



ENVIRONMENTAL IMPACT STATEMENT SSD 5169

**Horsley Drive Business Park
Cnr The Horsley Drive and Cowpasture Road, Wetherill Park**



June 2012



**Western Sydney
Parklands Trust**



Western Sydney Parklands

Document Control Table

Document Reference:	00178-HBP_EIS_Final_Revised		
Date	Version	Author	Checked By
03 April 2012	Draft	N. Murray	C. Wilson
03 June 2012	Draft Revision A	N. Murray	C. Wilson
07 June 2012	Draft Revision B	N. Murray	C. Wilson
08 June 2012	Final	N. Murray	C. Wilson
22 June 2012	Final Revised	N. Murray	C. Wilson

© 2012 McKenzie Group Consulting Planning (NSW) Pty Ltd

This document contains material protected under copyright and intellectual property laws and is to be used only by and for the intended client. Any unauthorized reprint or use of this material beyond the purpose for which it was created is prohibited. No part of this work may be copied, reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system without express written permission from McKenzie Group Consulting Planning (NSW) Pty Ltd.

CLAUSE 78A(8A) CERTIFICATE

Declaration Form

Submission of Environmental Impact Statement (EIS)

prepared under the *Environmental Planning and Assessment Act 1979*
Clause 78A(8A)

EIS Prepared By

Name	Nathaniel Murray
Qualifications	Bachelor of Town Planning (Hons)
Address	Suite 601, Level 6 189 Kent Street Sydney NSW 2000

In Respect Of

Proposed Staged Business Park (known as Horsley Drive Business Park) including:

- Subdivision
- Demolition and remediation
- Bulk and detailed earthworks
- Estate infrastructure
- Estate landscaping

Development Application

Applicant Name	Western Sydney Parklands Trust (Contact: Kerry Jahangir)
Address	Department of Premier and Cabinet Level 4, 10 Valentine Avenue PO Box 404 Parramatta NSW 2124

Land to be Developed

Cnr The Horsley Drive and Cowpasture Road, Wetherill Park, being:

- Lots 23 (part), 24 (part), 25, 28B, 30, 30A, 30B, 32 and 32A in DP 13961;
- Lots 1-5 in DP 1098128;
- Lot 100 in DP 879680;
- Lot 1 in DP 1036933;
- Lot 10 in DP 879209; and
- Lot C in DP 103755.

EIS

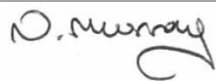
An Environmental Impact Statement (EIS) is attached.

Certificate

I certify that I have prepared the contents of this EIS and to the best of my knowledge:

- it is in accordance with Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*, and
- it is true in all material particulars and does not, by its presentation or omission of information, materially mislead.

Signature



Name	Nathaniel Murray
Qualification	BTP (Hons), UNSW
Date	25 June 2012

TABLE OF CONTENTS

GLOSSARY OF TERMS.....	v
EXECUTIVE SUMMARY	vi
PART A PRELIMINARY	1
1.1 INTRODUCTION	1
1.2 PROJECT TEAM	1
1.3 WESTERN SYDNEY PARKLANDS TRUST	2
1.4 STRATEGIC PLANNING CONTEXT	3
1.5 THE PROPONENT	3
1.6 CAPITAL INVESTMENT VALUE	3
1.7 DIRECTOR-GENERALS REQUIREMENTS.....	4
PART B SITE ANALYSIS.....	8
2.1 SITE LOCATION	8
2.2 LAND OWNERSHIP	9
2.3 LOCAL HISTORY.....	10
2.4 EXISTING SITE CHARACTERISTICS.....	11
2.5 LOCAL CONTEXT	13
2.6 REGIONAL CONTEXT	16
2.7 SUB REGIONAL CONTEXT	18
2.8 SITE SUITABILITY	19
PART C PROPOSED DEVELOPMENT.....	20
3.1 AIM AND OBJECTIVES OF THE PROPOSAL.....	20
3.2 DESCRIPTION OF THE PROPOSAL	20
3.2.1 Subdivision and Access Road	21
3.2.2 Demolition	22
3.2.3 Remediation.....	22
3.2.4 Bulk and Detailed Earthworks	22
3.2.5 Estate Infrastructure.....	22
3.2.6 Estate Landscaping.....	23
3.2.7 Supporting Information.....	23
3.3 PROJECT NEED	24
3.4 CONSIDERATION OF ALTERNATIVES	24
PART D LEGISLATIVE AND POLICY FRAMEWORK.....	26
4.1 COMMONWEALTH PLANNING CONTEXT	27
4.1.1 Environment Protection and Biodiversity Conservation Act 1999	27
4.1.2 Native Title Act 1999	27
4.2 STATE PLANNING CONTEXT.....	27
4.2.1 Environmental Planning and Assessment Act 1979	27
4.2.2 Environmental Planning and Assessment Regulation 2000.....	28
4.2.3 Western Sydney Parklands Act 2006	31
4.2.4 National Parks and Wildlife Act 1994	31
4.2.5 Heritage Act 1977.....	32
4.2.6 Protection of the Environment Operations Act 1979.....	32
4.2.7 Threatened Species Conservation Act 1995.....	32
4.2.8 NSW 2021: A Plan to Make NSW Number One	34
4.2.9 State Environmental Planning Policy (State and Regional Development) 2011	34
4.2.10 State Environmental Planning Policy (Western Sydney Parklands) 2009.....	34
4.2.11 State Environmental Planning Policy (Infrastructure) 2007	40
4.2.12 State Environmental Planning Policy No 19 — Bushland in Urban Areas.....	44
4.2.13 State Environmental Planning Policy No. 33 – Hazardous and Offensive Development	44



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park

Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

4.2.14	State Environmental Planning Policy No. 55 – Remediation of Land.....	44
4.2.15	State Environmental Planning Policy No. 64 – Advertising Structures and Signage	45
4.2.16	Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River	45
4.3	REGIONAL PLANNING CONTEXT	47
4.3.1	Metropolitan Plan for Sydney 2036.....	47
4.3.2	Metropolitan Transport Plan	48
4.3.3	Draft West Central Subregional Strategy.....	49
4.4	LOCAL PLANNING CONTEXT.....	51
4.4.1	Fairfield Local Environmental Plan 2010.....	51
4.4.2	Draft Fairfield Local Environmental Plan 2011	56
4.4.3	Fairfield City Wide Development Control Plan 2006.....	56
4.4.4	Fairfield Employment Lands Strategy 2008	59
4.4.5	Fairfield Retail and Commercial Centres Study 2005	61
4.4.6	Direct (Section 94) Development Contributions Plan 2011	62
4.4.7	Indirect (Section 94A) Development Contributions Plan 2011	62
4.4.8	Western Sydney Parklands Plan of Management 2010	63
PART E	CONSULTATION.....	67
5.1	NSW DEPARTMENT OF PLANNING AND INFRASTRUCTURE.....	67
5.2	NSW OFFICE OF ENVIRONMENT AND HERITAGE	67
5.3	ROADS AND MARITIME SERVICES (ROADS AND TRAFFIC AUTHORITY).....	68
5.4	SYDNEY WATER	69
5.5	FAIRFIELD CITY COUNCIL.....	69
5.6	COMMUNITY GROUPS AND STAKEHOLDERS.....	71
PART F	ENVIRONMENTAL ASSESSMENT	73
6.1	DIRECTOR GENERAL'S REQUIREMENTS	73
6.2	RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS	73
6.3	STRATEGIC POLICIES, GUIDELINES AND PLANNING AGREEMENTS.....	73
6.4	CONTAMINATION.....	73
6.5	LAYOUT AND URBAN DESIGN.....	74
6.6	ECONOMIC IMPACT	78
6.7	ECOLOGICALLY SUSTAINABLE DEVELOPMENT	81
6.8	NOISE	83
6.9	TRANSPORT AND ACCESSIBILITY.....	86
6.10	SEDIMENT, EROSION AND DUST CONTROL	97
6.11	FLORA AND FAUNA	102
6.12	UTILITIES.....	104
6.13	STAGING	106
6.14	CONTRIBUTIONS	106
6.15	FLOOD AND STORMWATER DRAINAGE MANAGEMENT	106
6.16	WASTE	110
6.17	HERITAGE	111
6.18	ABORIGINAL HERITAGE.....	112
6.19	ARCHAEOLOGICAL IMPACTS	113
PART G	STATEMENT OF COMMITMENTS	116
PART H	PROJECT JUSTIFICATION	118
PART I	CONCLUSION.....	119
REFERENCES	120



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park
Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

Appendices

Appendix 1	Director Generals Requirements
Appendix 2	Concept Plans
Appendix 3	Survey Plan
Appendix 4	Draft Plan of Subdivision
Appendix 5	Landscaping Concept Plan
Appendix 6	Civil Engineering Report
Appendix 7	Civil Engineering Drawings
Appendix 8	Preliminary Environmental Site Assessment
Appendix 9	Preliminary Geotechnical
Appendix 10	Phase 2 Environmental Site and Geotechnical Investigation
Appendix 11	Remediation Action Plan
Appendix 12	Acoustic Report
Appendix 13	Traffic Impact Assessment
Appendix 14	Ecological Issues & Assessment Report
Appendix 15	Aboriginal and non-Aboriginal Archaeological & Cultural Heritage Assessment
Appendix 16	Utilities Report and Infrastructure Management Plan
Appendix 17	Consultation Record
Appendix 18	Construction Management Plan

Figures

Figure 1	Site Location
Figure 2	Aerial Photograph (05 February 2012)
Figure 3	Western Sydney Parklands Extent
Figure 4	Local Context
Figure 5	Regional Context
Figure 6	West Central Subregion
Figure 7	Staging Plan
Figure 8	Western Sydney Parklands Map
Figure 9	Western Sydney Parklands Development Control Map
Figure 10	Liverpool – Parramatta Transitway Route Map
Figure 11	Metro Plan Strategic Centres and Employment Lands
Figure 12	West Central Sub-Region Employment Growth Forecast
Figure 13	Fairfield Local Environmental Plan 2011 Zoning Map
Figure 14	Western Sydney Parklands Long-Term Land Use Breakup
Figure 15	Western Sydney Parklands Precinct 9 Priorities
Figure 16	Existing Landscape Perspectives
Figure 17	Distribution of Industrial Lands by Subregion
Figure 18	West Central LGAs by Employment Capacity Target
Figure 19	Base Level Noise
Figure 20	Noise Receiver Locations
Figure 21	Base Case Traffic Generation
Figure 22	Bus Network Services
Figure 23	Rail Network Services
Figure 24	Cycleway Network
Figure 25	Pollutant Reduction Rates

Tables

Table 1	Proponent Contact Details
Table 2	DGRs Key Issues
Table 3	Site Details
Table 4	Access Road Specifications
Table 5	Documents and Drawing Schedule
Table 6	WSP SEPP General Matters for Consideration
Table 7	Earthworks Allowances
Table 8	Parking Analysis
Table 9	Erosion and Sediment Control Strategies



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park

Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

GLOSSARY OF TERMS

TERM	MEANING
AU\$	Australian Dollars
Council	Fairfield City Council
DGRs	Director-General's Requirements issued 16 March 2012
DoP&I	Department of Planning and Infrastructure
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i> (as amended)
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
HDBP	<i>Horsley Drive Business Park</i>
Metro Strategy	<i>Metropolitan Plan for Sydney 2036</i>
MGC Planning	McKenzie Group Consulting Planning (NSW) Pty Ltd
NSW 2021	<i>NSW 2021: A Plan to Make NSW Number One</i>
OEH	NSW Office of Environment and Heritage
WSP POM	<i>Western Sydney Parklands Plan of Management 2020</i>
SEPP	State Environmental Planning Policy
Sqm or m²	Square metres
SREP	Sydney Regional Environmental Plan
SSD	State Significant Development
The Site	Cnr The Horsley Drive and Cowpasture Road, Wetherill Park, being: <ul style="list-style-type: none">▪ Lots 23 (part), 24 (part), 25, 28B, 30, 30A, 30B, 32 and 32A in DP 13961;▪ Lots 1-5 in DP 1098128;▪ Lot 100 in DP 879680;▪ Lot 1 in DP 1036933;▪ Lot 10 in DP 879209; and▪ Lot C in DP 103755.
The Trust	Western Sydney Parklands Trust
WSEA	Western Sydney Employment Area
WSEH	Western Sydney Employment Hub
WSP	Western Sydney Parklands
WSP Act	<i>Western Sydney Parklands Act 2006</i>



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park
Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

EXECUTIVE SUMMARY

This Environmental Impact Statement (EIS) has been prepared by McKenzie Group Consulting Planning (NSW) Pty Ltd for the Western Sydney Parklands trust (the Trust). The proposal seeks approval for a staged business park to be located at the corner of The Horsley Drive and Cowpasture Road, Wetherill Park (the Site). The estate will be known as the Horsley Drive Business Park (HDBP) and is located immediately adjacent to the existing Smithfield-Wetherill Park Industrial Area.

The site forms part of a larger strategic corridor known as the Western Sydney Parklands (WSP) which extends from Quakers Hill in the north to Leppington in the south. The WSP covers parts of the three local government areas of Blacktown, Fairfield and Liverpool. The Horsley Drive Business Park will be wholly contained within the Fairfield local government area.

The Site currently comprises 18 lots with a total combined area of approximately 21 hectares. The Trust owns the majority of the land within the proposed application area, with the exception of Lot 10 in DP 879209 (formerly part Lot 27 DP 13961), along Cowpasture Road, which remains in private ownership. Steps for the Government to acquire Lot 10 by negotiation are in progress.

The development qualifies as State Significant Development (SSD) under *State Environmental Planning Policy (State and Regional Development) 2011* due to its location with land covered by *State Environmental Planning Policy (Western Sydney Parklands) 2009* and capital investment value. The proposal will involve:

- Subdivision
- Demolition and remediation
- Bulk and detailed earthworks
- Estate Infrastructure
- Estate Landscaping

It is envisaged that the lots created will be used for a range of industrial activities suitable for an Eco-Business Park such as high tech businesses, logistics and warehousing. Use of each lot will be subject to a separate Development Application. No buildings form part of the current proposal.

The proposal is being undertaken in accordance with the Trust's functions under the *Western Sydney Parklands Act 2006* and the *Western Sydney Parklands Plan of Management 2020* to enable viable ongoing management of the larger Western Sydney Parklands system. The site is one of two 'business hubs' announced by the Minister for the Environment and Heritage, the Hon Robyn Parker, MP, on 24 February 2012.

The selected site is recognised as providing the most suitable location for the commercial activities of the Trust within the WSP given its past disturbances, limited environmental value, proximity to transport networks and complementary adjacent development.

The process of applying for SSD under the *Environmental Planning and Assessment Act 1979* (the EP&A Act) requires a request for Director-General's Requirements (DGRs). DGRs were requested for the proposed development in February 2012 and subsequently issued by the Department of Planning and Infrastructure (DoP&I) on 16 March 2012.

The DGRs for the proposal outlined a number of Key Issues which are to be addressed as part of the EIS, including consideration of:

- Relevant Environmental Planning Instruments
- Strategic Policies, Guidelines and Planning Agreements
- Contamination
- Layout and Urban Design
- Economic Impact



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park

Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

- Ecologically Sustainable Development
- Noise
- Transport and Accessibility
- Sediment, Erosion and Dust Control
- Flora and Fauna
- Utilities
- Staging
- Contributions
- Flood and Stormwater Drainage Management
- Waste
- Heritage and Archaeology

Each of the Key Issues has been addressed in this EIS through the input of specialist consultants. Consultation with relevant stakeholders has also been undertaken as required by the DGRs.

Based on the findings of this EIS, the development of part of the Sydney Western Parklands for the purposes of a business park is supported. The proposal is consistent with the NSW 2021 and the Sydney Metropolitan Strategy by allowing new employment land to develop and expand the ability of the Trust to undertake its operational requirements in relation to the larger WSP area. The proposed development is also consistent with the legislative and policy framework applicable at the local and state levels.

The proposal is suitable for its context and will not result in any significant environmental impact. As such, it is recommended that the proposal be supported by the Department of Planning and Infrastructure.



PART A PRELIMINARY

1.1 INTRODUCTION

This Environmental Impact Statement (EIS) has been prepared by McKenzie Group Consulting on behalf of Hansen Yuncken for the Western Sydney Parkland Trust (the Trust), and is submitted to the New South Wales Department of Planning and Infrastructure (DoP&I) in support of development at the corner of The Horsley Drive and Cowpasture Road, Wetherill Park.

This application seeks approval for a staged Eco Business Park to be located at the corner of The Horsley Drive and Cowpasture Road, Wetherill Park (the Site). The estate will be known as the Horsley Drive Business Park.

The site is owned by the Western Sydney Parkland Trust (which the exception of Lot 10 which remains in private ownership at the time of application) and is envisaged to be used for employment-generating activities associated with an Eco-Business Park such as high tech businesses, logistics and warehousing. No tenants are allocated to the site at the time of writing. No buildings are proposed under this application. Future use of the site will be subject to separate development applications.

The proposal is located on land that forms part of the Western Sydney Parklands which is listed as a State Significant Site under *State Environmental Planning Policy (State and Regional Development) 2011* due to its location with land covered by *State Environmental Planning Policy (Western Sydney Parklands) 2009* and has a capital investment value in excess of \$10million. As such, the proposal is defined as State Significant Development (SSD) and requires the preparation of an EIS.

This EIS describes the site and proposed development, provides relevant background information and responds to the DGR's and assesses the proposed development in terms of the relevant matters set out in relevant legislation, environmental planning instruments and planning policies.

The structure of the EIS is as follows:

- Part A Preliminary
- Part B Site Analysis
- Part C Proposed Development
- Part D Legislative and Policy Framework
- Part E Consultation
- Part F Environmental Risk Assessment
- Part G Statement of Commitments
- Part H Project Justification
- Part I Conclusion

1.2 PROJECT TEAM

The Project Team involved in the preparation of this application are:

- Western Sydney Parklands Trust (Land Owner and Applicant)
- Hansen Yuncken (Project Managers)
- McKenzie Group Consulting Planning (NSW) Pty Ltd (Town Planning Consultant)
- Costin Roe Pty Ltd (Engineering Consultant)
- WSP Environmental Pty Ltd (Contamination Consultant)
- Traffix Traffic and Transport Planners (Traffic Consultant)
- Landpartners (Surveying Consultant)
- Habitation (Landscape Consultant)
- SLR Consulting (Ecological Consultant)
- Dominic Steele Consulting Archaeology (Heritage Consultant)

Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park
Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

1.3 WESTERN SYDNEY PARKLANDS TRUST

Although the Western Sydney Parklands were initially identified in 1968 Sydney Region Outline Plan, it was not until November 2006 when the NSW Government introduced the *Western Sydney Parklands Act 2006* to Parliament that the Western Sydney Parklands Trust (the Trust) was established to manage the land within the Parklands as well as achieve the Management Vision objectives. The *Western Sydney Parklands Act 2006* commenced on 1 January 2008.

The Trust is a self-funded government body so it is less reliant on public funds. The decision to allow a limited number of commercial land uses for lease within the Parklands was outlined in the *Western Sydney Parklands Plan of Management* (WSP POM), developed in 2010. A maximum of 2 per cent of the Parklands, which is not of high conservation or recreation value, has been identified for lease as strategically located business hubs to generate a substantial revenue base to develop and manage the remainder of the Parklands. Further, the subject site represents only a portion of the total 2 per cent allocated for business hubs within the Parklands.

Developing sustainable funding based on leasing land for business uses will enable the Trust to deliver the key outcomes of the WSP POM. In particular, income from leasing business hubs will enable the Trust to continue to deliver important sustainability/environmental initiatives and simultaneously generate high quality employment opportunities in Western Sydney. This includes improving and expanding facilities, such as picnic areas, children's playgrounds, sporting fields and parking. The revenue generated will also pay for educational programs for thousands of local school students and environmental initiatives for the benefit of Western Sydney.

The proposal will enable the Trust to carry out its corporate operations in an efficient and economically viable manner that will have economic benefits without significant environmental impact.

As identified in the WSP POM, the Trust is committed to achieving the Government's key goals for the Parklands which are to:

- activate these lands and make them accessible for the public to enjoy;
- provide a place for many different uses such as recreation, bushland conservation, urban farming near the city, involvement in active sports and key community services; and
- continue to grow private business investment to create a sustainable funding base for the Parklands in perpetuity.



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park

Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

1.4 STRATEGIC PLANNING CONTEXT

The proposal is to be carried out within the Western Sydney Parklands which was originally identified in 1968 Sydney Regional Outline Plan to provide for infrastructure and future regional open space needs in Western Sydney.

In the 1970s, the boundaries of the Parkland's Eastern Creek and Hoxton Park corridors were confirmed through inclusion in local planning instruments. Thanks to an active land acquisition program by the NSW Government, almost 70 percent of the current Parklands area was accumulated by 1978.

Then, in 1989, the NSW Government introduced *SEPP No 29 — Western Sydney Recreation Area* to allow for key recreational facilities such as the Eastern Creek International Raceway and parklands that would later be used as venues for equestrian, shooting, baseball, softball and mountain biking during the Sydney 2000 Olympic Games.

Since 2001, the NSW Government has focused on managing and developing a single and cohesive park. The gazettal of the *Sydney Regional Environmental Plan No 31 — Regional Parklands* in 2001 provided a framework to manage land uses and development located within and along the edges of the Parklands, including residential developments that had reached the Parklands' edges.

The Western Sydney Parklands Management Vision (2004) mapped out a blueprint for the future of those lands that included the creation of accessible recreation areas and the regeneration of natural bushlands as wildlife habitats. In 2006, the NSW Government introduced the *Western Sydney Parklands Act 2006* which then commenced on 1 January 2008. This Act confirmed the boundaries of the Parklands and established the Trust to manage and develop the Parklands in partnership with other state and local government agencies within the Parklands boundaries.

The gazettal of the *State Environmental Planning Policy (SEPP) Western Sydney Parklands*, in March 2009, provided the statutory planning framework for the Trust and its partners to develop and manage the Parklands. The Western Sydney Parklands Plan of Management 2010-2020 (WSP POM) was then prepared to further detail the vision for the Parklands and set out prioritised actions for the Trust to implement over the next decade.

The current legislative and policy framework for the proposal is considered in detail in Part D of this EIS.

1.5 THE PROPONENT

The proponent is the Western Sydney Parklands Trust. See **Table 1** for contact details.

TABLE 1 – Proponent Contact Details	
Contact Name	Tim Colless
Position	Project Manager
Organisation	Western Sydney Parklands Trust
	Department of Premier and Cabinet
	Level 4, 10 Valentine Avenue
	Parramatta NSW 2150
Contact Number	0403 234 066

1.6 CAPITAL INVESTMENT VALUE

The capital investment of this project is in the order of AU\$15,600,000.00 (fifteen million, six-hundred thousand dollars), subject to final costing and tender clarifications.



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park

Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

1.7 DIRECTOR-GENERALS REQUIREMENTS

Application to receive the DGRs was submitted to DoP&I in February 2012. The DGRs were subsequently issued on 16 March 2012 (Reference: SSD-5169). The DGRs issued are annexed as **Appendix 1**.

Key Issues

A summary of the Key Issues to be addressed for the proposed development and how these requirements have been satisfied within the EIS is outlined in **Table 2**.

