



RESPONSE TO SUBMISSIONS SSD 5169

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



**Western Sydney
Parklands Trust**



Western Sydney Parklands

October 2012

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PART A PRELIMINARY

1.1 INTRODUCTION

This Response to Submissions (RTS) has been prepared by McKenzie Group Consulting on behalf of the Proponent, The Western Sydney Parklands Trust (the Trust), and is submitted to the New South Wales Department of Planning and Infrastructure (DoP&I) in support of the proposed Horsley Drive Business Park development located at the corner of The Horsley Drive and Cowpasture Road, Wetherill Park.

The project is a State Significant Development (SSD) under *State Environmental Planning Policy (State and Regional Development) 2011* (Reference: SSD-5169). This Report responds to, and addresses, the submissions received following the public exhibition of the Environmental Impact Statement (EIS) prepared for this proposal.

Clause 85A of the *Environmental Planning and Assessment Regulation 2000* permits the Director-General of the DoPI to require the Applicant to provide a written response to issues raised in submissions. This Response to Submission (RTS) report aims to fulfil the request from the Director General.

This RTS report is structured as follows:

- Part A** Introduction, Overview of the Proposed Development and the Site
- Part B** Overview of the exhibition period and Summary of the submissions received.
- Part C** Response to the submissions.
- Part D** Revised Statement of Commitments.
- Part E** Conclusion.

The RTS report is supported by the following Appendices:

- Appendix 1** Full Copy of Submissions
- Appendix 2** Revised Proposed Plan of Subdivision
- Appendix 3** Arboricultural Assessment
- Appendix 4** SLR Response to OEH Comments
- Appendix 5** Revised Civil Engineering Report and Plans
- Appendix 6** RMS Road Concept Design consultation documentation
- Appendix 7** Revised Landscape Plan
- Appendix 8** Revised Acoustic Report
- Appendix 9** Revised Development Cost Report
- Appendix 10** Fairfield Council Consultation Documentation



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1.2 PROPOSED DEVELOPMENT

The proposed SSD application seeks approval for the development of a new business park to be located at the corner of The Horsley Drive and Cowpasture Road, Wetherill Park. Specific elements of the proposal are outlined in detail within the EIS. In summary, the proposal will involve:

- Demolition and remediation
- Subdivision to create twelve (12) lease-hold development lots, one (1) OSD lot and access road.
- Bulk and detailed earthworks
- Estate Infrastructure (internal estate road, common area stormwater management, provision of services); and
- Estate Landscaping.

The proposed development is planned to be undertaken in three (3) stages.

It is envisaged that the lots created will be used for a range of industrial activities suitable for a 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.

It is noted that the original Plan of Proposed Subdivision submitted as part of the SSD Application did not indicate that the On-site Stormwater Detention basin would be located within its own allotment. A revised Plan of Proposed Subdivision indicating this arrangement is provided as **Appendix 2**.

Minor reconfiguration of the access handle/easements for Proposed Lot 4 has also been undertaken (resulting in slight amendment to the areas of Lots 3, 4 and 5). The changes are minor in nature and remain substantially the same as the design originally proposed. These changes are reflected in the Revised Plan of Proposed Subdivision.



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1.3 SITE LOCATION

The proposal is to be located across eighteen (18) land parcels 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. No change to the proposed development area is required in response to the submissions.

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 1** and shown in **Figures 1 and 2**.

The location of the site within the context of the overall Western Sydney Parklands is shown in **Figure 3**.

TABLE 1 – 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



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



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



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PART B EXHIBITION AND SUBMISSIONS

An Environmental Impact Statement (EIS) was prepared to assess the environmental impacts of the Project. The EIS was placed on public exhibition between 11 July 2012 and 27 August 2012. The EIS was also made available on the NSW Department of Planning and Infrastructure (DoPI) website. During this period, submissions were invited from anyone with an interest in the Project.

A summary of all the submissions received by the Public is outlined in **Table 2**. A summary of all the submissions received by agencies is outlined in **Table 3**. These Tables also indicate which Section in Part C of this RTS each matter raised in the relevant submission is addressed.

In total, five (5) submissions were received by the Public. Two (2) of these were by the same individual.

An additional seven (7) submissions were received by the following Agencies:

1. Fairfield City Council (FCC);
2. Environmental Protection Authority (EPA);
3. Office of Environment and Heritage (OEH);
4. Office of Environment and Heritage – Heritage Branch;
5. Sydney Catchment Authority (SCA);
6. Roads and Maritime Services (RMS); and
7. Department of Planning and Infrastructure (DoPI).

A full copy of each submission is provided as **Appendix 1**.

The submissions that were received generally fall into the following categories:

- Project Staging and Process
- Future Land Use and Urban Design
- Biodiversity
- Flood Risk Management
- Stormwater Management
- Contamination and Remediation Heritage
- Heritage
- Traffic and Intersection Design
- Landscape Design
- Acoustic
- Air Quality
- Waste Management
- Developer Contributions
- Council's Recommended Conditions of Consent

Part C of this RTS provides responses to each of these items.



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TABLE 2 – Summary of Public Submissions Received

#	Name/s	Summary of Submission	Category	Response
1	Name Withheld	Support for proposed development.	N/A	N/A
#	Name/s	Summary of Submission	Category	Response
2	Name Withheld	Advised the site would be parklands and was not likely to happen in near future. Concern about having to relocate residence by 2013. Requests 2014 deadline.	Project Staging and Process	Part C – Section 3.1
#	Name/s	Summary of Submission	Category	Response
3	Gabriel and Violet Menolotto	Support for the proposed development. Requests estate road to be named 'Menolotto' upon completion.	N/A Project Staging and Process	N/A Part C – Section 3.1
#	Name/s	Summary of Submission	Category	Response
4 & 5	Wayne Olling	Humane consideration of flora and fauna to be provided , including humane translocation of eels, tortoises and other water fauna to the storm water retention basin.	Biodiversity	Part C – Section 3.3
		Request for retention of Eucalyptus trees near site boundaries	Biodiversity	Part C – Section 3.3



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TABLE 3– Summary of Agency Submissions Received

