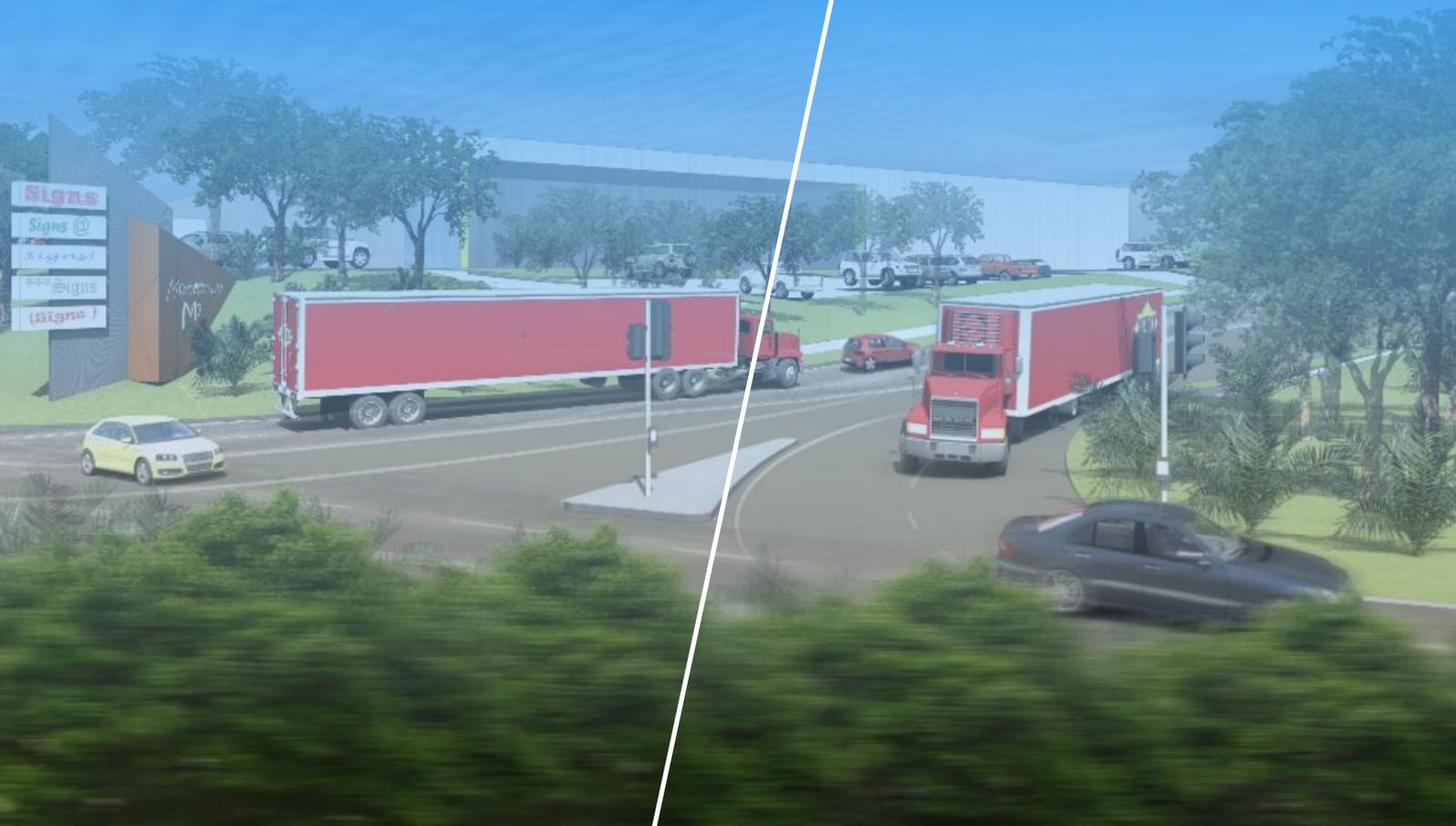




# **Gazcorp Industrial Estate**

*State Significant  
Development Assessment  
(SSD 5248)*



August 2019

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### **Cover photo**

Gazcorp Industrial Estate Entry Artist's Impression (Source: Design Statement, 813-913 Wallgrove Road, Eastern Creek, Morris Bray Martin Oallmann 2013)

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# Glossary

Abbreviation	Definition
Applicant	Gazcorp Pty Ltd
AS	Australian Standard
BCA	Building Code of Australia
CEMP	Construction Environmental Management Plan
CIV	Capital Investment Value
Construction	The demolition of buildings or works, carrying out of works, including earthworks, erection of buildings and other infrastructure covered by this consent
Consent	Development Consent
Council	Fairfield City Council
DA	Development Application
Department	Department of Planning, Industry and Environment
Development	The development as described in the EIS and RtS for Gazcorp Industrial Estate (SSD 5248)
DPI	Department of Primary industries
EIS	Environmental Impact Statement titled <i>Environmental Impact Statement Gazcorp Industrial Estate Western Sydney Employment Area</i> prepared by (former) JBA Urban Planning Consultants Pty Ltd dated 6 February 2014
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
FRNSW	Fire and Rescue NSW
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces (or delegate)
NCC	National Construction Code
OEH	(former) Office of Environment and Heritage (now Biodiversity and Conservation Division of the Department)
PA	Planning Agreement
RFS	NSW Rural Fire Service
RMS	(former) Roads and Maritime Services (now TfNSW)
RTS	Response to Submissions
SLR	Southern Link Road

Abbreviation	Definition
TfNSW	Transport for New South Wales
TSC Act	<i>Threatened Species Act 1995</i>
WIK	Works-in-kind
WSEA	Western Sydney Employment Area
WSEA SEPP	State Environmental Planning Policy (Western Sydney Employment Area) 2009
WSFL	Western Sydney Freight Line



# Executive Summary

## Introduction

Gazcorp Pty Ltd (the Applicant) has lodged a State significant development application and accompanying Environmental Impact Statement (EIS) seeking approval to establish an industrial warehouse estate known as the Gazcorp Industrial Estate at 813 – 913 Wallgrove Road, Horsley Park (the site), within the Western Sydney Employment Area (WSEA) in the Fairfield Local Government Area (LGA).

The site is located 33 kilometres (km) west of Sydney and covers approximately 52 hectares (ha) of IN1 General Industrial and E2 Environmental Conservation zoned land. The site is located within Precinct 8 of the Western Sydney Employment Area (WSEA). The nearest sensitive receiver is a residential dwelling located approximately 122 metres (m) to the south. The site is bound by Water NSW Warragamba to Prospect pipeline to the north, Wallgrove Road to the east, a TransGrid transmission line to the south and Reedy Creek to the west.

## Development Description

The proposed development (the development) includes a Concept Proposal for an industrial estate with 16 warehouses and a concurrent Stage 1 Development Application (DA). The Concept Proposal seeks approval for a maximum gross floor area (GFA) of 211,550 square metres (m<sup>2</sup>) across 16 development lots as well as site levels, landscaping, infrastructure services and development controls. The Stage 1 DA seeks consent for the construction and operation of a 45,225 m<sup>2</sup> warehouse with ancillary office space on proposed Lot 10 as well as bulk and detailed earthworks, construction of internal access roads and estate-wide street landscaping.

The Concept Proposal has a capital investment value (CIV) of \$174.5 million. The Stage 1 DA has a CIV of \$52.2 million. Development within the Concept Proposal area is expected to generate up to 1,900 construction jobs and 1,500 operational jobs. It is anticipated the Stage 1 development would generate 520 of the Concept Proposal construction jobs and 360 of the Concept Proposal operational jobs.

## Statutory Context

The development is classified as State significant development (SSD) under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it involves construction and operation of a warehouse and distribution facility that meets the criteria in Clause 12 of Schedule 1 in State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP). Consequently, the Minister for Planning and Public Spaces is the consent authority for the development.

However, under the Minister's delegation dated 14 September 2011, the Independent Planning Commission (the Commission) may determine the application as there are 32 public submissions received during the exhibition objecting to the development and the Applicant has made a political enclosure statement.

## Engagement

The Department of Planning, Industry and Environment (the Department) exhibited the EIS for the development from Wednesday 9 April 2014 until Friday 23 May 2014. The Department received a total of 42 submissions during the exhibition period, including 9 submissions from public authorities, one from Fairfield City Council (Council), one submission from a special interest group and 31 submissions from the general public including one petition containing 17 signatures.

Key concerns raised related to noise and vibration, traffic and access, visual impact and stormwater and drainage management. Transport for New South Wales (TfNSW) and the former Roads and Maritime Service (RMS) (now

TfNSW) lodged a joint submission regarding the proposed location of the intersection and access with Wallgrove Road. The joint submission requested the Applicant amend the development to utilise the proposed future location of the Southern Link Road (SLR) to gain access to the site as identified in the draft amendment to the State Environmental Planning Policy (Western Sydney Employment Area) 2009 (WSEA SEPP).

As part of the Response to Submissions (RtS) process, the Applicant amended the layout of the development to relocate the proposed access to the site to within a portion of the road reserve identified for the future SLR in the WSEA SEPP. The Applicant also proposed to construct the intersection of the SLR and Wallgrove Road and two lanes of the SLR for 350 m as works-in-kind (WIK) to offset the contributions for regional transport infrastructure as part of a Planning Agreement.

### **Southern Link Road and Delays**

Negotiations regarding the Planning Agreement took a considerable amount of time because Council and the TfNSW both would not provide an undertaking to be the roads authority under the *Roads Act 1993* for the SLR. Essentially, a WIK for the proposed construction of a portion of the SLR by the Applicant would not be possible without a roads authority approving the design, costings, construction and validation of the road. The Department mediated between the Applicant, TfNSW and Council to progress the issue and ensure a Planning Agreement could be executed to facilitate a Satisfactory Arrangements Certificate (SAC) as required by clause 29(3) of the WSEA SEPP. The SAC demonstrates the provision of adequate contributions towards regional transport infrastructure.

The Applicant wanted to ensure a WIK would be possible should the roads authority for the SLR be selected prior to the construction of the site access. However, the Applicant ultimately agreed to alternatively construct a private access road within the SLR road reserve without receiving a WIK should the roads authority still be in question. Once the final design of the road is complete and the roads authority settled, the private access road would be removed prior to the construction of the SLR. After lengthy deliberations spanning a number of years, the Applicant, TfNSW and the Department are now satisfied the Planning Agreement is flexible enough to provide the Applicant options regarding the construction of road infrastructure.

The Planning Agreement was executed on 25 July 2019 and a SAC was issued on 29 July 2019. Detailed design work for the SLR is presently underway by the TfNSW on behalf of the Department and it is not expected that construction of the road would be complete until around 2026.

### **Assessment**

The Department's assessment of the application has fully considered all relevant matters under Section 4.15 and the objects of the EP&A Act and the principles of ecologically sustainable development. The Department has broadly considered the impacts of the entire Concept Proposal, noting further DAs would be submitted for subsequent stages, and this is when a detailed assessment of the impacts of the subsequent stages would be undertaken. For the Stage 1 DA, the Department has assessed the impacts in greater detail.

The Department has identified the key issues for assessment are built form and visual impact, noise and vibration and traffic and access. The Department's assessment of these and other issues concluded the development can be designed, constructed and operated to achieve acceptable levels of amenity at the adjacent sensitive land uses.

The development would transform the existing rural nature of the site into a fully developed industrial warehouse complex, consistent with its industrial zoning and the objectives of the WSEA SEPP. This transformation would have moderate visual impacts for the rural residences to the south. The visual impacts would be reduced to an acceptable level through the construction of a landscape mound and early landscape planting along the southern boundary. The visual impact of the development would also be obstructed by the future Western Sydney Freight

Line (WSFL) corridor which has been proposed to run between the M7 Motorway and the planned Outer Sydney Orbital. Once contrasted, the WSFL would run immediately parallel to the southern boundary of the site.

The development would meet relevant noise criteria with the construction of landscape mounds and acoustic barrier. The development would require the removal of ecological communities which would be offset through the purchase and retirement of biodiversity credits.

Overall, the Department's assessment has concluded the development would:

- provide a range of benefits for the region and the State, through a capital investment of \$174.5 million in the Fairfield LGA
- provide a total of 1,500 operational jobs in western Sydney
- be consistent with the strategic objectives of the WSEA SEPP and the Western City District Plan to deliver employment generating development in western Sydney, close to key transport links
- not have a significant impact on the local environment.

Consequently, the Department considers the development is in the public interest and the application is approvable, subject to conditions. This assessment report is hereby presented to the Commission for determination.



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# 1. Introduction

This report details the Department of Planning, Industry and Environment's (the Department) assessment of the State significant development (SSD) application (SSD 5248) for the Gazcorp Industrial Estate at 813 – 913 Wallgrove Road, Horsley Park (the site) in the Fairfield Local Government Area (LGA). The proposed development (the development) involves a Concept Proposal to establish 16 warehouse building envelopes, landscaping, car parking and biodiversity offset requirements. The development also includes a Stage 1 Development Application (DA) for the construction and operation of a 45,225 square metre (m<sup>2</sup>) warehouse and distribution building on proposed Lot 10 as well as street landscaping and internal road works.

The Department's assessment considers all documentation submitted by Gazcorp Pty Ltd (the Applicant) including the Environmental Impact Statement (EIS), Response to Submissions (RtS) report, as well as submissions received from government authorities, special interest group and the general public. The Department's assessment also considers the legislation and environmental planning instruments relevant to the site and the development.

This report describes the development, surrounding environment, relevant strategic and statutory planning provisions and the issues raised in submissions. The report evaluates the key issues associated with the development and provides recommendations for managing any impacts during construction and operation. The Department's assessment of the development has concluded that the development is in the public interest and should be approved, subject to conditions.

## 1.1 Development Background

The Applicant is seeking development consent for a Concept Proposal for an industrial estate and Stage 1 DA to construct and operate a new warehousing and distribution centre at Horsley Park (the development). The Concept Proposal includes 16 warehouse buildings with ancillary office spaces, car parking, loading dock facilities and a 30 metre (m) wide vegetated riparian setback zone along the site's western boundary to Reedy Creek. The Stage 1 DA proposes to construct and operate one warehouse and distribution building with 45,225 m<sup>2</sup> of floor space on proposed Lot 10. The development would operate 24 hours per day, 7 days a week.

The Applicant is a real estate investment company who owns a number of commercial and residential developments across the Sydney metropolitan region, including retail developments in Liverpool and Green Square and a residential development in Belfield.

## 1.2 Site Description

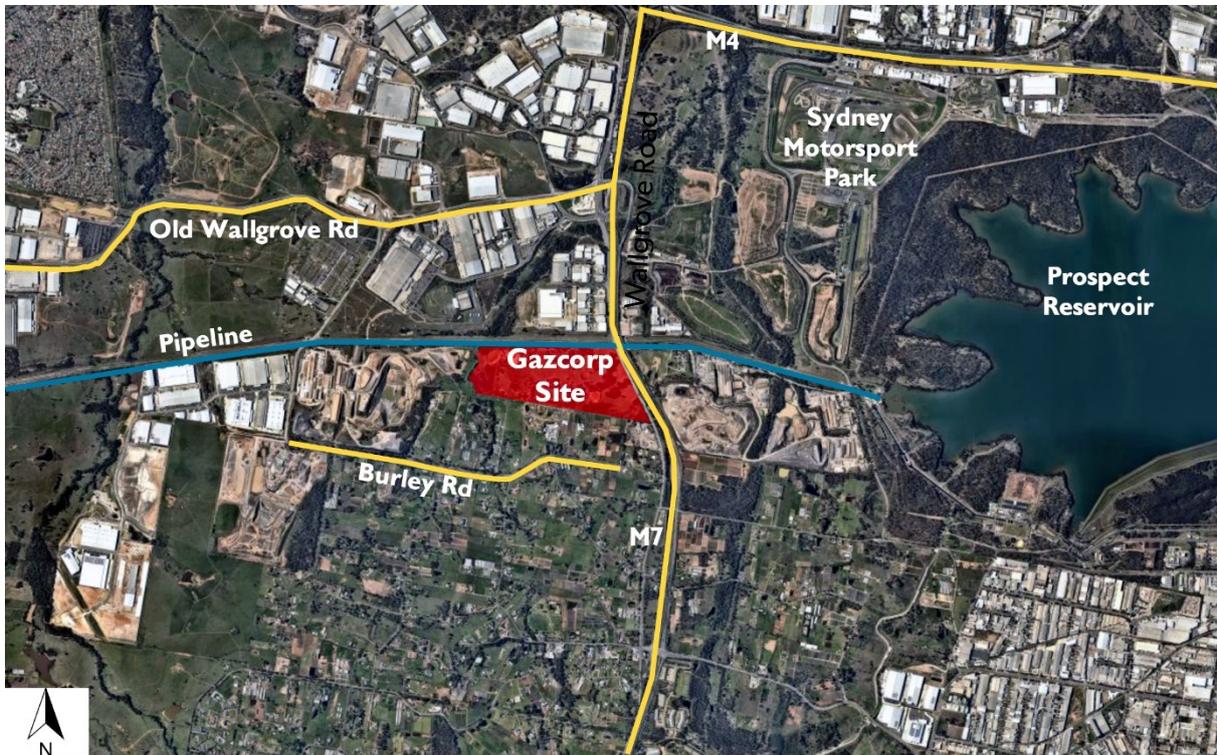
The site comprises approximately 52 hectares (ha) of industrial and environmental conservation zoned land located at 813 – 913 Wallgrove Road, Horsley Park, in the Fairfield local government area (LGA) (the site) (see **Figure 1**). The site is located 33 kilometres (km) west of the Sydney central business district (CBD) and 16 km south-east of Penrith.

The site is legally described as Lot 5 in Deposited Plan (DP) 24090 and is bound by the Water NSW Warragamba to Prospect pipeline to the north, Wallgrove Road to the east, a TransGrid transmission line easement to the south and Reedy Creek to the west.

The site is characterised by undulating topography including a hill located in the central part of the site, which slopes east to Wallgrove Road and west to Reedy Creek. Reedy Creek flows from south to north where bushland

along the western boundary contributes to the Reedy Creek riparian corridor. The site contains remnant patches of natural vegetation, comprising mainly Cumberland Plain Woodland endangered ecological community (EEC).

Historically, the site was used for pastoral grazing for cattle and horses. Currently, the site consists of several farming dams, a metal shed and an animal-stock holding yard. Site access is off Wallgrove Road, via an unsealed internal driveway along the northern site boundary.



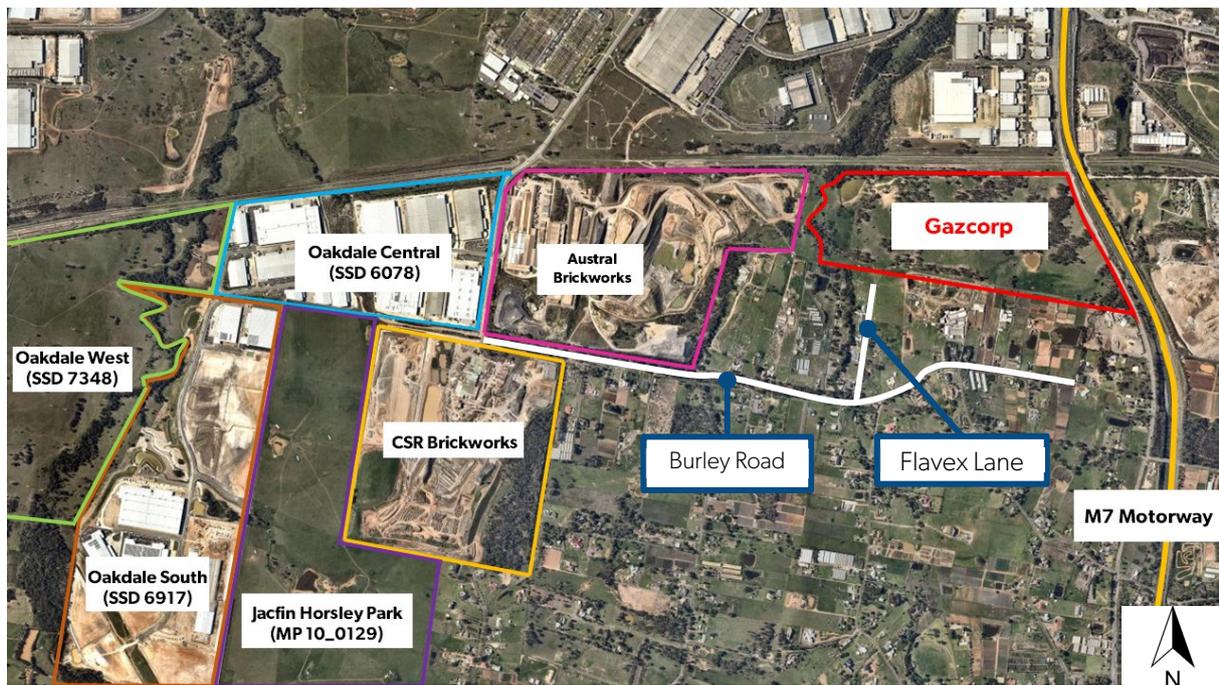
**Figure 1** | Regional Context Map

### 1.3 Surrounding Land Uses

The site is predominantly surrounded by IN1 General Industrial and RU4 Primary Production zoned land. Surrounding land uses include:

- to the north: Water NSW's Warragamba to Prospect pipeline and an industrial precinct is located to the north of the pipeline
- to the east: Wallgrove Road and Westlink M7 Motorway, Austral Brickwork is located to the east of the M7 Motorway
- to the south: TransGrid transmission easement, rural residences in Flavex Estate and Burley Road (RU4 Primary Production Small Lots zoned land)
- to the west: Reedy Creek forms the western site boundary and Austral Brickwork is located to the west of Reedy Creek, opposite the site.

The nearest residential receiver is located at 146 Burley Road in Flavex Estate which is approximately 122 m to the south of the site. There are also several rural residential properties fronting Burley Road further to the south (see **Figure 2**).

