



# Sydney Business Park – Stage 3 Modification 3

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State Significant Development Modification Assessment  
(SSD-10477-Mod-3)

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*Cover image: Sydney Business Park Stage 3 - Device Technologies, Warehouse 2 Office North-East Facing Perspective*

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# Glossary

Abbreviation	Definition
<b>Applicant</b>	Marsden Park Developments Pty Ltd
<b>Council</b>	Blacktown City Council
<b>Department</b>	Department of Planning and Environment
<b>EIS</b>	Environmental Impact Statement
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2021
<b>FRNSW</b>	Fire and Rescue NSW
<b>Minister</b>	Minister for Planning
<b>Planning Secretary</b>	Secretary of the Department
<b>RTS</b>	Response to Submissions
<b>SSD</b>	State Significant Development

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# 1 Introduction

This report provides the NSW Department of Planning and Environment's (the Department) assessment of an application to modify the State significant development (SSD) consent for Sydney Business Park – Stage 3 (SSD-10477, as modified).

The modification application seeks amendments to the operation, design and layout of Warehouse 2 to accommodate warehousing and distribution of medical services equipment rather than general consumer products.

The application was lodged on 13 October 2022 by Marsden Park Developments Pty Ltd (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

## 1.1 Background

The Applicant is constructing a warehouse and distribution estate at Astoria Street and Hollinsworth Road in the Blacktown local government area (see **Figure 1**). The development seeks to provide distribution and employment opportunities within the Marsden Park Industrial Precinct (MPIP), which is a strategically identified employment area in the North-West Priority Growth Area in Sydney's north-west.

Sydney Business Park is a large-scale business park that has been progressively developed, comprising of numerous retailers including IKEA, Bunnings and Costco. Sydney Business Park – Stage 3 is the current stage of development. On 28 January 2021, the Applicant was granted development consent for the construction and operation of Sydney Business Park – Stage 3 (SSD-10477), a development consisting of four warehouse and distribution facilities.

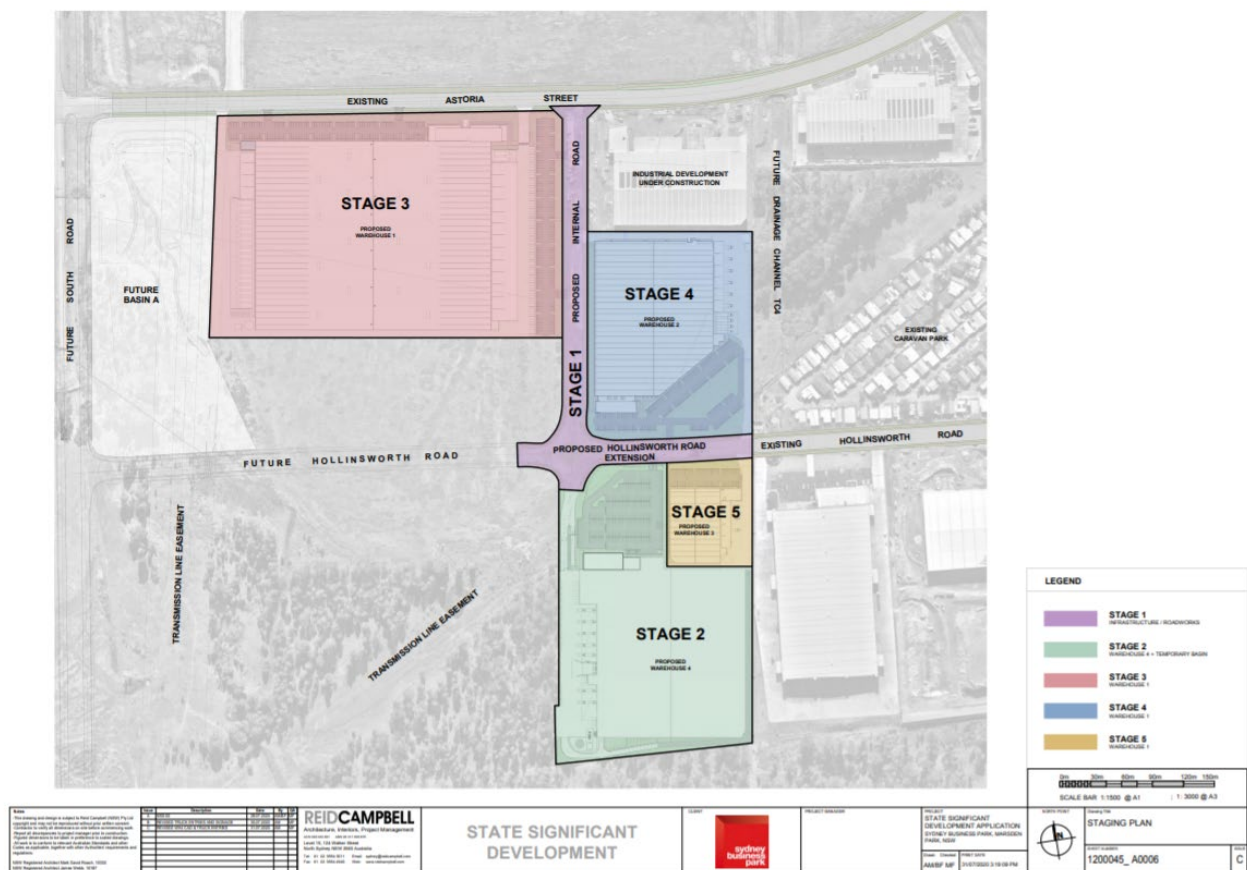


Figure 1 | Local Context Map

Sydney Business Park Stage 3 is currently being constructed over five stages as follows (see **Figure 2**):