#	Agency	Summary of Submission	Category	Response
6	Fairfield City Council (FCC)	Council objects to potential establishment of commercial development within the Business Park aimed at meeting the day to day needs of residential areas and industrial workforce.	Future Land Use and Urban Design	Part C – Section 3.2
		A full 20m landscaped setback to be applied along the entire frontage to the site to The Horsley Drive.	Landscape Design	Part C – Section 3.9
		Request that any approval issued for the Business Park includes a condition requiring a high standard or urban design to the facades of buildings along The Horsley Drive.	Future Land Use and Urban Design	Part C – Section 3.2
		A relevant professional should undertake a report confirming there will be no detrimental impacts on the Bunya Pine and if necessary the detention basin be redesigned.	Biodiversity	Part C – Section 3.3
		Indirect (1%) contributions apply to the Development.	Developer Contributions	Part C – Section 3.13
		Construction hours.	Acoustic	Part C – Section 3.10
		Background noise monitoring including map.	Acoustic	Part C – Section 3.10
		Analysis of the potential noise impacts of site operations on the nearest receptors.	Acoustic	Part C – Section 3.10
		Justification for not complying with NSW EPA Sampling Design Guidelines.	Contamination and Remediation	Part C – Section 3.6
		Consider site use and any potential contaminating activities since the 2010 and 2011 sampling events.	Contamination and Remediation	Part C – Section 3.6
		Characterisation of elevated arsenic, nickels, cadmium, copper and zinc in groundwater as reflecting background levels.	Contamination and Remediation	Part C – Section 3.6
		Proposed land farming activities including, but not limited to stockpiles, odour control measures to be employed, measures to prevent off-site migration of contaminated soils etc	Contamination and Remediation	Part C – Section 3.6
		Number of parking spaces provided for the use of Warehouse is considered sufficient. If the applicant proposes change of use in the future, the adequacy of parking needs to be reviewed.	Future Land Use and Urban Design	Part C – Section 3.2
		Separate approval is required from the RMS in regards to the proposed signalisation of the Roundabout at Newton Road and Cowpasture Road including the banning of right turn movements from Newton Road into Cowpasture Road. This process will also require consultation with business owners in Newton Road.	Traffic and Intersection Design / Project Staging and Process	Part C – Section 3.8 / Part C – Section 3.1



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		Recommended Conditions of Consent were issued.	Recommended Conditions of Consent	Part C – Section 3.14
#	Agency	Summary of Submission	Category	Response
7	Environmental Protection Authority (EPA)	Noted that EPA is Appropriate Regulatory Authority under POEO Act.	Project Staging and Process	Part C – Section 3.1
		Requests that hours of construction be in line with Interim Construction Noise Guideline 2009 and specified hours.	Acoustic	Part C – Section 3.10
		Recommendation that the conditions of any consent require an Erosion and Sediment Control Plan to be development and implemented as per <i>Managing Urban Stormwater: Soils and Construction</i> .	Stormwater Management	Part C – Section 3.5
		Questions whether land farming is the best method of remediation	Contamination and Remediation	Part C – Section 3.6
		Suggestion that monitored natural attenuation a suitable approach to groundwater contamination. Further tests of groundwater plume required.	Contamination and Remediation	Part C – Section 3.6
		Recommendation that the conditions of any consent require a Site Audit Statement.	Contamination and Remediation	Part C – Section 3.6
		Recommendation that the conditions of any consent require an Air Quality Management Plan.	Air Quality	Part C – Section 3.11
		Recommendation that the conditions of any consent require a detailed Waste Management Plan.	Waste Management	Part C – Section 3.12
#	Agency	Summary of Submission	Category	Response
8	Office of Environment and Heritage (OEH)	OEH agrees with ACH assessment. No further indigenous investigations required	Heritage	Part C – Section 3.7
		Considers Ecological Report to be inadequate in respect to: <ul style="list-style-type: none"> - site inspection clarification - no reference to OEH mapping - definition of Cumberland Plain Woodland - full Wildlife Atlas reference required/Appendix B species survey - remnant vegetation is considered to have value by OEH - recovery Plan for CPW being in force - any loss of EECs should be offset / none provided at this stage. 	Biodiversity	Part C – Section 3.3



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		Further consideration should be given to Floodplain Risk Management in respect of: <ul style="list-style-type: none"> - rare floods between 1 in 100 year event to PMF event - impact of development on flood behaviour, levels, velocities, duration on adjacent downstream and upstream areas - impact of rare flooding up to PMF on the proposed development - sensitivity analysis to determine impact from climate change - possibility and merits of flood-free access / Emergency Response Plan 	Flood Risk Management	Part C – Section 3.4
#	Agency	Summary of Submission	Category	Response
9	Sydney Catchment Authority (SCA)	Confirmation that the adjoining Canal is a controlled area in which public access is restricted.	Project Staging and Process	Part C – Section 3.1
		Confirmation the upper canal is heritage listed and must be considered.	Heritage	Part C – Section 3.7
		Prior approval for any access to canal and access points to Canal to be retained or provided where necessary.	Project Staging and Process	Part C – Section 3.1
		Details of proposed earthworks, retaining walls or construction along boundary to be provided to SCA.	Project Staging and Process	Part C – Section 3.1
		No impact to water quality or damage to infrastructure.	Stormwater Management	Part C – Section 3.5
		Stormwater system to not impeded upstream flows.	Stormwater Management	Part C – Section 3.5
		Security fencing to be installed to SCA specification.	Landscape Design	Part C – Section 3.9
		Draft controls being prepared that should be take into consideration. Controls to be provided to DoPI.	Project Staging and Process	Part C – Section 3.1
		Future consultation requested for future works or reports near canal.	Project Staging and Process	Part C – Section 3.1



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#	Agency	Summary of Submission	Category	Response
10	Office of Environment and Heritage – Heritage Branch	In the event archaeological remains are encountered during excavation in areas other than those already identified as archaeologically sensitive in this report, the Heritage Branch must be advised and further works only be carried out in accordance with the Heritage Council guidelines for the management of archaeological remains	Heritage	Part C – Section 3.7
		If, during development process, evidence of any Aboriginal archaeological site or relic is found other than that already identified, all work on the site is to cease and the National Parks and Wildlife Service (NSW) and the Heritage Branch contacted immediately.	Heritage	Part C – Section 3.7
		A landscaped area must be developed along the Sydney Water Canal as soft barrier to protect the setting of the canal. Effort should also be made to ensure any buildings along the canal frontage do not present high blank walls. It would be preferable to have stepped built form along the canal frontage.	Heritage / Landscape Design	Part C – Section 3.7 / Part C – Section 3.9
#	Agency	Summary of Submission	Category	Response
11	Roads and Maritime Services (RMS)	Warrants to be satisfied for the proposed traffic signals at the intersection of Cowpasture Road/Newton Road/Access Road.	Traffic and Intersection Design	Part C – Section 3.8
		Requested a concept road design layout of the proposed signalised intersection overlayed on a survey plan to ensure that it can be physically constructed within the existing road corridor.	Traffic and Intersection Design	Part C – Section 3.8
		Further information on the type of land use activity in order to determine employment density, which will provide an indication on the number of parking spaces required for the proposed development.	Future Land Use and Urban Design / Traffic and Intersection Design	Part C – Section 3.2 / Part C – Section 3.8
#	Agency	Summary of Submission	Category	Response
12	Department of Planning and Infrastructure (DoPI)	Particular consideration to be given to biodiversity comments made by the Office of Environment and Heritage.	Biodiversity	Part C – Section 3.3
		Particular consideration to be given to contamination comments by Environmental Protection Authority	Contamination and Remediation	Part C – Section 3.6
		Particular consideration to be given to stormwater management comments by Sydney Catchment Authority	Stormwater Management	Part C – Section 3.5
		Particular consideration to be given to the land use and design comments by Fairfield City Council.	Future Land Use and Urban Design	Part C – Section 3.2
		Site Audit Statement to be provided	Contamination and Remediation	Part C – Section 3.6



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PART C RESPONSE TO SUBMISSIONS

This Part provides responses to each of the issues raised in the submissions.