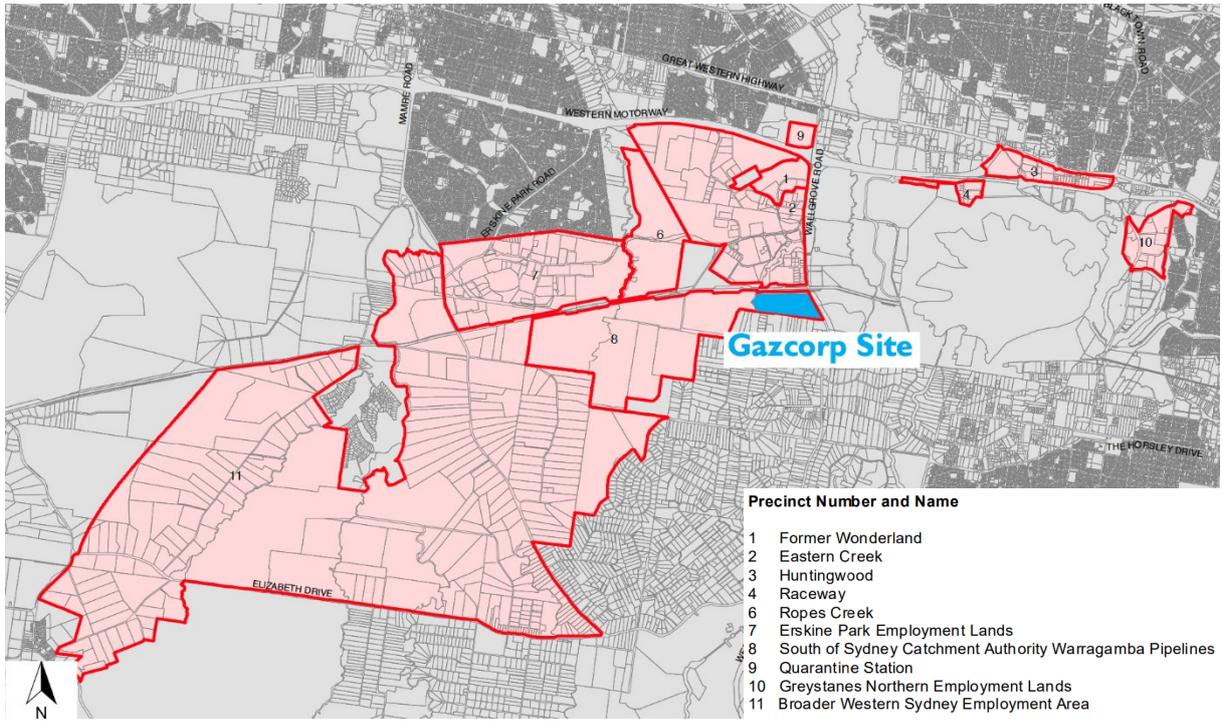


**Figure 2** | Developments in the Site Vicinity

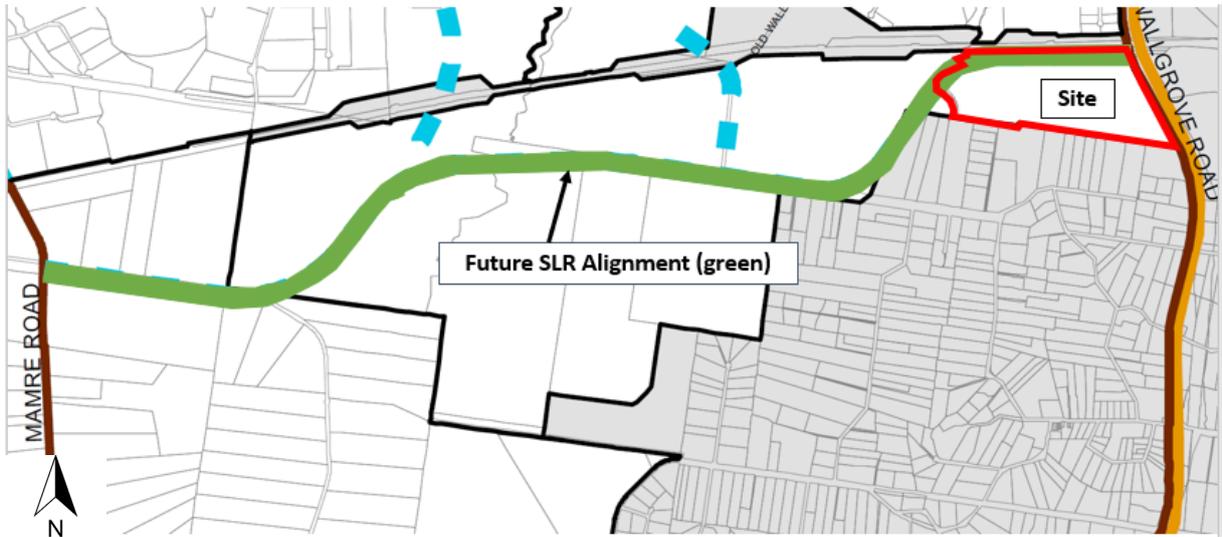
## 1.4 Western Sydney Employment Area

In August 2009, State Environmental Planning Policy (Western Sydney Employment Area) 2009 (WSEA SEPP) was gazetted. The WSEA SEPP established permissible land uses and development controls for the purpose of creating additional industrial and employment lands to cater for industrial, transport logistics, warehouse and office uses. The WSEA SEPP has since been amended and the broader WSEA now consists of more than 10,000 ha of land across 10 precincts spanning the Blacktown, Cumberland, Fairfield, Liverpool and Penrith LGAs. The subject site is located within Precinct 8 of the WSEA (see **Figure 3**). The broader WSEA is expected to deliver more than 57,000 new operational jobs by 2044 and 155,000 operational jobs at full development.

The WSEA SEPP also identifies the conceptual regional road alignment for the Southern Link Road (SLR) (see **Figure 4**). The SLR will provide the road infrastructure required to accommodate travel demand generated by the WSEA precincts located south of the Water NSW Pipeline. TfNSW (formerly the Roads and Maritime Services (RMS)) has commenced a detailed design review of the SLR including an analysis of the suitability of the existing alignment. The Department, TfNSW, Fairfield Council, Penrith Council and Blacktown Council are involved in a working group assisting with the design review which will be finalised in the early to mid-2020. The WSEA SEPP and the conceptual alignment of the SLR may need to be amended to reflect the conclusions of this design review.



**Figure 3** | Western Sydney Employment Area



**Figure 4** | Present Alignment of the Southern Link Road



## 2. Development

The Applicant is seeking development consent to construct and operate an industrial and warehouse and distribution estate known as the Gazcorp Industrial Estate at 813 – 913 Wallgrove Road, Horsley Park. The major components of the development are summarised in **Sections 2.1** and **2.2** and **Tables 1** and **2**, shown in **Figure 5** and **Figure 6** as well as described in full in the Environmental Impact Statement (EIS), included in **Appendix A**.

The development includes an overarching Concept Proposal to guide the staged development of the site. The development also includes a concurrent Stage 1 DA which includes site establishment works, road works and the construction and operation of a warehouse and distribution building at proposed Lot 10.

### 2.1 Concept Proposal

The key components of the Concept Proposal, as amended by the RtS, are summarised in **Table 1** and shown in **Figure 5**.

**Table 1** | Key Components of the Concept Proposal

Aspect	Description
<b>Summary</b>	<b>A Concept Proposal for the development of the Gazcorp Industrial Estate across 16 warehouse building envelopes.</b> <b>The Concept Proposal also includes site levels, landscaping, infrastructure services and development controls.</b>
<b>Development Controls</b>	<ul style="list-style-type: none"><li>• maximum gross floor area (GFA) of 211,550 m<sup>2</sup> comprising 198,300 m<sup>2</sup> of warehouse floor space and 13,250 m<sup>2</sup> of office floor space</li><li>• 46% site coverage</li><li>• 14 m maximum building height</li><li>• 1,500 car parking spaces</li></ul>
<b>Access</b>	<ul style="list-style-type: none"><li>• access to the estate via a signalised intersection in Wallgrove Road connecting to the internal road within the future SLR alignment</li></ul>
<b>Stormwater</b>	<ul style="list-style-type: none"><li>• individual on-site detention for each development lot, designed to contain up to the 100-year Average Recurrence Interval (ARI)</li></ul>
<b>Biodiversity</b>	<ul style="list-style-type: none"><li>• removal of 14.55 ha of native vegetation and offsetting</li></ul>
<b>Hours of Operation</b>	<ul style="list-style-type: none"><li>• 24 hours a day, 7 days a week</li></ul>
<b>Capital Investment Value (CIV)</b>	<ul style="list-style-type: none"><li>• \$174.5 million</li></ul>
<b>Employment</b>	<ul style="list-style-type: none"><li>• 1,900 construction jobs</li><li>• 1,500 full time equivalent operational jobs</li></ul>



Figure 5 | Concept Proposal Layout

## 2.2 Stage 1 Development Application

Key components of the Stage 1 DA, as amended by the RtS, are summarised in **Table 2** and shown in **Figure 6**.

**Table 2** | Key Components of the Stage 1 DA

Aspect	Description
<b>Stage 1 DA Summary</b>	<b>Construction and operation of a 45,225 m<sup>2</sup> warehouse and distribution building with ancillary office space on development Lot 10 and estate-wide bulk earthworks, site establishment works, construction of the internal road network and extension of utilities and services.</b>
Proposed Use	<ul style="list-style-type: none"> <li>warehouse and distribution facility with ancillary office space</li> </ul>
Site area and development footprint	<ul style="list-style-type: none"> <li>GFA of 45,225 m<sup>2</sup> comprising of 42,219 m<sup>2</sup> of warehouse floor space and 3,006 m<sup>2</sup> of office floor space</li> <li>49% site coverage</li> <li>14 m building height</li> <li>28 loading docks</li> <li>223 car parking spaces</li> </ul>
Earthworks, civil works and services extension	<ul style="list-style-type: none"> <li>1,025,000 m<sup>3</sup> of cut</li> <li>992,000 m<sup>3</sup> of fill</li> <li>33,000 m<sup>3</sup> of excess cut would be used to fill dams</li> </ul>
Road and intersection works	<ul style="list-style-type: none"> <li>construction of an internal road within the gazetted alignment of the SLR and a signalised intersection with Wallgrove Road (see <b>Figure 6</b>).</li> </ul>
Parking	<ul style="list-style-type: none"> <li>223 car parking spaces</li> </ul>

Aspect	Description
Infrastructure	<ul style="list-style-type: none"> <li>new water main connection to the Sydney Water Minchinbury Water Supply System</li> <li>new sewer connection from the existing Sydney Water Eastern Creek sub-main</li> <li>connection to the existing 11 kilovolt (kV) electricity distribution network near Wallgrove Road</li> <li>construction of on-site detention at Lot 10</li> <li>construction of two interim on-site detention (OSD) basins for the remainder of the site.</li> </ul>
Landscaping and Vegetation	<ul style="list-style-type: none"> <li>landscaping within Lot 10 around the Stage 1 warehouse and the internal access road</li> <li>screen planting at the site boundaries</li> <li>rehabilitation of riparian corridor vegetation</li> </ul>
Construction Timeframe	<ul style="list-style-type: none"> <li>15 months</li> </ul>
Hours of Operation	<ul style="list-style-type: none"> <li>24 hours a day, 7 days a week</li> </ul>
Stage 1 Capital investment value	<ul style="list-style-type: none"> <li>\$52.2 million</li> </ul>
Employment	<ul style="list-style-type: none"> <li>520 full-time equivalent construction jobs and 360 operational jobs.</li> </ul>

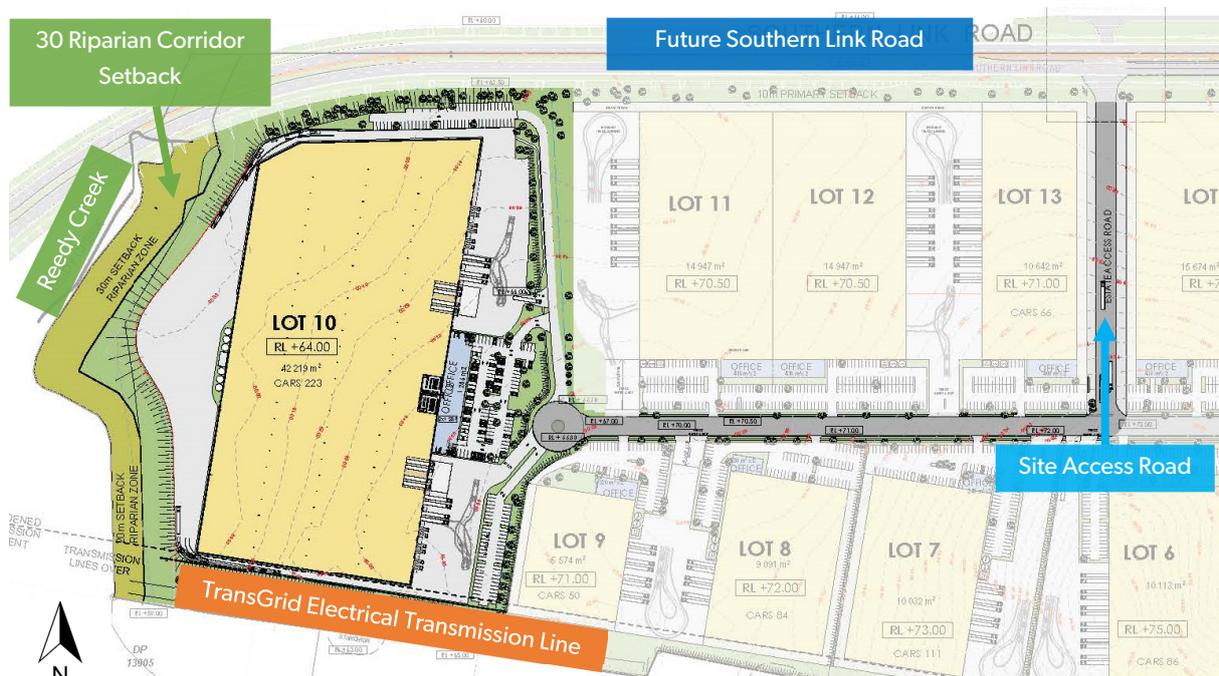


Figure 6 | Proposed Stage 1 Development

### 2.3 Planning Agreement

The Concept Proposal and Stage 1 DA is accompanied by a Planning Agreement that details the contribution the Applicant will make to regional infrastructure. The Planning Agreement provides the Applicant the option of

constructing a portion of the SLR (350 m from Wallgrove Road into the site) as a works-in-kind (WIK) to offset a portion off their required contribution for regional infrastructure. However, as the detailed design work for the SLR (see **Section 5.6.3**) will not be complete in the near future and a roads authority has not been identified, the Planning Agreement also provides the Applicant the option of constructing a temporary access road within the SLR alignment. This option does not allow the Applicant to seek WIK offsets as the temporary access road would need to be removed during the future construction of the SLR.

The Planning Agreement was executed on 25 June 2019 and is consistent with Clause 29 of the WSEA SEPP. On 29 July 2019, a Satisfactory Arrangement Certificate was issued by the Acting Deputy Secretary, Place and Infrastructure Greater Sydney as delegate of the Planning Secretary in accordance with Clause 29 of the WSEA SEPP.

## 2.4 Applicant’s Need and Justification for the Development

The Applicant is a real estate investment company that develops, owns and manages large-scale retail, commercial and residential developments. In Sydney, the Applicant currently manages the Grove Liverpool precinct including the Grove Homemaker Centre and Fashion Spree Centre as well as food and beverage premises, Emerald City shopping centre in Green Square and a residential development in Belfield.

The Applicant has stated the development would contribute to the provision of jobs within Western Sydney, in line with the State government’s strategic vision for the State, as it is located within the WSEA. The Applicant suggests the development of a large strategic site in close proximity to the M4 and M7 Motorways and adjacent to the future SLR will generate direct new employment opportunities and promote future economic and business development in the WSEA. The Applicant has also stated the development would stimulate jobs and business investment and deliver social and economic benefits to the area and Greater Sydney.

The Applicant investigated 3 development options for the site as follows:

- Option A: Do Nothing  
The Applicant considered a “do nothing” approach and determined that to do nothing would result in a decline in existing remnant vegetation quality through the existing farming practices on site and would be inconsistent with the WSEA SEPP.
- Option B: Initial Design  
The Applicant considered the existing site constraints and concluded the proposed site layout, as shown in **Figure 5** is the preferred outcome to maximise the sites development potential. The Applicant provided an illustration of a previously considered site layout, shown in **Figure 7**.



**Figure 7** | Option B: Initial Design

- Option C: The Preferred Concept Plan

The Applicant consulted with TfNSW in relation to 3 site access scenarios which concluded that a single signalised intersection on Wallgrove Road would be the best performing option as:

- it would reduce the number of signalised intersections
- the modelled average delay at the proposed SLR and Wallgrove Road intersection would also be reduced.

As such the Concept Proposal, as depicted in **Figure 5**, was pursued by the Applicant.



## 3. Strategic Context

### 3.1 Greater Sydney Regional Plan

In March 2018, the Greater Sydney Commission (GSC) released the Greater Sydney Region Plan: *A Metropolis of Three Cities* (the Region Plan) which forms part of the integrated planning framework for Greater Sydney. The Region Plan is built on a vision of three cities; the Western Parkland City, the Central River City and the Eastern Harbour City. The 40-year vision to 2056 brings new thinking to land use and transport patterns to boost Greater Sydney's liveability, productivity and sustainability by spreading the benefits of growth.

The development would assist in achieving Objective 16 by utilising industrial zoned land for warehouse and logistics use and Objective 23 by providing employment opportunities in Western Sydney.

### 3.2 Western City District Plan

The Greater Sydney Commission has released six district plans encompassing Greater Sydney which will guide the delivery of the Greater Sydney Region Plan. The district plans set out the vision, priorities and actions for the development of each district.

The proposed development is located within the Western City District. The Western City District Plan is a 20-year plan to manage growth in Western Sydney in the context of economic, social and environmental matters to achieve to 40-year vision for Greater Sydney. It is a guide to implementing the Greater Sydney Region Plan at a district level and is a bridge between regional and local planning.

The development would assist in achieving Planning Priorities W10 and W11 as it would maximise logistics opportunities, investment, business opportunities and jobs in strategic centres.

### 3.3 Future Transport Strategy 2056

Future Transport 2056 is a 40-year strategy for the development and improvement of the NSW transport system. The vision for future transport is built on six outcomes: customer focused, successful places, a strong economy, safety and performance, accessible services and sustainability. These outcomes are intended to provide a guide for future investment, policy, reform and provision of services, as well as provide a framework to support a modern, innovative transport network.

Future Transport 2056 identifies the Western Sydney Freight Line (WSFL) as a Greater Sydney Initiative for Investigation in 10-20 years. The site is located immediately north of the proposed WSFL corridor as shown in **Figure 8**. The development would not impede on the WSFL corridor. TfNSW has not raised any issues with the interface between the development and the WSFL corridor.



**Figure 8** | Western Sydney Freight Line Alignment

### 3.4 State Environmental Planning Policy (Western Sydney Employment Area) 2009

The WSEA SEPP aims to promote economic development and employment, provide for the orderly and coordinated development of land, rezone land for employment or conservation purposes, ensure development occurs in a logical, cost-effective and environmentally sensitive manner and conserve and rehabilitate areas with high biodiversity, heritage or cultural value within the WSEA. The development is generally consistent with the relevant aims set out in clause 3 of the WSEA SEPP as:

- it is for a warehousing and distribution development
- the Concept Proposal will provide up to 1,845 jobs
- it includes the rehabilitation of riparian vegetation and the establishment of a biodiversity offset area.

In accordance with clause 29 of the WSEA SEPP, the Applicant has entered into a Planning Agreement with the Minister for Planning and Public Spaces, for the provision of regional transport infrastructure (see **Section 2.3**)

The Planning Agreement was executed on 25 June 2019. A Satisfactory Arrangement Certificate regarding the SLR delivery was issued by the Department on 29 July 2019 pursuant to Clause 29 of the WSEA SEPP.

The Department’s assessment of the development against the relevant development standards in the WSEA SEPP is provided in **Appendix C** – Environmental Planning Instruments.



## 4. Statutory Context

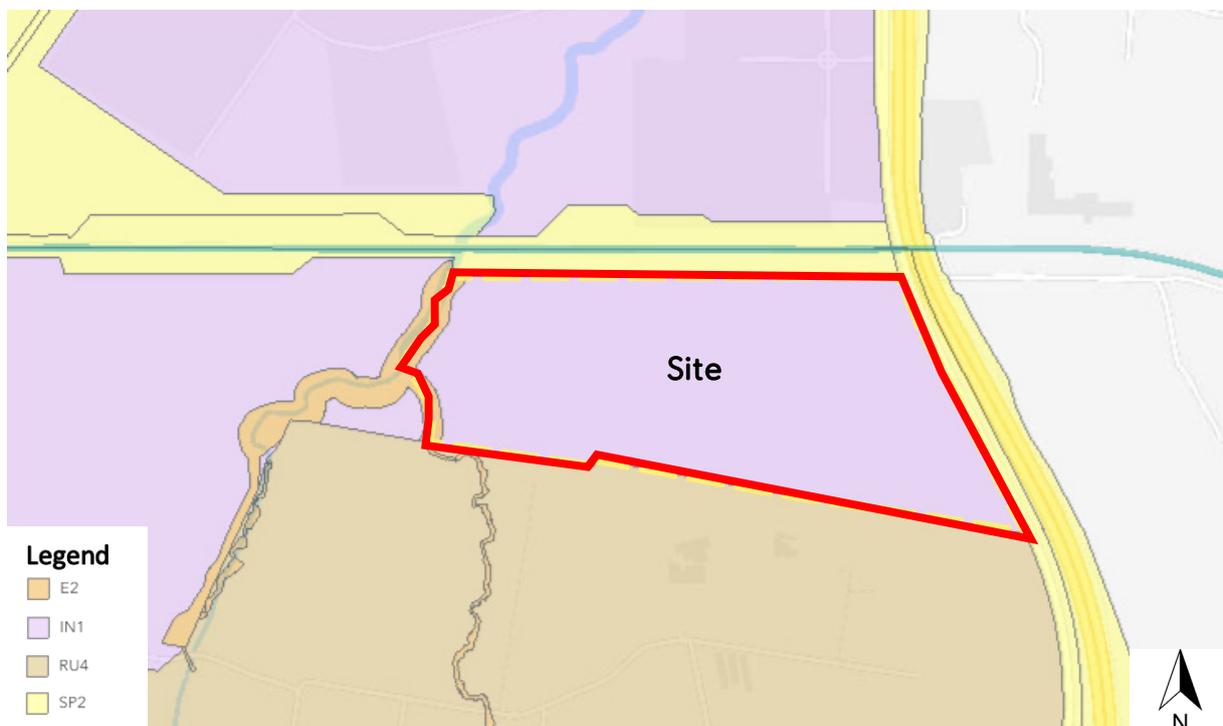
### 4.1 State Significant Development

The development is State significant development (SSD) pursuant to Section 4.36 of *Environmental Planning and Assessment Act 1979* (EP&A Act) as it involves the construction and operation of a warehouse and distribution centre with a capital investment value greater than \$50 million, which meets the criteria in Clause 12 of Schedule 1 in State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP). Consequently, the Minister for Planning and Public Spaces is the consent authority for the development.

