



In reply please quote: 19/08809



Contact: Kerren Ven on 9725 878

05 November 2019

Mr Shaun Williams,
Planning Officer
Industry Assessments
Department of Planning, Industry and Environment
GPO Box 39
SYDNEY NSW 2001

**SSD-9601 – 780 WALLGROVE ROAD, HORSLEY PARK – PROPOSED
UPGRADES TO PLANT 2 – FAIRFIELD CITY COUNCIL SUBMISSION**

Dear Sir/Madam,

I refer to correspondence from the Department of Planning, Industry and Environment (DPIE) regarding public exhibition of the above State significant development (SSD).

Council officers have reviewed the Environmental Impact Statement (EIS) and supporting reports and in a number of instances request that additional information and clarification be provided by the applicant for Council to be able to fully assess the potential impacts of the proposed SSD. The issues are detailed further in this submission.

Site context:

The proposed upgrades to the existing Brickworks Facility (Austral Bricks Co) is located at 780 Wallgrove Road, Horsley Park, formally known as Lot 7 DP 7059698. The site is bounded within the Western Sydney Parklands adjoining the Westlink M7 Motorway west of the subject site and north-east of State Heritage Item SHR 01370 Prospect Reservoir and SHR 01373 Upper Canal System, bordering Blacktown City Council. The subject site is identified as unzoned land regulated by the State Environmental Planning Policy (Western Sydney Parklands) 2009.

In November 1960, the subject site was approved by Blacktown Shire Council for the manufacturing of bricks and extraction of clay and shale. Overtime, the subject site have been approved for alterations and additions associated with the activity and increase in acceptance of waste tonnage and is currently operating under Environment Protection Licence No. 546.

Plant 2 can be accessed from west of Ferrers Road, Horsley Park and slopes approximately 20m into Eastern Creek that runs from south to north and is situated in the centre of the subject site.



Along Eastern Creek and the east and south boundary of the subject site contains vegetation from the Shale Plains Woodlands region with a small south portion of vegetation from the Shale Hills Woodland. The site is affected by Class 2 bushfire prone land along Eastern Creek and Class 3 with a small portion being Class 1 along the vegetation on the east and south boundary of the subject site.

A. Planning Issues

The proposed upgrades to the existing Plant 2 of the Brickworks Facility are located within the Western Sydney Parklands and is regulated under the State Environmental Planning Policy (Western Sydney Parklands) 2009. The subject site is identified as unzoned land under the SEPP (WSP) 2009 and is part of Precinct 6 – Wallgrove Precinct of the Western Sydney Parklands Plan of Management (WSP POM) 2030.

The Austral Bricks site is identified as Interim Infrastructure in the WSP POM 2030 which anticipates the reduction of the use over the long term. In this regard the proponent shall engage with the Western Sydney Parklands Trust regarding the interim infrastructure for future land uses in the Parklands.

The existing Brickworks Facility is generally consistent under the Land Use provisions and Key Management Priorities under the WSP POM 2030. The development however must be satisfy Council's concerns and the relevant authorities (including WaterNSW and Department of Premier and Cabinet NSW - formerly Office of Environment and Heritage) as the adjoining Prospect Reservoir is identified as an environmental conservation area, bulk water supply infrastructure and state heritage item.

Council and the relevant authorities issues must be addressed and satisfied with the developments construction and operational phase in order to comply with *Part 2 Land uses and provisions applying to development* of the SEPP (WSP) 2009.

It is understood that the subject land is identified for corridor investigations for the Western Sydney Freight Line in connection to the Western Sydney Airport and the Southern Sydney Freight Line. The proponent must consult with Transport for NSW (TfNSW) regarding the proposal in order to ensure that the proposed upgrades to the existing brickworks facility are consistent with the corridor investigations for the future Western Sydney Freight Line.

Furthermore, the proposed chimney Stack is 35 metres in height and the subject site is located within the boundary of Western Sydney Airport's protected airspace (Obstacle Limitation Surface). The height of the stack must not encroach the OLS and the emissions from a stack may be a 'controlled activity' under the Airports Act 1996. In this regard DPIE needs to determine whether the application needs to be referred to Western Sydney Airport for comment.

Heritage

The subject site immediately adjoins State Heritage Item No. 4 Prospect Reservoir and surrounding area and Local Heritage Item No. 5 Spotted Gun Forest and Local Item No. 6 Group of Hoop Pines and Local Item No. 8 Bunya Pine. The DPIE should consider whether a Heritage Impact Assessment is required in accordance with Clause 15 of the SEPP (WSP) 2009.

Staff and visitors parking

Council notes that a large area of office space is proposed to accommodate the existing 35-onsite staff. The 18 car spaces proposed is not considered sufficient in accommodating existing office staff, production staff and maintenance staff and in this regard the proponent shall provide sufficient parking to accommodate the development.

