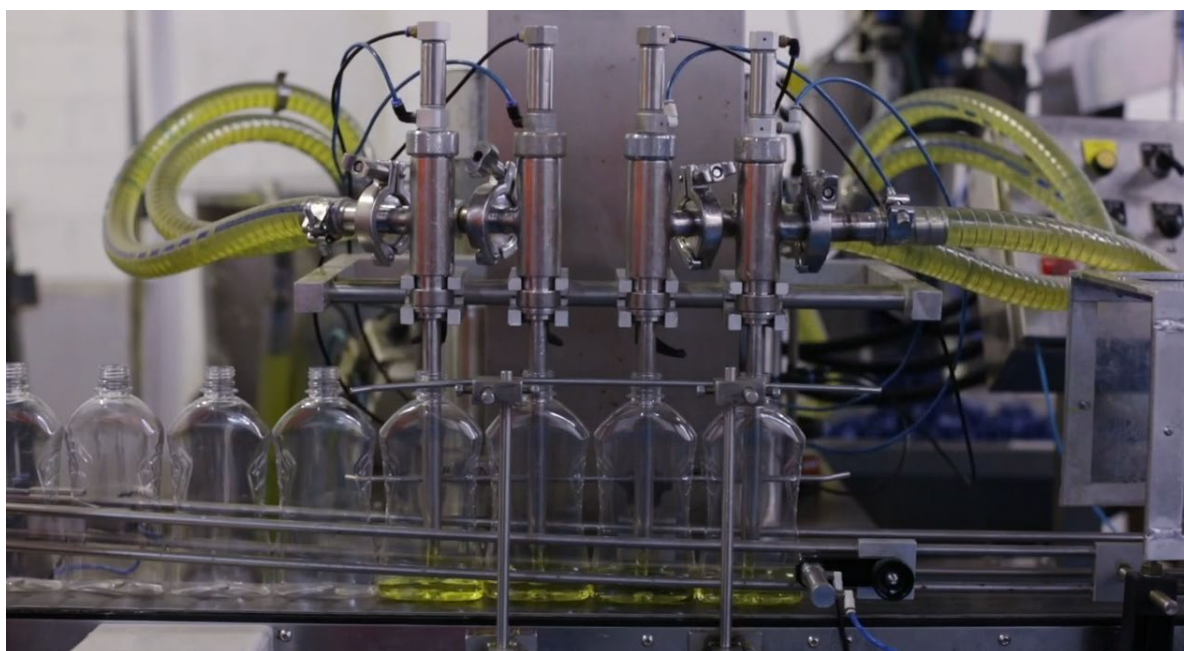




Jalco Manufacturing Facility

State Significant Development Assessment SSD - 21190804

July 2022



Published by the NSW Department of Planning and Environment

[DPE.nsw.gov.au](https://dpe.nsw.gov.au)

Title: Jalco Manufacturing Facility

Subtitle: State Significant Development Assessment SSD-21190804

Cover image: Extract from operational video (Source: Jalco Group – AustraliaJalco Group website)

© State of New South Wales through Department of Planning and Environment 2022. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning, Industry and Environment as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (July 2022) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

Glossary

| Abbreviation | Definition |
|----------------------------|---|
| AQIA | Air Quality Impact Assessment |
| AHD | Australian Height Datum |
| Applicant | Jalco Australia Pty Ltd |
| BCA | Building Code of Australia |
| BDAR | Biodiversity Development Assessment Report |
| CIV | Capital Investment Value |
| Council | Fairfield City Council |
| DA | Development Application |
| Department | Department of Planning and Environment |
| Demolition | The removal of buildings, sheds and other structures on the site |
| Development | The development as described in the EIS and RTS for the construction and operation of the Jalco Manufacturing Facility |
| DG | Dangerous Goods |
| DPE | Department of Planning and Environment |
| EIS | Environmental Impact Statement titled <i>SSD-21190804 – Jalco Manufacturing Facility Environmental Impact Statement</i> prepared by Urbis Pty Ltd and dated 8 November 2021 |
| 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 |
| EPL | Environment Protection Licence |
| ESD | Ecologically Sustainable Development |
| FRNSW | Fire and Rescue NSW |
| LEP | Local Environmental Plan |

| | |
|---------------------------|---|
| Minister | Minister for Planning |
| MNES | Matter of National Environmental Significance |
| Planning Secretary | Secretary of the Department of Planning and Environment |
| RMS | Roads and Maritime Services, TfNSW |
| RtS | Response to Submissions titled <i>Response to Submissions: SSD 21190804 – Jalco Manufacturing Facility</i> prepared by Urbis Pty Ltd and dated 25 February 2022 |
| SEARs | Planning Secretary's Environmental Assessment Requirements |
| SEPP | State Environmental Planning Policy |
| SLR | Southern Link Road (proposed) |
| SRD SEPP | State Environmental Planning Policy (State and Regional Development) 2011 |
| SSD | State Significant Development |
| TfNSW | Transport for NSW |

Executive Summary

Introduction

Jalco Australia Pty Ltd (the Applicant) proposes the fit-out and use of an existing warehouse to produce and distribute liquid soaps and detergents for household and commercial applications within a warehouse (under construction) in the ESR Horsley Logistics Park in the Fairfield local government area (LGA).

The Applicant is an established Australian company which manufactures a range of household cleaning products.

This report details the Department of Planning and Environment's (the Department) assessment of the State significant development (SSD) application (SSD 21190804) for the Jalco Manufacturing Facility.

Site Context

The site is located within warehouse 1 on Lot 201 in the ESR Horsley Logistics Park (SSD 10436) which was approved by a delegate of the then Minister for Planning and Public Spaces on 31 March 2021. ESR Horsley Logistics Park is presently under construction including Warehouse 1 on Lot 201 to which the development relates. The site is located in the Western Sydney Employment Area (WSEA) which is a strategically identified precinct established to supply employment land close to major road transport and provide jobs for Western Sydney. The WSEA covers multiple LGAs and is progressively being developed for employment generating industrial purposes, with warehousing and distribution centres a predominant use.

Current Proposal

The SSD application seeks development consent for the internal fit-out and use of Warehouse 1 for liquid soap and detergent manufacturing, including:

- installation of processing and mixing equipment and storage tanks
- automated warehouse
- bottle storage area
- workshop
- external dangerous goods storage areas
- three external liquid filling bays
- production of 180 megalitres (ML) per year of liquid products.

Raw materials would be delivered to the site in bulk tankers and packed containers and stored based on the Dangerous Goods (DG) classification. Raw materials would be added to mixing tanks and a dosing system to meet the specification of the particular product. Once mixing is complete, the product is transferred to the bottle filling line and then packaged in cartons to be stored in the automated warehouse area. Products to be produced in the facility include laundry detergent, floor cleaners, dishwashing liquids and other cleaning liquids which are distributed to supermarkets and retailers across Australia.

Statutory Context

The development is classified as SSD pursuant to section 4.36 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as it is development for the purpose of chemical, manufacturing and related industries that has a CIV of more than \$30 million, which meets the criteria in clause 10 of State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP). Consequently, the Minister for Planning is the consent authority for the development under section 4.5(a) of the EP&A Act.

Engagement

The Department exhibited the Environmental Impact Statement (EIS) for the development from 19 November 2021 to 16 December 2021 and received advice from government agencies, special interest groups and Council. No submissions were received from the public.

Government agencies, including the Department, requested further information on stormwater management, DG storage, odour, noise impacts and clarification on production volumes. The Applicant submitted a Supplementary Response to Submissions (SRtS) report on 25 February 2022 providing a revised Air Quality Impact Assessment (AQIA), stormwater management plan, process flow diagrams and clarification on production volumes.

Assessment

The Department's assessment of the development 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. The Department has identified the key issues for assessment are odour and odour and stormwater and wastewater management.

Air Quality and Odour

The development, including the mixing of liquid chemicals, has the potential to create offensive odours and emissions experienced at existing and future sensitive receptors in the locality. The Applicant proposed the implementation of several odour management and mitigation measures including the use of an odour control system with activated carbon filters.

The Environment Protection Authority (EPA) sought justification for the use of the proposed odour control system and further information on its performance. In the SRtS, the Applicant provided the necessary information to address the EPA's initial issues and concerns. The EPA recommended conditions of consent including monitoring and management measures to ensure the odour control system and the development in general operates in an efficient and effective manner.

The Department's assessment concludes the odour impacts of the development can be appropriately managed to protect the amenity of existing and future receptors subject to the implementation of the Applicant's proposed mitigation measures and the recommended conditions of consent.

Noise

In recognition of the close proximity of the site to residential receivers, the Department carefully reviewed and required amendments to the noise assessment for the ESR Horsley Logistics Park under SSD 10436. Stringent noise related conditions of consent were also placed on SSD 10436 including cumulative project specific noise limits for the Horsley Logistics Park.

The development includes the production of soaps and detergents which has the potential to generate noise impacts during 24-hour operations. The proposal has been designed to ensure compliance with the noise limits required by SSD 104346, including additional mitigation measures such as the use of non-tonal reversing alarms for all forklifts and acoustic louvres to the southern elevation of the liquid packaging area.

The EPA sought clarification that the receiver locations in the Applicant's Operational Noise Impact Assessment (ONIA) were in accordance with the Noise Policy for Industry (NPI), additional noise breakout calculations and noise mitigation measures. In the RtS, the Applicant provided the necessary information to address the EPA's initial issues and concerns. The EPA were satisfied an Environment Protection Licence (EPL) could be issued and subsequently recommended conditions of consent.

The Department considers the potential additional noise impacts of the development would be below the noise limits established under SSD 10436 based on a comprehensive review and assessment of the ONIA. The Department's assessment also involved consultation with the EPA who would be responsible for the regulation of the noise impacts of the development through an EPL. The Department has recommended conditions requiring the preparation of a noise verification report within three months of the commencement of operation of the development to confirm that the actual noise emissions of the development comply with the relevant noise criteria at all sensitive receivers.

The Department's assessment concludes the noise impacts of the development can be appropriately managed to protect the amenity of existing and future receptors subject to the implementation of the Applicant's proposed mitigation measures and the recommended conditions of consent.

Conclusion

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

The development would not be expected to have adverse odour impacts on existing and future receptors in the locality subject to the implementation of the proposed mitigation measures and the recommended conditions of consent. Stormwater and wastewater would be captured, conveyed and treated to ensure off-site impacts to the water catchment does not result. The development would invest approximately \$34 million in the Fairfield Local Government Area (LGA) and create 114 operational jobs.

Consequently, the Department considers the development is in the public interest and is recommended for approval, subject to conditions.

