



Department of
Infrastructure, Planning and Natural Resources

**REPORT ON THE ASSESSMENT OF
DEVELOPMENT APPLICATION NO DA-308-12-2004-i
PURSUANT TO SECTION 80 OF THE ENVIRONMENTAL PLANNING AND
ASSESSMENT ACT, 1979**

**PROPOSAL BY MACQUARIE GOODMAN MANAGEMENT LTD TO
CONSTRUCT A DISTRIBUTION CENTRE FOR COCA COLA AMATIL TO
OPERATE AND TO SUBDIVIDE LAND IN THE EASTERN CREEK SEPP 59
AREA, PART LOTS 11, 13 AND 14 DP 1072146 IN THE BLACKTOWN
LOCAL GOVERNMENT AREA**

Department of Infrastructure, Planning and Natural Resources

June 2005

EXECUTIVE SUMMARY

On 13 December 2004, the Department of Infrastructure, Planning and Natural Resources (the Department) received a development application (DA) from Macquarie Goodman Management Ltd (the Applicant) to construct a distribution centre to be used by Coca Cola Amatil for the storage and distribution of bottled soft drinks.

The proposal includes upgrades to the intersection of the proposed access road and Wallgrove Road, and the subdivision of land for industrial and ecological purposes in the south-eastern portion of the Eastern Creek Precinct defined under *State Environmental Planning Policy No. 59 – Central Western Sydney Economic and Employment Area* (SEPP 59), including the creation of the following lots:

- a trunk access road, and a secondary road off the trunk road, to provide access and service easements;
- the distribution facility and adjacent stormwater detention basin; and
- a riparian zone on land surrounding the on-site natural water course, Reedy Creek.

The Applicant amended the proposal during the assessment period, to include the full subdivision of the residual land surrounding the proposed distribution facility.

The development site is located within the Eastern Creek Stage 3 Release Area, established under SEPP 59, between Reedy Creek (to the west), Wallgrove Road (to the east) and the Sydney Water pipeline (to the south). The site is immediately adjacent to the under-construction M7 Motorway (the Western Sydney Orbital road). The proposal is expected to generate 300 jobs during operation, approximately 150 jobs during the construction phase, and involves a capital investment of \$65.5 million.

The proposal is a State significant development because it is a type of development (warehouse and distribution operations associated with raw products of beverages) listed in Schedule 1 of *State Environmental Planning Policy No. 34 – Major Employment Generating Industrial Development*, and involves a capital investment in excess of \$20 million (being \$75.5 million for this development), and employs 100 or more people on a full-time basis (being 300 jobs for this development). The Minister administering the *Environmental Planning and Assessment Act 1979* (Minister for Infrastructure and Planning) is the consent authority for State significant development.

The proposed development is non-designated development and accordingly, a Statement of Environmental Effects (SEE) accompanies the DA. The DA and SEE were publicly exhibited from 20 January 2005 until 21 February 2005 and a total of 6 submissions were received. This included submissions from Blacktown City Council, Fairfield City Council, TransGrid, Sydney Water, and two submissions from the public. Blacktown Council objected to the proposal primarily regarding the strategic planning outcomes that may be affected by the development. Submissions from Fairfield Council and the other agencies raised concerns with specific environmental impacts of the proposal. One of the submissions from the public expressed concern on strategic planning issues. Other issues raised in submissions included stormwater management, flooding, and urban design details. The Department has also received the terms of the RTA's concurrence under the Roads Act 1993 for roadwork in the reserve of Wallgrove Road, and has incorporated specific conditions required for a Part 3A Permit under the rivers and Foreshores Improvements Act 1948.

The Department recommends approval of the proposed development, subject to conditions. However, it is recommended that the detailed subdivision of the residual land not be approved at this time. The conditions of the recommended instrument of consent impose appropriate measures to ensure environmental impacts are mitigated and managed throughout the life of the development.

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1. INTRODUCTION

On 13 December 2004, the Department of Infrastructure, Planning and Natural Resources (the Department) received a development application (DA) from Macquarie Goodman Management Ltd (the Applicant) to construct a distribution centre to be used by Coca Cola Amatil for the storage and distribution of bottled soft drinks.

The proposal includes upgrades to the intersection of the proposed access road and Wallgrove Road, and the subdivision of land for industrial and ecological purposes in the south-eastern portion of the Eastern Creek Precinct defined under *State Environmental Planning Policy No. 59 – Central Western Sydney Economic and Employment Area* (SEPP 59), including the creation of the following lots:

- a trunk access road, and a secondary road off the trunk road, to provide access and service easements;
- the distribution facility and adjacent stormwater detention basin; and
- a riparian zone on land surrounding the on-site natural water course, Reedy Creek.

The proposed development is to be located on land immediately adjacent to Wallgrove Road (and the M7 motorway) in the south-eastern portion of the Stage 3 Release Area of the Eastern Creek Precinct defined under *State Environmental Planning Policy No. 59 – Central Western Sydney Economic and Employment Area* (SEPP 59), entirely within the Blacktown local government area. The proposal is expected to generate approximately 300 jobs during operation and 150 jobs during the construction phase, and involves a capital investment in of \$75.5 million.

This report represents the Department's assessment of the proposed development, in accordance with the *Environmental Planning and Assessment Act 1979*. The Department has assessed the development application and determined that the development could be constructed and operated within appropriate environmental limits. If the Minister agrees, the Department recommends the imposition of conditions as per the draft instrument of consent. It is considered that the conditions of the recommended instrument of consent impose appropriate measures to ensure the environmental impacts associated with the proposed development are adequately managed, mitigated and monitored.

2. DEVELOPMENT PROPOSAL AND SITE CONTEXT

2.1 Site Location and Description

The proposed development site is within the proposed M7 Business Hub, within the Stage 3 Release Area in the Eastern Creek Precinct established under SEPP 59. The site is in the south-east portion Hub on land described as part lots 11, 13 and 14 DP 1072146, within the Blacktown local government area. The site is bound by Reedy Creek to the north and west, Wallgrove Road to the east and the Sydney Water pipeline to the south. The proposed site would have a single access road connecting to Wallgrove Road in the east, with the M4 Motorway approximately 2 kilometres to the north. The site is immediately adjacent to the under-construction M7 Motorway. The location of the proposed site M7 Hub within the regional context and the Stage 3 Release Area context is shown in Figure 1.

Figure 1(a): Regional location of the M7 Hub.

Figure 1(b): Location of the proposed M7 Business Hub within the Eastern Creek Stage 3 Release Area.

The total site area is 55.75 hectares, with the proposed site for the distribution facility being 15 hectares. The land the subject of the development application has been extensively modified by prior agricultural and quarrying activities. The Austral Brick Company has been mining the eastern and southern areas of the site since the mid 1980s, primarily for the extraction of clay and shale for brick and tile manufacture. The quarrying operations have been completed and the site is the subject of an Extraction and Rehabilitation Plan, which has provided for the rehabilitation and regrading of the site. As part of the prior uses of the land most of the original vegetation has already been cleared, except for some of the riparian vegetation along Reedy Creek and some small isolated pockets of woodland.

2.2 Surrounding Land Uses

The proposed site forms part of the M7 Business Hub, which is land comprising the old Austral Brick Company Pty Ltd land. The M7 Business Hub is the land bound by Old Wallgrove Road to the north and west, Wallgrove Road to the east and the Sydney Water pipeline to the south. In addition to the subject development application, there are two other applications for development in the M7 Business Hub. The first of these is the proposal for the Coles Myer National Distribution Facility in the western portion of the M7 Hub. The second is a proposal for subdivision and infrastructure development for the entire M7 Business Hub site. Both of these development applications are State significant development, and have been made by Macquarie Goodman Management Ltd, but are yet to be determined. The location of the various development applications within the M7 Business Hub are shown in Figure 2.

To the east of the site is Wallgrove Road is the currently under-construction M7 Motorway. Beyond the Motorway is the eastern creek landfill, and then Prospect Reservoir. To the west of the M7 Business Hub is Ropes Creek, and then the Erskine Park Employment Area, which is within the Penrith local government area.

To the south of the development site is the Sydney Water supply pipeline to Prospect Reservoir, and beyond are further industrial areas and scattered residential properties, within the Fairfield local government area. To the immediate north of the M7 Business Hub is the remainder of the Eastern Creek Precinct. At the present time the Eastern Creek Precinct remains largely undeveloped industrial lands. Beyond the Precinct is the M4 Motorway, approximately 2 kilometres north the site.

The nearest residential suburbs are Minchinbury to the immediate north of the M4 Motorway and Erskine Park to the north of the Erskine Park Employment Area. The nearest residence is more than 500 metres to the south of the site.

2.3 Outline of the Proposal

The proposed development has two related components, which are illustrated in Figure 3. The first component is the construction and operation of a State-wide warehouse and distribution centre to be used by Coca Cola Amatil for the purposes of receiving, storing and supplying retail outlets with beverages and related products. The proposed warehouse and distribution centre would be operated 24 hours per day, 7 days per week, and would include warehouse, office and amenities (over two levels), parking, fencing, security and other ancillary structures. The warehouse and distribution centre would have a gross floor area of approximately 46,000 m² with office space of approximately 3,300 m². The proposal includes off-street parking for approximately 250 cars, 70 spaces for rigid trucks, 20 spaces for B-Doubles and 15 spaces for trailers. The loading dock would be on the southern side of the building, with clear delineation of

Figure 2: The location of proposals within the proposed M7 Business Hub

Figure 3: The location and scope of proposed Coca-Cola distribution facility and ancillary subdivision

inward and outbound movements. The Applicant has identified a portion of the site for possible future expansion of the facility. Any expansion would be dealt with as a separate development application at the appropriate time.

The second component of the development application is the subdivision of land to create lots for industrial development, provide services and infrastructure to the proposed warehouse and distribution facility, and create a riparian zone surrounding Reedy Creek. As part of the subdivision works the Applicant proposes the following:

- bulk earthworks at the site;
- formation of the drainage and stormwater system, including stormwater detention basins, servicing the subdivided land;
- construction of the internal roads, including a single access road to the site off Wallgrove Road;
- creation of the service corridors and other supporting infrastructure; and
- creation of a riparian zone surrounding Reedy Creek, including rehabilitation of the riparian corridor with new plantings, and two access roads across the creek.

The Applicant amended the development application during the assessment period to include a detailed subdivision plan and full internal road system for the portion of the site east of Reedy Creek (between Reedy Creek and Wallgrove Road).

3. STATUTORY PLANNING FRAMEWORK

3.1 Permissibility

The proposed development lies on land zoned 'Employment Zone' under SEPP 59. Under subclause 3 in SEPP 59's zoning table the proposal constitutes an employment-generating development that meets the objectives for the zone, and as such it is development that is permissible with development consent under the SEPP. The Department has considered the proposed development against the relevant objectives of the Employment Zone and considers that it satisfies these provisions. This is further discussed in Section 6.1 and Appendix A of this report.

3.2 Legislative Context

In accordance with the provisions of the *Environmental Planning and Assessment Act 1979* (the Act), the proposed development is classified as non-designated, integrated and State significant development.

As required for this type of advertised development, a Statement of Environmental Effects (SEE) was prepared and, in accordance with Division 4, Part 6 and Schedule 2 of the Regulation, the development application and accompanying SEE were publicly exhibited for at least 30 days. Exhibition of these documents took place between Thursday 20 January 2004 and Monday 21 February 2005 at the following locations:

- Department's Information Centre, Lee Street, Sydney;
- Department's Parramatta Office;
- Nature Conservation Council; and
- Blacktown City Council.

Nearby landowners and occupiers were notified in writing about the proposed development, and advertisements were placed in the Blacktown Advocate. The newspaper advertisement and public notices provided details of the proposal, exhibition locations and dates, and information on how interested parties could make a submission. Site signs displaying the same information about the proposed development were placed on the development site for the duration of the exhibition

period. The Department considers that the requirement of the Act to notify landowners adjacent to the development site has been met.

