



Request for Secretary's Environmental Assessment Requirements

**Proposed Warehouse &
Distribution Facility**

Horsley Drive Business Park

Prepared by McKenzie Group Consulting Planning
NSW Pty Ltd on behalf of Australand Property
Group

May 2015

Request for Secretary's Environmental Assessment Requirements

Proposed Warehouse and Distribution Facility - Martin Brower

Horsley Drive Business Park

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PART A PRELIMINARY

1.1 INTRODUCTION

This scoping document has been prepared by McKenzie Group Consulting Planning (NSW) Pty Ltd on behalf of Australand Property Group and is submitted to the NSW Department of Planning and Environment (DP&E) in support of a formal request for Secretary's Environmental Assessment Requirements (SEARs).

This request for SEARs is made in relation to a proposed Warehouse and Distribution Facility, located within Horsley Drive Business Park. The proposed facility comprises a Gross Floor Area of x and will be utilised for one operation at one location.

As the site is located with the Western Sydney Parklands, it is subject to the provisions of *State Environmental Planning Policy (Western Sydney Parklands) 2009* (WSP SEPP), and as such is not zoned. Pursuant to Clause 11(2) of the WSP SEPP, the proposal represents an 'innominate development' and is therefore permissible with consent NSW DP&E.

The proposal satisfies the definition of State Significant Development pursuant to Schedule 2 Clause 5 of *State Environmental Planning Policy (State and Regional Development) 2011* as the Capital Investment Value exceeds \$10 Million.

This document provides a brief overview of the proposal and the planning framework that applies to enable the issue of the SEARs that will guide the preparation of a formal Environmental Impact Statement for future development of the land.

Environmental considerations relevant to the proposal have been identified to include:

- Soil and water;
- Air quality;
- Noise;
- Flora and fauna;
- Aboriginal and historical heritage;
- Traffic and transport; and
- Visual amenity and site design.

The proposal promotes development of the Western Sydney Region, providing employment opportunities and contributes to the growth of industrial development in an environmentally sustainable manner.

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PART B SITE ANALYSIS

2.1 SITE LOCATION & EXISTING CHARACTERISTICS

The site is located within Horsley Drive Business Park at the corner of The Horsley Drive and Cowpasture Road, Wetherill Park and forms part of the Western Sydney Parklands located within the Fairfield Local Government Area (refer **Figure 1**).

The site is predominately cleared of vegetation and covered with pasture grasses with only minor scattered stands of trees and scrub. The prior use of Lot 10 in DP 879209 as a fuel storage depot has resulted in localised contamination.

An aerial photograph of the site, showing the site characteristics is provided as **Figure 1**.

The topography of the local landscape includes steep low hills (90-300m), usually with a southerly aspect, and with gradients of >20%. These landforms include undulating to rolling low hills (50-80m) with slopes of 5-20%, and flat to gently sloping alluvial plains with local relief up to 10m and slopes of up to 5%.

The proposed HDBP site itself has an undulating topography, with a dominant east-west ridge running through the land. This ridge effectively divides the site into two (2) catchments, with drainage generally running to the south-east in areas south of the ridge, and to the north-east in areas north of the ridge.

The site contains a tributary of Orphan School Creek that runs through (from east to west) through the northern half of the property. This watercourse is now largely obscured as a result of a long history of farming activity. However, two moderately sized farm dams are located in the south western third of the study area, with a third located in the north western corner of the property. Each of these water retention dams were created post-1930 and prior to 1961

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Figure 1: Existing Development – Subject Site (Source: NSW LPI, 2014)

2.2 SITE/STRATEGIC CONTEXT

The site for part of The Western Sydney Parklands which is located in the heart of Western Sydney, that comprises a 27km corridor stretching from Quakers Hills to Leppington. Consisting of 5,280 hectares, the Parklands will be the largest urban parkland system in Australia and one of the largest in the world.

