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3 February 2022

Mr Chris Ritchie  
Director – Industry Assessments  
Department of Planning and Environment  
Locked Bag 5022  
Parramatta NSW 2124.

Dear Mr Ritchie,

**Gazcorp Industrial Estate, 813-913 Wallgrove Road, Horsley Park  
State Significant Development SSD 5248 – MODIFICATION 2 + New SSDA – Scoping for DHL Warehouse**

This letter is submitted to the Department of Planning and Environment (DPE) in support of a State Significant Development Application (SSDA) for a warehouse and distribution centre at the Gazcorp Industrial Estate, located at 813-913 Wallgrove Road, Horsley Park. DHL is the proponent and intended occupant of the warehouse and distribution centre.

The proposed warehouse and distribution centre will also require a modification of the concept approval for the Gazcorp Industrial Estate. The proposed Modification relates to SSD 5248 being a Concept approval and detailed Stage 1 approval for the Gazcorp Industrial Estate, approved by the Independent Planning Commission on 11 November 2019.

The letter sets out a scoping assessment consistent with DPE's Preparing a Scoping Report for SSD guideline, and seeks to confirm the Secretary's Environmental Assessment Requirements (SEARs) for the proposal.

## 1.0 Introduction

### 1.1 The Gazcorp Industrial Estate (SSD 5248)

The Gazcorp Industrial Estate was approved by the Independent Planning Commission on 11 November 2019. The approved Gazcorp Industrial Estate was a Staged Development Consent, comprising the following components:

- A Concept with:
  - 211,550 m<sup>2</sup> of gross floor area comprised of 198,300 m<sup>2</sup> of warehouse/industrial uses and 13,250 m<sup>2</sup> 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, utilities/servicing, stormwater management infrastructure and estate landscaping;
  - construction and operation of a 45,225 m<sup>2</sup> warehouse and distribution building, including 3,006 m<sup>2</sup> of ancillary office space; and
  - intersection works in Wallgrove Road.

The approval has been modified once (Modification 1) including a revised conceptual lot layout delivering:

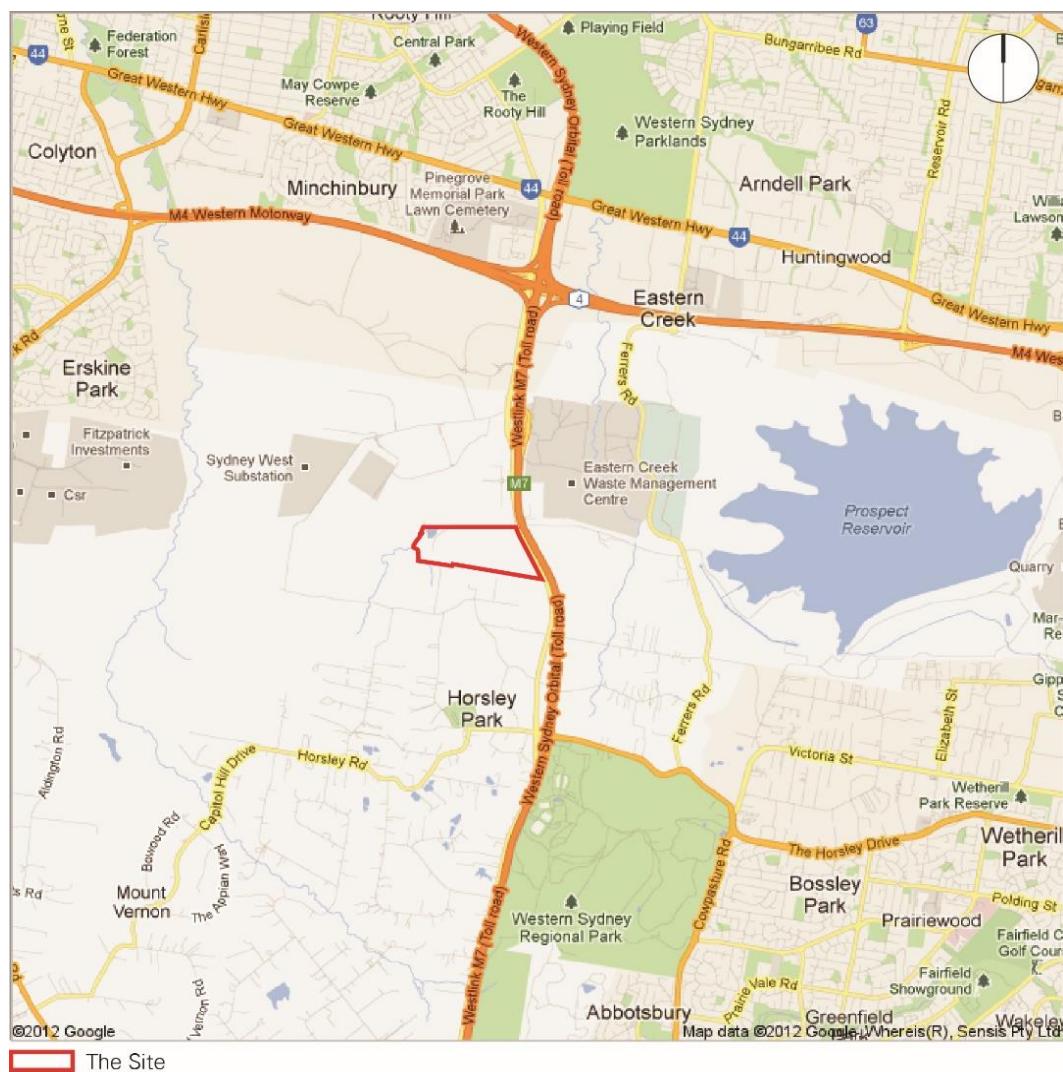
- 218,735 m<sup>2</sup> of gross floor area comprised of approximately 207,785 m<sup>2</sup> of warehouse/industrial uses and approximately 10,950 m<sup>2</sup> of ancillary office floor space;
- 14 warehouse buildings, and revised site levels and internal road layout.

It is now proposed to modify the approved Concept and the Stage 1 approval to provide for the development of a warehouse and distribution centre on Lots 11 and 12 and part of Lot 13. The Modification will involve a boundary adjustment in the subdivision layout for Lots 11, 12 and 13 as well as minor reduction in floor space across the site, and the revision of some urban design controls.

