



Department of
Infrastructure, Planning and Natural Resources

**REPORT ON THE ASSESSMENT OF
DEVELOPMENT APPLICATION NO. 410-9-2003-i
PURSUANT TO SECTION 80 OF THE ENVIRONMENTAL PLANNING AND
ASSESSMENT ACT, 1979**

**PROPOSAL BY GEORGE WESTON FOODS LTD TO CONSTRUCT AND
OPERATE A BAKERY INCLUDING THE PROVISION OF EXTENSIVE ON-
SITE CAR PARKING, LANDSCAPING AND LOADING, UNLOADING AND
ASSOCIATED DELIVERY ARRANGEMENTS AT LOT 372 IN DP 1053755 (NO.
9 MUIR ROAD, CHULLORA)**

Report prepared by Bankstown Civic Services Group, Bankstown City Council

Department of Infrastructure, Planning and Natural Resources

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EXECUTIVE SUMMARY

On 7 July 2003 George Weston Foods Limited lodged a development application (DA 304-7-2003-i) with the Department of Infrastructure, Planning and Natural Resources seeking the Minister's approval to carry out the following works on the site known as Lot 372 DP 1053755 (No 9 Muir Road, Chullora):

- *Earthworks to recompact and recontour the site to provide a suitable building platform for the proposed bakery; and*
- *An environmental envelope for the layout and design of a bakery.*

Pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 the Minister for Infrastructure and Planning on 11 November 2003 granted conditional consent for the above mentioned works. These works have commenced on site.

On 2 September 2003 George Weston Foods Limited lodged a second development application (DA 410-9-2003-i) with the Department of Infrastructure, Planning and Natural Resources seeking the Minister's approval to carry out the following works again on Lot 372 DP 1053755 (No 9 Muir Road, Chullora):

Construction and operation of a bakery including the provision of extensive on-site parking, landscaping and loading, unloading and associated delivery arrangements.

The subject report provides for an assessment of the development application having regard to the relevant legislative context, the social and economic environmental impacts and the potential amenity concerns such as noise, air pollution, traffic and vehicular access arrangements. The development application is commonly referred to within the report as Stage 2 works.

The development application is classified as a State Significant Development that is integrated development triggered by the provisions contained within State Environmental Planning Policy No 34 – Major Employment Generating Industrial Development and the *Rivers Foreshores and Improvement Act 1948* respectively.

The proposed development is considered to be a State Significant Development under the provisions of SEPP 34 in so far as the development would, at the completion of construction, employ 100 or more persons on a fulltime basis (approximately 500) in addition to having a capital investment value in excess of \$20 million (approximately \$86 million). The consent authority, for the purposes of development to which SEPP 34 applies, is the Minister for Infrastructure and Planning. The report has therefore been prepared for the Minister's determination.

The site is located within an existing expanding industrial and manufacturing precinct of the Bankstown LGA. Within this precinct, industrial developments of high architectural standard contribute to the existing streetscene particularly along Muir Road, Worth Street

and the Hume Highway. Recognising that the site benefits from almost immediate access to the major road networks of western Sydney, Bankstown City Council is readily encouraging the development of sites within this precinct for large scale, functional and visually appealing developments that are commensurate with the existing built environment.

As established and reported as part of Stage 1 works, a Site Audit Statement, issued on 4 April 2003, certified that the site is suitable for a 'commercial / industrial use'. The conditions attached to the Statement ensured that should additional contaminated areas / sources (hot spots) be identified during the earthworks or construction phase that necessary health and safety protocols be adopted.

Until only recently the site was highly disturbed and modified with exotic and naturalised species dominating the vegetation. Previous recent flora and fauna surveys carried out on the site had failed to reveal any threatened species or populations. Such conclusions were also reached in the most recent flora and fauna report that accompanied Development Application No 304-7-2003-i. Eight Part Tests were carried out on the Cooks River / Castlereagh Ironbark Forest, Tadgell's Bluebell, Barking Owl, Land Snail, Masked Owl and Square Tailed Kite. It was concluded that works as proposed as part Stage 1 were unlikely to have a significant impact on these threatened species and hence a Species Impact Statement was not required. In addition to the above mentioned 'tests' the applicant was requested to provide a further Eight Part Test for the Green and Golden Bell Frog (*Litoria aurea*) given the identification of site habitat attributes deemed necessary to support a population. Resulting from the findings of the Eight Part Test the applicant was required to provide for a compensatory habitat via the proposed construction of a stormwater detention pond. The replacement habitat was required to be constructed before existing potential habitat areas were destroyed to permit natural recolonisation of the new habitat areas.

During the construction phase it is recognised that the adjoining property owners and occupiers of nearby sites may be adversely affected by reason of dust and noise emissions, sediment erosion, etc. Hence it is necessary that during the construction phase the applicant strictly implement the procedures, principles and contents of the Outline Construction Management Plan (which accompanied Development Application No 304-7-2003-i) such that impacts associated with dust, noise, and sediment flows are minimised.

The existing adjoining road network (Worth Street, Muir Road and Elcar Place) is currently under-utilised. The additional vehicle movements generated during the construction and operational phases of the bakery are able to be accommodated within existing traffic flows hence ensuring existing levels of service remain satisfactory.

The subject development application has been assessed having regard to the somewhat confined parameters afforded by the applicant's staging of the development.

For instance the proposed earthworks phase (referred to as Stage 1) primarily confined an assessment of the development to the following issues:

- Site contamination
- Flora and fauna
- Site access, egress and associated traffic impacts
- Air quality
- Earthworks
- Noise Impact

In the event that the applicant was also seeking approval to operate a bakery from the site (albeit ‘in principle’) consideration was also given to the likely construction and operational needs so as to ensure that the site is suitable for such a use.

Works as proposed as part of Stage 2 has therefore been confined to an assessment of the development against the following issues:

- Noise Impact
- Air Quality
- Site Access, Egress and associated Traffic Impacts
- On-site parking, loading, unloading and delivery arrangements
- Landscaping
- Visual impact of the built structure

Having regard to the applicable legislative framework, works as proposed as part of Stage 2 were found to be consistent with the aims and objectives of the relevant EPI's, DCP's and policies while having regard to the existing environmental capacity of the site and its surrounds.

1. INTRODUCTION

George Weston Foods Limited is seeking approval to construct and operate a bakery from the subject site (No 9 Muir Road, Chullora). The applicant intends carrying out the development in two stages, as reflected by the lodgment of two separate development applications.

Stage 1 – Earthworks to recontour and recompact the site to provide a suitable building platform for the proposed bakery and approval for the bakery ‘in principle.’ Works as proposed as part of Stage 1 sought through the lodgement of Development Application No 304-7-2003-i.

Stage 2 – Construction and operation of a bakery from the site. Works as proposed as part of Stage 2 sought through the lodgement of Development Application No 410-9-2003-i.

This report provides an assessment of Stage 2 works as proposed through Development Application No 410-9-2003-i. As indicated above separate development consent has been sought and, as demonstrated below, obtained to carry out works as proposed as part of Stage 1.

Pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 the Minister for Infrastructure and Planning on 11 November 2003 granted conditional consent for Stage 1 works. These works have commenced on site.

For the purposes of the assessment of Stage 2 works the report provides an assessment of the development having regard to the relevant legislative context, its impact on the existing physical and built environment, its impact of the social and economic fabric of the locality and the likely ancillary impacts associated with the establishment of the bakery by way of considering potential amenity concerns such as noise, air pollution, traffic and vehicular access arrangements.

2. SITE CONTEXT

2.1 SITE LOCATION

The site is situated within the Chullora Technology Park formally part of the Chullora SRA Lands. The Chullora SRA Lands were bounded by the Hume Highway, Brunker Road, the rear of properties fronting Rookwood Road and the local government boundary of Strathfield and Auburn with Bankstown (to the north).

The development site is located wholly within the Bankstown Local Government Area.

The subject site is situated on the south western side of Muir Road, essentially opposite the streets intersection with Worth Street. Muir Road, which extends from Rookwood Road in the west to the Hume Highway in the east, provides for the only street frontage for the development site. The road carriageway is divided into two traffic lanes (in each direction), each approximately 4 metres wide with a 10 – 15 metre wide grassed median. A 60km/hour speed limit applies along Muir Road. Existing traffic management controls in Muir Road are confined to a round-about at Muir Road / Elcar Place, a round-about at Muir Road / Dasea Avenue and signalized facilities at the intersections of Muir Road with Worth Street, Muir Road with the Hume Highway and Muir Road and Rookwood Road. A number of street trees are provided within the road reserve along the sites frontage to Muir Road.

The site is located within an existing expanding industrial and manufacturing precinct of the Bankstown LGA. Within this precinct industrial developments of high architectural standard contribute to the existing streetscene particularly along Muir Road, Worth Street and the Hume Highway. Bankstown City Council is readily encouraging the development of sites within this precinct for large scale, functional and visually appealing developments that are commensurate with the existing built environment. Council recognise that these sites benefit from almost immediate access to the major road networks of western Sydney.

2.2 SITE DESCRIPTION

Comprising a total site area of approximately 5.97 hectares the site is located on the south western side of Muir Road midway between the streets intersection with the Hume Highway and Rookwood Road. The site is irregular in shape and is legally described as Lot 372 in Deposited Plan 1053755. The sites enjoys an extensive frontage to Muir Road in addition to fronting Elcar Place (being the currently non-functional formed round-about provided in Muir Road). The site does not enjoy the benefit of fronting Anzac Street (to the rear).

The site is presently vacant, and until recently, was highly disturbed and modified with exotic and naturalized species dominating the vegetation. The original vegetation had been essentially cleared and the soils extensively re-worked, covered and modified as a

result of drainage works and extensive dumping of fill and waste materials. A disused path / road / accessway (extending in a northerly direction) provided for essentially the only relief to this undulating and significantly modified landform.

The land, while heavily undulating, had, overall, a fall from adjacent the sites southern boundary (at RL 49.79) to its north and north western corner (at approximately RL 36). Existing immature street trees are provided along Muir Road.

In the event that Development Consent No 304-7-2003-i has been issued, for works in relation to Stage 1, the majority of the site has been cleared of any existing remaining vegetation so as to enable the necessary bulk earthworks to commence.

2.3 SURROUNDING LAND USES

Surrounding land uses consist of the following:

To the North

Muir Road essentially borders the sites northern boundary. On the opposite side of Muir Road (and at its intersection with Worth Street) is the TAFE NSW – Southern Sydney Institute (Bankstown College, Chullora Campus). Approximately 2, 500 students enroll at the Bankstown College – Chullora Campus each year. Land west of the TAFE (ie north east of the subject site) is currently vacant.

On the north eastern corner of the intersection of Worth Street and Muir Road are the News Corporation printing presses. While fronting both Muir Road and Worth Street the site also enjoys frontage to the Hume Highway. To the north of the News Corporation printing presses are Primo Smallgoods, an Australian Post Distribution Centre and the News Corporation and Fairfax Newspaper printing presses.

To the East

To the east of the site is the Chullora Business Park occupied by, amongst other businesses, Sony, Franklins and Coles. The Chullora Business Park enjoys frontage to both the Hume Highway and Muir Road however vehicular access to the site is confined to off Muir Road.

On the south eastern side of the Hume Highway, for most part, is land both zoned and used for residential purposes. This residential district essentially comprises the northern portion of the suburb of Greenacre and is around 1 km from the proposed site.

To the South

Immediately adjoining the site to the south is the McWilliams Wines storage, manufacture and distribution site (fronting Anzac Street), Volvo Trucks (primarily fronting the Hume Highway) and Collex which enjoys access of Anzac Street.

Anzac Street is accessible off the Hume Highway (when traveling in a northerly direction) and Brunker Road via a signalized set of traffic lights. There exists no formal closure to Anzac Street (at its northern end).

To the West

Immediately adjoining the sites western boundary is the Chullora Recycling Park, the Waste Services Recycling Centre. The Recycling Park enjoys frontage and vehicular access off Muir Road. The majority of the site's further to west of the recycling park (extending through to Rookwood Road) are used for a variety of industrial, warehouse and manufacturing purposes.

3. DEVELOPMENT PROPOSAL

George Weston Foods Limited is seeking approval to construct and operate a bakery from the subject site (No 9 Muir Road, Chullora). The applicant intends carrying out the development in two stages, as reflected by the lodgment of two separate development applications. The first stage sought approval to carry out earthworks to recompact and recontour the site to provide a suitable building platform for a proposed bakery. The applicant also sought, as part of Stage 1 of the development, approval for a bakery 'in principle' on the site.

The subject development application (DA 410-9-2003-i) is for Stage 2 of the proposed bakery and involves the construction and operation of the bakery, including the provision of extensive on-site parking, landscaping, loading, unloading and delivery arrangements.

The bakery will have a floor area of 35, 080m². The structural form of the bakery is based or dominated around three large arched structures joined longitudinally by elevated corridors and provision of silos for the storage of raw materials. The internal layout, form and arrangement of the bakery is to be as follows:

Arch 1

Arch 1 will house inward goods, plant services and the first stages of the baking production lines, which includes dough mixers and the dough piece forming equipment. Production areas will be equipped with spot coolers for staff comfort and will feature tiled floors and smooth impermeable wall and ceiling surfaces for hygiene purposes.

Arch 2

Arch 2 will house the proovers, ovens, coolers and tin handling systems for the bakery and as such is the main baking zone. This area is largely unpopulated. Heat from the tins as they come out of the oven is drawn to the exterior via high speed extract fans, while supply fans provide a small positive pressure of ambient air. The floor surface will be concrete with a polymer coating.