- Stage 1 – Hollinsworth Road and the north-south collector road (completed)
- Stage 2 – Warehouse 4 – API Facility (completed)
- Stage 3 – Warehouse 1 – TJX Facility (completed)
- Stage 4 – Warehouse 2 – end user is now identified (not yet constructed)
- Stage 5 – Warehouse 3 – end user not yet identified (not yet constructed) – intersection upgrades required prior to operation of Warehouse 3

This modification application pertains to Warehouse 2, which is part of Stage 4. When assessing the Environmental Impact Statement (EIS) for the original approval under SSD-10477, the Applicant had not identified the specific end user for Warehouse 2. The Applicant has now identified an end user for Warehouse 2, namely Device Technologies Australia Pty Ltd, a leading supplier of medical equipment to the healthcare industry. The Applicant is proposing to use the Warehouse 2 facility for warehousing and distribution of medical services equipment rather than general consumer products.



**Figure 2 | Staging Plan**

## 1.2 Subject Site

The site is located 40 kilometres (km) north-west of the Sydney Central Business District and 3.1 km from the M7 Motorway, covering approximately 17.2 hectares (ha) of land zoned for light industrial and infrastructure uses. The site is legally described as Lot 4 DP 1210172 and part Lots 50 and 51 DP 1265695. The development lots for the proposal front both Hollingsworth Road and Astoria Street.

Surrounding land uses include predominately industrial activities (see **Figure 1**):

- to the east are sites within the MPIP, including Bucher Municipal Industrial and Warehouse (Council DA 18-2532) 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 nearest residential zoned land is in Bidwill, approximately 120 m to the south of the site. However, the most-affected noise sensitive receivers are located immediately to the east of the subject site within the Ingenia Lifestyle Stoney Creek retirement village (140 Hollingsworth Road, Marsden Park).

## 1.3 Approval history

On 28 January 2021, development consent was granted by the then Executive Director, Energy, Industry and Compliance as delegate of the then Minister for Planning and Public Spaces for the development of the Sydney Business Park – Stage 3 SSD-10477. The development consent permits the construction and operation of a warehousing estate comprising four buildings (Warehouses 1 to 4) and associated infrastructure including the subdivision into nine lots, vegetation clearing and earthworks, construction of two estate roads, car parking, infrastructure and landscaping.

The development consent has been modified on two occasion (see **Table 1**).

**Table 1 | Summary of Modifications**

Mod No.	Summary of Modifications	Consent Authority	Type	Approval Date
<b>MOD 1</b>	Amendments to design and layout of Warehouse 1	Team Leader	4.55(1A)	20 August 2021
<b>MOD 2</b>	Modification to the timing of the works authorisation deed in Condition B5(c)	Team Leader	4.55(1A)	9 February 2022

## 2 Proposed modification

On 13 October 2022, the Applicant lodged a modification application under section 4.55(1A) of the EP&A Act to modify development consent SSD-10477. The modification is described in full in the Modification Report included in Appendix A and is illustrated on **Figure 3** to **Figure 5**.

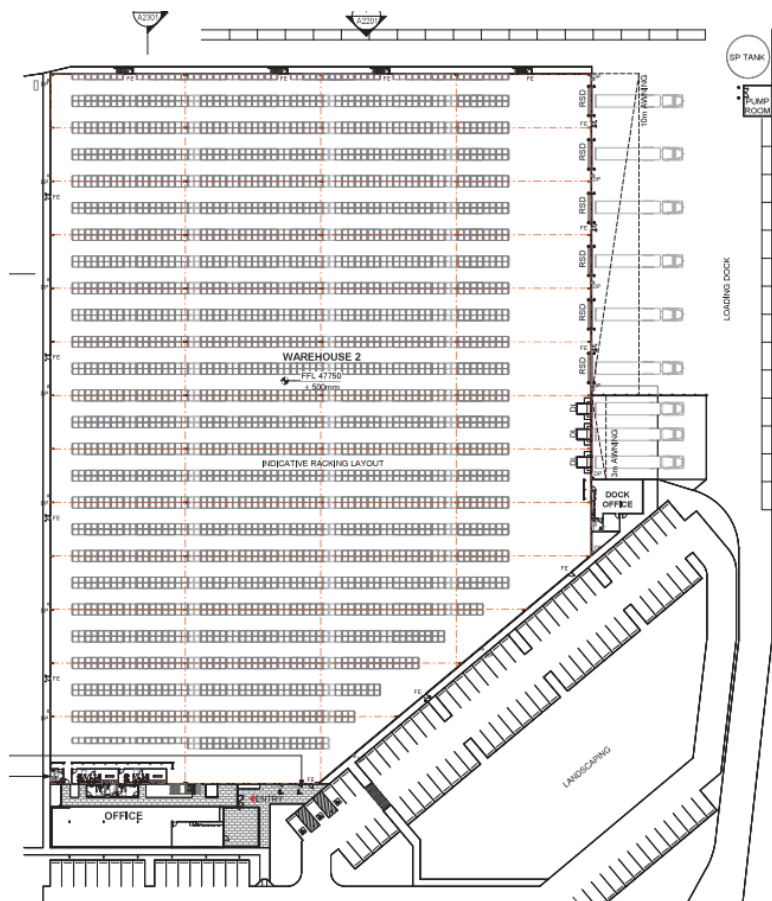
To facilitate the warehousing and distribution of medical services equipment, the modification seeks changes to the layout and operation of Warehouse 2.

