



Sydney Business Park Stage 3

State Significant Development Assessment SSD-10477

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Glossary

Abbreviation	Definition
ACHAR	Aboriginal Cultural Heritage Assessment Report
API	Australian Pharmaceutical Industries Ltd
Applicant	Marsden Park Developments Pty Ltd
BDAR	Biodiversity Development Assessment Report
CIV	Capital Investment Value
CNMP	Construction Noise Management Plan
Council	Blacktown City Council
DA	Development Application
dB	Decibels
DCP	Development Control Plan
Development	The development as described in the EIS, RTS and Supplementary RTS for the construction and operation of four warehouse and distribution facilities within the Stage 3 area of the Sydney Business Park
DG	Dangerous Goods
Department	Department of Planning, Industry and Environment
EES	Environment, Energy and Science
EIS	Environmental Impact Statement titled 'Stage 3 Facilities, Sydney Business Park, Environmental Impact Statement' prepared by PJEP Environmental Planning Pty Ltd, dated 4 August 2020
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
ha	Hectare
Heritage NSW – ACH	Heritage NSW – Aboriginal Cultural Heritage

ICNG	Interim Construction Noise Guidelines
LEP	Local Environmental Plan
LoS	Level of Service
M	Metres
Minister	Minister for Planning and Public Spaces
MNES	Matters of National Environmental Significance
MPIP	Marsden Park Industrial Precinct
NIA	Noise Impact Assessment
NPfI	NSW Noise Policy for Industry 2017
SEARs	Planning Secretary's Environmental Assessment Requirements
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
Region Plan	Greater Sydney Region Plan 2018
RTS	Response to Submissions titled ' <i>Stage 3 Facilities, Sydney Business Park Response to Submissions</i> ' prepared by PJEP Environmental Planning Pty Ltd, dated November 2020
RNP	Road Noise Policy
SEARs	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
Supplementary RTS	Supplementary Response to Submissions titled ' <i>Stage 3 Facilities, Sydney Business Park Supplementary Response to Submissions</i> ' prepared by PJEP Environmental Planning Pty Ltd dated December 2020
TIA	Traffic Impact Assessment
TfNSW	Transport for NSW
TJX	TJX Australia Pty Ltd

Executive Summary

This report details the Department of Planning, Industry and Environment's (the Department) assessment of a State significant development application (SSD-10477) for Sydney Business Park, Stage 3, at Hollinsworth Road, Marsden Park, in the Blacktown local government area (LGA). Marsden Park Developments Pty Ltd (the Applicant) proposes the construction and operation of four warehouse and distribution centres in an area described as 'Stage 3' within the Sydney Business Park (the proposed development), which forms part of the Marsden Park Industrial Precinct (MPIP) in Sydney's North West Growth Centre.

Sydney Business Park is being developed by the Applicant as a staged master planned estate following a rezoning of the broader MPIP in 2010. The Sydney Business Park already contains a wide range of national and international businesses, including IKEA, Bunnings, Costco Wholesale and Bucher Municipal. The site is zoned IN1 General Industrial, IN2 Light Industrial and SP2 Infrastructure (Local Roads) in the MPIP, under State Environmental Planning Policy (Sydney Region Growth Centres) 2006.

Access to the site can be gained off Astoria Street, to the north, and Hollinsworth to the east, both of which connect to Richmond Road, which provides direct access to the M7 Motorway. The closest residential zoned land is in Bidwell, approximately 120 metres to the south of the site, and within the Ingenia Lifestyle Stoney Creek (retirement village) immediately to the east of the site, which is located within industrial zoned land.

Project Description

The Applicant is seeking development consent to construct and operate four warehouse and distribution facilities, including site subdivision into nine lots, vegetation clearing and earthworks, construction of two estate roads, car parking, infrastructure and landscaping.

Of the four proposed warehouses, the end users of two of the facilities have been confirmed, being Australian Pharmaceutical Industries Ltd (API) and TJX Australia Pty Ltd (TJX). API is one of Australia's leading pharmaceutical distributors and health and beauty retailers, and TJX is the local arm of TJX Companies Inc., a leading off-price apparel and home fashions retailer in the United States and worldwide.

The proposed development (the development) has a capital investment value (CIV) of \$157.4 million and will generate approximately 670 construction jobs and 610 operational jobs. It will also facilitate the continued development of the MPIP and is consistent with the key objectives of the Greater Sydney Region Plan and Central City District Plan, which encourage planned and managed industrial development and the provision of jobs in Western Sydney.

Statutory Context

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 involves development for the purposes of warehouses and distribution centres with a CIV greater than \$50 million, which meets the criteria in clause 12 of Schedule 1 in 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 proposed development, or his delegate.

Engagement

The Department exhibited the Development Application and accompanying Environmental Impact Statement (EIS) for the development from 21 August 2020 until 17 September 2020. During the exhibition period, the Department received two submissions from the public providing comment (one individual and one from IKEA Distribution Services Australia Pty Ltd), advice from seven government authorities, including Council and letters of advice from Transgrid and Endeavour Energy.

Key concerns raised in the government advice related to car parking requirements, traffic generation, storage of dangerous goods, impact on TransGrid and Endeavour Energy assets and the assessment of Aboriginal cultural heritage. The individual public submission made comments regarding the potential biodiversity impacts and IKEA noted its proximity to the development but did not raise any concerns. The Department requested the Applicant address the matters raised in submissions and government authority advice in a Response to Submissions (RTS) report.

The Applicant submitted an RTS report on 2 November 2020. Further information was subsequently requested regarding traffic, impacts on the Ingenia retirement village and Transgrid and Endeavour Energy assets and the assessment of Aboriginal cultural heritage. On 24 December 2020, the Applicant submitted a Supplementary RTS which included a suite of revised landscape, civil design and architectural plans, a revised Aboriginal Cultural Heritage Assessment Report and an offer to upgrade the Richmond Road and Hollinsworth Road intersection. The information provided resolved all outstanding concerns with the exception of those raised by Transport for NSW (TfNSW) regarding traffic impacts.

Between 24 December 2020 and 20 January 2021, correspondence was exchanged between the Applicant, TfNSW and the Department to resolve the outstanding matters. On 20 January 2021, the Applicant provided a concept design plan for an upgrade to the Hollinsworth Road and Richmond Road intersection. TfNSW advised it was generally supportive of the proposed design, in principle, subject to further consultation on detailed design.

Assessment

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 ecologically sustainable development. During the assessment process, representatives of the Department inspected the site to provide an informed assessment of the development.

The Department has identified the key issue for assessment as traffic impacts but has also assessed all other relevant matters, including noise, biodiversity and Aboriginal cultural heritage.

The Department's assessment concluded that through the inclusion of the road upgrades to the intersection between Hollinsworth Road and Richmond Road and the provision of adequate car parking on site, the development will not adversely impact the local road network. The assessment also concluded the development could be appropriately sited to avoid impacts on TransGrid and Endeavour Energy infrastructure.

The Department has recommended a range of standard conditions to manage any residual amenity or environmental impacts. Additional project-specific conditions regarding traffic impacts, the ongoing management and verification of noise impacts and the protection of Aboriginal cultural heritage have been developed in consultation with relevant State government agencies and Council.

State and local developer contributions are also payable to fund the provision of infrastructure under the recommended conditions of consent.

Overall, the Department's assessment has concluded the development would:

- provide a range of benefits for the region and the State as a whole, including a significant injection of capital and construction and operational jobs in the Blacktown LGA
- be consistent with NSW Government policies including, the Greater Sydney Region Plan and the Central City District Plan, which encourage planned industrial development and the provision of jobs in Western Sydney
- not have any significant amenity or environmental impacts, including on the local or regional road network.

Consequently, the Department considers the development is in the public interest and should be approved, 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 the State significant development (SSD) (SSD-10477) application for Sydney Business Park, Stage 3. The proposed development (the development) involves the construction and operation of four warehouse and distribution facilities and a nine-lot subdivision in an area known as 'Stage 3' in the Sydney Business Park.

The Department's assessment considers all documentation submitted by Marsden Park Developments Pty Ltd (the Applicant), including the Environmental Impact Statement (EIS), Response to Submissions (RTS) and Supplementary RTS, submissions received from the public and advice from government agencies. 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 the construction and operation.

1.2 Development Background

The Applicant is seeking development consent to construct and operate four warehouse and distribution facilities at Marsden Park, in the Blacktown Local Government Area (LGA) (see **Figure 1**). The development involves site subdivision into nine lots (seven development lots, one stormwater lot and one lot for roads), earthworks, construction of two estate roads, car parking and landscaping and the provision of ancillary infrastructure for stormwater and services.

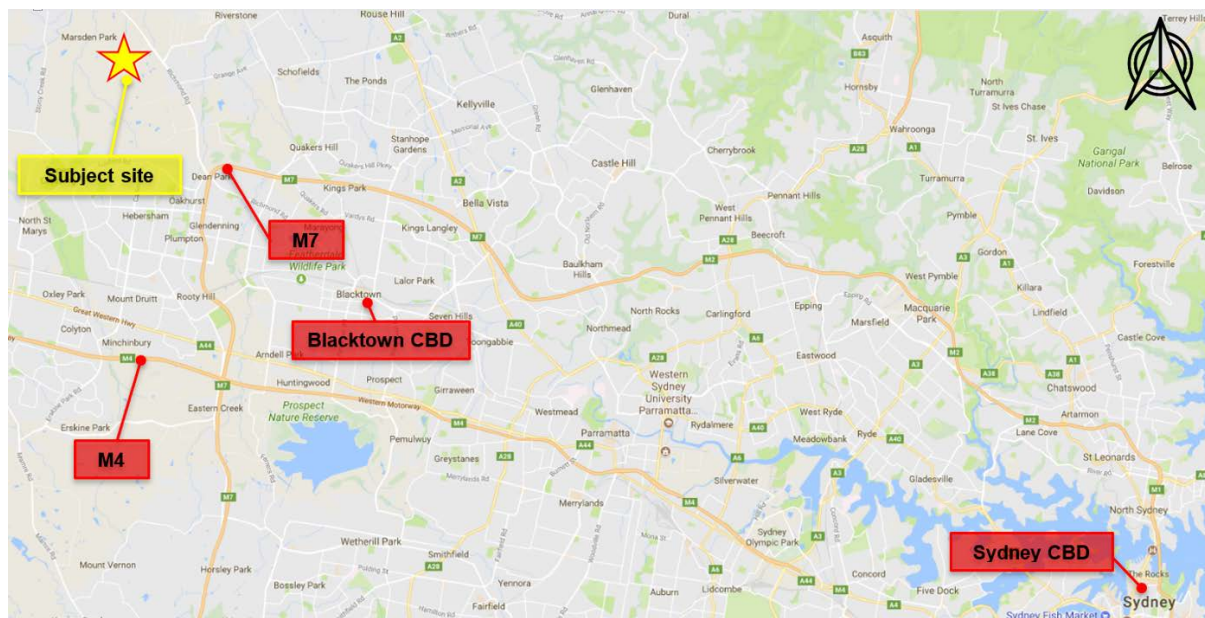


Figure 1 | Regional Context

Marsden Park Developments Pty Ltd is the developer of the Sydney Business Park, which forms part of the Marsden Park Industrial Precinct (MPIP). The MPIP covers an area of 551 hectares (ha) and is identified as an employment area within the North West Growth Centre (see **Figure 2**) and is zoned under the provisions of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP). Sydney Business Park is being developed by the Applicant as a staged master planned estate and already encompasses a range of national and international businesses (see **Figure 3**).

The proposed development subject of this SSD application is to be developed in the south-western part of Sydney Business Park in an area known as 'Stage 3'.

Of the four proposed warehouses in the Stage 3 area, the end users of two of the facilities have been confirmed, being Australian Pharmaceutical Industries Ltd (API) and TJX Australia Pty Ltd (TJX). API is one of Australia's leading pharmaceutical distributors and health and beauty retailers, and TJX is the local arm of TJX Companies Inc., a leading off-price apparel and home fashions retailer in the United States and worldwide.

