



Lot 1 Bringelly Road Business Hub - Warehouse Facility

State Significant Development Assessment SSD-37558583

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Glossary

Abbreviation	Definition
Applicant	ESR Developments (Australia) Pty Ltd
BC Act	<i>Biodiversity Conservation Act 2016</i>
BDAR	Biodiversity Development Assessment Report
BRBH	Bringelly Road Business Hub
BRBH consent	The development granted approval under development consent SSD-6324 for the Bringelly Road Business Hub, as modified
CIV	Capital Investment Value
Council	Liverpool City Council
DA	Development Application
Department	Department of Planning and Environment (DPE)
Development	The development as described in the EIS and RTS for a warehouse facility
EIS	Environmental Impact Statement titled <i>Lot 1 Skyline Crescent, Leppington Bringelly Road Business Hub – Warehouse and Distribution Facility</i> prepared by Ethos Urban dated 16 May 2022, including additional information received from Ethos Urban on 26 August 2022 and 30 August 2022.
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
LGA	Local Government Area
Minister	Minister for Planning
Planning Secretary	Secretary of the Department
POM	Western Sydney Parklands Plan of Management 2030
RTS	Response to Submissions titled <i>SSD 37558583 – Lot 1 Bringelly Road Business Hub Warehouse Facility Response to Submissions</i> prepared by Ethos Urban dated 1 August 2022

SEARs	Planning Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
Parkland City SEPP	State Environmental Planning Policy (Precincts—Western Parkland City) 2021
Planning Systems SEPP	State Environmental Planning Policy (Planning Systems) 2021
SSD	State Significant Development
TfNSW	Transport for NSW
WSP	Western Sydney Parklands
WSPT	Western Sydney Parklands Trust

Executive Summary

Introduction

This report details the Department of Planning and Environment's (the Department) assessment of a State significant development application (SSD-37558583) for the construction and operation of a warehouse facility on Lot 1 within the Bringelly Road Business Hub. ESR Developments (Australia) Pty Ltd (the Applicant) seeks to construct and operate a warehouse facility at 5 Skyline Crescent, Horningsea Park in the Liverpool local government area.

The site of the proposed warehouse facility forms part of an approved 22-hectare (ha) business and industrial estate known as Bringelly Road Business Hub (BRBH). The BRBH is located in the southern portion of the Western Sydney Parklands (WSP) and is 36 kilometres (km) south-west of the Sydney city centre and 8 km south-west of the Liverpool town centre.

On 13 January 2016, the then Acting Executive Director, Keys Sites and Industry Assessment of the Department approved the BRBH, a staged State significant development (SSD-6324) comprising a concept proposal and stage 1 development (BRBH consent). The concept proposal covered the establishment of the BRBH and permitted a range of uses on the site including large format retail and light industrial uses. Stage 1 approved site preparation works for the BRBH, including bulk earthworks and subdivision of the site into eight lots. Since the granting of the BRBH consent, four of the larger lots have obtained State significant development (SSD) approvals including lots 3, 4, 6 and 8, all of which are operational.

Proposal

The Applicant proposes the construction and operation of a warehouse and distribution facility comprising of a warehouse building, ancillary office space, loading dock facilities, car parking, supporting infrastructure and landscaping. The proposed development (the development) does not currently have specific tenants / operators associated with the development so the assessment has been undertaken on the basis that the facility will operate as a generic warehouse and distribution centre.

The development has a capital investment value of \$10.6 million and is expected to generate 46 construction jobs and 78 operational jobs.

The development is subject to the WSP Plan of Management 2030 which identifies that 2% of the WSP is to be developed for business purposes to provide funding towards the development of facilities, programs and environmental initiatives throughout the WSP. The development represents a portion of the 2% of the WSP identified strategically for business purposes.

Site Context

The site is within the BRBH located approximately 36 km west of the Sydney city centre. The site is currently vacant and covers an area of approximately 1.3 hectares of unzoned land under the State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP). The nearest residential receiver is located approximately 160 metres to the north-east of the site in the suburb of West Hoxton.

Statutory Context

The development is classified as State significant development under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it involves a development in the Western

Sydney Parklands with a capital investment value of over \$10 million, meeting the criteria in Clause 5 of Schedule 2 in the Planning Systems SEPP. Consequently, the Minister for Planning is the consent authority for the development under section 4.5(1) of the EP&A Act.

Engagement

The Department exhibited the EIS for the development from 31 May 2022 until 30 June 2022. During the exhibition period, the Department received a single submission from the public, one from a gas pipeline operator, one from Liverpool City Council and advice from five government authorities. No submissions objected to the proposal.

Key concerns raised by government agencies and Council related to the visual impact of the development, as well as ensuring existing public utilities and assets are protected.

The Applicant submitted a Response to Submissions on 1 August 2022 which saw some changes to the building owing to Building Code of Australia and Jemena requirements. On 26 August 2022, further information was submitted which saw additional amounts of vegetation towards Bringelly Road and changes to elevation design.

Assessment

The Department's assessment of the application has fully considered all relevant matters under section 4.15 of the EP&A Act, the objects of the EP&A Act and the principles of ecologically sustainable development. The Department has identified the key issues for assessment as being urban design but has also assessed all other relevant matters, including traffic, noise, bush fire and consistency with the BRBH consent.

The development is located on a site fronting Bringelly Road, with all other boundaries also presenting to public roads, which has potential to increase the visual dominance of the building. The Department consulted with the Applicant to ensure the final design development did not unduly impact visual amenity and met the BRBH consent's design guidelines, while also providing the requisite bush fire and gas pipeline buffers.

The Department is satisfied the final iteration of the development's design aligns with the BRBH consent's design guidelines and is in keeping with the industrial character of the BRBH. The Department has recommended a Landscape Management Plan be prepared and implemented to ensure the vegetation on site is maintained and reduces the bulk and scale of the development further.

Summary

The Department's assessment concludes 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 key benefit of the development will be providing the WSPT with a secure source of funding to facilitate their program of works and will create additional warehouse and distribution centre stock for market which is in significant demand in Western Sydney, while facilitating new construction and ongoing employment opportunities.

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

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1 Introduction

1.1 The Department's Assessment

This report details the Department of Planning and Environment's (the Department) assessment of the development application for State significant development (SSD-37558583) for the construction and operation of a warehouse facility on Lot 1 within the Bringelly Road Business Hub (BRBH) at Horningsea Park in the Liverpool local government area (LGA).

The Department's assessment considers all documentation submitted by ESR Developments (Australia) Pty Ltd (the Applicant), including the Environmental Impact Statement (EIS) and Response to Submissions (RTS) and submissions and advice received from government agencies, the local council and the public. The Department's assessment also considers the legislation and planning instruments relevant to the site and the development.

This report describes the proposed development, surrounding environment, relevant strategic and statutory planning provisions and the issues raised in submissions. The report evaluates the key issues associated with the development and provides recommendations for managing any impacts during construction and operation.

1.2 Development Background

The Applicant is seeking development consent to construct and operate a warehouse facility including ancillary office space, car parking, landscaping and supporting infrastructure at 5 Skyline Crescent, Horningsea Park (the site) in the Liverpool LGA. The development would operate 24 hours a day, seven days a week.

The site forms part of an approved 21 hectare (ha) business estate known as the BRBH located in the southern portion of the Western Sydney Parklands (WSP) in the suburb of Horningsea Park (see **Figure 1**). The BRBH was approved under development consent SSD-6324 which permitted the subdivision and site preparation works for the business estate, for uses including light industry, large format retail, and warehouse and distribution centres.

The site is currently owned by the Western Sydney Parkland Trust (WSPT). The Applicant has entered into a development management agreement with the WSPT to develop the land.

1.3 Site Description

The site is legally described as Lot 1 Deposited Plan 1266533 and located 36 kilometres (km) west of the Sydney city centre, 8 km south-west of the Liverpool town centre and approximately 4 km north-west of the intersection of the M5 and M7 motorways. Sydney Trains' Southwest Rail Link is also located approximately 95 metres (m) south of the site.

The development is proposed to be sited on Lot 1 of the BRBH, a 1.3 ha parcel of land located in the western portion of the estate (see **Figure 2**).

The site has been highly disturbed as a result of major earthworks activities (undertaken as part of previous development approvals) to prepare the site for commercial and industrial land uses.

The site has street frontages on all sides, including Bringelly Road to the south and Stuart Road to the west and Skyline Crescent to the north and east. Vehicle and pedestrian access to the site is from Skyline Crescent.

The site is currently vacant and cleared of vegetation.