State Significant Development

The proposal is a State significant development because it is a type of development (warehouse and distribution operations associated with raw products of food and beverage) listed in Schedule 1 of *State Environmental Planning Policy No. 34 – Major Employment Generating Industrial Development* that will employ 100 or more people on a full-time basis, or has a capital investment value in excess of \$20 million. The Minister is the consent authority for State significant development.

Integrated Development

The proposed development constitutes integrated development, as defined by section 91 of the Act, since, in addition to development consent, the proposed development requires additional consents from the following government authorities:

- the Department of Infrastructure, Planning and Natural Resources under Part 3A of the *Rivers and Foreshores Improvement Act 1948*, for works within 40 metres of a water body; and
- Blacktown City Council under the *Roads Act 1993*, with the concurrence of the Roads and Traffic Authority for works within the road reserve of Wallgrove Road (a classified road).

The Department has issued its General Terms of Approval (GTAs) for the proposed development, and these have been incorporated into the recommended conditions of consent. Blacktown Council has not issued its GTAs for the development, and has indicated the appropriate roads authority to issue the GTAs is the Roads and Traffic Authority (RTA). The Department has received the terms of the RTA's concurrence for the works within the road reserve of Wallgrove Road, and these terms have been incorporated into the recommended conditions of consent.

3.3 Relevant Environmental Planning Instruments

The assessment of the proposed development is subject to the following key environmental planning instruments:

- *State Environmental Planning Policy No. 11 – Traffic Generating Developments*;
- *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development*;
- *State Environmental Planning Policy No. 34 – Major Employment-Generating Industrial Development*;
- *State Environmental Planning Policy No. 55 – Remediation of Land*;
- *State Environmental Planning Policy No. 59 – Central Western Sydney Economic and Employment Area*;
- *State Environmental Planning Policy No. 64 – Advertising and Signage*;
- *Regional Environmental No 20 – Hawkesbury-Nepean River*; and
- *Blacktown Local Environmental Plan 1988*.

Consideration of the proposed development in the context of the objectives and provisions of these environmental planning instruments is provided in Section 5 of this report.

State Environmental Planning Policy No. 11 – Traffic Generating Development

The proposed development is one to which *State Environmental Planning Policy No. 11 – Traffic Generating Developments* (SEPP 11) applies. This is because it is a type of development listed under paragraph (f) of Schedule 2 of the Policy (that is, a building for the purposes of industry that has a gross floor area of 20,000m²). In accordance with

clause 4 of the SEPP a copy of the development application was forwarded to the Roads and Traffic Authority. A submission was received from the Roads and Traffic Authority that included the terms of its concurrence under the *Roads Act 1993* for works in the road reserve of Wallgrove Road, and recommended conditions of consent for other road aspects of the development. The terms of the RTA's concurrence and the suggested recommendations have been incorporated into the recommended instrument of consent. The issue is discussed in further detail in section 6.3 of the report.

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

The proposed development is one to which *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development* (SEPP 33) may apply, as the Applicant intends to store liquefied petroleum gas (LPG) at the site. The Applicant has indicated that the quantities would be below the screening thresholds specified in the SEPP, and such the SEPP would not apply to the development, however has not specifically stated what those quantities are. The Department has included a restriction on the quantity of LPG that can be stored at the site in the recommended conditions of consent, to ensure the thresholds are not exceeded.

State Environmental Planning Policy No. 34 – Major Employment-Generating Industrial Development

The proposed warehouse and distribution centre is a development to which *State Environmental Planning Policy No. 34 - Major Employment-Generating Industrial Development* (SEPP 34) applies. This is because the development:

- has an estimated employment number of 300, which exceeds the 100 jobs threshold specified under paragraph (a)(i) of Schedule 1 of the SEPP;
- has an estimated capital investment value of \$75.5 million (excluding land), which exceeds the \$20 million threshold specified under paragraph (a)(ii) of Schedule 1 of the SEPP; and
- is of a type listed under paragraph (b) of Schedule 1 of the SEPP (that is, warehouse and distribution operations associated with the products of food and beverage processing, chemical processing and timber, pulp or paper processing).

In accordance with Clause 8 of the SEPP, the Minister is the consent authority for this development application.

State Environmental Planning Policy No. 55 – Remediation of Land

Clause 7(1) of *State Environmental Planning Policy No. 55 - Remediation of Land* (SEPP 55) requires that a consent authority must not consent to the carrying out of any development on land unless:

- it has considered whether the land is contaminated;
- if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out; and
- if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

The Applicant provides the historical uses of the site as historically being agricultural use and quarrying, and concluded that in light of such passive uses it is unlikely that the soils at the proposed site are contaminated. The Applicant indicates further that the site is the subject of an Extraction and Rehabilitation Plan, which will ensure that site is suitable for commercial/ industrial land uses.

State Environmental Planning Policy No. 59 – Central Western Sydney Economic and Employment Area

The SEPP rezones certain land for industrial development and sets guiding principles and a framework for strategic planning and development of land within these specified areas. In particular, the SEPP establishes a process for the release of developable land, relying on the implementation of a Precinct Plan and a Contributions Plan to ensure strategic planning issues such as the provision of services and infrastructure have been adequately considered before considering the merits of particular development. In the absence of an adopted Precinct Plan and an implemented Contributions Plan, clause 271 of the *Environmental Planning and Assessment Regulation 2000* permits the Minister to consider a development application for land that has been released if an agreement is entered into, between the Minister and the Applicant, that satisfactorily takes into account the matters that are required to be dealt with in those plans. The Department has considered the relevant provisions and objectives of SEPP 59, as well as the merits of the development application and the Applicant's proposed contributions and commitments in relation to SEPP 59, in Section 6.1 and Appendix A of this report. The Department is generally satisfied that, subject to conditions, the proposed development could meet the relevant objectives of the SEPP, and that the recommended agreement to be entered into by the Minister and the Applicant would satisfactorily address the issues that would otherwise be dealt with by the Precinct Plan and the Contributions Plan.

State Environmental Planning Policy No. 64 – Advertising and Signage

The SEPP aims to ensure that any signage associated with a development, including any advertisement, is compatible with the desired amenity and visual character of an area, and is of high quality design and finish. Under Clauses 8 and 13 of the SEPP, consent is not to be granted unless the proposal has been considered against the objectives of the SEPP and the provisions of Schedule 1. The Department has requested comprehensive revisions to the Applicant's proposed signage and advertising structures. In particular, the signage on the higher portions of the building was considered to be advertising, and was not considered appropriate for the nature of the building and its location, as well as removing the pylon advertising structure. The Applicant has revised the proposed signage, however, there remains signage on the elevated portion of the building. The Department has recommended that the Applicant submit the final detailed design of the building façade for the elevated sections, and recommends that the Applicant be required to remove the direct reference to Coca-Cola. The Department is generally satisfied that the proposal, as amended by the Applicant and the recommended conditions of consent, would satisfy the relevant provisions of the SEPP. In particular, the revised design is of a high standard and would be consistent with the future character of the area as a business park. Further, the Department notes that while the façade would be illuminated at night, it would not reduce the quality of any views or vistas nor would it produce a glare, but rather would provide a soft glow that distracts from the bulk of the building beneath it. This issue is also considered in Section 6.4 of this report.

Sydney Regional Environmental Plan No. 20

Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No. 2 – 1997) (SREP 20) aims to protect the environment of the Hawkesbury-Nepean River by ensuring that the impacts of future land uses are considered in a regional context. SREP 20 applies to the Blacktown local government area, including the proposed site. The SREP identifies various special landuses and features within the area for protection (such as wetlands and environmentally sensitive areas); however, none of these features occurs on the proposed site. As a result, the Department is satisfied that the proposed development is consistent with the relevant provisions of SREP 20. The

Department highlights that the matters regarding the rehabilitation and protection of the Reedy Creek riparian zone are discussed in further detail in Section 6.2 of this report.

Blacktown Local Environmental Plan 1988

Blacktown Local Environmental Plan (LEP) provides development controls for development in the Blacktown local government area. Notwithstanding this, where there is an inconsistency between the planning controls in the Blacktown LEP and SEPP 59, SEPP 59 takes precedence. Apart from land zoning and permissibility, the Department highlights that the matters raised in Blacktown LEP that relate to the proposed development are: subdivision, tree preservation, heritage, drainage and stormwater, and the provision of services. In all these cases, SEPP 59 has specific clauses that also apply. As such, there are no relevant provisions of the Blacktown LEP that apply to the development.

4. CONSIDERATION OF ISSUES RAISED IN SUBMISSIONS

A total of 6 submissions were received as a result of the public exhibition of the proposed development. Submissions were received from Blacktown City Council, Fairfield City Council, TransGrid, Sydney Water and two submissions from nearby landowners. In addition to this, the terms of the RTA's concurrence under the *Roads Act 1993* were received.

Sydney Water and TransGrid did not raise any objection to the proposal. Sydney Water's submission clarified the necessary administrative and technical requirements for connecting to water/ sewer infrastructure, and building near such infrastructure.

Blacktown City Council raised a number of concerns, being:

- strategic planning issues in relation to the absence of a Precinct Plan and Section 94 Contributions Plan for the Eastern Creek Precinct, in accordance with SEPP 59, and the possible construction of an arterial road connection between Erskine Park Employment Area and the M7 Motorway;
- that the proposal does not conform with Council's standards for industrial development generally outlined in the Precinct Plans for other areas of SEPP 59;
- urban design issues associated with the advertising and signage proposed by the Applicant, energy and water efficiency, and landscaping
- lack of details regarding land contamination and salinity;
- concern regarding the adequacy of the proposed stormwater drainage and management measures, and that the drainage system pre-empts the outcomes of the site-wide drainage strategy being prepared by Council; and
- concern regarding the internal road pattern at the site, in particular that the proposed road layout pre-empts Council's planning for the site, and that as such Council will not accept the internal roads as public roads for the purposes of car and management.

Blacktown Council concludes that it does not support the proposed development, and is of the opinion that the proposal would not be in the public interest. Fairfield City Council raises similar concerns regarding urban design issues, in relation to inappropriate advertising and signage on the building structures, and potential flooding impacts associated with changes to Reedy Creek.

The first of the two submissions from nearby landowners highlights uncertainty regarding the impacts to the utility service arrangements in the Precinct. The second of the private submissions expresses strategic planning concerns regarding the consideration of the development application in the absence of a Precinct Plan and Contributions Plan, and that the terms of the an agreement between the minister and the Applicant should be

made public to ensure nearby landowners can identify potential impacts to their holdings.

The Department has considered the issues raised in submissions in Section 5d) of this report.

5. CONSIDERATION UNDER SECTION 79C

Section 79C of the Act sets out matters that a consent authority must take into consideration when it determines a development application or an application to modify a development consent. The Department has assessed this modification application in the context of Section 79C of the Act, having regard to the identified heads of consideration. This consideration is provided below. The Department is satisfied that the merits of the proposed development warrant approval subject to the recommended measures outlined in this report, and reflected in the recommended instrument of consent.

