



Prospect Logistics Estate

State Significant Development Assessment SSD 10399

July 2021



Published by the NSW Department of Planning, Industry and Environment

dpie.nsw.gov.au

Title: Prospect Logistics Estate

Subtitle: State Significant Development Assessment SSD 10399

Cover image: Artist's Image of Office and Warehouse (Source: Mark Walker Digital – Environmental Impact Statement August 2020)

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Glossary

Abbreviation	Definition
BCC	Blacktown City Council
CCC	Cumberland City Council
Department	Department of Planning, Industry and Environment
EESG	Environment, Energy and Science Group
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
FRNSW	Fire and Rescue NSW
Heritage NSW	Heritage NSW, Department of Premier and Cabinet
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces
NRAR	Natural Resources Access Regulator, DPIE
SEARs	Planning Secretary's Environmental Assessment Requirements
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
TfNSW	Transport for NSW
WSEA SEPP	State Environmental Planning Policy (Western Sydney Employment Area) 2009

Executive Summary

Introduction

ISPT Pty Ltd (the Applicant) proposes to develop a warehouse and logistics estate in Prospect, in the Cumberland and Blacktown local government areas (LGAs). The site is located in the Western Sydney Employment Area, which has been identified for employment generating industrial uses in *State Environmental Planning Policy (Western Sydney Employment Area) 2009* (WSEA SEPP). There is currently a brick manufacturing facility on the site and a disused commercial office building. The land has been used for various industrial purposes since the 1960s including quarrying, warehousing and bulk materials storage.

This report details the Department of Planning, Industry and Environment's (the Department) assessment of the State significant development application (SSD 10399) for the Prospect Logistics Estate.

The Development

The Applicant proposes to construct and operate seven warehouses, associated offices and supporting infrastructure on 18.6 hectares of industrial land in Prospect. The warehouses and offices would provide 95,150 square metres of floor space that would be used for cold storage, e-commerce, freight and logistics, food processing and other light industrial uses.

The proposal requires some soil remediation works to prepare the site for construction and changes to a regional flood detention basin that borders the site. An area in the southern part of the site is located within the boundary of the State Heritage listed Prospect Hill. This area would be protected from development.

The proposed development (the development) is expected to generate 780 operational jobs and has a capital investment value of \$182 million.

Statutory Context

The development is State significant development pursuant to section 4.36 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as it is development for a warehouse and distribution centre with a capital investment value of more than \$50 million, which meets the criteria in Schedule 1 Clause 12 of *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP). Consequently, the Minister for Planning and Public Spaces (the Minister) is the consent authority for the development under section 4.5(a) of the EP&A Act.

Engagement

The Department consulted extensively with Government agencies and the public throughout its assessment of the application. The Department publicly exhibited the Environmental Impact Statement (EIS) from 3 September 2020 until 30 September 2020 and received 17 submissions including 14 from the public and 3 from special interest groups. Of the 14 public submissions, 13 objected to the development. Advice was also received from 11 government agencies.

The key issues raised in public submissions related to traffic impacts on residents adjacent to Clunies Ross Street and visual impacts of the largest warehouse on residences in Pemulwuy and the heritage listed Prospect Hill.

Both Cumberland City Council (CCC) and Blacktown City Council (BCC) raised concerns about the heritage and visual impacts of the high-bay warehouse. Other issues raised related to the potential traffic impacts of the development, stormwater management and flood detention.

The Applicant submitted a Response to Submissions (RTS) including amendments to the development to address the issues raised. The key change included a reduction in the height of the high-bay warehouse by 17 metres (m), from 42 m down to 25 m, to reduce its visual and heritage impacts. The amended project was presented to community members and the Department at an online meeting in November 2020. The Applicant submitted a request to amend the application in accordance with Clause 55 of the *Environmental Planning & Assessment Regulation, 2000* (EP&A Regulation 2000) to reflect the amended height of the high-bay warehouse and other minor layout changes. The Department reviewed and accepted this request on 29 April 2021.

Following reviews of the RTS, most Government agencies provided recommended conditions. CCC and BCC raised some residual matters (around traffic and flooding impacts) which were addressed through subsequent consultation between the Applicant, the Department and the Councils. The Department worked with both Councils to develop conditions for managing the residual impacts.

Assessment

The Department's assessment has considered all relevant matters under section 4.15 of the EP&A Act.

Traffic

The Department's assessment concluded the traffic generated by the development would be safely accommodated on Clunies Ross Street without adverse impacts on intersection performance but would contribute to existing congestion at the Foundation Place and Prospect Highway intersection. These residual impacts would be managed through an operational traffic management plan, further traffic management measures developed in consultation with CCC and a Driver Code of Conduct to maintain residential amenity. These conditions were developed in consultation with CCC.

Heritage and Visual

The development would have minor visual impacts on the Prospect Hill heritage item. These impacts would reduce to negligible as the proposed landscaping matures and screens the development over time. A range of conditions are recommended to ensure the landscaping is successful and maintained for the life of the development.

CCC noted a proposed driveway in the southern part of the development would encroach on the area covered by Council's Prospect Hill Plan of Management. Following consultation with CCC and the Applicant, the Department recommended the driveway be subject to detailed design developed in consultation with CCC, to minimise any impacts on the proposed entryway to the Prospect Hill heritage item.

Amenity

The development incorporates design controls to minimise impacts on residential amenity including a 20-metre warehouse setback incorporating 5 metres of landscaping adjacent to the residential area.

The Department has recommended conditions requiring the final building designs to be developed in consultation with CCC and approved by the Department prior to construction.

Noise levels from 24-hour operations would be managed by implementing design controls and acoustic shielding on mechanical plant and equipment. The Department has recommended conditions for noise monitoring once the development is operational, to ensure amenity is maintained for residences.

Stormwater and Flooding

The development requires changes to a regional flood detention basin managed by BCC. Part of the basin is located within the site and would be filled for construction of one warehouse. The Applicant would offset the loss of flood storage by extending the basin further to the north and demonstrated the development would maintain stormwater flows and flood detention at pre-development levels. The Department worked with the Applicant and BCC to develop conditions to ensure the warehouse that impacts on the basin is not built, until the works to the flood detention basin are completed to BCCs satisfaction.

Conclusion

The Department's assessment concluded the impacts of the development can be mitigated and managed to ensure an acceptable level of environmental performance, subject to the recommended conditions of consent.

The development is located on industrial land and is consistent with the objectives of the WSEA SEPP, to promote high employment generating uses close to major transport and distribution networks. Consequently, the Department considers the development is in the public interest and is recommended for approval, subject to conditions.

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1 Introduction

1.1 The Department's Assessment

This report details the Department of Planning, Industry and Environment's (the Department) assessment of a State significant development application for a warehouse and logistics estate in Prospect in western Sydney (the development).

The Department's assessment considers all documentation submitted by the Applicant, including the Environmental Impact Statement (EIS) and Response to Submissions (RtS), advice received from government authorities and submissions from special interest groups and the public.

This report evaluates the key issues associated with the development and provides recommendations for managing any impacts during construction and operation. The Department's assessment has concluded the development is in the public interest and should be approved, subject to conditions.

1.2 Development Background

ISPT Pty Ltd (the Applicant) proposes to construct a warehouse and logistics estate comprising of seven warehouses and associated offices covering 95,150 square metres (m²) of floor space.

The proposal is classified as State significant development under *State Environmental Planning Policy (State and Regional Development), 2011* (SRD SEPP). Therefore, it requires the consent of the Minister for Planning and Public Spaces.

The proposed development (the development) is located on an industrial site that straddles the Cumberland and Blacktown local government areas (LGA), with most of the site located in the Cumberland LGA. The site is located within the Greystanes Northern Employment Lands Precinct of the Western Sydney Employment Area (WSEA), see **Figure 1**. The land is zoned industrial and has been used for industrial purposes since the 1960s. Parts of the site have previously been quarried and used for warehousing and bulk materials storage. The site currently contains a brick and paver manufacturer and vacant commercial offices.

The Applicant is seeking approval for the whole estate but would deliver the development progressively as tenants are secured for each warehouse. Warehouse uses may include cold storage, e-commerce, data centres, freight and logistics, food processing, pharmaceutical or automotive industries. The development is expected to generate 780 operational jobs and has a capital investment value of \$182 million.

1.3 Surrounding Land Uses

The site is located at the northern edge of the Greystanes industrial area, with neighbouring warehouses immediately to the west, south-west and north-east, see **Figure 2**. The warehouses include furniture and building supplies, stationary, automotive parts and food distributors.

The Pemulwuy residential suburb is located immediately to the east with the nearest residences located between 25 - 40 m from the site boundary. Residential development in the area commenced around 10 years ago and houses are still being constructed adjacent to Clunies Ross Street. There is an existing noise wall (> 2 m in height) along Clunies Ross Street which extends for approximately 270 metres (m) along the rear of the residences, from just north of Burruga Way to Wombat street.

A site listed on the State Heritage Register, Prospect Hill, is located to the south and south-east, sitting in an elevated position above the site. Prospect Hill includes a curtilage (or boundary) that extends around the heritage site and is also protected as part of the State Heritage listing. Part of the heritage curtilage extends into the site.

The main road access to the site is from Foundation Place on the western boundary and Clunies Ross Street along the eastern boundary. Foundation Place connects to the Prospect Highway and then the Western Motorway (M4) and Clunies Ross Street connects to the Great Western Highway.

To the north of the site is some vegetation and a regional flood detention basin in the Blacktown LGA that serves the Greystanes industrial area. Girraween Creek and the Western Motorway (M4) are located further to the north.

The site slopes steeply, dropping around 56 m from the south to the north. Retaining walls have been constructed on the site to create level areas for past industrial facilities.