Although at the present time, much of the land is still to be developed for its long term parklands purpose, approximately 40 percent of the Parklands is currently interim land uses including rural residential or vacant land. Portions of the Parklands are leased for a variety of uses including agriculture, waste processing, motor sports and rural residential purposes, while about 7 percent of the corridor is still to be acquired from private owners. In addition, approximately 21 percent of the Parklands is utilised for long term infrastructure including Prospect Reservoir and the associated water supply canal and pipelines, as well as electricity, gas and water easements, waste services, water storage tanks, telecommunications towers and other essential infrastructure.

Major recreation facilities located within the Parklands include:

- Blacktown Olympic Park;
- Eastern Creek International Raceway;
- Western Sydney International Dragway;
- Sydney International Equestrian Centre; and
- Sydney International Shooting Centre.

There are also picnic grounds at Plough and Harrow, The Dairy, Sugarloaf Ridge, Lizard Log, Nurragingy, Peckys, Walder Park and extensive walking and cycling areas.

The extent of the Parklands is shown in **Figure 2**.

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The presence of an existing road network that provides connectivity to other areas of Western Sydney, Sydney International Airport and Freight Terminal which confirms the suitability of the site for warehousing and logistics purposes. Notable road networks include:

- M7 Westlink;
- Great Western Highway;
- Hume Highway; and
- South Western Motorway

Surrounding land, predominately to the west of the site forms part of the Western Sydney Employment Area (WSEA) which is identified as a freight and logistics hub that contains modern facilities occupied by competing businesses. It is noted that the WSEA is subject to future expansion which is being driven by a shift in economics and a competitive market demand for industrial zoned land.

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Figure 2: Western Sydney Parklands Extent (Source: WSP POM, 2010)

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2.3 DEVELOPMENT HISTORY

On 8 January 2013, the Minister for Planning and Infrastructure (now NSW Department of Planning & Environment) granted approval for Horsley Drive Business Park subdivision and infrastructure works (SSD 5169), comprising:

- 12 Lot subdivision and access road under leasehold arrangement;
- Demolition of two existing dwellings, ancillary structure and existing trees across the site;
- Remediation of part of the site which was associated with former fuel storage;
- Bulk and detailed earthworks to create building pads;
- Estate infrastructure including central access road, connection with essential utilities and provision of OSD basins and associated stormwater infrastructure; and
- Estate landscaping treatments, comprising predominately native vegetation.

Works are yet to commence on the site as per the approval, however Australand have now entered into a Development Agreement with the Western Sydney Parklands Trust (WSPT - the owner of the land) to develop the estate.

Presently under assessment is a Section 96(1A) Modification Application to the approved Concept Plan for the estate (refer **Figure 3**). This is being assessed by NSW DP&E. The particulars of this proposal are outlined below:

- Reduce the number of allotments from 12 to 6 and amend building footprints;
- Amend the staging of the development;
- Amend retaining wall heights;
- Re-shape detention basin to improve stormwater management outcomes; and
- Registration of subdivision and titles prior to the construction and dedication of road works.

Development Application 860.1/2014 was also submitted to Fairfield City Council in December 2014 for the construction of a warehouse facility 1A/1B. This application is currently under assessment and will be determined upon approval of the revised Masterplan.

The proposed layout of the estate (as modified) is shown below.

It is noted that the revised Masterplan contains no reference to the building footprints on the site.

