



Planning &
Environment

**STATE SIGNIFICANT DEVELOPMENT ASSESSMENT:
Horsley Drive Business Park – Stage 2
Subdivision and Infrastructure Works
SSD 7664**



Environmental Assessment Report
Section 89H of the
Environmental Planning and Assessment Act 1979

November 2017

Cover photo: Impression of the aerial view of the development (Source: Byran Design, 2016)

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ABBREVIATIONS AND DEFINITIONS

AHD	Australian Height Datum
Applicant	Western Sydney Parklands Trust
AS	Australian Standard
BCA	Building Code of Australia
CEMP	Construction Environmental Management Plan
CIV	Capital Investment Value
Construction	The demolition of buildings or works, carrying out of works, including earthworks, erection of buildings and other infrastructure covered by this consent
Council	Fairfield City Council
DA	Development Application
Demolition	The removal of buildings, sheds and other structures on the site
Department	Department of Planning and Environment
Development	The development as described in the EIS and RTS for a concept development application comprising a Concept Proposal and Stage 1 works. The Concept Proposal comprises the establishment of general industrial, light industrial, warehouse and distribution and ancillary office uses and conceptual site levels, building envelopes, road layouts, site access arrangements and landscape designs. The Stage 1 works comprise subdivision, demolition, bulk earthworks, infrastructure services and landscaping
DPI	Department of Primary Industries
EIS	Environmental Impact Statement titled <i>Horsley Drive Business Park Stage 2 SSD 7664</i> , prepared by JBA Planning Pty Ltd, dated December 2016
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPA	Environment Protection Authority
EPI	Environmental Planning Instrument
EPL	Environment Protection Licence
HDBP	Horsley Drive Business Park
Minister	Minister for Planning (or delegate)
OEH	Office of Environment and Heritage
POM	<i>Western Sydney Parklands Plan of Management 2020</i>
RMS	Roads and Maritime Services
RTS	Response to Submissions titled <i>Horsley Drive Business Park Stage 2 (SSD-7664) Response to Submissions</i> , prepared by the Western Sydney Parklands Trust, dated 17 July 2017
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning and Environment (or nominee)
SEPP	State Environmental Planning Policy
Sensitive receiver	Residential premises, schools, hospitals, places of worship, parks or wilderness areas
SRD SEPP	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>
SSD	State significant development
Site	Lots 17-22 DP 13961 and Lot 2 DP 1212087
TfNSW	Transport for NSW
WSP	Western Sydney Parklands
WSP Act	<i>Western Sydney Parklands Act 2006</i>
WSP SEPP	<i>State Environmental Planning Policy (Western Sydney Parklands) 2009</i>
WSPT	Western Sydney Parklands Trust

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EXECUTIVE SUMMARY

Western Sydney Parklands Trust (the Applicant) has lodged a concept development application (DA) and accompanying Environmental Impact Statement (EIS) to establish a business park with a range of uses, including general industrial, light industrial, warehouse and distribution and ancillary office uses. The site is located on Cowpasture Road, Wetherill Park in the Fairfield local government area (LGA). The concept DA is known as the Horsley Drive Business Park (HDBP) Stage 2.

The subject site is located within Western Sydney Parklands (WSP) and is 30 kilometres (km) west of the Sydney Central Business District and covers approximately 16.5 hectares (ha) of WSP zoned land.

The concept DA comprises a Concept Proposal and concurrent Stage 1 works. The Concept Proposal seeks approval for up to 88,700 square metres (m²) of gross floor area (GFA) for a range of uses including general industrial, light industrial, warehouse and distribution and ancillary office land uses. The Concept Proposal also includes conceptual site levels, building envelopes, road layouts, site access arrangements and landscape designs. The Stage 1 works comprise the subdivision of the site into seven lots, road connection to Cowpasture Road, bulk earthworks, infrastructure services (including utilities and stormwater management infrastructure across the site) and landscaping of internal and external roadways.

The development has a capital investment value (CIV) of \$71,605,600 and is expected to generate 385 construction jobs and 230 operational jobs.

Under the *Western Sydney Parklands Plan of Management 2020* (POM), the Applicant is progressively developing a number of sites within the WSP for business purposes. This includes the HDBP Stage 1 development, a 21 ha business park previously approved under State significant development application SSD 5169 which is currently being constructed and is located immediately to the south of the proposed development.

The development is classified as State significant development (SSD) under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it involves development within the WSP that has a CIV of more than \$10 million as described in Clause 5 of Schedule 2 of *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP). Consequently, the Minister for Planning is the consent authority for the proposed development.

The Department of Planning and Environment (the Department) exhibited the EIS for the proposed development from Thursday 16 December 2016 until Tuesday 31 January 2017. A total of 14 submissions were received including 12 from government authorities and Fairfield City Council and two from the general public. Of the 14 submissions received, two general public submitters objected to the proposed development.

Key concerns raised related to potential visual impacts, acoustic impacts, traffic, contamination, stormwater management and flooding. The Applicant submitted a Response to Submissions (RTS) to address and clarify matters raised in the submissions. Further design information relating to landscaping, stormwater, remediation and access was submitted to address specific concerns raised by Fairfield City Council.

The Department's assessment of the application has fully considered all relevant matters under Section 79C of the EP&A Act, the objects of the EP&A Act and the principles of ecologically sustainable development (ESD). The Department identified the following key issues for assessment:

- traffic impacts on The Horsley Drive and Cowpasture Road;
- parking provision and access arrangements to the site from Cowpasture Road;
- noise from construction and operation of the proposed industrial uses; and
- visual impacts.

The Department's assessment concluded there would be some amenity impacts during construction and operation of the industrial business park, such as increased noise and traffic. Therefore, the Department has recommended conditions to minimise these impacts, including:

- the payment of a contribution towards upgrade works to The Horsley Drive and Cowpasture Road intersection;

- implementation of a Construction Environmental Management Plan to manage construction impacts;
- adherence to noise limits; and
- landscaping for screening.

Consequently, the Department considers the development is in the public interest and is recommended for approval, subject to conditions.

1. BACKGROUND

1.1. The Department's Assessment

This report details the Department of Planning and Environment's (the Department) assessment of a concept development application (DA) for a State significant development (SSD 7664) known as the Horsley Drive Business Park (HDBP) Stage 2. The concept DA comprises a Concept Proposal and detailed Stage 1 works.

The Concept Proposal comprises the establishment of a range of uses including general industrial, light industrial, warehouse and distribution and ancillary office uses, conceptual site levels, building envelopes, road layouts, site access arrangements and landscaping. The future uses sought under the Concept Proposal would be the subject of future and separate development applications. The proposed Stage 1 works allow for site preparation works including the subdivision of the site, demolition, estate wide bulk earthworks, infrastructure services and landscaping.

The Department's assessment considers all documentation and additional information submitted by the Applicant, including the Environmental Impact Statement (EIS), Response to Submissions (RTS) and submissions received from government authorities, stakeholders and the public. The Department's assessment also considers the legislation and planning instruments relevant to the site and the development.

This report describes the proposed development, surrounding environment, relevant strategic and statutory planning provisions and the issues raised in submissions. The report evaluates the key issues associated with the development and provides recommendations for managing any impacts during construction and future operation. The Department's assessment of the HDBP Stage 2 has concluded the development is in the public interest and should be approved, subject to conditions.

1.2. Project Background

Western Sydney Parklands Trust (WSPT) (the Applicant) seeks to create a future business park comprising general and light industrial, warehouse and distribution uses, known as HDBP Stage 2, on Cowpasture Road, Wetherill Park in the Fairfield local government area (LGA) within the Western Sydney Parklands (WSP) (see **Figure 1**).

The WSPT is a self-funded government agency, responsible for developing the WSP into a multi-use urban parkland for the region of Western Sydney and to maintain and improve the WSP on an ongoing basis. The *Western Sydney Parklands Plan of Management 2020* (POM) identifies that 2% of the WSP is to be developed for long term leases for business purposes to provide funding towards the development of facilities, programs and environmental initiatives throughout the WSP. The proposal represents a portion of the 2% of the WSP identified strategically under the POM for future business purposes.

1.3. Site Description

The site comprises 16.5 hectares (ha) of land within the WSP, located on the corner of Cowpasture Road and Trivet Street, Wetherill Park within the Fairfield LGA. The site is legally described as Lots 17-22 DP 13961 and Lot 2 DP 1212087 (see **Figure 2**).

The site has frontages of 300 metres (m) along Cowpasture Road and 200 m along Trivet Street to the east.

The topography of the site comprises undulating rolling hills sloping marginally from west to east, with gradients ranging from two to ten degrees and is predominately cleared of natural vegetation, with some isolated clusters of trees.

The southern portion of the site (Lot 2 DP 1212087) contains a 30.5 m wide Endeavour Energy electricity easement comprising 132 kV overhead power lines.

The site currently comprises four residential dwellings, five dams and access tracks to the residential properties.

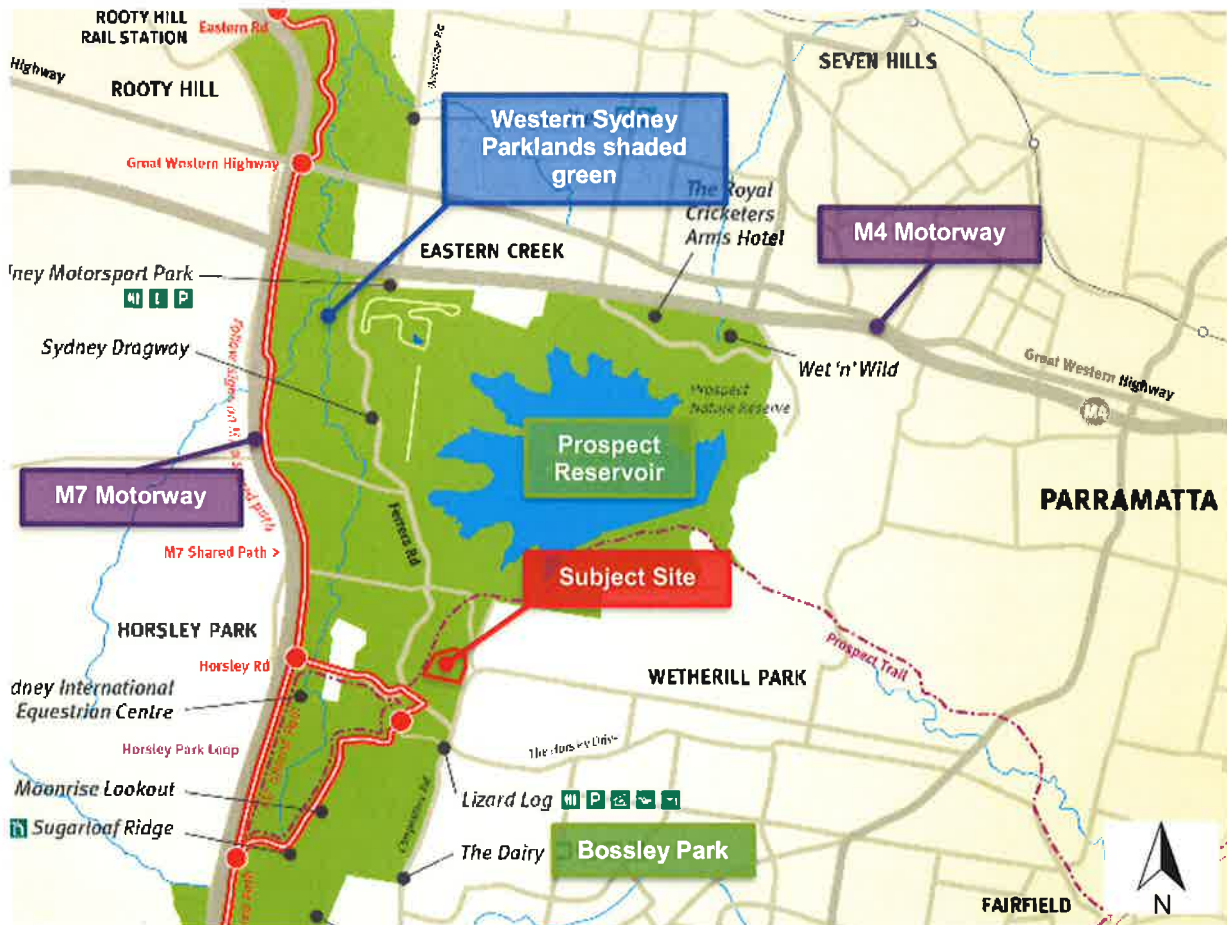


Figure 1: Site Location

European or Aboriginal cultural heritage sites have not been identified on the site however a State heritage listed item, known as the Upper Canal System, adjoins the western boundary. The Upper Canal System is owned and operated by WaterNSW and features an open water supply canal with sandstone and concrete-lined edges.

1.4. Surrounding Land Uses

The site is located within the larger WSP in one of the nine business hubs identified in the POM. The business hubs collectively comprise 2% of the total WSP area. The surrounding land uses are depicted in Figure 2.

The nearest residential dwellings are located approximately 60 m to the east (28 Trivet Street) and 130 m to the north-east (70 Trivet Street) of the site. The residential dwelling located at 28 Trivet Street is privately owned whilst the residential property at 70 Trivet Street is owned by the WSPT. The residential suburb of Bossley Park is also located just over 1 kilometre (km) to the south of the site.

Over 1 km to the north of the site is the Prospect Reservoir, which is a 50,200 mega litre (ML) potable water supply and storage reservoir. The Upper Canal System (the canal) allows for fresh water to flow from the four Upper Nepean dams (Cataract, Cordeaux, Avon and Nepean) into the Prospect Reservoir.

To the north and west of the site are predominately agricultural uses. Land directly to the north of the site is owned by the WSPT and forms part of an urban farming precinct as identified in the POM. The WSPT's Horsley Drive Precinct Urban Farming Master Plan further identifies this land to be used for greenhouse, market garden and orchard developments. To the east of the site is the Wetherill Park industrial precinct which contains over 570 ha of a variety of light industrial, warehouse and storage uses.