Changes to internal layout include the provision of temperature-controlled storage rooms, technical services areas, reverse logistics (returns) workshop, medical gases storage, and manual handling equipment charging bays. In addition, the modification application also seeks to make the following external changes to Warehouse 2:

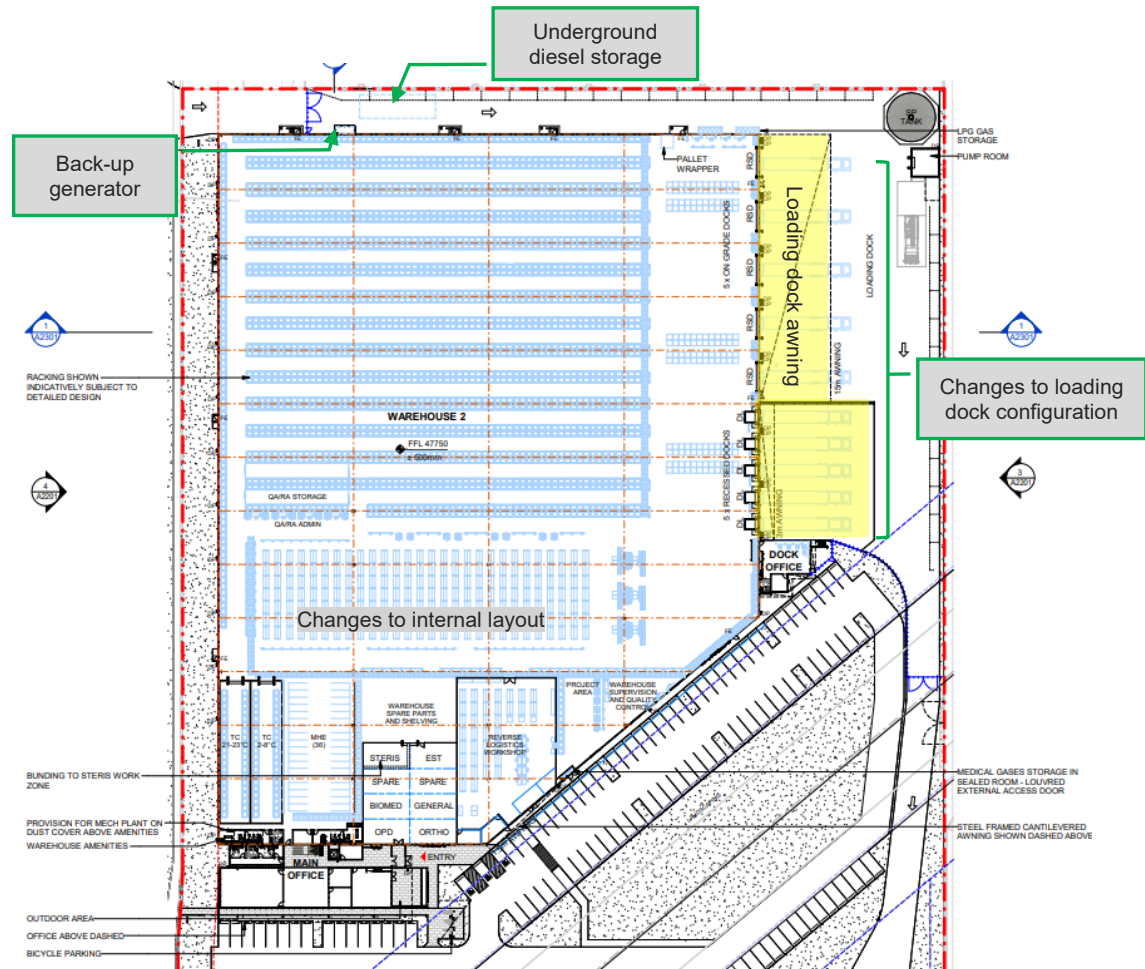
- changes to the building façade to match Device Technologies' corporate branding and design preferences, including:
  - additional windows and glazing to the offices and southern facades
  - additional awning
  - alteration to building colours and materials
  - alteration to the building entry area
  - additional signage
- adjustment to the configuration of the loading dock, including the provision of 5 recessed docks instead of 3 docks, as approved, and an increase in the width of the loading dock awning from 10 metres to 15 metres
- adjustment to provisional parking layout, pedestrian paths, and bike storage area
- addition of screened waste area, LPG gas storage, back-up diesel generator and 10,000 L underground diesel fuel tank
- increase sizing of the solar photovoltaic system from 100 kW to 300 kW.