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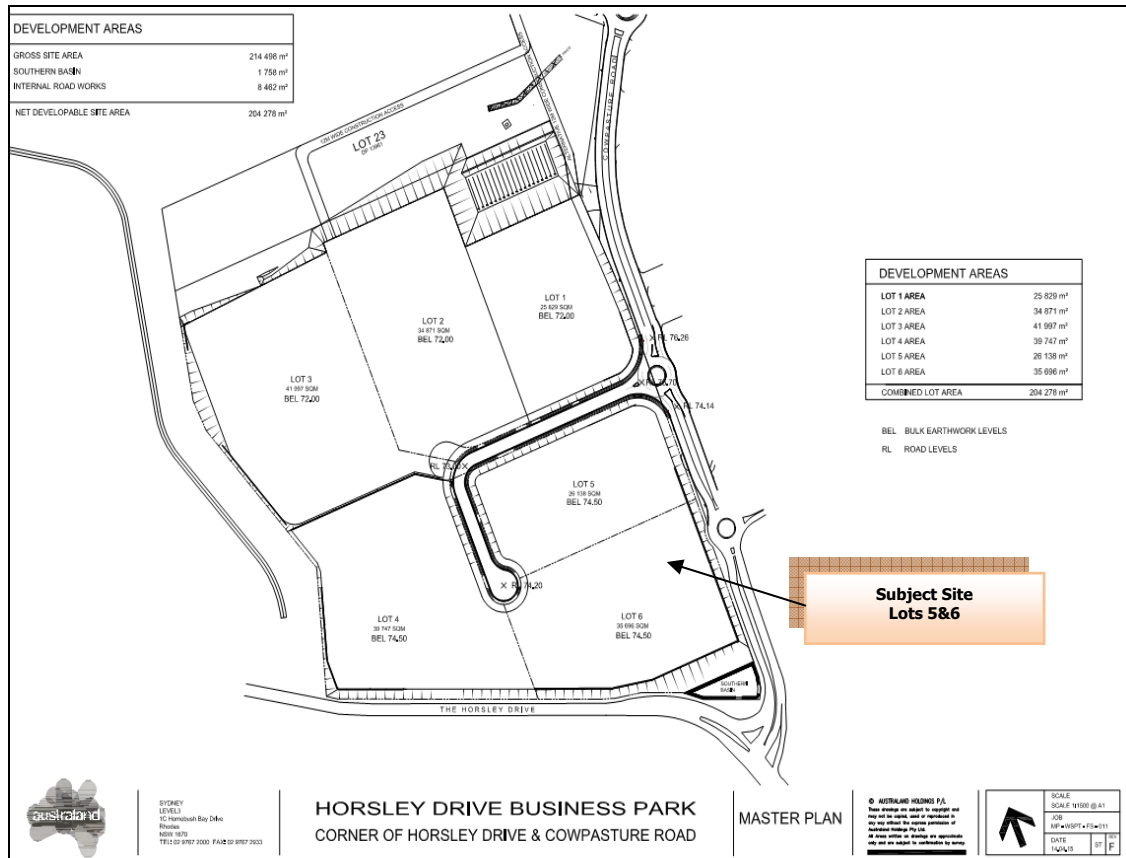


Figure 3: Modified Concept Plan (Australand, 2015)

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PART C PROJECT SUMMARY

3.1 AIMS AND OBJECTIVES OF THE PROPOSAL

The following objectives have been identified as forming the basis of the proposed development of the subject land to accommodate a future Warehouse and Distribution Facility:

- Design the Site to achieve viable economic return;
- Ensure minimal environmental and amenity impact;
- Provide for employment generating land uses; and
- Ensure development is compatible with surrounding development and the local context.

The site and proposed design are considered to meet the objectives of the project as it allows for development on land that has been previously disturbed and used for low intensity purposes within the Western Sydney Parklands.

3.2 DESCRIPTION OF THE PROPOSAL

Consent is sought to develop the site for the purpose of a purpose built Warehouse and Distribution Facility including main office, dry store, chiller, freezer and chilled staging areas for Martin Brower.

Martin Brower will use the premises for the warehousing and distribution of perishable food products and non-perishable commodities to McDonalds Restaurants. There will be no food production or processing activities in the proposed facility.