The SSDA for the warehouse and distribution centre and the Modification Application for the concept approval will be submitted for concurrent assessment by DPE.

## 1.2 Site Details

The Gazcorp Industrial Estate 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 Gazcorp Industrial Estate, which is currently under development, is shown in **Figure 1**.



**Figure 1: The Context Map showing the Gazcorp Industrial Estate**

## 2.0 Strategic Context

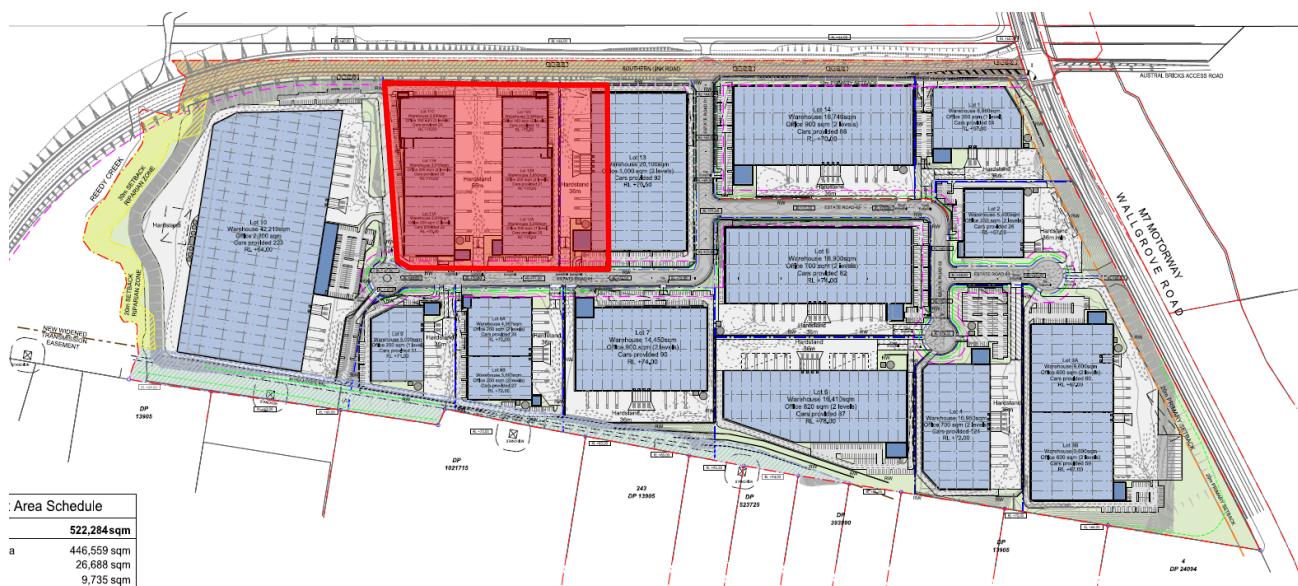
The Gazcorp Industrial Estate falls within the Western Sydney Employment Area (WSEA) established under *State Environmental Planning Policy (Western Sydney Employment Area) 2009* (WSEA SEPP). The use of the WSEA for major warehouse and distribution centre facilities is consistent with the aims and objectives of the WSEA SEPP, as well as the Greater Sydney Region Plan and the Central City District Plan.

The Gazcorp Industrial Estate is approximately 52.2 hectares, and rectangular in shape, with a 680m frontage to Wallgrove Road on the east 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.

The future Southern Link Road is located on the northern border of the Gazcorp Industrial Estate, which will ultimately connect Wallgrove Road to Mamre Road in the west. As part of the Development Consent for SSD 5248 Gazcorp is required to construct a new signalised intersection that will facilitate the future Southern Link Road connection to Wallgrove Road, and will be used in the interim period as the access to the Gazcorp Industrial Estate. Access to the site will be by way of the new signalised intersection on Wallgrove Road, via the new driveway and then along the internal estate roads through the Gazcorp Industrial Estate, which is all to be constructed as part of Stage 1 of SSD 5248. If the Southern Link Road is constructed in the future, then access to the estate (and the site) will via an intersection connecting the internal estate road to the Southern Link Road. The internal estate road is located along the southern boundary of the site. The site will not take access directly from the Southern Link Road, which will in the future form the northern boundary of the site. A Voluntary Planning Agreement has been entered into by Gazcorp with the Minister for Planning, which makes provision for regional transport infrastructure and services by way of the construction of the Wallgrove Road intersection works.

Beyond the future Southern Link Road to the north of the site is the Water NSW Warragamba to Prospect pipeline. Reedy Creek riparian corridor forms the western border of the Gazcorp Industrial Estate, and to the south are fragmented rural lots containing rural residences and rural industries. The nearest suburban residential area to the site is Bossley Park and surrounding suburbs which are located approximately 5.5km to the south east, Minchinbury approximately 4.5km to the north-west, and Erskine Park approximately 4.5km to the west.

The warehouse proposed by DHL requires a development site of approximately 56,700 m<sup>2</sup>, located in the north-western part of the Gazcorp Industrial Estate. It comprises Lots 11 and 12 and part of Lot 13 as shown in **Figure 2** (the DHL site area is shown in red overlaying the layout for the estate as approved under Modification 1).



**Figure 2: Site Location Map – Gazcorp Industrial Estate (as modified by Modification No. 1)**

### 3.0 Description of the Proposed SSDA

DHL intend to seek consent for a new warehouse and distribution centre at the site. The proposed development would comprise approximately with 29,850 m<sup>2</sup> of industrial warehouse floorspace, and an ancillary office with approximately 1,395 m<sup>2</sup> of floor space split over two levels, plus two smaller office spaces around the warehouse comprising approximately 575 m<sup>2</sup> in total. The building would have a height of up to 15 metres. A preliminary site plan and elevation is attached, and an extract is shown in **Figure 3** below.

Heavy vehicles would enter to the site from the internal estate road via a driveway in the south-western corner of the site. Internally, a ring road would enable trucks to circulate around the outside of the building, accessing loading docks as follows:

- 5 on-grade loading docks and 9 recessed loading docks located on the western elevation; and
- 8 on-grade loading docks and 9 recessed loading docks located on the eastern elevation.