In particular, Section 79C of the Act requires that the consent authority must take into consideration the following:

a) the provisions of:

i) any environmental planning instrument

Consideration of the proposed development in the context of the objectives and provisions of the relevant environmental planning instruments is provided in section 3.4 of this report. The key issue of strategic planning, as it relates to SEPP 59 has been discussed in section 6.1 of this report, and consideration of the proposal against the relevant provisions of the SEPP is provided in Appendix A.

ii) any draft planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority

Draft *State Environmental Planning Policy No. 66 – Integration of Land Use and Transport* would apply to the proposal. The aims of the SEPP are to integrate land use with public transport services and reducing the dependence on cars. While the proposed development may satisfy the general provision of having a floor space greater than 1,000 square metres, the provisions clearly relate to developments which are likely to have a significant impact on surrounding land users via the quantity of traffic movements. In this case the proposed site is within an undeveloped Employment Area, which has no direct public transport services, as there are currently no roads of existing developments in the area. Additional services would be expected as the Employment Area is further developed. The terms of the agreement between the Application and the Minister to address the matters required under SEPP 59 include provisions for public transport and regional transport infrastructure.

iii) any development control plan

Blacktown Development Control Plan 1992 (DCP) would apply to the development. However, it should be noted that the Blacktown DCP aims to

provide guidance for industrial development subject to the *Blacktown Local Environmental Plan 1988*. As mentioned previously, the development controls set in the Blacktown LEP do not apply to the proposed development, because they are overridden by the development controls established in SEPP 59. Notwithstanding this, the Department has reviewed the requirements of the Blacktown DCP, and considers that the proposed development is generally consistent with those provisions.

iv) *the regulations (to the extent that they prescribe matters for the purpose of this paragraph) that apply to the land to which the development application relates.*

Clause 92 of the *Environmental Planning and Assessment Regulation 2000* requires the following matters to be taken into consideration by a consent authority in determining an application

- *The Government Coastal Policy (where relevant)*
The Government Coastal Policy does not apply to the proposal.
- *In the case of a DA for the demolition of a building, the provisions of Australian Standard AS 2601-1991: The demolition of structures, as in force 1 July 1993*

The proposed development does not include any demolition.

b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.*

The Department has undertaken a detailed review of information supplied by the Applicant in the Statement of Environmental Effects and additional information, and issues raised in submissions. In light of these considerations, the Department has been able to complete a preliminary screening of environmental planning and assessment issues associated with the proposed development. Issues have generally been considered in the context of the assessed environmental planning significance of matters outlined in the Statement of Environmental Effects (and additional information), and the level of interest, concern or complexity of matters raised in submissions. A combination of these considerations has been used to develop the preliminary screening table reproduced as Table 1 (over). The primary purpose of the preliminary screening is to ensure focussed consideration of key issues associated with the proposed development, with an appropriate level of detail applied depending on the relative importance of the issue under consideration.

From review of the Statement of Environmental Effects, and the additional information, the Department has nominated environmental planning issues as either key, major, moderate or low significance in the context of environmental planning and assessment. In all cases, a conservative approach has been applied and in the case of any doubt, a precautionary approach has been taken to ensure that at worst, issues have been overestimated rather than assigned a lower significance. As a general indication, levels of environmental planning and assessment significance have been applied as follows:

- **Key significance** – those issues of fundamental importance to the proposal. Resolution of these matters is considered fundamental to achieving acceptable environmental and public health and amenity outcomes, and in

some cases may include tests or requirements that must be met by the proposal before it could be determined.

- **Major significance** – those issues representing the most significant environmental impacts associated with the proposal. Assessment has either indicated that relevant criteria or outcomes cannot be met, or compliance is predicted to be marginal. These issues also include matters for which there remains some doubt as to the assessment approach or outcomes.
- **Moderate significance** – those issues assessed as meeting relevant criteria or outcomes, but with a significant residual impact that needs to be mitigated and managed.
- **Low significance** – those issues that are either not associated with the proposal, clearly within acceptable environmental criteria, and/ or are the subject of well-established and applied environmental management measures. These issues also include those matters that could be easily and effectively addressed through conditions of consent, should the Minister determine to approve the proposed development.

All issues identified as having major or key significance as a result of the Department's consideration of the Statement of Environmental Effects have been carried forward for further assessment. In addition, issues raised in submissions have been considered both in the context of the frequency of occurrence and the level of concern expressed. Similar definitions have been used to characterise the significance of issues raised in submissions:

- **Key significance** – issues raised in the majority of submissions, issues representing primary public concern or the subject of detailed public comment or criticism.
- **Major significance** – issues raised in most submissions or subject to specific comment on a fundamental component of the proposal.
- **Moderate significance** – issues raised in detail in some submissions or as a general statement across the majority of submissions.
- **Low significance** – not raised in submissions, or only noted in a cursory manner.

Regardless of the assessed significance of issues any matter identified as being of major or key significance from public submissions has been carried forward for further detailed assessment. Preliminary screening, including comments on the screening and identification of matters for further assessment, is outlined in Table 1.

Table 1 - Screening of Environmental Impacts for Detailed Consideration

Issue	Assessed Environmental Significance	Assessed Public Interest/ Concern	Comment
Strategic Planning and Provision of Infrastructure	Key significance	Key significance	The Applicant has proposed measures to address the provisions of SEPP 59, including the provision of services and infrastructure, and those matters that are required to be addressed in a Precinct Plan and a Contributions Plan under the SEPP. In accordance with the provisions of clause 271 of the regulation, the Applicant proposes to enter into an agreement with the Minister to ensure the matters required under those plans have been satisfactorily addressed. The Department has considered these matters in detail and considers that the agreement, as recommended by the Department, is satisfactory, and that strategic planning issues would be adequately addressed by the conditions in the recommended instrument of consent. Carried forward for further assessment – see Section 6.1 below
Hydrology, Flooding and the Riparian Zone	Major significance	Major significance	The Applicant proposes to create a riparian zone surrounding Reedy Creek, and to rehabilitate and conserve that riparian zone. Reedy Creek also represents the primary focus for water management at the site, and is an integral component of the stormwater management system. Issues relating to the changed flow regime in Reedy Creek and the possibility for increased flooding have been raised as key concerns by both Blacktown Council and Fairfield Council (which is upstream of the development site). Suitable rehabilitation and protection of the riparian ecosystem and vegetation is also of key concern to the Department. The Department considers that with the implementation of stringent conditions, and by limiting the scope of the development activities within the riparian zone, there will be substantial benefits associated with riparian corridor rehabilitation and minimal adverse impacts. Carried forward for further assessment – see Section 6.2 below
Traffic and Transport Impacts	Moderate significance	Major significance	The Applicant undertook traffic and intersection modelling for the proposed distribution facility. The proposed access to the site is via a single entry off Wallgrove Road, with an internal access road providing access to the distribution facility. The Applicant's modelling is based on a regional modelling study undertaken for the entire release area and traffic estimates based on the RTA's guideline values. While the modelling has demonstrated that the Applicant's proposed intersection treatment would be satisfactory, the RTA has recommended an enhanced intersection treatment. The terms of the RTA's concurrence have been reflected in the recommended conditions of consent. Carried forward for further assessment – see Section 6.3 below

Urban Design, Landscaping, and Visual Amenity Impacts	Moderate significance	Major significance	The Applicant has designed the building to maximise natural light and ventilation and to provide landscaping for streetscape outdoor recreational areas, and parking areas. Through the course of the assessment, the Applicant has revised the proposed building façade and signage. The Department has recommended a number of further mitigation measures, including: restrictions to advertising and signage, and requirements to use only native species in the landscaped areas adjacent to the riparian zone. Carried forward for further assessment – see Section 6.4 below
Noise and Vibration Impacts	Low significance	Low significance	The Applicant identifies that the main noise sources at the distribution facility would be the forklifts and the delivery trucks. In order to distribute noise equitably from the entire release area, noise limits have been specified for the seven industrial zones within the area. The Applicant has undertaken modelling of noise impacts from the operation of the distribution facility, which shows that the noise would be well below those limits specified for the zone, and would not provide a significant contribution to noise at any residential location. In light of this, the Department has imposed the project specific noise levels (established in accordance with the <i>Industrial Noise Policy</i>) to the development in the recommended instrument of consent. The Applicant has not provided a detailed assessment of construction noise impacts. The Department notes the substantial distance to the nearest noise sensitive receivers and the results of the operational noise impact assessment described above. In light of this, the Department does not consider that construction noise impacts are likely to be significant, but as a precautionary approach would recommend that the Applicant be required to prepare a Noise Management Plan to ensure noise generation is minimised during the construction period. Not carried forward for further assessment
Impacts on Flora and Fauna	Low significance	Low significance	The Applicant highlights that the proposed development includes the removal of 3.97 hectares of degraded Sydney Coastal River-Flat Forest (SCRFF), and the gain of 4.54 hectares of SCRFF as part of the 19.7 hectare Reedy Creek riparian zone. Further, the Applicant highlights that the remnants would have an increased resilience, intactness and connectivity as a result of the conservation and enhancement measures proposed for the riparian zone. The Applicant undertook an 8-part test under section 5A of the Act for the impact to the SCRFF and concludes that the development would not significantly impact the degraded SCRFF community subject to the conservation and enhancement measures proposed for the riparian zone. The Applicant also identified threatened Cumberland Land Snail in the vicinity of the site. Further detailed surveys have identified that the snails were located in vegetation to the south of the proposed site, and as such would not be affected by the proposed development.

			The Department notes that the site is already substantially impacted by existing quarrying activities, and that the proposal includes significant benefits to vegetation on the site by the rehabilitation and conservation of the riparian zone. Not carried forward for further assessment
Contamination and Salinity	Low significance	Low significance	The Applicant identifies that the previous uses of the land include agricultural activity followed by quarrying operations or the extraction of clay and shale since the mid 1980s. Due to these benign uses of the land, the Applicant identifies that there is unlikely to be any significant land contamination at the site. Further, the site is currently being filled with virgin excavated natural material under the provisions of the approved Extraction and Rehabilitation Plan. As such, the Department considers that the land would be suitable for industrial development. The Applicant's studies indicate that the deeper soil horizons and groundwater are highly saline, generally not suitable for release into non-saline water bodies, and that low lying areas would be susceptible to increased salinity levels. The Applicant highlights that it considers a precautionary approach to building and has incorporated a range of measures to manage salinity, including use of salt resistant building materials, techniques and salt tolerant vegetation, and appropriate surface water management practices. The Department notes that the development of the land to create a substantiation portion of hardstand impervious surfaces would reduce infiltration and therefore reduce the potential for salinity problems. The Department is satisfied that the measures proposed would be sufficient to avoid adverse impacts from salinity on future development. Not carried forward for further assessment
Hazards and Risk Impacts	Low significance	Low significance	The Applicant proposes to store LPG at the site, however has not provided the details of that storage. As long as the storage of LPG remains below the thresholds established in the Department's <i>Applying SEPP 33</i> guidelines the storage of LPG would not result in any significant increased risk to surrounding occupiers. The recommended instrument of consent includes this restriction. Not carried forward for further assessment
Archaeology and Heritage	Low significance	Low significance	The Applicant highlights that in the course implementing the Extraction and Rehabilitation Plan consent to destroy Aboriginal objects within proposed site was issued by the then National Parks and Wildlife Service on 12 August 2004. The Department notes that the consent to destroy is for objects on the land that is designated the most sensitive in the area to be developed, and that the rest of the land has a low sensitivity for Aboriginal archaeological significance due to the high level of impact associated with quarrying activities at the site. Notwithstanding this, the Department notes that in the course of the rehabilitation of the Reedy Creek riparian

			zone, the Applicant may find further Aboriginal objects. If this was the case, the Applicant would be required under the National Parks and Wildlife Act 1979 to consult with the Department of Environment and Conservation (incorporating the NPWS), regarding the management of those objects. Not carried forward for further assessment
Air Quality	Low significance	Low significance	The proposed distribution facility would not generate any significant air emissions, apart from those related to traffic movement. Potential emission of dust during bulk earthworks and construction activities would be addressed by measures to be detailed by the Applicant in the Construction Environmental Management Plan. Notwithstanding this, the Department notes that many of the surrounding land uses currently include dusty activities such as construction of the M7 Motorway and continued quarrying activities to the west of Reedy Creek, and that there is a substantial distance between the site and any sensitive receivers. Not carried forward for further assessment
Socio-Economic Impacts	Moderate significance	Low significance	The proposed development would employ a total of 300 people once operational, and would provide the services to the site and for further industrial development in the future. The Applicant proposes to enter into an agreement with the Minister to ensure that the necessary infrastructure is available for future development in the region. Further, the proposal includes the creation of a riparian zone and associated public space. The proposed development is proposed to be located at a major transport hub, removing such distribution activities from less appropriate locations. Not carried forward for further assessment
Waste Generation and Management	Low significance	Low significance	The Applicant proposes to prepare a Waste Management Plan in accordance with Blacktown City Council's Development Control Plan. The wastes produced by the distribution facility are office and kitchen waste, and largely recyclable cardboard, timber, plastics and metals. The Applicant estimates that the quantity of waste would require 10 three m3 bins per week, and has provided for that in the designated waste area. Not carried forward for further assessment

