



Request for Secretary's Environmental Assessment Requirements

Prepared by McKenzie Group
Consulting Planning on behalf of
Australand Property Group

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Request for Secretary's Environmental Assessment Requirements

Horsley Drive Business Park

Cnr The Horsley Drive and Cowpasture Road, Wetherill Park

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1 INTRODUCTION

This document has been prepared by McKenzie Group Consulting Planning (NSW) on behalf of Australand and is submitted to the NSW Department of Planning and Environment (DP&E) in support of a formal request for Secretary's Environmental Assessment Requirements (SEARs).

This request for SEARs is made in relation to the construction of a new warehouse and distribution facility within Horsley Drive Business Park for Fantastic Furniture. The proposed facility is sought to be constructed on estate Lots 2 & 3 comprising a Gross Floor Area of 51,000sqm.

It is also requested that the SEARs are issued so that they also remain applicable for a period of four (4) years from the date of issue for the remaining allotments within the estate that will be the subject of State Significant Development in the future. This will negate the need for future requests to be made for facilities as they are developed.

This application satisfies the definition of State Significant Development pursuant to Schedule 2 Clause 5 of *State Environmental Planning Policy (State and Regional Development) 2011* as the Capital Investment Value exceeds \$10,000,000.

This document provides a brief overview of the proposal and the planning framework that applies to enable the issue of the SEARs that will guide the preparation of a formal Environmental Impact Statement for Lot 2 & 3 and future development within the estate.

Environmental considerations relevant to the proposal have been identified to include:

- Soil and water;
- Air quality;
- Noise;
- Flora and fauna;
- Aboriginal and historical heritage;
- Traffic and transport; and
- Visual amenity and site design.

The proposal promotes development of the Western Sydney Region, providing employment opportunities and contributes to the growth of industrial development in an environmentally sustainable manner.

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2 SITE DETAILS

The site is located within Horsley Drive Business Park 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.

Lot 2 and 3 are located within the western side of the estate and afford access from the internal road that is proposed.

The area of the entire estate is approximately 21 hectares in area with frontage of approximately 475m along The Horsley Drive and 580m along Cowpasture Road. All vegetation on the site is to be cleared as approved under SSD 5169a and bulk earthworks carried out.



Figure 1: Existing Development – Subject Site (Source: NSW LPI, 2014)

3 DEVELOPMENT HISTORY

On 8 January 2013, the Minister for Planning and Infrastructure (now NSW Department of Planning & Environment) granted approval for Horsley Drive Business Park subdivision and infrastructure works (SSD 5169), comprising:

- 12 Lot subdivision and access road under leasehold arrangement;
- Demolition of two existing dwellings, ancillary structure and existing trees across the site;
- Remediation of part of the site which was associated with former fuel storage;
- Bulk and detailed earthworks to create building pads;
- Estate infrastructure including central access road, connection with essential utilities and provision of OSD basins and associated stormwater infrastructure; and
- Estate landscaping treatments, comprising predominately native vegetation.

Works are yet to commence on the site as per the approval, however Australand have now entered into a Development Agreement with the Western Sydney Parklands Trust (WSPT - the owner of the land) to develop the estate.

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- Reduce the number of allotments from 12 to 6 and amend building footprints;
- Reduce the developable site area by 2,210sqm;
- Amend the staging of the development;
- Amend retaining wall heights;
- Re-shape detention basin to improve stormwater management outcomes; and
- Registration of subdivision and titles prior to the construction and dedication of road works.

The proposed layout of the estate (as modified) is shown below.

It is noted that the revised Masterplan contains no reference to the building footprints on the site.