### 4.2 Permissibility

Two land use zones apply to the site under the WSEA SEPP, as shown in **Figure 9**:

- IN1 General Industrial
- E2 Environmental Conservation.



**Figure 9** | Zoning Map

Industries and warehouse and distribution centres are permissible with development consent in the IN1 zone and artificial waterbodies, environmental facilities, environmental protection works, flood mitigation works and roads are permissible with consent in the E2 zone. Therefore, the Minister or a delegate may determine the carrying out of the development.

### 4.3 Consent Authority

In accordance with Clause 8A of the SRD SEPP, section 4.5 of the EP&A Act and the Minister's delegation dated 14 September 2011, the Independent Planning Commission (the Commission) is the consent authority for SSD applications when the following requirements are met:

- Council has made an objection
- there are at least 25 public submissions (other than Council) have made in the nature of objections
- the Applicant has disclosed a reportable political donation.

Council made an objection during the public exhibition of the development application and the EIS, but withdrew its objection following review of the Applicant's RtS. However, 32 public submissions by way of objection were received during the public exhibition and the Applicant disclosed a reported political donation. As such, under the Minister's delegation, the Commission is the consent authority for the development.

#### 4.4 Other Approvals

Under Section 4.42 of the EP&A Act, other approvals may be required and must be approved in a manner that is consistent with any Part 4 consent for the SSD under the EP&A Act.

In its submission the EPA advised that the development does not constitute a scheduled activity under the *Protection of the Environment Operations Act 1997* (POEO Act), therefore an Environment Protection Licence (EPL) is not required. The EPA has advised that if any future tenancies involve a scheduled activity pursuant to the POEO Act, an EPL would be required prior to undertaking the activity.

TfNSW advised in its submission that the intersection works in Wallgrove Road require consent from TfNSW under the *Roads Act 1993*. TfNSW recommended design amendments for the intersection works and advised that the Applicant is required to enter into a Works Authorisation Deed (WAD) with the TfNSW for the works. The Department has incorporated TfNSW requirements into the recommended conditions.

#### 4.5 Considerations under Section 4.15 of the EP&A Act

Section 4.15 of the EP&A Act sets out matters to be considered by a consent authority when determining a development application. The Department's consideration of these matters is set out in **Section 6** and **Appendix B**. In summary, the Department is satisfied the development is consistent with the requirements of section 4.15 of the EP&A Act.

#### 4.6 Environmental Planning Instruments

Under Section 4.15 of the EP&A Act, the consent authority, when determining a development application, must take into consideration the provisions of any Environmental Planning Instrument (EPI) and draft EPI (that has been subject to public consultation and notified under the EP&A Act) that apply to the development.

The Department has considered the development against the relevant provisions of several key EPIs including:

- State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)
- State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)
- State Environmental Planning Policy No 64 – Advertising and Signage (SEPP 64)
- State Environmental Planning Policy No 33 – Hazardous and Offensive Development (SEPP 33)
- State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55)
- State Environmental Planning Policy (Western Sydney Employment Area) 2009 (WSEA SEPP)
- Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (No. 2 1997) (SREP 20)
- Fairfield Local Environmental Plan 2013 (FLEP).

Development Control Plans (DCPs) do not apply to SSD under Clause 11 of the SRD SEPP. However, the Department has considered the relevant provisions of the Fairfield DCP 2013 in its assessment of the development in **Section 6** of this report.

Detailed consideration of the provisions of all EPIs that apply to the development is provided in **Appendix C – Environmental Planning Instruments**. The Department is satisfied the development generally complies with the relevant provisions of these EPIs.

#### 4.7 Public Exhibition and Notification

In accordance with section 2.22 and Schedule 1 to the EP&A Act, the development application and any accompanying information of an SSD application are required to be made publicly exhibited for at least 28 days. The application was on public exhibition from Wednesday 9 April 2014 until Friday 23 May 2014. Details of the exhibition process and notifications are provided in **Section 5.1**.

#### 4.8 Objects of the EP&A Act

In determining the application, the consent authority should consider whether the development is consistent with the relevant objects of the EP&A Act. These objects are detailed in section 5 of the EP&A Act. The objects of relevance to the merit assessment of this application include:

- (a) *to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State’s natural and other resources,*
- (b) *to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) *to promote the orderly and economic use and development of land,*
- (d) *to promote the delivery and maintenance of affordable housing,*
- (e) *to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) *to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) *to promote good design and amenity of the built environment,*
- (h) *to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) *to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) *to provide increased opportunity for community participation in environmental planning and assessment.*

The Department has fully considered the objects of the EP&A Act, including the encouragement of Ecologically Sustainable Development (ESD), in its assessment of the application.

**Table 3** | Considerations Against the EP&A Act

Object	Consideration
1.3(a)	The development would ensure the orderly and economic use of land, which is zoned for industrial use and provide employment opportunities for the locality.
1.3(b)	The site preparation works for this development, including site clearing and earthworks, form part of the Stage 1 DA. The proposal includes rehabilitation of riparian land and the loss of native vegetation can be appropriately offset through the purchase and retirement of biodiversity credits. The development also includes a range of proposed sustainability initiatives in the design of the warehouse buildings to reduce energy and resource consumption.
1.3(c)	The development would ensure the orderly and economic use of land which is zoned for industrial use and would also deliver local road and drainage infrastructure to facilitate the development of the site.

Object	Consideration
1.3(e)	The Department's assessment in <b>Section 6</b> of this report demonstrates with the implementation of the recommended conditions of consent, the impacts of the development can be mitigated and/or managed to ensure the environment is protected.
1.3(f)	The development is not anticipated to result in any impacts upon built and cultural heritage, including Aboriginal cultural heritage.
1.3(g)	The Department's assessment in <b>Section 6</b> of this report demonstrates the amenity of the surrounding built environment has been considered and the Department has recommended conditions aimed at protecting the amenity of nearby sensitive receivers.
1.3(h)	Buildings would be constructed to meet a combination of deemed to satisfy (DTS) and Performance Requirements of the BCA and relevant construction standards to address nearby bushfire mapped areas. The Department has also recommended a condition requiring any cladding to be used for the warehouse buildings to be of a non-combustible material.
1.3(i)	The Department has assessed the development in consultation with, and giving due consideration to, the technical expertise and comments provided by other Government authorities (including Fairfield City Council) (see <b>Section 5</b> ).
1.3(j)	The application was exhibited in accordance with Schedule 1 of the EP&A Act to provide opportunity for public involvement and participation in the environmental assessment of this application.

## 4.9 Ecologically Sustainable Development

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1997* (PEA Act). Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- (a) *the precautionary principle*
- (b) *inter-generational equity*
- (c) *conservation of biological diversity and ecological integrity*
- (d) *improved valuation, pricing and incentive mechanisms.*

The potential environmental impacts of the development have been assessed and, where potential impacts have been identified, mitigation measures and environmental safeguards have been recommended. The Department's assessment of the development is based on a conservative and rigorous assessment of the likely impacts of the development, with consideration of cumulative impacts from existing and approved development in the WSEA.

The Department has considered the need to encourage the principles of ESD, in addition to the need for the proper management and conservation of natural resources, the orderly development of land, the need for the development as a whole, and the protection of the environment, including threatened species within **Section 6** of this report.

The Applicant has advised the warehouse building proposed for construction under the Stage 1 DA would incorporate a range of measures to improve energy efficiency and resource consumption including provision of natural light into the warehouse, cross-ventilation in storage areas, thermal insulation, rainwater harvesting and the installation of efficient air, lighting and water systems.

As demonstrated by the Department's assessment in **Section 6**, the development is not anticipated to have any adverse impacts on native flora or fauna, including threatened species, populations and ecological communities, and their habitats. The development requires the removal of native vegetation which would be offset in accordance with relevant legislation. As such, the Department considers the development would not adversely impact on the environment and is consistent with the objectives of the EP&A Act and the principles of ESD.

#### **4.10 Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)**

Under the EPBC Act, assessment and approval is required from the Commonwealth Government if a development is likely to impact on a matter of national environmental significance (MNES), as it is considered to be a 'controlled action'. The EIS included an Ecological Impact Assessment assessing relevant MNES and concluded the development would not likely to have a significant impact on biodiversity values and is therefore not a 'controlled action'. As such, the Applicant determined that a referral to the Commonwealth Government was not required.

# 5. Engagement

## 5.1 Applicant's Consultation

The Applicant undertook a range of consultation activities throughout the preparation of the EIS including letterbox drops to nearby residences in April 2013 and meetings with relevant government authorities.

## 5.2 Consultation by the Department

The Department undertook a range of consultation activities throughout preparation of the Planning Secretary's environmental assessment requirements (SEARs) including consultation with relevant public authorities.

After accepting the DA and EIS for the application, the Department:

- made it publicly available from **Wednesday 9 April 2014** until **Friday 23 May 2014**:
  - on the Department's website
  - at the (former) Department's Information Centre (23-33 Bridge Street, Sydney)
  - at the Department's regional office (10 Valentine Avenue, Parramatta)
  - at Fairfield City Council (86 Avoca Road, Wakeley)
  - at Blacktown City Council (623 Flushcombe Road, Blacktown)
- notified landowners in the vicinity of the site about the exhibition period by letter
- notified and invited comments from relevant State government authorities, Fairfield City Council and Blacktown City Council
- advertised the exhibition in the Blacktown Advocate, Fairfield City Champion and the Fairfield Advance.

## 5.3 Summary of Submissions

A total of 42 submissions were received during the exhibition period, including 9 from public authorities, one from Fairfield City Council, one from special interest group and 31 from the general public, including one petition containing 17 signatures. Of the 42 submissions received, 32 objected to the development. A summary of the issues raised in submissions is provided below, with a copy of each submission included in **Appendix A**.

A summary of the submissions is provided at **Table 4** and **Table 5**, whilst a summary of the issues raised in the submissions is provided at **Sections 5.4** and **5.5** of this report. Copies of the submission may be viewed at **Appendix E**.

**Table 4** | Summary of Government Agency Submissions

Submitters	Status
<b>Government Agencies</b>	
• Former Department of Industry – Lands & Water (DoI L&W)	Comment
• Department of Primary Industries Agriculture	Comment
• Resources and Geoscience of the Department (former Department of Trade and Invest, Regional Infrastructure and Services, Resources & Energy)	Comment
• Local Land Services – Greater Sydney Region	Comment
• former Office of Environment and Heritage (OEH)	Comment

Submitters	Status
<ul style="list-style-type: none"> <li>Former Roads and Maritime Services (RMS) (now TfNSW) and Transport for NSW (TfNSW) (joint submission)</li> </ul>	Comment
<ul style="list-style-type: none"> <li>Rural Fire Services</li> </ul>	Comment
<ul style="list-style-type: none"> <li>State Emergency Services</li> </ul>	Comment
<ul style="list-style-type: none"> <li>Water NSW (former Sydney Catchment Authority)</li> </ul>	Comment
<ul style="list-style-type: none"> <li>TransGrid</li> </ul>	Comment
<ul style="list-style-type: none"> <li>Fairfield City Council</li> </ul>	Objection withdrew after review of the RtS report

**Table 5** | Summary of Community and Special Interest Group Submissions

Submitters	Number	Position
<b>Community</b>	<b>31</b>	<b>Object</b>
<ul style="list-style-type: none"> <li>&lt; 5 km</li> </ul>	29	Object
<ul style="list-style-type: none"> <li>&gt; 10 km</li> </ul>	1	Object
<ul style="list-style-type: none"> <li>Petition (with 17 signatures)</li> </ul>	1	Object
<b>Special Interest Group</b>	<b>1</b>	<b>Object</b>
<ul style="list-style-type: none"> <li>Blacktown &amp; District Environment Group Incorporation</li> </ul>	1	Object
<b>TOTAL</b>	<b>32</b>	

## 5.4 Key Issues – Government Agencies

The Department received 10 submissions from Council and government agencies. The submissions and issues raised are discussed below.

**Department of Primary Industries – Agriculture (DPI Agriculture)** did not object to the development and provided recommended conditions of consent including the requirement for sediment and erosion control measures, a Riparian Management Plan, consideration of downstream impacts and a procedure to manage potential groundwater impacts.

The former **Department of Industry – Lands and Water (Dol L&W)** (now Water Group and Crown Lands of the Department) did not object to the development; however, requested updated plans showing all watercourses on site, clarification regarding the proposed location of the south-eastern detention basin and clarification regarding the asset protection zone. Former Dol L&W also provided recommendations for dam decommissioning, the preparation of a Riparian Management Plan and sediment and erosion control measures.

The former **Department of Trade and Investment – Resources & Energy (DTI R&E)** (now Division of Resources and Geosciences of the Department) did not object to the development; however, noted the site falls within a transition area associated with the Austral Bricks sites as identified in its Mineral Resource Audit. In its submission, former DT&I stated that it contacted Austral Bricks as part of its review and Austral Bricks raised no objection to the development.

**Local Land Services (LLS) – Greater Sydney Region** did not object to the development and stated that the *Native Vegetation Act 2003* does not apply to land within the Fairfield LGA therefore LLS has no approval role for the clearing of native vegetation.

The former **Office of Environment and Heritage (OEH)** (now Division of Biodiversity and Conservation of the Department) did not object to the development however, raised the following concerns:

- the biodiversity impacts should be fully offset
- the defensible space within E2 Reedy Creek riparian zone is inconsistent with the land use zone and is therefore considered unacceptable
- the watercourse at the south-eastern boundary of the site appears to be removed. This should be retained and protected and enable the retention of the Alluvial Woodland EEC
- the methodology used in the Aboriginal Cultural Heritage Assessment Report (ACHAR) should be revised to ensure it is clear that where test pit results indicate further archaeological investigation is warranted, expansion of those pits should occur within the areas of impact under a salvage methodology.

In its submission, former OEH also recommended the Applicant be required to prepare an Emergency Response Plan, implement mitigation and management measures for dam decommissioning and if an archaeological site is confirmed through test excavation, an AHIMS (Aboriginal Heritage Information Management System) site card should be registered with former OEH for the remaining undisturbed portion of the site.

**Transport for NSW (TfNSW)** and the former **Roads and Maritime Services (RMS)** (now part of TfNSW) did not object to the development; however, stated that the preferred site access would be from the point where the future SLR meets Wallgrove Road and requested the Applicant re-design the development accordingly. The submission also commented on pedestrian access to existing bus stops, the requirement for a reduced number of car parking spaces and the preparation of a Construction Management Plan as well as a request for an amended Traffic Impact Assessment.

**NSW Rural Fire Services (RFS)** did not object to the development and recommended conditions of consent requiring the preparation of an Emergency/Evacuation Plan and compliance with Planning for Bush Fire Protection 2006.

**State Emergency Services (SES)** did not object to the development and recommended that consideration be given to flooding issues in accordance with the Floodplain Development Manual 2005 and the EP&A Act.

**Sydney Water** did not object to the development; however, advised the site would need to be connected to the drinking water and wastewater infrastructure in the locality. The Applicant would need to submit a Section 73 application should the development be approved.

**Water NSW** did not object to the development; however, provided requirements for pipeline corridor access, pipeline protection, erosion and sediment control, heritage and flooding.

**TransGrid** originally advised that the site is not affected by TransGrid infrastructure and did not provide recommended conditions of consent. However, as part of the RtS process, the Department held meetings with TransGrid to better understand their submission, as high voltage transmission line and easement are located immediately to the south of the site. TransGrid carried out a further review of the development against their guidelines and were satisfied that the development could be constructed and operate in a manner which protects their assets. TransGrid recommended conditions of consent which required compliance with relevant guidelines.

## 5.5 Key Issues –Community and Special Interest Groups

### 5.5.2 Community Issues

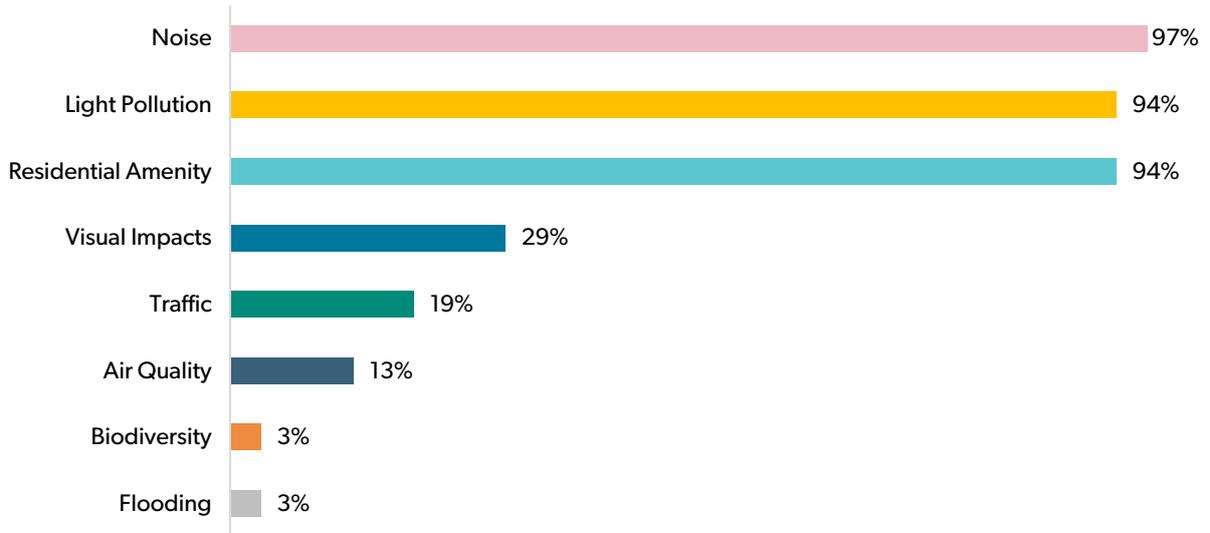
31 submissions were received from the general public (including one petition containing 17 signatures), all of which were objections. Copies of full submissions are provided at **Appendix A**. The issues raised in the public submissions are summarised in **Table 6** below.

**Table 6** | Summary of Issues Raised in Public Submissions

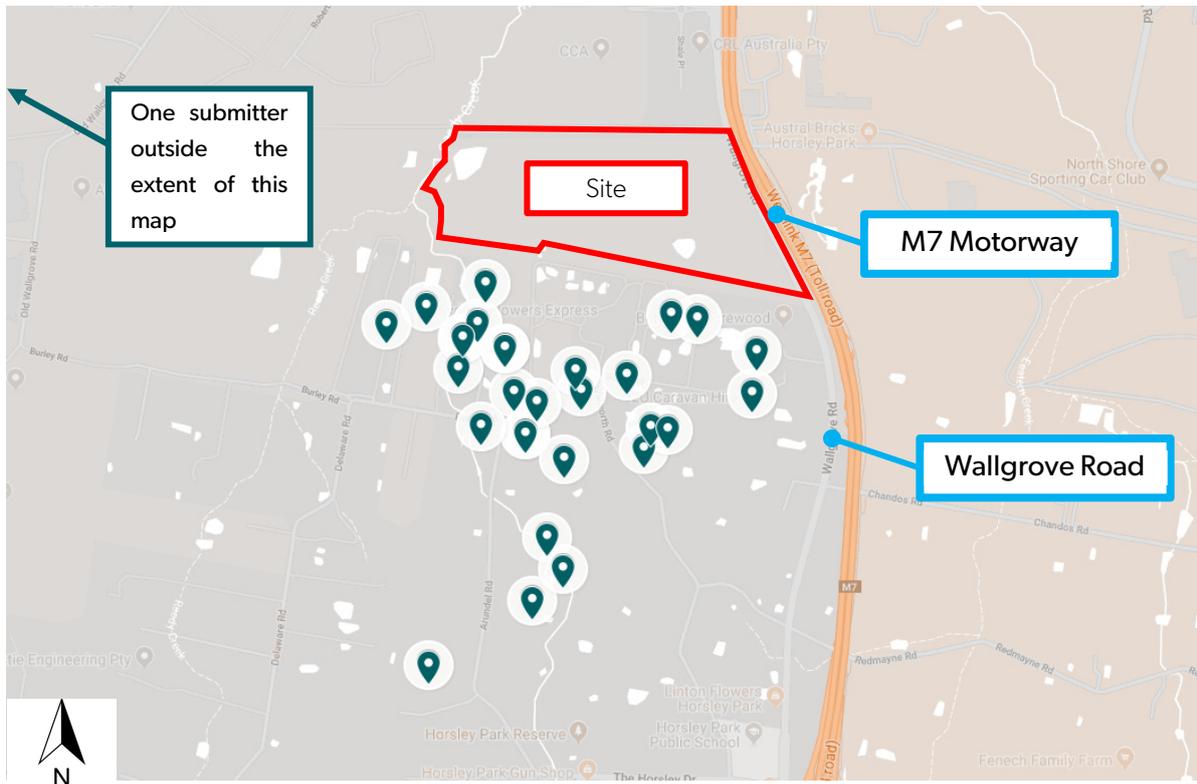
Issue	Concerns
<b>Noise</b>	<ul style="list-style-type: none"> <li>noise from the development would exacerbate existing late-night noise from heavy vehicle movements on Wallgrove Road</li> <li>the proposed 3 m high acoustic fence is insufficient to mitigate potential noise impacts</li> <li>early-morning and late-night noise from the development would disturb cattle and other livestock</li> </ul>
<b>Visual Impacts</b>	<ul style="list-style-type: none"> <li>the proposed landscape buffer is insufficient to offset the visual impact of Stage 1 as viewed from nearby residential properties</li> </ul>
<b>Traffic</b>	<ul style="list-style-type: none"> <li>exacerbation of existing local traffic impacts</li> <li>proposed access directly off Wallgrove Road will cause additional traffic congestion on Wallgrove Road</li> </ul>
<b>Light Pollution</b>	<ul style="list-style-type: none"> <li>proposed lighting will reduce the amenity of nearby rural and residential properties</li> </ul>
<b>Residential Amenity</b>	<ul style="list-style-type: none"> <li>EIS contains an aerial photo that is more than five years old and does not consider new homes built in the area</li> <li>the closest residences are approximately 140 m from the site</li> <li>proposed 24/7 operation will unreasonably impact the amenity of nearby residential properties</li> </ul>
<b>Biodiversity</b>	<ul style="list-style-type: none"> <li>the development would remove remnant strands of EECs and would have an adverse impact on the biodiversity of the locality</li> <li>frogs and water birds will be negatively impacted by the removal of dams from the site</li> </ul>
<b>Flooding</b>	<ul style="list-style-type: none"> <li>exacerbation of existing localised area flooding</li> </ul>
<b>Air Quality</b>	<ul style="list-style-type: none"> <li>concerned truck and forklift movements have not been taken into consideration</li> <li>northern winds in the afternoons would direct pollution onto residential properties</li> </ul>
<b>Developer Contributions</b>	<ul style="list-style-type: none"> <li>the Applicant should pay Section 7.12 contributions</li> </ul>

A breakdown of the percentage of community submissions where these matters were raised is provided in **Figure 10**. An indicative representation of the location of all community submitters relative to the development is shown in **Figure 11**. The Department has considered and assessed the matters raised in all submissions in **Section 6** of this report.