Arch 3

Arch 3 will contain the slicing and packing equipment together with the automatic basket loading and stacking plant. This area has proportionally the largest concentration of staff that will be involved in the packing, order makeup and dispatch of the product. The area is equipped with spot coolers for staff comfort and will have either a concrete with a polymer coating or vinyl floor surface.

Loading / Unloading

There will be 45 dispatch dockways to suit truck deck heights and there will be five dockways for return bread. Most return bread is converted to crumb for industrial and retail sales, with the unsuitable varieties being sold for pig food.

Elevated Corridors

These corridors are designed to provide a natural barrier between the occupied zones and the main baking zone. They also provide the main service routes for electricity and all piped services. A third purpose is to allow safe access for staff to and from their workstations.

Staff Amenities

All staff will be provided with lockers, showers, WCs etc to meet statutory requirements. A canteen / lunchroom will also be provided.

Offices

The offices will be sited adjacent to the dispatch bays, where there will occur the most interaction between production and office staff.

Once operational the bakery will have a production capacity of:

Bread:	25, 000 loaves / hour (when all three bread lines are operational)
Soft Rolls:	36, 000 buns / hour
Muffins:	24, 000 muffins / hour
Hot Plate:	25, 000 packets of crumpets / hour
	1, 500 packets of hot cakes / hour
	1, 500 pikelets / hour

Serving the demand generated by the development the applicant intends providing 240 on-site car parking spaces for use for employees and visitors to the site. In addition to the provision of a significant number of car parking spaces extensive on-site landscaping is proposed particularly around the perimeter of the site.

The applicant is of the opinion that construction associated with the second stage of the development will take approximately 17 months to complete.

3.1 JUSTIFICATION OF THE PROPOSAL

In June 2002 the George Weston Foods Tip Top Bakery at Fairfield was destroyed by fire. To compensate for the loss in production, George Weston Foods (GWF) transported bread in from other GWF bakeries in Victoria, Canberra, Newcastle, Orange and Chatswood in addition to temporarily relocating production staff previously working from the Fairfield site to other sites. This has resulted in a significant strain on existing resources in not only the existing Sydney operations but also those in regional New South

Wales and Victoria. The fire in June 2002 was also seen as a catalyst for GWF to review and reassess their existing 'ageing' operations at Chatswood.

In light of the above GWF sought the immediate purchase of land / resources to enable them to:

- Reduce the existing operational strain and pressure on other GWF bakeries / establishments.
- Return to a production and distribution capacity as previously existed prior to the fire.
- Provide for a development to not only replace the Fairfield premises but also the existing premises at Chatswood.
- Provide for a development that could accommodate further expansion.

The subject site was attractive to GWF for the following reasons:

- The proposed development, being an industrial type development, will be well suited to the site and land uses in the Chullora Technology Park.
- The site is centrally located within the metropolitan areas and in close proximity to the GWF flour mill at Enfield.
- The site is well located to undertake distribution activities due to its access to regional roads.
- The development, upon commencement of production and distribution, is unlikely to have an adverse impact on the existing amenity of the area in the absence of any immediate sensitive residential land uses.
- The site is considered to be of sufficient size to accommodate a bakery, car parking areas and spaces required for such a use and the manoeuvring and turning arcs required to accommodate both large and small rigid trucks that will be required to access the site.

3.2 ALTERNATIVES FOR THE PROPOSAL

The consequences of not proceeding with the development is that the existing operational strain and pressure on other GWF bakeries / establishments (that have existed since the fire) would continue to occur. The existing arrangement, where bread to the Sydney market is being transported in from other areas in the state, is not only unsustainable but unfeasible in the long term.

A range of alternatives were examined by GWF in terms of possible locations for the new bakery both within and external to the metropolitan area. However were GWF to consider relocating the bakery beyond the metropolitan area any cost savings would have eroded over approximately 7 years due to the increased costs associated with transporting products to the Sydney market.

4. STATUTORY PLANNING FRAMEWORK

4.1 PERMISSIBILITY

The development site (No 9 Muir Road, Chullora) is zoned '4(a) General Industrial' under the Bankstown Local Environmental Plan 2001 (BLEP).

The Table to Clause 11 of the BLEP identifies the following types of development permissible, with the consent of Council, on a parcel of land zoned 4(a) General Industrial:

brothels, bulky goods salesrooms or showrooms, car parks, centre based child care centres, communication facilities, community facilities, convenience stores, dams, depots, entertainment facilities, generating works, health consulting rooms, helicopter landing sites, highway service centres, hospitals, hotels, industries, institutions, junk yards, landfilling, light industries, materials recycling yards, medical centres, motels, motor showrooms, office premises, passenger transport terminals, places of public worship, plant hire, public buildings, recreation areas, recreation facilities, registered clubs, research facilities, restaurants, retail plant nurseries, road transport terminals, sanctuaries, service stations, transport depots, utility installations, vehicle body repair stations and warehouses or distribution centres.

'Industry' is defined in Schedule 1 of the BLEP as follows:

***industry** means the manufacturing, assembling altering, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, processing or adapting of any goods, articles, materials, liquids, or gases for commercial purposes, but (in the Table to Clause 11) does not include a land use elsewhere defined in this Schedule.*

The development is defined as an 'industry'. Pursuant to Clause 11 of the BLEP the proposed development is permissible with the consent of Council (consent authority) in a 4(a) General Industrial zone.

4.2 LEGISLATIVE CONTEXT

The subject development application has been assessed against the relevant provisions contained in the following regulatory instruments:

Legislation

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2000
- Rivers and Foreshores Improvement Act 1948

Environmental Planning Instruments

- SEPP No 11 – Traffic Generating Developments
- SEPP No 33 – Hazardous and Offensive Development
- SEPP No 34 – Major Employment-Generating Industrial Development
- SEPP No 55 – Remediation of Land
- Bankstown Local Environmental Plan 2001

Draft Environmental Planning Instruments

- Draft SEPP No 66 – Integrating Land Use and Planning

Development Control Plans

- Bankstown DCP No 1 – Carparking
- Bankstown DCP No 10 – Industrial Development
- Bankstown DCP No 13 – Landscaping Standards
- Bankstown DCP No 24 – Chullora Lands DCP
- Bankstown DCP No 30 – Development Engineering Standards
- Bankstown DCP No 44 – Sustainable Commercial and Industrial Development

The consent authority, for development applications assessed under the provisions of SEPP No 34, is the Minister for Infrastructure and Planning. Pursuant to the provisions contained within Clause 8 of the policy the development application is forwarded to the Minister for determination.

Rivers and Foreshores Improvement Act, 1948

In accordance with Section 91A of the Environmental Planning and Assessment Act 1979 the development application is considered to be integrated development with the Department as a permit under Part 3A of the *Rivers and Foreshore Improvement Act 1948* (RF&I Act 1948) is required.

A referral was deemed necessary in so far as works proposed as part of Stage 2 will occur within 40 metres of a foreshore, or the top of a bank of a 'river', as defined under the RF&I Act 1948.

The Department considered the proposal and determined that a Permit would be able to be issued and therefore provided general terms of approval, which have been incorporated into the recommended instrument of consent.

Designated Development

Under Part 4 of the Environmental Planning and Assessment Act 1979, an Environmental Impact Statement (EIS) is required if the development is designated development.

Designated development is development that is declared to be designated development by:

- Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) or
- An environmental planning instrument (ie the Bankstown Local Environmental Plan 2001).

Neither the Bankstown Local Environmental Plan 2001 nor the EP&A Regulation identifies the proposed development as a designated development.

4.3 RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS

Bankstown Local Environmental Plan 2001

The Bankstown Local Environmental Plan 2001 was published in the Government Gazette on 17 May 2002. Clause 8 of the Plan had the effect of zoning the development site '4(a) General Industrial'. The following provisions of the Bankstown Local Environmental Plan 2001 are relevant to the assessment of this development application:

Clause 2 - Objectives of this plan

The objectives of this plan are:

- (a) *To regulate development in accordance with the following principles:*
 - (i) *new buildings should be designed to achieve:*
 - (A) *good urban design, and*
 - (B) *public and private safety, and*
 - (C) *energy and resource efficiency, and*
 - (ii) *remnant bushland, natural watercourses and threatened species should be protected, and*
 - (iii) *intensive trip generating activities should be concentrated in locations most accessible to rail transport, and*
 - (iv) *new development should not diminish the role of the Bankstown central business district (CBD) as a sub-regional centre, and*
 - (v) *new development in or affecting residential areas should be compatible with the prevailing suburban character and amenity of the locality of the development site, and*
- (b) *to provide a framework within which the Council may prepare development control plans to make more detailed provisions.*

COMMENT – Bankstown City Council is readily encouraging the development of sites within this industrial precinct for large scale, functional and visually appealing developments that are commensurate with the existing built environment. Having regard to sites almost immediate access to the major road networks of Sydney, in addition to the absence of any significant amenity and causal environmental impacts, the development is considered to be consistent with the objectives of the LEP as provided in Clause 2.

Clause 11(3) – Development which is allowed or prohibited within a zone

The consent authority may grant consent to development only if it has had regard to:

- (a) the general objectives of this plan, and*
- (b) the objectives of the zone in which it is proposed to be carried out, and*
- (c) the other provisions of this plan.*

COMMENT – As required by Clause 11(3) of the plan the report provides for a detailed assessment of this application having regard to the objectives of the plan, the objectives of the zone, in which the development is proposed to be carried out and other relevant provisions of the plan. This has been undertaken as part of the assessment of this application.

Clause 16 – General objectives of these special provisions

The general objectives of this Part are:

- (a) To minimize the impact of development on the environment, and*
- (b) To preserve trees and remnant bushland and to protect ecosystems, and*
- (c) To ensure that development is carried out in a manner that reflects constraints associated with flooding, acid sulphate soils, aircraft noise and the like, and*
- (d) To provide for the acquisition and use of land reserved for a public purpose, and*
- (e) To improve water quality in the Georges River Catchment area by better managing the quality and quantity of stormwater run-off, and*
- (f) To regulate specific types of development.*

COMMENT – The Statement of Environmental Effects effectively provides for an identification and realisation of existing environmental site constraints and site opportunities. As demonstrated by way of complying with the regulatory instruments the

development is likely to have a negligible impact on the environment and the amenity of the locality.

Clause 17 – General environmental considerations

- (1) *This clause applies to development which is likely to have a significant environmental impact by way of clearing of vegetation, alteration of the natural land form or the potential for air, water or ground pollution.*
- (2) *Before granting consent for development to which this clause applies, the consent authority must take into consideration such of the following matters as are relevant to the circumstances of the proposed development:*
 - (a) *The impact of that development on:*
 - (i) *flora and fauna, including threatened species, and*
 - (ii) *water quality of surface water bodies and ground water, and*
 - (iii) *any catchment management strategy applying to the land, and*
 - (b) *The reduction of stormwater run-off by minimizing the area of impervious surfaces, increasing infiltration and the use of rainwater tanks.*

COMMENT – Having to regard to the works proposed as part of Stage 2 of the development the report provides for a detailed assessment of the application in terms of its impact on the existing road network, its impact on the built, natural and physical environment and its impact on the immediately adjoining and nearby land owners. As will be demonstrated the development is considered to have satisfactorily addressed the provisions contained within Clause 17 of the LEP.

Clause 19 – Ecologically sustainable development

Before granting consent for development, the consent authority must have regard to the following principles of ecologically sustainable development, to the extent it considers them relevant to the proposed development:

- (a) *the conservation of energy and natural resources, particularly water and soil, and*
- (b) *the avoidance of environmentally damaging materials, and*
- (c) *the avoidance of significant adverse impact on the natural environment, particularly areas of remnant vegetation, watercourses and native flora and fauna, and*
- (d) *waste avoidance and waste minimization, and*
- (e) *encouraging the use of public transport*

COMMENT – The bakery provides for the utilisation of the following water efficient fixtures.

Fixtures	Number	Efficiency Rating	Comments
Taps:			
Kitchen	1	AAA	
Basin	40	AAA	
Others	2	AAA	Hoses are used in washbays
Showerheads	13	AAA	
Dishwashers	1	AAA	
Washing Machines	2	AAA	
Toilet Fixtures:			
Cisterns	18	AAA	
Urinals	13	AAA	
Hot Water Heaters	3	4 star	

The following additional energy efficient principles were considered and incorporated into the design of the bakery:

- The building will contain an insulated roof to reduce the gain of heat in summer and loss of heat in winter.
- Most openings have been located away from the north face of the building.
- The internal working environment is, in most part, to be mechanically ventilated rather than air-conditioned to reduce the amount of power consumed.
- All ventilation fans will be speed regulated to ensure that the space is not over ventilated.
- Task specific areas are located in concentrated sectors of the building resulting in lower lighting levels being used away from these high activity areas thus lowering the total power that is to be consumed by lighting the factory space.

In addition to the design, layout and internal arrangement of the building the applicant intends using or has selected energy efficient items of plant. The use of direct fired gas tunnel ovens, allows a greater percentage of the heat generated by burning gas to be directed into the cooking process. This is more energy efficient than the more traditional electric or indirect gas ovens. Other items include gas operated crate washers rather than those electrically operated. In general gas cooking and heating (as opposed to electrical methods) are to be used in order to remove any transmission losses that occur with the transmission of large amounts of electrical power.

In summary the applicant has satisfactorily incorporated the principles of ecological sustainable development into the design, layout and operation of the bakery.

