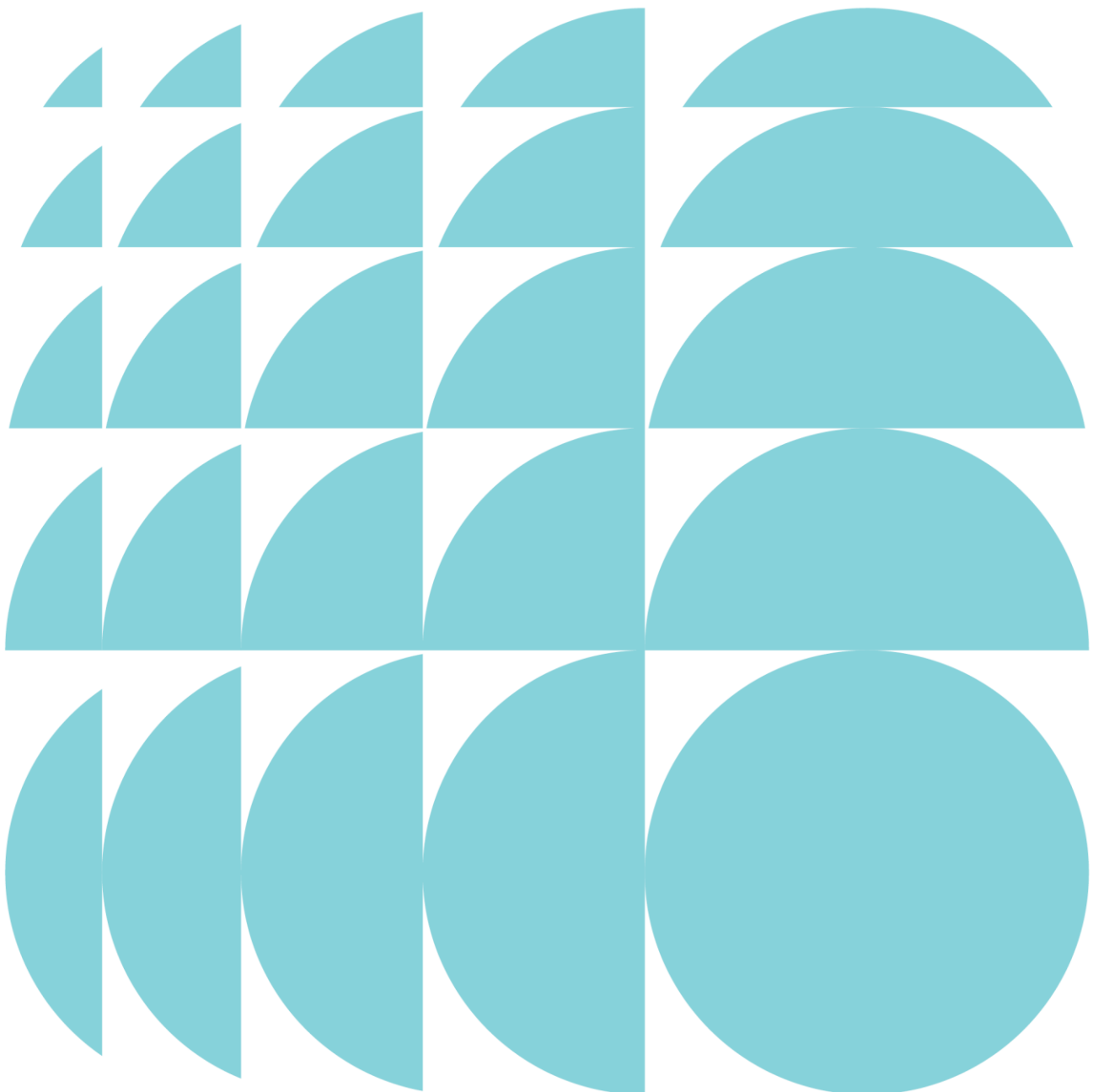


Response to Submissions Report

813-913 Wallgrove Road, Horsley Park
State Significant Development 5248 - Modification
1

Submitted to Department of Planning, Industry
and Environment
On behalf of Gazcorp

08 June 2021 | 2200495



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- A** Amended Concept Masterplan
SBA Architects
- B** Flood Impact Assessment Addendum
WBM

1.0 Introduction

1.1 Purpose of this Report

This Response to Submissions Report (RTS) is submitted to the Department of Planning, Industry and Environment (DPIE) as part of a Section 4.55(2) modification application to a State Significant Development Application under Part 4 of the *Environment Planning and Assessment Act 1979* (EP&A Act). The subject modification (SSD-5248-Mod-1) relates to a proposed modification to SSD 5248 for the Gazcorp Industrial Estate, 813-913 Wallgrove Road, Horsley Park.