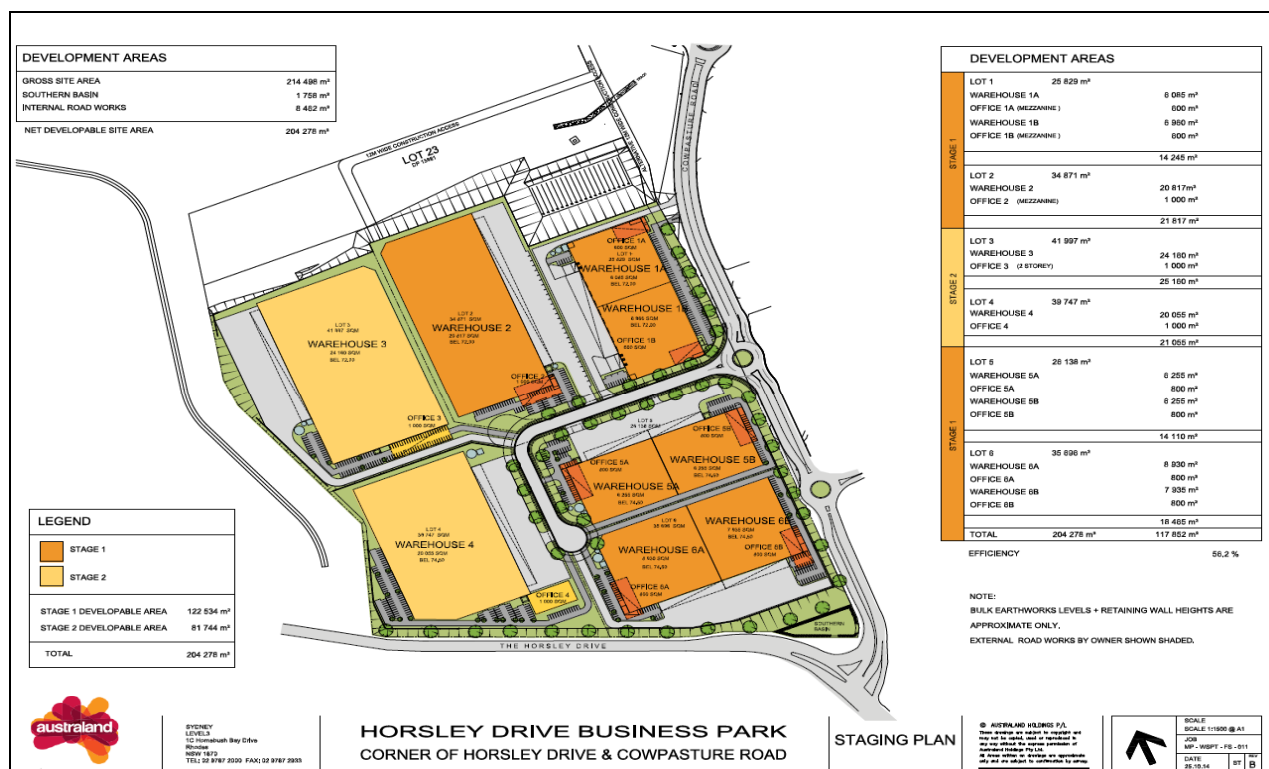


Figure 2: Modified Concept Plan (Australand, 2014)

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4 PROJECT SUMMARY

The proposal comprises the construction of a facility that will be used for warehousing and distribution/manufacturing. The composition of the facility is as follows:

TABLE 1 – Development Particulars	
Proposal	Description
Royal Comfort Bedding	10,000sqm
Warehouse	20,000sqm
Manufacturing	20,000sqm
Office	1,000sqm
Indicative employment numbers	250
Indicative construction jobs	120 to150
Activities to be undertaken	Warehousing and distribution/manufacturing
Hours of operation	24 hours, 7 days per week

5 ISSUE OF GENERIC SEARs

It is requested that DP&E issue these requirements so they may be applied for future facilities within the estate that qualify as State Significant Development. Due to the time sensitivities associated with completing a new facility for occupation, it is considered that the issue of generic SEARs will assist to provide a significant time saving.

The generic requirements could be prepared on the basis that future uses will be limited to warehousing and manufacturing with operations to be carried out 24 hours, 7 days per week.

As the site is split into two parts by the bulk earthworks, there is no need for any major earthworks in the future for the facilities. Similarly, the stormwater management strategy for the estate has been addressed under the estate concept plan, having regard to the extent of impervious areas. The provision of bio-retention basins within the estate forms an integral part of the strategy, and the quantity and quality outcomes.

It is considered traffic volumes have largely been accounted for under SSD 5169 and all necessary infrastructure arrangements have been put in place, including the introduction of a new round-about on Cowpasture Road.

Based on the detailed assessment that has been previously carried out for the entire estate, the impacts of the development have been given due consideration, thus enabling generic requirements to be issued for future SSD Applications.

6 JUSTIFICATION

The intention of the proposal is to construct a new warehouse facility. It is considered that the proposal:

- Allows for the development as a permissible use;
- Has appropriate access to the regional road network;
- Is compatible with surrounding development and local context;
- Will result in minimal impact on the environment; and
- Will allow for the implementation of suitable mitigation measures where required.

The site is considered to be commensurate with the objectives of the project as it allows for the use of the site for warehouse and distribution purposes in an emerging industrial precinct. The site design and layout of the built form seeks to maintain consistency with the objectives of the zone and enhance the underlying industrial character intended for the locality. This will be achieved by the resultant built form which reinforces the industrial nature of the land and is sensitive to the surrounding environment.

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

(a) 'Do Nothing' Scenario

This option was dismissed as the objectives of the project would not be met.

If the proposal was not to proceed, the site would be developed for other industrial purposes.