Clause 30(2) – Floor space ratios

- (2) *The consent authority must not grant development if it has a floor space ratio in excess of that indicated for the development site on the Floor Space Ratio Map.*

COMMENT – Bankstown City Council's Floor Space Ratio Map identifies the site as having a floor space ratio of 1:1. With a site area of 5.97 hectares and the development having a floor area of 35,080m², the applicant proposes a floor space ratio of 0.58:1. The development therefore satisfies the maximum permitted floor space ratio as contained in Clause 30(2).

Clause 51 – Objectives of the Industrial zones

- (1) *The objectives of the 4(a) zone are:*

- (a) *to permit primarily industrial uses or uses which are inappropriate in other zones, and*
- (b) *to limit retail development, except where:*
 - (i) *it is ancillary to an industrial use of land, or*
 - (ii) *it serves the daily convenience needs of the local workforce and does not have an adverse impact on the viability of the business areas of the City of Bankstown, and*
- (c) *to promote a high standard of:*
 - (i) *building design (particularly along arterial roads), and*
 - (ii) *environmental management, energy efficiency and resource conservation, and*
- (d) *to allow bulky goods salesrooms or showrooms only where they will have an adverse impact on the viability of the business areas of the City of Bankstown.*

COMMENT – Satisfying the objectives of the zone can be best summed up by stating that the development would sit comfortably within the existing built environment, is ideally located within the immediate vicinity of the regional roads of Sydney and would not have any unreasonable impact on the environment, adjoining property owners and occupiers and the general amenity of the locality.

Clause 52(2) - Development in the Industrial zones

- (2) *Before granting consent for development on land to which this clause applies, the consent authority must take into consideration the following matters:*
- (a) *Whether the proposed development will provide adequate off-street parking, relative to the demand for parking likely to be generated,*

- (b) *Whether the site of the proposed development will be suitably landscaped, particularly between any building and the street alignment,*
- (c) *Whether the proposed development will contribute to the maintenance or improvement of the character and appearance of the locality,*
- (d) *Whether access to the proposed development will be available by means other than a residential street but, if no other means of practical access is available, the consent authority must have regard to a written statement that:*
 - (i) *illustrates that no alternatives access is available otherwise than by means of a residential street, and*
 - (ii) *demonstrates that consideration has been given to the effect of traffic generated from the site and the likely impact on surrounding residential areas, and*
 - (iii) *identified appropriate traffic management schemes which would mitigate potential impacts of the traffic generated from the development on any residential environment,*
- (e) *Whether goods, plant, equipment and other material used in carrying out the proposed development will be suitably stored or screened,*
- (f) *Whether the proposed development will detract from the amenity of any residential area in the vicinity,*
- (g) *Whether the proposed development adopts energy efficiency and resource conservation measures related to its design, construction and operation.*

COMMENT – The vast majority of the items, as listed in Clause 52(2) of the LEP, are aspects or components of the development that require a detailed assessment to be carried out. In effect where the development satisfies the requirements and objectives contained within the relevant legislative framework then the items as contained in Clause 52(2) have been addressed. The report provides for such a detailed assessment.

State Environmental Planning Policy No 11 – Traffic Generating Developments

The provisions contained within State Environmental Planning Policy No 11 (SEPP 11) are applicable in so far as Schedule 1 of the policy includes the following development types:

- (f) *The erection of a building for the purposes of industry where the gross floor area of the building is or exceeds 20, 000 square metres or the enlargement or extension of a building used for the purpose of industry where the gross floor area of that enlargement or extension is or exceeds 20, 000 square metres.*

The bakery is proposed to have a future gross floor area of 35,080m² hence the development is identified as a Schedule 1 development (under the policy).

Clause 7(3) of SEPP 11 meant that a statutory referral to the Roads and Traffic Authority (RTA) was required. The RTA provided the following comments on the subject development:

Further to your letter of 4 September 2003, concerning the above mentioned development application referral, I wish to advise that the Sydney Regional Development Advisory Committee (SRDAC) considered the application at its meeting on 1 October 2003.

The Committee advises that the comments provided in our previous letter of 12 September 2003 (see attached) with regard to Stage 1 of the proposed Bakery are applicable to Stage 2, with the exception of point 11.

Provided below is a copy of the correspondence received from the Roads and Traffic Authority in relation to works as proposed as part of Stage 1.

I refer to your letter dated 21 July 2003 (Ref: DA-304-7-2003-i) relating to the subject development application referral and advise that the subject development application was considered by the Sydney Regional Development Advisory Committee (SRDAC) at its meeting on 5 August 2003.

Below are the Committee's comments on the subject development application:

- 1. No objections are raised to the Stage 1 proposal on traffic grounds. However, DIPNR should ensure that Council is consulted on this matter.*

Comments were sought from Bankstown City Councils Traffic Engineer in relation to the works as proposed as part of Stage 1. Comments as provided by the Traffic Engineer have been provided elsewhere in the report.

- 2. Suitable provision should be made on site for the parking of all staff and construction related vehicles at all times.*

This is able to be addressed by way of imposing a suitable condition of consent.

- 3. All trucks to be "covered" in accordance with normal regulations.*

This is able to be addressed by way of imposing a suitable condition of consent.

- 4. A suitable truck wheel wash facility to be installed and used by all trucks in departing the site.*

This is able to be addressed by way of imposing a suitable condition of consent.

5. *Construction vehicle access to the proposed bakery site should be restricted to one (1) location.*

The Traffic Impact Assessment Report, that accompanied the development application, stated that the main entry / exit point to the site during construction will be at Muir Road at its intersection with Elcar Place (ie off the existing round-a-bout). However contrary to what is provided in the traffic report, the Erosion and Sedimentation Plan identifies two 'stabilised site access' points, one being provided off Elcar Place with the other being provided opposite the existing set of traffic lights at the intersection of Muir Road and Worth Street.

The applicant shall be restricted to using only one access point during the construction phase. Vehicular access will be restricted to off Elcar Place with the access point proposed adjacent the existing set of traffic lights to be deleted. Providing 'unformalised' access to a site off or in the vicinity of existing traffic lights should be discouraged as it has the potential for both vehicle and pedestrian conflicts. This is able to be addressed by way of imposing a condition of consent.

In addition to formalising access off the existing round-a-bout, upon the establishment of the bakery a second access / egress point is proposed. During the operational phase of the bakery a second access point is proposed opposite the existing set of traffic lights at the intersection of Muir Road and Worth Street. The proposed signalised access / egress arrangement 'is supported by the Roads and Traffic Authority'.

6. *All heavy vehicles over 4.5 tonnes must be conditioned to travel directly to either the Hume Highway or Rookwood Road via Muir Road.*

This is able to address by way of imposing a suitable condition of consent.

7. *The RTA requests that for the Stage 2 Development Application, that detailed SCATES traffic modeling be performed for the following intersections:*

- *Hume Highway / Muir Road*
- *Rookwood Road / Muir Road*

Traffic counts taken along Rookwood Road and the Hume Highway confirm that each of these roads carry arterial road daily traffic volumes.

The applicant obtained existing peak hour traffic counts at the intersections of the Hume Highway and Muir Road and Rookwood Road and Muir Road. Such counts are provided in the tables below.

Peak hour intersection counts at the Hume Highway and Muir Road

Location	AM Peak 7:30am - 8:30am Volume / Direction		Total	PM Peak 4:45pm - 5:45pm Volume / Direction		Total
Muir Road	412 / WB	214 / EB	626	154 / WB	406 / EB	560
Hume Highway	1547 / SB	2153 / NB	3700	2132 / SB	1470 / NB	3602

Peak hour intersection counts at Rookwood Road and Muir Road

Location	AM Peak 7:30am - 8:30am Volume / Direction		Total	PM Peak 4:45pm - 5:45pm Volume / Direction		Total
Muir Road	414 / WB	703 / EB	1117	564 / WB	593 / EB	1157
Rookwood Road	1391 / SB	2437 / NB	3828	2307 / SB	1466 / NB	3773

Note - NB = Northbound, EB = Eastbound, SB = Southbound, WB = Westbound

Having regard to the abovementioned intersection counts the Hume Highway and Rookwood Road fall within the appropriate functional classifications. The design capacity of the external road network is able to accommodate additional traffic during peak periods and still operate at an acceptable level.

It is recognised that the critical points along the road network, within the immediate vicinity of the development site, is the intersections of Rookwood Road with Muir Road and Muir Road with the Hume Highway. By applying the aaSIDRA traffic model to these intersections it was concluded that the proposed development will have minimal impact on the operating capacity these above mentioned intersections. No intersection upgrades along the external road network are necessary to accommodate traffic generated by this development under both worst-case construction and operational traffic scenarios.

8. *The proposed signalised access at Muir Road / Worth Street to the development site as part of Stage 2 is supported by the RTA. However, this must be designed in accordance with the requirements of "Signalised Entries to Private Developments" – RTA Technical Direction TDT 2001/03.*

This is able to addressed by way of imposing a suitable condition of consent.

9. *The RTA requests for the Stage 2 Development Application, that a detailed concept design of the proposed changes to the signalised intersection of Muir Road / Worth Street be provided for comment. However, it is requested that the following intersection arrangement be implemented:*

Site access: *Two approach lanes to Muir Road with the following lane designation – (LT / R) and a single departure lane from Muir Road.*

Worth Street: *The approach lane designation to Muir Road is to be amended from (L / R / R) to the following (L / T / R).*

The upgraded intersection must be designed to operate for a double diamond signal phasing arrangement.

This is able to addressed by way of imposing a suitable condition of consent.

10. DIPNR is to ensure that the security gates are located far enough within the site to provide sufficient queuing capacity to accommodate the estimated maximum peak arrival flows to the facility.

This is able to addressed by way of imposing a suitable condition of consent.

11. Once the bakery is operational, vehicular access for all delivery trucks into or out of the site shall be provided from the Elcar Place roundabout.

As indicated in the RTA's correspondence of 7 October 2003, Point 11 does not apply to Stage 2 of the development.

12. Should the development proceed detailed design plans of the proposed traffic signal changes will need to be forwarded to the RTA for approval prior to the commencement of any roadworks. The applicant is advised that a plan checking fee (amount to be advised) and lodgement of a performance bond will be required prior to the release of the approved road design plans by the RTA.

Please note: A maintenance charge for the operation of the traffic signals at Muir Road / Worth Street will be imposed.

This is able to addressed by way of imposing a suitable condition of consent.

13. All works associated with this development will be at no cost to the RTA.

This is able to addressed by way of imposing a suitable condition of consent.

In addition DIPNR should consider the following Standard Comments:

- *Vehicles loading and unloading from the streets are considered unsatisfactory.*

This is able to addressed by way of imposing a suitable condition of consent.

- *All driveways, aisle widths, parking bay sizes, manoeuvring areas, ramp grades, etc to conform to current Australian Standards AS2890.1 - 1993 and AS2890.2 – 2002 for commercial vehicles. Internal road and parking design layout to DIPNR's satisfaction.*

This is able to addressed by way of imposing a suitable condition of consent.

- *All pedestrian crossings facilities provided on-site should be in accordance with the relevant Australian Standards.*

This is able to be addressed by way of imposing a suitable condition of consent.

- *DIPNR is to be satisfied with the number of parking spaces provided.*

An assessment has been carried out in respect of the number of car parking spaces provided on site and whether the applicant has provided sufficient parking to cater for the demand that is likely to be generated. Sufficient on-site parking has been provided having regard to the provisions contained within Bankstown City Council's Car Parking policy referred to as Development Control Plan No 1.

State Environmental Planning Policy No 33 – Hazardous and Offensive Development

Clause 3 of State Environmental Planning Policy No 33 (SEPP 33) defines a potentially hazardous industry as follows:

“potentially hazardous industry” means a development for the purposes of an industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimize its impact in the locality or on the existing or likely future development on other land, would pose a significant risk in relation to the locality:

- (a) *to human health, life or property; or*
- (b) *to the biophysical environment,*

and includes a hazardous industry and a hazardous storage establishment.

Clause 12 of the SEPP states that a person who proposes to make a development application to carry out development for the purposes of a potentially hazardous industry must prepare (or cause to be prepared) a preliminary hazardous analysis in accordance with the current circulars or guidelines published by DIPNR.

Contained within the submitted Statement of Environmental Effects was a preliminary risk screening analysis (as requested by the Department) generally providing for the type and quantity of all dangerous goods to be stored / used on the site. The type and quantity of goods / materials to be both stored and subsequently used in the baking process provides for the identification of hazards.

While the preliminary risk screening analysis demonstrates that hazards do exist, the risk of adverse occurrences is considered to be below the SEPP 33 threshold values and therefore no further assessment was required.

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

Schedule 1 of State Environmental Planning Policy No 34 (SEPP 34) identifies the following industry types as being development to which this policy applies:

“... food or beverage processing, for example development for the purposes of dairy factories, breweries, distilleries, soft drink manufacture, bakeries ...”

Furthermore the proposed development is considered to be a State Significant Development under the provisions of SEPP 34 in so far as the development would, after the construction stage, employ 100 or more persons on a fulltime basis in addition to having a capital investment value in excess of \$20 million.

The consent authority, for the purposes of development to which this policy applies, is the Minister for Infrastructure and Planning. Pursuant to the provisions contained within Clause 8 of the policy the development application is forwarded to the Minister for determination.

As required by Clause 12 of the policy the subject report has had regard to the submissions made during the statutory exhibition period and comments provided by Bankstown City Council (the Local Government Area / Council in which the development is proposed to be carried out).

State Environmental Planning Policy No 55 – Remediation of Land

Clause 7 of State Environmental Planning Policy No 55 – Remediation of Land requires the consent authority to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land.