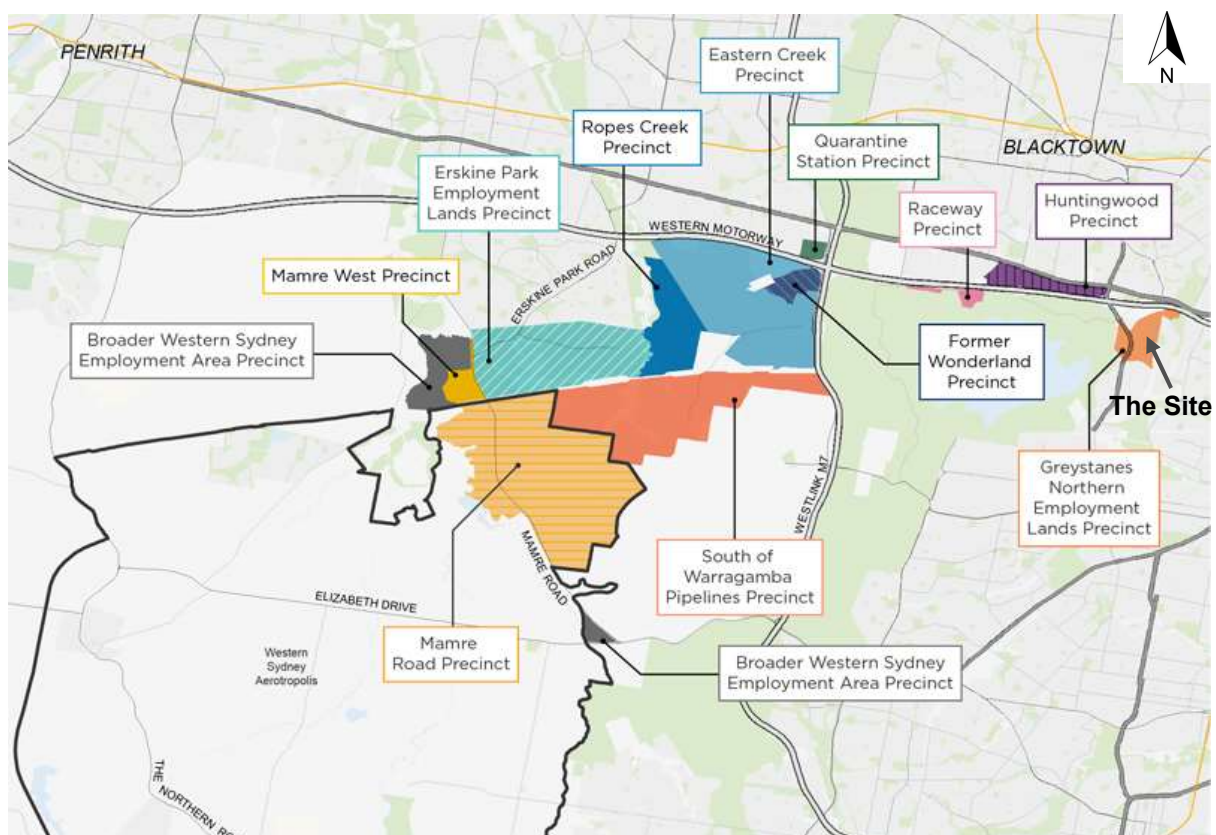


Figure 1 | Site Location in the Western Sydney Employment Area

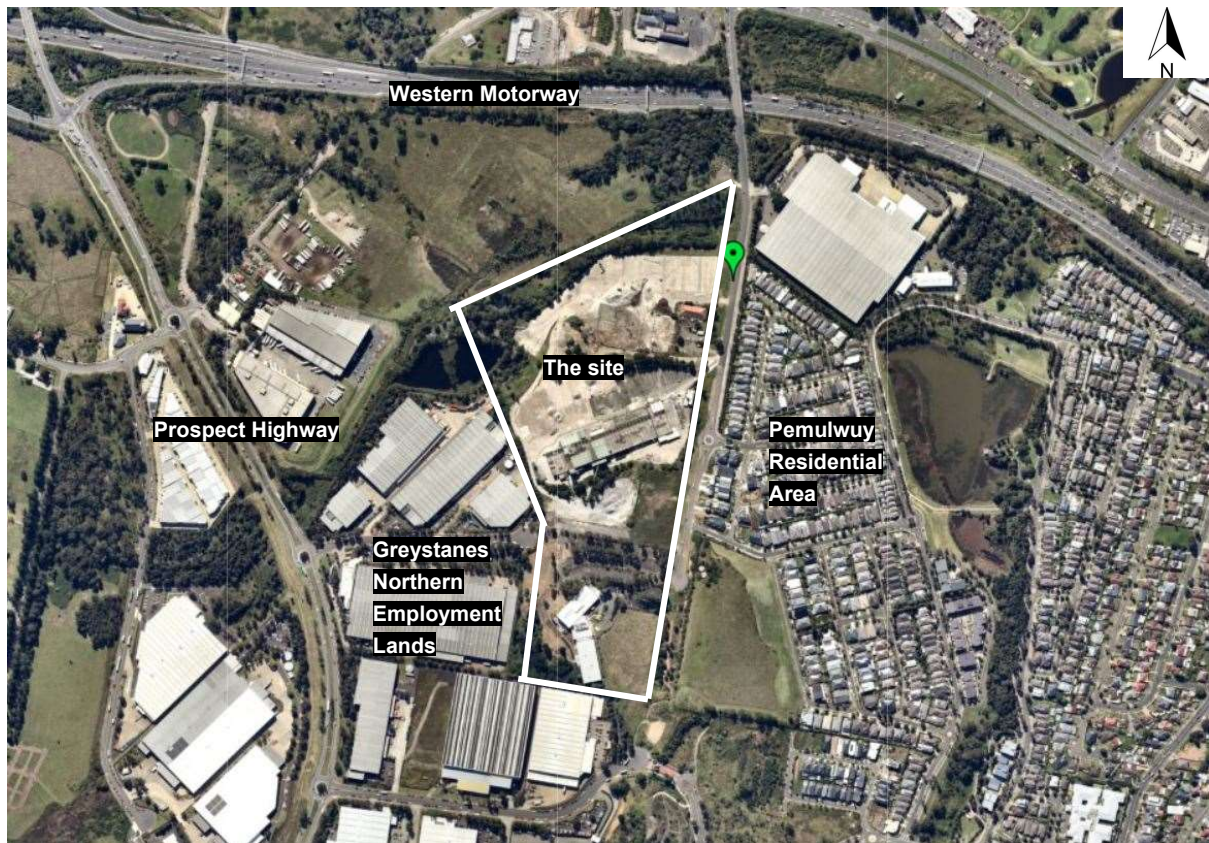


Figure 2 | Site Location and Surrounding Land Uses

2 Development

2.1 Development description

The Applicant proposes to construct and operate seven warehouses, supporting offices and infrastructure in Prospect in western Sydney. The main components are summarised in **Table 1**, shown on **Figure 3** to **Figure 6** and described in the Applicant's Environmental Impact Statement (EIS) and Response to Submissions (RtS) in **Appendix A**.

The Applicant made changes to the layout and design to address issues raised throughout the assessment. These changes were reviewed and approved by the Department in accordance with Clause 55 of the *Environmental Planning & Assessment Regulation, 2000*. The changes include:

- reduction in height of warehouse 1 from 42 m to 25 m, to reduce heritage and visual impacts;
- minor changes to the layout of warehouse 2 for a future tenant, addition of an electric forklift charging area, reduction of office area and parking and amended vehicle access location; and
- use of warehouse 7 for food processing involving receipt of fresh produce, food preparation, packaging and dispatch.

Table 1 | Main Components of the Development

Aspect	Description
Summary	Construction and operation of a warehouse and logistics estate
Site preparation	Demolition of existing buildings and offices, remediation, earthworks, flood basin works and installation of infrastructure
Warehouses	Seven warehouses with a combined gross floor area (GFA) of 86,368 m ² ranging in height from 13.7 m to 25 m, including truck loading bays and circulation areas
Offices and cafe	Offices at each warehouse with a combined GFA of 7,845 m ² and a café covering 146 m ²
Ancillary works	Adjustments to the existing regional flood detention basin, filling in a part located within the site and providing compensatory storage on Blacktown City Council land to the north
Access	Separate heavy vehicle and light vehicle access from eight points on Clunies Ross Street and two points on Foundation Place
Parking	549 car parking spaces
Landscaping	Estate-wide landscaping, including 5 m landscape setback along Clunies Ross Street
Construction schedule	Approximately 24 months 7 am – 6 pm Monday – Friday, 8 am – 1 pm Saturday
Hours of operation	24 hours, 7 days
Employment	774 construction jobs, 780 operational jobs
Capital investment value	\$182,425,582

2.2 Project area and site description

The site covers 18.6 hectares (ha) of land in an industrial area between the residential suburb of Pemulwuy and Prospect Reservoir. The site slopes from the south to the north, dropping 56 m and has a series of retaining walls that create level areas. The northern two-thirds of the site is occupied by Austral Masonry for brick and paver manufacturing and storage. The southern part of the site contains a disused multi-level office building previously occupied by Boral.

A buried Sydney Water supply pipeline and easement intersects the northern part of the site. The development has been designed to avoid buildings over the easement. One access road, hardstand and some parking would be located over parts of the easement.

A regional flood detention basin is located on the northern boundary of the site. The basin services the Greystanes Northern Employment Precinct, providing flood storage up to the 1 in 100-year event. A part of the detention basin is located within the site and this would be filled for construction of warehouse 7. The Applicant would provide compensatory storage on the northern side of the basin, on land owned by Blacktown City Council (BCC).

A State Heritage Register listed site, Prospect Hill, is located to the south and east, with a portion of the heritage curtilage extending into the development site. This part of the site is separately fenced and would not be developed.

2.3 Physical layout and design

The development includes six warehouses of standard height (13.7 m) and one high-bay warehouse at 25 m. The layout and design of the estate has been dictated by the site topography with the existing benching and levels utilised to some extent to minimise cut and fill requirements. The highest warehouse has been situated at the lowest elevation in the north of the site, to minimise visual and heritage impacts.

The warehouse layout places car parking adjacent to Clunies Ross Street, creating a building setback of 20 m. Truck hardstand and loading areas are located either behind the warehouses or offices. All warehouses have access roads to both Foundation Place and Clunies Ross Street with separate light and heavy vehicle access points.

The buildings would be metal clad in dark and recessive colours, with some detailing provided to break up the bulk of the facade. **Figure 5** and **Figure 6** show the façade of the high-bay warehouse 1 as viewed from Clunies Ross Street. Landscaping is proposed on the western and eastern boundaries, with planting along Clunies Ross Street incorporating large trees to ultimately provide visual screening for the residences in Pemulwuy. A small area of landscaping is also proposed between warehouse 5 and the Prospect Hill heritage item, to provide visual screening of part of the development.

2.4 Timing

The estate would be developed over an estimated 2-year period. The first stage of works involves remediation, then bulk earthworks to create level building pads. The warehouses would be constructed in stages as tenants are secured for each warehouse. Construction works would be undertaken during standard day time hours and operation of the estate would be 24 hours, 7 days.

