal* and is certainly not an incremental increase”; and
- Significantly increase the noise impacts of the existing development, even with the proposed mitigation measures.

After reviewing the Statement of Environmental Effects for the proposal, the Department does not agree with Council’s assessment.

From a close reading of Council’s submission, it would appear as if Council has focused primarily on comparing the proposed truck movements of the proposal with the criteria in Schedule 3 of the Regulation, **rather than focussing on the potential impacts associated with proposed increase of truck movements.** The traffic assessment of the proposal (see Section 6 for a more detailed discussion) clearly demonstrates that the proposal would have a negligible impact on the performance of the surrounding road network and its intersections.

In addition, although Council suggests the proposal would generate significant noise impacts even with the proposed mitigation measures, it does not produce any new evidence to support this claim. Alternatively, the Department commissioned Renzo Tonin to conduct an independent review of the noise impact assessment of the proposal, which was prepared by Atkins Acoustics. This independent review agreed with the general conclusions in the Atkins Acoustics assessment report, that with good noise management, the proposal would comply with all the relevant noise criteria (See Section 6 for a more detailed discussion).

In general, the Department is satisfied that the existing development does not generate any significant environmental impacts, and that the environmental performance of the development has been reasonably good since the Applicant bought the site. Following a thorough assessment of the proposal (see Section 6), it is also satisfied that the:

- Scale of the proposed alterations is relatively minor (even if the site would be used more intensively);
- Potential impacts of the proposal can be predicted with some certainty as they would be similar to the existing impacts;
- Receiving environment can accommodate these proposed alterations; and that the
- Potential impacts associated with these proposed alterations and additions can be either mitigated or managed.

Consequently, it believes the Minister should determine that the proposed alterations and additions would not significantly increase the environmental impacts of the total development (that is the development together with the additions or alterations) compared with the existing or approved development, and would therefore not be classified as Designated Development.

Relevant Planning Instruments/Policies

The following planning instruments are relevant to the proposal:

- *State Environmental Planning Policy No. 11 – Traffic Generating Developments;*
- *State Environmental Planning Policy No. 19 – Bushland in Urban Areas;*
- *State Environmental Planning Policy No. 55 – Remediation of Land;*
- *Draft State Environmental Planning Policy No. 66 – Integration of Land Use and Transport;*
- *Holroyd Local Environmental Plan 1991; and*
- *Holroyd Development Control Plan No. 28 – Yennora Distribution Park.*

The proposal has been assessed against the relevant provisions in these planning instruments (see Section 6 and Appendix A). This assessment concludes that the proposal is consistent with the relevant aims and objectives of these instruments, and generally satisfies the requirements of these instruments.

5. CONSULTATION

The Applicant lodged a DA for the proposal with the Department on 27 August 2001.

The Department subsequently:

- Notified the surrounding landowners and relevant State Government agencies;

- Advertised the exhibition of the DA in the Parramatta Advertiser and the Parramatta Sun; and
- Exhibited the DA between 3 October 2001 and 7 November 2001.

This satisfies the requirements for public participation in Division 6 of Part 6 of the Regulation.

During the exhibition period, the Department received 24 submissions on the DA: 4 from public authorities (Holroyd Council, the Sydney Regional Development Advisory Committee, the Department of Transport, and the National Parks and Wildlife Service), and 20 from the general public.

Holroyd Council raised concerns about the potential traffic and noise impacts of the proposal, and argued that the proposal should be classified as Designated Development. It also raised concerns about several aspects of the proposal - including fire safety, stormwater management, landscaping, vegetation management, road and rail traffic management on-site, and the on-going monitoring and maintenance of the development – and recommended several conditions of consent.

The Sydney Regional Development Advisory Committee raised concerns about the potential traffic impacts of the proposal, indicating that it could compromise the potential benefits of the current upgrade of the Cumberland Highway between Merrylands Road and Victoria Street, Smithfield.