3.1 PROJECT STAGING AND PROCESS

- *Relocation of Existing Residents*

The matter in relation to the timing of the proposal and need for residents to relocate is tenancy agreement matter between the resident and the Trust. The submission does not form a matter for consideration during the assessment.

- *Naming of Estate Road*

The process associated with the naming of the Estate Road is outside the current assessment and will be dealt with following Project Approval via the normal procedures.

- *Approvals, Permits and Licences*

The proponent acknowledges that the Environmental Protection Authority is the Appropriate Regulatory Authority for the purposes of the *Protection of the Environmental Operations Act*.

The Statement of Commitments confirms that all necessary approvals, permits and licences shall be obtained as required from the EPA and any other regulatory authority as relevant.

The Trust also acknowledges that RMS approval will be required in relation to the proposed signalised intersection of the existing roundabout.

- *Consideration of Draft SCA Controls*

Sydney Catchment Authority (SCA) has advised that draft controls are currently being prepared and should be considered. It is also noted that these controls would be issued to the Department of Planning and Infrastructure. At the time of preparation of this RTS, no draft SCA controls have been advised.

- *Consultation*

In accordance with the SCA submission, the Proponent acknowledges that the adjoining Canal is a controlled area in which public access is restricted. Prior approval for any access to canal will be sought. Access points to Canal to be retained or provided where necessary.

Future consultation will also be undertaken with SCA in relation to any future works or reports adjacent to the canal. The development plans related to the subject proposal will be issued to SCA.

Future notification of the intersection works to Cowpasture Road/Newton Road will also be undertaken with the business owners in Newton Road as requested by Fairfield City Council.

It is noted that since the receipt of submissions, additional consultation with the following authorities has occurred and included within this Response to Submissions report:

- Fairfield City Council
- Roads and Maritime Services
- Office of Environment and Heritage



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3.2 FUTURE LAND USE AND URBAN DESIGN

- *Land Use*

Fairfield City Council has raised concern to the potential establishment of commercial development within the proposed Business Park that would attract day to day needs of residential areas and industrial workforce.

The Proponent confirms that no stand alone commercial or retail development is to be provided within the business park. Offices to be developed will only be ancillary to employment-generating industrial/business park activities.

While the specific use of each lot will be subject to a separate Development Application, it is reiterated that the intended outcomes for the site, as outlined within the Environmental Impact Statement, is to create an business park that supports such activities such as high tech businesses, logistics and warehousing.

While the EIS details a number of 'office' economic statistics for the region, this data has been included to provide support only for those uses that are not suited to locations within commercial/retail centres due to the nature of their activities, such as call centres and the like.

It is acknowledged that Roads and Maritime Services (RMS) has requested further information on the type of land use activity in order to determine employment density, which will provide an indication on the number of parking spaces required for the proposed development.

As outlined within the EIS and supporting Traffic Impact Assessment, a nominal gross floor area (GFA) of 95,400m² has been adopted to assess the parking requirements of the future development.

Using Council rate (1.0 spaces per 80m²), 1,193 spaces would be required. Under RMS guidelines, (1.0 spaces per 300m²) 318 spaces would be required.

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. However, consideration has also been given to state planning policy objectives for private traffic reduction as well as other precedents for similar development within the Fairfield LGA, a suitable middle ground of 1 space per 200m² was adopted. At the proposed rate of 1.0 spaces per 200m², 477 spaces would be required.

It is requested that future development applications be assessed against the adopted 1 space per 200m² GFA.

- *Urban Design*

No buildings form part of the current proposal and, like the specific activities to be undertaken, will be subject to separate future assessment. Notwithstanding, the Trust accepts that the urban design of the future development of the site must be of high quality, with particular emphasis on the facades fronting the Horsley Drive.

The Trust will vet all proposed base build designs for the proposed estate before they are submitted for consideration within a formal development application. The Statement of Commitments has been updated to reflect this requirement.



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3.3 BIODIVERSITY

- *Relocation of Aquatic Fauna*

The submissions received from Mr Olling in relation to the relocation of aquatic fauna from the existing water sources to the proposed detention basins cannot be achieved as the proposed basins will be dry.

Suitable management of aquatic fauna will be undertaken to minimise potential harm to these species during the development.

- *Retention of Vegetation*

Council has requested confirmation that the heritage-listed pine located beyond the site boundary at the corner of Cowpasture Road and The Horsley Drive will not be impacted by the proposed detention basin near this location.

An arborist report has been prepared by Tree and Landscape Consultants (TALC) to assess the potential impact of the basin design and location and is attached as **Appendix 3**.

The report finds that of the trees, one (1) Bunya Pine and one (1) Monterey Pine, the Bunya Pine is most significant from an arboricultural perspective. The report recommends that detention basin be located at least 3.6 metres from the trunk of this tree (an increase from the proposed 2.4m). Additional management measures to protect the tree are also to be implemented and include:

- a. That the Bunya Pine be retained and protected. A Tree protection zone is to be established at a setback of 11.8 metres within the site boundaries from the trunk centre prior to commencement of any site works.
- b. All excavation at the closest edge of the stormwater detention basin being 3.6 metres from the trunk centre of the Bunya Pine to be undertaken using hand tools and light machinery under supervision with any roots to be clean cut.
- c. Crown cleaning to be undertaken to the Bunya Pine prior to commencement of works to remove any dead or diseased wood to create a safe working environment in accordance with AS 4373-2007.
- d. That the Monterey Pine can be removed and replaced with an alternative species following completion of works.
- e. Replacement tree species to be planted to be an advanced specimen with stem gradually tapering, with crown symmetrical and roots established and proportional to the crown but not pot bound in a at least a 25 litres volume bag, having been propagated to the standards of *Specifying Tree: A guide to assessment of tree quality* (2nd edition) by Ross Clark 2003, or approved similar.

Although not included within the Arborist Report, the Eucalypt trees near the perimeter of the site as identified within the submission by Mr Olling cannot be retained given the engineering site works required and resulting impacts on the survival expectancy of these trees.

- *Ecological Issues and Assessment Report*

The Office of Environment and Heritage (OEH) has raised a number of matters concerning the Ecological Issues and Assessment Report (EIAR) submitted with the EIS. SLR Consulting has reviewed the comments in detail and provided a response to the comments of OEH (**Appendix 4**).

These matters are summarised as follows:

Existing Condition of Subject Site

The subject site has been cleared and farmed for approximately 100 years and the majority of the land consists of pasture grasses and herbs, noxious weeds, horticultural plantings and agricultural features. 'Native vegetation' occupies only a miniscule proportion of the subject land, and that



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present is generally highly modified. The land is surrounded by other cleared agricultural land and urban infrastructure, and is not contiguous with any relevant native vegetation.

Purpose of the Proposed Development

It is also critical to note that the leasing of up to 2% of the Western Sydney Parklands for industrial purposes is identified in the *Western Sydney Parklands Plan of Management (PoM)* as a means of generating income for the management of the Parklands, including in part for the rehabilitation and management of natural habitats and ecosystems.

