

Environmental Assessment Report Part 3A Project Application (No. 07_0153)

Templar Road Erskine Park Industrial Warehouse Development

Submitted to
Minister for Planning
On Behalf of Jacfin Pty Ltd

July 2008 ■ 08002

Statement of Validity

Prepared under Part 3A of the Environmental Planning and Assessment Act, 1979 (as amended)

Environmental Assessment prepared by:

| | | |
|----------------|---|--------------------|
| Name | Julie Bindon | Clare Rees |
| Position | Partner | Principal Planner |
| Qualifications | BTP, DipLE, FPIA, CPP, FAPI, MAICD | BA MEnvPI MPIA CPP |
| Company | JBA Urban Planning Consultants Pty Ltd | |
| Address | Level 7, 77 Berry Street North Sydney NSW 2060 | |

| | |
|----------------------|---|
| Applicant Name | Jacfin Pty Ltd |
| Applicant Address | PO Box 598 Spit Junction NSW 2088 |
| Land to be Developed | Lot 11 DP 229784 (Templar Road, Erskine Park) |
| Proposed Development | Industrial Warehouse |

Certificate

I certify that I have prepared the content of this Environmental Assessment and to the best of my knowledge:

- It is in accordance with the *Environmental Planning and Assessment Act 1979 (NSW)* and Regulation.
- It is true in all material particulars and does not, by its presentation or omission of information, materially mislead.



Signature

Name Clare Rees

Date 31 July 2008



Signature

Name Julie Bindon

Date 31 July 2008

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Executive Summary

Purpose of this report

To seek the approval of the Minister for Planning under Part 3A of the *Environmental Planning and Assessment Act 1979* NSW (the EP&A Act) for the development of an industrial warehouse and ancillary office space at Templar Road, Erskine Park.

This submission is prepared in accordance with the Department's guidelines for Project Applications lodged under Part 3A, and addresses the issues raised in the Director General's Requirements, issued on 26 November 2007.

Description of proposed project

Project Approval is being sought for the:

- Development of the site for employment/industrial purposes including the following elements:
 - a single storey warehouse with a floor area of 21,005m²;
 - a 1,285m² two storey office building adjoining the warehouse at its eastern façade;
 - a loading area in the western portion of the site with direct access to the warehouse facility via roller shutter doors at its western façade;
 - 218 car spaces in an at-grade car parking on the eastern portion of the site; and
 - associated landscaping of the site.
- The construction of a road extension from Templar Road to the boundary of the subject site (including new drainage channel crossing) providing vehicular access to the site;
- Construction of utilities and services connections from adjacent locations to the site; and
- Stormwater, drainage, bulk earthworks and tree removal associated with the development of the site.

(collectively referred to as to the Project)

The proponent

The proponent of the development is Jacfin Pty Limited (Jacfin).

The site and existing development

The site of the proposed industrial warehouse is located within the Erskine Park Employment Area at Templar Road, Erskine Park. The site is a 4.2ha (41,843m²) triangular-shaped site with a legal property description of Lot 11 DP 229784. It is located within the Erskine Park Employment Area (EPEA), approximately 2km east of Mamre Road. It has a northern boundary of 463m to the CSR site, a southern boundary adjacent to the Sydney Water water supply pipeline and a boundary of approximately 167m is shared with the Austral Brick site to the west (includes a 60m western boundary to a Crown Road Reserve). It is strategically located within the Western Sydney Employment Hub with nearby access to the M4, linking with the M7.

The site is generally cleared and has historically been used for agricultural purposes, namely cattle grazing and agistment (horse). No livestock are currently present. There is no infrastructure on the site with the exception of a decommissioned farm dam in the north western corner of the site.

The site is generally flat with a gentle fall to the western end of the site. The highest point on the site is on the east corner at RL 56.5 falling to RL 48.5 to the north west corner of the site – a fall of approximately 8m over a distance of approximately 463m.

Planning context

On 21 March 2007, Allens Arthur Robinson, on behalf of Jacfin, wrote to the Director-General requesting the Department recommend that the proposed development of Lot 11 DP 229784 be declared, by order of the Minister pursuant to section 75B(1) of the Act, to be a project to which Part 3A of the EP&A Act applies.

On 6 September 2007, the Minister declared that development for employment/ industrial purposes on Lot 11 DP 229784, Erskine Park is a project to which Part 3A of the EP&A Act applies.

To support the request for the Director-General's Requirements relating to the Environmental Assessment, a Preliminary Assessment relating to the project was submitted on 6 November 2007 (Project Application No. 07_0153).

On 26 November 2007, in accordance with Section 75F of the EP&A Act, the Director-General of the Department of Planning issued the requirements for the preparation of an Environmental Assessment for the proposed project.

Compliance with strategic and statutory planning instruments

The Sydney Metropolitan Strategy was released in December 2005 and is the over arching plan for Sydney's future. The Metro Strategy recognises an area that is known as the 'Western Sydney Employment Hub'. The subject site which is located within the Erskine Park Employment Area is a part of the State Government's designated employment lands in the Western Sydney (Precinct 7).

The site is zoned No. 4 (e1) (Employment Restricted) under the *Penrith Local Environmental Plan 1994* – Erskine Park Employment Area. The proposed development of warehousing and ancillary office is a permissible use with consent.

In addition, the following key State and regional planning instruments apply to development on the site:

- *State Environmental Planning Policy (Major Projects)*;
- *State Environmental Planning Policy (Infrastructure) 2007*;
- *State Environmental Planning Policy No. 55 – Remediation of Land*;
- *Draft State Environmental Planning Policy No. 66 – Integrated Land Use and Transport*; and
- *Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2 – 1997)*.

In addition, the *Draft State Environmental Planning Policy (Western Sydney Employment Hub) 2008*, has been released and was on public exhibition until 28 April 2008. The proposal is generally consistent with the objectives of the Draft SEPP in terms of encouraging employment generating uses. However, by virtue of the saving provision at Clause 34 of the Draft SEPP, the Draft SEPP would not apply to the Project if the Draft SEPP commenced prior to the approval of the Project. Lodgement of the current Project Application was at the time of request for the Director-General's Requirements (6 November 2007) (Project Application No. 07_0153), and therefore the project has been lodged but not finally determined before the commencement of the Draft SEPP.

Environmental impacts

The proposed industrial warehouse has planning merit and has been designed to minimise impacts on the local environment. Key impacts/issues addressed in the Environmental Assessment report are:

- Building layout, appearance and design, including detailed visual impact assessment;
- Stormwater and water quality management;
- Soils assessment, including erosion and sediment control and potential for contamination;
- Access, transport and parking;
- Infrastructure and services upgrade;
- Aboriginal Heritage;
- Noise;
- Flora and Fauna; and
- Provision of Developer Contributions.

It is considered that any proposed impacts will be effectively mitigated by the draft Statement of Commitments, which supplements the findings of the environmental assessment.

Conclusion

The proposed development is consistent with the aims, objectives and planning policies related to the site and as set out in the Metropolitan Strategy, in particular those aims of the Western Sydney Employment Hub plan.

The Environmental Assessment addresses the issues raised in the Director-General's Requirements dated 26 November 2007.

In light of the merits of the proposal, and in the absence of any detrimental environmental, social or economic impacts, we have no hesitation in recommending to the Minister that the proposed development be approved subject to appropriate conditions of consent.

1.0 Introduction

This Project Application and Environmental Assessment Report (EAR) is submitted for project approval to the Minister for Planning pursuant to Part 3A of the (EP&A Act). This is to fulfil the Environmental Assessment Requirements issued by the Director General for the preparation of an Environmental Assessment of a Project Application for an industrial warehouse with associated offices and car parking at Templar Road, Erskine Park.

The key parameters for the future development of the site have been established as follows:

- Development of the site for employment/industrial purposes including the following elements:
 - a single storey warehouse with a floor area of 21,005m²;
 - a 1,285m² two storey office building adjoining the warehouse at its eastern façade;
 - a loading area in the western portion of the site with direct access to the warehouse facility via roller shutter doors at its western façade;
 - 218 car spaces in an at-grade car parking on the eastern portion of the site; and
 - associated landscaping of the site.
- The construction of a road extension from Templar Road to the boundary of the subject site (including new drainage channel crossing) providing vehicular access to the site;
- Construction of utilities and services connections from adjacent locations to the site; and
- Stormwater, drainage, bulk earthworks and tree removal associated with the development of the site.

This EAR has been prepared by JBA Urban Planning Consultants Pty Ltd, for the proponent, Jacfin and is based on design information provided by Vaughn Constructions and supporting technical documents provided by the expert consultant team. Architectural drawings and a Survey Plan are included at **Appendix A**.

This EAR describes the site, its environs and the proposed development, and includes an assessment of the proposal in accordance with the Director-General's Environmental Assessment Requirements under Part 3A of the EP&A Act issued on 26 November 2007. The EAR should be read in conjunction with the information contained within and appended to it.

The report is structured as follows:

Section 1: Introduction, overview of the project, background, project team and approvals process.

Section 2: Site analysis and overview of existing site conditions.

Section 3: The current strategic, legislative and statutory planning framework and context applying to the site.

Section 4: Summary of the Consultation.

Section 5: Project Description.

Section 6: Environmental Assessment of the Project.

Section 7: Draft Statement of Commitments.

Section 8: Conclusion.

The Appendices include the technical studies undertaken to assist the environmental assessment of the Project.

These studies address the Director-General's Requirements for the Environmental Assessment. They provide a technical assessment of the environmental impact of the Project, and recommend proposed mitigation measures to manage potential environmental impacts associated with the Project.

1.1 Environmental Assessment and Approvals

Process

On 21 March 2007, Allens Arthur Robinson, on behalf of Jacfin, wrote to the Director-General requesting the Department recommend that the proposed development of Lot 11 DP 229784 be declared, by order of the Minister pursuant to Section 75B(1) of the Act, to be a project to which Part 3A of the EP&A Act applies.

On 6 September 2007, the Minister declared that development for employment/ industrial purposes on Lot 11 DP 229784, Erskine Park is a project to which Part 3A of the EP&A Act applies.

To support the request for the Director-General's Requirements relating to the environmental assessment, a Preliminary Assessment relating to the project was submitted on 6 November 2007.

On 26 November 2007, in accordance with Section 75F of the EP&A Act, the Director-General of the Department of Planning issued the requirements for the preparation of an Environmental Assessment for the proposed Project.

A copy of the Director-General's Environmental Assessment Requirements is included in **Appendix B**.

This document and appended materials constitutes the Environmental Assessment Report for the Project Application.

Figure 1 below outlines the main steps in the approval process for Project Application.

Part 3A Concept Plan Approval Process & Timeline

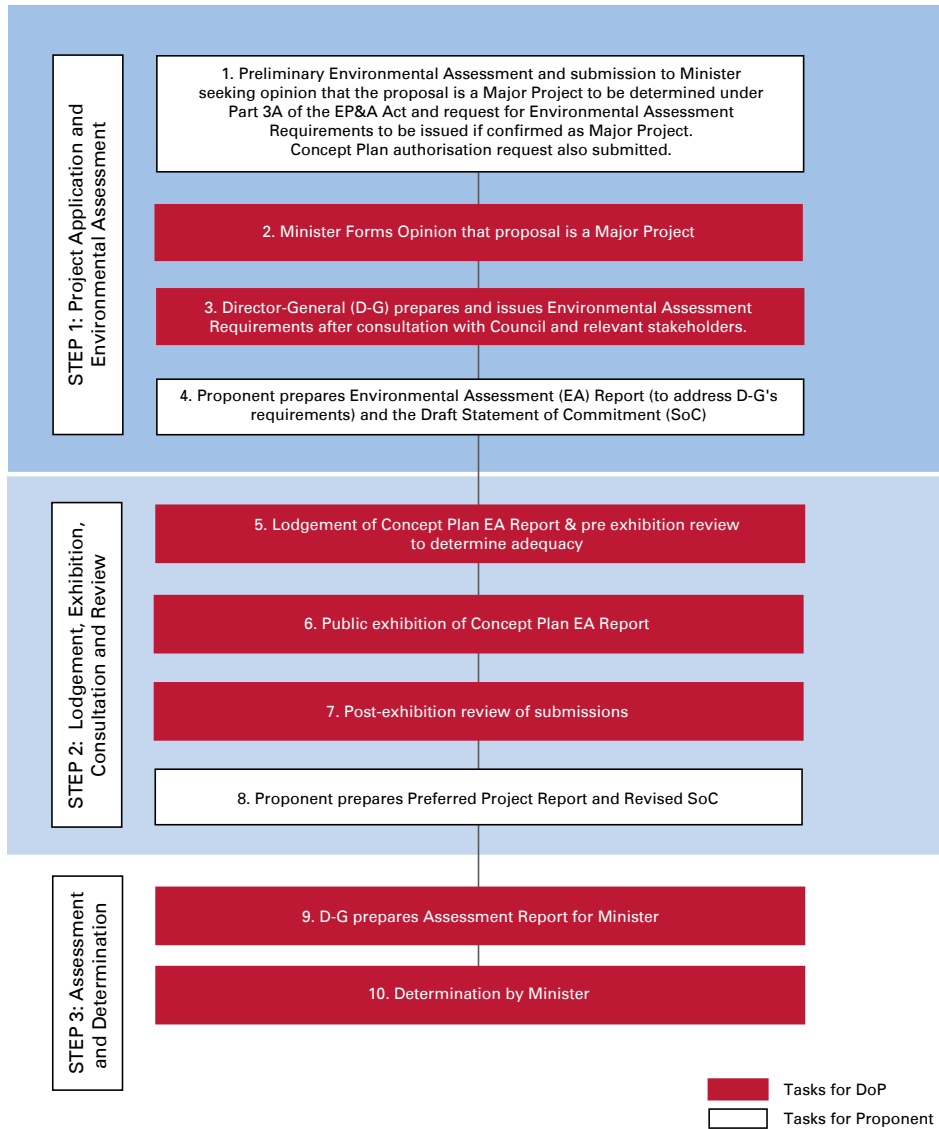


Figure 1 – Project Application Approvals process

1.2 Project Team

An expert project team has been formed to deliver the project and includes:

| | |
|-------------------------------------|---|
| Proponent | Jacfin Pty Limited |
| Urban Planning | JBA Urban Planning Consultants |
| Legal | Allens Arthur Robinson |
| Architects/Design | Vaughan Constructions and De Angelis Taylor Associates |
| Civil Engineering | Worley Parsons |
| Infrastructure | Worley Parsons |
| Stormwater | Worley Parsons |
| Water and Flooding Engineers | Stephen N Webb & Associates Pty Ltd |
| Traffic and Transport | Masson Wilson Twiney Pty Ltd |
| Indigenous Heritage | Jo McDonald Cultural Heritage Management |
| Noise | Heggies |
| Visual | JBA Urban Planning Consultants |
| Contamination | Consulting Earth Scientists |
| Flora and Fauna | Whelans Insites |
| Landscape | Cabbage Tree Landscape |

2.0 Site Analysis

2.1 Site Location and Context

The site is a 4.2ha (41,843m²) triangular-shaped site located within the Erskine Park Employment Area (EPEA), approximately 2km east of Mamre Road. It has a northern boundary of 463m to the CSR site, a southern boundary adjacent to the Sydney Water water supply pipeline and a western boundary of some 167m is shared with the Austral Brick site (including a 60m western boundary to a Crown Road Reserve). A Biodiversity Corridor adjoins the site to both the north east and west. It is strategically located within the Western Sydney Employment Hub with nearby access to the M4, linking with the M7. The site's locational context is shown at **Figure 2** and **3**.