Contents

| | | |
|----------|---|-----------|
| 1 | Introduction | 1 |
| 1.1 | The Department's Assessment | 1 |
| 1.2 | Development Background | 1 |
| 1.3 | Site Description | 2 |
| 1.4 | Surrounding Land Uses | 2 |
| 2 | Development | 4 |
| 2.1 | Description of the Development | 4 |
| 2.2 | Physical Layout and Process Description | 5 |
| 2.3 | Applicant's Need and Justification for the Development | 9 |
| 3 | Strategic context | 10 |
| 3.1 | A Metropolis of Three Cities | 10 |
| 3.2 | Western Sydney Aerotropolis | 10 |
| 3.3 | State Environmental Planning Policy (Western Sydney Employment Area) 2009 (WSEA SEPP) | 10 |
| 4 | Statutory Context | 11 |
| 4.1 | State Significance | 11 |
| 4.2 | Permissibility | 11 |
| 4.3 | Consent Authority | 11 |
| 4.4 | Other approvals | 11 |
| 4.5 | Mandatory Matters for Consideration | 11 |
| 4.6 | Environmental Planning Instruments | 11 |
| 4.7 | Public Exhibition and Notification | 12 |
| 4.8 | Objects of the EP&A Act | 12 |
| 4.9 | Ecologically Sustainable Development | 13 |
| 4.10 | Biodiversity Development Assessment Report | 14 |
| 4.11 | Commonwealth Matters | 14 |
| 5 | Engagement | 15 |
| 5.1 | Consultation | 15 |
| 5.2 | Submissions and Advice | 15 |
| 5.3 | Response to submissions | 16 |
| 5.4 | Supplementary Response to Submissions | 17 |
| 6 | Assessment | 18 |
| 6.1 | Odour | 18 |
| 6.2 | Noise | 20 |
| 6.3 | Other issues | 23 |
| 7 | Evaluation | 30 |
| 8 | Recommendation | 32 |

| | | |
|----------|--|-----------|
| 9 | Determination | 33 |
| | Appendices | 34 |
| | Appendix A – List of Documents | 34 |
| | Appendix B – Considerations under Section 4.15 of the EP&A Act | 35 |
| | Appendix C – Consideration of Environmental Planning Instruments | 37 |
| | Appendix D – Recommended Instrument of Consent | 43 |

1 Introduction

1.1 The Department's Assessment

This report details the Department of Planning and Environment's (the Department) assessment of the State significant development application (SSD 21190804) for the Jalco Manufacturing Facility. The proposed development (the development) involves the fit-out and use of a warehouse for the operation of a soap and detergent manufacturer producing 180,000,000 litres of household cleaning products per year.

The Department's assessment has considered all documentation submitted by Jalco Australia Pty Ltd (the Applicant), including the Environmental Impact Statement (EIS), Response to Submissions (RtS), advice received from government agencies and special interest groups. The Department's assessment also considers the legislation and environmental planning instruments (EPI's) relevant to the site and the development. The Department's assessment also considers the legislation and EPI's 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 advice from government agencies and special interest groups. The report evaluates the key issues associated with the development and provides recommendations for managing any impacts during construction and operation.

1.2 Development Background

The site is located within the ESR Horsley Logistics Park (SSD 10436) which was approved by a delegate for the then Minister for Planning and Public Spaces on 31 March 2021. The logistics park which is presently under construction is located in Horsley Park in the Fairfield Local Government Area (LGA).

The Applicant is seeking development consent for the internal fit-out and use of Warehouse 1 on Lot 201 in the ESR Horsley Logistics Park for a soap and detergent manufacturing facility. The site is located 18 kilometres (km) west of the Parramatta central business district (CBD) and 36 km west of Sydney's CBD (see **Figure 1**).

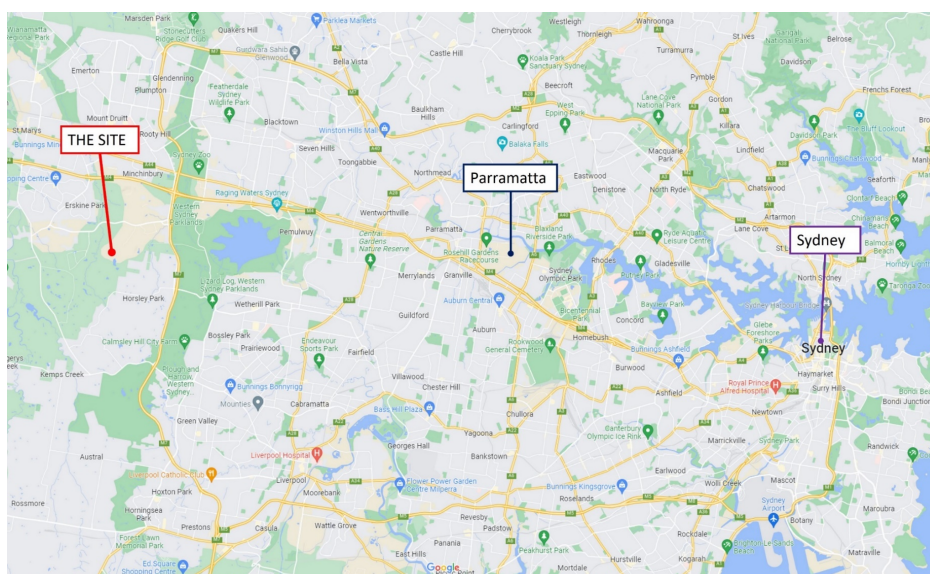


Figure 1 | Regional Context

The Applicant is an Australian company specialising in the production of household cleaning supplies including liquid and dry soaps and detergents.

1.3 Site Description

The site covers 3.6 hectares (ha) of IN1 – General Industrial zoned land located on Johnston Crescent within the ESR Horsley Logistics Park in Horsley Park, see **Figure 2**. The site is legally described as a portion of Lot 201 in DP1244593. Once construction is completed under SSD 10436, the site will contain a single building with three warehouse tenancies. The development is proposed within warehouse tenancy 1.

Road access to the site is provided from Johnston Crescent which connects to Old Wallgrove Road via a temporary road within the future alignment of the Southern Link Road (SLR). Old Wallgrove Road provides the site access to the regional road network via the M7 motorway to the north-east.

Once constructed, the SLR would provide the site with access to the regional road network including the M7 motorway to the east and Mamre Road to the west.



Figure 2 | Local Context

1.4 Surrounding Land Uses

The site is located in the Horsley Park precinct of the Western Sydney Employment Area (WSEA) and is immediately surrounded by a range of existing and potential future uses, including (see **Figure 2**):

- the former Cambide Landfill subject to a landfill closure plan (LCP) to the north-west (landfill site)

- the Jacfin Horsley Park Industrial Estate lands (68.5 ha) to the south and west approved under Concept Plan (10_0129) for an industrial estate and Stage 1 project approval (10_0129) for a 27,330 m² warehouse in the north-eastern portion of the land
- Jacfin owned lands zone RU4 – Primary Production Small Lots approved under DA 19/0785 for an 11 lot rural residential subdivision (construction not yet commenced)
- Greenway Place rural residential neighbourhood to the south-east
- an environmental conservation lot created as part of the CSR Estate to the east
- the existing PGH brickworks and future Stage 3 of the CSR Estate to the north.

Within the immediate locality of the site are a number of other industrial estates, the regional road network and other infrastructure, including:

- the future alignment of the SLR located at the northern extent of the CSR Estate
- Oakdale South Industrial Estate located approximately 400 m to the west
- Oakdale Central Industrial Estate located approximately 580 m to the north
- Austral Bricks located approximately 550 m to the north-east
- rural residential and small holdings uses located outside the WSEA approximately 160 m to the east.

The nearest dwelling is located adjacent to the bund on the southern boundary of the site and at the top end of Greenway Place (see **Figure 2**). The residential suburbs of Minchinbury and St Clair are located approximately 3 km to the north and north-west, respectively.

2 Development

2.1 Description of the Development

The Applicant proposes the fit-out and use of an existing warehouse building (site 1 which is currently under construction) within Lot 201, delivered under SSD 10436, to produce and distribute liquid soaps and detergents for household and commercial applications in the ESR Horsley Logistics Park.

The development also comprises the fit out of associated offices, hardstand areas and landscaping to facilitate the development. The Applicant expects these works to be completed by late 2022.

The major components of the development are summarised in **Table 1** and shown in **Figure 3** and described in full in the EIS and RtS report included in **Appendix A**.

Table 1 | Main Components of the Development

| Aspect | Description |
|---------------------------------------|--|
| Development Summary | Fit-out and use of a warehouse building as a soap and detergent manufacturing facility |
| Construction | <ul style="list-style-type: none"> Internal fit-out including: <ul style="list-style-type: none"> installation of mixing, dosing and processing plant installation of liquid storage tanks automated finished product warehouse area bottle storage area workshop Construction of dangerous goods storage areas, including: <ul style="list-style-type: none"> three external liquid truck filling bays Liquid DG storage shed Class 3 DG storage area Installation of an external wastewater treatment plant |
| Production Capacity | <ul style="list-style-type: none"> 180 megalitres (ML) |
| Traffic | <ul style="list-style-type: none"> Operation – 431 vehicle movements per day (114 heavy vehicles and 317 light vehicles). |
| Parking | <ul style="list-style-type: none"> 108 car spaces including two accessible spaces and eight bicycle spaces |
| Construction and commissioning | <ul style="list-style-type: none"> Construction and fit-out – 12 weeks Equipment testing and commissioning – 20 weeks |
| Hours of operation | 24 hours, seven days a week |
| Capital investment value | \$33,970,490 |
| Employment | 40 full-time equivalent construction jobs and 114 operational jobs. |

2.2 Physical Layout and Process Description

The development relates to the fit-out and use of a warehouse for a chemical manufacturing facility producing liquid soaps and detergents for household and commercial applications. The physical layout of the facility is depicted in **Figure 3**.

External Works

The development includes some minor external works to facilitate the Applicant's operations and to store DG's, including:

- LPG storage area – 375 m²
- liquid DG storage area – 375 m²
- Class 3 DG storage area on within purpose-built containers on existing hardstand at the north-western extent of the site
- three liquid filling bays constructed within the hardstand area adjacent to the carpark
- wastewater treatment plant.

Internal Fit-Out

The warehouse would be separated into various areas required for the production and distribution of liquid soaps and detergent for dispatch, including:

- automated warehouse – 7,300 m²
- dispatch and receiving office – 30 m²
- bottle storage area – 5,400 m²
- liquid packaging area – 5,000 m²
- workshop – 285 m²
- flammable liquid dispensary – 300 m²
- product manufacture and packaging area – 1,400 m².