The proposed modification was publicly exhibited between 29 April 2021 and 12 May 2021, during which time submissions were received from members of the public and government agencies. This RTS provides a response to the issues raised in submissions, generally by way of additional information or clarification – no changes have been made to the proposed modification.

1.2 Background to the Project

Development consent SSD 5248 was granted by the Independent Planning Commission on 11 November 2019 for the Gazcorp Industrial Estate. The approved Gazcorp Industrial Estate is a Staged Development Consent comprising:

- A concept with:
 - 211,550m² of gross floor area (GFA) comprised of 198,300m² of warehouse/industrial uses and 13,250m² of ancillary office floor space;
 - 16 development lots with a total of 14 building envelopes; and
 - conceptual lot layout, site levels, road layout, urban design controls, conceptual landscape designs and infrastructure arrangements.
- A Stage 1 Development including:
 - clearing of vegetation and construction of bulk earthworks,
 - construction of internal estate roads, water, sewer, telecommunications and gas infrastructure;
 - construction of stormwater management devices;
 - installation of estate landscaping;
 - construction and operation of a 45,225m² warehouse and distribution building, including 3,006m² of ancillary office space; and
 - intersection works in Wallgrove Road.

1.2.1 Section 4.55(2) Modification: SSD-5248-Mod-1

On 12 April 2021, a Section 4.55(2) modification application was lodged to amend the existing design approved through SSDA 5248. The following design amendments to the approval are proposed through SSD-5248-Mod-1:

- The delivery of earthworks and civil infrastructure works for the entire site as part of the first stage of works;
- A revised spatial distribution of warehouse/industrial uses and ancillary office floor space which will result in:
 - A 3% increase in total GFA from 211,550m² to 218,675m², comprising approximately 207,785m² of warehouse/industrial uses and 10,890m² of ancillary office floor space.
 - Reduction in the number of development lots from 16 lots to 13 lots.

The EP&A Act establishes the assessment framework for development in NSW. Pursuant to section 4.55(2) of the EP&A Act, approval is required for the above-listed amendments to the approved design.

1.3 Site and Location Context

The site is located at 813-913 Wallgrove Road, Horsley Park within the Fairfield Local Government Area. The land is legally described as Lot 5 of DP 24090, and is owned by Wallgrove Road Industrial Investments Pty Ltd. The site is approximately 52.2 hectares, and rectangular in shape, with a 680m frontage to Wallgrove Road on the eastern border, which offers both on and off ramps from the Westlink M7 Motorway approximately 1km to the north, and the M4 Motorway approximately 2.5km to the north.

A Water NSW pipeline lies on the northern border of the Site. It is along this northern boundary, between the Site and the pipeline that it is proposed to construct in the future the Southern Link Road, which will ultimately connect Wallgrove Road to Mamre Road in the west.

Reedy Creek riparian corridor forms the western border of the Site, and to the south of the Site are mostly fragmented rural-residential lots with some rural industries.

Extending along part of the southern boundary of the Site is a TransGrid transmission line easement. Transport for NSW has also identified a corridor immediately to the south of the Site as the location of a future Western Sydney Freight Line. The corridor for the Western Sydney Freight Line has been reserved pursuant to *State Environmental Planning Policy (Major Infrastructure Corridors) 2020*.

The Site falls within the Western Sydney Employment Area (WSEA) established under *State Environmental Planning Policy (Western Sydney Employment Area) 2009*. The Site is also positioned near a number of significant industrial areas including Eastern Creek and Minchinbury to the north, Erskine Park to the west, and Wetherill Park to the east.

The nearest suburban residential area to the Site is Bossley Park and surrounding suburbs which are located approximately 5.5km to the south east, and Minchinbury approximately 4.5km to the north-west.

The approved development has not yet commenced, and the site is currently used as a grazing pasture for cattle and horses. However, construction works for Stage 1 are expected to commence in the second half of 2021.