### Key Issues by Proportion of Community Submissions



**Figure 10** | Key Issues identified in Community Submissions



**Figure 11** | Indicative Map showing Locations of Community Submitters in Site Proximity

#### 5.5.3 Special Interest Group

**Blacktown District Environmental Group Incorporation (BDEG)** objected to the development and raised concerns regarding the integrity of the Applicant and the accuracy of the technical studies supporting the development. BDEG submissions also raised concerns regarding the environmental impacts of the development including removal of vegetation and EECs, biodiversity offset calculations, dam decommissioning, impact to existing fauna communities and flooding.

BDEG submitted a second letter which raised concerns regarding the proposed discount to biodiversity offset credits and states that the Applicant should be required to provide the full offset amount.

## 5.6 Response to Submissions

On 15 May 2015, the Applicant submitted a Response to Submissions (RtS) on the issues raised during the exhibition of the development (see **Appendix A**). The RtS did not fundamentally alter the development scope; however, to address key issues raised, the RtS was accompanied with an amended Concept Proposal and Stage 1 development plan incorporating changes of site access from Wallgrove Road to the proposed SLR. The RtS also included a revised biodiversity offset strategy to fully offset the biodiversity impacts of the development through the purchase and retirement of ecosystem credits.

Aligning with changes to the Concept Proposal and Stage 1 development plan, the Applicant submitted an amended landscaping strategy, traffic impact assessment report, flood modelling report and stormwater and infrastructure plan.

The RtS was made publicly available on the Department's website and was provided to key agencies and members of the public to consider whether it adequately addressed the issues raised.

### 5.6.1 Agency Comment on RtS

A summary of the agencies responses is provided below.

**Council** reiterated that the Applicant should be required to pay the full amount of Section 7.12 contributions and no variation or discount should be provided. Council also recommended conditions regarding noise, lighting and the requirement for all office space to be ancillary to warehousing and not become "stand alone" office space.

The former **DoI L&W** disagreed with the Applicant's assertion that the watercourse at the south-eastern corner of the site would not constitute waterfront land under the *Water Management Act 2000*. DPI Water provided that the Riparian Management Plan and the proposed swale at the south-eastern corner of the site should be prepared in accordance with DPI's requirements. In its submission on the RtS, DPI Water requested the opportunity to provide comment on future development applications for the site and require the Applicant to contact them should groundwater be intercepted at any time during works.

The former **OEH** did not support the Applicant's proposed investigation of "alternative means" to purchase and retire the required ecosystem credits and recommended the offsets be provided in accordance with the Framework for Biodiversity Assessment (FBA) and recommended conditions of consent to ensure this occurred.

**TfNSW** indicated support for the location of the site access via the point which the future SLR alignment meets Wallgrove Road. Although TfNSW had concerns with the conceptual design of the intersection provided by the Applicant, they ultimately suggested the detailed design of a suitable intersection configuration could occur as part of the Works Authorisation Deed (WAD) process post determination. TfNSW also recommended conditions of consent requiring the relocation of utilities works and/or regulatory signage, preparation of a Construction Environmental Management Plan and a Workplace Travel Plan.

**RFS** supported the proposed bushfire mitigation measures and recommended conditions requiring compliance with Planning for Bushfire Protection 2006 and Guidelines for the Preparation of an Emergency/Evacuation Plan.

**Sydney Water** stated it was generally satisfied with the proposed wastewater servicing strategy however stated its preference is for potable water to be supplied from the Cecil Hills system rather than the proposed Minchinbury Reservoir System. The submission also reiterated the requirement for the Applicant to obtain a Section 73 Certificate at the development stage in accordance with the *Sydney Water Act 1994*.

**TransGrid** noted the proposed swale in the south eastern corner of the site would be within 20 m of TransGrid easement which had the potential to cause flood inundation, impede easement access and significantly change the ground level of the easement. Accordingly, TransGrid recommend conditions relating to easement asset protection measures.

**Water NSW** provided no further comment however, reiterated the requirement for the Applicant to consult with Water NSW at the detailed design stage.

The **Environment Protection Authority** (EPA) did not object to the development and provided minimum environmental performance criteria that should be met including water management, air quality, noise and vibration, waste management and contaminated land management. The EPA also recommended the requirements for the preparation of an Air Quality Management Plan as part of the Construction Environmental Management Plan.

### 5.6.2 Public Comment on RtS

The Department received one public submission on the RtS which reiterated an objection to the EIS, summarised as follows:

- an earth mound should be constructed to mitigate the visual impacts of warehouse buildings on Lots 7-10 from private residences in Flavex Lane
- the proposed colourbond walls affect residential visual amenity
- an earth mound would also mitigate noise impacts and should be incorporated to afford residents at Flavex Estate the same relief as residents nearby to Buildings 5, 6 and 7 as these buildings are cut down significantly below the crest of the hill
- there are two lots at the end of Flavex Estate which may have a home erected on them in the future and noise impacts will be greater at these properties than at the current nearest dwelling.

### 5.6.3 Southern Link Road Issue

Between 2015 and 2018 the TfNSW, the Department and the Applicant engaged in several meetings to facilitate a suitable timeline for the construction of the portion of the SLR from the intersection of Wallgrove Road to the site access. TfNSW in its submission on the EIS requested the Applicant utilise the SLR for access purposes to the development to avoid two signalised intersections in close proximity to one another on Wallgrove Road. The Applicant agreed to move the proposed intersection in the RtS and sought a WIK mechanism in a draft Planning Agreement in which they would construct the Wallgrove Road intersection and a portion of the SLR to decrease their contribution requirements.

During this time, TfNSW on behalf of the Department commenced a detailed design review of the SLR including an analysis of the suitability of the existing corridor alignment. TfNSW also stated they would not take on ownership of the road and therefore would not be considered the roads authority for the SLR and suggested Council would be the ultimate owner of the SLR. Council did not support this position and has not agreed to be the roads authority for the SLR.

As the review process was anticipated to take over 18 months and due to the uncertainty around the roads authority for the SLR, the Applicant amended the draft Planning Agreement in May 2018 proposing, as an option, to construct the intersection at Wallgrove Road with a private access road into the site and not receive WIK credits.



## 6. Assessment

The Department has considered the EIS, the issues raised in the submissions, the Applicant's RtS and supplementary information in its assessment of the development. The Department considers the key assessment issues are:

- visual impacts
- traffic and access
- noise and vibration.

A number of other issues have also been considered. These issues are considered to be minor and are addressed in **Table 9** in **Section 6.4**.

### 6.1 Visual Impacts

The Concept Proposal seeks the staged development of 16 warehouse buildings accommodating 204,700 m<sup>2</sup> of floor space for the purpose of warehousing and distribution and light industry. The site currently comprises vacant pasture land, adjacent to rural and rural residential lands. The development would be located in close proximity to existing houses and would have the potential to cause visual impacts on these properties (see **Figure 12**).



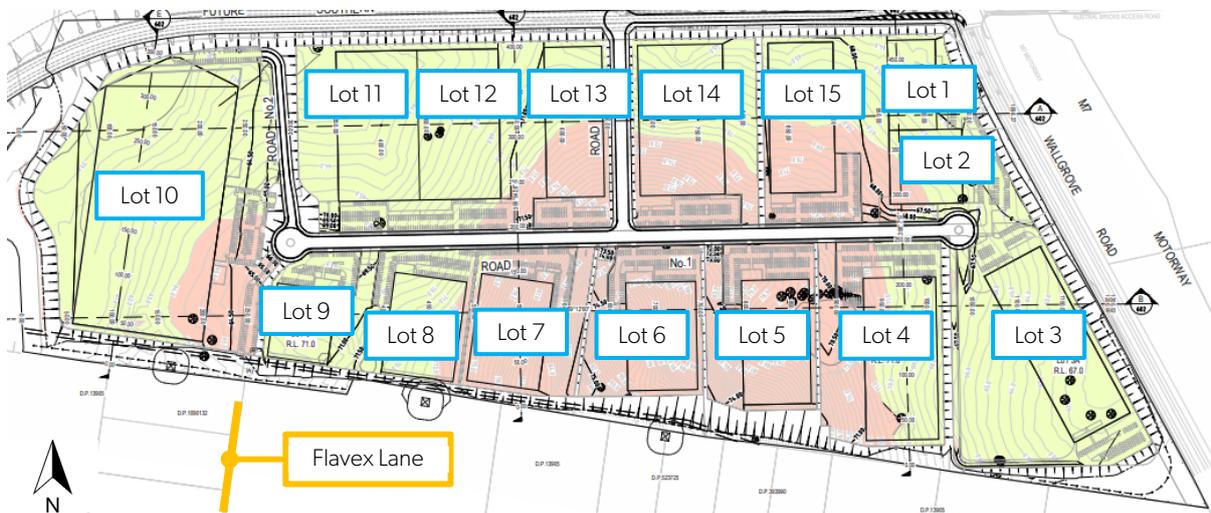
**Figure 12** | Sensitive Receivers near the Site

The site has been zoned for industrial use as part of the WSEA since 2009. Progressive development of the WSEA has provided a range of employment generating uses, with warehousing, freight and distribution centres the primary building types to the east. Undeveloped portions of the WSEA include rural land that has historically been used for grazing, market gardens and some industrial uses such as quarries.

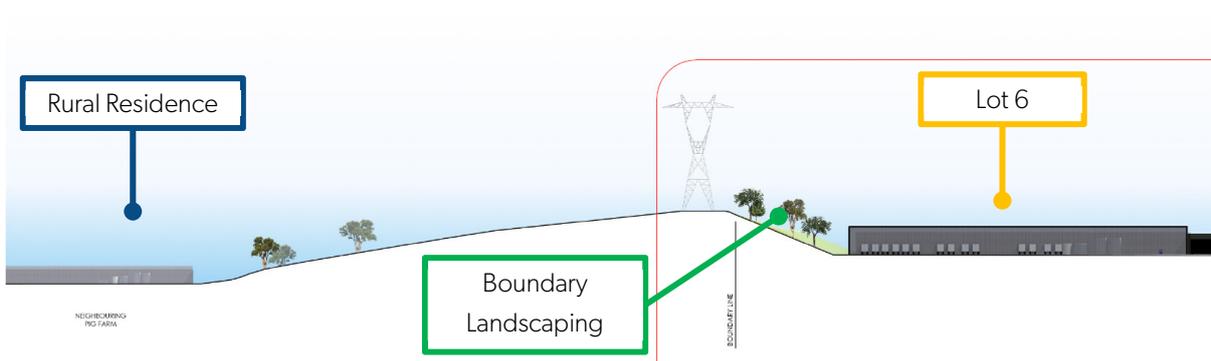
As the area is transforming from rural land uses to employment and industrial uses, substantial alterations are occurring to the visual environment in and surrounding the WSEA. This has the potential to alter the landscape and views from rural residences abutting the site to the south. The Department has assessed the potential for visual impacts on all receivers, with a focus on the land uses to the south, considering the proximity to the development particularly the Stage 1 development on Lot 10 (see **Figure 13**).

### 6.1.1 Applicant’s Visual Assessment

The Applicant proposed a number of measures to mitigate potential visual impacts of the Concept Proposal and the Stage 1 development. However, to mitigate any potential visual impacts, in the EIS, the Applicant has proposed mitigation measures. For Lots 5-7, the Applicant considered the site topography and existing vegetation would totally block the appearance of development on these lots. As shown on the cut and fill plan (see **Figure 13**), future Lots 5-7 would be up to 20 m below the existing site levels. The Applicant also argued there was a knoll between Lot 6 and rural residences to the south which would provide further screening. To further reduce potential visual impacts and screen warehouse buildings, screen landscaping on the embankment was also proposed in the Concept Proposal (see **Figure 14**). As such, the Applicant argued future warehouses on these lots would be scarcely visible from nearby residences.



**Figure 13** | Concept Proposal Cut (Green) and Fill (Red) Plan



**Figure 14** | Site Section Plan (Lot 6)

As there is less level difference between the Stage 1 development (Lot 10) and existing residences on Flavex Lane to the south, more direct visual impacts on receivers would occur should no mitigation measures be in place. The Applicant has proposed screen landscaping at the site boundaries to mitigate visual impacts (see **Figure 15**). The Applicant has claimed that the view from residences on Flavex Lane to Lot 10 would be partially screened by the existing riparian vegetation along Reedy Creek resulting from the orientation of the existing dwellings and the

natural alignment of the riparian vegetation. For Lots 8 and 9, the Applicant has proposed screen landscaping comprising dense Cumberland Plain Woodland with mature trees to produce a visual buffer along the site southern boundary to mitigate any potential visual impacts to properties to the south.

The Applicant has also stated that considering the orientation of the dwellings on Flavex Lane towards Reedy Creek, the development would not interrupt any significant views or vistas. Further south, the view to the development from existing residences on Burley Road is obstructed by existing structures on rural residential lots.



**Figure 15** | Site Section Plan (Lot 10)

The Applicant has submitted Urban Design Guidelines (UDGs) for future development on the site. The UDGs provide controls for the height, bulk/mass, siting and appearance of buildings, as well as site landscaping, signage, lighting, services and fencing. The Applicant did not provide a colour scheme for the Stage 1 warehouse, instead claimed the colour scheme would be provided to the Planning Secretary for approval prior to construction to allow flexibility for future tenants.

### 6.1.2 Issues Raised in Submissions

Council raised concerns in its submission on the EIS regarding the visual impacts of the development on adjacent residential uses. Council considered the Concept Proposal did not meet the requirements of Clauses 21 and 23 of the WSEA SEPP regarding site topography and building height and requested the Applicant provide further mitigation measures including a landscaped mound and masonry wall between the site and rural residences.

Public submissions on the EIS and RtS raised visual impact concerns, including the proposed landscape buffer would be insufficient to offset the visual impact of Stage 1 as viewed from nearby residential properties. Public submissions also suggested an earth mound should be constructed to mitigate the visual impacts of warehouse buildings on Lots 7-10 from private residences in Flavex Lane, a more appropriate buffer treatment should include mature trees and plants and the use of colourbond walls had the potential to impact on the visual amenity of adjacent residents.

### 6.1.3 The Department's Assessment

Clause 23 of the WSEA SEPP requires the consent authority to consider the interface of a proposed development with land zoned primarily for residential purposes that is located within 250 m of a site. The land to the south of the site is zoned RU4 Primary Production Small Lots. The objectives of the RU4 zone, pursuant to the Fairfield LEP 2013, indicates the zone is not primarily for residential purposes. Notwithstanding, the proposed maximum building height is 14 m and the Stage 1 warehouse is approximately 150 m from the nearest residence in Flavex Lane, as such, the Department has considered the Applicant's EIS and the objectives of Clauses 21 and 23 of the WSEA SEPP.

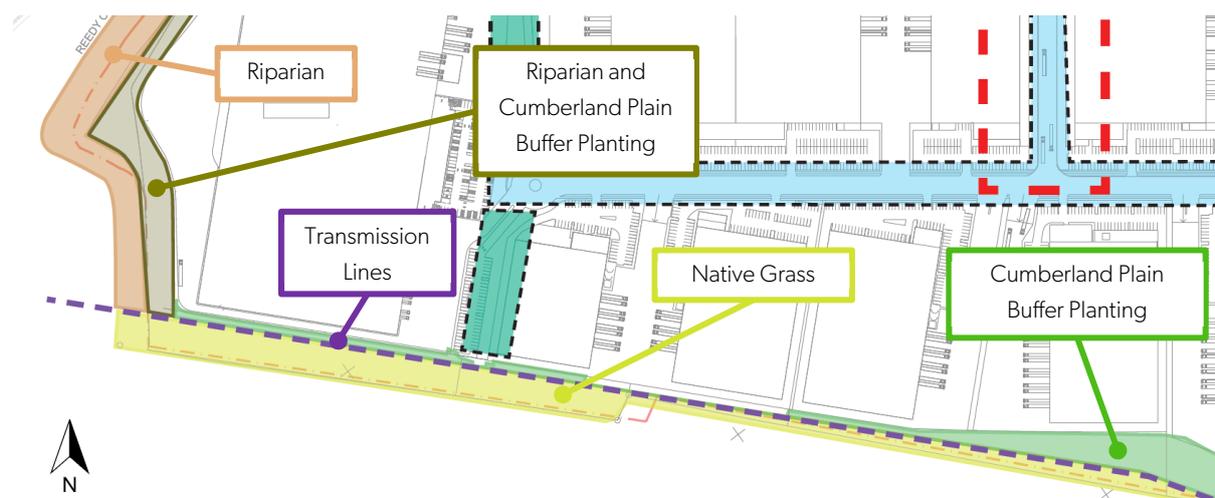
Specifically, Clause 21 of the WSEA SEPP provides that a consent authority must not grant consent to development unless it is satisfied that the building height would not adversely impact the amenity of adjacent residential areas

and site topography has been taken into consideration. Clause 23 requires the consent authority to consider whether proposed buildings are compatible with the height, scale, siting and character of existing residential buildings, landscaping between buildings and streets as well as measures to ensure lighting does not cause nuisance impacts. The Department has also drawn on its experience of other similar and recent developments within the WSEA that have an interface with non-industrial uses.

The Department considers the development will permanently and substantially change the views from rural residences to the south on Flavex Lane. The Department acknowledges the development is an appropriate and permissible use of the site due to its industrial zoning and strategic location within the WSEA. The Department also notes the proposed mitigation measures and design controls will go some way to screening the development and reducing its visual impact. However, as the development presents a permanent change to the landscape character of the site, the Department considers it is imperative the southern interfaces have careful regard to and provide an optimal urban design outcome for the adjacent sensitive uses.

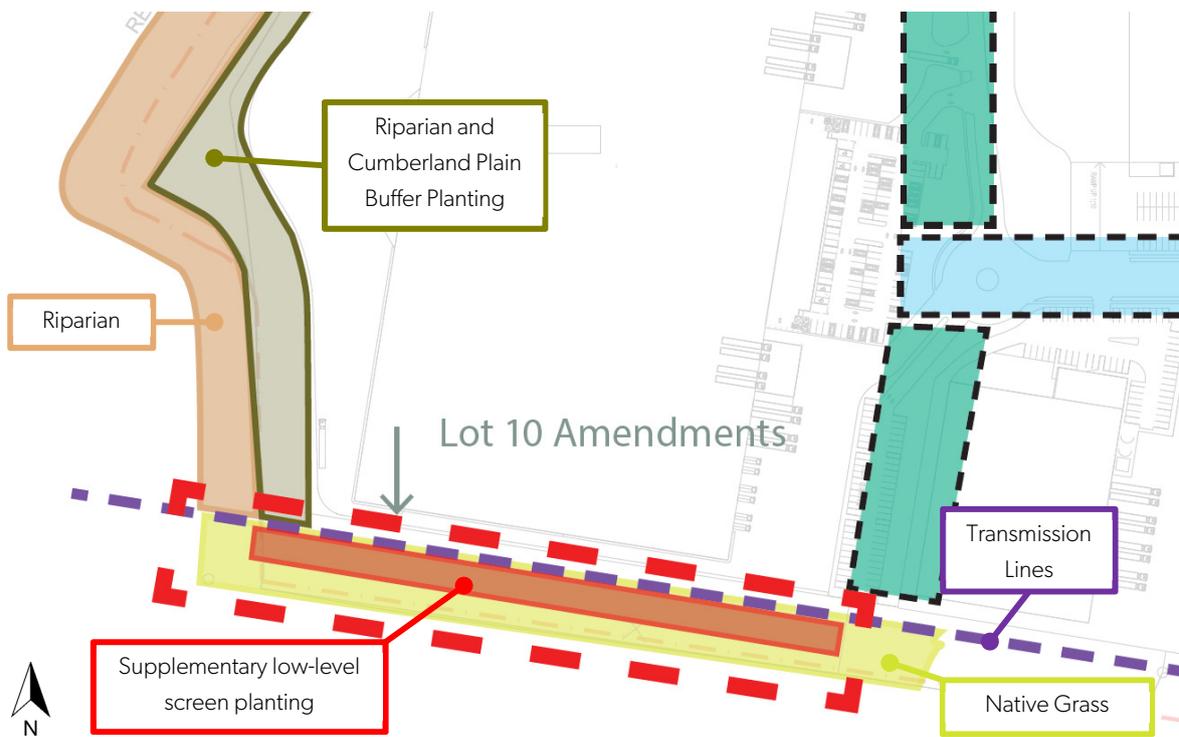
Following exhibition of the development, the Department requested the Applicant provide further consideration of nearby residential dwellings and visual mitigation measures to address the submissions received, as well as addressing the Department's concerns of visual impact on rural residences to the south of the site.

In response, the Applicant submitted a revised landscape plan for both Concept Proposal and Stage 1 development in the RtS. As shown in the revised landscape masterplan (see **Figure 16**), the Applicant has proposed a landscaped buffer zone along the southern boundary of the site comprising of Cumberland Plain vegetation with a variety of plant types and native grasses.



**Figure 16** | Proposed Southern Boundary Landscaping Treatment

For Lot 10, the Applicant also proposed supplementary screen planting to screen the acoustic barrier and soften the built form of the Lot 10 warehouse building (see **Figure 17**).



**Figure 17** | Proposed Supplementary Screen Planting for Lot 10

However, the Department notes the height of the supplementary landscaping would be limited to meet the TransGrid requirements. The Applicant would retain existing mature trees in the Reedy Creek riparian area to further improve the visual amenity, so when viewed from south, the Stage 1 warehouse building would not be dominant, instead be a backdrop in vistas and views (see **Figure 18**).