TABLE 2 – DGRs Key Issues	
Issue	Satisfied by...
1. Environmental Planning Instruments <ul style="list-style-type: none">Address relevant statutory provisions applying to the site contained in all relevant EPIs, including:<ul style="list-style-type: none">State Environmental Planning Policy (State & Regional Development) 2011State Environmental Planning Policy (Western Sydney Parklands) 2009State Environmental Planning Policy No.33 – Hazardous and Offensive DevelopmentState Environmental Planning Policy No.55 – Remediation of LandState Environmental Planning Policy (Infrastructure) 2007Fairfield Local Environmental Plan 1994.Detail the nature and extent of any prohibitions that apply to the developmentIdentify the development standards applying to the site. Justify any development standards not being metPreparation of a Phase 1 and Phase 2 site contamination assessment, and consideration of a remediation plan (if applicable), which is to demonstrate that the site is suitable for the proposed use in accordance with SEPP 55.	Part A – Preliminary (Section 1.4 – Strategic Planning Context) Part D – Legislative and Policy Framework Part F – Environmental Assessment (Section 6.4 – Contamination)
2. Policies, Guidelines and Planning Agreements <ul style="list-style-type: none">Address the relevant planning provisions, goals and strategic planning objectives in the following:<ul style="list-style-type: none">NSW State PlanMetropolitan Plan for Sydney 2036West Central Subregion Draft Subregional StrategyFairfield City Wide DCP 2006Fairfield Employment Lands Strategy 2008Fairfield Retail and Commercial Centres Study 2005Direct (Section 94) Development Contributions Plan 2011Indirect (Section 94A) Development Contributions Plan 2011Development Near Rail Corridors and Busy Roads – Interim Guideline.	Part A – Preliminary (Section 1.4 – Strategic Planning Context) Part D – Legislative and Policy Framework
3. Layout and Urban Design <ul style="list-style-type: none">Detail the subdivision layout for the development including staging, site coverage, lot sizes, positioning of lots, setbacks, proposed open space areas, proposed landscaped areas.A suitable urban design response should be developed incorporating appropriate presentation to the public domain, and landscaping incorporating endemic species.Particular design consideration should be given to the presentation of the proposed business park to the intersection of Cowpasture Road and The Horsley Drive, as well as any site access areas.The layout and design of the development shall have regard to the surrounding vehicular, pedestrian and cycling networks.Outline how the extent of cut and fill associated with the proposed business park has been minimised.	Part C – Proposed Development Part F – Environmental Assessment (Section 6.5 – Layout and Urban Design)



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park

Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

<p>4. Economic Impact</p> <ul style="list-style-type: none"> Assess the supply and demand for potential future land uses and lots facilitated by the proposal and identify negative economic impacts (if relevant) and appropriate mitigation measures. Detailed justification should be provided in relation to the demand for uses associated with the proposed business park including an analysis of the impact on existing surrounding industrial areas. 	<p>Part F – Environmental Assessment (Section 6.6 – Economic Impact)</p>
<p>5. Ecologically Sustainable Development (ESD)</p> <ul style="list-style-type: none"> Detail how ESD principles will be incorporated in the subdivision layout. Include a description of the measures that would be implemented to minimise consumption of resources, water and energy, including an Integrated Water Management Plan which details any proposed alternative water supplies, proposed end uses of potable and non-potable water, and demonstrates water sensitive urban design and any water conservation measures. 	<p>Part F – Environmental Assessment (Section 6.7 – Ecologically Sustainable Development)</p>
<p>6. Noise</p> <ul style="list-style-type: none"> Identify the main noise generating sources and activities at all stages of construction. Outline measures to minimise and mitigate the potential noise impacts on surrounding occupiers of land. 	<p>Part F – Environmental Assessment (Section 6.8 – Noise)</p>
<p>7. Transport and Accessibility (Construction and Operation)</p> <ul style="list-style-type: none"> A strategic four step model should be undertaken to determine the traffic and transport impacts of the proposal, including consideration of traffic generation, traffic distribution, modal split and traffic assignment. The methodology and assumptions used for the modelling shall be to the satisfaction of the Roads and Maritime Services (RMS) and Transport for NSW (TfNSW). Provide a detailed traffic analysis of the proposal which includes a base case model, a separate model with full development, and a 10 year background traffic growth model. The traffic analysis is to be to the satisfaction of the RMS and TfNSW. Detail access and parking provisions associated with the proposed development including how compliance with the requirements of the relevant Australian Standards will be able to be adhered. Detail the proposed number of car parking spaces and compliance with appropriate parking codes. Demonstrate how future uses of the development will be able to make travel choices that support the achievement of State Plan targets. Detail existing pedestrian and cycle movements within the vicinity of the site and determine the adequacy of the proposal to meet the likely future demand for increased public transport and pedestrian and cycle access. Describe the measures to be implemented to promote sustainable means of transport including public transport usage and pedestrian and bicycle linkages in addition to addressing the potential for implementing a location specific sustainable travel plan and the provision of facilities to increase the non-car mode share for travel to and from the site. Estimate the total daily and peak hour trips anticipated to be generated by the business park, including accurate details of the current and future daily vehicle movements and assess the impacts of the traffic generated on local road networks, including intersection capacity and the potential need/associated funding for upgrading or road works, having regard to the local planning controls. The following key intersections are to be examined/modelled: <ul style="list-style-type: none"> The Horsley Drive / Cowpasture Road The Horsley Drive / Ferrers Road The Horsley Drive / Westlink M7 Cowpasture Road / Newton Road Cowpasture Road / Victoria Street. 	<p>Part F – Environmental Assessment (Section 6.9 – Transport and Accessibility)</p>
<p>8. Sediment, Erosion and Dust controls (Construction and Excavation)</p> <ul style="list-style-type: none"> Detail the management of bulk earthworks across the site including measures and procedures to minimise and manage the generation and off-site transmission of sediment, dust and fine particles. 	<p>Part F – Environmental Assessment (Section 6.10 – Sediment, Erosion and Dust Control)</p>



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park

Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

<p>9. Flora and Fauna</p> <ul style="list-style-type: none"> Undertake a fauna and flora survey of the site in accordance with OEH Threatened Species Survey and Assessment Guidelines. Address impacts on flora and fauna, including threatened species, populations and endangered ecological communities and their habitats and steps taken to mitigate any identified impacts to protect the environment. Any impacts on threatened species, populations and endangered ecological communities that cannot be avoided or mitigated must be adequately offset in accordance with OEH Principles for the Use of Biodiversity Offsets in NSW. 	<p>Part F – Environmental Assessment (Section 6.11 – Flora and Fauna)</p>
<p>10. Utilities</p> <ul style="list-style-type: none"> In consultation with relevant agencies and through the preparation of an Integrated Water Management Plan and Infrastructure Management Plan, detail the existing capacity and any augmentation requirements of the utilities for the development, including water and waste water supply, and the staging of infrastructure. 	<p>Part F – Environmental Assessment (Section 6.12 – Utilities)</p>
<p>11. Staging</p> <ul style="list-style-type: none"> Details regarding the staging of the proposed development (if proposed). 	<p>Part F – Environmental Assessment (Section 6.13 – Staging)</p>
<p>12. Contributions</p> <ul style="list-style-type: none"> Address Council's Section 94 Contribution Plan and / or details of any Voluntary Planning Agreement. 	<p>Part F – Environmental Assessment (Section 6.14 – Contributions)</p>
<p>13. Flood and Stormwater Drainage Management</p> <ul style="list-style-type: none"> A detailed hydrological and hydraulic assessment to include the proposed development, all adjacent areas, proposed staging and the full potential forecast development of the site, including: <ul style="list-style-type: none"> a comprehensive assessment of the impact of flooding on the proposed development and any flood risk to people and properties for the full range of the floods up to the probable maximum flood (PMF) event including potential long term cumulative impacts from potential development. This assessment should address any relevant provisions of the NSW Floodplain Development Manual (2005) including the potential effects of climate change, sea level rise and an increase in rainfall intensity. details of the drainage associated with the proposal, including stormwater and drainage infrastructure and OSD, which shall be designed in consultation with Fairfield City Council and must avoid any adverse impacts on downstream properties. The proposal shall address the impact of stormwater flows on the site from other catchments, overland flow paths and catchment modelling. assessment of the impact of the proposed development on the flood behaviour (i.e. levels, velocities and duration of flooding) and the impact of the proposed development on adjacent, downstream and upstream areas. assessment of the impacts of earthworks and filling of land within the proposed development. This assessment should be based on an understanding of cumulative flood impacts. detail an emergency response plan to manage floods above the flood planning level. This plan should include an assessment of the flood evacuation needs and impacts from the proposed development on the capacity or operation of existing local evacuation routes. Additionally, this plan should include consideration of a flood free access to or from the development site in extreme flood events. 	<p>Part F – Environmental Assessment (Section 6.15 – Flood and Stormwater Drainage Management)</p>
<p>14. Waste</p> <ul style="list-style-type: none"> Identify, quantify and classify the likely waste streams to be generated during construction and describe the measures to be implemented to manage, reuse, recycle and safely dispose of this waste. 	<p>Part F – Environmental Assessment (Section 6.16 – Waste)</p>
<p>15. Heritage</p> <ul style="list-style-type: none"> A Statement of Significance and an assessment of the impact on the heritage significance of any heritage items and / or conservation areas should be undertaken in accordance with the guidelines in the NSW Heritage Manual. 	<p>Part F – Environmental Assessment (Section 6.17 – Heritage)</p>



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park

Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

16. Aboriginal Heritage <ul style="list-style-type: none">Address Aboriginal Heritage in accordance with the Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation 2005 and Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010. Any impacts to Aboriginal cultural heritage as a result of the proposal must be adequately mitigated.	Part F – Environmental Assessment (Section 6.18 – Aboriginal Heritage)
17. Archaeological Impacts <ul style="list-style-type: none">If relevant, an archaeological study is to be carried out on the site to identify any European and / or Aboriginal archaeological impacts associated with the proposal.	Part F – Environmental Assessment (Section 6.19 – Archaeological Impacts)

Additional Details

The DGRs require that the EIS must include all relevant plans, architectural drawings, diagrams and relevant documentation required under Schedule 1 of the *Environmental Planning and Assessment Regulation 2000* (the EP&A Regulation). In addition, the DGRs provide that the EIS must include the following:

- Survey Plan of the site as existing;
- Draft Plan of Subdivision prepared by registered Surveyor;
- Demolition Plan;
- Remediation Plan (if applicable);
- Detailed Earthworks Plan;
- Stormwater Concept Plan;
- Landscape Plan;
- Construction Management Plan, inclusive of a Construction Traffic Management Plan and construction methodology;
- Geotechnical Report and Structural Report, including assessment of any landslip considerations and engineering requirements of the proposed business park; and
- Noise Report (construction).

The above-listed supporting documentation has been provided and discussed in detail throughout the relevant Parts of this EIS.

Consultation

The DGRs provide that, during the preparation of the EIS, consultation must be undertaken with the relevant local, State or Commonwealth Government authorities, service providers, community groups and affected landowners. In particular consultation must occur with:

- Department of Planning and Infrastructure
- Fairfield City Council
- Roads and Maritime Services
- Office of Environment and Heritage
- Sydney Water

Part E of this EIS details the consultation undertaken.



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park

Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

PART B SITE ANALYSIS

2.1 SITE LOCATION

This Environmental Impact Statement (EIS) relates to eighteen (18) parcels of land located at the corner of The Horsley Drive and Cowpasture Road, Wetherill Park and forms part of the Western Sydney Parklands located within the Fairfield Local Government Area.

The site is approximately 21 hectares in area with frontage of approximately 475m along The Horsley Drive and 580m along Cowpasture Road.

The site is comprises the allotments detailed in **Table 3** and shown in **Figure 2**.

TABLE 3 – Site Details		
Lot	DP	Address
23 (part)	13961	156-164 Cowpasture Road, Wetherill Park
24 (part)	13961	174 Cowpasture Road, Wetherill Park
25	13961	176-184 Cowpasture Road, Wetherill Park
1	1036933	186-188 Cowpasture Road, Wetherill Park
10	879209	200-212 Cowpasture Road, Wetherill Park
28B	13961	1455 The Horsley Drive, Wetherill Park
30	13961	1465 The Horsley Drive, Wetherill Park
30A	13961	1465 The Horsley Drive, Wetherill Park
30B	13961	1465 The Horsley Drive, Wetherill Park
32	13961	1487 The Horsley Drive, Wetherill Park
32A	13961	1477 The Horsley Drive, Wetherill Park
1	1098128	Lot 1 The Horsley Drive, Wetherill Park
2	1098128	Lot 2 The Horsley Drive, Wetherill Park
3	1098128	Lot 3 The Horsley Drive, Wetherill Park
4	1098128	Lot 4 The Horsley Drive, Wetherill Park
5	1098128	Lot 5 The Horsley Drive, Wetherill Park
100	879680	Lot 100 The Horsley Drive, Wetherill Park
C	103755	1467 The Horsley Drive, Wetherill Park



SSD 5169 – Horsley Drive Business Park
Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

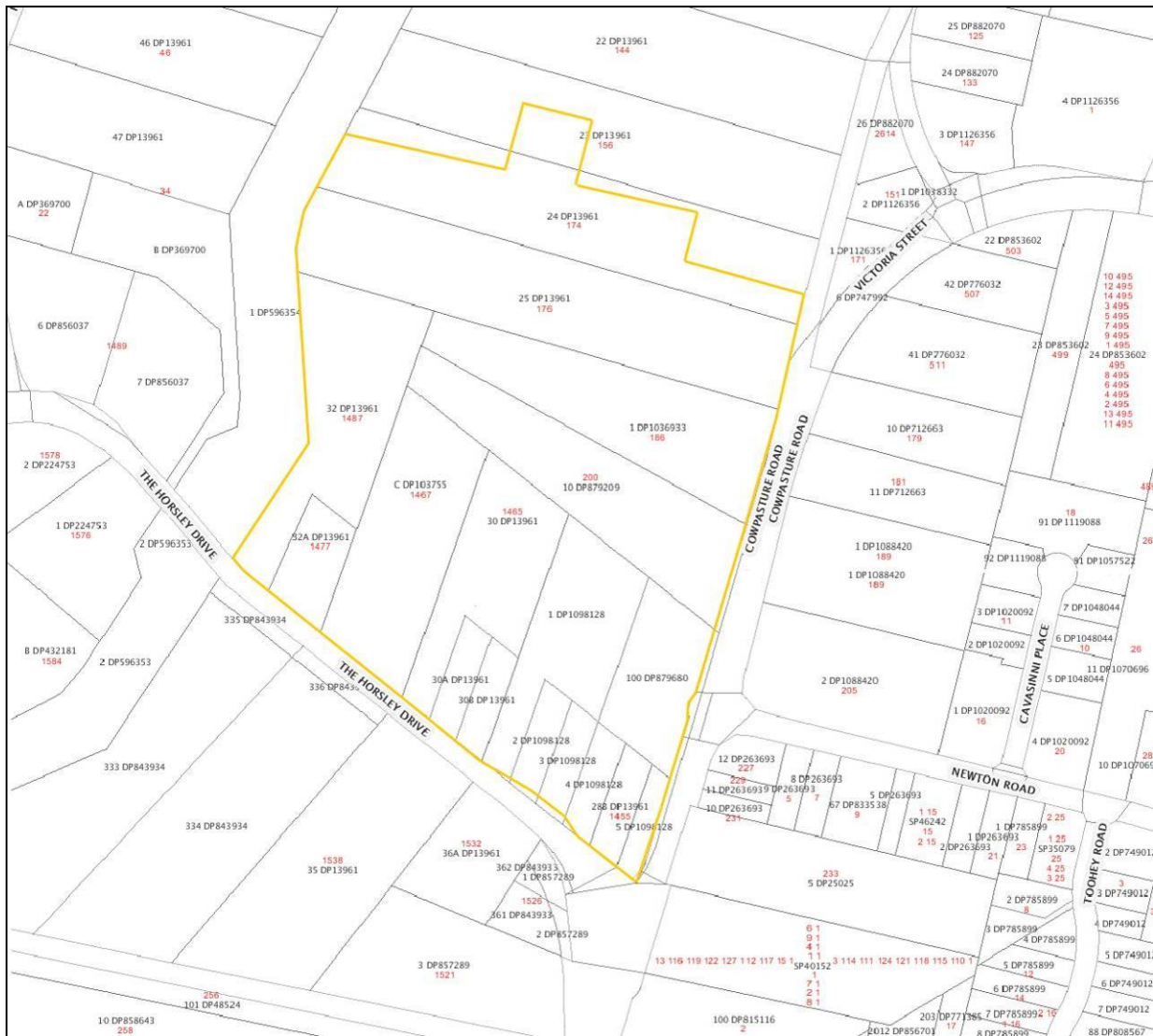


Figure 1 – Site Location (Source: NSW Land and Property Information, 2012)

2.2 LAND OWNERSHIP

The majority of the land is owned by the Western Sydney Parklands Trust (the Trust), with the exception of Lot 10 in Deposited Plan 879209 which remains in private ownership at the time of application.

Steps for the Government to acquire Lot 10 by negotiation are in progress and the owners have been provided with notification of the lodgement of the subject SSD application pursuant to Section 49(2) of the *Environmental Planning and Assessment Act 2000*.

Upon completion of the construction for the works proposed under the subject SSD application, the Trust will seek to transfer ownership and ongoing maintenance of the access road to Fairfield City Council; however, the Trust will maintain ownership and maintenance of the stormwater detention basins.



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park
Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

2.3 LOCAL HISTORY

The Aboriginal and non-Aboriginal Archaeological & Cultural Heritage Assessment (Heritage Assessment) prepared by Dominic Steele Consulting Archaeology (**Appendix 15**) identifies that over thirty named Aboriginal groups are recorded to have occupied the Sydney region at Contact.

Aboriginal people have inhabited the Sydney region for at least 30,000 years. Academic investigations reveal that most of the earliest observations derive from the coastal strip around the settlement at Sydney Cove. Many records however also come from inland areas around Eastern and South Creeks during the first years, and some of the key points detailed in historic reviews include the following characteristics:

- Groups appear to have comprised multiple extended families ranging in size from 30 to 70 people or more, through which they appear to have had connections to specific areas of land.
- Groups are documented to have been organised around complex social, economic, spiritual and land-use inter-clan relationships that operated in 1788.
- It appears that individual groups/clans had specific primary access rights to resource zones provided by the coast, river, and inland areas, but would have routinely interacted with each neighbouring clan/group as day by day needs dictated.
- It appears that several dialect or language boundaries existed at Contact around the Sydney region between the coastal or 'saltwater' people and the inland or 'woods' groups, and that Sydney (coastal and hinterland) clans were bi-or multi-lingual.
- It is estimated that approximately 1,500 (or more) Aboriginal people occupied the inland zone away from the coast between Broken Bay and Botany Bay to the Blue Mountains at Contact.

Further details including the tools and equipment, use of plants, rocks and animals, hunting and trapping have been derived from numerous records and outlined in detail within the Heritage Assessment.

While no evidence links indigenous use of the subject site, material culture evidence excavated from the earliest of archaeological sites in the Sydney Region suggest a pattern of the exploitation of a diverse range of terrestrial and aquatic food resources by possibly highly mobile groups of Aboriginal people.

The allotments that comprise the proposed HDBP formed part of the Horsley Estate, established by Major George Johnston by the grant of 2,000 acres (809 ha) dated 18th December 1805. The grant was made by Governor Philip Gidley King in recognition of the crucial role Johnston played in suppressing the armed rising of Irish convicts at Vinegar (Rouse) Hill in March 1804. Johnston named the grant 'King's Gift' and used the property for the keeping of sheep and cattle.

Following Johnston's death in 1823, King's Gift was divided equally between his daughters Julia, Maria, and Blanche. By 1831 the whole of the grant was owned by Blanche (1806-1904). Blanche married Captain George Edward Nicholas Weston in Sydney 1829 and he renamed the estate Horsley after his family seat in England.

Captain Weston was of the East India Company and the couple spent two years in India before coming to live at Horsley in 1831. The house was built in about 1832 and its design was derived from Indian precedents. Edward Weston died in 1876 and his widow, Blanche, died at Horsley in 1904. The estate, then comprising 2,045 acres, was put up for sale in 1905 and the neighbouring Lockwood, which had also come to be owned by the Westons, was also sold in that year.

In the mid 1920s Horsley was purchased by the property developer Arthur Rickard and was subdivided to form 'farmlet' blocks of between five and 31 acres. There were also a number of small quarter acre suburban blocks fronting Horsley Road (The Horsley Drive). Subdivision of the Estate was undertaken in 1925 which resulted in the allotment arrangement generally as seen today.



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park
Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

Horsley Road was dedicated as a public road in 1925 in Rickard's subdivision, but probably was an earlier estate road and also a means to access the water supply canal.

In terms of visual appearance prior to European settlement, much of the local landscape appears to have been dominated by Shale Plain Woodland, a sub-community of Cumberland Plain Woodland. At Contact, the site (at least on Luddenham soil profiles) is likely to have been characterised by tall open-forest (dry sclerophyll forest) with dominant tree species including spotted gum (*E. maculata*) and grey box (*E. moluccana*). On soils of the Blacktown soil landscape (originally open-forest and open woodland) forest red gum (*E. tereticornis*), narrow-leaved iron bark (*E. crebra*), grey box, and spotted gum would have dominated the original vegetation. Much of the remnant vegetation has been lost since settlement with the terrain modified to suit agricultural and domestic requirements (see Existing Site Characteristics below).

2.4 EXISTING SITE CHARACTERISTICS

Two (2) residences, fencing, farm dams, ancillary structures and services are currently accommodated within the Site. Reflecting its historic agricultural use, the site is predominately cleared of vegetation and covered with pasture grasses with only minor scattered stands of trees and scrub. The prior use of Lot 10 in DP 879209 as a fuel storage depot has resulted in localised contamination.

An aerial photograph of the site, showing the site characteristics (as at 05 February 2012) is provided as **Figure 2**.

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

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

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

A Site Survey was undertaken by Landpartners in May/June 2012 and is attached at **Appendix 3**.



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park

Cnr The Horsley Drive and Cowpasture Road, Wetherill Park



Figure 2 – Aerial Photograph (05 February 2012) (Source: NearMap, 2012)



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park

Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

2.5 LOCAL CONTEXT

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

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

Major recreation facilities located within the Parklands include:

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

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

The extent of the Parklands is shown in **Figure 3**.

Employment and training opportunities in tourism, recreation and environment will continue to play an important role in providing jobs and training in these sectors in Western Sydney over the coming years, with the proposed development site being strategically positioned adjacent to extensive employment lands extending eastward from Cowpasture Road to beyond the Cumberland Highway within the suburb of Wetherill Park.

Land immediately north of the site has not yet been developed for its intended Parkland use and remains in an agricultural state with an electricity easement forming the northern extent of the proposed development site. Land adjoining the site to the west forms part of the 'Upper Canal' of the Water Supply Canal and Pipelines network for Prospect Reservoir beyond which exists further Parklands landholdings until they meet the M7 Westlink. This Water Canal easement also accommodates part of the Prospect Trail bicycle and pedestrian link.

The Upper Canal of the water supply from the weirs on the Upper Nepean River and Cataract River was completed in 1888. The water flowed through the canal from the catchments by gravity into Prospect Reservoir, which was the main storage dam. The Upper Canal is 45 km in length and is lined in the most part of dry packed rubble masonry. A strip of land bordering the canal was also reserved, and here some landscaping appears to have been undertaken and houses built for the maintenance men.

Land to the south east of The Horsley Drive/Cowpasture Road intersection comprises the residential area of the suburb of Bossley Park.

The location of the site within the locality is shown in **Figure 4**.



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park

Cnr The Horsley Drive and Cowpasture Road, Wetherill Park



Figure 3 – Western Sydney Parklands Extent (Source: WSP POM, 2010)



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park

Cnr The Horsley Drive and Cowpasture Road, Wetherill Park



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



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park

Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

2.6 REGIONAL CONTEXT

Wetherill Park is located approximately 35km west of Sydney Central Business District on the eastern fringe of the Local Government Area of Fairfield, part of the Greater Western Sydney Region. Greater Western Sydney is currently home to approximately 1.8 million people and is one of Australia's fastest growing regions. It is Australia's third largest economic region. The area has undergone significant development since the 1990s and comprises a range of uses with prominent growth in industry, community and residential land uses.

In addition to existing extensive industrial development in the areas of Smithfield, Arndell Park and Wetherill Park, new employment areas have been identified along the interface lands close to the Parklands including the Western Sydney Employment Area. These growth areas take advantage of the high level of connectivity within and beyond the Region, offered by the significant road and rail infrastructure including the M7 and M4 Motorways, as well as the M5 Motorway further south.

However, it is also recognised that the region retains important sites for future growth, agricultural and resource land, Defence Land as well as significant natural assets including numerous watercourses, bushland and riparian corridors.

