



Section 75W Modification

**Stage 1 Infrastructure MP
08_0225 MOD 2**

Stage 5B Bungaribee Industrial Estate
Huntingwood West
Lot 5 DP 1127100
July 2013

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Project Approval 08_0225 MOD 2

Amended Earthworks Levels, Stage 5B, Bungarribee Industrial Estate

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APPENDICES

Appendix 1	Copy of Project Approval 08_0225 MOD 1
Appendix 2	Proposed Development Plans

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EXECUTIVE SUMMARY

McKenzie Group Consulting Planning (NSW) Pty Ltd has been engaged by Goodman Property Services (Aust) Pty Ltd to prepare this modification to Project Approval 08_0225 as modified to enable a change to the building pad level for Stage 5B of Bungarribee Industrial Estate, Huntingwood West.

The modification includes a revised building pad level for the site to facilitate approved and future development on the site.

Project Approval 08_0225 was issued by the former Department of Planning (now Department of Planning and Infrastructure) on 25 January 2011. The Approval provided for Stage 1 infrastructure package for the Bungarribee Industrial Estate, Huntingwood West. The Approval included subdivision to create development lots, estate road lots, drainage lots; construction of a new access point from Great Western Highway and internal estate road; bulk earthworks and stormwater management; estate landscaping and off-site stormwater detention works; and modifications to development design controls.

Modification of Project Approval (MP 08_0225 MOD 1) was determined on 13 February 2013. The modification approval amended the subdivision plan, site layout, amended earthworks levels, stormwater management and landscaping works.

This site, which is located within the Blacktown City Local Government Area, is now identified as:

- Stage 5B: Lot 5 DP 1127100

Specifically, the modification seeks to enable amended earthworks levels to facilitate future industrial developments on the land.

The proposed modified development remains substantially the same development as that approved under 08_0225 as it will:

- Result in no change to the subdivision layout or access;
- not significantly alter the approved estate landscaping;
- not result in any significant environmental impact; and
- maintain consistency with the approved Huntingwood West Employment Area Concept Plan (MP 06_0203), as well as Project Approval for subdivision (MP 08_0055).

This Section 75W Modification is supported by specialist reports contained in the Appendices in relation to:

- engineering design

The specialist documentation demonstrates that the site is suitable for the proposed modification and that any potential impacts of the project are acceptable. This report also shows that the project is consistent with relevant strategic planning policies, environmental planning instruments.

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PART A PRELIMINARY

1.1 INTRODUCTION

This Modification to Project Approval 08_0225 under Section 75W of the *Environmental Planning and Assessment Act 1979* has been prepared by McKenzie Group Consulting Planning (NSW) Pty Ltd on behalf of Goodman Property Services.

The proposal seeks to modify to Project Approval 08_0225 as modified (**Appendix 1**) to enable the amendment to earthworks levels to create level building pads for future development on the site. The proposed modification applies to Stage 5B of Bungarribee Industrial Estate, Huntingwood West.

Specifically, the modification seeks to enable amended earthworks levels to facilitate future industrial developments on the land.

The proposed modifications were not envisaged at the time of the Project Application and, as such, require a modification under Section 75W of the *Environmental Planning and Assessment Act 1979*.

This report is arranged as follows:

- Part A Preliminary
- Part B Site Analysis
- Part C Proposed Modifications
- Part D Legislative and Policy Framework
- Part E Environmental Risk Assessment
- Part F Statement of Commitments
- Part G Conclusion

1.2 BACKGROUND

In 2005, the New South Wales Government announced the commencement of Part 3A to the *Environmental Planning and Assessment Act 1979* (the Act) which provided for major infrastructure and other projects to be handled under a streamlined approvals process. As part of these reforms, the nomination of State Significant Development process was implemented.

To enable the employment objectives to be achieved, the then Minister for Planning declared on 15 September 2006 that land within the Huntingwood West Precinct was to be subject to the provisions of Part 3A of the *Environmental Planning and Assessment Act 1979*. On 11 May 2007, the Precinct was gazetted as a State Significant site in Schedule 3 of *State Environmental Planning Policy (Major Development) 2005* and rezoned as IN1 General Industrial.

This new system provided an alternative rezoning process that was designed to facilitate the assessment and implementation of major projects and specific sites which are considered to be of particular significance to the State of New South Wales. Land within the Huntingwood West Precinct was identified as being of significance under this reform due to its potential to provide employment opportunities in close proximity to major road infrastructure.

Since this time, the Bungarribee Industrial Estate has been subject to a number of planning approvals which relate to the subdivision layout and site preparation for the estate. These are described below in order from earliest to most recent.

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Concept Plan MP 06_0203

Landcom (as the development manager on behalf of the Department of Planning) initially submitted a Concept Plan for subdivision and future employment uses within the Huntingwood West Precinct. Concept Approval was granted on 09 December 2006 (MP 06_0203) and included:

- 47-lot subdivision for employment generating uses;
- associated roads, services and infrastructure; and
- open space.

Development Design Controls for the Huntingwood West Employment Lands were included as part of the Concept Plan Approval to ensure a high quality urban environment and protection of nearby environmental qualities.

Subdivision Modification MP 08_0055

In August 2008, consent for modification to the Concept Plan Approval (MP 08_0055) was granted to alter the subdivision design to create 6 consolidated 'superlots'. The application related to subdivision design only and did not include any development works or use.

Stage 1 Infrastructure MP 08_0225 and Modification MP 06_0203 (MOD 1)

Project Application for Stage 1 Infrastructure (MP08_0225) was submitted 04 June 2010. The Infrastructure PA involved the following works:

- Subdivision to create development lots, estate road lots and drainage lots;
- Construction of a new intersection to Great Western Highway and internal estate roads in accordance with the approved Concept Plan and Statement of Commitments;
- Bulk earthworks and stormwater management;
- Estate landscaping and offsite stormwater detention works; and
- Modifications to the development design controls.

Approval for Stage 1 Infrastructure Works (MP 08_0225) including bulk earthworks, internal roads, estate landscaping and utility infrastructure was issued on 25 January 2011. The approved Stage 1 Infrastructure works have been completed as they relate to the subject land.

Further modification to the Concept Plan Approval to reflect a revised subdivision layout was also included at this stage (MP 06_0203 MOD 1). The modifications relate to design control of future development including setbacks and site cover, and frontage controls.

There is no contributions plan applicable to the land the subject of the development. As such, Conditions of Consent No. 13 and No. 14 of the approval for the Stage 1 Infrastructure requires the proponent to enter into a Voluntary Planning Agreement (VPA) with Blacktown City Council and the Western Sydney Parklands Trust.

The VPA required under this consent has been formalised.

Subdivision Modification MP 08_0055 MOD 1

A Modification to MP 08_0055 was made in February 2011 to establish a subdivision pattern that permits the orderly and economically efficient use of land, namely to provide developable blocks that more appropriately reflect the nature and scale of industrial development of the precinct. The modification facilitated the timely release of employment land to the market and the achievement of employment targets for the Estate.

Approval was granted to modify the subdivision layout approved under MP08_0055 by:

- Subdividing approved Lot 21 into two (2) allotments being Lot 30 and Lot 31 (completed); and
- Subdividing approved Lot 4 into two (2) allotments being Lot 32 and Lot 33 (completed).

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No physical works were proposed as part of the modification and the subject site remained as Part Lot 2 and Lot 3 at this time.