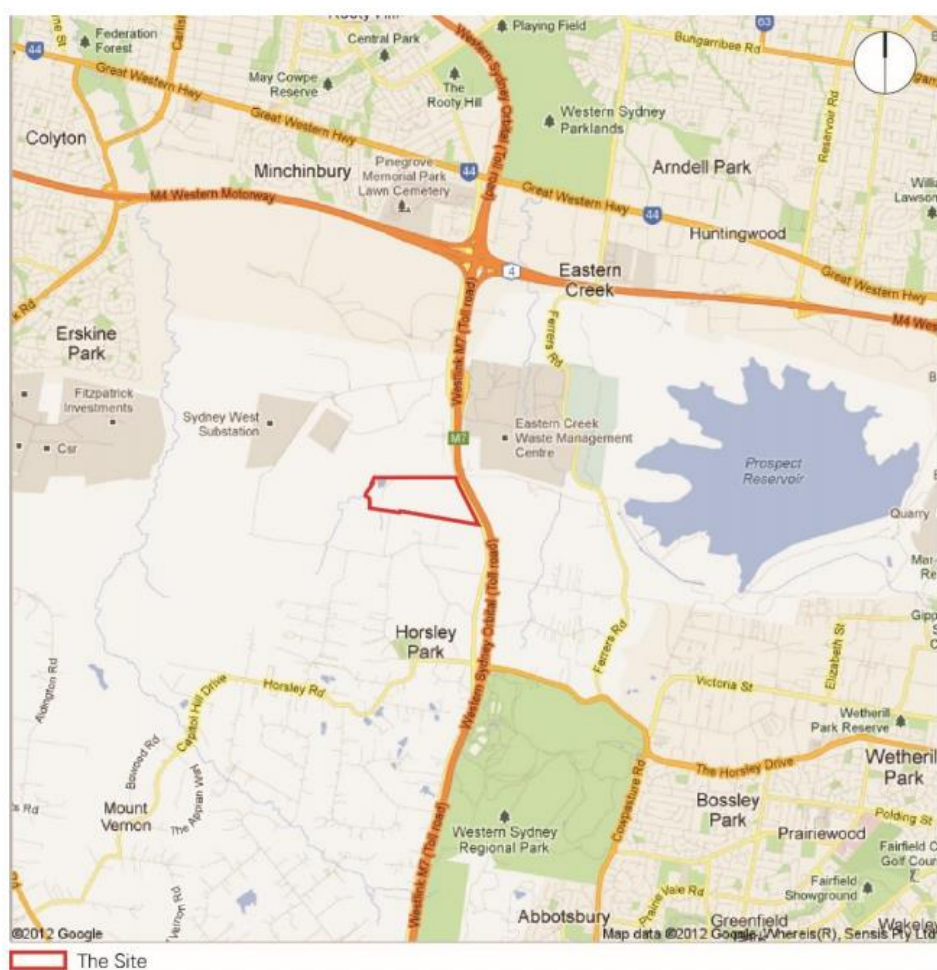


Figure 1 Location Plan

2.0 Public Exhibition

SSD-5248-Mod-1 was exhibited for a period of 13 days between April 29 and May 12. Public exhibition occurred in accordance with the requirements of the EP&A Act.

The modification application assessment report and associated technical studies were made available to the public on the DPIE website during this time.

3.0 Overview and Response to Submissions

A total of eleven (11) submissions were received in response to the public exhibition of SSD-5248-Mod-1, including eight (8) submissions made by government authorities and agencies, and three (3) from the public, as set out in the following sections. A summary of the key issues of each submission, and a response to these issues, has been prepared in **Section 4**.

3.1 Government Agency Submissions

Submissions were received from eight (8) government agencies as follows:

- Blacktown City Council;
- Fairfield City Council;
- Transport for New South Wales;
- Roads and Maritime Services Division;
- Biodiversity and Conservation Division;
- Heritage New South Wales;
- Water New South Wales; and
- DPIE Water and the Natural Resources Access Regulator.

As outlined above, a total of eight government agencies provided submissions. Each submission varied in terms of the number and types of issues raised, with some agencies raising more issues than others (dependant on their function and responsibility). Each agency submission was reviewed in detail to identify the key issues.

A detailed summary of the issues raised by the Government agencies and the response to those issues is provided in **Section 4**.

3.2 Public Submissions

A total of three (3) public submissions were received from individuals and landowners. Two of these submissions expressed support for the proposed modification, whilst one has been classified as an objection to the proposal. The community submissions were reviewed and summarised into key issues. The main issues identified within these submissions relate to noise.

A detailed summary of issues raised in the small volume of public submissions is integrated into **Section 4**.