Operations

Receival and Storage

Raw materials would be received at the site and stored based on type and DG classification in one of four storage areas:

Bulk Liquid Tank farm

B-double liquid tankers would transport bulk liquids to the site and unload at one of three external liquid truck filling bays. Liquids would be transferred via a series of pipelines to a bunded internal tank farm. The internal tanks would be utilised to store bulk quantities of liquids including acids (DG class 8), bases (DG class 8) and non-DG liquids. The type and maximum storage quantities of DG's to be stored on the site at any given time is provided in **Table 2**.

Liquid Storage Shed

Other liquid DG's required to manufacture various types of soaps and detergents would be stored in an external bunded liquid storage shed within various sized containers on a pallet racking system. These liquids would be transported to the site via a B-double truck and transferred into the manufacturing area via transfer pumps and pipes when required based on the specification of the liquid being manufactured.

Class 3 DG Storage Area

Class 3 DG's including alcohols, perfumes and other flammable liquids would be delivered to the site in heavy vehicles in a range of containers including drums and intermediate bulk containers (IBC's). These DG's would be unloaded externally via forklift and placed in one of two purpose built containers with pallet racking located near the entrance to the site. The containers would be bunded and each have the capacity to store 16,000 kg of DG's. The containers would be constructed of external materials with a fire resistance level (FLR) of 240/240/240. The storage area would also be used to store Class 4.1 flammable solids and some combustible liquids.

Bottle Storage Area

Pre-made bottles would be transported to the site and stored in the bottle storage area prior to being filled with finished product in the bottling filling line.

Table 2 | Maximum Storage Quantities of Dangerous Goods

| Class | PG | Description | Quantity (L) | Storage Area |
|-------|--------|--|--------------|-------------------------|
| 2.1 | n/a | Flammable gases – LPG | 3,920 | Bulk Tank |
| 3 | II/III | Flammable liquids | 32,000 | Class 3 DG Storage Area |
| 4.1 | II/III | Flammable solid | | |
| C1 | n/a | Combustible liquid | | |
| C2 | n/a | | | |
| 5.1 | II | Oxidising agents | 44,000 | Liquid storage shed |
| | | | 1,000 | DAF |
| 6.1 | II | Toxic substances | 5,000 | Liquid storage shed |
| 8 | II/III | Corrosive substances – acids and bases | 160,000 | Tank farm |
| 8 | II/III | Corrosive substance | 55,000 | Liquid storage shed |
| 8 | II | Corrosive substances | 1,000 | Liquid storage shed |
| 9 | III | Environmentally hazardous substances | 150,000 | Liquid Storage shed |
| 9 | III | Miscellaneous DG's | 30,000 | Tank farm |

Manufacturing

The facility would manufacture several types of soaps and detergents in batches. Liquid raw materials would be transferred to one of 14 mixing tanks ranging in capacity from 12 KL to 50 KL to batch produce soap and detergent products based on required specifications. During the mixing process, raw materials including DG's are diluted so that the finished product would not be classed as a DG.

The finished product is pumped from the mixing tanks to the bottling facility which contains a high speed filling line capable of filling 90 bottles per minute. Filled bottles are manually loaded onto a conveyor belt discharging to the finished product warehouse.

Storage of Finished Products

The finished product warehouse would contain an automated pallet stacker crane utilising robotic technology to store products on pallets and load trucks for dispatch via one of seven loading docks. The system is fully automated and does not require workers to be within the warehouse area.

Wastewater Treatment

The operation of the facility requires a wastewater treatment plant (WWTP) to treat wastewater produced during production and washdown of plant prior to discharging to Sydney Water's trade waste system. A Dissolved Air Floatation (DAF) system would be located externally at the western extent of the hardstand area including three tanks. The DAF process removes suspended materials such as oils and solids by dissolving air in the wastewater under pressure and dosing it with sulphuric acid, hydrochloric acid and hydrogen peroxides (all DG's).

Air Extraction

The proposed air extraction system would include two independent systems:

Extraction from Bulk Tanks

During the filling of bulk storage tanks and the mixing tanks vapour laden air is displaced from the tanks. The proposed air extraction system utilises localised extraction at the top of each tanks. The capture of emissions is proposed through activated carbon filters with air discharged via an exhaust stack.

Extraction from Liquid Filling Lines

Fugitive emissions from the liquid filling tanks are managed by creating sufficient air velocity (1 m/s) through the openings into and out of the enclosures associated with the liquid filling lines to ensure that emissions do not escape into the areas occupied by production staff. The capture of emissions is proposed through HEPA filters for enzymes and carbon filters for odours with air discharged via an exhaust stack.

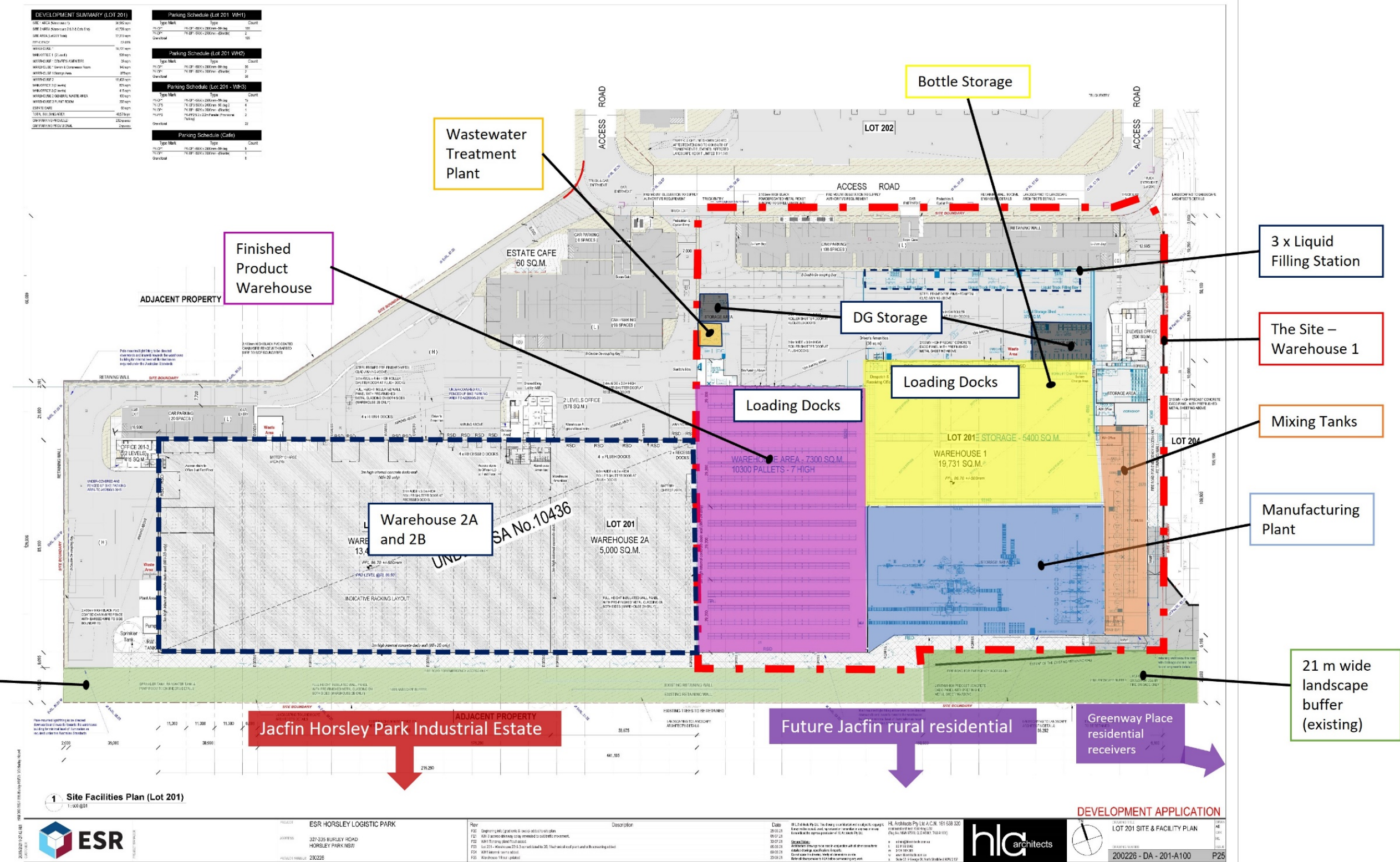


Figure 3 | Site Layout

2.3 Applicant's Need and Justification for the Development

The Applicant presently operates a liquid and powder soap and detergent manufacturing facility in Smithfield. The Applicant advised the Smithfield site is not large enough to cater for the additional plant and equipment required to meet the increased demand for Jalco's liquid products which are used for both household and commercial applications.

The site and warehouse tenancy 1 within the ESR Horsley Logistics Park was selected by the Applicant as it met the operational requirements for their expansion.

The Applicant suggests the development is justified for the following reasons:

- the site is within the WSEA which is strategically identified industrial land
- the regional road network in the locality would cater for the distribution of products throughout Australia
- subject to the implementation of recommended mitigation measures, the development would not have unacceptable impacts on adjoining or surrounding properties.

3 Strategic context

3.1 A Metropolis of Three Cities

The Greater Sydney Plan, A Metropolis of Three Cities, seeks to transform Greater Sydney into a metropolis of three cities: the Western Parkland City, the Central River City, and the Eastern Harbour City. The site is located within the 'Western Parkland City'. The development is consistent with the directions and principles outlined in the Greater Sydney Plan and the Western Parkland City District Plan, specifically the principles of utilising industrial zoned land and providing employment opportunities in western Sydney. The development is anticipated to provide 40 full-time equivalent construction jobs and 114 operational jobs.

3.2 Western Sydney Aerotropolis

The Western Sydney Aerotropolis covers 11,200 ha of land commencing 3 km to the west of the site. The Aerotropolis is anticipated to provide 200,000 jobs in western Sydney. The development is consistent with the objectives of the Western Sydney Aerotropolis Land Use and Infrastructure Implementation Plan, as it would generate jobs in western Sydney.

3.3 State Environmental Planning Policy (Western Sydney Employment Area) 2009 (WSEA SEPP)

The site is located within the Western Sydney Employment Area (WSEA). The WSEA SEPP aims to promote economic development and employment, provide for the orderly and coordinated development of land and ensure development occurs in a logical, cost-effective, and environmentally sensitive manner in the WSEA. The development is generally consistent with the relevant aims set out in clause 2.1 of the WSEA SEPP as:

- it is for an industrial development
- it would provide 40 construction jobs and 114 operational jobs.