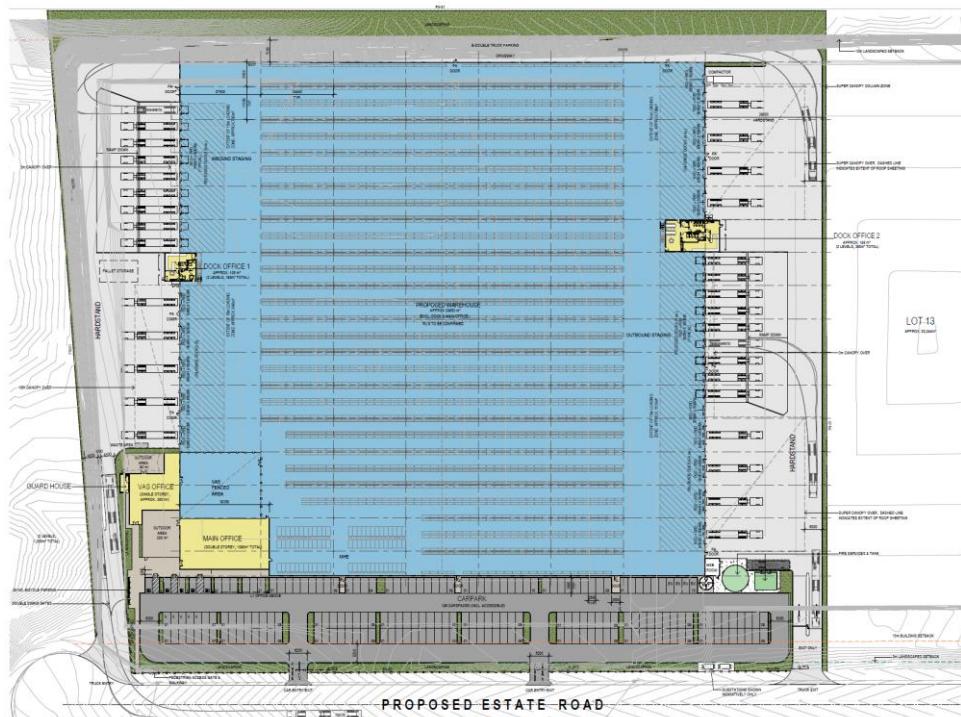
Exit from the site to the estate road is via a driveway located in the south-eastern corner of the site.

The proposal includes a light vehicle car parking area for 196 cars, with separate access to the estate road via light vehicle only driveways located along the southern boundary of the site. Light vehicles and heavy vehicles would be fully segregated.

The main ancillary office is located in the south-western corner of the building, along with the guard house and amenities. Two smaller dock offices are located near the loading docks on the eastern and western sides of the warehouse.

A 15m wide awning would extend over the on-grade docks on the western elevation of the warehouse, whereas the eastern elevation would include 35m wide awning over the on-grade docks on the eastern elevation.

The facility would be used for temporary storage and distribution of packages and freight.



**Figure 3: Site Plan – Proposed DHL Warehouse**

## 4.0 Description of the Proposed Modification

The warehouse proposed by DHL requires a development site of approximately 56,700 m<sup>2</sup>, located in the north-western part of the Gazcorp Industrial Estate. It comprises Lots 11 and 12 and part of Lot 13 as shown in **Figure 2** above (overlying for the layout of the estate approved under Modification 1).

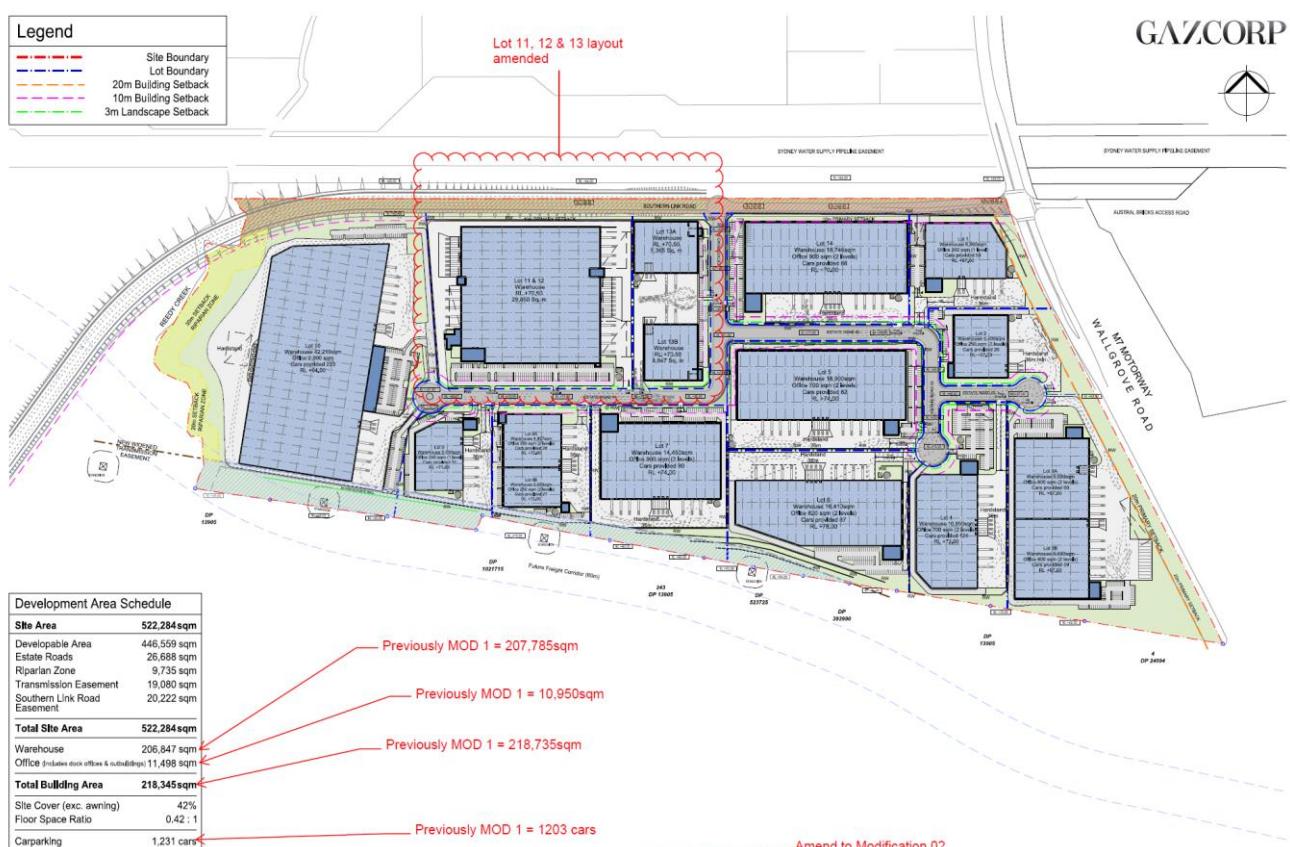
In order to ensure consistency with the Concept approval, and therefore to facilitate the DHL warehouse and distribution centre, a modification of the Concept approval for the Gazcorp Industrial Estate is required.