Figure 2 – Aerial photograph depicting site and locality



Figure 3 – Locality Plan

2.2 Land Ownership and Legal Description

The site is known as 3576b Mamre Road Erskine Park and is legally described as Lot 11 in DP 229784. The owner of the site is Jacfin.

2.3 Site Description and Analysis

2.3.1 Existing Use

The site is generally cleared and has historically been used for agricultural purposes, namely cattle grazing and agistment (horse). No livestock are currently present. There is no infrastructure on the site, with the exception of a small decommissioned farm dam in the north western corner of the site (Figure 4 and 5).



Figure 4 – Photograph of the site, looking south east from the CSR site (February 2008)



Figure 5 – Photograph of site looking west towards Austral Site (July 2007)

2.3.2 Physical Context

The site has an area of 41,843m² and is generally flat with a gentle fall towards the west. The highest point on the site is on the east of the site at RL56.5 falling to RL48.5 on the north west of the site – a fall of approximately 8m over approximately 463m.

2.3.3 Existing Infrastructure and Services

The site is not currently connected to the Council's stormwater system or Sydney Water Corporation's sewer system. The site is not currently connected to water, electricity and gas supply systems. Nor is there any existing communications infrastructure on the site. Extension of existing utilities will be required to service the site, as discussed in Section 6.9.

2.3.4 Existing Transport Network and Proposed Access

The site is well positioned with close access to both the M4 and M7 Motorways. Both Erskine Park Road and Mamre Road feed off the M4 and connect the Western Sydney Employment Hub to the Motorway. Within the precinct the site is situated towards the southern end of Templar Road.

There is a formal access agreement between Jacfin and CSR for CSR to provide a 20m wide corridor of land for an access road to the subject site from the southern end of Templar Road.

2.3.5 Vegetation

The site is generally clear of vegetation with the exception of grasses and a small number of scattered trees located across the site and along the northern boundary. None of the vegetation on the site is listed as being significant and the Section 149 certificate issued for the site notes that the land does not include or comprise critical habitat. A portion of the site is identified as bushfire prone on the Section 149 Certificate.

Discussions with Council Officers indicate the Bushfire Prone land map is probably out of date given recent subdivision, construction work and clearance of vegetation in the area.

2.3.6 Hydrology, Ground Water Conditions and Soils

Consulting Earth Scientists (CES) were commissioned to undertake a Contamination Investigation of the site (Refer **Appendix C**). Boreholes dug out during the investigation indicated the following existing site conditions:

- All boreholes were drilled to 0.5m depth through a thin topsoil layer and terminated in natural silty clay soil indicating no significant quantities of fill material present;
- Groundwater was not encountered throughout the depth of the boreholes; and
- No asbestos was found in the surface samples collected.

The site is within an area underlain by Bringelly Shale of the Wianamatta Group. The Bringelly Shale is approximately 60m thick at Eastern Creek and is underlain by the Triassic Hawkesbury Sandstone Formation.

The site is also located on the residual Blacktown soil landscape group. The limitations of this soil landscape group are noted as being moderately reactive, highly plastic subsoil with low soil fertility and poor soil drainage.

2.4 Surrounding Development

To the north

The area to the north of the site is currently being developed by CSR for industrial warehousing uses. Currently the site is cleared and bulk earthworks are underway for construction work to begin, see **Figure 6** and **Figure 7** below. A section of the CSR site has been preserved as part of a biodiversity corridor. Further north is the BlueScope Steel development situated to the west of Templar Road, see **Figure 8** below. The subject site is 1.5km from the residential locality of St Clair located further to the north.



Figure 6 – CSR Site, looking north east across the site



 The Site

Figure 7 – Aerial photograph depicting the bulk earthworks and construction phase of the CSR site



Figure 8 – BlueScope Steel Development, view taken from Templar Road

To the south

Running along the southern boundary of the site is the Sydney Water Corporation pipeline. South of the pipeline is vacant rural land with the nearest residential property approximately 615m from the site, see **Figure 9** below. Three educational schools (Mamre Christian College, Trinity Catholic Primary and Emmaus Catholic College) as well as an adjoining nursing home (Emmaus Village) are located approximately 740m further south-west of the site and are visually shielded by dense vegetation.



Figure 9 – Sydney Water Corporation pipeline and nearest residential property located some distance from the site

To the east

Part of the biodiversity corridor that CSR is required to preserve is located to the east of the site, see **Figure 10** below. Further to the east is the continuation of the Sydney Water Corporation pipeline. Note: the CSR creek works in the foreground of the photograph.



Figure 10 – View to the east, along the boundary of the CSR and Jacfin site

To the west

To the west of the site is the future Interlink Industrial Estate, which has not yet begun development. Directly adjoining the site is the portion of the Interlink Industrial Estate identified as the biodiversity corridor (**Figure 11**).



Figure 11 – Biodiversity Corridor to the west of the site, looking south west from CSR land

2.5 Surrounding Development Context

Relevant Surrounding Development Consents

CSR Site

The large parcel of industrial land to the north of the site is owned by CSR. The Minister for Planning recently approved a Concept Plan (MP06_0216) and Project Application (MP06_0208) for industrial development of the CSR lands and the implementation of a new Biodiversity Management Plan and biodiversity offset scheme, is subject to a Planning Agreement entered into by the Minister for Planning and CSR. This was a second stage of development of the CSR site, with the first stage having been approval of an industrial development for Blue Scope Steel.

The Concept Plan and Major Project Application included development of the site for industrial purposes, subdivision of the site, relocation of an existing creek, and the construction of an industrial building in the south-western corner of the site. Approval of the Concept Plan and Project Application was granted on 1 March 2007. The project proposed the realignment of an existing creek on the site towards the southern boundary of the CSR site and the Crown Road Reserve, adjoining the north-west corner of the Jacfin site.

Condition 2(c) of Concept Plan approval (MP06_0216) requires the provision of a public road reserve from the end of the Templar Road to the boundary of the Jacfin site. As mentioned in Section 2.3.4 Jacfin and CSR have entered into an access agreement and discussions have commenced between CSR and Jacfin regarding the Templar Road extension and its design and construction.

Implementation of a new Biodiversity Management Plan and biodiversity offset scheme is subject to a Planning Agreement entered into by the Minister for Planning and CSR, associated with the Major Project Approvals MP06_0216 and MP06_0208 described above. This biodiversity Management Plan and biodiversity offset scheme do not affect Jacfin's land. The proposed access arrangements in this Project Application are consistent with the Minister's approval of the CSR development.

Austral Brick Site

To the west of the Jacfin site is a 64ha site owned by Austral Bricks, known as Interlink Industrial Estate and being developed by Goodman International. This site has been the subject of two recent Project Approvals (MP06_0253 and MP06_0254) by the Minister for Planning for the establishment of a warehouse and distribution complex for Woolworths and Kimberley-Clark. These projects also require the implementation of the Biodiversity Management Plan and biodiversity offset scheme (in accordance with a Planning Agreement) on the eastern portion of the Austral Bricks Site. Again this Biodiversity management Plan and biodiversity offset scheme do not affect Jacfin's land.

A further Project Application was lodged by Goodman International in July 2007 to develop the remaining undeveloped lots with Interlink Industrial Estate for light industrial, warehouse and distribution uses.

3.0 Planning Framework and Context

3.1 Relevant Acts

Environmental Protection and Biodiversity Conservation Act 1999 (Cth)

The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) protects the environment, particularly matters of National Environmental Significance (NES). Amongst other things, it streamlines national environmental assessment and approvals processes, protects Australian biodiversity and integrates management of important natural and cultural places.

Cumberland Plain Woodland as an endangered ecological community is a matter of NES and is located within the vicinity of the subject site. The Flora and Fauna assessment undertaken by Whelans Insites Consultants (**Appendix D**) reveals that no threatened fauna species and endangered ecological communities listed under the EPBC Act are present on the site. As there will be no significant impact on EPBC Act listed species on the site, no referral is considered warranted.

Environmental Planning and Assessment Act 1979 (NSW)

Part 3A of the EP&A Act outlines the process for considering major project applications. In particular it outlines:

- what development constitutes a major project;
- the matters which the Minister must take into account when assessing a major project application;
- information which must be submitted with a major project application;
- the environmental assessment requirements for approval;
- public exhibition of major project applications;
- assessment report procedures; and
- appeals under Part 3A.

This document and appended materials are an Environmental Assessment Report for the purpose of Project Application 07_0153 under Part 3A of the EP&A Act.

Threatened Species Conservation Act 1995 (NSW)

The *Threatened Species Conservation Act 1995* (NSW) (TSC Act) identifies and protects threatened and endangered species, populations and ecological communities. The objectives of the Act include:

- conserving biological diversity and promoting ecologically sustainable development;
- preventing the extinction and promoting the recovery of threatened species, populations and ecological communities;
- protecting critical habitats; and
- encouraging the conservation of threatened species, populations and ecological communities.

A Flora and Fauna assessment undertaken by Whelans Insites consultants reveals that the proposal will not have a significant effect upon any threatened species or endangered populations listed under the TSC Act and as such conforms to the requirements of Section 5A of the EP&A Act.

Water Management Act 2000 (NSW)

The *Rivers and Foreshores Improvement Act 1948* (NSW) has been repealed and the controlled activity provisions in the *Water Management Act 2000* (NSW) (WM Act) commenced on the 4 February 2008. A controlled activity approval under the WM Act is required for certain types of developments and activities that are carried out in or near a river, lake or estuary.

Under the WM Act, a controlled activity means:

- the erection of a building or the carrying out of a work (within the meaning of the EP&A Act), or
- the removal of material (whether or not extractive material) or vegetation from land, whether by way of excavation or otherwise, or
- the deposition of material (whether or not extractive material) on land, whether by way of landfill operations or otherwise, or
- the carrying out of any other activity that affects the quantity or flow of water in a water source.

Section 75U of the EP&A Act removes the requirement for a water use, water management work or activity approval under the WM Act for projects being determined under Part 3A of the EP&A Act.

Nevertheless, planning for the site, in particular the proposed road works and bridge crossing has addressed the requirements of the WM Act and consultation with the Department of Water and Energy has been undertaken.

Rural Fires Act 1997 (NSW)

Amongst its objectives, the *Rural Fires Act 1997* (NSW) (RF Act) seeks to prevent, mitigate and suppress bush and other fires. Section 75U of the EP&A Act removes the requirement for a bushfire safety authority to be issued under Section 100B of the RF Act for projects determined under Part 3A. Nonetheless, the Project does not include subdivision and is not a 'special fire protection purpose' under the RF Act.

The RF Act is supplemented by detailed bushfire protection planning guidelines in the form of *Planning for Bushfire Protection 2006* and specifies relevant asset protection zones and design standards for certain types of development. The document has a focus on residential development and specific APZ's therein, however, all development on bushfire prone land must consider the aims and objectives of the document.

It is noted that the Section 149 Certificate for the site identifies part of the site as bushfire prone land.

However, discussions with Council Officers indicate the Bushfire Prone land map is probably out of date given recent subdivision, construction work and clearance of vegetation in the area (see **Figure 6** for the extent of this clearing).

Whilst many of the prescribed APZ's and construction standards do not apply (mainly apply to residential) consideration of the requirements for *Planning for Bushfire Protection 2006* have been considered in the proposal (see Section 6.13).

Protection of the Environment Operations Act 1997 (NSW)

The NSW Environment Protection Agency issues licences under the Protection of the *Environment Operations Act 1997* (NSW) (POEO Act). The licences are used to control the acute, localised and cumulative impacts of pollution on the environment in NSW. Certain industries are required to be licensed under this Act.

However, as the exact operator of the premises is not yet known, the exact nature of the industry that will occupy the premises is not known.

Therefore, once proponents and/or operators of the facility have been decided, the NSW Department of Environment and Climate Change (DECC) will be approached to ascertain whether or not a licence is required.

Pursuant to Section 75V, the EP&A Act a licence under the POEO Act cannot be refused if it is necessary for carrying out an approved project. Should a licence under the POEO Act be required, it will be obtained prior to the issue of an occupation certificate for the facility.

National Parks and Wildlife Act 1974 (NSW)

The *National Parks and Wildlife Act 1974* (NSW) (NPW Act) provides the primary basis for the legal protection and management of Aboriginal sites and relics within NSW. The NPW Act requires amongst other things:

- consultation with the DECC prior to development to determine the existence of items of Aboriginal heritage;
- consultation with local Aboriginal groups; and
- consent to disturb or destroy Aboriginal heritage sites/items.

Any land containing Aboriginal cultural heritage impacted by future development would normally be subject to an application for 'consent to destroy' under Section 90 of the NPW Act. Pursuant to section 75U of the EP&A Act, as the Project is being determined under Part 3A, NPW Act approval would not be required, however the usual requirements under the NPW Act in relation to the management of indigenous heritage would still apply.

An Aboriginal archaeology assessment has been undertaken, which indicates evidence of remnant artefacts on the site. Further consideration of management of these finds is provided at **Appendix E**.

3.2 Strategic Planning Context

The Metropolitan Strategy Context

Released in December 2005, the Metro Strategy is designed to be metropolitan Sydney's overarching plan for the future from which more detailed planning for the sub regions will stem. The Metropolitan Strategy recognises an area that is known as the 'Western Sydney Employment Hub' and aims at establishing 36,000 new jobs in the Western Sydney Employment Hub. The Erskine Park precinct (Precinct 7) is located within the Western Sydney Employment Hub and is seen as well positioned to become a major job generator.

The Erskine Park employment area is a part of the State Government's designated employment lands in Western Sydney, which heralds significant opportunities for the provision of employment in Western Sydney. The Erskine Park Employment Area comprises a significant portion of this, with approximately 500 hectares residing within the Penrith Local Government Area (LGA). Appropriate development (such as that proposed) within the Employment area will assist in meeting the anticipated employment targets.