Further to the above, Device Technologies' operation would require the use of refrigerated transport during the daytime and evening periods, which was not anticipated or assessed under the original approval. Transportation of materials and products by conventional semi-trailers is also proposed during the night-time period, which is currently restricted by conditions B8(i) and B8(j) of the development consent (SSD-10477, as modified) in relation to operating conditions. In particular, the Applicant is seeking to amend conditions B8(i) and B8(j) to accommodate Device Technologies' 24-hour operation.

With the exception of changes to the operation and increases in awning area (from 748 m<sup>2</sup> as approved to 948 m<sup>2</sup>) and total loading docks (from 9 to 10), the proposed modification would not change the gross floor area, hardstand area, landscaping area, floor space ratio, parking spaces nor traffic generation.

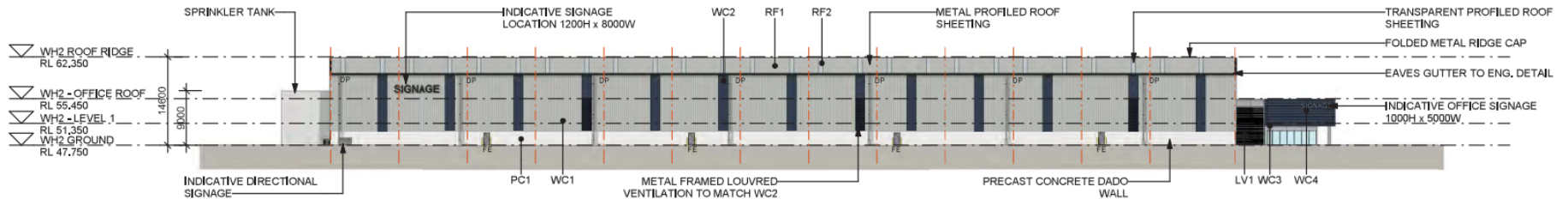


(a) Approved layout plan

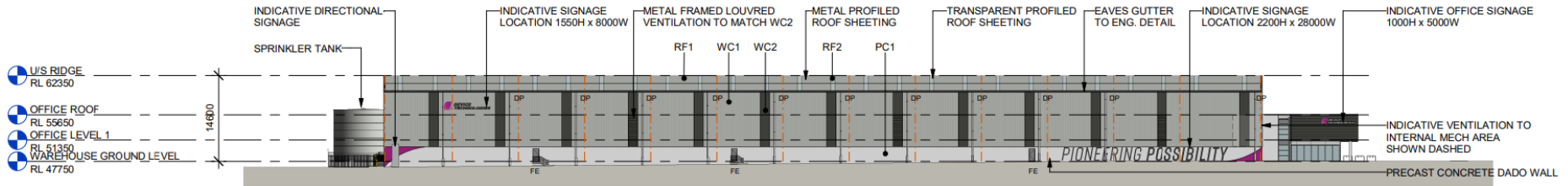


(b) Proposed layout plan

Figure 3 | Warehouse 2 Layout Plan



(a) Approved Warehouse 2 west-facing elevation

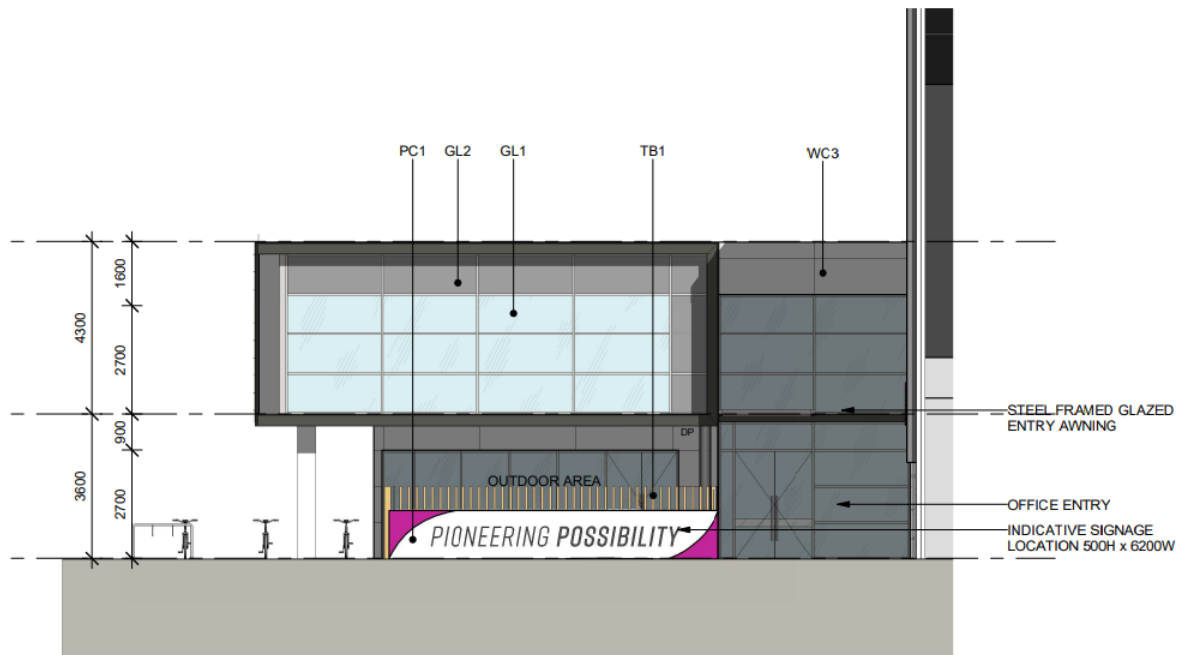


(b) Proposed Warehouse 2 west-facing elevation

Figure 4 | Warehouse 2 West-facing Elevation



(a) Approved Warehouse 2 east-facing office elevation



(b) Proposed Warehouse 2 east-facing office elevation

**Figure 5 | Warehouse 2 East-facing Office Elevation**

## 3 Statutory context

### 3.1 Scope of Modifications

The Department has reviewed the scope of the modification application and considers the application can be characterised as a modification involving minimal environmental impacts as the proposal:

- would not significantly increase the environmental impacts of the project as approved
- the primary function and purpose of the approved development would not change as a result of the proposed modification
- any potential environmental impacts would be minimal and appropriately managed through the existing or modified conditions of consent
- the modification is of a scale that warrants the use of section 4.55(1A) of the EP&A Act.
- is substantially the same development as originally approved.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application (DA). Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new DA to be lodged.

### 3.2 Consent Authority

The Minister for Planning (Minister) is the consent authority for the application under section 4.5(a) of the EP&A Act. Under the Minister's delegation of 9 March 2022, the Team Leader, Industry Assessments, may determine the application under delegation as:

- the application has not been made by a person who has disclosed a reportable political donation under section 10.4 of the EP&A Act
- there are no public submissions (other than a council) in the nature of objections, and
- Council has not made a submission by way of objection under the mandatory requirements for community participation listed under Schedule 1 of the EP&A Act.

### 3.3 Mandatory Matters for Consideration

The Department undertook a comprehensive assessment of the application against the mandatory matters for consideration as part of the original assessment of SSD-10477. This modification application does not result in significant changes that would alter the Department's consideration of the mandatory matters for consideration under section 4.15(1) of the EP&A Act and conclusions made as part of the original assessment.