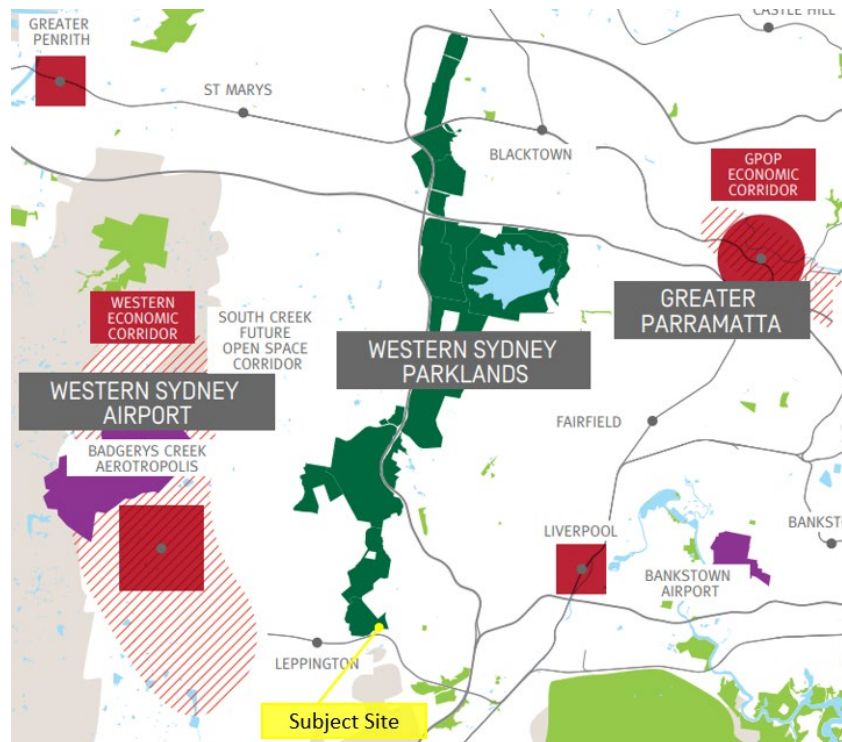


Figure 1 | Local Context Map



Figure 2 | The site and surrounding area

1.4 Surrounding Land Uses

The development is located in the BRBH and adjacent to the neighbouring suburbs of Leppington, Austral and Hoxton Park. The area surrounding the BRBH is predominately a mix of rural and low density residential as well as environmental and conservation areas.

The closest private residential property is located approximately 150 m to the north-west of the site, on Stuart Road (see **Figure 2**).

Inside the BRBH, four out of the nine lots have been granted consent for a range of uses, which are all currently operational (see **Figure 2**). These include:

- Lot 3 – Bunnings Warehouse (SSD-10366) – large format retail
- Lot 4 – Temperature Controlled Warehouse Facility (SSD-8586218) – warehouse for the storage of temperature sensitive goods
- Lot 6 – CFC Group Large Format Retail (SSD-9511) – large format retail for the display and sale of construction machinery and equipment
- Lot 8 – Steelforce Warehouse Facility (SSD-8900) – warehouse for the storage, dispatch and distribution of steel materials.

1.5 Other Development Approvals

On 13 January 2016, the then Acting Executive Director, Key Sites and Industry Assessments approved the BRBH, a staged State significant development (SSD-6324) comprising of a concept proposal and stage 1 development (BRBH consent). The concept proposal approved:

- land uses
- site layout
- design parameters including building heights and setbacks

The land uses established included large format retail premises, light industry (including warehousing), service stations, take away food and drink premises, restaurant and café uses.

Stage 1 approved the subdivision of the site and early works including:

- demolition of existing structures
- subdivision to create eight developable lots
- bulk earthworks, stormwater management and engineering works
- construction of an access road
- estate landscaping.

The BRBH approval was a deferred commencement consent requiring conditions relating to site contamination and remediation works to be fulfilled prior to the development consent becoming operational.

The concept proposal approved for the BRBH is shown in **Figure 3**, noting that condition A7 of SSD-6324 did not approve the building footprints and envelopes indicated in this plan.



Figure 3 | Site plan as approved SSD 6324 (since modified)

The BRBH development consent has been modified on seven occasions, as summarised in **Table 1**.

Table 1 | Summary of Modifications

Mod No.	Summary of Modification	Consent Authority	Type	Approval Date
MOD 1	Alteration in car parking requirements	Department	s4.55(1A)	14 April 2018
MOD 2	Boundary realignment and introduction of one further allotment	Department	s4.55(1A)	15 August 2018
MOD 3	Boundary realignment between lots 4, 6 and 8	Department	s4.55(1A)	22 March 2019
MOD 4	Boundary realignment of all lots to reflect detailed surveying of site	Department	s4.55(1A)	30 September 2019
MOD 5	Boundary realignment between lots 3 and 4 as well as amendments to bulk earthworks	Department	s4.55(1A)	13 January 2020

MOD 6	Amendment to cycle and pedestrian path	Department	s4.55(1A)	19 February 2020
MOD 7	Amendment to bulk earthworks levels and retaining walls	Department	s4.55(1A)	31 July 2020

2 Development

2.1 Description of the Development

The major components of the proposed development are summarised in **Table 2**, shown in **Figure 4** and **Figure 5**, and described in full in the Environmental Impact Statement (EIS) and Response to Submissions (RTS) included in **Appendix A**.

Table 2 | Main Components of the Development

Aspect	Description
Development Summary	Construction and operation of a warehouse and distribution centre including ancillary office and amenities, car parking and landscaping.
Site Area	<ul style="list-style-type: none"> 1.3 ha
Development footprint, building height and gross floor area (GFA)	<ul style="list-style-type: none"> Development footprint of around 4,770 square metres (m²) (37% site cover) 13.7 m height to the warehouse ridgeline a total GFA of 4,695 m² for the warehouse, and 775 m² GFA for the ancillary office space
Earthworks, civil works and services extension	<ul style="list-style-type: none"> Earthworks (resulting in net cutting), foundations, stormwater drainage, construction of hardstand and car parking
Construction timeframe	Approximately nine months.
Traffic	<ul style="list-style-type: none"> 28 vehicle trips an hour in AM peak (approx. five heavy vehicles 23 light vehicles) 31 vehicle trips an hour in PM peak (approx. five heavy vehicles 26 light vehicles)
Access and Car Parking	<ul style="list-style-type: none"> Separate car and heavy vehicle access points from Skyline Crescent 41 car parking spaces
Landscaping	A variety of landscaping would be installed across the site, including: <ul style="list-style-type: none"> varied vegetation heights and types along Bringelly Road and Skyline Crescent frontage and within car parking areas landscape zone between car parking area and Stuart Road, comprising of trees, shrubs and layered groundcover.
Hours of operation	24 hours, seven days
Capital investment value	\$10.6 million
Employment	46 construction jobs and up to 78 operational jobs

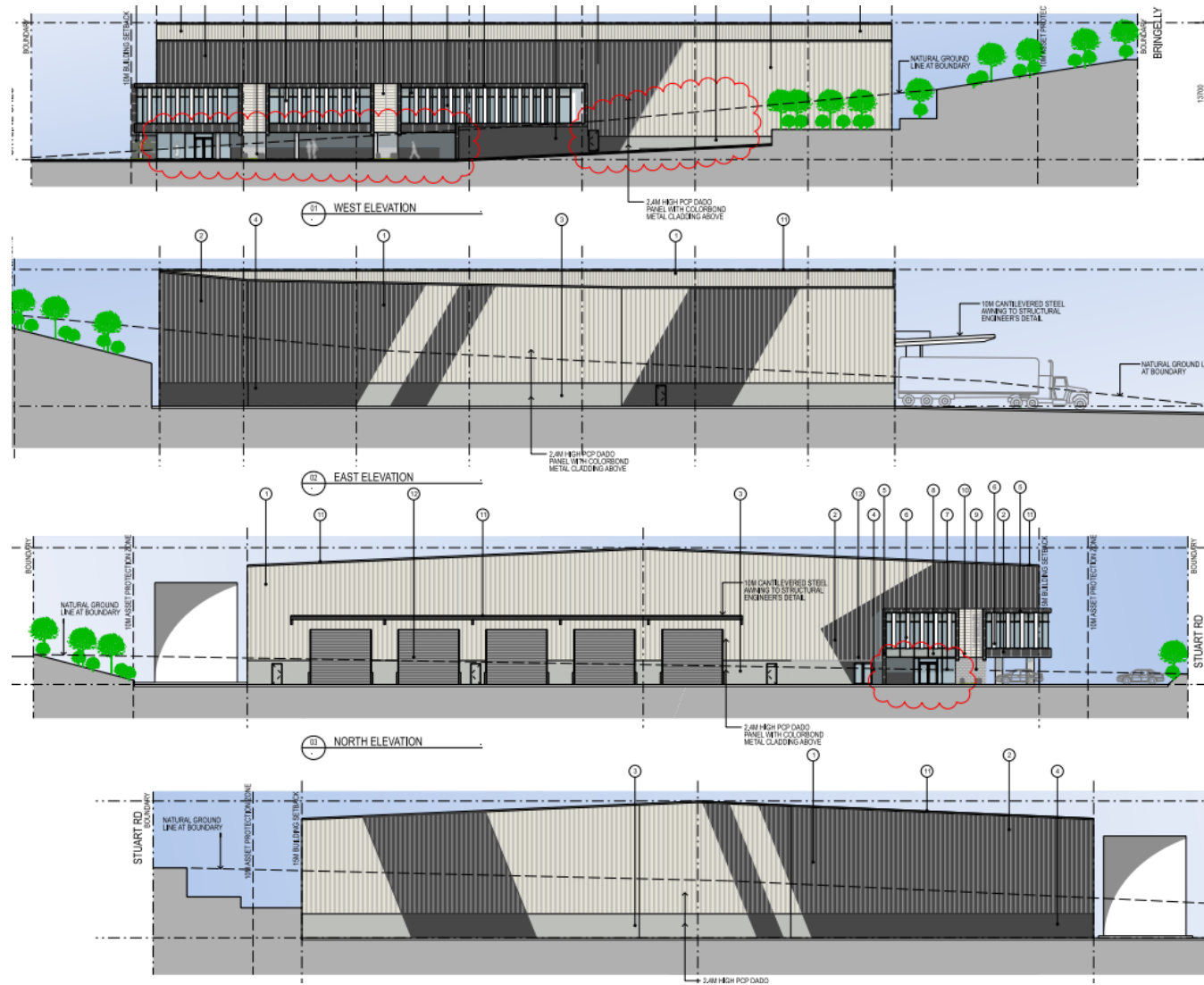


Figure 5 | Elevations

2.2 Physical Layout and Design

The physical layout and design of the development is shown in **Figure 4** and **Figure 5** above.