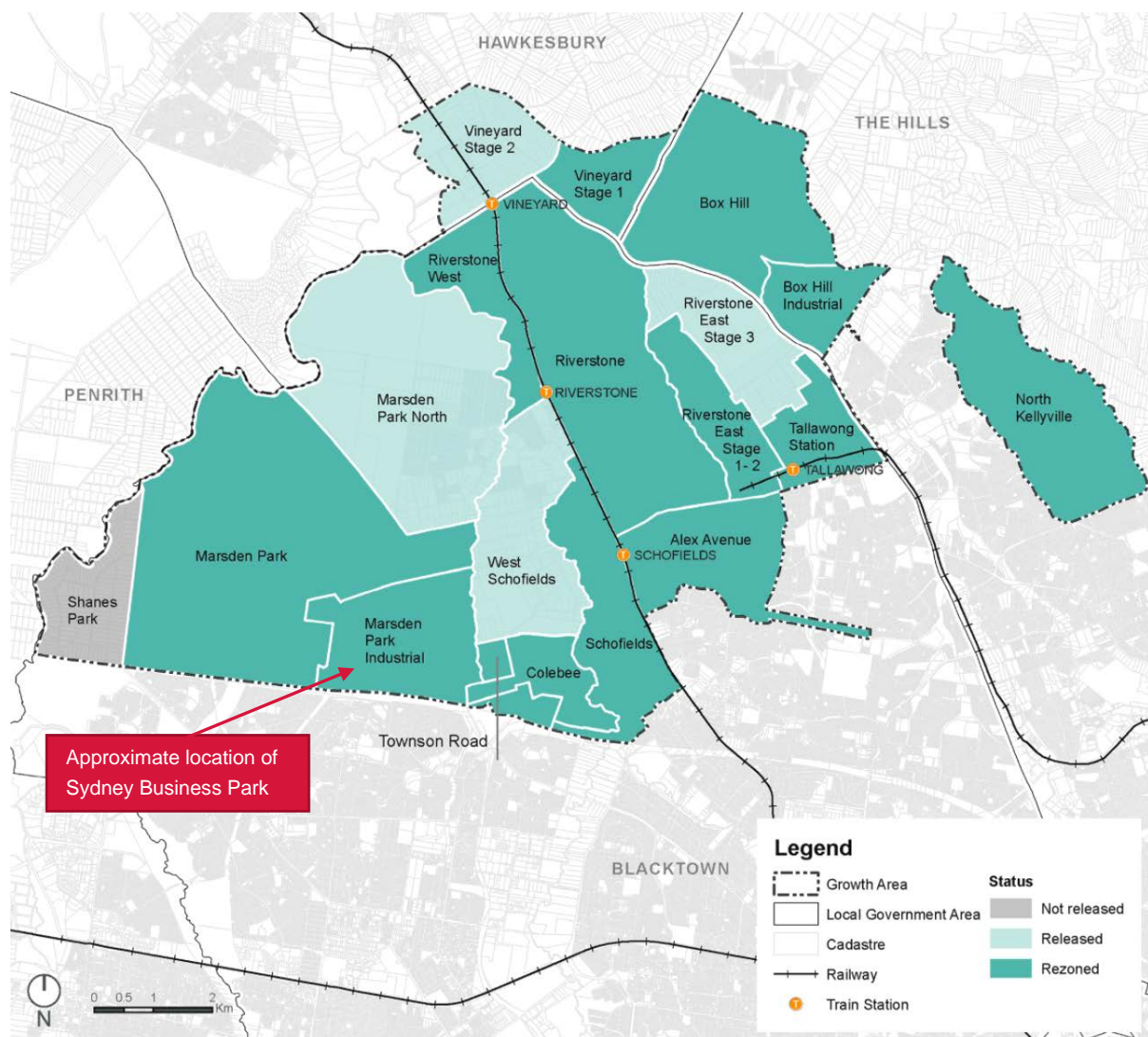


Figure 2 | North West Growth Centre

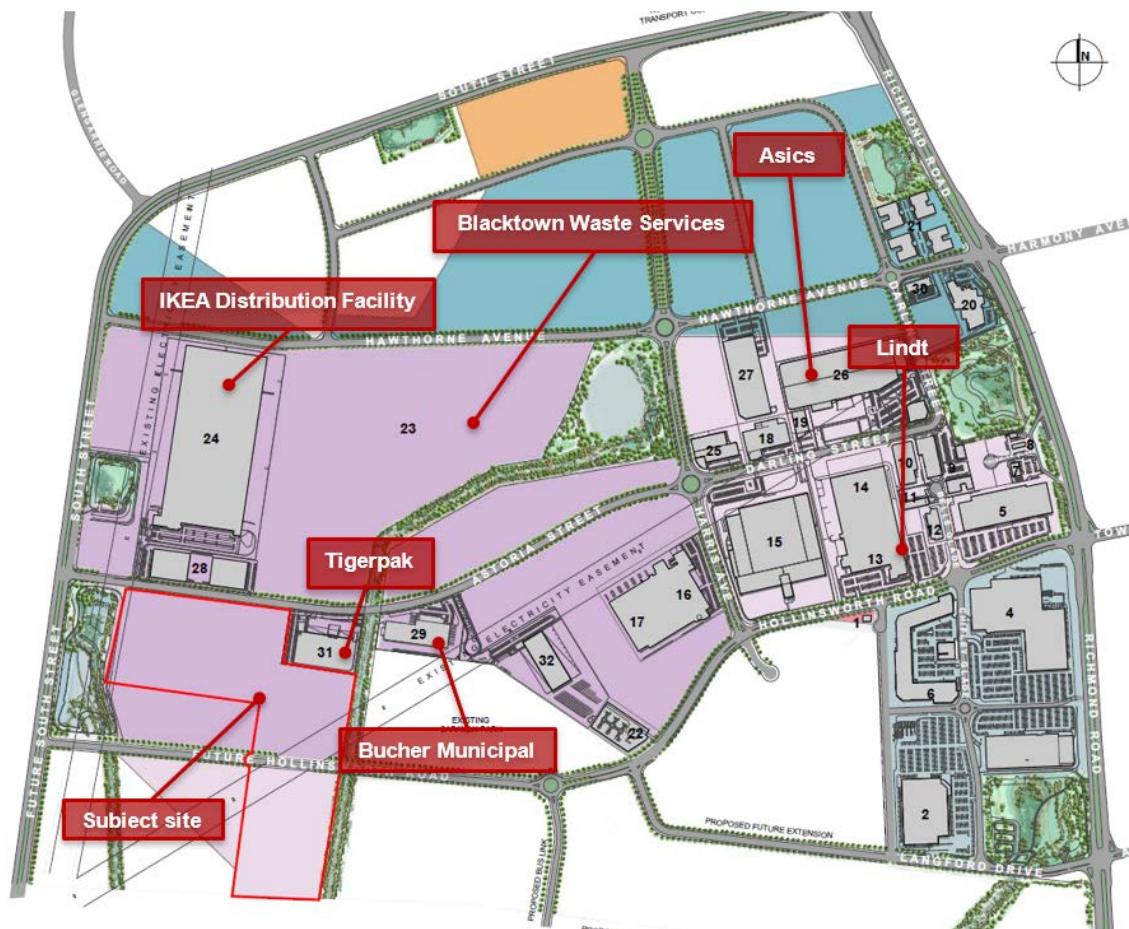


Figure 3 | Sydney Business Park Masterplan

1.3 Site Description

The 17.2 hectare (ha) site at Hollinsworth Road, Marsden Park, is legally described as Lot 4 in DP 1210172 and part Lots 50 and 51 in DP 1265695. The EIS described the site as Lot 4 and Lot 5 in DP 1210172 and Lot 36 in DP 262886, however, prior to determination a boundary readjustment was registered for the TigerPak facility, altering the lot description for Lot 5 and Lot 36. The development lots for the proposal front both Hollinsworth Road and Astoria Street (see **Figure 4**).

The vacant site has a slightly sloping topography, toward the north-west, with elevation ranging from 52 metres (m) Australian height datum (AHD) in the south-east to 40 m in the north-western corner. The site has previously been used for agricultural purposes, and is relatively cleared, with some remnant woodland vegetation existing in the south-eastern corner of the site. There are no defined watercourses on the site, however, a drainage line is located approximately 50 m to the west of the site, forming part of the headwaters of Little Creek.

A proposed precinct stormwater detention basin, identified as Basin A (see **Figure 5**), sought to service MPIP, is located to the west of the site. The basin is currently being developed by Blacktown City Council (Council) (further discussed in **Section 1.4**).

Two 60 m wide TransGrid high voltage electricity easements traverse through the north-west corner and eastern portion of the site in a north-south and east-west direction, respectively.

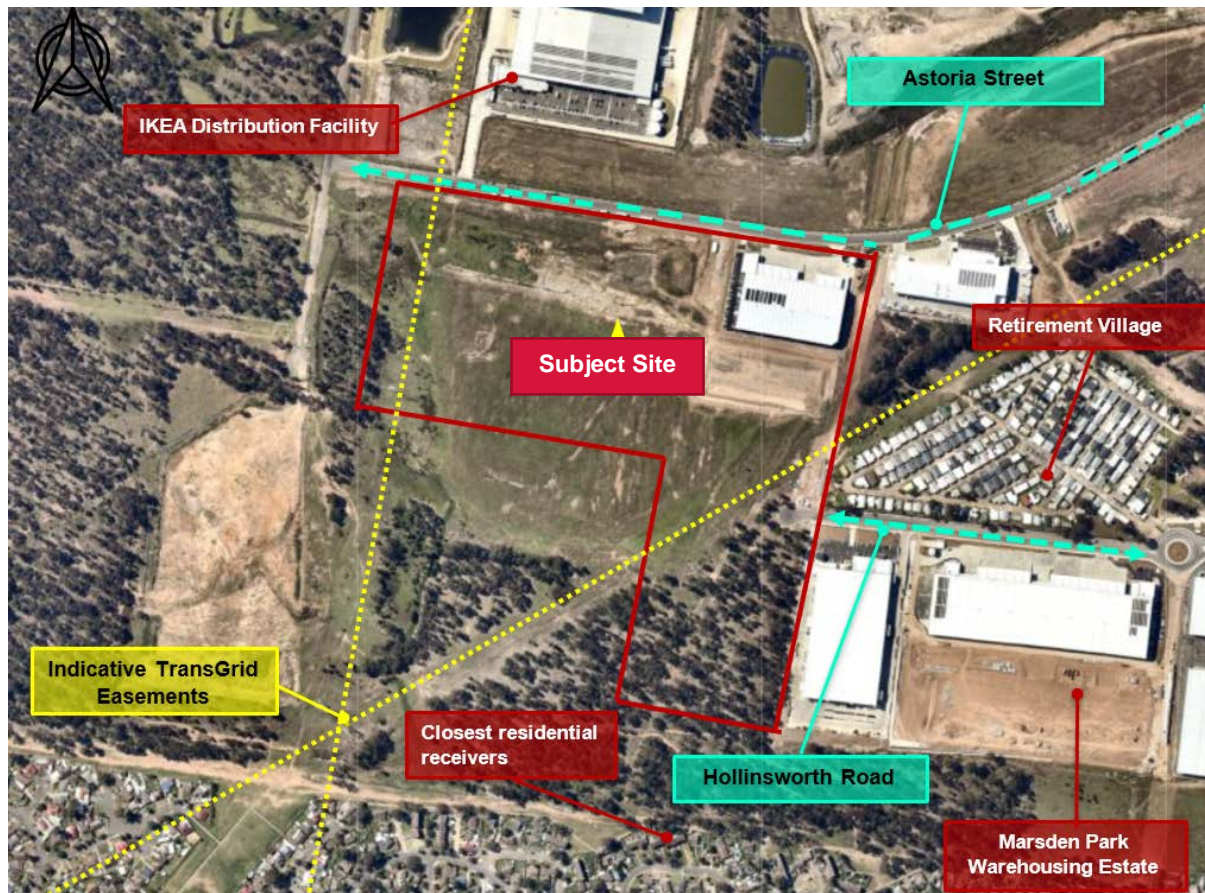


Figure 4 | Subject site and surrounding area

1.4 Surrounding Land Uses

The site forms part of Sydney Business Park within the wider MPIP. Surrounding land uses comprise predominately industrial activities (see **Figure 5**):

- to the east are sites within the MPIP, including Bucher Municipal Industrial and Warehouse (Council DA 18-2532), Ingenia Lifestyle Stoney Creek retirement village and the Marsden Park Warehousing Estate (SSD-8606)
- on the northern side of Astoria Street is the IKEA Distribution Facility (SSD-6954), which is included within the Sydney Business Park
- to the south are undeveloped parts of Sydney Business Park, with the residential suburb of Bidwell further south
- to the west are parcels of undeveloped land within the MPIP and areas zoned for conservation.