The road network surrounding the site includes:

- Trivet Street to the north-east, a north-south two-lane local road that connects to Cowpasture Road;

- Cowpasture Road to the east, a north-south dual carriageway RMS State Road (MR 648) which connects to The Horsley Drive;
- The Horsley Drive to the south, an east-west dual carriageway RMS State Road (MR 609) which directly connects to the M7 Motorway to the west; and
- the M7 Motorway to the west, a north-south major arterial road that links to the M2, M4 and M5 motorways.

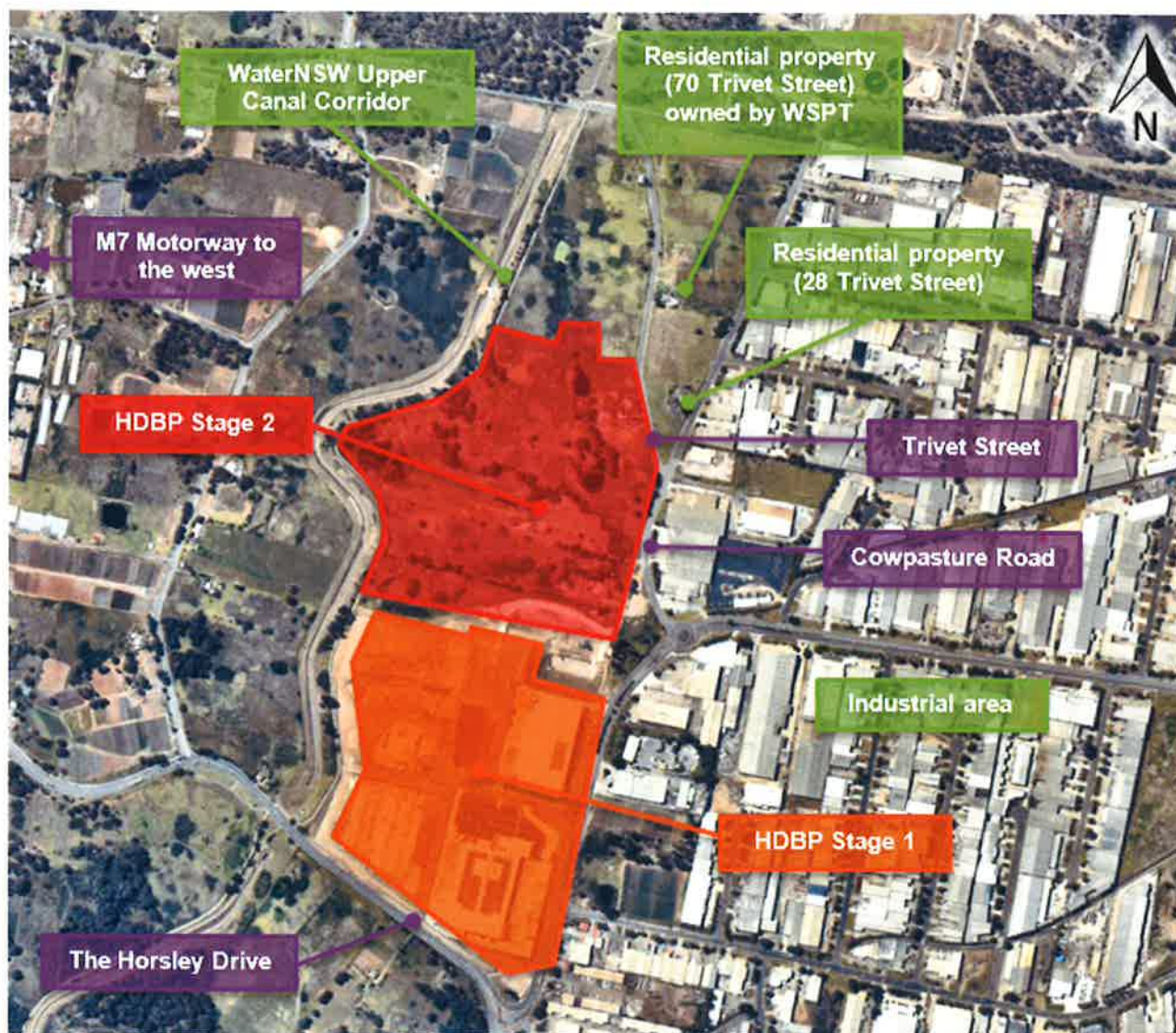


Figure 2: Surrounding Land Uses

1.5. Surrounding Development Approvals

The area directly to the south of the site is currently transitioning from agricultural and rural residential land uses to warehouse and industrial uses, with a number of DAs approved on an existing 21 ha business park site known as the HDBP Stage 1 (see Figure 2).

On 8 January 2013, the then A/Deputy Director-General as delegate of the Minister for Planning (Minister), approved the HDBP Stage 1 State significant development application (SSD 5169). The approval allowed for subdivision and infrastructure works to be undertaken on the site. Following this, five lots within the HDBP Stage 1 business park have been approved to be developed for a range of uses including warehouse and distribution and light industrial uses. These approvals have been issued by both Fairfield City Council (Council) and the Minister and include the following development consents:

- DA 818.1/2014 – Construction of a 13,000 m² two staged warehouse development (approved by Council);
- DA 325.1/2016 – Construction of a Nick Scali warehouse (approved by Council);
- SSD 7078 – Construction of a 18,559 m² warehouse and distribution facility for Martin Brower;
- SSD 7564 – Construction of a 17,700 m² warehouse and distribution facility; and

- SSD 7917 – Construction of a 23,455 m² two staged warehouse, distribution and light industrial facility.

The HDBP Stage 1 development is currently under construction.

2. PROPOSED DEVELOPMENT

2.1 Description of the Development

The Applicant is seeking consent for a Concept Proposal and Stage 1 works as part of the proposed HDBP Stage 2 development. The major components of the proposed development are summarised in Table 1, shown in Figure 3 and Figure 4, and described in full in the EIS, included in Appendix D.

Table 1: Main Development Components

Aspect	Description
Development Summary	Concept Proposal and Stage 1 works for a business park comprising general industrial, light industrial, warehouse and distribution and ancillary office uses
Concept Proposal	• Establishment of up to 88,700 m² of Gross Floor Area (GFA) comprising 86,200 m² of GFA for general industrial, light industrial and warehouse and distribution and 2,500 m² of GFA for ancillary office uses • Conceptual development levels, footprints and building envelopes on four lots (Lots 1-4) • Road layout and site access arrangements • Landscape designs
Stage 1 works	Site preparation works including: • Subdivision of the site into seven lots comprising four lots (Lots 1-4) to be developed for future uses and three residual lots (Lots 5-7) (see Figure 4) • Construction of an access road (5,371 m²) off Cowpasture Road • Demolition of existing structures on-site • Bulk earthworks • Site infrastructure, including stormwater infrastructure • Estate landscaping
Demolition	• Demolition of four dwellings, ancillary buildings, fencing and removal of two dams • Removal of 1.09 ha of native vegetation
Remediation	• Remediation of areas of asbestos contamination and areas where motor mechanic uses and illegal dumping activities have occurred
Bulk earthworks	• Smoothing of contours to create building pads
Stormwater infrastructure	• Water quality treatment train comprising a combined bio-retention and detention basin on Lot 6 with a storage volume of 5,000 cubic metres (m³) • Two detention basins (located on Lot 17 DP 13961 and Lot 7) • Stormwater drainage located on Lot 5 and Lot 7
Landscaping	• Total landscape area of approximately 35,775 m² with landscaping of the entire perimeter of the site, the verges of the access road and setbacks to industrial lots • Landscaped setbacks are as follows: – 10 m landscaped setback from Cowpasture Road; – 7.5 m landscaped setback from the central business park access road; and – 4 m landscaped setback to the western boundary of the site
Car parking	• Car parking numbers will be subject to future DAs in accordance with the following rates: – 1 space per 300 m² GFA for general and light industrial and warehouse and distribution uses; – 1 space per 40 m² GFA for office uses; and – 1 space per 100 car parking spaces (or part thereof) for accessible car parking.
Traffic	• 138 heavy and light vehicle trips in the AM peak traffic period (between 7:30 am – 8:30 am); and • 139 heavy and light vehicle trips during the PM peak traffic period (between 4:00 pm – 5:00 pm)

Aspect	Description
Built Form Parameters	- Height – 16 m - Floor Space Ratio – 1:1 - Site Coverage – maximum of 65% - Minimum lot size for industrial lots - 10,000 m²
Capital investment value	\$71.6 million
Estimated employment generation	385 full-time equivalent construction jobs 230 operational jobs once the business park is fully established

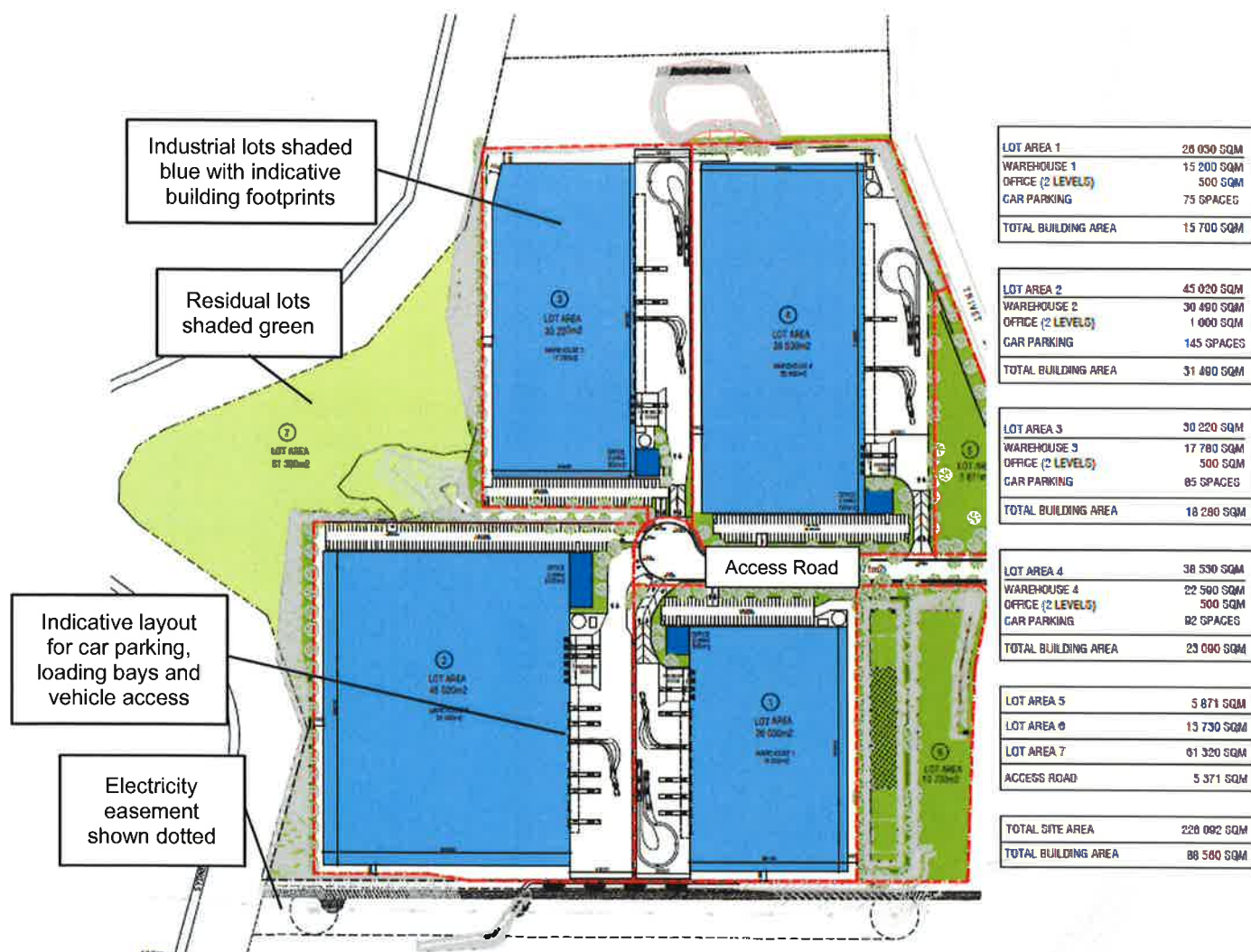


Figure 3: The Concept Proposal

2.2 Applicant's Need and Justification for the Development

WSPT seek to develop the site in accordance with the POM to achieve the WSPT objectives of developing new business opportunities to support the management and further development of the WSP.

The Applicant has advised the proposed development would:

- facilitate a source of funding that would contribute to the ongoing viability of the WSPT and WSP, a major social and recreational facility in Western Sydney;
- generate an estimated 385 construction jobs and 230 operational jobs; and
- provide a site designed to be self-sustaining which can accommodate warehousing, general and light industrial uses to meet user requirements.

The proposed development is considered to be consistent with the goals, directions and actions outlined in *A Plan for Growing Sydney* as it would contribute to the growth of industry, the provision of

employment opportunities in the region and generate income to support the management and development of Western Sydney.



Figure 4: Stage 1 Works

3. STRATEGIC AND STATUTORY CONTEXT

3.1 Strategic Context

The NSW Government has announced the Premier's Priorities which cover 12 key areas including economic growth, provision of infrastructure, protection of vulnerable communities, improving education and environmental protection. One of the Premier's key priorities is 'Creating Jobs'. The NSW Government aims to provide 150,000 new jobs by 2019. The proposed development would contribute toward 'Creating Jobs' by providing 385 new construction jobs and 230 operational jobs in the Fairfield LGA. The development also represents a \$71.6 million capital investment in warehouse and industrial development.