The development comprises of a single building, up to 13.7 m in height consisting mostly of warehouse space. The building includes an ancillary two storey office, overlooking Stuart Road, Skyline Crescent and the car parking area. Materials include natural coloured metal cladding, precast concrete panels, concrete blockwork and sandblasted tiles.

2.3 Applicant's Need and Justification for the Development

The Applicant justified the proposal by reinforcing the need for development in the business hub in order to continue funding for the reinvestment in the ongoing management, maintenance and development of the Western Sydney Parklands as a regional recreation, environmental and open space asset.

The Applicant notes the land is ideal for a warehouse style development, as it has been prepared and planned for such uses under the BRBH consent. Further, the development would generate additional employment opportunities.

3 Strategic context

3.1 The Greater Sydney Region Plan – A Metropolis of Three Cities

In March 2018, the Greater Sydney Commission released the Greater Sydney Region Plan: A Metropolis of Three Cities which forms part of the integrated planning framework for Greater Sydney (see **Figure 6**). The Region Plan is built on a vision of three cities: the Western Parkland City, the Central River City and the Eastern Harbour City. The 40-year vision to 2056 brings new thinking to land use and transport patterns to boost Greater Sydney's liveability, productivity and sustainability by spreading the benefits of growth.

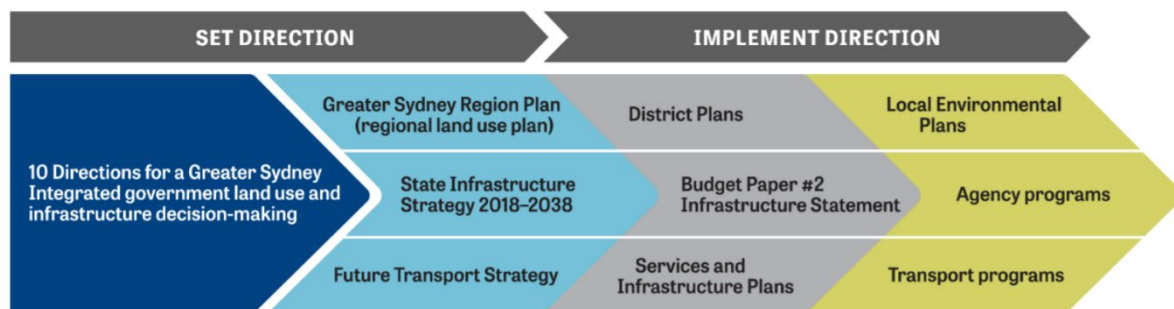


Figure 6 | Integrated Planning for Greater Sydney

The development aligns with the objectives and strategies of the Greater Sydney Region Plan. In particular objective 23 outlines that industrial and urban services land is to be planned, retained and managed. Strategy 23.1 also recognises the need for certain office uses to be co-located with industrial and urban service uses to provide job opportunities closer to residents. By providing additional jobs closer to where people live and providing commercial and industrial uses in an approved business hub, the development will support the objectives and strategies of the Region Plan.

3.2 Western City District Plan 2018

The Western City District Plan is a 20-year plan to manage growth in Western Sydney in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney established by the Greater Sydney Region Plan. It is a guide for implementing the Greater Sydney Region Plan at a district level.

The development would assist in achieving planning priorities set out in the district plan, including increasing logistics opportunities as well as planning and managing industrial and urban services land in an approved business hub (Planning Priority W10).

3.3 Western Sydney Parklands Plan of Management 2030

The WSP is a major social and recreational facility in Western Sydney and is strategically managed by the Western Sydney Parklands Plan of Management 2030 (POM). The POM identifies that 2% of the WSP is to be developed for long term leases for business purposes to generate revenue to support operations in the WSP, including maintenance and development of new and existing facilities. The proposal represents a portion of the 2% of the WSP identified strategically under the POM for business purposes.

Under the POM, the site is located within an area identified as Precinct 16 (see **Figure 7**), which borders the Carnes Hill and Horningsea Park residential areas. The POM identifies two business hub sites within Precinct 16 as areas to support business functions, generate local employment and contribute to the

development of the economy in Western Sydney. The development would provide a warehouse or distribution use which the Department considers to be consistent with the intent of the POM for the precinct. The proposed use would generate local employment and support the business hub functions of the BRBH. The development would contribute to the ongoing viability of the WSP. As such, the Department considers the development is consistent with the POM.

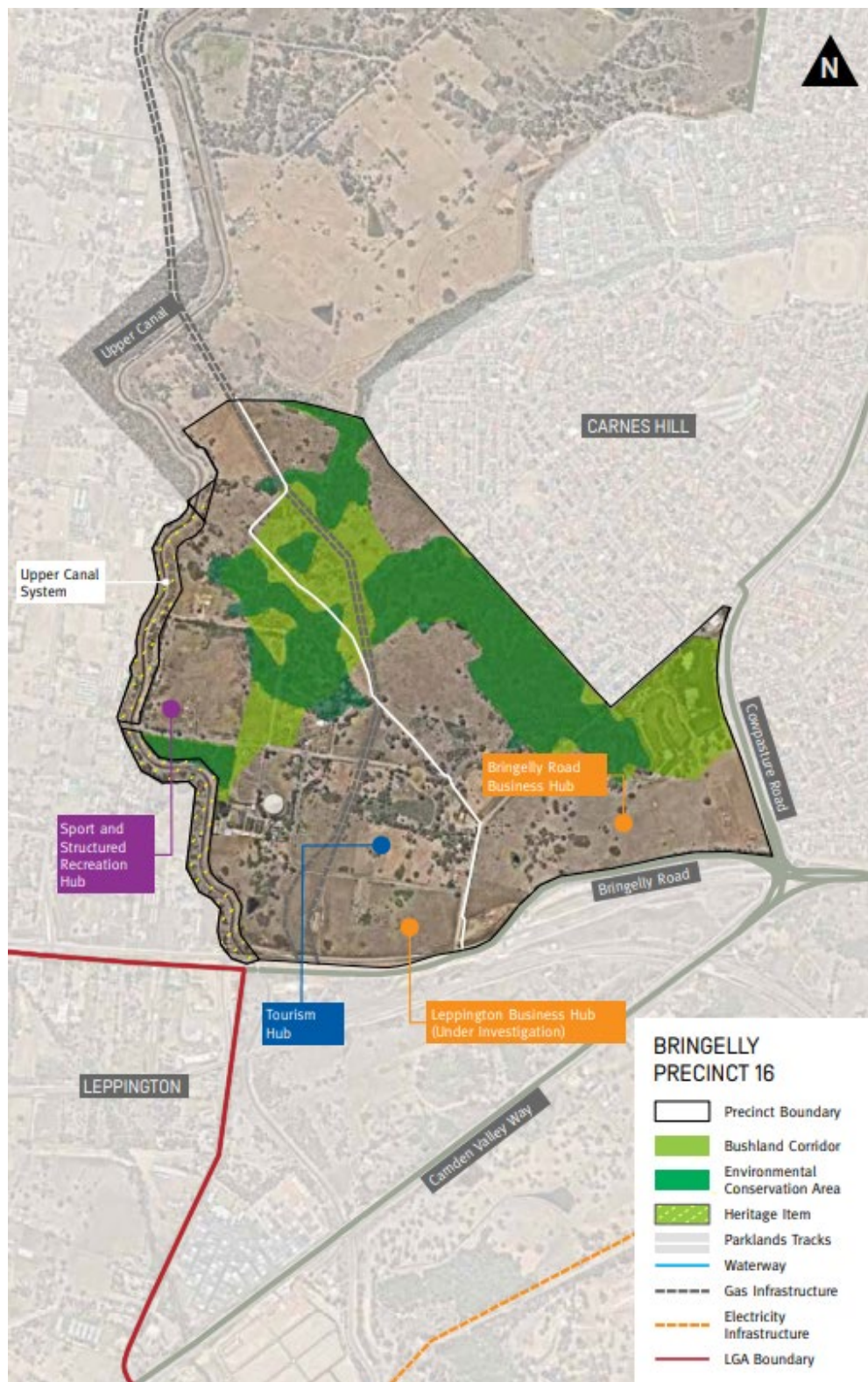


Figure 7 | Precinct 16 Map

4 Statutory Context

4.1 State Significance

The proposal is State significant development pursuant to section 4.36 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it has a capital investment value of more than \$10 million in the Western Sydney Parklands which meets the criteria in Clause 5 of Schedule 2 in State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP).

4.2 Permissibility

The site is located in the Western Sydney Parklands. Under the Parkland City SEPP, all previously zoned lands within the Western Sydney Parklands became unzoned. Under clause 7.9(3) of the Parkland City SEPP development for light industrial, warehouse or distribution and ancillary office uses are permissible with consent. The development is characterised as a 'warehouse or distribution centre'.

Under section 4.24 of the EP&A Act, the determination of any DA in respect of a site that is subject to a concept DA (formerly staged DA) 'cannot be inconsistent' with the original concept consent. The concept proposal set out under the BRBH consent permitted a range of uses on the site including large format retail, light industrial and warehouse and distribution uses. The development is for a warehouse and distribution centre with ancillary office, handstand areas, service infrastructure and landscaping on site. The proposed uses and indicative built form are consistent with the BRBH consent, as detailed in **Section 6**.

