



Horsley Drive Stage 2 – Building 1

State Significant Development Assessment SSD-10404

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Glossary

Abbreviation	Definition
Applicant	The Trust Company (Australia) Limited
CIV	Capital Investment Value
Council	Fairfield City Council
DA	Development Application
Department	Department of Planning, Industry and Environment
Development	The development as described in the EIS and RTS for the Horsley Drive Stage 2 – Building 1
EIS	Environmental Impact Statement titled <i>Horsley Drive Business Park Stage 2 – Building 1</i> , prepared by Ethos Urban dated February 2020
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
Heritage	Heritage NSW, Department of Premier and Cabinet
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
RTS	Response to Submissions titled <i>SSD 10404 Horsley Drive Business Park Stage 2 – Response to Submissions</i> , prepared by Ethos Urban dated June 2020
SEARs	Planning Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
TfNSW	Transport for NSW

Executive Summary

This report details the Department of Planning, Industry and Environment's assessment of a State significant development application for the Horsley Drive Stage 2 – Building 1 (SSD-10404). The Applicant, The Trust Company (Australia) Limited, proposes to develop a warehouse and distribution facility which will operate as a customer fulfilment centre on the corner of Trivet Street and Cowpasture Road, Wetherill Park in the Fairfield local government area.

The site is located 30 kilometres to the west of the Sydney central business district and 1.5 kilometres south of the Prospect Reservoir and covers approximately 8.79 hectares of unzoned land under *State Environmental Planning Policy (Western Sydney Parklands) 2009*.

The site has previously been subject to a State significant development application (SSD-7664) which approved a concept proposal for a range of uses, including general and light industrial, warehouse and distribution and ancillary office uses. This approval also included Stage 1 earthworks for a seven-lot subdivision, an internal access road, demolition, bulk earthworks, infrastructure and landscaping. This is the first development application for the detailed design of part of the Horsley Drive Business Park Stage 2 under the approved concept proposal.

Current Proposal

The proposed development (the development) includes the construction of a warehouse and distribution facility. The facility will operate as a customer fulfilment centre which is a warehouse and distribution centre to supply supermarkets and home delivery services direct to members of the public. The development will include ambient and chilled warehouse space, freezer chamber, bakery, plant, data centre, energy areas and office space.

The development has a capital investment value of \$100,640,000 and is expected to generate 350 construction jobs and 600 operational jobs.

Statutory Context

The development is classified as State significant development under Part 4 of the *Environmental Planning and Assessment Act 1979* because it involves development that has a capital investment value of more than \$10 million on land within the Western Parklands that meets the criteria in Clause 5 of Schedule 2 in *State Environmental Planning Policy (State and Regional Development) 2011*.

Consequently, the Minister for Planning and Public Spaces is the consent authority for the proposed development under section 4.5(1) of the EP&A Act.

Engagement

The Department of Planning, Industry and Environment exhibited the Environmental Impact Statement for the development from Wednesday 18 March 2020 until Friday 17 April 2020. A total of eight submissions were received including six from government agencies, one from a utility service provider and one from the general public. Of the eight submissions received, none objected to the development.

Key concerns raised related to traffic, consultation relating to changes to the road layout, historic heritage and indigenous heritage. The Applicant submitted a Response to Submissions on 25 June 2020 to address and clarify matters raised in the submissions.

Assessment

The Department's assessment of the development has fully considered all relevant matters under section 4.15 of the *Environmental Planning and Assessment Act 1979*, the objects of that Act and the principles of ecologically sustainable development. The Department has identified the key issues for assessment are traffic, operational noise and compliance with the development standards of SSD-7664.

The Department notes access to the development has required the re-alignment of Cowpasture Road. The original access to the Horsley Drive Business Park was approved by the Department under SSD-7664. The Applicant has lodged a modification to SSD-7664 (SSD-7664-Mod-1) to seek approval to re-align Cowpasture Road. This work also includes a new cul-de-sac to service the business park but also a second eastern cul-de-sac to service existing properties to the east who will lose direct access to Cowpasture Road as a result of the re-alignment. SSD-7664-Mod-1 has been assessed concurrently with SSD-10404 but is the subject of a separate report and determination and does not form part of the assessment of SSD-10404.

The Department acknowledges the concerns raised by Fairfield City Council about the preliminary design of the re-alignment including potential traffic conflicts and loss of B-Double service to the properties which would utilise the eastern cul-de-sac. To address its concerns, Council requested the Department include as recommended conditions the need for further design changes to be undertaken in consultation with and to the satisfaction of the Council.

The Department has agreed with Council's request and has included Council's recommended conditions in SSD-7664-Mod-1 as this modification relates to the proposed changes to Cowpasture Road. Furthermore, the Department has recommended a condition under SSD-10404 that operations associated with this approval cannot commence until the Applicant has received its section 138 approval from Council for SSD-7664-Mod-1 and the works have been completed to the satisfaction of Council as the roads authority. The Department notes that the re-alignment works do not form part of SSD-10404.

The Department is satisfied that in relation to the other amenity impacts associated with the development such as operational noise, the development complies with the relevant standards and applicable criteria.

Summary

The Department's assessment concluded that the impacts of the development can be mitigated and/or managed to ensure an acceptable level of environmental performance, subject to the recommended conditions of consent. 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 (Department) assessment of the State significant development (SSD-10404) for the Horsley Drive Stage 2 – Building 1 (Development).

The Trust Company (Australia) Limited (the Applicant) is seeking development consent to construct and operate a warehouse and distribution facility to be used as a customer fulfilment centre in the Fairfield local government area (LGA) (see Figure 1). This will include ambient and chilled warehouse space, freezer chamber, bakery, plant, data centre, energy areas and ancillary office space. The Development will operate 24 hours per day, seven days per week and has a capital investment value (CIV) of \$100,640,000 and is expected to generate 350 construction jobs and 600 operational jobs.

The Department's assessment considers all documentation submitted by the Applicant, including the Environmental Impact Statement (EIS) and Response to Submissions (RTS), and submissions received from government authorities, stakeholders and the public. The Department's assessment also considers the legislation and planning instruments relevant to the site and the Development.

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



Figure 1 | Regional Context Map

1.2 Site Description

The Development area comprises approximately 8.79 hectares (ha) of unzoned land under *State Environmental Planning Policy (Western Sydney Parklands) 2009* (SEPP WSP) located on the corner of Cowpasture Road and Trivet Street, Wetherill Park (see Figure 2) and is legally described as Lots 20-22 in DP 13961 and Lot 2 DP 1212087 (Site). The Site is located 30 kilometres (km) to the west of the Sydney Central Business District (CBD) and 1.5 km south of the southern foreshore of the Prospect Reservoir.

The Site occupies approximately half the area of land that was previously subject to State significant development application (SSD-7664) known as the Horsley Drive Business Park Stage Two. SSD-7664 approved a concept proposal for a range of uses such as general and light industrial, warehouse and ancillary office land uses, as well as Stage 1 earthworks for subdivision (7 lots), an internal access road, demolition, bulk earthworks, infrastructure and landscaping. SSD-7664 occupies an area of approximately 16.5 ha.

A subsequent modification (SSD-7664-Mod-1) has also been approved by the Department which approved the reconfiguration and consolidation of the lots and warehouse locations to assist in facilitating the Development. SSD-7664-Mod-1 also approved the re-alignment of Cowpasture Road and the access road off Cowpasture Road, subject to Council's recommended conditions which requires all works associated with this the re-alignment of Cowpasture Road under SSD-7664-Mod-1 cannot commence until the Applicant has received its approval under section 138 of the *Roads Act 1993* from Council.

The Department notes that the re-alignment works do not form part of SSD-10404.

The Development is the first development application (DA) to be lodged within the Horsley Drive Business Park Stage 2.

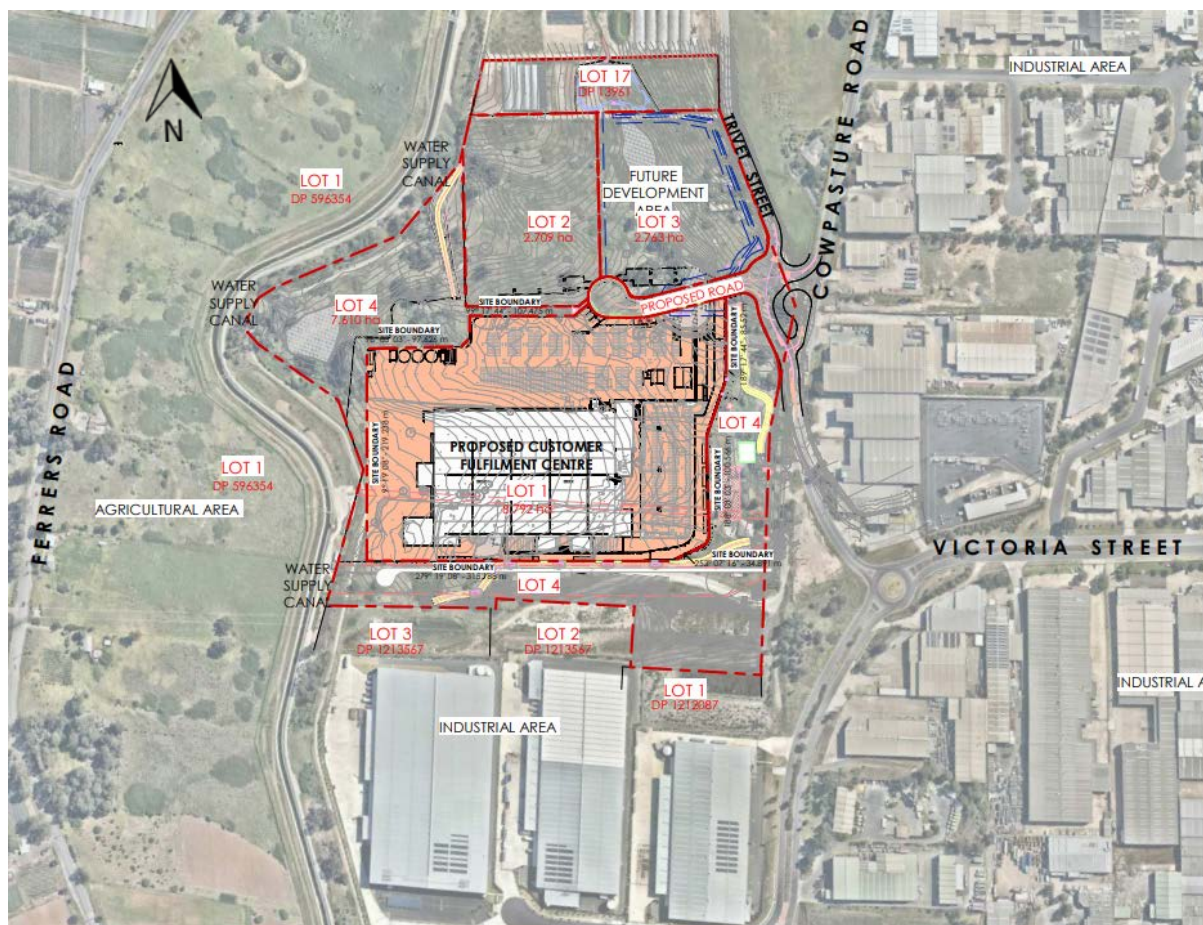


Figure 2 | Local Context Map

1.3 Surrounding Land Uses

The locality surrounding the Site (see Figure 3) predominately consists of:

- **North:** Immediately to the north of the Site is the remaining land that forms part of SSD-7664. Further afield are large lot rural-residential properties and agricultural allotments such as market garden type developments. These allotments are unzoned pursuant to SEPP WSP. Further north is the SUEZ Prospect Water Filtration Plant and the Prospect Reservoir
- **South:** Immediately to the south of the Site is Stage 1 of the Horsley Drive Business Park which was previously approved under State significant development application (SSD 5169) and consists of large warehouse and industrial developments. Further afield is the Lizard Log Nature Playground and the residential area of Bossley Park. Large portions of this area are unzoned under SEPP WSA, except Bossley Park which is predominately zoned R2 Low Density Residential under the Fairfield Local Environmental Plan 2013 (FLEP). A 30.5 metre (m) wide Endeavour Energy electricity easement containing 132 kilovolt (kV) overhead infrastructure is located in the southern section of Lot 2 DP 1212087 but is located outside of the Development's construction footprint
- **East:** To the east is the Smithfield – Wetherill Park Industrial Estate which consists of large warehousing, distribution, industrial and commercial developments. This area is predominately zoned IN1 General Industrial under the FLEP
- **West:** Immediately to the west is The Upper Canal corridor which forms part of Sydney's bulk water supply into the Prospect Reservoir which runs adjacent to the western boundary of the Site. Further afield are large lot rural-residential properties and agricultural allotments such as market garden type developments. Part of this area is unzoned pursuant to SEPP WSA, with other parts zoned RU2 Rural Landscape under the FLEP.

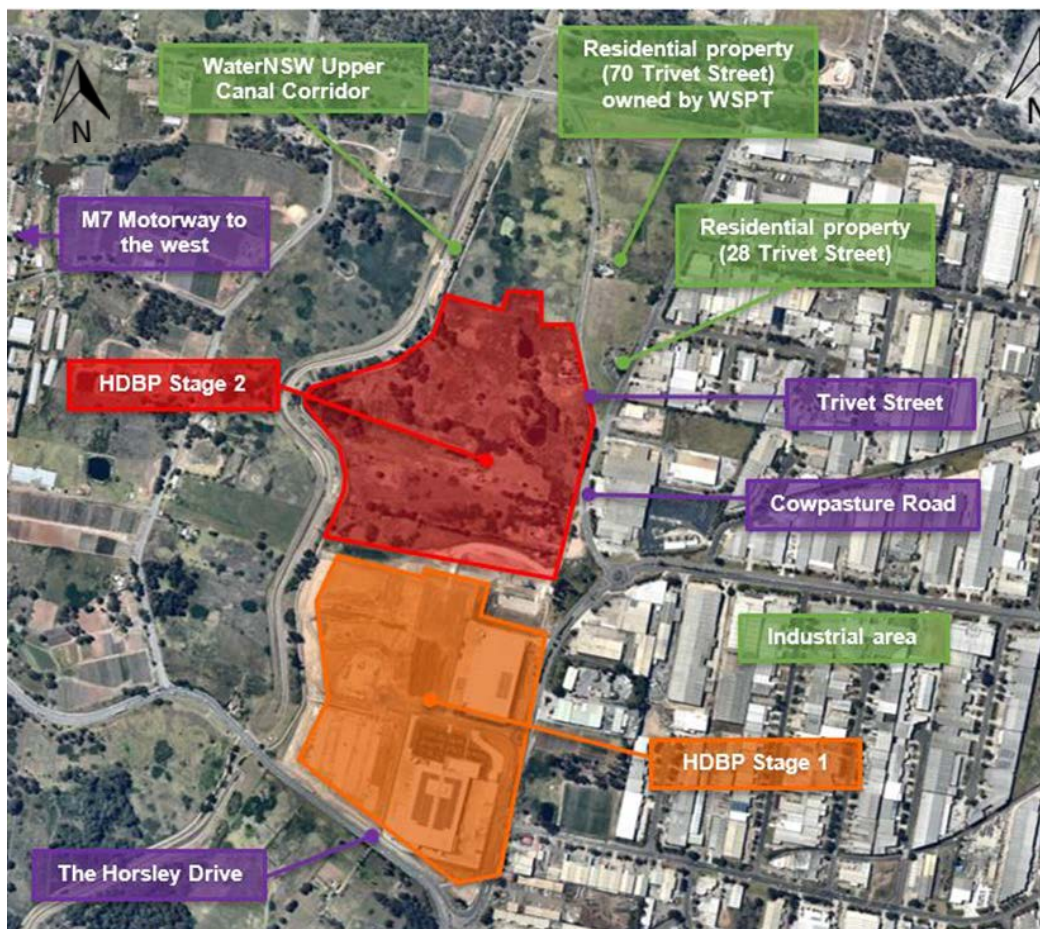


Figure 4 | Local Context Map

Local Road Network

The road network surrounding the Site is illustrated below in Figure 4 and includes:

- Trivet Street to the north-east, a north-south two-lane local road that connects to Cowpasture Road
- Cowpasture Road to the east, a north-south dual carriageway RMS State Road (MR 648) which connects to Horsley Drive
- Horsley Drive to the south, an east-west dual carriageway RMS State Road (MR 609) which directly connects to the M7 Motorway to the west
- the M7 Motorway to the west, a north-south major arterial road that links to the M2, M4 and M5 motorways.

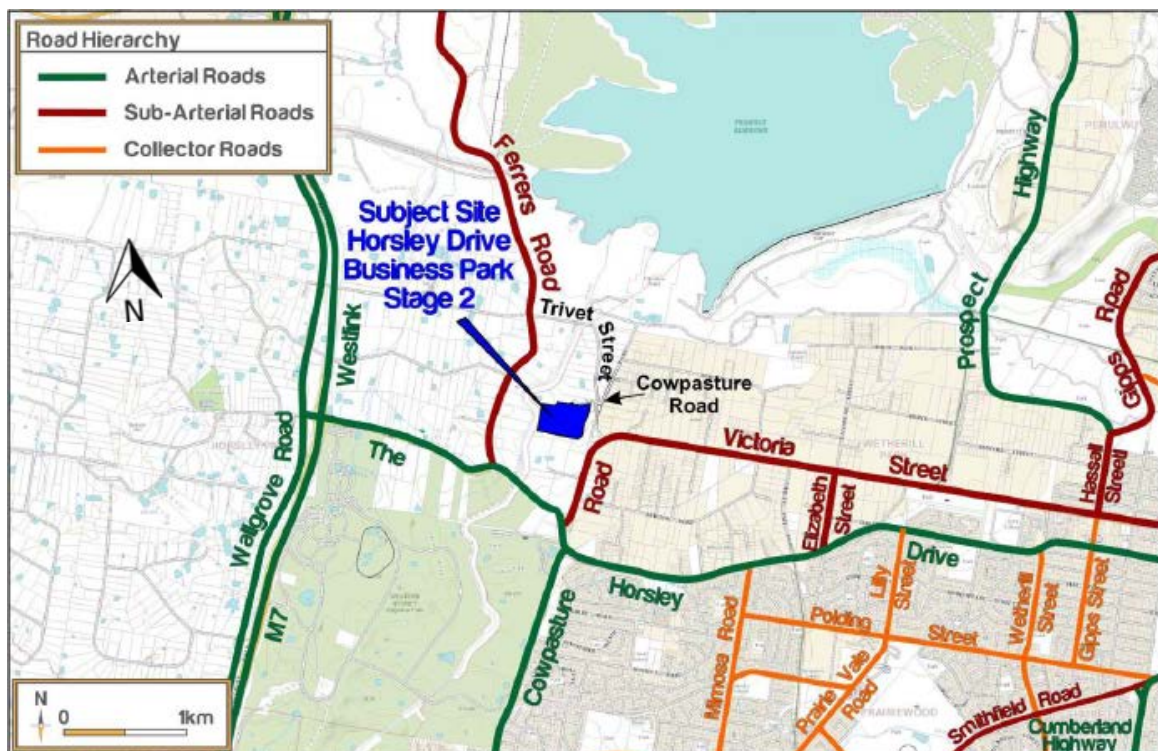


Figure 4 | Local Road Hierarchy

1.4 Other Development Approvals

SSD 7664:

On 9 November 2017, the then Executive Director, Key Sites and Industry Assessments approved the Horsley Drive Business Park Stage 2 concept DA. The approval consisted of the following two components (see Figure 5):

- Concept Proposal for the establishment of up to 88,700 m² of Gross Floor Area (GFA) for general industrial, light industrial, warehouse and distribution, and ancillary office land uses. It also included conceptual development levels, footprints and building envelopes for Lots 1 – 4, road layout, site access and landscape designs
- Stage 1 works for the subdivision of seven lots, construction of an access road off Cowpasture Road, demolition of existing structures on-site, bulk earthworks, site infrastructure and landscaping.