SSD 5248 Modification 2 will seek to revise the lot boundaries of Lots 11, 12 and 13 to create the required 52,700 m<sup>2</sup> lot for the DHL facility. The new lot will be Lot 11. A residual lot, Lot 13, will be created by this boundary adjustment, with an area of approximately 22,000 m<sup>2</sup>. The boundary adjustment required to facilitate the creation of the DHL lot will not affect the location or arrangement of the estate road or any other lots within the estate. The revised Masterplan for the industrial estate is attached, and an extract is provided in **Figure 4** below illustrating the extent of the proposed amendments.

The proposed modification will result in a slightly reduced gross floor area across the site compared to the Modification 1 approved Masterplan, modifying the approved concept as follows:

- 218,345 m<sup>2</sup> of gross floor area comprised of 206,847 m<sup>2</sup> of warehouse/industrial uses and 11,498 m<sup>2</sup> of ancillary office floor space;
- 13 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.

In addition to the modified Masterplan, it is also proposed to modify Condition A2 by amending the height control in Table 2 from 14m to 15m for the new DHL Lot 11.



## 5.0 Statutory Context

### 5.1 Relevant Legislation

#### 5.1.1 Environment Protection and Biodiversity Conservation Act 1999

Where a proposal is deemed likely to have a significant impact on Matters of National Significance it is a controlled action under the Commonwealth *Environment Protection & Biodiversity Conservation Act 1999* (EPBC Act), and approval from the Commonwealth Minister for the Environment is required. SSD 5248 was not deemed likely to have a significant impact on Matters of National Significance and a referral was to the Commonwealth was not made. The proposed modifications will not result in any further impacts to Matters of National Environmental Significance beyond what was assessed in the original application. As such, the Modification Application will not trigger the need for approval under the EPBC Act, and no controlled action referral is required.

#### 5.1.2 Environmental Planning and Assessment Act 1979

The SSDA would be submitted as State Significant Development in accordance with Part 4 of the Environmental Planning and Assessment Act 1979 (EP&A Act). An Environmental Impact Statement (EIS) would be submitted in support of the SSDA, prepared in accordance with Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*.

The Modification would be submitted pursuant to Section 4.55 of the EP&A Act to the Minister for Planning as the consent authority responsible for modifying approved SSD development.

#### 5.1.3 Biodiversity Conservation Act 2016

The *Biodiversity Conservation Act 2016* (BC Act) and provides measures for assessing and offsetting impacts on biodiversity values. Clause 30 of the *Biodiversity Conservation (Savings and Transitional) Regulation 2017* specifies that the BC Act applies to the modification of a planning approval even if the planning approval was granted before the commencement of the BC Act, which it was in this case. Section 7.17 of the BC Act states that a biodiversity development assessment report is required to be submitted and taken into consideration if one would have otherwise been required for the original Development Application, unless the consent authority for the Modification Application is satisfied that the modification will not increase the impact on biodiversity values.

In this context, whilst a biodiversity development assessment report would have been required for the original SSD if it were submitted after the commencement of the BC Act, it is noted that the overall footprint of the proposed development has not changed. The development area for the proposed DHL warehouse and distribution centre is located entirely within land already approved for industrial development and to be cleared as part of the Stage 1 earthworks.

As such, pursuant to Section 7.17 of the BC Act it is requested that the Minister form the opinion that the proposed modification will not increase the impact on biodiversity values and agree that a biodiversity development assessment report is not required to accompany the Modification Application.

It is requested that, in forming this opinion, the opinion be extended to the Development Application for the DHL warehouse and distribution centre that will be constructed on newly created lot within the Gazcorp Industrial Estate – and therefore that the Secretary agrees to waive the need for a BDAR pursuant to Section 7.9 of the BC Act.

#### 5.1.4 Contaminated Land Management Act 1997

The *Contaminated Land Management Act 1997* establishes a process for investigating and (where appropriate) remediating land that the EPA considers to be contaminated significantly enough to require regulation.

Contamination investigations were undertaken in support of the original SSD 5248, which identified that the site is not significantly contaminated.

## 5.2 Environmental Planning Instruments

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

The site is located within the Western Sydney Employment Area, and is therefore subject to the statutory planning provisions of *State Environmental Planning Policy (Western Sydney Employment Area) 2009* (WSEA SEPP).

The Gazcorp Industrial Estate remains consistent with the aims and objectives of the WSEA SEPP for the same reasons as described in the EIS for SSD 5248. The development still comprises warehouse and distribution centres that remain permissible in the IN1 General Industrial Zone. A preliminary assessment of the relevant provisions within the WSEA SEPP is provided at **Table 1**.

The Urban Design Guidelines referenced in Condition B23 of the SSD 5248 consent were prepared in lieu of a Development Control Plan (which would otherwise have been required under clause 18 of the WSEA SEPP). The Urban Design Guidelines will be reviewed as part of the SSDA and the Modification Application, and, if required, revised Urban Design Guidelines will be provided for assessment as part of the Modification Application.