The Fairfield LGA forms a part of the Cumberland Plain, which is a relatively shallow basin, and dissected by a network of creeks (and some rivers) in the local landscape which flow to the southeast and drain into the Georges River. Three principal creek lines originating in the LGA flow to the west and north and eventually into the Hawkesbury River. These are Ropes Creek which drains into the Hawkesbury River via South Creek at Llandilo, Reedy which is a tributary of Eastern Creek, and Eastern Creek itself.

Five other creeks flow to the south and the east. These comprise Cabramatta Creek which marks the border with the Liverpool LGA and ultimately flows into Chipping Norton Lake and the Georges River, Prospect Creek which marks the border with Holroyd Council, and Orphan School Creek and its tributaries, Clear Paddock and Green Creeks.

The Parklands are specifically identified as having a significant regional role under the Metropolitan Strategy, with the origin of this land acquisition project contained within the *Sydney Region Outline Plan* of 1968 that identified areas to be acquired for infrastructure and open space requirements.

The regional context of the site is shown in **Figure 5**.



Environmental Impact Statement
SSD 5169 – Horsley Drive Business Park
Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

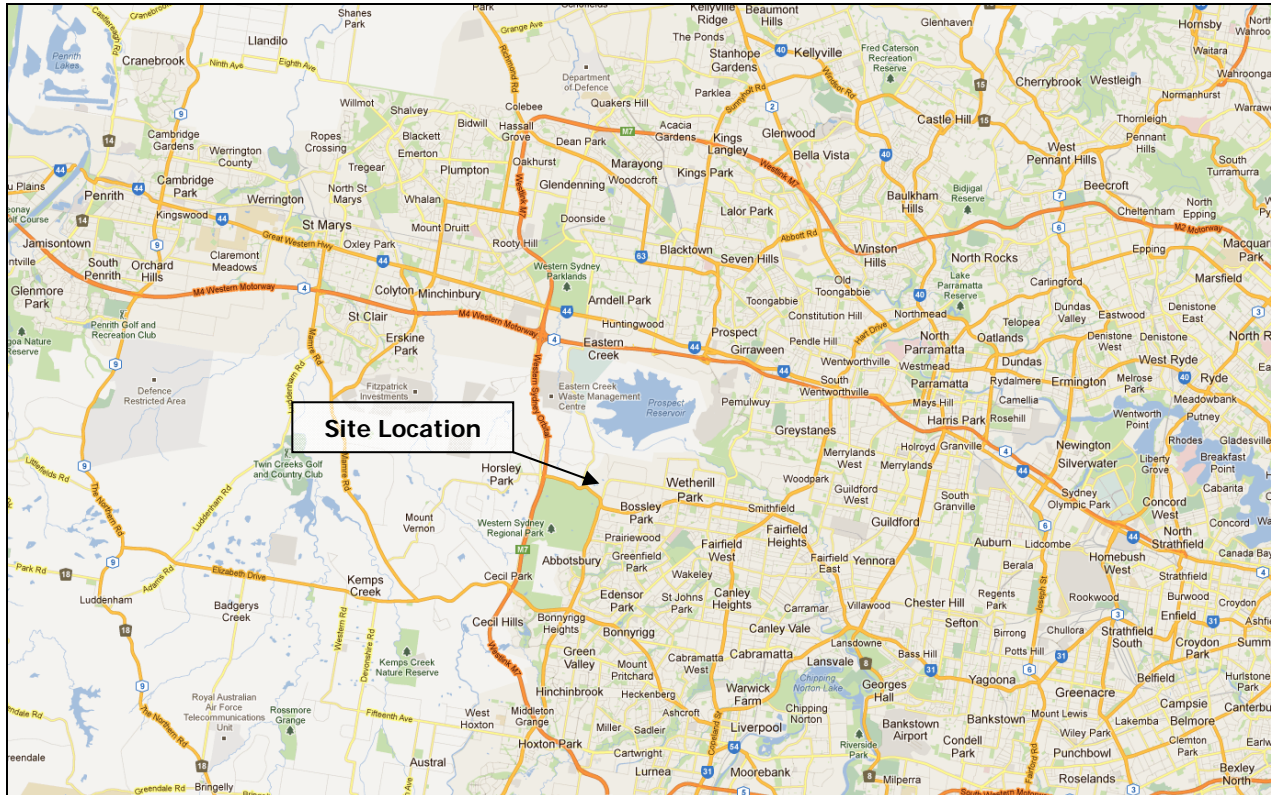


Figure 5 – Regional Context (Source: Google Maps, 2012)



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park

Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

2.7 SUB REGIONAL CONTEXT

Under the State Government's Draft West Central Subregional Strategy, the site is recognised as a significant employment centre. The Strategy indicates that the Fairfield Local Government Area is the largest and most populated LGA within the West Central Subregion and represents one-third of the total land area of the West Central Subregion.

Due to Wetherill Park's strategic location in Sydney's Central West growth centre, the demand for industrial space is projected to continue to grow in the subregion. With the redevelopment of many older industrial areas in the Sydney region the use of a portion of the Parklands adjacent to existing industrial will assist in meeting the employment needs of the region industry well into the future whilst providing funding to maintain the Western Sydney Parklands open space network.

The site's position within the West Central Subregion is shown in **Figure 6**.

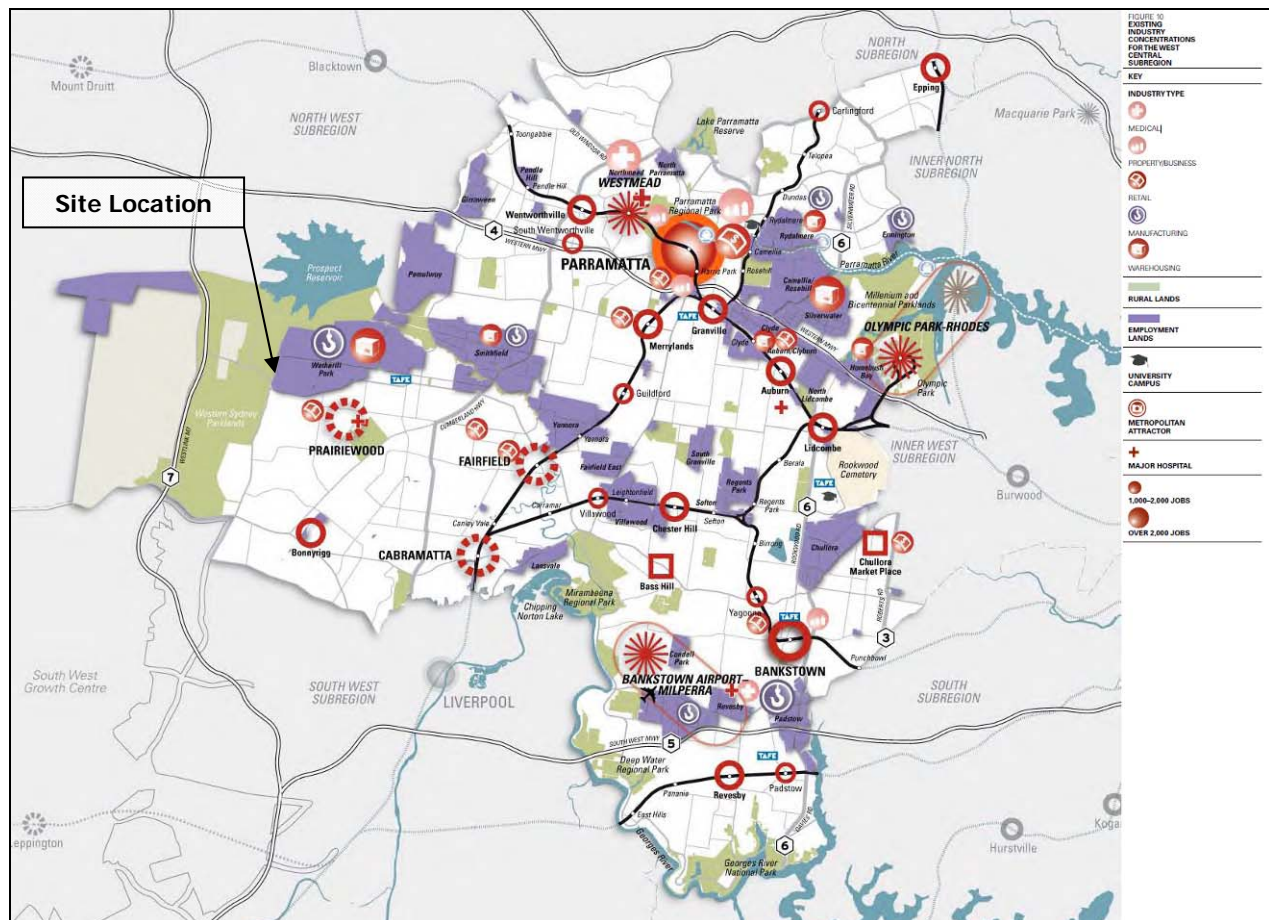


Figure 6 – West Central Subregion (Source: Draft West Central Subregional Strategy, NSW Department of Planning, 2007)



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park

Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

2.8 SITE SUITABILITY

The subject site is appropriately zoned to permit the proposed development and intended future activities which will be compatible with the established industrial context adjoining the site to the east.

The site is also located close to major roads making it a convenient location with good accessibility to and within the region. Activities will be suitably removed from residential areas with no significant impact to eventuate.

The surrounding industrial precincts provide a suitable context in which to develop. Forming part of a broader Employment Lands belt with Smithfield 1, Smithfield 2, Yennora and Fairfield East, Wetherill Park is the largest precinct in the West Central Subregion at approximately 600 hectares. By virtue of its sheer size, the precinct accommodates all functional land use categories. However, light manufacturing, urban services and transport and logistics are more common.

Urban services are most prevalent in the area fronting the Horsley Drive and in parts along Victoria Street which traverses the site from east to west. The precinct is made highly accessible by the Parramatta – Liverpool Transitway which runs south from Quarry Road to Walter Street and then west along Victoria Street to Canley Vale Road where it heads south towards Prairiewood – a Potential Major Centre. In addition, the M7 Motorway is only minutes west of the precinct and has access via The Horsley Drive. Companies located within the precinct include BOC, Onesteel, CSR Gyprock, Visypak, Canon, Whirlpool, Pilkington, DuPont, Yamahectares and SITA. There are also concrete plants and a road material recycling centre within the precinct.

This precinct is essentially a southern portion of Smithfield industrial estate in the Holroyd LGA, which is divided by Prospect Creek and the boundary between Holroyd and Fairfield Councils.

Towards the Cumberland Highway on the eastern side of the precinct urban services are prevalent and light manufacturing uses are widespread throughout the precinct. Given that it does form part of a larger Employment Lands belt this precinct needs to be retained for employment uses. The age of the stock within the precinct is varied with some pockets likely to be redeveloped for employment land uses in the period to 2031.

It is noted that a Phase 1 Geotechnical Report was prepared by Jeffery Katauskas in December 2011 to determine whether the conditions are conducive to the proposal (**Appendix 9**). While the report provided recommendations to enable the safe development of the site, it was also recommended that a Phase 2 Geotechnical Investigation be undertaken.

Similarly, a Phase 1 Contamination Investigation was undertaken by Environmental Investigation Services in December 2011 (**Appendix 8**) which identified residual contamination from past activities.

To address these reports, WSP undertook a Phase 2 Geotechnical Investigation in combination with an Environmental Site Investigation (**Appendix 10**) with a Remediation Action Plan (**Appendix 11**).



PART C PROPOSED DEVELOPMENT

3.1 AIM AND OBJECTIVES OF THE PROPOSAL

The aim of the proposal is to create a business park within a small portion of the Western Sydney Parklands to enable viable return on investment that can be used to fund Western Sydney Parkland programs, initiatives and maintenance as provided by the *Western Sydney Parklands Plan of Management*.

To achieve the aim, the following objectives have been identified as forming the basis of the proposed development:

- Design the site to achieve viable economic return;
- Develop the site into a high quality, employment-generating business park;
- Ensure minimal environmental and amenity impact;
- Ensure the site selected is already under the ownership of the Western Sydney Parklands Trust is of low conservation value; and
- Ensure development is compatible with surrounding development and the local context.

The site and proposed design are considered to meet the objectives of the project as it allows for the creation of a business park on land that has been previously disturbed and used for agricultural and industrial purposes, adjacent to an established industrial precinct.

3.2 DESCRIPTION OF THE PROPOSAL

This application seeks approval to create an Eco Business Park at the corner of The Horsley Drive and Cowpasture Road, Wetherill Park, known as Horsley Drive Business Park.

The 21ha Eco Business Park is planned to cater for commercial headquarters and high tech businesses, logistics and warehousing that will provide high quality jobs in an area with high unemployment and ensure that the community can live and work locally. The Business Park will introduce world's best practice environmental initiatives for the site.

The proposed development will be undertaken in three (3) stages and indicated in **Figure 7** and includes:

- 12-Lot subdivision and Access Road
- Demolition
- Remediation
- Bulk and detailed earthworks
- Estate Infrastructure
- Estate Landscaping

The Development Concept Plans prepared by Hansen Yuncken provided at **Appendix 2** outlined the intended Estate layout.

No building works or use of the proposed business park form part of this Application. Future separate applications will be made in respect of development on individual lots created as part of the development.



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park

Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

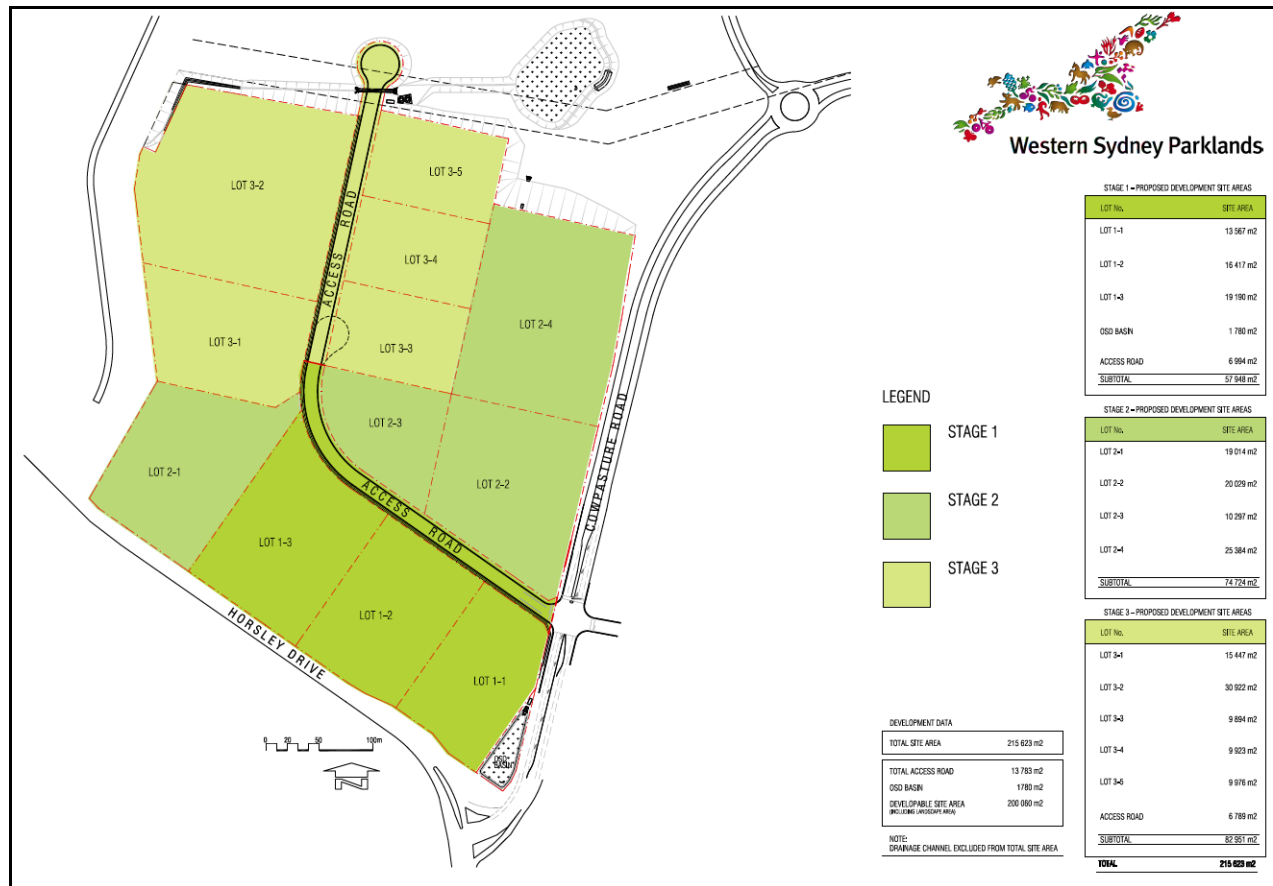


Figure 7 – Staging Plan (Source: Hansen Yuncken, 2012)

Elements of the proposal are outlined in detail below:

3.2.1 Subdivision and Access Road

Subdivision of the site to create 12 industrial lease-hold lots, an estate road and a service lot (stormwater).

The proposed road cross section has been discussed and agreed upon with Fairfield City Council as outlined in **Table 4**. The B-Double has been adopted as the design vehicle for the development.

TABLE 4 – Access Road Specifications					
Road Type	Carriageway	Verge (1.2m Pedestrian Footpath)	Verge (opposite)	Total Road Reserve	Number of Lanes
Access Road	13.0m (2x6.5m)	3.5m	3.5m	20.0m	2 travel / 1 parking lane

A minimum longitudinal grade of 1% and a maximum of 6% have been generally provided. Where change of grade is in excess of 0.6%, a vertical curve in accordance with the RTA Road Design Guide, for a design speed of 70 km/h (60km/hr posted), has been provided.

As discussed and agreed with Fairfield City Council, a pedestrian path is to be provided to one side of the new access road.



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park
Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

The estate access is proposed to be located opposite Newton Road at its intersection with Cowpasture Road. It is proposed that the existing roundabout be removed and a new signalised intersection be provided (see **Section 6.9**).

The Draft Plan of Subdivision is provided as **Appendix 4**.

3.2.2 Demolition

There are two (2) existing dwellings located within the boundaries of the site, along the southern boundary adjoining The Horsley Drive, upon Lot 30B, and the along the eastern boundary, just north of the roundabout along Cowpasture Road, on Lot 10. Both dwellings and ancillary buildings, fencing, farm dams and ancillary structures and services will be removed.

The proposal will also involve the removal of all vegetation upon the site. Refer to the Construction Management Plan at **Appendix 18**.

3.2.3 Remediation

Remediation of site contamination, including identified contamination on Lot 10 in DP 879209 where site assessments have identified localised hydrocarbon-related contamination associated with the former fuel storage depot use of that lot.

3.2.4 Bulk and Detailed Earthworks

Smoothing of contours to provide a transition across the site and to facilitate access through the proposed internal estate layout will be undertaken. However, given that the differences between existing and future levels and the falls over the existing site, it is inevitable that some areas will be in large amounts of cut, and others in fill.

As such, bulk and detailed earthworks across the site (approximately 400,000m³), and some retaining structures, to create level building pads for development and for estate infrastructure and services will be undertaken. This will require neither importation nor exportation of material other than stripped topsoil and any other deleterious vegetation.

Realignment of an overland flow path from an upstream catchment to facilitate the development earthworks is also required. A culvert crossing of the above noted overland flow path beneath the proposed estate access road will be provided.

The construction of two stormwater detention/ stormwater quality basins will also be undertaken.

3.2.5 Estate Infrastructure

Roads

The construction of an access road off the western side of the existing roundabout on Cowpasture Road will form the spine of the Eco Business Park from which access to all but one (1) individual allotments will be obtained. The north-eastern lot will be accessed directly from Cowpasture Road similar to the way it is done so on the opposite side of this road.

Electricity

The development is able to be serviced via the existing zone substation in Victoria Street, Wetherill Park, approximately 400 metres from the north-east corner of the site.

Potable Water

Existing reticulated water supplies (375mm and 250mm diameter mains) are available immediately adjacent the site in Cowpasture Road and The Horsley Drive.



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park
Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

Stormwater

Provision of estate stormwater infrastructure, including on-site detention (OSD) basins and stormwater quality improvement devices.

Sewer

Existing reticulated sewer (375mm diameter main) is available approximately 200 metres north of the site on the corner of Cowpasture Road and Victoria Street, and approximately 200 metres east of the site on the corner of Newton Road and Cavasinni Place.

Communications

Existing telecoms services are available immediately adjacent the site in Cowpasture Road.

Gas

Existing gas supplies are available immediately adjacent the site at the intersection of Cowpasture Road and Newton Road. It is noted that gas supplies would only be extended to the site in the event that an end user demand warrants the connection.

3.2.6 Estate Landscaping

Habitation has prepared an estate landscape treatment that addresses the entire perimeter of the site as well as the verges to the proposed access road. The design predominantly encompasses native vegetation and integrates with the stormwater management system to provide natural water quality treatment.

The landscape details, including Concept Plan, are provided as **Appendix 5**.

3.2.7 Supporting Information

Documents and Drawings for the proposal are outlined in **Table 5**.

TABLE 5 – Documents and Drawing Schedule			
Description	Date/Revision	Author	Appendix No.
Director Generals Requirements	16 March 2012	NSW DoPI	1
Concept Plans	Rev A	Hansen Yuncken	2
Survey Plan	-	Landpartners	3
Draft Plan of Subdivision	08 June 2012	Landpartners	4
Landscaping Concept Plan	June 2012	Habitation	5
Civil Engineering Report	Rev A	Costin Roe Consulting	6
Civil Engineering Plans	Issue C	Costin Roe Consulting	7
Preliminary Environmental Site Assessment	December 2011	Environmental Investigations Services	8
Preliminary Geotechnical Investigation	09 December 2011	Jeffery and Katauskas	9
Phase 2 Environmental Site Geotechnical Investigation	07 June 2012	WSP Group	10
Remediation Action Plan	06 June 2012	WSP Group	11
Acoustic Report	Rev 2	Acoustic Logic Consulting	12
Traffic Impact Assessment	29 May 2012	Traffix	13
Ecological Issues & Assessment Report	06 June 2012	SLR Consulting	14
Aboriginal and non-Aboriginal Archaeological & Cultural Heritage Assessment	23 June 2012	Dominic Steele Consulting Archaeology	15
Utilities Report and Infrastructure Management Plan	June 2012	Hansen Yuncken	16
Consultation Record	Various	Various	17
Construction Management Plan	June 2012	Hansen Yuncken	18



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park
Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

3.3 PROJECT NEED

Long term trends, including population growth and the popularity of larger dwellings relative to lot size, will continue to diminish the amount of private open space available. This reinforces the importance of the Parklands as a regional open space destination and recreation resource.

The places, activities, services and programs within the Parklands need to reflect the fast-growing, young and culturally diverse population of Western Sydney. Significant factors to be considered include the following:

- The need to provide educational opportunities in environmental management and conservation, as well as agriculture, recreation, hospitality and other areas.
- The importance of access to outdoor physical activity to address community health issues.
- The need to cater to families including parking and public transport requirements.
- The need to take into account the area's cultural diversity, and to encourage greater understanding between cultural groups.
- The need to cater to a significant range of income groups.

As the Trust has been established as a self funded agency, income-generating activities will be derived from developing long term leases for business purposes on 2 percent of the Parklands. It is envisaged that these activities will provide an income stream of \$10 million per annum within the 10 year life of the WSP POM and will enable the Trust to deliver its mandate to create the largest parkland in Australia and fully implement facilities, programs and environmental initiatives.

The Horsley Drive Business Park will be the first commercial lease development within the 2% business hub land use allocation for the Parklands under the *Western Sydney Parklands Plan of Management*.

3.4 CONSIDERATION OF ALTERNATIVES

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

'Do Nothing' Scenario

The option to 'Do Nothing' was dismissed as the need to have a self-sustaining Trust to acquire, operate and maintain the Parklands to achieve the vision and identified outcomes would remain unachievable.