c) *the suitability of the site for the development*

The proposed development site is rezoned by SEPP 59 for employment uses and the SEPP aims to facilitate the development of employment generating industrial, manufacturing and warehousing development (amongst others). In this context, the Department highlights that the proposed development includes capital investment of \$75.5 million, and would employ approximately 300 people during operations, consistent with the objectives of the zone. Further, the proposed site is situated immediately adjacent to the under-construction M7 Motorway, a major piece of regional road infrastructure for the Sydney Metropolitan Region. The proposed site is therefore well located for the nature of the proposed development, being a State-wide distribution facility for Coca-Cola Amatil. The land is currently being filled and under an Extraction and Rehabilitation Plan, reflecting the historical use of the site for quarrying activities. As such, the site is substantially degraded, and is being prepared for employment generating industrial development. Notwithstanding this, the proposed site is immediately adjacent to an existing watercourse, and remnant vegetation constituting an Endangered Ecological Community. The Department notes that the proposal includes detailed rehabilitation, maintenance and conservation of the riparian vegetation near the watercourse, and has recommended a suite of stringent conditions ensuring that this riparian zone is managed in a suitable manner. The Department is satisfied that the site is suitable for the proposed development, with consideration of the zoning of the land, the historical uses of that land and the proposed future use of that land as an employment zone.

d) *any submissions made in accordance with this Act or the regulations*

The Department received 6 submissions in accordance with the Act as a result of exhibition period. A summary of the issues raised in submissions is provided in Section 4 of this report, and the details of issues raised in submissions are discussed in the relevant sub-section of Section 6 of this report.

e) *the public interest*

The Department's assessment concludes that there are no significant adverse environmental impacts that cannot be satisfactorily mitigated or managed through appropriate conditions of consent. Conversely, the Department highlights that the proposed Coca-Cola warehouse and distribution facility would employ approximately 300 people during operations. Further, due to the location of the site immediately adjacent to the under-construction M7 Motorway, the heavy vehicles used for distribution of the beverage products would be able to access directly the regional road network, avoiding residential or sensitive areas. As such, the proposed development is consistent with the objectives of SEPP 59 and would provide a positive outcome with regards to regional employment and traffic distribution. While the Department considers that the benefits of the proposal are significant, it is noted that there has been concern raised by Blacktown Council that approval of the proposed development would pre-empt the precinct planning for the area. In light of this, the Department has recommended a range of measures to maximise consultation between the Applicant and Council, and to minimise any conflict or inconsistencies between the proposed development and Council's strategic planning outcomes. The Department considers that the proposed development would have a benefit impact to the region, and would not significantly detract from Council strategic planning, and therefore is consistent with the public interest.

6. ENVIRONMENTAL IMPACT ASSESSMENT

6.1 Strategic Planning

The proposed site falls under the provisions of SEPP 59. SEPP 59 establishes the framework to co-ordinate the planning and development of the land to which it applies by:

- establishing a set of guiding principles for the development of land;
- requiring the preparation of precinct plans that will provide detailed planning controls; and
- providing for the co-ordinated provision of infrastructure services and the staging of development.

On 25 February 2003, the Minister announced the release of Stage 3, of the Eastern Creek land. Clause 271 of the Regulations provides details for the administration of SEPP 59. It specifies that the Minister cannot determine a development application to land that is the subject of a Release Area under SEPP 59, but for which a Precinct Plan and a Section 94 Contribution Plan had not been prepared for the land. The site the subject of the development is land for which no Precinct Plan and Section 94 Contributions Plan have not been adopted by Blacktown City Council. Subclause two goes on to state that the Minister may dispense with those plans if the Applicant has entered into an agreement with the Minister that makes adequate provision with respect to the matters that may be the subject of the plans.

The Applicant has proposed that a Developer Agreement of this nature be entered into, and has proposed the terms of such an agreement. The Department has been involved in detailed negotiations with the Applicant concerning the final terms of the proposed agreement. The final position of the proposed planning agreement, and the Department's assessment of it are presented below.

Applicant's Position

The first component of the Developer Agreement is the provision of infrastructure including regional transport issues and key access points, and servicing issues including water, sewerage, drainage, electricity, gas and telephones. The Applicant has already reached agreement with Sydney Water for the provision of water and sewer, and with Integral Energy for electrical services. The Developer Agreement includes the following key infrastructure works by the Applicant:

- undertake works for the provision of water services to the site to a total contribution of \$10 million;
- undertake works for the provision of sewer services to the site to a total contribution of \$8.2 million;
- undertake works for the provision of electrical services to the site to a total contribution of \$1 million;
- provide corridors for stormwater drainage works, telephone services, gas and cable.

In addition to this the proposed Developer Agreement includes the provision and upgrade of regional road infrastructure, the provision of road infrastructure required for the initial development proposed by the Applicant, and ensures the Applicant makes adequate contributions to future regional road upgrades. Due to the uncertainties associated with the future cost of these works, a Deed of Offer has been made by the Applicant to the Minister under section 93I of the Act to enter into a planning agreement pursuant to Part 4 Division 6 of the Act for the purposes of committing to the contribution of off-site regional traffic and transport infrastructure impacts. The proposed rate of

contribution is \$68,200.00 per hectare of developable land. The Deed also requires the Applicant to pay the full cost of works on Old Wallgrove Road (for the purposes of a separate DA for the Coles Myer facility), contribute to the upgrade of the Old Wallgrove Road/ M7 Motorway Interchange, and undertake, at full cost, the design and construction of the site access road/ Wallgrove Road intersection works. The Deed of Offer will ensure that the appropriate contributions and upgrades are undertaken to the satisfaction of the Department and RTA.

The second component of the proposed Developer Agreement relates to contributions under Section 94 of the Act. The Applicant acknowledges in the draft Agreement that Blacktown City Council will prepare a Section 94 Contributions Plan and that the Applicant agrees to pay any contributions in accordance with that Plan. The Applicant does, however, highlight that where it can reach agreement with Council for the satisfaction of its contribution obligations by virtue of the following proposed works, then those works would meet the terms of the proposed Agreement.

- Upgrades to Old Wallgrove Road.
- The adaptive re-use of the Southridge House for community facilities.
- The rehabilitation and conservation of a riparian zone around Reedy Creek.

The third component of the proposed Developer Agreement refers to the matters required to be addressed in a Precinct Plan. The Applicant has prepared an M7 Hub Precinct Plan Agreement. The Precinct Plan Agreement provides the following:

- a structure plan that clearly identifies the location of service corridors, roads, shared pathways, and stormwater basins;
- specifies minimum allotment sizes in the eastern portion of the site, and ;
- building setbacks from lot boundaries, including a minimum of 50% of the setback dimensions to landscaped at the road frontage;
- a maximum site coverage of 65% for buildings;
- that all internal roads would be designed and constructed in accordance with the Blacktown City Council and RTA road standards;
- that a minimum of 15% of the developable land will be landscaped, with any one site incorporating a minimum of 10% soft landscaping.; and
- carparking would be consistent with the RTA's *Guide to Traffic Generating Developments* (1993) and the Australian Standards *AS2890*.

As part of the proposed Precinct Plan Agreement the Applicant has specified a desired range of lot sizes. In particular, the Applicant specifies that the minimum lot size would be 0.5 hectares, a minimum of the net developable land would be lots sized 10 hectares or larger, and a maximum of 50% of the net developable land would be lots between 0.5 hectares and 1 hectare. The Applicant argues that the range of lot sizes is consistent with objectives of SEPP 59, which is to provide a range of lot sizes able to accommodate a wide range of employment-generating development, including those uses, which require large sites such as major distribution sites. The Applicant highlights that the development application includes a State-wide warehouse and distribution centre for Coca-Cola Amatil, and a large sized lot of 15 hectares.

Importantly, the Developer Agreement also makes provisions for the Applicant to undertake a review of its Precinct Plan Agreement in consultation with Blacktown City Council and to the satisfaction of the Director-General when Council's Stage 3 Precinct Plan has been finalised. The review is required to be undertaken within 1 month from the date Council adopts the Stage 3 Precinct Plan to ensure that the Applicant's precinct matters are coordinated and consistent with Council's approved Precinct Plan.

Subdivision

The Applicant has included subdivision of the eastern portion of the M7 Hub as part of the development application. The subdivision as originally proposed was for the site for the distribution facility, the Reedy Creek riparian zone, and the access road (with a northern arm to provide for service corridors). The Applicant later added full subdivision of the land east of Reedy Creek to a range of lots ranging in size from 0.3 hecatres (3,000 m²) to 1.2 hectares. This further detail of the proposed subdivision included a larger lot for accommodating the stormwater detention basin servicing the distribution facility, in response to concerns raised by Council and the Department regarding stormwater flows into Reedy Creek. As mentioned above, the Applicant argues that the range of lot sizes is consistent with objectives of SEPP 59.

Issues raised in submissions

The Department received a submission from Blacktown Council and two private submissions raising strategic planning issues associated with the proposed development.

Blacktown Council raised a number of such issues claiming that approval of the proposed development would pre-empt Council's strategic planning for the Stage 3 Release Area Precinct Plan, does not have regard for key transport infrastructure, and is not consistent with Council's current standards for industrial development. The particular concerns raised by Council include:

- the site coverage is inconsistent with Council's existing standards;
- that the creation of the proposed lots is pre-emptive of the overall subdivision layout for the whole site;
- that Council would not accept dedication of the stormwater system until Council was satisfied with the drainage system, and that Council's detailed consideration of the stormwater system could not be finalised until the Precinct Plan was finalised; and
- that Council would not accept dedication of the internal roads as the most suitable road pattern had not been finalised as part of the Precinct Plan.

The first private submission referred to concerns regarding the provision of services and utilities, and the potential impact that that might have on surrounding land. The second private submission indicated that the proposed Develop Agreement should be finalised prior to the lodgement of the development application and formally exhibited at the time of the development application, so that a review of the matters to be considered in the Agreement could be undertaken by interested third parties.

Department's Position

As mentioned above, the Department has been intimately involved in the iterative process of formulating the finalised proposed Developer Agreement. The Agreement as proposed is considered to make adequate provisions for installation of the required infrastructure services, ensures contributions by the Applicant to regional transport needs and ensures the Applicant meets the requirements of any contributions required under Council's section 94 Contributions Plan for the Stage 3 Release Area, once one is adopted. Notwithstanding this, there are a number of issues relating to the precinct planning that require further consideration.

As part of the Department's assessment of the proposal, comprehensive consideration of the environmental management issues associated with the proposal has been undertaken, including car parking and access, stormwater provisions, urban design, landscaping and potential impacts to noise, flora and fauna and heritage items. That assessment has generally considered the matters required to be addressed in a Precinct Plan under SEPP 59. The Department is satisfied that the proposed development would meet acceptable environmental limits and could be operated in a manner which would

minimise any environmental impacts. As such, the Department does not consider that the Precinct Plan Agreement need re-cover this ground in detail. In this manner, the Precinct Plan Agreement provides only basic minimum standards for future development on the land for the sake of consistency, and provides a proposed layout only in so far as ensuring that appropriate access, services and infrastructure are maintained.

