

10 August 2018

218555

Ms Chloe Dunlop
Senior Planning Officer
NSW Department of Planning and Environment
via email: chloe.dunlop@planning.nsw.gov.au

Dear Chloe,

**BRINGELLY ROAD BUSINESS HUB – STAGE 1
STATE SIGNIFICANT DEVELOPMENT APPLICATION
PRELIMINARY ENVIRONMENTAL IMPACT STATEMENT**

This Preliminary Environmental Impact Statement (EIS) has been prepared on behalf of CI Property (CIP). CIP and Carter Hall, as a joint venture, hold a ground lease over the Bringelly Road Business Hub (the Business Hub), which is owned by the Western Sydney Parklands Trust (WSPT). The purpose of this letter is to provide the Department with an overview of the proposed CFC Group facility to be located on Proposed Lot 6 at the Business Hub, and to formally request that the Secretary of the Department of Planning and Environment provide the environmental assessment requirements (SEARs) that will be required to be addressed as part of the State Significant Development Application (SSDA) for the proposed development. The proposed CFC Group facility SSDA will seek consent for the detailed development and construction of the following:

- Large format retail showrooms, associated warehousing and distribution facilities;
- Workshop for maintenance and assembly; and
- Ancillary office administration.

Plans of the proposed development have been prepared by CIP and are submitted separately.

The site is subject to an existing State Significant Development approval (SSD 6324). On 13 January 2017, the Department of Planning and Environment, granted deferred commencement consent for the following:

- 'A concept proposal for a business park comprising 'large format retail premises', 'light industry', 'service station', 'take away food and drink premises', and 'restaurant or café' and a development structure including:
 - Land uses;
 - Site layout;
 - Building envelopes;
 - Design parameters; and
 - Landscaping
- Stage 1 subdivision and early works including:
 - Demolition of existing structures;
 - Subdivision to create eight developable allotments;
 - Bulk and detailed earthworks;
 - Construction of an access road;
 - Stormwater management;
 - Civil engineering works; and
 - Estate landscaping;

The Department have confirmed via letter (dated 12 May 2016) that the deferred commencement conditions have been satisfied.

A section 96(1A) modification (SSD 6324 MOD 1) was granted consent by the Department on 14 April 2016. MOD 1 amended the minimum car parking rates for large format retail development. A second section 96(1A) modification (SSD 6324 MOD 2) is currently under assessment by the Department. MOD 2 includes a proposed amendment to the lot boundaries to facilitate the proposed CFC Group facility.

The site is currently subject to the land use and development control provisions of the WSP SEPP, within which the proposed development is permissible with consent.

In accordance with Part 2 Clause 12 of *State Environmental Planning Policy (State and Regional Development) 2011*, the proposed development is classified as SSD.

This report describes the site, its environs and the proposed development, and includes a preliminary environmental assessment of the proposal in accordance with the requirements set out on the NSW Department of Planning and Environment (DPE) website. It should be read in conjunction with the information contained within and appended to this report. This report includes the following information:

- An overview of the site and the proposed development.
- An outline of the key strategic and statutory planning framework.
- A preliminary assessment of the environmental issues associated with the proposal.
- Justification as to why the site was chosen and the wider benefits that will result from the proposal.
- An overview of consultation taken to date for the proposal with authorities.

1.0 Background

In 2010 the Western Sydney Parklands Trust developed a 10 year Plan of Management to guide the long-term future of the Parklands (adopted in 2011 and supplemented in March 2014) and identified nine locations for proposed business hubs. The business hubs collectively will comprise a maximum of two per cent of the total area of the Parklands with the aim of generating income to help fund the management and future development of the entire Parklands.

The sites identified as proposed business hubs have the least ecological value within the Parklands and are located on the Parklands' margins, adjacent to motorways and major arterial roads. The business hubs form an important plank in securing the long term, sustainable revenue base that funds Parklands infrastructure, maintenance and improvements.

The revenue generated from the business hubs long-term leases will enable the Trust to fund key improvements to picnic and playgrounds, cycling and walking track networks and sporting facilities, as well as restore and expand natural habitat throughout the Parklands.

The site was selected with consideration of the four criteria outlined in the Plan of Management for identifying Business Hub sites and land uses:

1. Land uses should not only generate an appropriate commercial return but also add to the amenity of adjacent communities.
2. Land uses must generate additional employment and training opportunities for local and regional communities.
3. Development must be undertaken in a manner that will minimise the environmental impact of such development.
4. The development of business hubs will only be permitted to occur on sites with low environmental and recreational values.