**Table 1 WSEA SEPP Matters for Consideration**

Key Planning Controls	
<b>11. Land Use Zone</b>	The site is zoned IN1 Industrial Warehouse and Distribution Centres are permissible with consent in the IN1 zone.
<b>18. Requirement for DCPs</b>	This clause requires a Development Control Plan to be in place prior to approving development in the WSEA. However, in accordance with Section 4.23 of the <i>Environmental Planning and Assessment Act 1979</i> , the concept development consent SSD 5248 takes the place of the DCP.
<b>20. Ecologically sustainable development</b>	The Development Application will set out the measures designed to minimise the consumption of potable water, and greenhouse gas emissions.
<b>21. Height of buildings</b>	The site topography will be flat at the completion of the site-wide earthworks being carried out by Gazcorp under SSD 5248. The site is located on the northern side of the Gazcorp Industrial Estate, a significant distance from any residential areas. As such, the height of the proposed building will not adversely impact on the amenity of any residential areas.
<b>22. Rainwater harvesting</b>	Not relevant, as no rainwater harvesting scheme has been approved by the Secretary.
<b>23. Development adjoining residential land</b>	The site is not within 250 metres of land zoned primarily for residential purposes. Properties along the southern boundary of the Gazcorp Industrial Estate are zoned RU4 Primary Production Small Lots, a rural use zone.
<b>24. Development involving subdivision</b>	The proposal does not involve subdivision. Subdivision of the site has been provided for in SSD 5248 (as proposed to be modified).
<b>25. Public utility infrastructure</b>	Provision of services to the site has been provided for as part of SSD 5248.
<b>26. Development on or in vicinity of proposed transport infrastructure routes</b>	The site is located immediately adjacent to the future Southern Link Road, which is intended to run along the northern boundary of the Gazcorp Industrial Estate. As such, the Development Application should be referred to the Secretary of the Department of Planning for comment about the compatibility of the development to which the application relates with the proposed transport infrastructure route concerned.
<b>29. Industrial Release Area—satisfactory arrangements for the provision of regional transport infrastructure and services</b>	A Voluntary Planning Agreement has been entered into by the landowner with the Minister for Planning, which makes provision for regional transport infrastructure and services.
<b>31. Design principles</b>	The Development Application will set out how the specified design principles have been addressed – including the variety of materials and external finishes for the external facades are incorporated, the quality of the landscaping, and the scale and character of the development in relation to computability with other employment-generating development in the precinct.

<b>Key Planning Controls</b>	
<b>33L. Stormwater, water quality and water sensitive design</b>	Water sensitive urban design principles will be documented in the Development Application.

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

*State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP) identifies development which is to be designated SSD. Pursuant to clause 8 and clause 12 of Schedule 1 of the SRD SEPP, the development of the proposed DHL warehouse and distribution centre is declared to be SSD, because it would require a capital investment value in excess of \$30 million. Clause 11 of the SRD SEPP also states that development control plans do not apply to SSD. As such, the Fairfield Development Control Plan 2008 does not apply to the SSDA.

### 5.2.3 State Environmental Planning Policy No 33 – Hazardous and Offensive Development

The original development was not classified as “potentially hazardous development” or “potentially offensive development”. No changes to land use are proposed as part of the Modification Application, and the proposed SSDA and Modification do not seek to introduce the storage of hazardous materials or dangerous goods. Therefore, it is considered that the development as it is proposed to be modified would still not be classified as “potentially hazardous development” or “potentially offensive development”, and a Preliminary Hazard Analysis (PHA) will not be required to support the EIS.

### 5.2.4 State Environmental Planning Policy No 55 – Remediation of Land

SEPP 55 provides a decision-making framework when assessing proposals for development of land that may be contaminated. Contamination investigations were undertaken in support of SSD 5248, which identified that the site is suitable for the proposed industrial use in its current state and remediation is not required. As the proposed land uses and overall development footprint are not proposed to change, no further investigations are required.

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

SSD 5248 was originally identified as traffic generating development under Schedule 3 of the Infrastructure SEPP, and referral to TfNSW was required under Clause 104 of the SEPP. Whilst there are no material increases in traffic associated with the proposed modification, the application should be referred to the TfNSW.

### 5.2.6 Summary of Key Statutory Provisions

A summary of the key statutory provisions specified in the DPE’s Preparing a Scoping Report for SSD guideline is provided in **Table 2**.

**Table 2 Summary of Key Statutory Provisions**

<b>Key Planning Controls</b>	
<b>Power to grant consent</b>	The SSDA will be submitted and assessed as a development under Part 4 of the EP&A Act. The Modification Application will be submitted and assessed in accordance with Section 4.55 of the EP&A Act.
<b>Permissibility</b>	The site is zoned IN1 General Industrial under the WSEA SEPP. Development for the purposes of warehouse and distribution centres is permissible with development consent.
<b>Other approvals</b>	No other approvals are required.  Under Section 4.41 of the EP&A Act, the approvals obtained under the following legislation do not apply to SSD: <ul style="list-style-type: none"><li>• <i>Fisheries Management Act 1994</i>,</li><li>• <i>Heritage Act 1977</i>,</li><li>• <i>National Parks and Wildlife Act 1974</i>,</li></ul>