There is no immediate or long-term plan to have alternative funding provision for the Trust. Should favourable determination be granted to the proposal, The Trust will continue to fund its own operational costs.

There is also the additional disadvantage of not providing the employment opportunities that would otherwise be made available to Western Sydney.

Development on an Alternative Site

Development of an alternative site both within an outside the existing Western Sydney Parklands boundaries were considered as part of the feasibility and project conceptualisation stages. Both options were dismissed for the following reasons:

Alternative Site Outside Parklands

The option of acquiring additional land beyond the existing boundaries of the Parklands is not an economically viable option and does not correlate to the adopted Plan of Management which specifically allows for 2% of the current Parkland holdings to be utilised for income-generating activities. Additional land acquisition would simply add to the outgoings already incurred by the Trust and is in opposition to the objectives of creating income for the improvement of the Parklands facilities and initiatives.



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park
Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

Alternative Site Within Parklands

The subject site has been strategically selected to fulfil the income-generating objectives of the Trust due to its unique attributes that will result in minimal environmental and recreation impact and support the intended future development. In particular, the site:

- is already owned by the Trust
- has been assessed as being of low ecological significance compared to other land within the Parklands
- has been disturbed with parts previously used for industrious activities (fuel storage depot)
- is impacted by adjacent industrial development and does not have high recreational value
- has been identified as requiring rehabilitation due to existing contamination
- has appropriate proximity from sensitive land activities including residential development
- can easily be serviced with all essential infrastructure required to support intended future development
- has close proximity to the regional road network
- provides increased economic benefits to the Western Sydney Region
- can be undertaken within significant impact on heritage or archaeological qualities, and
- is within an appropriate context being adjacent to existing industrial development.

Consideration of the above-listed attributes against other sites within the Parklands has confirmed the preference of the selected option.

To help identify suitable locations for business hubs, the Trust committed to establishing a consultative working group with each of the three Parklands' Councils. The purpose of the working groups was to identify issues and opportunities, and to gain feedback on potential sites and appropriate land uses for business hubs in each Council's LGA.

From the beginning of the process the Trust made a commitment that it would only consider potential sites that were of low environmental and recreational value. The principles behind the Trust's investigation were to:

- achieve the Government's goals for the Parklands, by continuing to grow private business investment that creates a sustainable ongoing funding base for the Parklands for the future;
- work with Blacktown, Liverpool and Fairfield City Councils to identify suitable locations and land use opportunities for business hubs;
- consider the impact on existing land uses and commercial centres in each Council's LGA and deliver additional employment and training opportunities for regional communities;
- undertake development in a manner that minimises negative environmental impacts.

Prior to a follow-up round of consultation with each Council, the Trust completed a more detailed assessment of potential sites. This phase of investigation included assessing the potential of each site with respect to financial return and economic viability, expected demand, competition and anticipated demographic change, together with access to services infrastructure, roads and other utilities.

In mid 2011 the Trust commenced a second round of consultation with Fairfield Council for a preferred business hub location situated at the corner of The Horsley Drive and Cowpasture Road, Wetherill Park (known as the Horsley Drive Business Park).

Consultation regarding the development of the Horsley Drive business hub has included briefings and contact with a wide range of stakeholders including Fairfield Council officers, numerous business groups and industry associations, relevant state and federal MPs, government agencies and local community groups.



PART D LEGISLATIVE AND POLICY FRAMEWORK

This Part of the EIS 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) and the DGRs.

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

Commonwealth Planning Context

- *Environment Protection and Biodiversity Conservation Act 1999*
- *Native Title Act 1999*

State Planning Context

- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2000*
- *Western Sydney Parklands Act 1006*
- *National Parks and Wildlife Act 1974*
- *Heritage Act 1977*
- *Protection of the Environment Operations Act 1979*
- *Threatened Species Conservation Act 1995*
- *NSW 2021 : A Plan to Make NSW Number One*
- *State Environmental Planning Policy (Western Sydney Parklands) 2009*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy (State and Regional Development) 2011*
- *State Environmental Planning Policy No 19 — Bushland in Urban Areas*
- *State Environmental Planning Policy No.33 – Hazardous and Offensive Development*
- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *State Environmental Planning Policy No.64 – Advertising Structures and Signage*
- *Sydney Regional Environmental Plan No.20 – Hawkesbury-Nepean River*

Regional Planning Context

- *Metropolitan Plan for Sydney 2036*
- *Metropolitan Transport Plan*
- *Draft West Central Subregional Strategy*

Local Planning Context

- *Fairfield Local Environmental Plan 1994*
- *Draft Fairfield Local Environmental Plan 2011*
- *Fairfield City Wide Development Control Plan 2006*
- *Fairfield Employment Lands Strategy 2008*
- *Fairfield Retail and Commercial Centres Study 2005*
- *Direct (Section 94) Development Contributions Plan 2011*
- *Indirect (Section 94A) Development Contributions Plan 2011*
- *Western Sydney Parklands Plan of Management 2010*

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



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park

Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

4.1 COMMONWEALTH PLANNING CONTEXT

4.1.1 Environment Protection and Biodiversity Conservation Act 1999

The Ecological Issues and Assessment Report prepared by SLR (**Appendix 14**) indicates The *Environment Protection & Biodiversity Conservation Act 1999* (EPBC Act) requires consideration of the potential for a "significant impact" to be imposed by an activity on a *Matter of National Environmental Significance* (MNES).

The Ecological Assessment finds that the subject land is of no relevance with respect to any threatened or migratory biota listed in the EPBC Act, or any other MNES. There is, consequently, no requirement for any referral of the proposal to the Commonwealth pursuant to the EPBC Act.

The Heritage Impact Assessment prepared by Dominic Steele Consulting Archaeology (**Appendix 15**) notes that the EPBC Act defines 'environment' as both natural and cultural environments, and therefore includes the consideration of Aboriginal and historic cultural heritage sites and items. As such, a consideration of the potential heritage impacts as they relate to the EPBC Act has been undertaken.

The heritage registers that are mandated by the EPBC Act have been consulted as part of the Heritage Assessment. This search indicates that there are no Aboriginal or European heritage sites or items identified within the study area.

4.1.2 Native Title Act 1999

The *Native Title Act 1993* establishes the principles and mechanisms for the preservation of Native Title for Aboriginal people. Native title claimants can negotiate about some proposed developments over land and waters (known as 'Future Acts'), if they have the right to negotiate. Claimants gain the right to negotiate if their native title claimant application satisfies the registration test conditions.

A search of the National Native Title Register, the Register of Native Title Claims, and the Register of Indigenous Land Use Agreements has been completed by Dominic Steele Consulting Archaeology as part of the Heritage Impact Assessment (**Appendix 15**). The investigations identified that there are no lands determined to have native title, no registered native title claims, or indigenous land use agreements that apply to the subject site or its immediate vicinity.

4.2 STATE PLANNING CONTEXT

4.2.1 Environmental Planning and Assessment Act 1979

The Environmental Planning and Assessment Act 1979 (EP&A Act) is the overarching governing document for all development in NSW. Sections of the EP&A Act of particular relevance to the proposal are considered below.

Section 5A - Significant effect on threatened species, populations or ecological communities, or their habitats

Section 5A of the EP&A Act includes a requirement to determine whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats. The relevant factors of Section 5A of the EP&A Act must be taken into account by a consent or determining authority when considering a Development Application.

In addition to the seven (7) factors which must be taken into account (where relevant) pursuant to Section 5A(2) of the EP&A Act (see below), Section 5A(1)(b) of the EP&A Act requires that any assessment guidelines prepared by the relevant authorities (particularly in this instance the OEH) must also be taken into account in deciding whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats.



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park
Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

In undertaking the formal Section 5A Assessments of Significance, SLR have taken into account the *Threatened Species Assessment Guidelines: the Assessment of Significance* prepared by the then Department of Environment & Climate Change (now OEH), dated August 2007.

SLR notes that given the lack of relevance of the subject land for those threatened species which could potentially occur, detailed Assessments of Significance pursuant to Section 5A of the EP&A Act are not necessary. Nevertheless, to fulfil the requirements of Section 5A, an Assessment of Significance for threatened species has been undertaken for precautionary purposes with particular focus on the Little Eagle and the Cumberland Plain Woodland community.

The Assessment concludes the proposed development on the subject land at is not likely to impose a significant effect upon any threatened species, populations or ecological communities, or their habitats, pursuant to Section 5A of the EP&A Act. Additionally, the Assessment finds that there is no requirement for the preparation of a *Species Impact Statement* (SIS) for the proposed development.

Section 77 – Designated Development

The EPA&A Act defines 'Designated Development' under Section 77A as:

development that is declared to be designated development by an environmental planning instrument or the regulations.

The proposed development meets the definition of 'Designated Development' under the Regulations – see Section 4.2.2 below.

Additionally, Section 89C of the EP&A Act outlines that State Significant Development (SSD) is development that is declared under this section to be State significant development. Section 89C(2) states:

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

The proposal is declared State Significant Development under Schedule 2 of *State Environmental Planning Policy (State and Regional Development) 2011* – see **Section 4.2.9** below.

Section 89C – Designated Development

Section 89C provides that a State environmental planning policy may declare any development, or any class or description of development, to be State significant development. The proposal is declared to be State Significant Development pursuant to *State Environmental Planning Policy (State and Regional Development) 2011* – see **Section 4.2.9** below.

4.2.2 Environmental Planning and Assessment Regulation 2000

Section 4(1) – Designated Development

Section 4(1) of the *Environmental Planning and Assessment Regulation 2000* (the Regulations) states that development described in Part 1 of Schedule 3 is declared to be Designated Development for the purposes of the Act.

The following development is listed in Part 1 of Schedule 3 of the Regulations:

15 Contaminated soil treatment works

Contaminated soil treatment works (being works for on-site or off-site treatment of contaminated soil, including incineration or storage of contaminated soil, but excluding excavation for treatment at another site):

- a. that treat or store contaminated soil not originating from the site on which the development is proposed to be carried out and are located:*



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park
Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

- (i) *within 100 metres of a natural waterbody or wetland, or*
 - (ii) *in an area of high watertable or highly permeable soils, or*
 - (iii) *within a drinking water catchment, or*
 - (iv) *on land that slopes at more than 6 degrees to the horizontal, or*
 - (v) *on a floodplain, or*
 - (vi) *within 100 metres of a dwelling not associated with the development, or*
- b. *that treat more than 1,000 cubic metres per year of contaminated soil not originating from the site on which the development is located, or*
- c. *that treat contaminated soil originating exclusively from the site on which the development is located and:*
 - (i) *incinerate more than 1,000 cubic metres per year of contaminated soil, or*
 - (ii) *treat otherwise than by incineration and store more than 30,000 cubic metres of contaminated soil, or*
 - (iii) *disturb more than an aggregate area of 3 hectares of contaminated soil.*

Although the proposal will involve the remediation of contaminated soil, the activities to be undertaken under the Remediation Acton Plan do not trigger the thresholds listed under Clause 15 Schedule 3 of the EP&A Regulations.

19 Extractive industries

- (1) *Extractive industries (being industries that obtain extractive materials by methods including excavating, dredging, tunnelling or quarrying or that store, stockpile or process extractive materials by methods including washing, crushing, sawing or separating):*
 - (a) *that obtain or process for sale, or reuse, more than 30,000 cubic metres of extractive material per year, or*
 - (b) *that disturb or will disturb a total surface area of more than 2 hectares of land by:*
 - (i) *clearing or excavating, or*
 - (ii) *constructing dams, ponds, drains, roads or conveyors, or*
 - (iii) *storing or depositing overburden, extractive material or tailings, or*
 - (c) *that are located:*
 - (i) *in or within 40 metres of a natural waterbody, wetland or an environmentally sensitive area, or*
 - (ii) *within 200 metres of a coastline, or*
 - (iii) *in an area of contaminated soil or acid sulphate soil, or*
 - (iv) *on land that slopes at more than 18 degrees to the horizontal, or*
 - (v) *if involving blasting, within 1,000 metres of a residential zone or within 500 metres of a dwelling not associated with the development, or*
 - (vi) *within 500 metres of the site of another extractive industry that has operated during the last 5 years.*

The proposal will involve earthworks that will disturb in excess of 2 hectares for excavation purposes, thereby triggering the requirements of Designated Development under this Clause. However, as the proposal also falls into the recently introduced State Significant Development framework, under which an Environmental Impact Statement is required, no further undertaking of the proposal under the category of Designated Development is required.

Schedule 2 Clause 7(4) – Ecologically Sustainable Development

The principles of ecologically sustainable development contained in Schedule 2 Clause 7(4) of the *Environmental Planning and Assessment Regulation 2000* are listed below.

- (a) *the **precautionary principle**, namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by:*



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park

Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

- (i) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and*
- (ii) an assessment of the risk-weighted consequences of various options,*
- (b) **inter-generational equity**, namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations,*
- (c) **conservation of biological diversity and ecological integrity**, namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,*
- (d) **improved valuation, pricing and incentive mechanisms**, namely, that environmental factors should be included in the valuation of assets and services, such as:*
 - (i) polluter pays, that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,*
 - (ii) the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste,*
 - (iii) environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.*

The proposed Horsley Drive Business Park has been designed in the context of the Western Sydney Parklands environmental resources. A detailed site analysis was undertaken to understand the land and its resources including topography and drainage, geotechnical conditions, landscape and heritage resources and environmental resources.

The complex interrelationships among factors in the landscape with the intent that the development of the Business Park will 'fit with the land' informed the planning and design of the proposed development.

Key considerations for the design and construction of the site are:

- letting the landscape inform the design to reduce earthworks and inform road and lot layout
- appropriate and economical stormwater management system including best practice water sensitive urban design principles, including:
 - on-site water detention basins to increase water quality of stormwater and reducing pollutant loads
 - stormwater harvesting and re-use for non-potable applications such as irrigation
 - water efficient landscaping
 - water efficient fixtures/ equipment where possible during construction
 - metering of water usage
- a well-connected transport network accommodating alternative transport choices such as bus, rail, cycleways and walking paths
- new landscaping comprising native trees and permeable areas throughout the site
- remediation of site improving groundwater quality downstream of the site
- erosion and sediment control measures during construction/ operation
- waste management procedures and practices during demolition and construction to reduce the amount of waste and facilitate recycling

The precautionary principle outlines the need to prevent environmental degradation and risk to the environment. Various specialist studies have been undertaken to assess the impact of the new Business Park, and have been included in this EIS. Through these studies, a determination of potential environmental impacts and appropriate management protocols have been developed to ensure adverse environmental impacts associated with the proposal are avoided.

The principle of inter-generational equity is to ensure the health, diversity and productivity of the environment are maintained or enhanced for future generations. The proposed development involves the remediation of the land and water improving the long-term environmental health downstream of the site.



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park
Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

The biological diversity and ecological integrity principle has been addressed in the Ecological Issues and Assessment Report attached at **Appendix 14**. The report identifies only minor impacts and outlines specific measures for implementation as part of the development of the land. As such, the proposal is consistent with the biological diversity and ecological integrity principle.

The improved valuation, pricing and incentive mechanisms principle requires environmental assets to be included in the valuation of assets and services. Environmental impacts have been minimised through implementation of appropriate safeguards. The minor nature and costs of any potential impacts on environmental assets is considered to be outweighed by the social, economic and environmental benefits of the proposed development.

A more detailed description of Ecologically Sustainable Development measures are outlined in **Section 6.7** of this Report.

4.2.3 Western Sydney Parklands Act 2006

The *Western Sydney Parklands Act 2006* (WSP Act) was passed in late 2006 to guide the establishment of Western Sydney Parklands Trust (the Trust) and the Trust's management of the Parklands. The establishment of the Trust and nominated members is currently being undertaken.

Clause 12 of the WSP Act identifies the key functions of the Trust. While the principal function of the Trust is to develop the Parklands into a multi-use urban parkland for the region of Western Sydney and to maintain and improve the Parklands on an ongoing basis, Clause 12(2) outlines additional functions, including:

- (j) to undertake or provide, or facilitate the undertaking or provision of, commercial, retail and transport activities and facilities in or in relation to the Parklands with the object of supporting the viability of the management of the Parkland*

Clause 12 also states the following actions of relevance to the proposed development are permitted by the Trust:

- (5) In carrying out its functions, the Trust is to have regard to the principles of sustainable development, including ecologically sustainable development.*
- (6) The Trust may, with the consent of the Minister, exercise functions on or in relation to land outside the Parklands (including, for example, acquiring any such land). The consent of the Minister is to be given only if the Minister is satisfied that the exercise of the Trust's functions in relation to that land is consistent with the exercise of its functions in relation to the Parklands.*

The Trust is also required to prepare a Plan of Management for the Parklands to identify how the Park and its resources will be managed. The basis of the proposed business park is a key inclusion of the adopted Plan of Management (see **Section 4.4.3**).

Nothing in the *Western Sydney Parklands Act 2006* prevents or restricts the development as proposed.

4.2.4 National Parks and Wildlife Act 1994

There are three (3) sites within the Parklands gazetted and reserved under the *National Parks and Wildlife Act 1994* (NPW Act), being:

1. Kemps Creek Nature Preserve,
2. Western Sydney Regional Park, and
3. Prospect Nature Reserve.



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park
Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

Separate Plans of Management will be prepared for each site and adopted by the Minister for the Environment. The proposal is not located within one of the gazetted reserves; however, the Trust will use funds recovered from the operation of the proposal Horsley Drive Business Park to continually improve the quality of the biodiversity in the Parklands.

The NPW Act also provides statutory protection for Aboriginal heritage and the requirements for its management in New South Wales. The Heritage Assessment (**Appendix 15**) indicates that the processes and consultations required under the NPW Act have been satisfied and that an acceptable level of heritage due diligence and performance has been achieved. This includes both the recognition and application of the principal Aboriginal heritage management objectives and protection provisions of the NPW Act.

Detailed discussion of the heritage assessment is provided in **Sections 6.17, 6.18 and 6.19**.

4.2.5 Heritage Act 1977

The *NSW Heritage Act 1977* is the principal legislation that provides statutory protection for non-Indigenous (European) heritage and the requirements for its management in NSW. The administration of the Act is overseen by the NSW Heritage Branch and is guided by the NSW Heritage Council in their regulatory role as part of the NSW Department of Planning and Infrastructure.

The primary purpose of the Act is to protect, conserve and manage the environmental heritage of the State. Environmental heritage is broadly defined under Section 4 of the Act as:

“those places, buildings, works, relics, moveable objects, and precincts, of State or Local heritage significance”.

To ensure the objectives of the Heritage Act are satisfied in respect environmental heritage, an Aboriginal and non-Aboriginal Archaeological & Cultural Heritage Assessment (Heritage Assessment) has been prepared by Dominic Steele Consulting Archaeology and annexed as **Appendix 15**. Detailed discussion of the heritage assessment is provided in **Sections 6.17, 6.18 and 6.19**.

4.2.6 Protection of the Environment Operations Act 1979

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

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

The proposal does not involve any specified use or building works at this stage. All future development of individual allotments created as part of this proposal will be subject to separate future development applications.

Additionally, although the proposal will likely be used for industrial activities involving warehousing, the ethos and role of the Trust is not compatible with any storage of substances that may be harmful to the environment. In this regard it is not envisaged that future use of the Business Park will involve any activity that would require the issue of an Environmental Protection Licence in order to operate.

4.2.7 Threatened Species Conservation Act 1995

An Ecological Issues and Assessment Report prepared by SLR (**Appendix 14**) has considered the proposal against the *Threatened Species Conservation Act 1995* (TSC Act). The findings are summarised as follows:

Flora

The SLR Assessment notes that the National Parks and Wildlife Service (NPWS) vegetation mapping have identified the majority of the subject land as containing ‘no native vegetation’, and this is confirmed by



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park
Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

aerial photography and site inspection. The only native vegetation mapped by the NPWS within the subject land is a small patch of Shale Hills Woodland with less than 10% cover near the northern boundary.

Site investigations identified the only areas of native vegetation on the subject land include:

- a patch of regrowth mixed eucalypt woodland, with a Blackthorn understorey, in the northern centre of the site; and
- a patch of Grey Box woodland along the eastern boundary of the site.

The 'Shale Plains Woodland' community mapped by NPWS as being present on the subject land constitutes a critically endangered ecological community (as listed in the TSC Act and EPBC Act) known as Cumberland Plain Woodland. Ground-truthing of the NPWS (2002) vegetation mapping has determined that two small patches of vegetation on the subject land exhibit some characteristics of the CPW community where some species characteristic of the critically endangered ecological community known as Cumberland Plain Woodland, were amongst the trees present. However, of a total of 66 species identified, only 23 native species were recorded, along with 43 exotic species.

Although individual species within the Cumberland Plain Woodland community were identified, the Assessment Report concluded that the vegetation on the subject land does not constitute the Cumberland Plain Woodland community given the scarcity of native groundcover species (with only very small patches of native grasses or forbs), and the dominance of introduced pasture species and weeds in the groundcover layer, none of the vegetation present on the subject land is regarded as an example of the community. Even if small patches were deemed to constitute the Cumberland Plain Woodland community, they cannot be regarded as a viable local occurrence of that community, and are of no conservation or biodiversity value.

No other threatened species of flora were recorded during the recent site inspection. Given the highly disturbed nature and artificial condition of the vegetation across the subject site and in its vicinity, and the long history of management (fertilisers, irrigation and weed control), no suitable habitat for any such species is present.

Similarly, no endangered populations of any flora species listed in the TSC Act were recorded on the subject land.

Fauna

In terms of habitat, the subject land provides only very limited (and often artificial such as drainage/dams) habitat opportunities for native fauna, threatened or otherwise, and is unlikely to be utilised by any fauna groups other than highly mobile species and/or habitat generalists (such as some bats and birds). Only 12 native species (8 birds, 2 amphibians and 2 reptiles) were observed on the site, all of which are relatively common to abundant in urban and peri-urban environments.

There are no other habitat features or resources present which are of any particular significance for any native fauna, threatened or otherwise. The nature, condition and context of the subject land render it of value only for abundant, widespread, cosmopolitan and adaptable species of native fauna, and of little or no relevance for any threatened species.

In particular, the subject land does not provide any particularly suitable habitat for the Cumberland Plain Land Snail, and no specimens of this threatened Snail were recorded on the land.

No threatened species were recorded on the subject land during the site inspection at Smithfield, although an individual of the 'vulnerable' Little Eagle was sighted soaring over the land. Further, given the highly disturbed nature of the subject land and the general locality, it is highly unlikely that any such species would occur on a frequent or regular basis.



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park
Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

4.2.8 NSW 2021: A Plan to Make NSW Number One

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

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

The Parklands is a major contribution to the *NSW State Plan's* priority, *E8: More people using parks and reserves, participating in sport, recreation and cultural facilities* and *E4: Better environmental outcomes for native vegetation, biodiversity of lands and rivers*.

The proposed development will contribute to the ongoing development of the Parklands for a range of functions in accordance with the State Plan and will strengthen the ability of the Trust to maintain environmental quality for the long-term. *NSW 2021* provides the policy context for the State Government to support and assist the Trust in achieving significant benefits for NSW through such ventures whilst providing jobs within the Sydney Metropolitan Region.

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

Proposals involving development on sites that are listed in Schedule 2 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.

Schedule 2 includes:

5 Development in the Western Parklands

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

As the site is land to which this Clause relates, an application seeking DGRs for the preparation of an EIS for SSD was lodged with DoP&I in February 2012. This EIS has subsequently been prepared in accordance with the DGRs issued and the State and Regional Development SEPP.

4.2.10 State Environmental Planning Policy (Western Sydney Parklands) 2009

State Environmental Planning Policy (Western Sydney Parklands) 2009 (WSP SEPP) applies to land identified on the Western Sydney Parklands Map (**Figure 8**) and includes the subject site. The relevant provisions of the Policy are address below.