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

4 Statutory Context

4.1 State Significance

The development is SSD pursuant to section 4.36 of the *Environmental Planning and Assessment Act 1979* (NSW) (EP&A Act) for the purpose of a chemical manufacturing facility that has a CIV of more than \$30 million, which meets the criteria in clause 10 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 zone under the WSEA SEPP. Industries are permissible with consent in the IN1 zone. As such, the Minister for Planning (the Minister) or delegate may determine the carrying out of the development.

4.3 Consent Authority

The Minister is the consent authority for the development under section 4.5 of the EP&A Act. On 26 April 2021, the Minister delegated the functions to determine SSD applications to the Director, Industry Assessments where:

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

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

4.4 Other approvals

Under section 4.42 of the EP&A Act, other approvals may be required and must be approved in a manner that is consistent with any Part 4 consent for the SSD under the EP&A Act.

In its submission, the EPA confirmed the development is a scheduled activity under the *Protection of the Environment Operations Act 1997* (POEO Act) and requires an Environment Protection Licence (EPL). The EPA recommended conditions for noise, odour and water management. The Department has considered the EPA's advice in its assessment of the development and included its recommended conditions in the 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**. The Department is satisfied the proposed development is consistent with the requirements of section 4.15 of the EP&A Act.

4.6 Environmental Planning Instruments

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

Since lodgement of the development application, the majority of all NSW State Environmental Planning Policies have been consolidated into 12 policies. The consolidated SEPPs commenced on 1 March 2022, with the exception of State Environmental Planning Policy (Housing) 2021, which commenced on 26 November 2021.

The SEPP consolidation does not change the legal effect of the repealed SEPPs, as the provisions of these SEPPs have simply been transferred into the new SEPPs. Further, any reference to an old SEPP is taken to mean the same as the new SEPP.

For consistency, the Department has considered the development against the relevant provisions of several key EPIs as in force at the time the DA was lodged, 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. 64 – Advertising Structures and Signage
- State Environmental Planning Policy (Western Sydney Employment Area) 2009
- Fairfield Local Environmental Plan 2013

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

4.7 Public Exhibition and Notification

In accordance with section 2.22 and Schedule 1 of the EP&A Act, the development application and any accompanying information of an SSD application are required to be publicly exhibited for at least 28 days.

The Department publicly exhibited the SSD application from 19 November 2021 to 16 December 2021 (28 days). Details of the exhibition process and notifications are provided in **Section 5** of this report.

4.8 Objects of the EP&A Act

In determining the development application, the consent authority should consider whether the development is consistent with the relevant objects of the EP&A Act. These objects are detailed in section 1.3 of the EP&A Act. The Department has fully considered the objects of the EP&A Act, including the encouragement of Ecologically Sustainable Development (ESD), in its assessment of the application (see **Table 3**).

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

| Object | Consideration |
|---|--|
| 1.3 (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources, | The development would ensure the orderly and economic use of the site which is zoned for industrial use, promote the social and economic welfare of the community through a significant financial investment and employment opportunities in Western Sydney. |

| 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 development integrates all social, economic and environmental considerations and seeks to avoid potentially serious or irreversible environmental damage. The Department is satisfied the development can be carried out in a manner consistent with the principles of ESD. |
| 1.3 (c) to promote the orderly and economic use and development of land, | The development is a permissible use which would promote the orderly and economic development of the land. The development would provide 114 operational jobs in the WSEA and promote economic growth in Western Sydney. |
| 1.3 (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats, | The Department's assessment in Section 6 of this report demonstrates that with the implementation of the recommended conditions of consent, the impacts of the development could be mitigated and/or managed to ensure an acceptable level of environmental performance. |
| 1.3 (g) to promote good design and amenity of the built environment, | The development is appropriately designed and consistent with the surrounding area. The potential amenity impacts of neighbouring residential dwellings was an important consideration in the determination of SSD 10436 for the ESR Horsley Logistics Park. |
| 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 recommended conditions of consent requiring the development be constructed in accordance with the Building Code of Australia (BCA). |
| 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 has assessed the development in consultation with, and giving due consideration to, the technical expertise and comments provided by other Government agencies, thereby sharing the responsibility for environmental planning between the different levels of government in the State. |
| 1.3 (j) to provide increased opportunity for community participation in environmental planning and assessment. | The development application was exhibited in accordance with clause 9 of Schedule 1 of the EP&A Act to provide public involvement and participation in the environmental planning and assessment process. The Department publicly exhibited the application as outlined in Section 5 of this report, which included notifying adjoining landowners and displaying the application on the Department's website. |

4.9 Ecologically Sustainable Development

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and

environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- (a) *the precautionary principle*
- (b) *inter-generational equity*
- (c) *conservation of biological diversity and ecological integrity*
- (d) *improved valuation, pricing and incentive mechanisms.*

The potential environmental impacts of the development have been assessed and, where potential impacts have been identified, mitigation measures and environmental safeguards have been recommended.

As demonstrated by the Department's assessment in **Section 6** of this report, the development is not anticipated to have any adverse impacts on native flora or fauna, including threatened species, populations and ecological communities, and their habitats. The Applicant has also proposed ESD design measures to reduce the energy and water requirements of the development. As such, the Department considers that the development would not adversely impact on the environment and is consistent with the objectives of the EP&A Act and the principles of ESD

4.10 Biodiversity Development Assessment Report

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

On 2 June 2021, the Applicant submitted a request to the Planning Secretary to waive the requirement for a BDAR, on the basis that site clearing including the removal of native vegetation was approved as part of preceding development applications for the site including SSD 10436 for the ESR Horsley Logistics Park and DA89.3.1/201 for the broader CSR Estate approved by the Land and Environment Court.

The Environment Agency Head and Director, Industry Assessments, as nominee of the Planning Secretary, determined the proposed development is not likely to have any significant impact on biodiversity values as all works are proposed within the existing footprint of the Horsley Logistics Park and no vegetation or trees would need to be removed. A BDAR waiver under section 7.9(2) of the BC Act was subsequently granted for the development on 2 September 2021.

4.11 Commonwealth Matters

The Applicant considered whether the development would impact on matters of national environmental significance (MNES) and be a controlled action under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). 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 Planning 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 development application. These consultation activities are described in detail in the following sections.

Consultation by the Applicant

The Applicant undertook a range of consultation activities throughout the preparation of the EIS including, emails, phone conversations and face-to-face (virtual) meetings with government authorities and a fact sheet on the proposal was distributed to surrounding landowners. The Applicant received one response from a nearby landowner who raised concern with the height of the building. As the built form of the development was being delivered under SSD 10436, the Applicant did not amend the proposal in response to the landowner's concern.

Consultation by the Department

After accepting the development application including the EIS, the Department:

- made it publicly available from 19 November 2021 to 16 December 2021 (28 days) on the Department's website
- wrote to landowners and occupiers in the vicinity of the site to advise them of the public exhibition and the procedures for making a submission
- notified and invited comments from State government agencies and Council.

5.2 Submissions and Advice

During the exhibition period, the Department received advice from four government agencies, including Council and advice from special interest groups. None of the submissions received were by way of objection. No submissions were received from the public and there were no objections to the development. A summary of the advice received is provided below and a link to the advice is provided in Appendix A.

Council and Government Agencies

Council did not object to the development but provided comments on odour, noise and traffic. Council requested some additional information on the odour treatment/control system and justification for not assessing volatile organic compounds (VOCs) in the Air Quality Impact Assessment.

Transport for NSW (TfNSW) provided recommended conditions of consent requiring the preparation of a Green Travel Plan (GTP), Construction Traffic Management Plan (CTMP) and general conditions regarding access and maneuvering.

Environment Protection Authority (EPA) did not object to the development but requested the Applicant provide additional information, clarification or justification on the following issues:

- odour – additional detail on scrubbers and wastewater treatment plant, assessment of a worst case emissions scenario and stack design

- noise – ensure the receiver locations are in accordance with the Noise Policy for Industry (NPI), additional noise breakout calculations and noise mitigation measures.

Fire and Rescue NSW (FRNSW) clarified that the facility would not be considered a Major Hazard Facility (MHF) and recommended conditions of consent requiring an Emergency Response Plan (ERP) and an Emergency Services Information Package (ESIP).

Special Interest Groups

Endeavour Energy provided its requirements for electricity connections, easements and working in and around electrical infrastructure.

Sydney Water requested the Applicant lodge a Feasibility Application to ensure the development can be serviced in a timely manner and recommended a condition requiring the submission of a Section 73 application.

Western Sydney Airport requested further assessment be undertaken in relation to the SEPP (Western Sydney Parkland) 2021 and the potential vertical air emissions impact on the Obstacle Limitations Surfaces (OLS) plan for the future airport.

5.3 Response to submissions

On 2 March 2022, the Applicant provided a Response to Submissions (RtS) to address the issues raised during the exhibition of the development (see **Appendix A**). The RtS provided additional information, justification and clarification to address the submissions received.

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

Council requested additional assessment of the following issues:

- swept path analysis to ensure the largest size vehicle which would access the site would not cross the double barrier lines in Johnson Crescent
- VOC production and odour
- revised dispersion modelling with control strategies to ensure compliance with the 2 odour unit (ou) criteria is met at all receivers and a further assessment of the impact of the wastewater treatment plant
- revision of the Operational Noise Impact Assessment to reflect 24 hour vehicle movements.

EPA requested the following additional information or assessment:

- odour - additional detail and specification of the odour control system proposed and additional assessment to demonstrate compliance with the relevant impact assessment criterion
- noise – predicted noise levels from the development in isolation for all assessed meteorological conditions including for all operating scenarios and time of day.

Western Sydney Airport reiterated its concern with potential emissions impacting the OLS and recommended conditions of consent to be imposed to protect the operations of the future airport.

5.4 Supplementary Response to Submissions

On 26 May 2022, the Applicant submitted a Supplementary Response to Submissions (SRtS) which responded to the issues raised in the submissions and included revised or addendums to assessments related to traffic, odour, noise and stormwater and a preliminary design for the proposed odour control system. Following the submission of the SRtS, the Applicant also provided correspondence from the Civil Aviation Safety Authority (CASA) which concluded the development would not cause an infringement to the Obstacles Limitation Surfaces (OLS) plan for the future Western Sydney Airport.

Council were satisfied that the SRtS adequately addressed their concerns and recommended conditions of consent.

EPA were satisfied that the SRtS adequately addressed their concerns and recommended conditions of consent.

Western Sydney Airport was satisfied that their concerns were appeased through the correspondence from CASA.

The Department has considered the issues raised in submissions, the RtS, the SRtS and final advice from government authorities, in its assessment of the development.