**Figure 18** | A Perspective of Lot 10 Warehouse Building when viewed from South

The Department considers the Applicant has adequately mitigated the potential visual impacts caused by the future warehouses along the southern site boundary including the Stage 1 development. The Department considers the proposed screen planting would break up the visual outlook from properties to the south and soften the visual impact of the development. The Department has recommended a condition requiring landscaping to be established as early as possible to enable maximum possible time for the screen vegetation to mature. The visual impact of the development would also be obstructed by the future Western Sydney Freight Line (WSFL) corridor once constructed running parallel to the adjacent southern boundary of the site.

The Department acknowledges the concerns raised in the public submissions and the request to construct an additional landscaped mound to further mitigate any potential visual impacts to the Flavex Lane properties. However, the Department notes this area of site is being burdened by an existing TransGrid easement in its southern part. Any developments near TransGrid easements are subject to TransGrid Easement Guideline (the Guideline) whose paramount aim is to ensure the safety of people and property. In particular, the Guideline prohibits the construction of substantial structures and the planting of trees or shrubs capable of growing to a

height exceeding 4 m to ensure any developments do not obscure access to transmission line infrastructure. Considering the site constraint, the Department believes the proposed buffer landscaping is acceptable on balance of needs for mitigating visual impacts, fulfilling TransGrid requirements and protecting people and property. Furthermore, the WSFL corridor is proposed to run between the houses on Flavex Lane and the site. This will further impact the views of residents on Flavex Lane and screen the appearance of the warehouses.

The Department does not consider the views from the north, east and west to significantly impact sensitive receivers. The Department is satisfied the landscaping proposed on the northern and eastern site boundaries would provide adequate screening from public view. Views from the west would be screened by the existing riparian vegetation, which is proposed to be rehabilitated as part of the development. The Department further notes loading docks are oriented to face away from public roads.

The Department acknowledges the development would result in an altered visual landscape. However, the Department also acknowledges the area is part of the broader WSEA transitioning from rural land uses to employment and industrial uses, commensurate with the land use zoning. The site has been zoned for industrial use as part of the WSEA since 2009. Progressive development of the WSEA has provided a range of employment generating uses, with warehouses being the primary building type. The design and layout of the development is consistent with the scale and character of existing industrial developments within the WSEA. The Department considers the development is an appropriate use of the site given its industrial zoning and the intent of the WSEA SEPP.

The Department has recommended a condition requiring a schedule of colours and finishes to be approved by the Department prior to the issue of a Construction Certificate. Development on Lots 2-15 are part of the Concept Proposal, and further consideration would be given to the design and appearance of individual buildings as part of future DAs in accordance with Clause 4.22(5) of the EP&A Act.

#### **6.1.4 Conclusion and Recommendation**

The Department's assessment concludes the Concept Proposal and Stage 1 development would result in permanent visual changes in the landscape that are consistent with the industrial zoning of the site and other industrial estates within the WSEA. The Department considers further detailed assessment is required in subsequent DAs for warehouses adjacent to the sensitive receivers on the southern boundary to ensure the design and scale of future buildings are appropriate and compatible with the existing adjacent developments and an optimal visual outcome is achieved. The proposed landscaping works in Stage 1 will have time to establish before building works commence along the southern boundary, providing some visual screening of construction impacts and ultimately of the buildings.

The Department has considered the development in the context of Clause 23 of the WSEA SEPP and is satisfied the development can be designed and constructed to provide a suitable visual appearance at the boundary with residential areas.

The Department has recommended future DAs include an urban design assessment to establish appropriate setbacks, layouts and building treatments noting the proposed development controls are the minimum boundary setbacks. To ensure the implementation of southern boundary landscaping buffer, the Department has recommended conditions requiring the Applicant undertake landscaping works in accordance with the revised landscape plans. The Department has also recommended conditions requiring the Applicant prepare a Landscape Management Plan (LMP) for the Stage 1 development as part of the Operational Environmental Management Plan (OEMP).

## 6.2 Traffic, Access and Parking

The development has the potential to impact on local and regional roads and key intersection performance during construction and operational phases. The development would generate light and heavy vehicle movements, including B-Doubles, transporting goods to and from the proposed warehouse and distribution centres, 24 hours a day, 7 days a week.

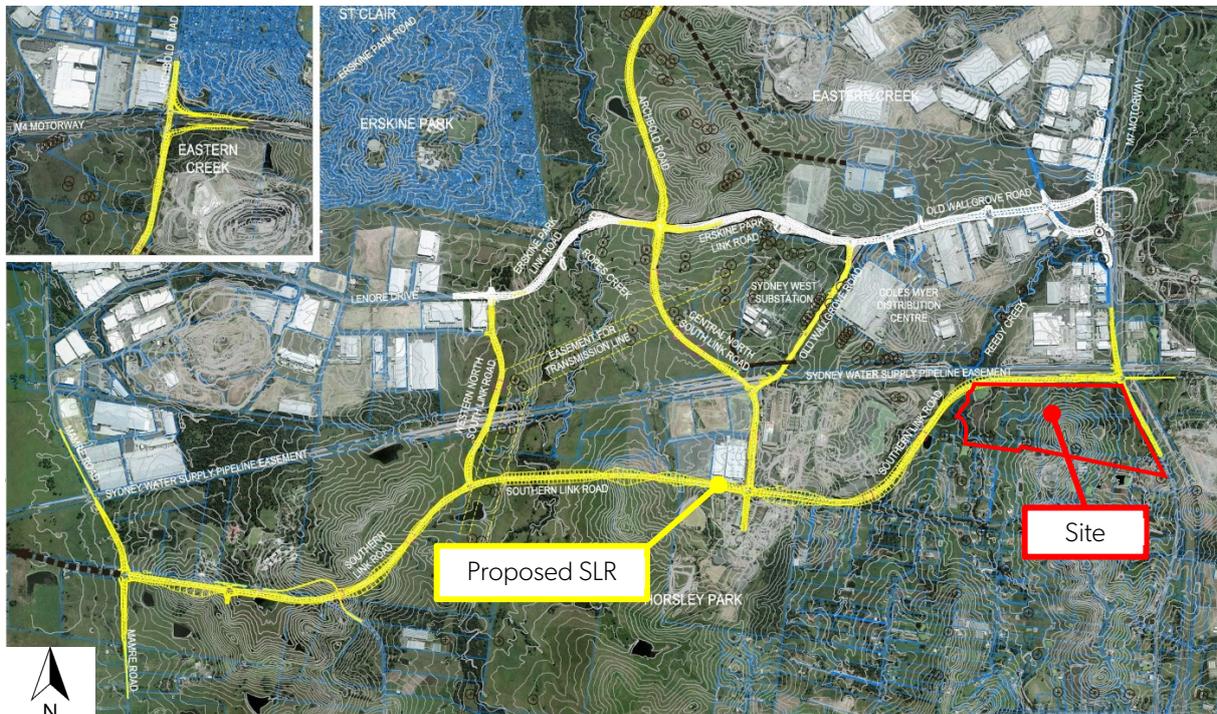
The site's location within the WSEA is strategically located adjacent to the M7 Motorway and near the junction of the M4 and M7 Motorways. The WSEA is being developed to provide employment in western Sydney and take advantage of the strategic road network for the efficient distribution of goods across Sydney and state-wide. Warehouse and distribution centres typically provide a high number of jobs and generate substantial traffic movements, as the primary activity is to receive and distribute goods. Development of warehouse and distribution centres in the WSEA will also support the future development of the Western Sydney Aerotropolis (WSA); goods previously transported from Sydney Airport at Mascot would be received at the new Western Sydney Airport, considerably reducing transport distances and costs.

The Department has considered the following aspects in its assessment of traffic, access and parking:

- impacts of the Concept Proposal – full development of 16 warehouses
- cumulative impacts
- impacts of the Stage 1 development generated by construction and operational traffic
- delivery of the road infrastructure and interim site access.

### 6.2.1 WSEA Regional Road Network and Site Access

Currently, access to the site is from Wallgrove Road to the east through an entrance adjacent to the Water NSW pipeline. The Department and TfNSW have prepared several transport studies to identify the additional infrastructure required to service development across the WSEA. These studies have identified the need to construct the Southern Link Road (SLR) (shown in **Figure 19**) to provide an east-west connection between Wallgrove Road and Mamre Road.



**Figure 19** | Conceptual Alignment of the future SLR denoting the Site

The SLR will travel along the northern site boundary, upon completion it will provide primary access to the site. The proposed SLR has not been built and will be constructed progressively as the southern areas of the WSEA are developed.

In accordance with Clause 29 of the WSEA SEPP, delivery of the regional road network in the WSEA is funded through developers' contributions. The Department and TfNSW will deliver the regional road network, including the SLR, supported by contributions from developers in the WSEA in accordance with the WSEA SEPP. However, an option to construct parts of the SLR have been afforded to developers along the corridor including Jacfin to the west of the site. The timeframe for delivering the SLR is currently unknown, however it is estimated the road will be complete sometime prior to 2026.

The Applicant initially proposed to construct an access road off Wallgrove Road serving the Estate (see **Figure 20**).



**Figure 20** | Initial Single Site Access Road off Wallgrove Road

In its submission on the EIS, TfNSW raised concerns of with the initial site access arrangement considering its close distance to the planned SLR and Wallgrove Road intersection. TfNSW stated the preferred site access arrangement would be full access from the future SLR with limited or no access from Wallgrove Road. Public submissions also raised concerns suggesting access directly off Wallgrove Road would cause additional traffic congestion on Wallgrove Road. Responding to TfNSW and RMS submission, the Applicant amended the Concept Proposal where the site access would be provided through a signalised intersection at the future SLR (see **Figure 21**).



**Figure 21** | Revised Estate Access Road off the future SLR

Considering the Stage 1 development would likely be constructed prior to the SLR (proposed to be a four-lane road) being fully constructed and operational, the Applicant proposed an interim site access arrangement in the RtS by constructing the two southern lanes of the SLR, for a length of 350 m extending from the SLR/Wallgrove Road intersection to act as a private access driveway until the full construction of the SLR is complete. In a draft Planning Agreement, the Applicant sought works-in-kind (WIK) offsets for the construction of the intersection and part of the SLR. However, neither TfNSW or Council would accept the responsibility of being the roads authority for the SLR. Essentially, a WIK offset for the proposed construction of a portion of the SLR by the Applicant would not be possible without a roads authority approving the design, costings, construction and validation of the road.

After a lengthy period of deliberation between the Applicant, the Department and TfNSW over this issue, the Applicant agreed to alternatively construct a private access road within the SLR road reserve without receiving a WIK should the roads authority still be in question. Once the final design of the road is complete and the roads authority settled, the private access road would be removed prior to the construction of the SLR. The Applicant, TfNSW and the Department are now satisfied the Planning Agreement is flexible enough to provide the Applicant options regarding the construction of road infrastructure.

The Planning Agreement was executed on 25 July 2019 and a SAC was issued on 29 July 2019. Detailed design work for the SLR is presently underway by TfNSW on behalf of the Department and it is not expected that construction of the road would be complete until around 2026.

### 6.2.3 Traffic Impacts

Construction and operation of the Concept Proposal and Stage 1 development have the potential to impact on the capacity, efficiency and safety of local and regional road networks. The Applicant submitted a Traffic Impact Assessment (TIA) as part of the EIS and an addendum TIA in the RtS, both prepared by GHD, which assessed the construction and operational traffic impacts of the Concept Proposal and Stage 1 development.

#### Concept Proposal Traffic Impacts

The TIA and its addendum considered the alignments of the SLR and evaluated the impacts of the development on key intersections when fully operational and the ultimate scenario when the SLR is fully constructed and operational (2036). The TIA also considered public transport, cycle and pedestrian infrastructure.

The TIA adopted a traffic generation rate of 15 vehicle movements per developable hectare which is considered standard in the WSEA for the assessment of traffic generation. This rate was agreed between the Applicant and TfNSW and results in 600 peak hour vehicle movements for the Concept Proposal once fully operational.

The TIAs included a SIDRA modelling assessing the traffic impacts caused by the Concept Proposal on key intersections performance including the Estate access road/SLR and Wallgrove Road/SLR (see **Figure 22**). The TIAs considered both an interim scenario (2021) when the development is fully operational but the SLR yet to be built and an ultimate scenario (2036) when both the development and the SLR are fully operational.

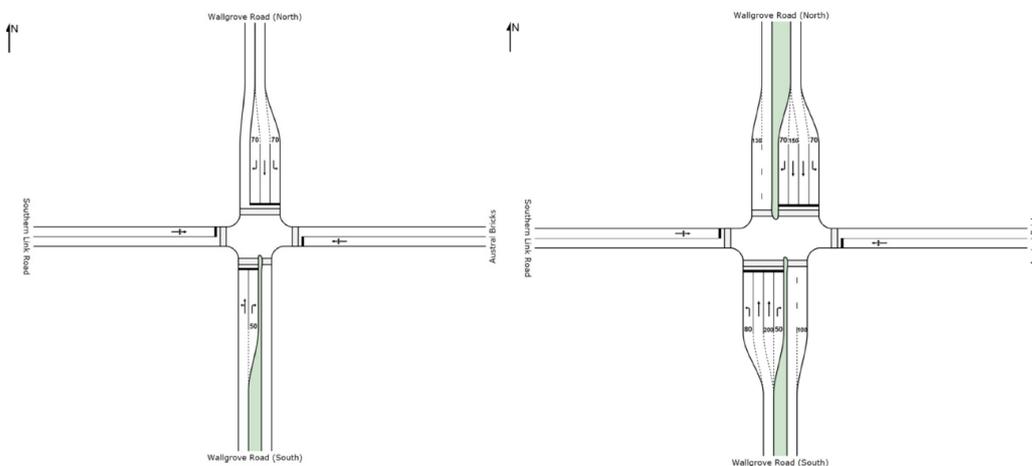


**Figure 22** | Locations of Key Intersections (Estate Access Road/SLR and Wallgrove Road/SLR)

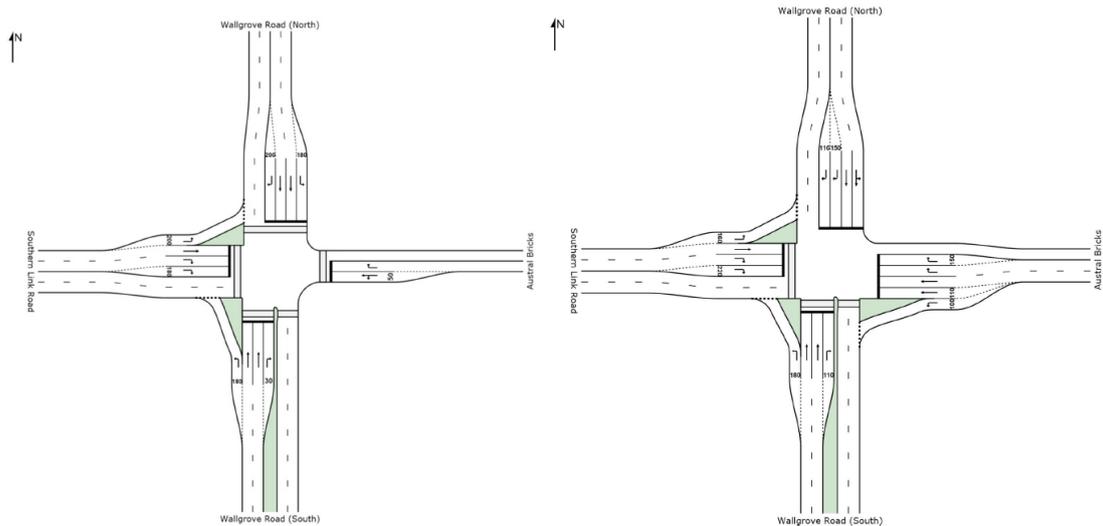
The Applicant’s SIDRA modelling showed that under the interim scenario, both intersections would experience a Level of Service (LoS) F (unsatisfactory) where congestion would be expected during the morning and afternoon peak hours. Under the ultimate scenario, the site access/SLR would operate at LoS A (good operation) in a morning peak period and LoS B (good with acceptable delays and spare capacity) during the afternoon peak hours, whereas Wallgrove Road/SLR intersection would operate at LoS F (unsatisfactory) during the morning and afternoon peak hours.

Both Council and TfNSW raised concerns with the initial intersection designs and the impact on the LoS of the intersections.

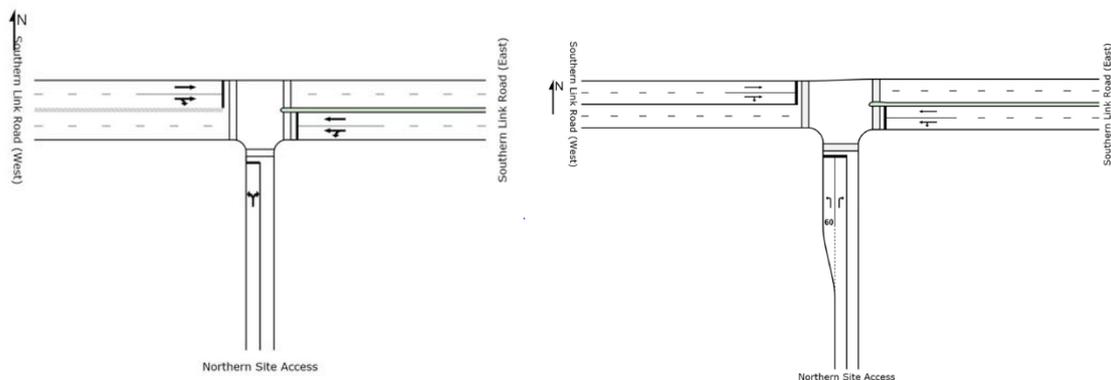
To mitigate the potential traffic impacts and to appease the concerns of TfNSW and Council, the Applicant provided revised concept intersection designs for both the interim and ultimate scenarios. Under the interim scenario, the revised Wallgrove Road/SLR intersection would include two lanes on the intersection departure for 100 m in each direction along Wallgrove Road (see **Figure 23**). For the ultimate scenario, the Applicant advised the ultimate design would include double right turn bays provided at the Wallgrove Road north arm and the SLR (see **Figure 24**). The proposed Estate Access Road/SLR intersection is shown in **Figure 25**.



**Figure 23** | Interim Wallgrove Road/SLR intersection (original: left, revised: right)



**Figure 24** | Ultimate Wallgrove Road/SLR intersection (original: left, revised: right)



**Figure 25** | Estate Access Road/SLR intersection (original: left, revised: right)

With the revised intersection arrangements in place, the SIDRA modelling predicted the two intersections would operate at LoS C during both the morning and afternoon peak periods under the interim scenario. Wallgrove Road/SLR intersection performance would be improved from LoS F to LoS D under the ultimate scenario.

TfNSW had initial concerns with the revised concept layout of the intersections and requested detailed designs be provided. However, this position was amended after further discussions with the Department and the Applicant and the commencement of a detailed design review of the SLR. TfNSW is now satisfied that the detailed design of the intersection can be facilitated through the Works Authorisation Deed (WAD) process post determination as part of the Stage 1 development. TfNSW provided conditions of consent to ensure a WAD is executed and the detailed design of the intersection approved by them prior to its construction.

The Department is satisfied the Applicant has shown that under both an interim and ultimate intersection design scenario the LoS would be satisfactory and the efficiency of Wallgrove Road would not be overly impacted by the full development of the Concept Proposal. The Department agrees with TfNSW that the detailed design of the SLR can occur post determination and the WAD process provides a robust mechanism to ensure this. The intersections would be designed and delivered as part of the Stage 1 development which would allow future development within the Concept Proposal to commence without the augmentation of the intersections at a later date. This approach prioritises the orderly development of the lands and allows potential traffic impacts to be mitigated as early as possible.

In addition, future DAs in subsequent stages of the Concept Proposal will need to provide a traffic assessment as part of the recommended conditions of consent. This traffic assessment will need to verify future developments are consistent with the traffic volumes predicted for the Concept Proposal.

### Stage 1 Development Construction Traffic Impacts

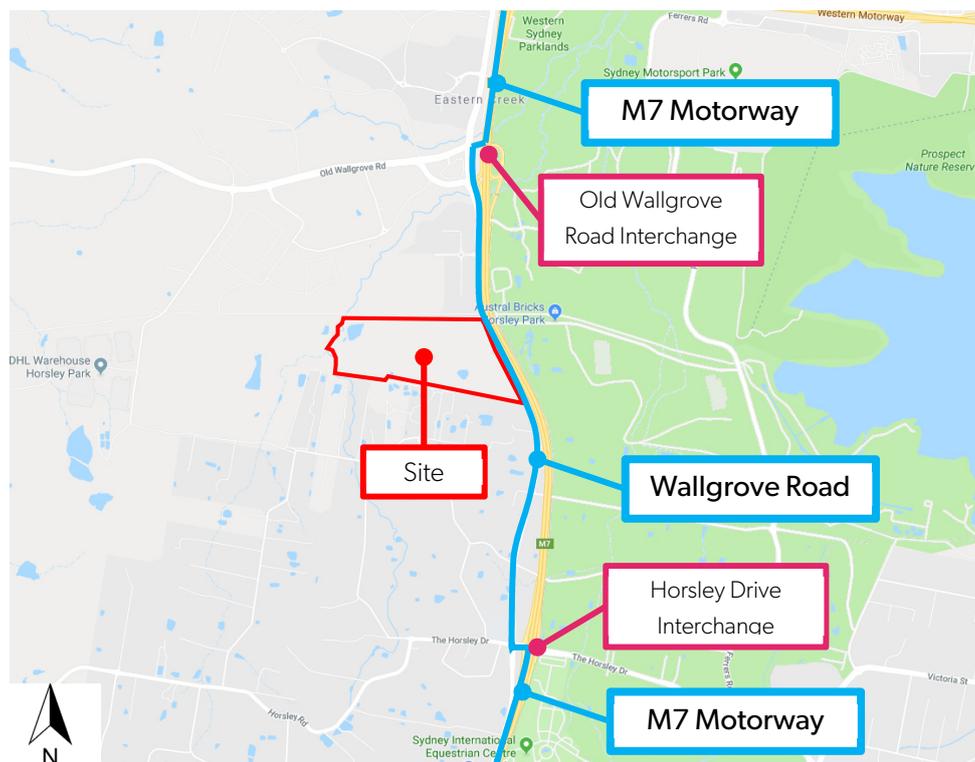
Stage 1 development construction activities include:

- removal of existing vegetation
- bulk earthworks across the entire site and construction of site access road
- installation of drainage infrastructure, acoustic barrier and some boundary landscaping
- detailed earthworks and services installation for Stage 1 development
- Stage 1 warehouse building, office, car park and ancillary infrastructure
- stormwater management infrastructure for Lot 10 (Stage 1).