The closest residential zoned land is in Bidwell, approximately 120 m to the south of the site.

Access to the site can be gained off Astoria Street, to the north, and Hollinsworth to the east. Both roads connect to Richmond Road, which provides direct access to the M7 Motorway.



Figure 5 | Subject site and surrounding area

As mentioned in **Section 1.3**, a stormwater detention basin is proposed to be located to the west of the site. Known as 'Basin A', it forms part of Council's wider development of stormwater works for the Little Creek catchment. The works were approved in January 2020, with Council currently undertaking detailed design for the project. Sydney Business Park has advised it will subdivide and dedicate the Basin A land area to Council (subject to a separate approval) and is seeking to enter into an agreement with Council to partially deliver Basin A, on behalf of Council. The construction of the basin would enable the development to utilise this infrastructure as a temporary sediment and detention basin.

1.5 Other Approvals

There is a suite of Council and Ministerial level development consents granted to facilitate the development of Sydney Business Park since the MPIP was rezoned for industrial and employment uses in 2010. The key consent relevant to the development of the subject site is DA 15-1088, issued by Council, which permitted bulk earthworks, tree removal, sediment and erosion control works, importation of fill material and construction of roads across the broader Sydney Business Park site. A summary of all relevant consents for Sydney Business Park is provided in **Table 1** below.

Table 1 | Summary of relevant consents

Application #	Description	Consent Authority	Approval Date
Rezoning	Marsden Park Industrial Precinct	Minister	18 November 2010
DA 11-0757	Bunnings Warehouse	Council	29 June 2012
DA 11-2284	Stage 1 Subdivision	Council	18 March 2013
DA 13-0745	Ikea Store	Council	12 December 2013
SSD-6640	Lindt	Minister	26 November 2014
DA 14-1499	Marsden Park Homemaker Centre	Council	23 April 2015

Application #	Description	Consent Authority	Approval Date
DA 15-1088	Ikea Distribution Centre and bulk earthworks, tree removal, sediment and erosion control works, importation of fill material and construction of roads	Council	28 August 2015
DA 11-2284	Stage 1.02a Subdivision	Council	10 September 2015
SSD-6799	Swire Cold Storage	Minister	22 July 2016
DA 17-2185	Subdivision of Lot 303	Council	26 June 2018
SSD-9153	Asics	Minister	30 November 2018
DA 18-2532	Bucher Municipal Industrial and Warehouse	Council	9 August 2019
DA 18-0901	Stage 4.01 Subdivision and temporary basin	Council	23 March 2020

2 Development

The main components of the development are summarised in **Table 2**, shown in **Figure 6** to **Figure 11**, and described in full in the Environmental Impact Statement (EIS) included in **Appendix A**.

Table 2 | Main Components of the Development

Aspect	Description
Development summary	<p>Construction and 24-hour operation of Stage 3 of Sydney Business Park, including:</p> <ul style="list-style-type: none"> • site subdivision • earthworks and vegetation clearing • construction and operation of four warehouse and distribution facilities with ancillary offices • car parking, infrastructure provision and landscaping • construction of two estate roads and associated intersections.
Proposed uses	<p>Warehouse 1 – storage and distribution of TJX’s range of consumer products</p> <p>Warehouse 2 – unidentified final user, however, will operate as storage and distribution facility</p> <p>Warehouse 3 – unidentified final user, however, will operate as storage and distribution facility</p> <p>Warehouse 4 – storage and distribution of API’s range of pharmaceutical and related consumer products</p>
Site area	17.2 ha
Gross floor area and Building height	<p>Warehouse 1 – 43,900m² and 14.6 m</p> <p>Warehouse 2 – 17,100m² and 14.6 m</p> <p>Warehouse 3 – 3,825m² and 13.7 m</p> <p>Warehouse 4 – 26,175m² and 14.6 m</p>
Subdivision	<p>Subdivision of existing three lots into nine lots:</p> <ul style="list-style-type: none"> • Lot 3001 – 7.4 ha (Warehouse 1 (TJX Facility)) • Lot 3002 – 1.9 ha (TigerPak Facility (DA-19-00984)) • Lot 3003 – 0.2 ha (Stormwater drainage infrastructure, lot to be dedicated to Council) • Lot 3004 – 3.2 ha (Warehouse 2) • Lot 3005 – 0.8 ha (Warehouse 3) • Lot 3006 – 4.3 ha (Warehouse 4 (API Facility)) • Lot 3007 – 7.7 ha (Residual lot for future employment/infrastructure development) • Lot 3008 – 26 ha (Residual lot for future employment/infrastructure development) • Road lot – 1.3 ha (north-south collector road and extension of Hollinsworth Road, lot to be dedicated to Council)
Earthworks	Cut and fill proposed, with approximately 16,920m ³ of excess fill
Infrastructure	<p><u>External roadworks</u></p> <ul style="list-style-type: none"> • Extension of Hollinsworth Road • A new north-south collector road between Hollinsworth Road and Astoria Street • Round-a-bout between the collector road and Hollinsworth Road

Aspect	Description
	<p><u>Site access and internal circulation</u></p> <ul style="list-style-type: none"> • Vehicular access will be gained off Astoria Street, Hollinsworth Road and the north-south collector road • Each warehouse proposes separated truck and car ingress/egress points <p><u>Stormwater drainage</u></p> <ul style="list-style-type: none"> • Rainwater harvesting in each warehouse • Primary treatment to parking and hardstand areas • Secondary treatment to roof and hardstand areas • Stormwater pits, pipes and drains to direct discharge to the stormwater system – Warehouse 1, 2 and 4 draining to future Basin A, and Warehouse 3 draining to Basin E (existing) • Existing on-site detention as part of Sydney Business Park
Parking	<p>Warehouse 1 – 344 spaces</p> <p>Warehouse 2 – 157 spaces</p> <p>Warehouse 3 – 54 spaces</p> <p>Warehouse 4 – 224 spaces</p>
Hours of operation	24 hours a day, seven days a week
Employment	<p>670 construction jobs and 610 operational jobs</p> <p>Warehouse 1 (TJX) – 290 employees</p> <p>Warehouse 2 – 125 employees</p> <p>Warehouse 3 – 35 employees</p> <p>Warehouse 4 (API) – 160 employees</p>
Capital investment value	\$157.4 million



Figure 6 | Warehouse 1 perspective



Figure 7 | Warehouse 2 perspective



Figure 8 | Warehouse 3 perspective



Figure 9 | Warehouse 4 perspective

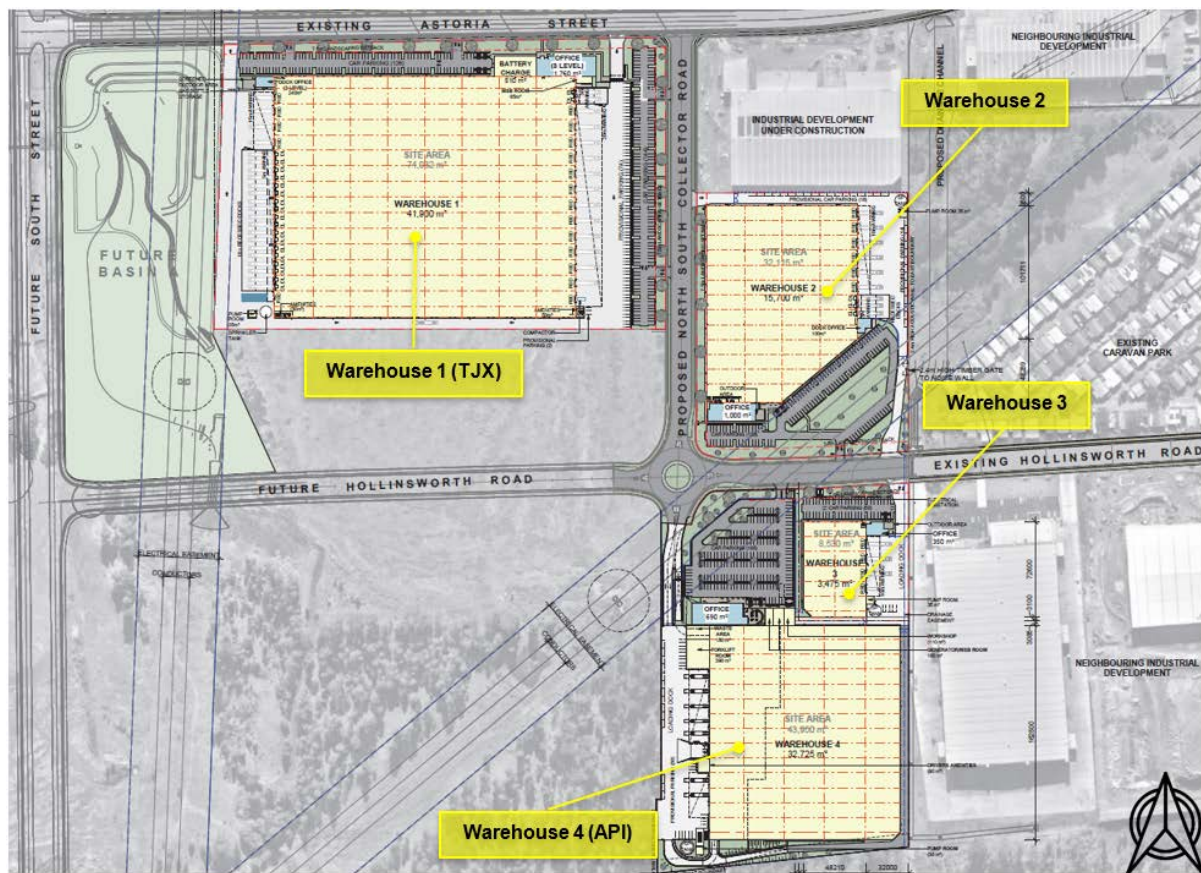


Figure 10 | Site plan

2.1 Physical Layout and Design

The physical layout and design of the development is shown in **Figure 10**. The development seeks to maintain consistency with the existing developments within the Sydney Business Park, creating a continuation of what has been established to the north and east.

Each warehouse will be constructed as a stand-alone structure. Warehouse 1, 2 and 3 are proposed to be single storey, with Warehouse 4 inclusive of a basement level and mezzanine warehouse level.

Subdivision of the site will create nine lots comprised of seven development lots, one lot for stormwater drainage infrastructure and one for roads (refer **Figure 11**).

Separated ingress/egress points for trucks operating in a forward direction and a separate ingress/egress for light vehicles will be provided at each warehouse, as follows:

- Warehouse 1 (TJX) – truck ingress/egress via two driveways off Astoria Street, accommodating truck sizes up to and including 30 m Super B-double vehicles. Light vehicle access to the car parks will be gained via a driveway off Astoria Street the other off the north-south collector road.
- Warehouse 2 – truck ingress off the north-south collector road, egress via Hollinsworth Road. Light vehicle access to the main car park via Hollinsworth Road.
- Warehouse 3 – shared truck ingress/egress off Hollinsworth Road. Light vehicle access to the car park via a driveway off the main access point.
- Warehouse 4 (API) – truck ingress/egress via a dedicated exit from the round-a-bout on Hollinsworth Road, accommodating truck sizes up to and including 25 m B-double vehicles. Access to the basement would be provided to delivery vans via a dedicated ramp, with egress out of the

basement via a separate ramp. An additional ingress/egress point off Hollinsworth Road is proposed for light vehicles to access the car park.