## Key Planning Controls

	<ul style="list-style-type: none"> <li>• <i>Rural Fires Act 1997</i>,</li> <li>• a water use approval under Section 89, a water management work approval under Section 90 or an activity approval (other than an aquifer interference approval) under Section 91 of the <i>Water Management Act 2000</i>.</li> </ul> <p>But for Section 4.41 of the EP&amp;A Act the originally approved Gazcorp Industrial Estate (SSD 5248) would have required an approval under the <i>National Parks and Wildlife Act 1974</i> for impacts to Aboriginal heritage items, and an approval for a water management work on waterfront land under the <i>Water Management Act 2000</i> (for works along the western boundary of the estate). These matters were assessed as part of SSD 5248, and the Development Consent for SSD 5248 provided conditions relating to the issues relevant to these approvals. These issues are not affected on the proposed DHL lot.</p> <p>None of the other approvals listed above were required as part of SSD 5248, and it is not expected that the SSDA or the proposed modification will trigger the need for detailed assessment of the matters normally addressed for these other approvals.</p>
<b>Pre-conditions to exercising the power to grant consent</b>	<p><b>Concept Approval</b>  Part B of the development consent for SSD 5248 sets out some pre-conditions in relation to matters that must be addressed as part of any development application made as a subsequent stage of the Gazcorp Industrial Estate. The requirements under Part B of the development consent for SSD 5248 are further discussed in <b>Section 7.1</b> below.</p> <p><b>Development Control Plan</b>  Clause 18 of the WSEA SEPP requires that consent must not be granted to a Development Control Plan has been made for the site. However, in accordance with Section 4.23 of the EP&amp;A Act, the concept development consent SSD 5248 takes the place of the DCP and included the approval of Urban Design Guidelines to guide future development within the estate. It is intended that these Urban Design Guidelines take the place of a development control plan, meaning that the Fairfield Development Control Plan should not be used as the basis for development controls within the estate.</p> <p><b>Regional Contributions</b>  Clause 29 of the WSEA SEPP requires that consent must not be granted to a development unless the Secretary (of DPE) has certified in writing that satisfactory arrangements have been made to contribute to the provision of regional transport infrastructure and services. A Voluntary Planning Agreement has been entered into by Gazcorp with the Minister for Planning, which provides for regional transport infrastructure and services on behalf of the entire Gazcorp Industrial Estate. No further regional contributions are required.</p> <p><b>Local Contributions</b>  Clause 270 of the EP&amp;A Regulation requires that a local Development Contribution Plan be in place for land zoned IN1 under the WSEA SEPP, prior to the determination of a DA for development on that land. Fairfield City Council's Indirect (Section 7.12) Development Contribution Plan 2011 applies to the site and the proposed development.</p> <p><b>Concept Approval</b>  Part B of the development consent for SSD 5248 sets out mandatory assessment matters that must be addressed as part of any development application made as a subsequent stage of the Gazcorp Industrial Estate. The requirements under Part B of the development consent for SSD 5248 are further discussed in <b>Section 7.1</b> below.</p> <p><b>Urban Design Guidelines</b>  Condition B23 of the development consent issued for SSD 5248, Urban Design Guidelines were approved by the Independent Planning Commission to guide future development within the estate. A preliminary assessment of the proposal against the relevant provisions of the Urban Design Guidelines is provided in <b>Section 7.2</b> below.</p> <p><b>WSEA SEPP Development Standards</b>  The WSEA SEPP includes a range of development standards that state that consent cannot be granted unless certain matters have been assessed. These matters are set out and considered in <b>Section 5.2.1</b> above.</p>

## 6.0 Consultation

Gazcorp has consulted with Fairfield City Council in relation to the proposal and will continue to consult with Council during the preparation of the EIS. Council also provided submissions as part of SSD 5248 and Modification 1. Council's key issues in relation to the Gazcorp industrial Estate relate to access arrangement including the need for intersection works to be completed on Wallgrove Road) and ensuring internal estate roads and stormwater management infrastructure comply with Council's engineering design standards. These matters will be addressed in the EIS, and it is highlighted that both the Gazcorp Industrial Estate and the DHL site are required to ensure consistency with relevant Australian Standards for internal roads, and the Fairfield City Council Stormwater Management Policy. The proposal is therefore expected to fully comply with these requirements.

Gazcorp has also been undertaking regular consultation with Transport for NSW (in relation to the future intended Southern Link Road and Western Sydney Freight Line) and Water NSW pipeline and will continue to do so for the proposal.

Some local residents has previously objected to the Gazcorp Industrial Estate, mostly on the basis of amenity impacts such as visual and noise. Conditions of approval have been incorporated into the development consent for SSD 5248 to address these concerns. The proposed DHL warehouse and distribution centre is located in the northern boundary of the estate, a significant distance from the closest residential properties which are located beyond the southern boundary of the estate. As such, it is not expected that the DHL warehouse and distribution centre will generate significant community concern.

## 7.0 Preliminary Environmental Assessment

A preliminary assessment of environmental and planning issues has been undertaken in order to identify key issues likely to require detailed assessment in the environmental assessment report that will support the Modification Application.

### 7.1 Conditions of Consent SSD 5248

Part B of development consent SSD 5248 sets out the conditions that apply to future development applications. Part B conditions are listed below, and will be addressed (where relevant) in the SSDA:

- B1 (contributions): development contributions and the relevant terms of a Voluntary Planning Agreement are to be documented. Development contributions under Fairfield Council's contributions plans do apply to the development. A Voluntary Planning Agreement has been entered into by the landowner with the Minister for Planning, which makes provision for regional transportation infrastructure.
- B2-B3 (sustainability): demonstrate compliance with the principles of Ecologically Sustainable Development and the site-wide Sustainability Strategy.
- B4-B8 (traffic and access):
  - Traffic impact assessment is to be provided.
  - Car parking to achieve 1 space per 300m<sup>2</sup> of warehouse, and 1 parking space per 40m<sup>2</sup> of office floor space.
  - Encourage segregation between heavy light vehicles.
  - Sustainable Travel Plan to be provided.
  - Bicycle parking racks, and amenities / change rooms for cyclists, are to be provided.
- B9-B12 (bushfire): demonstrate compliance with the Rural Fire Services Planning for Bushfire Protection and relevant Australian Standards.
- B13 (noise and vibration): noise impact assessment to be provided.
- B14 (outdoor lighting): demonstrate compliance with Australian Standard AS 4282.

- B15 (signage): Details of signage to be provided and assessed against State Environmental Planning Policy No. 64 – Advertising and Signage.
- B16 (Road infrastructure): requires roads to be consistent with the approved plans.
- B17 (Reflectivity): a report is to be provided prior to Construction Certificate setting out how facade treatment will reduce reflectivity by 20%.
- B18-B19 (Transmission line easement): Not applicable, as the transmission line easement is located along the southern boundary of the estate.
- B20 (Stormwater management): to demonstrate compliance with the Fairfield City Council Stormwater Management Policy, September 2017.
- B21 (Waste): Waste Management Plan to be provided setting out details such as type and quantity of waste, the location of waste storage area, and details of materials able to be reused or recycled.
- B22 (Landscaping): Landscape Plan to be provided.
- B23 (Urban Design Guidelines): see below.
- B24 (Civil works): to demonstrate compliance with the approved civil plans.
- B25 (Air Quality): an Air Quality Impact Assessment is to be provided.
- B26 (Western Sydney Freight Line Corridor): requires consultation with TfNSW.

## 7.2 Layout and Urban Design Guidelines

Pursuant to Condition B23 of the development consent issued for SSD 5248, Urban Design Guidelines were approved by the Independent Planning Commission to guide future development within the estate. It is intended that these Urban Design Guidelines, taken together with the Conceptual Approval, take the place of a development control plan, meaning that the Fairfield Development Control Plan should not be used as the basis for development controls within the estate.

The development footprint, general layout and configuration of warehouse buildings associated with the amended Concept remains largely the same as approved under SSD 5248, however the lot size and building envelope for lots 11, 12 and 13 are proposed to change.