Earthworks, roads, drainage and services and Stage 1 building would be constructed over an estimated 15-month period. This work would be undertaken at the same time as the SLR and Wallgrove Road intersection upgrade construction. Operation of the Stage 1 buildings would not commence until the SLR (between Wallgrove Road and site access road) is complete.

The TIA proposed two key construction access routes (see **Figure 26**):

- from north of the site: M7 Motorway and Wallgrove Road via M7/Old Wallgrove Road interchange
- from south of the site: M7 Motorway and Wallgrove Road via M7/Horsley Park Drive interchange.



**Figure 26** | Proposed Construction Truck Haul Route

The TIA estimated in the worst-case scenario, during peak construction periods, 27 daily light vehicle movements and 30 daily heavy vehicle movements would occur and would have minimal impacts on the efficiency and safety of surrounding roads.

Council and TfNSW submissions on the EIS recommended the Applicant prepare a Construction Traffic Management Plan (CTMP) prior to the commencement of construction to ensure interim access is provided, haul routes avoid residential areas and construction vehicles have allocated areas to park on site to avoid queuing on Wallgrove Road.

The Department considers the estimated volume of construction traffic is relatively low and would have minimal impacts on the efficiency and safety of local and regional roads. The construction traffic impacts can be addressed in a Construction Traffic Management Plan (CTMP) as part of the Construction Environmental Management Plan (CEMP). As such, the Department has recommended a condition requiring the Applicant prepared a CTMP in consultation with TfNSW and Council.

### Stage 1 Development Operational Traffic Impacts

The Department considers the Stage 1 would not have significant traffic impacts on the efficiency and safety of local and regional roads. The Stage 1 warehouse would be accessed through a private road from Wallgrove Road through a signal-controlled intersection. The TIA estimated during the operation of the Stage 1, 157 vehicle movements during a peak hour would be generated, which is around 25% of the Concept Proposal peak hour vehicle movements. As such, the Stage 1 would not have significant impacts on the efficiency and safety of Wallgrove Road. To mitigate any potential operational traffic impacts caused by the Stage 1 development, the Department has recommended a condition requiring the Applicant prepare an Operational Traffic Management Plan (OTMP) including a Driver Code of Conduct prior to the commencement of operation of the Stage 1 development in consultation with Council and TfNSW.

### 6.2.4 Car Parking

In the RtS, the Applicant proposed parking rates for both Concept Proposal and Stage 1 development in accordance with the RMS *Guide to Traffic Generating Developments 2002* (RMS Guide). The proposed parking rates are:

- warehouse and distribution centre: 1 parking space per 300 m<sup>2</sup> gross floor area (GFA)
- office: 1 parking space per 40 m<sup>2</sup> GFA
- 2 accessible spaces for every 100 spaces.

These rates are consistent with the RMS Guide, Fairfield DCP and other developments in the WSEA.

Based the above rates and the revised Concept Proposal in the RtS, a total of 993 spaces are required for the Concept Proposal and the Stage 1 development would require 217 spaces. The Applicant initially proposed to provide 2,231 parking spaces for the Concept Proposal.

TfNSW raised concerns with the provision of the original 2,231 spaces in their submissions on the EIS. The submission stated the original parking provision was more than double the estimated demand and had the potential to encourage use of private vehicles rather than public transport. Accordingly, TfNSW recommended the Applicant reduce the number of parking spaces.

Aligning with the amended Concept Proposal and responding to TfNSW concerns, the Applicant reduced the parking provision to 1,500 spaces for the Concept Proposal including 223 spaces in the Stage 1 development which still exceeds the minimum requirements. The actual numbers would be confirmed in subsequent DAs for future stages. The higher parking ratio provides the Applicant with flexibility in securing tenants.

The Department notes the proposed parking rates are consistent with the RMS Guide and the rates approved at other developments in the WSEA. The Department considers the proposed parking provision is adequate and has included a condition requiring the Applicant to provide parking spaces consistent with the RtS.

### 6.2.5 Conclusion and Recommendation

The Department has reviewed the TIA, strategic transport studies for the WSEA, revised designs submitted in the RtS and has consulted extensively with relevant agencies in relation to the delivery of the SLR. The Department's assessment has concluded traffic from the full development of the Concept Proposal and Stage 1 development would be adequately accommodated on the existing and future (planned) local and regional road network. The development includes an appropriate site access which will be delivered by the Applicant as part of the Stage 1 development.

The Department, the Applicant and relevant agencies have worked collaboratively to resolve many design aspects, including provision for 2036 traffic growth, interim site access and SLR/Wallgrove Road intersection upgrade. The Department is satisfied the Applicant has adequately demonstrated the development would not have adverse traffic impacts and considers the detailed design aspects of the intersections and the delivery of the SLR can be resolved following determination, once the relevant roads authority has been nominated.

The Department has recommended a series of conditions to mitigate any potential traffic impacts during the construction and operation of the Concept Proposal and Stage 1 development. These conditions include the requirement that all future DAs be accompanied by a Sustainable Travel Plan (STP) identifying the proposed pedestrian and cyclist facilities and the provision of sufficient car parking spaces in accordance with the rate depicted in the Concept Proposal. For future developments in future stages of the Concept Proposal, the Department has recommended a condition of consent requiring all subsequent development applications to include a traffic impact assessment to verify future developments are consistent with the traffic volumes predicted for the Concept Proposal.

The Department has recommended that prior to the commencement of construction of the Stage 1 development, the Applicant be required to prepare a CTMP in consultation with Council and TfNSW. To ensure the operational traffic impacts are adequately managed, the Department has also recommended conditions requiring the Applicant prepared an Operational Traffic Management Plan and a Work Place Travel Plan. With these measures in place, the Department's assessment concludes the traffic, access and parking components of the development will be adequately managed.

### 6.3 Noise and Vibration

The construction and 24 hours, 7 days a week operation of the industrial estate have the potential to impact on the amenity of the locality including the nearby rural residences to the south on Flavex Lane where the closest sensitive receiver is located approximately 120 m from the site boundary (see **Figure 27**).

Acoustic Logic Consultancy prepared a Cumulative Noise Study (CNS), a Noise Emission Assessment (NEA) – Stage 1 and a Construction Noise and Vibration Management Plan (CNVMP) as part of the EIS. The CNS assessed the cumulative noise emissions from the Concept Proposal once fully developed and the NEA assessed the operational noise impacts of the Stage 1 development. Both the CNS and NEA were prepared in accordance with the *NSW Industrial Noise Policy* (INP) (2000). The CNVMP was prepared to outline measures to minimise noise and vibration impacts during Stage 1 construction works on sensitive receivers.



**Figure 27** | Nearby Sensitive Receivers and Noise Monitoring Locations

### 6.3.1 Construction Noise

The Applicant proposes to stage the construction of the development, with Stage 1 construction works including Lot 10 works (construction of a warehouse, hardstand and landscaping), construction of roads, infrastructure and services and landscaping works as shown in **Figure 6**.

The CNVMP for Stage 1 construction identified the loudest construction activities would be the excavation of rock during earthworks, forming/pouring concrete and crane operation. In accordance with the *Interim Construction Noise Guideline* (ICNG) (2009), the CNVMP established a construction noise management level (CNML) of 55 dB(A) at the nearest residential receiver (see **Figure 27**) during standard construction hours (Monday to Friday between 7 am and 6 pm and Saturday from 8 am to 1 pm).

The CNVMP suggested the CNML could be achieved throughout all construction activities except during the excavation of rock near the southern boundary and stripping out of formwork. To mitigate impacts, the Applicant has considered various methods for the excavation of rock and proposed that rock excavation would be undertaken by way of rock sawing and ripping, which is quieter than other methods. Notwithstanding, the CNVMP stated that exceedances might still occur during the excavation of rock when undertaken near the site boundary.

The CNVMP also stated there might be some exceedances of the CNML during stripping out of formwork from time to time. The CNVMP recommends noise mitigation and management measures, such as the location of plant as far as practicable from sensitive receivers and to undertake works within standard construction hours.

The Department considers that although there would be some exceedances of the CNML during two construction activities, the impacts would be temporary. The CNVMP states that exceedances of the CNML during the excavation of rock would likely occur when works are undertaken near the site boundary. The Department notes the extent of the Stage 1 works as shown in **Figure 6**, including the Stage 1 cut and fill plan (**Figure 13**), would mean that minimal works would occur near the southern boundary, further limiting the noise impacts of Stage 1 construction on sensitive receivers along Flavex Lane. Future development stages would be the subject of separate

DAs, with staging of the development subject to market demand. As such, construction noise impacts for the rest of the site would be considered at a later date.

The Department has recommended a condition requiring all future development applications include a Noise Impact Assessment (NIA) addressing construction noise impacts, in accordance with the ICNG. Further, the Department notes the ICNG identifies a highly noise affected criteria of 75 dB(A), above which additional mitigation measures would be required to be implemented to protect the amenity of nearby sensitive receivers.

The Applicant has stated Stage 1 works are anticipated to take 15 months to complete. The Department notes the most intrusive noise levels would occur only at the boundaries of the site during excavation. The Department considers these works would be short lived and a mitigation strategy in accordance with the ICNG could be prepared to lower construction noise at site boundaries to levels which do not negatively impact the amenity of the sensitive receivers or provide respite periods. The Department has recommended conditions requiring the preparation of a comprehensive Construction Noise and Vibration Management Plan (CNVMP) to detail and ensure the implementation of the mitigation strategy.

The Department notes the EIS states as part of the Stage 1 construction works, the Applicant is committed to construct a 3 m high acoustic barrier along the southern boundary of the Lot 10 to further reduce the potential noise impacts on sensitive receivers to the south. The Department has considered the construction of the permanent acoustic barrier should be as early as practicable during the construction phase to assist in reducing construction noise impacts. As such the Department has recommended a condition requiring this. The early construction of the acoustic barrier is expected to further reduce the potential intrusiveness of construction noise near the southern boundary of the site.

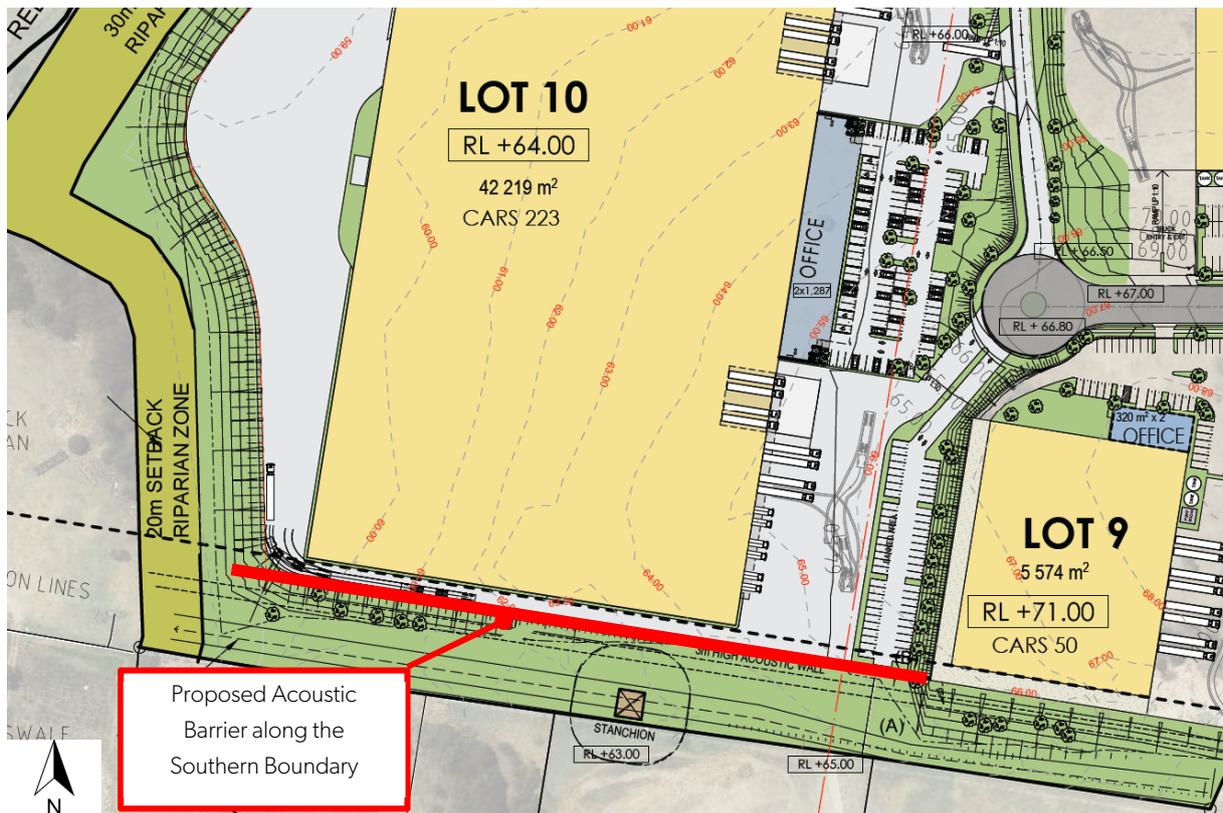
The Department also notes construction works would take place within standard construction hours in accordance with the ICNG and the Department has recommended a condition requiring the Applicant to seek prior approval from the Secretary for any out of hours works. The Department is satisfied the aforementioned noise management measures and relevant conditions will minimise construction noise for the nearest receivers for Stage 1 construction works. As part of future DAs for buildings within subsequent development stages, a recommended condition on the Concept Proposal requires the preparation of a NIA to the satisfaction of the consent authority. This will ensure an adequate assessment of potential noise impacts throughout the estate are quantified and should an impact be predicted, managed and mitigated.

### 6.3.2 Operational Noise

The Applicant is seeking consent for 24 hours, 7 days a week operation of the development. The primary operational noise sources would be heavy vehicle movements, loading/unloading and the operation of plant and equipment. The Applicant submitted a Cumulative Noise Study (CNS) providing operational noise modelling associated with the Concept Proposal and a Noise Emission Assessment (NEA) which assessed the impacts of the Stage 1 development. The CNS and the NEA were both prepared by Acoustic Logic, in accordance with the Industrial Noise Policy (INP) (EPA, 2000) and the NSW Road Noise Policy (RNP) (DECCW, 2011).

The Department notes the INP has been replaced by the Noise Policy for Industry (2017) however, the transitional arrangements provide that the INP is applicable where Secretary's Environmental Assessment Requirements (previously Director General's environmental assessment requirements (DGRs)) were issued, and not modified, prior to the release of the Noise Policy for Industry. As the EIS was lodged within two years of the issue of DGRs for the development, the Department is satisfied the INP remains applicable.

The CNS considered the potential of all on-site noise sources individually, cumulatively and in a worst-case scenario without any mitigation measures including the proposed 3 m acoustic barrier and landscape mound adjacent to Stage 1 (see **Figure 28**).



**Figure 28** | Location of the Proposed Acoustic Barrier

Noise monitoring was undertaken at the locations identified in **Figure 27** to determine project specific noise levels (PSNLs) in accordance with the INP. The CNS demonstrates the development would comply with the PSNLs, as shown in **Table 7**.

**Table 7** | Development compliance with Project Specific Noise Levels (PSNLs)

Receiver	Time	PSNL	Stage 1 Predicted Noise Level (dB(A))	Concept Noise Level (dB(A))	Proposal Noise Level (dB(A))
Residential Receiver to south west	Day	53	50	50	50
	Evening	50	50	50	50
	Night	45	45	45	45
Industrial development to the south	When in use	70	50	51	51
Sleep disturbance at residential receiver to the south west	Night	63	62	63	63

The Department considers that with the proposed acoustic wall in place, noise impacts caused by the fully developed site and the Stage 1 development would be further reduced and the level of compliance with the relevant noise criteria would be further increased. The Department has recommended a condition requiring future DAs to be accompanied by a NIA showing compliance with the PSNLs.

During the exhibition period, the Department received 33 public submissions raising noise related concerns. Specifically, the public submissions raised concerns with road traffic noise, 24-hour operation, the height of the proposed acoustic barrier and the proximity of the development to residential dwellings. Council’s submission

also raised noise concerns regarding the proposed setbacks, hours of operation as well as requesting further consideration of mitigation measures. The Applicant's RtS stated that increasing the height of the acoustic barrier is not necessary as the development would already comply with the PSNLs.

The Department acknowledges the development would change the ambient sound experience of the locality however, the CNS and NEA demonstrates the development would comply with the relevant noise criteria in accordance with the INP, as shown in **Table 7**. The Department is satisfied the operational noise impacts could be sufficiently managed and it is the Department's view that increasing the height of the proposed acoustic barrier, increasing setbacks and/or altering the proposed hours of operation should not be required. The site has been part of the WSEA since 2009 and the development is considered an appropriate use of industrial zoned land.

To ensure the PSNLs are complied with, the Department has recommended a condition requiring the construction of the acoustic barrier prior to the commencement of construction of the Stage 1 building and a post-operation noise verification study be provided for the Stage 1 development which would ground truth the modelled noise levels. In the unlikely event that noise levels exceed the PSNL, additional mitigation measures would be required and could include the enclosure of plant and additional acoustic barriers. The Department has also recommended further conditions aimed at protecting the amenity of nearby sensitive receivers including requirements to maintain noise suppression equipment on all plant, minimise noise impacts during adverse meteorological conditions and to implement the mitigation and management measures recommended by the CNS and NEA.

### 6.3.3 Road Traffic Noise

The CNS assessed the noise impacts of vehicles including loading dock, forklift operation and use of the internal road network against the requirements of the INP and the NSW Road Noise Policy (DECCW, 2011). Traffic noise was modelled on the traffic volumes predicted in the Traffic Impact Assessment (TIA) prepared by GHD (dated 23 August 2013). The road traffic noise modelling was based on a worst-case scenario which included heavy and light vehicle movements in the evening period. Notwithstanding, the CNS concluded the development would comply with all relevant criteria, as depicted in **Table 8**. The Department has recommended a condition requiring the Applicant to prepare a Driver Code of Conduct aimed at minimising road traffic noise, which is to include specified routes during night-time hours.

**Table 8** | Cumulative Road Noise Impacts

Receiver	Time	Criteria dB(A)	Predicted Noise Level dB(A)
Residential Receiver to the south west	Day	53	50
	Evening	50	50
	Night	45	45
Industrial Development to the south	When in use	70	50

### 6.3.4 Conclusion and Recommendation

The Department has reviewed the EIS including all submitted noise assessments and is satisfied the Applicant can sufficiently manage construction and operational noise impacts through the implementation of mitigation and management measures and the preparation and implementation of an updated and comprehensive CNMP. Ensuring noise impacts on nearby sensitive receivers were minimised was an important consideration for the Department. The Department has also required the early construction of the acoustic barrier near the southern

boundary as a recommended condition of consent to provide an additional level of noise mitigation during construction.

The Department notes the CNS established project specific noise criteria for the Concept Proposal. The Department has recommended conditions requiring future DAs include NIAs for both construction and operational noise impacts to demonstrate that future developments in subsequent stages will comply with these criteria.

The Department notes the road traffic noise generated by the Concept Proposal at full build out and the Stage 1 development at all residential and industrial receivers would be at or below the relevant criteria. The Department has recommended a condition requiring the Applicant prepare a Driver Code of Conduct aimed at minimising road traffic noise, which is to include specified routes during night-time hours.

The Department’s consideration of noise impacts from the fully developed site shows the development can be carried out to comply with noise limits, that have been established in accordance with relevant noise guidelines. The Department’s assessment concludes the development provides adequate buffers to adjacent sensitive land uses and appropriate mitigation measures to ensure noise from on-going operation is below the noise limits.

## 6.4 Other Issues

The Department’s assessment of other issues is provided in **Table 9**.

**Table 9** | Assessment of Other Issues

Consideration	Recommended Conditions
<b>Stormwater Management</b>	
<ul style="list-style-type: none"> <li>The Concept Proposal and Stage 1 development would increase impervious areas and has the potential to increase the quantity of stormwater runoff and alter the quality of stormwater discharging from the site.</li> <li>The Applicant submitted a Stormwater Concept Plan (SCP) prepared by former Brown Consulting (now Calibre Group) which provided an assessment of drainage and stormwater for the Concept Proposal and the Stage 1 development based on MUSIC modelling.</li> <li>The SCP stated the proposed sitewide stormwater strategy would ensure compliance with nutrient reduction targets for total suspended solids (TSS), total phosphorus (TP), total nitrogen (TN) and gross pollutants.</li> <li>The Stage 1 development includes a permanent underground OSD basin with a stormwater treatment system and a bio-retention basin to ensure interim peak stormwater flows at each discharge point in the Stage 1 would not exceed the existing peak flow. The proposed Stage 1 stormwater system would ensure compliance with nutrient reduction targets for TSS, TP, TN and gross pollutants.</li> <li>In its submission on the EIS, DPI Agriculture advised the Applicant should consider downstream impacts from</li> </ul>	<p>Require the Applicant:</p> <ul style="list-style-type: none"> <li>ensure stormwater management for Stage 1 DA and future applications is consistent with the Stormwater Strategy outlined in the SCP</li> <li>drain accumulated stormwater away from the TransGrid easement</li> <li>carry out works near the transmission easement in accordance with TransGrid requirements.</li> </ul>

## Consideration

## Recommended Conditions

discharged stormwater. After reviewing the RtS, DPI Agriculture stated it had noted the Proponent had followed its advice and provided no further comments.

- After reviewing the EIS, RtS, detailed survey and site plans, TransGrid advised the proposed swale in the south eastern corner of the site would be within 20 m of a TransGrid easement which had the potential to cause flood inundation, impede easement access and significantly change the ground level of the easement. Accordingly, TransGrid recommended conditions relating to easement asset protection measures.
- The Department has reviewed the Concept Proposal stormwater management measures proposed in the Stage 1 development in consultation with Council and State government agencies. The Department has concluded the stormwater management system has been designed in accordance with Council's requirements and would adequately manage the treatment of stormwater flows from the site. The strategy would also ensure stormwater flows do not place added pressure on Council's trunk drainage infrastructure.
- The Department has recommended conditions to ensure stormwater management for Stage 1 development and future applications is consistent with the Stormwater Strategy outlined in the SCP and ensuring the protection of the TransGrid easement.