The Department of Transport indicated that, from a transport perspective, the proposed 24 hour operations would be fundamental; but qualified this by saying, that this objective should be weighed against the potential community impacts of the proposal. It also said the Applicant should be required to ensure that there is sufficient train-pathing for the proposed increase in train movements to and from the site.

The National Parks and Wildlife Service indicated that the remnant vegetation on the site has a high regional conservation value and should be protected, as it contains Cooks River Clay Plain Scrub Forest (which is an endangered ecological community) and a large population of *Acacia Pubescens* (which is an endangered flora species).

Most of the submissions (17) from the general public objected to the proposal, generally raising concerns about the potential traffic, noise, and visual impacts of the proposal (see Appendix B for a detailed summary of the issues raised). In particular, these

submissions objected strongly to the proposed 24-hour operations, saying this would reduce the quality of life in the surrounding area.

These concerns have been assessed in detail in Section 6.

The Department sent copies of these submissions to the integrated approval bodies - Holroyd Council and the Department of Land and Water Conservation - which have granted their General Terms of Approval for the proposal.

6. CONSIDERATION OF ISSUES

NOISE

The proposal could generate construction, operational, road and rail noise impacts.

The local community is extremely concerned about these potential impacts, particularly the proposed 24-hour operations, and the potential road noise impacts associated with heavy vehicles moving through residential areas.

These potential impacts have been assessed in detail by Atkins Acoustics and Associates, and reviewed by the Department's independent noise consultants, Renzo Tonin.

In general, Renzo Tonin agrees with Atkins Acoustics' assessment, that the potential noise impacts of the proposal could be mitigated or managed to comply with all the relevant noise criteria.

Construction Noise

During construction, the proposal would generate construction noise. The main sources of this noise would be the proposed demolition works, earthworks, site compacting, concrete laying, road works, and building construction.

Under worst case conditions, with most of these activities occurring concurrently, the noise modelling for the proposal suggests that these works would generally satisfy the Environment Protection Authority's construction noise criteria (in Chapter 171 of the Environmental Noise Control Manual).

There would be some minor exceedances, during windy conditions from the south, for instance, but these exceedances could generally be avoided with good construction noise management.

In the proposed conditions, the Department has set noise criteria for the proposed construction works, and believes the Applicant should be required to:

- Carry out all these works during regular construction hours; and
- Prepare and implement a detailed Construction Noise Management Plan for each stage of the proposed works.

Operational noise

During operations, the main sources of noise would be from the forklifts (particularly reversing alarms), trucks (idling and moving), trains (particularly shunting), and containers on the site.

To minimise these potential impacts, the Applicant is proposing to:

- Construct noise barriers along most of the Dennistoun Avenue frontage, the western boundary of the site, and to the north-west of the proposed Building 7;
- Carry out most outdoor activity to the south of the existing and proposed buildings so that these buildings act as noise barriers;
- Redirect heavy vehicle traffic along the proposed road between Building 1 & 2; and
- Use best noise management noise practice.

Under worst case conditions (assuming that all noise sources would operate simultaneously, and that all of the above measures would be in place), the noise modelling suggests that the proposal would generally satisfy the Environment Protection Authority's amenity, intrusive, and intermittent noise criteria for 24 hour operations.

There would be a minor exceedance (1dB(A)) near the Central Precinct at night (between 10pm and 7am) during calm and upwind (north, east, and north-west) conditions, and exceedances of up to 6dB(A) during downwind (south, south-east) conditions. However, it is important to note that the background noise levels would also be higher during these windy conditions, and that the proposal would satisfy the background level + 5dB(A) criteria in these circumstances. In addition, it is also worthwhile noting that these winds are not a feature of the area, and that when these winds occur, it would be possible to reduce the potential noise impacts of the proposal through good noise management.

In summary, then, the Department is satisfied that the proposal could satisfy the EPA's noise criteria for 24-hour operations.

Nevertheless, the Department has set operational noise criteria for the proposed operations, and believes that the Applicant should be required to:

- Prepare a detailed Noise Management Plan for the site; and
- Carry out regular noise monitoring of the site's operations to ensure that these operations are complying with the specified criteria.