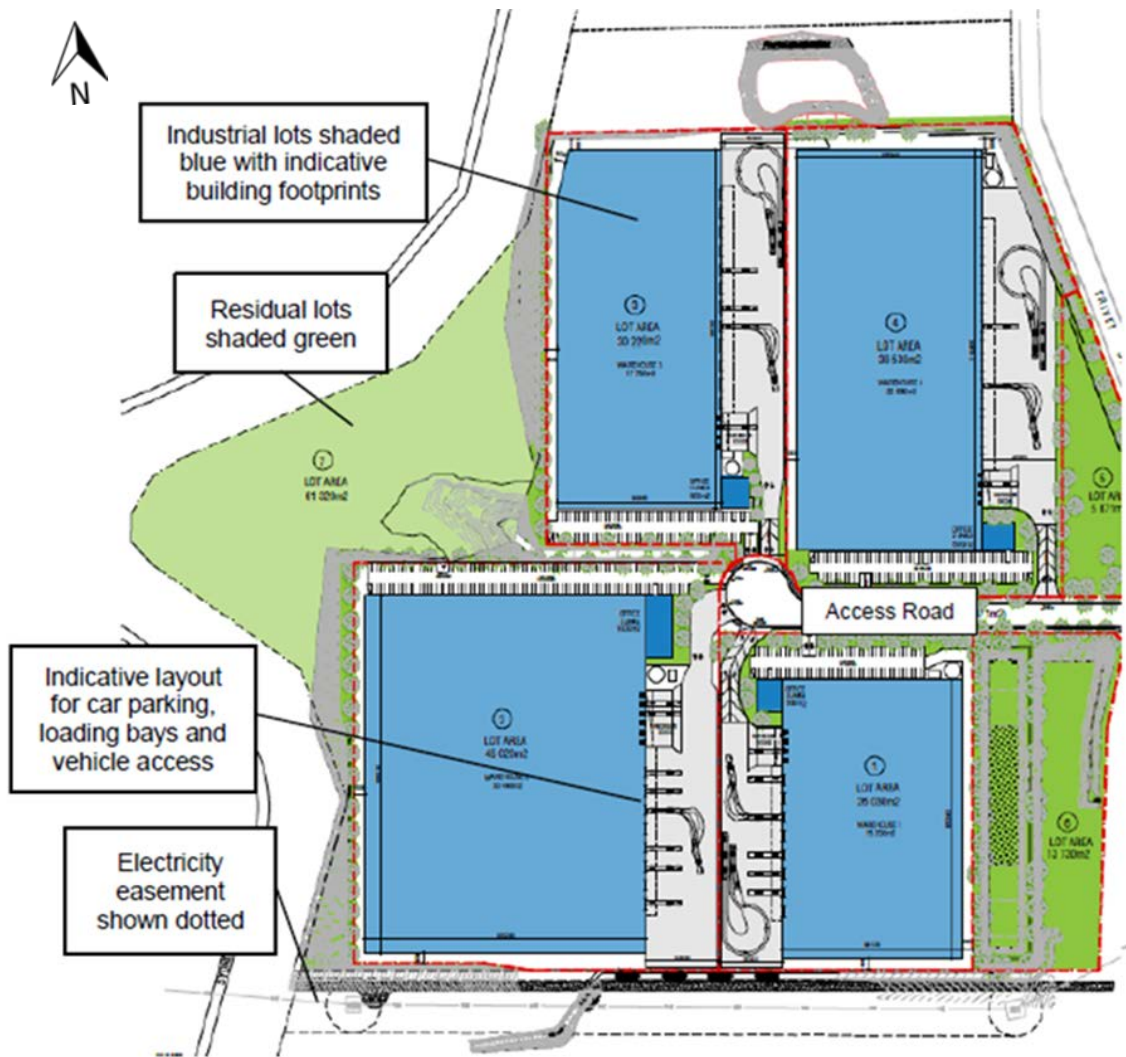


Figure 5 | SSD-7664 Concept Proposal

SSD-7664-Mod-1:

The Applicant also lodged a modification application to SSD 7664 which was required to ensure consistency between the concept proposal and the proposed Development. It sought consolidation of the originally approved Warehouses 1 and 2 into a new single warehouse of approximately 28,000 m², minor reductions in the size and development footprint for the originally approved Warehouses 3 and 4 which have been renamed Warehouses 1 and 2 (see Figure 6).

SSD-7664 (SSD-7664-Mod-1) also sought approval to re-align Cowpasture Road which has also included a new cul-de-sac to service the whole of the Horsley Drive Business Park but also a second eastern cul-de-sac to service existing properties to the east who will lose direct access to Cowpasture Road as a result of the re-alignment.

The Department acknowledges the concerns raised by Council about the preliminary design of the re-alignment including potential traffic conflicts and loss of B-Double service to the properties which would utilise the eastern cul-de-sac. To address its concerns, Council requested the Department include as recommended conditions the need for further design changes to be undertaken in consultation with and to the satisfaction of the Council.

The Department has agreed with Council's request and has included Council's recommended conditions which requires all works associated with the re-alignment of Cowpasture Road under SSD-7664-Mod-1 cannot commence until the Applicant has received its approval under section 138 of the *Roads Act 1993* from Council.

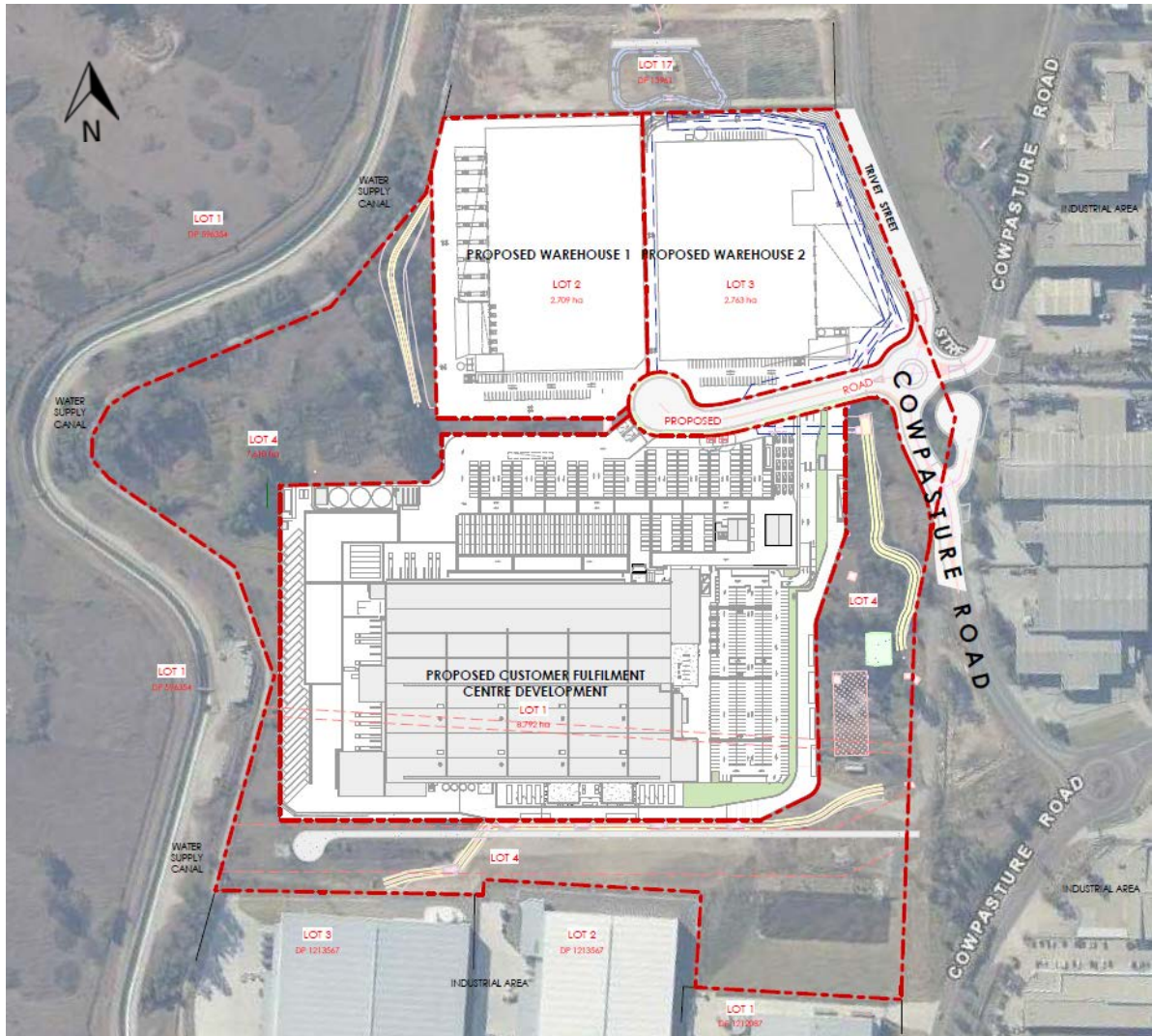


Figure 6 | SSD-7664-Mod-1 Concept Proposal, as approved

2 Project

2.1 Description of the Development

This application seeks consent for the construction and operation of a warehouse and distribution facility as a customer fulfilment centre. This will incorporate ambient and chilled warehouse space, freezer chamber, bakery, plant, data centre, energy areas and ancillary office space.

The Department notes there were a number of minor amendments made to the Development which formed part of the RTS. The Department considers the amendments make no fundamental change to the Development as exhibited and all references to the Development herein refer to the Development in its final design format.

The major components of the development are summarised in Table 1 and shown in Figure 7 and Figure 8 and described in full in the EIS and RTS which is available on the Department's website.

Table 1 | Main Components of the Development

Aspect	Description
Development Summary	Construction and operation of a light industrial warehouse facility as a customer fulfilment centre, including ambient and chilled warehouse space, freezer chamber, bakery, plant, data centre, energy areas, end of trip facilities and ancillary office space.
Site area and development footprint	- the Site covers an area of approximately 87,924 m² - development footprint of 70,962 m² - building footprint of 27,286 m² - hardstand footprint of 43,694 m² - development GFA of 44,713 m².
Earthworks, civil works and services extension	minor earthworks are required to facilitate warehouse construction at the completion of bulk earthworks approved under SSD-7664-Mod-1.
Construction	construction of an industrial warehouse including ground, lower mezzanine and upper mezzanine with a maximum height of 15.7m.
Traffic & Parking	Traffic – one-way movements 1,182 staff light vehicles per day 1,380 delivery vehicles per day comprising 1,178 delivery vans and 202 heavy vehicles Parking 539 car parking spaces (including 10 accessible spaces) 306 van parking spaces 21 trailer parking spaces 25 prime mover parking spaces 29 motorcycle parking spaces 20 bicycle parking spaces.
Road and intersection works	four individual access driveways - combined entry and exit for staff light vehicles, separate entry points for delivery vans and heavy vehicles and combined exit for delivery vans and heavy vehicles.
Landscaping	landscaping provided along the eastern and northern aspects of the development footprint.
Construction timeframe	18 months.

- The materials and finishes selected consists of a mix of precast concrete panels and colorbond cladding for the warehouse and precast concrete and extensive glazing on the office area. The colour pallette is largely a mix of various grey tones with isolated red highlights.