2.0 SSD 6324

The SSD 6324 development consent outlines the terms of approval for the concept proposal. Of particular relevance are the following conditions (our emphasis):

Determination of Future Development Applications

A4. In accordance with section 838(3) of the EP&A Act the subsequent stages are to be subject of future development applications.

A5. The determination of future development applications is to be **generally consistent** with the terms of development consent SSD 6324 as described in Schedule 1 and subject to the conditions in Part B Schedule 2.

Development in Accordance with the Plans and Documents

A6. The applicant shall carry out the development **generally in accordance** with the:

- a) Development Application, Environmental Impact Statement, Bringelly Road Business Hub prepared by JBA Urban Planning Consultants dated December 2014, as amended by the Bringelly Road Business Hub, Response to Submissions prepared by JBA Urban Planning Consultants dated July 2015

A7. The **building footprints and envelopes** identified in Bringelly Road Business Hub, Response to Submissions prepared by JBA Urban Planning Consultants, dated 10 July 2015, **are not approved by this consent**. All future development applications must demonstrate consistency with the Urban Design Guidelines, as amended by Condition A9 of Schedule 3 of this consent and must not exceed the GFA or site coverage maxima identified in conditions A13 and A14 of Schedule 3 of this consent.

The proposed facility is generally consistent with the terms of the concept approval and the Urban Design Guidelines for the following reasons:

- The proposed uses as outlined above are consistent with the approved uses;
- The proposed GFA is consistent with the approved GFA;
- The proposed building footprint is generally consistent with the indicative building footprint plan; and
- The proposed parking is consistent with the minimum parking rates.

Consistency with the Concept Approval is discussed in further detail at **Section 6.0** below

The concept approval (as modified) is attached as **Attachment B**. Part B Schedule 2 of the consent requires future development applications to address the following:

- Building design;
- Landscaping;
- Visual Impact;
- Traffic, access and parking;
- Noise and Vibration;
- Construction;
- Development Contributions;
- Ecologically sustainable development;
- Stormwater;
- Flooding;
- Crime prevention;
- Bushfire;
- Disability access;

- Building Code of Australia;
- Waste;
- Outdoor lighting;
- Advertising signage;
- Staging Plan;
- Safety Management Study;
- Hazards and Risks; and
- Utility Services.

Therefore, the Department can be guided in its preparation of the SEARs by the existing requirements of the concept approval. Each environmental consideration is considered in further detail at **Section Error! Reference source not found.**

3.0 Site Location and Context

The Business Hub is located approximately 35km west of the Sydney CBD and approximately 2km east of the Leppington Major Centre. It is largely within the area identified as the Western Sydney Parklands under the *State Environmental Planning Policy (Western Sydney Parklands) 2009* (WSP SEPP), with a small portion in the south subject to the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*. The Site is in close proximity to the M7 and M5 Motorways and this provides excellent access to both the state and regional road network and surrounding key employment and industrial lands. The Site's locational context is shown at **Figure 1** overleaf.

The CFC Group Facility is proposed on Lot 6 which is within the east section of the Business Hub (refer to **Figure 2** overleaf).

