



Planning Assessment Report

Application to Modify the Minister's Approval for industrial and business park uses at Greystanes Southern Employment Lands

Major Project 06_0181 Modification 2

1 THE PROPOSED MODIFICATIONS

On 5 September 2008, ERM on behalf of Boral (the proponent) submitted to the Director-General a request for modification to the Greystanes Southern Employment Lands (SEL) concept plan and project approval. This documentation was circulated to the Holroyd, Blacktown and Fairfield Councils and relevant Government agencies for comment.

This request was superseded by revised requests for modification dated 12 March 2009 and 3 June 2009. Following considerable additional work on flooding and engineering, a final modification request was made on 13 August 2009. The 13 August 2009 request and associated documentation is taken to be the modification application for the purposes of this assessment and determination.

The proposed modifications involve:

1. minor subdivision adjustments, being the creation of lot 76 (at the southern end of the transitway and spine road), a minor adjustment to the boundary between lots 65 and 66, and minor changes to the boundaries and accessway to lot 75;
2. approval of the southern connection road alignment and design together with amendment to Statement of Commitment 24; and amendment to the width of the transitway corridor, with consequential amendments to Statement of Commitment 22 and the boundaries of lots 65 to 74 and 1.1, 1.2 and 1.3 (Business Park/Service Retail);
3. deletion of Statement of Commitment 27 regarding contributions to the Ministry of Transport for the provision of bus services.

A copy of the modification application is attached at **Tag C**.

2 BACKGROUND

2.1 Concept and Project Approval

The Minister for Planning approved the Greystanes SEL concept plan and project application (Major Project 06_0181) on 20 July 2007 and the project was first modified on 11 January 2008. The concept plan approval comprised:

- subdivision of the site into industrial and business park precincts.
- a maximum gross floor area (GFA) of 493,215m² across the industrial and business park precincts.
- the following maximum GFA for each broad land use:
 - a maximum of 97,500m² for business park uses (up to 100% of the total GFA within the business park precinct may be developed for the purposes of office premises),
 - a maximum of 6,500m² for the purposes of service retail uses (of which a maximum of 2,500m² may be developed for the purposes of a tavern and restaurants, a maximum of 2,000m² may be developed for the purposes of a supermarket and a

- maximum of 2,000m² may be developed for the purposes of service retail service uses), and
- a maximum of 5,000m² may be developed for the purposes of hotel accommodation on Lot 75.
- despite the above, the total maximum floor space ratio (FSR) is not to exceed:
 - 0.75:1 for development within the industrial precinct, and
 - 1:1 for development for the purposes of hotel accommodation on Lot 75.
- conceptual road design.
- urban design, maximum height, landscape, open space and heritage design concepts outlined in “*Greystanes Estate Southern Employment Lands Urban Design Plan*” prepared by Turner Architects.
- provision of car parking for the proposed office, retail, industrial and warehouse uses.
- improved amenities and services including a mix of financial contributions and works in kind towards roads and community facilities (including provision of child care facilities) and dedication of certain infrastructure and facilities (as outlined in Statement of Commitment items 21-24, 27-28 and 30).
- Staging in accordance with Staging Plan ref no. 108-SK60F dated 12 October 2007 prepared by Turner Hughes Architects.

Project approval provides for a 75 industrial lot community title subdivision, the creation of three lots for business park and service retail uses, boundary re-alignments, the creation of a lot for a sewer pump station, the dedication of land and infrastructure works.

2.2 The Site

The Greystanes SEL is bounded by the Northern Employment Lands to the north, Residential Lands to the east, Prospect Reservoir to the west and the Sydney Water pipeline and Prospect Creek to the south. The Greystanes SEL includes Widemere East, approximately 9.8 hectares (ha) of land located south of the former quarry, but separated from it by the former Lower Prospect Canal. The Greystanes SEL is in the Blacktown, Fairfield and Holroyd Local Government Areas and has an area of approximately 84 ha (see **Figure 1**).

3 ASSESSMENT PROCESS

The approval for Major Project 06_0181 was granted in accordance with Part 3A of the *Environmental Planning and Assessment Act 1979* (section 75J(1)) on 20 July 2007. The Major Project was modified on 11 January 2008 by the Executive Director, Strategic Sites and Urban Renewal as delegate for the Minister.