6 Assessment

The Department has considered the EIS, the issues raised in the submissions, the RtS and the Supplementary RtS in its assessment of the development. The Department considers the key assessment issues are odour and noise.

A number of other issues have also been considered. These issues are considered to be relatively minor and are addressed in **Table 6** in **Section 6.3**.

6.1 Odour

The development would have the potential to generate odour impacts for nearby receivers during the operation of the liquid soap and detergent manufacturing facility including the mixing of DG's.

To address the potential odour impacts of the development, the EIS included an Air Quality Impact Assessment (AQIA). The AQIA assessed the impact of the development operating at full capacity including the potential to generate odours from the following sources:

- filling of bulk storage and mixing tanks
- operation of the liquid filling lines
- operation of the WWTP
- fugitive odours associated with the manufacturing process.

Sensitive receivers in the locality include:

- residential receivers on Greenway Place to the south-east
- future residential receivers within the Jacfin rural residential lands to the south
- residential receivers to the east on Delaware Road (see **Figure 5**).

Construction Air Quality Impacts

Bulk earthworks, site preparation works and the construction of the building and hardstand areas which have the potential to create elevated levels of dust are being carried out under SSD 10436. The potential air quality impacts of these works were assessed to have negligible impacts subject to the implementation of dust management measures as part of a Construction Environmental Management Plan (CEMP). The AQIA considered the remaining construction activities including the construction of the DG storage areas on the existing hardstand under this development application are unlikely to result in air quality impacts.

Operational Odour Impacts

The AQIA was informed by emission monitoring from the Applicant's existing Smithfield operations which were used to estimate odour emission rates (OER) for the development. To mitigate odours, the Applicant proposed to maintain the liquid packaging area under negative pressure and install odour extraction and control systems for the liquid filling line and the bulk storage and mixing tanks. Emissions from each system would be released to the atmosphere through a 16 m high stack at a velocity of 20 m/s. Any emissions from the WWTP would be released to atmosphere via 8 m high stacks at a velocity of 16 m/s. The systems would have an odour removal efficiency of 90%.

The AQIA adopted the most stringent 2 OU criteria for urban areas from the NSW EPA Impact Assessment Criteria for Complex Mixtures of Odorous Air Pollutants. The AQIA concluded that with the development operating at full capacity, the odour impacts at all existing and future sensitive receptors would be at or below the relevant assessment criteria (see **Table 4**).

Table 4 | Predicated Odour Concentrations at Receptors

| Receptor | Odour Assessment Criteria (OU) | Proposals OU | Complies |
|---|--------------------------------|-----------------------------|----------|
| Surrounding existing and future industrial receptors in ESR Estate (C1 – C12) | 2 OU | < 0.5 | Yes |
| Residential receptors on Greenway Place (R9 – R19) | 2 OU | Ranging from < 0.5 – 2.0 | Yes |
| Residential receptors to the east (R1 – R5) | 2 OU | < 0.5 | Yes |

To further reduce odour emissions, the AQIA recommended several management and mitigation measures, including:

- check, maintain and replace the activated carbon filters in accordance with manufacturers specifications
- engage an independent specialist to conduct a detailed odour audit of the facility post commissioning to verify that the OER's of the facility operating at full capacity do not exceed the modelled rates
- the installed odour control system is modular and capable of being expanded to further reduce potential odour emissions if required
- provide training to staff on the operation and maintenance of the odour control system, prevention of accidental air emissions and complaints handling procedures.

The development will be required to operate in accordance with an Environment Protection Licence (EPL) approved by the EPA who would be the regulatory authority for odour impacts. The EPA reviewed the AQIA submitted with the EIS and requested additional information, including:

- a detailed description of all aspects of the air emission control system
- confirmation of the expected emission performance of the scrubber system
- additional assessment to demonstrate the project complies with the EPA's impact assessment criterion.

In the RtS, the Applicant provided the necessary information to satisfy the EPA who recommended conditions of consent.

Assessment and Recommendations

The Department closely consulted with the Applicant and the EPA to ensure a robust and justified assessment of the potential odour impacts of the development operating at full capacity was carried out. The Department notes the EPA are generally satisfied that the potential odour impacts of the development operating at full capacity can be adequately mitigated and managed to ensure offensive odours at existing and future sensitive receivers are avoided subject to the recommended conditions of consent.

The Department considers the odour modelling used by the Applicant is robust as it was based on OER's derived from the Applicant's existing facility in Smithfield operating at full capacity. The use of this data and information as modelling inputs provides additional rigour to the assessment and a greater understanding of the potential impacts from the proposal. The Department also considers the odour modelling used in the AQIA is conservative as the Smithfield facility utilises wet scrubbers which is a less efficient control system as compared to the system proposed for the development. As such, the actual OER's of the development in operation could be lower than sampled at the Smithfield facility.

While potential odour impacts are expected to be minimised, the Department considers that a key future odour source could be generated from a lack of ongoing management or maintenance of the odour control system. To ensure this is appropriately managed, the Department has recommended a condition of consent requiring the Applicant establish a range of robust odour management regimes through a comprehensive Air Quality Management Plan (AQMP) which would be prepared in consultation with the EPA. The Department also considers that an odour audit of the facility operating at full capacity is justified to ensure the actual odour concentrations experienced at receptors are at or below the predictions in the AQIA. Should offensive odours be experienced at existing and future receptor locations, the Applicant would be required to implement additional mitigation measures which could include the expansion of the odour control system.

The Department's assessment concludes the odour impacts of the development can be appropriately managed to protect the amenity of existing and future nearby receptors subject to the implementation of the Applicant's proposed mitigation measures and the recommended conditions of consent.

6.2 Noise

The potential for noise to impact the amenity of nearby receivers was a key issue and important consideration for the Department in the assessment of the ESR Horsley Logistics Park under SSD 10436. To achieve acceptable noise limits in accordance with the EPA's Noise Policy for Industry (NPI) at receivers, the design of the Logistics Park included noise walls, awnings, acoustic barriers, roof plant enclosures and boundary treatments. Stringent noise related conditions of consent were also placed on SSD 10436 including cumulative project specific noise limits for the Logistics Park and noise verification reporting requirements for each warehouse tenancy.

The development proposes the use of Warehouse 1 on Lot 201 for the production of soaps and detergents which has the potential to generate noise impacts during 24-hour operations. Primary operational noise sources include heavy vehicle movement to, from and within the site, the use of external mechanical plant including the odour exhaust and control system, the use of forklifts and staff vehicle trips. These sources have the potential to impact the amenity of the nearest existing and future

sensitive receivers, being the dwellings on Greenway Place (Noise Catchment Area (NCA2), future dwellings within the Jacfin rural residential lands (NCA1) and scattered rural residential dwellings to the east of the site (see **Figure 5**).

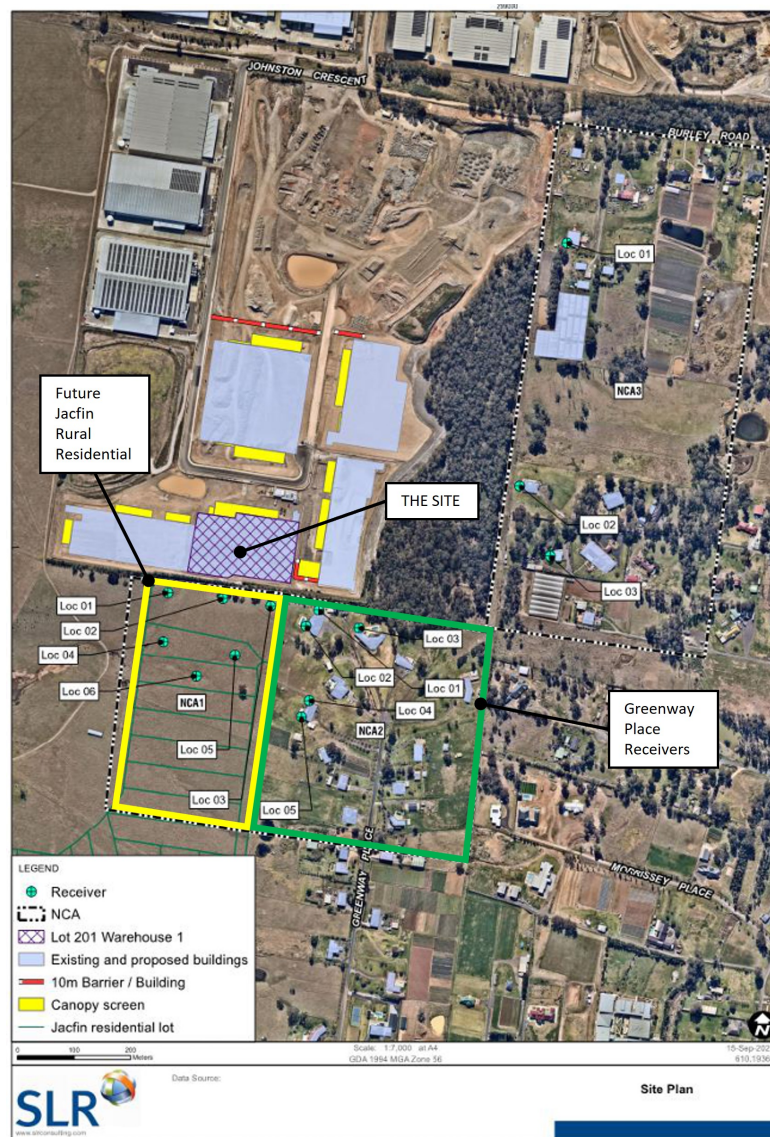


Figure 4 | Nearby Sensitive Receivers and Noise Monitoring Locations

Applicant's Noise Assessment

The EIS included an Operational Noise Impact Assessment (ONIA). The ONIA assessed the operational noise impacts of the development on nearby sensitive receivers in accordance with the NPI, Interim Construction Noise Guideline (ICNG) (DECC, 2009), Assessing Vibration: A Technical Guideline (EPA, 2006) and the NSW Road Noise Policy (DECCW, 2011). The ONIA was based on the noise assessment prepared for MOD 5 of SSD 10436 which approved design amendments to facilitate the proposed development including the installation of additional rooftop plant. The predicted noise impacts at all receivers modelled for MOD 5 were below the noise limits established for the Logistics Park (see **Table 5**).