The development is consistent with the goals, directions and actions outlined in *A Plan for Growing Sydney* as it will:

- assist in the transformation of Western Sydney by providing growth and investment in an identified industrial precinct, with high levels of accessibility to the regional road network, and existing and planned public transport and cycle infrastructure (Direction 1.4);
- provide additional employment opportunities within close proximity to existing residential developments in Western Sydney (Direction 1.4); and

- provide a high-quality development which will stimulate economic activity and create new jobs within the Western Sydney (Direction 1.7).

The Greater Sydney Commission has released the draft of five district plans encompassing Greater Sydney which will guide the delivery of *A Plan for Growing Sydney*. The draft district plans set out the vision, priorities and actions for the development of each district. The proposed development is located within the Western City District which is identified as an area of diverse employment activities including local services and employment land and distribution centres. The proposed development would assist in achieving a number of the productivity priorities of the draft Western City District Plan by providing a pipeline of employment land to provide a net community benefit.

The proposed development would also align with a number of the draft Western City District Plan's key goals, including:

- contributing to job target ranges for the region's strategic and district centres;
- enhancing the economic opportunities of the District's strategic centres; and
- contributing to a diverse range of employment options for the surrounding population.

3.2 State Significant Development

The development is classified as State significant development (SSD) under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it involves development within the WSP that has a CIV of more than \$10 million as described in Clause 5 of Schedule 2 of *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP). Consequently, the Minister for Planning is the consent authority for the proposed development.

3.3 Permissibility

The site is located within the WSP. After the commencement of *State Environmental Planning Policy (Western Sydney Parklands) 2009* (WSP SEPP), all previously zoned lands within the WSP became unzoned. The Applicant has not stipulated the exact future use of the four lots to be developed (see **Figure 4**), but has indicated the four buildings would support general industrial, light industrial, warehouse and distribution and ancillary office land uses.

Under Clause 11(2) of the WSP SEPP, development for general industrial, light industrial, warehouse and distribution and ancillary office uses are permissible with consent. An assessment of these proposed future uses on the site is contained in **Section 5** of this report. No specific development standards or controls apply to the site under the WSP SEPP.

3.4 Consent Authority

On 11 October 2017, the Minister delegated the functions to determine SSD applications to the Executive Director, Key Sites and Industry Assessments where:

- the relevant local council has not made an objection;
- there are less than 25 public submissions in the nature of objections; and
- a political disclosure statement has not been made.

Of the two public submissions received, both objected to the proposed development. Council did not object to the development. No reportable political donations were made by the Applicant in the last two years and no reportable political donations were made by any persons who lodged a submission.

Accordingly, the application can be determined by the Executive Director, Key Sites and Industry Assessments under delegation.

3.5 Other Approvals

Under Section 89K of the EP&A Act, other approvals may be required and must be approved in a manner that is consistent with any Part 4 consent for the SSD under the EP&A Act.

In its submission, the EPA advised that the development does not constitute a scheduled activity under the *Protection of the Environment Operations Act 1997* (POEO Act), therefore an Environment Protection Licence (EPL) is not required. The EPA also advised that if any future tenancies include scheduled activities, an EPL would be required prior to undertaking the activity.

RMS advised in its submission that the construction of the access road that connects to Cowpasture Road requires consent from RMS under Section 138 of the *Roads Act 1993*. The Department has incorporated RMS's requirements into the recommended conditions.

The proposed development does not require any other approvals under Section 89K of the EP&A Act.

3.6 Considerations under Section 79C of the EP&A Act

Section 79C of the EP&A Act sets out matters to be considered by a consent authority when determining a development application. The Department's consideration of these matters is set out in **Section 5** and **Appendix B**. In summary, the Department is satisfied the proposed development is consistent with the requirements of Section 79C of the EP&A Act.

3.7 Environmental Planning Instruments

Under Section 79C of the EP&A Act, the consent authority, when determining a development application, must take into consideration the provisions of any environmental planning instrument (EPI) and draft EPI (that has been subject to public consultation and notified under the EP&A Act) that apply to the development.

The Department has considered the development against the relevant provisions of several key environmental planning instruments including:

- *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP);
- *State Environmental Planning Policy (Western Sydney Parklands) 2009* (WSP SEPP);
- *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP);
- *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development* (SEPP 33);
- *State Environmental Planning Policy No. 55 – Remediation of Land* (SEPP 55); and
- *Sydney Regional Environmental Plan No. 20 Hawkesbury – Nepean River*.

Development Control Plans (DCPs) do not apply to SSD under Clause 11 of the SRD SEPP. However, the Department has considered the relevant provisions of the *Fairfield City Wide DCP 2013* (DCP 2013) in its assessment of the proposal in **Section 5** of this report.

Detailed consideration of the provisions of all EPIs that apply to the development is provided in **Appendix C**. The Department is satisfied the development generally complies with the relevant provisions of these EPIs.

3.8 Public Exhibition and Notification

Under Section 89F(1) of the EP&A Act, the Secretary is required to make the DA and any accompanying information of an SSD application publicly available for at least 30 days. The application was on public exhibition from 15 December 2016 until 31 January 2017. Details of the exhibition process and notifications are provided in **Section 4**.

3.9 Objects of the EP&A Act

In determining the application, the consent authority must consider whether the development is consistent with the relevant objects of the EP&A Act. These objects are detailed in Section 5 of the Act. The objects of relevance to the merit assessment of this application include:

- (a) to encourage:
 - (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,
 - (ii) the promotion and co-ordination of the orderly and economic use and development of land,
 - (vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and
 - (vii) ecologically sustainable development, and
- (b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and
- (c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.

The Department has fully considered the objects of the EP&A Act, including the encouragement of Ecologically Sustainable Development (ESD), in its assessment of the application (see **Table 2**).

Table 2: Considerations Against the EP&A Act

Object	Consideration
5(a)(i)	The proposal would ensure the proper management and development of land identified as being suitable for warehousing, distribution and industry in the POM. The proposed development will result in the economic enhancement of the community, including the provision of up to 230 full time equivalent operational jobs (dependant on future tenants) within the WSP. The development has been designed to meet current, best practice environmental standards. The potential impacts of the proposed development have been minimised through appropriate site selection and layout, design and proposed environmental control measures.
5(a)(ii)	The proposal is located on land identified as being suitable for warehousing, distribution and industrial uses and would generate additional revenue for the WSP required to provide recreational facilities and environmental initiatives.
5(a)(vi)	The Department's assessment at Section 5 of this report demonstrates that with the implementation of the recommended conditions of consent, the impacts of the development can be mitigated and/or managed to ensure the environment is protected.
5(a)(vii)	The development has been located in an existing business park to avoid impacts on significant environmental features.
5(b)	The Department has assessed the development in consultation with, and giving due consideration to, the technical expertise and comments provided by other government authorities. This is consistent with the object of sharing responsibility for environmental planning between different levels of government in the State.
5(c)	The application was exhibited in accordance with Section 89F(1) of the EP&A Act to provide public involvement and participation in the assessment process.

3.10 Western Sydney Parklands Act 2006 (WSP Act)

The *Western Sydney Parklands Act 2006* (WSP Act) establishes the WSPT, defines the boundaries of the WSP and guides their management. Section 12 of the WSP Act identifies that the principal function of the Trust is to develop the WSP into a multi-use urban parkland for the region of Western Sydney and to maintain and improve the WSP on an on-going basis.

Section 12 of the WSP Act further identifies specific functions including the provision or facilitation of commercial, industrial, retail and transport activities and facilities, with the object of supporting the viability of the management of the WSP.

The Department considers that the development of the site for warehousing, distribution and industrial purposes within an existing business park is consistent with the requirements of the WSP Act and the functions of the WSPT.

3.11 Ecologically Sustainable Development

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- (a) *the precautionary principle;*
- (b) *inter-generational equity;*
- (c) *conservation of biological diversity and ecological integrity; and*
- (d) *improved valuation, pricing and incentive mechanisms.*

The potential environmental impacts of the development have been assessed and, where potential impacts have been identified, mitigation measures and environmental safeguards have been recommended.

As demonstrated by the Department's assessment in **Section 5** of this report, the development is not anticipated to have any significant impacts on native flora or fauna, including threatened species, populations and ecological communities, and their habitats. The development requires removal of 0.76 ha of Cumberland Plain Woodland (CPW) which is in a degraded condition and isolated. The removal of the CPW would be offset by the purchase and retiring of ecosystem credits in accordance with NSW Biodiversity Offsets Policy. As such, the Department considers the development is consistent with the objectives of the EP&A Act and the principles of ESD.

3.12 Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)

Under the EPBC Act, assessment and approval is required from the Commonwealth Government if a development is likely to impact on a matter of national environmental significance (MNES), as it is considered to be a 'controlled action'. The EIS for the development included a Biodiversity Assessment Report with a preliminary assessment on MNES including an assessment of any listed threatened ecological communities on-site. The Biodiversity Assessment Report concluded that the development would not impact on any MNES (including areas of Cumberland Shale Plains and Shale Gravel Transition Forest), and is therefore not a 'controlled action'. As such, the Applicant determined a referral to the Commonwealth Government was not required.

4. CONSULTATION AND SUBMISSIONS

4.1 Consultation

The Applicant, as required by the Secretary's Environmental Assessment Requirements (SEARs), undertook consultation with relevant local and State government authorities as well as the community and affected landowners. The Department undertook further consultation with these stakeholders during the exhibition of the EIS and throughout the assessment of the application. These consultation activities are described in detail in the following sections.

4.1.1 Consultation by the Applicant

The Applicant undertook a range of consultation activities throughout the preparation of the EIS, including meetings with:

- the closest residents;
- RMS; and
- Fairfield City Council (Council).

4.1.2 Consultation by the Department

The Department visited the site on Thursday 8 December 2016. The Department met with a WSPT employee and walked over the site. The Department also met with the closest residents to discuss the potential impacts of the proposed development and understand their concerns.

After accepting the DA and EIS for the application, the Department:

- made it publicly available from **16 December 2016** and **31 January 2017**:
 - on the Department's website;
 - at the Department's Information Centre;
 - at Council (Avoca Road, Wakely);
- notified landowners in the vicinity of the site about the exhibition period by letter;
- notified relevant State government authorities and Council by letter; and
- advertised the exhibition in the Fairfield Champion.

A total of 14 submissions were received on the proposed development during the exhibition period, including 12 from public authorities and Council and two from members of the general public. Of the 14 submissions received, the two submissions from members of the general public objected to the proposed development. A summary of the issues raised in submissions is provided below, with a copy of each submission included in **Appendix E**.

4.2 Submissions

4.2.1 Public Authorities

Council did not object to the development, however had concerns relating to stormwater, drainage, landscaping and traffic. Council requested additional modelling information with regards to flooding, on-site detention and traffic.

RMS did not object to the development, however raised concerns regarding the potential for the development to result in unacceptable impacts to the State road network and road safety in the surrounding area. RMS also advised the traffic impact statement and associated modelling were inadequate and required revision. RMS requested further information in relation to the intersection of The Horsley Drive and Cowpasture Road.

Transport for NSW (TfNSW) raised no objection to the development, however provided comments relating to the cumulative construction traffic impacts associated with HDBP Stage 1 and active transport.

The **Office of Environment & Heritage (OEH)** raised no objection to the development, however requested additional information relating to sections of the Framework for Biodiversity Assessment (FBA). The OEH also advised it would not be providing comments on Aboriginal cultural heritage at this stage.

The **Heritage Council** raised no objection to the development, however requested conditions be included to protect Aboriginal cultural heritage and the nearby State heritage listed canal.

The **Department of Primary Industries (DPI)** raised no objection, however requested an assessment of potential impacts on groundwater and further information on the location of watercourses and the landscaping around the proposed riparian corridor on Lot 3.

WaterNSW raised no objection to the development, however requested conditions to ensure the development does not impact on water flows, water quality, the structural integrity or the heritage significance of the Upper Canal System.

The **Environment Protection Authority (EPA)** raised no objection or comments to the development.

The **Department of Industry** raised no objection or comments to the development.

Sydney Water raised no objection to the development, but advised of approvals the Applicant is required to obtain from Sydney Water.

TransGrid raised no objection to the development and noted the works were not within a Transgrid easement.

Endeavour Energy raised no objection to the development, however requested the Applicant seek consent for the stormwater infrastructure proposed within its 30.48 m wide easement. The submission provided advice in relation to the maximum height of landscaping proposed within the easement and outlined measures to maintain the integrity of Endeavour Energy's towers.

4.2.2 General Public

Two submissions were received from the general public which both objected to the proposed development. One of the submissions was from the closest residential property located at 28 Trivet Street (see **Figure 2**). Issues raised in the submissions include:

- traffic congestion and road safety;
- noise;
- visual amenity and landscaping; and
- light pollution.

4.3 Response to Submissions

The Applicant provided a RTS on the issues raised during the exhibition of the proposed development (see **Appendix F**). In preparing the RTS, the Applicant undertook consultation with the submitters to address the issues raised.

The RTS provided additional information to address the issues raised in the submissions but also made a minor amendment to the proposal to remove landscaping within the electricity easement.

The additional information provided in the RTS included the following:

- photomontages from the perspective of the nearest residential receiver;
- a landscape plan focused on the Trivet Street boundary;
- evidence of consultation with RMS and Council, including agreement to the payment of a contribution to RMS towards works to The Horsley Drive and Cowpasture Road roundabout intersection;
- evidence of consultation with Endeavour Energy;
- expert advice in relation to vegetation removal and the biodiversity assessment methodology; and
- a Targeted (Phase 2) Site Contamination Investigation and Remedial Action Plan (RAP).

Revised versions of the concept masterplan, plan of subdivision, landscape plans, the acoustic assessment report, traffic impact assessment report and civil engineering report were provided as part of the RTS.

The RTS was made publicly available on the Department's website and was provided to key agencies and Council to consider whether it adequately addressed the issues raised. A summary of the agencies responses is provided below.

Council raised no objection and recommended further conditions to address the following matters:

- potential flood risk from the proposed detention basins on-site;
- potential traffic impacts during construction and ensure the safety of the access road; and
- provide further details in relation to the remediation of any contaminated land on-site.