4.3 Consent Authority

The Minister is the consent authority for the development under section 4.5 of the EP&A Act. On 9 March 2022, the Minister delegated the functions to determine SSD applications to the Director, Industry Assessments where:

- the application has not been made by a person who has disclosed a reportable political donation under section 10.4 of the EP&A Act
- there are less than 15 public submissions (other than a council) in the nature of objections, and
- Council has not made a submission by way of objection under the mandatory requirements for community participation listed under Schedule 1 of the EP&A Act.

The single public submission received did not object to the proposed development. Council did not object to the development. No reportable political donations were made by the Applicant in the last two years.

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.

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

4.5 Mandatory Matters for Consideration

Section 4.15 of the EP&A Act sets out matters to be considered by a consent authority when determining a development application. The Department's consideration of these matters is set out in **Section 5** and **Appendix B**.

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.

The Department has considered the development against the relevant provisions of several key EPIs including:

- Planning Systems SEPP
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- Parkland City SEPP

Development Control Plans (DCPs) do not apply to SSD under section 7.6 of the Parkland City SEPP. However, the Department has considered the relevant provisions of the Liverpool DCP 2008 in its assessment of the development in **Section 6** of this report.

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

4.6 Public Exhibition and Notification

In accordance with section 2.22 and Schedule 1 to 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 application was on public exhibition from Tuesday 31 May 2022 until Thursday 30 June 2022. Details of the exhibition process and notifications are provided in **Section 5.1**.

4.7 Objects of the EP&A Act

In determining the 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 contribute revenue towards the ongoing management of the WSP for the social and economic welfare of the WSP, the Liverpool LGA and the State. The development would also promote social and economic welfare in the community by generating 46 construction jobs and 78 operational jobs in the area and promote a better environment through installation of rainwater tanks to capture and store stormwater run-off as well as planting of native landscaping.
1.3 (b) to facilitate ecologically sustainable development by integrating relevant economic,	The proposal includes measures to deliver ESD, including rainwater harvesting and reuse, new native landscaping zones, and implementing measures to promote green travel to the site, including through the preparation and implementation of a Green Travel Plan.

Object	Consideration
environmental and social considerations in decision-making about environmental planning and assessment,	
1.3 (c) to promote the orderly and economic use and development of land,	The development promotes orderly and economic development of land by remaining consistent with the BRBH consent for light industrial and warehouse uses in the WSP and is predicted to generate up to 46 construction jobs and 78 operational jobs. The development will also provide private investment in the WSP which will contribute to establishing a sustainable funding base for the WSP.
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 BRBH consent allowed for the clearing of vegetation from the site. The clearing of the site was offset by the purchase and retiring of 35 ecosystem credits in accordance with the NSW Biodiversity Offsets Policy. The Applicant for the BRBH consent has purchased and retired the required ecosystem credits.
1.3 (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The site is not a heritage item or located in a conservation area. The Department's assessment of the BRBH concluded the development of the BRBH is unlikely to have an impact on any items of heritage significance. As required by the conditions of the BRBH consent, an updated Aboriginal Heritage Assessment Report and a Heritage Interpretation Plan has been submitted and approved. The built form of the development is consistent with the development consent for the BRBH and will not impact on Aboriginal or European heritage significance.
1.3 (g) to promote good design and amenity of the built environment,	The proposed bulk and scale of the development is consistent with the approved built form in the development consent for the BRBH. The Department considers the visual impacts of the development to be acceptable given the site's location in the BRBH.
1.3 (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The Department has considered the development and has recommended a number of conditions of consent to ensure that construction and maintenance is undertaken in accordance with applicable legislation, guidelines, policies and procedures (refer to Appendix B).
1.3 (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department publicly exhibited the development as outlined in Section 5 , which included consultation with the local council and other public agencies and consideration of their responses.
1.3 (j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the application as outlined in Section 5 , which included notifying adjoining landowners and displaying the application on the Department's Planning Portal website.

4.8 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. Several ESD initiatives and sustainability measures are proposed to be incorporated into the design of the development, including:

- potential for solar panels for energy supply
- rainwater tanks to capture and store stormwater run-off
- planting of native landscaping
- low energy-use lighting.

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 development requires no removal of vegetation as this was previously assessed and approved under the BRBH consent. 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.

4.9 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.

The Applicant submitted a request to the Planning Secretary, dated 22 April 2022, to waive the requirement for a BDAR, on the basis of the site having no vegetation present, having been cleared under the BRBH consent.

The Environment Agency Head and Team Leader, Industry Assessments, as nominee of the Planning Secretary, determined the proposed development is not likely to have any significant impact on biodiversity values. A BDAR waiver under section 7.9(2) of the BC Act was subsequently granted for the development on 14 June 2022.

4.10 Commonwealth Matters

Under the EPBC Act, assessment and approval is required from the Commonwealth Government if a development is likely to impact on a matter of national environmental significance (MNES), as it is considered to be a 'controlled action'. The EIS for the development included a preliminary assessment of the MNES in relation to the development and concluded the development would not impact on any

of these matters and is therefore not a 'controlled action'. As such, the Applicant determined a referral to the Commonwealth Government was not required.

5 Engagement

5.1 Consultation

The Applicant, as required by the 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 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:

- communicating with local and State authorities
- letters to 14 immediate neighbours
- distribution of an information flyer to properties within close proximity of the site, being a total of 714 flyers
- an informal email address and phone number for the development and opportunity for community meetings.

Consultation by the Department

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

- made it publicly available from **Tuesday 31 May 2022** until **Thursday 30 June 2022** on the Department's planning portal
- notified landowners in the vicinity of the site about the exhibition period by letter
- notified and invited comment from relevant State government authorities and Liverpool City Council (Council).

5.2 Submissions and Advice

During the exhibition period, the Department received two submissions from the public (one special utility provider, one individual) and advice from five government authorities, including Council. The one individual public submission provided comments only.

It is noted the Department received a second individual public submission through the Department's planning portal, however, this did not relate to the development.

A summary of the submissions and government advice is provided in below. A link to the full copy of the submissions and advice is provided in **Appendix A**.

Key Issues – Public

The Department received a single comment from the public requesting a freight and passenger rail connection to the site.

Key Issues - Public Authorities

Council did not object to the development, however raised several concerns relating to the visual impact of the development. Recommendations included an increase in the setbacks between the retaining walls and building, a reduction in the height of the boundary fencing and retaining walls, and modifications to landscaping including additional landscaped areas and tree species. Council also

requested the Department consider information provided regarding contamination, noise reduction, assess road traffic noise impacts and end of trip facilities. Several conditions were also recommended regarding traffic which included restricting vehicle access to Skyline Crescent through conditions and an Operational Traffic Management Plan, as well as ensuring parking and access is in accordance with Council's specifications and Australian Standards.

Transport for NSW (TfNSW) advised that the traffic generation was generally in line with the BRBH, however noted that the site is affected by a Road Widening Order. Several conditions were recommended including ensuring development occurs outside of the widening strip.

WaterNSW advised they had no comment on the development.

Sydney Water advised a watermain traverses the north of the site and advised that if the development's zone of influence includes the watermain, an Out of Scope Building Planning Approval would be required. It advised water and wastewater servicing was generally available and a Section 73 Compliance Certificate would be required.

NSW Rural Fire Service (RFS) raised no concerns and recommended several conditions relating to landscaping management, building construction methods, access and utility services.

Key Issues - Special Interest Groups

Jemena did not object to the proposal, however recommended a condition requiring plantings, crossings, excavation and buildings to be located a minimum of 3 m away from its pipeline.

5.3 Response to Submissions

On 1 August 2022, the Applicant provided a Response to Submissions (RTS) on the issues raised during the exhibition of the development (see **Appendix A**) and concerns raised by the Department around visual amenity, traffic, infrastructure impacts and construction timeframe.

As part of the RTS, the Applicant responded to all issues raised in submissions and advice and made several changes to the development including:

- inclusion of a maintenance gap between the warehouse building and retaining wall
- changes to landscaping and building to allow for Jemena's setback requirements
- reduction in office space and awning width
- minor changes to fire exits and stairs to ensure compliance with the Building Code of Australia and relevant Australian Standards
- introduction of end of trip facilities and bike parking.

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

Council reiterated its concerns regarding visual amenity, requesting the Applicant assess specific sight lines in its Visual Impact Assessment, and incorporate further street trees as part of the development. It also recommended the development incorporate public art into its elevations, dedicate space to employee amenity and supported noise suppression at source to mitigate any noise impacts.

TfNSW advised it had no further comment provided major building works are located outside of its dedication area.

5.4 Supplementary Information

The Department requested the Applicant consider further design treatments to reduce the bulk and visual prominence of the development in line with Council's comments. The Applicant provided a response in August 2022 which consisted of further information in relation visual amenity, including how the development will be cut into the site, resulting in the finished floor level sitting below Bringelly Road, thereby reducing visual prominence. The Applicant included several design refinements to reduce visual impact including changes to elevations to incorporate additional articulation through colour changes and additional tree plantings.

The Department has considered the issues raised in submissions, the RTS and the supplementary concerns raised, in its assessment of the development. A summary of the Department's consideration of community views is provided in **Appendix D**.

6 Assessment

The Department has considered the EIS, the issues raised in the submissions, the Applicant's RTS and supplementary information in its assessment of the development. The Department considers the key assessment issues to be Urban Design.

A number of other issues have also been considered. These issues are considered to be relatively minor and are assessed in **Table 4** under **Section 6.2**.

