

23 December 2021

Chris Ritchie
 Director Industry Assessments
 Department of Planning, Industry & Environment
 Locked Bag 5022
 PARRAMATTA NSW 2124

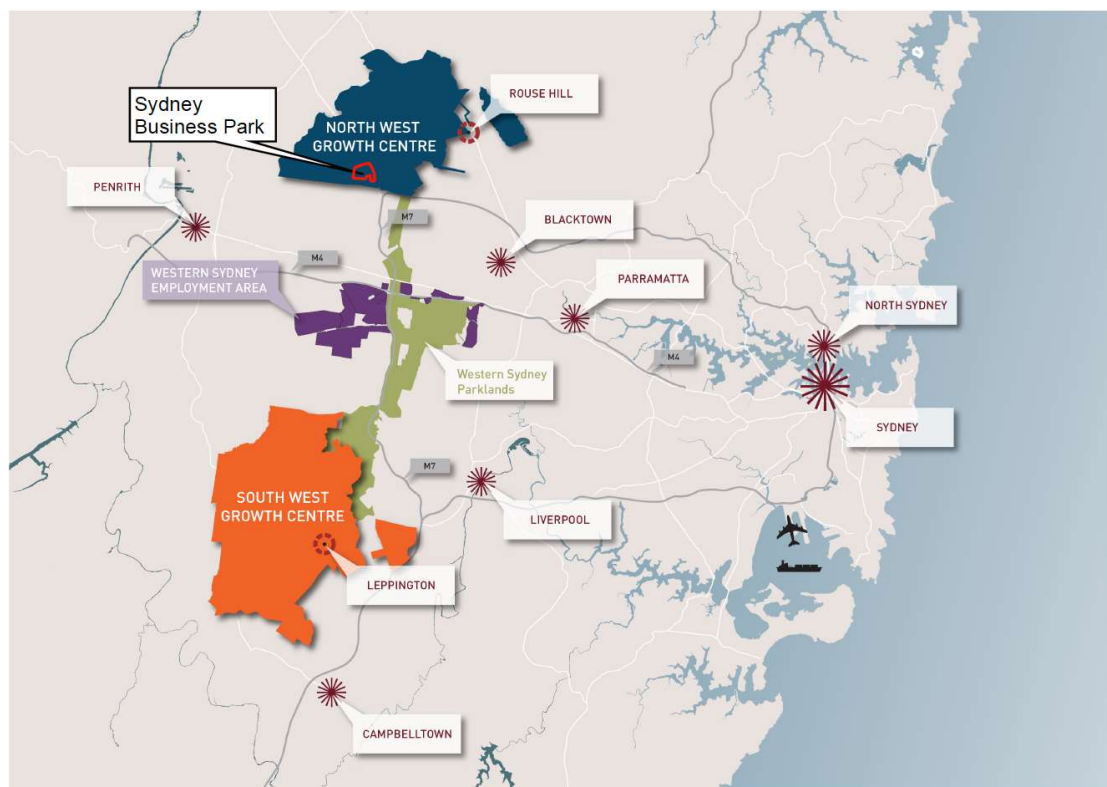
Attn: Joanna Bakopanos, Team Leader Industry Assessments

Dear Chris,

SYDNEY BUSINESS PARK STAGE 3 FACILITIES (SSD-10477) – SECTION 4.55 MODIFICATION (MOD 2) – STATEMENT OF ENVIRONMENTAL EFFECTS