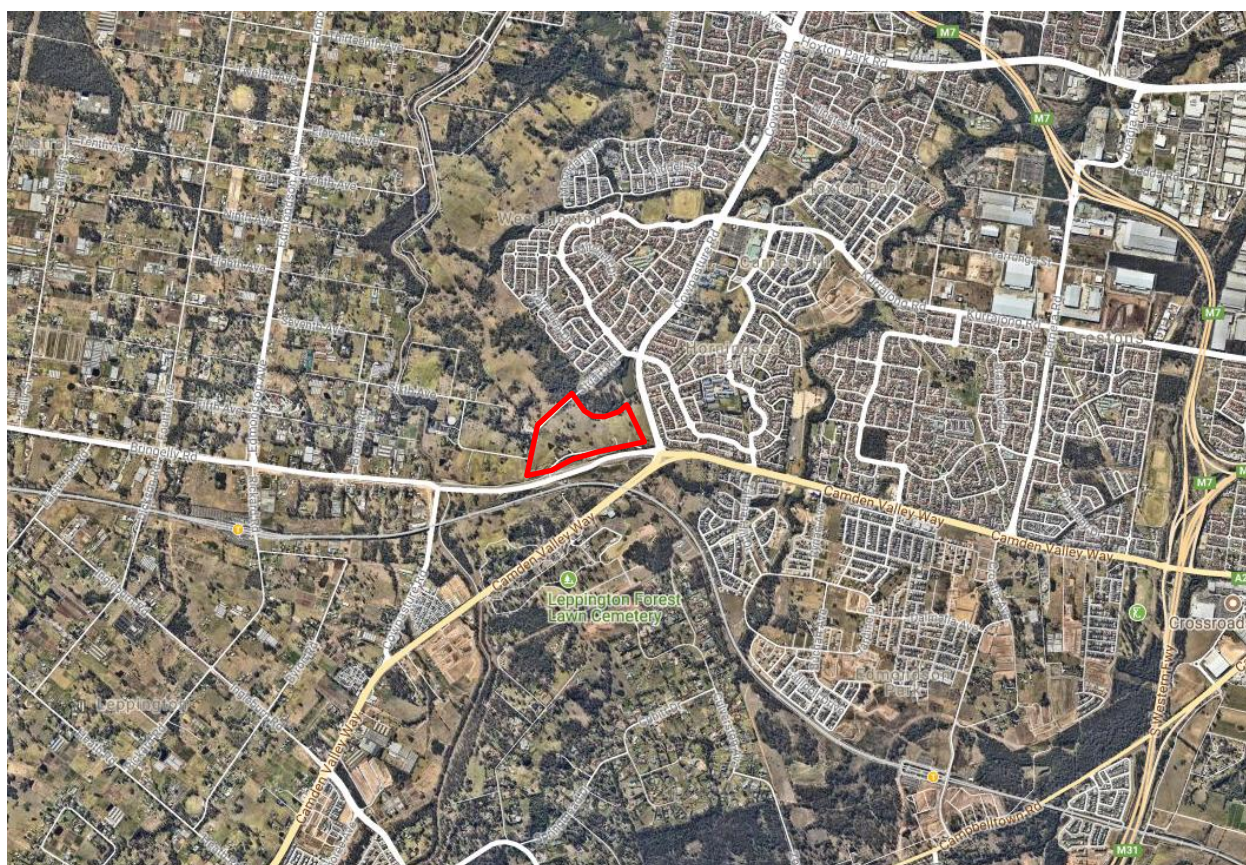


Figure 1 – Site Location (site area is approximate)
source: nearmaps



Figure 2 – Concept Approval Site Plan

Note: MOD 2 currently under assessment is seeking to amend the Lot 6 boundary

4.0 The proposed development

The DA proposes to seek consent for the following:

- A CFC facility comprising a large format retail showroom, warehousing, distribution and external storage areas, a workshop and an ancillary office space, accommodating approximate total of 7,763m² gross floor area; and
- Approximately 88 car parking spaces;

Proposed plans have been prepared by CIP and are submitted separately.

- As outlined above, the proposed operations include the following:
 - The display and sale of machinery and construction equipment. The equipment for sale includes but is not limited to, telehandlers, loaders, excavators, road pavement vehicles, compressors, generators and lighting equipment etc. The equipment will be available for sale to the public, industry users, tradespeople and hire companies etc.
- Warehouse for the storage and distribution of equipment for sale, parts and inventory;
- Workshop for assembly, repairs and maintenance;
- Ancillary office facilities.

The proposed facility will accommodate the mix of uses approved under SSD 6324.

5.0 Planning Framework and Context

5.1 Strategic Planning

The following strategic documents are relevant considerations:

- NSW 2021 State Plan;
- A Plan for Growing Sydney Plan;
- Draft Greater Sydney Region Plan; and
- Draft Western City District Plan.

5.2 Environmental Planning Instruments

The following State and Local Environmental Planning Instruments (EPIs) are relevant considerations:

- *State Environmental Planning Policy (State and Regional Development) 2011;*
- *State Environmental Planning Policy (Western Sydney Parklands) 2009;*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development;*
- *State Environmental Planning Policy No. 55 – Remediation of Land;*
- *State Environmental Planning Policy No. 64 – Advertising and Signage*

6.0 Consistency with the Concept Approval

Condition A5 of the Concept Approval requires future development applications to be “generally consistent” with the terms of the development consent; and Condition A6 requires the applicant to carry out the development “generally in accordance” with the SSD 6324 Environmental Impact Statement, Response to Submissions and a series of drawings (noting the building footprints and envelopes are not approved).

The following discussion demonstrates that the proposal is “generally consistent” with the Concept Approval.