## Flooding

- The western part of the site is within the Reedy Creek Catchment while the remainder is in a local catchment area. The site is identified to be impacted by flood waters during a 100-year ARI event.
- The Applicant submitted a Hydraulic Modelling and Impact Report (HMIR) prepared by BMT WBM. The HMIR assessed the Concept Proposal impacts on flood behaviour during 20-, 50-, 100-, 500- and 2,000-year ARI flood events based on TUFLOW modelling. The HMIR found the Concept Proposal would cause minimal changes to flood depths.
- The Concept Proposal would also reduce flood levels downstream and along Reedy Creek. However, small areas along the western and southern boundaries of the site would experience flood level increase of up to 4 centimetres (cm). The areas where increases would occur are entirely within the site boundary.

Require the Applicant:

- ensure all floor levels be no lower than the 100-year ARI plus 500 mm of freeboard.

- Former OEH reviewed the EIS and requested the Applicant consider future impacts from increased rainfall resulting from climate change.
- SES advised the Applicant should consider flash flooding and associated warning and evacuation requirements and impacts on safety and efficiency of Wallgrove Road as it would be the only evacuation access during a flood event. SES also requested the Applicant clarify flooding impacts during a 500- and 2,000-year ARI event and the increased length of time that Wallgrove Road would be flooded.
- The Applicant submitted an updated HMIR as part of the RtS. The updated HMIR discussed climate change scenarios including increased rainfall intensities of 10%, 20% and 30% and found under all climate change scenarios, up to and including the 2,000-year ARI flood event, the development would remain flood free with no risks to persons or property at the development.
- The updated HMIR predicted the flood level at areas along the western and southern boundaries of the site (where the flood level would increase of up to 4 cm) would:
  - slightly reduce when rainfall intensity increases by 10%
  - remain the same level when rainfall intensity increases by 20%
  - slightly increase when rainfall intensity increases by 30%.
- The updated HMIR concluded increased rainfall intensities would have minimal impacts on flood behaviour in areas along the western and southern site boundaries.
- The updated HMIR predicted the flood level and duration of flooding along Wallgrove Road would decrease. The Concept Proposal was amended to utilise the SLR for site access which is outside the 1 in 100-year flood level and would be suitable to provide emergency/evacuation access during a flood event.
- The former OEH and SES reviewed the updated HMIR and were satisfied with the response.
- The Department's assessment concludes the Concept Proposal would not result in significant impacts on flood behaviour during a flood event. The Department has recommended a condition requiring the Applicant ensure all floor levels be no lower the 100-year ARI plus 500 mm of freeboard so as the development would have minimal exposure to flooding impacts.

**Biodiversity**

- The Concept Proposal would include the clearing of 13.1 ha of critically endangered ecological community (CEEC) and 1.4 ha of endangered ecological community (EEC) listed under the *Threatened Species Conservation Act 1995* (NSW) (TSC Act). The Concept Plan and Stage 1 works would also have the potential to impact on threatened species and ecological communities, stream ecology and the hydrologic, hydraulic and geomorphic functions of Reedy Creek.
- The EIS included an Ecological Impact Assessment (EIA) prepared by Cumberland Ecology in accordance with the TSC Act. The Department notes the TSC Act was replaced by the *Biodiversity Conservation Act 2016* (BC Act) on 25 August 2017. However, as the development application was lodged prior to the commencement of the BC Act, in accordance with the *Biodiversity Conservation (Savings and Transitional) Regulation 2017*, the application may continue to be assessed under the TSC Act.
- The EIA was prepared to assess the ecological impacts associated with vegetation clearing in accordance with the *Framework for Biodiversity Assessment* (FBA). The EIA identified a total of 295 biodiversity credits requiring offset and included a Biodiversity Offset Strategy (BOS). The BOS stated the Applicant proposed to discount the offset by virtue of only 50% because of the existing degraded vegetation condition and lack of long-term opportunity to improve the vegetation.
- The Applicant also proposed to prepare and implement a Landscape Management Plan (LMP) to further mitigate the biodiversity impacts. The LMP would detail the incorporation of compensatory planting of native vegetation into the proposed landscaping including to ameliorate the loss of native vegetation with associated habitat. A Riparian Management Plan (RMP) would also be prepared to manage riparian vegetation rehabilitation and new landscaping works and mitigate any impacts on E2 zoned land.
- The Former OEH did not support discounting the required credits considering the credit calculation would be based on conditions of the vegetation and there would be a potential for vegetation to be regenerated and restored through the removal of cattle grazing from the site with assisted regeneration. Former OEH further advised the site presently contained around 22 ha of continuous CEEC and EEC presenting an opportunity to maintain and expand the native vegetation.

Require the Applicant:

- offset and retire all amount of biodiversity credits in a staged manner
- prepare a Biodiversity Staging Plan
- prepare and implement a Vegetation and Riparian Management Plan.

- The Former OEH noted the Applicant proposed to provide a 10 m wide bushfire defendable space for the Stage 1 development. The defendable space would encroach into the E2 zoned riparian areas and was not supported by the former OEH.
- Responding to the former OEH concerns, as part of the RtS, the Applicant submitted an amended BOS proposing to purchase and retire the full amount of biodiversity credits. The Applicant also amended the proposal to shift the Stage 1 development footprint eastward and ensure no defendable space was located in the riparian area.
- The former OEH reviewed the revised BOS and raised no further concerns of the riparian areas. The former OEH required the Applicant provide all biodiversity offsets in accordance with the FBA requirements and recommended relevant conditions.
- In its submission on the EIS, Council raised concerns regarding loss of native vegetation. Council stated the site had been subject to native vegetation loss since 2005 and the Applicant's EIA did not consider patches of Cumberland Plain Woodland vegetation in the south eastern part of the site adjacent to Wallgrove Road. Council requested the Applicant submit a revised BOS considering native vegetation loss since 2005 and detailing compensatory planting on the site alongside an amended EIA addressing the native vegetation in the south eastern part of the site. After reviewing the amended EIA and BOS, Council provided no further comments in this regard.
- Public and special interest group submissions raised concerns relating to the removal of vegetation and EECs, biodiversity offset calculations, dam decommissioning, impact to existing fauna communities, the proposed discount to biodiversity offset credits.
- The Department notes the site contains identified CEEC and EEC, but it has historically used for grazing purposes. The site is zoned for industrial use and has been identified as land suitable for employment generating uses under the WSEA SEPP. The Applicant proposes to retire all required biodiversity credits and prepare an LMP and RMP for planting and maintaining native vegetation compensating the loss of the Cumberland Plains Woodland and River-flat Eucalypt Forest PCTs. The Department is satisfied the proposed loss of native vegetation can be appropriately offset and has recommended conditions requiring the Applicant offset and retire all amount of biodiversity credits in a staged manner commensurate with the development stage, prepare a Biodiversity Staging Plan

Consideration	Recommended Conditions
<p>detailing staging of site clearing works and number and type of biodiversity credits required for Stage 1 development, as well as prepare and implement a Vegetation and Riparian Management Plan.</p> <ul style="list-style-type: none"> <li>The Department's assessment concludes the biodiversity impacts would be adequately offset by retaining existing mature trees in the Reedy Creek riparian area and planting Cumberland Plains Woodland native vegetation.</li> </ul>	
<b>Contamination</b>	
<ul style="list-style-type: none"> <li>A Phase 1 Contamination Investigation was undertaken by Douglas Partners in accordance with SEPP 55. The Phase 1 report concluded the potential for soil and groundwater contamination at the site was low however recommended a targeted Phase 2 Contamination Investigation be undertaken.</li> <li>The Applicant submitted a Phase 2 Contamination Investigation prepared by Douglas Partners which identified small amounts of arsenic in Dam 4 however, determined the levels were so low it would not be expected to result in arsenic water contamination. The report concluded all contaminants detected were below the detection limits in water sources.</li> <li>In its submission on the RtS, the EPA advised the Applicant should identify if the site had been contaminated and outlined statutory requirements for managing contaminated land in accordance with the <i>Contaminated Land Management Act 1997</i>, <i>Contaminated Land Management Regulation 2013</i> and SEPP 55.</li> <li>The Department has assessed the development against the provisions of SEPP 55. The Department is satisfied the site is suitable for the proposed development. Notwithstanding, the Department notes the Phase 2 Contamination Investigation identifies low levels of contaminants at the site. Therefore, the Department has recommended a condition requiring the preparation of an unexpected contamination procedure.</li> </ul>	<p>Require the Applicant:</p> <ul style="list-style-type: none"> <li>prepare and implement an Unexpected Finds Protocol.</li> </ul>
<b>Air Quality</b>	
<ul style="list-style-type: none"> <li>Construction and operation of the development has the potential to impact on the air quality. The major emission sources include truck and forklift movements.</li> <li>The Applicant did not provide an Air Quality Impact Assessment (AQIA). In the RtS, the Applicant advised truck and forklift emissions would comply with the <i>Protection of the Environment Operations (Clean Air) Regulation 2010</i>.</li> </ul>	<p>Require the Applicant:</p> <ul style="list-style-type: none"> <li>submit an AQIA for future development applications</li> <li>prepare and submit an AQMP prior to the commencement of construction.</li> </ul>

Consideration	Recommended Conditions
<ul style="list-style-type: none"> <li>• After reviewing the RtS, the EPA advised the operation of the development should comply with requirements of the <i>Protection of the Environment Operations Act 1997</i> and relevant environmental performance criteria. The EPA also recommended conditions requiring the Applicant prepare and implement an Air Quality Management Plan (AQMP).</li> <li>• Public submissions received during the exhibition period raised concerns of air quality and pollution including truck and forklift movements have not been taken into consideration and northern winds in the afternoons would direct pollution onto residential properties.</li> <li>• The Department considers other than works associated with Stage 1 development, future use and development of proposed warehouses are unknown, it is appropriate for air quality impacts associated with the Concept Proposal to be assessed as part of future DAs. The Department has recommended conditions requiring the Applicant prepare and implement an AQMP as part of the CEMP for Stage 1 construction works and to ensure both construction and operational phase of Stage 1 development are incorporated with the use best practice air quality management techniques.</li> </ul>	
<p><b>Aboriginal Cultural Heritage</b></p> <ul style="list-style-type: none"> <li>• The site is identified to contain two potential sites of Aboriginal heritage significance, as well as one area of Aboriginal archaeological sensitivity. Site clearing, earthworks and road construction have the potential to impact Aboriginal Cultural Heritage present on the site.</li> <li>• The Applicant submitted an Aboriginal Cultural Heritage Assessment Report (ACHAR) prepared by Australian Museum Business Services. The ACHAR concluded: <ul style="list-style-type: none"> <li>– the two sites of Aboriginal heritage significance would be impacted however, these sites have low scientific significance and no further investigation of these sites is required</li> <li>– the area of archaeological sensitivity requires further investigation.</li> </ul> </li> <li>• The Applicant has proposed test and salvage excavation on the elevated land adjacent to Reedy Creek, within the area of archaeological sensitivity.</li> <li>• In its submission, former OEH stated the ACHAR is satisfactory however, requested the Applicant to provide clarify regarding</li> </ul>	<p>Require the Applicant:</p> <ul style="list-style-type: none"> <li>• prepare an Aboriginal Cultural Heritage Management Plan</li> <li>• consult with registered Aboriginal parties</li> <li>• implement an unexpected finds protocol.</li> </ul>

Consideration	Recommended Conditions
<p>the expansion of test pits, should testing indicate that further archaeological testing is required.</p> <ul style="list-style-type: none"> <li>• The Applicant's RtS stated no objection to this requirement and included a measure for test and salvage excavation to be undertaken prior to Stage 1 works. Former OEH submission on the RtS did not raise any further issues in this regard.</li> <li>• The Department has recommended the Applicant's proposed measure for test excavations be included in the mitigation measures outlined in the conditions of consent. The Department has also recommended conditions requiring the preparation of an Aboriginal Cultural Heritage Management Plan and the implementation of an unexpected finds protocol.</li> </ul>	
<p><b>Bushfire Management</b></p> <ul style="list-style-type: none"> <li>• The site is identified to be bushfire prone land. The site contains areas classified as Vegetation Categories 1 and 2 and Vegetation Buffer as shown on the Fairfield City Council Bush Fire Prone Land Map.</li> <li>• The Applicant submitted a Bushfire Protection Assessment (BPA) prepared by Australian Bushfire Protection Planners. The BPA assessed the Concept Proposal against <i>Planning for Bushfire Protection (PBP) 2006</i>, Australian Standard 3959-2009 Construction of Buildings in Bush Fire Prone Areas and the Building Code of Australia (now part of the National Construction Code).</li> <li>• The BPA identified that all bushfire prone vegetation would be removed by the development, with the exception of the Reedy Creek riparian corridor.</li> <li>• The Applicant has proposed a minimum 10 m wide protection zone and BAL 40 construction to the north, west and south façades of Stage 1 building to manage the bushfire prone vegetation in the Reedy Creek corridor.</li> <li>• RFS did not raise any objections and recommended conditions requiring compliance with the PBP as well as the preparation of an Emergency/Evacuation Plan.</li> <li>• The Department's assessment concludes the majority of the potential fire fuel load will be removed as part of the Stage 1 clearing works. The Department is satisfied the remaining bushfire prone land could be adequately managed subject to conditions.</li> </ul>	<p>Require the Applicant:</p> <ul style="list-style-type: none"> <li>• ensure future developments complying with relevant provisions of PBP and recommendations of the BPA</li> <li>• submit Emergency/Evacuation Plans prepared in accordance with the RFS requirements for future DAs.</li> </ul>



## 7. Evaluation

The Department has assessed the merits of the development taking into consideration the issues raised in all submissions, the Applicant's EIS and RtS. The Department's assessment has fully considered all relevant matters under Section 4.15 of the EP&A Act, the object of the EP&A Act and the principles of ecologically sustainable development and is satisfied the impacts have been satisfactorily addressed by the development and through the Department's recommended conditions of consent.

The development would provide additional warehouse and industrial space to support the continued growth and development of the WSEA as an identified employment precinct and strategic centre in the Western Sydney. The site locates adjacent to the arterial road network which would provide operational efficiencies for future tenants. The development will also support the productivity, growth and employment objectives of the A Metropolis for Three Cities, the Greater Sydney Region Plan and the Western Parkland City.

The Department's assessment concluded the development will result in a significant change to the visual and acoustic character of the locality and have some traffic impacts which can be managed through the recommended conditions of consent.

The visual impacts of the development are to be mitigated through several measures including retaining mature vegetation and extensive planting of new screening vegetation along the southern site boundary. The Department has recommended a condition requiring a schedule of colours and finishes for the Stage 1 warehouse building to be approved by the Department prior to the issue of a Construction Certificate. Development on Lots 2-15 are part of the Concept Proposal, and further consideration would be given to the design and appearance of individual buildings as part of future DAs in accordance with Clause 4.22(5) of the EP&A Act.

The Department has recommended a condition requiring future DAs include an urban design assessment to establish appropriate setbacks, layouts and building treatments noting the proposed development controls are the minimum boundary setbacks.

The traffic impacts of the development can be managed through the construction of the SLR which will provide the development access to the regional road network. The Department is satisfied that the existing and future regional road network including Wallgrove Road, M7 Motorway and the SLR can cater for the full build out of the Concept Proposal. The Department has recommended conditions requiring a CTMP be prepared to manage any construction traffic impacts associated with the Stage 1 development.

The noise impacts of the development during construction and operation, will be minimised and managed through the implementation of a comprehensive CNMP and the construction of the acoustic barrier near sensitive receivers. As part of the preparation of the CNMP, the Department has required the Applicant to closely engage with nearby receivers and ensure construction schedules and management measures address their needs.

The Department has recommended a range of detailed conditions to address the residual impacts of the development and detail the environmental assessment requirements for subsequent stages. The conditions were developed in conjunction with government agencies and Council. The Applicant has reviewed and accepted the recommended conditions.

The Department considers the development is in the public interest and the application is approvable, subject to recommended conditions. This report is hereby presented to the IPC for determination.



## 8. Recommendation

Following on from its assessment of the development, the Department considers the development is approvable, subject to any conditions of consent. This assessment report is hereby presented to the Independent Planning Commission for determination.

Prepared by:  
Bruce Zhang  
Industry Assessments

Endorsed by:



22/08/2019.

**Kelly McNicol**  
Acting Director  
Industry Assessments

Endorsed by:



29/8/19.

**Chris Ritchie**  
Acting Executive Director  
Compliance, Industry and Key Sites



# Appendices

Appendix A – List of Documents

Appendix B – Considerations under Section 4.15 of the EP&A Act

Appendix C – Environmental Planning Instruments

Appendix D – Community Views for Draft Notice of Determination

Appendix E – Recommended Conditions of Consent

## Appendix A – List of Documents

The Department has considered the following documents in its assessment of the development:

- Environmental Impact Statement, Gazcorp Industrial Estate Western Sydney Employment Area, prepared by JBA Urban Planning Consultants Pty Ltd, dated February 2014 and all attachments. Available on the Department's website at:  
[http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=5248](http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5248)
- Response to Submissions Report, Gazcorp Industrial Estate Western Sydney Employment Area, prepared by JBA Urban Planning Consultants Pty Ltd, dated May 2015 and all attachments. Available on the Department's website at: [http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=5248](http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5248)
- Submissions from the general public, Fairfield City Council and government agencies. Available on the Department's website at:  
[http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=5248](http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5248)
- relevant environmental planning instruments, policies and guidelines
- objects and relevant provisions of the EP&A Act.

## Appendix B – Considerations Under Section 4.15 of the EP&A Act

Section 4.15 of the EP&A Act requires that the consent authority, when determining a development application, must take into consideration the following matters:

**Table 10** | Consideration of Section 4.15 of the EP&A Act

Provision	Comment
(a) the provisions of:	The Department has considered the relevant Environmental Planning Instruments in its assessment of the proposed development at <b>Appendix C</b> of this report.
(i) any environmental planning instrument, and	
(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	There are no relevant draft EPIs.
(iii) any development control plan, and	Pursuant to Clause 11 of the SRD SEPP, development control plans do not apply to State significant development. Notwithstanding, the Department has assessed the proposed development against the Fairfield Citywide DCP 2013 at <b>Appendix C</b> .
(iiia) any planning agreement that has been entered into under Section 7.4, or any draft planning agreement that a developer has offered to enter into under Section 7.4, and	The Applicant has entered into the Planning Agreement between Minister for Planning, Gazcorp Pty Ltd (the developer) and Wallgrove Road Industrial Investments Pty Limited (the landowner) which was executed on 25 June 2019.
(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and	On 29 July 2019, a Satisfactory Arrangement Certificate was issued by the Acting Deputy Secretary, Place and Infrastructure Greater Sydney as delegate of the Planning Secretary in accordance with Clause 29 of the WSEA SEPP.
(v) any coastal zone management plan (within the meaning of the <i>Coastal Protection Act 1979</i> ) that apply to the land to which the development application relates,	The Department has undertaken its assessment of the development in accordance with all relevant matters as prescribed by the regulations, the findings of which are contained within this report.  The site is not located within a coastal zone and no coastal zone management plan applies to the development.
(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The Department has considered the likely impacts of the development in detail in <b>Section 6</b> of this report. The Department concludes that all environmental impacts can be appropriately managed and mitigated through the recommended conditions of consent.
(c) the suitability of the site for the development,	The development is predominantly a warehousing and light industry project located on light industrial zoned land which is permissible with development consent.

Provision	Comment
(d) any submissions made in accordance with this Act or the regulations,	All matters raised in submissions have been summarised in <b>Section 5</b> of this report and given due consideration as part of the assessment of the development in <b>Section 6</b> of this report.
(e) the public interest.	<p>The development would generate up to 520 jobs during construction and 1,500 jobs during operation. The development is a considerable capital investment in the Western Sydney Employment Area that would contribute to the provision of local jobs.</p> <p>The environmental impacts of the development would be appropriately managed via the recommended conditions. On balance, the Department considers the development is in the public interest.</p>

## Appendix C – Environmental Planning Instruments

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

The SRD SEPP identifies certain classes of development as SSD. In particular, development that has a capital investment value of more than \$50 million for the purpose of warehouses or distribution centres (including container storage facilities) at one location and related to the same operation.

The proposed construction and operation of 16 warehouses and ancillary offices, car parking and loading dock facilities with CIV of \$174.5 million meet the criteria in Clause 12 of Schedule 1 of the SRD SEPP and is classified as State significant development.

### State Environmental Planning Policy (Western Sydney Employment Area) 2009 (WSEA SEPP)

The WSEA SEPP aims to promote economic development and employment, provide for the orderly and coordinated development of land, rezone land for employment or conservation purposes, ensure development occurs in a logical, cost-effective and environmentally sensitive manner and conserve and rehabilitate areas with high biodiversity, heritage or cultural value within the WSEA. Part 5 of the WSEA SEPP sets out the principal development standards within the WSEA. The proposed development has been assessed against these standards and a summary of the Department’s assessment is provided in **Table 11**.