Modification to MP 08_0225 (MOD 1) and Modification to MP 06_0203 (MOD 2)

Two modifications were simultaneously approved on 13 February 2013 for modifications to MP 08_0225 and MP 06_0203 MOD 1 involving:

- modification to the concept plan approval (MP06_0203 MOD2) to alter the site layout to enable the lot and road layout to be rationalised to allow for a proposed future tenant (Toll IPEC freight transport facility); and
- The modification to the Stage 1 infrastructure works project approval (MP08_0225 MOD1) included an amended subdivision plan, site layout, amended earthworks levels, stormwater management and landscaping works.

The latest approved layout for the estate is shown in **Figure 1** below. A copy of the Modifying Instrument MP 08_0225 MOD 1 is provided as **Appendix 1**.

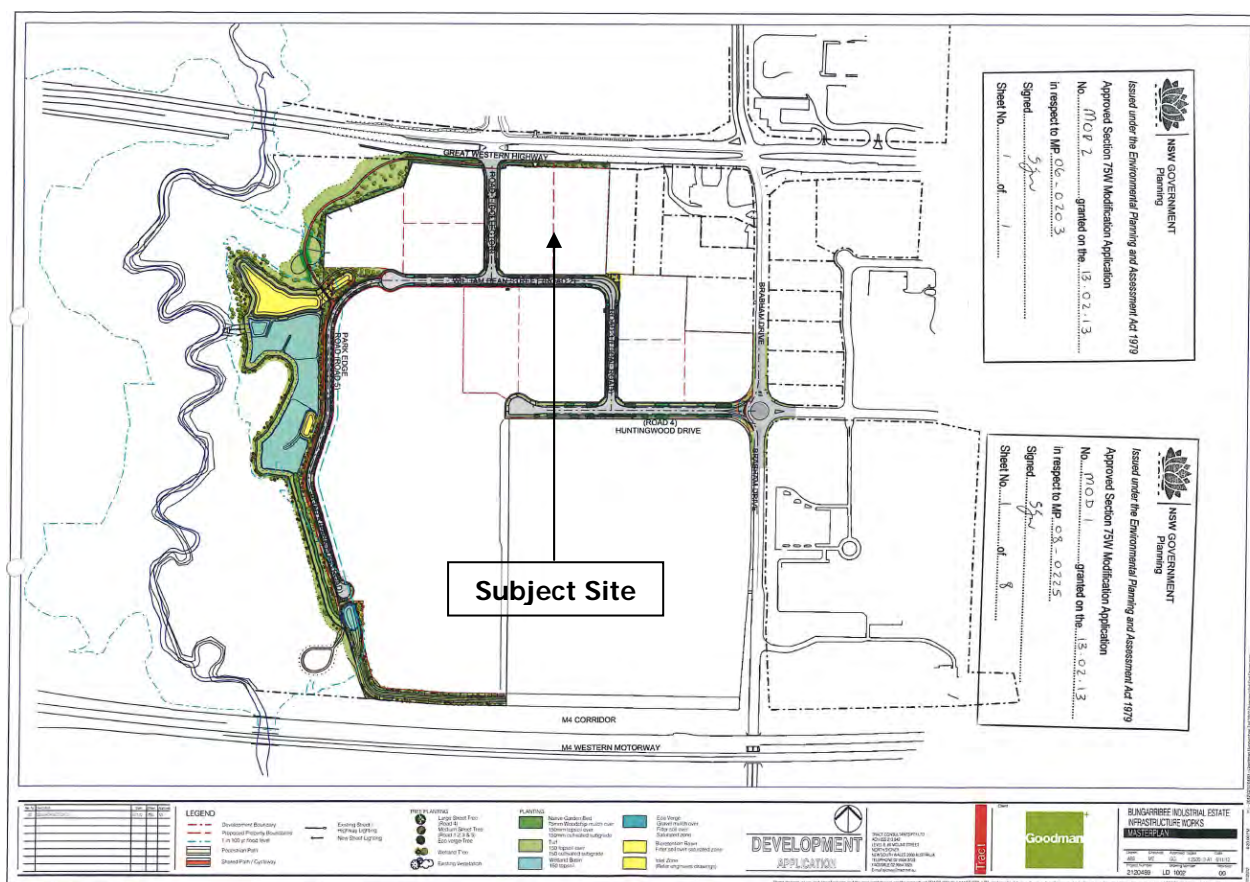


Figure 1 – Current Estate Masterplan (Source: Goodman, 2013)

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PART B SITE ANALYSIS

2.1 SITE LOCATION

This Section 75W Modification relates to land located at the corner of Brabham Drive and Huntingwood Drive, Huntingwood West and forms part of the Bungarribee Industrial Estate located within the Blacktown Local Government Area.

The land is identified as:

- Stage 5B: Lot 5 DP 1127100

Lot 5 comprises approximately 7.798 hectares and has frontage to the Great Western Highway to the north.

The site location is shown in **Figure 3**.

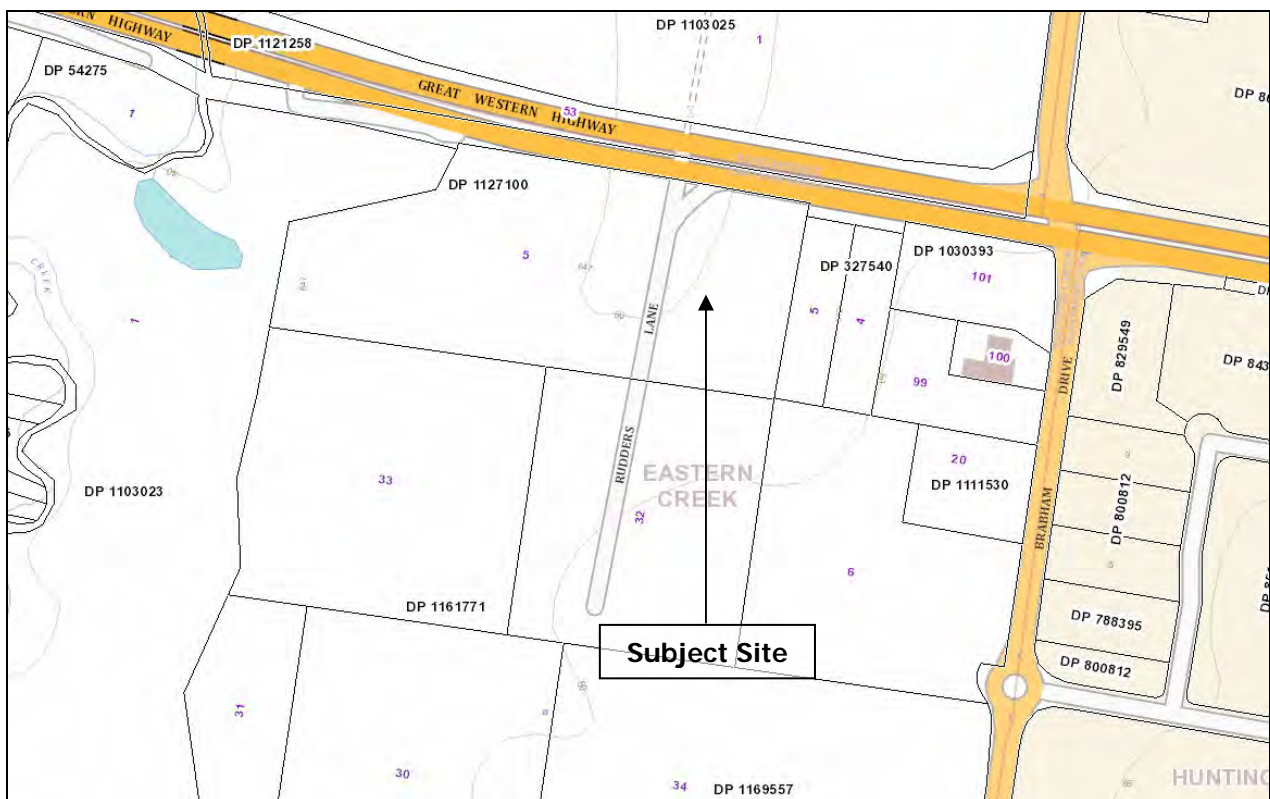


Figure 3 – Site Location (Source: NSW Land and Property Information, 2013)

2.2 EXISTING SITE CHARACTERISTICS

An aerial photograph of the site, showing the site characteristics (as at April 2011) is provided as **Figure 3**.