Façade mounted illuminated identification signs would be located on the key warehouse and ancillary office facades. A pylon sign (4 m high, 1.35 m wide) would also be located within the setback to the main street frontage for each warehouse facility. Additional small directional pylon signs (2 m high, 0.675 m wide) are proposed to be located adjacent to the main site access points.

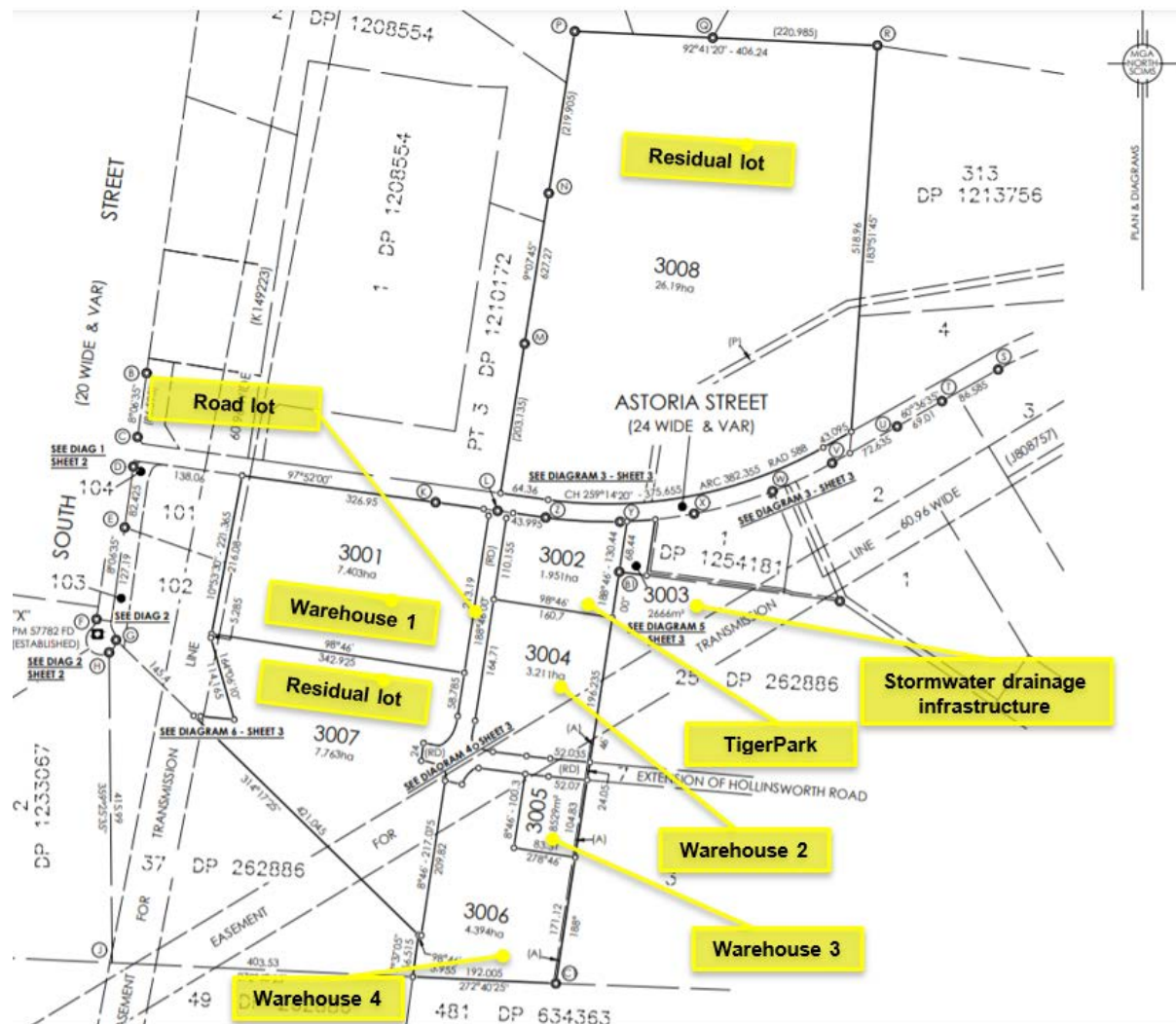


Figure 11 | Subdivision plan

2.2 Uses and Activities

Warehouse 1 would be used for storage and distribution of TJX's range of general consumer products. The warehouse would be temperature-controlled (for staff amenity) and include standard racking and associated warehouse facilities. The three-storey ancillary office would be attached to the north-eastern corner of the warehouse building and would be used to provide administrative support for the business.

Warehouses 2 and 3 would also be used for storage and distribution of general consumer products by as-yet unidentified end users.

Warehouse 4 would be used for storage and distribution of API's range of pharmaceutical products, including pharmaceutical and therapeutic goods, and related consumer products. The warehouse would be temperature-controlled (for the purposes of storing the products) and include high-technology

automated warehouse storage and picking facilities, as well as standard racking and associated warehouse facilities. The single-level ancillary office would be attached to the northern side of the warehouse building and would be used to provide administrative support for the business.

2.3 Development Staging

The Applicant has provided indicative staging of the development, as follows:

- Stage 1 – Hollinsworth Road and the north-south collector road
- Stage 2 – Warehouse 4 (API)
- Stage 3 – Warehouse 1 (TJX)
- Stage 4 – Warehouse 2
- Stage 5 – Warehouse 3.

Staging will be constrained by the construction of site infrastructure. The Applicant has committed to not commencing construction works on site until the temporary sediment basin in the Basin A area has been commissioned, and not commencing operation of buildings until such time that all necessary infrastructure work required for the operation of the specific warehouse is commissioned.

3 Strategic context

3.1 Greater Sydney Region Plan 2018

The vision of the 'Greater Sydney Region Plan 2018, a Metropolis of Three Cities' (Greater Sydney Region Plan) falls within the integrated planning framework for Sydney (see **Figure 12**) and seeks to meet the needs of a growing and changing population by transforming Greater Sydney into 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.

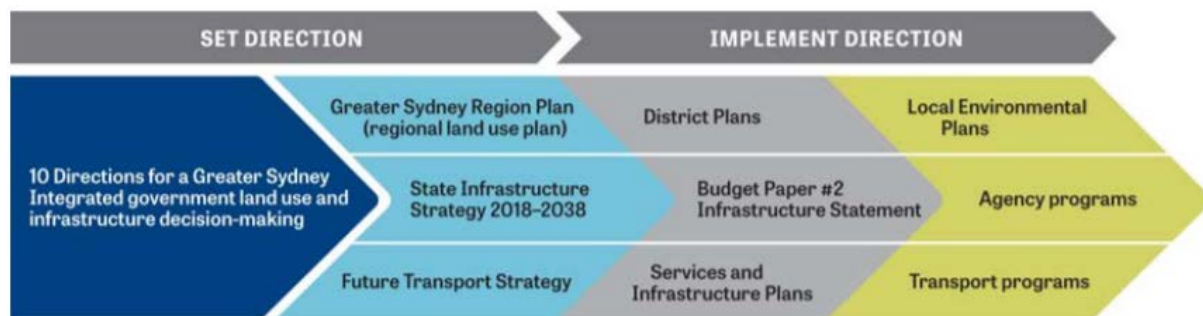


Figure 12 | Integrated State Planning for Greater Sydney

The site is located within the Western Parkland City, further identified as part of the North West Growth Area under the Region Plans conceptual structure plan. Under the structure plan Marsden Park is identified as a strategic centre, an area which is expected to accommodate private sector investment.

The development aligns with the objectives and strategies of the Greater Sydney Region Plan, in particular, Objective 23, which requires that industrial and urban services land is planned, retained and managed. Objective 23 identifies that land uses should reflect the needs of their local context and support an integrated economy. In addition, Strategy 23.1 identifies the need to create job opportunities in areas that can co-locate office uses with industrial and urban service uses. The development of Sydney Business Park, Stage 3, is a continuation of the existing industrial park, providing employment opportunities in an area which is well serviced, and relatively close to residential areas. For these reasons, the development reflects the intent of the Greater Sydney Region Plan.

3.2 Central City District Plan

The development is located within the Central City District, identified as an area of core transport services with several land release areas for housing and employment. The development would assist in achieving several of the objectives for the liveability and productivity planning priorities of the Central City District Plan. These include providing jobs close to existing and growing residential areas, growing investment and delivering connectivity in the strategic centre of Marsden Park.

4 Statutory Context

4.1 State Significance

The proposal is State significant development (SSD) pursuant to section 4.7 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it proposes development for the purposes of warehouses and distribution centres with a CIV greater than \$50 million, which meets the criteria in clause 12 of Schedule 1 in State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP).

4.2 Permissibility

The site is zoned IN1 General Industrial, IN2 Light Industrial and SP2 Infrastructure (Local Roads) under the MPIP Plan, which forms part of the State Environmental Planning Policy (Sydney Region Growth Centres) 2006. Development for the purpose of warehouse and distribution is permissible with consent in the IN1 and IN2 zones, and roads and drainage works are permissible with consent in the SP2 zone.

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, Energy, Industry and Compliance where:

- the relevant local council has not made an objection and
- there are less than 50 unique public submissions in the nature of objections and
- a political disclosure statement has not been made.

Of the two public submissions received, none objected to the development. Council did not object to the development. 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 application can be determined by the Executive Director, Energy, Industry and Compliance 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.

A future approval for the road and intersection construction will be required under the *Roads Act 1993* (refer **Section 6.1** for further details on these upgrade works).

In its advice on the Planning Secretary's Environmental Assessment Requirements (SEARs), the Environment Protection Authority (EPA) advised the development does not constitute a scheduled activity under the *Protection of the Environment Operations Act 1997* (the POEO Act), and therefore an Environment Protection Licence (EPL) is not required.

The Department has consulted with and considered the advice of the relevant public authorities in its assessment of the development and included suitable conditions in the recommended consent.

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 set out in **Section 6** and **Appendix B**.

Under section 4.15 of the EP&A Act, the consent authority, when determining a development application, must also 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 (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)
- State Environmental Planning Policy No. 65 – Advertising Structures and Signage (SEPP 65)
- State Environmental Planning Policy No. 19 – Bushland in Urban Areas (SEPP 19)
- State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP)
- draft State Environmental Planning Policy (Remediation of Land) (draft Remediation SEPP)
- Blacktown City Council Growth Centre Precincts Development Control Plan 2016 (Growth Centres DCP)

Development Control Plans (DCPs) do not apply to SSD under Clause 11 of the SRD SEPP.

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 is generally consistent with the relevant provisions of these EPIs.

4.6 Objects of the EP&A Act

In determining the application, the consent authority must consider whether the development is consistent with the relevant objects of the EP&A Act. These objects are detailed in clause 1.3 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 SSD application (see **Table 3**).

Table 3 | 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,	<p>The development would:</p> <ul style="list-style-type: none"> • ensure the proper management and development of suitably zoned land for the economic welfare of the LGA and the State • promote social and economic welfare in the community through the provision of an additional 670 construction jobs and up to 610 operational jobs in the area • promote a better environment through landscaping which has been designed to support native flora and fauna.

Object	Consideration
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 proposal includes several measures to deliver ESD, including rainwater harvesting and reuse, landscaping which has been designed to support native flora and fauna, the incorporation of solar panels, appropriate solar orientation and use of natural light.
1.3 (c) to promote the orderly and economic use and development of land,	The development would meet the objectives of the zone by supporting and protecting existing industrial land. The warehouse and distribution facilities will also provide economic benefit through job creation and infrastructure investment.
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,	<p>The Department's assessment in Section 6 of this report demonstrates with the implementation of the recommended conditions of consent, the impacts of the development can be mitigated and/or managed to ensure the environment is protected.</p> <p>Furthermore, the Environment, Energy and Science Group is satisfied that the development would not result in any significant impacts on biodiversity, and a waiver under the <i>Biodiversity Conservation Act 2016</i> has been granted (see below). Biodiversity offsets were also required for any residual biodiversity impacts as part of the original rezoning of the site</p>
1.3 (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The development is not anticipated to result in any significant impacts upon built and cultural heritage, including Aboriginal cultural heritage (refer to Section 6.0).
1.3 (g) to promote good design and amenity of the built environment,	The Department considers the development would provide good design and amenity of the built environment suitable for an industrial zone.
1.3 (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The Department has considered the development and has recommended a number of conditions of consent to ensure construction and maintenance of the warehouse and distribution facilities is undertaken in accordance with applicable legislation, guidelines, policies and procedures (refer to Appendix B).