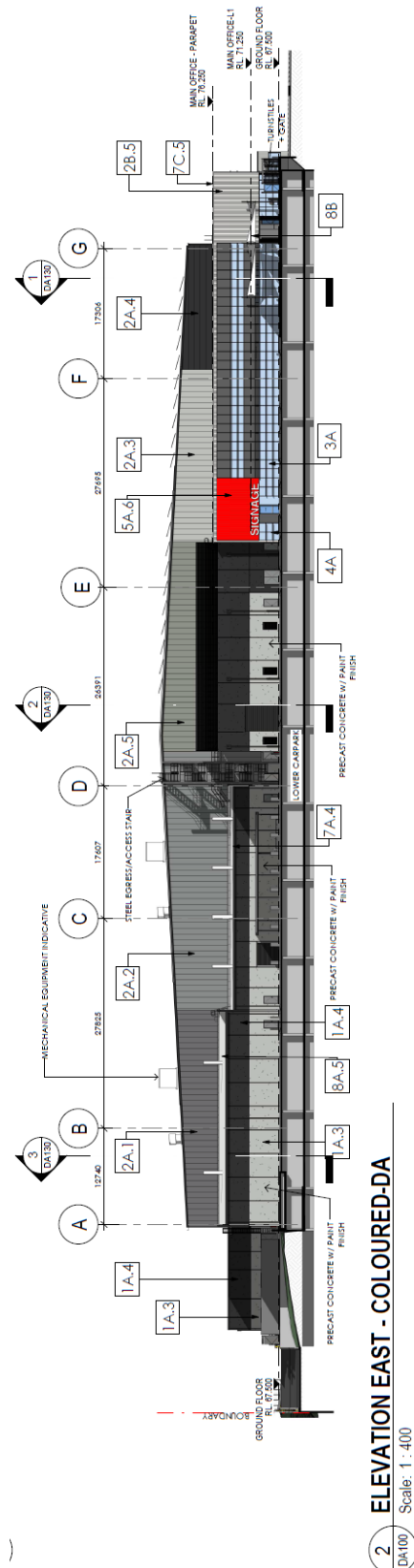


Figure 8 | Proposed Development - East Elevation

2.3 Process Description

The Applicant's RTS included a generalised description of how the Development intends to operate which is summarised in Table 2.

Table 2 | Development Process

Process	Description
Traffic flow around the site	Traffic flow around the site is aided by the following initiatives: • Inbound truck management via reporting to the gatehouse • Inbound van management via traffic signalised queue management and audio connection to yard manager to direct vans accordingly • All vehicles directed around the site via an extensive digital directional signage installation covering all areas of the site. • Inbound goods arrive in B-doubles or 19m articulated semi-trailers • Outbound goods depart in 19m articulated semi-trailers bound for small cross-dock distribution centres
Traffic flow, vans	• After previous delivery run, van enters the site via the van entry and queue at the signalised queuing bay • When required vans will move from the random-access bays to the vehicle inspection bays for quality checking • Upon passing inspection the van will move to the relevant van dock, or van pen parking and then the relevant van dock for loading • Upon loading, the van will return to the van pen parking and then/or exit the site via the van exit driveway after crossing the van weighbridge for a load compliance check • After deliveries are complete the van will re-enter the site and the cycle repeats.
General System	• The warehouse operating system generally comprises a temperature controlled ambient warehouse and refrigerated hive for storage of consumer grocery product in stack plastic storage totes • Bulk palletised product is broken down and inducted into the hive for medium term storage, sent to packing stations for order collation into delivery totes • The remaining bulk product is reintroduced into the system, whilst the order is inducted into the hive in delivery totes for short term storage • Upon requirement for dispatch, the order comprising multiple delivery totes is collated into delivery frames and loaded into a van for dispatch.

2.4 Applicant's Need and Justification for the Development

The Applicant's justification for the Development is as follows:

- the proposal is permissible with consent and meets all requirements of the relevant planning controls for the site
- the development provides direct employment during the construction phase and permanent employment during the operational phase
- the environmental risks associated with the construction and operation of the facilities can be appropriately mitigated
- the development is entirely consistent with the Western Sydney Parklands Plan of Management 2030
- the application facilitates the delivery of Building 1 of the Horsley Drive Business Park as envisioned by the approved Concept proposal. This will provide a significant public benefit to the wider community by securing funding for the ongoing management and improvement of the recreation and sporting facilities of the Parklands.

3 Strategic Context

3.1 Greater Sydney Region Plan 2018

The vision of the *Greater Sydney Region Plan - A Metropolis of Three Cities* (Region Plan) falls within the integrated planning framework Sydney, as shown in Figure 9. The Region Plan seeks to meet the needs of a growing and changing population by transforming Greater Sydney into a metropolis of three cities – the Western Parkland City, the Central River City and the Eastern Harbour City. It brings new thinking to land use and transport patterns to boost Greater Sydney's liveability, productivity and sustainability by spreading the benefits of growth.

The Department has considered the strategic context of the Development and is satisfied that it is consistent with the intent of the Region Plan.

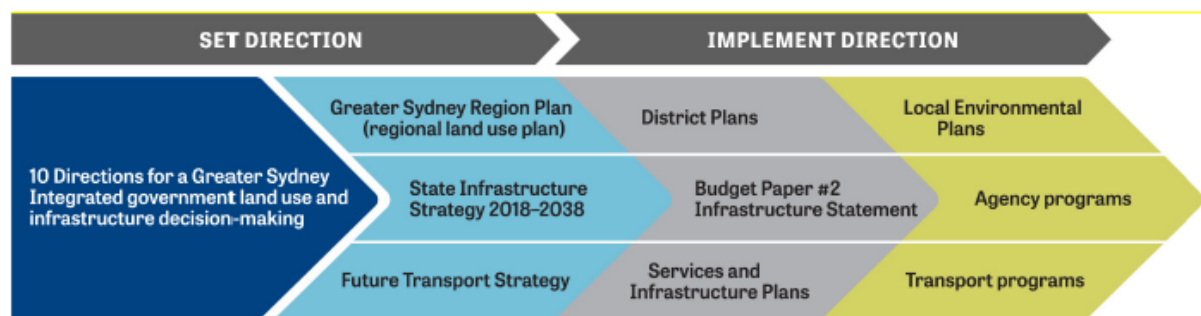


Figure 9 | Integrated Planning for Greater Sydney

3.2 Western City District Plan

The Greater Sydney Commission (GSC) has released six district plans which encompass Greater Sydney and will guide the delivery of the Region Plan. The Development is located within the Western City District Plan (WCDP). The WCDP is a 20-year plan to manage economic, social and environmental matters in western Sydney. It is a guide for implementing the Region Plan at a district level and is a bridge between regional and local planning.

The Development is aligned with Planning Priority W10 as it would support the development and occupation of land within an approved business hub in the Fairfield LGA.

The Department has considered the strategic context of the Development and is satisfied that it is consistent with the intent of the WCDP.

3.3 Parklands Plan of Management 2030

The then NSW Minister for the Environment and Heritage adopted the Parklands Plan of Management 2030 (POM 2030) in December 2018. It provides the strategic management framework for the Western Sydney Parklands (WSP) and assists the Western Sydney Parklands Trust (WSPT) in determining its priorities and actions over the coming years. It outlines a vision and key principals for the WSP, which are used to shape four strategic directions that govern the WSP operation and development:

- Environmental Protection and Land Stewardship
- Creating Recreational and Community Facilities
- Community Participation and Engagement
- Financial Sustainability and Economic Development.

The Development is located within Precinct 9 – Horsley Park of the POM 2030 (see Figure 10). One of the key objectives of the POM 2030 is to support the ongoing development of the Western Sydney Parklands Trust Business Hubs.



Figure 10 | Precinct 9 WSP

The Department is satisfied that the Development is consistent with the intent and objectives of the POM 2030 and furthermore, the development would contribute to the ongoing viability of the WSPT and the WSP.

4 Statutory Context

4.1 State Significance

The Development is State significant development (SSD) pursuant to section 4.36 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it is “development that has a capital investment value of more than \$10 million on land identified as being within the Western Parklands...” in accordance with clause 5, Schedule 2 of State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP).

4.2 Permissibility

The Site is unzoned under the WSP SEPP. Pursuant to clause 11(2) of WSP SEPP “any development not specified in subclause (1) or (3), or permitted without consent by subclause (1A), may be carried out in the Western Parklands only with consent”. Subclauses (1), (1A) and (3) do not apply to the Development.

4.3 Consent Authority

The Minister for Planning and Public Spaces (the Minister) is the consent authority for the Development under section 4.5 of the EP&A Act. On 9 March 2020, the Minister delegated the functions to determine SSD applications to the Executive Director, Regions, Industry and Key Sites where:

- the application has not already been referred to the Independent Planning Commission for determination prior to 9 March 2020
- the relevant local council has not made an objection
- there are less than 50 unique public submissions in the nature of objections
- a political disclosure statement has not been made.

Of the seven submissions received, none objected to the Development, including Fairfield City Council (Council). No reportable political donations were made by the Applicant in the last two years and no reportable political donations were made by any persons who lodged a submission.

Accordingly, the Development can be determined by the Executive Director, Regions, Industry and Key Sites 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 dated 3 December 2019 to the Department’s request for advice to inform the Planning Secretary’s Environmental Assessment Requirements (SEARs) the Environment Protection Authority (EPA) advised that the development does not constitute a scheduled activity under the *Protection of the Environment Operations Act 1997* (POEO Act), therefore an Environment Protection Licence (EPL) is not required.

The proposed driveway accesses require consent from Council as the relevant roads authority under section 138 of the *Roads Act 1993*.

The Department has considered the advice of the relevant public authorities in its assessment of the Development and included suitable conditions of consent to reflect this advice where appropriate.

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 DA. The Department's consideration of these matters is set out in Section 6 and Appendix C. In summary, the Department is satisfied the Development is consistent with the requirements of section 4.15 of the EP&A Act.

Development Control Plans do not apply to SSD under clause 11 of the SRD SEPP.

4.6 Environmental Planning Instruments

Under section 4.15 of the EP&A Act, the consent authority, when determining a DA, must take into consideration the provisions of any environmental planning instrument (EPI) and draft EPI (that has been subject to public consultation and notified under the EP&A Act) that apply to the Development.

The Department has considered the Development against the relevant provisions of the relevant EPIs including:

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Western Sydney Parklands) 2009
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 33 – Hazardous and Offensive Development
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy No. 64 – Advertising and Signage
- draft State Environmental Planning Policy (Remediation of Land)

The Department is satisfied the Development complies with the relevant provisions of these EPIs (see Appendix C).

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 a minimum of 28 days. The DA and accompanying EIS was publicly exhibited from 18 March 2020 until 17 April 2020 for a period of 31 days. Details of the exhibition process and notifications are provided in Section 5.

4.8 Objects of the EP&A Act

In determining the DA, the consent authority must consider whether the Development is consistent with the relevant objects of the EP&A Act. These objects are detailed in section 1.3 of the EP&A Act. The Department has fully considered the objects of the EP&A Act which are of relevance to the assessment of the Development, including the encouragement of Ecologically Sustainable Development (ESD) as described in Table 2:

Table 3 | Considerations of the Objects of the EP&A Act

Object	Consideration
(a) <i>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,</i>	The Development will: • promote the proper management and development of suitably identified land for improved social and economic welfare of the State • promote the social and economic welfare of the State through the creation of 350 construction jobs and 600 operational jobs • promote a suitable environment through appropriate environmental management during construction and operations.