Should the land be contaminated the consent authority must be satisfied that the land is suitable in a contaminated state for the propose use. If the land requires remediation to be undertaken, to make the land suitable for the proposed use, the consent authority must be satisfied that the land will be remediated before the land is used for that purpose.

GHD was commissioned by Landcom, on behalf of the State Rail Authority (SRA), to undertake an environmental assessment of the then SRA-owned Chullora rail yards located at No 9 Muir Road, Chullora. While previous investigations had identified the presence of approximately 157,000m³ of imported fill material at the site Landcom / SRA sought characterisation of this fill material and an assessment of its impacts on and off the site.

The subsequent findings, contained within the report entitled ‘Contamination Assessment 9 Muir Road Chullora NSW’ (dated February 2003), lead to the following recommendations:

In order to render the site suitable for commercial/industrial use limited remediation and management measures are required as follows:

- Remediation of one location where lead exceeded the site criterion by greater than 2.5 times; and*
- Management of soils that may contain fragments of asbestos materials, and*
- Removal of one above ground storage tank.*

It is recommended that a Remedial Action Plan be developed for the remediation of the lead impacted soils and asbestos management.

As a result of the above findings GHD's Contamination Assessment Report recommended the following remedial and management action:

- *the area of soil as containing lead in soil in excess of the site criteria around TP79 be excavated and removed as waste from the site;*
- *fragments of asbestos containing material in the fill should be managed during the redevelopment of the site by means of an EH&SP with a view to ensuring that, at completion of redevelopment, no soil potentially containing asbestos material is exposed to the surface.*

However after the discovery of historical reports on various contamination issues relating to the past use of the land, more detailed investigations of some areas were deemed necessary. Therefore together with the February 2003 report GHD prepared a further report entitled 'Additional Site Assessment' (dated March 2003).

The following additional remediation action was recommended:

- *the portable on-ground storage tank be removed;*
- *the underground fuel tank be removed and any impacted soils around the tank remediated; and*
- *the hydrocarbon impacted surface soils in the vicinity of the portable on-ground tank and the waste drum storage area should be remediated.*

It is recommended that a Remedial Action Plan be developed for the remediation of the nominated areas.

GHD then prepared a Remedial Action Plan for the recommended remedial works in March 2003 (entitled remedial Action Plan 9 Muir Road Chullora).

A 'Remediation and Validation Report' (again prepared by GHD) concluded that four separate locations were successfully remediated:

- *An area of soil contaminated with lead in excess of the site criterion (T79)*
- *A UST was removed along with impacted backfill sands;*
- *An area of soil impacted by hydrocarbons near an on-ground tank; and*
- *An area of soil impacted by hydrocarbons in the vicinity of waste drums.*

While presence of fragments of asbestos cement sheeting in the site fill material was identified in the GHD February 2003 report this did not preclude the redevelopment of the site for a commercial / industrial use. Precautions were however recommended to be taken during the redevelopment of the site to manage any possible exposure to site workers or persons off-site. It was recommended therefore that a Construction Management Plan be prepared to prevent the possible impacts to human health and the environment.

Following a review of the above mentioned documentation (including the preparation of an Outline Construction Management Plan as recommended by the 'Remediation and Validation Report') a Site Audit Statement was issued by a Site Auditor (accredited under the Contaminated Land Management Act 1997) on 4 April 2003.

The Site Auditor certified that the site was suitable for a 'commercial / industrial use' (subject to adherence with a number of conditions).

As indicated earlier the applicant intends carrying out the development in two stages. The first stage involved the necessary earthworks to recontour and recompact the site to provide a suitable building platform for the proposed bakery while the second stage (which is the subject of this report) is for the construction and operation of the bakery. The Minister for Infrastructure and Planning on 11 November 2003 determined Development Application No 304-7-2003-i (Stage 1 works) by way of granting consent to the development subject to conditions. Below are Conditions 7 through 11 of the consent relevant to the issue of site contamination and site remediation.

- 7 Two weeks prior to the commencement of any Remediation Work, the Applicant shall submit a Hazardous Materials Management Plan to the satisfaction of the Council.*
- 8. All asbestos removal and transportation works are to fully comply with the requirements of WorkCover NSW and the Department of Environment and Conservation, as well as the "Code of Practice for the Safe Removal of Asbestos (NOHSC:2002 (1988))" prepared by the National Occupation Health and Safety Commission.*
- 9. Prior carrying out any asbestos removal works, full details complying with the relevant provisions of all relevant Acts are to be submitted to Council on the method of containment and control of emission of fibres to the air. The proposed*

methods of containment and control of fibres are to be to the satisfaction of Council.

10. *All hazardous materials are to be removed from the site in accordance with the requirements of the relevant legislation, codes, standards and guidelines.*

All hazardous materials are to be disposed of at an approved waste disposal facility.

- 11 *All underground tanks are to be abandoned in accordance with the Regulations of the Dangerous Goods Act.*

In summary, having regard to the contents of the reports prepared in relation to site contamination, no additional works were required to make the site suitable for its intended commercial / industrial use as evidenced by the issuing of a Site Audit Statement and furthermore the issuing of development consent to commence earthworks.

Draft State Environmental Planning Policy No 66 – Integrating Land Use and Planning

The aim of the policy is to ensure that, throughout the plan preparation process or development assessment stage, integration occurs between land use and transport primarily to discourage the community's dependence on the motor vehicle.

The site is located essentially in the heart of the Chullora Technology Park hence a considerable distance away from the Bankstown and Lidcombe Railway lines. However private and public bus operators provide adequate access to the Technology Park with bus routes 919, 920, 485 and 487 providing connections to Bankstown, Canterbury, Strathfield, Auburn and Lidcombe. Bus stops are currently located along Muir Road (adjacent to News Corporation), Worth Street (adjacent the TAFE college) and the Hume Highway (near the intersection to Muir Road).

The Bankstown Bicycle Plan, adopted by Council in 1999, provides suitable access opportunities for cyclists to the site while safe and efficient pedestrian access is possible from the Hume Highway and the nearest residential district to the south of the Hume Highway.

Adequate and suitable access to the site is possible by using the local bus services, designated cycle routes and footpath and pedestrian paths such that the development is seen as satisfying the principles established under the draft exhibited state policy.

4.4 DEVELOPMENT CONTROL PLANS

Bankstown DCP No 1 – Carparking

Bankstown Development Control Plan No 1 – Car Parking sets out Council's requirements in regard to the parking provision for new developments and applies to all land within the Bankstown Local Government Area.

Schedule A to the DCP identifies 'factories' (being the closest development type to that of a bakery under that policy) as requiring the provision of one (1) car space per 100m² of gross floor area. Given the extensive site area, coupled with ideal access arrangements and opportunities, it would appear unlikely that upon the future development of the site for use as a bakery that insufficient area would remain to accommodate the parking demand generated by the development.

A more detailed assessment of whether the development satisfies the provisions contained within the Bankstown DCP No 1 is provided below.

In the event that the gross floor area of the bakery is approximately 35, 000m² based on the car parking rate applying to a 'factory' use a minimum of 350 car parking spaces are required to be provided. The applicant has provided a total of 240 on-site car parking spaces. The following comments are offered with respect to this departure.

Description	Staff Numbers	Hours of Work
Office Staff	95	9:00am to 5:00pm
Casual Staff	6	9:00am to 5:00pm
Production Staff	90	Shift 1: 7:00am to 3:00pm
	90	Shift 2: 3:00pm to 11:00pm
	90	Shift 3: 11:00pm to 7:00am
Future Production Staff	40	As per Shift 1, 2 and 3
Delivery truck driver staff	150	11:00pm to 5:00am
Total	561	

The above mentioned table provides for the breakdown of the staff and the proposed hours they will be working.

The maximum number of staff on site at one time is estimated to be 200 – with the possibility that a further 40 staff (as suggested in the table) to be added in the future.

A more realistic or site specific assessment of the parking demand is provided below:

Description	Staff or vehicle count	Maximum utilising the site in peak time	Driver rate	Parking requirement
Staff Car Park				
Office Staff	95	95	90%	85.5
Casual Staff	6	6	90%	5.4
Production Staff	251	103	90%	104

Future Production Staff	40	18	90%	16
			Sub Total	211
Visitor Car Park				
Visitor	-	12	100%	12
Visitor Disabled	-	-	-	3
			Sub Total	15
			TOTAL	226

Applying a standard parking rate to the development is inappropriate in the event that no consideration or weight is given to the extensive areas devoted to plant and equipment in addition to the unique nature of the operations. The amount of car parking provided on site is considered to be sufficient to cater for the demand that is likely to be generated by the development (ie relevant to the number of employees).

The issue of whether the applicant has provided adequate landscaping around the car parking areas is discussed under the assessment of Bankstown's DCP 10 below.

Bankstown DCP No 10 – Industrial Development

Bankstown Development Control Plan No 10 – Industrial Development DCP contains Council's development standards and requirements for industrial development within the Bankstown Local Government Area.

The following standards, requirements and objectives contained within DCP 10 are considered relevant.

Clause 3 - General Objectives

The general objectives of the DCP are:

To facilitate redevelopment of Bankstown's Industrial Areas so that local investment and employment is encouraged and maintained;

The development will stimulate the local economy through employment generation and capital investment. The development will have direct, indirect and induced effects on the local economy as the development involves a broad workforce with a diverse skill set. This is best demonstrated as follows:

- Approximately 150 people will be employed during the construction and commissioning phase of the development.
- Approximately 500 people will be employed (on a full time basis) upon the establishment of the bakery consisting of 250 people working in the bakery, 150 delivery drivers and 95 office staff.

- Casual staff positions are likely to become available to maintain the canteen, laundry and gardens.
- The proposed 24 hour operation provides opportunity for the employment of people preferring night shifts.

To support local manufacturing activities and services provided within Bankstown's existing industrial areas;

Significant employment and economic spin offs are likely to be realised for the local community with the development of the site as a bakery.

To encourage the development of cleaner, well-landscaped industrial areas with well-maintained industrial buildings and sites;

The applicant is seeking to provide for a high tech, state of the art industrial development contributing to the existing large scale, modern industrial developments that are currently provided in the immediate vicinity of the site namely News Corporation, Primo Smallgoods, McWilliams Wines and the Australia Post distribution site.

To facilitate the development of modern, architecturally attractive, and functional industrial buildings with high levels of amenity in terms of vehicular access and manoeuvring, parking facilities, landscaped areas, and appropriate storage facilities.

The site is located within an existing expanding industrial and manufacturing precinct of the Bankstown LGA. Within this precinct industrial developments of high architectural standard contribute to the existing streetscene particularly along Muir Road, Worth Street and the Hume Highway. The development has been designed to be an attractive architectural feature within the estate. The innovative design is practical, functional and visually contributes to the existing adjoining built environment.

To control and minimise all pollution and incorporate principles of ecologically-sustainable development in relation to all industrial activities in Bankstown.

This aspect of the development has been discussed in considerable detail as part of the assessment against the provisions contained within the Bankstown Local Environmental Plan 2001. In summary the applicant has satisfactorily incorporated the principles of ecological sustainable development into the design, layout and operation of the bakery.

Clause 9 – Site Cover and Floor Space Ratio

Clause 9 of DCP No 10 restricts development to a maximum floor space ratio of 1:1. With a site area of 5.97 hectares and the development having a floor area of 35,080m², the applicant proposes a floor space ratio of 0.58:1. The development therefore satisfies the maximum permitted floor space ratio as contained in Clause 9.1 of the DCP.

In addition to a floor space ratio restriction essentially the footprint of the development (its site coverage) shall not exceed 70% of the area of the site. The proposed bakery observes a site coverage of 46% thereby satisfying Clause 9.2 of the DCP.

Clause 10 – Building alignments

Muir Road, which extends from Rookwood Road in the west to the Hume Highway in the east, is classified as a 'local road' and falls under the care, control and maintenance of Bankstown City Council. As such, and according to the provisions contained within Clause 10.2 of the DCP, a minimum ground floor setback of 10 metres and a minimum 8 metre setback is required to be observed to Muir Road. The building alignment has been set at 10 metres. The development therefore satisfies Clause 10 of the DCP.

Clause 11 – Parking

This aspect of the development has been discussed in considerable detail as part of the assessment against the provisions contained within Bankstown's DCP on Car Parking (DCP No 1). In summary the applicant has satisfactorily provided on-site car parking spaces catering for the demand that is likely to be generated by the development.

Clause 12 – Vehicular access and circulation

Two access / egress facilities will be provided. Access / egress is provided off the existing under-utilised round-a-bout at Elcar Place while a second access / egress point is provided using the existing signalised intersection arrangement at the intersection of Muir Road with Worth Street. Both arrangements are to the satisfaction of the Roads and Traffic Authority (the SRDAC) and Bankstown City Council's Traffic Engineer.

With respect to on-site manoeuvring there exists sufficient hardstand areas around all car parking spaces and all loading / unloading docks to ensure the efficient and effective circulation of vehicles to, within and from the site.

Clause 13 – Landscaping

The landscape plan, that accompanied Stage 1 works, has had regard to the landscaped character of the area, the site's exposure to Worth Street and both approaches along Muir Road and the bulk, scale and form of the proposed bakery. The implementation of extensive landscaping particularly around the perimeter of the site and in the immediate vicinity of the car parking areas will ensure the landscape character of the Chullora Business Park is maintained.

The plan recognised that soft landscaping would be essential to provide scale to the buildings, to break up the visual extent of the hardstand areas, to provide areas of natural infiltration, to screen unsightly hardstand areas from public view and to provide amenity and shade for workers.