4.0 Response to Submissions

This section provides a response to the key issues raised in the submissions from Government agencies and the general public, both of which are addressed in **Table 1** below. The submissions from Blacktown Council, Heritage NSW, and Roads and Maritime Services Division did not raise any issues, stating that there are no further comments to the proposed modification. As such, these submissions have not been included in **Table 1**.

Table 1 Issues Summary and Responses

Issue Title	Issues Summary	Gazcorp's Response
DPIE Water and the Natural Resources Access Regulator		
Groundwater	If the proponent intersects any groundwater they should consult DPIE Water.	Noted. The modified proposal will not result in any excavation beyond which was approved under SSD 5248, which was not expected to cause groundwater disturbance.
Water New South Wales		
Water NSW provided a series of conditions and/or requirements to be implemented during construction works. Gazcorp has no concerns around meeting Water NSW's requirements during construction, and notes in most cases the existing consent already addresses the issue raised.		
Overland flow	The development must be designed, operated and maintained to ensure post-development flows do not exceed pre-development flows into and through the Pipelines corridor.	Noted. This will be addressed in the detailed design phase.
Existing drainage structures	WaterNSW shall be consulted should there be any impact on existing drainage structures during the works within or adjacent to the Pipelines corridor. Any impacted drainage structures shall be reinstated and/or restored on completion of works at the proponent's expense, to the satisfaction of WaterNSW.	Noted. This will be addressed in the detailed design phase.
Assessment of vibration effects	Vibration criteria must be established in the Construction Environmental Management Plan (CEMP) to manage vibration on the Warragamba Pipelines. The German Standard DIN 4150-3:2016 'Structural Vibration Part 3: Effects of Vibration in Structures' should be used to assess vibration effects.	The CEMP required under Condition C60 will address vibration.
	The proponent is to consult with WaterNSW on the vibration monitoring mitigation measure prior to its application	The CEMP required under Condition C60 will address vibration.
Erosion and sediment controls	Erosion and sediment controls are to be designed, installed and maintained in accordance with the Blue Book, Landcom (2004) Managing Urban Stormwater: Soils and Construction.	This is required under existing Condition C45 of the consent.
Boundary fencing	During works along the property boundary with WaterNSW, appropriate boundary fencing (such as temporary construction fencing) shall be installed prior to works commencing and shall be maintained throughout the construction period. Fencing must be 2.1m chain mesh plus 3 strand barbed wire on top, for a total height of 2.4m, to be installed along the entire length of the boundary with WaterNSW, unless otherwise agreed to by WaterNSW	The contractor will establish appropriate boundary fencing around the site periphery during works.
Access to Pipelines corridor	Access to the WaterNSW Pipelines corridor is prohibited unless a written access consent has been obtained from WaterNSW.	Noted.

Transport for New South Wales		
Western Sydney Freight Line Corridor protection	The WSFL Corridor overlaps the TransGrid easement at this location and is in close proximity to Lot 10 Warehouse. TfNSW reiterate the importance of consultation, as per Condition C107(b), prior to the issue of any construction certificate, to mitigate any future conflict between Lot 10 Warehouse and the future rail infrastructure. It is requested that the applicant revise Appendix A1 (Concept Masterplan) to illustrate the correct position of the WSFL. The proponent should consult with TfNSW early in the design of the warehouse on Lot 10.	The Concept Masterplan has been amended to include the correct location of the WSFL, and the amended plan is provided at Appendix A . TfNSW will be consulted during the detailed design phase with respect to the warehouse on Lot 10.
Freight vehicle access	The proponent should consider using a larger 30m PBS 2B vehicle as the design vehicle for the project which are safer and more productive vehicles compared to 26m B-doubles.	Noted. An appropriate design vehicle for the project will be selected during the detailed design phase.
Biodiversity and Conservation Division		
Environment Energy and Science (EES) Group Submission	EES has requested further information in relation to flooding impacts arising as a result of the modification.	A Flood Impact Assessment addendum has been prepared by WBM, and is attached at Appendix B . The Flood Impact Assessment addendum confirms that the amended earthworks plan does not result in any change to the approved flooding impact assessment approved under SSD 5248.
Fairfield City Council		
Traffic generation	All issues raised by TfNSW shall be satisfactorily addressed prior to determination.	Issues raised by TfNSW will be addressed as required by the relevant conditions of consent.
	Further information within a Traffic Management Plan is required demonstrating how traffic entering and exiting the site at one given time will not impact the adjoining road network.	Access to the Site will be by way of a new signalised intersection at Wallgrove Road, which is being constructed by Gazcorp prior to the occupation of the first building. The design of this new signalised intersection has taken into account extensive road traffic modelling, as well as the possible future construction of the Southern Link Road, and has been endorsed by TfNSW.
	A Loading Management Plan shall be provided identifying the type and frequency of vehicles servicing various lots on an hourly and/or daily basis.	Condition B4 of the existing consent requires details of loading and unloading to be taken into account in future development applications for individual buildings, to be documented in a traffic and transport report. Condition C40 requires the preparation of an Operational Traffic Management Plan for the first Stage 1 building, prior to the commencement of operation, which would take into account user requirements for loading and unloading.
Driveways and carpark	The turning swept path diagrams for 26m B-Double vehicles illustrate that vehicles require full width driveways and travel onto opposite lane on the Estate Road, potentially impacting oncoming traffic and parked vehicles.	The Estate Road is a private road that solely services the industrial estate. It is therefore not unreasonable that trucks may occasionally need to manage conflicts on this road, noting that it will not impact on the operation or efficiency of any public road. The adequacy of each driveway, and how it might affect the operational functioning and efficiency of the estate road will be considered in the design and planning approval for each subsequent building – noting that, whilst the Stage 1 civil works will include the construction of the estate road, it will not include the driveway crossovers for each building, which will be subject of future design processes, taking into account user requirements for each building.
	Swept path diagrams indicate 26m B-Double vehicles manoeuvring within the site will be impacted by trucks parking at the hardstand	As above, the swept paths for individual buildings are conceptual only, and manoeuvring requirements around each building will be subject of future design