<i>(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</i>	The Development will: • facilitate the principles of ESD through space efficient building design and by incorporating energy and water efficient building design • incorporate the provision of onsite renewable energy generation • development and implement waste minimisation and recycling strategies.
<i>(c) to promote the orderly and economic use and development of land,</i>	The Development will result in the development of land in a manner consistent with that identified by SEPP WSP and under SSD 7664, as modified which promotes the orderly and economic use of the Site.
<i>(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities,</i>	All native vegetation clearing has been approved under SSD 7664 and SSD-7664-Mod-1. No clearing is proposed by the Development.
<i>(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</i>	Any impacts to built and cultural heritage have been considered under SSD-7664 and SSD-7664-Mod-1. No additional impacts are anticipated for the Development.
<i>(g) to promote good design and amenity of the built environment,</i>	The Department considers that the Development promotes good design and amenity in a locality that is dominated by large warehousing and light industrial land uses to the east and large lot residential and agriculture to the west and north.
<i>(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,</i>	The Department has recommended a number of conditions of consent to ensure the construction and maintenance of the Development is undertaken in accordance with the relevant legislation, guidelines, policies and procedures.
<i>(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,</i>	The Department referred the Development to the relevant State agencies and Council during the exhibition period and invited them to comment. The Department has given due consideration to their submissions.
<i>(j) to provide increased opportunity for community participation in environmental planning and assessment.</i>	The Department publicly exhibited the DA as outlined in Section 4.7 for a period of 31 days. Property owners within the vicinity of the Development were also directly notified in writing. The Development has also been displayed on the Department's website since 18 March 2020.

4.9 Ecologically Sustainable Development

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991* (POEA Act). Section 6(2) of the POEA 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.

As demonstrated by the Department's assessment in Section 6 of this report, the Development will not have any adverse impacts on native flora or fauna, including threatened species, populations and ecological communities, and their habitats. As such, the Department considers that 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 SSD to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that a development is not likely to have any significant impact on biodiversity values.

Biodiversity impacts were assessed and approved under SSD-7664 and SSD-7664-Mod-1. The Applicant submitted a Biodiversity Waiver, prepared by Ecological Australia which was granted by the Biodiversity and Conservation Division (BCD) of the Department on 6 April 2020 and the Department issued its waiver on 22 July 2020.

4.11 Commonwealth matters

Under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), assessment and approval is required from the Commonwealth Government if a development is likely to impact on a matter of national environmental significance (MNES), as it is considered to be a 'controlled action'. The EIS did not include a preliminary assessment of the MNES.

The Department requested that the Applicant address this matter and the RTS provided a response which identified that biodiversity impacts had been assessed under SSD 7664 and SSD 7664-Mod-1 and that the Development would have no additional biodiversity impacts. The BDARs submitted for SSD 7664 and SSD-7664-Mod-1 concluded that there would be no impact on any MNES and is therefore not a 'controlled action'. As such, the Applicant determined a referral to the Commonwealth Government was not required.

5 Engagement

5.1 Consultation

The Applicant, as required by the SEARs, undertook consultation with relevant local and State authorities as well as the community and affected landowners. The Department undertook further consultation with these stakeholders during the exhibition of the EIS and throughout the assessment of the Development. These consultation activities are described in detail in the following sections.

5.1.1 Consultation by the Applicant

The Applicant's consultation during the preparation of the EIS included:

- consultation with local and state authorities, including Fairfield City Council, WSPT, Transport for NSW (TfNSW), Sydney Water and Transgrid, a letterbox drop to stakeholders and community members located in close proximity to the Development.

5.1.2 Consultation by the Department

The Department consulted with relevant public authorities during the preparation of the SEARs.

After accepting the SSD application and EIS, the Department:

- made it publicly available on the Department's website from Wednesday 18 March 2020 until Friday 17 April 2020
- notified landowners in the vicinity of the Site about the exhibition period by letter
- notified and invited comment from relevant State government authorities and Council by letter
- advertised the exhibition in the Fairfield Advance and Fairfield City Champion.

5.2 Summary of submissions

A total of eight submissions were received by the Department during the exhibition period. Of the eight submissions received, none objected, one was in support and seven provided comments on the Development. A summary of the issues raised in submissions is provided below, and all submissions are available on the Department's website.

5.2.1 Public Authorities

During the exhibition period, the Department received five submissions from public authorities and Council. None of the public authorities or Council objected to the Development and the key issues raised in their submissions have been addressed by the Applicant in their RTS, or through recommended conditions of consent. The submissions are summarised as follows:

Transport for NSW: Confirmed that the intersection works for Trivet Street and Cowpasture Road under SSD-7664-Mod-1 are the responsibility of Council. It was also noted that extra capacity or an alternative access onto The Horsley Drive should be considered due to the traffic light prioritisation at the intersection of Cowpasture Road and Horsley Drive.

Biodiversity and Conservation Division: Requested the Applicant prepare and submit an Aboriginal Cultural Heritage Assessment Report (ACHAR) and confirm the information submitted in the EIS was adequate in relation to the management of local drainage and flooding problems within the Site and downstream areas.

It was also noted that the Applicant had previously submitted a BDAR Waiver which has subsequently been approved by BCD on 6 April 2020.

WaterNSW: Recommended a number of conditions of consent to assist in managing potential Development impacts including to stormwater management, bulk earthworks, landscaping, erosion and sediment controls, vibration impacts and impacts on the bulk water supply infrastructure of WaterNSW.

Sydney Water: Confirmed that water and wastewater services should be available with the extension of existing infrastructure.

Heritage Council of NSW: Recommended a number of conditions of consent to protect the heritage significance of the Upper Canal System (Pheasants Nest Weir to Prospect Reservoir) which is an item of State heritage significance (SHR No. 1373) and to manage unexpected archaeological finds.

Fairfield City Council: Council raised a number of issues including:

- **Access Arrangements** – requested the Applicant undertake pre-determination consultation with landowners impacted by the revised access arrangements
- **Traffic** – sought justification for the proposed car parking rates and sight distance requirement. Sought clarification around the nature of operational information used to support the calculation of operational traffic generation and requested SIDRA intersection modelling be supplied for assessment. There were also a number of clarifications requested in relation to traffic related impacts
- **Biodiversity Assessment Development Report** – sought clarification around the extent of ecosystem credits required to offset biodiversity impacts
- **Heritage** – stated that whilst the scale and type of development for the Site has already been established, conditions should be applied to protect any indigenous and non-indigenous heritage items that exist or may be discovered
- **Landscape Plan** – request the Applicant to prepare a landscape plan for the rear of the Site and designed so not to undermine the Upper Canal and that the landscape plan should be revised to represent locally endemic species
- **Stormwater** – confirmed that the predicted water quality outcomes are similar to the original predictions undertaken for the Development. The DRAINS modelling provided has not been undertaken in accordance with Council's Stormwater Management Policy, however the water quality and modelling parameters are deemed acceptable by Council.

5.2.2 Public Submissions

During the exhibition period the Department received one submission from the general public in support of the Development.

5.2.3 Public Utility Provider Submissions

Endeavour Energy had no objection to the Development and requested that satisfactory arrangements for electricity supply should be made prior to the release of the construction certificate or commencement of works.

5.3 Response to Submissions

On 25 June 2020, the Applicant submitted its RTS on the issues raised during the exhibition of the Development.

The RTS was made publicly available on the Department's website on 26 June 2020 and was provided to key agencies to consider whether it adequately addressed the issues raised. A summary of the agencies responses is provided below:

Transport for NSW: confirmed that justification for the proposed changes to the local road network would need to be provided to Council, a Traffic Management Plan (TMP) will need to be provided to TfNSW by Council for review and that the Applicant is to liaise with Council in the preparation of the TMP.

Biodiversity and Conservation Division: Confirmed they had no further comments to make in relation to biodiversity and flooding.

WaterNSW: Clarified that WaterNSW had referenced the incorrect vibration standard in its initial submission and clarified the correct vibration standard and recommended conditions of consent to protect the Upper Canal.

Heritage Council of NSW: Confirmed that its original comments remained unchanged and that no additional comments are required to be provided.

Fairfield City Council: Council indicated that it did not support the use of traffic signals within the site and requested further justification and requested that the number of driveways should be minimised with adequate separation provided between them to minimise potential traffic conflicts. Council also suggested a number of conditions of consent relating to the operation of the Development.

The Department has considered the issues raised in submissions, the RTS and supplementary comments made in response to the RTS, in its assessment of the Development.

6 Assessment

The Department has considered the EIS, the issues raised in the submissions, the RTS and supplementary comments in its assessment of the Development. The Department considers the key assessment issues are – traffic, operational noise and, compliance with the development standards of SSD-7664.

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

6.1 Traffic

The construction and operation of the Development will generate additional vehicular movements which have the potential to impact upon the safety and operational performance of the surrounding road network. The EIS was accompanied by a Transport Assessment (TA) prepared by Ason Group which provided an assessment of the access, traffic and parking characteristics of the Development, and considers the potential impacts of the Development on the local road network.

Access

Access to the Development was originally approved under SSD 7664 in the form of a T intersection onto Cowpasture Road to a cul-de-sac access road which would only service the development area approved under SSD 7664. Since the original approval of SSD 7664, a subsequent modification (SSD-7664-Mod-1) has been approved by the Department which approved amendments to the access arrangements, replacing the T intersection with a four-way roundabout at the existing intersection of Cowpasture Road and Trivet Street – see Figure 6. The access road remains a cul-de-sac which only services the development area approved under SSD 7664. The approval and construction of the access road does not form part of the Development. Due to concerns raised by Council, the Department conditioned SSD-7664-Mod-1 so that construction works associated with the re-alignment cannot commence until the Applicant has received approval from Council under s138 of the *Roads Act 1993*.

Access to the site is gained from four separate points, as follows - truck ingress, van ingress, combined truck and van egress and combined car ingress/egress. This has been done in order to minimise potential onsite traffic conflict by physically separating the three core vehicle types which access the Site. The access layout is shown in Figure 11.

