

# Environmental Planning Instrument Consideration

*Note: The Major Projects SEPP provides that the only environmental planning instruments that apply to land within the Greystanes SEL site are the Major Projects SEPP itself and all other SEPPs (except SEPP No 1—Development Standards and SEPP No 59—Central Western Sydney Economic and Employment Area).*

## **SEPP No.33 – Hazardous and Offensive Development**

SEPP 33 provides definitions for hazardous and offensive industry to enable decisions on developments to be made on the basis of merit, rather than on industry type per se.

The project as a whole is not expected to involve the storage, distribution or use of significant quantities of dangerous goods or hazardous substances. Nor is the project expected to emit a polluting discharge (eg. noise or odour) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development on other land.

Accordingly, it is considered that the project does not constitute a 'potentially hazardous industry' or 'potentially offensive industry', and that the project is able to be conducted in a manner that is consistent with the aims and objectives of SEPP 33.

However, as the end-users for the facilities are not known at this stage, there is the possibility that some end-users would require the storage, distribution or use of dangerous goods or hazardous substances. Accordingly, DEXUS has included a commitment to provide an analysis against SEPP 33 and the Department of Planning's *Applying SEPP 33* guidelines, prior to construction or installation of any dangerous goods and/or hazardous materials.

With this commitment, the project is able to be conducted in a manner that is consistent with the aims, objectives and provisions of SEPP 33.

## **SEPP No.55 – Remediation of Land**

SEPP 55 aims to provide for a statewide planning approach to the remediation of contaminated land, and in particular, to promote the remediation of contaminated land for the purpose of reducing risk of harm to human health or any other aspect of the environment.

Clause 7 of the SEPP requires a consent authority to consider whether the land to which a project/development application relates is contaminated, and if the land is contaminated, to be satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation), prior to granting consent.

Site contamination within the Greystanes SEL has been assessed and is being managed as part of the planning for the concept plan.

Boral has obtained a site audit statement certifying that Stage 1 of the *DEXUS Estate* site is not contaminated and is suitable for its intended industrial/ commercial landuse. Additional site audit statements will be provided from Boral to DEXUS with the release of each subsequent stage (Nb. Provision of the site audit statement is a contractual requirement on the sale of the land to DEXUS).

DEXUS has committed to ensuring that a site audit statement has been prepared for the relevant part of the site, prior to commencing any construction activities. The site audit statement would certify that the relevant part of the site is suitable for commercial/industrial landuse.

With this commitment, the project is able to be conducted in a manner that is consistent with the aims, objectives and provisions of SEPP 55.

**SEPP No.64 – Advertising and Signage**

SEPP 64 aims seeks to ensure that any signage associated with a development, including any advertisement, that is visible from a public place is compatible with the desired amenity and visual character of an area, is suitably located and is of a high quality and finish.

The project involves building identification signs and business identification signs as defined in the policy, as well as estate directory signage. Clause 9 of the SEPP provides that an assessment of matters identified in Schedule 1 is not required for building identification signs and business identification signs.

The proposed signage is considered to be consistent with the aims and objectives of SEPP 64. As discussed in the Environmental Assessment, DEXUS has committed to the preparation of a detailed signage strategy for the project.

With this commitment, the project is able to be conducted in a manner that is consistent with the aims, objectives and provisions of SEPP 64.

**Draft SEPP No.66 – Integration of Land Use and Transport**

Draft SEPP 66 is designed to apply to any development having a gross floor space of more than 1,000 square metres. The aims of the policy are to ensure that urban structure, building forms, land use locations, development designs, subdivision and street layouts help achieve the following planning objectives:

- (a) *improving accessibility to housing, employment and services by walking, cycling and public transport,*
- (b) *improving the choice of transport and reducing dependence solely on cars for travel purposes,*
- (c) *moderating growth in demand for travel and distances travelled especially by car,*
- (d) *supporting the efficient and viable operation of public transport services, and*
- (e) *providing for the efficient movement of freight.*

The development site is considered ideal for the proposed project because of local considerations (established industrial area and existing road system) and regional factors (proximity to the Sydney Metropolitan Motorway system – M4, M5 & M7).