6.1 Land uses

The proposal seeks approval for a mix of the uses approved under the Concept Approval. The relevant land uses are ‘large format retail premises’ and ‘light industry’. The showroom forms the large format retail component; and the warehousing, distribution and workshop form the light industrial component. The office space is ancillary to both uses.

It is noted that the Concept Approval references an indicative building footprint plan which identifies potential locations for specific approved uses. It is also noted that the plan is indicative, and the total indicative gross floor area on the plan equates to 72,449m² (not the approved maximum of 120,000m²). Further, the Concept Approval does not approve this plan.

The indicative master plan approved by the Concept Approval does not specify land use locations. Therefore, there are no conditions in the Concept Approval that require large format retail and light industrial uses to be separated or located in specific areas on site.

The conditions of the Concept Approval reflect the intent of the Concept Plan outlined in the Environmental Impact Statement; which states that the purpose of the Concept Plan is to:

*“facilitate the potential future use of the Site for large format retail (up to 50,000m² Gross Floor Area (GFA)), light industrial and service centre uses with **flexibility to develop the estate with any combination of these uses as envisaged under the WSP Plan of Management.**”*

The intention to maintain flexibility is reinforced by Conditions A13 and A14 of the Concept Approval which outline maximum gross floor areas for each of the approved uses (which total 158,100m²) and a maximum overall gross floor area (120,000m²). These conditions clearly demonstrate that the intent of the Concept Approval is to not unnecessarily restrict the type and composition of the light industrial and large format retail development that may want to locate at the site.

For these reasons, the proposed land uses are consistent with the Concept Approval.

6.2 Built form

The Concept Approval did not approve the indicative building envelopes submitted with the SSD application. As stated above, the Concept Approval requires all future development applications to demonstrate consistency with the Urban Design Guidelines. The future development application for this proposal will include an assessment against the Urban Design Guidelines as required by Conditions B1 and B2.

For these reasons, the Department can be certain that any future development application will be able to demonstrate that the proposed development is "generally consistent" with the Concept Approval.

7.0 Preliminary Environmental Assessment

The Department considered the suitability of the site with regard to the broad impacts of the proposed development during their assessment of SSD 6324. The development consent for SSD 6324 contains conditions outlining the matters to be addressed as part of the future development applications. It is our view, that a SSDA for the proposed development, that addresses the matters listed in the consent will provide the Department with an appropriate level of information with which to assess and determine the proposed development. The relevant conditions of consent are reproduced in the table below with our commentary. Specialist studies will be prepared and submitted with the SSDA to address the relevant matters.

Table 1- SSD 6324 – Part B Conditions to be met in future development applications

Condition	Preliminary Response
Building Design	
B1. To ensure a high quality urban design and architectural response is achieved, the site layout and architectural design of future development within BRBH shall have regard to, and be consistent with, the Updated Site Design Guidelines, prepared by JBA Urban Planning Consultants, dated June 2015, as amended and approved under Term of Approval 48.	The SSDA will include an assessment against the requirements of the Design Guidelines.
B2. Details are to be provided with future development applications for the detailed design and construction of the BRBH demonstrating compliance with Condition B1 above, unless it can be satisfactorily demonstrated to the consent authority that a superior built form and/or urban design outcome can be achieved	As above. Any proposed non-compliances will be supported by justification demonstrating that an appropriate outcome can be achieved.
B3. Future development applications for the construction of buildings shall include plans, elevations and sections to sufficiently detail the design, including height, setback, gross floor area, modulation and articulation of all buildings.	Architectural plans addressing these items will be submitted as part of the SSDA.
Landscaping	