6.1 Urban Design

The development is the first building of the BRBH to directly adjoin Bringelly Road, increasing its visual prominence when compared to other buildings in the estate. To address this, the Applicant provided a Visual Impact Assessment to consider the development's visual impact from key vantage points within the surrounding area.

The development would have a maximum building height of 13.7 m and would be cut into the existing ground level. This will result in the finished floor level being up to 10 m lower than Bringelly Road and up to 9 m lower than Stuart Road. While this means significant retaining walls will be required, these walls would be facing towards the building, and not visible from the Bringelly and Stuart Road's streetscape.

The warehouse building would be constructed using a variety of pre-cast metal panel finishes consisting of grey and wood tone colours (see **Figure 5**). The two-storey office component would use a variety of tiles, bricks and aluminium cladding with significant amounts of glazing overlooking Skyline Crescent and Stuart Road.

The EIS included a Visual Impact Assessment, which assessed the visual impacts of the development from eight visual receivers, including three points along Bringelly Road and three residential receivers to the west of the site. The assessment found that the views from the residential dwellings to the west would be negligible or low, however, motorist, cyclist and pedestrian views along Skyline Crescent, Stuart Road and Bringelly Road would be up to moderate.

The Applicant's assessment concluded that although some viewpoints would have a moderate impact, the site's landscape plan had been developed to mitigate the impact. The development would see a 3.5 m minimum vegetation buffer to Stuart Road and a 10 m vegetation buffer to Bringelly Road, using a variety of native trees, shrubs and ground cover.

In its submission, Council raised concerns regarding the height of retaining walls and the colour palate. In order to address visual impacts, Council recommended increasing the number of trees in the car parking area and a change in the tree species proposed. A reduction in the fence height and pylon signs on the southern elevation of the development was also recommended. Council also suggested the development install a public art mural on the warehouse building.

The Department raised similar concerns regarding the appearance of the warehouse building from Bringelly Road.

Throughout the assessment process, the Department consulted with the Applicant on a number of occasions, including the need to increase the visual interest of the building when viewed from Bringelly Road to also ensure visual impacts are managed given its prominence to Bringelly Road. The final

plans now include additional colour articulation added to the wall panelling of the warehouse, reducing building bulk and scale.

Department's Assessment and Conclusion

The Department notes the development aligns with urban design guidelines of the BRBH consent, meeting the setback requirements along all road frontages, fencing height and requirement for articulation throughout the design through colour or material.

The Department acknowledges the constraints of the site, being that it is surrounded by public roads on all sides, and has pipeline buffer and bushfire planting requirements, resulting in paired back landscaping in some parts of the site. The development will see colour articulation to its elevations, large, landscaped setbacks to Bringelly Road, and will be cut below the road level for most of its elevation which the Department notes will reduce both bulk and the visual height of the building. The planting of additional trees and vegetation along all frontages is also considered to aid in reducing the visual prominence of the development.

While the Department acknowledges Council's preference for a mural, the Department considers the proposed colour scheme to better align with the BRBH urban design guidelines and the existing character of the BRBH. Furthermore, given the vegetation, fencing and recessed nature of the warehouse building, it is considered the view of a mural would be restricted from the public domain. Further, the height and design of the development would be in keeping with the industrial style buildings in the BRBH and the implementation of differing colour tones assists in reducing building bulk and increasing visual interest.

The development relies on significant landscaping to reduce building bulk. As such, the Department has recommended the Applicant prepare and implement a Landscape Management Plan for the life of the project, including allocating part of the space to employee amenity spaces and screening of the water tank. The Landscape Management Plan would ensure the longevity of the development's vegetation, requiring the Applicant to implement a maintenance and monitoring plan.

The Department's assessment concludes the proposed development is not visually intrusive and is consistent with the built form approved for the BRBH and, subject to the implementation of the recommended landscaping conditions, will result in acceptable visual impacts, in line with the character of the BRBH.

6.2 Other issues

The Department's assessment of other issues is provided in **Table 4**.

Table 4 | Assessment of Other Issues

Findings	Recommendations
Traffic, Parking and Access	
<ul style="list-style-type: none"> Development of a warehouse facility will increase the amount of traffic to and from the site, with the potential to impact on the surrounding road network. As part of the EIS, the Applicant provided a Traffic and Parking Impact Assessment to assess the development's transport impacts. The assessment estimated that worst case traffic movements would consist of five heavy vehicle trips per hour (vtp) and 26 light vtp in the PM peak period, which 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> prepare and implement a CTMP and Green Travel Plan

Findings

- was less than that envisioned in the BRBH approval (74 vtpd total in the PM peak), and as such would have minimal impact on the efficiency and safety of the road network.
- TfNSW reviewed the proposal and found the traffic levels to be consistent with the BRBH, recommending conditions for the preparation of a Construction Traffic Management Plan and Green Travel Plan. TfNSW also recommended that the Applicant avoid building in areas subject to a Road Widening Order of Bringelly Road.
 - Council raised concerns that the development may use Stuart Road as an access point and as such recommended conditions restricting access to this road and the preparation of an Operational Traffic Management Plan to reinforce this. Council also recommended a CTMP be prepared and several other conditions relating to relevant road permits, moveability and driveway and car parking design.
 - The Department has reviewed the Applicant's traffic assessment and concurs with TfNSW that traffic generation is in line with the BRBH and as such can be accommodated sufficiently at the Bringelly Road intersection. Further, the Department notes that the 41 car parking spaces proposed as part of the development also meets the minimum required spaces stated in the BRBH approval.
 - The Department notes the development proposes access only from Skyline Crescent, which was confirmed in the RTS. As such, the Department does not consider it necessary to recommend a condition, nor management plan to manage this. However, the Department has recommended the Applicant prepare and implement a CTMP, Green Travel Plan and standard conditions to ensure that access and car parking meets the relevant standards.
 - The Department acknowledges the Applicant has provided plans demonstrating that permanent structures and buildings will be located outside of the Road Widening Order, meeting TfNSW requirements.
 - As such, the Department's assessment concludes that the development is in line with that considered under the BRBH consent and will not have adversely impact on the local road network, subject to recommended conditions.

Recommendations

- implement suitable mitigation measures to ensure the operation of the development does not impact the surrounding road network.

Noise

- The development would generate noise during construction and from 24 hour operations. Primary operational noise sources include heavy vehicle movements to, from and within the site.
- The EIS included a Noise Impact Assessment (NIA) which assessed the potential construction and operational noise impacts in accordance with the EPA's NSW Noise Policy for Industry 2017, the Interim Construction Noise Guidelines and the Road Noise Policy.

Construction

- The noise assessment found that five residential receivers to the north and west would exceed the construction Noise Management Level, with one of these being considered a 'noise affected' site, exceeding the Noise Management Level by 13 decibels (dB), with the others exceeding between 3dB and 6dB. No sensitive receivers would fit into the 'highly noise affected' category.
- As such the assessment concluded that construction noise exceedances can be managed through the implementation of best practice construction noise mitigation measures, including using less noise-intensive construction equipment and consultation with impacted receivers.
- The Department has reviewed the Applicant's assessment and considers construction noise impacts would be temporary (approx.. nine months), and the modelling represents a worst-case scenario whereby all plant are running continuously. Impacts can be managed to an acceptable level by ensuring the Applicant adheres to standard construction hours and adheres to the Interim

Require the Applicant to:

- adhere to standard construction hours
- adhere to the requirements of the Interim Construction Noise Guideline

Findings

Recommendations

Construction Noise Guidelines. The Department has recommended conditions to this effect.

- The Department's assessment concludes that construction noise from the development can be effectively managed through the recommended conditions of consent.

Operational

- An assessment of operational noise impacts was carried out for worst-case conditions, assuming that noise would be generated primarily by truck and dock movements, with some mechanical noise generated by extraction fans.
- The assessment found that the development would comply with relevant noise criteria during daytime hours at all surrounding sensitive receivers. However, the assessment found that noise would exceed criteria by 4dB during the night-time at one nearby receiver during normal weather conditions, increasing to three receivers during noise enhancing weather conditions.
- The assessment also found that the use of airbrakes during night-time hours would result in the development exceeding sleep disturbance criteria at several surrounding receivers, up to 8dB.
- To mitigate the above, the assessment recommended several noise mitigation measures, including limiting the use of loading dock and truck movements during night-time hours, which the Applicant committed to in its statement of commitments.
- The Department has reviewed the noise assessment and considers it to provide an acceptable assessment of operational noise impacts. The Department notes that all exceedances in the operational phase of the development would occur outside daylight hours and caused primarily by dock movements. With the Applicant committing to restricting dock and vehicle movements to daylight hours, operational noise levels will meet the relevant criteria. To formalise this, the Department recommends the Applicant's statement of commitments be incorporated into the recommended conditions of consent, restricting loading dock usage during night-time hours.
- The Department concludes that operational noise of the development will be inline with relevant noise criteria, subject to truck and dock movements occurring during daylight hours only.