It is considered that the project would assist in achieving the above objectives, particularly (a) because of its proximity to the employment areas of Western Sydney, (a)-(d) because of the project's provision of, and proximity and to, sustainable transport modes, and (e) because of the efficiencies gained in the movement of freight.

With the application of these measures, it is considered that the project is able to be undertaken in a manner that is consistent with the aims, objectives and provisions of Draft SEPP 66.

**SEPP (Major Projects) 2005**

SEPP (Major Projects) 2005 aims to identify projects of State or regional planning significance that are of a kind that the approval and assessment process under Part 3A of the EP&A Act should apply.

As stated in Section 4 of the Environmental Assessment, the project constitutes a class of development in Schedule 1 of the SEPP. Consequently, the Minister is the approval authority for the project.

As detailed in the Environmental Assessment, the Greystanes SEL site is listed as a State significant site under Schedule 3 of the Major Project SEPP. The SEPP zones the *DEXUS Estate* site IN2 Light Industrial, and the project is permissible with consent in this zone.

Clause 3, Part 22 of Schedule 3 of the Major Projects SEPP provides that the only environmental planning instruments that apply to land within the Greystanes SEL site are the Major Projects SEPP itself and all other SEPPs (except *SEPP No 1—Development Standards* and *SEPP No 59—Central Western Sydney Economic and Employment Area*).

Schedule 3 of the SEPP also provides a range of development standards that apply to development within the Greystanes SEL. Consideration of the relevant development standards is presented in the following table.

It is noted that clause 19, Part 22 of Schedule 3 provides that the development standards imposed by the SEPP may be varied for major projects if the Director-General of the Department of Planning is satisfied, and issues a certificate to the effect, that:

- (a) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
- (b) there are sufficient environmental planning grounds to justify exempting the development from that development standard.

In deciding whether to issue a certificate, the Director-General must consider:

- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning;
- (b) the public benefit of maintaining the development standard; and
- (c) any other matters required to be taken into consideration by the Director-General.

**Table G.1: Major Projects Development Standard Compliance**

<b>Clause (Part 22, Sch.3)</b>	<b>Issue</b>	<b>Key Controls Summary</b>	<b>Complies (Yes or No)</b>	<b>Comments / EA Reference</b>
13	Building Height	<ul style="list-style-type: none"> <li>• Maximum height is 15 metres in IN2 zone</li> </ul>	No	<ul style="list-style-type: none"> <li>• The project seeks approval for building heights up to 25 metres and 40 metres in limited, defined areas of the site.</li> <li>• See Section 4.2.3 and Section 6 of the EA.</li> </ul>
14	Gross Floor Area (GFA)	<ul style="list-style-type: none"> <li>• Maximum office GFA in IN2 zone is:               <ul style="list-style-type: none"> <li>- 50%, for lots within 400 metres of bus stop; and</li> <li>- 30%, for lots more than 400 metres of bus stop.</li> </ul> </li> </ul>	Yes	<ul style="list-style-type: none"> <li>• The proposed masterplan (and alternatives) has a maximum overall GFA of 11%.</li> <li>• See Section 3.4.</li> </ul>
15	Floor Space Ratio	<ul style="list-style-type: none"> <li>• Maximum floor space ratio in IN2 zone is 0.75:1</li> </ul>	Yes	<ul style="list-style-type: none"> <li>• The proposed masterplan (and alternatives) has a maximum overall FSR of 0.56:1.</li> <li>• See Section 3.4.</li> </ul>
16	Hotel Accommodation	<ul style="list-style-type: none"> <li>• Not applicable</li> </ul>	N/A	<ul style="list-style-type: none"> <li>• The project does not involve hotel development</li> </ul>
17	Child Care Centres	<ul style="list-style-type: none"> <li>• Not applicable</li> </ul>	N/A	<ul style="list-style-type: none"> <li>• The project does not involve child care centre development</li> </ul>