3.3 Statutory Planning

The Environmental Planning Instruments (EPIs) and Development Control Plan, relevant to the Project include:

- *State Environmental Planning Policy (Major Projects)*;
- *State Environmental Planning Policy (Infrastructure) 2007*;
- *State Environmental Planning Policy No. 55 – Remediation of Land*;
- *Draft State Environmental Planning Policy No. 66 – Integrated Land Use and Transport*;
- *Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2 – 1997)*;
- *Penrith Local Environmental Plan 1994* (Penrith LEP 1994);
- *Penrith Development Control Plan 2006* (Penrith DCP) (Section 6.14 relates to the Erskine Park Employment Area); and
- *Draft Penrith Local Environment Plan 1999* (Flora and Fauna Conservation).

In addition, the *Draft State Environmental Planning Policy (Western Sydney Employment Hub) 2008* (Draft SEPP), has been released and was on public exhibition until 28 April 2008. While the Project is generally consistent with the objectives of this Draft SEPP in terms of encouraging employment generating uses, by virtue of the saving provision at Clause 34 of the Draft SEPP, the provisions of the Draft SEPP would not apply if it is commenced prior to the approval of this Project. Lodgement of the current Project Application was at the time of request for Director-General's Requirements (6 November 2007) (Project Application No. 07_0153), and therefore the Project has been lodged but not finally determined before the commencement of this Draft SEPP.

Consideration of the relevant provision of the above EPIs and Penrith DCP and the Project's consistency with these provisions is provided at Section 6.3 and in the Tables of Compliance at **Appendix F**.

4.0 Consultation

In accordance with Part 3A of the EP&A Act consultation is required to occur at the following stages:

- the Director-General of the Department of Planning is required to consult with relevant public authorities in preparing the Environmental Assessment Requirements for the Project Application; and
- the Director-General is required to advertise and exhibit the Environmental Assessment and appended reports and documentation.

In preparing the Director-General's Requirements (DGRs) for the Environmental Assessment, the Department of Planning consulted with the following assessment authorities and groups:

- Penrith City Council;
- NSW Roads and Traffic Authority;
- Department of Environment and Climate Change; and
- Department of Water and Energy.

Comments and issues raised by these authorities and groups were considered in preparing the DGRs which are included in **Appendix B**.

4.1 Council and Agency Consultation

Consultations were held with the authorities in February and March 2008 and **Table 1** summarises the key issues/response from the consultation.

Table 1 – Key Agency Consultation

| Consultation | Comment / Response |
|--|---|
| Penrith City Council | |
| Meeting with Council was held on Friday, 29 February 2007 with officers Warwick Stimson and Andrew Wood. | <p>Issues raised included:</p> <ul style="list-style-type: none"> - Consistency with the planning regime. - Presentation to streetscape. - Environmental and sustainability initiatives. - Extension to Templar Road and proposed cul-de-sac. - Car Parking. - Truck manoeuvring area. - Site accessibility for fire/emergency access. - Presentation to the land to the south. <p>Detailed outline of each issue and the EAR's response is provided in Table 2 below.</p> |
| Road and Traffic Authority | |
| The Traffic Consultants (Masson Wilson Twiney) spoke with Douglas Moore (RTA) in relation to the traffic and parking implications of the site. | RTA indicated that they were satisfied with the proposed traffic assessment methodology and that the RTA did not require a meeting prior to lodgement of the EAR. |
| As requested by RTA an information package was issued to Douglas. This included the JBA preliminary project application, the DGRs and a summary of the key issues MWT would be addressing. | |

| Consultation | Comment / Response |
|--|---|
| Department of Environment and Climate Change | |
| <p>Phone contact was made with Tania Stellini, Archaeologist, Planning and Aboriginal Heritage Section, Department of Environment and Climate Change on Wednesday 14th February, 2008 regarding the consultation requirements as part of the Director-General's requirements for this Part 3A project.</p> | <p>DECC indicated that they were satisfied with the proposed methodology and investigation and did not require a meeting prior to lodgement of the EAR.</p> |
| <p>Tania Stellini recommended that the information be sent to Tanya Koeneman, Senior Aboriginal Heritage Officer, Planning and Aboriginal Heritage Section, Department of Environment and Climate Change.</p> | |
| <p>An email was sent to Ms. Koeneman on Wednesday 14th February, 2008. No response was received to this email.</p> | |
| Aboriginal Stakeholder Consultation | |
| <p>The study area falls within the boundaries of the Deerubbin Local Aboriginal Land Council (DLALC) and is within the area of interest to the Darug Custodian Aboriginal Corporation (DCAC), Darug Tribal Aboriginal Corporation (DTAC) and Darug Aboriginal Cultural Heritage Assessments (DACHA).</p> | <p>An Aboriginal archaeological study and assessment process was undertaken on site. Representatives of the four Aboriginal groups (with specific interest to the site) were informed of the Project on 13 February 2008.</p> <p>A copy of the draft archaeological assessment was submitted to all of the groups for their comment. Responses received are as follows:</p> <ul style="list-style-type: none"> - Response from Darug Custodian Aboriginal Corporation dated 11 March 2008 supported the recommendations for the management of archaeology set out in the Aboriginal archaeology assessment. - Response from Darug Tribal Aboriginal Corporation dated 10 March 2008 supported the recommendations set out in the Aboriginal archaeology assessment. - Response from the Deerubbin Local Aboriginal Land Council dated 29 February 2008 indicated that no Aboriginal cultural material (in the form of stone artefacts for example) was found, although visibility was poor on the site inspection due to long grasses. The letter recommends that further investigations with a test excavation program be undertaken. - It is considered the recommendations in the Aboriginal archaeology assessment at Appendix E and discussed at Section 6.11, suitably address this issue. <p>The letters of consultation are included at Appendix E.</p> |

| Consultation | Comment / Response |
|---|--|
| Department of Water and Energy | |
| On-going consultation regarding design of the proposed creek crossing. Meeting with Greg Brady on 3 March 2008. | Meeting indicated that DWE had no issues beyond those already provided in informal consultations and considered by the Project Team in the design of the creek crossing. DWE considered the crossing of the relocated creek acceptable. DWE had recommended the location of the rock riffle in the Browns design for CSR at the proposed bridge location to provide scour protection. As such, DWE had already factored in the bridge crossing in the creek design. |
| Department of Planning | |
| Pre-lodgement meeting held with the Department of Planning on 6 March 2008. | Presentation of the proposal and outline of key issues that will be addressed in the EAR. |
| Sydney Water | |
| Notice Letter sent to applicant on 16 May 2007. | Notice Letter Pending Development Consent for Section 73 Subdivider/developer Compliance Certificate. Requirements in this Notice must be included at Appendix H. |
| Integral Energy | |
| Email sent to Integral Energy on 12 April 2007. | There is currently capacity in the existing feeder to supply the proposed load to the development. The existing underground feeder could be extended underground to the proposed development in the standard 24 or 26 duct configuration. |

Table 2 – Penrith City Council Consultation Issues

| Issue | Addressed in EAR |
|--|---|
| Consistency with Planning Regime | |
| Assessment of consistency of Project with applicable Development Control Plan, including site coverage. | Addressed in Section 6.3 of the EAR and in the Tables of Compliance at Appendix F. Variation to the applicable DCP have been addressed and reasonably justified at Section 6.3. |
| Presentation to Streetscape | |
| Assessment of visual impact of development, in particular from public areas specifically: a) Consideration of option for location of office component of development at front of site, presenting to Templar Road. b) Preference to avoid / mitigate view of roller doors and loading / unloading area from extension to Templar Road. | Addressed in Visual Assessment at Appendix G. Consideration of alternative layout provided at Section 6.14. |
| Environmental and Sustainability Initiatives | |
| Assessment of options for innovation in design for improved environmental and sustainable outcomes, specifically consider in relation to energy efficiency for ventilation and cooling, water efficient toilets and water reuse. | Addressed at Section 6.5 of this report and within the Statement of Commitments (Energy Efficient Materials). |

| Issue | Addressed in EAR |
|---|--|
| Extension to Templar Road and Proposed cul-de-sac | |
| <p>a) Council standard for industrial road is a 13m wide carriageway, although prepared to consider narrower width in relation to creek crossing.</p> <p>b) Drainage for runoff from extension to Templar Road to join approved pipeline constructed by CSR. Minimise duplication of stormwater drainage pipes.</p> <p>c) Site drain proposed to pass under public road cul-de-sac. Council opposes privately owned drains under public assets.</p> <p>d) Show road reserve boundaries on detail plans for extension to Templar Road and road drainage infrastructure within the proposed road reserve.</p> | <p>The width of the access road was minimised to 11m overall in order to mitigate adverse impacts of the crossing of the CSR relocated creek which forms part of the biodiversity corridor.</p> <p>Site drainage issues addressed and plan details of proposed road reserve is addressed at Section 5.6 and Section 6.5 and Appendix H.</p> |
| Car Parking | |
| <p>Consider layout in light of relevant Australian Standard that provides for no more than 6 spaces in a blind aisle.</p> | <p>Refer to Traffic Report at Appendix I.</p> |
| Truck Manoeuvring Area | |
| <p>Demonstrate that manoeuvring area accommodates turning circle for B-double trucks.</p> | <p>Suitability of loading and truck manoeuvring is addressed in the Traffic Report at Appendix I.</p> |
| Site Accessibility for Fire / Emergency Access | |
| <p>a) Confirm proposed access way on southern side of proposed building is adequate for fire / emergency vehicle access.</p> <p>b) Preference for bitumen / concrete surface for maintenance / erosion reasons</p> | <p>The proposed accessway on southern side of proposed building is adequate for fire / emergency vehicle access. Refer to plans and Traffic report at Appendix I.</p> <p>Gravel is proposed for the southern accessway as a Statement of Commitment ay Section 7.0 of the EAR.</p> |
| Presentation to Land South of the Site | |
| <p>Assess measures adopted to break up appearance of bulk of the proposed building, as viewed from the south of the water pipelines; in particular, inclusion of a landscaping / vegetation screening element and/or use of variation in building materials / design elements such as colour / shade of cladding, angle of cladding etc.</p> | <p>Addressed in Visual Assessment at Appendix G.</p> |

5.0 Proposed Project

5.1 Project Approval

Project Approval is being sought for the:

- Development of the site for employment/industrial purposes including the following elements:
 - a single storey warehouse with a floor area of 21,005m²;
 - a 1,285m² two storey office building adjoining the warehouse at its eastern façade;
 - a loading area in the western portion of the site with direct access to the warehouse facility via roller shutter doors at its western façade;
 - 218 car spaces in an at-grade car parking on the eastern portion of the site; and
 - associated landscaping of the site:
- The construction of a road extension from Templar Road to the boundary of the subject site (including new drainage channel crossing) providing vehicular access to the site;
- Construction of utilities and services connections from adjacent locations to the site; and
- Stormwater, drainage, bulk earthworks and tree removal associated with the development of the site.

5.2 Numeric Overview

Table 3 provides a summary of key development information for the Project Application.

Table 3 – Key Development Information

| Component | Proposal |
|-----------------------------------|--|
| Site area | 41,843m ² |
| Floor area | Warehouse: 21, 005m ² Office: 1, 285m ² (ground floor 589m ²) Total Building Area: 22, 290m ² |
| Maximum Building Height (metres) | 14.8m |
| Total proposed car parking spaces | 218 |
| Site Coverage | 51.6% |

5.3 Site Preparation Works

Earthworks

A flat building pad will be established, by cut, over the eastern area of the building plan area and using the excavated sediment as fill over the western area. The proposed floor level for the warehouse, office and truck loading area has been selected to achieve a balanced cut and fill on the site in establishment of the building pad level. The car park area will be generally constructed at the natural ground level with minor reconstructing to suit the drainage design.

Specialist material will need to be delivered to the site to form the foundations of the proposed warehouse, offices and car park.

Tree Removal

Approval is sought for the removal of all site trees identified on the Survey Plan at **Appendix A**.

5.4 Industrial Building

Siting and Design

The proposed development is for a single storey warehouse and an ancillary two storey adjoining office building. The site is 41,843m² with a total building footprint area of 21,594m² (51.6%). The maximum building height across the site is 14.8m with a total of 218 car parking spaces.

External Materials and Finishes

Materials and finishes include pre-cast concrete wall panels, colorbond metal roof and wall cladding, pre-finished metal wall cladding and glazed entry doors.

Finalised colours and materials will be submitted to the Department of Planning for approval prior to the issue of the Construction Certificate. Further discussion of the built form is at Section 6.4 of this report.

5.5 Access and Parking

Extension of Templar Road and Creek Crossing

Access to the site will be off Templar Road. Templar Road is situated within the precinct and adjoins roads that link to the M4 Motorway (Lenore Lane, Mamre Road and Erskine Park Road). A turning head will be situated between the new access road to the car park and Templar Road.

There is a formal access agreement between Jacfin and CSR for CSR to provide a 20m wide corridor of land for an access road to the subject site from the southern end of Templar Road.

The width of the access road has been minimised to 11m to mitigate adverse environmental impacts of the crossing of the CSR relocated creek which forms part of the biodiversity corridor. The road cross section would consist of a 3.5m wide carriageway, 3.5m wide verge on the eastern side and a 0.5m wide verge on the western side. A pedestrian path will also be located along the eastern verge as to link up with the existing path. Services will also be located on this side.

A stormwater pipe system for the access road would have a 20 year ARI capacity. This will link into the trunk drainage system from the CSR site adjacent to the CSR relocated creek.

Car Parking

The total number of car parking spaces provided on site is 218. The car park is situated at the eastern end of the lot, with access to and from the car park via the new access road that joins with Templar Road joining an internal road at the north of the site.

5.6 Watercycle Management

Site Drainage and Stormwater Detention

The management of peak flows and stormwater run-off will be achieved through the use of above ground storage over the two bio-retention swales and rain gardens, see **Appendix H** for further detail. The western swale will collect run-off from the truck bays and the northern swale will collect run-off from the access road and eastern car parking facilities. The rain-garden will collect water from the overflow of the rainwater tank connected to the roof.

The swales and rain gardens will act as on-site detention storage as well as provide water quality control.

Overland Flows

The existing site has a drainage swale along the northern boundary which conveys site run off to the western boundary. Runoff from an external catchment to the south of the Sydney Water Corporation (SWC) pipeline enters the site at the eastern end as overland flow. Discharge of external flows onto the site is adjacent to an opening beneath the SWC pipeline. It proposed to construct a headwall chamber at this location that would capture and convey all flows up to and including the 100 year ARI flow. It has been estimated that a headwall allowing for a maximum ponding of 56.6m AHD can safely capture all flows.

Drainage for the development would be via a 20 year ARI capacity piped network to the swales and rain-gardens that are proposed on site.

Water Re-use

It is proposed that stormwater run-off from the warehouse roof will drain into a 20,000L rainwater tank. The rainwater tank will be plumbed directly to the toilet facilities on site. In the future, allowance will be made to permit connection by the State Government to a possible regional reuse strategy.