To ensure that the proposed development's impact on the landscape character of the locality is minimised it was recognised that it be essential that:

- Significant tree planting undertaken along the boundaries of the site and within the hardstand areas.
- An open canopy of trees is used sparingly in front of the buildings main street front elevation.
- Low maintenance shrubs and trees are used on areas designated for future buildings.

The following principles were adopted in the design:

- Planting tall trees along the northern boundary to screen hardstand areas
- Utilise native species to ensure low maintenance and native character of the precinct prevails
- Utilise plants with variety and colour to break up the monotony of the hardstand areas.
- Provide 3 metre high screening plants eg Casuarinas along the boundary.
- Providing a grass and tree setting along the buildings main street frontage.
- Provide staff amenity landscape areas in 10 metre setback along the north western boundary.

The landscaping proposal shall be required to include a commitment for planting with locally sourced endemic natives. These would be species belonging to the Cook River Castlereagh Ironbark endangered community.

In addition, the area identified as comprising the biodiversity corridor in the north western corner of the site shall be specifically identified as part of the biodiversity corridor and shall be planted out with locally sourced endemic natives. In addition the applicant shall be required to provide for landscaping along the sites western boundary as presently it is shown as hardstand area. There exists sufficient opportunity for landscaping to be provided along this boundary while still providing for the necessary access, turning and manoeuvring areas required by the larger vehicles.

Clause 14 - Site works and services

Adequate access to services such as water, electricity and gas is available.

Water

Water mains will supply at 65l/s at 500 kPa for consumption within the bakery. The system will include water meter and backflow preventers as per BCA requirements. The system design shall comply with AS/NZS3500.1.2 and 4.2.

Electricity

As the bakery will be a large user of power, with an estimated maximum demand of 4.5MVA, a substation will need to be provided on site as per Energy Australia requirements. The applicant will need to provide evidence from Energy Australia as to the preferred, agreed and suitable location for the required substation on the site (and if necessary accommodate any required easements etc). The power from the Energy Australia substation will be connected to the bakery's main switchboard, housed in the building. This will in turn be connected by electrical cabling to distribution boards located throughout the facility.

Natural Gas

Gas supply to plant boilers, ovens and general plant will be at the rate of 2,000m³/hr at 70kPa. Design of gas supply will be to the current Australian Standards and BCA.

With respect to site works conditions of consent are recommended to be imposed addressing site access requirements, etc.

Clause 16 – Building Design

Again this aspect of the development has already been discussed. In short the development is to be of such standard of design and appearance as to contribute to the enhancement of the area generally.

Clause 26 - Use of premises

While Clause 26 of the DCP primarily applies to the use of existing premises the principle of use should also apply to the site. The site is located within a rapidly developing industrial estate where developments of a high architectural and visual appeal are being encouraged.

The report has and will demonstrate that the use of the site for a bakery is conducive to the form, function and potential of the existing road network, will be a development of commensurate scale and form to the existing adjoining and nearby industrial developments and will be a development having a negligible impact on the amenity of the locality and the nearest residential district. Accordingly the use of the site as a bakery is considered an appropriate use.

Bankstown DCP No 13 – Landscaping Standards

The subject site is considered to be of sufficient size to accommodate a bakery, car parking areas and spaces required for such a use and the manoeuvring and turning arcs required to accommodate both large and small rigid trucks that will be required to access the site. In addition the site is sufficient in size to provide for extensive landscaped areas that will contribute to the overall amenity of the area, in particular the sites exposure to Muir Road.

The landscape plan can provide relief to the extensive hardstand areas, provide for an appealing presentation to Muir Road and can incorporate elements of the objectives of Council's Biodiversity Map.

In relation to the nature of the landscaped areas and the choice of species chosen I refer to the comments provided under the assessment of DCP 10.

Bankstown DCP No 24 – Chullora Lands DCP

Bankstown Development Control Plan No 24 – Chullora Lands DCP relates to land at Chullora formerly zoned Special Uses 5(b) Railways that is contained within Map 1 (in Part C) to the Plan. The DCP contains Council's general development standards and requirements for development of the specified area.

The subject site (No 9 Muir Road, Chullora) is situated within Map 1 (in Part C) to the Plan. Hence the provisions contained within DCP No 24 are applicable to this development. The following comments are offered in this respect:

Clause 3 – General Objectives

The general objectives of the DCP are:

- 3.1 To provide more detailed controls and guidance for developers than is found in the Bankstown Planning Scheme (now the BLEP); and*
- 3.2 To encourage development which is appropriate to the land to which this plan applies;*
- 3.3 To ensure that items of heritage significance contained within the subject area are identified, recorded and considered for possible retention.*

With respect to the general objectives as provided in Clause 3 of the DCP the development (in particular Stage 2 of the development) will be assessed against the additional controls and guidelines that have been provided. The site is considered to be conducive to a development of this scale, mass and form, complementing those existing adjoining industrial developments within the estate. The site does not contain any items of heritage significance nor are there any items located in the immediate vicinity of the site. Stage 2 of the development is therefore considered to be consistent with the objectives of the DCP.

Clause 7 – Land Use

Council will consider redevelopment proposals in accordance with the objectives and requirements of this DCP. DCPs 10 and 15 relating to Industrial Development and Bulky Goods Retailing in Industrial Zones respectively, will also be considered where relevant.

Given the size of both the existing adjoining sites and those fronting the Hume Highway the former SRA land at Chullora has attracted a number of large scale developments namely McWilliams Wines, News Corporation, Australia Post and Franklins. The development of the subject site for the construction and operation of a bakery provides for the retention of development of a large scale modern form within the estate.

Clause 8 – Vegetation

- 8.1 *Development applications affecting areas of vegetation significance identified on Map 1 of this DCP shall be accompanied by a Plan of Management. The Plan of Management shall justify any loss of significant vegetation and describe any management practices required to retain existing vegetation.*
- 8.2 *Responsibility for implementation of the Plan of Management will rest with the applicant.*

The subject site is not identified as being within an area of ‘vegetation significance’ as identified on Map 1 of DCP No 24.

Clause 10 – Land and Ground Contamination

Issues or matters pertaining to land and ground contamination have been assessed in considerable detail in the assessment of the development under the provisions of State Environmental Planning Policy No 55 – Remediation of Land. In short the Site Audit Statement, undertaken and issued under the provisions of the Contaminated Land Management Act 1997, certified that the site is suitable for a ‘commercial/industrial’ landuse (subject to conditions).

Clause 11 – Drainage

Drainage works as required under Clause 11.1 and 11.2 of the DCP shall be required to be satisfied during the construction stage.

Clause 18 – Noise Impact Assessment

Development Applications for major noise generating uses shall be accompanied by a Noise Impact Statement prepared by a qualified Acoustic Consultant.

The nearest residential properties are situated in excess of 500 metres away hence it is unlikely that, even during the night, noise emanating from the site would be audible for these residents. The impact associated with noise emanating from the site was considered as part of Stage 1 works in the event that the consent also provided approval in principle to the construction and operation of the bakery. It was concluded that noise emissions would not unreasonably affect the amenity of the adjoining property owners or the closest residences upon the bakery becoming operational. This is explained in considerably more detail later in the report.

Bankstown DCP No 30 – Development Engineering Standards

Preliminary stormwater details accompanied the Development Application for Stage 1 works. The plans provide for the method of stormwater disposal to Muir Road. Given the topography of the site and its context within the catchment there appears sufficient opportunity to provide for the disposal of stormwater to the street. In the absence of a detailed plan it is recommended that a detailed stormwater plan be submitted to and be to the satisfaction of Bankstown City Councils Drainage Engineers prior to commencement of any construction works in association with Stage 2 works.

Bankstown DCP No 44 – Sustainable Commercial and Industrial Development

Bankstown Development Control Plan No 44 – Sustainable and Industrial Development was recently adopted by Bankstown City Council. The DCP applies to all land where industrial and/or commercial developments are permissible hence the DCP is applicable to this site. The objectives of the DCP are:

- *to ensure that water conservation measures are incorporated into the design and operation of industrial and commercial developments;*
- *to ensure that energy efficient practices are incorporated into the design and operation of industrial and commercial developments.*

For large developments such as this, there is a requirement for a thorough examination of water savings, which should be done through an integrated site water management plan. Given that the roof area for this development covers some 2.6 hectares, there is a unique opportunity for the recycling of rainwater and its use in the development. The applicant shall be required to provide for the collection of stormwater from roofed areas. The applicant shall develop a management plan integrating captured water into the development, and its reuse for such purposes as toilet flushing and on-site landscaping.

The report earlier indicated that the applicant intends using water efficient fixtures to taps, showerheads, dishwashers and toilets. The applicant also intends applying flow regulators to hoses and placing signs at all water consumption points encouraging the conservation of water.

As alluded to earlier in the report the applicant has satisfactorily incorporated the principles of ecological sustainable development into the design, layout and operation of the bakery.

5. CONSIDERATION OF ISSUES RAISED IN SUBMISSIONS

The development application was notified in accordance with the Environmental Planning and Assessment Regulation 2000 and Council's Notification Policy (Development Control Plan No 35).

In accordance with the Regulations and DCP No 35 the application was advertised in the 'The Torch' newspaper (on 10 September 2003) and notified to the industrial / commercial properties within a radius of a minimum of 400 metres of the subject site. In the absence of any residential allotments within such a radius residents occupying sites bounded by Northcote Avenue, Noble Avenue, Shellcote Road and the Hume Highway were also notified (in writing) of the development.

In addition, the North Ward Residents Action Group and the Bankstown Bushland Society were formally advised of the development and invited to provide comment.

The following agencies were sent copies of the Statement of Environmental Effects and were invited to provide comment:

- Strathfield Municipal Council
- The Roads and Traffic Authority
- The Environment Protection Authority
- Energy Australia
- NSW Fire Brigades
- National Parks and Wildlife Service
- Sydney Water
- The Department of Infrastructure and Natural Resources (formally the Department of Land and Water Conservation)
- Bankstown City Council

Six (6) submissions were received in relation to the development. Submissions were received from the NSW Fire Brigades, EPA, State Rail, RTA, an environmental group and a private company.

Key issues raised in the submissions included the impact of the development on the nearby rail corridor, the method of waste management, energy efficiency, stormwater management, landscaping, the failure of the applicant to undertake any degree of community consultation in relation to the development and the inability of the local road system to accommodate the additional vehicle movements generated by the development.

In summary the following comments are offered:

Impact on the rail corridor

The State Rail Authority of NSW were specifically concerned with the potential impact of the development on the nearby rail corridor. The issues revolved around drainage,

excavation and construction impacts, fencing and physical access to SRA facilities. In short the comments (and the conditions of consent as recommended to be imposed) are / were intended to protect the consent authority, the Rail parties and the applicant/developer from unintentionally constituting a breach of the Rail Safety Act 2002 and the Transport Administration Act 1988.

Method of waste management

Considerable concern was raised as to adequacy of the existing local system to accommodate the actual quantities of matter that are to be disposed of into the sewer system. The submission specifically referred to the fact that the system is essentially operating at or near capacity suggesting that the additional volumes are likely to increase the incidence of overflows resulting in significant harm for the nearby wetland environments.

Energy efficiency

The submission suggested that the applicant has failed to have sufficient regard to the utilisation of solar energy. Having regard to the size of the roof area available the submission indicated that there exists sufficient opportunity for the installation of solar panels which would go to further minimising or reducing power usage as encouraged by DCP No 44.

Stormwater management

The submission suggested that the applicant has failed to have sufficient regard to the collection and re-use of stormwater from the extensive roof area. Furthermore it was suggested that the size of the water detention areas is inadequate to allow proper treatment of pollutants in the water, especially the matter which is washed off internal roads.

Landscaping

It is recommended that the landscape plan provide for locally sourced plantings and comprise elements of this community. The submission goes on to provide a list of species that are not recommended to be planted.

Community consultation

Albeit there exists no immediate adjoining residential properties concern was raised as to the level of community consultation undertaken by the applicant in respect of this development.

Ability of the road network

Firstly considerable concern was raised in relation to the accuracy of the information provided by the applicant in respect to data, traffic counts and the intersection analysis. Further comments were provided that suggest that currently the road system is operating at capacity and is unable to accommodate the additional movements generated by the development.

NOTE - Each of the issues raised in the submissions are addressed in considerably more detail in Appendix B to this report.

6. CONSIDERATION OF ENVIRONMENTAL ISSUES

6.1 Site Access, Egress and associated Traffic Impact

Muir Road, which extends from Rookwood Road in the west to the Hume Highway in the east, is classified as a 'local road' and falls under the care, control and maintenance of Bankstown City Council.

Comments were sought from Bankstown City Council's Traffic Engineer in relation to the development as part of the assessment of Stage 1 works. No additional comments were deemed necessary in relation to works as proposed as part of Stage 2. I therefore refer to the following comments provided from Council's Traffic Engineer in relation to Stage 1 of the development:

I refer to the proposed bakery and earthworks and advised the following traffic related matters:

- Muir Road is a high standard divided carriageway within a large industrial estate. The road is under the control of Council and the road also functions as major link road between Hume Hwy and Rookwood Road.*
- Vehicle access from Muir Road onto Hume Hwy and Rookwood Road is convenient and safe as these junctions are controlled by traffic signals.*
- Construction vehicle access to the proposed bakery site should be restricted to one location with all heavy vehicles over 4.5 Tonnes being conditioned to travel directly to Hume Hwy or Rookwood Road via Muir Road.*
- For the proposed operational bakery, vehicle access for all delivery trucks into or out off the site shall be provided from the Elcar Place roundabout.*
- The proposal for the development of a new road connection at the existing traffic signals opposite Worth Street for access to the proposed employee and visitor carpark is supported subject to the dedication of approximately 10 metres of the new road carriageway and adjacent footways as a public road.*

Bankstown City Council's Traffic Engineer is of the opinion that the existing road network (Muir Road, Worth Street, Rookwood Road and the Hume Highway), that essentially serves the site, in conjunction with the provision of a round-about at Elcar Place and the opportunity to utilise the lights at the streets intersection of Muir Road with Worth Street, provides for ideal access and egress opportunities.