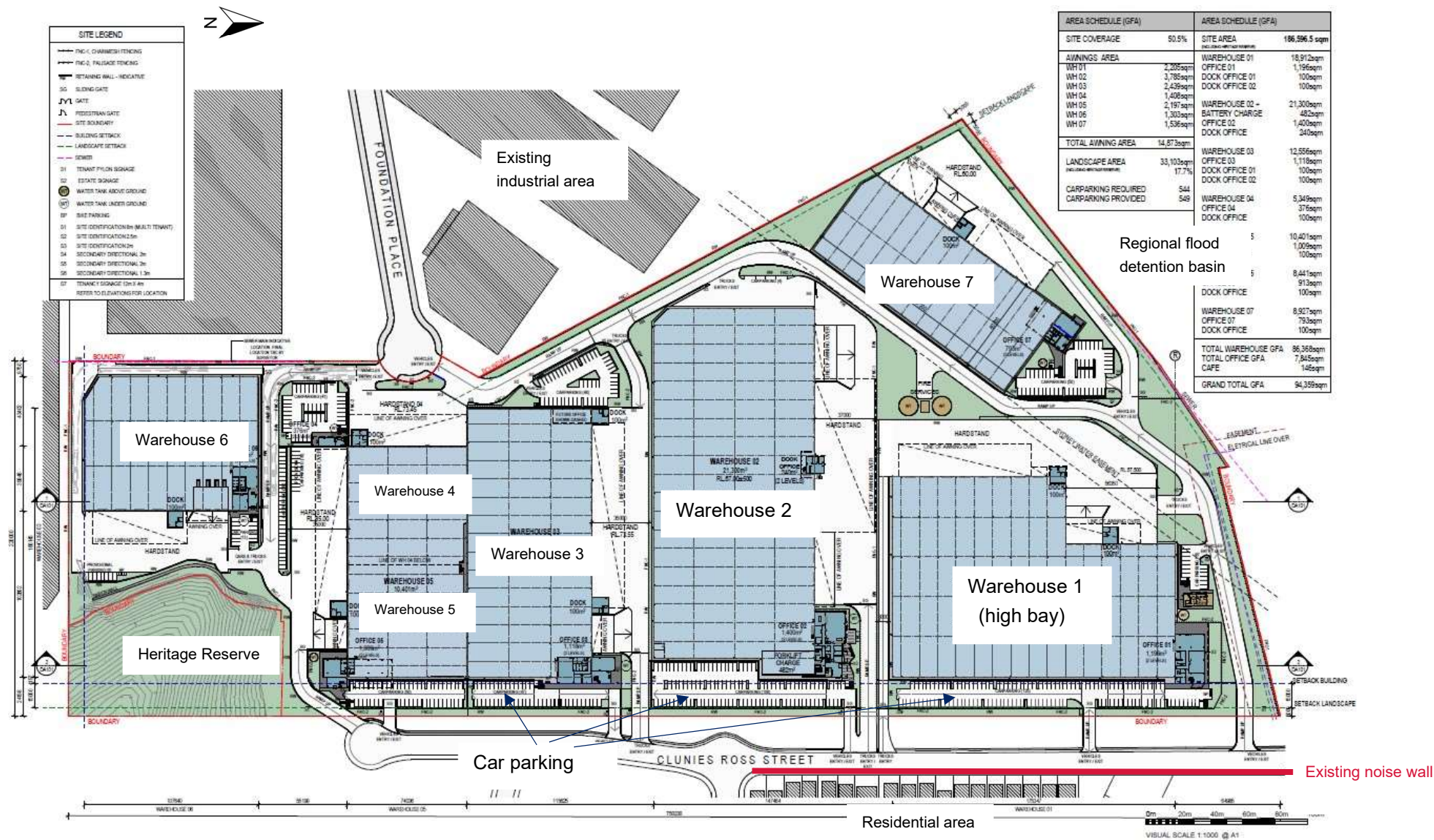


Figure 3 | Site Layout

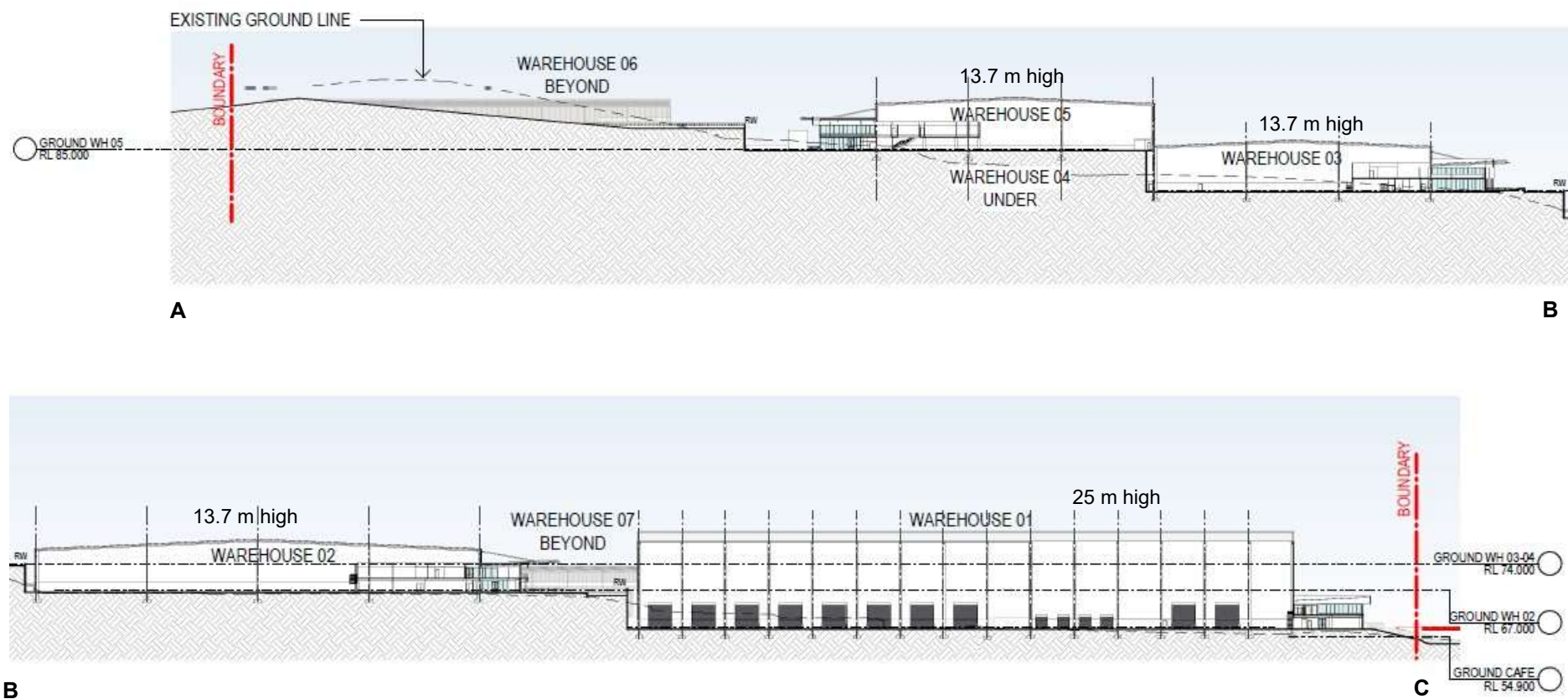


Figure 4 | Site cross-sections (as viewed from Clunies Ross Street)

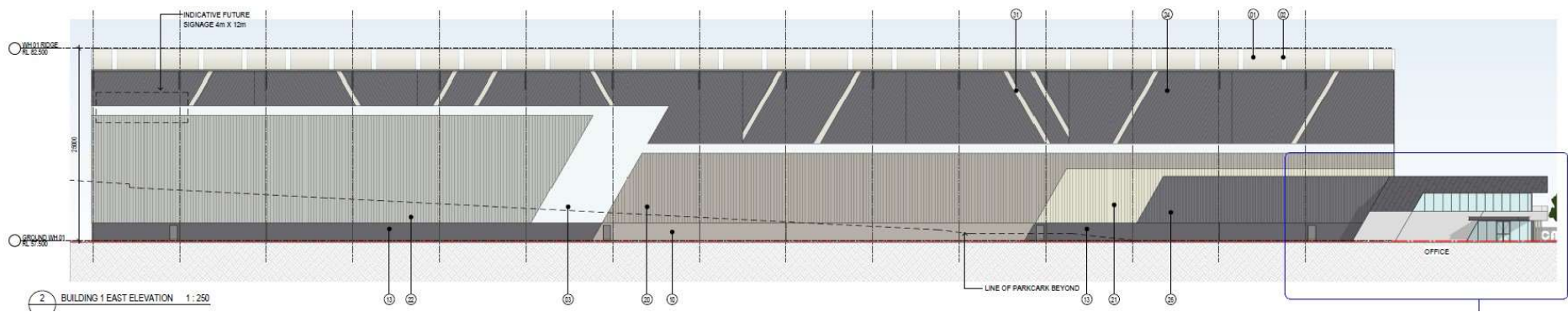


Figure 5 | Eastern façade of Warehouse 1 (as viewed from Clunies Ross Street)



Figure 6 | Artist impression of eastern façade of High Bay Warehouse 1 (as viewed from Clunies Ross Street)

3 Strategic context

3.1 Greater Sydney Plan and Central City District

The Greater Sydney Plan, *A Metropolis of Three Cities*, seeks to transform Greater Sydney into a metropolis of three cities: the Western Parkland City, the Central River City and the Eastern Harbour City. The development is located within the Central River City which includes Cumberland, Blacktown, Parramatta and The Hills LGAs. The Planning Priorities for this district are set out in the Central City District Plan.

The development is consistent with the vision of the Central City District Plan, to provide residents with easy access to a wide range of jobs, housing types and activities. The development is consistent with Planning Priority C11, maximising opportunities to attract advanced manufacturing and innovation in industrial and urban services land. The development proposes a warehouse and logistics estate on industrial zoned land and would provide employment opportunities in the Central City through the creation of 780 operational jobs.

3.2 State Environmental Planning Policy (Western Sydney Employment Area) 2009

The State Environmental Planning Policy (Western Sydney Employment Area) 2009 (WSEA SEPP) aims to promote economic development and employment, provide for the orderly and coordinated development of land and ensure development occurs in a logical, cost-effective and environmentally sensitive manner. The development is consistent with the aims set out in clause 3 of the WSEA SEPP as it is a warehouse and distribution development and would provide 774 construction jobs and 780 operational jobs.

The Department's assessment of the development against the relevant development standards in the WSEA SEPP is provided in **Appendix C**.

3.3 Cumberland 2030: Our Local Strategic Planning Statement

Cumberland's Local Strategic Planning Statement (LSPS) plans for the Cumberland area's economic, social and environmental land use needs over the next 10 years. It aligns with the vision and objectives of the Central City District Plan and sets planning priorities for jobs, homes, services and parks in the Cumberland area.

The LSPS supports the retention of industrial land to provide opportunities for growth in new industries. The development is located on existing industrial land in the Greystanes Northern Employment Lands and would support new industries in the warehousing and logistics sector. The development is consistent with the LSPS Planning Priorities for promoting access to local jobs (Local Planning Priority 11) and facilitating the evolution of employment and innovation lands including the Greystanes employment lands (Local Planning Priority 12).

3.4 Cumberland Employment and Innovation Lands Strategy 2019

The Cumberland Employment and Innovation Lands Strategy provides a coordinated approach to support future economic opportunities for land in Cumberland that is zoned for industrial and business use. The strategy identifies that demand is strong for logistics developments in existing business zones and identifies Greystanes as an Enterprise Park for building on existing industry. The proposed development is consistent with the employment and innovation lands strategy as it would provide warehousing and logistics on existing industrial land in Greystanes and would provide 780 jobs in the local area.

3.5 Blacktown Local Strategic Planning Statement 2020

Blacktown's Local Strategic Planning Statement (LSPS) sets planning priorities for Blacktown, consistent with the aims of the Greater Sydney Plan and the Central City District Plan. The development is consistent with Local Planning Priority 9, to maximise opportunities to attract advanced manufacturing and innovation in industrial and urban services land. The development is located on industrial land within the WSEA, which is identified within the LSPS as providing significant and major growth in employment in the Blacktown LGA. The development would provide 780 operational jobs on existing industrial land.

The LSPS also identifies the need to manage the interface between industrial land and other uses. The proposed development has been revised since the project was publicly exhibited, with the height of warehouse 1 reduced by 17 m to minimise the visual impact on adjacent residential land uses.

4 Statutory Context

4.1 State Significance

The development is State significant development pursuant to section 4.36 of the EP&A Act as it is development for a warehouse and distribution centre with a capital investment value of more than \$50 million, which meets the criteria in Schedule 1 Clause 12 of the SRD SEPP.

4.2 Permissibility

The site is zoned IN1 General Industrial under the WSEA SEPP. Warehouse and distribution centres are permissible with consent in the IN1 General Industrial zone. Therefore, the Minister for Planning and Public Spaces (the Minister) or a delegate may determine the carrying out of the development.

4.3 Consent authority

The Minister is the consent authority for the development under section 4.5 of the EP&A Act.

On 26 April 2021, the Minister delegated the functions to determine SSD applications to the Director, Industry Assessments where:

- a political disclosure statement has not been made by the Applicant;
- there are less than 15 public submissions in the nature of objections; and
- the Council has not made a submission by way of objection.

There were 13 public objections to the development. Cumberland City Council (CCC) and Blacktown City Council (BCC) did not object and no reportable political donations were made by the Applicant in the last two years or by any persons who lodged a submission. Accordingly, the application can be determined by the Director, Industry Assessments under delegation.

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 Environment Protection Authority confirmed the development is not a scheduled activity under the *Protection of the Environment Operations Act 1997* and would not require an Environment Protection Licence.

The Applicant may be required to obtain approval under Section 138 of the *Roads Act 1993* for any works within the road reserve. The Department has considered the advice of Transport for NSW, Cumberland City Council and Blacktown City Council in relation to proposed works within the road reserve and has incorporated this advice into relevant conditions of consent.

Under section 4.41 of the EP&A Act, certain approvals are not required for SSD. The development involves works within 20 m of Girraween Creek, which is considered a controlled activity under section 91 of the *Water Management Act, 2000*. A controlled activity approval is not required, however DPIE – Water noted the works must be carried out in accordance with the Natural Resources Access Regulator's (NRAR) Guidelines for Controlled Activities on Waterfront Land, 2018.

4.5 Mandatory Matters for Consideration

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 contained

throughout **Section 6** and summarised in **Appendix B**. The Department is satisfied the proposed 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 proposed 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 (Western Sydney Employment Area) 2009 (WSEA SEPP);
- State Environmental Planning Policy (Infrastructure) 2007 (ISEPP);
- State Environmental Planning Policy No. 33 - Hazardous and Offensive Development (SEPP 33);
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) and the draft State Environmental Planning Policy (Remediation of Land) (draft Remediation SEPP);
- State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64);
- State Environmental Planning Policy (Coastal Management) 2018 (Coastal Management SEPP);
- Holroyd Local Environmental Plan 2013 (HLEP); and
- Blacktown Local Environmental Plan 2015 (BLEP).