RMS raised no objection and agreed with the Applicant's assessment of the expected traffic impacts during peak traffic periods on the intersection of The Horsley Drive and Cowpasture Road roundabout. RMS requested that the Applicant enter into a Transport Infrastructure Contribution Deed with RMS to provide a contribution towards the upgrade of this intersection as well as a number of conditions relating to traffic access during operation and construction. The Applicant has agreed to enter into the Transport Infrastructure Contribution Deed with RMS.

DPI raised no objection and recommended excavation works consider the potential for groundwater interception and impacts and water licensing requirements. The Department has included requirements for the Applicant to obtain any necessary water related approvals where groundwater interception or extraction is likely.

TfNSW raised no objection and recommended conditions requesting the provision of bicycle and end of trip facilities on the site, the preparation of a construction traffic management plan (CTMP) and the submission of design plans to ensure the site is capable of accommodating bus services. The Department has included TfNSW's requirements into the recommended conditions of consent, except in relation to design plans for bus services as this was not part of the proposed development.

Endeavour Energy raised no objection and granted permission in principle for the proposed stormwater infrastructure and filling works within the easement. Endeavour Energy recommended as a condition that final design drawings be submitted to Endeavour Energy prior to any works commencing and conditions to protect the electrical network. The Department has included these requirements into the recommended conditions.

5. ASSESSMENT

The Department has considered the EIS, the issues raised in the submissions, the Applicant's RTS and supplementary information in its assessment of the development. The Department's has considered the potential worst-case impacts of all proposed future uses on the site including general industrial, light industrial, warehouse and distribution and ancillary office uses. The Department considers the key assessment issues are:

- traffic impacts on The Horsley Drive and Cowpasture Road;
- parking provision and access arrangements to the site from Cowpasture Road;
- noise from construction and operation of the proposed industrial uses; and
- visual impact.

A number of other issues have also been considered. These issues are considered to be minor and are addressed in **Table 8** under **Section 5.4**.

5.1 Traffic, Access and Parking

The operation of the site for general industrial, light industrial, warehouse and distribution and ancillary office uses, the construction of Stage 1 works and the future development of each lot would generate additional vehicle movements, having the potential for traffic and road safety impacts on the surrounding road network.

The EIS was accompanied by a Traffic Impact Assessment (TIA) which assessed the potential traffic, parking and access impacts including the worst-case traffic impacts from the operation of the business

park as well as the potential traffic impacts from the construction of Stage 1 works and for each lot which will be the subject of future DAs.

The business park was estimated to generate a total of 138 vehicle trips in the AM peak hour (7:30 – 8:30 am) and 139 vehicle trips in the PM peak hour (4:00 – 5:00 pm) when fully operational. The Applicant estimated the worst-case scenario for peak traffic generation from both Stage 1 works and the construction of future buildings to be 150 vehicle trips per day.

Site access to Cowpasture Road and to the proposed industrial lots, loading areas and car parking areas were indicatively shown in the Concept Proposal site plan to demonstrate the proposed development's capability and to facilitate the assessment of the potential impacts of the future use of the site. The Applicant notes that development for the use of the individual lots, buildings and structures would be subject to future DAs.

5.1.1 Access

Access to the business park once operational will be via a new access road and intersection onto Cowpasture Road. The new intersection and the new 230 m long cul-de-sac access road form part of the Stage 1 works and will be used by construction vehicles associated with the development of future lots. Construction vehicles associated with Stage 1 works will access the site from Cowpasture Road. The TIA indicated the new access intersection would perform within acceptable limits of operation with a level of service (LOS) B. The indicative intersection layout is shown in **Figure 5**.

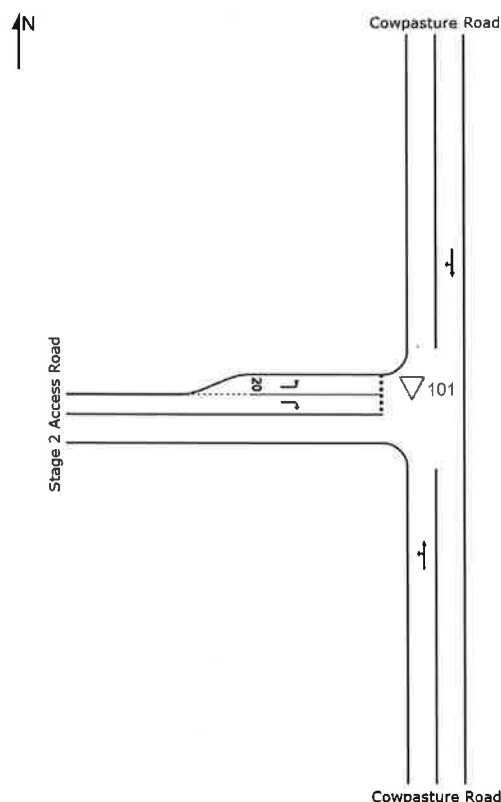


Figure 5: Proposed Site Access Road Intersection Layout

RMS initially recommended access to the site be moved to Trivet Street due to road safety and network efficiency. The Applicant later confirmed with RMS that the relocation of the access point to Trivet Street would not be physically viable given the difference in ground levels which would require significant earthworks to facilitate the construction of the access point.

Council requested the Applicant provide justification that the sight distance requirements for commercial vehicle traffic entering Cowpasture Road from the proposed site access driveway complies with Australian Standard AS 2890.2-2002. The Applicant clarified that the access road would have approximately 175 m visibility of southbound vehicles and 200 m visibility of northbound vehicles on Cowpasture Road. The access road line of sight would exceed the minimum requirements for a 60 km/h roadway of 83 m for a five second gap and 133 m for an eight second gap. Council accepted the location

of the access road and requested the Applicant provide a road safety audit prior to the commencement of works to verify safe manoeuvring into and out of the site.

Whilst RMS requested the road access to be from Trivet Street, the Department considers this location is impracticable given the steep topography of the site. The Applicant has demonstrated the lines of sight will exceed the minimum requirements for both north and south bound vehicles travelling along Cowpasture Road. The Department supports access to the site from Cowpasture Road on the basis safe access can be verified by the Applicant. The Department has recommended as a condition that the Applicant provide a road safety audit of the access road prior to the commencement of works to ensure that vehicles can safely manoeuvre into and out of the site from Cowpasture Road. The Applicant raised no objection to the recommended condition to provide a road safety audit.

Concept plans provided in the EIS show that driveways will connect each lot to the internal access road, providing access to each building. Each lot will comprise two driveways to separate light and heavy vehicle traffic. Both RMS and Council raised concerns regarding site access and site maneuverability, particularly relating to truck movements. The Applicant advised that the separation distances between internal driveways would not create a conflict between truck movements. The Applicant also indicated that internal driveways for lots are conceptual and are subject to detailed planning and layout design as part of future development applications.

No further concerns were raised by Council or RMS in regard to the internal access arrangements for the site.

The Department acknowledges the location of the internal driveways to each lot is conceptual and will be assessed as part of future development applications. However, to ensure adequate safety and separation of vehicles, the Department has recommended conditions that require future development applications to ensure swept paths are designed in accordance with the relevant AUSTROADS guidelines and internal roads, driveways and parking in accordance with the relevant Australian Standards (AS 1428.1, AS 2890.1, AS 2890.2 and AS 2890.6).

The Department's assessment concludes the proposed location and design of the road access to the site will enable vehicles to safely enter and exit the site from Cowpasture Road. The implementation of conditions relating to the design of internal driveways will ensure future development applications provide safe access for each lot.

5.1.2 Parking

The Department's assessment has considered the car parking requirement associated with the operation of up to 88,700 m² of GFA of general industrial, light industrial, warehouse and distribution and ancillary office uses on the site.

The site is located within the WSP SEPP which does not provide parking controls. Council's DCP 2013 provides for one car parking space per 80 m² of gross leasable area (GLA), whereas the RMS's *Guide to Traffic Generating Developments* (RMS Guide) provides for 1 space for every 300 m² of warehouse GFA and 1 space for every 40 m² of office and ancillary GFA. For this application, the Applicant has adopted the RMS parking rates. In support of this, the Applicant has referenced the recent example of a similar development where the RMS parking rates were used, being the Calibre site located at 60 Wallgrove Road, Eastern Creek in the Blacktown LGA (SSD 6962).

Accessible parking would be provided at a rate of two accessible spaces for every 100 car parking spaces in accordance with Building Code of Australia requirements and the rates under Council's DCP 2013.

Based on the RMS Guide rates, the Applicant's TIA stated the site would provide 385 car parking spaces with an additional eight spaces for accessible parking.

Council raised concerns regarding the provision of on-site car parking. Council suggested that parking rates be consistent with those adopted on the HDBP Stage 1 site (1 space per 200 m² for warehouse and 1 space per 200 m² for office). Based on the GFA of the proposed development this would equate to a provision of 444 car parking spaces, which is 59 car parking spaces more than that proposed by the Applicant.

In the RTS, the Applicant advised the parking rates within the RMS Guide are supported at a strategic and local level to avoid inefficient land use and promote more sustainable modes of transportation. The Applicant referenced the Oakdale West industrial precinct (SSD 7348) where the middle range car parking demand rate of 1 space per 350 m² GFA was adopted, based on surveys of eight comparable industrial developments. This parking demand rate is less than the RMS rate of 1 space per 300 m² GFA. Further, the Applicant noted that technological advances have resulted in a shift towards automation, resulting in lower employee densities and, in turn, lower demand for car parking.

Council raised no further objection to the proposed provision of parking on the site.

TfNSW advised it was unclear whether the proposed development would provide bicycle or end of trip facilities for active transport users, noting the existing cycle track network in proximity to the site. To address the matters raised by TfNSW, the Applicant has agreed to provide bicycle or end of trip facilities in the RTS. TfNSW supported this and recommended a condition requiring the provision of bicycle or end of trip facilities on the site by the Applicant.

The Department notes that while the adopted parking rates are less than those outlined in the DCP, the Applicant has demonstrated the RMS parking rates are in-line with similar developments and are reflective of a shift towards automation and lower employee densities. The Applicant has also committed to the provision of bicycle or end of trip facilities to encourage alternative transportation methods.

The Department's assessment concludes the proposed parking provisions are adequate and has recommended conditions requiring the provision of parking in accordance with RMS parking rates as well as the requirement that bicycle or end of trip facilities are provided as part of future DAs on the site.

5.1.3 Traffic Impacts

The TIA assessed the anticipated construction and operational traffic of the Concept Proposal and Stage 1 works.

Construction Impacts – Stage 1 works and Future DAs

A preliminary Construction Traffic Management Plan (CTMP) was included in the TIA, which outlined the proposed haulage routes, estimated construction traffic volumes and mitigation measures.

Temporary access to the site will be from Cowpasture Road with the access point limited to a maximum width of five metres.

The Applicant assessed the worst-case scenario for peak traffic generation from vehicles associated with the construction of Stage 1 works as well as the construction of future buildings on the site to be up to 150 vehicle trips per day, comprising up to 100 heavy vehicle trips. Heavy vehicles used for construction works would mainly be associated with the removal of excavated material, the delivery of construction equipment and the delivery of material for construction works. The primary haulage route to and from the site would be via the M7 Motorway, The Horsley Drive and Cowpasture Road or via Smithfield Road (the Cumberland Highway) to the M4 Motorway which are existing heavy vehicle routes (see Figure 6).

To minimise potential construction traffic impacts, the Applicant proposes the following mitigation measures:

- the use of traffic control to regulate traffic movements in and out of the site;
- scheduling intensive delivery activities outside of peak hours; and
- limiting the roadways used for construction and delivery vehicles to the M7, The Horsley Drive, Cowpasture Road, Smithfield Road (the Cumberland Highway) and the M4.

TfNSW noted the likelihood for several construction projects to occur simultaneously within the HDBP area. The overlapping construction projects would have the potential to impact upon the operation of bus services and the safety of pedestrians and cyclists. TfNSW recommended the CTMP include the potential impacts to pedestrians or public transport infrastructure from overlapping projects.

The Applicant's assessment has provided the worst-case scenario for potential construction traffic impacts on the basis Stage 1 works are completed and the future industrial lots developed at the same time. Safe access to the site for construction traffic will be provided from Cowpasture Road via the new access road. Due to the relatively short duration of Stage 1 works, with construction expected to occur over four to five months, the Department considers construction related traffic can be adequately

managed. The construction traffic volumes would be less than the anticipated operational traffic volumes for the proposed development and can be accommodated by the surrounding road network which supports the existing industrial precinct to the east and primarily industrial related traffic.



Figure 6: Modelled Intersections

The Department considers construction traffic can be accommodated by the local and regional road network for the duration of construction activities. Notwithstanding, a final CTMP would be provided within the Construction Environmental Management Plan (CEMP) prior to construction which includes an assessment of the cumulative impacts of adjacent developments and measures to mitigate the impacts associated with construction generated traffic. The Department's assessment concludes that,

if appropriately managed by the CEMP, the addition of up to 100 heavy vehicle trips per day will not have a significant impact on the surrounding road network.

Operation

The TIA identified the road network performance for the existing, baseline (existing with HDBP Stage 1 traffic) and 2026 scenarios. The TIA predicted the proposed development at full operational capacity would result in 2,352 vehicle trips per day, with 138 and 139 trips during the AM and PM peak hour periods respectively.

Under the existing scenario, the roundabout intersection of The Horsley Drive and Cowpasture Road was identified as currently operating under a level of service (LOS) F during the PM peak period, with an average vehicle delay (AVD) of 457 seconds. All other assessed intersections showed that they currently operate at LOS C and above for all periods.

Recognising the poor performance of The Horsley Drive and Cowpasture Road roundabout intersection, the TIA recommended an interim upgrade to reconfigure the northern approach of the roundabout. The reconfigured approach would allow both lanes to continue south on Cowpasture Road (see **Figure 7**) rather than restricting this part to the inside lane. Modelling results indicated that the roundabout would operate at acceptable levels with the reconfigured northern approach.