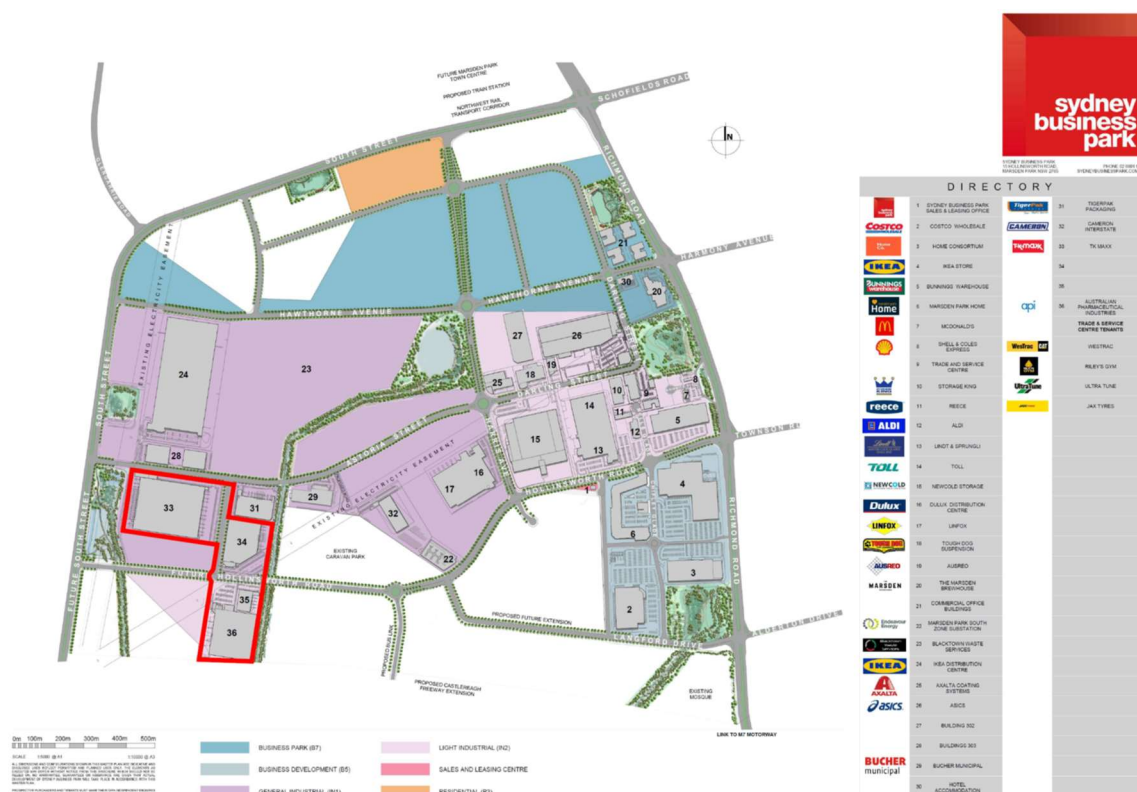
1 Introduction

On 28 January 2021, the Department of Planning, Industry and Environment (the Department), as delegate of the Minister for Planning and Public Spaces (the Minister), approved a Stage significant development application from Marsden Park Developments Pty Limited (trading as Sydney Business Park) for the development of four warehouse and distribution facilities in the area known as ‘Stage 3’ of Sydney Business Park, within the Marsden Park Industrial Precinct in Western Sydney (see **Figures 1 and 2**).



 Sydney Business Park (size and location approximate)

Figure 1: Regional Context



 Stage 3 Facilities (approx.)

Figure 2: Location Plan – Sydney Business Park Master Plan

The key components of the approved development include:

- site subdivision;
- vegetation clearing and earthworks;
- construction of two estate roads and associated intersections;
- construction and operation of four warehouse and distribution facilities with ancillary offices, including:
 - Warehouse 1 (TJX Facility) – 44,560 m² total building area;
 - Warehouse 2 (unidentified end user) – 16,835 m² total building area;
 - Warehouse 3 (unidentified end user) – 3,860 m² total building area;
 - Warehouse 4 (API Facility) – 34,201 m² total building area; and
- ancillary development including car parking, infrastructure provision and landscaping.

The development has a capital investment value of approximately \$157 million (exc. GST), and will generate approximately 610 jobs once operational. The layout of the development is shown on **Figure 3**. The development is described in detail in the Environmental Impact Statement (EIS) for the proposal dated August 2020, as well as the Response to Submissions (RTS) dated November 2020, and Supplementary RTS dated December 2020, all prepared by PJEP Environmental Planning Pty Ltd (PJEP).

The development consent has been modified once since the original approval. The modification (MOD 1) involved some minor changes to the layout of Warehouse 1 (TJX Facility), and was approved by the Department on 20 August 2021.