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

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 following local development controls in **Section 6** of this report:

- Greystanes Estate Employment Lands Precinct Plan (2001);
- Holroyd DCP 2013 Part Q Pemulwuy Industrial Controls; and
- Blacktown DCP 2015.

4.7 Public exhibition and notification

In accordance with section 2.22 and Schedule 1 to the EP&A Act, the DA and any accompanying information of an SSD application are required to be publicly exhibited for at least 28 days. The application was on public exhibition from 3 September 2020 until 30 September 2020 (28 days). Details of the exhibition process and notifications are provided in **Section 5**.

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. 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 (see **Table 2**).

Table 2 | Considerations Against the Relevant Objects of the EP&A Act

Object	Consideration
1.3(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	The development would promote the economic welfare of the community by providing capital investment of \$182 million in the area and 780 local jobs.
1.3(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment	The development integrates all socio-economic and environmental considerations and seeks to avoid potentially serious or irreversible environmental damage. The Department is satisfied the development can be carried out in a manner consistent with the principles of ESD.
1.3(c) to promote the orderly and economic use and development of land	The development promotes economic use of the land by providing high employment generating uses on industrial land within the WSEA.
1.3(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats	The Department's assessment in Section 6 concludes the biodiversity impacts of the development would be minor and adequately offset in accordance with the BC Act.
1.3(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage)	The development would not adversely impact on the heritage values of Prospect Hill and the recommended conditions would ensure the heritage values are protected over the long term.
1.3(g) to promote good design and amenity of the built environment	The Department has considered the amenity of the surrounding built environment and has recommended conditions to protect the amenity of sensitive receivers.
1.3(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants	The development would be constructed in accordance with the requirements of the BCA and recommendations of a Bushfire Protection Assessment.
1.3(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State	The Department assessed the development in consultation with Cumberland City Council, Blacktown City Council and other Government agencies.
1.3(j) to provide increased opportunity for community participation in environmental planning and assessment	The application was publicly exhibited, and the Department met with community members, providing opportunity for public participation in the assessment.

4.9 Ecologically Sustainable Development

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. 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.

Based on its detailed assessment of the development, as described in **Section 6**, 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 Biodiversity Development Assessment Report

Section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act) requires all applications for SSI and SSD to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values.

The Applicant prepared a BDAR which confirmed the development would not have a significant impact on any threatened species or ecological communities.

4.11 Commonwealth matters

The Applicant considered whether the development would impact on matters of national environmental significance (MNES) and be a controlled action under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The BDAR for the development considered the Commonwealth Significant Impact Criteria for the Grey-headed Flying Fox and concluded the development would be unlikely to impact on this species. Therefore, a referral to the Commonwealth was not made.

5 Engagement

5.1 Department's engagement

The Department engaged with State government authorities, local Councils and the public during its assessment of the application. After accepting the DA and EIS, the Department:

- made it publicly available from **Thursday 3 September 2020** until **Wednesday 30 September 2020** (28 days) on the Department's website;
- advertised the public exhibition in the Sydney Morning Herald and Daily Telegraph;
- wrote to landowners and occupiers in the vicinity of the site to advise them of the public exhibition and the procedures for making a submission;
- notified and invited comments from State government authorities, Cumberland City Council and Blacktown City Council;
- visited the site and surrounding areas; and
- attended an online community meeting coordinated by the Applicant on 12 November 2020.

The Department's engagement satisfies the notification and public participation requirements of the *Environmental Planning & Assessment Regulation 2000*.

5.2 Summary of submissions

The Department received 17 submissions during the public exhibition period, including 14 from the public and 3 from special interest groups. Of the 14 public submissions, 13 objected to the development.

The key issues raised related to traffic impacts, particularly along Clunies Ross Street and visual impacts of the largest warehouse on residences in Pemulwuy and the heritage listed Prospect Hill. Most of the community submissions were from residents near the proposed development. All 13 objections were from members of the public.

Eleven Government authorities provided advice on the development, with no objections raised. Both Cumberland and Blacktown City Councils raised concerns about the proposed height of warehouse 1 and its impacts on residences and the heritage listed Prospect Hill, and the limited landscape setback to the proposed buildings. Other issues raised by Government authorities related to the potential traffic impacts of the development, stormwater management and flood detention. **Table 3** lists the advice and submissions received.

Table 3 | List of Advice and Submissions

Submitter	Total	Position
Government Agencies		
Cumberland City Council, Blacktown City Council, Transport for NSW, Environment Protection Authority, Fire & Rescue NSW, Environment, Energy & Science Group of DPIE, Crown Lands, Heritage Council of NSW, Heritage NSW – Aboriginal Cultural Heritage, Roads and Maritime Services, Water Group – DPIE	11	Comment
Special Interest Groups		
Endeavour Energy, Sydney Water, Prospect Heritage Trust	3	Comment

Submitter	Total	Position
Community Members		
	13	Object
	0	Support
	1	Comment
TOTAL	28	

5.3 Advice from government authorities

Cumberland City Council (CCC) considered the proposed 42 m height of warehouse 1 to be excessive and raised concerns about the interface with the adjacent residences and the impact on views to and from Prospect Hill. CCC also raised concerns about cut and fill levels, building and landscape setbacks from Clunies Ross Street, flooding and on-site stormwater detention. CCC recommended the Applicant implement additional measures to minimise traffic impacts on Clunies Ross Street and the Foundation Place/Prospect Highway intersection, noting the development would adversely impact road capacity.

Following a review of the RTS, two residual issues remained relating to traffic impacts at the Foundation Place/Prospect Highway intersection and the encroachment of the southern driveway into Council's proposed entryway to the Prospect Hill heritage area. The Department met with the Applicant and CCC to resolve these issues, resulting in conditions to manage heritage and traffic impacts.

Blacktown City Council (BCC) raised concerns about the height of warehouse 1, noting it is excessive and would be visually dominant for adjacent residences. BCC requested an increased landscape setback to Clunies Ross Street incorporating mature trees, revised car parking rates and provision for communal open space. BCC recommended the stormwater management system be re-designed to meet the requirements of BCC and recommended the Applicant commission a dam break assessment to assess impacts to the regional detention basin, which is managed by BCC.

The Applicant commissioned a dam break assessment in consultation with BCC. The assessment is yet to be completed therefore BCC recommended conditions for deferred commencement until the results and recommendations of the assessment are finalised and implemented.

Transport for NSW (TfNSW) noted the proposed development would impact on the road network and recommended the Applicant consider any recommendations made by CCC for road improvements or traffic management measures as CCC is the relevant roads authority. TfNSW recommended conditions for car parking, vehicle movements, end of trip facilities and a Work Place Travel Plan. **Roads and Maritime Services (RMS)** provided a duplicate of the TfNSW advice.

Heritage NSW noted the significance of the State Heritage listed Prospect Hill and recommended the Applicant reassess the proposed mitigation measures for reducing visual impacts on Prospect Hill. Heritage NSW recommended the mitigation measures included in the Statement of Heritage Impact be included in any conditions of consent. Following a review of the RTS with the reduced height of warehouse 1, Heritage NSW advised it had no further recommendations.

Heritage NSW (Aboriginal Cultural Heritage Regulation) noted the substantial Aboriginal cultural values of Prospect Hill and agreed with the proposed mitigation measures. Heritage NSW

recommended the Applicant investigate further measures to reduce the visual impacts on Prospect Hill and recommended conditions for protecting Prospect Hill during construction.

The Department's **Water Group (DPIE – Water)** requested the Applicant address the Natural Resources Access Regulator's (NRAR) Guidelines for Controlled Activities on Waterfront Land, 2018 and provide details of relevant water access licenses for the development.

The Department's **Environment, Energy & Science Group (EESG)** requested the Applicant provide further details of measures to avoid biodiversity impacts and provide additional analysis of flooding impacts for rarer storm events. EESG recommended the Applicant consider the requirements of the NSW Dams Safety Committee for the proposed changes to the regional detention basin.

The **Environment Protection Authority** confirmed the proposal does not require a licence under the *Protection of the Environment Operations Act, 1997* and had no further comments. **Fire & Rescue NSW (FRNSW)** raised no issues and requested the Applicant consult with FRNSW during design of the fire safety systems. **Crown Lands** had no comments on the proposal.

5.4 Issues raised by special interest groups

Endeavour Energy (Endeavour) requested further information from the Applicant on the availability and adequacy of electricity services to supply the development. Endeavour noted that any proposed electricity supply infrastructure such as substations must be designed for the flood prone site.

Sydney Water noted its requirements for protection of a critical watermain and easement that traverses the site and a wastewater main located adjacent to the site.

Prospect Heritage Trust Inc raised concerns about the visual impacts of the proposed 42 m high warehouse on the heritage listed Prospect Hill.

5.5 Issues raised by the public

Of the 14 public submissions received, 13 objected and 1 provided comments. All public submissions, except one, were from residences immediately near the site.

Traffic

Eleven of the 14 public submissions raised traffic as a key concern. Residents were most concerned about the increase in heavy vehicles using Clunies Ross Street, the risk of vehicles using the residential streets as a short-cut, road and pedestrian safety, traffic noise particularly at night and parking impacts. Some submissions recommended vehicle access to the development be restricted to Foundation Place only, to reduce impacts on the residential area.

Noise

Nearly half of the public submissions raised noise as a concern. Most submissions were concerned about traffic noise from vehicles using Clunies Ross Street and 24-hour operations. Submitters noted the existing noise wall does not extend the full length of Clunies Ross Street and should not be relied on as the only noise mitigation measure for the development.

Heritage

Four public submissions raised concerns about heritage impacts on Prospect Hill. The key concerns related to the visual impacts of the proposed 42 m high warehouse 1. Submissions noted the cultural significance of Prospect Hill and the need to retain view lines from the site to other heritage items in the

area. Submissions were concerned about the development encroaching on the heritage curtilage and considered the development is inconsistent with the heritage conservation objectives of the Prospect Hill Plan of Management.

Other issues raised less frequently in the submissions included air quality impacts, adequacy of the community consultation and lighting impacts. **Appendix D** summarises how the key issues raised in public submissions have been addressed in the Department's assessment.

5.6 Applicant's engagement

Several of the public submissions raised concerns that there had been a lack of community consultation by the Applicant before the EIS was lodged in September 2020. The Department understands there were limited opportunities for face-to-face consultation due to COVID-19 restrictions at the time, but requested the Applicant undertake further consultation with residents to understand the issues of concern to them.

In October 2020, the Applicant door-knocked residents in the residential streets adjoining the site and on 5 November 2020 invited residents to attend an online community meeting. The online community meeting was held on 12 November 2020 and was attended by 5 residents, the Department and the Applicant's EIS consultants. At the meeting, the Applicant's consultants gave presentations on landscaping, visual, heritage and traffic management and presented the amended design including the reduced height of warehouse 1.

5.7 Response to submissions (RTS)

The Applicant provided a RTS in February 2021 and a supplementary response in April 2021 to address the issues raised. The RTS included a reduction in height of warehouse 1 from 42 to 25 m to address the significant concerns about heritage and visual impacts. The RTS also included additional assessments of noise and contamination and a formal request to amend the application under Clause 55 of the EP&A Regulation 2000. On 29 April 2021, the Department accepted the Applicant's request to amend the application.

The RTS was forwarded to government agencies for comment, with Heritage NSW, EESG, TfNSW, Water NSW and Sydney Water providing recommended conditions. CCC and BCC raised additional queries about traffic, heritage and flooding impacts, which were addressed in the April 2021 supplementary response and a subsequent meeting with CCC. The RTS and supplementary response were made public on the Department's Major Projects website.

6 Assessment

The Department has considered the EIS, submissions, RTS and supplementary response in its assessment of the development. The Department considers the key issues are:

- traffic and parking;
- heritage;
- amenity impacts (including visual impacts, landscaping and noise); and
- stormwater and flooding.