(b) Development on an Alternative Site

Consideration to alternative sites were made, however these were dismissed as the subject site resulted in the most beneficial outcomes for the proposal as:

- it will be located within a site zoned for land uses such as Warehouse Distribution Centres;
- the site has appropriate proximity from sensitive land activities including residential development;
- all potential environmental impacts of the proposal can be suitably mitigated within the site;
- the proximity to the regional road network provides increased economic benefits;
- the proposal will not affect any area of heritage or archaeological significance; and
- the proposal can be developed with appropriate visual amenity given its surrounding context.

The proposal is justified on the basis it is compatible with the locality in which it is proposed while having no unacceptable economic, environmental or social impact.

7 CONSULTATION

Consultation is being undertaken with Fairfield City Council regarding the proposal at the time of writing this request for DGRs. It is the intention of Australand to ensure that all community and stakeholder consultation requirements are seamlessly addressed.

Consultation with relevant stakeholders will be undertaken whilst preparing a detailed Environmental Impact Statement in keeping with the Department's Major Project Community Consultation Guidelines October 2007.

8 CAPITAL INVESTMENT VALUE

While costs have not yet been finalised, the estimated capital investment of this project for Lot 2 & 3 is expected to be in excess of \$22,250,000. The costs will be finalised once the final design is prepared.

9 PLANNING FRAMEWORK

9.1 State Planning Context

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 and pursuant to Section 89D (2) provides that:

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

The proposed development has been identified as State Significant Development under *State Environmental Planning Policy (State and Regional Development) 2011* as outlined below.

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State Environmental Planning Policy (State and Regional Development) 2011

Proposals involving activities that are listed in Schedule 2 of *State Environmental Planning Policy (State and Regional Development) 2011* (State and Regional Development SEPP) are identified as being State Significant Development (SSD).

Clause 5 of Schedule 2 states:

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.

The Capital Investment Value of the entire project is in excess of \$10 Million, thus the State Significant provisions apply.

State Environmental Planning Policy (Western Sydney Parklands) 2009

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.

The following matters require consideration by a consent authority when applying for development consent on land within the Western Sydney Parklands. An assessment of the preliminary scheme is provided below.

TABLE 2 – WSP SEPP General Matters for Consideration	
Matters	Comments
<i>(a) the aim of this Policy, as set out in clause 2</i>	The proposal may be deemed consistent with this aim as it provides for development within the Parklands that will be consistent with the existing approval and operation of the site.
<i>(b) the impact on drinking water catchments and associated infrastructure,</i>	The works are to be contained within the property boundaries. No impact on drinking water or associated infrastructure is anticipated.
<i>(c) the impact on utility services and easements,</i>	The proposed works are minor and there is no foreseen impact on services and easements.
<i>(d) the impact of carrying out the development on environmental conservation areas and the natural environment, including endangered ecological communities,</i>	The proposed works are minor and there is no foreseen impact on endangered ecological communities. The land to which the proposal relates is not identified as being 'environmentally sensitive'.
<i>(e) the impact on the continuity of the Western Parklands as a corridor linking core habitat such as the endangered Cumberland Plain Woodland,</i>	The proposed works are minor and there is no foreseen impact on the Cumberland Plain Woodland. The land to which the proposal relates is not identified as being 'environmentally sensitive'.
<i>(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,</i>	The proposal will have no impact in this respect.
<i>(g) the impact on the physical and visual continuity of the Western Parklands as a scenic break in the urban fabric of western Sydney,</i>	The proposal seeks to remove existing stockpiles of material, thus improving the visual and scenic quality.
<i>(h) the impact on public access to the Western Parklands,</i>	The nature of the activities will not restrict access to the Parklands.
<i>(i) consistency with:</i> <i>(i) any plan of management for the</i>	Future development will be required to address the requirements of the Plan of Management. The proposal

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<i>parklands, that includes the Western Parklands, prepared and adopted under Part 4 of the Western Sydney Parklands Act 2006, or</i> <i>(ii) any precinct plan for a precinct of the parklands, that includes the Western Parklands, prepared and adopted under that Part,</i>	will achieve consistency with the Plan of Management for the Parklands.
<i>(j) the impact on surrounding residential amenity,</i>	The site does not adjoin any residential areas.
<i>(k) the impact on significant views,</i>	The proposal represents a minor alteration to the existing development. No impact on views is envisaged.
<i>(l) the effect on drainage patterns, ground water, flood patterns and wetland viability,</i>	Given the scope of works, it is not envisaged that the proposal will have no unacceptable impacts on drainage, flood patterns and wetland viability.
<i>(m) the impact on heritage items,</i>	The proposal will not impact on any heritage items.
<i>(n) the impact on traffic and parking.</i>	The impact on traffic and parking is deemed acceptable as suitable provision for parking and maneuvering is available on site for all types of vehicles.

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

The proposal does not trigger any thresholds in relation to Hazardous and Offensive Development.

State Environmental Planning Policy No. 55 – Remediation of Land

Contamination has previously been dealt with under SSD 5169 as part of the bulk earthworks. The site remediation is considered satisfactory for the purpose of warehouse facilities.