### 3.4 Biodiversity Conservation Act 2016

Section 7.17 of the BC Act specifies that if the determining authority is satisfied a modification will not increase the impact on biodiversity values, a biodiversity development assessment report (BDAR) is not required.

The proposed changes are minor and the development would be substantially the same as to what was originally approved with no greater area of disturbance proposed.

The Department is satisfied that due to the nature of the modification, being an amendment to the layout and general operation within an approved warehouse development footprint, there would be no additional clearing of native vegetation or habitat loss beyond what was previously assessed and considered under SSD-10477.

For the reasons discussed above, the Department's assessment concludes a BDAR is not necessary for the proposed modification.

## 4 Engagement

### 4.1 Department's engagement

The Department made the modification application available on its website from 13 October 2022. Given the minor nature of the modification application, the Department did not formally seek submissions on the application but forwarded the application to Blacktown City Council (Council) and Fire and Rescue NSW (FRNSW).

### 4.2 Summary of advice received from Government agencies

**Council** does not support the modification application due to the potential noise and air quality impacts on the Ingenia Stoney Creek retirement village neighbouring the site. Council requested additional information regarding the enforcement of a night-time heavy vehicle movement schedule and the impacts associated with the back-up diesel generator.

**FRNSW** raised no issues regarding the storage of dangerous goods on the site and has recommended an emergency response plan and an emergency services information package be developed and made available for the operation of Warehouse 2.

### 4.3 Response to advice

On 25 October 2022, the Applicant provided additional information to clarify the anticipated noise performance of the proposed modification during the daytime and evening periods.

On 31 October 2022, the Applicant provided additional information in response to issues raised by Council, which covered details of the back-up generator and clarification around the noise impact assessment and how the proposed limited night-time heavy vehicle operation would be enforced.

## 5 Assessment

The Department has assessed the merits of the proposed modification. During this assessment, the Department has considered the:

- modification report and RtS provided to support the proposed modification (see **Appendix A**)
- documentation and Department's assessment report for the original DA and subsequent modification application(s) (see **Appendix A**)
- advice from State government authorities and Council (**Appendix A**)
- relevant environmental planning instruments, policies and guidelines
- requirements of the EP&A Act, including the objects of the EP&A Act.

The Department considers operational noise impacts to be the key assessment issue associated with the modification application. The Department's assessment of other issues is provided in **Table 2** under Section 5.2.