Section 75W(2) of the Act provides that a proponent may request the Minister to modify approval of a project. The proposed modifications (as listed above) seek to change the terms of the Minister's determination through minor amendments to the approved Concept plan, Project approval and Statement of Commitments.

Section 75W(3) of the Act provides the Director-General scope to issue environmental assessment requirements (DGRs) that must be addressed by the proponent before the Minister considers the modification request. DGRs were not issued for the modification due to the relatively minor scale of the proposed modifications.

Section 75W(4) of the Act gives the Minister the authority to modify the approval (with or without conditions) or disapprove the modification.



Figure 1. Greystanes SEL

The Minister's Instrument of Delegation of 4 March 2009 delegates the Minister's powers under section 75W to nominated officers of the Department, where there are less than 25 public submissions in respect of the project and where the capital value of the modification is less than \$50 million. Neither of these criteria are exceeded. The Executive Director, Urban Renewals and Major Sites is nominated to exercise this delegation.

4 CONSULTATION AND EXHIBITION

Modifications are not required to be publicly exhibited, although pursuant to section 75X(2)(f) of the Act, the Director-General is required to make requests for modifications of approvals given by the Minister publicly available. Also, in accordance with clause 8G of the *Environmental Planning and Assessment Regulation 2000*, the request for modification was placed on the Department's website.

The modification was referred to Blacktown City Council, Holroyd City Council, Fairfield City Council, Sydney Water, RTA and the Ministry of Transport on 17 September 2008. Issues raised during the agency consultation process are addressed and considered in Part 5 of this Report.

5 CONSIDERATION OF PROPOSED MODIFICATIONS

5.1 Subdivision Design

The following amendments to the subdivision layout of the approved concept master plan are proposed as indicated in **Annex A** of the Modification Application (**Tag C**).

5.1.1 Creation of Lot 76

The approved project provides for a stormwater detention facility on Widemere East. The proponent explains in its submission that following detailed design investigations, part of the land located to the west of the spine road, is no longer required for stormwater detention. Being isolated from the remainder of the facility by the spine road and transitway, approval is sought to modify the project to create this area of land (5,200m²) as a separate lot (proposed Lot 76).

Fairfield City Council objected to the creation of proposed Lot 76 pending further details being provided to satisfy Council that the capacity and function of the stormwater detention facility has not been compromised.

Lot 76 is effectively a triangular island, bounded to west and south by the transitway and to the east by the spine road. Uses for this proposed lot have not been determined; Boral's application notes potential uses such as for signage or entry statement to the Employment Lands. Access to this proposed lot would be restricted to left in-left out from northbound lanes of the spine road.

It is accepted the lot is not required for stormwater purposes. The future use of the lot is not part of this application; however, it is appropriate that the Urban Design Plan for the Greystanes Southern Employment Lands be amended to establish development controls for this lot; this will be required as a condition of modification. The creation of the lot itself is of no environmental planning consequence and is appropriate to approve.

5.1.2 *Boundary Adjustments*

Side Boundary between Lots 65 and 66 – the boundary between these lots, which are proposed for use as “Business Park/Service Retail”, currently runs north to south along the local government boundary between Blacktown and Holroyd. It is now proposed to run the lot boundary along a stormwater line between the lots (south west to north east). Neither lot is significantly affected in size. Whilst this boundary alteration was initiated by the proposed adjustment of the transitway corridor and consequential increase in lot sizes of the westernmost lots, that issue, which is considered elsewhere in this report, has no bearing on the Lot 65/66 boundary. The proposed adjustment of this boundary is of no environmental planning consequence and is appropriate to approve.

Lot 75 – the proposed adjustment to this lot (which is proposed for use as an hotel) involves decreasing the size of the lot along its northern boundary to reflect a land swap with Sydney Water Corporation and increasing the lot size along the eastern boundary to butt up against the spine road (slightly reducing the size of the Community Lot in that location). This lot's shape reflects its physical awkwardness, being located on the western batter wall of the former quarry. The boundary adjustments are of no environmental planning consequence and are appropriate to approve.