	area. The design of hardstand areas and manoeuvring areas shall be based on the turning path assessment.	and planning approval processes, taking into account specific user requirements for each building.
	Turning path diagrams show that 12.5m long heavy rigid vehicles entering the car park need to use the entire driveway to enter/ exit the carpark, this will conflict with other users of the car park.	As above.
Stormwater Management	The stormwater plans prepared by Orion Consulting Project No. 19-0108, Sheet DA 200(B) is not acceptable in its current form. Further information is requested.	In accordance with Condition C47 of the approval for SSD-5248, detailed stormwater plans will be prepared prior to the commencement of construction. As required under this condition, the stormwater management system must demonstrate consistency with Council's Stormwater Management Policy (September 2017), and must be prepared in consultation with Council.
General items	Minor amendments to conditions	Gazcorp has no objections to Council's suggested amendments to conditions.
Public Submissions		
Noise	One respondent raised that the forecasted noise levels in the Acoustic Assessment Report are unacceptable – in particular in relation to road traffic noise along Wallgrove Road south of the Site. The objector identifies that the noise assessment is based on trucks travelling at 50km/hour whereas the speed limit on Wallgrove Road is 70km/hour, which could result in exceedances of the night time road traffic noise criteria. The objector has suggested that all trucks be required to travel north to the Old Wallgrove Road interchange in order to access the M7, rather than travelling south towards the Horsley Road interchange.	The Acoustic Assessment Report concluded that road traffic noise impacts from vehicles travelling along Wallgrove Road will not have a significant detrimental effect on residents and existing industrial receivers to the north and south of the Site, and in particular that the road traffic noise complied with the Road Noise Policy. It is also highlighted that the use of the Site for industrial development, involving trucks travelling along Wallgrove Road, has already been approved. Further existing conditions of consent are in place to manage road traffic noise., and ensure that road traffic noise is minimised, including: - C40, which requires an Operational Traffic Management Plan. - C65, which requires Gazcorp to minimise noise, including road traffic noise. - C66, which requires the preparation of a Driver Code of Conduct

5.0 Conclusion

The proposed modification (SSD-5248-Mod-1) is seeking approval for the following design amendments:

- The delivery of earthworks and civil infrastructure works for the entire site as part of the first stage of works;
- A revised spatial distribution of warehouse/industrial uses and ancillary office floor space which will result in:
 - A 3% increase in total GFA from 211,550m² to 218,675m², comprising approximately 207,785m² of warehouse/industrial uses and 10,890m² of ancillary office floor space.
 - Reduction in the number of development lots from 16 lots to 13 lots.

This RTS has been prepared to satisfy the provisions of Section 4.39 of the EP&A Act and clause 82 of the *Environmental Planning and Assessment Regulation 2000*. Each of the submissions received during the public exhibition period has been collated, analysed and addressed.

The assessment has concluded that there no further amendments to the proposal required, as the future design and planning approval phases will adequately address issues raised in the submissions where necessary.

As such, we consider the proposed modification to SSD-5248-Mod-1 to be justified.