The Department notes that the Applicant's proposed Precinct Plan Agreement relates primarily to the site structure plan that is necessary to ensure the provision of necessary services and infrastructure associated with the development application (as well as those associated with the Coles Myer development application). In considering the options available for providing such infrastructure and services, the Applicant, and the Department, was required to consider the strategic issues associated with the proposed development. In particular, the Applicant proposed an internal road and subdivided lot layout, to establish the location of estate access roads and service corridors necessary for the two development applications. This proposed estate structure has been represented in the Precinct Plan Agreement to ensure that these necessary services and pieces of infrastructure are provided. The Department highlights that the proposed site structure plan is subject to the constraints on the land (its size, and its bisection by Reedy Creek), and specifies the road structure, and range of lot sizes (but not the specific location and lot size of any particular lot), in the area to the east of the Reedy Creek riparian zone. As such, while, the outcome of Council's Precinct Plan may not agree entirely with proposed structure (established in the Precinct Plan Agreement) the proposed structure is workable and achievable and permits the beneficial development of the land, by ensuring the provision of necessary services and infrastructure. Further, since the land the subject of the Precinct Plan Agreement is wholly owned by one party, it does not place any restriction on any other landowners or developers in the Stage 3 Release Area, nor does it affect Council's ability to strategically plan those areas as part of the Precinct Plan.

Importantly, the Department also highlights that the proposed Precinct Plan Agreement would be reviewed in detail and changes proposed by the Applicant to provide for consistency with Council's Stage 3 Precinct Plan, once it had been finalised and adopted by Council. Where the Applicant could not, or did not deem it reasonable to provide for such consistency, then the Applicant would need to justify that to the satisfaction of the Director-General. Ultimately, the Director-General would be required to approve the amended Precinct Plan Agreement. As such, the proposed Agreement would, wherever practicable, be consistent with Council's adopted Precinct Plan. While the outcomes may not be fully consistent with Council's Precinct Plan, the planning for future development in the M7 Hub estate has been considered in the assessment of the proposal.

Subdivision

The Department accepts the argument made by the Applicant regarding the need for a range of lot sizes in the area east of Reedy Creek, and agrees in principle that a range of lot sizes is consistent with the planning objectives of SEPP 59 and conducive to good development outcomes. Notwithstanding this, the Department has not fully considered what the optimum subdivision plan would actually be. It should be noted that the Department is currently considering a third development application lodged by the Applicant, which relates to the subdivision of the entire M7 hub estate, which incorporates the land to the east and west of the Reedy Creek riparian zone. This application includes subdivision of the land surrounding the proposed distribution facility site, the creation of the Reedy creek riparian zone, and the subdivision of land west and north of the Reedy creek riparian zone.

With particular regard to the proposed road and lot structure for the site east of Reedy Creek (surrounding the Coca-Cola distribution centre), the Department notes that the proposed development requires services and infrastructure, and that these are constrained due to the nature of the land. While the proposed subdivision plan is generally considered reasonable, it is not considered appropriate at this time to approve the subdivision plan (which specifies the size and location of lots), and the location of all roads in the area, without more detailed assessment. This detailed assessment would be undertaken via the preparation of the Precinct Plan by Blacktown City Council or the determination of the Estate Wide development application for the M7 Hub lands. Notwithstanding this, the Department does understand the regional benefits associated with the proposed development, and accepts that the subdivision and creation of lots necessary for the distribution facility and the provision of services (including the creation of the Reedy Creek riparian zone) are necessary for the proposal to proceed.

Conclusion

In accordance with the above discussion, the Department:

- agrees that a range of lot sizes in the area to the east of Reedy Creek is generally appropriate, and that the proposed road structure is considered adequate for the purpose of providing access and services into the area;
- considers that the proposed Precinct Plan Agreement incorporates the matters necessary to provide the Applicant with some certainty over its land; and adequately addresses the matters required to be addressed under SEPP 59;
- considers that the proposed Precinct Plan Agreement would not have any significant adverse impact onto any adjacent land owners, nor significantly affect Council's ability to provide strategic planning outcomes over the subject land as a result of the Precinct Plan.

Notwithstanding this, the Department does not think it would be appropriate to approve the actual lot structure and road structure, outside of the lots and roads necessary for the provisions of access and services to the proposed Coca-Cola warehouse and distribution facility. As such, the recommended instrument of consent includes conditions that restricts the scope of the development consent to those pieces of land.

6.2 Hydrology, Flooding and the Riparian Zone

Applicant's Position

Reedy Creek Riparian Zone

The Applicant proposes to create a separate lot in the subdivision to provide for a rehabilitation and conservation area, known as the Reedy Creek riparian zone. The riparian zone would be approximately 19 hectares, a minimum of 40 metres each side of Reedy Creek, and its main elements would include:

- new plantings of endemic species representative of the Sydney Coastal River Flat Forest and the Cumberland Plain Woodland;
- a four metre shared path traversing the zone, linking in with the M7 shared path and the future shared path along the Sydney Water pipeline corridor;
- small turfed openings with seating created along the edge of the shared path to provide places for the M7 Business hub workers and the public to stop; and
- two bridges crossing Reedy Creek, one providing a 2 metre pedestrian bridge in the southern end of the Creek, and one along the existing bridge line near at the northern end of the Creek, that would be suitable for maintenance vehicles.

The Applicant proposes to manage stormwater flows by capturing some of the clean roof water from the buildings in stormwater tanks for the purposes of irrigating landscaped areas. The Applicant has estimated the volume of water required at the Coca-Cola distribution facility site for this purpose, and predicted that tanks with a storage capacity

of approximately 200 cm would be sufficient. A proportion of clean roof water not collected in the tanks was proposed by the Applicant to be discharged directly into Reedy Creek, so as to mimic environmental flows, with the remainder to be discharged into stormwater detention basins that would improve the quality of the water and provide for the necessary water storage capacity during high flow events.

Hydrology and Flooding

The Applicant has undertaken a flood investigation over the entire M7 Business Hub estate. The investigation aimed to accurately evaluate the effects of rehabilitation, filling and development on the flooding behaviour of the area and to determine the 1 in 100 years and maximum flood levels at the site, taking into account the construction of the M7 Motorway and the removal of culverts associated with that construction. The Applicant notes that prior to the construction of the M7 Motorway the culverts across Reedy creek (from Wallgrove Road) created a significant flood storage. These culverts were not adequate to cater for the 1 in 100 year rain event and as such flow would overtop Wallgrove Road at its lowest point. The M7 Motorway construction would remove these culverts. Since the M7 Business Hub is upstream of the M7 Motorway, this would significantly reduce the flooding potential on the M7 Business Hub lands, and therefore at the proposed site. Further, due to nature of earthworks undertaken at the site as a result of mining and rehabilitation activities, the floodplain storage volume has increased by approximately 7.5%.

The Applicant has undertaken detailed modelling of the water levels downstream of the proposed development to determine whether the proposed development would significantly affect downstream of the proposed site. The modelling shows that the water level 245 metres downstream from the site, and 1445 metres downstream from the proposed site are virtually unchanged as a result of the proposed development activities. The Applicant highlights the following results:

- The proposed development provides for a minimum 300 mm freeboard above the 1 in 100 year flood event as specified by Blacktown City Council's Drainage Design Manual;
- The floodplain widths have generally been reduced as a result of the proposed development, resulting in an increase to the velocity-depth product to 0.74m²/s, however this product remains below the acceptable criteria of 1 m²/s; and
- There is an increase to the possible maximum flood levels at the site, however this is not propagated upstream or downstream from the proposed site.

Issues raised in submissions

The Department received detailed submissions from Blacktown City Council and Fairfield City Council in relation to flooding impacts from the proposed development. Blacktown Council stated its objection to the proposed stormwater management system, in particular, the discharge of roof water directly into Reedy creek for the purposes of maintaining environmental flows, and the location of any stormwater management devices within the Reedy Creek riparian zone. Blacktown Council further highlights that the required freeboard has been revised to 500 mm above the 1 in 100 year flood event and that the stormwater basins must be designed to control peak flow rates during discharge so as to mimic pre-mining flows. Council also expressed concern about the flooding modelling results, which indicate an increase to flooding at the site, but that there is no increase to flooding levels upstream or downstream of the proposed development site.

Fairfield Council raised concern regarding the upstream impacts of the filling at the proposed site (on land in the Fairfield local government area), in particular, with respect to the Applicant's flooding study conclusion that the maximum flood level at the development site would increase.

Department's Position

Reedy Creek Riparian Zone

The Department's principal concern regarding the creation of Reedy Creek was the protection of the land and waters within the proposed riparian zone. The Department requested additional information and clarification from the Applicant in relation to the following issues:

- clarification of the scope of works within the riparian zone, in particular the location of the shared path, recreational areas and construction/ filling activities;
- further details of the number and location of stormwater discharge outlets into Reedy Creek and their impact to bank stability;
- provision of a fire asset protection zone;
- additional details regarding the proposed stormwater management system.

In light of these requests, the Applicant has refined the proposal, to meet the requirements of the Department. The Applicant also provided responses, or amendments to the development, regarding the concerns raised by Blacktown and Fairfield Councils. . In particular, the Applicant has clearly stated that all the shared/ recreational areas shall be located outside the 40 metre riparian zone, and generally outside of the 50 metre buffer zone (an additional 10 metres), except with the shared path that must traverse the riparian zone to cross the creek. The Department is generally satisfied that the riparian zone would be suitably rehabilitated by the Applicant, however has proposed a number of conditions to provide additional certainty. In particular, the Department recommends that:

- the Applicant obtain the Department's approval prior to the establishment of the riparian zone via an 'on the ground' survey, with suitable legal protection of the zone and the creek to ensure it remains a public space;
- where practicable an additional 10 metres on either side of the riparian zone is set aside for soft landscaping, grassed areas, the shared path and recreational areas;
- environmental limits on the type of vegetation and soils able to be used in the riparian zone, and minimum standards for the construction of shared paths and creek crossings;
- on-going management and maintenance of the riparian zone be required; and
- the Applicant be restricted from improving the existing northern Reedy Creek.

With regards to the management of stormwater, the Applicant has amended the proposal to direct all stormwater (except that captured and stored at the site) through the detention basins, and has resized the stormwater detention basin accordingly (to substantially increase its storage capacity). This has resulted in a reduction of the number of stormwater outlets from 3 to 1 for the distribution facility. With regards to water harvesting, the Department considers that the Applicant should be encouraged to maximise its water efficiency through such measures, and has required that the Applicant prepare and submit a management plan to detail measures to maximise water efficiency at the development, and to maximise the reuse of water at the development.

Hydrology and Flooding

In response to the concerns regarding the impacts to flooding, the Applicant provided additional details on the modelling undertaken. In particular, the Applicant provides that the proposed development would increase the possible maximum flood level by approximately 500 mm at the site when the M7 Motorway is taken into account. However, the Applicant highlights that the distance between this crossing and the Fairfield end of the site (upstream) is more than 800 metres, with the predicted impact at the upstream end of the site to be less than 100 mm, which is within the bounds of the accuracy of the model. Further, the Applicant emphasises the conservative assumptions in the proposed model, primarily being that in the event of a flood, the batters would not

be overtopped. This is unlikely, since the flood would spill out over the detention basins and some non-habitable parts of the development site, thereby significantly reducing the potential backwater effect. Further, the Department notes that the Applicant has withdrawn from the early direct release of roof water from the development, instead detaining that water in the stormwater basins, and reducing peak flow rates. The storage capacity of the stormwater basin has been increased accordingly. The Department is satisfied that the modelling is sufficiently conservative to demonstrate that the flooding impacts would be contained at the proposed site. The Department therefore considers it unlikely that there will be any significant off-site flooding impact associated with the proposed development.

The Department recommends that the Applicant prepare a details Stormwater Management Scheme for site-wide stormwater management. The Scheme would be prepared in consultation with Blacktown and Fairfield Councils, and would include details of management measures to mitigate flood waters as far as practicable. The Department has also recommended that a stormwater management plan be prepared for the distribution facility, and a condition stipulating the freeboard level (500 mm) in accordance with Blacktown Council's *Eastern Creek and Tributaries Floodplain Management Plan*.