Aims

The aim of the WSP SEPP is:

to put in place planning controls that will enable the Western Sydney Parklands Trust to develop the Western Parklands into a multi-use urban parkland for the region of western Sydney by:

- (a) *allowing for a diverse range of recreational, entertainment and tourist facilities in the Western Parklands, and*
- (b) *allowing for a range of commercial, retail, infrastructure and other uses consistent with the Metropolitan Strategy, which will deliver beneficial social and economic outcomes to western Sydney, and*



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park

Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

- (c) continuing to allow for and facilitate the location of government infrastructure and service facilities in the Western Parklands, and*
- (d) protecting and enhancing the natural systems of the Western Parklands, including flora and fauna species and communities and riparian corridors, and*
- (e) protecting and enhancing the cultural and historical heritage of the Western Parklands, and*
- (f) maintaining the rural character of parts of the Western Parklands by allowing sustainable extensive agriculture, horticulture, forestry and the like, and*
- (g) facilitating public access to, and use and enjoyment of, the Western Parklands, and*
- (h) facilitating use of the Western Parklands to meet a range of community needs and interests, including those that promote health and well-being in the community, and*
- (i) encouraging the use of the Western Parklands for education and research purposes, including accommodation and other facilities to support those purposes, and*
- (j) allowing for interim uses on private land in the Western Parklands if such uses do not adversely affect the establishment of the Western Parklands or the ability of the Trust to carry out its functions as set out in section 12 of the Western Sydney Parklands Act 2006, and*
- (k) ensuring that development of the Western Parklands is undertaken in an ecologically sustainable way.*

The proposal is consistent with this aim as it provides for development within the Parklands that will financially support the functions of the Trust. The proposal will also provide employment opportunities for the Western Sydney Region in a location that will minimise environmental impact and relate to its contextual setting.



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park

Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

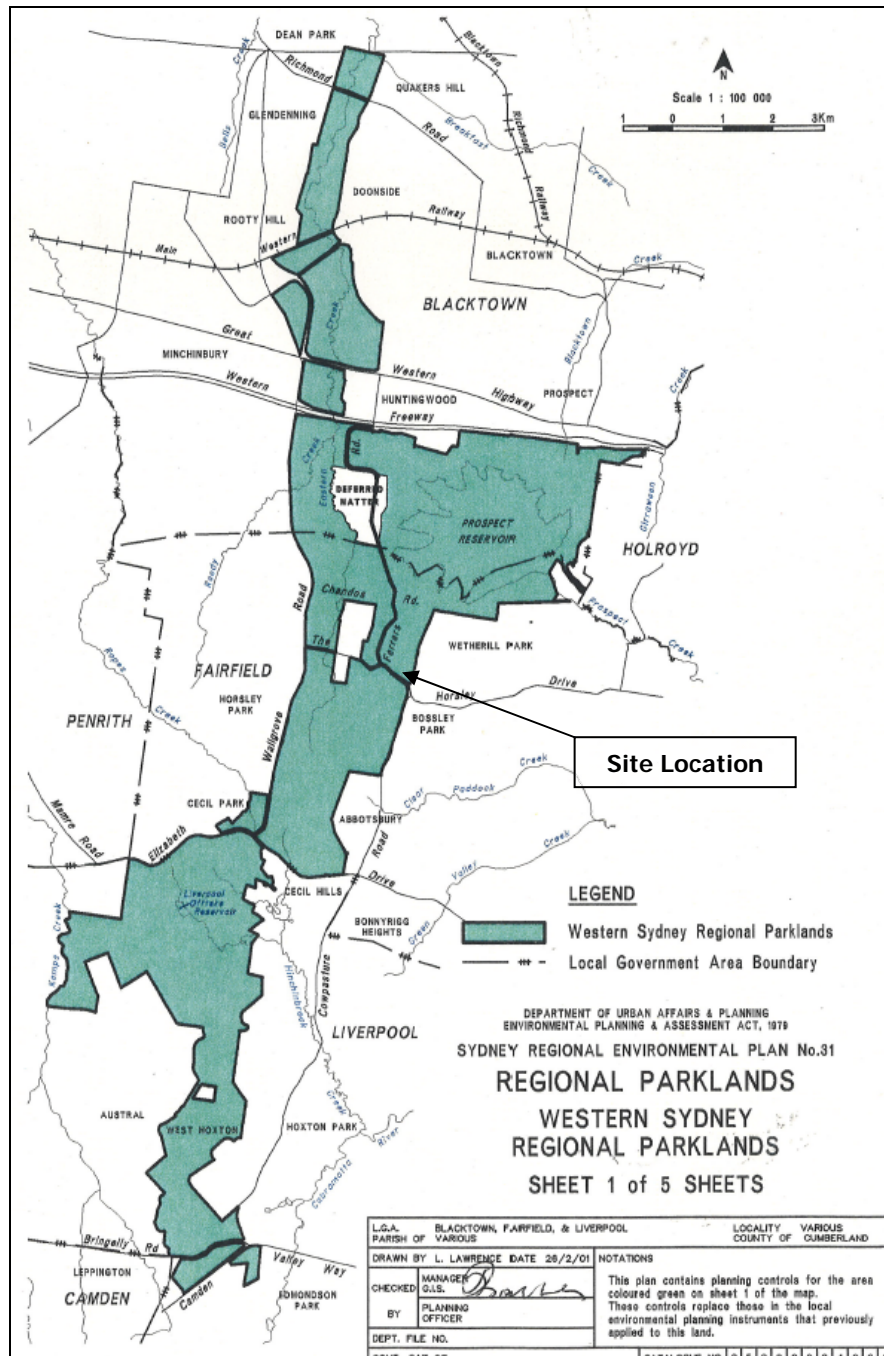


Figure 8 – Western Sydney Parklands Map (Source: Department of Planning, 2009)



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park

Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

Land Use and Permissibility

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

Nothing in the WSP SEPP prohibits or restricts the permissibility of any type of industrial development.

Matters to be considered by the consent authority—generally

Clause 12 of the WSP SEPP identifies a number of general matters that must be taken into account by the consent authority during determining of a development application on land within the Parklands. These matters are addressed in **Table 6**.

TABLE 6 – WSP SEPP General Matters for Consideration

Matters	Compliance	Comments
(a) the aim of this Policy, as set out in clause 2	Yes	The proposal is consistent with this aim as it provides for development within the Parklands that will financially support the functions of the Trust. The proposal will also provide employment opportunities for the Western Sydney Region in a location that will minimise environmental impact and relate to its contextual setting.
(b) the impact on drinking water catchments and associated infrastructure,	Yes	See Sections 6.7 and 6.15 .
(c) the impact on utility services and easements,	Yes	See Section 6.12 .
(d) the impact of carrying out the development on environmental conservation areas and the natural environment, including endangered ecological communities,	Yes	See Section 6.7, 6.11 and 6.15 .
(e) the impact on the continuity of the Western Parklands as a corridor linking core habitat such as the endangered Cumberland Plain Woodland,	Yes	See Section 6.11 .
(f) the impact on the Western Parkland's linked north-south circulation and access network and whether the development will enable access to all parts of the Western Parklands that are available for recreational use,	Yes	No impact on the circulation of the Parklands will result from the development given the position of the development area.
(g) the impact on the physical and visual continuity of the Western Parklands as a scenic break in the urban fabric of western Sydney,	Yes	As above. See Landscape Plan at Appendix 5 also.
(h) the impact on public access to the Western Parklands,	Yes	No impact on the circulation of the Parklands will result from the development given the position of the development area.
(i) consistency with: (i) any plan of management for the parklands, that includes the Western Parklands, prepared and adopted under Part 4 of the Western Sydney Parklands Act 2006, or (ii) any precinct plan for a precinct of the parklands, that includes the Western Parklands, prepared and adopted under that Part,	Yes	The development has been undertaken in accordance with the adopted Plan of Management as outlined in Section 4.4.8 .
(j) the impact on surrounding residential amenity,	Yes	The site does not adjoin any residential areas.
(k) the impact on significant views,	Yes	No significant views will be impacted by the proposal given the proposal represents a minor extension of the existing Smithfield industrial precinct.



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park

Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

(l) <i>the effect on drainage patterns, ground water, flood patterns and wetland viability,</i>	Yes	See Section 6.15.
(m) <i>the impact on heritage items,</i>	Yes	See Sections 6.17, 6.18, 6.19
(n) <i>the impact on traffic and parking.</i>	Yes	See Section 6.9.

Bulk Water Supply

The proposal will adjoin land containing parts of the Bulk Water Supply Infrastructure (**Figure 9**).

The Civil Engineering Report (**Appendix 6**) and supporting Plans (**Appendix 7**) prepared by Costin Roe Consulting detail the intended civil engineering and infrastructure arrangement for the proposed estate, including stormwater quality and management controls.

In accordance with FCC Engineering Guide for Development and generally accepted engineering practice, the piped stormwater drainage (minor) system has been designed to accommodate the 20-year ARI storm event (Q20). Overland flow paths (major) which will convey all stormwater runoff up to and including the Q100 event have also been provided which will limit major property damage and any risk to the public in the event of a piped system failure.

Access to the Bulk Water Supply Infrastructure for maintenance and operation activities by the Sydney Catchment Authority and Sydney Water Corporation will not be impeded by the development.

Nature Reserves and Environmental Conservation Areas

The site does not contain and does not adjoin any Nature Reserves or Environmental Conservation Areas identified under the WSP SEPP (**Figure 9**).

Heritage Conservation

The site does not contain and does not adjoin any heritage items identified under the WSP SEPP (**Figure 9**). It is noted that the Bunya Pine adjoining the site at The Horsley Drive & Cowpastures Road intersection has historical associations with the State heritage listed Horsley Homestead complex. The tree is currently listed as a heritage item of Regional significance on the FLEP 1994 and Draft LEP 2011.

The Trust proposes to include the tree in the SEPP (Western Sydney Parklands) 2009 as an item of local heritage significance. This tree is now largely disconnected from its original landscape association with the Homestead complex that is located approximately 2km to the west. While this item will not be directly affected by the HDB proposal, this report identifies the types of *potential* threats that the proposal may have on the significance values of the item tree and its setting in the future, and presents an overview of the kinds of heritage management considerations that should be used to guide the long-term protection and conservation of this tree.



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park

Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

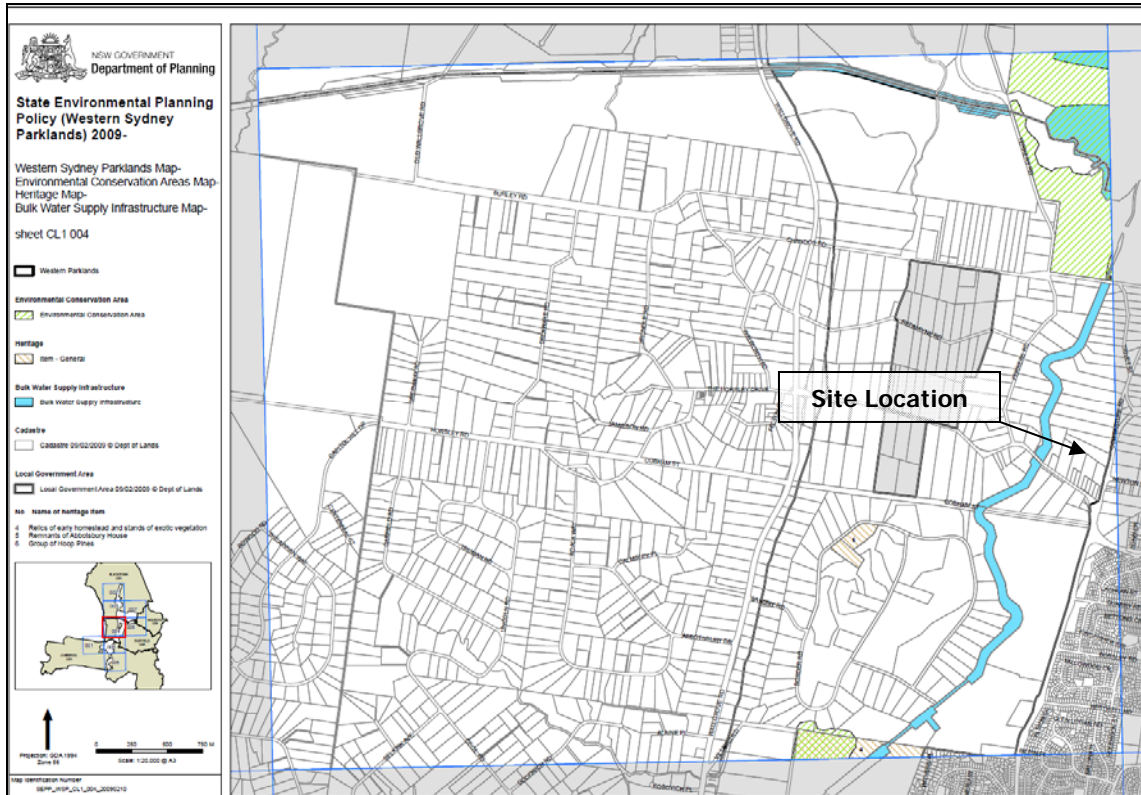


Figure 9 – Western Sydney Parklands Development Control Map (Source: Department of Planning, 2009)

Commercial Signage

The proposal does not include any building works or signage. Future separate application will be made for commercial signage.

Development on Private Land

While the majority of land on the Site is owned by the Western Sydney Parklands Trust, Lot 10 in DP 879209 remains under private ownership.

Clause 17 of the WSP SEPP states:

Development consent must not be granted to development on private land in the Western Parklands unless the consent authority has considered the following:

- (a) whether the development will contribute to or impede the implementation of the aim of this Policy,*
- (b) the need to carry out development on the land,*
- (c) the imminence of acquisition of the land,*
- (d) the effect of carrying out the development on acquisition costs,*
- (e) the effect of carrying out the development on the natural systems of the Western Parklands,*
- (f) the cost of restoring those systems after the development has been carried out.*

The matters listed above have formed substantial consideration by the Trust:

The development of Lot 10 will contribute to, rather than impede, the successful implementation of the proposed development strategy and enable the Trust to achieve its intentions to create a revenue-generating business park that will assist in the financial delivery of Trust functions.

The need is generated by the self-funded status of the Trust and the significant financial burden of providing and maintaining recreation and environmental space for the Sydney Region.



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park
Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

Although not under Trust ownership at the time of application, the acquisition process has been commended and is not envisaged to be unreasonably lengthy. Acquisition costs are set to be insubstantial in comparison to the forecasted income from the proposed business park.

The location of the proposed business park has been specifically selected in response to its relatively low-quality environmental significance (when compared against other land within the Parkland), proximity to compatible activities (the proposal will essentially be a minor continuation of the Smithfield Industrial Estate), economic provision of services and connectivity. No major environmental systems within the parklands will be impacted by the proposal given the intended infrastructure design.

4.2.11 State Environmental Planning Policy (Infrastructure) 2007

Traffic Generating Development

Among other functions, State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure) 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.

Referral may be required for the erection of new premises, or the enlargement or extension of existing premises where their size or capacity satisfy certain thresholds. Schedule 3 lists the types of development that are defined as Traffic Generating Development.

The referral thresholds for 'Industry' development are:

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

The development does not propose any industrial floor area at this stage and is therefore not considered development that requires automatic referral to RMS under this trigger.

Similarly, the proposal does not trigger referral to RMS as a result of subdivision as the thresholds for such development under Schedule 3 are:

- *200 or more allotments where the subdivision includes the opening of a public road; or*
- *50 or more allotments*

The proposal seeks the creation of only 12 superlots, plus one service lot.

Development Controls

Part 3 (other than the excluded provisions) of the *State Environmental Planning Policy (Infrastructure) 2007* applies as if the Western Sydney Parklands were in a prescribed zone. The relevant development control provisions are addressed as follows:

Parks and Other Public Reserves

Division 12 outlines the development controls relating to Parks and Other Public Reserves. '*Excluded provisions*' means clauses 65 (3) and 66 (1) under this Division.

No works in relation to the proposal are to be carried out as either 'Development Without Consent' or 'Exempt' development under this Division.



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park
Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

Soil Conservation Works

Division 19 outlines the development controls relating to *soil conservation works* meaning:

development necessary:

- (a) to avoid, manage or mitigate the effects of salinity, acid sulfate soils, acid soils or sodic soils, or*
- (b) to avoid, manage or mitigate the effects of erosion.*

Development for the purpose of soil conservation works may be carried out by or on behalf of a public authority without consent on any land.

No works in relation to the proposal are to be carried out as either 'Development Without Consent' or 'Exempt' development under this Division.

Stormwater Management

Division 20 outlines the development controls relating to *stormwater management systems* meaning:

- (a) works for the collection, detention, distribution or discharge of stormwater (such as channels, aqueducts, pipes, drainage works, embankments, detention basins and pumping stations), and*
- (b) stormwater quality control devices (such as waste entrapment facilities, artificial wetlands, sediment ponds and riparian management), and*
- (c) stormwater reuse schemes.*

No works in relation to the proposal are to be carried out as either 'Development Without Consent' or 'Exempt' development under this Division.

Development in or adjacent to road corridors and road reservations

The Infrastructure SEPP refers to guidelines which must be taken into account where development is proposed in, or adjacent to, specific roads and railway corridors under Clauses 85, 86, 87, 102 and 103. The document entitled *Development Near Rail Corridors and Busy Roads – Interim Guideline* fulfils that purpose.

The Guideline itself outlines when the considerations of the Guidelines must be taken into account. As the site is not adjacent to any rail corridor, only the road corridors provisions are relevant. These guidelines must be taken into account for development under the following clauses:

Clause 102*: *development for any of the following purposes that is on land in or adjacent to a road corridor for a freeway, a tollway or a transit way or any other road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data available on the website of the RTA) and that the consent authority considers is likely to be adversely affected by road noise or vibration:*

- *building for residential use*
- *a place of public worship*
- *a hospital*
- *an educational establishment or childcare centre*

Clause 103: *any development which involves penetration of the ground to a depth of at least 3m below ground level (existing) on land that is the road corridor of roads or road projects as specified in schedule 2 of the SEPP.*



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park

Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

*** For Clause 102:**

If the development is for the purpose of a building for residential use, the consent authority must be satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

- in any bedroom in the building : 35dB(A) at any time 10pm–7am
- anywhere else in the building (other than a garage, kitchen, bathroom or hallway): 40dB(A) at any time.

The proposal does not involve development that triggers Clause 102 or that would be affected by road noise or vibration.

In terms of Clause 103, the road corridors or road projects referred to include:

- (a) the Eastern Distributor,*
- (b) the Cross City Tunnel,*
- (c) the Lane Cove Tunnel,*
- (d) the Tugun Bypass,*
- (e) the Liverpool—Parramatta Transitway,*
- (f) the North-West Sydney Transitway Network.*

Schedule 2 of the Infrastructure SEPP provides clarification on the location and extent of the road corridors. No corridor exists in vicinity of the site except the Liverpool – Parramatta Transitway, described as:

"A passenger transport system between Liverpool and Parramatta via Bonnyrigg, Wetherill Park, Smithfield and Wentworthville."

The Liverpool-Parramatta Transitway (LPT) was the first link in the network that opened in February 2003. It is operated by Western Sydney Buses, a subsidiary of State Transit, as Route T80. The 31km T-way, connects the major regional centres of Liverpool and Parramatta, and traverses residential areas, education facilities, the industrial areas of Wetherill Park and Smithfield, and the commercial areas of Prairiewood and Bonnyrigg.

While the route includes passes through the suburbs of Wetherill Park and Smithfield, the subject site is not adjacent to the road corridor of the T-Way as indicated by the Route Map (**Figure 10**). Given the separation of the subject site from the T-Way corridor, the matters for consideration under the Interim Guidelines do apply to the proposal.



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park

Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

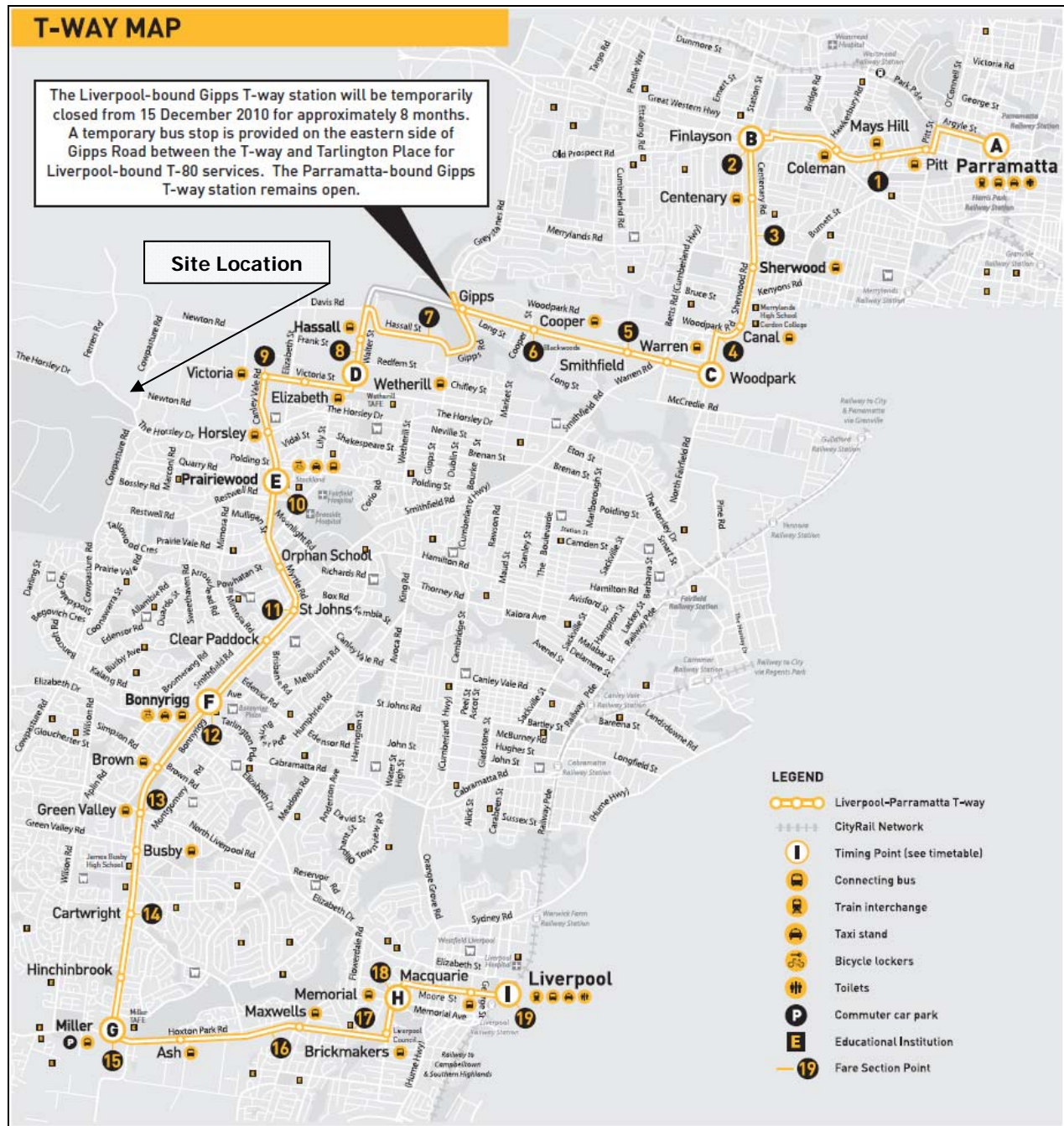


Figure 10 – Liverpool – Parramatta Transitway Route Map (Source: Sydney Buses, 2012)



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park
Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

4.2.12 State Environmental Planning Policy No 19 — Bushland in Urban Areas

The provisions of *State Environmental Planning Policy No 19 — Bushland in Urban Areas* do not apply to land to which the Western Sydney Parklands SEPP applies.

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

No building work or use forms part of the proposed development. Future separate application will be made for intended activities to be undertaken within the Business Park. Although the proposal will likely be used for industrial activities involving warehousing, the ethos and role of the Trust is not compatible with any storage of substances that may be harmful to the environment. In this regard it is not envisaged that future use of the Business Park will involve any activity that would require the issue of an Environmental Protection Licence in order to operate.