The PoM includes the restoration of approximately 1000ha of existing bushland habitat and the development of a further approximately 1000ha of new bushland to provide connectivity between existing fragmented bushland, and to assist the long-term sustainability of native vegetation in the Parklands. These connections will provide wildlife corridors that link to other habitat corridors throughout Western Sydney, and revenues from the business hub sites will fund this larger biodiversity outcome throughout the Parklands.

Vegetation Patches and Isolated Trees

The 'patches of native vegetation' which were inspected on the subject land are identified in Figure 6 of the EIAR, and were searched specifically *inter alia* for *Pimelea spicata* and other potentially relevant threatened biota.

The majority of the "*isolated trees*" across the land (albeit not every single one) were included in the walked site surveys. SLR considers that "*isolated trees*" do not relevantly "*constitute an endangered or critically endangered ecological community*", as suggested by the OEH.

Specific searches for all potentially relevant threatened biota were undertaken during the extensive walked transects across the subject land, as stated in the EIAR.

As detailed in the EIAR:

- the overwhelming majority of the subject land has long been cleared for agricultural purposes, ploughed, cropped, fertilised and/or pasture-improved; and
- the overwhelming majority of the groundcover consists of noxious weeds and pasture species.

SLR is of the opinion that there is no objective basis for concluding that there is any habitat for any potentially relevant threatened flora species on the subject site at Smithfield.

CMA/OEH 2009 Mapping

The Sydney Metropolitan Catchment Management Authority (CMA) mapping of vegetation on the subject site and nearby (CMA/OEH 2009) has been reviewed (Figure 2).

The Report associated with the CMA/OEH mapping states *inter alia* that the CMA/OEH mapping should not be used for assessment purposes because of a lack of ground-truthing. The mapping of vegetation by SLR Ecology is therefore considered to be more detailed, and has been ground-truthed.

The plant species identified by the OEH are characteristic of both the Cumberland Plain Woodland (CPW) community and Cumberland River-flat Forest, the latter of which is considered to constitute the "*endangered ecological community*" known as River-flat Eucalypt Forest on Coastal Floodplains (REFCF).

The OEH suggests that the 'Regrowth Mixed Eucalypt Woodland' mapped on the subject land by SLR Ecology (and mapped by the SMCMA as Cumberland River-flat Forest) is REFCF. However, other species recorded in that patch (particularly the Spotted Gum and the Narrow-leaved



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Ironbark) are not mentioned in the REFCF community Final Determination, and importantly are not characteristic of mesic or 'River-flat' communities.

Given those considerations, that patch of vegetation more closely resembles the CPW community than the REFCF community, and an assessment of the REFCF community is not considered relevant.

Cumberland Plain Woodland

SLR acknowledges that the word "[native]" was inserted into the sentence regarding groundcover in the *Final Determination* "*near-continuous groundcover dominated by [native] grasses and herbs*". It cannot be likely that the *Final Determination* for the CPW community refers to introduced groundcover species.

The OEH states that "*The most relevant factors to consider in the final determination is [sic] the assemblage of species that are listed, and the location that is specified*". The OEH refers to "*Land & Environment Court*" findings in VAW (Kurri Kurri) Pty Ltd v the Scientific Committee 2003 [NSW CA 297]. However, the findings in that Court of Appeal judgement do not state that the floristic assemblage and the location specified are the "*most relevant factors to consider*". Indeed, that judgement does not relate to the interpretation of a *Final Determination* but rather to whether a particular *Final Determination* satisfies the definition of an "*ecological community*" pursuant to the TSC Act.

A far more relevant Land & Environment Court judgement is that of Preston CJ in Gales Holdings Pty Ltd v Tweed Shire Council [2008] NSWLEC 209, at paragraphs 61-133, on the site at Horsley Park which clearly establishes that edaphic, locational and topographic criteria are essential in determining the presence or otherwise of an EEC.

Whether or not the CPW community is present, a *Section 5A Assessment of Significance* has been prepared for the proposal.

The *Section 5A Assessment of Significance* concluded that the loss of those highly degraded, miniscule, fragmented and isolated patches of possible CPW vegetation would not constitute a "*significant effect*".

Ecological Surveys

The OEH "*considers*" that the "*amount of survey effort* [undertaken by SLR Ecology in April 2012] *may not be an adequate* [sic]".

As noted above, the overwhelming majority of the subject site is highly modified, and consists of introduced grasses, pasture plants and weeds (such as Lantana and Blackberry).

The SLR Ecology team is highly experienced in undertaking ecological surveys in western Sydney and in assessing the likelihood or otherwise of threatened biota being present, including on degraded sites such as the subject site.

Given the nature and condition of the subject site, SLR believes the surveys conducted are appropriate.

Hollow Bearing Trees

The paragraph referred to by OEH should have read *inter alia* "*Even if there were any **other** hollow-bearing trees on the subject land ..*".

Generic Section 5A Assessment of Significance

There are no "*endangered populations*" of relevance listed in the TSC Act. The only potentially relevant EEC (the CPW community which is not conceded to be present) was addressed in a dedicated *Section 5A Assessment of Significance*.



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There are no other EECs present or likely on the subject land, and no further *Section 5A Assessment of Significance* is required.

Given the highly degraded and long modified nature of the overwhelming majority of the subject land, a generic *Section 5A Assessment of Significance* of the form provided in the SLR Ecology EIAR is considered appropriate and reasonable.

Wildlife atlas Search

SLR is not aware of any relevant difference between the Wildlife Atlas included with the EIAR and a "*full wildlife atlas report under the licence from OEH*". Given the circumstances, it is not considered likely that the "*full wildlife atlas report*" would provide any additional information.

Habitat for threatened Biota

SLR maintains the classification of the subject land as being of either low or no relevance as habitat for the threatened fauna species recorded in the locality, given that:

- the overwhelming majority of the site is highly degraded, cleared, weed-infested agricultural land; and
- there are only minimal resources present on the subject site for any potential threatened species.

In the event that the subject site constitutes significant habitat for any threatened species, including those identified by the OEH, the proposed development could not conceivably impose a "*significant effect*" upon any such biota because there are thousands of hectares of such habitat in Western Sydney.

Even if any of those threatened biota did occur on the subject site, the minuscule potential resources present represent a minute fraction of similar (or in many places better) habitats and resources present in the immediate vicinity and general locality.

Location of Subject Site

Typographical error – the site is at Wetherill Park, not Kellyville.

Appendix F of EIAR

The correct quote from page vii of Appendix F of the EIAR is the statement that "*there is in essence no **"native vegetation"** present*".

That statement in Factor (g) of the *Section 5A Assessment of Significance* applies specifically and precisely to the "*key threatening process*" listed in the TSC Act as the "*clearing of **native vegetation***".

Whilst there are doubtless 'native plants' on the subject site, the levels of degradation and clearing have removed essentially all of the "*native vegetation*" from the land.

The statement on page ix of Appendix F of the EIAR should perhaps have read "*the minute patches of possible CPW vegetation on the subject site are isolated, highly degraded and of absolutely no biodiversity or ecological conservation value **with respect to the conservation or protection of the CPW community** in the locality*".