Lot 5 is currently undeveloped.

Access to the site for the earthworks is from an internal access road which connects to the Great Western Highway and Huntingwood Drive.

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A Geo-technical Assessment was conducted for the Stage 1 area by GHD for Project Approval 08_0225. The report identifies that the site is underlain by Bringelly Shale of the Triassic-age Wianamatta Group, comprising shale, carbonaceous claystone, laminate and some minor coral bands. The shale bedrock is mantled locally by Quaternary alluvium within valley floors of the Eastern Creek system. The findings concluded that the soils were found to be highly reactive and dispersive and therefore appropriate erosion and sediment controls are to be implemented.

The site is not identified as flood prone land but is subject to salinity risk (addressed as part of previous applications). The site has also been remediated and been issued with a Site Audit Statement.

The site is not listed as a heritage item and is not located in a conservation area.



Figure 3 – Aerial Photograph (Source: NSW Land and Property Information, 2013)

2.3 LAND OWNERSHIP

The land is owned by The Trust Company Limited.

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2.4 SITE CONTEXT

The site is located within an area which is predominantly characterised by emerging industrial development upon land previously used for agricultural purposes and forms part of a larger industrial precinct known as the Bungarribee Industrial Estate. The Estate forms one of a number of industrial precincts within the suburb of Eastern Creek, located approximately 35 kilometres west of the Sydney central business district, in the local government area of the City of Blacktown.

The Bungarribee Estate is bound by the Great Western Highway to the north, Brabham Drive to the east, the M4 West Motorway to the south and the Eastern Creek riparian corridor to the west (**Figure 4**). This location provides a high level of connectivity to destinations across the Greater Sydney Region and transitions into existing industrial land within the suburb of Eastern Creek.

Lot 34 DP 1169557 (directly adjoining Lot 6 to the south) comprises the Metcash facility which represents the first development to occupy land within the Bungarribee Estate.

The future character of the locality is anticipated to be of similar industrial/employment lands character. This is evidenced by land on the northern side of Huntingwood which has recently been the subject of a Development Application to Blacktown City Council, by Goodman, for a two-unit warehouse and distribution development and use of one unit by Linfox.

The land west of the site is zoned for future industrial purposes. While a number of these nearby sites have undergone recent development for the provision of infrastructure, many remain in a disturbed but vacant state.

Sites beyond the immediately adjoining land will be similarly developed for industrial purposes and compatible activities. Land at corner of the intersection of the Great Western Highway and Brabham Drive already accommodates existing service station and Beaurepairs automotive repair shop and is currently being developed for a new warehouse facility.

Alternative transport is provided by Rooty Hill and Doonside Stations which are located to the north of the precincts, providing access to the mainline rail system with fairly frequent services. The Blacktown to Arndell Park bus route serves the nearby industrial zone. This route runs adjacent to the site along Brabham Drive.

The locality is best known for the Eastern Creek International Raceway which is located along Brabham Road, south of the site, adjacent to the Prospect Reservoir. The Eastern Creek Waste and Recycling Centre located south of the Raceway also occupy a significant proportion of land within the suburb.

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Figure 4 – Local Context (Source: NearMap, 2011)

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PART C PROPOSED MODIFICATIONS

3.1 DESCRIPTION OF THE PROPOSAL

This application seeks to modify Project Approval 08_0225 as modified to enable the amendment of earthworks levels to land within Stage 5B of the Bungarribee Industrial Estate, Huntingwood West. The proposed levels are shown on the Proposed Development Plans at **Appendix 2**.

The proposed levels are designed to facilitate a future building design for the site which includes a large cut along the western boundary supported by batters to allow for future undercroft parking. This cutting will have a slight fall from RL 46.31 to RL 45.77.

The southern end of the cut area will also facilitate a temporary sediment basin. The total storage zone of the basin is approximately 504m³. A temporary earth bund will be created along the western side of the temporary sediment basin to ensure all stormwater runoff is kept on site.

The remainder of the site will provide for a future building pad with a gently slope towards the south with RL's of 47.4 and 49.4 which remains similar to the approved levels between RL49.00 and RL49.10.

A new batter along the eastern boundary is proposed to address the change of levels between the Stage 5B site and the adjoining property.

No building works or use is proposed under this modification application (separate development approval is being sought from Blacktown Council). No works beyond the boundary of the Stage 5B site is proposed resulting in no change to the approved road design, estate landscaping or drainage.

3.2 PROJECT JUSTIFICATION AND CONSIDERATION OF ALTERNATIVES

The development of land within the Bungarribee Industrial Estate has been designed to be well integrated and to ensure future developments respond to the site layout, road hierarchy and relate to existing and proposed industrial developments.

However, the Concept Plan prepared and approved for the precinct was developed in the absence of knowledge about which businesses may ultimately locate there and what the specific needs of end users might be.

Whilst the Concept Plan provides an important framework for the progressive development of the precinct, it is important that some flexibility is provided to allow for landowners to accommodate the specific needs of future tenants and users of the land.

The owners of the subject land, Goodman, have identified a future user for the portion of the Bungarribee Industrial Estate known as Stage 5B and have submitted a development application to Blacktown City Council to gain approval for the built form and use of the site for BOC Gases.

In order to accommodate the operational requirements of BOC and comply with the requirements for parking, landscaped area, ancillary office, services and manpurvering, the most appropriate design solutions includes an undercroft parking area. In order to achieve this new undercroft parking area to support the proposed use, a change to the approved levels for this portion of the Estate is required. This modification to the Stage 1 Infrastructure Approval MP 08_0255 as modified is made in respect of this requirement.

The incoming user will provide for employment generating activities as originally intended for the Estate and will benefit from the accessibility advantages offered by the proximity of the precinct to major arterial roads and which will integrate well with existing surrounding development.

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The required changes to the levels requires no changes to the internal estate road network, landscaping or public domain treatments, but will have flow on effects for stormwater drainage within Stage 5B which have been suitably addressed within this report.

The modifications proposed remain consistent with the underlying objectives and vision established under the Concept Plan and associated Design Development Controls. The amendments maintain the performance of the estate from an environmental perspective and do not result in significant additional environmental impacts.

Overall, the modifications are considered to be minor and justified in the context of the broader economic benefits of the proposal.

Alternative options including retaining the approved site levels were not considered viable due to:

- limitations to accommodate future industrial development
- unviable outcomes associated with costs of engineering solutions required to address level changes
- disconnection of the land from the existing established industrial developments

3.3 SUPPORTING DOCUMENTATION

Documents and Drawings for the proposal are outlined in **Table 1**.