Bush fire

- | | |
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| <ul style="list-style-type: none">• The site has been identified as bush fire prone land by the RFS and on Council's bush fire prone lands mapping.• To assess bushfire risk, the Applicant prepared a Bushfire Assessment as part of the EIS. The assessment concluded the development is compliant with Planning for Bush Fire Protection 2019 and recommended mitigation measures including adhering to construction standards for building in bush fire prone land and fire hydrant requirements.• The RFS reviewed the development and recommended conditions relating to vegetation management, access, construction standards and water requirements.• The Department has reviewed the provided assessment and is satisfied appropriate measures have been implemented in the design of the development to ensure compliance with Planning for Bush Fire Protection 2019.• The Department notes the BRBH consent included some bushfire requirements however, these related solely to Asset Protection Zones for the northern lots.• The Department has recommended conditions including the management and mitigation measures recommended by the RFS to ensure the safety of future developments on site.• The Department's assessment concludes sufficient consideration has been given to potential bush fire threats on the development site and is satisfied the bush fire risk would be low and can be appropriately managed through the design of the development and the recommended conditions of consent. | <p>Require the Applicant to:</p> <ul style="list-style-type: none">• manage vegetation on site in accordance with RFS' requirements• construct the development in accordance with relevant Australian Standards• ensure access and water services are delivered in accordance with RFS' requirements. |
|---|---|

Findings	Recommendations
Consistency with Concept Approval	
<ul style="list-style-type: none"> Section 4.24 of the EP&A Act requires any future development application on the site to not be inconsistent the existing concept approval. In its EIS, the Applicant provided an assessment against the conditions of the concept approval, concluding the development is not inconsistent with BRBH consent. The Department has reviewed the relevant considerations of the BRBH consent in Appendix C. The Department has considered the BRBH consent in its assessment of the development and concludes that it is not inconsistent. 	No recommendations.
Hazard and Risk	
<ul style="list-style-type: none"> Construction of the development within close proximity to an existing high pressure gas pipeline has potential to impact on the operation of the gas pipeline. As part of its EIS, the Applicant provided a desktop study, recommending the Applicant implement any requirements by the pipeline's operator, Jemena, to ensure it meets Australian Standard 2885 Pipelines – Gas and liquid petroleum. In its submission, Jemena recommended a condition be implemented on any consent that would require construction activities and structures to be located at least 3 m away from the pipeline. In its RTS, the Applicant supplied updated drawings demonstrating amendments to the retaining walls and the building to ensure the development could meet this requirement. As such, the Department has recommended a condition requiring the Applicant to ensure construction activities do not occur within 3 m of the pipeline. The Department concludes that the risk associated with the pipeline can be appropriately managed through the recommended conditions of consent. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> ensure structures and construction works do not occur within 3 m of the gas pipeline.
Heritage	
<ul style="list-style-type: none"> The BRBH approval assessed the potential impacts of development on the site on Aboriginal and European heritage, concluding there is low to nil potential for cultural deposits given the history of site disturbance. The BRBH approval required the Applicant to submit an update to the Aboriginal and Historical Archaeological Assessment (AHAA) to assess the impacts of developments on the heritage significance of Bringelly Road. The Applicant submitted an update to the AHAA confirming impacts to Bringelly Road are unlikely given the low archaeological potential and low significance of the item. The Department's assessment concludes the development would have negligible impacts on Aboriginal and European heritage and has recommended conditions for an unexpected finds protocol. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> Implement an unexpected finds protocol.
Water Management	
<ul style="list-style-type: none"> The development will alter natural drainage lines by establishing buildings and impervious hardstands which would increase stormwater flows off the site. The EIS included a Civil Engineering Report describing the proposed stormwater management system, noting stormwater detention would be provided by an in-ground tank to the north of the building which discharges to Council's existing stormwater network on Skyline Crescent in order to manage peak stormwater quantity. Water quality would be managed by primary treatment via pit baskets and secondary treatment via filter cartridges, both located on site. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> implement a stormwater management system.

Findings

Recommendations

- Council requested further information on flooding and recommended water quality treatment trains be designed using MUSIC modelling software.
- The Applicant's RTS confirmed the Civil Engineering Report had addressed flooding and stormwater impacts. Following a review of the RTS Council raised no further concern.
- The Department has considered the Applicant's engineering report and is satisfied the proposed measures will ensure stormwater is appropriately captured, treated and conveyed from the site to minimise flooding impacts and sufficiently protect water quality and aligns with that under the BRBH consent.
- The Department has recommended a condition to ensure the system is appropriately designed, and discharged stormwater meets Council's water quality requirements.
- The Department's assessment concludes that stormwater can be effectively managed on site, subject to the recommended conditions of consent.

Air Quality

- | | |
|--|---|
| <ul style="list-style-type: none">• The Applicant submitted an Air Quality Impact Assessment estimating potential dust and particulate emissions from construction and operation.• The assessment identified the primary air quality impacts during construction would be dust with the potential to cause nuisance impacts, however emissions would be low.• During operation, air quality emissions would predominately be from vehicular traffic on site, including wheel generated dust. The assessment concluded these impacts would be negligible.• The Department has considered the findings of the Air Quality Impact Assessment and agrees the impacts from construction and operation would be minor and that standard conditions to minimise dust would ensure the development achieves relevant air quality criteria, including those requiring the Applicant to operate equipment with best practice and ensure dust is not tracked outside of the site.• The Department is satisfied that, with the implementation of the recommended conditions, the proposed development would not result in air quality or odour impacts on sensitive receivers. | <p>Require the Applicant to:</p> <ul style="list-style-type: none">• ensure the development meets relevant air quality and odour discharge limits |
|--|---|

Contamination and Remediation

- | | |
|---|--|
| <ul style="list-style-type: none">• The site has been previously used for agricultural purposes which has potential to contaminate the land.• In its submission Council raised concerns that the Applicant had not provided sufficient information to demonstrate that the site is not contaminated.• The Department carried out an assessment of contamination matters during the BRBH assessment. The BRBH consent included a deferred commencement condition requiring the Applicant to undertake a Phase 2 Environmental Site Assessment and submit it to the Department for approval.• The Phase 2 Environmental Site Assessment concluded that the site is suitable for industrial/commercial land uses and remediation is not necessary, however recommended an unexpected finds protocol be implemented.• The Department issued a letter in May 2016 confirming that the assessment adequately addressed the requirements of that consent.• As such, the Department considers the assessment and process in the original BRBH approval confirmed that the site is not contaminated and is suitable for the proposed use. To align with the findings, the Department has recommended a condition requiring the Applicant to prepare and implement an unexpected finds protocol.• The Department's concludes the site is suitable for the proposed use. | <p>Require the Applicant to:</p> <ul style="list-style-type: none">• prepare and implement an unexpected finds protocol as part of the CEMP. |
|---|--|

Findings	Recommendations
Development Contributions	
<ul style="list-style-type: none"> The site is located within the Western Sydney Growth Areas Special Contributions Area. However, the site is not located within a Western Sydney growth centre precinct and as such, is not subject to Special Infrastructure Contributions. 	No conditions relating to development contributions are required.

7 Evaluation

The Department's assessment of the application has fully considered all relevant matters under section 4.15 of the EP&A Act, the objects of the EP&A Act and the principles of ecologically sustainable development.

The Department has considered the development on its merits, taking into consideration strategic plans that guide development in the area, the EPIs that apply to the development, advice received from the relevant public authorities, including Council, and submissions from the public.

No State government agencies, Council or the community have objected to the proposal. The Department has sought to address any issues raised through consultation with both the government agencies and the Applicant.

The development would allow for the development of the BRBH, an approved business and light industrial hub in the WSP which represents a portion of the 2% of the WSP identified strategically under the POM for business purposes. The development would provide a warehouse and distribution use in the form of a warehouse consistent with the uses identified in the POM and approved for the BRBH. Job opportunities close to residential areas would be created along with a source of funding that would contribute to the ongoing viability of the Greater Sydney Parklands and WSP, a major social and recreational facility in Western Sydney. The development would also support the productivity, growth and employment objectives of the Greater Sydney Region Plan and the Western City District Plan through job creation and capital investment in Western Sydney.

The Department's assessment concluded there would be some amenity impacts during operation of the facility, such as visual and noise. Therefore, the Department has recommended a number of conditions to minimise these impacts, including:

- requiring the Applicant to adhere to its mitigation measures, including those surrounding restricting truck movements to daylight hours
- the implementation of a landscape management plan in order to reduce visual bulk and scale of the development
- preparation and implementation of management plans in consultation with Council and government agencies for the construction and operation of the development.

The Department concludes the impacts of the development can be appropriately managed through implementation of the recommended conditions of consent to ensure an acceptable level of environmental performance is maintained throughout the construction and operation of the development.

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

- provide a range of benefits for the region and the State as a whole, including a capital investment of \$10.6 million in the Liverpool LGA provide for approximately 46 construction jobs and 78 new operational jobs
- be consistent with NSW Government policies including, the Greater Sydney Region Plan and the Western City District Plan, which encourage planned industrial development and the provision of jobs in Western Sydney
- be consistent with the POM by concentrating industrial uses in approved business hubs in order to create a revenue stream for the WSP.