Native Vegetation and Habitats

SLR is of the opinion that the minute patches of native vegetation present on the subject land at Wetherill Park are more likely to be "*regrowth*" than "*remnant vegetation*". Furthermore, it is relevant to note that:

- the areas of 'native vegetation' on the subject site at Wetherill Park are minute in area, and constitute only a minute fraction of the vegetation present on the subject land;



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- the tiny patches of partially 'native vegetation' present are highly fragmented and isolated within a broad area of land characterised by and dominated by introduced pasture grasses, weeds and horticultural plantings; and
- the landscape generally (where not already be developed) is characterised by broad areas of weeds (including many noxious species) and pasture grasses and herbs.

As noted above, the overwhelming majority of the subject land, and of adjoining lands, consists of highly degraded, extremely modified, substantially weed-infested and essentially artificial non-vegetation. Whilst even patches of weeds or isolated native plants have some "*conservation values*" (eg for some small birds), those on the subject site cannot be regarded as of any particular conservation significance or value.

The potential for a range of threatened (and other native) biota occurring, on occasions at least, on the subject land was taken into account in the EIAR (SLR Ecology 2012).

The survey effort undertaken by SLR Ecology in 2012 is considered appropriate given the nature and condition of the subject land, its context and the extremely minimal area of partly 'native' vegetation present.

The biodiversity conservation value of the subject land at Wetherill Park, given its nature, condition and context, is negligible, notwithstanding the implied possible or potential use of the land by occasional individuals of a few threatened species.

The matters raised by the OEH in this item of their comments appear to disregard the nature and condition of the subject land, its context, and the role that the development of this land has in providing funds for the rehabilitation and maintenance of the overwhelming majority of the western Sydney Parklands area (approximately 5,500ha).

Cumberland Plain Recovery Plan

The *January 2012 Cumberland Plain Recovery Plan* is acknowledged.

The proposed development of the subject land at Wetherill Park (given its highly degraded and substantially modified condition, the extent of weed-infestation, the minuscule quantum of native vegetation or habitats, and its context) cannot be considered an activity which would contravene any element of the *Cumberland Plain Recovery Plan*.

Offsets

Development of the subject land is part of the overall management regime for the Western Sydney Parklands as referred to within the *Western Sydney Parklands Plan of Management*.

SLR is of the view that no EEC is present, and that no offset is required.

The "*offsets*" referred to be the OEH for development of this highly degraded and weed-infested patch of land are more than adequately provided by the habitat rehabilitation works to be undertaken over hundreds of additional hectares within the Western Sydney Parklands.



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3.4 FLOOD RISK MANAGEMENT

The Office of Environment and Heritage has requested further consideration in relation to Floodplain Risk Management in respect of:

- rare floods between 1 in 100 year event to PMF event;
- impact of development on flood behaviour, levels, velocities, duration on adjacent downstream and upstream areas;
- impact of rare flooding up to PMF on the proposed development; and
- sensitivity analysis to determine impact from climate change possibility and merits of flood-free access / Emergency Response Plan.

The Proponent acknowledges the requested information and requests that required investigations be applied as Conditions of Consent to allow for the timely consideration of the Application. The Statement of Commitment has been updated to reflect the requirement for these investigations to be undertaken.

3.5 STORMWATER MANAGEMENT

▪ *Erosion and Sediment Control Plan*

The Proponent acknowledges the EPA's recommendation for an Erosion and Sediment Control Plan to be developed and implemented as per *Managing Urban Stormwater: Soils and Construction* as a condition of consent.

▪ *Stormwater Infrastructure*

Further to the submissions received during the exhibition period, additional consultation with Fairfield Council resulted in additional correspondence detailing the requirements of the stormwater modelling. The Memo entitled '*Comments on Horsley Drive Business Park – Costin Roe Consulting Civil Engineering Report by Catchment Management Branch*' dated 18 September 2012 was issued to the Project Team by Council and has been included as part of **Appendix 9**.

In response to the matters identified, Costin Roe has prepared a Revised Civil Engineering Report and Plans (**Appendix 5**). The revised documentation is also considered to address the stormwater and water quality matters raised by Sydney Catchment Authority.

In summary, the following specific amendments to the original submission have been undertaken:

Hydrologic Modelling and Analysis - Minor/ Major System Design

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 for flows above the capacity of the piped system.

Hydrologic Modelling and Analysis - Runoff Models

The calculation of the runoff from storms of the design ARI has been calculated with the catchment modelling software DRAINS and RAFTS.

The design parameters for the DRAINS/ ILSAX model are to be based on typically accepted parameters for the area as outlined within the report.



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Hydraulics – Freeboard

The calculated water surface level in open junctions of the piped stormwater system will not exceed a freeboard level of 150mm below the finished ground level, for the peak runoff from the Minor System runoff. Where the pipes and junctions are sealed, this freeboard would not be required.

Hydraulics – Overland Flow

Confirmation that confirm the basins are permanent, not temporary.

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 estate basins and Wetherill Park Drainage Channel.

Site Drainage – Existing Site Drainage

Catchment areas referred to in relation to existing site drainage have been checked and minor differences noted have been adjusted in the revised report and on plan.

Site Drainage – Site Discharge

The general arrangement/ configuration of the outlet will be made as a “natural outlet” in accordance with the guidelines of the NSW Office of Water document noted above – this document has not been used for sizing of the outlet structure. The sizing of the outlet was previously based on the method shown in the Blue Book which is considered to be appropriate and not for a temporary structure. We have however reviewed the current sizing against the method suggested by council and results in slightly smaller less conservative apron sizes and similar rock scour sizes. We have adjusted the proposed outlets to this and note that this will be further addressed during detail design stage.

External Catchments

The site in its undeveloped state is affected by overland flows from the west, upstream of the Sydney Water Supply Channel. Allowance has been made in the drainage network to convey runoff from the two external catchments in the drainage system.

Confirmation there is sufficient capacity in the channel to convey the Q100 peak flow of 3.45m³/s. Note that the flow path will be further assessed during detail design stage to ensure the adopted cross section and profile will be suitable for the re-routed overland flow path.

Flooding at The Intersection of Cowpasture Road and Victoria Street

The Catchment 2 drainage consists of 2x triple 900mm diameter culverts which connect to a large box culvert system known as the Wetherill Park Drainage Channel. The configuration, which was provided by Fairfield Council, is shown on a Fairfield City Council Plan dated 1998 which is contained in Appendix D of the revised Civil Engineering Report.

The total catchment has been reviewed and we confirm it is 83.6Ha (this now includes 2.06Ha from Trivet St which was requested by Fairfield Council).

The discharge characteristics of the Cowpasture Road broad-crested weir were modelled as a series of weirs whose overtopping level increased in 250mm increments.

Cowpasture Road is not expect to be overtopped during a Q2 ARI storm however it is not expected that overtopping will take place during a Q5 year storm – this is further discussed in the revised report.