B. Environmental Management comments

Council's Environmental Management Section have reviewed submitted documentation for the proposed development indicates there will no significant environmental impacts. However, given the existing Brickworks Facility operates under Environmental Protection License (EPL) No. 546 for the ceramic production specified in the Protection of the Environment Operations (PEO) Act 1997, comments are required from the NSW Environmental Protection Agency (NSW EPA) who is the appropriate regulatory authority.

C. Development Engineer comments

Council's Development Engineers have reviewed the submitted documentation for the proposed upgrade to Plan 2 and request the following information for Council to assess the proposal in accordance to clause 14A Flood planning of the SEPP (WSP) 2009;

Stormwater drainage and on-site detention

- The on-site detention system shall be designed in accordance with clause 4.5.1.2 of Council's Stormwater Management Policy (September 2017). Detailed cross section of the OSD basin shall be included in the final design.
- Stormwater discharge from the development to the Eastern Creek shall be in accordance with Council's Stormwater Management Policy (September 2017).

Water quality

- Quality of water discharge to the waterways shall meet the NSW EPA Standards.

D. Natural resources comments

Council's Natural Resources Department have reviewed relevant reports and Biodiversity Offsets Scheme letter prepared by Cumberland Ecology dated 8 April 2019 that suggests that a waiver be applied for future development at 780 Wallgrove Road, Horsley Park under Section 7.9 of the Biodiversity Conservation (BC) Act 2016.

Council officers note that the Cumberland Plain Land Snail was present and recorded on Atlas in 2015 and that a desktop search of the site identified the Green and Golden Bell Frog was recorded previously in adjacent land, 5km from the development site.

Pursuant to 7.9(2) of the BC Act 2016, any SSD application does not require a biodiversity development assessment report (BDAR) if the Planning Agency Head and Environmental Agency Head determine that the development is not likely to have significant biodiversity values (vegetation integrity, habitat suitability, threatened species abundance, vegetation abundance, habitat connectivity, threatened species movement, flight path integrity and water sustainability).

An assessment of the proposal reveals approximately 0.12ha of vegetation being low biodiversity value is proposed to be removed that currently provide sub-optimal foraging habitat for insectivorous and nectivorous fauna species, that are the Grey-

Headed Flying Fox, Little Lorikeet, Swift Parrot, Eastern Bentwing-Bat, Little Bentwing-Bat, Eastern Freetail-Bat and Yellow-Bellied Sheath-tail-Bat.

The consultant has suggested that the proposed upgrades to the Brickworks Facility are unlikely to have significant impact on any biodiversity values and threatened fauna species due to the degraded nature of the vegetation and the abundance of better quality vegetation for foraging for those highly mobile species will remain within the locality.

The consultant suggested that during the assessment of the impact of the proposal, there was limited justification for considering impacts to threatened species with the detail required under the Biodiversity Assessment Method (BAM).

For Council to consider the proposal, a Flora and Fauna Impact Assessment report including a 5-part test is to be undertaken for the proposed upgrade works. The report shall include appropriate monitoring of Green and Golden Bell Frog, Cumberland Plain Land Snail and Microbat Nocturnal Surveys.

E. Traffic Engineers comments

Council's Traffic Engineers have reviewed the State Significant Development application and require the applicant to provide clarification for further consideration regarding the following:

1. What is the largest vehicle anticipated to service the site? The Transport Assessment Report states that the proposed internal fire road is designed to service 26m B-Double vehicle however, clarification is required for the largest site-servicing vehicle.
2. The proposed loading docks at Plant 2 site shall be designed to accommodate the type of delivery vehicles and potential uses of the development. Information regarding the number of loading docks and the size of loading docks within the site shall be provided to Council for assessment.
3. Clarification is required regarding whether there will be changes to the existing servicing arrangement for the site i.e. the type and number of service vehicles using the site during the operational phase of the development.

F. Building Control comments

Council's Building Control Department have reviewed the proposed upgrades to the Brickwork Facility and raises no objections to the proposal, subject to compliance with the recommendations provided in the BCA Assessment report, Project No. 180346, Revision 1, prepared by Blackett Maguire & Goldsmith dated 17.05.2019.

G. Waste Sustainability comments

Council's Waste Sustainability Department have reviewed the Waste Management Plan prepared by LG Consulting Pty Ltd dated 15 July 2019 and find that the waste management plan provides sufficient information on how the proponent will deal with the waste during construction and operational phase.

It is noted that during demolition phase will require the removal of 94m² of asbestos sheeting that must be completed by a licensed contractor and disposed of at a licensed facility that can accept asbestos. Receipts and licenses should be sighted to ensure that it has been dealt with in accordance to the WorkSafe NSW guidelines.

Please contact Kerren Ven on 9725 0878 if you have any further enquiries regarding the above

Yours faithfully

A handwritten signature in black ink, reading "Andrew Mooney". The signature is written in a cursive, flowing style with a large initial 'A' and 'M'.

Andrew Mooney
Executive Strategic Planner