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

8 Recommendation

For the purposes of section 4.38 of the *Environmental Planning and Assessment Act 1979*, it is recommended that the Director, Industry Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **accepts** and **adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant to the application
- **agrees** with the key reasons for approval listed in the notice of decision (see **Appendix D**)
- **grants** consent for the application in respect of Lot 1 Bringelly Road Business Hub - Warehouse Facility SSD-37558583, subject to the conditions in the attached development consent (**Appendix E**)
- **signs** the attached development consent and recommended conditions of consent (see **Appendix E**)

Prepared by:

Thomas Bertwistle
A/ Senior Environmental Assessment Officer
Industry Assessments

Recommended by:



31 October 2022

Joanna Bakopanos
Team Leader
Industry Assessments

9 Determination

The recommendation is **Adopted** by:



31 October 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 proposed development:

Environmental Impact Statement

- Environmental Impact Statement prepared by Ethos Urban dated 16 May 2022

Submissions

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

Response to Submissions

- Submissions and Amendment Report prepared by Ethos Urban dated 1 August 2022

Additional Information

- 'SSD-37558583 – Response to Request for Further Information' prepared by Ethos Urban dated 26 August 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/lot-1-bringelly-road-business-hub-warehouse-facility>

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

Table 5 | Matters for Consideration under Section 4.15 of the EP&A Act

Matter	Consideration
a) the provisions of:	The Department has considered the relevant environmental planning instruments in its assessment of the development.
i.) any environmental planning instrument, and	
ii.) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	The Department has considered the relevant draft environmental planning instruments in its assessment of the development. Details of the assessment are provided in Appendix C.
iii.) any development control plan, and	Under section 2.10 of the Planning Systems SEPP, development control plans do not apply to State significant development. Under section 7.6 of the Parkland City SEPP, only development control plans made by the Planning Secretary apply. No development control plan made by the Planning Secretary is in place.
iii.a) 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 Applicant has not entered into any planning agreement under section 7.4.
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 mitigated through the recommended conditions of consent.
c) the suitability of the site for the development,	The development involves the construction and operation of a light industrial building in the form of a warehouse, located in the approved BRBH, within the WSP. The development is permissible with development consent. The Department concludes that the site is suitable for a warehouse facility.
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.

Matter	Consideration
e) the public interest.	The development would generate up to 46 jobs during construction, 78 jobs during operation and direct \$10.6 million in capital investment in the Liverpool local government area. The environmental impacts of the development would be appropriately managed via the recommended conditions. The Department considers the development is in the public interest.

Appendix C – Consideration of Environmental Planning Instruments

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

- Planning Systems SEPP
- State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)
- State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)
- Parkland City SEPP

Planning Systems SEPP

The Planning Systems SEPP identifies certain classes of development as SSD. The proposal is State significant development pursuant to section 4.36 of *Environmental Planning and Assessment Act 1979* (EP&A Act) because it involves development capital investment value of more than \$10 million in the Western Sydney Parklands which meets the criteria in Clause 5 of Schedule 2 in the Planning Systems SEPP.

Transport and Infrastructure SEPP

Chapter 2 of the Transport and Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to certain types of infrastructure development, and providing for consultation with relevant public authorities about certain types of development during the assessment process.

Schedule 3 of the Transport and Infrastructure SEPP is triggered by the development exceeding 8,000 m² of gross floor area. TfNSW's comments are detailed in **Section 5** of the report.

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

Resilience and Hazards SEPP

Chapter 3 of the Resilience and Hazards 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.

Chapter 4 of the Resilience and Hazards SEPP aims to provide a State-wide approach to the remediation of contaminated land. In particular, it aims to promote the remediation of contaminated land to reduce the risk of harm to human health and the environment by specifying:

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

Parkland City SEPP

Compliance with the Parkland City SEPP, the principal planning instrument applying to the site with the relevant provisions of the Parkland City SEPP is provided in **Table 6** below.

Table 6 | Compliance with the Section 7.10 of Western Parkland City SEPP

Matter	Consideration and Comments
Section 7.10 – General Matters	
The aims of this Policy	The proposal is consistent with the aims of the Parkland City SEPP as it will provide funding towards the development of facilities, programs and environmental initiatives throughout the WSP, which will facilitate the public use and enjoyment of WSP in the long term.
The impact on drinking water catchments and associated infrastructure	The Department consulted with WaterNSW on the potential impact from the development on any nearby drinking water catchments. WaterNSW advised that the development is not located near any WaterNSW land or infrastructure, and as such would not provide a submission. The Department is satisfied the proposal will not impact on any drinking water catchments with the implementation of the recommended conditions
The impact on utility services and easements	Both a Sydney Water main and Jemena high pressure pipeline traverse parts of the site. The Department has consulted with both Jemena and Sydney Water to ensure the relevant assets are not impacted by the development. Subject to the implementation of the recommended conditions, the proposal will not impact on utility services and easements.
The impact of carrying out the development on environmental conservation areas and the natural environment, including endangered ecological communities	The site does not comprise any identified environmental conservation areas. The proposal was accompanied by a BDAR waiver request. Along with advice from EHG, the Department is satisfied that the development is not likely to impact any threatened species, populations or ecological communities, or their habitats.
The impact on the continuity of the Western Parklands as a corridor linking core habitat such as the endangered Cumberland Plain Woodland	The Department is satisfied that, with the implementation of the recommended conditions, the development will not impact on the continuity of the WSP as a corridor linking core habitat.
The impact on the Western Parkland's linked north-south circulation and access network and whether the development will enable access to all parts of	The development will not impact on the north-south circulation and access network of the WSP and will not impact on access to any recreational use areas of the WSP.

the Western Parklands that are available for recreational use

The impact on the physical and visual continuity of the Western Parklands as a scenic break in the urban fabric of Western Sydney	The development will be visible from Skyline Crescent and Bringelly Road, and from within the WSP. To reduce potential impacts, the proposal includes landscaped setbacks along the road frontage. The Department is satisfied the layout and landscaping of the proposal (assessed in Section 6 of this report) is consistent with the design outcomes approved for the BRBH and will not result in any significant impact on the physical and visual continuity of the WSP.
The impact on public access to the Western Parklands	The location of the development will not hinder public access to the WSP
Consistency with any plan of management or precinct plan for the WSP	The POM identifies that 2 % of the WSP is to be developed for business purposes to provide funding towards the development of facilities, programs and environmental initiatives throughout the WSP. The proposal represents a portion of the 2 % of the WSP which is to be developed for business purposes and therefore consistent with the POM and POM Supplement. An assessment the POM is held at Section 3 of this report
The impact on surrounding residential amenity	The proposal is not expected to result in any significant adverse impacts on the surrounding residential amenity. However, to protect and minimise amenity impacts, the Department has included a number of conditions regarding noise management.
The impact on significant views	The Department has considered the potential visual impacts of the development in Section 6 and is satisfied the development will not significantly impact on any significant views.
The effect on drainage patterns, ground water, flood patterns and wetland viability	The Department considers that the development will not create any impacts upon the drainage patterns, ground water, flood patterns or upon the viability of the Bedwell Park Wetland with the implementation of the stormwater conditions.
The impact on heritage items	The Department's assessment concludes that the potential impacts of the development on the Aboriginal, historical archaeology and European heritage was assessed and deemed acceptable under SSD-6324 consent and no further assessment is required.

The impact on traffic and parking	A full assessment of the traffic issues associated with the proposal is provided in Section 6 of this report. The proposed provision of parking is consistent with the parking provisions established for the BRBH.
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Section 7.11 - Bulk Water Supply Infrastructure

(a) the development will have a neutral or beneficial impact on the quality of the water in the bulk water supply infrastructure shown on the Bulk Water Supply Infrastructure Map, and	The development is not located close to Bulk Water Supply Infrastructure. The Department has consulted with both Sydney Water and Water NSW, with neither raising concerns over the development. As such, it is not considered the development will impact on Bulk Water Supply Infrastructure.
(b) the development will not impact on the integrity or security of the bulk water supply infrastructure, and	
(c) the development will not increase the risk of illegal access to the bulk water supply or security of the bulk water supply infrastructure, and	
(d) access to bulk water supply infrastructure for maintenance and operation activities by Water NSW and Sydney Water Corporation will not be impeded by the development.	

Section 7.17 Essential services

(a) the supply of water,	The Department has consulted closely with Sydney Water, confirming the site is located in an area with access to water. The Department has recommended a condition requiring the Applicant to gain the relevant connection approvals from Sydney Water.
(b) the supply of electricity,	The Department is satisfied the development can gain appropriate supply of electricity.
(c) the disposal and management of sewage,	The Department has consulted closely with Sydney Water, confirming the site is located in an area with access to wastewater servicing. The Department has recommended a condition requiring

the Applicant to gain the relevant connection approvals from Sydney Water.

(d) stormwater drainage or on-site conservation,	The Department has considered stormwater impacts as part of its assessment in Section 6 and recommended relevant conditions relating to this. The development will connect to the stormwater system constructed as part of the estate works approved under SSD-6324.
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(e) suitable road access.	A full assessment of the access issues associated with the proposal is provided in Section 6 of this report.
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Appendix C – Consistency with BRBH Consent

Table 7 | Compliance with the BRBH consent requirements.