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On-site Detention

When performing a rational method calculation, the peak flow corresponds to the time of concentration. The model used however is a runoff-routing model which has multiple parameters which include varying rainfall patterns, initial and continuous runoff parameters, flow times etc. This does not necessarily mean that the peak flow for the development will occur during a small duration storm and the provided DRAINS/RAFT model clearly shows that the 2hour storm is indeed the storm which produces the highest peak flow and stormwater volume for the site.

This has been discussed with council and further clarification has been sought from the developers of DRAINS Mr Bob Stack and Professor Geoff O'Laughlin. Correspondence on this matter has been forwarded to Fairfield Council.

The storage capacity for Basins 1 & 2 has been optimized as follows:

- A number of outlet configurations were trialed to optimize the outflow configuration.
- The low flow outlet pipe has been set to the Q2 year ARI storm flow.
- The high flow has been set to be above the Q20 ARI water level (ie overtopping only occurs in storms greater than Q20).
- A check on the 9hour storm show the PSD is less than council requirement of 140 l/s/ha.

Typical outlet configuration of the basins is shown on new drawing DA47. Concept details shown will be further developed during detail design phase of the project.

Basin 2 includes the catchments from undeveloped catchments upstream of the development. The outlet control has been set to ensure the post development flow is less than the pre-development flow for the total catchment. This means a no-worsening effect on the downstream catchment occurs.

DRAINS Modelling – Response to General Comments

- The downstream boundary condition has been updated to include revised invert levels and downstream boundary levels as per email correspondence from Mr Andrew Voutsis from Fairfield City Council dated 18 September 2012.
- The inclusion of the downstream boundary condition results in approximately 300mm increase in expected flood level at Cowpasture Road/ Vitoria Road intersection.
- The additional catchment area of 2.06Ha has been included in the modelling – this results in increase water level of approximately 50mm.
- The overland flow path has been adjusted.
- The peak flows have been checked and minor adjustments have been made to the report and plan.

Additional Matters

- A risk assessment of the basins can be provided during the detail design/ construction certificate component of the development and should form a condition of consent.
- Formal access to the can be provided – concept locations have been included in the revised drawings which can be formalized with Council during the detail design stage.

3.6 CONTAMINATION AND REMEDIATION

Appendices 8 and 10 to the EIS were 'Preliminary Environmental Site Assessment' and 'Phase 2 Environmental Site and Geotechnical Assessment' respectively and addressed issues of contamination in accordance with relevant legislation. Further, Appendix 11 'Remediation Action Plan' ('RAP') addressed how the Trust intends to reduce potential risk to future occupiers and render the site suitable for the proposed land use.

The Trust has obtained Interim Advice from a Site Auditor that the Site can be made suitable for commercial/industrial use subject to implementation of the RAP.



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The following advice is also provided in response to the submissions received:

- *Sampling Design Guidelines*

The statement that the Council made in relation to sampling design guidelines is incorrect. A site of 21.3 Ha actual size requires 234 sampling points (ie 11 samples per hectare) and we have actually exceeded this with a combination of the 2010 WSP investigation, the 2011 EIS investigation and the 2012 WSP investigation.

This has been outlined in 6.2.2 of the 2012 report. Grid and judgmental sampling and stratified sampling techniques were used in the site investigations and are acceptable under the guidelines. This is also articulated in Sections 6.2.2 and 6.2.3 of the 2012 report.

Groundwater investigation is planned as Stage 1 of the RAP.

- *Site Use*

The majority of the site has been vacant during the period 2010-2012 with two properties Lot 10 in Cowpasture Road and one along Horsley Drive being used for residential purposes only. Given this use, it is unlikely that contaminating activities would have occurred during that this period.

A site inspection was also undertaken prior to the intrusive investigation to verify if any changes had occurred. We are of the opinion all these investigations are valid and reflect site conditions.

- *Minerals Characteristics*

The metal concentrations are relatively consistent in both up-gradient and down-gradient groundwater wells across the area investigated, which indicates that the concentrations are reflective of general site conditions. It is not uncommon, with the underlying local geology consisting of Wianamatta Shales, to have metals exceeding ANZECC 95% protection water quality criteria in this environment.

- *Fill Materials*

Fill materials have been targeted by the sampling and testing regime (targeted and stratified sampling) with laboratory results indicating that the soils are suitable for commercial/industrial purposes.

- *Land Farming*

The area to be used for landfarming cannot be determined until such time as a works plan is developed. From this a suitable area can then be selected and appropriate environmental controls put in place. The required environmental controls required are presented in the Remediation Action Plan (RAP). The staged approach to the development will ensure that the contaminated soil can be land farmed in an area where the development works will occur later.

The proposal includes a general approach in relation to environmental controls during the land farming. Specific controls will be determined once the land farming area is selected.

With respect to odour, the petroleum hydrocarbons of concern are diesel compounds, not volatiles such as gasoline. Therefore the odour issues are expected to be minimal, however if there are any odour concerns a suppressant can be utilised. Given the large area, the land farming activity can also be kept well away from any areas of concern.

- *Site Audit Statement*

Based on the information that has been prepared in relation to the Stage 2 investigation of the Site as well as the previous works undertaken by RES and WSP, an Auditor has issued Interim Advice that the site can be made suitable for commercial/industrial use subject to the implementation of the RAP.

A formal Site Audit Statement will be prepared at the appropriate time.



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3.7 HERITAGE

- *Indigenous Heritage and Archaeology*

The submission by the Office of Environment and Heritage (OEH) advises that the findings of the Aboriginal and Non-Aboriginal Heritage Assessment in relation to indigenous archaeology are suitable and no further investigation in relation to this matter is required.

The subsequent submission by the Heritage Branch of OEH also acknowledged that it is unlikely that archaeology will be found on the site however provided the following recommendations:

- *In the event archaeological remains are encountered during excavation in areas other than those already identified as archaeologically sensitive in this report, the Heritage Branch must be advised and further works only be carried out in accordance with the Heritage Council guidelines for the management of archaeological remains.*
- *If, during development process, evidence of any Aboriginal archaeological site or relic is found other than that already identified, all work on the site is to cease and the National Parks and Wildlife Service (NSW) and the Heritage Branch contacted immediately.*

The recommendations will be adopted and have been included within the revised Statement of Commitments in Part D of this RTS.

- *SCA Canal*

The Aboriginal and Non-Aboriginal Heritage Assessment that was submitted with the EIS, addressed the heritage significance of the adjoining SCA Canal. Section 4.8.2 of the Assessment stated:

"The 1888 Upper Canal is a recognised state significant piece of water infrastructure as comprising part of the upper Nepean Water Supply scheme. Specific components of the Canal are listed on the SHR, along with Sydney Water's Section 170 Register. The section of this infrastructure (and its easement) at Horsley Park occurs outside of the western boundary of the HDBP site and will remain unaffected by the proposal."

The Heritage Branch also recommended that a landscaped area should be developed along the Sydney Water Canal as soft barrier to protect the setting of the canal. Effort should also be made to ensure any buildings along the canal frontage do not present high blank walls with preference to have stepped built form along the canal frontage.