Table 5 | Operational Noise Limits for the ESR Horsley Logistics Park

| Location | Daytime LAeq (15 minute) (dBA) | Evening LAeq (15 minute) (dBA) | Night LAeq (15 minute) (dBA) | Night LAFmax (dBA) |
|----------|--------------------------------------|--------------------------------------|------------------------------------|-----------------------|
| NCA1 | 44 | 43 | 38 | 52 |
| NCA2 | 40 | 40 | 38 | 52 |
| NCA3 | 44 | 43 | 38 | 52 |

The ONIA for the proposed development assessed the potential impact of the additional noise sources not previously assessed as part of MOD 5, including:

- odour scrubber systems
- the WWTP
- noise associated with the operation of internal plant
- any noise associated with additional traffic impacts if any.

The Transport Assessment (TA) prepared as part of the EIS concluded the number of vehicles expected to access the site would be less than previously predicted under SSD 10436. As such, the expected traffic related noise associated with the development would be less than previously modelled including during night-time periods which have the potential to cause sleep disturbance for nearby residents. The ONIA concluded that the development operating at full capacity would not result in noise impacts exceeding the established noise limits for the Logistic Park (see **Table 6**).

Table 6 | Predicted Noise Levels at Receivers

| Location | Daytime LAeq (15 minute) (dBA) | Evening LAeq (15 minute) (dBA) | Night LAeq (15 minute) (dBA) | Night LAFmax (dBA) | Consistent with Noise Limits (Table 5) |
|----------|--------------------------------------|--------------------------------------|------------------------------------|--------------------------|---|
| NCA1 | 38 | 38 | 38 | 46 | Y |
| NCA2 | 39 | 39 | 38 | 47 | Y |
| NCA3 | 38 | 38 | 38 | 52 | Y |

The EPA reviewed the ONIA and requested additional information, including:

- updated receiver locations and a revised site layout map with noise sources labelled
- the method and inputs used to calculate noise breakout from the warehouse
- an assessment of corrections for annoying characteristics.

In the RtS and supplementary RtS, the Applicant provided the necessary information to address the information required by the EPA who recommended conditions of consent.

The Department's Assessment

During the assessment of SSD 10436, the Department carefully considered the potential for noise to impact the amenity of nearby receivers and required amendments to the design of the Logistics Park to attenuate noise. The Department also prescribed stringent noise mitigation measures as conditions of consent. The proposal has been designed to ensure compliance with the noise limits established under SSD 10436, including additional mitigation measures such as the use of non-tonal reversing alarms for all forklifts and acoustic louvres to the southern elevation of the liquid packaging area.

The Department considers the ONIA is conservative as it assessed the cumulative impacts of all potential noise sources in the industrial estate acting in unison under adverse weather conditions which would represent a worst case noise scenario. The Department considers the potential additional noise impacts of the development would be below the noise limits established under SSD 10436 based on a comprehensive review and assessment of the ONIA and in consultation with the EPA who would be responsible for the regulation of the noise impacts of the development through an EPL. The Department has recommended conditions requiring the preparation of a noise verification report within three months of the commencement of operation of the development to confirm that the actual noise emissions of the development comply with the relevant noise criteria at all sensitive receivers. Should the noise verification report show any exceedances of the noise criteria, the recommended conditions require the Applicant to identify and implement additional noise control measures and verify the effectiveness of these mitigation measures to the satisfaction of the Planning Secretary and the EPA.

The Department's assessment concludes that the potential impacts from the operational noise of the development would be acceptable and the residual noise impacts on nearby sensitive receivers, including sleep disturbance, can be suitably mitigated and managed through the rigorous recommended conditions of consent and best practice noise management procedures.

6.3 Other issues

The Department's assessment of other issues is provided in **Table 7**.

Table 7 | Assessment of Other Issues

| Findings | Recommendations |
|---|--|
| Traffic | |
| <ul style="list-style-type: none"> An amended Transport Assessment (TA) was submitted with the RtS which assessed the potential traffic impacts of the development on the safety, efficiency and capacity of the local and regional road network. | Require the Applicant to: <ul style="list-style-type: none"> prepare and implement an OTMP for the development. |
| Site Access and Internal Circulation <ul style="list-style-type: none"> The site contains two driveways for heavy vehicles and a separate driveway for light vehicles all with access from Johnson Crescent which is a local road under the control of Council. In consideration of concerns raised by Council, the TA included a swept path analysis, demonstrating that B-Double combination vehicles can enter, exit and manoeuvre within the site. Council raised concerns that there was potential for conflict between heavy vehicles manoeuvring through the site and the external unloading of DG's via forklift. To mitigate the potential for conflict, Council recommended the preparation of a Loading Area Management Plan (LAMP). The Department concurs with Council that the potential for conflict between manoeuvring vehicles on sites warrants additional management measures and has recommended the preparation of a LAMP prior to the commencement of operations of the development as a condition of consent. The LAMP would detail the measures that are to be implemented to ensure conflict between heavy vehicles loading, unloading, parking and manoeuvring, including the movement of Dangerous Goods (DG's) via forklift in the loading area is avoided. | <ul style="list-style-type: none"> prepare and implement a GTP under SSD 10436 and implement prior to the commencement of operation of the proposed development |
| Operational Traffic <ul style="list-style-type: none"> The TA for the development was based on the TA prepared for the wider Logistics Park under SSD 10436 which concluded the potential traffic impacts of all warehouses operating at full capacity would only marginally increase the average delays experienced at the key intersection of Wallgrove Road / Milner Avenue based on the projected cumulative traffic volumes for 2026 including the impacts of existing and future development. The TA for the development used surveys of the traffic generation of the Applicant's Smithfield Facility to understand the potential light and heavy vehicle generation of the facility operating at full capacity. The TA concluded that the development would generate less traffic than projected for Warehouse 1 under SSD 10436. | |

| Findings | Recommendations |
|--|--|
| <ul style="list-style-type: none"> TfNSW and Council did not raise specific concerns regarding the potential traffic generation impacts of the development. TfNSW recommended standard conditions of consent including the preparation of an Operational Traffic Management Plan (OTMP) and a Green Travel Plan (GTP). The Department notes a GTP is required to be prepared and implemented for Warehouse 1 under SSD 10436. The Department has recommended a condition of consent which requires this GTP to be approved by the Planning Secretary under SSD 10436 and implemented prior to the commencement of operation of this development. The Department's assessment concludes that the development would not be expected to negatively impact the safety, capacity or efficiency of the local or regional road network subject to the recommended conditions of consent. | |
| Car Parking | |
| <ul style="list-style-type: none"> The site specific DCP for the CSR Estate requires the provision of 1 parking space per 70 m² of gross leasable area which would result in the provision of a total of 134 parking spaces for Warehouse 1. As an alternative to the DCP rates, the Applicant has provided the operational parking demand of the development operating at full capacity. The development would require 114 employees operating in shifts. The peak parking demand of the development based on the number of employees and shift changes would be 74 parking spaces which would occur at 1:00 pm. At its busiest time, the site would have a surplus of 34 parking spaces. The Department's assessment concludes the development has provided an adequate supply of parking to meet the realistic demands of the Applicant's operations. | <p>Require the Applicant to:</p> <ul style="list-style-type: none"> Ensure the car park is maintained in accordance with the relevant Australian Standards. |
| Development Contributions | |
| <p><i>Regional Contributions</i></p> <ul style="list-style-type: none"> Development within the WSEA is subject to development contributions for the provision of regional infrastructure. The development is subject to a Voluntary Planning Agreement (VPA) (SVPA-2016-8153) with the Department which was executed on 20 November 2015 and amended on 24 April 2017 in accordance with clause 29 of the WSEA SEPP. The VPA provides that CSR will carry out road works and will make monetary contributions of \$182,898 per ha of net developable area. | <p>Require the Applicant to:</p> <ul style="list-style-type: none"> pay local contributions in accordance with Council's Section 7.12 Plan. |

Findings

Recommendations

- This VPA is considered to be applicable as the site is located within the broader CSR Estate.
- On 29 July 2022, the Department issued a Satisfactory Arrangement Certificate (SAC) pursuant to clause 29 of the WSEA SEPP which stated that adequate arrangements have been made to contribute to the provision of regional transport infrastructure and services for the development.

Local Contributions

- The Fairfield Indirect (Section 94A) Development Contribution Plan 2011 (Section 7.12 Plan) applies to the site and requires the payment of a contribution to Council equivalent to 1% of the overall development cost, for the purposes of providing various public facilities within the LGA in accordance with Section 7.12 of the EP&A Act.
- The Department has included a condition requiring the payment of local contributions to Council in accordance with the Section 7.12 Plan to the value of 1% of the CIV which would be approximately \$3.4 million.

Contaminated Water

- The external unloading and storage of DG's and the use of the external liquid filling stations has the potential to cause spills which could cause contaminated water to leave the site. Contaminated water would also be created during fire events.
- The PHA recommended a total of 703 m³ of contaminated water storage and a stormwater isolation point be included in the stormwater system to hold water in the case of a spill or fire event.
- In the RtS, the Applicant confirmed the site contained adequate contaminated water storage capacity in underground on-site detention tanks and that a stormwater isolation point would be installed.
- The Applicant also suggested the potential for spills to cause any off-site impacts would be low as the maximum amount of liquid unloaded or transferred at a given time would be in a 1,000 litre container and a spill kit could be utilised to bund any spilled liquid for clean-up and disposal purposes.
- In the RtS, the Applicant proposed the preparation of a Spill and Pollution Incident Response Management Plan to manage contaminated water.
- The Department considers that there is potential for conflict between heavy vehicles and forklifts operating in the unloading area resulting in spills of DG's.