The following section of the report provides for a more detailed account of the likely impact.

The following table provides vehicle counts at the intersection of Worth Street and Muir Road during the AM and the PM peak.

Location	AM Peak 7:15 - 8:15 am	Total	PM Peak 4:30 - 5:30 pm	Total
	Volume / Direction		Volume / Direction	
Muir Road	315 (NB) 655 (SB)	970	314 (NB) 553 (SB)	867
Worth Street	479 (EB) 250 (WB)	729	362 (EB) 412 (WB)	774

NB = Northbound, SB = Southbound, EB = Eastbound, WB = Westbound

Having regard to the road classification applying to Muir Road and Worth Street the vehicle counts provided in the abovementioned table demonstrate that current traffic volumes on Muir Road and Worth Street (during the peak AM and PM periods) are operating at an acceptable level. The design capacity of the immediately adjoining road network can accommodate additional traffic during peak periods and still operate at an acceptable level.

The following table provides the existing level of service offered at the intersection of Muir Road with Worth Street again during the AM and PM peak..

Existing Intersection Performance – Muir Road with Worth Street

Intersection Approach	Peak Period	Average Delay (seconds)	Level of Service (LOS)	Degree of Saturation
Muir Rd – East	AM	14.7	B	0.326
	PM	14.6	B	0.324
Muir Rd – West	AM	14.2	A	0.412
	PM	15.7	B	0.390
Worth St - North	AM	29.2	C	0.299
All vehicles	AM	17.4	B	0.412
	PM	19.0	B	0.390

Note - In the event that the Elcar Place round-about currently operates with only two approaches, which is less than its design intention, there exists no effective ‘average delay’ and hence ‘level of service’. Traffic counts undertaken along Muir Road do suggest however that any additional vehicles movements generated by the development of the site as a bakery is unlikely to result in the round-a-bout becoming ineffective.

The table indicates that the existing intersection of Muir Road and Worth Street is operating at a satisfactory level of service during both the morning and evening peak periods.

The Construction Phase

The following table provides the level of service offered at the intersection of Muir Road with Worth Street and Muir Road with Elcar Place during construction.

Intersection Performance during Construction

Intersection Approach	Peak Period	Average Delay (Seconds)	Level of Service (LOS)	Degree of Saturation (DS)	Comments
Muir Road / Elcar Place					
Muir Road - East	AM	5.4	A	0.137	
Muir Road - West	AM	5.5	A	0.200	
Elcar Place - south (Site Access)	AM	11.6	A	0.013	
All vehicles	AM	5.5	A	0.200	All movements satisfactory
Muir Road / Worth Street					
Muir Road - East	AM	14.3	A	0.326	
Muir Road - West	AM	14.4	A	0.416	
Worth Street - North	AM	29.2	C	0.299	Critical movement
All vehicles	AM	17.4	B	0.416	All movements satisfactory

The abovementioned tables demonstrate that the additional vehicle movements generated during the construction phase are able to be accommodated into the existing road network while maintaining appropriate levels of service at nearby relevant intersections. The existing level of service (LOS) remains satisfactory and is not at capacity.

Earlier the report demonstrated that the intersections of Muir Road and the Hume Highway and Muir Road with Rookwood Road were not at capacity and that the additional vehicle movements generated during the construction phase could be accommodated without jeopardising the level of service.

The Operational Phase

During the operational phase of the development the following vehicle movements are likely to be generated:

- Production employees vehicle movements - shift work

- Office staff traffic movements
- Distribution truck movements
- Raw material delivery truck movements
- Service vehicle movements.

The applicant suggests that the following vehicle movements will be generated during the operational phase of the development:

Component	Morning Peak (vtph)		Evening Peak (vtph)		Daily Trips (vtph)
	IN	OUT	IN	OUT	
Office Staff (LV)	81	5	5	81	172
Casual Staff (LV)	5	-	-	5	10
Production Staff (LV)	40	40	-	-	486
Future Production Staff (LV)	5	5	-	-	72
Truck drivers using cars to travel to the site (LV)	-	-	-	-	150
Truck drivers using private heavy vehicles to travel to the site (HV)	-	-	-	-	150
Delivery Truck Movements (HV)	8	8	-	-	300
Raw Materials delivery (HV)	3	3	-	-	60
Waste / Service Vehicles (HV)	-	-	-	-	2
Visitor (LV)	-	-	-	-	20
TOTAL	160	69	5	91	1,422

Note - LV = Light Vehicle, HV = Heavy Vehicle, vtph = Vehicle trips per hour

The additional vehicle movements when absorbed into the immediate road network will result in the following impacts to the Muir Road / Elcar Pace intersection and the Muir Road / Worth Street intersection.

Intersection Approach	Peak Period	Average Delay (Seconds)	Level of Service (LOS)	Degree of Saturation (DS)	Comments
Muir Road / Elcar Place					
Muir Rd - east	AM	5.3	A	0.131	
	PM	5.2	A	0.174	
Muir Rd - west	AM	5.2	A	0.194	
	PM	5.2	A	0.164	
Elcar Place - south (Site Access)	AM	15.2	A	0.028	
	PM	10.2	A	0.002	
All vehicles	AM	5.3	A	0.200	All

	PM	5.2	A	0.174	movements satisfactory
Muir Road / Worth Street					
Muir Rd - east	AM	27.6	B	0.355	Critical movement
	PM	29.9	C	0.398	
Muir Rd - west	AM	13.7	A	0.393	
	PM	26.8	B	0.523	
Worth St - north	AM	32.9	C	0.375	Critical movements
	PM	33.9	C	0.463	
Bakery Entry - south	AM	28.1	B	0.290	
	PM	23.9	B	0.490	
All vehicles	AM	22.0	B	0.368	All movements satisfactory
	PM	28.8	C	0.490	

The results have revealed that the intersection of Muir Road with Worth Street will continue to operate at a Level of Service (B) during the morning peak period with an average delay of 22 seconds. During the evening peak period, the intersection will operate satisfactorily with a Level of Service (C) and an average vehicle delay of 28.8 seconds.

The intersection of Muir Road with Elcar Place will continue to operate at a Level of Service (A) during both the morning and evening peak periods with average vehicle delays of 5.3 and 5.2 seconds for the AM and PM peak periods respectively.

It is therefore unlikely that vehicle movements generated during the construction phase and when the bakery is fully operational cannot be accommodated into the existing vehicle and traffic flows throughout the local road network as demonstrated in the tables presented above.

Note – A detailed assessment of the development against the provisions contained within State Environmental Planning Policy No 11 – Traffic Generating Developments was carried out under Section 4.3 of this report. In short, the Roads and Traffic Authority had no objection to the development proceeding, recommending that a number of conditions of consent be imposed on the applicant.

6.2 Site Contamination

The report has provided an assessment of the application against the relevant provisions contained within State Environmental Planning Policy No 55 – Remediation of Land.

As indicated earlier in the report the applicant intends carrying out the development in two stages. The first stage involved the necessary earthworks to recontour and recompact the site to provide a suitable building platform for the proposed bakery while the second

stage (which is the subject of this report) is for the construction and operation of the bakery.

The Minister for Infrastructure and Planning on 11 November 2003 determined Development Application No 304-7-2003-i (Stage 1 works) by way of granting consent to the development subject to conditions. As discussed previously a number of those conditions addressed site contamination and site remediation.

The applicant has commenced works on the site (Stage 1 works). It is recommended that the applicant be required to, prior to the commencement of works associated with Stage 2 of the development, obtain a validation report from a Site Auditor accredited by the NSW Environment Protection Authority under the Contaminated Land Management Act 1979, in which it states that necessary remediation works have been suitable completed.

The following comments were provided in the report prepared for Stage 1 of the development in relation to site contamination.

While presence of fragments of asbestos cement sheeting in the site fill material was identified in the GHD February 2003 report this does not preclude the redevelopment of the site for a commercial / industrial use. Precautions should however be taken during the redevelopment of the site to manage any possible exposure to site workers or persons off-site. The GHD report recommended that a Construction Management Plan be prepared to prevent the possible impacts to human health and the environment.

The issue of site contamination has been discussed in considerable detail in Section 4.3 of the report. In summary, having regard to the contents of the reports prepared in relation to site contamination, no additional works are required to make the site suitable for its intended commercial / industrial use as evidenced by the issuing of a Site Audit Statement.

A Site Audit Statement was issued by a Site Auditor (accredited under the Contaminated Land Management Act 1997) on 4 April 2003. The Site Auditor certified that the site is suitable for a 'commercial / industrial use' (subject to adherence with a number of conditions). Accordingly the issue of land contamination is considered to have been satisfactorily addressed by the applicant.

6.3 Air Quality

Accompanying the development application for Stage 2 of the development was a Statement of Environmental Effects (entitled 'Remaining Information') in which it contained Air Quality Impact Assessment report.

The SEE indicates that the existing air quality around the site is typical of an industrial sector in a metropolitan area, with local air quality influenced by emissions and odours from the surrounding industries. The SEE also suggests that traffic generated by the other industrial activities would also contribute to local air quality.

Stage 2 Emissions - Construction Phase

The SEE states that the main potential air quality impact associated with the construction stage will be from particulate emissions (PM₁₀ dust) and to a lesser extent, vehicle exhaust (NO₂).

Particulate Wind Erosion

The following table provides details as to estimated particulate emissions occurring due to wind blown erosion of exposed areas.

S (%)	P (-)	TSP Emission Rate (g/m²/s)	PM Emission Rate (g/m²/s)
8.5	113.6	594 x 10	2.88 x10

S = Default silt content for construction sites

P = Number of days when rainfall is greater than 0.254mm

The following table provides details as to estimated particulate emissions occurring due to soil loading and unloading.

Operation	Soil Handled (m³)	Soil Handled (t)	TSP Emission Rate (g/s)	PM Emission Rate (g/s)
Loading	60 000	114 000	0.008	0.005
Unloading	140 000	266 000	0.005	0.0025

Emission rates of wind blown dust per unit area from exposed areas do not change from Stage 1 construction to Stage 2 however the exposed area is assumed to halve, effectively reducing total emissions from exposed areas by 50%. Requiring the application of similar dust suppression techniques as adopted as part of Stage 1 is therefore recommended for Stage 2 construction.

The SEE identified that the relevant EPA short term PM₁₀ and NO₂ air quality criteria will potentially be exceeded at some adjoining industrial properties, including the McWilliam's Wine factory to the south of the proposed site, during the earthworks phase. While the degree or extent of wind blown particulates is effectively reduced during the construction stage it is recommended that the applicant undertake a number of mitigation measures to ensure that potential air quality impacts generated by the proposal are managed.

The consent conditions imposed for Stage 1 works required the applicant to prepare a detailed Air Quality Management Plan to the satisfaction of the Director-General. The plan required the applicant to identify the measures that will be adopted to control air quality impacts, details of a proposed monitoring regime, details of the air quality criteria

that will be met by the site to ensure offsite impacts are managed (eg dust deposition and total suspended particulates), details of a contact person responsible for implementing the plan and details of proposed contingency measures that will be adopted if the relevant criteria is exceeded.

The air quality monitoring regime required by the Air Quality Management Plan also required the applicant to provide details on the use of both real-time dust monitoring systems with threshold alarms should the relevant dust level be exceeded and on a continuous air quality procedure around the boundary of the site. The monitoring system aimed to manage any potential air quality impacts on any adjoining properties.

While the Department acknowledges that both the short term PM₁₀ and NO₂ were predicted in the SEE as potentially being exceeded at some adjoining properties, the Department considers that the recommended development consent conditions for Stage 1 and the proposed mitigation measures described in the Development Application by the Company provides a thorough framework for managing potential air quality impacts.

An Air Quality Management Plan has been prepared (as required by the consent issued in relation to Stage 1 works) and it is to the satisfaction of the Department. It is recommended that the applicant, during the construction phases carry out works consistent with the content of the plan.

Vehicle exhausts

Emissions from the exhausts of trucks and staff vehicles during the construction phase provide for the following pollution readings.

Pollutant	Emission Factors (kg/km)		
	Rigid diesel HGV	Diesel LGV	Petrol Cars
NO _x	0.00638	0.000636	0.000902
SO _x	0.000172	0.0000670	0.0000405
VOC	0.00205	0.000208	0.000676
PM ₁₀	0.000494	0.000193	0.0000180
CO	0.00251	0.000778	0.00555
TSP	0.0005370	0.000210	0.0000196
Benzene	0.0000411	0.00000419	0.0000378
1,3-butadiene	0.0000126	0.00000531	0.0000107

Note - HGV = Heavy Goods Vehicle, LGV = Light Goods Vehicle

Emissions from Stage 2 construction vehicles naturally occur only during times of vehicle activity (7:00am to 4:00pm). The level of emissions is well within acceptable standards.

Stage 2 Emissions - Operational Phase

The operation of the bakery will result in emissions of criteria pollutants and VOCs as a result of natural gas combustion and the baking process and vehicle exhaust. VOCs will also be released as a result of evaporative emissions from petroleum fuelled vehicles of staff and site visitors.

Vehicle Exhaust

The proposed facility's projected operational vehicle activity data is provided in the following table.