4.2.14 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.*

The Phase 2 Environmental Site and Geotechnical Investigation prepared by WSP Group (**Appendix 10**) notes that Lot 10 DP 879209, located in the centre of the eastern boundary, was formerly a fuel depot and has been notified to the EPA as a contaminated site. Council is not aware that a Site Audit Statement (SAS) has been issued for the site.

The site is not deemed to be significantly contaminated, subject to a management order, subject of an approved voluntary management proposal, or subject to an ongoing management order under the provisions of *Contaminated Land Management Act 1997*.

Between 2005 and 2009, one above ground storage tank, eleven USTs, fuel pumps and associated line work were removed. Contaminated soil excavated from the former tankpits and infrastructure locations was landfarmed in the south western corner of the Lot. In 2006, the landfarm was validated to NSW EPA (1994) guidelines.

Soil in the vicinity of the linework and tankpits had concentrations of total petroleum hydrocarbons (TPH) which exceeded the NSW EPA (1994) guidelines for Sensitive / Open Space landuse. Remaining sample locations met the guideline criteria. The excavations were backfilled with validated excavated material and imported ENM.

Soil and groundwater investigations were conducted in 2009 and 2010 which identified ongoing contaminants across Lot 10 DP 879209 including TPH, saline soils of low yield, concentrations of heavy metals arsenic, nickel, cadmium, copper and zinc exceeding ANZECC 2000 guidelines. Phase Separated Hydrocarbons (PSH) were identified at the southern boundary of Lot 10 and in the adjoining property (Lot 100 DP 879680).



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park
Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

The recent investigations undertaken by WSP, identified the following potential sources of contamination as:

- Agricultural activities – primarily market gardens (M8, Pesticides)
- Discarded 200L drums – VOCs (di-chloromethane)
- Petroleum Depot – TPH, BTEX, PAHs, Metals

Given groundwater flow direction for Lot 10 DP 879209, the PSH plume has the potential to migrate beyond the eastern site boundary. The vertical extent of the investigations was limited to 1.5m below existing ground level for contamination investigations.

The conclusions regarding the site in relation to current contamination are:

- *TPH impacted soil exists on Lot 10 DP 879209.*
- *Groundwater at the boundary of Lot 10 DP 879209 and Lot 100 DP 879680 is impacted with TPH.*
- *PSH were identified in two wells.*
- *Concentrations of heavy metals arsenic, nickel, cadmium, copper and zinc exceeded the ANZECC 2000 guidelines in the majority of wells. These concentrations were considered to be representative of background concentrations.*
- *All other results fall below the adopted site criteria.*

WSP has prepared a Remediation Action Plan (**Appendix 11**) for the site which details proposed methodologies for works required to make the areas impacted, suitable for unrestricted commercial land use. The work required as part of remediation includes:

- removal of surface rubbish;
- TPH delineation of plume present on Lot 1 DP879209 and Lot 100 DP 879680 and possible remediation of groundwater
- TPH remediation in shallow soils on Lot 1 DP 879209

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

No signage or advertising structures are proposed as part of the development.

4.2.16 Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River

As of 1 July 2009, regional environmental plans (REPs) no longer form part of the environmental planning instrument hierarchy. All existing REPs are now deemed State Environmental Planning Policies (deemed SEPPs). *Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River* (SREP 20) applies to the site.

SREP 20 covers water quality and quantity, environmentally sensitive areas, riverine scenic quality, agriculture, and urban and rural residential development. It controls development that has the potential to impact on the river environment. The plan applies to all parts of the catchment in the Sydney Region including the Fairfield Local Government Area.

The property is currently undeveloped with little to no formal drainage located on site. The proposed site comprises a catchment area of 21.84Ha which can be considered as 100% pervious.

The property essentially comprises two catchments with areas of 7.56Ha (Catchment C1) and 14.28Ha (Catchment C2). The site is split roughly through the bottom third by a peak and spur with falls to the north and south of the site. Catchment C1 discharges to the south of the site at the intersection of The Horsley Drive and Cowpasture Road.



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park
Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

Catchment C2 discharges to the north of the site via an overland flow path and three 900mm R.C.P. culverts located at the intersection of Cowpasture Road and Victoria Street. Catchment C2 is part of a greater catchment of approximately 82Ha which drains to this point. The greater catchment comprises agricultural land and Parkland Trust land.

The proposed stormwater system consists of a major/ minor system which conveys surface water from roadways with provision for connection of individual development lots at strategic locations (i.e. rear lot easements or connection to street drainage). The two catchments will generally be kept at or near to the existing catchment breakup to ensure that pre and post development stormwater flows closely match each other.

On-site detention will be provided at an estate level to limit the runoff discharged from private property into the underground piped drainage system. Due to the presence of two catchments on the site, two basins are proposed for the development. 500mm freeboard above the maximum top water level will be provided to the embankments of both basins.

The site in its undeveloped state is affected by overland flows from the west, upstream of the Sydney Water Supply Channel. Dedicated flow paths have been designed to convey all storms up to and including the 100-year ARI. These flow paths will convey stormwater from the site to the estate road system to the temporary basins and adjacent creek. Provision for discharge into the overland flow path will be made with "natural outlets" designed in accordance with the NSW Office of Water document *Controlled Activities: Guidelines for Outlet Structures*.

In terms of water quality, the treatment train for the estate development are as follows:

- At minimum a vortech style gross pollutant trap will be located on each development lot prior to discharging into the estate stormwater system. This will ensure that the estate system is free from gross pollutants and some sediments and ensure that early onset sedimentation of the estate bioretention basin. This, at source, approach has been adopted over a larger end of line device so that each device can be specified based on individual use on each development lot; and
- On-site detention/ bioretention basins will act as tertiary treatment for suspended solids and nutrients.

Rainwater harvesting is proposed for future development lots within this development with re-use for non-potable applications. Internal uses include such applications as toilet flushing while external applications will be used for irrigation. The aim is to reduce the non-potable water demand for the individual future developments in the range of 50-80%. Indoor and outdoor water demand and rainwater tanks sizing will be based on individual site requirements and form part of separate future development applications over these development lots in accordance with Fairfield Council requirements and the targets nominated.



4.3 REGIONAL PLANNING CONTEXT

4.3.1 Metropolitan Plan for Sydney 2036

In December 2005 the NSW Government launched City of Cities – A Plan for Sydney's Future. In December 2010 the Strategy was updated and integrated with the Metropolitan Transport Plan to deliver a new 25 year Metropolitan Plan for Sydney 2036 (the Metro Strategy). The Metro Strategy focuses on building the role of cities across the metropolitan area through integrating transport and land use planning, concentrating growth in centres to improve access to jobs, facilities and services and includes the following aims:

- *Mitigate and adapt to the impacts of climate change;*
- *Integrate infrastructure, particularly transport, with land uses as part of managing growth, city efficiency and sustainability;*
- *Strengthen governance, monitoring and implementation arrangements to secure delivery of outcomes;*
- *Address the Federal Government's new national criteria to improve capital city planning for all States and Territories, and*
- *Respond to the challenges of Sydney's faster than previously expected population growth.*

This project supports the Metropolitan Plan for Sydney 2036 by providing industry jobs and facilitating supply and distribution services for the region. It is an effective use of the land in a strategic suitable for the location and is compatible with other industrial uses in the locality.

The Metro Strategy sets out the Parklands' role in providing valuable regional open space for new communities expected in the North West and South West Growth Centres, as well as the rest of Western Sydney.

According to the Plan, the Parkland provides a best practice demonstration of integrated urban parkland for the 21st century by:

- providing regional environmental and conservation opportunities;
- protecting and promoting ongoing agriculture in suitable areas;
- developing park tourism and commercial uses on sites along the major transport corridors;
- maintaining secluded areas for interaction with nature; and
- delivering significant regional community and recreation facilities.

The income-generating activities to be undertaken in the proposed business park

The park itself is also earmarked to be an environmentally-sustainable hub that responds to the natural context through appropriate infrastructure, landscaping and the anticipated activities.

The location of the development in the context of the Employment Areas under the Metro Plan is shown in **Figure 11**.



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park

Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

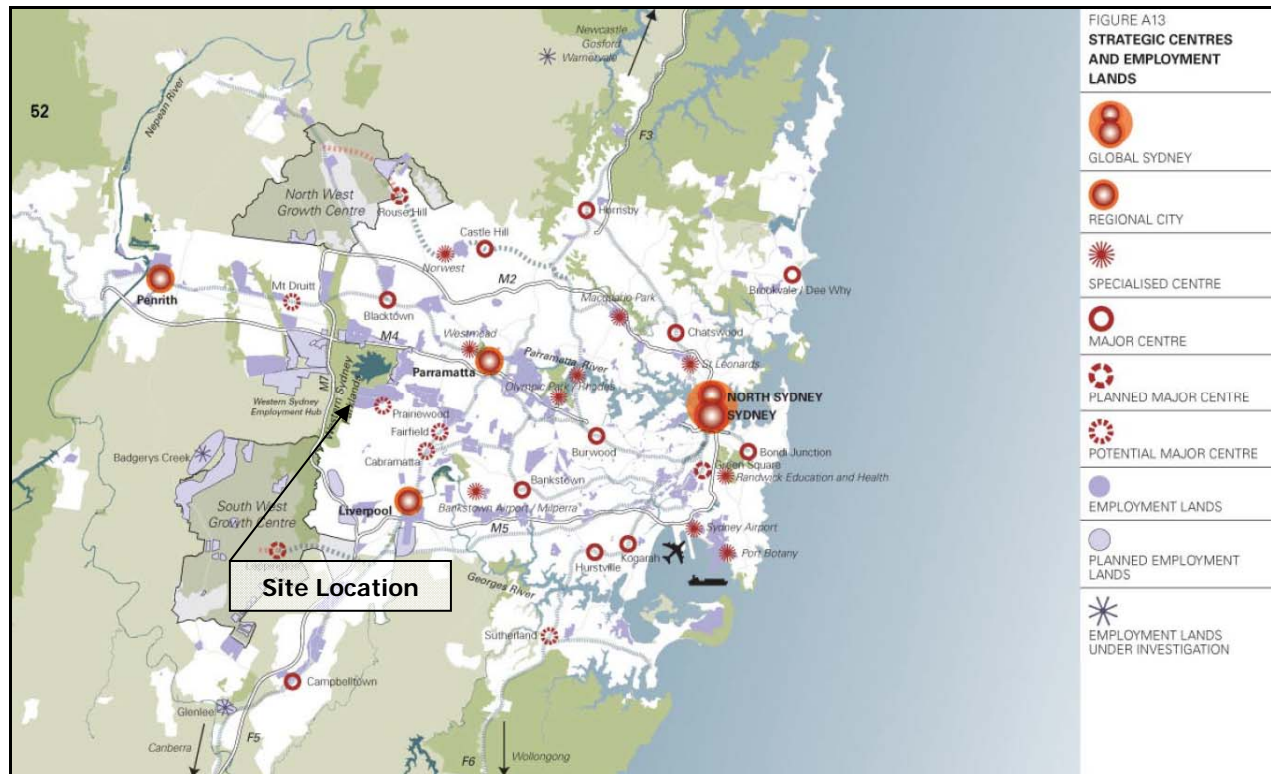


Figure 11 – Metro Plan Strategic Centres and Employment Lands (Source: Metropolitan Plan for Sydney 2036, NSW Department of Planning, 2010)

4.3.2 Metropolitan Transport Plan

The Metropolitan Transport Plan 2010 'Connecting the City of Cities' is the NSW State Government's policy document for delivery of public transport services to a growing population across the Sydney Metropolitan area.

The Metropolitan Transport Plan 2010 aims to improve the commute to work, improve community access to transport and services, provide an efficient and integrated customer focused transport system and revitalise neighbourhoods with improved transport hubs.

This plan produced in 2010 provides a 25 year vision for the connection of Sydney's land use planning with the transport network. The plan incorporates ten year funding for transport infrastructure and includes the following noteworthy services:

- A \$4.5 billion Western Express City Rail Service which is intended to significantly reduce commuting times between Western Sydney and the city.
- Commencement of works on the North West rail connection from Epping to Rouse Hill with an estimated cost of \$6.75 billion.
- Improvement to bus services which includes 100 new buses in strategic bus corridors.
- New trains with an additional 626 rail carriages
- \$158 million for cycleway
- \$400 million for commuter car parks
- \$483 million to deliver important freight works In Sydney
- \$21.9 million of State and Federal Funded road projects.

In 2005, the Metropolitan Strategy provided a framework for growth within the Sydney Metropolitan Area to 2031. The plan identified housing and employment capacity targets within strategic centres but has been superseded by the Metropolitan Transport Plan (2036).



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park

Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

The Metropolitan Plan 2036 is to be reviewed every 5 years and forms an integrated plan for Sydney to 2036. It focuses on transforming Sydney from a single-centred city to a more connected, multi centred city where the regional cities of Parramatta, Liverpool and Penrith in particular deliver increased jobs and improved services. The long term vision is to develop Sydney as a “City of Cities” and includes the following objectives:

- Radial public transport links feeding into each city.
- Cross regional transport connections linking more subregions to the Global Economic Corridor, and
- A developing network of transport connections serving a range of different trips and strategic centres that support economic activity across more locations.

The Traffic Impact Assessment prepared by Traffix, June 2012 (**Appendix 13**) found that the proposal will not restrict the future improvement of the regional road network. Additionally, analysis demonstrated that whilst the network operates at a level approaching capacity, the additional generation of the site can be accommodated subject to the implementation of infrastructure upgrades.

Details of the transport and accessibility implications are provided in **Section 6.9** below.

4.3.3 Draft West Central Subregional Strategy

The Draft West Central Subregional Strategy translates objectives of the NSW Government's Metropolitan Strategy and the State Plan to the local level. The Draft West Central Subregional Strategy includes the local government areas of Auburn, Bankstown, Fairfield, Holroyd and Parramatta.

Under the Strategy, Fairfield is identified as a Regional City and has growth targets of 10,000 new dwelling houses and 15,000 new jobs by 2031, a growth of 26.3% (**Figure 12**).

WEST CENTRAL LGA	2001	2031	NEW JOBS	% GROWTH
AUBURN	43,300	55,300	12,000	27.7%
BANKSTOWN	71,700	77,700	6,000	8.4%
FAIRFIELD	57,000	72,000	15,000	26.3%
HOLROYD	35,500	36,500	1,000	2.8%
PARRAMATTA	101,000	128,000	27,000	26.7%
TOTAL	308,500	369,500	61,000	19.7%

Figure 12 – West Central Sub-Region Employment Growth Forecast (Source: Metropolitan Plan for Sydney 2036, NSW Department of Planning, 2010)

The proposed development is consistent with the Strategy in that it will:

- facilitate the ongoing development of the Western Sydney Parklands;
- contribute to the development of Fairfield as a Regional City; and
- provide an appropriate use of industrial lands for industrial use and employment purposes.

The development will also achieve the following actions under the Draft Sub-Regional Strategy:

- A1.1 *Provide a framework for accommodating jobs across the subregion*
- A1.2 *Plan for sufficient zoned land and infrastructure to achieve employment capacity targets in employment lands*
- A1.5 *Protects and enhance employment lands of state significance*
- A1.6 *Improve planning and delivery of employment lands*



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park

Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

- A1.8 Establish a framework for the development of business parks*
- A2.2 Strengthen industry clusters*
- A3.2 Increase integration of employment and housing markets*
- A3.3 Encourage emerging businesses*

The Draft sub-Regional Strategy notes that any future business park should:

- *support existing centres;*
- *have high quality design outcomes;*
- *reduce environmental impacts;*
- *be located on an existing or proposed public transport route;*
- *build on existing concentrations and clusters of knowledge based activities, such as universities and hospitals; and,*
- *not result in the loss of strategically significant Employment Lands.*

The proposal is considered to satisfy the above criterion.



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park
Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

4.4 LOCAL PLANNING CONTEXT

4.4.1 Fairfield Local Environmental Plan 2010

Application of LEP

It is noted that *Fairfield Local Environmental Plan 1994* (FLEP 1994) applies to all land within City of Fairfield excluding land to which the following instruments apply:

- *Sydney Regional Environmental Plan No. 31 – Regional Parklands*
- *State Environmental Planning Policy (Major Projects) 2005*
- *State Environmental Planning Policy (Western Sydney Employment Area) 2009*

As noted in **Section 4.2.10** above, *State Environmental Planning Policy (Western Sydney Parklands) 2009* repealed SREP 31. Additionally, *State Environmental Planning Policy (State and Regional Development) 2017* repealed the Major Projects SEPP.

Notwithstanding the provisions of FLEP 1994 not applying to the site, the provisions of FLEP 1994 are considered below in response to the DGRs issued.

Aims and Objectives

The aims and objectives of FLEP 1994 are:

- (a) *to repeal all the existing local planning controls, and to replace these controls with a single local environmental plan,*
- (b) *to give the Council of the City of Fairfield greater responsibility for environmental planning by including broad controls in this plan and more detailed controls in the development control plans prepared by the Council,*
- (c) *to conserve, improve or safeguard the existing environmental qualities of the City of Fairfield,*
- (d) *to provide sufficient land for a range of land uses to accommodate:*
 - (i) *differing lifestyles, incomes and cultures,*
 - (ii) *economic and employment opportunities for the benefit of business and residents,*
 - (iii) *a wide range of affordable quality housing, and*
 - (iv) *public services and facilities that are well located and responsive to the needs of the community,*
- (e) *to require the provision of services and facilities when development occurs pursuant to a development consent,*
- (f) *to restrict development on land adversely affected by natural or manmade hazards, and*
- (g) *to conserve the environmental heritage of the City of Fairfield.*

The proposal is consistent with the stated aims and objectives as it provides for economic and employment opportunities that will act as a catalyst for ongoing environmental management and provision of open space.

Zoning and Permissibility

The site is not zoned under FLEP 1994 (see **Figure 13**). Refer to **Section 4.2.10** for zoning and permissibility under *State Environmental Planning Policy (Western Sydney Parklands) 2009*.



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park

Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

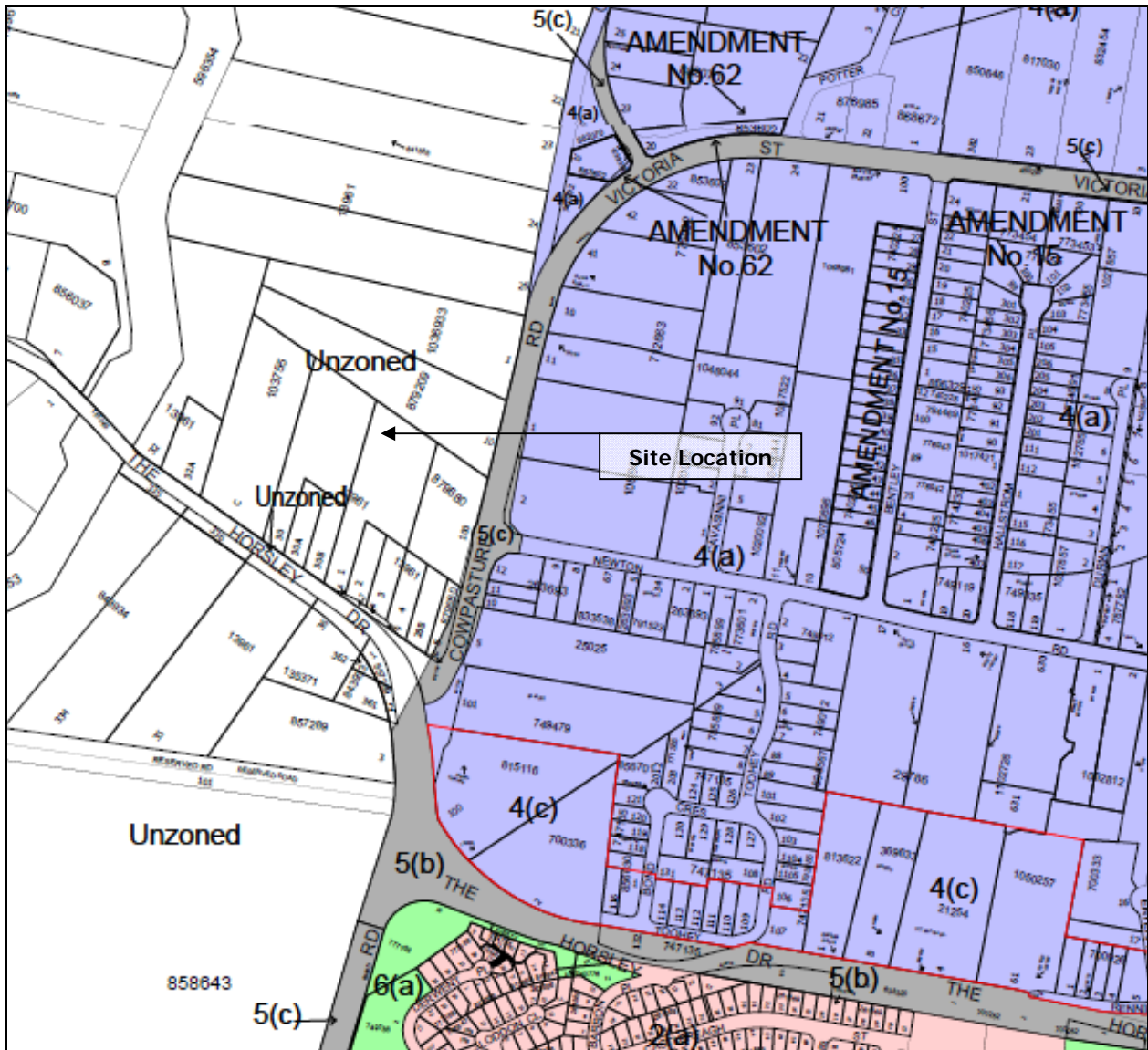


Figure 13 – Fairfield Local Environmental Plan 2011 Zoning Map (Source: Fairfield City Council, 2010)

Tree Preservation Order

An Ecological Impact and Assessment Report has been prepared by SLR (**Appendix 14**) to consider the impact of vegetation removal as a result of the development. The Assessment notes that much of the land at the site is already largely cleared and contains large areas of noxious exotic weeds, either as a result of the past agricultural and rural residential land uses or for the present residential and industrial developments.

The majority of remaining vegetation is mapped by the NPWS as having a <10% cover, and being small patches of degraded vegetation.

A total of 66 plant species from within the subject land were recorded with 23 of these being native species, along with 43 exotic species.

Ground-truthing has determined that two small patches of vegetation on the subject land exhibit some characteristics of the CPW community; however, given the scarcity of native groundcover species, and the dominance of introduced pasture species and weeds in the groundcover layer, none of the vegetation present on the subject land is regarded as an example of the Cumberland Plain Woodland community.



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park

Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

Whilst the proposal will result in the loss of trees across the site, the benefits to result from the development will enable more than adequate offsets in more valuable parts of the Western Sydney Parklands.

Development on Flood Liable Land

Potential flooding has been identified at the intersection of Cowpasture road and Victoria Street, where a total of catchment of 87.90Ha drains to the low point adjacent to this location.

In their Civil Engineering Report (**Appendix 6**), Costin Roe concludes that peak flows from the catchment are in the order of 19m³/s and the 2 hour storm is the critical duration.

The culvert configurations have a capacity in the order of 11.5-13.5m³/s depending on the level of water in the adjacent 'basin' area and that stormwater flows will overtop Cowpasture Road for storm durations greater than or equal to 1 hour. A maximum flow of 2.06m³/s can be expected in an overtopping event.

A maximum water surface level of 58.7m can be expected during the Q100 event. This equates to 200mm flow over Cowpasture road and 4300m³ of active storage.

As such, it is recommended that a flood planning level of 59.2m be set for developments adjacent to the Cowpasture Road and Victoria Street Intersection. This allows for a 500mm freeboard to the assessed flood level.

Following the development and implementation of the OSD basin, a minor reduction in flooding levels is expected. It is also noted that, due to the restrictive nature of the receiving drainage network that there will be little or no change to the outflow hydrograph in a storm event. This means there will be no effect on downstream properties as a result of this development.

Development in the vicinity of Creeks and waterways

The site does not contain and is not in vicinity of any natural waterways.