Water Quality

There are a number of proposed water quality measures for the site, including:

- Bio-Retention Swale (BRS);
- Rain-garden;
- 20,000L Rainwater Tanks (RWT); and
- Gross Pollutant Traps (GPT's)

5.7 Landscaping

Proposed landscaping (refer to **Appendix J**) reflects the context of the development. The species selected for biodiversity, the bio-retention swale and rain detention gardens comply with the Whelan's Insites' recommendations. The Whelans Insites' recommendations were based on the Penrith City Council DCP (2006) and NPSW Technical Report of the Native Vegetation of the Cumberland Plain, Western Sydney (2000).

5.8 Signage

Approval is sought for signage identified on the Architectural Drawings at **Appendix A**. A colorbond metal screen with mounted tenant signage is proposed on the northern and western elevations (ie: on approach to the site from Templar Road). The single signage structure is proposed at this location to provide a quality entrance statement to the site.

The signage panel on the northern elevation is 1m high x 6.3m wide, with the screen behind signage (no signage lettering) 10.5m high x 9m wide. The signage panel on the western elevation is also 1m high x 6.3m wide, with the screen behind signage (no lettering) 10.5m high x 9m wide.

The proposed signage complies with the provisions of Part 3 Section 3.1 Penrith DCP 2006. As a tenant for the premises is not yet known, the details of the design and lettering of the signage is not yet known, with approval sought for the signage panel dimensions and location. Final details of the approved signage panel (including colours and proposed wording) will be submitted to Penrith City Council prior to the issue of the Occupation Certificate (as per the Statement of Commitments at Section 7.0).

6.0 Environmental Assessment

This section of the report assesses and responds to the environmental impacts of the Project. It addresses the matters for consideration set out in the DGRs.

The draft Statement of Commitments complements the findings of this section.

6.1 Director-General's Environmental Assessment Requirements

Table 4 provides a detailed summary of the individual matters listed in the DGRs and / or identifies where each of these requirements has been addressed in this report and the accompanying technical studies.

Table 4 – Director General's Environmental Assessment Requirements

| Director General's Requirements | Location in Report / Application |
|---|----------------------------------|
| General Requirements | |
| <i>The Environmental Assessment must include:</i> | See Executive Summary |
| 1) <i>an executive summary;</i> | |
| 2) <i>a detailed description of the project including the:</i> | Section 2.0 & 5.0 |
| a) <i>need for the project;</i> | Section 2.3 |
| b) <i>alternatives considered; and</i> | Section 6.14 |
| c) <i>various components and stages of the project;</i> | Section 6.0 |
| 3) <i>consideration of any relevant statutory provisions including the consistency of the project with the objects of the Environmental Planning and Assessment Act 1979;</i> | Section 3.3 |
| 4) <i>a general overview of the environmental impacts of the project, identifying the key issues for further assessment, and taking into consideration any issues raised during consultation;</i> | Section 6.0 |
| 5) <i>a detailed assessment of the key issues specified below, and any other significant issues identified in the general overview of environmental impacts of the project, which includes:</i> | |
| - <i>a description of the existing environment; and</i> | Section 2.1 |
| - <i>an assessment of the potential impacts of all components of the project; and</i> | Section 6.0 |
| - <i>a description of the measures that would be implemented to avoid, minimise, mitigate, offset, manage and/or monitor the impacts of the project;</i> | Section 7.0 (SOC) |
| 6) <i>a draft Statement of Commitments, outlining environmental management, mitigation and monitoring measures;</i> | Section 7.0 |
| 7) <i>a conclusion justifying the project, taking into consideration the environmental impacts of the proposal, the suitability of the site, and the benefits of the project; and</i> | Section 8.0 |
| 8) <i>a signed statement from the author of the Environmental Assessment certifying that the information contained in the report is neither false nor misleading.</i> | Provided |
| Key Issues | |
| Layout/Design | |
| 1) <i>Demonstrate that the proposal is generally consistent with the Erskine Park Employment Area Development Control Plan.</i> | Section 6.3 & 6.4 |
| 2) <i>Justify any inconsistencies between the proposal and the DCP.</i> | Section 6.3 |

| Director General's Requirements | Location in Report / Application |
|---|---|
| Key Issues | |
| Planning Agreement/developer contributions | |
| 1) <i>review the proposal against the requirements in the Erskine Park Employment Area Section 94 Contributions Plan, and either include a draft planning agreement for the redevelopment of the site, or describe what development contributions would be paid for the redevelopment of the site, including consideration of the need to contribute to the proposed regional road network for the Western Sydney Employment Hub.</i> | Section 6.3 |
| Traffic and Parking | |
| 1) <i>Provide detailed description of the following:</i> | |
| a) <i>details of access to the site (including infrastructure across the creek);</i> | Section 5.5 |
| b) <i>details of the traffic volumes likely to be generated during construction and operation;</i> | Section 6.8 |
| c) <i>an assessment of the predicted impacts of this traffic on the safety and efficiency of the surrounding road network;</i> | Appendix I (Traffic Report) |
| d) <i>car parking requirements; and</i> | |
| e) <i>details of Templar Road extension and associated potential impacts.</i> | |
| Soils and Water | |
| 1) <i>Provide description of:</i> | |
| a) <i>proposed erosion and sediment controls (during construction);</i> | Section 5.6 & Section 6.5 |
| b) <i>water quality management;</i> | Appendix H (Water Management, Access and Services Report) |
| c) <i>the proposed stormwater management system;</i> | |
| d) <i>water supply including consideration of the potential for rainwater harvesting;</i> | |
| e) <i>wastewater disposal; and</i> | |
| f) <i>relationship to the CSR relocated creek.</i> | |
| Flora and Fauna | |
| 1) <i>Provide:</i> | |
| a) <i>measures to minimise the impacts of the proposal on the recently approved Biodiversity Corridor in the Erskine Park Employment Area, particularly in relation to the proposed creek crossing;</i> | Section 6.10 Appendix D (Flora and Fauna Report) |
| b) <i>consideration of the need to offset any clearing on site and to enhance the Biodiversity Corridor; and</i> | Section 6.13 and Appendix M |
| c) <i>fire management procedures to minimise risks to the Biodiversity Corridor.</i> | |
| Noise | |
| 1) <i>Provide description of:</i> | |
| a) <i>construction noise;</i> | Section 6.12 |
| b) <i>operational noise; and</i> | Appendix L (Noise Report) |
| c) <i>traffic noise.</i> | |
| Aboriginal Heritage | |
| 1) <i>to determine the presence of Aboriginal heritage on the site and any mitigation, management measures or offset measures to reduce any impacts.</i> | Section 6.11 Appendix E (Indigenous Heritage Report) |

| Director General's Requirements | Location in Report / Application |
|-----------------------------------|-----------------------------------|
| Key Issues | |
| Visual | |
| 1) <i>Provide description of:</i> | Section 6.4 |
| a) <i>landscaping;</i> | Appendix G (Visual Assessment) |
| b) <i>design;</i> | |
| c) <i>set-backs;</i> | |
| d) <i>signage; and</i> | |
| e) <i>lighting.</i> | |
| Consultation | Section 4.0 |

6.2 Site Suitability and Implications of Proposed Land Uses

The proposed development is suitable for the site on the basis that:

- the proposal is consistent with the relevant objectives of the Metropolitan Strategy and the draft SEPP for the (Western Sydney Employment Hub) 2008 in that it will assist in meeting employment targets and provide an appropriate employment generating use;
- it will not have any detrimental environmental impacts on any adjoining properties; and
- it will have synergies with the future development of the surrounding industrial estate and wider precinct.

The site is suitable for the proposed development in that:

- it is highly disturbed and generally cleared of vegetation;
- the site lies within one of the four major sites rezoned for employment purposes in the Western Sydney Employment Hub;
- the land is not contaminated and is suitable for an industrial warehouse incorporating office uses;
- it is generally secluded with minimal visual impact; and
- it provides good access to Lenore Lane, Erskine Park Road and the M4 and M7 Motorways.

6.3 Consistency with Planning Instruments, DCP and Guidelines

An outline of the relevant provisions within the relevant planning instruments is provided in **Table 5** below.

Table 5 – Relevant State, Regional and Local Plans

| Policy / Plan | Requirement | Compliance/Relevance |
|---|--|--|
| SEPP (Major Projects) | SEPP Major Projects, together with Part 3A of the EP&A Act provides the planning framework for the assessment of State Significant projects. | The site has been declared to be a project to which Part 3A of the EP&A Act applies. This EAR has been prepared to respond to the Director General's Environmental Assessment Requirements in accordance with Part 3A of the EP&A Act. |
| SEPP (Infrastructure) 2007 | In accordance with the provisions of the infrastructure SEPP, an industrial proposal with a floor area of more than 20,000m ² must be referred to the Roads and Traffic Authority for comment. | The proposed development will trigger this requirement. |
| SEPP 55 – Remediation of Land | Consent authority must consider whether the land is contaminated and if it can be made suitable for the purpose for which the development is proposed to be carried out. | The relevant measures and assessments have been undertaken in accordance with SEPP55. The site in its present condition is considered suitable for commercial and/or industrial land-use. This conclusion is based on the Stage 1 ESA findings as well as the Limited Stage 2 ESA findings at Appendix C. |
| Draft SEPP 66 – Integration of Land Use and Transport | Establishes objectives for a range of developments (eg warehouses greater than 1000m ²) and requires developments to minimise the demand for travel and use of cars including the encouragement of walking, cycling and public transport. | The proposed development is not inconsistent with these aims. It is within an identified employment zone with good access to arterial roads and the motorway system. It is presumed that improvements to the surrounding road system will make the site more accessible and more attractive to potential future public transport connections. |
| Draft SEPP (Western Sydney Employment Hub) 2008 | Identifies the Western Sydney Employment Hub (WSEH) as employment land to assist in meeting the objectives of the Sydney Metropolitan Strategy which seeks to provide an additional 500,000 jobs by 2031. | The proposal is generally consistent with the general objectives of the Policy in terms of encouraging employment generating uses. However, by virtue of the saving provision at Clause 34 of the Draft SEPP, the Draft SEPP would not apply if it commenced prior to approval. Lodgement of the current Project Application was at the time of request for Director-General Requirements (6 November 2007) (Project Application No. 07_0153), prior to the release of the draft SEPP. |
| SREP. 20 – Hawkesbury-Nepean (No.2 – 1997) | SREP No. 20 seeks to protect the environment of the Hawkesbury-Nepean River system. Development applications within the catchment are required to consider the general and specific planning considerations and principles as listed in the SREP to ensure that the impacts of future land use are considered in a regional context. | The proposed is consistent with the planning considerations and principles as outlined in the Compliance Tables at Appendix F. |

| Policy / Plan | Requirement | Compliance/Relevance |
|--|---|---|
| Penrith Local Environmental Plan 1994 (Penrith LEP1994) (Erskine Park Employment Area) | This site is located within Zone 4(e1) – Employment Restricted under the Penrith LEP 1994. Industrial development (including offensive and hazardous industries) is permitted in this zone. Offices premises are permitted within the 4(e1) zones subject to the criteria specified in Clause 21 of Penrith LEP 1994 which are: <i>‘(a) land suitable for development for that purpose would not be readily available in an existing business zone; and (b) development on the land for that purpose would be unlikely to prejudice the viability of existing business centres’.</i> | The proposed industrial warehouse is permissible with consent. The proposed office space will be ancillary to the industrial uses on the site and could not be appropriately provided elsewhere. No business centres are located in proximity to the subject site. |
| Draft Penrith Local Environment Plan 1999 (Flora and Fauna Conservation). | Contains provisions for the protection of native vegetation and maintenance of flora and fauna corridors between remnant areas of native vegetation. The site is mapped as ‘native vegetation area’, but does not contain a ‘flora and fauna’ corridor. | This document has been in draft format since 1999; is out of date and based on an earlier proposal. Planning for biodiversity and native vegetation has significantly moved on since this time, both generally (Native Vegetation Act 2003) and within the Erskine Park area with the Biodiversity Management Plan (BMP). The BMP is the latest document relating to the strategic management of biodiversity matters and the biodiversity corridor is no longer located on the Jacfin land. Nonetheless, consideration of the provisions of the plan is provided in the Table of Compliance at Appendix F. |

Penrith Development Control Plan 2006

The proposal is generally consistent with the objectives and aims of the Penrith Development Control Plan 2006 (Penrith DCP) and in particular the section relating to the Erskine Park Employment Area.

Section 6.14 of the Penrith DCP provides development controls for the Erskine Park Employment Area. The key controls applying to the site are provided in **Table 6** below.

Table 6 – Relevant DCP Controls

| Requirements | Control | Proposed/Compliance |
|--------------|--|--|
| Car Parking | Warehouse 1 space/100m ² of net lettable floor area Office 1 space/40m ² of net lettable floor area | Yes. Warehouse 21,005m ² X 0.9/100=189 Office 1,285m ² X 0.9/40=29. A total of 218 spaces are proposed to be provided. |
| Height | Determined on merit | Yes. A maximum ridge height of approximately 14.8m is proposed. This will be generally consistent with the maximum height for the approved industrial development on the CSR site and below other approved developments in the locality. |

¹ For the purpose of parking calculations it was assumed net lettable floor area = 90% of GFA

| Requirements | Control | Proposed/Compliance |
|----------------------------|---|--|
| Site Coverage ² | Not to exceed 50% | No. 21,594m ² (about 51.6%) |
| Setbacks | Side and rear setbacks 5m Water Supply Pipeline 5m | Yes. A building setback of approximately 11.5m is proposed to the adjoining CSR site to the north and a setback of 6m is proposed adjoining the water pipeline to the south. A 42.5m building setback is proposed from the western boundary, |

The Tables of Compliance at **Appendix F** demonstrate that the Project Application meets the requirements of the DCP for drainage, car parking, site development and urban design, landscape design and the provisions for the management of environmental quality (noise, waste, erosion and sediment control, air quality, pollution control, energy conservation).

Biodiversity

In 1999 Penrith City Council commissioned Biosis Research to undertake an environmental study of the Erskine Park Employment Area with the purpose of identifying biodiversity limitations that may apply to the future development of the Erskine Park Employment Area and recommending areas for conservation. Subsequently Penrith City Council adopted its Erskine Park Employment Area Development Control Plan (DCP) in 2002, partially based on the recommendations of the Biosis Report. This DCP depicted a ‘biodiversity area’ which encroached on part of the Jacfin land at Lot 11 DP229784, Erskine Park (Figure 12).