Further, the proposed DHL warehouse will be up to 15m tall, meaning that the 14m height limit set out in Condition A9 of Development Consent SSD 5248 will need to be modified.

The Urban Design Guidelines referenced in Condition B23 of the SSD 5248 consent will be reviewed as part of the Modification Application, and, if required, revised Urban Design Guidelines will be provided for assessment. Amendments to the Urban Design Guidelines are expected to be limited to increasing the height limit for Lot 11 from 14m to 15m.

A preliminary compliance table listing the relevant controls within the Urban Design Guidelines has been provided at **Table 3**.

**Table 3 Consistency with SSD 5248 Urban Design Guidelines**

Control	Compliance
<b>2.1 Subdivision</b>	
1. The area of a lot does not include the area of any access corridor or right of-carriageway. The minimum lot size and lot width are as follows: <ul style="list-style-type: none"> <li>• Minimum lot size 5000m<sup>2</sup>; and</li> <li>• Minimum lot width – 30m for frontage to local access road, and 45m for frontage to Wallgrove Road.</li> </ul>	✓

Control	Compliance
2. Ensure a variety of lot sizes, and where possible, irregular shaped lots and narrow frontages should be avoided.	NA
3. Council may agree to a subdivision which creates battle-axe shaped allotments only where the access handle as a minimum width of 15m, and the lot has an average width of (excluding access way) or 60m.	NA
4. Lots should be designed so that they provide a legible address and visually attractive street frontage.	✓
5. The driveway entry areas will need to accommodate commercial vehicles in accordance with AS2890.2.	To be confirmed in design development
<b>2.2 Setbacks</b>	
1. Buildings are to be setback by: <ul style="list-style-type: none"> <li>• 20m primary from Wallgrove Road;</li> <li>• 10m from the proposed new RMS Road Reserve; and</li> <li>• 10m for a secondary setback to an internal estate road.</li> </ul> A 5m landscape setback to be provided to the internal local road to: <ul style="list-style-type: none"> <li>– promote the function and operation of the development;</li> <li>– enhance the overall design of the development by implementing design elements</li> <li>– including landscaping, that:</li> </ul> will screen the parking area;           is complementary to the development; and           does not detract from the streetscape values of the locality.	✓ 10m landscaped setback is provided on the from the northern boundary. The building is setback 32m from the internal estate road
2. Storage of any kind is not permitted within the building setback area.	✓
3. Zero side and rear setbacks are permitted between allotments subject to meeting fire rating requirements.	To be confirmed in design development
4. Pedestrian access should be provided to all landscaped setback areas for maintenance and security purposes.	✓
5. A setback of a minimum of 5m is required to the southern boundary.	NA (the site does not front the southern boundary of the estate)
<b>2.3 Site Coverage</b>	
1. Site coverage is not to exceed 70%. Site coverage includes the footprint of all buildings (excluding hard stand and canopy areas).	✓
2. Water tanks and temporary structures are permitted within the front setback area.	✓
<b>2.3 Built Form and Urban Design</b>	Compliance with these provisions subject to design development.
<b>2.5 External Building Materials and Colours</b>	
<b>2.6 Entrance Treatment</b>	
<b>2.7 Ancillary Buildings, Storage and Service Areas</b>	
<b>2.8 Staff Amenities</b>	
1. Outdoor spaces should be provided for staff. The spaces should be easily accessible from the buildings and should maximise site opportunities such as light and solar access. 2. Opportunities for shade should be provided in outdoor staff amenity areas where appropriate.	✓ (2 outdoor employee space is provided adjacent to the office building in the south west corner of the site)
<b>2.9 Fencing and Walls</b>	Compliance with these provisions subject to design development.
<b>2.10 Signage and Lighting</b>	
<b>2.11 Landscaping</b>	
2. The 10m setback to the RMS road reserve to be landscaped.	✓
All other landscaping provisions are subject to design development.	

### **7.3 Noise**

The revised layout is limited to buildings in the northern part of the site, that only have a minor influence on overall noise impacts to the closest residential receivers, which are located beyond the southern boundary of the estate. Further, the revised building layout results in all of the loading docks associated with DHL facility to be located on the eastern and western elevations, minimising noise emanating towards the south. Two loading docks would face towards the south in the new building 13A. However, these docks are the furthest away from residential receivers and would be screened by future buildings.

A Noise Impact Assessment will be prepared in accordance with the Noise Policy for Industry to determine if the project specific noise goals are likely to be exceeded, and whether further mitigation measures are required to control noise from the estate. The Noise Impact Assessment will include an assessment of night time sleep disturbance, and will take into account the revised building layout.

### **7.4 Traffic**

A detailed traffic impact assessment will be provided as required under Condition B4 of development consent for SSD 5248. The proposed modification will not increase floor space across the estate, and therefore will not materially change the overall traffic from the estate. Noting that Condition B4 already requires a detailed assessment of traffic impacts for each future development application a revised traffic impact assessment for the proposed modification is not considered to be required.

### **7.5 Air Quality**

As required under Condition B25 of the development consent for SSD 5248 an Air Quality Impact Assessment will be submitted with the SSDA, including assessment of construction and operational air quality impacts.

### **7.6 Stormwater**

The modified layout will be accompanied by revised set of civil stormwater plans, and an assessment of the revised stormwater management system, which will be consistent with the Fairfield Stormwater Management Policy 2017. This assessment will include assessment of the stormwater management system for the SSDA.

### **7.7 Bushfire**

Whilst the proposed modification will not affect site-wide bushfire risks, conditions B9-B12 require the detailed consideration of bushfire risks as part of the future application for each building and will remain in place. As required, an assessment of bushfire risk will accompany the SSDA.

### **7.8 Visual Impacts**

The proposed modified layout of buildings and height increase from 14m to 15m is not expected to materially alter the overall appearance of the industrial estate from any off-site vantage point. In particular, it is highlighted that the main vantage point from the closest residential property is from the south – however, as the buildings along the southern boundary of the estate are not proposed to change, there will be no material change to the visual appearance of the estate from this location.

The Modification Application will include an assessment of visual impacts from taller buildings, and will include revised provisions within the amended Urban Design Guidelines (if required) to address this issue appropriately. The EIS will also include an assessment of visual impacts of the proposed DHL warehouse and distribution centre.