<b>Clause (Part 22, Sch.3)</b>	<b>Issue</b>	<b>Key Controls Summary</b>	<b>Complies (Yes or No)</b>	<b>Comments / EA Reference</b>
18	Car Parking	<ul style="list-style-type: none"> <li>Car parking rates include: <ul style="list-style-type: none"> <li>Warehouses or distribution centres, 1 space per 300 m<sup>2</sup>;</li> <li>Offices, 1 space per 40m<sup>2</sup></li> </ul> </li> </ul>	Yes	<ul style="list-style-type: none"> <li>The project has been designed to comply with the car parking rates.</li> </ul>
21	Design Excellence	<ul style="list-style-type: none"> <li>Requires buildings to achieve a high level of architectural design merit</li> </ul>	Yes	<ul style="list-style-type: none"> <li>The project's urban design and architecture have been designed by prominent architects Mackenzie Pronk and TDesign;</li> <li>See Section 6.1 of the EA.</li> </ul>
22	Architectural Roof Features	<ul style="list-style-type: none"> <li>Allows decorative architectural roof elements above the maximum building height under certain circumstances</li> </ul>	Yes	<ul style="list-style-type: none"> <li>The project does not involve architectural roof elements above the proposed heights, other than as shown on the architectural plans.</li> </ul>
23	Public Utility Infrastructure	<ul style="list-style-type: none"> <li>Requires infrastructure to be provided, including potable water, electricity, gas and sewerage</li> </ul>	Yes	<ul style="list-style-type: none"> <li>All required infrastructure for the Greystanes SEL has been approved;</li> <li>See Sections 2.3.4 ad 3.5 of the EA.</li> </ul>

### **SEPP (Infrastructure) 2007**

*SEPP (Infrastructure) 2007* aims to facilitate the effective delivery of infrastructure across the State.

Clause 104 of the SEPP applies to traffic generating development (in a similar manner to the recently repealed SEPP 11) and ensures that the RTA is given the opportunity to make representations on certain traffic generating development applications before a consent authority makes a determination on the proposal.

The project meets the thresholds in schedule 3 of the SEPP (as industry with an area of over 20,000m<sup>2</sup>), and is therefore considered to be traffic generating development for the purposes of the SEPP. Consequently, the application will need to be referred to the RTA for comment.

Traffic assessment indicates that the project is unlikely to result in any significant traffic impacts (see Section 6.5 of the Environmental Assessment).

### **Draft SEPP (Western Sydney Employment Hub) 2008**

Draft *SEPP (Western Sydney Employment Hub) 2008* was placed on public exhibition by the Department of Planning from 19 March until 28 April 2008. The Draft SEPP does not apply to the project by virtue of the Draft SEPP's savings provisions (clause 34).

Notwithstanding, it is considered that the project is consistent with the principal development standards for development listed in Part 5 of the Draft SEPP. Consideration of these development standards is provided in the following table.

**Table G.2: Draft SEPP (WSEH) Compliance**

<b>Clause</b>	<b>Issue</b>	<b>Key Controls Summary</b>	<b>Complies (Yes or No)</b>	<b>EA Reference</b>
21	Design	<ul style="list-style-type: none"><li>• High quality design;</li><li>• High quality landscaping</li></ul>	Yes	<ul style="list-style-type: none"><li>• See Section 6.1</li></ul>
22	Sustainability	<ul style="list-style-type: none"><li>• Water use efficiency;</li><li>• Energy efficiency</li></ul>	Yes	<ul style="list-style-type: none"><li>• See Section 3.6</li></ul>
23	Height of Buildings	<ul style="list-style-type: none"><li>• Heights to consider visual impact and topography</li></ul>	Yes	<ul style="list-style-type: none"><li>• See Section 6.2</li></ul>
24	Rainwater Harvesting	<ul style="list-style-type: none"><li>• Rainwater harvesting infrastructure to be provided</li></ul>	Yes	<ul style="list-style-type: none"><li>• See Section 3.6</li></ul>
25	Development Adjoining Residential Land	<ul style="list-style-type: none"><li>• Development within 250m of residential area to consider impacts</li></ul>	N/A	<ul style="list-style-type: none"><li>• See Section 6</li></ul>
26	Development involving Subdivision	<ul style="list-style-type: none"><li>• Land fragmentation;</li><li>• Employment land supply impacts;</li><li>• Access to roads and services</li></ul>	Yes	<ul style="list-style-type: none"><li>• See Section 3</li></ul>
27	Public Utility Infrastructure	<ul style="list-style-type: none"><li>• Required infrastructure to be provided, including potable water, electricity, gas and sewerage</li></ul>	Yes	<ul style="list-style-type: none"><li>• See Section 3.5</li></ul>