Soil Erosion and Sediment Control measures including sedimentation basins are to be placed in accordance with submitted drawings and the Soil and Water Management Plan provided as part of the Civil Engineering Report (**Appendix 6**) and detailed in **Section 6.10**.

Landfill and Clearing

The Bulk Earthwork Levels have been selected based on the proposed estate lot layout and site access while attempting to follow the surrounding levels and to allow for access and minimise retaining walls.

The earthwork cut to fill balance allows for a calculated shortfall of fill to allow for material bulking, detail excavation and services excavation as shown in **Table 7**.

TABLE 7 – Earthworks Allowances

Factor	Allowance
Clay Building Factor	4% of cut material
Rock Building Factor	8% of cut material
Detailed/service excavation	1200m ³ /Ha

Unstable Land

Due to the existing topography and the nature of the proposed development, retaining walls will be required over the site. As part of this development, retaining walls will not be constructed – this is due to the nature of the development where internal boundaries and leasehold lot configuration are subject to change depending on market and client requirements. An indicative retaining wall layout has however been provided to give an indication of potential retaining wall heights, location and construction.



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park
Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

The intention is to limit retaining walls through landscaped batters and fitting of pads to external contours and the proposed access road levels. Retaining walls may however be up to 4m in height.

As detailed in the Civil Engineering Report (**Appendix 6**), to assist in maintaining embankment stability permanent batters slopes in clay will be no steeper than 3 horizontal to 1 vertical while temporary batters will be no steeper than 2 horizontal to 1 vertical.

Permanent batters in rock may be formed no steeper than 1 horizontal to 1 vertical while temporary batters will be no steeper than 0.75 horizontal to 1 vertical.

Permanent batters will also be adequately vegetated or turfed which will assist in maintaining embankment stability. Stability of batters and reinstatement of vegetation in accordance with the submitted drawings and the Soil and Water Management Plan included within the Civil Engineering Report.

Services

A Utilities Report and Infrastructure Management Plan has been prepared by Hansen Yuncken (**Appendix 16**) and notes that given the Site's location directly adjacent to an existing industrial precinct, in most cases the services have existing capacity readily available, the servicing strategy is less onerous than many other State Significant Developments.

The provision of services is detailed in **Section 12** and summarised below:

Water

The following existing water mains are located adjacent to the Site:

- 375mm on western side of Cowpasture Road.
- 250mm on eastern side of Cowpasture Road.
- 250mm on northern side of The Horsley Drive.
- 375mm on southern side of The Horsley Drive.

Investigation into the existing water services and the proposed use on the Site of General Industry confirms the lines will be sufficient to provide a potable water supply.

Sewer

The following existing sewer mains are in close proximity to the Site:

- 300mm sewer located on a property across the road to the east of the Site, on the north-east corner of Cowpasture and Newton Roads, known as 205 Cowpasture Road.
- 375mm sewer located on the corner of Cowpasture Road and Victoria Streets.

For the purpose of waste water servicing provision, the Site consists of a northern and southern catchment. The southern catchment of approximately 10.5 hectares will drain to the existing 300mm sewer main at 205 Cowpasture Road subject to consent from the lot owner (required prior to construction) and will be included in Stage 1 of the development.

The northern catchment will drain to an existing 375mm sewer located at the corner of Cowpasture Road and Victoria Street. The existing sewer is expected to be sufficient to adequately cater for the balance of the development and this will be incorporated into Stage 2.

Electricity

The provision of electrical services will require delivery of two 11kV feeders and cross feeder ties from Endeavour Energy's West Wetherill Park Zone Substation, located at the corner of Victoria Street and Potter Close.

Investigations identified that the existing zone substation located at Victoria Street near Cowpasture Road, approximately 300 metres to the north-east of the Site, has sufficient capacity to service the proposed



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park
Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

development. Based on consultation with Endeavour Energy, the WSPT will submit an application to secure an allocation of electrical supply and be responsible for the installation and funding of the "Connection Assets" in accordance with relevant terms and conditions and authorities.

Telecommunications

An existing telecommunications line is located along the eastern side of Cowpasture Road which includes three connections across the road. Additionally lines exist on the northern and southern sides of The Horsley Drive and a line is extended down from the Cowpasture Road north of Victoria Street.

The proposed extension of the telecommunication lines is likely to run from near Newton Road directly along the access road, subject to formal advice being obtained from Telstra.

Gas

An existing main (1,050kPa) is located at the corner of Cowpasture Road and Newton Road and will provide source for the Site.

Stormwater

The proposed stormwater management system combines both minor and major design elements. The piped stormwater drainage (minor) system has been designed to accommodate the 20-year ARI storm event (Q20). Overland flow paths (major) which will convey all stormwater runoff up to and including the Q100 event have also been provided which will limit major property damage and any risk to the public in the event of a piped system failure.

Dedicated flow paths have been designed to convey all storms up to and including the 100-year ARI. These flow paths will convey stormwater from the site to the estate road system to the temporary basins and adjacent creek. Details elements of the proposed stormwater management system are provided in **Section 6.15**.

Extractive Industries

Extractive industries as defined under FLEP 1994 include:

an activity involving the obtaining or removal of extractive material from land.

As the proposal involves excavation, the activities may be defined as an extractive industry. The restriction on such activity under FLEP 1994 is overridden by the provisions of *State Environmental Planning Policy (Western Sydney Parklands) 2009* under which the activities are permissible.

Advertising

The proposal does not include advertising. Signage associated with end users will be considered in separate future development applications.

Subdivision

The proposed development is for a 12 lot industrial lease-hold estate with an additional service lot and access road. The lot layout has been designed to enable flexible future development that is able to respond to environmentally sustainable development objectives in terms of:

- Building siting and orientation;
- Landscaping provision;
- On-site water stormwater harvesting;
- Access to internal road network (except the northern-most lot along Cowpasture Road)

The design will also allow development in response to market trends through multi-unit developments, large scale standard alone developments, or a singular corporate facility.

The Draft Plan of Subdivision is attached as **Appendix 4**.



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park
Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

Acid Sulfate Soils

The Phase 2 Environmental Site and Geotechnical Investigation prepared by WSP notes that there are no published Acid Sulphate Soil (ASS) Risk Maps covering the site. The adjacent Prospect/Parramatta River and Liverpool Maps indicate that there are no known occurrences of ASS in the surrounding area.

It is noted that, according to the former Department of Infrastructure, Planning and Natural Resources (DIPNR) Salinity Potential in Western Sydney Plan (2002), the site is located in an area designated as having moderate salinity potential. During the environmental investigations, no indicators such as scalding or indicator vegetation were observed across the site. It is noted that access to the gully feature in the northern portion of the site could not be achieved during the investigations.

From information presented in the plan, soils in steeper areas with high local relief are at a lower risk of developing salinity (majority of the site). The only potential risk areas would be those adjoining drainage lines located towards the northern part of the study area. However, as extensive changes to the levels of the land are proposed, this is likely to result in changes to the salinity potential.

Heritage

The site does not contain any identified heritage items listed under FLEP 1994 and is not within close proximity to any identified heritage item under FLEP 1994.

4.4.2 Draft Fairfield Local Environmental Plan 2011

While *Draft Fairfield Local Environmental Plan 2011* has been prepared and has been publicly exhibited, the provisions do not apply to land to which *State Environmental Planning Policy (Western Sydney Parklands)* 2009 applies.

4.4.3 Fairfield City Wide Development Control Plan 2006

It is noted that Clause 11 of State Environmental Planning Policy (State and Regional Development) 2011 states:

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

(a) State significant development

...

However, the DGRs issued by the Department of Planning and Infrastructure require consideration of the Fairfield City Wide DCP 2006. As such, relevant controls applicable to the proposed development are addressed as follows:

Objectives

A key objective of this DCP is:

to ensure industrial development is catered for in Fairfield City in a manner that encourages business investment and promotes local employment opportunities.

Suitable development controls contribute to these objectives as outlined below.

Chapter 9 – Industrial Development

▪ *Site Dimensions*

The proposal satisfies the objectives by providing lot that are of sufficient size to adequately satisfy car parking and vehicular access. The lots will also enable development to be carried out in a form that responds positively to existing streetscape.



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park

Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

- *Built Form*

The built form controls including setbacks do not apply to the proposal as no buildings are proposed at this stage.

- *Car Parking and Access*

While uses across the site are unknown at the stage, the Traffic Impact Assessment prepared by Traffix (**Appendix 13**) predicts the parking requirements based on full development.

It is noted that large industrial operations have demonstrated lower levels of employees to historical levels generally resulting from improvements in technology and critical infrastructure. This is particularly evident in larger industrial developments within the M7 Business Hub and Erskine Park Industrial Precinct, where parking has been provided at rates less than those required by Council with no impact on the availability of on-street parking.

The rates required by Council reflect parking requirements for smaller industrial developments (1,000-2,000 GFA) where the ratio of floor area to employees is higher than that which generally occurs in larger developments such as the one proposed.

Accordingly, the provision of parking at the proposed rate of 1 space per 200m² of GFA is considered sufficient to accommodate the likely parking demands for the overall site without any reliance on on-street parking as demonstrated by numerous large industrial subdivisions within both Council's LGA and the greater WSEA. Based on this rate, 477 would be required.

No direct access is to be provided off The Horsley Drive, and only one (1) lot will have direct access to Cowpasture Road. All other lots will obtain access via a new access road to be constructed as a continuation of Newton Road where it intersects Cowpasture Road. The existing round-a-bout is to be replaced by a signalised intersection.

It is anticipated that the new access road be dedicated to Council following construction of the last stage of works proposed under this application. The road has been designed in accordance with council requirements (see **Section 3.2.1** for road specification).

- *Pedestrian Movement*

Pedestrian pathways are to be provided along one side of the new access road to connect to public transport services along Cowpasture Road. Connectivity will also be provided to the existing cycleway network adjoining the western boundary.

Circulation around individual allotments will be satisfied during application assessment for future developments.

- *Advertising Signs*

No signage is proposed as part of the subject application.

- *Streetscape and Amenity*

The proposal presents a high quality streetscape through the treatment of landscape to the perimeter of the entire estate, as well as the proposed access road.

Future application related to individual allotments will need to address these requirements as no building structures are to be provided under the subject application.

- *Controls for Special Uses*

The proposal does not include use of the land for any of the activities listed as 'special uses'. Future application related to individual allotments will need to address these requirements.



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park

Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

Chapter 11 – Flood Risk Management

The Flooding Assessment of the pre-development Q100 ARI event undertaken by Costin Roe as part of the Civil Engineering Report (**Appendix 6**), found that:

Peak flows from the catchment are in the order of 19m³/s and the 2 hour storm is the critical duration. The culvert configurations have a capacity in the order of 11.5-13.5m³/s depending on the level of water in the adjacent 'basin' area.

Stormwater flows will overtop Cowpasture Road for storm durations greater than or equal to 1 hour. A maximum flow of 2.06m³/s can be expected in an overtopping event.

A maximum water surface level of 58.7m can be expected during the Q100 event. This equates to 200mm flow over Cowpasture road and 4300m³ of active storage.

Based on the above assessment, it is recommended that a flood planning level of 59.2m be set for developments adjacent to the Cowpasture Road and Victoria Street Intersection. This allows for a 500mm freeboard to the assessed flood level.

Following the development and implementation of the OSD basin, a minor reduction in flooding levels is expected. We furthermore note that, due to the restrictive nature of the receiving drainage network that there will be little or no change to the outflow hydrograph in a storm event. This means there will be no effect on downstream properties as a result of this development.

Chapter 12 – Carparking, Vehicle and Access Management

Traffic have prepared a Traffic Impact Assessment (**Appendix 13**) to address the implications of the proposal on the existing network and identify the requirements to mitigate these impacts.

The Application relates to bulk earthworks, infrastructure and subdivision only; however for the purpose of assessment a nominal gross floor area (GFA) of 95,400m² has been adopted to assess the parking requirements of the future development.

In this regard the Fairfield Council's DCP 12 stipulates a rate of 1 space per 80m² for Warehouse uses. This compares to a rate of 1 space per 300m² suggested for adoption in the RMS Guide to Traffic Generating Developments. Accordingly, having regard for the objectives of state planning policy as well as other precedents, a rate of 1 space per 200m² is proposed. A summary of these requirements is provided in **Table 8** below based on the indicative development yield of 95,400m².

TABLE 8 – Parking Analysis			
Rate Basis	Estimated GFA	Rate	Spaces Required
Fairfield Council	95,400m ²	1.0 spaces per 80m ²	1,193
RMS Guide	95,400m ²	1.0 spaces per 300m ²	318
Proposed Provision	95,400m ²	1.0 spaces per 200m ²	477

It is evident that the parking requirements under Council's DCP are excessive and represent a 375% increase over and above the suggested rates of the RMS.

It is noted that the rate of 1 space per 200m² (or less) has also been adopted in other industrial precinct subdivisions within the Western Sydney Employment Area (WSEA) including areas within the Fairfield Council LGA.

The provision of parking in accordance with Council's DCP would result in a considerable oversupply of parking and would generally encourage the use of private vehicles rather than alternative transport modes.



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park
Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

Chapter 14 - Subdivision

The objectives for subdivision in Industrial areas under the Fairfield DCP are:

- *To ensure that lot sizes are large enough to adequately satisfy vehicle manoeuvring, including commercial vehicles.*
- *To provide sufficient area frontage setbacks and landscaping.*
- *To ensure that development complements and enhances the existing industrial development.*
- *To ensure that development of the land will not lead to a decline in ground and surface water quality and does not lead to significant risk to life and property from the natural and other hazards such as bushfire, flooding, slippage and contamination.*
- *To minimise the cost to the community by ensuring that development does not create unreasonable or uneconomic demands for the provision of services.*
- *To provide for a public road network which clearly defines the function of each street, allowing for the required level of construction, including servicing and which provides suitable and appropriate access, safety and convenience for all users in a manner which minimises environmental impact.*
- *To ensure that new subdivision accommodates safe and efficient vehicular access and movement.*

The proposal includes subdivision to create 12 industrial-lease lots and one (1) service lot in accordance with these objectives.

While there is no minimum area requirement for the industrial areas under the DCP, the layout has been designed to ensure ease of access to each lot and maximum development flexibility for future development.

As outlined above, No direct access is to be provided off The Horsley Drive, and only one (1) lot will have direct access to Cowpasture Road. All other lots will obtain access via a new access road to be constructed as a continuation of Newton Road where it intersects Cowpasture Road. The existing round-a-bout is to be replaced by a signalised intersection.

It is anticipated that the new access road be dedicated to Council following construction of the last stage of works proposed under this application. The road has been designed in accordance with council requirements.

The design incorporates a pedestrian pathway along one side of the new access road to connect to public transport services along Cowpasture Road. Connectivity will also be provided to the existing cycleway network adjoining the western boundary.

4.4.4 Fairfield Employment Lands Strategy 2008

Hill PDA prepared the *Fairfield Employment Lands Strategy* in 2008 on behalf of Council. The aim of the study was to identify appropriate planning provisions to attract employment generating uses in response to the ongoing role of the sub-region as a manufacturing hub together with the improved accessibility via the Transitway M5 and M7 corridors, will fuel job growth. There is also concern over the loss of significant tracts of industrial land largely due to the pressures of residential development.

This study is concentrated on employment lands that are industrial in nature, including “out-of-centre” business estates. It does not include special use zones and commercial/retail zones.

The Strategy acknowledges that the occupational structure of the West Central Sub-Region as a whole is characterised by a relatively high proportion of blue collar workers and a lower proportion of white collar workers than the Sydney Statistical District.



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park

Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

The following industries within the LGA have the highest representation of employees:

- Manufacturing (23%)
- Retail (14.7%)
- Finance, Insurance Property and Business Services (13.6%)
- Education, Health, Community & Personal Services (13.6%)
- Construction (8.7%)

Demographic analysis also revealed the following significant points for the Fairfield LGA:

- With the exception of the new employment release area in the 'Western Sydney Employment Hub', there is a reducing supply of industrial land that is appropriate to accommodate this class of workers that predominates the LGA's workforce;
- The declining ratio of workers to land area due to the increased mechanisation and replacement of manufacturing with freight and logistics is resulting in the requirement for more industrial land to accommodate the traditional blue collared workers; and
- Unemployment within the Fairfield LGA (12.7%) is significantly above the Sydney SD (3.8%).

Forecasting revealed:

- Between 2006 – 2016 there will be an additional 2,500 workers in industrial areas of the LGA
- Between 2006 – 2016 there will be a net increase of 3,322 workers in travel zones which are forecast to have an increase in number of workers
- At 2006 the occupied industrial zoned site area per worker was 268sqm. This rate was calculated based on the LGA comprising 719.7 ha (as at 2006) of occupied industrial land which accommodated some 26,844 workers.
- When applying this site rate (268sqm per worker) of industrial land per worker to the net increase of 3,322 workers, a demand of 89ha of industrial zoned land across the LGA between 2006 – 2016 results.

At the time of writing Hill PDA identified 55ha of vacant industrial land in the LGA that can be utilised to accommodate the majority of this demand. However to ensure competitiveness and to keep a check on industrial land price rises, it was recommended to maintain some supply of vacant land.

Given this, the overall conclusion is that to accommodate forecasted employment job numbers to 2016, it is estimated that some 100ha of additional industrial land needs to be provided.

The strategies identified by Hill PDA to encourage employment lands, promote/guide employment opportunity in the LGA, which will assist in alleviating the unemployment level and respond to market trends include:

- Council should promote a robust and diverse employment area.
- Preserve land that can accommodate relatively large floor plates (larger sized lots) and that are well serviced or connected to main road networks.
- Develop buffer zones of low impact industrial uses (e.g. storage, parking, and landscaped areas) around land developed for industrial to minimise its impact with residential uses.
- Encourage the clustering of industries. Businesses and industries with similar environmental impacts and business synergies should be clustered to reduce land use conflicts, improve business efficiency and identity.
- Ensure that subdivision is controlled to make certain land is not fragmented into parcels unsuitable for identified long term employment use. This is important so as to avoid fragmented ownership and increases in land value to the extent that it becomes economically unviable to consolidate in the future.
- Maintain high standards of environmental quality for industrial development which enhances the streetscape and amenity of industrial areas.



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park
Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

The Hill PDA report notes that in the long term there may be potential for business parks within the LGA. There may be demand in the future for genuine business incubators, where business parks can offer small businesses access to facilities and flexible space, and the ability to locate close to other innovation-focused businesses.

To benefit from the demand, Council should strengthen and foster appropriate industry sectors in the Fairfield LGA, which will act as economic drivers, using the 'clustering model'. The proposed estate provides a unique opportunity to address this strategic market edge and ensure Fairfield employment targets are met through appropriate forms of development.

A current economic snapshot supporting the findings of the Hill PDA report has been provided in **Section 6.6**.

4.4.5 Fairfield Retail and Commercial Centres Study 2005

Leyshon Consulting prepared the *Fairfield Retail and Commercial Centres Study* in June 2005 on behalf of Council. The report focused on the four (4) major retail/commercial centres in Fairfield:

- Fairfield CBD;
- Cabramatta;
- Bonnyrigg Town Centre; and
- Prairiewood.

The study also included an examination of three (3) neighbourhood-scale centres:

- Smithfield;
- Canley Heights; and
- Canley Vale.

It is important to note that the Leyshon report does not consider industrial lands and that the proposed development does not involve any retail uses. While commercial offices may be provided within the new estate, the activities associated with such development would most likely be either ancillary to an industrial use or be of a nature that is too large to be suitable for a retail centre and better suited to a corporate business park.

The Retail and Commercial Centres study notes the significant primary trade area for the major centres, including areas of great overlap. While the proposal is to be located in an area that will benefit from regional connectivity, the future uses will not be of a scale that will compete with the major centres in terms commercial floor space. No retail floorspace impact on the major centres will result from the proposal.

At the time of preparation of the Leyshon Study, the Smithfield neighbourhood centre (located at the corner of the Cumberland Highway and The Horsley Drive) was subject to a consent that increased the retail floorspace by over 3,000m² with new commercial floorspace of 300m². The centre was described as being of low amenity and was the subject of a civic improvements program by Council.

The Retail Centres Policy recommended under the Leyshon Strategy proposes a four-tier system of centres:

- Major sub-regional centres (Fairfield, Cabramatta, Bonnyrigg and Prairiewood)
- Large Neighbourhood Centres anchored by major retail tenant
- Local Shop Group – small cluster of shops without supermarket
- Specialist centres

Outside this structure, the Study suggests that council may need to review its approach to commercial development in industrial areas in the context of recent development trends and the potential for a change in the nature of activities and employment in industrial areas generally. The recommended strategy is this



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park
Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

instance is that projects in industrial areas containing in excess of 2,500m² of commercial space be located within 400 metres of access to public transport.

No further increase in retail floorspace to 2016 was identified for the Smithfield centre, most likely in response to the vacancy rates identified.

No vacancy data for commercial development was provided for Smithfield. No conclusion in terms of commercial space within the Smithfield centre was provided.

When the above conclusions are combined with the current market trends identified in **Section 6.6** as recommended by the Study, the proposal is not considered to have any significant impact on the viability and long-term performance of the existing retail and commercial centres and is in suitable proximity to bus services.

4.4.6 Direct (Section 94) Development Contributions Plan 2011

The *Direct (s94) Development Contributions Plan 2011* notes:

This Plan shall be applied to any development proposal that results in an increase in:

- (a) the number of residential dwellings or occupancies;*
- (b) the number of residential development lots; or*
- (c) the area of commercial or retail floor space where a developer cannot provide the required car spaces on site; or*
- (d) any combination of the above*

For any other development, Council's Indirect Contributions Plan 2011 applies.

As the proposal does not propose development that falls into one or more of the listed development categories, direct s94 contributions do not apply under this Plan. The *Indirect (s94A) Development Contributions Plan 2011* is addressed in the following section.

4.4.7 Indirect (Section 94A) Development Contributions Plan 2011

The *Indirect (s94A) Development Contributions Plan 2011* notes that development generated throughout the City will require ongoing improvements to community infrastructure including, but not limited to:

- Community facilities;
- Recreation and Open space embellishment;
- Public domain improvements and place making embellishments achieved through cultural arts works and installations;
- Road-works;
- Land acquisition for open space

The purposes of the Plan are to:

- (a) authorise the Council to impose as a condition of development or as a condition on complying development certificates, a requirement that the applicant pay to the Council a levy determined in accordance with this plan;*
- (b) assist the Council to provide the appropriate public facilities, infrastructure and services, which are required to maintain and enhance the amenity of those who live, work and recreate in Fairfield City;*
- (c) publicly identify the specific activities for which the levies are required; and*
- (d) govern the application of money to those activities.*



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park

Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

This plan applies to all applications for development consent and complying development certificates required to be made by or under Part 4 of the *Environmental Planning and Assessment Act 1979* in respect of development on land to which this plan applies, except development identified in relevant Ministerial Directions where Indirect Contributions cannot be imposed, or any development proposal relating to the land to which the *Direct (Section 94) Contributions Plan 2011* applies that results in an increase in:

- (a) the number of residential dwellings or occupancies;
- (b) the number of residential development lots; or
- (c) the area of commercial or retail floor space where a developer cannot provide the required car spaces on site; or
- (d) any combination of the above.

As State Significant Development falls under Part 4 of the EP&A Act and the proposed is not exempt under the above-listed categories of development, Contributions under the *Indirect (s94A) Development Contributions Plan 2011* will apply to the proposal as calculated by Fairfield Council.

4.4.8 Western Sydney Parklands Plan of Management 2010

The Plan of Management for the Western Sydney Parklands (WSP POM) was adopted by the Minister for Western Sydney on 25 January 2011.

The development of the WSP POM has involved a broad range of consultation activities designed to gain stakeholder feedback and suggestions on the future management of the Parklands.

The initial consultation process was conducted in two stages between June and November 2010. The second stage of the consultation process coincided with public exhibition of the draft Plan between 11 October and 22 November 2010.