### **7.9 Waste**

As required under Condition B21 of the development consent for SSD 5248 a Waste Management Plan will be submitted with the SSDA.

## 7.10 Issues that Do Not Require Further Assessment

Issues that are not considered to require further assessment as set out in **Table 4**.

**Table 4 Matters that Do Not Require Further Assessment**

Matter	Explanation
Aboriginal Heritage	Conditions C70-C73 of the development consent for SSD 5248 require the preparation of an Aboriginal Cultural Heritage Management Plan to be prepared and implemented prior to the commencement of Stage 1 construction works. The plan has been approved by the Planning Secretary, and the salvage works recommended as part of the plan have been completed. The overall development footprint is not proposed to change, and no further areas containing Aboriginal heritage items will be impacted.
Non-Aboriginal Heritage	There are no European heritage items present on the site or in close proximity to the site. No further assessment of heritage is proposed for the proposal.
Ecology	Conditions C74 and C75 of the development consent for SSD 5248 specify the biodiversity offsets required to be secured in order to facilitate the clearing of on-site vegetation for the entire Gazcorp Industrial Estate. The overall estate-wide development footprint has not changed as part of the proposal, and so there will be no change to the impact on biodiversity values already assessed and approved for offsetting. Pursuant to Section 7.17 of the BC Act it is requested that the Minister form the opinion that the proposed SSDA and Modification will not increase the impact on biodiversity values and agree that a biodiversity development assessment report is not required.
Hazard and Risk	The original development was not classified as “potentially hazardous development” or “potentially offensive development” under SEPP 33. No changes to land use are proposed as part of the Modification Application, and the proposed modification does not seek to introduce the storage of hazardous materials or dangerous goods. As such, no further assessment of hazards and risks are proposed for the proposal.
Flooding	The original Flood Impact Assessment assessed the site as being flood free during the 100 year Annual Recurrence Interval flood event. Whilst some internal adjustments are proposed as part of the revised building layout, the site (and the entire estate as a whole) will remain above the flood free extent. As such, off-site flood dynamics will not be affected. The Modification Application will verify that the building pad for the new Lot 11 building is above the appropriate flood planning level for industrial buildings. Otherwise, it is considered that flooding is not a matter for detailed consideration as part of the SSDA or the Modification Application.
Contamination	Contamination investigations were undertaken in support of the original SSD 5248, which identified that the site is suitable for the proposed industrial use in its current state and remediation is not required. No further contamination investigations are proposed.
Economic Impact	The proposed modification will not result in any net change in employment floor space, and so is not expected to materially alter the overall economic benefits associated with the construction and operation of the estate.
Infrastructure, Utilities and Services	Utilities, services and infrastructure have been provided for under the conceptual approval SSD 5248. No changes to the provision of infrastructure, utilities and services to the estate is proposed.

## 8.0 Approvals Pathway

### 8.1 SSD Development Application

As described in **Section 5.2.2** above the proposed DHL warehouse and distribution centre is SSD, as it will require a capital investment value in excess of \$30 million.

Pursuant to Schedule 2 of the EP&A Regulation, an EIS is required to be prepared in support of a DA for SSD. The EIS will be prepared in accordance with Part B of Development Consent 5248 as well as the industry-specific SEARs for warehouses and distributions centres that have been issued by DPE. The EIS will also be prepared in accordance with DPE's State Significant Development Guidelines.

### 8.2 Modification Application

Section 4.55 of the EP&A Act states that a consent authority may modify a development consent if “*it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all)*”.

The development as proposed to be modified is substantially the same development as the development for which consent was granted for the following reasons:

- The proposed modification does not alter the key components of the approved development description.
- The proposed modification does not seek to amend the approved land use.
- The proposed modification does not seek to amend the overall extent of the development area.
- The proposed modification does not seek to change the development potential or floor space of the estate.

Section 4.55(1A) of the EP&A Act also states that a consent authority may modify a development consent if “*it is satisfied that the proposed modification is of minimal environmental impact*”. A preliminary environmental assessment has been carried out, which demonstrates that the proposed modification will be of minimal environmental impact. The relevant assessments will be further detailed in the Modification Report, to justify that the proposed modification will be of minimal environmental impact. It is therefore requested that the Modification Application be progressed under Section 4.55(1A) of the EP&A Act.

A Modification Report would be prepared in accordance with the DPE's *State Significant Infrastructure Guidelines – Preparing a Modification Report* (July 2021). The Modification Report will address the key issues identified in **Section 7** above, including an assessment of potential noise, stormwater and visual impacts of the revised layout and urban design requirements under the concept approval.

## 9.0 Conclusion and Next Steps

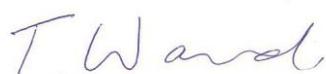
This letter provides a preliminary assessment of the environmental, social and economic impacts of the proposed DHL warehouse and distribution centre, comprising a SSDA and a concurrent modification to the SSD 5248 approval for the Gazcorp industrial Estate.

We welcome confirmation from DPE on the proposed planning approvals approach as follows:

- Modification approval pathway – the proposed modification represents a minor adjustment to the overall Concept and Stage 1 subdivision approval to facilitate a development entirely in keeping with the vision for the site, and therefore a modification under Section 4.55(1A) of the EP&A Act is considered the most suitable planning approval pathway. The previously issued SEARs (where relevant) and existing development consent have been utilised to frame the scope of the assessment for the modification. The Modification Report would be prepared in accordance with DPE's State Significant Development Guidelines – Preparing a Modification Report (July 2021). Based on this previously established framework, and as the proposed modification is anticipated to have a relatively minor level of impact, the issue of project specific SEARs for the Modification Application are not considered to be necessary.
- SSDA SEARs – Part B of development consent SSD 5248 sets out the conditions that apply to future development applications. Further, DPE has prepared industry-specific SEARs for warehouses and distribution centres. Based on the assessment requirements previously established in development consent SSD 5248, and the availability of relevant industry-specific SEARs, it is not expected that project-specific SEARs are required, and the Environmental Impact Statement for the SSDA will be prepared to address Part B of development consent SSD 5248 and the relevant industry-specific SEARs.

Please contact me if you would like to clarify any details of the proposal, or if you require further information. Otherwise, we welcome your feedback on the proposed planning approvals approach and environmental assessment requirements.

Yours sincerely,



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