6.3 Traffic and Transport Impacts

Applicant's Position

The Applicant undertook traffic and intersection modelling for the proposed Coca-Cola distribution facility. The proposed access to the site is via a single entry off Wallgrove Road, with an internal access road providing access to the distribution facility. The Applicant's modelling is based on a regional modelling study undertaken for the entire release area and traffic estimates based on the RTA's guideline values, being approximately 2,171 vehicles per day, with a morning peak hour of 296 vehicles and an afternoon peak hour of 158 vehicles. The Applicant notes that the actual predicted traffic generation rates are below the RTA guideline values, being approximately 56 in the morning peak hour and 109 in the afternoon peak hour. While the RTA guideline values have been used for the purposes of the modelling and assessment, the Applicant notes that the actual estimated vehicle movements are significantly less than the RTA's guideline values. The Applicant also highlights that the predicted traffic flows from the proposed development, were added to the traffic flows modelled for Wallgrove Road in earlier studies, with the link road across Reedy creek excluded from the model.

The Applicant modelled the performance of the intersection between the proposed access road and Wallgrove Road with three scenarios. The scenarios being: four lanes on Wallgrove, north and south of the intersection; four lanes north of the intersection and two lanes south of the intersection; and thirdly two lanes north and south of the intersection. In each case, the Applicant considered the likely traffic impact at the intersection in 2006 and 2016, with the provision of one dedicated right turning lane from Wallgrove Road into the proposed access road.

The modelling suggests that, while for scenario two and three there is an unacceptable impact in both 2006 and 2016, the Applicant's proposed intersection treatment (scenario one) would remain satisfactory until 2016.

The Applicant has provided an assessment for the capability of the proposed site to provide access for large rigid trucks and b-doubles, and an assessment of car parking. The Applicant proposes to provide 250 parking spaces for cars, 70 spaces for rigid trucks, 20 spaces for b-doubles and 15 spaces for trailers. The Applicant notes that the RTA's Guide to Traffic Generating Developments recommends a total of 153 car parking

spaces, and highlights that with a total of 300 employees at the site at any one time, exceeding of the RTA's guide is reasonable.

Issues raised in submissions

The RTA has recommended an enhanced intersection treatment for the proposed access road/ Wallgrove Road intersection. While the RTA indicates that the provision of two through lanes in each direction on Wallgrove Road is acceptable, the RTA considers that an additional right turn entry lane from Wallgrove Road into the proposed access road is necessary. The RTA has also provided the terms of its concurrence under the *Roads Act 1993* for the works proposed at the Wallgrove Road/ proposed access road intersection. The terms of the RTA's concurrence specify the following:

- the specifications for the proposed intersection works, including number of lanes (through lanes and turning lanes), and that it be signalised; and
- administrative arrangements ensuring that detailed design is approved by the RTA prior to commencement of construction, and that costs are appropriately covered by the Applicant.

The RTA also made recommendations that onsite access and car parking be designed and constructed in accordance with the relevant Australian Standards, and that No Stopping restriction be placed on the proposed access road between the Wallgrove Road intersection and the roundabout.

The Department received a detailed submission from Council regarding traffic impacts. In particular, Council highlighted that it could not approve of the proposed road layout until it had finalised its Precinct Plan studies, and that as such Council would not accept dedication of the internal roads as public roads. Council also indicated that it was not the appropriate integrated approval body under the *Roads Act 1993* for the proposed intersection works.

Department's Position

The Department considers that the Applicant is modelling, in conjunction with the RTA's recommendations, demonstrates that the traffic implications of the proposed development would be acceptably handled by the proposed intersection. The Department notes that the Applicant would fully fund the design and construction of the proposed access road/ Wallgrove Road intersection as part of its obligations under the Developer Agreement. The Department also highlights the significant benefits associated with the location of the proposed development, immediately adjacent to the under-construction M7 Motorway. Because of this, heavy vehicles associated with the distribution of beverage products would not need to traverse residential or other sensitive areas to access the site. The M7 Motorway provides access to the State-wide road network without requiring any travel through local or arterial roads within Sydney.

With regards to the internal roads, the Department acknowledges that Council's final acceptance of those roads would be subject to the outcomes of the Precinct Plan studies. While this issue has been generally addressed above, in section 6.1, the Department recommends that the Applicant be required to consult with Council during the design of the internal roads to ensure they are designed and constructed in accordance with the reasonable requirements and standards of Council. Secondly, the proposed Precinct Plan Agreement specifies that all roads would be constructed to meet Council and RTA standards. Thirdly, should Council still not be willing to accept the road as public roads (and therefore be owned and administered by Council), the Department would require that the Applicant establish a public positive covenant on the roads land to permit Council to take ownership of that land at its discretion. In this way, should Council's position on this matter change at some time in the future, there would be no impediments to the transfer of that land to Council's ownership and control at that time.

In the mean time, the Department has included a requirement for the roads to remain in the private ownership of the Applicant, with the Applicant to prepare and implement a Roads Management and Maintenance Plan to ensure the roads are kept in satisfactory working order.

The Department is satisfied that the proposed car parking and site access arrangements are suitable, subject to conformance with the relevant Australian Standards, and the Council's design and construction standards.

With regards to the integrated approval under the *Roads Act 1993*, the Department notes that the appropriate integrated approval authority is Blacktown Council, with the RTA's concurrence. The Department has notified Council of its integrated approval role, and fulfilled all of the statutory obligations of forwarding submission to Council and notifying Council when its General Terms of Approval were due. The Department has not received any General Terms of Approval from Council, but has received the terms of the RTA's concurrence. Further, Council directed the Department to consult with the RTA to obtain the general terms of the integrated approval under the *Roads Act 1993*. Due to the concurrence role of the RTA, the Department considers that it would be appropriate to proceed with the granting of development consent, should the Minister so determine, and to reflect the terms of the RTA's concurrence in the recommended instrument consent. The terms have been so reflected.

6.4 Urban Design, Landscaping and Visual Amenity Impacts

Applicant's Position

The Applicant notes that the building is large, with a length of approximately 300 metres, and a height of approximately 14 metres, with two high bays at approximately 28 metres height. The proposed building is predominantly single storey building, with the two higher elevations at the eastern and western ends of the building to provide for large interior elements at the development. The loading docks are on the southern side of the building unable to be seen from the major roadways, access road or site entrance. The front of the building incorporates two office components, one at each end of the building. On the higher elevations of the building, the Applicant has proposed a collage of Coca-Cola products, including product names and signage, with a diverse range of colours.

The Applicant highlights that the proposed development includes a building coverage of less than 65% of the site, with approximately 12.4% of the site provided for soft landscaping. The Applicant notes that this is less than the cumulative goal of 15% soft landscaping across the estate, however, is greater than the minimum 10% for each individual site. The development also complies with setback targets, being 8 metres from roads and 3 metres from site boundary. These standards, established by the Applicant as part of its consideration of Precinct Plan issues under SEPP 59, are generally consistent with Precinct Plans already adopted by Blacktown Council for release areas under SEPP 59.

The Applicant has provided a landscaping plan, which specifies the type of species and density of plantings, as well as the provision of open space and recreational areas around the riparian zone.

Issues raised in submissions

Blacktown Council raised concerns in relation to the urban design, visual amenity and landscaping issues. Council raises concern about the colour scheme proposed by the Applicant, in particular the amount of red on the façade and the elevations, and the signage on the building that is considered general advertising and not business identification signage. Council also raises concern regarding the proposed site coverage, and the landscaping plan.

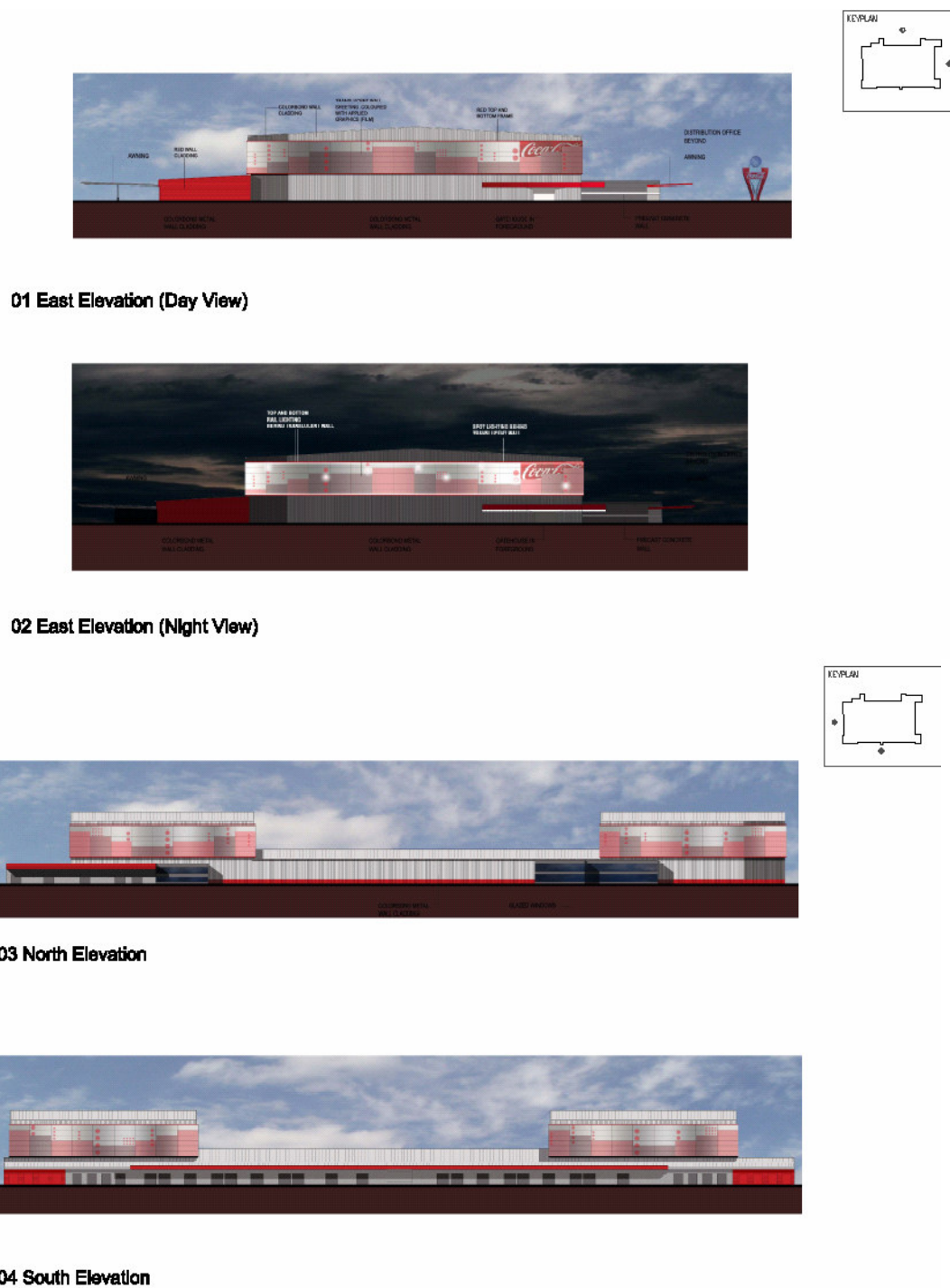
Department's Position

The Department raised significant concern with the Applicant concerning the high level of signage and advertising that the proposed façade incorporated. The Department did not consider it appropriate for the high bays to be utilised for this purpose and requested the Applicant to reconsider the proposed designs, with a view to being more conceptual and simplistic with the design, with less direct signage and a more considerate approach to the appearance of the building from a distance. The Department highlights that in meeting these requirements, the provisions of SEPP 64 (advertising and signage) would be satisfactorily addressed.