5.2 *Southern Road Connection and Transitway*

5.2.1 *Southern Road Connection*

The Southern Road Connection (SRC) will provide the primary access to the Greystanes Employment Lands from the south. The SRC would complete access arrangements for the Greystanes employment lands, providing the employment lands with enhanced accessibility to customers, markets and workforce. The SRC provides a 4 lane link to the Wetherill Park industrial area, potentially offering the opportunity for traffic from Wetherill Park to gain access to the M4 motorway and the Great Western Highway to the north; potentially adding value to the Wetherill Park industrial area.

Statement of Commitment 24 (SOC 24) currently provides that Boral will “construct a four lane road at grade” from Widemere to Davis Road, Wetherill Park - the Southern Road Connection (SRC). Current SOC 24 also provides a value limit of these road works, \$5.5 million, and that road design is to be agreed between Boral and Fairfield City Council.

The modification now proposed seeks to (a) remove the monetary limit on the cost of the road, (b) remove the role of Fairfield City Council and (c) establish an alignment and design for the SRC.

5.2.1.1 *Background*

The establishment of a monetary limit on Boral's contribution to the SRC was to limit its exposure to potential alternative road designs, which were not fully defined at the time of granting consent to the Concept Plan. It was envisaged at the time of the Concept approval that the SRC would utilise an existing bridge over the Sydney Water pipelines and then use the Prospect Arterial corridor identified in the Fairfield LEP 1994, to bring the road to Davis Road in the south.

The envisaged road route has not materialised due to:

- Requirements of Sydney Water for crossing the pipelines, which made using the existing bridge crossing impractical and more expensive;
- Inability of Boral and Fairfield City Council to agree on road design; and
- Inability to secure access to the Council's preferred road alignment

Sydney Water requires that any span or crossing over its water pipelines at Widemere must either have a minimum of 2 metres clearance over the pipelines or replace the pipes with special welded and flexible joints, followed by concrete encasement, should the crossing require a lower clearance. On cost and construction risk grounds Boral has opted for a 2 metre clearance of the pipelines in a location to the east of the existing Sydney Water bridge.

There have been fundamental differences between Boral and Fairfield City Council on the general design of the SRC. Boral wished to construct the road "at-grade from Widemere to Davis Road" in accordance with its Concept approval. Fairfield Council sought the road to be "built above Fairfield City Council's flood planning level" and that it "should not terminate at Davis Road but that it should be....extended along the corridor reserved for the Prospect Arterial Link to Victoria Street".

The Fairfield Council's preferred alignment, the Prospect Arterial Link, is reserved in the Fairfield LEP 1994; however, the reservation is not in the Council's ownership. The Council is not nominated as 'acquisition authority' for the road reservation. The LEP nominates both the Roads and Traffic Authority and the Minister for Planning as acquisition authorities for the road, however, neither of these bodies has any current interest in completing acquisition of the route or constructing the road. The Fairfield Council has suggested Boral construct the whole length of road, however, Boral has no abilities to gain control of the land for the road reservation and could not deliver on such a requirement.

5.2.1.2 *Removal of Monetary Limit*

As noted above, the monetary limit of \$5.5 million on roadworks for the SRC was a risk management mechanism to limit Boral's cost exposure to alternative road designs. The current road proposal by Boral is estimated to cost at least \$10.5 million. Boral proposes to construct the SRC at its cost, meaning it is no longer necessary to limit costing. Boral will carry its own cost risk on construction.

The removal of the monetary limit is considered appropriate as the road will be required to meet design and construction specifications rather than a budget.

5.2.1.3 *Role of Fairfield City Council*

As noted above, Fairfield City Council and Boral have not been able to agree on a road design. Fairfield Council seeks a much longer road, on a different alignment, constructed to different design specifications.

Whereas the SRC, as proposed, is about 600 metres in length from Widemere to Davis Road, the Fairfield Council wishes the road to extend to Victoria Street, an additional 1.1 kilometres. The Council's favoured alignment for the SRC and its extension, the Prospect Arterial Link, cannot be realised by Boral as it would require the compulsory acquisition of private property, powers not possessed by a private company.

Issues concerning design specifications are discussed below in 5.2.1.4.