Object	Consideration
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 publicly exhibited the application as outlined in Section 5.3 , which included consultation with Council and other relevant public authorities and subsequent consideration of their responses.
1.3 (j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the application as outlined in Section 5.3 , which included notifying adjoining landowners, and displaying the SSD application on the Department's website.

4.7 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:

- the precautionary principle
- inter-generational equity
- conservation of biological diversity and ecological integrity
- improved valuation, pricing and incentive mechanisms.

The potential environmental impacts of the development have been assessed and environmental safeguards have been recommended for potential impacts. Several ESD initiatives and sustainability measures are proposed to be incorporated into the design of the development, including:

- the use of translucent roof sheeting, maximised natural light, roof insulation and the installation of photovoltaic cells upon all the roofs
- roof rainwater harvesting tanks for each warehouse building, for the use of toilet flushing and irrigation
- the adoption of water saving landscaping techniques, including the planting of native flora, water efficient irrigation systems and draining hardstand areas to soft landscaped areas.

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.

4.8 Biodiversity Development Assessment Report

Section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act) requires all SSD applications 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.

A BDAR waiver request was submitted to the Department on 4 August 2020, on the basis the entirety of the site is biodiversity certified, and as such an assessment of the likely impact on biodiversity is not required, in accordance with section 8.4(2) of the BC Act. The Environment, Energy and Science Group (EES) undertook a review of the information provided and, on 1 September 2020, the Applicant's

request to waive the requirement for a BDAR was approved as EES considered the proposed development is not likely to have any significant impact on biodiversity values.

4.9 Commonwealth Matters

Under the 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'.

As stated above, the Applicant was not required to prepare a BDAR for the proposal as the North West Growth Centre has received biodiversity certification under a Biodiversity Certification Order issued in 2007 by the then Minister for Climate Change and the Environment. In February 2012, the Commonwealth Minister for the Environment announced the Commonwealth is satisfied the conservation and development outcomes achieved through the Growth Centres program will satisfy the requirements under the EPBC Act. 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 Secretary's Environmental Assessment Requirements (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 application. These consultation activities are described in detail in the following sections.

5.2 Consultation by the Applicant

The Applicant has maintained extensive consultation throughout the last ten years in the establishment of Sydney Business Park, with government authorities, service providers, surrounding landowners and the wider community. Throughout the preparation of the EIS, the Applicant consulted with the Department, Council, relevant government authorities and service providers, as well as the owner of the Ingenia Lifestyle Stoney Creek retirement village and LOGOS, the owner of Marsden Park Warehousing Estate.

5.3 Consultation by the Department

On 29 June 2020, a pre-lodgement meeting was held between the Department and the Applicant. Following on from the meeting, a formal request was made by the Applicant for SEARs, during which the Department consulted with all relevant public authorities.

After accepting the DA and EIS for the application, the Department:

- made it publicly available from **21 August 2020** until **17 September 2020** on the Department's website
- 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

On 8 October 2020, Planning Assessment officers undertook a site inspection of the site, and existing operational activities within the Sydney Business Park.

5.4 Submissions

During the exhibition period, the Department received two submissions from the public (one individual and one from IKEA Distribution Services Australia Pty Ltd, advice from seven government authorities, including Council and letters of advice from TransGrid and Endeavour Energy. Both public submissions provided comments only. A summary of the submissions and government advice is provided below, and a link to the full copy of the submissions is provided in **Appendix A**.

5.4.1 Public Authority Advice

Council did not object to the development, however, did raise concerns with aspects of the development, requesting further detail on the following matters:

- consideration of increasing the amount of landscaping proposed, as well as creating more useable communal areas for staff
- the visual treatment and design of proposed acoustic walls
- the potential impacts of the development on the existing Ingenia development to the east

- water sensitive urban design elements, including detail on water quality and quantity management, as well as proposed drainage management across the development.

EES confirmed a BDAR waiver was approved on 20 August 2020 and that no further comments were applicable.

Heritage Council of NSW advised the subject site is not listed on the State Heritage Register (SHR), nor is it in the immediate vicinity of any SHR items. Further, the site does not contain any known historical archaeological deposits. Therefore, no further heritage comments are required.

Heritage NSW – Aboriginal Cultural Heritage (Heritage NSW – ACH) advised the Applicant's Aboriginal Cultural Heritage Assessment Report (ACHAR) had not been prepared in accordance with all requirements set out in the Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW (OEH 2010). Heritage NSW - ACH requested the Applicant demonstrate that all requirements have been fulfilled in the ACHAR, and that all community consultation be documented.

Transport for NSW (TfNSW) requested further detail on the following matters:

- a reassessment of car parking requirements, to ensure rates are consistent with TfNSW guidelines
- an assessment of the traffic impacts associated with the proposed development upon an additional five intersections along Richmond Road and Hollinsworth Road
- an update set of swept paths demonstrating the longest vehicle can enter and exit all sites safely.

Sydney Water reviewed the water and wastewater servicing for the development, commenting that detailed requirements would be provided to the Applicant at such time a Section 73 application under the *Sydney Water Act 1994* is made to Sydney Water for connections to services. No further comments are applicable.

Rural Fire Services (RFS) did not object to the development and recommended conditions including that asset protection zones (APZs) are managed around the proposed works, the design and construction, vehicle access and the provision of water, electricity and gas complies with 'Planning for Bush Fire Protection 2019'.

TransGrid requested the Applicant provide details of proposed finished ground levels to demonstrate vertical and horizontal clearances of the future proposed ground levels within TransGrid's Easement corridor to the overhead line.

Endeavour Energy requested the Applicant consider the electrical infrastructure in their hazard assessment, given its proximity to diesel generator refuelling points on site.

The Department also requested the Applicant:

- provide further details on the proposed noise walls to confirm these would not create a negative visual outcome
- provide plans to confirm design details of all proposed retaining walls and to demonstrate adequate usable open space would be provided for warehouse staff
- clarify the types of flammable gases and liquids proposed to be store on site and whether it would include anything other than aerosols and hand sanitiser
- demonstrate on plans the location of restricted areas for storage purposes in Warehouse 4.

5.4.2 Public Submissions

The Department received two submissions from the public, one from a resident in Doonside and one from IKEA Distribution Services Australia Pty Ltd (IKEA), both providing comment on the development.

The matters raised in the individual public submission related to the opportunity for 'biobanking' as a result of the removal of native vegetation on site.

IKEA advised it was reviewing the proposal and would advise the Department of any concerns. No further correspondence was received.

5.5 Response to Submissions

On 2 November 2020, the Applicant provided a Response to Submissions (RTS) on the issues raised during the public exhibition of the application (see **Appendix B**). The RTS included additional documentation to address the concerns raised by Council and the relevant public authorities, including an Aboriginal Cultural Heritage Assessment Report (ACHAR), revised bushfire and traffic assessments and updated architectural, civil, stormwater and servicing and landscape design plans.

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

Council reviewed the RTS and requested the Applicant to provide the following:

- a revised landscape plan with a minimum of 30% shading to paved areas
- further demonstrate how the development would manage potential impacts upon the existing Ingenia development to the east
- removal of any redundant easements to be depicted on the subdivision plan
- revise drawings and MUSIC modelling associated with the management of stormwater for the proposed development.

Heritage NSW – ACH confirmed the ACHAR has been prepared in accordance with guidelines, however, requested further evidence that consultation had been undertaken by the Applicant with stakeholders.

TfNSW reviewed the RTS and revised Traffic Impact Assessment (TIA) and raised the following concerns:

- traffic modelling of Richmond Road assumed a three-lane upgrade, however, this upgrade is currently not scheduled. TfNSW requested the Applicant model Richmond Road as a two-lane road, the way in which it currently operates
- the proposal will have an impact on the performance of the existing intersections on Richmond Road. The Applicant must further assessment impact and implement appropriate mitigation measures to ensure the development would maintain the current level of service (LoS) along the road network.

TransGrid reviewed the Applicants details on future proposed ground levels clearance to the overhead transmission lines and advised the development still proposed structures, earthworks and parking areas within the TransGrid easements areas. TransGrid requested the Applicant provide revised plans demonstrating that all aspects of the development would consistent with TransGrid's Easement guidelines: Living and working with electricity transmission lines' (Easement Guidelines). On 2 December 2020, the Applicant provided a subsequent revision to their plans to demonstrate

consistency with the Easement Guidelines. Subsequently, on 18 December 2020, TransGrid confirmed it had no further comments on the matter.

Endeavour Energy reviewed the RTS and requested further clarification on the proposed separation between any storage of dangerous goods (DGs) on the site and the on-site substation. On 10 November 2020, the Applicant provided additional clarification on the matter, demonstrating the storage of DGs within the warehouses will be adequately separated from any Endeavour Energy assets. Endeavour Energy confirmed that they have no further comments on the matter.

5.5.1 Supplementary RTS

On 24 December 2020, the Applicant submitted a Supplementary RTS which included a suite of revised landscape, civil design and architectural plans, a revised ACHAR and a road upgrade offer and analysis.

The supplementary RTS was made publicly available on the Department's website and was provided to key government authorities to consider whether it adequately addressed the issues raised. A summary of the government authority responses is provided below:

Heritage NSW – ACH confirmed it had no further comments on the development, recommending a condition to require the Applicant prepare and implement an Aboriginal Cultural Heritage Management Plan.

Council confirmed it has no further comments on the development and recommended conditions relating to landscape management, noise management, car parking, developer contributions and stormwater management.

TfNSW reviewed the RTS and maintained its position, requiring the Applicant to further demonstrate the development would maintain the current LoS along the road network, particularly at the intersection of Hollinsworth Road and Richmond Road.

Between 24 December 2020 and 21 January 2021, correspondence was exchanged between the Applicant, TfNSW and the Department to address the outstanding matters relating to the predicted impacts upon the local road network. On 20 January 2021, the Applicant provided a concept design plan for an upgrade to the Hollinsworth Road and Richmond Road intersection which included an extended left turn slip lane from Hollinsworth Road and an additional right turn lane from Richmond Road (see **Figure 13**). TfNSW advised it was generally supportive of the proposed design, in principle, subject to further consultation on detailed design. The Department's assessment of traffic impacts associated with the development is discussed in **Section 6.1**.

The Department has considered the issues raised in submissions, the RTS and Supplementary RTS in its assessment of the proposed development.

6 Assessment

The Department has considered the EIS, the issues raised in the submissions, the Applicant's RTS and Supplementary RTS in its assessment of the development. The Department considers the key assessment issue relates to traffic impacts.

A number of other issues have also been considered. These issues are considered to be relatively minor and are assessed in **Table 5** in **Section 6.2**.

6.1 Traffic Impacts

The construction and operation of Sydney Business Park, Stage 3, will generate additional traffic movements within and around the MPIP, which has the potential to impact on the operational performance of the surrounding road network. The EIS included a Traffic Impact Assessment (TIA) to assess traffic impacts, including trip generation, impacts on the local road network, vehicle manoeuvrability and parking provision with reference to the RMS 'Guide for Traffic Generating Development 2000' and relevant Australian Standards.

Trip Generation and Road Network Impacts

The site currently gains access off Hollinsworth Road and Astoria Street, both of which are classified as local roads, and both of which connect to Richmond Road, classified as a State road. To facilitate the development, the Applicant proposes to construct a new north-south collector road between Hollinsworth Road and Astoria Street, as well as an extension to Hollinsworth Road to the western side of the development.

The TIA provided detail on the traffic generation expected from the development during construction, and operation of all four warehouses. The number of truck movements during the construction phase would vary depending on the stage of construction, predicting up to 25-50 movements a day, equating to peak flows of up to five vehicles an hour based on a 10-hour workday. The Applicant proposes to prepare a Construction Traffic Management Plan to implement standard management actions. The Applicant advised construction traffic impacts are considered negligible and unlikely to impact on the performance of the surrounding road network.