Road Noise

Several submissions raised concerns about the potential road noise impacts of the proposal, particularly along Fairfield Road to the north of the development where there are several residential properties, but also more generally in the residential areas to the north of the site.

In general, the noise modelling suggests the proposal would only increase the noise levels along the roads by between 0.1 and 0.3dB(A), although it would increase by up to 1.1 and 1.9dB(A) in some circumstances. However, this is still below the 2dB(A) allowed by the EPA's *Environmental Criteria for Road Traffic Noise*, and would be confined to Pine and Dursley Roads, which are located in the Smithfield industrial away from the residential areas.

The assumption underpinning this analysis is that the heavy vehicles from the site would not travel on the local residential streets surrounding the development, so the Applicant should be required to ensure that all the heavy vehicles travelling to and from the site use the designated heavy vehicle routes.

In addition, the Applicant should be required to re-assess the potential road noise impacts of the proposal if the traffic generation rates of the development exceed the predicted rates (see Traffic and Transport discussion in this Section).

Rail Noise

Several submissions raised concerns about the potential rail noise impacts of the proposal. However, noise modelling suggests that the proposed 14 rail movements a day would satisfy the cumulative and maximum passby noise criteria in Chapter 163 of the EPA's *Environmental Noise Control Manual*.

TRAFFIC AND TRANSPORT

The proposal would only increase the total floorspace on the site by 1,000m². However, the existing floorspace, particularly to the north of the railway sidings would be used more intensively, and would generate more traffic.

Assuming traffic generation rates similar to the existing operations in the southern buildings (that are currently used fairly intensively), which the Department considers a reasonable assumption, it is estimated that the proposal would generate about 2,500 more trips than it currently does on a regular weekday. This means the site would generate about 4,000 trips a day, about 2,650 by light vehicles and 1,430 by heavy vehicles.

It is estimated that most of these trips would be generated during regular business hours, but some would occur during the evening (6pm to 10pm) and night (10pm to 7am). During the morning and afternoon peak hours, for instance, it is estimated that the proposal would generate 250 (50 heavy) and 235 (100 heavy) vehicles respectively.

The local community is especially concerned about the potential traffic impacts of the proposal, and does not want any heavy vehicles moving to and from the site to use the local residential streets, such as Dennistoun Avenue or Fowler Road.

Colston, Budd & Kaffes has conducted a thorough assessment of the potential traffic impacts of the proposal.

External Road Network

The main external traffic impacts would be on the performance of the surrounding road network) and its intersections.

The detailed traffic assessment suggests the proposed increases would not significantly alter the current flows on the surrounding network, and that these flows would continue to satisfy the recommended flows for local and collector roads in the RTA's Guide to Traffic Generating Development's.

In addition, this assessment suggests that the proposed increases would not significantly alter the existing level of service at any of the intersections surrounding the development. However, the intersections of the Cumberland Highway with Woodpark Road and Sturt Street would continue to operate at capacity (F Level of Service), and the intersection of The Horsley Drive with Polding Street would continue to operate at only a satisfactory level of service (D Level of Service).

Nevertheless, the Cumberland Highway is currently being upgraded between Merrylands Road and Victoria Street, Smithfield, and this upgrade is expected to significantly improve the capacity of the intersections with Woodpark Road and Sturt Street.

In its submission, the Sydney Regional Development Committee raised concerns about the impact the proposal could have on the traffic efficiency of the Cumberland Highway, and suggested that the proposed increase in traffic could compromise the potential benefits of the proposed upgrade.

However, this suggestion is not supported by the traffic assessment, which clearly shows that very few vehicles from the development would actually use these intersections, and that the volume of traffic generated by the development would comprise less than 1% of the total traffic on the Highway.

The SRDAC suggested the Applicant should be required to help fund future road improvements in the surrounding area.