The POM establishes the Vision for the Western Sydney Parklands as follows:

"Western Sydney Parklands is a place for people of all backgrounds to meet, celebrate, learn, play and appreciate the environment. The Parklands will be a venue for communities to create and manage a new sustainable future on the Cumberland Plain."

The principles that underline the WSP POM are to ensure the Parklands will be:

- **enjoyable** for people of all ages, cultural groups and backgrounds;
- **sustainable** in its management, development and promotion;
- **identifiable** as Western Sydney's 'backyard', welcoming and inclusive for all;
- **educational** and provide information about sustainable park management, agriculture, recreation and a range of other activities;
- **accessible to all** — physically, economically, in terms of safety, transport and other factors;
- **viable** economically for the Trust and for those using the land; and
- **in partnership** — the above can only be achieved by working together with stakeholders and the broader community.

The Vision and Principles have established the basis on which the proposal has been developed which will, in turn, enable the Trust to carry out its specific objectives for the 5 Key Strategic Directions as outlined in the adopted POM including:



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park
Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

In respect of Recreation and Parkland Infrastructure:

1. Improve access to the Parklands.
2. Create varied park spaces that encourage passive recreation.
3. Create venues and spaces that promote sport and active recreation.
4. Develop a cohesive and identifiable landscape character for the Parklands.
5. Promote the Parklands as a visitor and tourist destination.

In respect of Environment and Conservation:

1. Secure a bushland corridor along the entire length of the Parklands to improve biodiversity.
2. Maximise environment and conservation research and education opportunities.
3. Trust operations to achieve carbon neutral status.
4. Improve water quality and sustainable water use in the Parklands.
5. Encourage community involvement in the environmental restoration of the Parklands.
6. Protect and enhance the Parklands' Indigenous and Non-Indigenous cultural heritage.

In respect of Culture and Participation:

1. Maximise community awareness of the Parklands.
2. Increase community use of the Parklands.
3. Create a sense of community ownership of the Parklands.
4. Encourage children and young people to use the Parklands.
5. Reflect and respond to culturally diverse communities.
6. Promote the Parklands as a cultural venue.

In respect of Urban Farming:

1. Establish sustainable urban farming in the Parklands.
2. Promote urban farming as integral to urban futures.
3. Utilise underdeveloped land for farming in the interim prior to long term parkland development.

In respect of Parklands Development and Management:

1. Deliver sustainable management of the Parklands Trust's assets.
2. Maximise the use and community benefits of existing and new leased assets in the Parklands.
3. Develop new business opportunities to support the management and further development of the Parklands.
4. Allow for new infrastructure/utilities and achieve a balance between the recreation and aesthetic values of the Parklands and the infrastructure needs of external agencies.

The WSP POM, acknowledges that the Trust has been established as a self funded agency. To fully implement this Plan including developing facilities, programs and environmental initiatives, the Trust is developing an income stream of \$10 million per annum within the 10 year life of this Plan.

In order to achieve this goal a significant portion of income will be derived from developing long term leases for business purposes on 2 percent of its land over the long term to be able to deliver its mandate to create the largest parkland in Australia. This application is one step in achieving a business park referred to under this action.

The Trust will also supplement its income through recreation activities such as tourism, and venue and bike hire.

Creating a sustainable business model for large scale and diverse parklands is a challenge recognised under the POM. As such, Outcomes to achieve the five Strategic Directions have been developed to guide the Trust.



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park

Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

The specific Outcomes giving formal basis to the proposed development are identified under the Parklands Development and Management Strategic Direction as:

"Lease up to 2 percent of the Parklands over a number of sites for business uses to generate income to manage the Parklands."

To achieve this Outcome, the WSP POM enables the Trust to undertake the following Actions:

- *Develop Business Hubs in appropriate locations in the Parklands.*
- *Establish consultative committees with Blacktown, Fairfield and Liverpool City Councils to explore locations and land uses for Business Hubs, and consult with relevant State Government agencies and others as required.*
- *Improve the Parklands income base by moving from small, short term lease assets to longer term, high-yield lease assets.*
- *Develop partnerships with government and non-government entities to encourage investment in environmental, recreational, cultural or agricultural programs.*
- *Work with lessees to increase their business opportunities and marketing profile to attract a broader range of users and enhance community reach.*

The Plan focuses on what will be delivered over the next 10 years as well as the interim land uses. Under this forecast, business hubs are nominated as having a maximum 2% land area within the Parklands in the long-term. It is important to note that the proposed Horsley Drive Business Park Estate represents only a small percentage of the total 2% available for business hub development.

The POM provides the criteria against which the Trust can select business hubs, being:

1. *Land uses should generate an appropriate commercial return and 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.*

The relatively minor area of the business hubs is demonstrated when compared against other land uses within the Parklands (**Figure 14**).

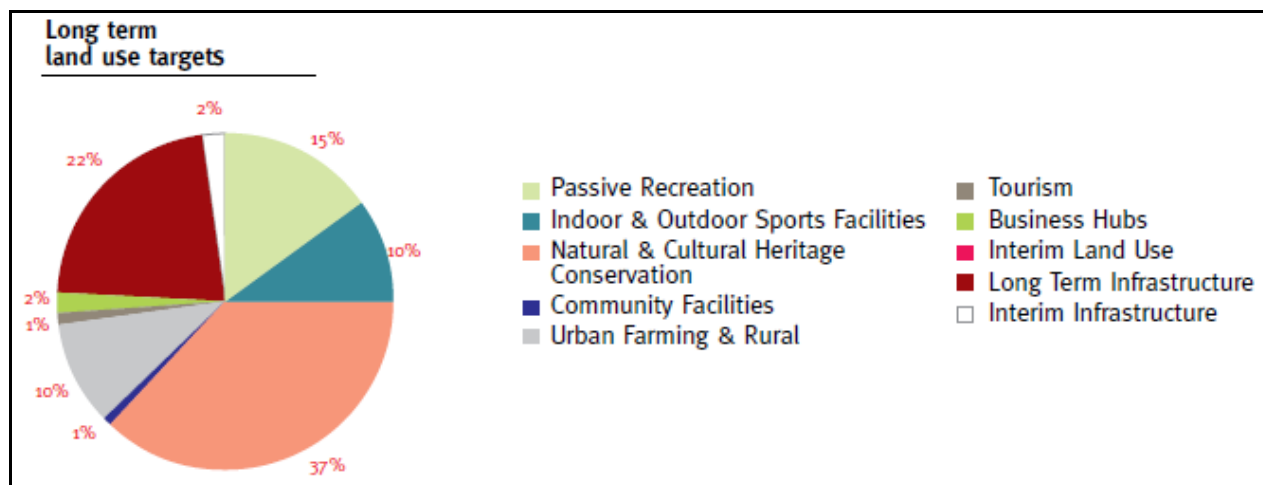


Figure 14 – Western Sydney Parklands Long-Term Land Use Breakup (Source: WSP POM, 2010)



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park

Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

The POM also establishes management priorities for individual precincts across the Parklands. The proposed business park will be located in Precinct 9 – Horsley Park. As shown in **Figure 15**, the development will not be located in an area that was reserved for environmental or recreational purposes.

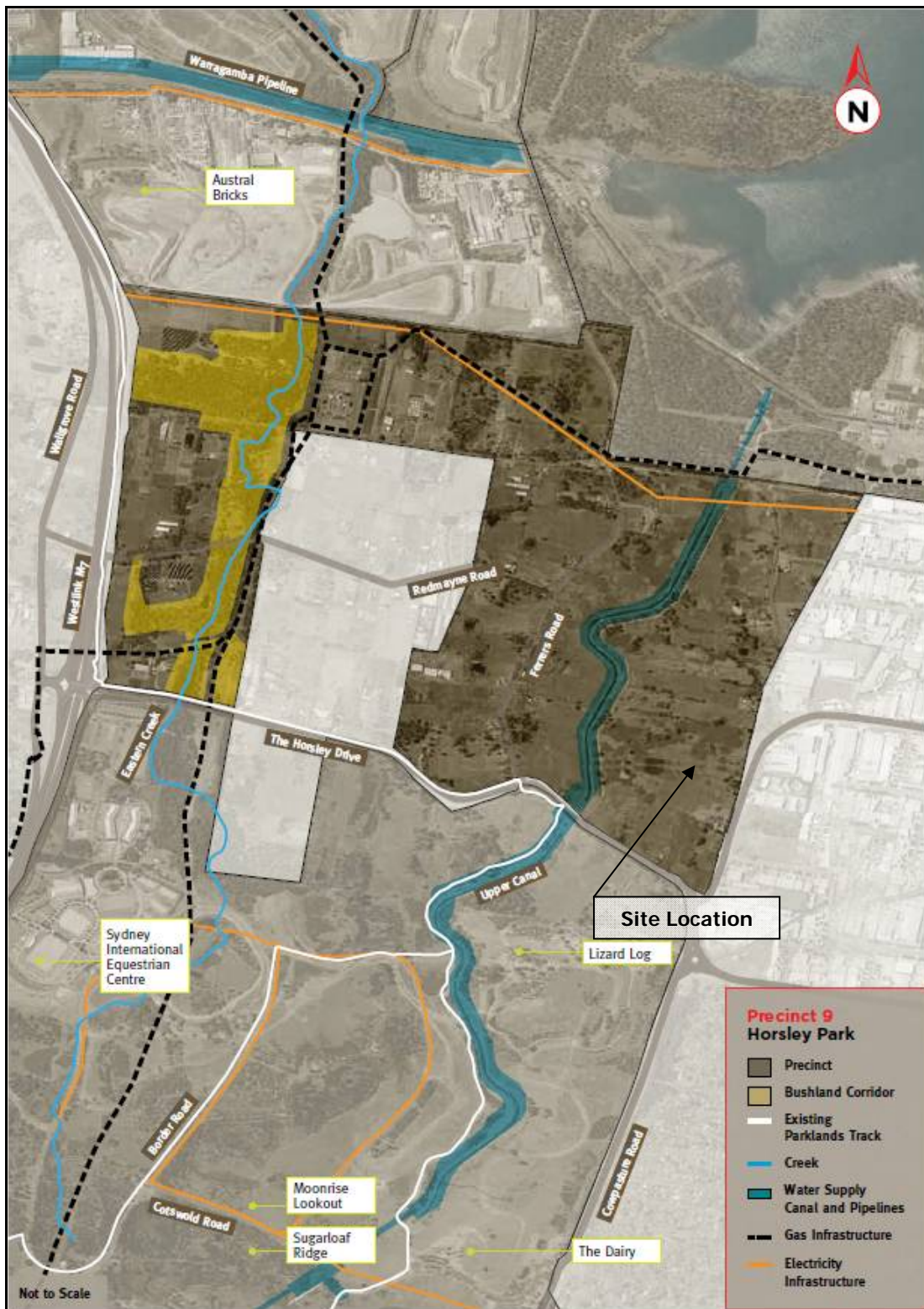


Figure 15 – Western Sydney Parklands Precinct 9 Priorities (Source: WSP POM, 2010)



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park
Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

PART E CONSULTATION

In preparation of this application, the Project Team has consulted with the following:

- NSW Department of Planning and Infrastructure Major Projects Unit and Major Hazards Unit
- NSW Office of Environment and Heritage
- NSW Road and Maritime Services
- Sydney Water, and
- Fairfield City Council.

The outcomes of these consultations is summarised below.

5.1 NSW DEPARTMENT OF PLANNING AND INFRASTRUCTURE

Following the issue of the Director-General Requirements in March 2012, a Pre-Application Meeting was held with the Department of Planning and Infrastructure on 31st May 2012.

Attendees were:

Suellen Fitzgerald	Western Sydney Parklands
Tim Colless	Western Sydney Parklands
David Gibson	Department of Planning and Infrastructure
Ben Eveleigh	Department of Planning and Infrastructure
Nathaniel Murray	McKenzie Group Consulting

No formal minutes of this meeting are provided; however, the key matters discussed involved:

- Status of Environmental Impact Statement (EIS);
- Process of lodgement and timeframe;
- Status of Acquisition of Lot 10 in DP 879209; and
- Confirmation of variation to Water Management Plan requirements as a result of Sydney Water consultation (deferred to construction of individual lots).

The EIS and supporting documentation has been prepared to address these matters.

5.2 NSW OFFICE OF ENVIRONMENT AND HERITAGE

The NSW Office of Environment and Heritage (OEH) was notified of the project by Dominic Steele Archaeology (letter dated 25 April 2012). The OEH responded (as dated 1st of May 2012) with the same list of Aboriginal stakeholders (excluding the GLALC) known to the OEH that may have an interest in the project.

It is also noted that the Office of the Registrar (Aboriginal Land Rights Act 1983 [NSW]) was also notified (letter dated 25 April 2012). The Office of the Registrar responded (dated 3 May 2012) that an officer had:

"searched the Register of Aboriginal Owners and the project area described does not have Registered Aboriginal Owners pursuant to Division 3 of the Aboriginal Land Rights Act 1983 (NSW)."

The NSW Heritage Branch was also notified (letter dated 25 April 2012) and did not provided any response.

The Heritage Impact Assessment has been prepared to address all correspondence received.



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park
Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

5.3 ROADS AND MARITIME SERVICES (ROADS AND TRAFFIC AUTHORITY)

Traffic met with the NSW Roads and Maritime Services on 19th April 2012.

In attendance at this meeting was:

James Hall	RMS
Stella Qu	RMS
Steven Ackeman	RMS
Janusz Bobryk	RMS
Daizil Marwan	RMS
Andrew Johnson	Traffic
Piran Trethewey	Traffic

The objectives of the meeting were:

- Confirm the scope of the assessment
- Confirm the methodology proposed, and
- Identify any requirements of the RMS

Traffic record of the meeting is provided as follows. A copy of this record was issued to James Hall at RMS on 2 May 2012:

Scope and Methodology

- *The RMS confirmed that the intersections to be assessed as part of the assessment is as per its letter dated 5 March 2012.*
- *RMS confirmed that the use of Paramics is acceptable and in accordance with its requirements for a 4 step model as identified in its letter dated 5 March 2012*
- *Scenarios to be assessed include:*
 1. *Existing - AM/PM*
 2. *Existing + 10year growth + development traffic*
- *Traffic proposed that the trip rates to be adopted should reflect those used for the assessment of the Erskine Park Link Road assessment undertaken on behalf of the RMS.*
- *In this regard the trip rates used in this assessment ranged from 8.9- 10 veh/hr per developable Ha. The RMS was to confirm that this is appropriate. A follow up email was sent on 2 May 2012 to the RMS seeking clarification of this.*
- *RMS is to provide TRAFFIX with Data outputs for 2016 and 2026. These outputs are to be reviewed and the 10 year growth rates are to be interpolated.*
- *RMS confirmed that the future year directional splits to be adopted are 70:30 in the direction of peak flow.*
- *RMS to provide distribution of traffic to/from the development for the future year assessment in accordance with its EMME2 model.*
- *RMS requires that SIDRA intersection analysis is to be included in the submission.*
- *The assessment is not required to include the signalised pedestrian crossing on the Horsley Drive between Ferraers Road and Cowpasture Road*
- *Observed heavy vehicle count (8%) to be adopted rather than RMS default values.*



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park
Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

RMS Requirements and additional considerations

- *Access by the Horsley Drive would be considered subject to review of the modelling results. Should access be provided this will need to be in accordance with the requirements of Austroads and RMS Supplements. Consideration to a left in only for cars may be an appropriate solution.*
- *RMS stated that no works are currently identified in the area that would impact the assessment. This was however to be confirmed*
- *RMS raised concerns regarding exit movements to the site via the existing roundabout controlled intersection of Newton Road and Cowpasture Road. In this regard the RMS suggested that exit movements in this location should be left out only.*
- *The Existing AM/PM model is to be reviewed by RMS prior to any further scenario testing.*

The Traffic Impact Assessment has been prepared in accordance with this record.

5.4 SYDNEY WATER

Sydney Water was consulted regarding the need for an 'Integrated Water Management Plan' under DGRs. Given the application relates only to subdivision and associated infrastructure works, a Water Management Plan is not required at this stage. The following advice from David Demer (Growth Officer) was provided by email on 29 May 2012:

"... if it's for subdivision approval, then a Water Management Plan would be premature. If the Environmental Assessment includes a subdivision layout plan, intended use, scale/size of the future development, and any anticipated connection points to our systems that would help us to assess water consumption and sewage discharge quantities. This is the type of information you may be including in your EA anyway, so it is not necessary for you to prepare a specialised Water Management Plan."

A copy of this correspondence is attached at **Appendix 17**. A Stormwater Management Plan addressing water sensitive urban design (WSUD) and water conservation measures is attached at **Appendix 7**.

5.5 FAIRFIELD CITY COUNCIL

The Western Sydney Parklands Trust met with staff from Fairfield (as well as Liverpool and Blacktown City Councils separately) on several occasions during 2011. This initial round of consultation resulted in a preliminary list of 10 possible sites in each LGA (30 potential sites across the Parklands), with the aim of then assessing the most viable business hub locations for further investigation.

In mid 2011 the Trust commenced a second round of consultation with Fairfield Council for a preferred business hub location situated at the corner of The Horsley Drive and Cowpasture Road, Wetherill Park (known as the Horsley Drive Business Park).

Consultation regarding the development of the Horsley Drive business hub has included briefings and contact with a wide range of stakeholders including Fairfield Council officers, numerous business groups and industry associations, relevant state and federal MPs, government agencies and local community groups.

Consultation activities focused on seeking feedback about potential locations for business hubs and were in addition to the statutory consultation with government agencies as required in the DGRs. The aim of consultation was to provide stakeholders with information about the proposal, and to help develop an understanding of potential issues and opportunities that may require more detailed investigation by the project team. A summary of the consultation activities undertaken by the Trust is provided below:



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park
Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

19 April 2011 – Preliminary identification of potential business hub sites Attendees at this meeting were:

Rhonda Tyne	Fairfield Council
Andrew Mooney	Fairfield Council
Daniel Favotto	Fairfield Council
Suellen Fitzgerald	Western Sydney Parklands Trust
Kerry Jahangir	Western Sydney Parklands Trust
Eric Brodie	Cadence
Kathy Jones	KJA

8 July 2011 – Discussion and feedback on short listed sites. Attendees at this meeting were:

Rhonda Tyne	Fairfield Council
Andrew Mooney	Fairfield Council
Daniel Favotto	Fairfield Council
Suellen Fitzgerald	Western Sydney Parklands Trust
Kerry Jahangir	Western Sydney Parklands Trust
Eric Brodie	Cadence
Kathy Jones	KJA

19 July 2011 – Presentation of shortlisted sites including status of investigation. Attendees at this meeting were:

Suellen Fitzgerald	Western Sydney Parklands Trust
Brendon Cotty	Western Sydney Parklands Trust
Rhonda Tyne	Fairfield Council
Andrew Mooney	Fairfield Council
Daniel Favotto	Fairfield Council

The first meeting between the Project Team and Fairfield Council to discuss the requirements of the SSD application was held on 01st May 2012. In attendance at this meeting was:

Andrew Mooney	Fairfield Council
Dan Favotto	Fairfield Council
Erin Sellers	Fairfield Council
Phil (surname unknown)	Fairfield Council
Joe Bazergy	Fairfield Council
Tim Colless	Western Sydney Parklands Trust
Mark Wilson	Costin Roe
David Vago	Habitation
Simone Marsh	Habitation
Nathaniel Murray	McKenzie Group

A record of the meeting as taken by Tim Colless and sent Council on 30 May 2012 is provided as part of **Appendix 17**.

An additional meeting was undertaken with Council staff on 29 May 2012 to discuss traffic matters as well as further details in relation to the civil engineering design, attended by:

Andrew Mooney	Fairfield Council
Dan Favotto	Fairfield Council
Erin Sellers	Fairfield Council
Nona Ruddell	Fairfield Council
Joe Bazergy	Fairfield Council
Tim Colless	Western Sydney Parklands Trust
Mark Wilson	Costin Roe



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park
Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

Andrew Johnson

Traffix

A record of the meeting as taken by Tim Colless and sent Council on 29 May 2012 is provided as **Appendix 17**.

Fairfield City Council was also notified by Dominic Steele Archaeology in terms of heritage matters (letter dated 25 April 2012). No response was received by Council in respect of this notification.

The EIS and supporting documentation as been prepared in consideration of the consultation with Council.

5.6 COMMUNITY GROUPS AND STAKEHOLDERS

In accordance with relevant OEH and statutory guidelines, Dominic Steele Consulting Archaeology identified, notified, and registered Aboriginal persons and group who may hold cultural knowledge relevant to determining the cultural significance of the property.

A Public Notice was published in the *Fairfield Advance* on the 25th of April 2012. Concurrent with the Public Notice, the following organisations were also notified of the project (letters dated 25 April 2012):

- Deerubbin Local Aboriginal Land Council (DLALC).
- Gandangara Local Aboriginal Land Council (DLALC).
- Darug Custodian Aboriginal Corporation (DCAC).
- Darug Tribal Aboriginal Corporation (DTAC).
- Darug Aboriginal Cultural Heritage Assessments (DACHA).
- Darug Aboriginal Land Care Incorporated (DALCI).
- Gunjeewong Cultural Heritage Aboriginal Corporation.
- Darug Land Observations (DLO).
- Yarrowalk.
- Registrar – NTS Corp Limited.

Responses from each group are detailed and addressed in the Heritage Impact Assessment; however, no response was received from NTS Corp Ltd.

The Western Sydney Parklands Trust has also undertaken extensive community and stakeholder consultation prior to undertaking any application to the Department of Planning and Infrastructure seeking Director Generals Requirements.

Throughout 2010, the Western Sydney Parklands Trust undertook a detailed program of consultation to assist in the development of a 10 year Plan of Management that would set the framework for future management of the Parklands. To help identify suitable locations for business hubs, the Trust committed to establishing a consultative working group with each of the three Parklands' Councils. The purpose of the working groups was to identify issues and opportunities, and to gain feedback on potential sites and appropriate land uses for business hubs in each Council's LGA.

Following the 2011 consultation with Council to determine the option sites, from early 2012, the Western Sydney Parkland Trust began a broader range of consultation with key stakeholder groups. This included presentations to various industry associations and business groups, local chambers of commerce, state and federal government agencies, local members of Parliament and environmental groups. A list of groups and individuals consulted to date is provided as follow:

- Member for Smithfield Andrew Rohan,
- Member for Parramatta Dr Geoff Lee,
- Member for Penrith, Stuart Ayres
- Minister for Planning's Office
- Department of Planning and Infrastructure – Assessment Group
- Fairfield Council Executive Manager City Outcomes
- Smithfield-Wetherill Park Chamber Of Commerce & Industry Inc
- Fairfield City Chamber of Commerce



Environmental Impact Statement

SSD 5169 – Horsley Drive Business Park

Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

- Penrith Business Alliance
- Western Sydney Region Organisation of Councils
- Western Sydney Conservation Alliance
- Durag Custodial Aboriginal Corporation
- Regional Development Australia
- Western Sydney Business Connection
- Rural Fire Service
- Department of Education, Employment & Workplace Relations
- NSW Business Chamber (Western
- Westlink M7
- Horsley Park Progress Association

In addition the Trust undertook a letter box drop of businesses in the Wetherill Park Industrial precinct and has also notified the following in writing:

- Prospect Heritage Trust
- Member for Mount Druitt, Richard Amery
- Rooty Hill RSL, Andrew Eastham
- Member for Fairfield, Guy Zangari
- Member for Liverpool, Paul Lynch
- Member for Blacktown, John Robertson
- Member for Chifley, Ed Husic
- Member for Greenway, Michelle Rowlands
- Member for McMahon, Chris Bowen
- Member for Hawkesbury, Ray Williams
- Member for Parramatta, Geoff Lee
- Member for Smithfield, Andrew Rohan
- Member for Mulgoa, Tanya Davies
- Member for Wollondilly, Jai Rowell
- Member for Campbelltown, Bryan Doyle
- Member for Camden, Chris Patterson
- Member for Hughes, Craig Kelly
- Member for Fowler, Chris Hayes
- Member for Werriwa, Laurie Ferguson
- Deerubbin Local Aboriginal Land Council
- South West Sydney Business Connection
- Clearly Business