A number of other issues have also been assessed. These issues are considered minor and are addressed in **Section 6.5**.

6.1 Traffic and Parking

Traffic Impacts

The development is located close to major transport routes including the M4 Motorway and Great Western Highway to the north and Prospect Highway to the west, see **Figure 7**.

The potential traffic impacts of the development were identified as a key concern in most public submissions, with concerns raised about traffic increases on Clunies Ross Street adjoining the residential area. Submissions from TfNSW and CCC identified potential traffic congestion issues on Foundation Place and at its intersection with the Prospect Highway. TfNSW confirmed an upgrade to a section of the Prospect Highway just north of Foundation Place is currently underway to increase capacity on the broader road network.

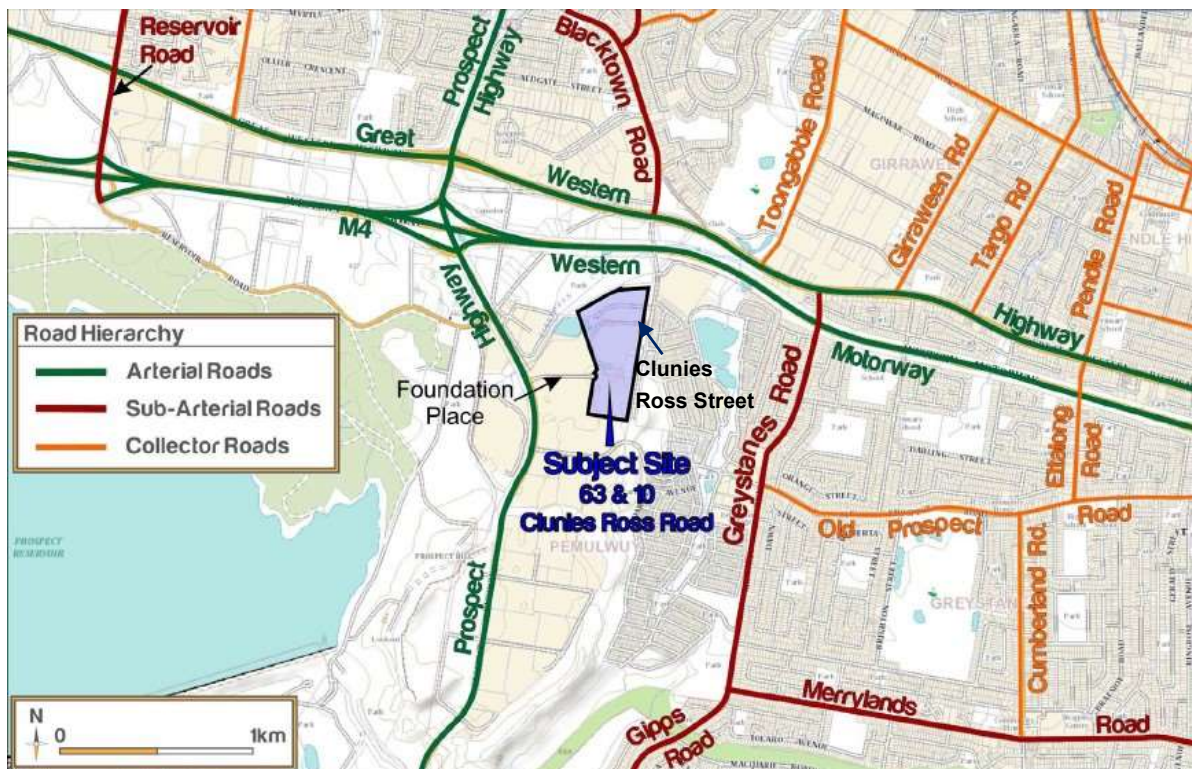


Figure 7 | Road network surrounding the site

A Transport Impact Assessment (TIA) for the development estimated the warehouse and logistics estate would generate a total of 1,807 vehicle trips per day, with a peak hour rate of 253 trips. Approximately 29% of these would be heavy vehicles. The TIA noted the existing industrial uses on the site generate around 211 vehicle trips per day and up to 1,363 when the commercial office building was also in use.

Foundation Place / Prospect Highway Intersection

The TIA indicated the development would adversely impact the performance of two intersections on the Prospect Highway, at Reservoir Road and Foundation Place. The TIA concluded these delays are a result of a bottleneck created by the upgraded Prospect Highway reducing from four lanes into two, between Reservoir Road and Foundation Place.

TfNSW noted these roads are under the care and control of CCC and recommended the Applicant consider the recommendations of CCC to address the predicted impacts. CCC recommended the Applicant propose specific measures to improve the performance of the Foundation Place and Prospect Highway intersection.

The Applicant did not propose specific road upgrades, noting the development would increase vehicle numbers by 444 per day when compared to existing uses on the site and would contribute around 9% of total traffic growth through the intersection. The Applicant concluded the intersection would be congested due to background traffic growth alone and noted TfNSW has indicated that wider network planning would include widening the Prospect Highway between Reservoir Road and Foundation Place to reduce congestion. The timing for these works is unknown, so additional traffic management measures may be required in the interim to manage background traffic growth.

The Department notes the intersection would become congested with background traffic growth and the project would make a small additional contribution to this congestion. The Department met with the Applicant and CCC to discuss this matter and develop conditions to maintain road safety and intersection performance. The Department recommended, and CCC agreed, to a condition requiring the Applicant to implement an Operational Traffic Management Plan (OTMP) including monitoring of operational traffic movements and implementation of additional traffic management measures to maintain road safety and network efficiency throughout operation. The OTMP must include a driver code of conduct and induction training including procedures to minimise impacts on the intersection, particularly during peak periods. The conditions require the Applicant to monitor traffic impacts and implement additional management measures if network efficiency is adversely impacted by the development.

The Department concludes these conditions are appropriate for the minor contribution the development would have on intersection performance at Foundation Place and Prospect Highway.

Clunies Ross Street

Most public submissions were concerned about the amenity impacts of increased traffic on Clunies Ross Street and potential rat-running through the residential suburb of Pemulwuy.

The Applicant's TIA confirmed Clunies Ross Street has adequate spare capacity to accommodate vehicle movements from the development and intersection performance at the Wombat Street and Great Western Highway intersections would not change due to the development. The development layout places most of the car parking on the Clunies Ross Street frontage, encouraging light vehicles to access the site from Clunies Ross Street, and heavy vehicles to use the Foundation Place access.

The Department acknowledges the concerns of residents in Pemulwuy about increased traffic, particularly from heavy vehicles and has recommended the Applicant implement an OTMP incorporating a Driver Code of Conduct to minimise amenity impacts. The OTMP also requires monitoring of operational traffic and implementation of additional traffic management measures, developed in consultation with CCC, if road safety and efficiency is affected. The Applicant noted that trucks would prioritise the Foundation Place entrance over Clunies Ross Street, as Foundation Place provides the most direct and efficient access to the M4 Motorway. The Department has included a recommendation for the OTMP to include procedures to encourage heavy vehicles to prioritise the Foundation Place access.

The site has been used for industrial purposes since the 1960s, with all heavy vehicles currently accessing the brick making facility via Clunies Ross Street. The development would increase the volume of vehicles, but many of these would be light vehicles accessing staff car parking. The development is located on industrial zoned land within the WSEA which has been strategically identified to provide high employment generating uses close to key road networks. The Department considers the development is an appropriate use of the site and has recommended conditions to manage operational traffic to minimise amenity impacts on nearby residences and for the Applicant to implement additional traffic management measures if issues arise.

Construction Traffic

The TIA noted construction traffic volumes would be lower than operational volumes and can therefore be safely accommodated on the road network. The Department agrees that construction traffic volumes are typically lower than operating warehouses and has recommended the Applicant implement a Construction Traffic Management Plan (CTMP) to minimise disruptions to other road users and amenity impacts on the residential area. The CTMP is to be prepared in consultation with both Councils, include a Driver Code of Conduct and be implemented for the duration of construction works.

Parking

The development includes 549 carparking spaces, based on rates provided in the RMS *Guide to Traffic Generating Developments*. CCC did not raise any concerns with parking provision. BCC recommended additional parking in accordance with the rates detailed in Blacktown's DCP. The Department considers the rates proposed by the Applicant have been adequately justified and are consistent with the RMS Guide and other warehouse developments in the WSEA.

6.2 Heritage

Heritage Significance

Prospect Hill (and the adjacent Mar-Rong Reserve) is a State significant heritage site located immediately south of the development, with part of the heritage curtilage extending into the site, see **Figure 8**.

Prospect Hill has State significance for both its Aboriginal and European heritage values. The hill sits 117 metres above sea level and has views to the Sydney CBD, the Blue Mountains and other State significant heritage items in the local area. Prospect Hill was used by Aboriginal people as a spiritual and ceremonial meeting place and was the site of resistance raids led by Pemulwuy (an Aboriginal warrior) against European settlers. Prospect Hill is used today for reconciliation events and educational activities.

A large component of the site's heritage significance relates to its high vantage point and views to other heritage sites in the locality. CCC has adopted the Prospect Hill Plan of Management (March 2019), detailing a masterplan for developing access and community facilities at Prospect Hill. The Plan of Management encompasses a broader area than the State Heritage listing, extending further into the site and including some of the road reserve of Clunies Ross Street.

The site, including the heritage curtilage within it has limited potential for intact archaeological material due to past industrial activities including quarrying. The Applicant has maintained fencing around the heritage area within the site and does not propose any development in this area.

The two key aspects considered in the Department's assessment include:

- visual impacts on Prospect Hill and its view lines to surrounding heritage items; and
- direct impacts on the proposed entryway to Prospect Hill from Clunies Ross Street.

The Department considered these impacts in close consultation with CCC and Heritage NSW and in the context of the issues raised in public submissions.



Figure 8 | Prospect Hill Heritage Curtilage in orange hatching

Visual Impacts on Prospect Hill

The original development described in the EIS proposed a 42 m high warehouse 1, which was assessed as having minor to moderate impacts on the heritage significance of Prospect Hill and its view lines. The Applicant's Aboriginal Cultural Heritage Assessment (ACHAR) and Statement of Heritage Impact (SoHI) recommended the Applicant investigate measures to reduce these impacts. CCC, BCC,

Heritage NSW and the Department also raised concerns about the warehouse height and the Department recommended the Applicant consider a height reduction to reduce its heritage impacts.

In its RTS, the Applicant proposed a reduction in the height of warehouse 1 to 25 m. An updated SoHI concluded the reduced height would result in minor temporary and negligible long-term impacts on Prospect Hill and its view lines. The warehouse is positioned on the lowest part of the site to further reduce its visual prominence, sitting over 30 m lower than the heritage area. **Figure 9** to **Figure 11** show the view from the lower part of Prospect Hill that is located within the site, comparing the existing view, with the development and once landscaping matures.



Figure 9 | View from Prospect Hill within the site - Existing



Figure 10 | View from Prospect Hill within the site – With Development



Figure 11 | View from Prospect Hill within the site – With Landscaping (+10 years)

The Department considers the warehouse height reduction has reduced the heritage impacts of the development to minor and notes the proposed landscaping would screen the development once it matures. The height reduction of warehouse 1 maintains the view lines from Prospect Hill to nearby heritage items without interrupting these views. The landscape plan included in the RTS proposes mature trees between the development and Prospect Hill using endemic Cumberland Plain Woodland species.

The buildings would be finished in neutral colours with non-reflective materials with the final façade design colours to be approved by the Planning Secretary before construction. The roofs would contain a mix of solid and transparent panels to break up the building expanse and minimise the development's visual prominence. These measures have been incorporated into the recommended conditions, which were developed in consultation with CCC. The Applicant has also committed to complete a photographic archival recording of Prospect Hill and its significant view lines prior to construction. Heritage NSW was satisfied with the height reduction of warehouse 1 and the conclusions of the updated SoHI. CCC were satisfied with the recommended conditions for maintaining the heritage values of Prospect Hill.

Implementation of these measures would ensure the visual impacts on the Prospect Hill heritage item would be minor.