Operational traffic generated by each warehouse was based on the TfNSW *Technical Direction: Guide to Traffic Generating Developments – Updated Surveys* (May 2013), which predicted a total of 5,100 daily trips (473 trips in the AM peak / 510 trips in the PM peak) as a result of the development. Road Network Modelling undertaken in 2014 for the MPIP, indicated a total traffic generation for the entire precinct of 4,021 trips in the AM peak, 4,487 trips in the PM peak and 5,227 trips in the weekend peaks.

TfNSW reviewed the submitted TIA, requesting the Applicant assess traffic impacts associated with the development on an additional five intersections along Richmond Road and Hollinsworth Road.

The Applicant submitted an addendum to the TIA as part of their RTS. The addendum included a road network assessment and modelling along the Richmond Road corridor. The modelling found there are existing capacity constraints occurring at the southern end of the corridor at the Richmond Road and Hollinsworth Road intersection, which operates at a Level of Service E (LoS E) (at capacity).

TfNSW reviewed the addendum and maintained its position, requesting further modelling and requiring the Applicant demonstrate the LoS would not be impacted by the development, and if required, to proposed mitigation measures to achieve this outcome.

Between 24 December 2020 and 21 January 2021, correspondence was exchanged between the Applicant, TfNSW and the Department to address the outstanding matters relating to the predicted impacts upon the local road network. The Applicant subsequently proposed to undertake upgrade work to the intersection of Hollinsworth Road and Richmond Road, introducing an extended left turn slip lane from Hollinsworth Road and an additional right turn lane from Richmond Road (see **Figure 13**). This would reduce queuing and congestion along the northern approach to the intersection and the eastern approach to the intersection on Hollinsworth Road.

The Applicant modelled the intersection with the inclusion of the upgrades, as well the intersection at three other development scenarios for AM and PM peak in 2036. With the inclusion of the proposed upgrade works, the intersection is predicted to continue to operate at the current LoS, but without any impact to the existing capacity or delays experienced at this intersection (refer **Figure 14**).

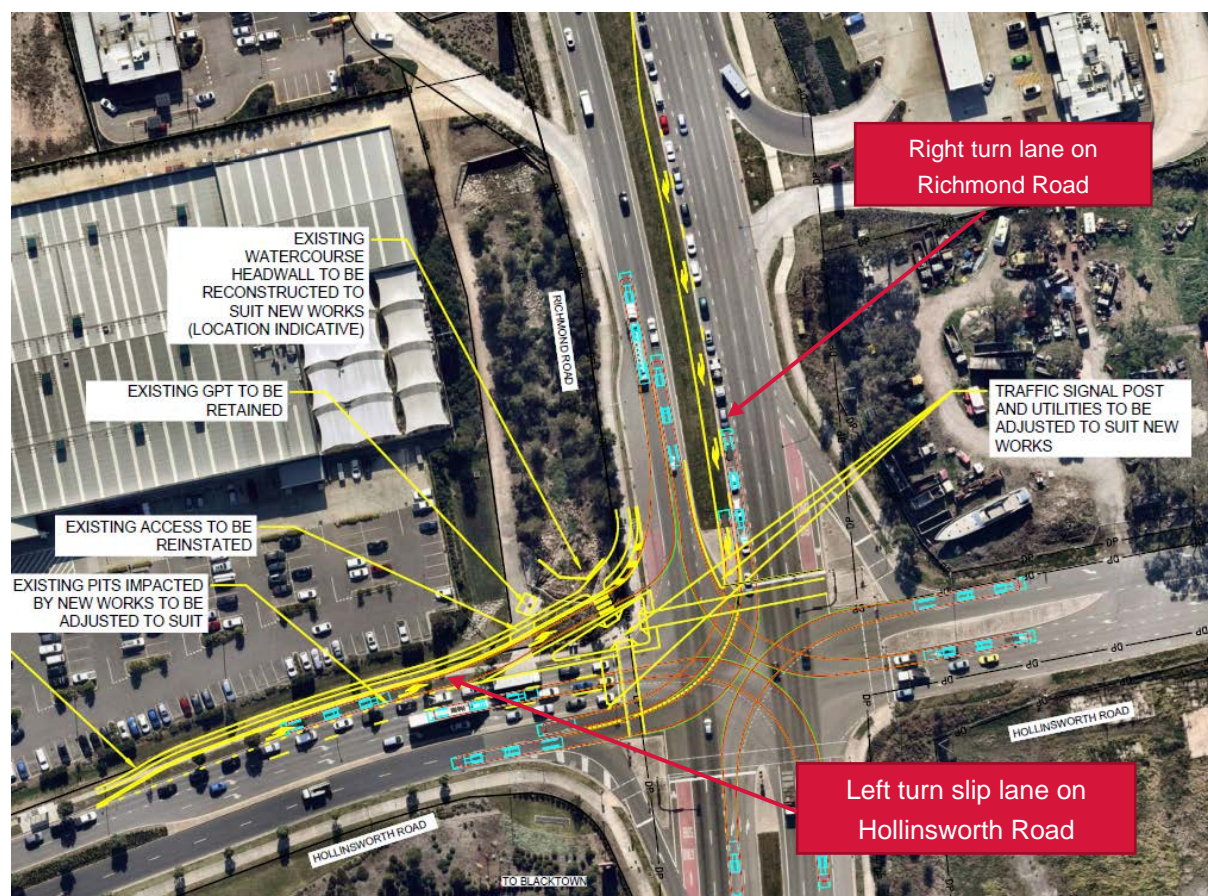


Figure 13 | Concept design plan of road upgrades

The Department's assessment considered the additional traffic generation and impacts on the local road network in the context of the surrounding area as well as what was predicted as part of the original modelling for MPIP. The trip generation predicted for the development represents 10-12% of the approved trips for the MPIP, which is consistent with the predictions in the original modelling for the MPIP.

The Department notes there is significant growth and development in the North West Growth Centre in line with strategic planning for the area. However, there are a range of proposed State road upgrades that have not yet been completed to respond to the significant increase in traffic from new development in the MPIP. This includes an extension of South Street (west of the site) to the south to the suburb of

Bidwell and the proposed upgrade of the Richmond Road corridor from a two-lane to a three-lane road. The proposed intersection upgrade to be constructed by the Applicant will therefore only provide interim relief for the proposed development traffic impacts until such time further road upgrades are completed by government.

Ultimately, this is a matter for the NSW Government and the Department considers that, subject to the upgrade works to the Richmond Road and Hollinsworth Road intersection, the traffic impacts are not so significant or widespread that the development should be delayed until the broad network upgrades have been completed.

Accordingly, the Department has recommended a condition requiring the Applicant to undertake the upgrade works to the Richmond Road and Hollinsworth Road intersection to the satisfaction of TfNSW, entering into a Works Authorisation Deed for the works, ensuring its completion prior to the operation of the development. The Applicant has accepted this condition and has agreed to fund the cost of these works. To manage construction traffic impacts, the Department has recommended the Applicant be required to prepare a Construction Traffic Management Plan which details measures to be implemented to ensure road safety and network efficiency.

The Department's assessment concludes the inclusion of the extended left turn slip lane from Hollinsworth Road and an additional right turn lane from Richmond Road will ensure the development maintains the existing LoS for the intersection, alleviating the potential for residual impacts. Based on the advice of TfNSW, the Department is satisfied the development is predicted to result in acceptable impacts to the performance of the surrounding road network.

Car parking

As part of the TIA, the Applicant estimated the car parking requirements for the development in accordance with the Blacktown City Council Growth Centre Precincts Development Control Plan (refer **Table 4**). Car parking areas for the development are designed to be exclusive to each warehouse.

Table 4 | Car parking requirements

Warehouse	Gross floor area	Car parking required	Car parking provided	Car parking shortfall
1	Warehouse 41,900m ² Office 2,000m ²	322	344	-
2	Warehouse 16,000m ² Office 1,100m ²	171	157	14
3	Warehouse 3,475m ² Office 350m ²	55	54	1
4	Warehouse 24,485m ² Office 690m ²	207	224	-

TfNSW reviewed the submitted TIA, requesting the Applicant reassess the car parking requirements to ensure consistency with TfNSW guidelines. The Applicant's RTS confirmed a minor shortfall in car parking of 14 spaces and 1 space for Warehouses 2 and 3, respectively. However, the Applicant's design includes provisional parking on informal hardstand areas which could easily be converted to formal car parking spaces, if the warehouses demonstrate a future need for additional spaces.

The Department considers the distribution of car parking proposed for the development is adequate, noting that the DCP guidelines conservatively assume the size of each warehouse building is

proportional to the number of employees and the number of car spaces. However, as the final users of two of the warehouses are unknown the Applicant has only provided an estimate of the demand for car parking and has identified areas which could be formalised in the future if the need for additional parking were identified.

Overall, the Department's assessment concludes the provision of adequate car parking on site the development will not adversely impact the local road network and traffic impacts will be appropriately managed through recommended conditions of consent.

6.2 Other Issues

The Department's assessment of other issues is provided in **Table 5**.

Table 5 | Assessment of other issues

Assessment	Recommendation
Noise and Vibration	
<ul style="list-style-type: none"> The development would generate noise during construction and from 24-hour operations. Primary operational noise sources include heavy vehicle movements to, from and within the site, the use of external mechanical plant and forklifts and staff vehicle trips. The EIS included a Noise Impact Assessment (NIA) which assessed the potential construction and operational noise impacts in accordance with the EPA's NSW Noise Policy for Industry 2017 (NPfI), the Interim Construction Noise Guidelines (ICNG) and the Road Noise Policy (RNP). <p><u>Construction noise</u></p> <ul style="list-style-type: none"> The NIA concluded construction noise across all stages would comply at all receivers with the exception of three residential receivers in Bidwell, which could be impacted by earthworks and construction noise, over short periods. The predicted exceedances (i.e. noise levels between 48 and 56 dB) remain well below the 'highly affected' noise limits in the ICNG (i.e. 75 dB), and the NIA concluded the exceedances can be managed subject to implementation of standard best practice construction noise mitigation measures, including using less noise-intensive construction equipment and the preparation of a Construction Noise Management Plan (CNMP). The Department considers construction noise impacts would be temporary and the modelling represents a worst-case scenario whereby all plant are running continuously. Impacts can be managed to an acceptable level by ensuring the Applicant adheres to the noise management levels in the ICNG, implementation of a CNMP and restricting construction works to standard construction hours. Conditions have been recommended accordingly. <p><u>Operational noise</u></p> <ul style="list-style-type: none"> An assessment of operational noise impacts was carried out for neutral and worst-case conditions assuming the following mitigation measures: <ul style="list-style-type: none"> appropriately locating rooftop mechanical plants away from receivers, and where necessary installing appropriate screening a 2.7 m high noise barrier on the south-western boundary corner of Warehouse 4 to minimise loading dock noise a 2.4 m high noise barrier on the eastern boundary between Warehouse 2 and the Ingenia retirement village. 	<p>Require the Applicant:</p> <ul style="list-style-type: none"> adhere to standard construction hours prepare and implement a CNMP adhere to the requirements of the Interim Construction Noise Guideline ensure operational noise meets noise limits for surrounding residential sensitive receivers submit a Noise Verification Report prior to detailed design of Warehouses 2 and 3 and once the development is fully operational ensure construction of noise barriers is in accordance with the NIA.