Under post-development conditions (existing traffic, HDBP Stage 1 traffic and HDBP Stage 2 traffic), where the interim reconfiguration option is pursued, The Horsley Drive/Cowpasture Road roundabout is expected to operate at a LOS D during the AM peak period. All other intersections are expected to operate under a LOS C or above for all periods.

RMS did not support the proposed intersection improvements on road safety grounds and requested the traffic modelling be amended for The Horsley Drive/Cowpasture Road roundabout intersection to show the existing traffic volumes and to provide further information in relation to the impact of queuing with the nearby signalised intersection on The Horsley Drive/Cowpasture Road.

Council raised concerns with the capacity of Cowpasture Road to accommodate operational traffic from the development. Council considers there would be a significant impact on the road network as the portion of Cowpasture Road between Victoria Street and Trivet Street is a collector road with one travel lane per direction and recommended the Applicant either reduce the scale of the development or undertake roadworks to increase the capacity of part of Cowpasture Road. Council also expressed concern that the traffic generation rates used in the TIA were not consistent with the RMS's guide to traffic generating developments updated traffic surveys 2013.

Both RMS and Council requested the remodeling of the baseline and forecasted traffic, and to review the revised model files (SIDRA).

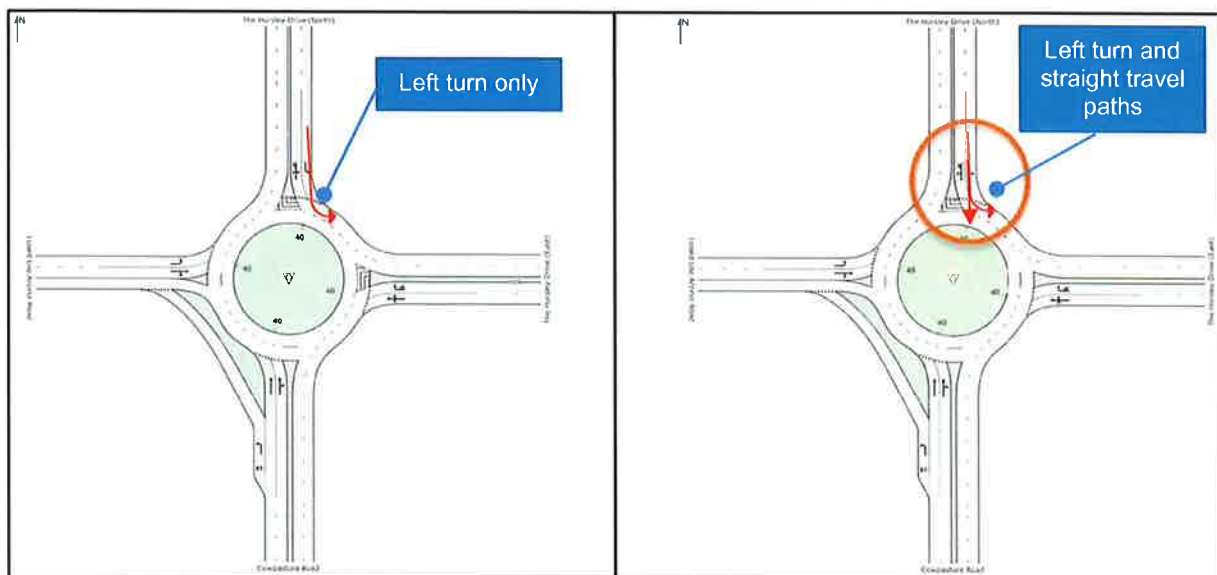


Figure 7: Proposed Interim Intersection Configuration

The Applicant undertook further modelling and consultation with RMS and Council to address the concerns raised relating to traffic.

The Applicant provided further clarification that the traffic generation analysis provided in the TIA was based upon survey data from comparative developments including in Oakdale and Minto which best reflect the characteristics of the development. Council raised no further comment in relation to the traffic generation analysis.

Three options to address The Horsley Drive/Cowpasture Road intersection were suggested by RMS:

- re-align the southbound approach;
- install metering; and
- contribute to The Horsley Drive Upgrade project.

The Horsley Drive Upgrade project (the upgrade) involves the upgrade of The Horsley Drive between the M7 Motorway and Cowpasture Road to address current congestion and anticipated future transport needs of the surrounding areas. The proposal would increase the road to a four-lane divided road, with a wide central median to allow for six lanes in the future. A key feature of the upgrade is the conversion of The Horsley Drive/Cowpasture Road roundabout to a signalised intersection (see **Figure 8**).

Further consideration and consultation with RMS indicated the option to re-align the southbound approach would be expensive and redundant given the upgrade. In addition, subsequent modelling from both the Applicant and RMS indicated the metering option would not be effective at controlling traffic and therefore not a suitable approach.

RMS advised the appropriate option would be a contribution to the cost of the upgrade of The Horsley Drive/Cowpasture Road roundabout intersection, based on the volume of traffic that the proposed development would contribute. The TIA and an additional supporting letter (dated 26 May 2017, prepared by Ason Group) advised the proposed development would contribute to approximately 1% of the future traffic (2026) at the subject roundabout during peak periods.

RMS investigated the upgrade to the Horsley Drive/Cowpasture Road intersection. Based on similar upgrades, RMS anticipated the cost to be \$30 million (based on 2017 pricing). As such, RMS proposed a financial contribution of \$300,000 for the upgrade works which represents the predicted 1% traffic contribution of the proposal. The Applicant has agreed to pay this amount, subject to RMS not seeking additional contributions from future development on the site.

The Department considers the anticipated 1% traffic contribution to The Horsley Drive/ Cowpasture Road intersection from the proposal does not represent a significant increase in traffic in the context of the site and the increase is within the natural traffic growth projections for the area. The additional 1% traffic contribution represents a worst-case based on the proposed future uses of the site, with traffic gradually increasing over time as lots are developed within the business park. The development will not be reliant on the completion of the upgrade of The Horsley Drive/Cowpasture Road roundabout intersection, the timing of which will be subject to RMS's schedule. In the interim, the additional traffic will not have a significant impact on the existing road network and can be accommodated without any upgrades.

However, the Department also acknowledges parts of the surrounding road network are currently operating under poor performance conditions. The proposed upgrade of The Horsley Drive by RMS is expected to address the existing traffic congestion issues and the anticipated future transport needs of the surrounding area. The Applicant, in consultation with RMS, has agreed to pay a monetary contribution towards the upgrade of The Horsley Drive/Cowpasture Road intersection based on the predicted traffic contribution of the proposed development. The Department considers this approach appropriate as the intersection upgrade would have a more significant and long-term benefit than an interim upgrade.

The Department's assessment concludes that traffic, access and parking could be managed, subject to conditions. The Department has recommended conditions of consent relating to construction traffic, roadworks, access arrangements to the site from Cowpasture Road as well as internal access arrangements and car parking provision rates. The Department has recommended a condition requiring the Applicant to enter into a deed with RMS for the payment of a contribution towards the upgrade of The Horsley Drive/Cowpasture Road roundabout intersection, prior to the release of the subdivision certificate.



Figure 8: Proposed Upgrade of The Horsley Drive and Cowpasture Road Intersection

5.2 Noise

The proposed general industrial, light industrial, warehouse and distribution and ancillary office uses on the site would generate noise during construction and during 24-hour operations. The noise sources associated with the proposal would be from:

- construction activities associated with the Stage 1 works;
- construction activities associated with the construction of the future business park; and
- the operation of the future business park (including vehicle movements, warehouse and loading dock operations).

The site is bordered to the east and the south by commercial/industrial developments. To the north and to the west are rural/residential properties. The nearest sensitive receiver is a residence located approximately 80 m to the north-east of the site at 28 Trivet Street, Wetherill Park (see **Figure 9**, Location A). The other immediate northern lots are under the ownership of WSPT, including the residence located at 70 Trivet Street. The residences to the west of the site are located approximately 350 m from the site (see **Figure 9**, Locations B and C).

The EIS was accompanied by an Acoustic Assessment which assessed the noise that would be generated during Stage 1 works across the business park (bulk earthworks and business park infrastructure) as well as from the construction and operation of future warehouse buildings. Following requests for additional information from the Department (regarding existing background noise levels, particularly at key sensitive receivers) required to understand the potential noise impacts, the Applicant provided an updated acoustic assessment with the RTS.

Unattended noise monitoring was undertaken at two locations (as shown in **Figure 9**) to establish the baseline noise conditions. The resulting background noise levels are summarised in **Table 3**.

Table 3: Background Noise Levels

Location	Time of Day	Rating Background Noise Level (dB(A) L ₉₀)
A (28 Trivet Street)	Day (7 am – 6 pm)	47
B & C (70-84 and 46-56 Ferrers Road)	Day (7 am – 6 pm)	50

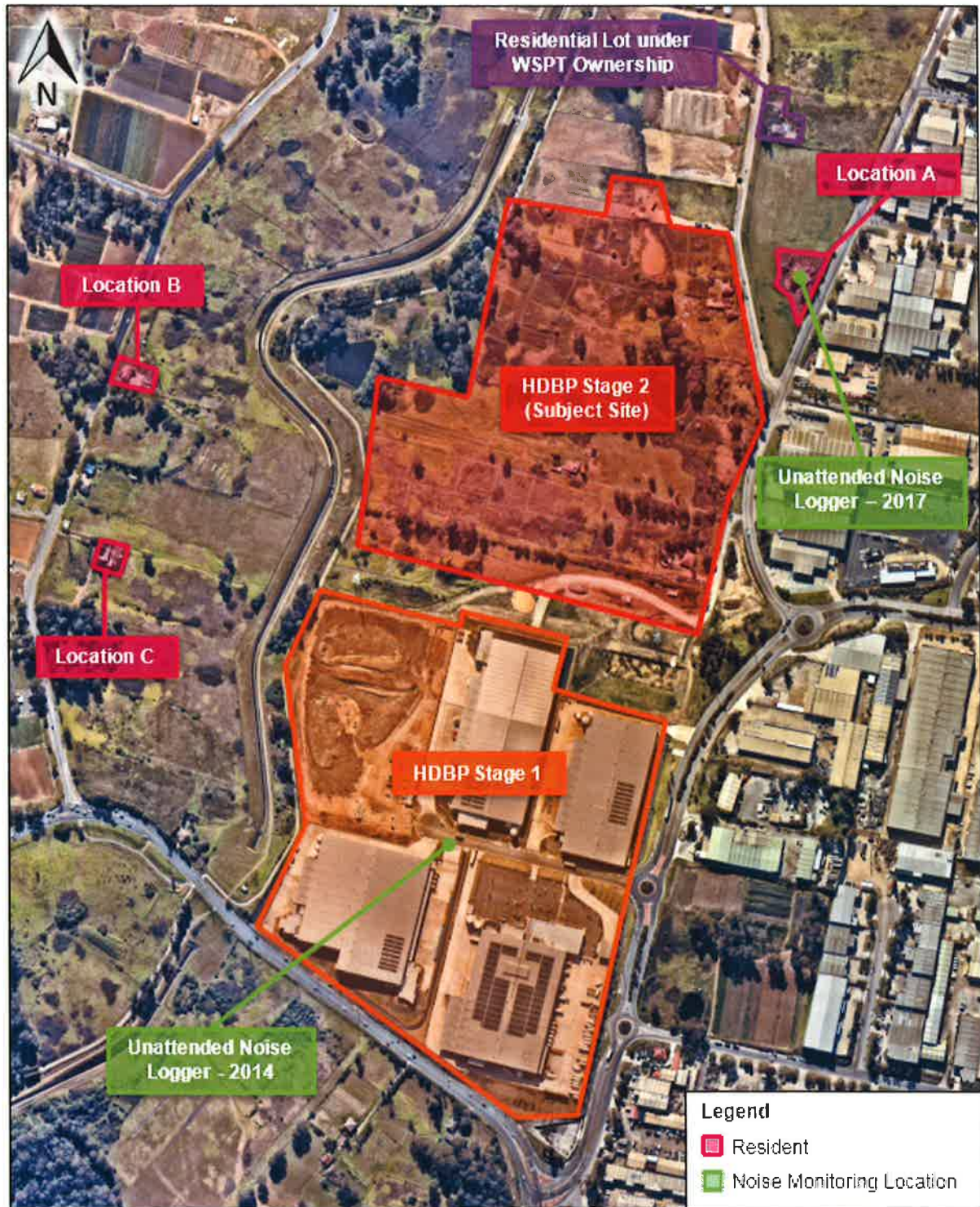


Figure 9: Residential Receivers and Noise Monitoring Locations

5.2.1 Construction

The Applicant has undertaken an assessment of the worst-case scenario of construction noise assuming Stage 1 works and the future development of each lot will occur at the same time. Noise generated during construction would primarily be generated from earthworks, infrastructure works and the construction of the internal roads and warehouse buildings. The construction period is temporary and it is anticipated that Stage 1 works would take four to five months and would be carried out between the hours of 7 am to 6 pm Monday to Friday and 8 am to 1 pm Saturday, with no works on Sundays. The construction of the four industrial buildings is expected to vary between six to eight months, and will be subject to future DAs.

The Applicant assessed the potential noise impacts of construction of Stage 1 works as well as from the development of all lots on the site on locations A, B and C against the requirements of the *EPA Interim Construction Noise Guidelines* (ICNG), as summarised in **Table 4**.

Table 4: Predicted Construction Noise Levels

Location	Activity	External Sound Level dB(A) $L_{eq}(15 \text{ min})$	Noise Level Goal dB(A) $L_{eq}(15 \text{ min})$	Compliance
A (28 Trivet Street)	Excavation	55 to 69	Background (47 dB(a)) + 10 dB(A) = 57 dB(A)	N
	Construction	40 to 64		N
B & C (70-84 and 46-56 Ferrers Road)	Excavation	53 to 58	Background (50 dB(a)) + 10 dB(A) = 60 dB(A)	Y
	Construction	38 to 53		Y

Civil works and the construction of warehouse buildings would comply with the recommendations of the ICNG for construction works within standard hours at Location B and Location C. However, this level would be exceeded by up to 12 dB at Location A. While there is an exceedance, this level would not constitute a 'highly noise affected residence' as prescribed in the ICNG (which is classified at 75 dB(A) L_{eq}). The noise would also be for a relatively short duration and is based on a worst-case scenario whereby Stage 1 works will occur at the same time as construction works for each building which are subject to future DAs.