However, the Department does not agree with this proposal. The SRDAC does not, for instance, say what road works would be carried out, nor does it say who would carry out these works, or what the cost of these works would be, and what proportion the Applicant should contribute to these costs. This makes it difficult, if not impossible, to establish a clear nexus between the proposal and the suggested "future road improvements", particularly when the traffic assessment clearly demonstrates that the proposal would not significantly change the performance of the surrounding network.

The only concern the Department has – and this is related to the potential road noise impacts of the proposal – is that, over time, the actual traffic generation rates could exceed the predicted rates.

Consequently, it has set heavy vehicle restrictions for the development, based on the figures in the traffic assessment of the proposal, and believes that the Applicant should be required to:

- Ensure that the heavy vehicles travelling to and from the site use the designated heavy vehicle routes;
- Conduct regular monitoring of the heavy vehicle movements on the site, particularly as they approach the specified limits; and
- Re-assess the potential traffic impacts of the proposal if, or when, the site reaches these specified limits.

Access

The proposal would create a new entrance for light vehicles on Byron Road to the north of the existing entrance. This entrance would serve the proposed car park for the Building 7, and would not provide access to the rest of the site.

Although it is contrary to the Council's DCP, the Department is satisfied that this new entrance would work efficiently without generating any significant impacts.

In addition, Council has not objected to the proposed entrance, and has granted its general terms of approval for the proposed works.

Internal Layout

The internal layout of the site would be progressively changed to link the proposed Buildings 7-9 with the existing network, and, in the longer term, to separate Buildings 1 & 2.

The Department believes the proposed layout would generally improve the existing layout, because it would reduce the current reliance on the internal road closest to the residents on Dennistoun Avenue.

Notwithstanding this, it is clear that the proposal would increase the traffic generation of the northern part of the site, which means more vehicles would need to cross the two railway sidings on the site. Although this would increase the risk of an accident on the site, the Department is satisfied that these accidents could be avoided through good traffic management.

Consequently, it believes the Applicant should be required to prepare and implement a detailed Traffic Management Plan for the site.

Parking

Under this proposal, the parking spaces on site would be progressively increased from 700 to 1,100. They would also be more evenly distributed across the site so workers can park close to where they work.

This is more than adequate to accommodate the parking generated by the development, and exceeds the parking requirements in Council's DCP.

Rail Operations

TMG International assessed the potential rail impacts of the proposal, and concluded that existing rail infrastructure on the site could accommodate at least 14 rail movements a day.

However, several submissions raised concerns about whether the level crossing on Boola Avenue/Military Road could safely accommodate this increased traffic, and the Department of Transport suggested that the Applicant should be required to ensure that sufficient train pathing is available before these proposed increases are allowed.

The Department accepts these concerns, and believes the Applicant should be required to demonstrate that sufficient train pathing is available, and that the existing rail crossing can safely accommodate the proposed increases, before it is allowed to increase the rail movements to and from the site.

FAUNA AND FLORA

The site has about 17 hectares of undeveloped land, most of which (12.5 hectares) has been cleared of native vegetation, and is subject to weed invasion.

The remnant vegetation is generally located on the north-western and north-eastern corners of the site.

Both these areas contain Cooks River Clay Plain Scrub Forest, which is listed as an endangered ecological community under *the Threatened Species Conservation Act 1995* (TSC Act), and a number of regionally significant flora species.

In addition, the north-eastern corner contains a significant population (150-200) of *Acacia Pubescens*, which is listed as a vulnerable species under the TSC Act; and potential habitat for the *Pultenaea pedunculata*, which is listed as a threatened flora species under the TSC Act. Consequently, the remnant vegetation on this corner of the site is considered to be of regional conservation significance, but it is generally in poor to moderate condition.

Furthermore, the north-western corner contains potential habitat for the Green and Golden Bell Frog (*Litoria aurea*), which is listed as an endangered species in the TSC Act. However, the remnant vegetation on this corner of the site is considered to be of local conservation significance, and is generally degraded.