Assessment	Recommendation
<ul style="list-style-type: none"> • The NIA concluded operational noise would comply with relevant criteria at all receivers. However, the sleep disturbance criterion of 52 dBA would be exceeded by 2 dBA in neutral weather conditions, and up to 5 dBA in worst-case weather conditions (wind and/or temperature inversions) at R13 (15 Loranthus Crescent, Bidwill), identified as one of the closest residences to the southern end of the site on Figure 4. • The Applicant's NIA referred to sleep disturbance research which concludes maximum internal noise levels below 50–55 dB(A) are unlikely to awaken people from sleep and one or two noise events per night (with maximum internal noise levels of 65–70 dB(A)), are not likely to affect health and wellbeing significantly. • As the predicted worst-case operational noise levels remain below 65 dBA, the Applicant advised the proposal is unlikely to cause awakenings or impacts on well-being. • Operational traffic noise impacts are predicted to be < 0.5 dBA above existing traffic noise levels during both day and night. The Applicant's assessment concluded this is considered insignificant on the basis that any increase less than 2 dB above existing levels is imperceptible. • The Department is satisfied the NIA represents a conservative assessment of construction and operational noise. Construction noise can be managed through standard noise management measures and operational noise is predicted to meet the NPfI noise criteria and is unlikely to cause sleep disturbance. • The Department notes the proposed site layout provides a 50 m setback from the Warehouse 2 loading dock (the primary operational noise source) to reduce noise impacts to the Ingenia retirement village. • However, while the exceedance of the sleep disturbance screening criterion at R13 is marginal, the Department has recommended further verification of operational noise impacts at this receiver, including the number of times the criterion would be exceeded by discrete noise events. • Operational noise limits are recommended for residential properties to the north and south of the site based on the project noise trigger levels. Given the residential nature of the Ingenia retirement village, noise limits have also been recommended for this receiver based on the Applicant's predicted noise levels. • To minimise any residual noise impacts from Warehouse 2 on the Ingenia development, the Department has recommended conditions restricting heavy vehicle movements along the driveway between Warehouse 2 and the eastern site boundary between 10 pm and 7 am and requiring all roller doors and shutters on the eastern elevation of Warehouse 2 to be closed during these hours. • A condition is also recommended requiring the Applicant to construct the proposed noise barriers prior to the commencement of operation of any part of the development. Conditions also require the Applicant to verify predicted noise impacts once Warehouses 1 and 4 are operational (prior to the detailed design of Warehouses 2 and 3) and a second verification report once the development is fully operational in a Noise Verification Report. • The Department concludes the potential impacts from construction and operational noise are acceptable in the context of the industrial zoning of the site and surrounds, and that residual noise impacts on sensitive receivers can be suitably mitigated through best practice noise management procedures and the recommended conditions of consent. 	

Assessment	Recommendation
<p>Biodiversity</p> <ul style="list-style-type: none"> • The proposal includes the clearing of an area of approximately 5 ha of Cumberland Plain Woodland, a critically endangered species under the <i>Biodiversity Conservation Act 2016</i> (BC Act), in the south-eastern area of the site. One public submission and Council raised concerns regarding potential biodiversity impacts. • The EIS included a request to waive the requirement for a Biodiversity Assessment Report (BDAR) and an associated assessment of the potential impact from the development on biodiversity values. • The BDAR waiver noted large areas of the North West Growth Centre have been biodiversity 'certified' under the former <i>Threatened Species Conservation Act 1995</i> during the rezoning of the MPIP. This means the assessment of the impact was carried out at the rezoning stage and appropriate offsets for any clearing have already been determined. As such, any clearing does not need to be considered at the DA stage. • The Biodiversity Certification Order issued in 2007 by the then Minister for Climate Change and the Environment, required 2,000 ha of 'existing native vegetation area' (ENVA) to be retained across the Growth Centres. The proposal does not contain any ENVA. • Within the wider study area, there is an area to the west of the development, which is not biodiversity certified. The proposal does not involve disturbance to this area. Therefore, there will be no impacts to biodiversity values in the non-certified land. • EES supported the BDAR waiver request, raised no biodiversity concerns. Council recommended the Applicant prepare a Biodiversity Management Plan (BMP) to address potential construction impacts such as environmental controls, fauna rescue and release procedures and tree hollow management. • Notwithstanding the BDAR waiver, in response to the request from Council, the Applicant proposes to prepare a BMP prior to construction. • The Department agrees with EES that the proposed development is unlikely to impact biodiversity values and the existing biodiversity certification for the MPIP has already established appropriate biodiversity offsets. • The Department waived the requirement for a BDAR and concurs with the Applicant's commitment to prepare and implement a BMP prior to construction. • The Department's assessment concludes that, with the implementation of the Applicant's proposed mitigation measures and the Department's recommended conditions, the development is unlikely to have any additional impacts on biodiversity beyond those already assessed through the biodiversity certification process for the MPIP. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> • prepare and implement the proposed BMP which forms part of the Applicant's proposed suite of management and mitigation measures.
<p>Heritage</p> <ul style="list-style-type: none"> • The EIS included an Aboriginal cultural heritage assessment utilising the results of a previous Aboriginal heritage assessment report for the MPIP prepared by the Growth Centres Commission (GCC) in 2009. • The GCC assessment identified two extant Aboriginal sites in the southern area of the site. These sites would be impacted during earthworks: 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> • prepare an unexpected finds protocol as part of the CEMP • prepare and implement an ACHMP.

Assessment	Recommendation
<ul style="list-style-type: none"> - MPIP 17 (AHIMS 45-5-3748) – comprising two stone artefacts - MPIP 18 (AHIMS 45-5-3749) – comprising a scatter of eight stone artefacts (partially impacted). • Both sites were assessed by the GCC as having low archaeological value but were granted approval to be removed with an Aboriginal Heritage Impact Permit (AHIP No. C0001495), issued by the then Office of Environment and Heritage in November 2015. • Heritage NSW - ACH noted the Applicant's Aboriginal cultural heritage assessment submitted with the EIS was prepared on the basis of the 2009 GCC assessment, which predates the Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW (OEH 2010). • Heritage NSW – ACH requested the Applicant prepare a revised Aboriginal Cultural Heritage Assessment Report (ACHAR) in accordance with all requirements set out in the current guidance, including all relevant requirements for consultation with the Aboriginal community. • Following two more revisions of the ACHAR, Heritage NSW – ACH accepted the final revised ACHAR submitted in September 2020. The revised ACHAR committed to implementation of management measures, including protective fencing of the non-impacted portion of MPIP 18 and to ensure construction personnel are made aware of its location. • Heritage NSW – ACH recommended the Applicant be required to prepare an Aboriginal Cultural Heritage Management Plan (ACHMP) in consultation with the Registered Aboriginal Parties, prior to ground disturbing works being undertaken. The Department has included this as a condition. • In relation to European heritage, the Heritage Council of NSW stated the subject site is not listed on the State Heritage Register, nor is it in the immediate vicinity of any SHR items. Further, the site does not contain any known historical archaeological deposits. • The Department has recommended a condition to require the Applicant to prepare and implement an ACHMP prior to any works occurring on site to ensure the appropriate protection is provided to the remaining portion of MPIP 18. The Department has also recommended the Applicant prepare an unexpected finds protocol in the event further Aboriginal artefacts or sites are found during construction. • The Department's assessment concludes the Applicant's assessment is consistent with current EES guidance and appropriate management measures will be in place to mitigate any impacts by the proposed development. 	
Waste Management <ul style="list-style-type: none"> • Waste would be generated during both construction and operation activities. Construction waste would be generated primarily during demolition of existing fencing on site, clearing of vegetation, excavation and general construction activities. • Approximately 16,920 m³ of excess fill would be required to be exported off the site as part of site earthworks. • During operations, the Applicant has estimated the facility will primarily generate cardboard, paper, plastic packaging, pallets, recyclable glass, metal and plastic containers, hazardous solid waste, liquid waste and non-recyclable general waste. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> • secure and maintain waste in the identified waste designation area on site • classify and dispose of generated waste in accordance with the latest version of the NSW EPA's Waste Classification Guidelines 2014.

Assessment	Recommendation
<ul style="list-style-type: none"> • The Applicant prepared a Waste Management Plan (WMP) to estimate the types and quantities of waste likely to be produced during construction and operation, proposed on-site storage and treatment and the final disposal destination, including whether the waste would be re-used, recycled or disposed to an appropriately licensed facility (e.g. hazardous waste). • General solid waste of a non-recyclable nature will be accumulated in industrial bins specific to each warehouse, Warehouse 1, 2 and 3 at the rear of the buildings, and at the front of Warehouse 4, screened by car parking. • The Department is satisfied the WMP demonstrates all waste will be appropriately managed on-site, re-used or recycled where possible, and disposed offsite by authorised agents to licensed waste disposal facilities, as required. • Council raised no concerns in relation to waste management. • The Department has included conditions requiring that the Applicant to management waste on site in the appropriately designated waste area and to classify and dispose of wastes generated in accordance with the latest version of the NSW EPA's Waste Classification Guidelines 2014. • The Department's assessment concludes the proposed storage and management of waste is adequate, with the implementation of the recommended waste management conditions. 	
Hazards and Risk	
<ul style="list-style-type: none"> • The proposed development will involve the storage of a range of dangerous goods (DGs) associated with Warehouse 4 (API Facility), with the other three warehouses having the potential to store minor amounts of DGs, such as aerosols and hand sanitisers (contains ethanol). • The EIS included a DG Assessment which compared the quantities of DGs against the threshold quantities listed in SEPP 33 and found DG storage for each facility would not exceed the screening thresholds. For Class 3 Flammable Liquids storage for Warehouses 1, 2 and 4, this compliance is subject to meeting certain minimum boundary separation distances. • Warehouse 1 and 2 can achieve adequate separation through the building setbacks, whereas Warehouse 4 will be required to restrict the storage of flammable liquids to certain areas of the warehouse. • The Department requested the Applicant provide further analysis against the DG transport thresholds, confirm whether the development was to store any other flammable gases or liquids (other than aerosols and hand sanitiser) and provide plans to demonstrate the restricted storage area for DG storage in Warehouse 4. • As part of the RTS, the Applicant confirmed the cumulative transport of DGs from all facilities would not exceed the transport thresholds, aerosols and hand sanitisers would be the only flammable gases and liquids stored and provided plans of the restricted area for DG storage in Warehouse 4. • As the maximum quantity of all DGs stored on or to be transported to/from the site are below the screening threshold quantities under SEPP 33, the development is not 'potentially hazardous'. Therefore, no further hazard analysis was required. • The Department has recommended conditions requiring the quantities of DGs stored on the site to be kept below SEPP 33 thresholds at all times and for the Applicant to store DGs in accordance with Australian Standards and 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> • ensure the quantities of DGs stored and handled at the site are below the threshold quantities listed in Hazardous and Offensive Development Application Guide – Applying SEPP 33 at all times • store DGs in accordance with the relevant Australian Standards and the NSW EPA's 'Storing and Handling of Liquids: Environmental Protection – Participants Manual'.

Assessment	Recommendation
<p>the NSW EPA's 'Storing and Handling of Liquids: Environmental Protection – Participants Manual.</p> <ul style="list-style-type: none"> The Department's assessment concludes the implementation of the recommended conditions would ensure the final design and operation of the facility includes adequate safeguards to address the risks associated with the storage of DGs on the site. 	
Developer Contributions	
<ul style="list-style-type: none"> The Blacktown City Council Section 7.11 Contributions Plan Number 21 – Marsden Park 2020 applies to the development. Council has recommended conditions on the development for the payment of contributions based on the total developable area. The contributions have been specified to be for stormwater quantity and quality management and traffic management in accordance with the relevant contributions plan. On this basis, the Department has recommended a condition of consent requiring the payment of a section 7.11 contribution to Council. The Applicant is also required to make a Special Infrastructure Contribution (SIC) under the <i>Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Growth Areas) Determination 2011</i> (the Determination). The SIC is designed to fund 50% of the roads, bus depots, open space, planning and delivery costs as well as land for social infrastructure within the Growth Centres. The remaining 50% of these costs is funded by the State Government. The Applicant noted the requirement to pay the relevant SIC in the EIS and the Department has recommended a condition requiring the SIC to be paid prior to the issue of a construction certificate for any works in relation to the proposed development. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> pay the required 7.11 development contribution to Council make a SIC in accordance with the Determination.

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, advice received from the relevant public authorities, including Council, and submissions from the public.

The development would deliver up to 670 construction jobs and 610 operational jobs and will facilitate the continued development of the MPIP in accordance with the Growth Centres SEPP and the Sydney Business Park master plan. The proposal is consistent with the key objectives of the Greater Sydney Region Plan and the Central City District Plan, which encourage planned and managed industrial development and the provision of jobs in Western Sydney.

