

Modification of Development Consent

Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Chris Ritchie
Director
Industry Assessments

Sydney

23 December 2021

SF21/20014

SCHEDULE 1

Development Consent

Development Consent: SSD-5248 granted by the Independent Planning Commission as delegate of the Minister for Planning and Public Spaces on 11 November 2019

For the following: The Staged Development Application for the Gazcorp Industrial Estate comprised of:

A Concept Proposal with:

- 211,550 square metre (m²) of gross floor area (GFA) comprised of 198,300 m² of warehouse/industrial uses and 13,250 m² of ancillary office space;
- 16 development lots with a total of 14 building envelopes; and
- conceptual lot layout, site levels, road layout, urban design controls, conceptual landscape designs and infrastructure arrangements.

A Stage 1 Development Application including:

- clearing of vegetation and construction of bulk earthworks;
- construction of internal estate roads, water, sewer, telecommunications, and gas infrastructure;
- construction of stormwater management devices;
- installation of estate landscaping;
- construction and operation of a 45,225 m² warehouse and distribution building, including 3,006 m² of ancillary office space; and
- intersection works in Wallgrove Road.

Modification 1

Modification Application: SSD-5248-Mod-1

Modifications to:

Concept Plan

- a revised layout with 14 warehouse buildings
- increase in gross floor area from 211,550 m² to 218,735 m²

Stage 1 Development Application

- undertaking bulk earthworks and installation of utilities and services across the site

Applicant: Gazcorp Pty Ltd

Consent Authority: Minister for Planning and Public Spaces

The Land: Lot 5 DP 24094

813-913 Wallgrove Road, Horsley Park NSW 2175

SCHEDULE 2

This consent is modified as follows:

In Schedule 1

1. Delete the development description and replace it with the following:

Development:

The Staged Development Application for the Gazcorp Industrial Estate comprised of:

A Concept Proposal with:

- 218,735 square metre (m²) of gross floor area (GFA) comprised of 207,785 m² of warehouse/industrial uses and 10,950 m² of ancillary office space;
- 14 warehouse buildings; and
- conceptual lot layout, site levels, road layout, urban design controls, conceptual landscape designs and infrastructure arrangements.

A Stage 1 Development Application including:

- clearing of vegetation and undertaking of bulk earthworks across the entire site;
- construction of internal estate roads, water, sewer, telecommunications, and gas infrastructure;
- construction of stormwater management devices;
- installation of estate landscaping;
- construction and operation of a 45,225 m² warehouse and distribution building, including 3,006 m² of ancillary office space; and
- intersection works in Wallgrove Road.

In Definition

2. Add the following definitions in alphabetical order:

| | |
|--------------------------|---|
| Modification Application | The document assessing the environmental impacts of a proposed modification of this consent and any other information submitted with the following modification application made under the EP&A Act: <ol style="list-style-type: none">a) The Section 4.55(2) modification application SSD-5248-MOD-1 prepared by Ethos Urban, dated 12 April 2021 (Ref: 2200495) |
| NVR | Noise Verification Report |
| ONVR | Operational Noise Verification Report |

In Schedule 2, Part A Conditions of Consent for Concept Proposal

3. In Condition A4, renumber sub-clauses (d) and (e) as sub-clauses (e) and (f).

4. In Condition A4, insert new sub-clause (d) immediately after (c) as follows:

(d) in accordance with the Modification Application;

5. Delete Condition A8 and replace with the following:

A8 The following limits apply to the Concept Proposal for the Development:

- (a) the maximum Gross Floor Area (GFA) for the land uses in the development must not exceed the limits outlined in **Table 1** below; and
- (b) no loading docks or delivery bays are permitted along the southern elevation of any warehouse buildings that have a direct frontage to the southern boundary of the site.

Table 1: Maximum GFA for Development

| Land Use | Maximum GFA (m ²) |
|------------------------------------|-------------------------------|
| Total Industrial/Warehousing space | 207,785 |
| Total Office space | 10,950 |
| Total GFA | 218,735 |

6. In Condition A12, following 'Prior to the commencement of construction of', delete the words 'Stage 1 development' and replace with 'warehouse building 10'.

7. Delete Condition A13 and replace with the following:

A13. The Applicant must ensure the Development does not exceed noise limits in **Table 3** below or the project specific noise trigger levels determined by a noise verification required by condition A13A, whichever is lower, at the receivers shown in **Figure 6** in **Appendix 5**:

Table 3: Operational Noise Limits for the Concept Plan (dB(A))

| Location | Day (L _{Aeq, 15 min}) | Evening (L _{Aeq, 15 min}) | Night (L _{Aeq, 15 min}) | Night (L _{Amax}) |
|-------------------------------------|---------------------------------|-------------------------------------|-----------------------------------|----------------------------|
| Residential receivers | 48 | 43 | 38 | 52 |
| Industrial Development to the south | 51 | 51 | 51 | |

Note: Noise generated by the Stage 1 Development is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the Noise Policy for Industry (2017) (as may be updated or replaced from time to time). Refer to the plan in Appendix 5 for the location of residential sensitive receivers.

8. Insert Condition A13A immediately after Condition A13 with the following:

Operational Noise Verification

A13A Prior to the commencement of bulk earthworks, the Applicant must prepare a noise verification report in accordance with the *Noise Policy for Industry (2017)* to the satisfaction of the Planning Secretary. The noise verification report must:

- (a) detail methodology for recording background noise levels, including locations of sensitive receivers
- (b) detail background noise levels at sensitive receivers; and
- (c) establish project specific noise trigger levels in accordance with the methodology set out in the *Noise Policy for Industry (2017)*.