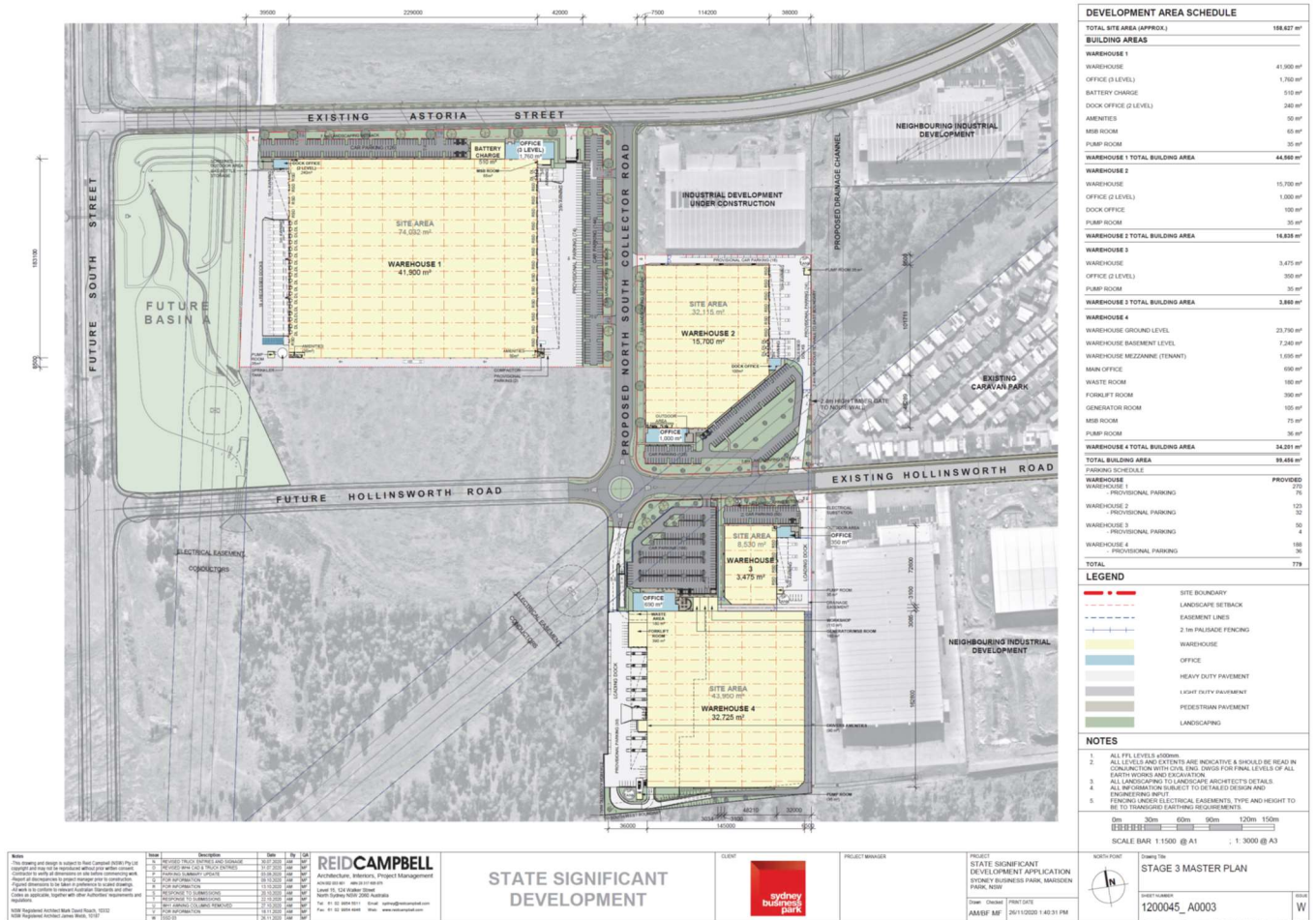


Figure 3: Stage 3 Project Master Plan

Construction of Warehouse 1 (TJX Facility) and Warehouse 4 (API Facility), along with broader estate infrastructure works within the Stage 3 area, are currently nearing completion.