While buildings are not proposed at this stage, **Section 3.2** of this RTS outlines that the future urban design of the proposed business park will be of high quality and will need to respond to the site constraints, including any impact on adjoin heritage.

The Landscape treatment has been design to provide an internal site landscape buffer between the future buildings and the bike path and Canal. This revised Landscape Plan will need to be adopted by SCA prior to being implemented. Further landscape changes are detailed in **Section 3.9** below.

- *Bunya Pine*

The Aboriginal and Non-Aboriginal Heritage Assessment that was submitted with the EIS, addressed the heritage significance of the adjoining Bunya Pine. Section 4.8.2 of the Assessment stated:

"A tall planted Bunya Pine (Araucaria bidwillii), along with an associated smaller Radiata Pine (Pinus radiata), are located on the intersection of The Horsley Drive and Cowpasture Road. These trees occur close by but are situated outside of the proposed south-eastern HDBP property boundary. The Bunya Pine is listed as a heritage item of Regional significance in Schedule 4 of the FLEP 1994 and Draft LEP 2011. While this item will not be



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directly affected by the proposal, the Trust propose to include the tree in the SEPP (Western Sydney Parklands) 2009 as an item of local heritage significance."

A detailed evaluation of the Pine was also included, with the outcome findings that the proposal will not have any significant impact on the heritage significance of the tree.

3.8 TRAFFIC AND INTERSECTION DESIGN

- *Parking*

Fairfield Council has acknowledged that the proposed parking arrangement is suitable for the development. RMS has requested additional information in relation to the land use to further investigate the parking requirements.

Details of the relationship between the proposed land use and parking are outlined in **Section 3.2** of this RTS.

- *RMS Approvals*

As confirmed in **Section 3.1** of this RTS, all relevant approvals, licences and permits will be obtained. This includes requirements for the proposed traffic signals at the intersection of Cowpasture Road/Newton Road/Access Road.

- *Concept Road Design Layout*

RMS requested a concept road design layout of the proposed signalised intersection overlayed on a survey plan to ensure that it can be physically constructed within the existing road corridor.

This Concept Design was issued to James Hall of RMS on 12 September 2012 and has been acknowledged (see **Appendix 6**). The Trust awaits RMS comments in relation to the documentation provided.

It is noted that the estate road has been prepared in accordance with Council's requirements to enable the handover of this road to Council at the completion of the project.

3.9 LANDSCAPE DESIGN

Fairfield City Council has requested the provision of a full 20m landscaped setback be applied along the entire frontage to the site to The Horsley Drive. Council has also requested landscaping along the northern and western boundaries of the proposed business park.

A revised Landscaping Plan (**Appendix 7**) has been prepared to include the following features:

- 15-metre landscape setback to The Horsley Drive (previously 10-metres);
- Additional 5-metre building setback to The Horsley Drive;
- 5-metre landscape setback to the internal estate road; and
- 4-metre internal landscape setback to the western boundary (located within the Parklands)

The Trust does not believe a 20 metre buffer along the western boundary of the site is required based on the design proposed and the site characteristics. Alternatively, the proposed 4-metre internal setback for screening to the adjacent Prospect Trail bicycle and pedestrian link is considered to meet the intent of this request.

Land to the north of the Site is part of Western Sydney Parklands (WSP) and is proposed for agriculture activities which will provide a suitable landscape buffer. The Trust accepts Council's note that "*there is scope to include part of this buffer within the Parklands itself*".



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3.10 ACOUSTIC

The Proponent will comply with recommended standard hours as listed in the *Industrial Construction Noise Guideline*. A revised Acoustic Report is attached as **Appendix 8** and includes managing plan and monitoring as requested.

3.11 AIR QUALITY

The Proponent acknowledges that the Office of Environment and Heritage (OEH) has recommended an Air Quality Management Plan to be required as a condition of any consent.

3.12 WASTE MANAGEMENT

The Proponent acknowledges that the Office of Environment and Heritage (OEH) has recommended a Waste Management Control Plan be prepared as a condition of consent.

3.13 DEVELOPER CONTRIBUTIONS

The Trust acknowledges that while Direct s94 Contributions do not apply to the proposal, Indirect (Section 94A) Development Contributions will be applicable.

A revised 'Independent Estimate' has been completed by 'Turner & Townsend Cost Management' and is attached as **Appendix 9** as requested by Council.

3.14 COUNCIL RECOMMENDED CONDITIONS OF CONSENT

The Trust has reviewed the draft Conditions of Consent issued to DoPI by Fairfield City Council and provided Council a letter addressing any issues. Council has since responded as outlined in **Appendix 10**.

- *Certificates*

The Trust requests clarification of conditions for the Engineering Construction Certificate (CC) and conditions for the Occupation Certificate (OC) as there seems to be some ambiguity in that provided. For example, the Trust submits that registration of covenant over OSD system would more likely be a condition for the final certificate and not the CC.

The Trust also request that Council account for the proposed staging of the subdivision works within the OC conditions, as outlined in '6.13 STAGING' of the EIS.

- *Prior to the Commencement of Works*

- Design of On-Site Detention System & On-site Detention Design Certificate

- On behalf of the Trust, Costin Roe Consulting (CRC) has commenced further consultation with Council as recommended and has supplied the DRAINS models used in their assessment for review. The design principles of the 'Source Control' document were considered in preparation of the Civil Engineering Report completed by CRC and we request Council support the proposed system on completion of review.

- *Prior to the Issue of an Engineering Compliance Certificate for the Development*

- Dedication of Roadway:

- The Trust proposes that plans will be submitted to the Land Titles Office (LTO) to achieve OC rather than be registered on title.



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- *General Conditions*

- Monitoring of State of Roadways

- This is a very broad condition that has no limitation. The development should not be responsible for the maintenance and clean-up that cannot be accurately attributed to the construction of the development. Other vehicles will also use the road and will not be under the same requirements to ensure their loads do not cause mess or damage occurs. As a Damage Bond and a Dilapidation Report is required under other conditions, there is no need to apply this onerous condition which cannot be reasonably managed.

- Dust Suppression

- The condition leaves ambiguity in terms of what is defined as “each site”. Throughout the EIS, all lots have been collectively referred to as the site. To clarify this condition, the wording should be amended to state something similar to “Automatic sprinkler systems shall be set up at appropriate locations on the site to mitigate against dust.”

- *Conditions of a Subdivision Approval*

- Subdivision Certificate Release Fee

- The Trust intends to submit a revised draft Plan of Subdivision with the RTS with the OSD basin shown as a separate title to Lot 1 (currently combined). Can Council confirm if the fee will remain the same despite this amendment? The revised plan can be issued upon request.

- *Conditions Relating to Works Associated with the Proposed Development*

- No change to conditions requested.

- *Conditions Relating to the Provision of Services*

- Sydney Water Compliance Certificate

- This condition is a duplicate to that outlined on page 6 ('Section 73 Certificate Required').

- *Conditions Relating to Landscape Plans*

- The Trust contests groundcovers at a minimum 6/m². This is an excessive condition which does not account for species. Upon agreement of the setback to the Horsley Drive, the Trust will have the Landscape Plan updated.