Use of the facility will be on a 24 hour, 7 day basis, consistent with surrounding operations. The proposed development particulars are outlined as follows:

TABLE 1 – Proposed Development Particulars

Project Element	Warehouse GFA	Office GFA	Total GFA
Warehouse/Office	15,427sqm	3,132sqm	18,559sqm
Car Parking	250 spaces		
Primary Land Use	Warehousing, distribution and logistics		
Bulk Earthworks	Bulk earthworks are proposed to be carried out under SSD 5169 out to establish building pads for the Site and balance the cut/fill. No such works are required under the subject proposal.		
Infrastructure and Services	All infrastructure has been approved under SSD 5169.		
Operational Jobs	200 Operational jobs		
Construction Jobs	250 construction jobs		

3.3 STAGING OF DEVELOPMENT

The development is to be completed in a single stage upon completion of construction.

3.4 CAPITAL INVESTMENT VALUE

While costs have not yet been finalised, the estimated Capital Investment of this project is expected to be in excess of \$20 Million. The costs will be finalised once the final design is resolved.

As this exceeds the \$10 Million threshold under Schedule 2 of *State Environmental Planning Policy (State and Regional Development) 2011*, the proposal is deemed State Significant Development.

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3.5 CONSULTATION

Consultation is currently being undertaken with the following stakeholders:

- Fairfield City Council;
- NSW Roads and Maritime Service; and
- Surrounding landowners

Consultation with relevant stakeholders will be undertaken whilst preparing a detailed Environmental Impact Statement in keeping with the Department's Major Project Community Consultation Guidelines.

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PART D JUSTIFICATION

The intention of the proposal is to construct a new warehouse and logistics hub. It is considered that the proposal:

- Allows for the development as a permissible use;
- Has appropriate access to the regional road network;
- Is compatible with surrounding development and local context;
- Will generate employment opportunities, thus contributing to the growth of Western Sydney;
- Will result in minimal impact on the environment; and
- Will allow for the implementation of suitable mitigation measures where required.

The site is considered to be appropriate for the project as it allows for the use of the site for warehousing, distribution and logistics purposes in an emerging industrial precinct. The site design and layout of the built form seeks to maintain consistency with the objectives of the zone and enhance the underlying industrial character intended for the locality. This will be achieved by the resultant built form which reinforces the industrial nature of the land and is sensitive to the surrounding environment.

The options considered, and subsequently dismissed, in arriving to the current proposal included:

(a) 'Do Nothing' Scenario

This option was dismissed as the objectives of the project would not be met.

If the proposal was not to proceed, the site would be developed for other industrial purposes.

(b) Development on an Alternative Site

Consideration to alternative sites were made, however these were dismissed as the subject site resulted in the most beneficial outcomes for the proposal as:

- it will be located within a site zoned for land uses such as Warehouse Distribution Centres;
- the site has appropriate proximity from sensitive land activities including residential development;
- all potential environmental impacts of the proposal can be suitably mitigated within the site;
- the proximity to the regional road network provides increased economic benefits;
- The proposal generate employment opportunities, during both the construction and operational phase;
- the proposal will not affect any area of heritage or archaeological significance; and
- the proposal can be developed with appropriate visual amenity given its surrounding context.

The proposal is justified on the basis it is compatible with the locality in which it is proposed while having no unacceptable economic, environmental or social impact.

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PART E LEGISLATIVE AND POLICY FRAMEWORK

The following current and draft State, Regional and Local planning controls and policies have been considered in the preparation of this application:

State Planning Context

- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning & Assessment Regulation 2000*
- *Protection of the Environment Operations Act 1979*
- *Threatened Species Conservation Act 1995*
- *NSW 2021 : A Plan to Make NSW Number One*
- *State Environmental Planning Policy (Western Sydney Parklands) 2009*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy No.33 – Hazardous and Offensive Development*
- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *State Environmental Planning Policy No.64 – Advertising Structures and Signage*

Local Planning Context

- *Fairfield Local Environmental Plan 2013*
- *Fairfield Development Control Plan 2013*

This planning framework is considered in detail in the following sections.

5.1 Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EP&A Act) is the overarching governing document for all development in NSW and pursuant to Section 89D (2) provides that:

A State environmental planning policy may declare any development, or any class or description of development, to be State significant development.