In response to the Department's concerns, the Applicant proposed to remove the bulk of the signage and advertising from the elevated sections of the building, and creating a continuous light band around each of the high bays to shift the primary focus away from the scale of the steel cladding, see Figure 4. When seen from a distance, while still retaining the focus on the high bays, changes the appearance from being of two large metal sheds, to two floating translucent boxes that vary in colour and shade throughout the day and night. Particularly at night, where they are seen as two soft glowing lanterns within the vast landscape.

The Department generally supports the revised building design except for three issues. Firstly, the Department still does not consider it appropriate to use the high bays for any kind of direct advertising. The Department acknowledges that the Applicant has generally removed advertising from the high bays, except for a small cut-off Coca-Coal sign. The Department does not consider this sign as being necessary for building identification, as it appears to be intended to be viewed from a distance rather than from near observers. Secondly, the Department does not consider the pylon signage to be appropriate, due its height and scale. Thirdly, the Department notes that the primary purpose of the lantern box façade was to draw attention away from the metal cladding of the building structure. The Department therefore considers that the top lip of the lantern should be raised to ensure that the peaked metal clad roofing of the building is not observed from a distance as being above the lantern box. The Department recommends that the Applicant be required to obtain approval from the Director-General for the final detailed design prior to the commencement of building works, to ensure that these issues have been satisfactorily addressed.

Figure 4: The Applicant's revised proposed building façade.



7. RECOMMENDED CONDITIONS OF CONSENT

Should the Minister determine to approve the proposed development, the Department recommends the imposition of a number of conditions to mitigate, manage and monitor environmental impacts, as outlined in the recommended instrument of consent. The conditions incorporate the General Terms of Approval under the *Rivers and Foreshores Improvement Act 1948*, and reflect the terms of the RTA's concurrence under the *Roads Act 1993*. The other issues raised by Blacktown and Fairfield Councils, and all other submitters including nearby land owners, have been considered in this report, and where relevant conditions have been included in the recommended instrument of consent. Key matters covered by the recommended conditions include:

- limits to the scope of the development to include those parts of the development necessary for construction and operation of the Coca-Cola facility, and to establish the Reedy Creek riparian zone;
- provisions relating to the Developer Agreement to be entered into between the Minister and the Applicant to ensure regional infrastructure and community services are suitable contributed to and strategic planning adequately considered;
- rehabilitation and conservation of the Reedy Creek riparian zone;
- implementation of procedures to manage noise, water, soil and dust impacts associated with the development;
- provision for the handling and response to any community complaints; and
- establishment of environmental management plans for the development.

8. CONCLUSION

The Department has assessed the development application, the accompanying SEE, and the submissions received on the development; and is satisfied that that all key environmental concerns can be adequately addressed. In particular, the Department is confident that the potential impacts on Reedy Creek can be minimised through the Applicant's proposed rehabilitation and conservation measures and the stringent conditions of consent recommended by the Department.

Consequently, it is recommended that the development application be approved subject to the Department's recommended conditions that have been formulated to manage, monitor and mitigate potential environmental impacts.

The Department highlights that recommended approval of the proposed development application is contingent on a Developer Agreement being entered into between the Applicant, the Minister and the RTA. The Developer Agreement would ensure that strategic planning issues, including regional transport infrastructure and services, would be satisfactorily provided for the Applicant. The proposed Developer Agreement would also minimise any potential inconsistencies between the proposed development and the outcomes of Council's precinct planning.

APPENDIX A RELEVANT PROVISIONS OF SEPP 59

Following are considerations of the proposed warehouse and distribution centre in the context of the objectives and provisions of State Environmental Planning Policy No. 59 – Central Western Sydney Economic and Employment Area.

Provisions of the Policy

In determining a development application, the consent authority must take into consideration the following matters identified in clause 10 of the SEPP where relevant to the development the subject of the development application:

Clause 10 Matters for consideration

Economic Development and Employment

- a) **The contribution the development makes to the economic development and the number and diversity of jobs in Central Western Sydney**

The proposal relates to the development of a warehouse and distribution centre that is estimated to have capital investment value of \$75.5 million and that will employ 300 persons on a full-time equivalent basis. It is therefore considered that the proposal will make a significant contribution to economic development and employment generation in Western Sydney.

- b) **The range of lot sizes and resulting ability to accommodate a wide range of employment-generating development including those uses which require large sites such as major distribution sites**

The proposal is for a large-scale warehouse and distribution centre occupying 15 hectares that is consistent with the type of development envisaged for the Stage 3 Release Area under both SEPP 59 and the Precinct Plan.

Servicing

- c) **The timing, location and design of the development having regard to the orderly provision of infrastructure and services**

Commitments to the provision of services is provided for in the recommended Developer Agreement. This includes provisions for water, sewer, electricity and telecommunications. Any other relevant infrastructure and services for the site have been provided as part of the approved works under the development consent for the proposed development.

Extraction and Rehabilitation

- d) **The remaining resources which are of a high quality, regionally significant and identified in *Sydney Regional Environmental Plan No. 9 – Extractive Industry*, should be extracted while economically viable**
e) **There should be an orderly and co-ordinated sequence of extraction and rehabilitation to achieve the progressive construction of landforms that are suitable for development as employment lands**

Quarrying activities are continuing on land to the west of Reedy Creek, however this development will not affect those operations. The site is currently the subject of rehabilitation under an Extraction and Rehabilitation Plan, as quarrying activities have recently ceased. Under that Plan the landform is being reshaped for the purposes of industrial development.

Housing

- f) **Housing choice will be achieved by a wide range of housing types and lot sizes, with an overall density within a Precinct of at least 15 dwellings per hectare to meet the principles of the compact city as described in *Cities for the 21st Century*, published by the Department of Planning in January 1995**
Not relevant.

Environment

- g) **Development should be consistent with the principles of ecologically sustainable development which requires an active approach to anticipating and preventing damage to the environment, and where possible, ensuring that developments are planned in a way that enhances the environment**
The proposal is consistent with ESD objectives, as:
- The proposal includes a significant riparian zone to be rehabilitated and conserved;
 - appropriate environmental management measures will be in place during construction activities;
 - all relevant operational environmental issues have been satisfactorily addressed; and
 - conditions have been included in the consent to ensure the Applicant undertakes water and energy efficiency principles.
- h) **Development should be consistent with *Action for Air, the New South Wales Government's 25 year Air Quality Management Plan*, published by the New South Wales Government in March 1998, including all aspects of air quality, from assessing emissions from a development to transport and land use considerations**
The DA documentation concludes general compliance with relevant air quality criteria. The nature of the proposed use as a warehouse and distribution centre is unlikely to generate significant air emissions. Further, the location of the proposed site to the major regional road networks is likely to reduce air quality impacts from road traffic.
- i) **Development should be consistent with the principles of total water cycle management**
The recommended consent conditions contain requirements relating to the implementation, design, performance and maintenance of pollution control devices on the site. Conditions also require the Applicant prepare a water efficiency management plan to address water harvesting, use and management principles.
- j) **Development should be consistent with the principles of waste minimisation as set put in *A Guide to the Waste Minimisation and Management regulation*, published by the Environment Protection Authority in 1996, and should ensure that waste is minimised through re-use, recycling and reprocessing, with disposal being the last resort**
The recommended conditions of consent require the preparation of a Waste Management Plan. Additionally, the Applicant is required to encourage its employees to minimise domestic waste production and reuse and recycle where possible.
- k) **Development should be planned to achieve maximum energy efficiency through such measures as building location, design and materials use,**

the selection of energy and water efficient building services, equipment and appliances.

The Applicant has incorporated energy efficient design into the proposed building, by providing for solar ventilation. The Department has included conditions that require the Applicant to provide additional details regarding the implementation of energy efficiency measures.

Heritage Conservation

- l) The conservation of items of heritage significance identified in this Policy or any other environmental planning instruments or subject to an order under the *Heritage Act 1977*.**

There are no items of heritage significance on the development site, however, it is in the vicinity of a locally listed heritage house. The Department is satisfied that the proposed development would not impact on any heritage items.

- m) The conservation of significant bushland and other natural features**
n) Development should be planned to minimise impacts on areas of high biodiversity or Aboriginal heritage significance and should seek to enhance the values of these areas

The site is currently highly disturbed and cleared of vegetation. While some vegetation would be removed for the proposed development, there would be rehabilitation of a larger amount of vegetation, and the rehabilitated vegetation would be congruous with the riparian corridor of Reedy creek, improving the resilience, intactness and connectivity of the vegetation community. The Applicant would be required to provide for ongoing maintenance and conservation of the rehabilitated riparian zone. Regarding Aboriginal heritage, the Department notes that a consent to destroy certain items was provided by the then National Parks and Wildlife Service under the Extraction and Rehabilitation Plan. There are no further known items of Aboriginal heritage significance known to exist on the site.

Cultural Landscape and Open Space

- o) The suitability of the site or part of the site for open space that will enhance and link the regional open space and special uses corridor and provide for the needs of the local community**

The development includes rehabilitation of the Reedy Creek riparian zone, with a shared use paths and publicly accessible recreational areas. The shared paths would connect with shared paths throughout the region.

- p) The protection and improvement of the cultural landscape particularly that surrounding St Bartholomews Church and Prospect Reservoir**
Not relevant.

Transport

- q) The range of permissible land uses, the design and layout of the site, and connections to existing transport networks should minimise vehicle kilometres travelled (VKT) while recognising the freight and transport requirements of the industry**

The proposed development is ideally located in regards to accessing the regional and State-wide road network and therefore provides efficiency for freight transport and distribution. Being located near major roads, the development would reduce vehicle kilometres travelled on local roads.

- r) **Development should provide for users of all modes of transport, including public transport, cycling and walking, with a recognition of the need to integrate the development into the surrounding network of each mode**
Contributions will be made by the Applicant towards public transport and for upgrades and integration of other road networks.
- s) **The identification of freight links through the Greystanes Precinct from the land zoned “Employment” at Wetherill Park to the M4**
Not relevant.
- t) **The identification of links to the Transitway identified in *Action for Transport 2010, an Integrated Transport Plan for Sydney* published by the NSW Government in November 1998**
Not relevant.”

Urban Design

- u) **Development should ensure that the environmental and social quality of existing and future residential areas are safeguarded and that, in particular, noise and vibration from quarry operations is minimised**
The proposal is unlikely to adversely impact existing and future residential areas.
- v) **Development should be designed and located to ensure the best possible urban design outcomes including landscape quality and visual character**
The proposal is considered generally acceptable in design and landscaping terms in the context of the zoning of the land for employment purposes and the provisions of SEPP 59 relating to industrial/warehouse type development on the land. The Department has required significant changes to the building façade to enhance the distance views of the development and ensure that it is consistent with provisions of SEPP 59 and SEPP 64 and consistent with the future use of the surrounding area as a business park.
- w) **The scale and character of any development derived from an analysis of the site having particular regard for its character when viewed from the M4, or the environs of Prospect Reservoir**
There would be glimpses of the proposed buildings from the M4, however there are no significant views from residential areas. The Department requires that the Applicant submit the final detailed design to remove advertising from the elevated sections of the building façade and to ensure that it provides a positive element in the landscape. The final design would shift the focus away from the scale and bulk of the building.

Community Services

- x) **Development of the land will integrate community services with land use planning**
- y) **Development of the land is to result in an attractive and safe built environment which satisfies a diverse range of community needs**
- z) **The full range of human services and community facilities infrastructure appropriate to the changing needs of the community will be provided in a timely manner**

- aa) **The amenity of the region will be promoted through the provision of on-site services and facilities, and through complementing or augmenting existing service networks**
- bb) **Equitable access to services and facilities will be promoted for all groups and individuals in the community**
- cc) **Development will integrate the new community with existing adjoining communities**
- dd) **Community participation will be encouraged in the identification of community services and facility needs**

It is proposed that the Applicant enter into a Developer Agreement with the Minister in relation to monetary contributions towards regional community service provision. In addition, the proposed development includes rehabilitation and conservation of the riparian zone to provide public access via the regional shared pathway system. The riparian zone would provide recreational spaces for on-site workers as well as the general public. It is considered that the proposal will contribute to the creation of an attractive and safe built environment

Schedule 1 Precinct plans

Under the SEPP, a Precinct Plan must take into consideration the matters set out in Schedule 1 of the SEPP. In the preparation of the proposed Developer Agreement the Department has considered the matters listed below.