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PART D REVISED DRAFT STATEMENT OF COMMITMENTS

4.1 OVERVIEW

The majority of the commitments detailed with Part D of the EIS remain relevant to the Project. The following Section outlines where certain commitments have been revised and where additional commitments have been added following the exhibition and review of submissions.

Matters added to the Statement of Commitments are shown in blue underlined text. Items removed are crossed out in ~~red~~.

4.2 REVISED DRAFT STATEMENT OF COMMITMENTS

by The Western Sydney Parklands Trust
in relation to Horsley Drive Business Park
at Cnr of The Horsley Drive and Cowpasture Road, Wetherill Park

~~The Western Sydney Parklands Trust (the Trust) will undertake the proposed Horsley Drive Business Park development in accordance with the following commitments:~~

The following defines some of the terms and abbreviations used in the Statement of Commitments:

Approval	The Minister's approval to the Project
BCA	Building Code of Australia
Council	Fairfield City Council
Department	Department of Planning and Infrastructure
Director-General	Director-General of the Department (or delegate)
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
OEH	Office of Environment and Heritage
Project	The development as described in the EIS
Site	Land to which the project application applies
The Trust	The Western Sydney Parklands Trust

The Western Sydney Parklands Trust (the Trust) will undertake the proposed Horsley Drive Business Park development in accordance with the following commitments:

ADMINISTRATIVE COMMITMENTS

Commitment to Minimise Harm to the Environment

1. The Trust will implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction or operation of the project.

Terms of Approval

2. The Trust will carry out the project generally in accordance with the:
 - a) Environmental Impact Statement;
 - b) Specialist Reports;
 - c) Drawings;
 - d) This Statement of Commitments; and
 - e) Any Conditions of Approval.



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3. If there is any inconsistency between the above, the Conditions of Approval shall prevail to the extent of the inconsistency.
4. The Trust will comply with any reasonable requirement/s of the Director-General of the Department of Planning and Infrastructure arising from the Department's assessment of:
 - a) Any reports, plans, programs, strategies or correspondence that are submitted in accordance with this Approval; and
 - b) The implementation of any recommended actions or measures contained in reports, plans, programs, strategies or correspondence submitted by the Project Team as part of the application for Approval.
5. [The Trust will obtain and comply with all relevant approvals, licences and permits required.](#)

Structural Adequacy

6. The Trust will ensure that all construction on the site is undertaken in accordance with the relevant requirements of the BCA and Australian Standards where applicable.

Construction Traffic Management Plan

7. The Trust will prepare and implement a Construction Traffic Management Plan in consultation with Council, and to the satisfaction of the Director-General. This plan will:
 - a) be submitted to the Director-General for approval prior to the commencement of construction;
 - b) describe the traffic volumes and movements to occur during construction;
 - c) detail proposed measures to minimise the impact of construction traffic on the surrounding network, including driver behaviour and vehicle maintenance; and
 - d) detail the procedures to be implemented in the event of a complaint from the public regarding construction traffic.

Operation of Plant and Equipment

8. The Trust shall ensure that all plant and equipment used on site is maintained and operated in proper and efficient manner, and in accordance with relevant Australian Standards.

SPECIFIC ENVIRONMENTAL COMMITMENTS

Noise

9. Construction on the site will only be undertaken between 7am and 6pm Monday to Friday, and 7am and 1pm on Saturdays. No construction will be allowed on site on Sundays or public holidays.

Air

Air Quality

10. [The Trust will prepare an Air Quality Management Plan in accordance with any conditions of consent.](#)

Construction Traffic

11. During construction:
 - a) all trucks entering or leaving the site with loads have their loads covered;
 - b) trucks associated with the project do not track dirt onto the public road network; and
 - c) the public roads used by these trucks are kept clean.

Dust Management

12. During the construction phase of the project, all reasonable and feasible measures to minimise the dust generated by the project.



Response to Submissions

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

Waste Management

13. The Trust will ensure that all waste generated on site during operation is classified in accordance with the Office of Environmental and Heritage's *Waste Classification Guidelines: Part 1 Classifying Waste* and disposed of to a facility that may lawfully accept the waste.
14. The Trust will prepare a Waste Management Plan in accordance with any conditions of consent.

Urban Design

15. The Trust will review and vet all base build designs proposed for the proposed Estate before they are submitted for consideration as part of a formal development application to ensure a high quality of urban design is achieved.

Archaeology

16. In the event archaeological remains are encountered during excavation in areas other than those already identified as archaeologically sensitive in this report, the Heritage Branch must be advised and further works only be carried out in accordance with the Heritage Council guidelines for the management of archaeological remains.
17. If, during development process, evidence of any Aboriginal archaeological site or relic is found other than that already identified, all work on the site is to cease and the National Parks and Wildlife Service (NSW) and the Heritage Branch contacted immediately.

Flood Risk Management

18. The Trust will undertake Flood Risk Management investigations to address the following:
 - a) rare floods between 1 in 100 year event to PMF event;
 - b) impact of development on flood behaviour, levels, velocities, duration on adjacent downstream and upstream areas;
 - c) impact of rare flooding up to PMF on the proposed development; and
 - d) sensitivity analysis to determine impact from climate change possibility and merits of flood-free access / Emergency Response Plan.

END

Name:

Signed:

Date:



Response to Submissions

SSD 5169 – Horsley Drive Business Park

Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

PART E CONCLUSION

The proposed development of the Horsley Drive Business Park at the corner of The Horsley Drive and Cowpasture Road, Wetherill Park supports the continued development, maintenance and management of the Western Sydney Parklands whilst also providing employment within the region Sydney without significant impact.

Based on the findings of the original EIS, this RTS and the supporting documentation, it is recommended that the proposal be supported by the Department of Planning and Infrastructure, subject to appropriate conditions.



APPENDIX 1

FULL COPY OF SUBMISSIONS



Public Submission 1



Public Submission 2



Public Submission 3



Public Submission 4



Public Submission 5



Agency Submission – Fairfield City Council



Agency Submission – Environmental Protection Authority



Agency Submission – Office of Environment and Heritage



Agency Submission – Sydney Catchment Authority



Agency Submission – OEH Heritage Branch



Agency Submission – Roads and Maritime Services



Agency Submission – Department of Planning and Infrastructure



APPENDIX 2
REVISED PROPOSED PLAN OF SUBDIVISION



APPENDIX 3 ARBORICULTURAL ASSESSMENT



APPENDIX 4 SLR RESPONSE TO OEH COMMENTS



APPENDIX 5 REVISED CIVIL ENGINEERING REPORT AND PLANS



APPENDIX 6

RMS ROAD CONCEPT DESIGN CONSULTATION DOCUMENTATION



APPENDIX 7 REVISED LANDSCAPE PLAN



APPENDIX 8 REVISED ACOUSTIC REPORT



APPENDIX 9 REVISED DEVELOPMENT COST REPORT



APPENDIX 10
FAIRFIELD COUNCIL CONSULTATION DOCUMENTATION