### 5.1 Operational noise

The proposed modification to accommodate the 24-hour operational needs of a specific tenant (Device Technologies) in Warehouse 2 has the potential to result in noise impacts to surrounding sensitive receivers.

Provisions were made for Warehouse 2 under the development consent as an ambient-temperature facility with limited operating hours. The approved development is required to comply with the noise limits specified in condition B20, which were established based on the worst-case predicted operational noise levels for the development as a whole. Notwithstanding, specific restrictions were also imposed on the operating conditions of Warehouse 2 under condition B8(i) and B8(j) which restricts heavy vehicle movements and the use of loading docks between 10pm and 7am, respectively, to minimise amenity impacts on the Ingenia Retirement Village. As an additional noise control, the Applicant is also required to install a 2.4 m high noise barrier along the eastern boundary of the Warehouse 2 site in accordance with the management and mitigation measures under the terms of consent.

Council has raised concerns regarding the ability for night-time noise impacts to be mitigated given that the proposed modification is seeking to amend conditions B8(i) and B8(j) to allow up to one heavy vehicle to be on the site for each hour of the night-time period. Council also noted it is unclear whether the modelling included the back-up generator and how the proposed night-time heavy vehicle restriction would be enforced.

#### The Applicant's assessment

The modification application included a noise assessment which evaluated the tenant's anticipated operation during the night-time period from 10pm to 7am. Further, additional information which established the predicted operational noise levels during the daytime and evening periods between 7am and 10pm was also provided.

The Applicant updated the 3D noise modelling for the development to include the use of Warehouse 2 by Device Technologies. The worst-case 15-minute operating scenario included the mechanical plant servicing warehouse temperature-controlled areas, back-up diesel generator located adjacent the

northern façade, vehicle movements, unloading/loading activities, and operation of refrigerated transport containers (up to two per day, one on the site at any one time). Moreover, the Applicant's modelling for the night-time period incorporated up to one outbound or inbound semi-trailer per hour in lieu of the refrigerated transport containers.

The noise assessment found the predicted operational noise levels at Ingenia from the proposed modification to be  $L_{Aeq,15min}$  46 dBA during both the daytime and evening periods when a temperature-controlled transport container is on the site. Further, the Applicant found its predicted night-time operational noise level for the proposed modification to be 1 dBA below the worst-case predicted noise level of 43 dBA from the EIS at Ingenia. While additional noise generating activities would accompany Device Technologies' operation, the Applicant advised the predicted operational noise levels for the proposed modification remained consistent with the approved development as there would be less vehicle activities in the hardstand area at any one time.

Regarding sleep disturbance from transient maximum noise events, the Applicant advised the worst-case noise generating activity of truck engine compression braking with maximum sound power level 115 dBA (at the source) would not occur as part of Device Technologies' operation. Instead, noise from reversing alarms as trucks reverse into the loading docks (maximum sound power level of 110 dBA) is deemed by the Applicant as the more representative worst-case scenario for this specific tenant's operation. Based on this assumption, the noise assessment found the predicted maximum operational noise level at the most-affected dwelling within the Ingenia retirement village to be  $L_{Amax}$  55 dBA, or 45 dBA indoor with windows open. The Applicant advised while the predicted maximum operational noise level is marginally above the outdoor  $L_{Amax}$  noise trigger level of 52 dBA from the Noise Policy for Industry, a maximum indoor noise level of 45 dBA is unlikely to cause awakening.

### **The Department's assessment**

The Department has carefully considered the issues raised by Council and the Applicant's assessment and is satisfied the predicted performance of the proposed modification is consistent with the EIS noise predictions.

The Department considers the additional operation of refrigerated transport containers during the daytime and evening period would comply with consented noise limits subject to ensuring the output of refrigeration unit remain at or below the Applicant's assumed sound power level of 95 dBA. To this end, the Department has recommended a condition requiring the Applicant to only operate refrigerated transport containers that are adequately sound-proofed with  $L_{Aeq,15min}$  sound power level of no more than 95 dBA and emit noise without tonal characteristic or strong low frequency content. In practice, the Department notes that compliance noise monitoring may only be undertaken in response to complaints and has therefore recommended an additional condition requiring the Applicant to record the manufacturer, model and type details of all refrigerated transport containers that have visited Warehouse 2. This visitation logbook will need to be submitted as part of the annual compliance reporting for the development (unless otherwise agreed with the Planning Secretary) and is intended to confirm if all refrigerated transport containers have been fitted with quieter plant, as assumed by the Applicant. Notwithstanding, should the actual operation require the use of more noise-intensive refrigerated transport containers, the Applicant is required under condition B23 to implement additional noise control measures to address any exceedances of the noise limits.