While the proposal generally avoids these areas of remnant vegetation, it could still generate fauna and flora impacts.

Biosis Research has conducted a detailed assessment of the potential fauna and flora impacts of the proposal, including an 8

Part Test on the species and ecological communities listed under the TSC Act.

This assessment concludes that the potential fauna and flora impacts of the proposal would be minor, and that a Species Impact Statement (SIS) is unwarranted.

The Department agrees with this assessment, particularly since most of the remnant vegetation would be protected from development and set aside in a conservation area, which would be upgraded and maintained during the life of the development. If anything, the proposal is likely to improve the quality of the vegetation on site.

The National Parks and Wildlife Service supports the proposal, and has recommended several conditions of consent. These recommendations have generally been included in the proposed conditions of consent.

To ensure that the proposal is properly implemented, the Applicant should be required to:

- Establish, and then regularly monitor and maintain a riparian zone (which includes the remnant vegetation) on the north-western and north-eastern corners of the site; and
- Prepare and implement a Vegetation Management Plan for the whole site, which would be supplemented by detailed Vegetation Management Plans for the proposed works in the eastern and western precincts.

VISUAL IMPACTS

The proposal would generate a number of visual impacts.

In particular, the height of the southern part of Building 1 would be raised, an acoustic wall would be constructed along most of the Dennistoun Avenue frontage, additional landscaping would be provided along most of the frontages, and the existing entrances would be upgraded and additional signage added.

Several submissions raised concerns about the potential visual impacts of the proposal, saying, for instance, that it would increase the bulk and scale of the development; that additional signage was undesirable in a residential area; that the proposed landscaping should be improved; and that the height of the container stacking should be reduced.

The Department has considered these concerns, but is satisfied that the proposal would generally improve the visual appearance of the site, and that the potential visual impacts of the proposal could be mitigated or managed.

Nevertheless, the Department believes the Applicant should be required to:

- Prepare and implement a Landscape Management Plan for the whole site in consultation with the Council, paying particular attention to the frontages of the site, which would be supplemented by detailed Landscape Management Plans for each stage of the proposed works;
- Ensure that all new external lighting complies with the relevant standards, and is mounted, screened, and directed to minimise any nuisance to surrounding areas; and
- Ensure that containers on the site cannot be stacked more than 4 high unless it can demonstrate that this stacking would not have an adverse impact on any of the surrounding areas.

WATER QUALITY

The proposal could generate water quality impacts during construction and future operations.

Construction Impacts

During construction, the proposed works could cause soil erosion and water pollution. However, the Department is confident that these potential impacts can be minimised through good construction management.

However, the Applicant should be required to prepare and implement a detailed Soil and Water Management Plan for each stage of the proposed works in accordance with the Department of Housing's publication *Managing Urban Stormwater: Soils and Construction*.

Operational Impacts

Richmond and Ross has prepared a Total Catchment Management & Drainage Study for the site, which assesses the stormwater requirements of the proposal, and includes a conceptual stormwater management system for the site.

In this conceptual system, the site would require 2 new on-site detention basins, one of which would be located on the south-eastern corner of the site to the south of Building 7, and the other

on the western side of the site adjacent to Buildings 8A & 8B. In addition, several sediment control/gross pollutant trap devices would be installed to minimise the flow of sediments and pollutants from the site.

The Department has set broad performance criteria for the proposed stormwater management system, and agrees with the conclusion in the Ross + Richmond Report that all stormwater issues relating to the redevelopment of the site have technical solutions that can be achieved without compromising performance of the system.

However, the Applicant should be required to:

- Prepare and implement a Stormwater Management Plan for the whole site in consultation with Council, which would be supplemented by detailed Stormwater Management Plans for each precinct as the proposed works are implemented;
- Create easements in favour of Council for certain stormwater infrastructure on the site;
- Be responsible for, and bear the full cost associated with, monitoring and maintaining **all** stormwater infrastructure on the site during the life of the development.