The Applicant proposes feasible and reasonable work practices to minimise noise from construction activities including screening any necessary noisy construction activities (e.g. hammering, sawing or concrete pumping), ensuring regular maintenance of equipment and where possible locating activities away from sensitive receivers.

While the Department acknowledges construction works are temporary in nature, they can have a significant impact upon nearby residences if not appropriately managed. The Department notes an objection was received from the nearest residence located at 28 Trivet Street (see Location A **Figure 9**). While the assessment has identified construction noise (particularly from excavation works) could exceed noise levels by up to 12 dB at the residential property at Location A, the Department acknowledges the assessment is based on the worst-case with Stage 1 works and the future development of lots occurring simultaneously. The Department considers it is unlikely this construction scenario will occur. The Applicant has advised Stage 1 works will realistically precede the development of each lot with the works being necessary to prepare individual building pads for development. The Applicant has also advised the bulk of excavation activities, which are the noisiest construction activity predicted during Stage 1 works will occur for a short period of between eight and nine weeks.

However, to ensure noise impacts from construction are minimised, the Department has recommended conditions restricting construction to day-time hours and requiring compliance with the ICNG. The Department supports the proposed measures to minimise construction noise and has recommended conditions requiring the preparation of a noise management plan for construction works. The potential noise impacts from the construction of buildings on the site will be further considered during the assessment of future DAs on the site and additional mitigating measures can be implemented at this time.

5.2.2 Operation

The Applicant is seeking to operate the warehouse and distribution facilities 24 hours per day, seven days a week. Noise associated with the operation of the proposed development includes:

- on-site operational noise (machinery and plant);
- noise resulting from internal traffic; and

- noise associated with additional traffic movements along Cowpasture Road.

Operational noise generated on the site is assessed in accordance with the EPA's *Industrial Noise Policy* (INP). The INP sets out both 'intrusiveness' (continuous noise should not exceed 5 dB above the existing background level) and 'amenity' (noise criteria for the land use and associated activities) criteria. The INP outlines site specific criteria, based on background noise and land use type for the proposed development as presented in **Table 5**.

Table 5: Industrial Noise Policy Criteria for Operational Noise

Location	Time of Day	Intrusiveness Criteria (Background + 5dB(A)) dB(A) $L_{eq}(15 \text{ min})$	Amenity dB(A) $L_{eq}(\text{Period})$	Predicted Noise Level without acoustic barrier (dB(A) $L_{eq}(15 \text{ min})$)	Predicted Noise Level with acoustic barrier (dB(A) $L_{eq}(15 \text{ min})$)
A	Day (7 am – 6 pm)	52	60	52	52
	Evening (6 pm – 10pm)	49	50	51*	48
	Night (10 pm – 7am)	47	45	50	47
B & C	Day (7 am – 6 pm)	55	60	42	-
	Evening (6 pm – 10pm)	50	50	42	-
	Night (10 pm – 7am)	45	45	42	-

*The EPA's Road Noise Policy (RNP) notes that an increase of up to 2 dB is considered barely perceptible to the average person.

In assessing the potential noise generated from the operation of the development, the Applicant assumed there would be:

- a sound power level of 76 dB(A) L_{eq} within the warehouse areas, except for offices and administration areas;
- 27 heavy vehicle movements on the access road in any one hour period during all periods; and
- 8 forklifts in operation.

The predicted number of heavy vehicle movements utilising the access road was based on the assumptions of the TIA. The TIA predicts that during operation of the site, the access road would be utilised by 138 to 139 vehicle trips during peak hour periods, of which 20% would be heavy vehicles. The Applicant has indicated the access road would be dedicated to the relevant roads authority following completion of construction. Once the access road is dedicated, its traffic noise impacts would have to comply with the EPA's Road Noise Policy (RNP) rather than the INP.

For the purposes of the acoustic assessment, it was assumed the sensitive receivers were an 'urban – residential' interface as these properties are dominated by an industrial source noise, are located close to an industrial district and are adjacent to a sub-arterial road (Cowpasture Road).

The surrounding area has been undergoing significant redevelopment and has transitioned from a predominately rural-residential dominated area to a more industrial area. The INP makes consideration of areas of transitioning land uses where increased activities result in increased environmental noise levels. Industrial receivers have higher criteria of 70 dB(A) $L_{eq}(\text{Period})$ compared to residential receivers. However, the 'residential' classification under the amenity criterion was used to take a conservative approach.

A summary of the predicted noise levels at locations A, B and C compared to the INP are presented within **Table 5**. The compliance of the predicted noise levels at these locations was assessed against the intrusiveness criteria as these noise levels were lower than the amenity criteria overall. Therefore, the assessment is more conservative.

The results of the acoustic assessment showed that the predicted operational noise levels would not comply with the evening or night-time criteria at Location A, exceeding the intrusiveness criteria by 2 and 3 dB respectively.

The acoustic assessment recommended the inclusion of a one metre high acoustic barrier along the boundary of Lot 4 to shield noise from the site and impacts on the residential receiver at Location A. A summary of the predicted noise levels at sensitive receivers, with the acoustic barrier, is presented within **Table 5**.

The Applicant's assessment indicated the operation of the proposed development would comply with the INP, with the implementation of the acoustic barrier.

The Department notes there may be a period when the proposed development is operational, prior to the dedication of the internal access road to the relevant roads authority. During this period, the INP would apply to traffic noise generated within the site and there is potential for operational noise levels to exceed the night-time intrusiveness criteria at Location A without any mitigating measures (such as the installation of an acoustic barrier).

The acoustic modelling results indicate that the acoustic barrier would reduce the predicted noise levels by 3 dB during the evening and night-time period. The Applicant provided a drawing of the acoustic barrier to show that the barrier would not be visible from Trivet Street due to the slope of the land and would be setback from the property boundary (see **Figure 10**).

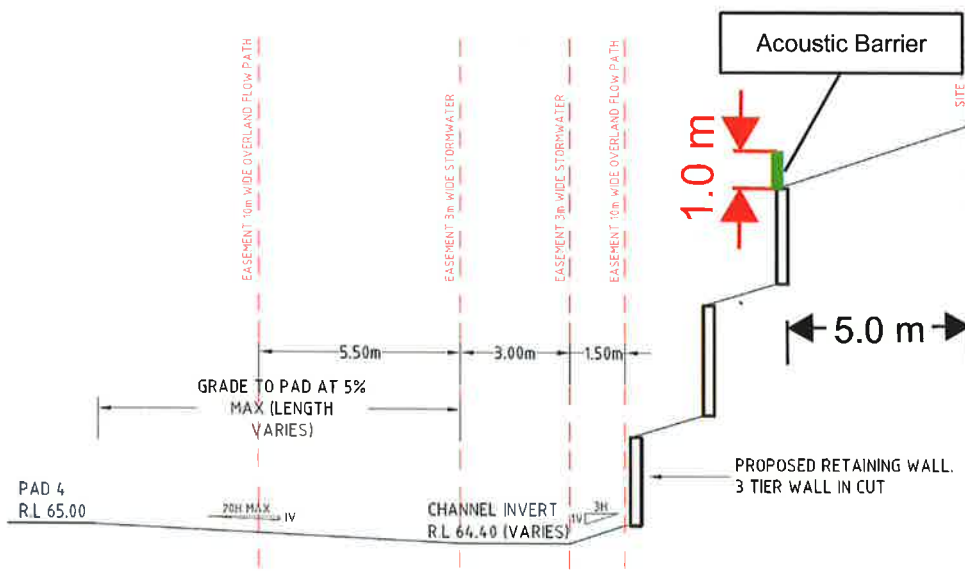


Figure 10: Acoustic barrier on Lot 4

The Department recommends the installation of the acoustic barrier as a mitigating noise measure to enable the Applicant to achieve noise limits. The acoustic barrier is considered acceptable due to the following:

- it will be wholly contained within the site and will be maintained by the developer/tenant;
- it will not be visible from Trivet Street due to the low height of the barrier and slope of the land; and
- it will provide an additional level of safety to the retaining walls on Lot 4.

The Department has considered the worst-case operational noise which may be generated by all proposed future uses on the site. The Department has recommended a condition to establish operational noise limits for the site. The construction of an acoustic barrier is considered an acceptable mitigation measure and will only be required if the construction of the barrier is necessary to achieve noise limits when measured at the nearest residential property at Location A.

The Department has recommended conditions around the maintenance and design of an acoustic barrier to ensure any barrier is integrated with the proposed landscaping on the site and maintains the amenity of Trivet Street. The Department has also recommended the Applicant screen any acoustic barrier with a mix of shrub planting and trees. Detailed noise assessments will also be required as part of future DAs to ensure operations achieve compliance with the operational noise limits.

Road traffic noise

Noise generated by vehicle movements along a public road, being any road owned by a roads authority, is assessed in accordance with the RNP. The RNP sets criteria for traffic noise generated by new developments in accordance with the classification of the road. The criteria for Cowpasture Road, a sub-arterial road, is presented within **Table 6**.

Table 6: Road Noise Policy Criteria for Traffic Noise Generated by New Developments

Road	Time of Day	Permissible Noise Generation
Cowpasture Road (Sub-Arterial)	Day (7 am – 10 pm)	60 dB(A) _{Leq(15 hr)}
	Night (10 pm – 7am)	55 dB(A) _{Leq(9 hr)}

The proposal would generate 139 vehicle trips (all vehicle types) during the PM peak periods. Of these trips, approximately 20% would enter and exit the site via Cowpasture Road to the north of the site (the roadway closest to the residential receiver at Location A). Consistent with the traffic modelling in the TIA, the acoustic modelling assumed this would result in 20 movements per hour, of which four would be heavy vehicle movements. The existing traffic noise levels at Location A is shown in **Table 7**.

Table 7: Existing Noise Levels and Noise Generated by Additional Traffic along Cowpasture Road (Sub-Arterial)

Location	Time of Day	Existing Noise (Worst Hour)	Existing Noise	Permissible Noise Generation	Predicted Noise
A	Day (7 am – 10 pm)	57 dB(A) _{L(worst hr)}	57 dB(A) _{Leq(15 hr)}	60 dB(A) _{Leq(15 hr)}	57 dB(A) _{Leq(15 hr)}
	Night (10 pm – 7 am)	55 dB(A) _{L(worst hr)}	50 dB(A) _{Leq(9 hr)}	55 dB(A) _{Leq(9 hr)}	53 dB(A) _{Leq(9 hr)}

The noise generated by additional traffic on Cowpasture Road during the day-time and night-time peak traffic periods was assessed against the road traffic noise assessment criteria. The results indicate that the road traffic noise would comply with the criteria outlined within the RNP, as depicted in **Table 7**.

The existing acoustic environment is moderately high in background noise levels during the day and evening periods primarily due to industrial uses to the south and south east of the site and road traffic along Cowpasture Road, a sub-arterial road. The Department has recommended a number of conditions to ensure noise from the proposed development is adequately managed including a condition to establish noise criteria and implement best practice noise management procedures.

Subject to the Applicant implementing best practice noise management procedures over the life of the development, the Department concludes the potential impacts from construction and operational noise are acceptable in the context of the highly industrial nature of the locality.

5.3 Visual Impact

The future development of the site has the potential to have a visual impact on the nearest residential properties located to the north east of the site (Trivet Street) and to the west of the site (Ferrers Road).

The Concept Proposal establishes parameters (see **Table 1**) relating to the built form of buildings including height controls, maximum floor space ratio of buildings as well as landscaped setbacks which enables an assessment of the visual impacts of the future development of the site to be undertaken. Whilst Council's DCP 2013 does not apply to the proposed development. Notwithstanding, the Department considers the proposed built form parameters to be generally consistent with the provisions of DCP 2013. Council raised no objection to the proposed built form parameters.

The Applicant included perspectives in the EIS and RTS and provided photomontages taken from the nearest residential property (Location A on **Figure 9**) to show the potential visual impacts of the future industrial and warehouse development.

The Applicant's EIS notes there is a significant height difference between the pad level (65.0 m) and the Trivet Street level (78.5 m) that will result in the proposed Lot 4 sitting significantly lower than Trivet Street. As such, any 16 m building constructed on proposed Lot 4 will largely be unseen from Trivet Street and will have minimal visual impacts on the residential properties located to the north east of the site.

Significant landscaped areas will be retained or are proposed along the eastern and western boundaries of the site on residual lots which will soften any visual impact from the future development. This includes

a 10 m landscape setback to Trivet Street incorporating Grey Box (*Eucalyptus moluccana*) which have a mature height of 25 m.

The layout and urban design elements in the proposal establish the basis upon which future development can be accommodated, and the future development of individual lots will have the most significant effect on the amenity, visual aesthetic and urban design outcome of the business park.

The Department considers the urban design and detailed design of the future buildings on each allotment is primarily a matter to be considered as part of future DAs. As part of the detailed assessment of future DAs, further controls and mitigation measures can be applied to each building to minimise potential visual impacts from the new business park.

The Department notes the proximity of the site to the established 70 ha industrial area located to the east and the existing industrial nature of the locality. Notwithstanding, the Department has recommended conditions relating to the provision of landscaping, the design of industrial and warehouse buildings and setbacks to ensure these matters are considered as part of the future development of the site.

The Department's assessment concludes, subject to the implementation of the recommended conditions, the proposed development will establish a sound layout and urban design basis for the future development of the site and will minimise visual impacts on nearby residential properties.

5.4 Other Issues

The Department's assessment of other issues is provided in **Table 8**.