Condition B5 of the consent requires Sydney Business Park to upgrade the intersection of Hollinsworth Road and Richmond Road to the satisfaction of Transport for NSW (TfNSW). The condition is reproduced below (emphasis added):

Intersection Works

B5. The Applicant must undertake upgrade works to the Hollinsworth Road and Richmond Road intersection to the satisfaction of TfNSW. As part of these upgrade works, the Applicant must:

- submit concept civil design and Traffic Control Signal (TCS) plans to the satisfaction of TfNSW prior to the issue of a Construction Certificate for any stage of the development. The concept design plans must include:**
 - a left turn slip lane from Hollinsworth Road onto Richmond Road; and
 - an additional right turn lane on the south bound approach to the intersection on Richmond Road
- provide written evidence to the Planning Secretary demonstrating the detailed design plans have been approved by TfNSW;**



- (c) ***enter into a Works Authorisation Deed (WAD) with TfNSW prior to the issue of an Occupation Certificate to undertake these intersection upgrade works; and***
- (d) *complete the intersection upgrade works to the satisfaction of TfNSW on Hollinsworth Road and Richmond Road prior to the commencement of operation of the final stage of the development.*

As outlined, condition B5(c) requires Sydney Business Park to enter into a WAD with TfNSW prior to the issue of any Occupation Certificate for the development.

Sydney Business Park is in the final stages of the construction of Warehouse 1 (TJX Facility) and Warehouse 4 (API Facility), and is planning for the first Occupation Certificate to be issued on 21 January 2022.

Sydney Business Park has been working with TfNSW in relation to the required intersection works since the development consent was approved in January 2021. To this end, Sydney Business Park has satisfied condition B5(a) and B5(b), as evidenced by the attached approval letter from TfNSW dated 2 March 2021.

Since 8 March 2021, Sydney Business Park has been seeking to enter into the WAD with TfNSW, to satisfy condition B5(c). The necessary information was initially lodged with TfNSW on 10 April 2021, and has subsequently been updated in response to comments from TfNSW.

Sydney Business Park lodged the final package for the WAD to TfNSW on 3 August 2021. Since this date, there have been some minor changes that TfNSW has requested. These changes essentially relate to detailed design, but have nonetheless been actioned by Sydney Business Park.

Since 29 October 2021, Sydney Business Park has had minimal response from TfNSW on the progress of the WAD.

Sydney Business Park is concerned that further delays will restrict it from being able to achieve the satisfaction of condition B5(c) in a timely manner. This will delay the opening of Warehouses 1 and 4, which have a combined capital investment value of \$120 million, and will generate 450 new jobs. It will also affect the opening of a major pharmaceutical distribution facility (the API Facility), which will be supporting the COVID vaccine rollout of over 100,000 vials per day.

To address this issue, Sydney Business Park is proposing to modify condition B5(c) of the consent to decouple the entering into of the WAD from the Occupation Certificates for the Warehouse 1 and Warehouse 2 facilities. The proposed modification would not affect the timing of the completion of the required intersection upgrade works which, as required under condition B5(d), are required to be completed prior to the commencement of operation of the final stage of the development.

This Modification Report has been prepared by PJEP to support the application for the proposed modification, which is considered able to be assessed under Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).



2 Proposed Modification

Sydney Business Park is proposing to modify condition B5(c) of the development consent to alter the timing for entering into the WAD for the upgrade works to the intersection of Hollinsworth Road and Richmond Road.

The modification seeks to decouple the timing for entering into of the WAD from the Occupation Certificates for the Warehouse 1 and Warehouse 2 facilities, to allow these Occupation Certificates to be granted prior to the entering into of the WAD.

To this end, it is proposed to modify condition B5(c) to the following (or similar):

- B5. The Applicant must undertake upgrade works to the Hollinsworth Road and Richmond Road intersection to the satisfaction of TfNSW. As part of these upgrade works, the Applicant must:*
- (a) ...*
 - (b) ...*
 - (c) enter into a Works Authorisation Deed (WAD) with TfNSW prior to within 6 months of the issue of an Occupation Certificate, or as otherwise agreed by the Planning Secretary, to undertake these intersection upgrade works; and*
 - (d) ...*

The proposed modification does not involve any other changes to the approved development.

3 Planning Context

Section 4.55 of the EP&A Act

The Minister was the consent authority for the original State significant development application, and is therefore the consent authority for the proposed modification.

Under Section 4.55(1A) of the EP&A Act, a consent authority may modify a development consent if it:

- (a) is satisfied that the proposed modification is of minimal environmental impact;
- (b) is satisfied that the development as modified is substantially the same development as the development as originally granted;
- (c) has notified the application in accordance with the regulations or a development control plan, if required; and
- (d) it has considered any submissions made concerning the proposed modification.