Entryway to Prospect Hill from Clunies Ross Street

CCC identified a potential encroachment of the southern driveway to the development from Clunies Ross Street into Council's proposed entryway into Prospect Hill, see **Figure 12**.

CCC raised concerns about the driveways being located too close together, impacting the visitor experience of the heritage item and potential safety concerns with the interaction of pedestrians and cyclists with heavy vehicles accessing the site.

The Department met with the Applicant and CCC to discuss this issue and agreed the Applicant would consult with CCC on the detailed design of the driveway prior to its construction. The detailed design must incorporate measures to delineate the two separate driveways to ensure the warehouse development does not detract from the visitor experience when entering the Prospect Hill heritage area.

The conditions require the detailed design to be agreed with CCC before the driveway can be constructed. CCC reviewed and were satisfied with the recommended conditions.



Figure 12 | Interaction of Southern Driveway with Proposed Entryway to Prospect Hill

6.3 Amenity

The site has a long history of industrial use but also borders the newer residential suburb of Pemulwuy, with residences located between 25 - 40 m from the eastern site boundary.

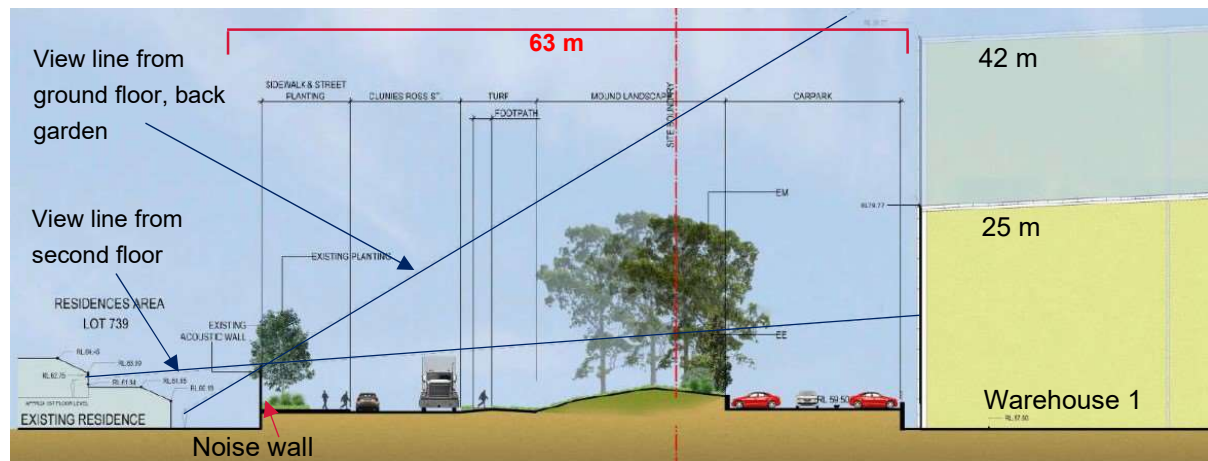
The WSEA SEPP has specific guidelines for industrial developments adjoining residential areas, and these are considered in detail in **Appendix C**. Potential impacts on residential amenity (aside from traffic which is assessed in **Section 6.1**) include visual, landscaping and noise.

Visual Impact and Landscaping

The Applicant's original proposal for warehouse 1 at 42 m would have resulted in unacceptable visual impacts on residents. The Department recommended the Applicant reduce the height of the warehouse to address these concerns. The RTS proposed a height reduction to 25 m and included a revised visual impact assessment (VIA). Warehouse 1 is located on the lowest elevation of the site, sitting around 30 m lower than warehouse 6. All other warehouses would be a standard 13.7 m high.

The VIA concluded there would be medium visual impacts for properties along Clunies Ross Street, particularly where there is no noise wall. The VIA noted these impacts would be mitigated over the long-term (10 years) once landscaping matures. The Applicant detailed the building and landscape setbacks in a development control plan (DCP) for the site which is consistent with the Holroyd DCP 2013 – Part Q Pemulwuy Industrial. The proposed warehouse setbacks of 20 m including 5-metre-wide landscaping would mitigate the visual impacts and the neutral and recessive building facades would reduce prominence and glare. There is also a wide nature strip on the western side of Clunies

Ross Street, providing an additional 25 m setback to the carparking areas, giving a total separation distance of 63 m between the warehouses and the residences, see **Figure 13**.



The development is located on land that has been used for industrial purposes since the 1960s and currently has an operating brick manufacturing facility. There is a large treed area in the northern part of the site that would be cleared, resulting in more of the site being used for industrial purposes. The WSEA SEPP requires attractive building facades, appropriate setbacks and landscaping for developments that interface with residential areas. The Department has considered these aspects and concludes the development has incorporated appropriate treatments to minimise visual impacts. These include the use of dark and recessive façade colours, adequate setbacks consistent with the development controls of CCC, placement of carparking on the Clunies Ross Street frontage to increase the building setbacks and landscaping with large trees to screen the development.

The Department acknowledges the development would have some visual impacts on residences in Clunies Ross Street but notes the site has always been used for industrial purposes and the impacts would be reduced over the long-term, once the landscaping matures. There is a 63 m distance between the warehouses and residences and an intervening noise wall which would restrict some views of the development. The Department has recommended the Applicant consult with CCC on the detailed designs for the building facades and obtain approval from the Planning Secretary before construction to ensure the facades facing the residential area present an attractive appearance and reduced visual prominence.

With these measures in place, the Department considers the visual impacts would be minimised with the buildings screened by vegetation over time.

Noise

The development would generate noise during construction and 24-hour operations, with the key noise sources being heavy vehicle movements on and surrounding the site, forklifts operating on hardstand areas and mechanical equipment (such as fans, refrigeration units and air-conditioners) mounted on warehouse roofs or external to the buildings.

Government agency advice did not raise noise as an issue, but it was a key concern in public submissions.

There is a noise wall at the rear of the residences on Clunies Ross Street, which extends from the northern extent of the residential area to the intersection with Wombat Street. From Wombat Street south to Warin Avenue, there is no noise wall. The residential properties in this section have been constructed with two-storey garages at the rear to provide acoustic shielding for the dwellings built in front. The Department understands these noise mitigation measures were recommended by CCC in 2011 to minimise noise impacts from the industrial area on new residential development in Pemulwuy.

Predicted Impacts During Operation

The Applicant's noise and vibration impact assessment (NVIA) submitted with the EIS lacked sufficient detail on the predicted noise levels from the development. The Department requested an independent peer review of the NVIA, which was provided in the RTS. The peer review supported the conclusions of the NVIA, with both reports stating the development could be designed to comply with relevant noise criteria at the nearest residences. The peer review considered worst-case noise levels, with maximum vehicle movements and all plant and equipment operating simultaneously at each warehouse. Using this conservative assumption, the peer review predicted worst-case noise levels would comply with the most sensitive night-time criteria, with predicted noise levels of 43 decibels dB(A). The Department identified some inconsistencies in the peer review, such as the assumption of a noise wall between Wombat Street and Warin Avenue when there is not one in this location, and different criteria used in the NVIA and the peer review.

The Department notes the site is zoned for industrial use, has been used for industrial purposes since the 1960s and is located within the WSEA. A key objective of the WSEA is to promote development of major warehousing and distribution facilities to generate employment. Residential development has progressed in Pemulwuy on the eastern side of Clunies Ross Street, creating an industrial / urban interface. While a noise wall is in place for some of the residences, it does not extend the full length of Clunies Ross Street, a point that was raised in several public submissions.

The Department has assessed many similar warehouse developments that interface with residential areas and agrees the development can be designed to meet stringent noise limits to protect residential amenity. Warehouse and logistics estates are light industry and typically generate lower noise levels than heavy industry and manufacturing facilities. The development layout also places loading docks away from residential areas behind the warehouses and office buildings, which would provide noise shielding.

Recommendations

The NVIA and peer review made several recommendations for noise controls including enclosing mechanical plant with acoustic barriers, installing silencers and acoustic shielding on ductwork and fans and ensuring road surfaces and hardstand areas are constructed to minimise vehicle noise. The Department agrees with these recommendations and notes the Applicant has committed to undertake an acoustic review of the design and layout of mechanical plant at the detailed design phase for each warehouse. To ensure the development maintains noise amenity for residences, the Department has recommended conditions requiring the Applicant to submit a design noise validation report prior to the construction of each warehouse. The report is to establish noise criteria for sensitive receivers in accordance with the EPA's *Noise Policy for Industry 2017* and detail the design specifications and acoustic treatments for mechanical plant and equipment to ensure the development complies with the noise criteria.

The Applicant is also required to undertake noise verification monitoring once each warehouse is operational to demonstrate the development complies with the noise criteria. If any exceedances occur, the Applicant must implement additional noise mitigation measures to ensure there is no excess noise at residences. The Department has also recommended the Applicant implement a driver code of conduct to limit vehicle noise particularly at night-time.

The Department notes there is an existing level of industrial noise from the site including trucks using Clunies Ross Street to access the brickworks. The Applicant has indicated the majority of trucks accessing the development would use Foundation Place, which is located away from the residential area. The number of additional trucks using Clunies Ross Street would be small compared to existing volumes. The overall noise levels from the development would be moderate and typical of this type of industrial premises.

The Department considers the noise impacts of the development would be minimised by implementing the recommended conditions and would maintain amenity for the adjacent residences.

Construction Noise

The Department notes the construction period would also generate noise and vibration impacts, particularly during earthworks, piling and concrete pouring for building foundations. The works would take around 24 months to complete. The NVIA and peer review estimated construction noise levels would range from 60 – 65 dB(A), compared with criteria at residences of 58 – 62 dB(A). The assessment noted noise levels would not exceed the maximum 75 dB(A) included in the EPA's *Interim Construction Noise Guideline*. The assessments recommended a range of measures for minimising construction noise with these measures to be incorporated into a construction noise and vibration management plan. In relation to vibration, the assessments concluded there is sufficient distance to residences to maintain compliance with criteria for the protection of human comfort and structural damage.

The Department considers the construction works may result in some exceedance of criteria at residences but notes these would be short-term and specific to certain work practices, such as jackhammering during earthworks and piling for foundations. There are controls that can be put in place to minimise these impacts, such as scheduling noisy works for less sensitive periods, providing respite, using temporary noise shields or barriers and consulting with residents about work schedules. The Department considers these are appropriate measures for managing short-term construction noise

impacts and has recommended the Applicant submit a construction noise and vibration management plan for the Planning Secretary's approval prior to the commencement of construction.

6.4 Stormwater and Flooding

Given the steep topography of the site, most warehouse buildings would be well above the 1 in 100 year flood level, and above the probable maximum flood (PMF) level. The lowest building, warehouse 7, would be located 4.3 m above the flood planning level (being 1 in 100 year + 500 mm of freeboard).

Detention Basins

Two basins are located within the development site, see **Figure 14**. One is a water quality control wetland in the Cumberland LGA and one is a regional detention basin located on the northern boundary in the Blacktown LGA. The water quality wetland provides tertiary water quality treatment for the northern employment lands. The regional detention basin provides stormwater and flood detention up to the 1 in 100 year event for the northern employment lands.



Figure 14 | Basin Locations

Construction of the building pad for warehouse 7 requires infilling part of the water quality wetland in Cumberland LGA and part of the regional detention basin in Blacktown LGA. The Applicant proposes to provide compensatory flood storage in the regional detention basin to offset the loss of storage in both basins.

The Applicant undertook hydrologic modelling of the basin changes to confirm the modified basins would have adequate capacity to control stormwater quality and quantity from the upstream catchments, including the development site. The modelling covered a range of flood events and concluded the

modified basins would control stormwater from the site and upstream catchments to pre-development levels. The modelling also confirmed the modified basins would exceed the minimum storage rate required by BCC and would retain flows in Girraween Creek downstream, consistent with pre-development levels.