TABLE 1 – Documents and Drawing Schedule

<i>Description</i>	<i>Date/Revision</i>	<i>Author</i>	<i>Appendix No.</i>
Cover Sheet, Notes, Legends and Locality Plan (C200)	C	At&I Civil Engineers	2
General Arrangement Plan (C202)	C	At&I Civil Engineers	2
Bulk Earthworks Plan Sheet 1 (C205)	C	At&I Civil Engineers	2
Bulk Earthworks Plan Sheet 2 (C206)	C	At&I Civil Engineers	2
Bulk Earthworks Plan Sheet 3 (C207)	C	At&I Civil Engineers	2
Bulk Earthworks Plan Sheet 4 (C208)	C	At&I Civil Engineers	2
Sedimentation and Erosion Control Plan (C210)	C	At&I Civil Engineers	2
Sedimentation and Erosion Control Details (C211)	C	At&I Civil Engineers	2

3.4 CONDITIONS TO BE MODIFIED

It is anticipated that the following conditions of the Project Approval (as modified by 08_0225 MOD1) will require amendment to facilitate the proposed modifications under this application:

- In condition 2 of schedule 2 after the words "November 2012" in point (a) insert "*and the Environmental Assessment title Section 75W Modification Stage 1 Infrastructure MP 08_0225 MOD 1 Stage 5B Bungarribee Industrial Estate Huntingwood West Lot 5 DP 1127100 July 2013 prepared by McKenzie Group Consulting*".
- In condition 2 of schedule 2, point (b) after the words "*and 21-18115-DA101(E)*" insert "*except where amended by Lot 5B Civil Engineering Plans referenced Cover Sheet, Notes, Legends and Locality Plan C200-12-106-C, General Arrangement Plan C202-12-106-C, Bulk Earthworks Plan Sheet 1 C205-12-106-C, Bulk Earthworks Plan Sheet 2 C206-12-106-C, Bulk Earthworks Plan Sheet 3 C207-12-106-C, Bulk Earthworks Plan Sheet 4 C208-12-106-C, Sediment and Erosion Control Plan C210-12-106-C, Sediment and Erosion Control Details C211-12-106-C (refer to Appendix A)*".

No other conditions are identified as requiring amendment.

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PART D LEGISLATIVE AND POLICY FRAMEWORK

This Part assesses and responds to the legislative and policy requirements for the project in accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act).

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

4.1 COMMONWEALTH PLANNING CONTEXT

4.1.1 Commonwealth Environmental Protection and Biodiversity Conservation Act, 1999

The EPBC Act is relevant where a development will result in a significant impact on a nationally threatened species or community. If a significant impact will occur, the development is identified as a controlled activity and the proposal must be referred to the Commonwealth Department of Environment, Water, Heritage and the Arts.

As there are no nationally threatened species or communities on or near the site, the project will not result in a significant impact.

4.2 STATE PLANNING CONTEXT

4.2.1 Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulations 2000

The *Environmental Planning and Assessment Act 1979* (EP&A Act) and its Regulations are the overarching governing document for all development in NSW.

Project Approval 08_0225 was issued pursuant to Part 3A of the EP&A Act; however, in 2011 the NSW Government repealed Part 3A of the *Environmental Planning and Assessment Act 1979* and announced that it will cease to accept any new projects under the Part 3A assessment system. This system has been replaced by the State Significant Development and Infrastructure assessment systems which commenced on 1 October 2011 (see Section 4.2.5 below).

Despite the legislative amendments, transitional arrangements operate to allow modifications of Part 3A approvals under Section 75W to be made. The subject modification application falls into this category.

4.2.2 Threatened Species Conservation Act 1995

Compliance with the *Threatened Species Conservation Act 1995* (TSC Act) was considered as part of the approved Concept Plan (MP 06_0203) and the Infrastructure Project Application (MP 08_0225).

Clearing of the site has already been approved. This application is only for alteration of the approved earthworks levels.

4.2.3 Protection of the Environment Operations Act 1979

Schedule 1 of the *Protection of the Environment Operations Act 1979* (POEO Act) contains a core list of activities that require a licence before they may be undertaken or carried out.

The proposed alteration of earthworks levels will have no additional impact.

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4.2.4 Heritage Act 1977

There are no non-indigenous heritage items as defined by the *Heritage Act 1977* on the site.

4.2.5 State Environmental Planning Policy (Major Development) 2005

Project Application MP 08_0225 was originally submitted under the former Part 3A provisions of the EP&A Act.

The Major Development SEPP has since undergone extensive reform since the recent repeal of Part 3A of the EP&A Act. While certain classes of development have been removed from being subject to assessment by the Minister for Planning, Clause 7 of the Major Development SEPP remains operational and states:

State significant sites

- (1) Schedule 3 describes State significant sites.*
- (2) The provisions in Schedule 3 relating to the carrying out of development on a State significant site have effect.*

Following an order published by the then Minister for Planning in the Government Gazette on 15 September 2006, the subject site was included within land listed under Part 9 of Schedule 3 and known as the 'Huntingwood West Precinct'. A copy of the map identifying this area is provided as **Figure 5**.

The relevant provisions of the Major Development SEPP are addressed as follows:

Major Development SEPP Aims

The current aims of the Major Development SEPP are:

- (a), (b) (Repealed)*
- (c) to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or conservation of those State significant sites for the benefit of the State,*
- (d) to facilitate service delivery outcomes for a range of public services and to provide for the development of major sites for a public purpose or redevelopment of major sites no longer appropriate or suitable for public purposes.*
- (e), (f) (Repealed)*

The proposal is consistent with the remaining objectives of the Major Development SEPP as it continues to facilitate development of an industrial precinct originally approved under Part 3A for the purpose of employment generating activities.

Division 3 of Part 9 to Schedule 3 outlines the provisions relating to development within the Huntingwood West Precinct, and applies whether or not the development is a transitional Part 3A project. These provisions are addressed below:

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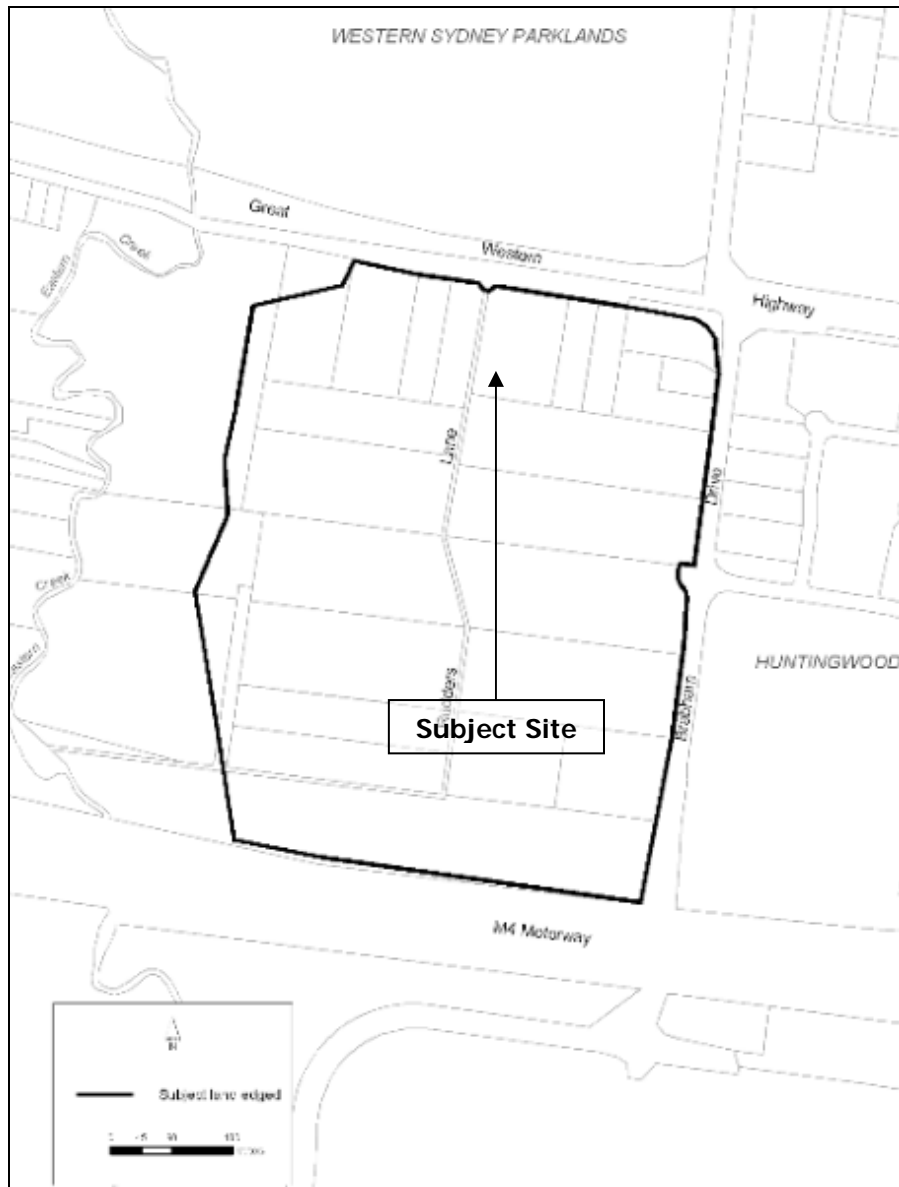


Figure 5 - SEPP (Major Development) 2005 - Huntingwood West Precinct (Source: NSW Department of Planning, 2006)

Zoning and Permissibility

Land within the Huntingwood West Precinct is within Zone IN1 General Industrial under the Major Development SEPP. The objectives of Zone IN1 General Industrial under the SEPP are:

- (a) to facilitate development for a wide range of employment-generating industrial, manufacturing, warehousing, storage or research purposes, including ancillary office space,
- (b) to ensure development enhances the amenity of the Huntingwood West Precinct by including high quality landscaping, adequate building setbacks, high quality external finishes and the like,
- (c) to encourage employment opportunities,
- (d) to minimise any adverse effect of industry on other land uses.

The proposal is consistent with the stated aims of the Employment Area SEPP as it facilitates a level building pad for future industrial development that will provide for increased employment as part of future

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industrial development. Site preparation works are permissible on land zoned IN1 General Industrial, with development consent.

Subdivision

No subdivision is proposed.

Design

The consent authority must not grant consent to development on land within the Huntingwood West Precinct unless it is satisfied that:

- (a) the development is of a high quality design, and*
- (b) a variety of materials and external finishes for the external facades are incorporated, and*
- (c) high quality landscaping is provided, and*
- (d) the scale and character of the development is compatible with other employment-generating development in the Huntingwood West Precinct.*

The proposal is consistent with the design considerations under the Major Development SEPP as it takes into account the existing site characteristics, with particular attention given to:

- integrated with existing development and roads
- provide a level site that can support appropriate stormwater design and landscape treatment

Height of Buildings

No buildings are proposed under this application.

Public Utility Infrastructure

The consent authority must not grant consent to development on land within the Huntingwood West Precinct unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.

Stage 1 Infrastructure works have been approved for the entire Bungarribee Industrial Estate and completed for the portion of the estate to be development under this application. The proposed modification will be connected to essential infrastructure.

Miscellaneous

To provide clarity around the instruments that apply to the Huntingwood West Precinct, Part 9 in Schedule 3 of the Major Development SEPP includes the following Clause:

14 Relationship with other environmental planning instruments

- (1) This Policy and all other State environmental planning policies apply, according to their terms, to land within the Huntingwood West Precinct.*
- (2) Blacktown Local Environmental Plan 1988 does not apply to land within the Huntingwood West Precinct.*

The relevant instruments are addressed in the Sections below.

Consent Authority

As the project can be defined as a transitional Part 3A project, the Minister for Planning (or delegated approval body) is the consent authority for the proposed modification.

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

Proposals involving activities that are listed in Schedule 1 of *State Environmental Planning Policy (State and Regional Development) 2011* are declared to be State Significant Development (SSD) under the new framework introduced in October 2011.

The proposed works are not listed as an activity under Schedule 1 and not an identified site under Schedule 2, therefore the proposal is not State Significant Development under this instrument.

4.2.7 State Environmental Planning Policy (Western Sydney Employment Area) 2009

The site is not included within an area which forms part of the Western Sydney Employment Area under the provisions of *State Environmental Planning Policy (Western Sydney Employment Area) 2009* (Figure 6).

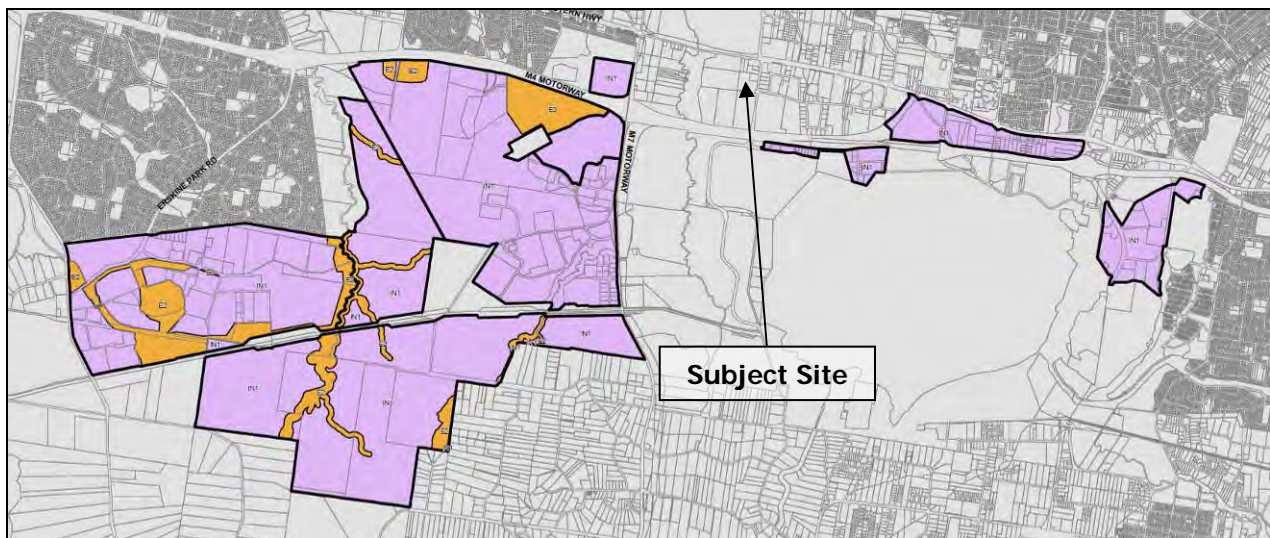


Figure 6 - State Environmental Planning Policy (Western Sydney Employment Area) 2009 Zoning Map
(Source: NSW Department of Planning, 2009)

4.2.8 State Environmental Planning Policy (Infrastructure) 2007

Traffic Generating Development

Among other functions, State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) repeals the former *State Environmental Planning Policy No. 11 – Traffic Generating Development* and provides for certain proposals, known as Traffic Generating Development, to be referred to NSW Roads and Maritime Services (RMS) (formally the Roads and Traffic Authority) for concurrence.