In light of Fairfield Council's objections and objectives regarding the SRC, it is considered the extension to Victoria Street is not justified by the Boral SEL and the Council's insistence on this extension can not be implemented by Boral. The Council's position is considered irreconcilable with that of Boral. The removal of the role of the Council in the design of the SRC removes an impediment to the realisation of that road.

5.2.1.4 *Alignment of Southern Road Connection*

The alignment of the proposed Southern Road Connection is shown at **Annex D** of the Modification Application (**Tag C**) (Drawing 5696-SK-0048 Rev F). Commencing from the southern cut of the old Prospect Quarry the SRC will cross the Liverpool-Parramatta Transitway at grade at a signalised intersection, then cross the Sydney Water pipelines (providing a 2 metre clearance) then grade down to a low level bridge crossing of Prospect Creek and then join Davis Road at its current intersection with Widemere Road.

Prospect Creek is flood prone in the location of the proposed crossing by the SRC. The current southern access road (which is an informally made road used to serve as quarry access over many years) floods frequently (estimated 3 times per year) with a flood depth of 600mm for a 1 year ARI event. Fairfield and Holroyd Councils have expressed concern and objection regarding the impact of the road on flooding and public safety. Fairfield Council sought the SRC be constructed above the 1 in 100 ARI flood level.

The design of the SRC has been subject of considerable scrutiny between the Department and Boral. The SRC now proposed represents a far superior and more sustainable design than was earlier conceived and a substantial increase in commitment by Boral to its construction cost. Design specifications now proposed for the SRC provide that the road will have flood immunity up to a 100 year ARI event; this represents a marked improvement on the current flooding regime.

Boral has proposed design specifications for the SRC which provide:

- The road will not increase upstream catchment flood levels by more than 10mm for a 20, 50 or 100 year ARI event;
- No overtopping up to a 100 year ARI event; and
- Maintenance of the road's structural integrity for a 100 year ARI event.

Design specifications are described in **Annexure E** of the Modification Application (**Tag C**).

The plans for the creek crossing and flood plain performance of the SRC have been developed by Boral's engineers (ACOR Appleyard) in association with engineering consultants Bewsher Consulting Pty Ltd. Bewsher Consulting is also the flooding advisor to Fairfield Council and has particular expertise in hydrological modelling for Prospect Creek.

The Department accepts the design parameters which are proposed for the SRC to meet and notes these represent an improvement to the flooding status quo and over preliminary designs. The Department notes that Fairfield Council has recently advised its support for the revised SRC design.

Approval of the modification will allow further development of road design and flood modelling. The Department recommends that final designs be required to be verified as to their performance against the specified criteria, as well as being submitted to the Fairfield Council and the Department of Planning for comment, prior to the issue of a construction certificate.

The role which the SRC is to play is relevant to its alignment and design. Boral envisages the SRC as the southern access to the Greystanes Employment Lands, whereas Fairfield Council envisages the SRC (together with the central spine road/Reconciliation Road) as an arterial road as well as an access point. These differences regarding the anticipated role of the SRC appear to have contributed to the inability for Boral and the Council to previously reach agreement on design.

The Department's consideration has been informed by the RTA regarding the envisaged role of the SRC and Reconciliation Road/spine road. The RTA has advised "Reconciliation Road is not envisaged as a major north-south arterial road, that role being taken up for the foreseeable future by the M7 motorway".

The RTA has also advised that a high capacity road corridor through the Greystanes area and beyond would require careful assessment of its impacts due to the potential effects on road systems in neighbouring suburbs. Blacktown Council has long held concerns about impacts on its road system should the central road through Greystanes Employment Lands become an arterial road.

The Department agrees with the RTA that the appropriate view to take at present is that the roads associated with the Boral development are local roads suitable for an industrial sub-division. This 'local' role is reinforced by the design of the SRC (which is designed for lower vehicle speeds) and the number of controlled or signalised intersections through the Employment Lands which will serve as a disincentive for the central spine road to become a 'rat run'.

The Minister for Roads has recently advised Fairfield Council that the RTA will monitor additional traffic generated by the SEL and should traffic volumes reach 4000 vehicles per hour, the RTA will take financial responsibility for any necessary traffic signals to ensure safety and efficient flow of traffic between the SRC and The Horsley Drive to the south.