The proposed development has been identified as State Significant Development under *State Environmental Planning Policy (State and Regional Development) 2011* as outlined below.

5.2 Protection of the Environment Operations Act 1979

Schedule 1 of the *Protection of the Environment Operations Act 1979* (POEO Act) contains a core list of activities that require a licence before they may be undertaken or carried out. The definition of an 'activity' for the purposes of the POEO Act is:

"an industrial, agricultural or commercial activity or an activity of any other nature whatever (including the keeping of a substance or an animal)."

The proposal will not involve any activity that would require the issue of an Environmental Protection Licence.

5.3 Threatened Species Conservation Act 1995

The proposed estate will not require the removal of any critically endangered vegetation or habitat, thus will not trigger and thresholds under this Act.

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5.4 NSW 2021: A Plan to Make NSW Number One

NSW 2021 was developed by the NSW State Government to set economic, social and environmental directions for NSW. It sets targets, priorities and actions for delivery of services across the State. The strategies outlined in the Plan include:

- *Rebuild the economy*
- *Return quality services*
- *Renovate infrastructure*
- *Strengthen our local environment and communities*
- *Restore accountability to government*

The Chapter on Rebuilding the Economy is most relevant to the proposal as it provides objectives for achieving growth and prosperity. The plan makes a commitment that supports large and small businesses and describes the importance of the private sector's role in maintaining and creating highly productive jobs to underpin the State's ability to realise higher standards of living for all people.

The proposed development will contribute to the ongoing growth to create jobs within the Sydney Metropolitan Region as the facilities will provide vital opportunities for employment purposes.

5.5 State Environmental Planning Policy (State and Regional Development) 2011

Proposals involving activities that are listed in Schedule 2 of *State Environmental Planning Policy (State and Regional Development) 2011* (State and Regional Development SEPP) are identified as being State Significant Development (SSD).

Clause 5 of Schedule 2 states:

5 Development in the Western Parklands

Development that has a capital investment value of more than \$10 million on land identified as being within the Western Parklands on the Western Sydney Parklands Map within the meaning of State Environmental Planning Policy (Western Sydney Parklands) 2009.

The Capital Investment Value of the entire project is in excess of \$10 Million, thus the State Significant provisions apply.

5.6 State Environmental Planning Policy (Western Sydney Parklands) 2009

Land Use and Permissibility

All land within the Western Sydney Parklands is unzoned under the provisions of the WSP SEPP. Pursuant to Clause 11(2), the proposal represents an 'innominate development' and is therefore permissible with consent.

The following matters require consideration by a consent authority when applying for development consent on land within the Western Sydney Parklands. An assessment of the preliminary scheme is provided below.

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TABLE 2 – WSP SEPP General Matters for Consideration