**Table 11** | Compliance with the WSEA SEPP Development Standards

Development Standard	Proposed Development	Department Comment
<p><b>Cl. 18(1) Requirement for development control plans</b></p> <p>A consent authority must not grant consent to a Development Application unless a development control plan (DCP) has been prepared for that parcel of land.</p>	<p>MBMO prepared an Urban Design Guidelines outlining draft development controls as part of the Concept Proposal, which would be incorporated into the Fairfield Citywide DCP 2013.</p>	<p>The Department is satisfied with the proposed approach, which is consistent with nearby Oakdale Central and Oakdale South Industrial Estates. Council did not raise any objections in this regard.</p>
<p><b>Cl. 20 Ecologically Sustainable Development</b></p> <p>The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that the development contains measures designed to minimise:</p> <p>(a) the consumption of potable water, and</p> <p>(b) greenhouse gas emissions.</p>	<p>The development incorporates a range of sustainability measures designed to reduce energy and resource use during operation. These include:</p> <ul style="list-style-type: none"> <li>• use of clear roof sheeting to provide natural light into the warehouse</li> <li>• use of natural ventilation in storage areas to allow cross air flow and reduce demands on mechanical ventilation systems</li> <li>• incorporation of thermal insulation</li> <li>• energy efficient air conditioning equipment and</li> </ul>	<p>The Department has recommended a condition requiring the preparation of a sustainability strategy for the development. The Department has also recommended a condition requiring future DAs to demonstrate ESD principles.</p>

Development Standard	Proposed Development	Department Comment
	<p>fan selection for the office areas</p> <ul style="list-style-type: none"> <li>• energy efficient lighting with control systems to dim or turn off when not in use</li> <li>• installation of water efficient fixtures to reduce overall potable water consumption.</li> </ul>	
<p><b>Cl. 21 Height of buildings</b></p> <p>The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that:</p> <p>(a) building heights will not adversely impact on the amenity of adjacent residential areas, and</p> <p>(b) site topography has been taken into consideration.</p>	<p>The Concept Proposal seeks consent to permit buildings with a maximum height limit of 14 m. The maximum proposed height of each warehouse building in the Stage 1 DA is 14 m.</p>	<p>The WSEA SEPP does not prescribe a height limit for development. The Department has assessed the bulk and scale of the development in Section 6.1 of this report.</p>
<p><b>Cl. 22 Rainwater harvesting</b></p> <p>The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that adequate arrangements will be made to connect the roof areas of buildings to such rainwater harvesting scheme (if any) as may be approved by the Director-General.</p>	<p>The Concept Proposal seeks to establish a rainwater harvesting scheme to apply across the site.</p> <p>The Stage 1 development incorporates a rainwater harvesting system with roof run-off areas connected to a minimum of one 120,000 litre (L) rainwater tank.</p>	<p>The Concept Proposal includes rainwater harvesting to provide for up to 50% of the development's water demand.</p>
<p><b>Cl. 23 Development adjoining residential land</b></p> <p>(1) This clause applies to any land to which this Policy applies that is within 250 m of land zoned primarily for residential purposes.</p> <p>(2) The consent authority must not grant consent to development on land to which this clause applies unless it is satisfied that:</p>	<p>Rural residential land uses occur to the immediate south of the site.</p>	<p>The site is located adjacent to land zoned RU4 Primary Production Small Lots. The objectives of the RU4 zone, pursuant to the FLEP 2013, indicate the zone is not primarily for residential purposes. Notwithstanding, as there is existing residential development near the site, the Development has considered Clause 23 of the WSEA SEPP.</p>
<p>(a) wherever appropriate, proposed buildings are compatible with the height, scale, siting and character of</p>	<p>The Applicant submitted a VIA assessing the potential visual impacts of the development. The development includes screening</p>	<p>Visual impact has been assessed in detail in <b>Section 6.1</b>.</p>

Development Standard	Proposed Development	Department Comment
existing residential buildings in the vicinity, and	planting including shrubs up to 4 m high along the southern site boundary to screen acoustic wall when viewed from the south.	
(b) goods, plant, equipment and other material resulting from the development are to be stored within a building or will be suitably screened from view from residential buildings and associated land, and	Plant and equipment would be located on the roof of warehouse buildings under the Stage 1 development. All plant and equipment are located outside of warehouse buildings would be screened from residential land uses by either road perimeter landscaping or internal or perimeter on-lot landscaping.	General warehousing and distribution operations would be shielded from future residential buildings via landscape treatments and appropriate siting of plant and equipment.
(c) the elevation of any building facing, or significantly exposed to view from, land on which a dwelling house is situated has been designed to present an attractive appearance, and	The Applicant has stated that the design of warehouses includes articulating features to break up the visual bulk and scale of the buildings.	Visual impact has been assessed in detail in Section 6.1. The Department has recommended a condition requiring the Applicant prepare and implement a Landscape Management Plan to maintain screening plants along the southern site boundary.
(d) noise generation from fixed sources or motor vehicles associated with the development will be effectively insulated or otherwise minimised, and	The Applicant has submitted a NIA assessing the potential construction and operational noise impacts.	Noise impact has been assessed in detail in <b>Section 6.2</b> . The Department's assessment concludes noise emissions can be managed through the implementation of mitigation and management measures. Future DAs would be required to include a NIA ensuring compliance with the developments noise limits. The Department has recommended conditions requiring compliance with noise limits and the preparation of a noise management plan.
(e) the development will not otherwise cause nuisance to residents, by way of hours of operation, traffic movement, parking, headlight glare, security lighting or the like, and	The Applicant is seeking consent for 24-hour operation, seven days per week. The Applicant has submitted a NIA and a TIA assessing potential amenity impacts.	The Department's assessment of noise, traffic and visual impacts is in <b>Section 6</b> . The Department's assessment concludes impacts of the development could be adequately managed and has recommended conditions to

Development Standard	Proposed Development	Department Comment
		protect the amenity of nearby residential receivers.
(f) the development will provide adequate off-street parking, relative to the demand for parking likely to be generated, and	Car parking is proposed as follows: <ul style="list-style-type: none"> <li>• 1,500 spaces for the Concept Proposal</li> <li>• 223 spaces for the Stage 1 warehouse.</li> </ul>	Car parking has been assessed in detail in <b>Section 6.3</b> . The Department's assessment concludes car parking has been provided in accordance with RMS and Council requirements. The Department has recommended a condition to ensure an adequate number of accessible car parking spaces are provided.
(g) the site of the proposed development will be suitably landscaped, particularly between any building and the street alignment.	Estate-wide landscaping is proposed. The Applicant has also proposed screen landscaping along the site interfaces with residential development and public roads.	The Department considers the proposed internal and boundary landscaping to be adequate and in keeping with other industrial developments in the area.
<b>Cl. 25 Public utility infrastructure</b> The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.	The Applicant proposes to extend existing water, electricity, natural gas and wastewater services.	The Department is satisfied adequate services would be provided and has recommended relevant conditions.
<b>Cl. 26 Development in the vicinity of proposed transport infrastructure routes</b> The consent authority must consider any comments made by the Director-General as to the compatibility of the development with the proposed transport infrastructure route.	Ultimate site access is proposed via the Southern Link Road, in accordance with consultation with RMS and TfNSW.  The Applicant has consulted with the then Department of Planning and Infrastructure and the RMS. The Applicant proposed to dedicate land at the north of the site to the Southern Link Road.	The Department has recommended a condition requiring the Applicant to consult with TfNSW regarding the WSFL prior to the lodgement of any future DAs.
<b>Cl. 29 Industrial Release Area – satisfactory arrangements for the provision of regional transport infrastructure and services</b>	The Applicant has entered into a Voluntary Planning Agreement with the Minister executed on 25 June 2019.	The Department considers satisfactory arrangements have been made to contribute to the proposed Southern Link Road.

Development Standard	Proposed Development	Department Comment
<p>Assistance to the State authorities for the provision of regional transport infrastructure and services is required.</p> <p>The consent authority must not grant consent unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of regional transport infrastructure and services.</p>	<p>On 29 July 2019, a Satisfactory Arrangement Certificate was issued by the Acting Deputy Secretary, Place and Infrastructure Greater Sydney as delegate of the Planning Secretary in accordance with Clause 29 of the WSEA SEPP.</p>	
<p><b>Cl. 31 Design principles</b></p> <p>The consent authority must take into consideration whether or not:</p> <ul style="list-style-type: none"> <li>(a) the development is of a high-quality design, and</li> <li>(b) a variety of materials and external finishes for the external facades are incorporated, and</li> <li>(c) high quality landscaping is provided, and</li> <li>(d) the scale and character of the development is compatible with other employment-generating development in the precinct concerned.</li> </ul>	<p>The Applicant has submitted a set of Urban Design Guidelines to guide future DAs within the Concept Proposal.</p> <p>The Applicant has submitted architectural plans showing the colours and materials of the Stage 1 warehouse building. A landscape strategy has also been provided for the Stage 1 development.</p>	<p>The Department has recommended conditions requiring:</p> <ul style="list-style-type: none"> <li>• future DAs to be consistent with the UDGs and Landscape Masterplan</li> <li>• a schedule of colours and finishes to be approved by the Department prior to the issue of a Construction Certificate</li> <li>• development on Lots 2-15 are part of the Concept Proposal, and further consideration would be given to the design and appearance of individual buildings as part of future DAs in accordance with Clause 4.22(5) of the EP&amp;A Act.</li> </ul>

### State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

The ISEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to certain types of infrastructure development, defining certain types of development as Traffic Generating Development and providing for consultation during the development assessment.

The development constitutes traffic generating development in accordance with the ISEPP as it is development for the purpose of a warehouse or distribution centre with more than 8,000 m<sup>2</sup> of GFA in accordance with Schedule 3 to the ISEPP. Consequently, it requires referral to the former RMS (now TfNSW) for comment and consideration of accessibility and traffic impacts.

TfNSW had initial concerns with the concept layout of the Wallgrove Road/SLR intersection and requested detailed designs be provided. However, this position was amended after further discussions with the Department and the Applicant and the commencement of detailed design review of the SLR. TfNSW is satisfied that the

detailed design of the intersection can be facilitated through the Works Authorisation Deed (WAD) process post determination as part of the Stage 1 development. TfNSW provided conditions of consent to ensure a WAD is executed and the detailed design of the intersection approved prior to its construction.

TfNSW also recommended the Applicant prepare a Construction Traffic Management Plan (CTMP) prior to the commencement of construction to ensure interim access is provided, haul routes avoid residential areas and construction vehicles have allocated areas to park to avoid queuing on Wallgrove Road.

The Department has incorporated TfNSW requirements into the recommended conditions. The development is therefore considered consistent with the ISEPP.

### **State Environmental Planning Policy 33 – Hazardous and Offensive Development (SEPP 33)**

SEPP 33 outlines the items that a consent authority must consider assessing whether a development is hazardous or offensive. The Applicant reviewed the development in accordance with SEPP 33 and advised that the proposed development is not potentially hazardous or offensive. The Applicant noted that should any future warehouses be occupied by a tenant whose activities would constitute a potentially hazardous or offensive development, a Preliminary Hazard Assessment would be prepared and submitted with the relevant development application.

### **State Environmental Planning Policy 55 – Remediation of Land (SEPP 55)**

SEPP 55 aims to ensure that potential contamination issues are considered in the determination of a development application. The EIS included a contamination assessment for the site which confirmed that a remedial action plan is not required. The Department has included specific conditions for managing any unexpected finds.

### **Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River**

SREP 20 aims to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. The Department's assessment has concluded the proposal does not compromise the aims and objectives of SREP 20.

### **Fairfield Local Environmental Plan (FLEP) 2013**

Clause 8(2) of the WSEA SEPP specifies the WSEA SEPP prevails to the extent of any inconsistency with any local environmental plan (LEP) or environmental planning instrument (EPI). The Department has reviewed the relevant provisions of the FLEP and notes the site is not identified in any maps of the FLEP relating to principal development standards. The Department also notes the provisions relating to Clause 6.5 Terrestrial Biodiversity and Clause 6.6 Riparian Land and Watercourses.

The FLEP aims to encourage the development of housing, employment, infrastructure and community services to meet the needs of the existing and future residents of the Fairfield LGA. The FLEP also aims to conserve and protect natural resources and foster economic, environmental and social well-being.

The Department has consulted with Fairfield City Council throughout the assessment process and has considered all relevant provisions of the FLEP and those matters raised by Council in its assessment of the development (see **Section 6** of this report). The Department concludes that the development is consistent with the relevant provisions of FLEP.

### **Fairfield Citywide Development Control Plan 2013 (FDCP)**

The FDCP includes specific development controls for the Fairfield LGA. The relevant provisions for the development include Section 3.3 biodiversity corridors, Section 3.4 Riparian Land and Waterways, Section 3.5 Flood Risk Assessment, Section 3.10 Bushfire.

The Department has consulted with Fairfield City Council throughout the assessment process and has included Council recommend conditions in the recommend development. The Department has assessed impacts of the Concept Proposal and Stage 1 development in relation to stormwater management, flooding impacts, biodiversity and bushfire management in consultation with relevant government agencies (see **Section 6** of this report).

## Appendix D – Keys Issues – Council and Community Views

The Department publicly exhibited the EIS for the Gazcorp Industrial Estate (SSD 5248) from **Wednesday 9 April 2014** until **Friday 23 May 2014**.

The Department received a total of 42 submissions during the exhibition period, including 9 from public authorities, one from Fairfield City Council, one from special interest group and 31 from the general public, including one petition containing 17 signatures. Of the 42 submissions received, 32 objected to the development.

The issues raised by the public submissions and council and how each issue has been addressed is summarised in **Table 12**.

**Table 12** | Compliance with the WSEA SEPP Development Standards

Issue	Considerations
<p><b>Noise</b></p> <ul style="list-style-type: none"> <li>noise from the development would exacerbate existing late-night noise from heavy vehicle movements on Wallgrove Road</li> <li>the proposed 3 m high acoustic fence is insufficient to mitigate potential noise impacts</li> <li>early-morning and late-night noise from the development would disturb cattle and other livestock.</li> </ul>	<ul style="list-style-type: none"> <li>Public and Council submissions raised concerns regarding the noise impacts generated from the development including road traffic noise, 24-hour operation, the height of the proposed acoustic barrier and the proximity of the development to residential dwellings.</li> <li>The Applicant has committed to construct a 3 m high acoustic barrier along the southern boundary of future Lot 10 to minimise noise impacts.</li> <li>The Department has considered the development’s noise impact in detail in Section 6.3 of this report.</li> <li>The Department acknowledges the development would change the ambient sound experience of the locality however, the CNS and NEA demonstrate the development would comply with the relevant noise criteria in accordance with the Industrial Noise Policy.</li> <li>The Department is satisfied the operational noise impacts could be sufficiently managed and it is the Department’s view that increasing the height of the proposed acoustic barrier, increasing setbacks and/or altering the proposed hours of operation would not be required. The site has been part of the WSEA since 2009 and the development is considered an appropriate use of WSEA zoned land.</li> </ul>
	<p>Conditions include:</p> <ul style="list-style-type: none"> <li>The requirement that Applicant prepare and implement a construction noise management plan detailing mitigation and management measures prepared in consultation with the nearest sensitive receivers (e.g. works respite periods, restricted hours for very noisy activities and/or temporary noise barrier(s)).</li> <li>The requirement that the construction of the acoustic barrier prior to the commencement of operation and a post-operation noise verification study.</li> <li>The requirements that to maintain noise suppression equipment on all plant, minimise noise impacts during adverse meteorological conditions and to implement the mitigation and management measures recommended by the CNS and NEA.</li> </ul>

Issue	Considerations
<p><b>Visual Impacts</b></p> <ul style="list-style-type: none"> <li>the proposed landscape buffer is insufficient to offset the visual impact of Stage 1 as viewed from nearby residential properties.</li> </ul>	<ul style="list-style-type: none"> <li>The Department notes this area of site is being burdened by an existing TransGrid easement in its southern part.</li> <li>Any developments near TransGrid easements are subject to TransGrid Easement Guideline (the Guideline) which prohibits the construction of substantial structures and the planting of trees or shrubs capable of growing to a height exceeding 4 m to ensure any developments do not obscure access to transmission line infrastructure.</li> <li>Considering the site constraint, the Department considers the proposed buffer landscaping is acceptable on balance of needs for mitigating visual impacts, fulfilling TransGrid requirements and protecting people and property.</li> </ul> <p>Condition includes:</p> <ul style="list-style-type: none"> <li>The requirement that future DAs include an urban design assessment to establish appropriate setbacks, layouts and building treatments noting the proposed development controls are the minimum boundary setbacks.</li> <li>The requirement that the Applicant undertake landscaping works in accordance with the revised landscape plans.</li> <li>The requirement that the Applicant prepare a Landscape Management Plan (LMP) for the Stage 1 development as part of the Operational Environmental Management Plan (OEMP).</li> </ul>
<p><b>Traffic</b></p> <ul style="list-style-type: none"> <li>exacerbation of existing local traffic impacts</li> <li>proposed access directly off Wallgrove Road will cause additional traffic congestion on Wallgrove Road.</li> </ul>	<ul style="list-style-type: none"> <li>A number of submissions expressed concern in respect of the impacts from additional construction and operational traffic generated by the Concept Proposal and Stage 1 development. Public submissions also raised concerns of the initially proposed site access.</li> <li>The Department notes the Applicant amended the Concept Proposal in the RtS responding to the public and Council submissions. The amended Concept Proposal locates the site access at the proposed Southern Link Road.</li> <li>The Applicant has committed to construct section of the proposed SLR extending 350 m from Wallgrove Road through the Planning Agreement executed on 25 June 2019.</li> <li>The Department has undertaken a detailed assessment of the potential traffic impacts and parking at <b>Section 6.2</b> of this report.</li> <li>The Department's assessment has concluded traffic from the full development and Stage 1 would be adequately accommodated on the existing and future (planned) local and regional road network. The development includes an appropriate site access which will be delivered via work-in-kind arrangement subject to the executed</li> </ul>

Issue	Considerations
	<p>Planning Agreement. The development would deliver the envisaged infrastructure serving the broader WSEA.</p> <p>The Department has recommended a series of conditions to mitigate any potential traffic impacts during the construction and operation of the Concept Proposal and Stage 1 development. These conditions include the requirement that all future DAs be accompanied by a Sustainable Travel Plan (STP) identifying the proposed pedestrian and cyclist facilities and the provision of sufficient car parking spaces in accordance with the rate depicted in the Concept Proposal.</p> <p>The Department has recommended that prior to the commencement of construction of the Stage 1 development, the Applicant be required to prepare a CTMP in consultation with Council and TfNSW. To ensure the operational traffic impacts are adequately managed, the Department has also recommended conditions requiring the Applicant prepared an Operational Traffic Management Plan and a Work Place Travel Plan.</p>
<p><b>Light Pollution</b></p> <ul style="list-style-type: none"> <li>proposed lighting will reduce the amenity of nearby rural and residential properties.</li> </ul>	<ul style="list-style-type: none"> <li>The Department has considered the potential lighting spill and its impacts on residential developments to the south.</li> <li>The Department has recommended a condition requiring the Applicant to ensure all outdoor lighting complies with the relevant Australian Standards and the visible light reflectivity from building materials used in the façade of the buildings must not exceed 20 per cent and must be designed to minimise glare.</li> </ul>
<p><b>Residential Amenity</b></p> <ul style="list-style-type: none"> <li>EIS contains an aerial photo that is more than five years old and does not consider new homes built in the area</li> <li>the closest residences are approximately 140 m from the site</li> <li>proposed 24/7 operation will unreasonably impact the amenity of nearby residential properties.</li> </ul>	<ul style="list-style-type: none"> <li>The Department has considered the potential amenity impacts (visual, traffic, noise and air quality) in detail in its assessment of the development.</li> <li>The Department’s assessment concludes by complying with relevant consent conditions, preparing and implementing a series of mitigation measures, the development could appropriately mitigate any amenity impacts on nearby residences.</li> </ul>
<p><b>Biodiversity</b></p> <ul style="list-style-type: none"> <li>the development would remove remnant strands of EECs and would have an adverse impact on the biodiversity of the locality</li> </ul>	<ul style="list-style-type: none"> <li>The potential impact of the development on biodiversity including flora and fauna has been discussed in <b>Section 6.4</b> of this report.</li> <li>The Department notes the site contains identified CEEC and EEC, but it has historically used for grazing purposes and the site is zoned for industrial use and has been identified as land suitable for employment generating uses under the WSEA SEPP.</li> </ul>

Issue	Considerations
<ul style="list-style-type: none"> <li>frogs and water birds will be negatively impacted by the removal of dams from the site.</li> </ul>	<ul style="list-style-type: none"> <li>The Applicant proposes to stage and retire all required biodiversity credits and prepare an LMP and RMP for planting and maintaining native vegetation compensating the loss of the Cumberland Plains Woodland and River-flat Eucalypt Forest PCTs.</li> <li>The Department is satisfied the proposed loss of native vegetation can be appropriately offset.</li> </ul> <p>Conditions include:</p> <ul style="list-style-type: none"> <li>The requirement that the Applicant offset and retire all amount of biodiversity credits in a staged way.</li> <li>The Applicant is required to prepare a Biodiversity Staging Plan detailing staging of site clearing works and number and type of biodiversity credits required for Stage 1 development, as well as prepare and implement a Vegetation and Riparian Management Plan.</li> </ul>
<p><b>Flooding</b></p> <ul style="list-style-type: none"> <li>exacerbation of existing localised area flooding.</li> </ul>	<ul style="list-style-type: none"> <li>The Department has considered the potential flooding impacts of the development on future warehouse buildings and nearby properties.</li> <li>The submitted Hydraulic Modelling and Impact Report discussed climate change scenarios including increased rainfall intensities of 10%, 20% and 30% and found under all climate change scenarios, up to and including the 2,000-year ARI flood event, the development would remain flood free with no risks to persons or property at the development.</li> <li>The Department's assessment concludes the Concept Proposal would not result in significant impacts on flood behaviour during a flood event. The Department has recommended a condition requiring the Applicant ensure all floor levels be no lower the 100-year ARI plus 500 mm of freeboard so as the development would have minimal exposure to flooding impacts.</li> </ul>
<p><b>Air Quality</b></p> <ul style="list-style-type: none"> <li>concerned truck and forklift movements have not been taken into consideration</li> <li>northern winds in the afternoons would direct pollution onto residential properties.</li> </ul>	<ul style="list-style-type: none"> <li>The Department has considered the potential air quality impacts of the development on nearby residential properties in <b>Section 6.4</b> of this report.</li> <li>The Department considers other than works associated with Stage 1 development, future use and development of proposed warehouses are unknown, it is appropriate for air quality impacts associated with the Concept Proposal to be assessed as part of future DAs.</li> <li>The Department has recommended conditions requiring the Applicant prepare and implement an AQMP as part of the CEMP for Stage 1 construction works and to ensure both construction and operational phase of Stage 1 development are incorporated with the use best practice air quality management techniques</li> </ul>
<p><b>Developer Contributions</b></p>	<ul style="list-style-type: none"> <li>The Department notes the Applicant has entered into the Planning Agreement between Minister for Planning, Gazcorp Pty Ltd (the</li> </ul>

Issue	Considerations
<ul style="list-style-type: none"> <li>the Applicant should pay Section 7.12 contributions.</li> </ul>	<p>developer) and Wallgrove Road Industrial Investments Pty Limited (the landowner) which was executed on 25 June 2019.</p> <ul style="list-style-type: none"> <li>On 29 July 2019, a Satisfactory Arrangement Certificate was issued by the Acting Deputy Secretary, Place and Infrastructure Greater Sydney as delegate of the Planning Secretary in accordance with Clause 29 of the WSEA SEPP.</li> <li>The Department is satisfied adequate development contribution arrangement has been proposed by the Applicant.</li> </ul>

## Appendix E – Recommended Conditions of Consent

The recommended conditions of consent for SSD 5248 can be found on the Department’s website at:

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=5248](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5248)