Table 8: Assessment of Other Issues

Consideration	Recommended Conditions
<i>Stormwater, Flooding and Drainage</i>	
- The development has the potential to increase stormwater flows as the proposed bulk earthworks and development on the site would alter natural drainage lines by establishing buildings and impervious hardstand area. - Increased runoff has the potential to impact on upstream and downstream catchments both in quantity and quality of flows, if not controlled by a stormwater management system. - A Civil Engineering Report (the engineering report) was prepared in consultation with Council and in accordance with DCP 2013, Council's Stormwater Drainage Policy – September 2002 and best practice stormwater pollution reductions was submitted with the EIS. - The engineering report identifies four upstream natural gullies and overland flow paths which have little to no baseflow and only flows during wet weather or storm events. - The Stage 1 works comprise the construction of stormwater infrastructure including a business park-level detention basin, stormwater pollutant removal devices, bio-retention systems, drainage connections and servicing of individual lots. - Council's submission expressed concern that the proposed stormwater design was not sympathetic to the natural environment of the site. - WaterNSW raised no objection however requested conditions be imposed regarding stormwater management and the protection of the canal. - In the RTS, the Applicant revised the engineering report with amendments to the major storm flow paths to ensure greater consideration of the natural environment of the site and provided additional flooding information. - Council raised no further objection to the development however recommended conditions requiring the provision of detailed stormwater design plans prior to works commencing and building pads be at least 500 millimetres above the 1 in 100 year flood level. - The Department considers the site's proposed stormwater drainage will ensure flows from the site will not place unreasonable pressure on Council's trunk drainage infrastructure or the canal and recommends the final stormwater management plan be prepared in consultation with Council and to the satisfaction of the Secretary prior to works commencing.	Require the Applicant to: - ensure that all building floor levels are a minimum of 500 mm above the 1 in 100 maximum flood level; - ensure the stormwater system is designed so as not to impede upstream flows from the canal and does not increase flows onto WaterNSW land; and - prepare a final stormwater management plan in consultation with Council for the Secretary's approval.

Consideration	Recommended Conditions
The Department's assessment concludes the stormwater drainage has been designed in accordance with the requirements of Council and is adequate for the management and treatment of flows from the site.	
Contamination and Remediation - The EIS included a Phase 1 preliminary site investigation which identified nine potentially contaminated areas for further investigation including areas where illegal dumping of waste, imported filling, demolition of buildings, previous agricultural activities, mechanical workshop and dumping of hazardous building materials may have occurred. - The Phase 2 Report submitted as part of the Applicant's RTS identified that it is likely asbestos is located around previous and existing structures in four locations in the south eastern, northern boundary and north eastern portion of the site. - The Phase 2 detailed site investigation concluded that bonded asbestos containing material (ACM) was detected on-site and recommended that air monitoring be conducted if airborne ACM (such as asbestos fines or fibrous asbestos) is discovered. - A RAP also outlined a potential remediation strategy and proposed validation works to ensure the site would be suitable for the proposed use including: - measures for the on-site treatment of asbestos material; and - contingency options for off-site disposal and on-site capping environmental protection measures as well as the health and safety procedures to be followed during remediation works. - The Department is satisfied the RAP was prepared in accordance with the NSW EPA <i>Contaminated Sites Guidelines for Consultants Reporting on Contaminated Sites</i> (OEH 2011), with consideration to the recommended clean up management hierarchy outlined in National Environment Protection (Assessment of Site Contamination) Measure (NEPM 1999, amended 2013) and that the validation criteria and remediation approach is appropriate. - The Department has recommended conditions requiring an accredited NSW site auditor prepare a site audit report to determine the site suitability for the proposed use at the completion of the remediation works. - The Department's assessment concludes that, subject to the implementation of the recommended conditions and preparation of a site audit statement, the site can be made suitable for the proposed use.	Require the Applicant to: - ensure asbestos encountered during excavation is monitored, handled, transported and disposed in accordance with the requirements of WorkCover and relevant guidelines; and - ensure that an accredited NSW site auditor prepares a site audit report and statement determining the site suitability for the proposed use at the completion of the remediation works.
Biodiversity - The EIS was accompanied by a Biodiversity Assessment Report (BAR) and associated Framework for Biodiversity Assessment (FBA) calculator data, prepared by Ecoplanning. - The assessment indicated the proposed development would impact 0.76 ha of Cumberland Plain Woodland (CPW), a critically endangered ecological community (CEEC) under the <i>NSW Threatened Species Conservation Act 1995</i> (TSC Act). - The assessment advised a total of 39 ecosystem credits and no species credits would be required for the proposed development. - The assessment concluded the proposed impacts would not cause the CEEC to become extinct within the Sydney Basin Bioregion, as the existing vegetation on-site is in a degraded state, is present in patches and makes up a small percentage of the total CPW within the bioregion. - The OEH requested further information relating to sections of the FBA and further justification for not undertaking Cumberland Plain Land Snail (CPLS) surveying. - In the RTS, the Applicant provided further information in relation to the FBA and undertook a survey for the CPLS which did not identify any individuals on the site. - The OEH was satisfied the RTS addressed the concerns in relation to the CPLS and the FBA assessment. - The Department considers that the overall biodiversity value of the site is low as it consists of cleared and exotic vegetation with several small patches of isolated remnant native vegetation (totalling 1.09 ha) which is significantly modified and degraded. - The removal of the native vegetation will be offset by 39 ecosystem credits, in accordance with the FBA and the Biobanking Assessment Methodology 2014 (BBAM).	Require the Applicant to: - ensure that vegetation to be retained on-site is protected; and - purchase and retire 39 ecosystem credits to offset the removal of native vegetation on the site, in accordance with the FBA and the BBAM.

Consideration	Recommended Conditions
- The Department acknowledges that, whilst 0.76 ha of CPW will be lost as a result of the development, the vegetation is of a low quality, represents a small proportion of the total CPW located in the bioregion and is not considered to result in any significant effect on the community. - The Department notes the proposal will result in the retention of existing landscaped areas along the eastern and western portions of the site which will assist with habitat connectivity. - The Department's assessment concludes the development would have minimal impact on biodiversity given the limited amount of clearing and the low ecological value of the vegetation and considers the retirement of ecosystem credits is appropriate to offset the minor biodiversity impacts.	
Heritage - The EIS was accompanied by an Aboriginal Cultural Heritage Assessment Report, a Heritage Impact Statement (HIS) and an Archaeological Report all prepared by Biosis Pty Ltd. <u>Aboriginal Cultural Heritage</u> - The Aboriginal Cultural Heritage Assessment Report did not identify any Aboriginal sites or objects on the site and advised that there was a low potential for Aboriginal sites or objects to be present on the site. - The Aboriginal Cultural Heritage Assessment Report recommended that, should any Aboriginal objects be unearthed during any construction works, activities should temporarily cease and further advice be provided by a qualified archaeologist. - OEH and the Heritage Council raised no objection to the findings and conclusions of the Aboriginal Cultural Heritage Assessment Report and requested conditions to ensure the recommendations of the report are implemented. - The Department concludes that a condition requiring the implementation of the recommendations of Aboriginal Cultural Heritage Assessment Report will ensure that any unexpected discovery of aboriginal heritage during the excavation and construction works will be appropriately managed. <u>Heritage</u> - Based on information provided in the Applicant's HIS and Archaeological Report, the site does not contain any heritage sites or items (either built heritage or archaeological) which are listed on any State or local heritage registers, or schedules, including the State Heritage Register (SHR), State Heritage Inventory (SHI) or the Parklands SEPP. However, the site is located to the east of the State Heritage Register item identified as Upper Canal System (Pheasants Nest Weir to Prospect Reservoir) (the canal) (SHR no. 1373) (see Figure 2). - The HIS concluded the canal would not be directly impacted by the proposal as it is located outside the western boundary of the site. - The HIS recommends indirect impacts on the canal are minimised by restricting development within the curtilage of the canal and by ensuring sufficient building setbacks and landscaping protect the setting of the canal. - WaterNSW has recommended conditions to require the Applicant to provide details of the proposed construction works along the boundary of the canal prior to the commencement of works as well as requiring that works do not damage or pollute the waters of the canal. - OEH recommended a condition requiring the implementation of the recommendations of the HIS relating to building setbacks, landscaping and building design. - The Department concludes the proposed 6 m landscaped setbacks of buildings to be located on subdivided Lots 3 and 4 and the proposed retention of existing vegetation on Lot 7 of the subdivision will provide an adequate "soft barrier" to protect the setting of the canal. - The specific use and development of each lot in the subdivision will be the subject of separate future DAs and there will be an opportunity at that time to provide further internal landscaping for the lots that adjoin the western boundary of the site, if appropriate. - The Department concludes that the proposal will not result in any significant impact to the heritage significance of the adjoining canal with the implementation of the recommended conditions to protect the canal.	Require the Applicant to: - implement the recommendations of the Archaeological Report and Aboriginal Cultural Heritage Assessment to provide procedures for the discovery of unanticipated Aboriginal objects, relics or remains; - ensure WaterNSW is aware of works in close proximity to the western boundary and the canal; - protect the water quality and canal infrastructure; and - consider the heritage status of the canal when designing development.

Consideration	Recommended Conditions
Public Access - The construction of a new site access and internal road from Cowpasture Road is included in the Stage 1 works. - The new access road would end in a cul-de-sac 230 m west from Cowpasture Road and would provide access to HDBP Stage 2 only. - The Department concludes that the proposed access point will facilitate public access to the site and will ensure that members of the public can continue to access and enjoy the WSP.	Require the Applicant to construct the access road in accordance with Drawing No. Co11492.11-DA50 (Rev. C) Access Road Details prepared by Costin Roe Consulting Pty Ltd dated 1 December 2016.
Development Contributions - The Department has recommended conditions requiring the payment of a Section 94A contribution as the proposed development would incur a contribution calculated at 1% of the cost of the development under Section 94A of the EP&A Act and Fairfield City Council Indirect (Section 94A) Development Contributions Plan 2011. - The Applicant has reviewed the recommended conditions requiring payment of a Section 94A contribution and raised no objection.	Require the Applicant to pay contributions to Council in accordance with the Fairfield City Council Indirect (Section 94A) Development Contributions Plan 2011.
Transmission Line Easement - The southern portion of the site contains an electricity easement benefitting Lot 2 DP 1212087 which comprises 132 kV overhead power lines owned by Endeavour Energy. - Stage 1 works comprise the construction of stormwater infrastructure within the electricity easement. - Written comments were sought from Endeavour Energy to satisfy the requirements of Clause 45(2) of the ISEPP. - Endeavour Energy provided the Applicant with Endeavour Energy's 'Mains Design Instruction – Easements and Property Tenure' guideline and required that an application be made to Endeavour Energy's Mains Asset Manager for the installation of the stormwater works. - Endeavour Energy advised that large trees in the vicinity of electricity infrastructure is not supported and also recommended conditions to ensure the safety of workers during construction works and to protect Endeavour Energy's assets. - The Applicant provided revised landscaping plans removing all vegetation within the easement. - The Applicant provided evidence of consultation with Endeavour Energy and confirmed that Endeavour Energy supported the works within the easement in principle, however recommended as a condition, that final plans are submitted prior to works commencing. - The Department considers that the proposed works within the electricity easement have been designed in accordance with Endeavour Energy's requirements. - The Department's assessment concludes that Endeavour Energy's infrastructure would be adequately protected during construction and operation, with the implementation of Endeavour Energy's recommended conditions, which have been incorporated into the recommended consent.	Require the Applicant to: - ensure any works within 15 m of a transmission tower be constructed of non-conducting materials, maintain the integrity of all line structures and comply with AS/NZS 3000:2007 'Electrical installations'; - submit final design drawings to Endeavour Energy prior to the commencement of works; and - ensure that access is maintained for Endeavour Energy to the easement at all times during construction and operation.

6. CONCLUSION

The Department's assessment of the application has fully considered all relevant matters under Section 79C of the EP&A Act, the objects of the EP&A Act and the principles of ESD.

The Department's assessment concluded there would be some amenity impacts during construction and operation of the industrial business park, such as increased noise and traffic. Therefore, the Department has recommended a number of conditions to minimise these impacts, including:

- the payment of a contribution towards upgrade works to The Horsley Drive and Cowpasture Road roundabout intersection;
- implementation of a Construction Environmental Management Plan to manage construction impacts;

- adherence to construction and operational noise limits and requirement to construct an acoustic barrier as a mitigation measure to ensure noise limits are met; and
- the provision of landscaping for screening.

The proposal aligns with the strategic direction of the WSP. The proposal represents one of the nine sites identified strategically and represents a portion of the 2% of the total WSP area allocated for business purposes under the POM. The proposal will generate revenue for the WSPT which in turn will be invested in the development of facilities, programs and environmental initiatives throughout the WSP. The Department recognises the importance of employment generating development for WSP and acknowledges that the development would provide around 230 operational jobs.

The Department concludes the impacts of the development can be appropriately managed through implementation of the recommended conditions of consent. Consequently, the Department considers the development is in the public interest and should be approved, subject to conditions.

7. RECOMMENDATION

For the purpose of Section 89E of the *Environmental Planning and Assessment Act 1979*, it is recommended the Executive Director, Key Sites and Industry Assessments, as delegate of the Minister for Planning:

- consider the findings and recommendations of this report;
- approve the application in respect of State significant development Horsley Drive Business Park Stage 2 (SSD 7664); and
- sign the attached development consent (**Appendix A**).