Require the Applicant to:

- prepare and implement Contaminated Water Retention Plan.

| Findings | Recommendations |
|--|---|
| <ul style="list-style-type: none"> • The Department considers the preparation and implementation of the LAMP would decrease the potential for conflict and avoid spills. • The Department notes the proposed contaminated water containment area would also be utilised for the on-site detention of stormwater during rainfall events. • In the event that the on-site detention system is full, and an incident occurs, additional contaminated water retention would be required. • The Department considers that protocols should be formalised for the containment and disposal of contaminated water including the operation of the stormwater isolation point and contingency measures when the on-site detention system is full. The Department has therefore recommended the preparation of a Contaminated Water Retention Plan as a recommended condition of consent. • The Department's assessment concludes the development can provide adequate contaminated water controls and measures to mitigate impacts on surrounding sites and the broader stormwater network, avoiding the pollution of waters subject to the recommended conditions of consent. | |
| Hazards | |
| <ul style="list-style-type: none"> • The development seeks consent to store and use a range of liquid DG's above the screening thresholds in the Department's Applying State Environmental Planning Policy (SEPP) 33 Guidelines which classifies it as a 'potentially hazardous industry' requiring the preparation of a Preliminary Hazard Analysis (PHA). • DG's would be unloaded from heavy vehicles via forklifts into the liquid DG storage shed or the Class 3 storage area and via a tanker into one of three trucking filling bays. • DG's would be transported into the manufacturing area via transfer pumps and pipes when required based on the specification of the product being manufactured. Once the DG's are mixed with non-DG liquids, the finished products are not considered DG's. • The EIS included a PHA prepared in accordance with Hazardous Industry Planning Advisory Paper (HIPAP) No. 6 – Hazard Analysis. • The PHA concluded that the risks associated with potential hazard scenarios at the site boundary would not be considered to exceed the acceptable risk criteria in HIPAP No.4 - Risk | <p>Require the Applicant to:</p> <ul style="list-style-type: none"> • Prepare the following to the satisfaction of the Planning Secretary and FRNSW: <ul style="list-style-type: none"> ○ a Fire Safety Study ○ a Final Hazard Analysis ○ an Emergency Plan ○ a Safety Management System ○ an ERP. • Store DG's must in accordance with Australian Standards. |

| Findings | Recommendations |
|--|---|
| <p>Criteria for Land Use Safety Planning and therefore the facility would only be classified as potentially hazardous and would be permitted within the current zoning for the site.</p> <ul style="list-style-type: none"> • In its submission, FRNSW requested the Applicant be required to develop an Emergency Response Plan (ERP) that specifically addresses foreseeable on site and off-site fire events and other emergency incidents or potential hazmat incidents. Additionally, appropriate risk control measures required to safely mitigate potential risks to firefighters and first responders would also need to be specified in the ERP. • The Department considers the PHA has demonstrated that the risk of fatality and injury to residential uses and propagation risk to surrounding buildings will not exceed the criteria in HIPAP No.4. • The Department has recommended conditions of consent consistent with HIPAP 12 – Hazards Related Conditions of Consent for Potentially Hazardous Facilities including requiring the preparation and implementation of the following to the satisfaction of the Department and FRNSW: <ul style="list-style-type: none"> ○ a Fire Safety Study ○ a Final Hazard Analysis ○ an Emergency Plan ○ a Safety Management System ○ an ERP. • The Department has also recommended standard conditions for the storage of DG's on site. • The Department's assessment concludes the risks from the development on surrounding land uses would satisfy the relevant risk criteria and subject to the implementation of the recommended conditions, there would be negligible potential for major off-site consequences from the development. | |
| <p>Wastewater Treatment</p> <ul style="list-style-type: none"> • The development would produce wastewater from internal operations including during washdown of plant and equipment and to discharge batches which do not meet quality control. • To manage wastewater prior to discharge to Sydney Water's sewer system through a trade waste agreement, the Applicant has proposed the construction of a wastewater treatment plant (WWTP). • The operation of the WWTP would have some odour impacts which have been assessed in Section 6.1 of this report. | <p>Require the Applicant to:</p> <ul style="list-style-type: none"> • Prepare a Water Management Plan which details the protocols to manage the WWTP including contingency measures. |

Findings

Recommendations

- The WWTP has been designed to treat wastewater through a dissolved air flotation (DAF) process to meet the discharge criteria of Sydney Water.
- The DAF process removes suspended materials such as oils and solids by dissolving air in the wastewater under pressure and dosing it with sulphuric acid, hydrochloric acid and hydrogen peroxides.
- The Department initially raised concerns that contingencies were not proposed by the Applicant to store and process wastewater when the WWTP was out of operation.
- Neither the EPA or Sydney Water raised concerns with the type or design of proposed WWTP.
- The EPA noted that EPL conditions would require the area around the WWTP to be bunded to contain the volume of the largest size tank.
- As part of the RtS, the Applicant clarified that should the WWTP be out of operation, a total of 36 hours of production wastewater could be retained and a pump out regime would be put in place to dispose of untreated wastewater off-site to a licenced facility capable of accepting the wastes.
- The Department's assessment concludes the WWTP can be operated with adequate contingency measures to effectively treat and dispose of wastewater to avoid the pollution of waters which would be detailed and formalised in a Water Management Plan recommended to be prepared as a condition of consent.

7 Evaluation

The Department has assessed the proposed Jalco Manufacturing Facility (SSD-21190804) considering all relevant matters under section 4.15 of the EP&A Act, the objects of the EP&A Act and the principles of ecologically sustainable development. The Department has also considered the development in the context of the aims and objectives of strategic and statutory planning instruments.

The development involves the fit-out and operation of a soap and detergent manufacturing facility within a warehouse tenancy at the ESR Horsley Logistics Park. The development is State significant development as it is for the purpose of chemical, manufacturing and related industries that has a CIV of more than \$30 million. The development would generate 40 construction jobs, 114 operational jobs and invest \$34 million in the Fairfield LGA.

The Department has carried out a detailed assessment of the merits of the development, has consulted with key government agencies and the public and closely considered the issues raised during its assessment of the application. The key issues of the development include odour and noise. Other issues considered included stormwater and contaminated water management, hazards, fire safety and traffic.

The potential odour impacts of the development operating at full capacity can be effectively managed through the mitigation measures proposed by the Applicant including the installation and maintenance of an odour control system and ensuring the building is operated under negative pressure to reduce fugitive emissions. The EPA have recommended robust conditions of consent to ensure the proposed mitigation measures are effective and contingencies and procedures are in place to manage potential issues including system breakdown.

The potential noise impacts of the development can also be managed through the mitigation and management measures proposed by the Applicant and the recommended conditions of consent including noise verification reporting.

The Department consulted Council and TfNSW on traffic aspects, the EPA on odour and noise and FRNSW on hazards and risks. Government authorities did not object to the development and provided recommended conditions. The EPA provided detailed conditions and noted that an Environment Protection Licence would be required to operate the development. No public submissions were received raising any issues or objecting to the development.

The Department's assessment concluded the development would:

- provide an employment generating use in an approved logistic park, meeting the objectives of the WSEA SEPP
- not result in an increase in traffic from the approved ESR Horsley Logistic Park, with negligible impacts on the surrounding road network
- meet the relevant odour and noise criteria at all existing and future sensitive receptors subject to the proposed mitigation and management measures and recommended conditions.

The Department's assessment concluded that the impacts of the development can be mitigated and managed to ensure an acceptable level of environmental performance.

The Department has recommended a range of conditions to manage the residual impacts of the development, including odour, noise, contaminated water retention, hazards and fire safety. The Department's assessment has concluded the development is in the public interest and should be approved, subject to conditions.

8 Recommendation

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

- **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 the Jalco Manufacturing Facility (SSD-21190804), subject to the conditions in the attached development consent
- **signs** the attached development consent and recommended conditions of consent (see **Appendix D**).

Recommended by:



29/07/2022

David Schwebel
Acting Team Leader
Industry Assessments

9 Determination

The recommendation is **Adopted** by:

A handwritten signature in dark ink, appearing to read 'C. Ritchie', written in a cursive style.

29 July 2022

Chris Ritchie
Director
Industry Assessments

Appendices

Appendix A – List of Documents

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

Environmental Impact Statement

- Environmental Impact Statement titled *SSD-21190804 – Jalco Manufacturing Facility Environmental Impact Statement* prepared by Urbis Pty Ltd and dated 8 November 2021.

Submissions

- All submissions received from relevant public authorities and the general public.

Response to Submissions

- Response to Submissions titled *Response to Submissions: SSD 21190804 – Jalco Manufacturing Facility* prepared by Urbis Pty Ltd and dated 25 February 2022.

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/projects/jalco-manufacturing-facility>

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

Section 4.15 of the EP&A Act requires that the consent authority, when determining a development application, must take into consideration the matters contained in **Table 8** below.

Table 8 | Matters for consideration under section 4.15

| Matter | Consideration |
|---|--|
| a) the provisions of: <ul style="list-style-type: none"> i.) any environmental planning instrument, and | The Department has considered the relevant environmental planning instruments in its assessment of the development, see Appendix C . |
| <ul style="list-style-type: none"> ii.) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and | The Department has considered the relevant draft environmental planning instruments in its assessment of the development, see Appendix C . |
| <ul style="list-style-type: none"> iii.) any development control plan, and | Under clause 2.10 of the State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP), development control plans do not apply to State significant development. Notwithstanding, the Department has considered the site specific DCP for the CSR Estate titled <i>Development Control Plan: 327 – 335 Burley Road, Horsley Park March 2016</i> in its assessment. |
| <ul style="list-style-type: none"> iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and | The CSR Estate, including the site, is subject to a Voluntary Planning Agreement (VPA) (SVPA-2016-8153) with the Department which was executed on 20 November 2015 and amended on 24 April 2017 in accordance with clause 29 of the WSEA SEPP. The VPA provides that CSR will carry out road works and will make monetary contributions of \$182,898 per ha of net developable area. On 29 July 2022, the Department issued a Satisfactory Arrangement Certificate (SAC) pursuant to clause 29 of the WSEA SEPP for the development. |
| <ul style="list-style-type: none"> iv.) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates, | The Department has assessed the development in accordance with all relevant matters prescribed by the regulations, the findings of which are contained in this report. |
| b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality, | The Department has considered the likely impacts of the development in detail in Section 6 of this report. The Department concludes that all environmental impacts can be appropriately managed and |

| Matter | Consideration |
|---|--|
| | mitigated through the recommended conditions of consent. |
| c) the suitability of the site for the development, | The site is located on land strategically identified for warehousing and industrial purposes. |
| d) any submissions made in accordance with this Act or the regulations, | All matters raised in submissions have been summarised in Section 5 of this report and given due consideration as part of the assessment of the development in Section 6 of this report. |
| e) the public interest. | The development would generate 114 jobs during operation and direct \$34 million in capital investment in the Fairfield 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

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

The SRD SEPP identifies the types of development that are SSD. Development for the purpose of chemical, manufacturing and related industries that has a CIV of more than \$30 million is SSD as it meets the criteria in clause 10 of Schedule 1 of the SRD SEPP. The proposed facility satisfies the criteria in clause 10 of Schedule 1, as it would involve the development of a chemical manufacturing facility with a CIV of \$34 Million.

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

The ISEPP aims to facilitate the effective delivery of infrastructure across the State and lists the type of development defined as Traffic Generating Development. The development constitutes traffic generating development in accordance with the ISEPP as it includes an industry on a site which has an area that is more than 20,000 m² as per Schedule 3 of the ISEPP. Consequently, the development was referred to TfNSW for comment and consideration of accessibility and traffic impacts. TfNSW comments are considered in **Sections 5** and **6** of this report. The Department has incorporated TfNSW recommendations into the conditions of consent.