State Environmental Planning Policy No. 64 – Advertising and Signage

The provisions of *State Environmental Planning Policy No. 64 – Advertising and Signage* do not apply to land to which the WSP SEPP applies.

State Environmental Planning Policy (Infrastructure) 2007

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) for concurrence.

Schedule 3 lists the types of development that are defined as Traffic Generating Development. The referral thresholds for 'commercial premises and industry' developments are:

- 15,000m² or more in area with site access to any road; or
- 4,000m² 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 proposal will trigger the threshold provisions detailed above, therefore referral to RMS under the SEPP will be required.

9.2 Local Planning Context

Fairfield Local Environmental Plan 2013

Fairfield Local Environmental Plan 2013 is not applicable to the land as the provisions of *State Environmental Planning Policy (Western Sydney Parklands) 2009* apply.

Fairfield Development Control Plan 2013

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

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11 Exclusion of application of development control plans

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

(a) State significant development

Notwithstanding, the proposal is generally consistent with the provisions of the adopted Development Control Plans applicable to industrial development.

9.3 Draft Planning Instruments

No draft Environmental Planning Instruments apply to the site.

10 ENVIRONMENTAL ASSESSMENT

A screening analysis of the environmental issues applicable to the proposal is presented in **Table 4** below. This risk-based analysis has been used to identify the key environmental issues for further assessment, and assist the preparation of the SEARs for the proposed development.

The analysis is based on preliminary environmental assessment of the site only. The Environmental Impact Statement (EIS) for the proposal will fully address these and other environmental issues relevant to the proposal.

TABLE 3 - Environmental Assessment Table	
Issue	Analysis/comment
Soil and water	<ul style="list-style-type: none">SSD 5169 granted approval for infrastructure and bulk earthworks. As part of this approval, the stormwater management strategy for the estate was included. The Modification Application currently under assessment seeks to change the lot layout of the estate. No change is sought under the subject proposal for which the request for SEARs relates.
Noise	<ul style="list-style-type: none">Any future SSD Application shall consider traffic volumes generated, operational plant and machinery and the resultant acoustic impacts having regard to the Environmental Protection Criteria for noise.
Air Quality	<ul style="list-style-type: none">Given the nature of the proposed developmentDuring construction, air quality will be managed through appropriate dust mitigation measures.
Waste	<ul style="list-style-type: none">Operational waste will be managed in accordance with a Plan of Management for the site.Waste generated throughout the construction phase shall be disposed of in accordance with a Waste Management Plan, thus making provision for recyclables and suitable off-site disposal.
Flora and fauna	<ul style="list-style-type: none">Tree removal is not required to facilitate the new warehouse facility.Suitable landscaping is proposed throughout the estate to provide a sufficient level of amenity.
Aboriginal Heritage	<ul style="list-style-type: none">Aboriginal Heritage has been dealt with as part of the bulk earthworks under SSD 5169. The development of facilities within the estate is not expected to trigger further investigation.
Historical Heritage	<ul style="list-style-type: none">Heritage has been dealt with as part of the bulk earthworks under SSD 5169. The development of facilities within the estate is not expected to trigger further investigation.
Traffic & Transport	<ul style="list-style-type: none">Suitable provision is made to accommodate and service the development in terms of traffic and transport. On-site car parking is proposed to support the use of the site so as to not adversely affect the surrounding road network. The width of the new entrance/exit is also sufficient based on heavy vehicle movements.

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Other Infrastructure & Services	<ul style="list-style-type: none">▪ Infrastructure and services have been dealt with under SSD 5169.
Visual Amenity	<ul style="list-style-type: none">▪ SSD 5169 was approved to provide pad levels and retaining wall heights.▪ The built form will be designed to incorporate architectural elements that articulate the facades and provide a sufficient level of visual amenity within the public domain.
Hazards	<ul style="list-style-type: none">▪ No dangerous goods are to be stored on site.
Site Layout and Design	<ul style="list-style-type: none">▪ The site layout and design responds to the site constraints, thus providing a highly functional development which enhances the visual amenity of the locality.▪ Suitable provision is made for service vehicles within the site. Detailed swept paths will be provided with the EIS and Traffic Impact Statement.

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11 CONCLUSION

The proposal, will involve works which equate to a capital investment value of more than \$10 Million, thus the development is defined as State Significant Development pursuant to Schedule 2 of *State Environmental Planning Policy (State and Regional Development) 2011*.

The subject site is appropriately zoned to permit the proposed development with no departure from any development standards required. Additionally, the site is located within close proximity to major road networks making it a convenient location and highly accessible within the region.

It requested that the Department issue formal SEARs for the preparation of an Environmental Impact Statement for the proposal as State Significant Development.

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Appendix 1

Concept Development Plan

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