This will ensure that the details of the proposed system are finalised in consultation with Council, and that the performance of the system is monitored, maintained and managed over time.

FIRE SAFETY

The proposal includes the construction of 4 new buildings (Buildings 7-9), and major alterations to Buildings 1 & 2.

Once completed, the new buildings and proposed alterations to Buildings 1 & 2 would comply with the Building Code of Australia.

Nevertheless, the proposed alterations to Buildings 1 & 2 are not expected to comply with the BCA in the short to medium term, as these large buildings would only be progressively upgraded as each change of use occurs.

The Department is generally satisfied with this approach, but believes the Applicant should be required to ensure that all alterations and additions to existing buildings on the site are progressively upgraded to comply with the requirements of the BCA.

WASTE MANAGEMENT

The proposal would generate construction and operational waste.

Consequently, the Applicant should be required to prepare and implement a detailed Construction Waste Management Plan for each stage of the proposed works, and a Waste Management Plan for the ongoing operation of the development.

HAZARDS

There are currently no dangerous goods stored on the site, and the Applicant is not proposing to store or handle any dangerous goods on the site.

Nevertheless, the Department believes the storage or handling of dangerous goods should be expressly prohibited on the site.

SOIL CONTAMINATION

In the mid-1990s, Golder Associates Pty Ltd conducted a preliminary investigation of the quality of the soil on the site, and concluded that the site is generally suitable for industrial development.

The Department accepts these conclusions, and is satisfied that these conclusions are still valid (even if they were completed over 6 years ago).

HERITAGE

The proposal is not expected to generate any heritage impacts. However, aboriginal (or other) artifacts could be unearthed during the proposed works.

Consequently, the Applicant should be required to contact the National Parks and Wildlife Service if this occurs.

7. SECTION 79C CONSIDERATIONS

Section 79C of the Act sets out the matters that a consent authority must take into consideration when it determines a DA.

The Department has assessed the DA against these matters (see Section 6 and Appendix A), and is satisfied that:

- The proposal is generally consistent with the provisions of the relevant planning instruments;

- The potential impacts of the proposal could either be mitigated or managed; and
- The proposal is generally in the public interest.

8. RECOMMENDED CONDITIONS OF CONSENT

The Department has prepared a set of recommended conditions of consent for the proposal.

The recommended conditions are included in four separate schedules.

Schedule 3 contains the proposed conditions of consent for the Masterplan, setting the broad framework for the regulating and managing the development of the whole site, while Schedules 4-6 contain the proposed conditions for the detailed works in each of the three precincts.

These conditions are required to:

- Modify details of the proposal;
- Minimise any adverse environmental impacts associated with the proposal;
- Provide for the on-going environmental management of the development; and
- Provide for the regular monitoring, auditing, and reporting on the development.

They also include some of Council's proposed conditions, and the General Terms of Approval from Council and DLWC.

9. CONCLUSION

The Department has assessed the DA and the submissions on the DA, and is satisfied that the proposal has several benefits.

It would:

- Use the existing railway sidings more efficiently, and contribute to the Government's general policy of shifting more freight movements onto rail;
- Use this large industrial site in the centre of Sydney more efficiently;
- It would attract at least \$40 million of new investment; and
- It would create about 300 new jobs.

These benefits should be considered against the potential impacts of the proposal, particularly the potential noise and traffic impacts.

However, after assessing these potential impacts in detail, the Department is satisfied that they can be mitigated or managed, and that with good environmental management, the proposal would comply with all the relevant environmental standards and criteria.

Consequently, the Department believes the Minister should approve the DA subject to conditions.

10. RECOMMENDATION

It is RECOMMENDED that the Minister:

- (1) Consider the findings and recommendations of this report;
- (2) Determine that the proposed development is not Designated Development;
- (3) Approve the DA subject to conditions under Section 80 of the Act; and
- (4) Sign the attached Instrument of Consent.

ENDORSED:

David Kitto
Planning Officer
DIA Branch

Sam Haddad
Executive Director
Sustainable Development

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