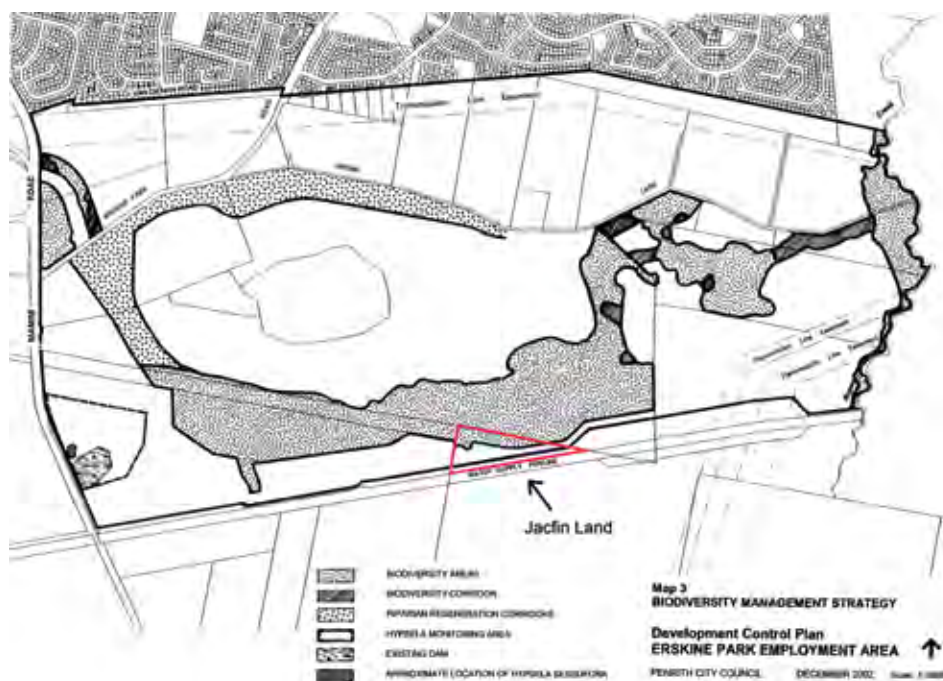


Figure 12 – Erskine Park DCP 2002 (later incorporated into Penrith DCP 2006) Biodiversity Management Strategy Map

2 Site coverage is defined in clause 1.7 of Section 6.14 of the Penrith DCP as the ‘percentage ratio of the total area of a given allotment covered by buildings to the total area of that allotment and does not include parking areas or driveways. For the purposes of determining the allotment area, drainage basins and/or channels as required by this section and other easements, biodiversity corridors or areas (retained as part of the allotment) may be included in the calculation of allotment area. Site coverage is calculated from the building “footprint” which includes external walls, roof overhangs, pergolas, etc’.

Following the preparation of the Biosis Report and DCP, several environmental studies and ecological surveys were undertaken in consultation with Council. These studies, including a report by Kevin Mills and Associates (2003) highlighted limitations with the original Biosis Report and consequently the biodiversity strategy adopted by the 2002 DCP.

As a result, the Erskine Park Landowners Group, with assistance from Greening Australia, Council, the then NSW Department of Environment and Conservation, the NSW Department of Planning and the then Commonwealth Department of Environment and Heritage prepared the 'Biodiversity Strategy 2005' to revise the strategic framework for biodiversity conservation within the Erskine Park Employment Area. The Biodiversity Strategy 2005 essentially superseded the 2002 DCP, and provided a basis for the preparation of a subsequent Biodiversity Management Plan³. It is noted that Jacfin was not a party to the preparation of the Biodiversity Strategy 2005, nor was Jacfin consulted in the formulation of the Strategy. However, the Strategy when produced encroached on to part of the northern portion of the Jacfin land as a so called 'biodiversity area', as a carryover from the superseded 2002 DCP.

The 2006 Biodiversity Management Plan (BMP) was produced to provide for the development and maintenance of a new configuration for the biodiversity corridor in the Erskine Park Employment Area and contains more accurate and up-to-date information on the implementation of the biodiversity principles that had been initially outlined in the Biodiversity Strategy 2005.

Implementation of this new Biodiversity Management Plan and associated biodiversity offset scheme is achieved by Planning Agreements entered into by the Minister for Planning, CSR and related entities of Goodman International, associated with the Major Project approvals MP06_0216, MP06_0208, MP_0253 and MP_0254. The Jacfin land was expressly excluded from the land covered by the Biodiversity Management Plan and the Jacfin land is not required to achieve connectivity or the aims of the corridor, nor the biodiversity outcomes sought (**Figure 13** below). There is no vegetation existing on the site of conservation value.



Figure 13 – Biodiversity Management Plan

3 HLA Enviroscience Pty Ltd (2006), "Biodiversity Management Plan Erskine Park Employment Area", (May 2006) accompanying the CSR Concept Plan Application MP06_0208

Penrith City Council's 2006 DCP is a consolidation document and thus ignores the Biodiversity Strategy 2005 and the Biodiversity Management Plan 2006 and incorporates the now superseded 2002 Biodiversity Map. In terms of its mapping, the 2006 DCP does not reflect the current approved management approach for the conservation of biodiversity within the Erskine Park Employment Area that has been agreed by the Minister for Planning through the endorsement of the Planning Agreements noted above. The 2006 Biodiversity Management Plan therefore must supersede the DCP provisions and the DCP Map 3 "Biodiversity Management Strategy" adopted by the Minister and other developers at Erskine Park.

Accordingly, in preparing the current Project Application, the proponent has referred to the Biodiversity Strategy 2005 and BMP rather than the Erskine Park Employment Area section of Penrith DCP 2006. These documents reflect the current approved approach for the conservation of biodiversity within the Erskine Park Employment Area. It is noted that on previous application within the Employment area (eg the CSR site) the DoP and DEC have considered such an approach is suitable.

With respect with the need to "mitigate" or "offset" any impacts, the Flora and Fauna assessment at **Appendix D** demonstrates that the proposed development is not considered of concern with respect to threatened biota or their habitats, primarily because of the nature and condition of the site, and its current context (see Site Analysis at Section 2.0).

Given those considerations and particularly the lack of resources or habitat features of relevance for threatened biota, there is no requirement to "avoid and mitigate" impacts arising from the proposed development of the site on threatened biota. Appropriate management of development activities on the subject site will be carried out (as a standard environmental management measure) to prevent the discharge of contaminants or sediment into adjoining natural features, and the proposal incorporates measures for the ongoing management of stormwater discharges and water quality derived from the subject site.

As no threatened biota will be adversely affected to a significant extent (if indeed at all) by the proposed development on the subject site at Erskine Park, there is no requirement to "mitigate" or "offset" any such impacts, including clearing of vegetation. In this regard, it is also to be noted that the subject site does not contribute in any relevant way to the Biodiversity Corridor which is being developed along the watercourse to the immediate north of the subject site between the retained woodland vegetation to the west and to the northeast. That Biodiversity Corridor has been identified in the BMP for the EPEA and there is no requirement for the subject site to provide any element of that BMP. Nevertheless, the potential impacts of bushfire management and of the required watercourse crossing are considered at Section 6.10 and 6.13 below.

Traffic Strategy

For similar reasons to that cited above, the proposal does not directly align with the Traffic Strategy Map found at Map 2 of the DCP. The DCP depicts a Crown Road Reserve Access to the site as well as a possible link road to Lenore Lane on the southern boundary of the site adjoining the Sydney Water Pipeline.

With the endorsement of the Biodiversity Strategy 2005 and the Biodiversity Management Plan, access via the Crown Road Reserve is no longer viable as this area is included as part of the biodiversity corridor. Likewise, whilst the road section identified to Lenore Lane is technically feasible through to the Jacfin site (as it is not covered by biodiversity corridor) its link to the west through the Interlink Industrial Park to Mamre Road is not feasible, due to a significant area of this 'western access' road being within the biodiversity corridor.

Instead, it is considered that the objectives and intent of the DCP map can still be met by a link to Lenore Lane made available through the extension of Templar Road and the formal access agreement between Jacfin and CSR.

Site Coverage

The DCP requires that site coverage not exceed 50%. The proposed development incorporates site coverage of approximately 51.6%.

Notwithstanding this non-compliance with the DCP control, it is considered that the proposed site coverage is acceptable in this instance for a number of key reasons:

- The variation to the DCP control amounts to an additional 1.6% of site coverage, which represents 672.5m² (essentially the size of the proposed office area footprint). It is considered that in the overall scale of this development, this minor extent of additional site coverage does not have any dramatic impacts on the bulk, scale and density of the development.
- Ample and suitable landscaping is able to be accommodated within the development, notwithstanding the variation with Council's DCP. The visual impact/density of the development is softened by a landscape zone of at least 5m wide fronting Templar Road. Further, the retention and restoration of the vegetated buffer to the north of the site and the biodiversity corridor to the west will act to screen views of the building.
- The indicative planting species identified on the landscape plan proposes the use of several taller growing plants which will screen the warehouse. These include *Lophostemon conferta* (up to 40m in height), *Cycas revolute* (6m), *Eucalyptus fibrosa* (30m), *Melaleuca linariflora* (8m), *Melaleuca stypheloides* (20m), *Eucalyptus crebra* (35m), and *Eucalyptus moluccana* (25m).
- The bulk, scale, density and appearance of the development is consistent with surrounding development. To that end, the proposed building will be no higher than 14.8m, significantly smaller than the approved Kimberley Clark facility west of the site which has a roof height of 22.7m. Therefore, the proposed additional site coverage will not be readily perceptible, with the proposal of a lower scale to surrounding approved developments.
- The 50% site coverage control is a DCP control and is able to be varied at the discretion of Council where reasonably justified. Likewise, the Minister under Part 3A of the EP&A Act is not bound to consider the provisions of the DCP. It is considered that in this instance, given that the proposed development still meets the objectives of site coverage in that the density of the development is controlled and that the provision of open space and landscaping is suitably provided, a variation to Council's DCP control is supportable.

Erskine Park Employment Area Section 94 Contributions Plan

The Erskine Park Employment Area Section 94 Contributions Plan applies to the proposal. The plan levies development on a per developable hectare basis for the purposes of:

- Drainage and Water
- Roads and Traffic Management
- Plan administration

The map accompanying the Section 94 Plan assumes only part of the site is developable on the basis that a section of the site is affected by biodiversity constraints under the Penrith DCP 2006. As outlined earlier in this section, the DCP 2006 mapping does not reflect the current management approach for the conservation of biodiversity within the Erskine Park Employment Area that has been agreed by the Minister for Planning through the endorsement of the Planning Agreements. For this reason, Jacfin accepts that for the purposes of estimating contributions under the S94 Plan, the whole of the site should be calculated as developable.

The following contributions (indexed and effective from 1 April 2008) apply to the development:

Table 7 – Section 94 Contributions

| Contribution Item | Amount per Dev Hectare | Total Amount (4.18ha) |
|---|-------------------------------|------------------------------|
| Drainage and Water Quality Western Catchment | \$33,111 | \$138,404 |
| Roads and Traffic Management Catchment B – Stage 1 | \$141,335 | \$590,780 |
| Catchment B – Stage 2 | \$57,614 | \$240,826 |
| Plan Administration | \$1,982 | \$8,285 |
| Total | \$230,042 | \$978,295 |

The S94 Plan provides that contributions towards roadworks include identified works associated with the regional road network proposed for the Western Sydney Employment Hub, including upgrades to the intersection of Mamre Road / Erskine Park Road, Lenore Lane and future connections to the Eastern Creek Precinct if approved as part of the proposed Erskine park Link Road Network Concept Plan, currently being considered by the Department of Planning. The contributions to be paid for this development are consistent with those paid by other developments in the Erskine Park Precinct under the 94 Plan.

6.4 Built Form

The Project Application establishes a built form that responds to the current and future desired character of the Erskine Park Employment Area (EPEA). This includes providing generous setbacks and landscaping whilst ensuring that the building provides a similar scale to surrounding approved developments. Key components of the built form concept are discussed below:

Siting and Design

The project involves the construction of a large warehouse building which by its very nature if not designed and screened adequately could impact on the visual amenity of the area. To that end, the proposed building will be no higher than 14.8m, significantly smaller than the approved Kimberley Clark facility west of the site which has a roof height of 22.7m.

Similarly, the nearby Interlink Industrial Estate (also west of the site) proposes 13.7m high warehouses, which are of a similar bulk and scale to the proposed development.

While large, the scale of the proposed building will be consistent with other existing and proposed developments in the area. Further, despite the magnitude of change from a vegetated site to a large warehouse, the site is zoned for industrial uses, is located within the Erskine Park Employment Area and is close to existing and proposed industrial developments to the north of the site. It is therefore considered that the proposed development is consistent with the desired future character of the industrial area as promoted by the applicable planning controls.

The proposed industrial warehouse design will be sympathetic to and complement the built and natural forms of its surrounds.

External Materials and Finishes

The building's design exhibits a high standard of architectural design and will utilise quality materials and finishes to establish a varied and articulated frontage to Templar Road. Pre-cast concrete wall panels, colorbond metal roof and wall cladding, pre-finished metal wall cladding, and glazed entry doors and windows on the office component, will be off-set with contrasting colour panels to provide visual relief. Whilst the proposed external material colours will be determined following detailed design, the chosen palette of colours will be consistent with those required by the Erskine Park Employment Area DCP (eg: earth tones such as stone colours, browns, muted greens, sand, dark red / plums; and cool tones such as soft greys, grey / blues). Finishes and materials will be chosen to minimise the perceived scale and mass of the warehouse and prevent a monotonous building form. Reflectivity will be managed through the use of external materials that do not exceed 20%, consistent with Council's DCP requirements (see Statement of Commitments at Section 7.0).

Finalised colours and materials will be submitted to the Department of Planning for approval prior to the issue of the Construction Certificate.

Setbacks

Setbacks from Templar Road (15m), northern frontage (11.5m), southern boundary (6m), and western boundary (42.5m) seek to reduce the impact of the built form on public domain and adjoining properties. The setbacks comply with the standards prescribed by Council's DCP which require a 15m setback to road frontages and 5m to side and rear boundaries.

Compliance with the mandated setbacks will provide an open streetscape for landscaping and enhance the visual quality of the development.

Landscaping

Visual relief will be further provided through landscaping within the proposed setbacks in accordance with the Landscape Plan. We note the landscape plan for the project has been prepared in accordance with the Whelan's Insites recommendations. The Whelans Insites' recommendations were based on the Penrith City Council DCP (2006) and NPSW Technical Report of the Native Vegetation of the Cumberland Plain, Western Sydney (2000).

The visual impact of the development is softened by a landscape zone of at least 5 metres wide fronting Templar Road. Further, the retention and restoration of the vegetated buffer to the north of the site and the biodiversity corridor to the west will act to screen views of the building.

The indicative planting species identified on the landscape plan proposes the use of several taller growing plants which will screen the warehouse. These include *Lophostemon conferta* (up to 40m in height), *Cycas revolute* (6m), *Eucalyptus fibrosa* (30m), *Melaleuca linariflora* (8m), *Melaleuca stypheloides* (20m), *Eucalyptus crebra* (35m), and *Eucalyptus moluccana* (25m).

Signage

A colorbond metal screen with mounted tenant signage is proposed on the northern and western elevations (ie: on approach to the site from Templar Road).