CCC requested some clarifications on stormwater and flooding and BCC provided detailed requirements for the Applicant to consider in designing the modifications to the basins. BCC also requested the Applicant prepare a Dam Break Study to consider flood hazard and consequence if the embankment of the regional detention basin were to fail. The Applicant's RTS addressed most of the matters raised by CCC and BCC. The Applicant has commissioned the Dam Break Study, liaising with BCC and Dam Safety NSW (DSNSW) on the scope of the assessment. The Dam Break Study is currently underway.

The Department has recommended the Applicant implement the relevant findings of the Dam Break Study, prior to commencing any earthworks or construction on warehouse 7, as it is the only warehouse that requires modifications to the existing basins. The proposed extension to the regional detention basin must also be implemented to the satisfaction of BCC before any earthworks or construction for warehouse 7. With these conditions in place, the Department is satisfied the modifications to the regional detention basin would be completed to maintain flood storage for the Greystanes Northern Employment Lands, including the development.

Stormwater Quality

The Applicant undertook MUSIC modelling to predict the treatment efficiency of the proposed stormwater management system for the development, with reference to pollutant reduction criteria in development control plans for CCC and BCC. The modelling confirmed the proposed stormwater management system would achieve the required pollutant reduction efficiencies of each Council area. The Applicant's water cycle management strategy also included a maintenance schedule to ensure continued efficient operation of the stormwater management system and noted the system would be maintained by the Applicant, with no cost burden on the Councils.

The Department has recommended conditions, in consultation with both Councils, to ensure the stormwater system is designed in accordance with the requirements of BCC and CCC.

6.5 Other issues

The Department's assessment of other issues is provided in **Table 4**.

Table 4 | Assessment of Other Issues

Issue	Findings	Recommendations
Contamination	- The site contains areas of contamination from past industrial activities including quarrying, brick making, wastewater ponds and fuel and oil storage. - A contaminated site assessment and data gap investigation of the site identified areas containing asbestos impacted fill, soils containing bricks and other inert waste and some elevated heavy metal and hydrocarbons in soils. Heavy metal and	- Remediate the site in accordance with the RAP and relevant guidelines for the management of contaminated land. - Manage asbestos in accordance with the requirements of SafeWork NSW and relevant guidelines.

Issue	Findings	Recommendations
	hydrocarbons were below health criteria for commercial/industrial land use, but slightly above ecological criteria. • A Remedial Action Plan (RAP) was included in the RTS detailing the areas to be excavated, classified and disposed off-site. Soils and fill material containing asbestos would be managed by specialist contractors. Underground petroleum storage tanks and surrounding contaminated soils would be excavated and validated. Bricks and inert waste would be either picked or covered with clean material. • Part of the site previously owned by CCC has already been remediated and validated prior to its acquisition by the Applicant. • The Department reviewed the contamination assessments and RAP and notes the remediation works would be undertaken by qualified consultants in accordance with relevant guidelines for management of contaminated land. • The Department notes the site would be remediated to remove asbestos and other contaminants to ensure it is suitable for continued industrial use. Remediation works and validation of the site would be completed before any earthworks or construction.	• Submit a validation report to the Planning Secretary, to verify the site has been remediated and is suitable for commercial/industrial land use. • Implement an unexpected finds procedure for the duration of construction works.
Air quality	• An air quality impact assessment (AQIA) for the development predicted a medium risk of dust impacts during construction and proposed mitigation measures to reduce impacts to negligible. • The AQIA modelled air emissions from operation, considering a worst-case scenario of trucks idling at all loading bays concurrently. The AQIA concluded the development would make a very small contribution to background emissions, with no exceedance of the impact assessment criteria for dust deposition, total suspended particulates, PM₁₀ or nitrogen dioxide (NO_x). Emissions of odour from the development are unlikely. • Background levels of PM_{2.5} already exceed the criteria, and the project would make an additional contribution of <0.1 ug/m³ (annual average) which is considered negligible. There would be no exceedances of the 24-hour average criteria for PM₁₀ or PM_{2.5} at any sensitive receptors as a result of the development. Specific mitigation measures are not	• Prepare a CEMP, including dust mitigation measures, and implement these measures throughout construction.

Issue	Findings	Recommendations
	required, given air emissions from operation would be very minor. The Department has recommended a condition requiring the Applicant to implement dust mitigation measures via a Construction Environmental Management Plan (CEMP).	
Bushfire	- The site is not located on bushfire prone land, however unmanaged vegetation exists to the north and south of the site. - A Bushfire Protection Assessment (BPA) confirmed the development would comply with the requirements of the Rural Fire Service's Planning for Bushfire Protection, 2019 (PBP, 2019) with implementation of specific measures including: - asset protection zones - managed landscaping - building design and construction in accordance with standards for bushfire prone areas - provision of water, electricity, gas and site access to meet relevant bushfire standards - preparation of a Bushfire Emergency and Evacuation Management Plan. - FRNSW raised no concerns and requested the Applicant consult FRNSW during design of the development. - The Department is satisfied the Applicant has reviewed relevant bushfire risks and has included the recommendations of the Bushfire Protection Assessment and FRNSW in the conditions of consent.	- Provide asset protection zones (APZs) as described in the Bushfire Protection Assessment prepared by Eco Logical, June 2020. - Manage all site landscaping to meet the requirements of PBP 2019. - Design and construct buildings in accordance with Australian Standard 3959:2018 and NASH Standard: Steel Framed Construction in Bushfire Areas, 2014. - Install site services (water, electricity, gas and access) in accordance with PBP 2019. - Prepare a Bushfire Emergency and Evacuation Management Plan, prior to commencement of operation.
Biodiversity	- A Biodiversity Development Assessment Report (BDAR) noted the development would require clearing of 2.14 ha of native vegetation including 1.15 ha of a threatened ecological community (TEC) in low-moderate condition (Forest Red Gum – Rough-barked Apple) and 0.99 ha of planted Forest Red Gum – Grey Box shrubby woodland. - Further clearing of weedy and dam vegetation would be required for the regional detention basin works but would not need to be offset in accordance with the Biodiversity Assessment Method (BAM). - The development would remove 2.3 ha of potential habitat for the Commonwealth listed Southern Myotis but would not have a	- Prior to clearing, the Applicant must purchase and retire 30 ecosystem credits to offset the removal of 2.14 ha of native vegetation on the site and 20 species credits to offset the removal of potential habitat for the Southern Myotis. - Offsets must be retired in accordance with the Biodiversity Offsets Scheme and the BC Act.

Issue	Findings	Recommendations
	significant impact on MNES under the EPBC Act. • The BDAR calculated the development would require 30 ecosystem credits to offset the loss of native vegetation and 20 species credits to offset the habitat loss for the Southern Myotis. • Following a review of the RTS, EESG had no further comments on biodiversity. • The Department concludes the biodiversity impacts of the development would be minor and adequately offset in accordance with the BC Act.	
Hazards and risk	• The Department's hazards team reviewed the EIS and confirmed the development is not potentially hazardous or offensive. • The proposed storage of dangerous goods does not trigger State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP 33). • The Department notes the final use of each warehouse has not been confirmed. If the final end use requires an increase in dangerous goods storage above the SEPP 33 thresholds, further assessment and a modification to the development consent would be required. • The Department recommends conditions limiting the storage of dangerous goods on the site to levels below the SEPP 33 screening thresholds.	• Storage of dangerous goods must be below the threshold quantities. • Dangerous goods must be stored in accordance with Australian Standards.

7 Evaluation

The Department has assessed the proposed Prospect Logistics Estate (SSD 10399), considering all relevant matters under section 4.15 of the EP&A Act, the objects of the EP&A Act and the principles of ecologically sustainable development. The Department has considered the proposed development in the context of the aims and objectives of the WSEA SEPP and other relevant strategic and statutory planning instruments.

The proposal is State Significant Development as it involves construction and operation of a warehouse and distribution centre with a capital investment value of \$182 million. The development would generate 774 construction jobs and 780 operational jobs in western Sydney.

The Department has carried out a detailed assessment of the merits of the development, has consulted with key government agencies and the public and closely considered the issues raised during its assessment of the application. The key issues include traffic management, heritage impacts, residential amenity and stormwater management.

The Department worked closely with Cumberland City Council to address traffic management and heritage impacts and consulted with Blacktown City Council to develop conditions for stormwater management and works to the regional flood detention basin. The Applicant also amended aspects of the development to reduce its heritage impacts.

Government agencies and both Cumberland and Blacktown Councils did not object to the development and provided recommended conditions. Thirteen public submissions objected based on traffic, noise and heritage impacts.

The Department, CCC, BCC and Heritage NSW recommended the Applicant reduce the height of warehouse 1. The Applicant subsequently reduced the height of the warehouse by 17 m, substantially reducing the heritage and visual impacts of the development. The Department's assessment of traffic and noise impacts concluded these aspects could be managed through conditions, to minimise amenity impacts on residents.

The Department's assessment has concluded:

- the development is located on industrial land and is consistent with the objectives of the WSEA SEPP, to promote high employment generating uses close to major transport and distribution networks;
- the development has been designed to meet local development controls for the Pemulwuy industrial area, including appropriate building and landscape setbacks from the residential area;
- the development would incorporate dark and recessive colours on the warehouse facades to reduce visual prominence, with the final design to be approved by the Planning Secretary prior to construction;
- traffic volumes would be safely accommodated on Clunies Ross Street without adverse impacts on intersection performance. The development would increase existing congestion at the Foundation Place and Prospect Highway intersection, with these residual impacts managed through an operational traffic management plan and traffic management measures developed in consultation with CCC;
- the development would have minor impacts on the Prospect Hill heritage item and its view lines, with impacts reducing to negligible as landscaping matures and screens the development over time;

- noise levels from 24-hour operations would be managed to maintain residential amenity, by implementing design controls and acoustic shielding on mechanical plant, implementing a driver code of conduct and through verification monitoring once the development is operational; and
- the development would ensure stormwater flows and flood detention is maintained at pre-development levels and works to Blacktown Council's regional flood detention basin are completed to their satisfaction.

The Department has recommended a range of conditions to manage the residual traffic, heritage, amenity and stormwater impacts of the development to an acceptable level.

The Department's assessment has concluded the development is in the public interest and should be approved, subject to conditions.

8 Recommendation

It is recommended that the Director Industry Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants consent** for the application in respect of Prospect Logistics Estate (SSD 10399) subject to the conditions in the attached development consent
- **signs** the attached development consent and recommended conditions of consent (see **Appendix E**).

Recommended by:



25 June 2021

Deana Burn
Specialist Planner
Industry Assessments

9 Determination

The recommendation is **Adopted** by:



2 July 2021

Chris Ritchie

Director

Industry Assessments

Appendices

Appendix A – List of Referenced Documents

The Department has relied upon the following key documents during its assessment of the SSD application:

- Environmental Impact Statement and supporting technical appendices, State Significant Development Application (SSD 10399) *Elevation at Greystanes Estate, Clunies Ross Street, Pemulwuy*, prepared by Keylan and dated 18 August 2020.
- Submissions from Government agencies, special interest groups and the public
- Response to Submissions titled *Response to Submissions and Amended Application SSD 10399 Elevation at Greystanes Estate*, prepared by Keylan Consulting and dated December 2020 and additional response titled *Response to Agency review of RTS*, prepared by Keylan Consulting and dated 29 April 2021
- Relevant requirements of the EP&A Act (**Appendix B**)
- Relevant environmental planning instruments, policies and guidelines (**Appendix C**).

All documents can be viewed on the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/project/25981>

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 matters contained in **Table 5**.

Table 5 | Matters for Consideration under Section 4.15

Matter	Consideration
a) the provisions of:	The Department has considered the relevant environmental planning instruments in its assessment (see Appendix C).
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 Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	The Department considered the draft Remediation SEPP and concluded the development is consistent with the aims of the draft instrument (see Appendix C).
iii) any development control plan, and	Under clause 11 of the SRD SEPP, development control plans do not apply to State significant development. Notwithstanding, the Department has assessed the development against the Holroyd DCP 2013, Blacktown DCP 2015, particularly in relation to building and landscape setbacks and stormwater management requirements.
(v) 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 a Planning Agreement with the Minister for Planning and Public Spaces for regional infrastructure contributions as required by the WSEA SEPP. On 24 June 2021, the A/Deputy Secretary, Greater Sydney, Place and Infrastructure, as the Planning Secretary's delegate, certified satisfactory arrangements are in place for the development.
iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,	The Department has assessed the development in accordance with all relevant matters prescribed by the regulations, the findings of which are contained in this report.