Condition	Preliminary Response
B4. Future development applications for the construction of buildings shall include detailed landscape plans identifying: (a) compliance with the landscape and public domain principles and development guidelines in the Updated Site Design Guidelines prepared by JBA Urban Planning Consultants, dated June 2015, as amended and approved under Term of Approval A9; and (b) landscape buffer planting within the Bedwell Park riparian corridor immediately adjacent to the northern/north-eastern boundaries of lots 4, 6 and 8, comprising a mixture of native groundcovers, grasses, shrubs and trees that would complement the existing vegetation within the riparian corridor.	Landscape plans addressing these items will be submitted as part of the SSDA.
B5. The detailed landscape plans must include relevant details of the species to be used in the various landscape areas (preferably species indigenous to the area), other soft and hard landscape treatments, including any pavement areas, and measures for monitoring and maintenance of landscaped areas.	As above.
Visual Impact	
B6. Future development applications shall be accompanied by a detailed visual impact assessment, which includes photomontages that identify the potential impacts of the development from nearby residential receivers and significant vantage points in the public domain and outlines proposed mitigation measures to reduce potential visual impact	A Visual Impact Assessment will be undertaken and submitted with the SSDA.
Traffic, Access and Parking	
B7. Future development applications shall be accompanied by a detailed assessment of the traffic, and transport impacts on the surrounding road network and intersection capacity, and shall detail provisions demonstrating that sufficient loading/unloading, access and car parking has been provided having regard to the RMS' Guide to Traffic Generating Developments, and details to promote non-car travel modes. The traffic and transport impact assessment shall also have specific regard to the scope and timing of road infrastructure works in the surrounding road network	A Traffic and Parking Impact statement addressing these matters will be submitted as part of the SSDA.
B8. To ensure that potential conflicts between heavy vehicles and light vehicles are minimised, future development applications for large format retail development shall include details demonstrating satisfactory arrangements have been made to separate heavy and light vehicle movements via a truck service lane or the like.	A Traffic and Parking Impact statement addressing these matters will be submitted as part of the SSDA.
B9. To ensure that sustainable transport modes are supported, all future development applications for new built form shall include a sustainable travel plan and details that pedestrian and cyclist facilities have been incorporated into the proposed development.	A Traffic and Parking Impact statement addressing these matters will be submitted as part of the SSDA.

Condition		Preliminary Response								
B10. Future development applications must provide car parking at the following rates:		A Traffic and Parking Impact statement addressing these matters will be submitted as part of the SSDA.								
<table border="1"> <thead> <tr> <th>Land Use</th><th>Minimum Car Parking Requirements</th></tr> </thead> <tbody> <tr> <td>Large Format Retail</td><td> 1 space per 50 m² of GFA. </td></tr> <tr> <td>Industrial/Warehouse</td><td> 1 space per 40 m² of office GFA; 1 space per 100 m² of factory GFA for the 100 m², then 1 space per 200 m² of GFA (includes office component); and 1 space per 300 m² of warehouse GFA, plus 1 space per 40 m² of office GFA. </td></tr> <tr> <td>Other Retail</td><td> 1 space per 6 seats (external and internal) of takeaway food and drink premises GFA, plus queuing; 2 spaces per service station fuel outlet, 1 space per 20 m² of ancillary convenience store GFA, 3 spaces per service bay plus 1 space per employee; and 1 space per 20 m² of restaurant or café GFA. </td></tr> </tbody> </table>			Land Use	Minimum Car Parking Requirements	Large Format Retail	1 space per 50 m² of GFA.	Industrial/Warehouse	1 space per 40 m² of office GFA; 1 space per 100 m² of factory GFA for the 100 m², then 1 space per 200 m² of GFA (includes office component); and 1 space per 300 m² of warehouse GFA, plus 1 space per 40 m² of office GFA.	Other Retail	1 space per 6 seats (external and internal) of takeaway food and drink premises GFA, plus queuing; 2 spaces per service station fuel outlet, 1 space per 20 m² of ancillary convenience store GFA, 3 spaces per service bay plus 1 space per employee; and 1 space per 20 m² of restaurant or café GFA.
Land Use	Minimum Car Parking Requirements									
Large Format Retail	1 space per 50 m² of GFA.									
Industrial/Warehouse	1 space per 40 m² of office GFA; 1 space per 100 m² of factory GFA for the 100 m², then 1 space per 200 m² of GFA (includes office component); and 1 space per 300 m² of warehouse GFA, plus 1 space per 40 m² of office GFA.									
Other Retail	1 space per 6 seats (external and internal) of takeaway food and drink premises GFA, plus queuing; 2 spaces per service station fuel outlet, 1 space per 20 m² of ancillary convenience store GFA, 3 spaces per service bay plus 1 space per employee; and 1 space per 20 m² of restaurant or café GFA.									
Noise and Vibration										
B11. Future development applications shall include a noise assessment identifying the noise and vibration impacts associated with the construction and operation of future warehouse and retail uses. The assessment must also assess that appropriate acoustic amenity can be achieved at surrounding sensitive receivers and identify mitigation measures, is necessary to achieve compliance with the requirements of the Industrial Noise Policy.		A Noise and Vibration Impact Statement addressing these matters will be submitted as part of SSDA.								
Construction										
B12. Future development applications shall analyse and address the impacts of construction and include: - Construction Transport Management Plan, addressing traffic and transport impacts during construction; - Construction Waste Management Plan, addressing waste during construction; - Air Quality Management Plan, addressing air quality during construction; and - Water Quality Impact Assessment and an Erosion and Sediment Control Plan (including water discharge considerations) in accordance with Managing Urban Stormwater, Soils and Construction (Landcom 2005).		A Construction Management Plan will be submitted with the SSDA to address these matters.								
Developer Contributions										
B13. Future development applications for the construction of buildings shall address any relevant section 94 Contribution Plan or provide details of any Voluntary Planning Agreement.		No infrastructure contributions are applicable to this SSDA.								
Ecologically Sustainable Development										
B14. Future development applications shall demonstrate how the development incorporates the principles of ESD in the design, construction and on-going operation of the development.		The proposal will be a 5 Star Green Star development. An ESD analysis will form part of the SSDA.								
Stormwater										
B15. Future development applications for the construction of buildings shall include a stormwater management plan in accordance with the Civil and Engineering Report prepared by Northrop, dated November 2014 and Council's Development Control Plan 2008 and Liverpool City Council Growth Centre Precincts Development Control Plan.		A Stormwater Management Plan will be submitted with the SSDA to address these matters.								
Crime Prevention										
B16. Future development applications shall include a crime prevention through environmental design (CPTED) assessment, including mitigation measures, where necessary.		A CPTED assessment will be submitted with the SSDA to address these matters.								