Schedule 3 lists the types of development that are defined as Traffic Generating Development. Earthworks are not listed as traffic generating development under the SEPP.

Future applications for development of industry on the site, may trigger the thresholds and require referral to the Roads and Maritime Services.

Development Controls

Part 3 of the Infrastructure SEPP provides a number of development controls for specific development. The proposed modifications do not include any development that is subject to the development controls under this Part of the Infrastructure SEPP.

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

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP 33) provides definitions for hazardous and offensive development as well as potentially hazardous and offensive development and outlines the items that a consent authority must consider to assess whether the development is hazardous or offensive.

This modification application does not include the storage or handling of any dangerous goods.

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

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

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

Information on contamination/remediation extracted from the Project Application for Stage 1 Infrastructure reveals that a Phase I and II Environmental Site Assessment of the site was conducted by Douglas Partners. Based on the results of the Phase I assessment, the overall contamination risk at the site was deemed to be low, but the investigation identified several potential sources and forms of contamination.

The Phase II investigation undertook detailed assessment of the identified risk areas utilising intrusive testing. The results of the Phase II investigation showed that no Health Based Investigation Levels Guidelines were exceeded in the samples analysed for any of the contaminants of concern, indicating that the site is suitable for the proposed land-use with respect to organic and inorganic contaminants.

While localised asbestos contamination was identified during the assessment, remediation works in accordance with a Remediation Action Plan (RAP), were subsequently conducted and on 20 February 2008. A Site Audit Statement was then issued by CM Jewell and Associates Pty Ltd concluding the following:

With regard to both asbestos and chemical contamination, on any site, absolute statements that contamination is not present cannot be supported by a rational interpretation of any sampling data, recognising the inherent limitations of all such data.

On this site in particular, given its very large size and the relatively low sampling density employed (and agreed to as appropriate by the auditor), no such definitive statement is possible. It is however, reasonable to conclude on the basis of the sampling program carried out, and professional judgement, that overall contamination risks are likely to be low in relation to the size and value of the site.

Thus, it is appropriate to state that following a careful review, the auditor is satisfied that the criteria he established for the site have been met, and contamination risks are acceptable.

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The site is therefore considered suitable for the uses identified above subject to compliance with the management plan identified above. Any soil removed from the site should be appropriately classified in accordance with the Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-liquid wastes. Any soil imported to the site should be validated as being suitable for use on the site. Due to regional contamination and natural salinity issues and because groundwater quality may change with time, groundwater should not be extracted for any purpose without appropriate assessment.

Accordingly, the project is capable of being undertaken without any further assessment or remediation. In accordance with the recommendations in the Site Audit report, any soil which is removed from the site will be appropriately classified in accordance with the Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-liquid wastes. In addition, any soil imported to the site should be validated as being suitable for use on the site.

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

No signage is included in the modification application.

4.3 LOCAL PLANNING CONTEXT

4.3.1 Blacktown Local Environmental Plan 1988

Use of land in the Blacktown Local Government Area (LGA) is primarily controlled by the provisions of *Blacktown Local Environmental Plan 1988* (BLEP 1988). However, Clause 14, Part 9 in Schedule 3 of *State Environmental Planning Policy (Major Development) 2005* states that provisions of that BLEP 1988 do not apply to land within the Huntingwood West Precinct.

4.3.2 Draft Environmental Planning Instruments

No draft Environmental Planning Instruments apply to the proposed modification.

4.3.3 Huntingwood West Development Design Controls

The *Huntingwood West Employment Lands Development Design Controls*, dated September 2006, were prepared by Architectus Sydney Pty Ltd as part of the Concept Approval for the Bungarribee Industrial Estate to specifically guide development within this Precinct.

The provisions in the Design Guidelines are considered in addition to the provisions of Blacktown Development Control Plan 2006. Where any inconsistencies are created between these documents, the *Huntingwood West Development Design Controls* have been adopted.

The Huntingwood West Development Design Controls (DDCs) were prepared to outline the development objectives and controls for the development of the employment/industrial land shown in **Figure 10**.

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Figure 10 - Land to which the Huntingwood West Development Design Controls Apply (Source: Architectus, 2006)

The relevant provisions of the Huntingwood West DDCs are addressed as follows:

Aims and Development Vision

The aims of the DDCs are to:

- *Facilitate the economic and orderly development of the employment/industrial land for the purpose of employment generating development whilst maintaining the ability to provide flexibility in the range of lot sizes to meet market demand;*
- *Ensure a positive visual, environmental and management relationship with the adjoining Western Sydney Parklands;*
- *Ensure Ecologically Sustainable Development principles are integrated into developments;*
- *Ensure Water Sensitive Urban Design principles are integrated into the built and landscape elements of the development;*
- *Enable the provision of a high quality innovative and integrated industrial area particularly in terms of built form and landscaping;*
- *Provide areas of landscaped public domain that are compatible with the built environment and to ensure that the landscape design guidelines are implemented to a high standard;*
- *Provide an effective traffic network within the industrial area and connections to the arterial road system; and*
- *Promote the on-site collection and re-use of stormwater.*

The overall vision for Huntingwood West is to:

- *Develop a high quality employment zone within a parkland setting that incorporates best practice design and environmental measures and which has a strong integration with the Western Sydney Parklands.*

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- *Develop employment generating uses in a way that provides the best development outcome for the site.*
- *Develop the employment/industrial land in a way that creates the most appropriate interface with the Western Sydney Parklands.*
- *Provide a high quality built environment that will attract high job creation industries.*
- *Offer a diverse range of lot sizes to accommodate a dynamic market.*
- *Create an employment area within a landscape setting that integrates with the adjoining Western Sydney Parkland's natural and conservation values and that has a strong urban character and sense of place.*
- *Integrate new development with the Western Sydney Parklands and encourage visual and access links.*
- *Integrate new development with the existing industrial area at Huntingwood and encourage visual and access links.*
- *Manage water cycle impact, flood/fill impact and incorporate Water Sensitive Urban Design principles and practices where possible.*
- *Incorporate best practice environmental planning and design, particularly techniques for conserving the consumption of energy and water in all buildings and the control of noise and emissions.*
- *Provide public domain and vegetation/drainage corridors that are interconnected with a high level of well-lit pedestrian and cycle access routes and that link into the surrounding environment.*
- *Implement quality architectural standards and guidelines as well as appropriate environmentally sensitive building design.*
- *Create a well connected and legible street network.*
- *Incorporate quality development where businesses enjoy high levels of accessibility by customers and are supported by an attractive public domain that is both pedestrian friendly and efficient.*
- *Encourage the provision of transport links including a bus route.*

The proposed modifications are consistent with the aims of the DDCs and the Vision for the precinct as it provides for modified building pad levels that support future industrial development. The amended building pad levels are compatible with the overall intent of the Bungarribee Estate without major environmental impact.

Site Characteristics and Development Principles

- *Topography and Landscape*
The site has been previously disturbed and has been approved for earthworks that provide suitable building pads similar to that proposed.

Minor site grading required to accommodate the altered hardstand design for future development is required. The Erosion and Sediment Control Plan addresses stormwater management requirements and overland flow outcomes across the entire site.

No significant landscape features are to be adversely impacted by the proposal.