Matter	Consideration
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 Section 6 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 located within the general industrial zoning of the WSEA SEPP. The proposed development is for warehousing and light industry which is permissible with development consent.
d) any submissions made in accordance with this Act or the regulations,	All matters raised in submissions have been summarised in Section 5 of this report and given due consideration as part of the assessment of the development in Section 6 of this report.
e) the public interest.	The development would generate 774 jobs during construction and 780 jobs during operation. The development would be a \$182 million capital investment in the Cumberland and Blacktown local government areas that would contribute to the provision of local jobs. The environmental impacts of the development would be appropriately managed via the recommended conditions. The Department considers to the development is in the public interest.

Appendix C– Consideration of Environmental Planning Instruments

State Environmental Planning Policy (State and Regional Development) 2011

The SRD SEPP identifies the types of development that are State Significant Development. Warehouses and distribution centres with a capital investment value of more than \$50 million meet the criteria in clause 12 of Schedule 1 and are classified as State Significant development. The proposed warehouse and logistics estate has a capital investment value of \$182 million.

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

The ISEPP aims to facilitate the effective delivery of infrastructure across the State and lists the type of development defined as Traffic Generating Development. The development is considered a traffic generating development under the ISEPP and the Applicant prepared a traffic impact assessment in accordance with TfNSW's Guide to Traffic Generating Developments. The Department consulted TfNSW and Council and incorporated their recommended conditions for operational traffic management. The Department considers the development is consistent with the ISEPP.

State Environmental Planning Policy No. 33 - Hazardous and Offensive Development (SEPP 33)

SEPP 33 outlines the items a consent authority must consider when assessing whether a development is hazardous or offensive. The Applicant reviewed the development in accordance with SEPP 33 and advised that the proposed development would not be potentially hazardous or offensive. The Department's hazard specialist reviewed the EIS and recommended conditions including limits on the storage and handling of dangerous goods.

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) and the draft State Environmental Planning Policy (Remediation of Land) (draft Remediation SEPP)

SEPP 55 aims to ensure that potential contamination issues are considered in the determination of a development application. The Department reviewed the Applicant's contaminated site assessment, data gap investigation and remedial action plan (RAP) and concludes the land would be made suitable for continued industrial use following implementation of the RAP. The proposed remediation is consistent with the aims of SEPP 55 and the Department has included conditions for ensuring the site is remediated and validated in accordance with guidelines for the management of contaminated land. The draft Remediation SEPP retains the key operational framework of SEPP 55. The Department is satisfied the development is consistent with the draft Remediation SEPP.

State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64)

SEPP 64 aims to ensure that outdoor signage is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations, and is of high-quality design and finish. The Department has considered the proposed signage strategy and concludes it is consistent with the industrial character of the area and the scale of the buildings. The Department has considered the assessment criteria and concludes the signage strategy is consistent with SEPP 64.

State Environmental Planning Policy (Coastal Management) 2018 (Coastal Management SEPP)

The Coastal Management SEPP details development controls for coastal wetlands and aims to ensure developments do not cause adverse impacts on the biophysical, hydrological and ecological environment of coastal wetlands. The regional detention basin to the north of the site is identified as a

coastal wetland. The Department has considered the potential impacts on the regional detention basin and has recommended conditions for minimising impacts on the basin and downstream environments.

Holroyd Local Environmental Plan 2013 (HLEP)

HLEP aims to promote sustainable land uses, protect cultural heritage and the natural environment and facilitate economic prosperity and social well-being. The Department consulted extensively with Cumberland City Council as part of its assessment of the application and adopted conditions recommended by Council to protect cultural heritage and residential amenity. The Department's assessment concluded the development is consistent with the aims of HLEP.

Blacktown Local Environmental Plan 2015 (BLEP)

BLEP aims to encourage development opportunities to deliver local and regional employment growth, alongside protecting natural, cultural and built heritage. The BLEP also aims to minimise risk from development in sensitive areas that are subject to flooding and other hazards. The Department consulted with Blacktown City Council and incorporated recommendations by Council for flood risk management. The Department's assessment concluded the development is consistent with the aims of BLEP.

State Environmental Planning Policy (Western Sydney Employment Area) 2009

The WSEA SEPP aims to promote orderly economic development of land, rezone land for employment uses, ensure logical, cost-effective and environmentally sensitive development and conserve biodiversity, heritage or cultural values within the WSEA. Part 5 of the WSEA SEPP sets out the principal development standards for the WSEA. The proposed development has been assessed against these standards and a summary of the Department's assessment is provided in **Table 6**.

Table 6 | Compliance with the WSEA SEPP Development Standards

Development Standard	Consideration
Cl. 18(1) Requirement for development control plans 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.	The application includes a DCP for the site including height controls, building and landscape setbacks and maximum site coverage. CCC reviewed the DCP and recommended conditions for development controls.
Cl. 19 Existing precinct plans under SEPP 59 In determining a development application that relates to any land to which an existing precinct plan applies, the consent authority is to take the existing precinct plan into consideration. This includes the Greystanes Estate Employment Lands Precinct Plan, 2001.	The Greystanes Estate Employment Lands Precinct Plan, 2001 aims to develop industrial land to provide employment opportunities and provide open space linkages through the employment lands precinct. The Applicant's DCP was developed in line with the Greystanes Estate Employment Lands Precinct Plan, 2001.
Cl. 20 Ecologically Sustainable Development 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:	The proposed development includes rainwater harvesting to offset non-potable water consumption by up to 80%. The development incorporates measures to reduce greenhouse gas emissions from energy consumption,

Development Standard	Consideration
(a) the consumption of potable water, and (b) greenhouse gas emissions.	including the use of solar panels on each warehouse roof. The Department considers the development incorporates adequate ecologically sustainable development measures.
CI. 21 Height of buildings The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that: (a) building heights will not adversely impact on the amenity of adjacent residential areas, and (b) site topography has been taken into consideration.	The development takes account of the large change in elevation on the site, with the highest building proposed on the lowest part of the site. Warehouse 1 was originally proposed to be 42 m, however this was revised down to 25 m to address concerns raised by the Department, CCC, BCC and residents. The Department has included a condition requiring planting of screening trees in the 5m landscaped setback. The Department's assessment concluded the revised building height would not adversely impact adjacent residential areas.
CI. 22 Rainwater harvesting 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.	As noted above, the development incorporates rainwater tanks to capture roof water to offset non-potable water demand by 80%.
CI. 23 Development adjoining residential land (1) This clause applies to any land that is within 250 metres of land zoned primarily for residential purposes. (2) The consent authority must not grant consent to development on land to which this clause applies unless it is satisfied that:	The site is located adjacent to residential land in Pemulwuy. The Department has considered the interface of the development with the residential area and has consulted with the community and Councils on these matters. The Department recommended the Applicant amend aspects of the development to address concerns about visual impacts on the residential area.
(a) wherever appropriate, proposed buildings are compatible with the height, scale, siting and character of existing residential buildings in the vicinity, and	The original application proposed a 42 m high warehouse 1 which the Department and Council considered would have unacceptable visual and heritage impacts. The Applicant revised warehouse 1 to 25 m and noted it is located on the lowest elevation of the site, to reduce its visual impact. The Department concluded the proposed location, height, scale and setbacks of the buildings from the residential area are appropriate for minimising the development's impacts on residential amenity.

Development Standard	Consideration
(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	Warehousing operations would be undertaken inside the buildings and would be screened from residential areas by setbacks and landscaping.
(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 development has been designed to incorporate recessive colours, with patterned facades to break up the bulk and scale of the buildings. The office buildings located along Clunies Ross Street provide further visual variation when viewed from the residential area. There is a 5 m landscape setback and 15 m of carparking areas, to set the warehouse buildings further back from the residential area.
(d) noise generation from fixed sources or motor vehicles associated with the development will be effectively insulated or otherwise minimised, and	Noise from the development would be minimised to meet relevant criteria in residential areas, particularly for night-time operations. The Department has recommended the Applicant submit noise validation and verification reports at the design and operational phases to ensure mechanical, plant, equipment and vehicle noise is controlled.
(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 Department's assessment of noise, traffic and visual impacts is provided in Section 6 . The Department's assessment concludes impacts of the development could be managed and has recommended conditions to 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	The Department's assessment concludes car parking rates have been provided in accordance with RMS guidelines for warehouse developments in the WSEA.
(g) the site of the proposed development will be suitably landscaped, particularly between any building and the street alignment.	The development incorporates a 5 m landscape setback between the development and the residential area, with planting to include endemic Cumberland Plain Woodland species that will mature to provide substantial screening of the development.
Cl. 24 Development involving subdivision	The Application does not include subdivision.
Cl. 25 Public utility infrastructure	The Department is satisfied adequate services would be provided to service the development

Development Standard	Consideration
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.	and existing assets (such as the Sydney Water easement through the site) would be protected.
CI. 26 Development on or in the vicinity of proposed transport infrastructure routes 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.	There is no proposed transport infrastructure route on or in the vicinity of the site
CI. 29 Industrial release area 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.	The Applicant has entered into a Planning Agreement with the Minister for regional infrastructure contributions. On 24 June 2021, the A/Deputy Secretary, Greater Sydney, Place and Infrastructure, as delegate of the Planning Secretary issued a satisfactory arrangements certificate in accordance with Clause 29 of the WSEA SEPP.
CI. 31 Design principles The consent authority must take into consideration whether or not: (a) the development is of a high-quality design, and (b) a variety of materials and external finishes for the external facades are incorporated, and (c) high quality landscaping is provided, and (d) the scale and character of the development is compatible with other employment-generating development in the precinct concerned.	The Department has assessed the proposed design controls for the development including setbacks, external finishes and landscaping and has concluded the development is of a high-quality design and is consistent with the scale and character of the Greystanes Northern Employment Lands and the WSEA.

Appendix D – Community Views for Draft Notice of Decision

Issue	Consideration
Traffic - increase in heavy vehicle use of Clunies Ross Street - congestion, safety and traffic noise	Assessment Traffic generated by the development can be safely and adequately accommodated on the existing road network, including Clunies Ross Street. The development has been designed to prioritise light vehicles accessing the site from Clunies Ross Street and heavy vehicles to prioritise the use of Foundation Place to connect to the arterial road network. Recommended Conditions The Department has recommended the Applicant implement an Operational Traffic Management Plan incorporating a Driver Code of Conduct to ensure road and pedestrian safety is maintained and traffic noise is minimised.
Noise - traffic noise 24-hour operations	Assessment The development would be designed to minimise noise to meet relevant criteria at residences, including the use of acoustic shielding for fixed mechanical plant and equipment. The existing noise wall between the industrial and residential areas would provide further noise mitigation for residences. Recommended Conditions The Department has recommended the Applicant submit design noise validation reports prior to construction of each warehouse to demonstrate the design incorporates noise mitigation measures to meet criteria. Further, noise verification monitoring must be undertaken once warehouses are operational, to verify the development is meeting noise criteria.
Heritage and Visual - visual impacts on Prospect Hill and its view lines - encroachment into heritage curtilage of Prospect Hill	Assessment The height of warehouse 1 was reduced by 17 m to reduce the visual impacts on the Prospect Hill heritage item and its significant view lines. Visual impacts would be minor and would be further reduced once proposed landscaping matures and screens the development. The encroachment of a driveway onto the heritage curtilage has not been approved and is subject to further design and consultation with CCC before construction. Recommended Conditions The Department has recommended the use of non-reflective building materials and recessive colours, combined with screening trees in the proposed landscaping. The Department has also recommended the Applicant consult with CCC to ensure the southern driveway does not impact on the proposed entryway to the Prospect Hill heritage area.

Appendix E – Recommended Instrument of Consent