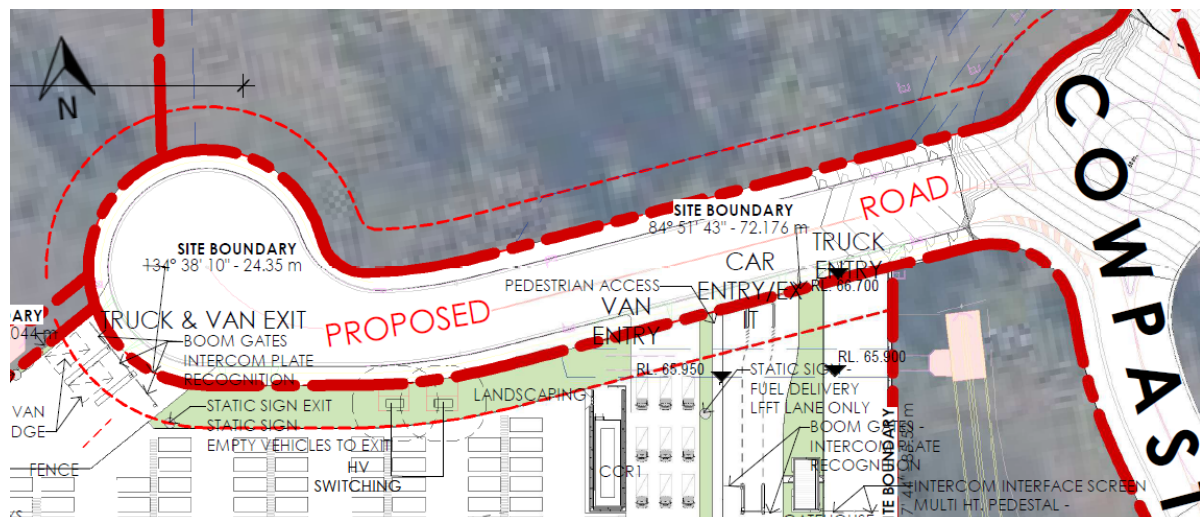


Figure 11 | Access Arrangement

Council, who are the roads authority for Cowpasture Road, Trivet Street and the proposed access road (to be dedicated), raised concerns regarding the level of information provided and sought clarification on a number of issues including – swept paths for the different vehicle types that will enter and exit the site, justification for sight distance requirements and the potential for traffic conflict resulting from the future development of the northern allotments that will utilise the access road.

The Applicant provided further justification in response to Council's concerns in its RTS which included:

- confirmation that the Development meets the sight distance requirements of AS2890.2.2018 Figure 3.3
- provision of swept path analysis drawings for a range of vehicle types that will access the Development including – 26 m B-Doubles, 19 m articulated semi-trailers, small rigid vehicles and delivery vans. The drawings included a range of different manoeuvring scenarios within the Development
- justified that it would be unlikely that the Development will result in traffic conflict with the northern allotments based on anticipated vehicle movements and that any development of the two adjacent northern allotments created under SSD-7664-Mod-1 would be subject to their own future assessment.

The RTS was referred to Council who noted that the number of driveways should be minimised with adequate separation provided between them to minimise potential traffic conflicts. Council also suggested a number of conditions of consent relating to the operation of the Development.

Conclusion

The Department has considered the information submitted by the Applicant and comments made by Council and notes the Applicant has demonstrated to Council's satisfaction that the Development can be successfully accessed by a range of vehicle types which are predicted to service the Development. The Department further notes that the Applicant has demonstrated that the identified vehicle types can adequately manoeuvre within the Development.

In relation to driveway separation and the number of driveways provided, the Department is satisfied the overall design successfully reduces potential traffic conflict by separating light vehicle, delivery van and heavy vehicle types and that the separation is considered adequate to not generate unacceptable traffic conflict. The Department notes that the two northern allotments adjacent to the Development will also be subject to their own separate assessment in regard to traffic impacts.

The Department acknowledges that the Applicant has not received final approval from Council for the detailed road design for the re-alignment of Cowpasture Road under section 138 of the *Roads Act 1993* and from which the access road to the Site (and the associated driveways) extend from. As such, the Department has recommended a condition of consent that requires the Applicant to have obtained this approval and completed the works to the satisfaction of Council as the roads authority before commencing operations of the Development. This will ensure the orderly development of land.

The Department's assessment has concluded that the Applicant has successfully demonstrated that the proposed access arrangements will achieve a suitable level of safety and efficiency for ingress and egress movements without causing undue conflict with future road users, subject to the recommended conditions of consent.

Operational Traffic

Potential traffic impacts were originally considered and assessed under SSD-7664 which anticipated that with the full development and operation of SSD 7664 there would be up to 2,352 vehicle movements per day, with 138 movements during the AM peak and 139 movements during the PM peak. Both Council and the former Roads and Maritime Services (RMS), now TfNSW, raised concerns with the capacity of Cowpasture Road and the roundabout of The Horsley Drive and Cowpasture Road to cope with the predicted increase in traffic volumes.

Despite evidence showing The Horsley Drive and Cowpasture Road roundabout would operate very inefficiently, with a Level of Service (LOS) F, RMS decided against requiring road or intersection upgrade works in favour of a 1% monetary contribution to the cost of works for the planned upgrade of The Horsley Drive which includes the roundabout.

The TA has modelled the predicted traffic impacts of the Development by using data collected at similar warehouse developments at Erskine Park and Eastern Creek. The predicted vehicle movements for the Development are shown in Table 4 which were updated by a revised TA which was submitted with the RTS.

Table 4 | Operational Vehicle Movements

Vehicle Type	Daily Movements (Inbound and Outbound)	AM Peak	PM Peak
Light Vehicles (Cars)	1,182	49	49
Delivery Vans & Heavy Vehicles	1,380	78	118
Total Vehicle Movements	2,562	127	167

As part of the assessment of SSD-7664-Mod-1, revised traffic data was provided to account for the changes in lot layout and concept wide operational traffic impacts, including traffic impacts associated with the Development. This ensures consistency across both SSD 7664 and the Development. SSD-7664-Mod-1 considered and assessed both the traffic numbers provided in **Table 4** and predicted traffic numbers for the remaining two warehouse sites as shown in **Table 5**.

Table 5 | SSD-7664-Mod-1 - Vehicle Movements

Vehicle Type	Daily Movements (Inbound and Outbound)	AM Peak	PM Peak
Warehouse 1	349	26	26
Warehouse 2	314	23	24
Total Vehicle Movements	663	49	50

The assessment of SSD-7664-Mod-1 also considered the impacts of traffic on local intersection performance. The assessment found existing intersection performance was maintained at all locally considered intersections, with the exception of the Cowpasture Road and Victoria Street intersection which drops from LOS B to LOS C during the AM peak and Cowpasture Road and Trivet Street intersection which changes from LOS C to LOS A during the AM Peak and LOS B to LOS A during the PM Peak.

TfNSW were consulted during the exhibition of the Development and did not raise an objection. However, TfNSW did note that extra capacity or an alternate access onto The Horsley Drive should be considered by the Applicant as future widening of The Horsley Drive would give traffic priority to minimise overflow at the roundabout between The Horsley Drive, Cowpasture Road and Lizard Log and would result in delays to southbound traffic on Cowpasture Road from the Development.

Council raised a number of concerns which included clarification around the use of traffic data from a similar facility and suggested that traffic generation should be based on the *Guide to Traffic Generating Developments* (GtTGD) and copies of the SIDRA intersection performance files for Council review.

The Applicant provided further justification in response to Council's concerns and the comments made by TfNSW in its RTS which included:

- justification of the approach for predicting traffic generation which was based on author-experience and information supplied by both the end-user and TM-Insight (who are a supply chain, property and project management advisory service) and it has been derived from forecasted operational requirements. For example, the GtTGD generates AM and PM peak movements of 70 vehicles compared to the predicted 127 (AM peak) and 167 (PM peak).
- SIDRA files were made available to Council
- raised no concerns that southbound traffic on Cowpasture Road from the Development may be subject to a potential increase in traffic queuing times for onto The Horsley Drive as advised by TfNSW.

The RTS was referred to Council who raised no further concerns relating to operational traffic impacts.

Conclusion

The Department acknowledges the suggestions made by TfNSW in relation to the increase in queuing for southbound traffic accessing The Horsley Drive. The Department notes all local intersections will still continue to operate at an appropriate LOS and therefore does require the Applicant to provide additional capacity or an alternative transport route as part of its assessment and determination of the Development.

The Department has considered the assessment undertaken by the Applicant and the issues raised in submissions and is satisfied traffic associated with the construction and operation of the Development can be suitably mitigated and managed.

The Department's assessment concludes that the proposed access arrangements provide for safe and efficient vehicle movements to and from the Development to the public road network, and that no further upgrades beyond what has already been required under SSD-7664-Mod-1 are required to facilitate the operation of the Development. The Department's assessment has further concluded that the Development will not create any adverse impacts on the safety and operational performance of the local road network, subject to the recommended conditions of consent.

6.2 Operational Noise

The operation of the Development will have the potential to generate noise impacts upon sensitive receivers within the locality. The EIS was accompanied by a Noise and Vibration Impact Assessment (NVIA) prepared by SLR Consulting Australia Pty Ltd which provided an assessment of the predicted noise and vibration impacts of the Development.

The Development is proposed to operate 24 hours per day, seven days per week, and the NVIA has identified the following operational activities (see Table 6) which will contribute to the Development's overall noise generation.

Table 6 | Proposed Operation Activities

Operation	Operating Time	Location
Warehouse Operations	0400 – 2400	Within Building
Compactors	0400 – 2400	West of Main Building
Van Wash Bays	0500 – 1700	North of Main Building
Mechanical Plant	24 hours	Rooftop and Plantroom Deck
Vehicle Movements	24 hours	Site Wide and Local Road Network

Noise generated for all future development must not exceed the noise limits outlined in the underlying concept proposal, as set out in Condition B12 of SSD 7664 as follows:

B12 For all future development at the site, noise generated during operations must not exceed the noise limits outlined in Table 3 when measured at the property located at 28 Trivet Street, Wetherill Park.

Table 3: Noise Limits (dB(A))

Location	Day <i>LAeq (15 minutes)</i>	Evening <i>LAeq (15 minutes)</i>	Night <i>LAeq (15 minutes)</i>	Night <i>LA1 (1 minute)</i>
28 Trivet Street, Wetherill Park	52	49	47	57

The NVIA identified the predicted operational noise impacts at a number of sensitive receivers. The predicted noise levels and Project Trigger Noise Levels (PTNL) for 28 Trivet Street (as the nearest and most impacted sensitive receiver) are shown in Table 7 which demonstrates the Development complies with the relevant noise criteria which has been set under SSD-7664 with the exception of the sleep disturbance criteria.

Table 7 | Predicted Noise Impacts – 28 Trivet Street

	Day <i>L_{Aeq} (15 minute)</i>	Evening <i>L_{Aeq} (15 minute)</i>	Night <i>L_{Aeq} (15 minute)</i>	Night <i>L_{A1}(1 minute)</i>
Development	48	44	43	60

Table 7 shows the sleep disturbance criteria may be exceeded by up to 3 dB at 28 Trivet Street. As such, the Applicant was requested by the Department to conduct further analysis, including additional noise mitigation and management strategies.