It is considered that the proposal represents a minor modification of the development as originally approved, as it:

- does not involve any changes to the use, layout or floor areas of the Stage 3 facilities;
- does not affect the development's consistency with any environmental planning instrument (see below); and
- would not result in any change to the environmental effects of the development (see Section 4).

Consequently, it is considered that the proposed modification can be considered and determined under Section 4.55(1A) of the EP&A Act.



Environmental Planning Instruments

The following environmental planning instruments are relevant to the Stage 3 Facilities:

- *State Environmental Planning Policy (SEPP) No.19 – Bushland in Urban Areas;*
- *SEPP No.33 – Hazardous and Offensive Development;*
- *SEPP No.55 – Remediation of Land;*
- *SEPP No.64 – Advertising and Signage;*
- *SEPP (Infrastructure) 2007;*
- *SEPP (State and Regional Development) 2011;*
- *SEPP (Vegetation in Non-Rural Areas) 2017;* and
- *SEPP (Sydney Region Growth Centres) 2006 (the Growth Centres SEPP).*

The proposed modification relates solely to the timing for entering into a WAD for intersection upgrade works, and does not involve any changes to vegetation clearing and landscaping, hazards, site contamination, signage, infrastructure development, or to the layout and function of the approved development. Consequently, the proposal does not alter the development's consistency with any of these instruments.

4 Environmental Issues

The proposed modification would not change the environmental impacts of the approved development.

The proposal relates solely to the timing for entering into of the WAD for the required upgrade to the intersection of Hollinsworth Road and Richmond Road, and would not affect the timing for the completion of the intersection upgrade works, as required under condition B5(d) of the consent.

As outlined in Section 1, Sydney Business Park has made reasonable and feasible endeavours to enter into the WAD with TfNSW within the timing required under condition B5(c).

TfNSW has not raised any material issues with the proposed intersection upgrade works that are the subject of the WAD, with the delay understood to be the result of internal resourcing constraints within TfNSW.

It is considered that the proposed timing change to condition B5(c) is reasonable and warranted given:

- TfNSW's internal resourcing constraints;
- Sydney Business Park's reasonable and feasible endeavours to enter into the WAD within the timing required under condition B5(c);
- that the proposed timing change would not affect the timing for the ultimate completion of the required intersection upgrade, or result in any change to the environmental impacts of the development; and
- that not modifying the timing would result in significant socio-economic impacts, by delaying the commencement of operations for Warehouses 1 and 4. These facilities have a combined capital investment value of \$120 million and will generate 450 new jobs, with Warehouse 4 (API Facility) also playing an important role in the rollout of COVID vaccines.



5 Conclusion

Having regard to the salient environmental, social and economic issues, it is considered that the development as modified represents reasonable and suitable development of the land. It is respectfully requested that Minister (or the Department as delegate), having due regard for the information submitted in this document, grants approval to the proposed modification to the Stage 3 Facilities at Marsden Park.

Should you have any enquiries in relation to this matter, please do not hesitate to contact me on 0400 392 861.

Yours faithfully,

PJEP – Environmental Planning

Phil Jones

Principal Environmental Planner

Cc: Sydney Business Park

Attachments: Appendix A TfNSW correspondence (2 March 2021)



APPENDIX A



Transport
for NSW

2 March 2021

TfNSW Reference: SYD20/00774/03
DPIE Reference: SSD 10477

Department of Planning & Environment
GPO Box 39
Sydney, NSW 2001

Attention: Anna Dorocinska

Dear Sir/Madam

CONDITION FOR SYDNEY BUSINESS PARK STAGE 3 (MARSDEN PARK INDUSTRIAL PRECINCT)

Reference is made to correspondence from Sydney Business Park dated 2 March 2021, in relation to consent for the abovementioned development.

Sydney Business Park requested confirmation that they have met the requirements of Condition B5 to enable the issue of a Construction Certificate for the subject development.

TfNSW has reviewed the submitted concept design plans and advises that Condition B5 of the Consent has been satisfied.

If you have any further questions, Sandra Grimes, Development Assessment Officer, would be pleased to take your call on (02) 9563 8651 or please email development.sydney@rms.nsw.gov.au. I hope this has been of assistance.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Pahee'.

Pahee Rathan
Senior Land Use Assessment Coordinator

Transport for NSW

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