Matters	Comments
<i>(a) the aim of this Policy, as set out in clause 2</i>	The proposal may be deemed consistent with this aim as it provides for development within the Parklands that will be consistent with the existing approval and operation of the site.
<i>(b) the impact on drinking water catchments and associated infrastructure,</i>	The works are to be contained within the property boundaries. No impact on drinking water or associated infrastructure is anticipated.
<i>(c) the impact on utility services and easements,</i>	The proposed works are minor and there is no foreseen impact on services and easements.
<i>(d) the impact of carrying out the development on environmental conservation areas and the natural environment, including endangered ecological communities,</i>	The proposed works are minor and there is no foreseen impact on endangered ecological communities. The land to which the proposal relates is not identified as being 'environmentally sensitive'.
<i>(e) the impact on the continuity of the Western Parklands as a corridor linking core habitat such as the endangered Cumberland Plain Woodland,</i>	The proposed works are minor and there is no foreseen impact on the Cumberland Plain Woodland. The land to which the proposal relates is not identified as being 'environmentally sensitive'.
<i>(f) the impact on the Western Parkland's linked north-south circulation and access network and whether the development will enable access to all parts of the Western Parklands that are available for recreational use,</i>	The proposal will have no impact in this respect. The estate has previously been approved under SSD 5169 that determined the site layout, bulk earthworks and infrastructure arrangements.
<i>(g) the impact on the physical and visual continuity of the Western Parklands as a scenic break in the urban fabric of western Sydney,</i>	The proposal seeks to provide a facility that is contemporary in design and responds to the site frontages. Overall, the proposal will have a positive impact on the visual amenity of the locality.
<i>(h) the impact on public access to the Western Parklands,</i>	The nature of the activities will not restrict access to the Parklands.
<i>(i) consistency with:</i> <i>(i) any plan of management for the parklands, that includes the Western Parklands, prepared and adopted under Part 4 of the Western Sydney Parklands Act 2006, or</i> <i>(ii) any precinct plan for a precinct of the parklands, that includes the Western Parklands, prepared and adopted under that Part,</i>	Future development will be required to address the requirements of the Plan of Management. The proposal will achieve consistency with the Plan of Management for the Parklands.
<i>(j) the impact on surrounding residential amenity,</i>	The site does not adjoin any residential areas.
<i>(k) the impact on significant views,</i>	The proposal represents a minor alteration to the existing development. No impact on views is envisaged.
<i>(l) the effect on drainage patterns, ground water, flood patterns and wetland viability,</i>	Given the scope of works, it is not envisaged that the proposal will have any unacceptable impacts on drainage, flood patterns and wetland viability.
<i>(m) the impact on heritage items,</i>	The proposal will not impact on any heritage items.
<i>(n) the impact on traffic and parking.</i>	The impact on traffic and parking is deemed acceptable as suitable provision for parking and maneuvering is available on site for all types of vehicles associated with the use.

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5.7 State Environmental Planning Policy (Infrastructure) 2007

The referral thresholds for 'Industry' development are:

- *20,000m² or more in area with site access to any road; or*
- *5,000m² or more in area where the site has access to a classified road or to a road that connects to a classified road (if access is within 90 metres of connection, measured along the alignment of the connecting road).*

As the proposal seeks consent the construction of 18,559sqm of GFA, referral to RMS is required.

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

The proposal seeks to include an above ground diesel fuel storage tank to be used as part of the operation. A Preliminary Hazard Analysis (PHA) will be submitted as part of the EIS for the proposal.

The volumes proposed to be stored are not considered to trigger any thresholds under the SEPP.

5.9 State Environmental Planning Policy No. 55 – Remediation of Land

Under the provisions of *State Environmental Planning Policy No. 55 – Remediation of Land* (SEPP 55), where a development application is made concerning land that is contaminated, the consent authority must not grant consent unless:

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

Conditions imposed under SSD 5169 have addressed SEPP 55. All bulk earthworks will be carried out under this approval, thus the subject proposal will not necessitate extensive earthworks.

Accordingly, the site is deemed suitable for industrial purposes.

5.10 State Environmental Planning Policy No. 64 – Advertising Structures and Signage

It is noted that the provisions of State Environmental Planning Policy No.64 -Advertising and Signage do not apply to land located within the Western Sydney Parklands. Nonetheless, any signage that is proposed will be addressed as part of the EIS having regard to these provisions.

5.11 Fairfield Local Environmental Plan 2013 & Fairfield Development Control Plan 2013

Fairfield Local Environmental Plan 2013 do not apply to land within the Western Sydney Parklands. Similarly, Section 11 of *State Environmental Planning Policy (State and Regional Development) 2011* states:

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11 *Exclusion of application of development control plans*

Development control plans (whether made before or after the commencement of this Policy) do not apply to:

(a) State significant development

Notwithstanding, the proposal is generally consistent with the provisions of the adopted Development Control Plan applicable to industrial development.