The signage structure is proposed at this location to provide a quality entrance statement to the site and meets the objectives of DCP which collectively seek to ensure advertising / signage is:

- constructed of high quality, durable materials;
- considered in conjunction with the design and construction of buildings;
- restricted generally to one sign identifying the name of the occupants and/or products manufactured or produced on the site; and
- contained wholly within the site.

The Table of Compliance at **Appendix F** of the Environmental Assessment demonstrates that the proposed signage also complies with the provisions of Part 3. Section 3.1. Penrith DCP 2006.

Lighting

Provision will be made for external lighting during the detailed design phase and will comply with the relevant requirements of *Control of Obtrusive Effects of Outdoor Lighting (Standards Australia, AS4282)*. No adverse impacts are anticipated upon the use and enjoyment of adjoining premises and surrounding areas, particularly rural residential areas south of the pipeline.

The lighting shall be designed to ensure that light is wholly contained within the property boundaries.

Visual Impact

A detailed visual assessment is provided at **Appendix G** of this report.

The proposed warehouse is a suitable response to the emerging Erskine Park Employment Area which encourages industrial development. The development addresses Templar Road through architectural design and creation of an inviting arrival point.

The development is located in the southern part of the Erskine Park Employment Area. The height of the building is moderate at 14.8 metres and although the building occupies a large footprint, is capable of being screened from adjoining areas. The building is set back from site boundaries and perimeter landscaping is proposed.

As the Erskine Park Employment Area develops, views to the site will become increasingly restricted. The site will eventually only be visible from the end of Templar Road extension when approaching from north. When viewed from major land uses to the south (such as the retirement village and schools) it is apparent that the proposed development will not be visible due to vegetation and the southern ridgeline which shields the Employment Area from Bakers Lane and beyond. We note that in the longer term, the area south of the pipeline is also earmarked for industrial development and accordingly the site will be screened from all perspectives.

The limited local visual impacts of the development will be mitigated through architectural design, setbacks, landscaping and ultimately future development of adjoining properties. With the provision of appropriate landscaping and architectural finishes, and implementation of the Statements of Commitment, the visual amenity of the area will be maintained and the proposed warehouse will make a positive contribution to the Erskine Park Employment Area.

6.5 Soils and Water

Assessments were undertaken by Worley Parsons regarding Water Cycle Management (refer to **Appendix H**) and Consulting Earth Scientists (CES) for an Environmental Site Assessment (refer to **Appendix C**).

Stormwater Management

The management of peak flows and stormwater runoff volume will be achieved through the use of above ground storage over the two bioretention swales and rain gardens as described in Section 5.6 of this report.

With the inclusion of the onsite detention the peak flows exiting the site do not increase from the existing scenario. The peak flows in the 'developed with treatment' scenario are significantly less than the existing state therefore there will be some refinement as a result of further more detailed design of outlet structures.

Water Quality

There are a number of proposed water quality measures for the site as outlined in Section 5.6 and described in detail at **Appendix H**.

The site was modelled using the water quality model MUSIC (Model for Urban Stormwater Improvement Conceptualisation) to assess the potential impact of the proposed development on water quality.

The MUSIC results show that implementation of the proposed water quality control measures lead to a pollutant load reduction percentage in accordance with Council's requirements. The rainwater tank has not been included in MUSIC therefore the model is conservative in terms of the actual pollutant reductions that could be achieved. Council's requirement of 90% reduction in generated oils and greases is also expected to be achieved through the implementation of this proposed stormwater quality management plan.

The proposed water quality measures will require a maintenance program, which will consist of the following:

- Periodic (6 monthly) inspection and manual removal of any gross pollutants and coarse sediment that is deposited in the bio-retention swales and replacement of vegetation as necessary;
- Periodic (3 monthly) and episodic (post storm greater than 1 yr ARI) inspection and removal of trapped pollutants from all GPT's; and
- Periodic (annually) inspection (and flushing if required) of the bio-retention systems.

These requirements have been included in the Statement of Commitments at Section 7.0 of this report.

Rainwater Harvesting

A 20,000 L RWT is proposed in the site and will be located adjacent to the rain-garden at the western end of the proposed building. The RWTs will receive the rain captured by the northern half of the proposed roof of the building. The water captured will then be used for toilet flushing and irrigation on landscaped gardens on the site.

Provisions will also be made to connect the rainwater tank into the proposed future regional stormwater harvesting network.

Creek Crossing

The development proposes to have a stormwater pipe outlet into the CSR relocated creek downstream of the site. The outlet will complement the CSR outlets to the creek by having rock scour protection. The site drainage already drains to this point and as such there would be no adverse impacts on flows or the stability of the CSR relocated creek.

There is a formal agreement between the applicant and CSR for CSR to provide a 20m wide corridor of land for an access road to the subject site from the southern end of Templar Road. The width of the access road was minimised to 11m overall in order to mitigate adverse impacts of the crossing of the CSR relocated creek which forms part of the biodiversity corridor.

The stormwater pipe system for the access road would have a 20yr ARI capacity and would link in to the trunk drainage system from the CSR site adjacent to the CSR relocated creek.

The crossing of the CSR relocated creek will be a bridge formed from culvert box sections supported on bored concrete piles, see **Figure 14** below. This allows the bed of the creek to conform to the Department of Water and Energy riparian corridor guidelines. The proposed crossing also provides sufficient waterway area that will not adversely impact on flood levels and is designed appropriately to not adversely impact on the creek bed.

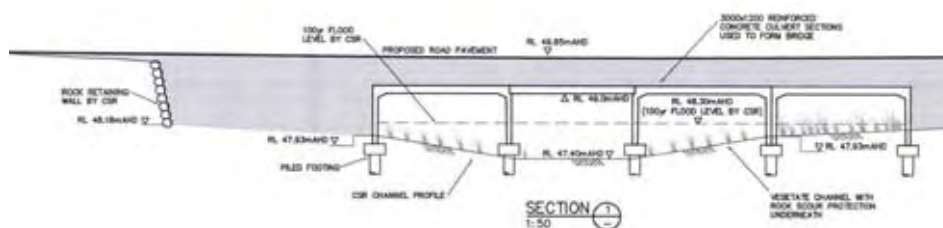


Figure 14 – Schematic section of proposed creek crossing

Erosion and Sediment Control

The construction activities associated with the provision of the entry road turning head and drainage pipe across the road are relatively minor. The proposed floor level for the warehouse, office and truck loading area has been selected to achieve a balanced cut and fill on the site in establishment of the building pad level. The car park area will be generally constructed at the natural ground level with minor reconstructing to suit the drainage design. The construction of the proposed development will therefore not generate large amounts of excess fill or cut. A preliminary Worley Parsons Erosion and Sediment Control Plan is provided at **Appendix H**).

A detailed Erosion and Sediment Control Plan will be submitted prior to the issue of the Construction Certificate as reflected in the Statement of Commitments at Section 7.0 of this report.

This plan will be developed to conform to the Penrith Development Control Plan 2006 – 6.14 Erskine Park Employment Area. This DCP is based on the “Blue Book” which is the Managing Urban Stormwater: Soils and Construction guidelines.

Acid Sulphate Soil Risk

CES investigated acid sulphate soil risk and is presented at **Appendix C**. Standard 1:25,000 Acid Sulphate Soil (ASS) Risk Maps produced by the Department of Land and Water Conservation (DLWC) have not been prepared for the areas within and surrounding the site. Considering the height of the site (ie. Between 30 and 60m AHD) and absence of estuarine environments, it is highly unlikely that ASS (actual and/or potential) would be present beneath the site.

No suspected ASS's were encountered during the drilling program because fill and soil did not exhibit any relevant characteristics as stated in the CES report. No groundwater was encountered during the drilling programme.

Soil Salinity Risk

A review of the map of Salinity Potential in Western Sydney 2002 (Department of Infrastructure, Planning and Natural Resources) indicated the site is located in an area of moderate salinity potential. It is noted that any development that involves significant cut and fill (which the Project does not) is likely to be affected by the potentially saline soils.

6.6 Flooding

A flood and drainage report was prepared by Stephen N Webb & Associates Pty Ltd and can be found at **Appendix K**.

Impacts of the Waterway Crossing on Flood Levels (Afflux)

The extension of Templar Road to the site crosses an artificial creek built by CSR to replace a previous natural creek. The creek provides a design that will be sustainable and will safely convey flood flows in the normal range of design events.

The proposed waterway crossing (refer to Worley Parson's Drawing 5269-02-04E at **Appendix H**) will safely convey floods without adversely impacting upon the CSR site or Jacfin site. The four span crossing structure (12m wide) will be constructed to convey up to the 100 year ARI flood. The proposed crossing will not threaten the stability of the bed and banks in its vicinity with riparian vegetation to be established and sustained over time.

Impacts of the Waterway Crossing on Local Flows

The longitudinal section of the creek through the reach where the waterway crossing is to be established is relatively flat. Further, the new channel design has provided an increased area of flow thus reducing overall velocities. A riffle bed has also been constructed in the invert of the artificial creek at the crossing site as part of the CSR creek works. Transition section (wing walls) are proposed both up and down stream to convey flow through the crossing section so that currents are minimised.

The design of the artificial creek, the presence of the retaining wall on the northern side, and the four span width of the proposed crossing, provide in combination, a relatively benign velocity distribution in the vicinity of the waterway crossing.

A drainage outlet from the Jacfin site after development will discharge to the artificial creek within the CSR land. Scour protection similar to that provided by CSR for the stormwater outlet will be provided. The drainage outlet will have no adverse impact on the stability of the creek bed and banks or the proposed riparian vegetation.

Existing Drainage Lines on Site

An assessment was undertaken regarding on site drainage features. The only drainage feature located was a small decommissioned farm dam located in the north-western corner as well as a small man-made drainage channel which enters the site on the southern boundary. The drainage channel originates from a small catchment upstream of the Sydney Water Pipeline.

Shortly after entering the site the drain loses its identity. Surface run-off finds its way downstream to the farm down due to a topographic depression in the land.

In the event of storm run-off, general overland flow would occur within the small catchment upstream of the pipeline and then spread out as overland flow down to the farm dam near the western boundary.

Water moves down ill-defined channels within the Crown Road Reserve land before exiting at various points directly to the CSR land. With the construction of the artificial creek along the boundary of the CSR site, flows from the Jacfin site and small upstream catchment, will exit into the artificial creek.

Conclusion/Recommendations

- A crossing has been designed over an artificial creek which forms part of the Templar Road extension;
- The design of the artificial creek and waterway crossing allow for the full range of floods up to the 100 year ARI flood;
- The crossing structure as well as wing wall transition structures and scour protection will be implemented for the adequate design and management;
- There are no significant drainage features on the Jacfin site;
- There are no “rivers” as defined in the *Water Management Act* (NSW) 2000 and hence no need for any riparian corridors on the site; and
- None of the site features relating to surface runoff would in any way limit the development potential of the land.

6.7 Contamination

Consulting Earth Scientists (CES) was commissioned to undertake a Stage 1 and Limited Stage 2 Environmental Site Assessment (ESA) at the subject site (refer to **Appendix C**). The ESA was commissioned to assess contamination issues at the site that may have arisen from past and/or present activities undertaken on and/or adjacent to the site. This report has been prepared in general accordance with the requirements specified for a Stage 1 Preliminary Site Investigation and a Detailed Site Investigation as published by the Department of Environment and Climate Change (DECC) (formerly known as the Department of Environment and Conservation (DEC) and incorporating the NSW Environment Protection Authority (NSW EPA)) in Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites (NSW EPA, 1997). The main findings and key conclusions are summarised below:

Historical Use, Ground Conditions and Potential Receptors

A search, carried out by CES, of aerial photos, Council's records, Land Title Searches, Workcover Database Records, NSW EPA Records, indicates the following:

- The site has been generally cleared and unused since 1947;
- Latest records (2005) show that the site appeared unchanged when compared to the 2002 aerial photograph;
- There has been significant developments surrounding the site since 1994 and in particular recent years;
- There are no recorded notices for land within the suburb of Erskine Park listed on the NSW DECC Contaminated Sites Register, the Department of Energy, Utilities and Sustainability did not indicate the presence of any cathodic protection systems on the site and the Department of Defence advised that it holds no record that the site has been used for military purposes;
- A search for the NSW Stored Chemical Information Database (SCID) and microfiche records pertaining to a Licence to Keep Dangerous Goods by WorkCover was not able to be undertaken as the necessary written approval was not received from the client at the time of CES's report. The assessors however stated that given the rural history of the site it is considered unlikely that dangerous goods depots, including underground storage tanks, will have been licensed on the property; and
- Nine registered bores were located within a 4km radius of the site from a search conducted by the NSW Water Information database. The closest registered bore is 500m to the north of the site. All bores were licensed as monitoring bores.

From the review of historical documents it appeared that there have been no significant potentially contaminating activities at the site and observations during fieldwork indicated that there were no current activities on or adjacent to the site that would cause contamination.

Results of site investigation

CES determined through its assessment and sampling that the site in its present condition is considered suitable for commercial and/or industrial land-use. This conclusion is based on the Stage 1 ESA findings as well as the limited Stage 2 ESA findings.

The Stage 1 ESA findings indicated that the site has remained relatively unchanged from its current state and used for agricultural purposes. The limited Stage 2 ESA Findings indicated that gross contamination was not present on the site and no unusual odours that could be potentially associated with contamination were noted.

6.8 Traffic and Transport

An assessment of the traffic and parking implications associated with the proposed industrial warehouse was undertaken by Masson Wilson Twiney Traffic and Transport Consultants and can be found at **Appendix I**. The assessment considers the site location and proposed road network, traffic generation and site access arrangements, the strategic context of regional planning and transport infrastructure and an assessment of the access and parking provisions. The key conclusions of the report are stated below.

Background

As part of the strategic planning undertaken for the Erskine Park Employment Area, Penrith City Council and the RTA adopted a peak hour traffic generation rate of 15 trips per hectare for industrial development across the whole employment area.

The proposed development site (approx 4.2 hectares) is a very small component of the Erskine Park Employment Area (525 hectares) representing less than 1% of the total employment area.

Traffic Generation

The development of the site will generate traffic as anticipated by the strategic planning for the Erskine Park Employment Area and will be subject to Section 94 contributions for road network infrastructure works.

For warehouse land uses the mean floor area per employee was surveyed by the RTA to be 226m² per employee (Roads and Traffic Authority guidelines⁴). For the proposed development this equates to 93 employees within the warehouse. The RTA guidelines for peak hour generation rates for industrial estates are as follows:

- AM peak hour: 0.318 trips/employee
- PM peak hour: 0.365 trips/employee

This equates to a traffic generation of 30-40 vehicle trips per peak hour.