Development Condition	Consideration
<p>A13. and A14.</p> <p>The maximum gross floor area of development must not exceed 120,000 m² and the following for industrial uses – 100,000 m² and 65% site coverage.</p>	<p>The BRBH has 47,990 m² of industrial GFA and 77,281 m² of total GFA.</p> <p>The addition of the development will result in a total of 53,460 m² of industrial GFA and 82,751 of total GFA. Site cover will be 37%. As such, the development meets the BRBH consent requirements.</p>
<p>B1. To ensure a high quality urban design and architectural response is achieved, the site layout and architectural design of future development within BRBH must have regard to, and be consistent with, the Updated Site Design Guidelines, prepared by JBA Urban Planning Consultants, dated June 2015, as amended and approved under Term of Approval A8.</p>	<p>The Department considers the development to be consistent with the relevant design guidelines, as outlined in Section 6.1.</p>
<p>B2. Details are to be provided with future development applications for the detailed design and construction of the BRBH demonstrating compliance with Condition B1 above, unless it can be satisfactorily demonstrated to the consent authority that a superior built form and/or urban design outcome can be achieved.</p>	<p>The EIS included consideration of design requirements and a Visual Impact Assessment.</p>
<p>B3. Future development applications for the construction of buildings must include plans, elevations and sections to sufficiently detail the design, including height, setback, gross floor area, modulation and articulation of all buildings.</p>	<p>The EIS included all relevant plans.</p>
<p>B4. Future development applications for the construction of buildings must include detailed landscape plans identifying:</p> <ul style="list-style-type: none"> a) compliance with the landscape and public domain principles and development guidelines in the Updated Site Design Guidelines prepared by JBA Urban Planning Consultants, dated June 2015, as amended and approved under Term of Approval A9; and b) landscape buffer planting within the Bedwell Park riparian corridor immediately adjacent to the northern/north-eastern boundaries of lots 4, 6 and 8, comprising a mixture of native groundcovers, grasses, shrubs and trees that would complement the existing vegetation within the riparian corridor. 	<p>The EIS included consideration of design requirements and a Visual Impact Assessment and landscape plans.</p>

B5. The detailed landscape plans must include relevant details of the species to be used in the various landscape areas (preferably species indigenous to the area), other soft and hard landscape treatments, including any pavement areas, and measures for monitoring and maintenance of landscaped areas.	The landscape plans in the EIS and RTS included details on plant species, pavement areas.
B6. Future development applications must be accompanied by a detailed visual impact assessment, which includes photomontages that identify the potential impacts of the development from nearby residential receivers and significant vantage points in the public domain and outlines proposed mitigation measures to reduce potential visual impact.	A Visual Impact Assessment was included in the EIS. See Section 6.1 of this report for detailed assessment of the visual impacts.
B7. Future development applications must be accompanied by a detailed assessment of the traffic, and transport impacts on the surrounding road network and intersection capacity, and must detail provisions demonstrating that sufficient loading/unloading, access and car parking has been provided having regard to the RMS' <i>Guide to Traffic Generating Developments</i> , and details to promote non-car travel modes. The traffic and transport impact assessment must also have specific regard to the scope and timing of road infrastructure works in the surrounding road network.	A Traffic Impact Assessment was included in the EIS.
B8. To ensure that potential conflicts between heavy vehicles and light vehicles are minimised, future development applications for large format retail development must include details demonstrating satisfactory arrangements have been made to separate heavy and light vehicle movements via a truck service lane or the like.	N/A. Development is not large format retail.
B9. To ensure that sustainable transport modes are supported, all future development applications for new built form must include a sustainable travel plan and details that pedestrian and cyclist facilities have been incorporated into the proposed development.	The Department has recommended conditions requiring a Green Travel Plan be prepared and implemented prior to operation (see Section 6.2).
B10. Future Industrial/Warehouse development applications must provide car parking at the following rates: <ul style="list-style-type: none"> • 1 space per 40 m² of office GFA; • 1 space per 300 m² of warehouse GFA, plus 1 space per 40 m² of office GFA. 	The development provides car parking in accordance with the specified rates.

<p>B11. Future development applications must include a noise assessment identifying the noise and vibration impacts associated with the construction and operation of future warehouse and retail uses. The assessment must also assess that appropriate acoustic amenity can be achieved at surrounding sensitive receivers and identify mitigation measures, is necessary to achieve compliance with the requirements of the Industrial Noise Policy.</p>	<p>A Noise Impact Assessment was included in the EIS, which included mitigation measures. See Section 6.2 for an assessment of the Noise Impact Assessment.</p>
<p>B12. Future development applications must analyse and address the impacts of construction and include:</p> <ul style="list-style-type: none"> a) Construction Transport Management Plan, addressing traffic and transport impacts during construction; b) Construction Waste Management Plan, addressing waste during construction; c) Air Quality Management Plan, addressing air quality during construction; and d) Water Quality Impact Assessment and an Erosion and Sediment Control Plan (including water discharge considerations) in accordance with <i>Managing Urban Stormwater, Soils and Construction (Landcom 2005)</i>. 	<p>The EIS included consideration of traffic, waste, air quality and water impacts during construction.</p>
<p>B13. Future development applications for the construction of buildings must address any relevant section 94 Contribution Plan or provide details of any Voluntary Planning Agreement.</p>	<p>The EIS addressed contribution requirements.</p>
<p>B14. Future development applications must demonstrate how the development incorporates the principles of ESD in the design, construction and on-going operation of the development.</p>	<p>The EIS included consideration of how the building achieves ESD.</p>
<p>B15. Future development applications for the construction of buildings must include a stormwater management plan in accordance with the Civil and Engineering Report prepared by Northrop, dated November 2014 and Council's <i>Development Control Plan 2008</i> and <i>Liverpool City Council Growth Centre Precincts Development Control Plan</i>.</p>	<p>Th EIS included a concept stormwater management plan that is consistent with the BRBH consent's Stormwater Management Plan.</p>
<p>B16. Future development applications must include a crime prevention through environmental design (CPTED) assessment, including mitigation measures, where necessary.</p>	<p>The EIS included a crime prevention through environmental design assessment.</p>
<p>B17. Future development applications for the construction of buildings must demonstrate compliance with the relevant provisions of <i>Planning for Bushfire Protection (PBP) NSW Rural Fire Service 2006</i> and the asset protection</p>	<p>The EIS included a Bushfire Assessment and includes Asset Protection Zones in accordance with the BRBH consent.</p>

zones recommended in the Bringelly Road Business Hub, Bushfire Assessment prepared by Ecological Australia, dated November 2014.

B18. Future development applications must include a Disability Access Review to demonstrate an appropriate degree of accessibility in accordance with the <i>Disability (Access to Premises - buildings) Standards 2010</i> (the Premises Standards).	The EIS included an assessment against the Building Code of Australia which also addressed disability access.
B19. Future development applications for the construction of buildings must demonstrate compliance with the <i>Building Code of Australia</i> , as relevant.	
B20. Future development applications must include a Waste Management Plan to address storage, collection, and management of waste and recycling within the development.	The EIS included a Waste Management Plan.
B21. Future development applications must include details of any outdoor lighting within the site and be mounted, screened, and directed in such a manner so as not to create a nuisance to the surrounding environment, properties and roadways. The lighting must be the minimum level of illumination necessary and must comply with <i>AS/NZ1158.3:1999 Pedestrian Area (Category P) Lighting</i> and <i>AS4282: 1997 Control of Obtrusive Effects of Outdoor Lighting</i> .	The EIS includes an Urban Design Report that addressed outdoor lighting. The Department has also recommended conditions requiring lighting compliance with the relevant standards.
B22. Future development applications must include details of any external advertising signage to demonstrate compliance with Council's requirements for external advertising signage and <i>State Environmental Planning Policy No. 64 – Advertising and Signage</i> , as relevant.	No advertising signage is proposed.
B23. Future development applications for the construction of buildings must include a detailed staging plan showing the development being carried out in a sequential manner and the timing for all infrastructure works.	No staging is proposed.
B24. Future development applications must be accompanied by a Safety Management Study prepared by a suitably qualified person that addresses the requirements of <i>Australia Standard AS 2885 – Pipelines – Gas and Liquid Petroleum</i> .	A desktop pipeline review was undertaken in the EIS. The Department consulted with Jemena, the pipeline operator, which did not raise concerns and recommended conditions relating to the gas pipeline (see Section 6.2). The Department has recommended conditions in accordance with this advice.
B25. Future development applications must assess the proposal against <i>State Environmental</i>	No dangerous goods are proposed to be stored on site. The Department has

Planning Policy No. 33 – Hazardous and Offensive Development.

recommended a condition requiring the Applicant to ensure thresholds of dangerous goods are online with the *Hazardous and Offensive Development Application Guidelines*.

B26. Future development applications for a service station must detail the underground petroleum storage system and identify the location of any groundwater monitoring wells.

The development does not include a service station.

B27. Future development applications for takeaway food and drink premises must contain a certificate from a suitably qualified person, certifying that the kitchen, food storage, preparation and service areas have been designed to comply with the requirements of *AS 4674 Design, construction and fit-out of food premises*

The development does not include food and drink premises.

B28. Future development applications must identify whether any surrounding infrastructure is required to be upgraded or relocated as a result of the development works.

No upgrades of infrastructure were identified in the EIS.

Appendix D – Key Issues - Community Views

The Department publicly exhibited the EIS from 31 May 2022 to 30 June 2022.

During the exhibition period for the original EIS, the Department received three submissions from the public (one utility provider, two individuals), a submission from Council and advice from five government authorities. Of the public submissions, one submission was in support of the proposal, no submissions objected to the proposal and remainder submissions provided comments only.

The issues raised by these public submissions and how each issue has been addressed is summarised in **Table 8**.

Table 8 | Department's Consideration of Community Views

Issue	Consideration
Traffic The development should be serviced by freight and passenger rail	<p>The Department has considered the traffic impact of the development on the surrounding road network and found the traffic generated would be in line with the Bringelly Road Business Hub consent. Due to this, the Department considers the development to have a negligible impact on the surrounding road network and upgrades to surrounding transport infrastructure is not required.</p> <p><u>Conditions include:</u></p> <p>Notwithstanding the above, the Department has recommended several conditions to ensure the development does not impact on the surrounding road network. These include ensuring vehicle parking and queuing does not occur off site and that the Applicant develop a green travel plan to reduce the amount of single occupant vehicles driving to the site.</p>

Appendix E – Recommended Instrument of Consent

The recommended Instrument of Consent can be found through the following link:
<https://www.planningportal.nsw.gov.au/major-projects/projects/lot-1-bringelly-road-business-hub-warehouse-facility>