The Applicant addressed the Department's concerns within the RTS, providing a revised NVIA. The NVIA clarified that the predicted levels were conservative and assumed the noise events would occur at the closest possible location to the receiver. The NVIA also noted the exceedance at Trivet Street could be attributed to truck brake noise.

The NVIA noted that several mitigation measures could be implemented to reduce engine brake noise, including, specific mufflers, ensuring the exhaust system is maintained and turning off engine brakes in built up areas. Furthermore, the NVIA notes the construction of a noise barrier which was identified in the Department's original assessment of SSD 7664 could provide a shielding effect between the Development and 28 Trivet Street and reduce the noise level by a further 2 dB (and therefore only exceed the noise level by 1 dB).

The revised NVIA further stated internal noise levels in a dwelling with windows open are commonly 10 dB lower than external noise levels, and pointed out that research on sleep disturbance in the NSW *Road Noise Policy* indicates that maximum internal noise levels below 50 – 55 dB(A) are unlikely to cause awakening reactions.

The revised NVIA outlines a range of noise mitigation measures to be put in place to minimise noise levels from the Development. This includes requiring best management practices to be implemented onsite by all staff and contractors as well as implementing source noise controls to attenuate noise transmission. The NVIA also recommends attended noise monitoring be undertaken.

Conclusion

The Department is satisfied the Development can comply with the noise limits set out under SSD 7664 during the day, evening and night periods, however, there is the potential for the sleep disturbance criterion to be exceeded. The Department accepts the noise assessment was conservative and that in practice, it is unlikely all the noisy activities would be concentrated towards the nearest sensitive receptor.

The Department acknowledges the commitments made in the revised NVIA to implement an operational noise management plan to outline the management and control measures to manage noise impacts from the Development.

In order to confirm the noise predictions made in the revised NVIA, the Department recommends the Applicant undertake a Noise Verification Study within three months of the commencement of operation of the Development. This Study would also be required to outline any noise mitigation measures should the monitoring show the noise limits set out under SSD 7664 and recommended for adoption in SSD-10404, could not be met. As noted above, such measures could include the construction of the noise barrier which was considered in the Department's original assessment of SSD 7664.

With these measures in place, the Department is satisfied noise from the operation of the Development can be suitably mitigated and managed.

The Department's assessment concludes the Development will not result in unacceptable operational noise impacts within the locality or on sensitive receivers, subject to the implementation of the recommended conditions of consent.

6.3 Development Standards SSD-7664-Mod-1

Conditions A10, A11 and B11 set out a series of development standards that the Development is required to comply with as outlined in Table 8.

Table 8 | Condition Compliance

Development Control	Compliance
Condition A10:	
Setback to Cowpasture Road – 10m	<80m - Yes
Internal estate road setback – 7.5m	<80m – Yes
Western boundary and canal setback to lot – 4m	Approx. 4m - Yes
Maximum building height 16m	15.63m - Yes
Maximum floor space ratio – 1:1	0.45:1(44,713m ² / 87,974m ²) - Yes
Site coverage – 65%	32% (70,962m ² / 218,740m ²) - Yes
Minimum lot size for industrial lots – 10,000m ²	Minimum lot size = 27,090m ² - Yes
Condition A11	
Maximum GFA must not exceed:	
• Total Warehouse – 86,200m ²	41,439m ² - Yes
• Total Office – 2,500m ²	1,883m ² - Yes
Condition B11	
Landscaping must include trees and shrubs capable of reaching and buffering the proposed building heights/design to avoid impacts on the significance of the Upper Canal	Species selected have growth range of 8m – 25m and are all native and endemic to the region and are not anticipated to impact the Upper Canal

6.4 Other issues

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

Table 9 | Assessment of Other Issues

Issue	Findings	Recommendations
Construction Noise	The EIS and NVIA did not address construction specific noise impacts associated with the Development. The Department notes that the bulk earthworks for the Development have been previously approved under SSD-7664 and SSD-7664-Mod-1. The bulk earthworks are likely to be the most significant source of noise in the construction of the Development. The Department acknowledges there are a limited number of sensitive receivers located within close proximity to the Development that are likely to experience construction related noise impacts. Construction noise impacts were discussed with the Department's internal noise expert and it was determined that the risk of excessive construction noise was low, and that construction should be undertaken in accordance with good practice guidance as established in the Interim Construction Noise Guideline (EPA 2009) (ICNG). The Department notes that while construction noise has been predicted to increase, this prediction is based on a worst possible case scenario which is unlikely to occur (but could occur from time to time) during construction activities. The Department further notes that construction activities will not be a permanent feature of the Development and will only occur for a limited time (approximately 18 months). The Department's assessment concludes that with the inclusion of standard conditions to minimise and mitigate construction related noise, the construction noise impacts of the Development are acceptable.	Require the Applicant, by way of conditions to: - regulated the time and duration of construction works - require compliance with the ICNG - prepare and implement a Construction Noise and Vibration Management Plan prior to the commencement of works.
Upper Canal System	The Development does not result in physical works occurring any closer to the Upper Canal System (UCS) than already approved under the SSD-7664-Mod-1. During the Department's consultation process, WaterNSW, as the asset owner for the UCS (State Heritage listed) requested new conditions of consent to set a maximum vibration limit (8-10mm/s) that construction works can impact on the UCS so as to preserve its structural and heritage integrity.	Conditions of consent have been recommended to set a vibration limit of 8-10mm/s and require the preparation of a vibration monitoring program to form part of the required Construction Noise and Vibration Management Plan which will operate for the duration of construction activities.

The Department has considered the information provided by the Applicant and Agency comments and notes that construction vibration limits for the protection of the UCS were applied by the Department under SSD-7664-Mod-1.

The Department agrees with the comments provided by WaterNSW that the UCS should be afforded appropriate protections from construction activities, and as such has recommended appropriate vibration limits and construction management plan controls in accordance with the recommendations of WaterNSW.

The Department concludes that with the implementation of appropriate conditions of consent, impacts to the UCS can be successfully managed and mitigated to an acceptable level.

Operational Parking

The concept proposal sets out car parking rates that future development on the site must comply with. SSD-7664-Mod-1 modified this condition to allow rates to also be determined following any operation-specific traffic impact assessment.

The Applicant is required to provide operational parking facilities in accordance with the architectural drawings provided in support of the Development.

The Applicant considered the general car parking rates were insufficient to cater for this Development's operational needs and therefore included a specific traffic impact assessment to determine the proposed rates.

Standard conditions of consent have been recommended to ensure parking is provided in accordance with the relevant standards.

In particular, the Applicant argued that due to the shift work nature of the Development, there are brief periods where there are two shifts present on site, requiring a higher number of car spaces to be provided. The proposed car parking rates are described in Table 1.

Council requested further justification on the car parking rates. The Applicant confirmed in its RTS that the rates were based on the operational needs of the facility. Council provided no further comment.

The Department has considered the information submitted by the Applicant and comments made by Council and is satisfied the proposed car parking rates for the Development are based on an operational needs analysis and provide for a more realistic parking requirement.

The Department's assessment concludes the Applicant has demonstrated the operational parking requirements are appropriate, can be accommodated within the site and are consistent with SSD-7664-Mod-1.

Furthermore, the proposed parking arrangements provide for safe and efficient vehicle movements and parking within the Development.

Visual Impact

Due to the physical size of the Development there is the potential for visual impacts to occur within the locality. The EIS was accompanied by a Landscape and Visual Impact Assessment Report (LVIAR) prepared by Geoscapes Landscape Architects which provides an assessment of the predicted visual impacts of the Development.

The Development is required to implement landscaping in accordance with the plans submitted by the Applicant in support of the Development.

The LVIAR considered a number of viewpoints within the locality, with a focus on potential impacts to sensitive receivers. The LVIAR considered as part of its assessment the proposed building finishes and colours, existing vegetation, landscaping proposed as part of the Development, and landscaping to be planted under SSD-7664-Mod-1.

The LVIAR noted that the Site is located within Precinct 9 of the POM 2030, which identifies the Site as being a 'Business Hub' and an extension of the Wetherill Park and Smithfield industrial areas. The LVIAR accepted that the Development will create visual impacts for those who experience views of the Development. The LVIAR concluded that the nearest sensitive receiver - VP9, would be subject to moderate visual impacts, with VP4 being subject to moderate/minor visual impacts. All others were rated to have minor or lower visual impact.

The Department considers that due to the design and finished levels of the Development, topography of the locality, and the distances to sensitive receivers and surrounding industrial developments, the Development has demonstrated that the predicted visual impacts are acceptable, are consistent with the predominate industrial land uses to the east and south of the Site, and is in keeping with the future intended character of the Site and broader Precinct 9 of the POM 2030.

The Department's assessment concludes that the Development will not result in unacceptable visual impacts within the locality or on sensitive receivers.

7 Evaluation

The Department's assessment of the application has fully considered all relevant matters under section 4.15 of the EP&A Act, the objects of the EP&A Act and the principles of ESD. The Department has considered the Development on its merits, taking into consideration strategic plans that guide development in the area, the EPIs that apply to the Development and the submissions received from Government agencies and Council.

The Development would commence the first phase of development for the Horsley Drive Business Park – Stage 2, which was approved under SSD 7664 as a business and light industrial hub, contained within Precinct 9 of the WSP POM 2030. The Development is consistent with both the objectives and proposed uses identified under the POM 2030 and SSD 7664 (as modified). The Development would contribute to the ongoing viability of the WSPT and WSP which is a major social, recreation and environmental facility in Western Sydney. The Development would also support the productivity, growth and employment objectives of the Region Plan and WCDP through the creation of construction and operation employment and capital investment in Western Sydney.

The Department notes that at the time of this determination the Applicant was still to receive final approval for the detailed road design under s138 of the *Roads Act 1993* for the re-alignment of Cowpasture Road. However, the Department, based on Council's comments is confident that a final design outcome and subsequent approval will be reached.

The key issues for the Development related to traffic, and operational noise. The Department's assessment concluded that these potential impacts can be managed and / or mitigated to ensure an acceptable level of environmental performance, subject to the recommended conditions of consent, including:

- implementation of management and mitigation measures identified in the EIS and RTS
- preparation and implementation of a Construction Environmental Management Plan.

Overall, the Department's assessment has concluded that the Development would:

- provide a range of employment and investment benefits for the region and State, including a capital investment of \$100 million in the Fairfield LGA
- provision of 280 construction jobs for a period of 18 months and 600 operational jobs
- be consistent with NSW Government policies including the Region Plan and WCDP
- be consistent with the approved Horsley Drive Business Park – Stage Two concept plan
- not have a significant impact on the locality during its construction and operation.