Regarding night-time operational noise, the Department considers the Applicant's modelling to be conservative and the proposed modification would be of minimal environmental impact due to the

predicted reduction in  $L_{Aeq,15min}$  and  $L_{Amax}$  noise levels compared to the EIS predictions. The Department acknowledges Council's concerns regarding the adequacy of controls to mitigate night-time noise impacts on Ingenia and considers the existing safeguards specified in the development consent to be sufficient. These safeguards include noise limits (condition 20), installation of a 2.4 m high noise barrier along the eastern boundary of Warehouse 2 (condition A2), noise verification (condition B22), and annual compliance reporting (condition C11). As such, the Department is satisfied the current night-time restriction of zero heavy vehicle movement for Warehouse 2 (condition B8(i)) can be amended to allow one heavy vehicle movement (that is one vehicle in/ one vehicle out) on the site at any given hour during the night-time period, but no more than a total of five heavy vehicle arrivals. The Department is also satisfied condition B8(j) can be amended to allow one roller door/shutter on the eastern elevation of Warehouse 2 to be opened during the night-time period when in use for loading and unloading. However, given Council's concerns regarding night-time noise impacts, the Department has recommended a condition requiring the Applicant to ensure transient maximum noise events remain consistent with the worst-case predicted noise level at Ingenia to minimise the potential for sleep disturbance. This approach is in line with the Department's previous assessment and recommendation for the original approval under SSD-10477 of setting noise limits based on predicted noise levels.

The adequacy of noise mitigation and management measures is contingent on the actual environmental performance of the development. Existing conditions of consent require the Applicant to undertake two stages of noise verification to confirm actual operational noise performance, prior to the final detailed design of Warehouse 2 and Warehouse 3 (condition B22(a)) and within three months of the commencement of operation of all four warehouses (condition B22(b)). As described in the Department's assessment report for SSD-10477, it is noted the first noise verification is intended to confirm the performance of Warehouses 1 and 4 once they become operational and prior to the detailed design of Warehouses 2 and 3. However, as Warehouses 1 and 4 are already operational and opportunities to verify their performance in isolation may diminish once the construction of Warehouse 2 commences, the Department considers it necessary to clarify the timing of the first noise verification in the conditions. To this effect, the Department has recommended condition B22(a) be amended to occur within three months of approval of SSD-10477-Mod-3. Conversely, no change is required for condition B22(b) as the intent to confirm the performance of the development as a whole would not be affected by this modification application.

The Department's assessment concludes the potential operational noise impacts from the proposed modification are manageable, subject to the installation of an effective noise barrier between Warehouse 2 and the Ingenia retirement village required by the existing development consent and the Department's recommended conditions of consent.

## 5.2 Other issues

The Department’s assessment of other issues is provided in **Table 2**.

**Table 2 | Assessment of Other Issues for the Modification Application**

Assessment	Recommendations
<p><b>Air quality</b></p> <ul style="list-style-type: none"> <li>As part of the modification, the Applicant is proposing to install an outdoor back-up diesel generator.</li> <li>In its advice, Council raised concerns regarding the potential for air quality impacts from the operation of the generator.</li> <li>The Applicant noted in its assessment, the back-up generator would only be operational during power outages and not during standard operations. Specifically, the Applicant advised the generator would be expected to operate for less than 50 hours per year. Furthermore, as the back-up generator would comprise a 6-cylinder diesel engine (with a nominal power capacity of approximately 300-350 kilowatts), air emissions would be similar to those of an idling light rigid truck. The Applicant also advised the back-up generator has been located in the north-western area of Warehouse 2, away from the Ingenia retirement village. Consequently, the Applicant’s assessment concluded the intermittent use of the back-up generator for emergency situations would not result in unacceptable air quality impacts.</li> <li>The Department has carefully considered the information provided by the Applicant and is satisfied the back-up generator comprising a stationary reciprocating internal combustion engine is not materially different to an idling light rigid truck and would be used for a total of not more than 200 hours per year. Note that the existing conditions of consent already require all plant and equipment used on the site be maintained and operated in a proper and efficient manner. Accordingly, no specific additional conditions are required to manage the operation of this back-up generator.</li> <li>The Department’s assessment concludes the modification would not materially increase the air quality impacts of the development as approved.</li> </ul>	<p>No additional conditions or amendments necessary.</p>
<p><b>Hazards and risk</b></p> <ul style="list-style-type: none"> <li>The modification seeks an increased variety of dangerous goods (DGs) to be stored within the footprint of Warehouse 2 for the undertaking of warehousing and distribution of medical services equipment, including laboratory gases, organic peroxides, lithium-ion batteries, liquefied petroleum gas, and diesel.</li> </ul>	<p>Require the Applicant to prepare and submit:</p> <ul style="list-style-type: none"> <li>an emergency plan</li> <li>an emergency services information package</li> </ul>

- The Applicant undertook a preliminary risk screening of the DGs quantities and identified that the storage of DGs did not exceed the threshold quantities in 'Applying SEPP 33'.
- The Applicant also examined the cumulative risks with other nearby warehouses that contain DGs and found the risks would not be significantly increased with the proposed modification.
- Notwithstanding the above, the Department also sought advice from the FRNSW who advised an emergency response plan and an emergency services information package needs to be developed for the site.
- The Department has reviewed the modification and is satisfied the proposed storage of DGs, including the installation of the underground storage tanks would not exceed the threshold quantities in 'Applying SEPP 33' and that cumulative risks to surrounding land uses would not significantly increase.
- Existing conditions of consent (i.e. conditions B32 and B33) already require DGs stored and handled at the site to be below these thresholds and in accordance with all relevant Australian Standard, and the modification would remain compliant with these conditions.
- However, as the development consent does not currently require an emergency response plan and an emergency services information package be prepared and submitted by the Applicant, the Department has recommended conditions to incorporate the advice from FRNSW in relation to DGs.
- The Department's assessment concludes the proposed modification would not materially increase hazards and fire safety risk of the development as approved and risks would be appropriately managed through the implementation of the existing and recommended conditions of consent.