5.2.2 *Transitway Corridor*

Statement of Commitment 22 (SOC 22) currently provides that Boral will dedicate a 25 metre wide bus transitway corridor as a public road to the relevant local council. This corridor runs adjacent and to the west of the central spine road which traverses the SEL from north to south.

Boral now proposes to reduce the width of the transitway corridor by 15 metres; the corridor would provide for an 8 metre wide transitway, with additional area for footpaths and cycleway, as outlined in Annexure E of the modification application. Boral will undertake bulk earthworks and formation of the transitway corridor, however, Boral is not responsible for the future construction of a transitway.

The reduction in the width of the transitway corridor generally reduces the width of the central public road corridor (4 lane roadway and transitway) from 50 metres to 35 metres (although the reservation will be broader at bus stop sites). This reduction maintains the originally intended road lanes and functions, cycleways and footpaths, however, reduces the amount of roadway landscaping.

With one exception, responses to the proposal from local councils the RTA and Ministry of Transport provided no objection to the proposed width reduction provided there were no adverse implications on the functionality or safety of the road. Such adverse implications are not indicated by the RTA, however, it indicates that in due course consideration may be given to the reconfiguration of the transitway and spine road to provide for operation of a kerbside bus service in the long term. Following dedication of the spine road/transitway corridor its future will be determined by the RTA.

Holroyd City Council, in which area the road corridor is located, objects to the elimination of landscaped area from the road corridor and notes the reduction of width may reduce flexibility of the road configuration. The Council supported the original concept of creating a landscaped boulevard and regards the current proposal as a "substantially poorer urban outcome".

Whilst the current proposal will reduce landscaping, it is also noted that the spine road plays a primary utilitarian function in the servicing of the employment lands. In this regard, roadway landscaping, as originally proposed, is a discretionary and non-essential element. Considerable landscaping will be provided alongside the spine road, within the curtilage of industrial and business park allotments and along local roads within the subdivision. The Department is concerned to ensure the employment lands are made available in the most efficient manner, including maximising available area, flexibility of layout and reduction of unnecessary costs.

The Department considers that the narrowing of the transitway corridor will not adversely affect functionality or safety and may properly be supported.

5.2.2.1 *Lots 65 - 74*

Consequential upon the narrowing of the central spine road corridor is the proposal to place the available 15 metre strip of land within the westernmost industrial Lots 65 – 74. This results in a reduction in size of the Business Park/Service Retail allotments and the length of the local road serving those allotments and the western industrial allotments. The minor reduction in size of the Business Park/Service Retail area does not alter the amount of gross floor area to be provided and the increase in size of the industrial allotments does not increase overall floor area, but serves to provide increased flexibility in development layouts.

One consequence of the increase in the size of the western industrial allotments is that the amended lots 66 – 74 will straddle the local government boundary between Blacktown and Holroyd. Currently the eastern boundary of these lots is along the local government boundary, meaning that the lots themselves are in Blacktown, even though the street serving them is in Holroyd. Under the proposed modification the street frontage and first 15 metres of the allotments will be in Holroyd and the balance of the lots in Blacktown.

The straddling of the local government boundary has no bearing on the physical appropriateness of the amended subdivision, however, has the potential to give rise to some administrative and service provision complication. All access to these allotments is through Holroyd due to the physical constraints of the site. In the Department's view there is considered to be good cause for the configuration of local government boundaries in this area to be reviewed and rationalised.

5.3 Construction of Transitway Link

Statement of Commitment 27 (SOC 27), which forms part of the current approval, provides for Boral making cash contributions to the Ministry of Transport towards the provision of bus services along the north-south spine road.

The Ministry of Transport has advised that such a contribution is no longer appropriate as all bus services are to be funded as recurrent costs to Government. Accordingly, the SOC 27 is redundant and may appropriately be removed from the Statement of Commitments.

6 RECOMMENDATION

In light of the above consideration it is considered appropriate that the proposed modifications may be approved subject to a number of conditions designed to ensure performance of proposed flooding criteria and safeguards.

It is **recommended** that the Executive Director, Urban Renewals and Major Sites (as delegate of the Minister for Planning) approve the modifications to Major Project No 06_0181 detailed in Section 1 and considered in Part 5 of this Report and, in doing so, sign the attached Modification Approval (**Tag A**).

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APPROVED:

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