Recommended by:

Prepared by:

Chloe Dunlop
Senior Planning Officer
Industry Assessments

Chris Ritchie
Director
Industry Assessments

27/10/17

DECISION

The recommendation is approved by:

Anthea Sargeant
Executive Director
Key Sites and Industry Assessments
as delegate of the Minister for Planning

APPENDIX A: DEVELOPMENT CONSENT

See the link below:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7664

APPENDIX B: CONSIDERATIONS UNDER SECTION 79C

Section 79C of the EP&A Act requires that the consent authority, when determining a development application, must take into consideration the following matters:

(a) the provisions of: (i) any environmental planning instrument, and (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and (iii) any development control plan, and (iiia) any planning agreement that has been entered into under Section 93F, or any draft planning agreement that a developer has offered to enter into under Section 93F, and (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and (v) any coastal zone management plan (within the meaning of the <i>Coastal Protection Act 1979</i>) that apply to the land to which the development application relates,	Detailed consideration of the provisions of all environmental planning instruments (including draft instruments subject to public consultation under this Act) that apply to the proposed development is provided in Appendix C of this report. The Applicant has not entered into any planning agreement under Section 93F. The Department has undertaken its assessment of the proposed development in accordance with all relevant matters as prescribed by the regulations, the findings of which are contained within this report. The site is not located within a coastal zone and no coastal zone management plan applies to the development.
(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The Department has considered the likely impacts of the development in detail in Section 5 of this report. The Department concludes that all environmental impacts can be appropriately managed and mitigated through the recommended conditions of consent.
(c) the suitability of the site for the development,	The site is located in the area of Western Sydney WSP identified as being suitable for business hubs, and the development is permissible with development consent. The site is also located in close proximity to Sydney's major road network which provides good transport links throughout the city and NSW. The Department considers the site is suitable for the proposed development.
(d) any submissions made in accordance with this Act or the regulations,	All matters raised in submissions have been summarised in Section 4 of this report and given due consideration as part of the assessment of the proposed development in Section 5 of this report.
(e) the public interest.	The development would generate up to 385 jobs during construction and 230 jobs during operation. The development is a considerable capital investment in the Wetherill Park and broader Western Sydney area that would contribute to the provision of local jobs. The environmental impacts of the development would be appropriately managed via the recommended conditions. On balance, the Department considers the development is in the public interest.

APPENDIX C: CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)

The SRD SEPP identifies certain classes of development as SSD. In particular, construction and operation of a business park comprising general industrial, light industrial, warehouse and distribution centre uses and ancillary office uses that meets the criteria in Clause 4 of the SRD SEPP is classified as State significant development. The development satisfies the criteria in Clause 89C as it involves development with a CIV of in excess of \$10 million on land identified as being within the WSP, under Clause 5 of Schedule 2 of the SRD SEPP.

State Environmental Planning Policy (Western Sydney Parklands) 2009 (WSP SEPP)

The WSP SEPP is the principal planning instrument applying to the site and enables the WSPT to develop the WSP into a multi-use urban parkland for the Western Sydney region. The site is unzoned under Clause 9 of the WSP SEPP. The development of the business park is permissible with consent under Clause 11(2) of the WSP SEPP. No specific development standards or controls apply to the site under the WSP SEPP, including setbacks, floor space ratio or height controls.

An assessment of the relevant provisions of the WSP SEPP is provided in **Appendix G** of this report.

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

The ISEPP aims to facilitate the effective delivery of infrastructure across the State and lists the type of development defined as Traffic Generating Development. Under Clause 6 (2) of the WSP SEPP, the provisions of the WSP SEPP prevail to the extent of any inconsistency with the Infrastructure SEPP. As the proposal is being assessed under Part 4, Division 4.1 of the EP&A Act, the exempt development provisions under the Infrastructure SEPP are not applicable.

The proposed development encroaches on an electrical easement located on the southern portion of the site. Under Clause 45 of the Infrastructure SEPP, before determining a development application for development within or immediately adjacent to an easement, the consent authority is required to:

- give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and
- take into consideration any response to the notice that is received within 21 days after the notice is given.

During the assessment, the Department consulted with Endeavour Energy who requested that the Applicant obtain written permission for the proposed stormwater infrastructure works within the easement. Endeavour Energy also requested that any landscaping within the easement not exceed 3 m in height and recommended conditions to ensure that access to the electricity infrastructure is maintained and to protect the safety of workers operating in close proximity to electricity infrastructure. The Applicant's RTS provided evidence that Endeavour Energy provided written permission for the works in principle and revised landscaping drawings to satisfy Endeavour Energy's requirements.

The Department has included conditions reflecting Endeavour Energy's requirements and is satisfied that, subject to the recommended conditions, the proposal will not impact on utility services and easements.

The development constitutes traffic generating development in accordance with Clause 103 of the ISEPP as it seeks concept development approval for the establishment of 86,200 m² GFA of warehouse, general or light industry land uses on the site which exceeds the 5,000 m² GFA trigger for new industrial development with access to a classified road (Cowpasture Road). Consequently, the development was referred to RMS for comment and consideration of accessibility and potential traffic impacts.

RMS requested more information in relation to the traffic modelling and the roundabout intersection of The Horsley Drive and Cowpasture Road. The Applicant's RTS provided further modelling of potential traffic from the development including on The Horsley Drive and Cowpasture Road roundabout intersection. RMS agreed with the Applicant's traffic modelling and assessment of the expected traffic impacts on the intersection roundabout and requested the Applicant provide a contribution towards the upgrade of this intersection as well as a number of conditions to ensure safe access to the site during construction and operation.

The Department has incorporated RMS's requirements into the recommended conditions.

The development is therefore considered consistent with the ISEPP.

State Environmental Planning Policy 33 – Hazardous and Offensive Development (SEPP 33)

SEPP 33 aims to identify proposed developments with the potential for significant off-site impacts, in terms of risk and/or offence. A development is defined as potentially hazardous and/or potentially offensive if, without mitigating measures in place, the development would have a significant risk and/or adverse impact on off-site receptors.

The Applicant seeks concept development approval for the establishment of warehouse, general and light industry land uses on the site and site preparation works (including subdivision, bulk earthworks and infrastructure provision). The EIS did not identify any potentially hazardous or potentially offensive development under Clause 3 of SEPP 33.

Therefore, the SEPP 33 does not apply to the proposed development and the Department has not recommended any hazard related conditions.

State Environmental Planning Policy 55 – Remediation of Land (SEPP 55)

SEPP 55 aims to provide a state-wide approach to the remediation of contaminated land. In particular, SEPP 55 aims to promote the remediation of contaminated land to reduce the risk of harm to human health and the environment by specifying under what circumstances consent is required, specifying certain considerations for consent to carry out remediation work and requiring that remediation works undertaken meet certain standards.

A full assessment of contamination issues associated with the proposal is provided in **Section 5.3** of this report. The EIS included a Preliminary Investigation (Phase 1) Report for the site which identified potential areas of contamination in nine locations. The Detailed Site Investigation (Phase 2) Report submitted as part of the Applicant's RTS identified that it is likely asbestos is located around previous and existing structures in four locations. To address the soil contamination, a RAP was prepared which outlines a potential remediation strategy and proposed validation works to ensure the site would be suitable for the warehouse and industrial uses proposed on the site. The Department has included specific conditions for managing the remediation works and to manage any unexpected finds.

Under SEPP 55, the proposed remediation works are Category 1 remediation works requiring consent. The Department is satisfied that, subject to the implementation of a revised RAP and recommended conditions, the site can be made suitable for its proposed future commercial/industrial land use.

Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (SREP 20)

SREP 20 aims to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. In this regard, SREP 20 identifies general planning considerations, specific planning policies and recommended strategies for various components of the environment (e.g. environmental sensitive areas, wetlands, water quality and quantity, cultural heritage and riverina scenic quality). In addition, development controls for specific types of development are detailed.

The site is located in the South Creek catchment identified under the SREP. The Department is satisfied that the proposal is consistent with the relevant provisions of Part 3 of the SREP 20 including in relation to water quality and quantity.

Fairfield City Wide Development Control Plan 2013 (DCP 2013)

Development Control Plans (DCP's) do not apply to SSD under Clause 11 of the SRD SEPP.

Notwithstanding, given the Parklands SEPP does not provide any specific controls applicable to the development, and whilst acknowledging that the DCP 2013 does not strictly apply to the SSD application (under Clause 3(2) of the Fairfield LEP and under Clause 11 of the SRD SEPP), the Department considers that, in this instance, DCP 2013 provides some relevant controls regarding landscaped setbacks, which should be considered as part of the application.

DCP 2013, as it applies to industrial development, identifies that a 10 m landscaped setback should be provided for all industrial land within Wetherill Park, including Cowpasture Road and Trivet Street.

The proposal complies with the landscaped setback requirements for the Trivet Street and Cowpasture Road frontages and proposes large trees (with mature tree heights of up to 30 m) along these frontages to minimise visual impacts from the proposed development.

Overall, the Department has consulted with Council throughout the assessment process and has considered all relevant provisions of the DCP and those matters raised by Council in its assessment of the development (see **Section 5** of this report).

APPENDIX D: ENVIRONMENTAL IMPACT STATEMENT

See link: http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7664

APPENDIX E: SUBMISSIONS

See link: http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7664

APPENDIX F: RESPONSE TO SUBMISSIONS

See link: http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7664

APPENDIX G: COMPLIANCE WITH THE WSP SEPP

Compliance with the relevant provisions of the WSP SEPP is provided in **Table 9** below.

Table 9: Compliance with the WSP SEPP

Matter	Comment
The aims of this Policy	The proposal is considered to be consistent with the aims of the WSP SEPP as it will provide funding towards the development of facilities, programs and environmental initiatives throughout the WSP, which will facilitate the public use and enjoyment of WSP in the long term.
The impact on drinking water catchments and associated infrastructure	The site adjoins a canal to the west containing an open water supply which is owned and operated by WaterNSW and forms part of Sydney's drinking water infrastructure. WaterNSW was consulted as part of the assessment process and requested that conditions be imposed regarding stormwater management, earthworks, fencing and heritage for the canal. The Department has included these conditions to ensure the proposed development will not impact on the canal.
The impact on utility services and easements	As identified above, the proposal is not expected to result in any impacts to the canal, and the Department has included conditions to ensure the protection of the canal, as recommended by SCA. The proposed development also encroaches on a 30 m wide electrical easement for dual circuit 132 kV transmission lines in the south of the site. During the assessment, the Department consulted with Endeavour Energy who provided permission for the works to occur within the easement, subject to conditions. Endeavour Energy requested that a condition be included requiring the Applicant consult with Endeavour Energy prior to the commencement of any works within the easement. The Department has included a condition reflecting this requirement and is satisfied that, subject to the recommended conditions, the proposal will not impact on utility services and easements.
The impact of carrying out the development on environmental conservation areas and the natural environment, including endangered ecological communities	The site does not comprise any identified environmental conservation areas. The proposal was accompanied by a flora and fauna report and the Department conducted an assessment of ecological issues in Section 5.3 of the report. On the basis of the assessment, the Department is satisfied that the proposed development on the subject site is not likely to impose a significant effect upon any threatened species, populations or ecological communities, or their habitats with a condition requiring the purchase and retirement of 39 ecosystem credits to offset the removal of native vegetation on-site.
The impact on the continuity of the Western Parklands as a corridor linking core habitat such as the endangered Cumberland Plain Woodland	As identified above, the Department conducted an assessment of ecological issues in Section 5.3 of the report. On the basis of the assessment, the Department is satisfied that the proposed development on the site is not likely to impose a significant impact upon any threatened species, populations or ecological communities, or their habitats. The proposal will require the removal of 0.76 ha of isolated patches of CPW. The Department therefore has recommended a condition requiring that the Applicant purchase and retire 39 ecosystem credits to offset the removal of native vegetation on-site. The proposal also comprises significant landscaping along the eastern and western portions of the site. The Department considers that, with the implementation of the recommended conditions, the proposal will not impact on the continuity of the WSP as a corridor linking core habitat.
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	The proposed development will not impact on the north-south circulation and access network of the WSP and will not impact on access to any recreational use areas of the WSP.
The impact on the physical and visual continuity of the Western Parklands as a scenic break in the urban fabric of Western Sydney	The development will be visible from Cowpasture Road, Trivet Street and from within the WSP, particularly once the business park buildings are established on the individual allotments. To reduce potential impacts, the proposal has incorporated business park landscaping, including landscaped setbacks along the road frontages and along the western boundary. The Department is satisfied that the layout and landscaping of the proposal (assessed in Section 5.3 of this report) will establish a sound layout and urban design basis for the future development of the individual lots on the site, and will not result in any significant impact on the physical and visual continuity of the WSP.

The impact on public access to the Western Parklands	The location of the proposed development will not hinder public access to the WSP.
Consistency with any plan of management or precinct plan for the WSP	The POM identifies that two percent of the WSP are to be developed for long term leases for business purposes to provide funding towards the development of facilities, programs and environmental initiatives throughout the WSP. The proposal represents a portion of the two percent of the WSP which is to be developed for business purposes under the POM. The proposal is therefore consistent with the POM.
The impact on surrounding residential amenity	The nearest residential properties are identified in Figure 9 , and an assessment of potential noise impacts is provided in Section 5 of this report. The proposal is not expected to result in any significant adverse impacts on the surrounding residential amenity, however, to ensure the amenity of surrounding residents is protected, the Department has included a number of conditions regarding noise and vibration management.
The impact on significant views	The layout and urban design elements in the proposal only establish the basis upon which future development can be accommodated, and the future development of individual lots (which will be the subject of separate future applications) will have the most significant effect on the amenity, visual aesthetic and urban design outcome of the business park. Accordingly, the Department considers that detailed consideration of potential visual impacts of the development of the business park is a matter to be considered as part of these future applications.
The effect on drainage patterns, ground water, flood patterns and wetland viability	The Department has assessed flooding and stormwater management issues associated with the proposal in Section 5.3 of this report. On the basis of this assessment, the Department is generally satisfied that the proposal has adequately considered flooding and stormwater issues associated with the site and the surrounding catchments. Notwithstanding, a number of specific flooding and stormwater conditions have been included, as recommended by Council and the DPI.
The impact on heritage items	A full assessment of the heritage impacts associated with the proposal is provided in Section 5.3 of this report.
The impact on traffic and parking	A full assessment of the traffic issues associated with the proposal is provided in Section 5 of this report. The specific allocation of parking within the business park is a matter to be considered further as part of the future development applications for the use and buildings on the individual allotments.