### Advertising signage

- The modification application seeks approval for additional signage on the west-facing elevation of Warehouse 2 and the east-facing elevation of the associated office building as shown in **Figure 5** and **Figure 6**, respectively. The new signs have the potential to impact on the visual amenity of the area.
  - The Applicant's assessment concluded the proposed additional signage would comply with the relevant development controls specified in the *Blacktown City Council Growth Centre Precincts Development Control Plan 2010*.
  - Council raised no issues in relation to signage following its review of the modification application.
- Amend condition B49 to include the amended layout plans for Warehouse 2

- The Department has considered the additional signage and is satisfied they would not detract from the surrounding locality and would allow for the clear identification for the final user (i.e. Device Technologies). Further, the more prominent additional signage on the west-facing elevation of Warehouse 2 will provide site identification from the north-south collector road between Astoria Street and Hollingsworth Road and wayfinding to the entry driveway.
- Overall, The Department's assessment concludes the proposed signage is consistent with the aims of *State Environmental Planning Policy (Industry and Employment) 2021* such that the outdoor signage is compatible with the desired amenity and visual character of Sydney Business Park (that of industrial/commercial nature), and provides effective communication in suitable locations, that is of a high-quality design and finish.
- Notwithstanding the above, the Department notes that the relevant condition (B49) currently requires all signage be erected in accordance with the development plans included in the Response to Submissions for SSD-10477, and this condition would need to be amended to include the proposed modification. To this end, the Department has recommended condition B49 be amended to refer to the development layout plans, including the amended plans for Warehouse 2.

## 6 Evaluation

The Department has reviewed the modification report, additional information and all advice from Council and FRNSW, taking into consideration the relevant matters under section 4.15 of the EP&A Act and the objects of the EP&A Act.

The Applicant is proposing to modify the consent to allow Warehouse 2 to be used for the purposes of warehousing and distribution of medical services equipment rather than ambient-temperature general consumer products. Advice provided on the modification application by Council and FRNSW include matters relating to noise, air quality, night-time heavy vehicle restriction and emergency fire response.

The Department's assessment considered operational noise impacts associated with the operation of Warehouse 2 to be the key matter for consideration.

The Department considers the proposed modification is appropriate on the basis that:

- the acoustic amenity of the Ingenia retirement village would not be adversely impacted by the proposed modification subject to compliance with the recommended noise emission limits
- the proposed modification would result in minimal environmental impacts beyond the approved development
- the proposed development is substantially the same development for which the original consent was granted.

The Department is satisfied that the modification should be approved, subject to conditions.

## 7 Recommendation

It is recommended that the Team Leader, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report
- **determines** that the application SSD-10477-Mod-3 falls within the scope of section 4.55(1A) of the EP&A Act
- **forms the opinion** under section 7.17(2)(c) of the Biodiversity Conservation Act 2016 that a BDAR is not required to be submitted with this application as the application will not increase the impact on biodiversity values on the site
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **modify** the consent SSD-10477
- **signs** the attached approval of the modification (**Appendix B**).

**Recommended by:**



18 November 2022

**Jeffrey Peng**

Senior Environmental Assessment Officer  
Industry Assessments

## 8 Determination

The recommendation is **Adopted** by:

 18 November 2022

**Joanna Bakopanos**

Team Leader

Industry Assessments

as delegate of the Minister for Planning

# Appendices

## Appendix A – List of referenced documents

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

### Modification Application

- 'Sydney Business Park Stage 3 Facilities (SSD-10477) – Section 4.55 Modification (Mod 3) – Modification Report' prepared by PJEP Environmental Planning Pty Ltd dated 28 September 2022

<https://www.planningportal.nsw.gov.au/major-projects/projects/mod-3-sydney-business-park-stage-3-warehouse-2-amendments>

### Agency and Council Advice

- Advice received from Blacktown City Council and Fire and Rescue NSW

### Additional Information

- 'Sydney Business Park Stage 3 Facilities (SSD-10477) – Section 4.55 Modification (Mod 3) – Additional Information' prepared by PJEP Environmental Planning Pty Ltd dated 25 October 2022
- 'Sydney Business Park Stage 3 Facilities (SSD-10477) – Section 4.55 Modification (Mod 3) – Additional Information' prepared by PJEP Environmental Planning Pty Ltd dated 31 October 2022

### Department's Assessment Report for SSD-10477

- <https://www.planningportal.nsw.gov.au/major-projects/projects/sydney-business-park-stage-3>

## Appendix B – Notice of modification