In accordance with the Roads and Traffic Authority guidelines the traffic generation of the office component of the proposed development is estimated at approximately 26 trips per peak hour (2 vehicles/hour/100m² GFA). This equates to a total traffic generation of 60 vehicle trips per peak hour.

This is compatible with the strategic traffic generation rate for the Erskine Park Employment Area of 15 trips/hectare. The implementation of the planned future road network improvements would accommodate the proposed development of the site.

⁴ Roads and Traffic Authority of New South Wales (2002)
Guide to Traffic Generating Developments

Access Road

The proposed access road via an extension of Templar Road would accommodate a 7.0m wide pavement which will facilitate a satisfactory two way vehicle access to and from the site.

A vehicle turning area will also be constructed within the site boundaries, to allow for vehicles to turn around without entering the site's car park or loading areas. Internal access roads to the car park and loading area would connect to the turning area. The provision of access via separate internal roads will reduce the potential conflicts between cars and heavy vehicle manoeuvring areas.

No on-street parking is proposed for the extension of Templar Road. This is consistent with the objectives of the Penrith DCP 2006 for the Erskine Park Employment Area.

The proposed site access and internal road layout are considered appropriate and will adequately service the proposed development.

Parking

The proposed parking provision of 218 onsite parking spaces complies with both DCP requirements and RTA guidelines.

Given the dominance of warehouse uses, it is considered that the proposed parking provision would more than adequately accommodate the parking demands of the development.

Service Vehicle (Loading) Facilities

The proposed loading area will be separated from the car parking area. There will be no heavy vehicle movements through the car park to access the loading dock and is capable of accommodating B Double Truck movements.

The loading dock provision and layout provides a significant manoeuvring area and would facilitate efficient access to and from individual loading docks.

Construction Traffic

As the construction methodology, duration of works and traffic generation are not known at this stage a construction traffic management plan (CTMP) will be developed prior to a Construction Certificate being issued. Traffic implications will then be assessed and addressed at a later stage, as reflected in the Statement of Commitments.

It is anticipated that all construction traffic to and from the site would be via the Templar Road extension. Therefore construction of this road would take place during the initial construction stages.

Exact volumes of construction traffic is yet to be determined but it is predicted that typical daily flows during construction would be similar to if not less than operational traffic generation of the proposed development. Peak construction traffic generation will occur during concrete pours and bulk earthworks. At these periods it is anticipated that some 20 trips per hour (10 in/ 10 out) would occur (these details would be confirmed and assessed as part of the CTMP).

Conclusion/Recommendations

The traffic generation and parking in regards to the proposed warehouse/office development is consistent with the development potential envisaged for the site as part of the Erskine Park Employment Area.

The identified road network improvements are considered to be appropriate to accommodate the proposed development.

The proposed on site parking provisions are in accordance with the requirements of the Penrith DCP and RTA guidelines. The overall proposed development is acceptable with regard to traffic and parking.

6.9 Infrastructure and Utilities

An analysis of necessary infrastructure upgrades was undertaken by Worley Parsons in the Service Report at **Appendix H**. The key conclusions of the assessment are stated below.

Sewerage Services

A Notice of Requirements (NOR) has been issued by Sydney Water Corporation. In order to service the site with sewer the NOR states that it is necessary to extend the diameter of the sewer main from the existing 375mm sewer main located at Templar Road. It is understood that the adjoining CSR site has undertaken part of this extension and that the proposed development will complete the extension and serve the subject site.

Water Supply

The NOR states that the provision of water facilities is dependent on the completion of a 200mm link from Mamre Road by Goodman International. Sydney Water has also indicated that an extension of the water main in Templar Road could accommodate the site.

Electrical Services

Integral Energy has indicated that there is capacity in the existing feeder to supply the proposed development. The existing feeder will be extended to the site from Lenore Lane at the northern end of Templar Road.

Communication Services

Telecommunication services can be provided by extension of services from Lenore Lane at the northern end of Templar Road.

Gas Services

Agility as a matter of policy does not provide mains in an industrial subdivision until requested by individual consumers. The provision of gas will then be based on its assessment of the economic viability.

Conclusion/Recommendations

The proponent will comply with the requirements of relevant public authorities in regard to the connection to, relocation and/or adjustment of services affected by the construction of the proposed development.

6.10 Flora and Fauna

A Flora and Fauna Report has been prepared by Whelans Insites (refer to **Appendix D**). Surveys of the subject site for flora and fauna have been undertaken on a number of occasions over several years since 1999. A supplementary flora survey was also undertaken in March 2008 to provide additional flora records for the report.

Existing Flora

Existing Vegetation

The site is generally clear of vegetation with the exception of grasses and a small number of scattered trees located across the site and along the northern boundary. None of the vegetation on the site is listed as being significant and the Section 149 certificate issued for the site notes that the land does not include or comprise critical habitat. A portion of the site is identified as bushfire prone on the Section 149 Certificate. The site has been used for agricultural purposes (particularly grazing) over a period of at least 50 years.

Vegetation within the decommissioned farm dam in the north western corner of the site includes a number of native wetland and aquatic species. These patches of moister vegetation are now restricted in extent, and are natural regeneration following previous construction of the farm dam for provision of water for stock on the subject site.

Plant Species

A total of 116 plant species have been recorded on the subject site, of which 64 are native and 52 are introduced and/or exotic weed species.

The majority of native species recorded are common to widespread and abundant and many occur regularly within highly disturbed or modified patches of grassland and regrowth woodland vegetation in Western Sydney.

Similarly, many of the introduced species recorded are common to widespread and abundant, with several of the species regarded as “noxious weeds” pursuant to the *Noxious Weeds Act 1993* (NSW).

No threatened flora species have been recorded on the subject site, and none are considered likely to be present given its nature and condition.

The overwhelming majority of the subject site supports:

- *Paspalum* (*Paspalum dilatatum*) or Kikuyu (*Pennisetum clandestinum*) an introduced pasture species;
- a range of common introduced pasture species; and
- an array of native groundcover species.

The areas of quasi-natural grassland scattered through the grazing pasture are not remnant or “native vegetation”. The small patches of woodland trees or copses include some small native understorey, but are highly modified and degraded.

Wetland Vegetation

The decommissioned farm dam is characterised by:

- patches of reeds and sedges;
- generally very small areas of open water (following rainfall events) with a variable range of aquatic herbs; and
- patches of moist soil characterised by *Paspalum distichum*.

Existing Fauna

The subject site only provides limited habitats and resources for native fauna and there are no special or significant features or habitat types present on the site. The pasture grassland across the site is of no conservation significance and provides habitat for only a limited number of fauna species, typical of open habitats and/or urban environments.

The scattered trees provide limited resources or features of value for fauna habitats. The limited habitat types and resources present would severely restrict the suite of fauna that could potentially use the subject site.

The decommissioned farm dam located in the north western corner of the site would previously have provided some localised habitat, however, all of the species that are likely to utilise this area are considered common and widespread. There are no known populations or records of threatened amphibian or avian species in the immediate locality.

A range of urban bird species and other native fauna which characteristically use grassland and open woodland habitats have been recorded on or likely to occur on the subject site. These species include:

- Kookaburras;
- Noisy Miners;
- Australian Magpies;
- Rainbow Lorikeets;
- Galahs;
- Masked Lapwings;
- Magpie-larks;
- Eastern Grey Kangaroos; and
- Swamp Wallabies.

It is unlikely that any other native terrestrial mammal species would be present. Several microchiropteran bat species and common reptiles known to the Western Sydney area have been recorded. The subject site does not support habitat or resources of particular relevance for any such species. Since the decommissioning of the farm dam, common amphibian species, such as the Common Eastern Froglet and the Striped Marsh Frog have significantly declined. This is due to subsequent drainage of the decommissioned dam with only small areas of ephemeral water now present.

Threatened Biota

Due to the nature and condition of the subject site, and the habitats and resources present, it is not considered likely that any threatened fauna species would be reliant or dependent on the site (refer to Flora and Fauna Report at **Appendix D**).

Impact Assessment

The proposed Project will involve complete transformation of the site from its agricultural nature to an industrial development with extensive landscaping and water quality management. It is not proposed that any vegetation or existing features of the site be retained, although it is proposed to provide a rain garden and water detention feature (in the north western corner and bioswales along the northern boundary), all of which will feature native vegetation.

None of the vegetation present on the subject site is of biodiversity conservation value or significance, and modification of the site as proposed would not involve the loss of relevant or significant habitat or resources for any threatened biota.

The proposed Project satisfies the objects of the EP&A Act, particularly with respect to the conservation of biodiversity in NSW, the protection of threatened biota and their habitats and the achievement of ESD outcomes.

As no threatened biota is considered to be adversely affected by the proposed Project, there is no requirement to “mitigate” or “offset” any such impacts including clearing of vegetation. The subject site does not contribute in any relevant way to the Biodiversity Corridor which is being developed to the north of the site between the retained woodland vegetation to the west of the site and the north east. The Biodiversity Corridor has been identified in the BMP for the EPEA. There is no requirement for the subject site to provide any element of that BMP.

Bushfire and Creek Crossing Impacts

There is no requirement for the provision of measures to protect the Biodiversity Corridor from the possible impacts of bushfire emanating from the site. Following development, there will be no risk of bushfire on the site and appropriate bushfire protection measures will be incorporated into any industrial activities on site.

The subject site is separated from bushland by peripheral roads and parking areas. There is no requirement for the management of vegetation within these areas to reduce the risk of bushfire impacts upon the development. The proposal will not affect the Biodiversity Corridor in respect of bushfire protection requirements.

Conclusion/Recommendation

The proposed Project will not adversely affect the functioning of the Biodiversity Corridor. There will be no imposition of impacts for bushfire protection on the Biodiversity Corridor as a result of the proposed development and the proposed crossing of the constructed watercourse to the immediate north of the site will not adversely affect the functioning of that Corridor to any relevant extent. The crossing has been designed to incorporate an additional box culvert for the purposes of terrestrial fauna movements, it is anticipated that the vegetation along the watercourse will not be disrupted due to the road crossing of the watercourse.

The recommendations within the Flora and Fauna report with respect to erosion and sediment control and management of wastes during construction have been addressed in the Draft Statement of Commitments at Section 7.0.

6.11 Indigenous Heritage

A Heritage Impact Statement for Aboriginal Archaeology and Cultural Heritage has been prepared by Jo McDonald Cultural Heritage Management Pty Ltd (refer to **Appendix E**). The report was prepared to assess and ensure that the proposed development does not adversely impact upon any significant Aboriginal Cultural Heritage of the area.

The key aspects of the Heritage Impact Statement are outlined below.

Archaeological Background

The study area falls within the boundaries of the Deerubbin Local Aboriginal Land Council (DLALC) and is within the area of interest to the Darug Custodian Aboriginal Corporation (DCAC) Darug Tribal Aboriginal Corporation (DTAC) and Darug Aboriginal Cultural Heritage Assessments (DACHA).

Representatives of all the above Aboriginal groups were informed of the current project on 13 February 2008, participating in the field inspection. Comments made by the representatives are included at **Appendix E**.

Twelve previous studies have been carried out in the vicinity of the study area between 1994 and the present. As a result of these studies it was predicted that there may be evidence of localised or sporadic indigenous use of the study area with likely findings of raw material for stone tool production.

Impact Assessment

A Land Use Impact Assessment was carried out by Jo McDonald Cultural Heritage Management Pty Ltd to allow for the quantification of known disturbances and impacts to the study area. Disturbances were identified relating to tracks, areas of deflated exposure and earthworks related with a dam/bund construction to the northwest of the site. Pedestrian field surveys were undertaken where possible as ground surface visibility was extremely low over the majority of the study area. As a result of this field survey one open artefact scatter and two isolated artefacts were identified. A total of six artefacts were recorded at these sites.

As a result of the field survey/studies an archaeological sensitivity map has been created by the assessors and can be seen in **Figure 15** below. Four zones of archaeological sensitivity are used for the assessment. These zones include:

- Zone 1 – High archaeological potential
- Zone 2 – Good archaeological potential
- Zone 3 – Moderate archaeological potential
- Zone 4 – Low to No archaeological potential



Figure 15 – Land use mapping within the study area, showing land use impact categories and resultant management zones

Source: (Jo McDonald Cultural Heritage Management Pty Ltd, 2008)

Conclusion/Recommendations:

The recommendations are as follows:

- There are no Zone 1 lands in Lot 11 DP229784, therefore no part of the subject site warrants conservation.
- On the basis of the air photo interpretation, it is identified that there has been low to moderate disturbance on 64% of the site.
- Development impact on the site will require the destruction of identified surface finds (Aboriginal ‘object’) and an area of 2.6ha identified as having moderate to good potential to contain intact archaeological deposit.
- The majority of the subject lands are assessed as Zones 2 and 3. The identified surface site is ranked as having moderate potential (Zone 3) to contain associated intact archaeological deposit. The two isolated finds fall in Zone 4. A target landscape which includes Zones 2 and 3 – and which will be impacted by the development proposal – should be chosen for sub-surface investigation (salvage) as mitigation against the development proposal.
- DLALC, DCAC, DTAC and DACHA have been informed of the current development proposal and should be involved in the selection of this sub-surface investigation. Their wishes, as expressed in their reports on the area’s cultural significance, should also be considered.
- DLALC, DCAC, DTAC and DACHA may wish to monitor ground disturbance works associated with the construction of the proposed development impacts.

These recommendations are reflected in the Statement of Commitments in Section 7.0.

6.12 Noise

A preliminary Noise Assessment has been prepared by Heggies Pty Ltd and located at **Appendix L**. The assessment involved a background noise assessment in order to determine both appropriate construction noise level goals and operational noise limits for the proposed industrial warehouse.

The nearest noise sensitive receivers to the site were identified as residents at Emmaus Village (off Bakers Lane, Kemps Creek) and a single dwelling house some 615m (approx) directly south of the site. The next nearest noise receivers are more than 1.5km to the north of the site (St Clair) and would be shielded by other industrial warehouse developments such as the BlueScope Steel site. Background noise measurements were conducted at the Emmaus Catholic College approximately 740m to the south west of the site.

The acoustic environment at the site is currently dominated by activities associated with land filling, land preparation, construction activities and traffic noise on Mamre and Erskine Park Roads.

Background Noise Monitoring Results

An unattended background noise monitoring assessment (26 February to 28 February 2008) and operator-attended noise survey (26 February and 4 March 2008) were undertaken to assess the noise levels of the monitoring location. The results are shown at **Appendix L**.

Noise Assessment

The assessment concludes that the construction, traffic and operational noise goals will be readily achievable through the implementation of standard construction and operational practices (based on an understanding of similar operations).

Whilst it is acknowledged that the occupant of the warehouse is yet to be determined, it is noted that the nearest noise sensitive receiver is some 740 metres south west of the site (Emmaus College). As such, it is considered that noise from a standard warehousing facility is unlikely to exceed the criteria specified within the Heggies Noise Assessment.