Component	Vehicle Type	Morning Peak (vtph)		Evening Peak (vtph)		Daily Trips (vtph)	Trips outside peak hours (vtpd)
		IN	OUT	IN	OUT		
Office Staff	LDV	81	5	5	81	172	0
Casual Staff	LDV	5	0	0	5	10	0
Production Staff	LDV	36	36	0	0	486	414
Future production staff	LDV	5	5	0	0	72	62
Truck drivers using cars to travel to site	LDV	0	0	0	0	150	150
Truck drivers using private heavy vehicles to travel to site	HDV	0	0	0	0	150	150
Delivery truck movements	HDV	8	8	0	0	300	284
Raw materials delivery	HDV	3	3	0	0	60	54
Waste / Services vehicles	HDV	0	0	0	0	2	2
Visitor	HDV	0	0	0	0	20	20

LDV = Light Duty Vehicle (assumed petrol), HDV = Heavy Duty Vehicle (assumed diesel)

Given the number of vehicle movements proposed during the operational phase the anticipated levels of emissions will be well within acceptable standards.

Baking Operations

Atmospheric dispersion modelling of emissions from the operational phase of the proposed bakery in combination with background pollutant monitoring data show that atmospheric pollutants released from the bakery operations are expected to comply with all relevant air quality guidelines.

Ethanol and formaldehyde are the only significant odorous or toxic pollutants that are released from the bakery facility. Atmospheric dispersion modelling results indicate that these pollutants are not expected to exceed their respective guideline criteria. The guideline level assigned to ethanol is based on its odorous properties. As ethanol represents over 90% of the VOC's associated with the baking process, compliance with this guideline also suggest that compliance with acceptable odour criteria also occurs.

Summary

The SEE outlines that the main sources of potential air quality impact associated with Stage 2 namely emissions resulting from the construction of the proposed bakery and emissions resulting from the operation of the proposed bakery.

The EPA acknowledged that airborne dust during earthworks and construction (Stage 1 and 2) and stack air emissions (Stage 2) appear to be the key air quality related issues, particularly given the proximity of the adjoining McWilliam's Wines. As a result, the EPA recommended a number of development consent conditions be implemented to ensure that potential air quality impacts are minimised and contained within the proposed Bakery boundary as much as possible. This includes ensuring that the proposed dust monitoring program is carried out during the construction period, a 24 hour telephone number is provided to all surrounding industries, and that filters be installed (if none present) on air intakes of the bottling and cellar rooms of McWilliam's Wines.

A submission from McWilliam's Wines also raised concerns about the potential impacts of yeast from the Bakery flour ingredients impacting on the fermentation process at their facility. In response to this issue, the Department requested further information from the Applicant. The Applicant undertook further tests of the yeast content of its bakery flour ingredients and concluded that the wild yeast content of its flour is not significantly higher than that likely to be experienced in industrial air. The Department was satisfied with this response and considers that yeast from the bakery is unlikely to impact on the McWilliams Wines facility.

Based on the atmospheric modelling undertaken pollutants emitted during the operational phase of the development are not likely to exceed guideline criteria. The EPA also indicated that it agreed with the SEE that odours emitted by bakeries are generally not deemed to be offensive.

6.4 Noise Impact

Stage 2 of the development will generate noise during the following stages of the development:

Noise generated by the movement of trucks and vehicles (external to the site) during the construction phase (Stage 2)

Construction, associated with Stage 2 of the development, will be carried out during the following hours:

Monday to Friday	7:00am to 6:00pm
Saturdays	8:00am to 1:00pm

Access to and egress from the site is to be confined to off Elcar Place (the existing round-about) in Muir Road. Under no circumstances shall access be permitted, during the construction stage, from the signalised intersection of Worth Street and Muir Road. Upon exiting the site at Elcar Place vehicles will either go directly to the Hume Highway (via Muir Road or Muir Road and Worth Street) or to Rookwood Road via Muir Road.

The nearest residents are located on the southern side of the Hume Highway. Noise generated by the movement of vehicles to and from the site is unlikely to cause concern for these residents. It should be recognized that a consent authority would not refuse a development application where the development site is located 2 or 3 km away from the intersection of Muir Road and the Hume Highway even though it can be demonstrated that the vehicles would pass through this intersection. The same principle should be applied here.

Noise generated on-site during the construction phase (Stage 2)

Noise generated during the construction phase is unlikely to be any greater than one would expect from any other industrial development of this scale and type. In the absence of any sensitive land uses, in the immediate vicinity of the site, noise generated during the construction phase is unlikely to result in an unreasonable impact on the amenity of the area. Furthermore strict compliance with the hours of construction (as indicated above) will ensure minimal disruption to the acoustic amenity of the nearest residents particularly when, during these hours, the Hume Highway experiences considerable number of vehicle movements.

Noise generated during the operational phase of the bakery (Stage 2)

The following comments were provided by the EPA (in their correspondence of 13 August 2003) in relation to noise generated during the operational phase of the development.

The Project Specific Noise Levels obtained by a short duration, attached background noise monitoring) outlined in Table 34 appears reasonable and are typical of noise in an area zoned for industrial use. It is noted that the current acoustic environment surrounding the proposed site is dominated by road traffic on Muir Road, a collector road to the Hume Highway. As the nearest sensitive receptors are about one kilometre away, the EPA believes that the noise from the proposed development would not be an issue for local residents.

In summary the following comments are provided:

- There are no residents (sensitive land uses) in the immediate vicinity of the site
- Noise generated during construction works is unlikely to be any greater than one would expect during a typical construction phase
- The applicant is seeking to carry out construction works within standard construction / operating hours
- Requiring the applicant to carry out works on the site within constrained noise levels cannot be justified especially where such works will need to be carried out irrespective of whether it's a bakery, industrial factory etc proposed on the site and that the noise levels are unlikely to cause any unacceptable impacts on the acoustic environment.
- The noise generated during the operational phase of the development will be essentially typical of noise generated by other industrial uses. Noise levels are within accepted noise level criteria as established by the EPA.

6.5 Surface Water Management

Accompanying the Stage 1 development application was an Outline Construction Management Plan which provided guidance on issues relating to the environmental management of all activities to be undertaken as part of the redevelopment works and the implementation of the Site Audit Statement conditions.

Adjoining the sites southern and eastern boundaries are properties used for industrial purposes while immediately adjacent the sites northern boundary is Muir Road itself. Running primarily parallel to the sites western boundary is a watercourse. The watercourse varies in form from being in a natural state to being piped. As the overall fall of the site is to the north west it is necessary to ensure that measures are implemented to minimise the incidence of surface water (during Stage 2 construction works) affecting the watercourse.

The Outline Construction Management Plan provides construction details in relation to:

- Stockpiles

- Replacing topsoil
- Earth bank (low flows)
- Earth bank (high flows)
- Straw Bale Filter
- Sediment Fence

The applicant proposes, in the sites north western corner, a stormwater detention pond / basin which would accommodate any surface flows that occur across the site. For those flows arriving at the site (from upstream of the site) they will be diverted around the construction site to minimise the contamination of the water from the disturbed soils on the site. The water shall be cleaned by methods such as flocculation prior to being pumped in the stormwater system.

7. SECTION 79C CONSIDERATION

In addition to the detailed assessment provided under Section 4 of this report (specifically addressing Section 79C(1)(a) of the EP& A Act 1979) the following comments are offered with respect to Sections 79C(1)(b), 79C(1)(c), 79C(1)(d) and 79C(1)(e).

Section 79C(1)(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 report has demonstrated that the capacity of the existing road network will not be threatened, with vehicle movements likely to be generated by the establishment of a bakery on the site able to be accommodated in the local road network. The report has also demonstrated that the size of the building that is to occupy the site is commensurate with the existing adjoining built form. The development will provide significant economic benefits for the local community, both in the short and long term, throughout the construction and operational phases of the development. In the absence of any environmental harm, works as proposed as part Stage 2 of the development are considered to satisfy Section 79C(1)(b) of the EP & A Act 1979.

Section 79C(1)(c)

the suitability of the site for the development

The site is zoned 4(a) General Industrial. The site has been recognised by GWF as a site suitable to accommodate a bakery. The site is located within an existing expanding industrial and manufacturing precinct of the Bankstown LGA. Within this precinct industrial developments of high architectural standard contribute to the existing streetscene particularly along Muir Road, Worth Street and the Hume Highway. Bankstown City Council is readily encouraging the development of sites within this precinct for large scale, functional and visually appealing developments that are commensurate with the existing built environment. Council recognise that these sites benefit from almost immediate access to the major road networks of western Sydney. Furthermore in the absence of any environmental harm resulting from the establishment and operation of a bakery, the development is considered to be suitable for this site.

Section 79C(1)(d)

any submissions made in accordance with this Act or the regulations

The report has addressed in detail the comments providing in the submissions received (refer to Appendix B).

Section 79C(1)(e)

the public interest

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by the consent authority ensuring that any adverse effects on the surrounding area and the environment are avoided. The public interest is therefore considered to have been served by providing a development that satisfies the regulatory controls applying to the site and providing for negligible impact on the amenity of the locality and the environment as a whole.

Appendix A to this report also provides an assessment (in summary or point form) of the development against the provisions contained within Section 79C(1) of the Environmental Planning and Assessment Act 1979.

8. CONCLUSION

The development application has been assessed against the matters for consideration contained in Section 79C(1) of the Environmental Planning and Assessment Act 1979 and all relevant planning and environmental legislation. The development, involving the construction and operation of a bakery on the site, was found to be consistent with the aims, objectives, principles and requirements as contained in the applicable regulatory instruments and policies.

The development will stimulate the local economy through employment generation and capital investment. The development will have direct, indirect and induced effects on the local economy as the development involves a broad workforce with a diverse skill set.

Bankstown City Council is readily encouraging the development of sites within this industrial precinct for large scale, functional and visually appealing developments that are commensurate with the existing built environment. Having regard to sites almost immediate access to the major road networks of Sydney, in addition to the absence of any significant amenity and causal environmental impacts, the development is considered to worthy of support.

9. RECOMMENDATION

It is recommended that the Minister:

- (a) Consider the findings and recommendations of this report (tagged “B”);
- (b) Approve the DA subject to conditions, under Section 80 of the Act; and
- (c) Sign the attached Instrument of Consent (tagged “A”).

APPENDIX A – CONSIDERATION UNDER SECTION 79C

Appendix A: Table of Compliance for s79C of the Environmental Planning and Assessment Act 1979 (NSW)

S79c	Primary Matters	Proposal	Compliance
(a)(i) The provision of any EPI	SEPP's - SEPP 11, 33, 34, 55, REP's - N/A LEP's - BLEP 2001	Satisfies all aims, objectives, principles and requirements contained in the applicable EPIs	Yes
(a)(ii) The provision of any draft EPI's	Draft SEPP 66	Satisfies the objectives, intent and aim of the draft instrument	Yes
(a)(iii) The provision of any Development Control Plan	Bankstown City Council DCP 1, 10, 13, 24, 30 and 44	The report provides a detailed assessment of the development against the provisions contained within Bankstown City Council's DCP 1, 10, 13, 24, 30 and 44. The development was found to have satisfactorily addressed the relevant provisions contained within these DCPs.	Yes
(a)(iv) Any Matters prescribed by the Regulations (CI 66 of EPAR 2000)	N/A	N/A	N/A
(b) The likely impacts of the development.			
- Context & Setting	<p>What is the relationship to the regional and local context in terms of:</p> <ul style="list-style-type: none"> • Scenic features in landscape? • Character & amenity of locality & streetscape? • The scale, form, character of development in locality? • Previous and existing landuses? <p>Potential impacts:</p> <ul style="list-style-type: none"> • Relationship to adjacent uses? 	Having regard to the adjoining land uses the occupation of the site for use as a bakery is considered to be in context.	Yes

	<ul style="list-style-type: none"> • Overshadowing? • Views & Privacy? • Edge conditions? 		
- Access, transport & Traffic	<p>Would development provide accessibility and transport management measures?</p> <p>Any impacts on</p> <ul style="list-style-type: none"> • Travel demand? • Public transport availability? • Parking spaces? • Traffic mgmt schemes? 	Construction access of the bakery is proposed off the round-about in Muir Road (Elcar Place) while opportunity has been realised, upon the establishment and operation of the bakery, for additional access to be obtained off the traffic lights at the intersection of Muir Road and Worth Street.	Yes
- Public Domain	<p>Would the development impact on the public domain in terms of:</p> <ul style="list-style-type: none"> • Public recreation in locality? • Management & use of public spaces? • Pedestrian access? 	Works associated with the development does not directly have any adverse impacts on the public domain	Yes
- Utilities	<p>How would the demands of the development impact on utilities?</p> <ul style="list-style-type: none"> • Electricity, gas, sewer, water? 	Sufficient capacity and adequate access to services is available for the applicant	Yes
- Heritage	How would the development affect the heritage significance of the property?	The site does not possess an item of environmental heritage	N/A
- Other Land Resources	Would development have an effect on conserving and using valuable land resources?	The development will not prejudice or sterilise the adjoining sites.	Yes
- Water	How will the development impact on the conservation of water resources and the water cycle?	The development will not have an impact on the conservation of water resources and the water cycle.	Yes
- Soils	What effect would the development have on soil conservation?(erosion, permeability, contamination, acid sulphate soils etc)	A Site Audit Statement certified that the site is suitable for a 'commercial / industrial development' while issues relating to soil erosion are able to be addressed as conditions of consent.	Yes
- Air & Microclimate	Is the development going to affect the air quality and microclimatic conditions of the site?	A significant number of conditions have been imposed requiring the satisfaction of relevant air and acoustic criteria	Yes
- Flora & Fauna	What effect would the development have on the maintenance of biodiversity?	Eight Part Tests that were carried out as part of Stage 1 works concluded that the development would not have a significant impact on any threatened species.	Yes