1 Overview

(a) A Precinct plan must have regard to the following matters:

- (i) **regional transport issues and key access points,**
The Developer Agreement makes adequate provisions for upgrades to local roads and regional infrastructure requirements and provisions for the contribution of other road infrastructure, community services and public transport requirements. The development includes the construction of a proposed access road, connecting to Wallgrove Road. The intersection is to be constructed to meet the predicted future intensity of use, in accordance with the RTA's requirements.
- (ii) **regional water, sewerage and drainage provisions,**
Agreements have been reached with Sydney Water for the provision of water and sewer services at a cost of \$18.2M. Stormwater management and drainage control are also addressed in the Developer Agreement and conditions of consent, and would be constructed and operated to Blacktown Council's standards.
- (iii) **regional servicing issues such as electricity, gas and telephones,**
These services are addressed within the Developer Agreement.
- (iv) **any other issues relevant to State or regional planning.**
Considered as part of the Department's Assessment report.

(b) A Precinct plan must:

- (i) **demonstrate how the guiding principles in Part 2 of this Policy will be addressed in the planning for the Precinct, and**
- (ii) **include an overview of the Precinct and its staging, and**

(iii) outline the infrastructure provision for the Precinct and address how infrastructure provision will be met.

The Developer Agreement details the service and transport infrastructure, including water, sewer, roads, and electricity to be provided by the Applicant. As well as this, the Agreement specifies contributions to regional transport infrastructure in accordance with the requirements of the RTA, and requires the Applicant to provide for contributions under Council's Section 94 Contributions Plan. In addition, the Agreement presents an overview of the Applicant's plans for the entire Austral site (M7 Business hub), and how the proposed development fits into this overview. The overview illustrates the provision of services and infrastructure for the proposed development, within the context of the intended future development of this land. Notwithstanding this, the Agreement incorporates significant flexibility to ensure that the outcomes are appropriately reflected in the objectives for future development of the land. The Agreement, therefore, provides for the monetary contributions for services and infrastructure, as well as a guide for how these services and infrastructure would be provided for future development, within the context of the proposed coca-cola distribution facility.

(c) A Precinct plan may include detailed analysis of the development proposed within the Precinct or as part of the Precinct.

The Department has undertaken a detailed assessment of the proposed development in the above assessment report.

2 General issues

(a) A Precinct plan must address, where appropriate, the following issues:

(i) land uses, including the specification of development of minimal environmental impact as exempt development,
Refer to above assessment report

(ii) the general phasing of development in the Precinct,
The Precinct matters addressed in the Developer Agreement primarily relate to the Coca-Coal development application, however the Applicant provides an overview of the aims for the entire M7 Business Hub. The details regarding subdivision and final road, service and infrastructure layout are currently being considered as part of a separate development application for the M7 Business Hub masterplan.

(iii) the general road pattern or a general guide to subdivision patterns,
Road patterns have been considered, and the Department considers it reasonable that the proposed access road be constructed, with a northern arm of that road to provide for a service corridor. The final road layout and structure for the land surrounding the proposed development is currently the subject of a separate development application and Council's precinct planning.

(iv) stormwater, drainage, water and sewerage infrastructure provisions as identified in paragraph (a) of the Special provisions in this Schedule,
Addressed in this assessment report, and recommended conditions of consent.

- (iv) **transport issues as identified in paragraph (b) of the Special provisions in this Schedule,**
Addressed in this assessment report, and recommended conditions of consent.
 - (v) **the provision, function and management of open space,**
Addressed as part of a landscape plan and landscaped concepts submitted by the Applicant. The Department has recommended amendments to these plans, and notes that the proposal includes the creation and conservation of the riparian zone surrounding Reedy Creek, with land provided for public open space.
 - (vi) **heritage conservation and conservation of archaeological relics,**
Addressed in this assessment report.
 - (vii) **ecological communities and issues of biological diversity within or adjacent to the Precinct as identified in paragraph (d) of the Special provisions in this Schedule,**
Addressed in this assessment report.
 - (ix) **the social impact of proposed development, in terms of regional employment, and social services such as health and education,**
Contributions will be made for the proposal under the Stage 3 Section 94 Contributions Plan once Council has finalised the Plan.
 - (x) **an extraction and rehabilitation plan as identified in paragraph (c) of the Special provisions in this Schedule,**
The site is currently being rehabilitated and prepared for industrial uses under an approved Extraction and Rehabilitation Plan.
 - (xi) **urban design as identified in paragraph (e) of the Special provisions in this Schedule,**
Refer to response in u) to w) above
 - (xii) **the identification of contaminated land and provision for its decontamination.**
The site is currently being rehabilitated and prepared for industrial uses under an approved Extraction and Rehabilitation Plan. Due to the historical land uses at the site (agriculture and quarrying), and the fact that under the Plan the site is generally being regraded with virgin excavated natural material, the site is unlikely to be contaminated in a manner inconsistent with the requirements for industrial land.
- (b) **A Precinct plan may also include development guidelines such as the following:**
- (i) **allotment sizes and dimensions,**
The Developer Agreement and assessment of the Coca-Cola distribution facility provides for the creation of the necessary lots to provide for the construction and operation of the facility, the access road (including northern extension for service provision), the Reedy Creek riparian zone and the stormwater detention basin.

The Applicant has also provided a proposed plan for the future development of the site and subsequent allotment sizes and dimensions to provide for a range of possible development options. The final lot size

details are being considered as part of a broader development application for the entire M7 Business Hub estate. The Department does not consider it appropriate to pre-empt the outcomes of this additional development application by determining the full subdivision of the eastern portion of the M7 Business Hub (area surrounding the Coca-Coal facility).

(ii) site design guidelines with regard to matters such as:

- **land formation, site preparation, drainage and landscaping, and**
- **setbacks, fencing, signage, and open storage areas, and**
- **site access, circulation and vehicle parking,**

The above assessment report and recommended consent conditions deal with this issue in detail. The Developer Agreement also provides for road designs to encompass the requirements of the Council and RTA and vehicle parking to meet RTA guidelines and to be considered in detail on a site by site basis.

(iii) building design and construction, including consideration of:

- **options for natural lighting, heat and ventilation, including solar designs, solar powered water heating and materials conservation fittings and operational regimes, and**
- **water conservation design and operation, and**
- **embodied energy in building materials and issues in relation to building material lifecycles,**

The above assessment report and recommended consent conditions deal with this issue in detail. Refer also to i) response above for water management and a condition requires the Coles facility to meet energy efficient principles.

(iv) controls with regard to:

- **noise, air emissions, liquid and solid wastes, including strategies to minimise waste and other emissions, and**
- **water cycle management on sites, including stormwater,**

The Department has addressed these issues, in so far as they relate to the proposed Coca-Cola facility development application. With regards to the provision of drainage and stormwater services, the above assessment report and recommended instrument of consent requires such drainage to be constructed to meet the standards of Blacktown Council.

(v) demolition provisions.

Not relevant.

3 Special provisions

In developing Precinct plans, attention must be given to the following relevant issues that expand on the foregoing general provisions:

(a) General services plan

A plan should be prepared that addresses services such as water, sewerage, drainage and stormwater, and also corridors for telephone, electricity, gas, cable and similar matters. Stormwater management systems should be in accordance with relevant council and State government stormwater management plans and policies, namely:

- ***Managing Urban Stormwater: Strategic Framework (Draft)*** published by the Environment Protection Authority in March 1998
- ***Managing Urban Stormwater: Treatment Techniques*** published by the Environment Protection Authority in November 1997
- ***Managing Urban Stormwater: Council Handbook (Draft)*** published by the Environment Protection Authority in 1997
- ***Managing Urban Stormwater: Soils and Construction*** published by the Department of Housing in August 1998

This plan may:

- (i) consider options for shared infrastructure corridors, and
 - (ii) contain appropriate on-site design and control measures to be implemented to ensure that the water quality of the receiving environment is not adversely affected by the proposed development, and
 - (iii) address the timing, funding and provision of the services.
- (b) **Transport plan**
A plan should be prepared that addresses the following:
- (i) roads, transit ways, and provision for walking and cycling, both within the Precinct and off site linkages,
 - (ii) freight transport provisions, including initiatives for integrating freight handling within the Precinct, and maximising opportunities for synergies between industries with regard to materials handling,
 - (iii) the relationship between the staging of development and the provision of transport infrastructure,
 - (iv) ways, including the design and layout of the proposal, in which the mode split to public transport, cycling and walking is to be increased above levels typical of areas surrounding the development. It is expected as a minimum that the proposal demonstrate that:
 - the mode split of “car as driver” for the journey to work can be reduced by at least 10% (eg from 75% to 65%) compared to existing surrounding areas, and
 - the total VKT (vehicle kilometres travelled) to be generated by the proposed development should be reduced by at least 5% below that which would be generated by a “conventional” approach to development,
 - (v) funding proposals for the development of transport infrastructure.
- (c) **Extraction and rehabilitation plan**
An extraction and rehabilitation plan must be prepared where extractive industries operate or have previously operated. This plan should include:
- (i) an outline of the proposed staging and operational parameters of all future extraction or extraction-related activities on the site, and
 - (ii) the proposed future land use for the site, and
 - (iii) a rehabilitation plan to achieve a landform suitable for proposed future land uses, including:
 - the proposed timetable for achieving various stages of the plan, and
 - a plan to detail the removal and disposal of any tailings or overburden, and
 - any remediation required in relation to contaminated soils, and
 - issues relating to groundwater, drainage and rehabilitation of old sediment dams areas.

The rehabilitation plan may include some flexibility to allow for changing priorities over the period of the resource extraction.

(d) Ecological issues and biological diversity

A Precinct plan must consider the existing natural environment, including any remnant vegetation, and, where appropriate, prepare guidelines for any communities of flora and fauna so that ecosystem diversity is maintained.

(e) Urban design plan

An urban design plan may:

- (i) include urban design principles drawn from an analysis of the site and its context, and**
- (ii) develop urban design parameters to guide subsequent development with measures including setbacks, building materials and colours to minimise the visual impact of development, particularly if it is highly visible from major roads and the M4 motorway, and**
- (iii) identify areas of high visibility and consider options such as vegetation screens or landmark buildings of outstanding design, and**
- (iv) address matters in the guidelines to minimise visual impacts of developments issued from time to time by the Director-General.**

The Department highlights that it was not the purpose of the proposed Developer Agreement to fully satisfy the provisions of the SEPP for a Precinct Plan, only to ensure that the necessary considerations, in terms of strategic planning, are suitably considered and can be adequately addressed. These matters are therefore generally addressed in the recommended conditions of consent for the Coca-Cola facility and the proposed Developer Agreement. As far as it relates to the proposed development, the Department is satisfied that these services would be appropriately provided, and that the above-mentioned issues have been adequately addressed. The details of the proposed Developer Agreement are provided in section 6.1 of this assessment report. Further, this report considers in detail stormwater and riparian zone issues (section 6.2) transport issues (section 6.3), and urban design and visual amenity issues (section 6.4), as they relate to the proposed development. Detailed consideration of these issues have not been provided for possible future development on the land, except to ensure that adequate consideration for possible future development has been given in the assessment of the proposed development. The Department also highlights that the proposed Developer Agreement requires the Applicant to undertake a review of its Precinct Plan Agreement in consultation with Blacktown City Council and to the satisfaction of the Director-General once Council's Stage 3 Precinct Plan has been finalised. The review would ensure that the precinct matters are coordinated and consistent with Council's Precinct Plan.