The design will ensure future views to the site from the M4 Motorway are not significantly altered.

- *Vegetation and Biodiversity*
The site has been significantly disturbed with little to no vegetation remaining. Approval for site clearing and earthworks has already been granted, this modification is only for a change to the approved building pad levels.
- *Infrastructure and Services*
Stage 1 Infrastructure includes:
 - Sewer
 - Water Supply
 - Electricity

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- Telecommunications

Connection to essential infrastructure will remain unchanged under this proposal.

The temporary detention basin to be provided in the south west portion of the site is to be treated after each storm event and pumped to the nearest roadside stormwater pit. No change the stormwater infrastructure outside Stage 5B is affected by the proposal.

- *Indigenous and Non-Indigenous Heritage*

There are no non-indigenous heritage items as defined by the *Heritage Act 1977* on the site.

Areas for Potential Archaeological Deposits (identified within the Heritage Impact Statement for the Concept Approval) have been considered within the previous applications across the site including the Stage 1 Infrastructure works and are not considered to have any significance to the subject proposal.

- *Land Capability*

The site is not affected by the 1 in 100 year floor event; however, the site is potentially at risk from salinity.

The DDCs identify asset protection zones to be provided around existing vegetation on the site, however, as previously indicated, vegetation on the site has been previously removed.

Proposed Subdivision Plan

- *Urban Structure*

The proposal is consistent with the latest subdivision layout approved by the Department of Planning and Infrastructure. No new estate roads or access driveways are proposed.

- *Land Use*

Under the DDCs, the principle land use within the Huntingwood West precinct is to be employment. The objectives for land uses in the precinct are:

- *To provide a wide range of industrial and warehouse land uses.*
- *To encourage employment opportunities.*
- *To minimise any adverse effect of industry on other land uses.*

The types of land uses permitted in the Huntingwood West precinct are consistent with those of the IN1 General Industrial zone of the Draft LEP Template/ (Future) Blacktown Comprehensive LEP and include:

- *Depots*
- *Freight transport facilities*
- *Light industries*
- *Neighbourhood shops*
- *Standard industries*
- *Warehouse or distribution centres.*

The proposal is consistent with the intended use of the Estate as it provides for amended building pad levels to support future industrial developments that are permitted in the IN1 general Industrial zone.

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Conservation of Natural Values

The DDC require the following strategies are to be used where possible to minimise tree loss:

- *Take into account appropriate quality trees in terms of health and habitat value in the setback areas of individual allotments and within buffer zones and Asset Protection Zones.*
- *Retain appropriate and healthy trees where practicable in the Collector Road and Eco-median Road reserves.*

As previously indicated, no remnant vegetation exists within the site.

Access and Movement

- *Road Hierarchy*
The proposal is consistent with the approved road hierarchy of the Bungarribee Estate. No new roads or modification to approved roads is to result from the proposal.
- *Pedestrian and Cycle Network*
The approved pedestrian and cycleway network will not be altered by the proposed development. Pedestrian connectivity between the existing and future buildings and the road network will be provided through integrated site links.
- *Public Transport*
The existing bus services that operate in the locality include Busways Route 724 (during peak hours only) that runs along Brabham Drive and Huntingwood Drive to the east of the site.

Alternative bus routes and increased frequencies may occur in the future as staff levels increase in the locality as a result of development within the Bungarribee Industrial Estate and other planned development. Indeed, the *Huntingwood West Transport Management and Accessibility Plan* identifies potential for the redirection of the 724 service within the overall Estate in the future as demand increase. This will be subject to further consideration by the bus companies as development occurs.

Landscape and Drainage Network

Previous approval of landscape treatment along each street frontage and adjoining allotment boundaries to reduce the appearance of the site will remain unchanged and addresses views towards the site from the M4.

Subdivision Design and Built Form Controls

- *Subdivision Design*
No subdivision or boundary realignment is proposed.
- *Access and Movement*
The proposal is consistent with the approved road hierarchy of the Bungarribee Estate. No new roads or modification to approved roads is to result from the proposed modification.
- *Pedestrian and Cycle Network*
The approved pedestrian and cycleway network will not be altered by the proposed development. Pedestrian connectivity between the existing and future buildings and the road network will be integrated as part of future applications for development on the land.
- *Public Transport*
The existing bus services that operate in the locality include Busways Route 724 (during peak hours only) that runs along Brabham Drive and Huntingwood Drive to the east of the site.

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Alternative bus routes and increased frequencies are likely to occur in the future as staff levels increase in the locality as a result of development within the Bungarribee Industrial Estate and other planned development.

- *Open Space and Public Domain*

Approved landscape design for the site will be retained under this modification to enable integration with the existing development, water treatment system and to create a high quality industrial streetscape.

- *Public Domain Signage*

No public domain signage is to be erected as part of the proposal.

- *Street Furniture and Lighting*

No street furniture is to be provided in the public domain as part of the proposal.

- *Site Services*

All essential services are available to the proposed development as part of the Stage 1 Infrastructure approval. The change to the earthworks levels will not impact connection to these essential services.

- *Environmental Management*

- Indigenous Heritage

No controls are provided in relation to Indigenous Heritage. Notwithstanding, the site is unlikely to comprise any remaining Indigenous archaeology given its disturbed state and previous investigations.

- Non-Indigenous Heritage

If any non-indigenous archaeological remains or relics are found during development, relevant permits/approvals under the NSW Heritage Act will be sought.

- Water Cycle Management

Some adjustments to the levels will require modification to the management of stormwater within the site. A temporary sediment basin is proposed in the south west corner of Stage 5B and will be treated and pumped to the nearest roadside stormwater pit following each storm event.

- Soils Management

Stormwater runoff generated from within the works area during construction will likely contain sediments. A number of options are available for the removal of these sediments from stormwater, some of which include a temporary sediment basin.

The Erosion and Sediment Control Plan provided as part of **Appendix 2** illustrates these measures. Further measures are to be implemented by the selected building contractor and finalised in the Construction Management Plan at Construction Certificate stage.

The potential for salinity has been considered in the Stage 1 Infrastructure approval for the Estate.

- Tree Retention

Under the approved landscaping for the site, suitable plantings within the landscape treatment will be provided to maintain soil integrity and stability.

- Weed Management

The proposal will remove the exotic grasslands occurring on the site.

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▪ *Built Form Controls*

General Design Principles

The Objectives for general design are:

- *Ensure that built form establishes a strong relationship to open space and to the Parklands areas.*
- *Ensure that development contributes to cohesive streetscapes and desirable pedestrian environments.*
- *Ensure a safe environment by promoting crime prevention through good urban design.*
- *Encourage pedestrian use of streets to enhance pedestrian safety and security.*
- *Promote energy efficient building orientation and envelopes.*
- *Avoid street views of long building elevations not screened by landscaping or that display monotonous building forms and design.*
- *Encourage the provision of a range of distinctive building forms that promote the identity of each tenancy.*
- *Encourage a high quality built form by encouraging activity on elevations fronting streets, ensuring buildings address streets and emphasising vertical forms with landscape, buildings and street lighting.*

The proposal is only for a change to the approved earthworks levels. There is no built form proposed. The new earthworks levels will ensure a stronger relationship of the sites to the adjoining streetscape, roads and existing established industrial developments. This will allow for a better designed industrial development.

Frontage Development

The proposed modification to the levels will provide a better site layout for better positioning of buildings on the land ensuring that landscaping can be appropriately accommodated on the site to minimise impacts on views.

Building Envelope

No new buildings are proposed.