Condition	Preliminary Response
Underground Petroleum Storage System	
B23. Future development applications for a service station must detail the underground petroleum storage system and identify the location of any groundwater monitoring wells.	NA
Food Outlet	
B24. Future development applications for takeaway food and drink premises must contain a certificate from a suitably qualified person, certifying that the kitchen, food storage, preparation and service areas have been designed to comply with the requirements of AS 4674 Design, construction and fit-out of food premises.	NA
Utility Services	
B26. Future development applications shall identify whether any surrounding infrastructure is required to be upgraded or relocated as a result of the development works.	NA

8.0 Justification

The proposed development forms part of larger concept approval (SSD 6324) that was determined by the Department to have sufficient strategic justification to provide development consent. The Department's assessment of the strategic need and justification of SSD 6324 noted that:

"The Department notes that the site will facilitate the development of one of the nine business hubs identified within the Parklands Plan of Management Supplement March 2014 POM Supplement (POM Supplement). Development of the nine business hubs is necessary to enable the Western Sydney Parkland Trust (WSPT) to generate up to \$20 million in revenue per annum to assist with the development and maintenance of the Parklands, consistent with the Parklands POM and POM Supplement.

The proposed business hub is one of three business hubs identified within the portion of the Parklands that is location within the Liverpool local government area. These hubs have been strategically identified in the POM Supplement as being suitable for large format retail, bulky goods, warehousing and distribution uses given their excellent exposure to the regional road network, limited ecological impacts, and proximity to the Austral and Leppington North Precincts of the South West Growth Centre, which are forecast to accommodate 54,000 additional residents.

The proposed development will also assist in the creation of employment generating land uses within close proximity to existing and planned residential areas in Western Sydney, consistent with the goals, directions, and actions outlined in A Plan for Growing Sydney."

9.0 Consultation

CIP has engaged with the Department prior to submitting this request for SEARs and will continue to maintain a dialogue with the Council and the local community throughout the development assessment process. Further, an engagement methodology has been prepared by Elton Consulting. The methodology is summarised below and attached separately.

- Meeting with Liverpool City Council;
- Letterbox drop to the local community; and
- Advertising in local community papers.

10.0 Conclusion

This submission provides information to assist in the preparation of SEARs for the proposed detailed development and construction of the CFC Group facility at Bringelly Road, Leppington. The Department's assessment of SSD 6324 identified the key issues to be addressed as part of any future detailed development application. Therefore, it is our view that matters outlined at Schedule 2 Part B of the SSD 6324 concept approval represent the key environmental considerations associated with the proposal and can be replicated as the Secretary's environmental assessment requirements.

It is therefore requested that the Secretary issue the Environmental Assessment Requirements for the preparation of an EIS for a State Significant Development Application for the detailed development of Lot 6 for the Bringelly Road Business Hub to allow the site to be used for a CFC Group facility in a manner consistent with the SSD 6324 concept approval.

Should you have any further queries about this matter, please do not hesitate to contact me on 9956 6962 or jmurray@jbaurban.com.au.

Yours sincerely,



Jim Murray
Associate Director
9956 6962
jmurray@ethosurban.com