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PART F ENVIRONMENTAL ASSESSMENT

A screening analysis of the environmental issues applicable to the proposal is presented in **Table 3** below. This risk-based analysis has been used to identify the key environmental issues for further assessment, and assist the preparation of the SEARs for the proposed development.

The analysis is based on preliminary environmental assessment of the site only. The Environmental Impact Statement (EIS) for the proposal will fully address these items and other environmental issues relevant to the proposal.

TABLE 3 – Environmental Assessment Table	
Issue	Analysis
Soil and water	<ul style="list-style-type: none">▪ Preliminary investigations indicate that the site is not contaminated to prevent the development from being carried out.▪ The stormwater strategy for the estate has previously been dealt with under SSD 5169. No change is proposed in this respect under the subject proposal.▪ Detailed stormwater plans will be provided along quantity and quality outcomes within the EIS.
Noise	<ul style="list-style-type: none">▪ The site is sufficiently separated from any sensitive receivers.▪ Any future SSD Application shall consider traffic volumes generated, operational plant and machinery and the resultant acoustic impacts having regard to the Environment Protection Authority Industrial Noise Criteria.
Air Quality	<ul style="list-style-type: none">▪ Given the nature of the proposed development, it is not anticipated that there will be unacceptable air quality impacts.▪ During construction, air quality will be managed through appropriate dust mitigation measures.
Waste	<ul style="list-style-type: none">▪ Operational waste will be managed in accordance with a Plan of Management for the site.▪ Waste generated throughout the construction phase shall be disposed of in accordance with a Waste Management Plan, which makes provision for recyclables and suitable off-site disposal.
Flora and Fauna	<ul style="list-style-type: none">▪ Tree removal to facilitate the building pads for the new warehouse has been considered under SSD5169.▪ Suitable landscaping is proposed throughout the estate to provide a sufficient level of amenity.
Historical Heritage	<ul style="list-style-type: none">▪ Heritage has been considered under SSD 5169.
Traffic & Transport	<ul style="list-style-type: none">▪ Suitable provision is made to accommodate and service the development in terms of traffic and transport. On-site car parking is proposed to support the use of the site so as to not adversely affect the surrounding road network. Site access has been considered under SSD 5169.▪ Car parking will be provided in accordance with RMS requirements, consistent with the adopted rate of 1 space per 300sqm/GFA.
Other Infrastructure & Services	<ul style="list-style-type: none">▪ All essential infrastructure and the servicing strategy formed part of SSD 5169.
Visual Amenity	<ul style="list-style-type: none">▪ The built form will be designed to incorporate architectural elements that articulate the facades

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	<p>and provide a sufficient level of visual amenity within the public domain.</p> <ul style="list-style-type: none">▪ Suitable treatment of The Horsley Drive has been considered by providing increased setbacks to the facility.
Hazards	<ul style="list-style-type: none">▪ An above ground diesel tank is proposed. A PHA will be prepared and submitted with the EIS.▪ The volumes proposed are not considered to trigger any thresholds under SEPP33.
Site Layout and Design	<ul style="list-style-type: none">▪ The site layout and design responds to the site constraints, thus providing a highly functional development which enhances the visual amenity of the locality.▪ Suitable provision is made for service vehicles within the site. Detailed swept paths will be provided with the EIS and Traffic Impact Statement.

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PART G CONCLUSION

The proposal, will involve works which equate to a capital investment value of more than \$10 Million, thus the development is defined as State Significant Development pursuant to Schedule 2 of *State Environmental Planning Policy (State and Regional Development) 2011*.

The subject Site has been historically used for the purpose of rural/residential purposes; and consequently is not considered to be of environmental significance as it is clear of vegetation.

Access is afforded to the surrounding arterial road network to provide sufficient linkages to the broader metropolitan area which supports the employment/manufacturing nature of the development.

It requested that the Department issue formal SEARs for the preparation of an Environmental Impact Statement for the proposal as State Significant Development.

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APPENDIX 1

CONCEPT DEVELOPMENT PLAN