All site boundaries are to be suitably landscaped under the proposed scheme.

Parking

Traffic and parking generated by the proposed earthworks were addressed under MP 08_0225 and remain unchanged under this proposal to amend the earthworks levels.

Loading and Servicing

Access and egress from the site during construction was addressed under MP 08_0225 and remain unchanged under this proposal to amend the earthworks levels.

Recycling and Waste Management

Waste Management was addressed under MP 08_0225 and remain unchanged under this proposal to amend the earthworks levels.

Allotment Landscape Design

Previous approval of landscape treatment along each street frontage and adjoining allotment boundaries to reduce the appearance of the site will remain unchanged and addresses views towards the site from the M4.

Private Domain Signage

No signage is proposed under this modification application.

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Fences and walls

No fencing is proposed under this modification application.

External Industrial Activities

No industrial activities are proposed under this modification application. Development of the sites for industrial uses are subject to future applications.

Safety

The proposed modifications to the earthworks levels will not have any impact on safety or crime as identified in Crime Prevention Through Environmental Design (CPTED) principles.

Fire Construction Standards

No building works are proposed under this modification application.

Energy Efficiency

No building works are proposed under this modification application. Energy will be conserved where possible during the proposed earthworks.

Water Use

No building works are proposed under this modification application. Water reuse will be reduced where possible during the proposed earthworks.

Air Quality

The impacts associated with the earthworks will be minimised as far as practicable and the best practice measures are employed.

The management measures address:

- Dust Management
- Dust Mitigation
- Wind Erosion
- Spoil Stockpiles

4.3.4 Blacktown Development Control Plan 2006

Blacktown Development Control Plan 2006 (BDCP) applies to the site. The relevant sections of the BDCP are addressed as follows:

Part A – Introduction and General Guidelines

Part A is applicable to all DAs and provides controls in relation to matters affecting all types of development. The relevant provisions are addressed below.

▪ *Environmental Protection*

The proposal does not involve the removal of any significant vegetation.

The development is also suitably removed from identified non-indigenous heritage. Previous disturbance has removed the likelihood of the site containing indigenous archaeology.

No manufacturing or processing of any materials, substances or goods is to be undertaken on the site no significant greenhouse gas emissions are expected. Traffic to and from the site is identified as the only generator of air quality matters; however, the traffic generated by the earthworks (and resulting air quality considerations) is temporary and commensurate with the traffic expected from other earthworks of this scale in the area.

No significant acoustic impacts are to result from the proposed works with traffic and excavation being the only source of noise. The site is reasonably removed from sensitive

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receptors such as residences, open space and community uses and is unlikely to have any significant impact in the amenity of the locality given the existing industrial nature of the locality and major arterial road network.

- *Roads and Carparking*

Traffic and parking for the proposed earthworks were addressed under MP 08_0225 and will remain unchanged under this proposed modification.

- *Services*

All essential services are available to the site and capable of supporting the proposed modification.

- *Special Considerations*

The proposed modification does not require referral to NSW Road and Maritime Services (formally Roads and Traffic Authority) as traffic generating development.

- *Development on Flood Prone Land*

The proposal is not to be undertaken on flood prone land.

Part E – Development within the Industrial Zones

Part E is applicable to all DAs relating to land within the Industrial zones under BLEP 1988. As the site is not zoned under BLEP 1988 but under the Major Development SEPP and is the subject of the Huntingwood West Development Design Guidelines, the provisions of this Part of the Blacktown DCP are not applicable.

Notwithstanding, the proposal is consistent with the provisions that apply to the General Industrial zoned land under the DCP.

Part O – Site Waste Management and Minimisation

Waste Management was addressed under MP 08_0225 and will remain unchanged under this proposed modification.

Part R – Water Sensitive Urban Design and Integrated Water Cycle Management

At&I Civil Engineers have prepared the civil engineering design of the site to address the proposed change to earthworks levels.

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4.4 PLANNING AGREEMENTS

There is no contributions plan applicable to the land the subject of the development. Conditions of Consent No. 13 and No. 14 of the approval for the Stage 1 Infrastructure requires the proponent to enter into a Voluntary Planning Agreement (VPA) with Blacktown City Council and the Western Sydney Parklands Trust in accordance with the terms of offer made to both parties in Goodman letters dated 17 December 2010. The VPA has been entered into and is currently in draft form on the Department of Planning and Infrastructure website.

Seperately, Goodman has entered into a Transport Infrastructure Contributions Deed with the Roads and Maritime Services to provide regional road contributions of \$3.4million. In addition, all the obligations required or expected to be provided under the VPA have actually been contractually provided for by Goodman in the sale of land contract between it and the mutual corporation.

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PART E ENVIRONMENTAL ASSESSMENT

The Direct-Generals Requirements issued for the original Project Application (MP 08_0225) covered the following Key Issues:

- Subdivision
- Utilities infrastructure
- Infrastructure provision agreement

The following additional matters are considered in respect of the proposed modifications:

- Earthworks
- Erosion and Sediment Control

The following sections address these matters as they relate to the proposed modification. Unless otherwise stated, all information for MP 08_0225 as approved by the Department of Planning remains valid.

5.1 SUBDIVISION

The proposed modification will result in no change to the approved subdivision and road layout and are consistent with MP 08_0055. No estate landscaping will be affected by the proposed modifications.

5.2 UTILITIES INFRASTRUCTURE

The site will be provided with all essential infrastructure including water supply, sewerage, gas, electricity and telephone. The provision of infrastructure approved under MP 08_0225 MOD 1 will not be altered by the proposed modification.

The proposed levels will be provided with a temporary sediment basin with a total volume of 504m³. Following each storm event, the stormwater collected will be treated and pumped to the nearest roadside stormwater pit. The stormwater system beyond Stage 5B will not be altered by the proposed modifications.

The proposed earthworks levels will not require any adjustment or relocation of any services.

5.3 INFRASTRUCTURE PROVISION AGREEMENT

A legally binding agreement between the Proponent, RTA and the Department for infrastructure provision has been satisfied as required under the DGR's for MP 08_0225.

5.4 EARTHWORKS

The proposed modifications alter the approved pad levels of the site (RL 49.00 to RL 49.10) to RL 49.40 for a future industrial building and RL 46.30 to 45.77 for an undercroft car park adjacent to the western boundary of the site.

Batters are to be provided to create the level change around the perimeter of the entire site, allowing for future vehicle cross overs, with an additional internal batter. No retaining walls are proposed as any required structures will form part of the application for the future built form.

5.5 EROSION AND SEDIMENT CONTROL

An erosion and sediment control plan has been prepared and provided as part of the plans annexed at **Appendix 2**.

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PART F STATEMENT OF COMMITMENTS

No proposed modifications will be undertaken in accordance with the Statement of Commitments approved under Project Approval 08_0225 except where required by this Section 75W Modification and supporting documentation.

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PART G CONCLUSION

The proposed modification of the approved infrastructure works to allow for amended earthworks levels at land within Stage 5B of Bungarribee Industrial Estate at Huntingwood West is consistent with Project Approval MP 08_0225 as modified.

The proposal will allow for an improved relationship and better integration of the site when developed in the future, with existing established development and adjoining roads.

The proposed development is consistent with the legislative and policy framework for the local and regional area.

Based on the findings of this EIS, the modification is suitable for the local context and is appropriate based on social, cultural, economic and environmental considerations.

As such, it is recommended that the proposal be supported by the Department of Planning and Infrastructure.

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APPENDIX 1

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APPENDIX 2 Proposed Development Plans