Consequently, the Department considers the development is in the public interest and should be approved, subject to conditions.

8 Recommendation

It is recommended that the Executive Director, Regions, Industry and Key Sites, 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 SSD-10404, subject to the conditions in the attached development consent
- **signs** the attached development consent and recommended conditions of consent (see Appendix D)

Prepared by:

David Koppers
Senior Environmental Assessment Officer
Industry Assessment

Recommended by:



Joanna Bakopanos
Team Leader
Industry Assessments

Recommended by:



10/8/2020

Chris Ritchie
Director
Industry Assessments

9 Determination

The recommendation is **Adopted** by:

A handwritten signature in blue ink that reads "Sargeant". The signature is stylized, with the first letter 'S' being large and prominent.

10/08/2020

Anthea Sargeant
Executive Director
Regions, Industry and Key Sites

Appendices

Appendix A – List of Documents

The Department has relied upon the following key documents during its assessment of the proposed development:

Environmental Impact Statement

- Environmental Impact Statement (SSD 10404) – Horsley Drive Business Park Stage 2 – Building 1, prepared by Ethos Urban dated February 2020

Submissions

- All submissions received from relevant public authorities and Council

Response to Submissions

- Response to Submissions titled SSD 10404 Horsley Drive Business Park Stage 2 – Response to Submissions, prepared by Ethos Urban dated June 2020

Statutory Documents

- Relevant considerations under section 4.15 of the EP&A Act (see **Appendix B**)
- Relevant environmental planning instruments, policies and guidelines (see **Appendix C**)

All documents relied upon by the Department during its assessment of the application may be viewed at: <https://www.planningportal.nsw.gov.au/major-projects/project/26081>

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

Matters for Consideration under Section 4.15 of the EP&A Act

Matter	Consideration
a) the provisions of: - 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 - iii.) any development control plan, and - iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and - 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 given detailed consideration to the provisions of all relevant environmental planning instruments that apply to the development. Details of the assessment is provided in Appendix C. The Department has considered the relevant draft environmental planning instruments in its assessment of the development. Details of the assessment is provided in Appendix C. Under clause 11 of the SRD SEPP, development control plans do not apply to State significant development. The Applicant has not entered into a planning agreement under section 7.4. 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.
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 involves the construction and operation of a customer fulfilment centre which is located within the approved Horsley Drive Business Park Stage 2. The Development is permissible with consent and the Site is suitable for occupation by the Development.
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 up to 350 jobs during construction, 600 jobs during operation and

Matter	Consideration
	direct \$100,640,000 in capital investment in the Fairfield LGA. 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

To satisfy the requirements of section 4.15(1) of the EP&A Act, the following EPI's were considered as part of the Department's assessment:

- *State Environmental Planning Policy (State and Regional Development) 2011*
- *State Environmental Planning Policy (Western Sydney Parklands) 2009*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development*
- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *draft State Environmental Planning Policy (Remediation of Land)*
- *State Environmental Planning Policy No. 64 – Advertising and Signage*
- *Fairfield Local Environmental Plan 2013.*

State Environmental Planning Policy (State and Regional Development) 2011

SEPP SRD identifies certain classes of development as SSD. The Development is State significant development pursuant to section 4.36 of EP&A Act because it involves development which meets the criteria in Clause 12 of Schedule 1 in the SRD SEPP.

State Environmental Planning Policy (Western Sydney Parklands) 2009

SEPP WSP is the principal EPI that applies to the Development. Consideration of the relevant provisions of clause 12 of SEPP WSA is provided in Table 4 below:

Matter	Comment
the aim of this Policy	The Development is consistent with the aims of SEPP WSP as it will provide funding towards the development of facilities, programs and environmental initiatives throughout the WSP, which will facilitate the public use and enjoyment of the WSP in the long term.
the impact on drinking water catchments and associated infrastructure	The Department has consulted with WaterNSW on the potential impacts from the Development on any nearby drinking water catchments. WaterNSW advised that the Development is adjacent to the Upper Canal corridor which is categorised as a 'Controlled Area' under the <i>Water Management Act 2014</i>. WaterNSW raised no objection to the Development and requested conditions of consent relating to stormwater management. The Department is satisfied that with appropriate conditions of consent, the Development will not impact on any drinking water catchments.
the impact on utility services and easements	The Development does not encroach into any easements or impact on utility services. The Department is satisfied that with appropriate conditions of consent, the Development will not impact on utility services or easements.

the impact of carrying out the development on environmental conservation areas and the natural environment, including endangered ecological communities	Impacts on biodiversity communities have been assessed and approved under SSD 7664 and SSD 7664 MOD 1. The Applicant was issued a BDAR waiver for the Development by BCD on 6 April 2020. The Department is satisfied that biodiversity impacts have been appropriately addressed by SSD 7664 and SSD 7664 MOD 1, and that the Development will not impact biodiversity communities.
the impact on the continuity of the Western Parklands as a corridor linking core habitat such as the endangered Cumberland Plain Woodland	The Department is satisfied that the Development will not impact on the continuity of the WSP as a corridor linking core habitat.
the impact on the Western Parkland's linked north-south circulation and access network and whether the development will enable access to all parts of the Western Parklands that are available for recreational use	The Department is satisfied that the Development will not impact on the north-south circulation and access network of the WSP and will not impact on access to any recreational use areas of the WSP.
the impact on the physical and visual continuity of the Western Parklands as a scenic break in the urban fabric of western Sydney	The Development is located on the edge interface between WSP and an existing developed industrial precinct. The Site has been identified by the POM 2030 to be developed in a manner consistent with the Development and the approved SSD 7664. The Department is satisfied that the Development will not impact on the physical and visual continuity of the WSP.
the impact on public access to the Western Parklands	The location of the Development will not impact on public access to the WSP.
consistency with: (i) any plan of management for the parklands, that includes the Western Parklands, prepared and adopted under Part 4 of the Western Sydney Parklands Act 2006, or (ii) any precinct plan for a precinct of the parklands, that includes the Western Parklands, prepared and adopted under that Part,	The POM 2030 identifies that 2% of the WSP should be developed to provide funding for the development of facilities, programs and environmental initiatives within the WSP. The Development represents part of the 2% to be developed and the Department is satisfied that the Development is consistent with the POM and the precinct plan for Precinct 9.
the impact on surrounding residential amenity	The Department is satisfied that the Development will not result in any significant negative impacts on the surrounding residential amenity. However, to minimise and mitigate potential amenity impacts the Department has included a number of conditions around construction and operational management.
the impact on significant views	The Department considered the impact of the Development on significant views in Section 6.4 and is satisfied that there will be no significant impact on any significant views.

the effect on drainage patterns, ground water, flood patterns and wetland viability	Changes to the natural landform have been assessed and approved under SSD 7664 and SSD 7664 MOD 1. The Department is satisfied that the Development will not create any additional significant impact on drainage patterns, ground water, floor patterns and wetland viability.
the impact on heritage items	Impacts on Aboriginal and European heritage were assessed and approved under SSD 7664 and SSD 7664 MOD 1. The Department is satisfied that the Development will not create any additional impacts.
the impact on traffic and parking	A full assessment of the traffic issues associated with the Development is provided in Section 6.1 and has also been assessed and approved for the overall concept plan area under SSD 7664 and SSD 7664 MOD 1. The Department is satisfied that the Development will not have an unacceptable impact on traffic and parking in the locality or WSP.

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

The ISEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to certain types of infrastructure development, and providing for consultation with relevant public authorities about certain types of development during the assessment process.

TfNSW's comments are detailed in **Section 5** of the report.

The Department has consulted and considered the comments from relevant public authorities and where applicable, has included suitable conditions in the recommended conditions of consent.

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

SEPP 33 aims to identify developments with the potential for significant off-site impacts, in terms of risk and/or offence. A development is defined as potentially hazardous and/or potentially offensive if, without mitigating measures in place, the development would have significant risk and/or adverse impact on off-site receptors.

The Development was reviewed by the Department's internal Hazards team who concluded assuming all risk reduction measures and recommendations of the Preliminary Hazard Assessment (**PHA**) will be implemented, the Department is satisfied that the project will comply with all relevant risk criteria. To ensure safe operation throughout the life of the facility, a range of hazards-related conditions have been recommended.

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

SEPP 55 aims to provide a State-wide approach to the remediation of contaminated land. In particular, SEPP 55 aims to promote the remediation of contaminated land to reduce the risk of harm to human health and the environment by specifying:

- under what circumstances consent is required
- the relevant considerations for consent to carry out remediation work
- the remediation works undertaken meet certain standards and notification requirements.

Site contamination was assessed under SSD 7664 which includes approval for stage 1 bulk earthworks, including the area to be occupied by the Development. The Applicant submitted both a Stage 1 Preliminary Site Investigation report with the EIS and a Stage 2 Detailed Site Investigation report with the RTS. A Remedial Action Plan was also submitted with outlined a potential remediation and

validation strategy. The Department concluded during its assessment of SSD 7664 that subject to the implementation of conditions, the Site could be made suitable for the proposed use.

As the remediation requirements of SSD 7664 remain current and are required to be fulfilled prior to the commencement of the Development, the Department is satisfied that the Site will be suitably remediated for the intended use and no further consideration of SEPP 55 is required.

draft State Environmental Planning Policy (Remediation of Land) (draft Remediation SEPP)

The draft Remediation SEPP seeks to retain the key operational framework of the current SEPP 55, while also adding new provisions relating to changes in categorisation and introducing modern approaches to the management of contaminated land. The development has been assessed against SEPP 55 (see above), and the Department is satisfied the development would be consistent with the draft Remediation SEPP.

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

SEPP 64 aims to ensure that outdoor signage is compatible with the desired amenity and visual character of an area, and provides effective communication in suitable locations, that is of a high-quality design and finish.

In accordance with clause 6(1) of SEPP WSP, SEPP 64 does not apply to development within the WSP. However, as there are no existing signage controls that apply under SEPP WSP, the EIS included an assessment of the proposed business identification signed against the criteria specified under Schedule 1 of SEPP 64.

The Department has recommended conditions regarding the development and implementation of a signage strategy and is satisfied that the proposed signage would not detract from the surrounding locality and would facilitate the clear identification of the Development.

Fairfield Local Environmental Plan 2013 (FLEP)

In accordance with clause 6(1) of SEPP WSP, the FLEP does not apply to development within the WSP. However, the Department has consulted with Council throughout the assessment of the Development and considered all issues raised by Council during the assessment.

Appendix D – Recommended Instrument of Consent

<https://www.planningportal.nsw.gov.au/major-projects/project/26081>