- Social Impact in the locality	What would be the social benefits and costs of the development?	The development would stimulate the local employment market and foster improved community confidence in the locality.	Yes
- Economic Impact on the locality	What would be the economic benefits and costs of the development? (employment, income, business, property values)	The development is likely to provide for a positive contribution to the local economy through the opportunity of employment during the construction phase	Yes
- Site design and internal design	<p>Is the development sensitive to environmental conditions and site attributes including:</p> <ul style="list-style-type: none"> • Size, form, appearance and design of buildings; • Open space; • Landscaping? <p>How would the development affect the health & safety of occupants:</p> <ul style="list-style-type: none"> • Lighting and ventilation; • Building materials & finish? • BCA compliance? • Access for disabled? 	The development will provide for a positive contribution to the streetscene. Its design is innovative, functional and practical.	Yes
- Construction	<p>In what ways would construction activities be managed to minimise impacts such as:</p> <ul style="list-style-type: none"> • Environmental protection; • Site safety measures; • Staging construction. 	This is best achieved by way of restricting truck and construction access to one point.	Yes
- Cumulative impacts	<p>Would any impacts have potential to act in unison in terms of:</p> <ul style="list-style-type: none"> • Individual impacts close in time with no dissipation time; • Individual impacts closely spaced; • Repetitive impacts 	Subject to adherence with the recommended conditions of consent no adverse cumulative impacts are likely to occur as a result of the development proceeding.	Yes
(c) The suitability of the site for the development.			
- Does the proposal fit in the locality	<ul style="list-style-type: none"> • Is the adjacent development 	The scale, form and type of the development is commensurate	Yes

	<p>prohibitive of the proposal?</p> <ul style="list-style-type: none"> • Would development lead to unmanageable transport demands? • Does the locality have adequate recreational opportunities & public space? • Are utilities & services available to the site? • Hazardous land uses nearby? 	with the existing adjoining land uses	
- Are the site attributes conducive to the development?	<ul style="list-style-type: none"> • Any natural hazards? • Heritage significance? • Prime ag land? • Soil appropriate? • Critical habitat or threatened species/habitat etc? • Will development prejudice future use of the site for mineral & extractive industry? 	In total six Eight Part Tests were undertaken. The 'tests' concluded that the development would not have a significant impact on the identified threatened populations hence Species Impact Statements were not deemed necessary. Given the absence of any further site constraints the development is considered to be suitable for the site	Yes
(d) Any submissions made in accordance with the Act or the Regulations.	<ul style="list-style-type: none"> • Are the issues raised relevant and have they been considered? • Are there any general terms of approval from State Agencies; • How will the issues be resolved? 	All submissions received during the public exhibition period have been considered in Appendix B to this report. General Terms of Approval from DIPNR have been included as development consent conditions	Yes
(e) The Public Interest			
- Federal, State, and Local Govt interests and Community interests	<ul style="list-style-type: none"> • Any policy statements from Federal or State Govt? • Any relevant planning study or strategy? • Any management plan, planning guideline or advisory document that is relevant? • Any credible research? • Any covenants, easements etc? • Any relevant issues raised in public meetings? • Will the health & safety of the general public be affected? 	The public interest is considered to be best served by the application and strict enforcement of relevant EPIs and policies. This is considered to have been achieved with this development.	Yes

APPENDIX B – ISSUES RAISED IN SUBMISSIONS

The following comments were provided in the submissions:

Given the sites location adjoining the rail corridor, drainage from the development must be adequately disposed of and managed such that it is not discharged into the rail corridor unless prior approval has been obtained from OCGR. The State Rail Authority of NSW go on to recommend that the following condition of consent be imposed:

Stormwater from this development is not to drain into the rail corridor unless prior agreement has been obtained from StateRail.

Comment – The rail corridor, referred to by the State Rail Authority of NSW as adjoining the site, is in fact that corridor located to the south and south east of the development site. The Mc Williams Wine distribution facility, immediately to the south of the site, separates the rail corridor from the development site. The rail corridor does not immediately adjoin the development site nor is there likely to be impacts arising from the development on the corridor.

The imposition of conditions of consent relating to stormwater disposal are not required having regard to the fall of the land and the general topography of the locality. Stormwater disposal is proposed to Muir Road (to the north of the site) as opposed to the rail corridor which is situated to the south of the site.

As the development site adjoins a railway corridor, there is a need to ensure that there will be no adverse impact on the operation of rail services, the integrity of rail infrastructure and stability of the rail corridor. It is also essential that any work will not compromise rail safety. [The State Rail Authority of NSW recommend that four conditions of consent be imposed addressing the above mentioned concerns]

Comment – As indicated above there is no indication that works to be carried out on site will adversely affect the functioning and capacity of the rail corridor thereby justifying the imposition of conditions of consent as recommended by the SRA.

The State Rail Authority of NSW recommend that the following condition be imposed in relation to fencing.

Adequate fencing between the site and the rail corridor must be provided to screen the view of tracks and reduce exposure to passing trains, as well as to prevent unauthorised entry into the rail corridor.

Comment – As indicated above there is no indication that works to be carried out on site will adversely affect the functioning and capacity of the rail corridor thereby justifying the imposition of conditions of consent as recommended by the SRA.

No work is permitted within the rail corridor, or its easements, at any time unless prior approval or an Access Deed has been entered into with the State Rail Authority of NSW. [The State Rail Authority of NSW recommend that two conditions of consent be imposed addressing the above mentioned concerns]

Comment – As indicated above there is no indication that works to be carried out on site will adversely affect the functioning and capacity of the rail corridor thereby justifying the imposition of conditions of consent as recommended by the SRA.

Considerable concern was raised as to adequacy of the existing local system to accommodate the actual quantities of matter that are to be disposed of into the sewer system. In the event that the system is essentially operating at or near capacity the additional volumes are likely to increase the incidence of overflows resulting in significant harm for the nearby wetland environments.

Comment - The operation of the plant and the production of the bread naturally provide for the generation of trade waste. The outputs of these processes are:

- Pre treated trade waste to a standard acceptable to Sydney Water.
- Screenings from the rotary screen to be disposed of off-site by a licensed contractor.
- Sludge from the solids separator and the DAF tank again to be disposed of off-site by a licensed contractor.

The treatment of liquid waste from the development shall be to the satisfaction of Sydney Water. The mechanisms proposed by the applicant (balance tanks, solids separation / rotary screen, flash mixing tank (with a chemical addition) and the use of a Dissolved Air Floatation Tank) ensure that trade waste is effectively treated. No objections have been raised by Sydney Water to the development proceeding.

The EPA have advised that the development proposal may require a waste activity licence under the Protection of the Environment Operations Act 1997 (POEO Act) during its operational phase if any hazardous, Industrial or Group A (HIGA) waste is generated and/or stored at the premises during its operation. Again no objections were raised to the development proceeding.

The applicant has failed to have sufficient regard to the utilisation of solar energy. Having regard to the size of the roof area available the installation of solar panels would go to further minimising or reducing power usage as encouraged by DCP 44.

Comment - As the report has indicated the applicant shall be required to install solar panels to the roof area such that it reduces and minimises power usage.

The applicant has failed to have sufficient regard to the collection and re-use of stormwater from the extensive roof area. Furthermore the size of the water

detention areas is inadequate to allow proper treatment of pollutants in the water, especially the matter which is washed off internal roads.

Comment - As the report has indicated the applicant shall arrange for the collection of stormwater from the roof areas such that it is re-used on site.

It is recommended that the landscape plan provide for locally sourced plantings and comprise elements of this community. The submission goes on to provide a list of species that are not recommended to be planted.

Comment - As the report has indicated the applicant will be required to provide for the planting of locally sourced plantings.

Albeit there exists no immediate adjoining residential properties concern was raised as to the level of community consultation undertaken by the applicant in respect of this development.

Comment - The application was extensively neighbour notified ensuring that the residential district to the south east of the site was aware of the development. The neighbour notification period provided sufficient time and opportunity for the residents, in addition to the adjoining property owners, to become familiar with the documentation submitted in respect of the application. In addition to the neighbour notification process a notice was placed in the local newspaper (The Torch). It is considered that the residents were given sufficient opportunity to become aware of the development and to provide comment.

Firstly considerable concern was raised in relation to the accuracy of the information provided by the applicant in respect to data, traffic counts and the intersection analysis. Currently the road system is operating at capacity and is unable to accommodate the additional movements generated by the development.

Comment - Minor inconsistencies were identified within the report by the objector relating to traffic counts / traffic data. Concerns were raised to the information provided with the objector being of the opinion that the applicant had failed to provide for a comprehensive assessment of the traffic impact. This had the effect of failing to demonstrate that the development could be accommodated on the site and that vehicle movements generated by the development would not have an adverse impact on the amenity of the locality and the adjoining road network.

A considerable number of the vehicle movements generated by trucks frequenting and leaving the site will occur outside peak hour traffic movements occurring in Worth Street, Muir Road and the Hume Highway. The applicant provided data regarding peak traffic counts essentially for the purpose of demonstrating, in a worse case scenario, that the road network could accommodate the additional vehicle movements generated. It is acknowledged that a significant number of vehicle movements will occur in the early hours of the morning consistent with vehicle movements occurring / generated by the

adjoining sites (ie Fairfax printers). The capacity of the road is such that all movements generated by the developments in the vicinity of the site (in the early hours of the morning) would not obstruct or reduce the level of service provided along Muir Road, Worth Street, the Hume Highway and Rookwood Road.

Furthermore the development as a whole (ie Stage 1 and 2) has on two occasions been forwarded to the Roads and Traffic Authority for consideration. On both occasions support was given to the development proceeding.

NSW Fire Brigades

I wish to advise that the following specific comments were provided by the NSW Fire Brigades.

You specifically seek the NSW Fire Brigades comments regarding the Stage 2 Development Application (DA-410-9-2003-i).

Officers of the Fire Safety Division have reviewed the Stage 2 Development Application (Remaining Information) and at this stage has no concerns with the proposal.

Environment Protection Authority

I wish to advise that the following specific comments were provided by the Environment Protection Authority:

The development proposal may require a waste activity licence from the EPA under the Protection of the Environment Operations Act 1997 (POEO Act) during its operational phase (Tip Top Fairfield has a licence) if any hazardous, Industrial or Group A (HIGA) waste is generated and/or stored at the premises during its operation. However, waste activity is not an integrated development from an EPA perspective.

At this stage the EPA has no further comments to make on the SEE of the proposed development. The EPA would like DIPNR to look into the comments made by the EPA in its previous letter to DIPNR on 13 August 2003 (copy attached) on the same proposal which covers both stages (1st and 2nd) of the development.

Below is a copy of the correspondence received from the EPA in relation to Stage 1 works (dated 13 August 2003).

The EPA agrees that the proposal is not a scheduled activity. The development proposal's core activity is the production of bread and bread products and this type of activity is not listed in Schedule 1 of the Protection of the Environment Operations Act (POEO). Accordingly, an environment protection license is not required and therefore the application, for the purposes of the EPA, does not come within the meaning of Integrated Development Assessment (IDA).

It could be reasonably expected that the plant, when built and made operational, would be sterile and hygienic, being a food producing plant. The objectives and outlines of the Environmental Management Plans (EMP) appear to have covered the major environmental issues and safeguards needed during the design, construction and operation of the plant. The EPA recommends that the development consent include a condition requiring the submission of EMPs to ensure that the commitments in the SEE are fully implemented. The EMPs must be updated and reviewed regularly.

The Project Specific Noise Levels (obtained by a short-duration, attended background noise monitoring) outlined in Table 34 appears reasonable and are typical of noise in an area zoned for industrial use. It is noted that the current acoustic environment surrounding the proposed site is dominated by road traffic on Muir Road, a collector road to the Hume Highway. As the nearest sensitive receptors are about one kilometre away, the EPA believes that noise from the proposed development would not be an issue for local residents.

Airborne dust during construction and stack air emissions appear to be key issues in regards to air quality in particular, its potential impact on the adjacent McWilliams Wines factory, which cellars and bottles wines and spirits. The regulatory authority must ensure that dust monitoring as proposed, is carried out continuously during construction works. A 24-hour telephone contact number must be provided to the surrounding industrial establishments. The construction EMP must be strictly implemented to ensure dust is minimised and confined within the site boundary as much as practicable. The EPA recommends that filters be installed (if none at present) on air intakes to the bottling room and cellar of McWilliams Wines (perhaps as a consent condition). Exhaust stacks must be properly designed to eliminate any downwash of plumes.

NO emissions from boilers must also be examined and compared against EPA ambient air quality objectives for the region. As for odours, the EPA agrees with the report that those emitted from bakeries are generally not deemed to be offensive.

The conceptual design of the stormwater system appears to be in accord with good engineering practice. The receiving waterway (Cooks River) is a highly stressed and sensitive waterway and so the EPA recommends a consent condition for stage 2, requiring installation of treatment facilities for removing pollutants from the stormwater prior to discharge to the river. The design must include containment of contaminated firewater, for instance through site bunding and installation of an isolation valve(s) at the final stormwater discharge point(s). escape of containment firewater into waterways is a major concern to the EPA (as experienced during the Tip Top Fairfield fire incident in June 2002).

The EPA notes that waste from the proposed development will be mainly industrial type construction wastes. The lists of construction wastes likely to be generated do not appear to exceed the amount that would warrant a 'waste activity' licence from the EPA.