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development 2021

The SEPP aims to identify developments with the potential for significant off-site impacts, in terms of risk and/or offence. A development is defined as potentially hazardous and/or potentially offensive if, without mitigating measures in place, the development would have significant risk and/or adverse impact on off-site receptors. The development would require the storage and use of quantities of DG's in excess of the triggers established in the Department's Applying (the former) SEPP 33 Guidelines and therefore a Preliminary Hazard Analysis (PHA) was provided in the EIS. The PHA concluded that the risks at the site boundary would not be considered to exceed the acceptable risk criteria and therefore the development would not be considered a hazardous facility. The PHA recommended management measures for the collection and storage of contaminated stormwater in the event of a fire.

The Department's Hazards Unit reviewed the PHA and concluded it had been prepared in accordance with the Department's HIPAP No. 6 - Hazard Analysis, demonstrating that the development would be able to comply with the Department's HIPAP No. 4 - Risk Criteria for Land Use Safety Planning. The Hazard Unit recommended conditions of consent to ensure risks from the development would be appropriately managed during construction and operation.

State Environmental Planning Policy (Western Sydney Employment Area) 2009 (WSEA SEPP)

The WSEA SEPP aims to promote economic development and employment, provide for the orderly and coordinated development of land, ensure development occurs in a logical, cost-effective and environmentally sensitive manner and conserve and rehabilitate areas with high biodiversity, heritage or cultural value within the WSEA. Part 5 of the WSEA SEPP sets out the principal development standards within the WSEA. The development has been assessed against these standards and a summary of the Department's assessment is provided in **Table 9**.

Table 9 | Compliance with the WSEA SEPP Development Standards

| Development Standard | Proposed Development | Department Comment |
|--|---|--|
| <p>CI 18 Requirement for development control plans</p> <p>A consent authority must not grant consent to a Development Application unless a development control plan (DCP) has been prepared for that parcel of land.</p> | <p>The site is subject to the site specific DCP titled <i>Development Control Plan: 327 – 335 Burley Road, Horsley Park March 2016</i> applying to the entire CSR landholding which specifies planning controls for the site to promote high quality design outcomes.</p> | <p>The Department considers the development complies with clause 18 of the IE SEPP.</p> |
| <p>CI 20 Ecologically Sustainable Development</p> <p>The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that the development contains measures designed to minimise:</p> <p>(a) the consumption of potable water, and</p> <p>(b) greenhouse gas emissions.</p> | <p>The development incorporates a range of sustainability measures designed to reduce energy and resource use during operation, including rainwater harvesting as detailed in the Applicant's EIS.</p> | <p>The Department recommended a condition requiring the preparation of a sustainability strategy for the building as part of SSD 10436 for ESR Horsley Logistics Park to ensure measures to reduce greenhouse gas emissions were provided in the detailed design for the warehouse to which the development relates. The sustainability strategy prepared for SSD 10436 satisfies clause 20 as it included passive building design measures for minimising resource use and emissions.</p> |
| <p>CI 21 Height of Buildings</p> <p>The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that:</p> <p>(a) building heights will not adversely impact on the amenity of adjacent residential areas, and</p> <p>(b) site topography has been taken into consideration.</p> | <p>The height of the building was approved under SSD 10436.</p> | <p>The WSEA SEPP does not prescribe a height limit for the site.</p> <p>The Department has considered the potential impacts associated with the bulk and scale of the warehouse building on existing and future residential receivers in the locality as part of SSD 10436 for the ESR Horsley Logistics Park. The proposed development is generally contained within the existing approved building envelope.</p> |

| Development Standard | Proposed Development | Department Comment |
|--|---|--|
| CI 22 Rainwater harvesting The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that adequate arrangements will be made to connect the roof areas of buildings to such rainwater harvesting scheme (if any) as may be approved by the Director-General. | The Applicant proposes to implement rainwater harvesting techniques to minimise potable water use by using rainwater collected from warehouse and/or office roofs for non-potable uses. Rainwater tanks would be provided for the building. | The provision of rainwater tanks and proposed use of rainwater is satisfactory. |
| CI 23 Development adjoining residential land (1) This clause applies to any land to which this Policy applies that is within 250 metres of land zoned primarily for residential purposes. | Greenway Place and the site of the future Jacfin rural residential development are located within 250 m of the site on land zoned RU4 – Primary Production Small Lots. | The Department does not consider the RU4 zoning to be primarily for residential purposes. However, as the lots on Greenway Place are presently utilised for primarily residential purposes, the Department considers an assessment of the development against this clause to be warranted. |
| (2) The consent authority must not grant consent to development on land to which this clause applies unless it is satisfied that: | | |
| (a) wherever appropriate, proposed buildings area compatible with the height, scale, siting and character of existing residential buildings in the vicinity, and | The Applicant suggests through the careful selection of building finishes and colours combined with landscape planting the development blends into its surrounding context. | The Department has considered the potential visual impacts of the development on nearby existing and future residential receivers as part of SSD 10436 for the ESR Horsley Logistics Park. No changes are proposed to the approved building finishes or landscaping. |
| (b) goods, plant, equipment and other material resulting from the development are to be stored within a building or will be suitably screened from view from residential buildings and associated land, and | The Applicant suggests that goods, plant and equipment will be stored inside at all times or suitably screened to avoid potential visual impacts in compliance with these requirements. | The potential visual and noise impacts of externally mounted plant and equipment has been considered by the Department in Section 6 of this report. |

| Development Standard | Proposed Development | Department Comment |
|--|--|--|
| (c) the elevation of any building facing, or significantly exposed to view from, land on which a dwelling house is situated has been designed to present an attractive appearance, and | The Applicant suggests the existing dwellings on Greenway Place would not be exposed to significant views of the development due to location of the southern landscape buffer and bund. | The Department has considered the potential visual impacts of the development on nearby existing and future residential receivers as part of SSD 10436 for the ESR Horsley Logistics Park. No change is proposed to the approved building. |
| (d) noise generation from fixed sources or motor vehicles associated with the development will be effectively insulated or otherwise minimised, and | The Applicant's final noise model shows the noise generation from fixed sources and truck movements can be effectively mitigated and managed to adhere to relevant noise criteria. | The Department has carefully considered the potential noise impacts of the development in Section 6 of this report. |
| (e) the development will not otherwise cause nuisance to residents, by ways of hours of operation, traffic movement, parking, headlight glare, security lighting or the like, and | The development would operate 24 hours a day, seven days a week. The traffic and parking provisions of the development are described in Section 6 of this report. | The Department has carefully considered the potential amenity impacts of the development on nearby residential receivers throughout this report, but in particular in Section 6 . |
| (f) the development will provide adequate off-street parking, relative to the demand for parking likely to be generated, and | The development has been designed to provide parking in accordance with the actual operational requirements of the development. | The Department has considered the provision of parking in Section 6 of this report. The Department's assessment concluded the development has provided an adequate amount of parking spaces for the proposed operations. |
| (g) the site of the proposed development will be suitably landscaped, particularly between any building and the street alignment. | The landscaping at the southern boundary of the site established as part of the CSR Estate development would continue to be maintained by CSR as required by DA 893/2013. On site landscaping is also being established as part of the delivery of the ESR Horsley Logistics Park. | The Department has considered the suitability of landscaping in as part of SSD 10436 for the ESR Horsley Logistics Park. No change is proposed to the approved landscaping. |

| Development Standard | Proposed Development | Department Comment |
|---|--|---|
| CI 25 Public utility infrastructure The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made | All necessary public utility infrastructure for the development is being delivered as part of the CSR Estate development under DA 893/2013. No augmentation of these services is proposed as part of this application. | The Department is satisfied that adequate arrangements are in place for the provision of public utility infrastructure essential for the development. |
| CI 26 Development on or in the vicinity of proposed transport infrastructure routes The consent authority must consider any comments made by the Secretary as to the compatibility of the development with the proposed transport infrastructure route. | The future SLR is located at the northern boundary of the CSR Estate | Appropriate provisions for future connections of the CSR Estate to the SLR have been provided in DA 893/2013. |
| CI 29 Industrial release area Assistance to the State authorities for the provision of regional transport infrastructure and services is required. The consent authority must not grant consent unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of regional transport infrastructure and services. | The Applicant requested the Department issue a Satisfactory Arrangements Certificate (SAC) pursuant to clause 29 of the WSEA SEPP on 20 June 2022. | On 29 July 2022, the Department issued a SAC pursuant to clause 29 of the WSEA SEPP for the development. |
| CI 33E Airspace Operations The consent authority must consider whether development would penetrate a prescribed airspace before granting development consent. | The site is within the Obstacles Limitation Surfaces (OLS) plan area for the future Western Sydney Airport. The development includes the discharge of emissions from stacks connected to the odour | The Applicant provided correspondence from the Civil Aviation Safety Authority (CASA) which concluded the development should not cause an infringement to the (OLS) |

| Development Standard | Proposed Development | Department Comment |
|---|--|--|
| | control system and the WWTP which could infringe into the OLS. | plan for the future Western Sydney Airport. |
| CI 33H Earthworks Before granting development consent for earthworks, the consent authority must consider the matters outlined in Clause 33H (3). | The development includes minor earthworks for the construction of the DG storage sheds and installation of the WWTP. Bulk earthworks for the logistics park have been carried out under DA 893/2013 and as part of SSD 10436 for the ESR Horsley Logistics Park. | The Department considers the earthworks associated with the development to be minor in nature and appropriate controls can be provided under recommended conditions. |
| CI 33L Stormwater, water quality and water sensitive design | The proposed stormwater management system for the building includes on-site detention tanks and on-lot treatment measures designed to meet the required pollution reduction targets. Rainwater harvesting is proposed for reuse for non-potable application within the proposed warehouses. | The Department's assessment of the stormwater impacts of the development is provided in Section 6 of this report. |

Fairfield Local Environmental Plan 2014 (SLEP)

Clause 2.6 of the IE SEPP specifies the SEPP prevails to the extent of any inconsistency with any Local Environmental Plan (LEP). The Department has reviewed the relevant provisions of the FLEP and notes the site is not identified in any maps of the FLEP relating to principal development standards.

The FLEP aims to encourage the development of housing, employment, infrastructure and community services to meet the needs of the existing and future residents of the Fairfield LGA. The FLEP also aims to conserve and protect natural resources and foster economic, environmental and social wellbeing. The Department has consulted with Council throughout the assessment process and has considered all relevant provisions of the FLEP and those matters raised by Council in its assessment of the development (see **Section 6**). The Department concludes that the development is consistent with the relevant provisions of FLEP.

Appendix D – Recommended Instrument of Consent

The recommended conditions of consent for SSD-21190804 can be viewed on the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/projects/jalco-manufacturing-facility>