None of the State government agencies, Council or the community have objected to the proposal and the Department has sought to address any issues raised through consultation with both the government authorities and the Applicant.

The Department's assessment considered traffic impacts to be the key matter for consideration, concluding that the proposed development causes no significant impacts in road performance in the context of the high background traffic and growth. The inclusion of the extended left turn slip lane from Hollinsworth Road and an additional right turn lane from Richmond Road will ensure the development maintains the existing LoS for the intersection, alleviating the potential for the development to create even negligible impacts.

The Applicant has proposed a suite of appropriate management and mitigation measures to address any potential amenity and environmental impacts associated with construction and operational noise, clearing of native vegetation and removal of existing Aboriginal cultural heritage sites. Suitable on-site management measures are also proposed for the storage and management of DGs and waste generated during construction and operation.

The Department has recommended a range of standard conditions to manage any residual amenity or environmental impacts. Additional project-specific conditions regarding traffic impacts, the ongoing management and verification of noise impacts and the protection of Aboriginal cultural heritage have been developed in consultation with relevant State government agencies and Council.

Relevant State and local developer contributions are payable to fund the provision of infrastructure. Payment of these contributions have been required through the recommended conditions of consent.

Overall, the Department's assessment has concluded the development would:

- provide a range of benefits for the region and the State as a whole, including a capital investment of approximately \$157.4 million in the Blacktown LGA
- provide for approximately 670 construction jobs and 610 operational jobs
- be consistent with NSW Government policies including, the Greater Sydney Region Plan and the Central City District Plan, which encourage planned industrial development and the provision of jobs in Western Sydney.

The Department considers that these benefits can be realised without any significant amenity or environmental impacts and therefore considers the proposed development is in the public interest and should be approved, subject to conditions.

8 Recommendation

For the purpose of section 4.38 of the *Environmental Planning and Assessment Act 1979*, it is recommended that the **Executive Director – Energy, Industry and Compliance**, 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 Sydney Business Park, Stage 3 (SSD-10477), subject to the conditions in the attached development consent
- **signs** the attached development consent and recommended conditions of consent (see **Appendix E**).

Prepared by:

Ania Dorocinska
Senior Environmental Assessment Officer

Recommended by:



22 January 2021

Sally Munk

Principal Planner, Industry
Industry Assessments

Recommended by:



25 January 2021

Chris Ritchie

Director
Industry Assessments

9 Determination

The recommendation is **Adopted** by:

A handwritten signature in blue ink, appearing to read 'Michael J.', is positioned above the date.

28 January 2021

Mike Young

Executive Director

Energy, Industry and Compliance

Appendices

Appendix A – List of Referenced Documents

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

Environmental Impact Statement

- 'Environmental Impact Statement' prepared by PJEP Environmental Planning Pty Ltd dated August 2020

Submissions and Government Advice

- All submissions received from the general public and advice from government authorities

Response to Submissions

- Response to Submissions letter and attachments, prepared by PJEP Environmental Planning Pty Ltd dated November 2020
- Supplementary Response to Submissions, prepared by PJEP Environmental Planning Pty Ltd dated December 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/37941>

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
<p>a) the provisions of:</p> <ul style="list-style-type: none"> 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 iv.) 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 v.) the regulations (to the extent that they prescribe matters for the purposes of this paragraph). 	<p>Detailed consideration of the provisions of all environmental planning instruments (including draft instruments subject to public consultation under this Act) that apply to the proposed development is provided below.</p> <p>The Applicant has not entered into any planning agreement under section 7.4.</p> <p>The Department has undertaken its assessment of the proposed development in accordance with all relevant matters as prescribed by the regulations, the findings of which are contained within this report.</p>
<p>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,</p>	<p>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.</p>
<p>c) the suitability of the site for the development,</p>	<p>The development involves the construction and operation of four warehouse and distribution centres in an area suitably zoned IN1 General Industrial, IN2 Light Industrial and SP2 Infrastructure (Local Roads) under the MPIP Plan. The proposed development is</p>

Matter	Consideration
	permissible with development consent and is located in an existing industrial precinct identified for industrial and employment generating uses.
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 has a capital investment value (CIV) of \$157.4 million and will generate approximately 670 construction jobs and 610 operational jobs in the Blacktown LGA. The environmental impacts of the development would be appropriately managed via the recommended conditions. The Department considers 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 (**SRD 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**)
- draft State Environmental Planning Policy (Remediation of Land) (**draft Remediation SEPP**)
- State Environmental Planning Policy No. 65 – Advertising Structures and Signage (**SEPP 65**)
- State Environmental Planning Policy No. 19 – Bushland in Urban Areas (**SEPP 19**)
- State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (**Growth Centres SEPP**)
- Blacktown City Council Growth Centre Precincts Development Control Plan 2016 (**Growth Centres DCP**)

State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)

The SRD SEPP identifies certain classes of development as SSD. In particular, development for the purposes of warehouses and distribution centres with a CIV greater than \$50 million meet the criteria of clause 12 of Schedule 1 of the SRD SEPP and are consequently classified as SSD. The development satisfies the criteria in clause 12 of Schedule 1, as it would involve the construction of warehouses and distribution centres with a CIV of \$157 million.

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. Clause 45 of the ISEPP applies due to the development's proximity to electricity easements, whereby the development has been designed to avoid any building works in these areas of the site, with the development in the easement restricted to car parking, hardstand and open space. Clause 104 of the ISEPP applies as it would involve the construction and operation a development which has a GFA exceeding 8,000 m² and parking for more than 200 cars.

Consequently, the development was referred to TfNSW for comment and consideration of accessibility and traffic impacts and TransGrid for the consideration of the developments impacts upon their infrastructure. TfNSW did not object, but recommended conditions requiring the Applicant to undertake upgrade works to the intersection between Hollinsworth Road and Richmond Road. TransGrid did not object, requiring the Applicant to ensure compliance with the Easement Guidelines throughout construction and operation of the development. The development is therefore considered to be consistent with the ISEPP.

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 EIS identified that the proposed development would involve the storage and handling of some minor amounts of Dangerous Goods (DG), including aerosols and flammable liquids (hand sanitisers).

The Department is satisfied that the development is consistent with the aims of SEPP 33, and would appropriately minimise any risks associated with the storage and handling of DGs, therefore it would not be considered a potentially hazardous or potentially offensive development under clause 3 of this SEPP.

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.

The potential for site contamination on the subject land has been assessed, which found that the land is not significantly contaminated and is fit for the intended industrial use, subject to removal of a small amount of asbestos-containing material and surface waste. The Department is satisfied the development is consistent with the aims, objectives and provisions of SEPP 55.

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.

The proposed signage, including illuminated signage, is considered to be compatible with the existing industrial/commercial nature of Sydney Business Park and the key visual catchment, as well as with signage on surrounding industrial buildings. The Department is satisfied the proposed signage would not detract from the surrounding locality and would allow for the clear identification for the final users.

The Department's recommended conditions of consent include requirements for signage. The Department is satisfied that the proposed signage will be consistent with the aims and objectives of SEPP 64.

State Environmental Planning Policy No. 19 – Bushland in Urban Areas (SEPP 19)

SEPP 19 generally aims to protect and preserve bushland in certain urban areas, including in the Blacktown LGA due to its value to the community as part of natural heritage, its aesthetic value and its value as recreational, educational and scientific resource.

Under SEPP 19, a person must not disturb bushland zoned land or land adjoining land zoned for public open space purposes without consent. The site does not adjoin land which contains bushland zoned or reserved for public open space, however there is such zoned bushland further to the west of the site in Shanes Park, beyond South Street. The proposal has been designed to ensure that stormwater runoff from the site does not impact this urban bushland, as such The Department is satisfied that the proposed development will be consistent with the aims and objectives of SEPP 19.

State Environmental Planning Policy (Sydney Region Growth Centres) 2006

The site is zoned IN1 General Industrial, IN2 Light Industrial and SP2 Infrastructure (Local Roads) under the Growth Centres SEPP. The site is also located within the Marsden Park Industrial Precinct (MPIP). This precinct has a Precinct Plan at Appendix 5 of the Growth Centres SEPP.

The Precinct Plan seeks to establish development controls in the MPIP for quality environmental and design outcomes, enhance sensitive environmental areas and the cultural heritage of the area, provide recreational opportunities, provide for multifunctional and innovative development to encourage employment and economic growth, promote housing choice and affordability, encourage sustainable development and promote pedestrian and vehicle connectivity with and around the MPIP.

The development would deliver specialised warehousing and distribution centre facilities for the storage and distribution of a variety of products, including pharmaceutical products and apparel. The site layout is generally consistent with the Precinct Plan.

As discussed in **Section 4** warehousing and distribution centres with ancillary office facilities are permissible with development consent in the IN2 Light Industrial zone.

The Department has undertaken an assessment of the development against the relevant provisions of the Precinct Plan (see **Table 5**). The Department considers the development achieves the aims of the Precinct Plan.

Table 6 | Compliance with relevant clauses and development standards of the Growth Centres SEPP

Clause	Complies (Y/N)	Comment
4.1 Subdivision	Y	The subdivision is consistent with the precinct planning vision.
4.3 Height of Buildings	Y	The proposed maximum building height is 14.6 m, complying with the maximum building height control of 16 m.
4.4 Floor space ratio (FSR)	Y	The development has a FSR ranging from 0.45:1 to 0.6:1, complying with the FSR limit of 0.7:1.
5.6 Architectural roof features	Y	The proposed building does not involve architectural roof features above the maximum building height and

Clause	Complies (Y/N)	Comment
		building identification signage contained in or supported by the roof feature appears to be fully integrated into the design of the roof feature.
6.1 Public utility infrastructure	Y	The Department is satisfied the water supplies, electricity and sewage disposal would be made available to support the development.

Blacktown City Council Growth Centre Precincts Development Control Plan 2016 (Growth Centres DCP)

The Growth Centres DCP includes specific development controls for the development of land within parts of the North West Growth Centre, specially that land located in the Blacktown LGA. The relevant provisions for the development include Part 1, Part 2, Part 6 and Schedule 3. The EIS included an assessment of the development against the relevant items of the Growth Centres DCP.

While DCPs do not apply to State significant development, the Department has assessed the development against the provisions of the Blacktown Growth Centre DCP and given consideration to specific development controls relevant to the MPIP.

The Department has consulted with Blacktown City Council throughout the assessment process and has considered all relevant provisions of the DCP and those matters raised by Council in its assessment of the development. While Council raised concerns with respect to the provision of car parking, the Department is satisfied the provision of car parking is adequate in the context of the development. Further, the development complies with the built form considerations within the MPIP and includes adequate landscaping.

Appendix D – Community Views for Draft Notice of Decision

The Department publicly exhibited the EIS for Sydney Business Park, Stage 3, from **Friday 21 August 2020** until **Thursday 17 September 2020**. The Department received a total of two submissions from the public on the development, one from an individual and one from IKEA. Both submissions provided comments only, neither were in objection the development. IKEA did not raise any concerns.

Issue	Consideration
Biobanking and biodiversity impacts <i>'If any biobanking occurs it should be within the local council area or suitable land be purchased in the council area.'</i>	<p>As discussed in Section 6.2, the Department has considered the impacts of the development upon the biodiversity values of the site. The EIS included a request for a waiver for a BDAR and an associated assessment of the potential impact from the development on biodiversity values.</p> <p>Biodiversity offsets have been determined as part of the strategic planning for the North West Growth Centre, identifying 2,000 ha of 'existing native vegetation area' (ENVA) to be retained across the area. The proposal does not contain any ENVA.</p> <p>The Applicant has committed to the preparation of a Biodiversity Management Plan (BMP) to manage any potential biodiversity impacts during construction.</p> <p>The Department waived the requirement for a BDAR and has required the Applicant to carry out the development in accordance with the Applicant's proposed management and mitigation measures, which includes the preparation and implementation of a BMP. As such, no biobanking or purchase of ecosystem credits required.</p>

Appendix E – Recommended Instrument of Consent

The recommended conditions of consent for SSD-10477 can be found on the Department's website at: <https://www.planningportal.nsw.gov.au/major-projects/project/37941>