Nonetheless, prior to the issue of the Occupation Certificate a noise assessment on the proposed operator will be undertaken by a suitably qualified consultant to demonstrate that the required noise criteria can be met. If the proposed noise levels for the use is predicted to be higher than the criteria nominated then further assessment/mitigation measures will be undertaken at this time. This has been reflected in the Statement of Commitments at Section 7.0 of the EAR.

6.13 Bushfire

Bushfire Risk to the Proposed Building

It is noted that the Section 149 Certificate for the site identifies part of the site as bushfire prone land. Discussions with Council Officers indicate the Bushfire Prone land map is probably out of date given recent subdivision, construction work and clearance of vegetation in the area (see **Figure 6** for the extent of this clearing).

Whilst many of the prescribed APZ's and construction standards within Planning for Bushfire Protection 2006 do not apply to industrial development (mainly apply to residential) consideration of the requirements for Planning for Bushfire Protection have been considered in the Project proposal, with a Bushfire Statement prepared by Australian Bushfire Protection Planners at **Appendix M**, and as described below.

The Building Code of Australia provides acceptable solutions to the provision of bushfire safety. An assessment of the proposed development states that the separation between the western elevation of the warehouse and the Biodiversity Corridor to the west is 42.0 metres, which is four times the minimum width required by the NSW Rural Fire Service. This setback allows for a 'defendable space' with distance and time to restrict radiant heat from approaching the Biodiversity Corridor at an optimal level.

The distance between the northern elevation and Biodiversity Corridor is 12.0 metres. This allows for the requisite 'defendable space' needed for fire safety standards. The location of the office building could be subject to bushfires occurring north and east of the site. To counteract this and provide protection against this potential impact, the office building (on the northern and eastern facades) will be constructed to comply with Level 3 specifications as defined by the Australian Standard A.S. 3959 – 1999 – "*Construction of Buildings in Bushfire Prone Areas*". Glazed windows and doors will also be implemented and designed to withstand potential radiant heat.

Water supplies have been addressed in the provision of static water supply tanks and the installation of hydrants/fire hose reels. This is in accordance with the Building Code of Australia and A.S. 2419.1 – 2005.

In regards to emergency planning, an Evacuation Plan will be prepared and be submitted to Penrith City Council prior to the issue of the Occupation Certificate. These requirements are reflected in the Statement of Commitments at Section 7.0.

Fire Management Procedures to Minimise Risk to the Biodiversity Corridor

Fire within the proposed warehouse/office area:

Should a fire occur within the warehouse or office area a wet-down sprinkler system will activate, limiting the likelihood for the fire to spread and removing the potential impact of heat affecting the surrounding vegetation (including the Biodiversity Corridor to the west and north of the site). The wet-down sprinkler system will also minimize contaminated runoff due to early activation.

Fire within the proposed car park:

Should a fire occur in a parked car within the car park area, the heat output from this will not be sufficient to impact upon any adjoining vegetation to the site, (including the Biodiversity Corridor).

Fire within the proposed loading dock area:

Should a fire occur within a parked truck in the loading dock area, radiant heat that would be emitted will have negligible to moderate potential localised scorching on vegetation to the west of the site, (including the Biodiversity Corridor). It is proposed that fire hose reels are to be situated and mounted in hose boxes along the western edge of the loading dock area. These fire hoses will enable adequate capacity to extinguish the fire prior to the fire service arriving. Final details of these hose reels will be submitted to Penrith City Council prior to the issue of the Occupation Certificate (as per the Statement of Commitments at Section 7.0).

Fire Access

There is adequate fire access to and around the site that complies with the access provisions of *Planning Bushfire Protection 2006*. These access areas are:

- North: Access Road from Templar Road to car park;
- East: Proposed car park;
- West: Loading Dock parking area; and
- South: Access road link between eastern car park and western loading dock area (6 metres wide – “Emergency Vehicle Access” route).

Contamination:

Contaminated runoff from fire suppression activities has the potential to impact upon the stormwater catchment system. Sufficient control measures have been considered and are located in Section 3.5.6 of the Worley Parsons Water Management, Access Road and Services Report at **Appendix H**. In addition to this, bunding and absorption material will be stored on site to minimise the spread of runoff.

6.14 Consideration of Alternatives

As part of the Project Application site analysis and design review process, the siting and layout of the various components on the site, their relationship and integration with the surrounding locality was considered.

One option considered was to provide the office component at the western end of the site rather than the eastern end, to allow greater activation, surveillance and visual appeal at the entry to the site.

However, it was considered that due to the unusual and constrained triangular shape of this site, this would not meet the functional requirements of the warehouse proposal. The reason for the chosen arrangement is that it allows for the maximum required rectangular area for the truck access to and from the building. Location of these functions at the eastern end would result in a triangular shaped access area for trucks. In addition, the layout of the car park and compliance with AS2890.1 and AS2890.2 is better achieved at the eastern end. Following from this, it is logical to locate the office functions at the eastern end of the site adjacent to the car park. If the office was located at the western end, then there would be considerable, undesirable separation between the car park and the office functions.

As outlined in **Appendix G**, the visual impact of the proposed arrangement has been considered in the context of the surrounding locality and is considered to be acceptable.

7.0 Draft Statement of Commitments

| Subject | Commitments | Approved by Whom | Timing |
|--|--|-----------------------|--|
| Approved Project | The development for the industrial warehouse development and ancillary offices will be carried out generally in accordance with the architectural drawings prepared by Vaughn Constructions / De Angelis Taylor Associates (Plan DA01 Revision B dated 25 July 2007, Plan DA02 Revision B dated 25 July 2007 and Plan DA03 Revision B dated 25 July 2007) and landscape architect drawings prepared by Cabbage Tree Landscaping (Plan DALP-01 Revision A dated 18 February 2008, Plan DALP-02 Revision A dated 18 February 2008, Plan DALP-03 Revision A dated 18 February 2008, Plan DALP-04 Revision A dated 18 February 2008 and Plan DALP-05 Revision A dated 18 February 2008), and with the Environmental Assessment Report prepared by JBA Urban Planning Consultants Pty Ltd dated July 2008. | - | No Timing. General Statement of Commitment. |
| Stormwater Outlet into the CSR relocated Creek | The development proposes to have a stormwater pipe outlet into the CSR creek downstream of the site. The outlet would have rock scour protection which would match the designs for the CSR outlets to the creek. | - | No Timing. General Statement of Commitment. |
| Water re-use / rainwater tank | The rainwater tank will be plumbed directly to the toilet facilities on site. In the future, allowance will be made to permit connection by the State Government to a possible regional reuse strategy. | - | No Timing. General Statement of Commitment. |
| Traffic and Parking | The proposed parking layout will be provided in accordance with the design requirements of AS2890.1-2004. The proposed parking provision of 218 spaces would include both employee and visitor spaces. Visitor parking will be provided within close proximity to the main building entrance. A recommended 1-2% of total car parking spaces will be designed and designated as disabled parking spaces in accordance with AS2890.1. The southern access road will be constructed of gravel. | - | No Timing. General Statement of Commitment. |
| Bushfire | General commitments to bushfire safety include: <ul style="list-style-type: none"> - Bunding and absorption materials will be stored on site to be used to minimise the spread of runoff; - The stormwater management system will hold any contaminated water from fire suppression activities on site and allow for its removal to be by tanker for proper disposal; - The northern and eastern elevation of office building component of the proposed warehouse will be constructed to comply with Level 3 specifications as defined by the Australian Standard A.S. 3959 – 1999 – “Construction of buildings in Bushfire Prone Areas” - The northern and eastern elevation of the office component of the proposed warehouse will contain glazed windows and doors for heat control purposes (designed to withstand 40kWm² radiant heat levels); and - The development will provide static water supply tanks and hydrants/fire hose reels and will be installed in accordance with the Building Code of Australia and A.S. 2419.1 – 2005. | - | No Timing. General Statement of Commitment. |
| Construction and Waste Management | A construction and waste management plan will be prepared to address noise and waste management issues associated with the Project construction. | Penrith City Council. | Prior to the issue of Construction Certificate |
| Construction Traffic Management Plan (CTMP) | A Construction Traffic Management Plan (CTMP) will be developed. | Penrith City Council. | Prior to the issue of Construction Certificate |

| Subject | Commitments | Approved by Whom | Timing |
|---|---|--------------------------------------|---|
| Contributions | The proponent will pay contributions in accordance with the current S94 Contributions Plan for Erskine Park Employment Area for the development area as identified in the project application. The payment of contributions may be staged and paid prior to the release of the Construction Certificate for the site. | Penrith City Council. | Prior to the issue of Construction Certificate |
| Fire Management for Biodiversity Corridor | A detailed Hazard Management Plan, including maintenance program for landscaping will be prepared. | Department of Planning. | Prior to the issue of Construction Certificate |
| Erosion and Sediment Control | A detailed erosion and sediment control plan will be submitted and approved by the principal certifying authority, based on the erosion and sediment control provisions within the Penrith DCP and the "Blue Book" for Managing Urban Stormwater. During construction, the Proponent shall carry out all reasonable and feasible measures to minimise soil erosion and the discharge of sediment from the site to downstream waters. | Principal Certifying Authority (PCA) | Prior to issue of Construction Certificate and during Construction. |
| Materials and Finishes | Finalised colours and materials will be submitted to the Department of Planning for approval prior to the issue of the Construction Certificate. The chosen palette of colours and materials will: <ul style="list-style-type: none"> - be consistent with those required for the Erskine Park Employment Area by the Penrith DCP (eg: earth tones such as stone colours, browns, muted greens, sand, dark red / plums; and cool tones such as soft greys, grey / blues). - use external materials that do not exceed 20%, consistent with DCP requirements. - will be energy efficient; and - will consider the requirements of Planning for Bushfire Protection 2006 for selection of materials in bushfire prone areas. | Department of Planning | Prior to issue of Construction Certificate. |
| Waste Management Plan | A Waste Management Plan will be prepared and submitted prior to the issue of the Construction Certificate. | Penrith City Council | Prior to issue of Construction Certificate. |
| Access Road/ Creek Crossing | The proposed access road will be provided in the initial construction phase, prior to construction of the warehouse facility and will conform to Department of Water and Energy requirements. | Approved with Project Application. | Provided prior to construction of warehouse facility. |
| Aboriginal Heritage | <ul style="list-style-type: none"> - A target landscape which includes Zones 2 and 3 will be chosen for sub-surface investigation (salvage) as mitigation against the development proposal; - DLALC, DCAC, DTAC and DACHA will be involved in the selection of this sub-surface investigation. Their wishes, as expressed in their reports on the area's cultural significance will also be considered; - DLALC, DCAC, DTAC and DACHA may wish to monitor ground disturbance works associated with the construction of the proposed development impacts. The applicant will therefore consult with these groups prior to construction. | On-going consultation. | Prior to Construction. |
| Services | The proponent will comply with the requirements of relevant public authorities in regard to the connection to, relocation and/ or adjustment of services affected by the construction of the proposed development. | Relevant Service Provider. | During construction. |

| Subject | Commitments | Approved by Whom | Timing |
|---|---|----------------------|---|
| Construction | The proposed construction works will generally restricted to the hours outlined in Section 6.9.2 of the Penrith DCP 2006 – 6.14 Erskine Park Employment Area, being <ul style="list-style-type: none"> - Monday to Friday, 7.00 a.m. to 6.00 p.m. - Saturday, 7.00 a.m. to 1.00 p.m. - No work on Sundays or Public Holidays | No approval | During Construction |
| Landscaping | Landscaping shall be provided in accordance with the approved Landscape Plan prior to occupation of the premises and will be maintained throughout construction and for the life of the development. | Penrith City Council | Prior to Issue of Occupation Certificate and on-going |
| Hours of Operation | The final hours of operation for the premises will be submitted to Penrith City Council for approval prior to issue of Occupation Certificate. | Penrith City Council | Prior to Issue of Occupation Certificate |
| Lighting | Provision will be made for external lighting during the detailed design phase and will comply with the relevant requirements of <i>Control of Obtrusive Effects of Outdoor Lighting (Standards Australia, AS4282)</i> . A compliance certificate by a suitably qualified consultant demonstrating compliance will be provided prior to issue of the Occupation Certificate | Penrith City Council | Prior to issue of Occupation Certificate |
| Signage | Final details of the approved signage panel (including colours and proposed wording) will be submitted. | Penrith City Council | Prior to issue of Occupation Certificate |
| Noise | Prior to the issue of the Occupation Certificate a noise assessment on the proposed operator will be undertaken by a suitably qualified consultant to demonstrate that the noise criteria within the Heggies (July 2008) report can be met. If the proposed noise levels for the use is predicted to be higher than the criteria nominated then further assessment/mitigation measures will be undertaken at this time. | Penrith City Council | Prior to issue of Occupation Certificate |
| Bushfire | An Evacuation Plan will be prepared and submitted to Penrith City Council prior to issue of an Occupation Certificate. Fire hose reels will be mounted in Hose Boxes along the western edge of the Loading Dock parking area to provide a capacity to extinguish the fire prior to service attendance. | Penrith City Council | Prior to issue of Occupation Certificate |
| Water Quality Measures On-going Maintenance | The proposed water quality measures will conform to an ongoing maintenance program, as follows: <ul style="list-style-type: none"> - Periodic (6 monthly) inspection and manual removal of any gross pollutants and coarse sediment that is deposited in the bio-retention swales and replacement of vegetation as necessary; - Periodic (3 monthly) and episodic (post storm greater than 1 yr ARI) inspection and removal of trapped pollutants from all GPT's; and - Periodic (annually) inspection (and flushing if required) of the bio-retention systems. The proponent commits to a 90% reduction in generated oils and grease through the implementation of the Bio-retention swales | - | Ongoing |
| Storage Facilities | Suitable storage for goods, plant, equipment and other material will be stored appropriately and screened from view surrounding developments. | General Commitments | Ongoing |
| Air Quality | Appropriate dust control measures will be implemented during the preparation and construction stages of the proposed development. | General Commitments | Ongoing |

8.0 Conclusion

The proposed development is consistent with the aims, objectives and planning policies related to the site and as set out in and the Metropolitan Strategy in particular the objectives for the Western Sydney Employment Hub plan, now also enunciated in the objectives of draft SEPP for the Western Sydney Employment Hub. The proposed warehouse provides an opportunity to enhance economic and employment growth within the region helping provide some of the 36,000 jobs predicted for the Hub.

The Environmental Assessment addresses the environmental issues in the Director-General's Requirements dated 26 November 2007. The potential environmental impacts associated with the proposed development have been considered and addressed in this report and have been found not to adversely impact on the local built and natural environment. It is considered that any proposed impacts will be mitigated by the draft Statement of Commitments.

Based on the merits of the proposal, and in the absence of any detrimental environmental, social or economic impacts, we recommend that the proposed Project be approved, subject to appropriate conditions of consent.