9. Insert Condition A13B immediately after Condition A13A with the following:

A13B An Operational Noise Verification Report (ONVR) must be prepared by a suitably qualified and experienced person(s) and submitted to the satisfaction of the Planning Secretary at the following stages of the development:

- (a) within three months of the commencement of operation of the first tenancy of each warehouse building; and
- (b) within three months of the occupation of the warehouse building by any new tenants for the life of the development.

10. Insert Condition A13C immediately after Condition A13B with the following:

A13C The ONVR required by Condition A13B must include:

- (a) an analysis of compliance with noise limits undertaken in accordance with the *Noise Policy for Industry* and the latest version of Australian Standard AS1055:2018 Acoustics – Description and measurement of environmental noise (Standards Australia); and
- (b) a detailed maximum noise level event assessment undertaken in accordance with the *Noise Policy for Industry*;
- (c) an assessment of the performance and effectiveness of applied noise mitigation measures together with a review and if necessary, re-assessment of mitigation measures identified; and
- (d) identification of additional noise control measures, excluding at-receiver controls, to be implemented to address any exceedances of the limits specified in Condition A13 and when these measures are to be implemented and how their effectiveness is to be measured and reported to the Planning Secretary.

In Schedule 2, Part B Conditions to be Met in Future Development Applications

11. Insert Condition B1A immediately after Condition B1 with the following:

B1A In accordance with Section 4.37 of the EP&A Act, any subsequent development application not being for the purpose of a warehouse or distribution centre with a capital investment value in excess of the threshold specified in Clause 12, Schedule 1 to the State Environmental Planning Policy (State and Regional Developments) 2011 (or its replacement) is to be determined by the relevant Consent Authority and that development ceases to be State Significant Development.

12. Delete Condition B20 and replace with the following:

B20. Future development applications must demonstrate that the design of the development is consistent with:

- (a) *Stormwater Management Report – DA for 14 industrial lots, Lot 5 in DP 24094 813-913 Wallgrove Road, Horsley Park*, prepared by Orion Consulting, dated 16 December 2020, Revision 2;
- (b) *Lot 5 Wallgrove Road Industrial Site Concept Plan – Modification*, prepared by Orion Consulting, dated 13 November 2020, Revision B (Project No. 19-0108, Set No. 07); and

(c) *Fairfield City Council Stormwater Management Policy* (Fairfield City Council, 2017) (as may be updated or replaced from time to time).

13. Delete Condition B22 and replace with the following:
 - B22. Future development applications must include a detailed landscape plan consistent with *813-913 Wallgrove Road Eastern Creek Amended Landscape Masterplan for Gazcorp Pty Ltd*, prepared by Site Image Landscape Architects, dated 25 March 2021, Issue B.
14. Delete Condition B24 and replace with the following:
 - B24. Future development applications must demonstrate the design of the development is consistent with *Lot 5 Wallgrove Road Industrial Site Concept Design – Modification*, prepared by Orion Consulting, dated 13 November 2020, Revision B (Project No. 19-0108, Set No. 07).

In Schedule 2, Part C Conditions of Consent for the Stage 1 DA

15. In Condition C24, following 'Before the issue of a Subdivision', delete the words 'or Construction Certificate for any stage of the Development' and replace with 'Certificate or the commencement of construction of warehouse building 10'.
16. Delete Condition C33.
17. Delete Condition C62 and replace with the following:
 - C62. The Applicant must ensure the Development does not exceed noise limits in Table 6 below or the project specific noise trigger levels determined by a noise verification required by condition A13A, whichever is lower, at the receivers shown in Figure 6 in Appendix 5: .

Table 6: Stage 1 Development Operational Noise Limits dB(A)

| Location | Day (L _{Aeq} , 15 min) | Evening (L _{Aeq} , 15 min) | Night (L _{Aeq} , 15 min) | Night (L _{Amax}) |
|-------------------------------------|---------------------------------|-------------------------------------|-----------------------------------|----------------------------|
| Residential receivers | 48 | 43 | 38 | 52 |
| Industrial Development to the south | 51 | 51 | 51 | |

Note: Noise generated by the Stage 1 Development is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the *Noise Policy for Industry (2017)* (as may be updated or replaced from time to time). Refer to the plan in Appendix 5 for the location of residential sensitive receivers.

18. In Condition C85 following 'prior to commencement of construction' insert 'of warehouse building 10'.

In Appendix 1 Concept Proposal Plans

19. Delete Table 7 and replace with the following:

Table 7: Schedule of Approved Plans – Concept Proposal

| Architectural Plans prepared by SBA Architects | | |
|--|--|------------------|
| Drawing | Title | Date |
| MM7 – DA-001(B) | Momentum M7 – Modification 01 Estate Master Plan | 1 April 2021 |
| MM7 – DA-002(A) | Momentum M7 – Modification 01 Subdivision Plan | 10 December 2020 |
| MM7 – DA-003(A) | Momentum M7 – Modification 01 Site Section 01 | 10 December 2020 |
| MM7 – DA-004(B) | Momentum M7 – Modification 01 Site Section 02 | 15 December 2020 |
| MM7 – DA-005(A) | Momentum M7 – Modification 01 Site Section 03 | 10 December 2020 |
| MM7 – DA-009(A) | Momentum M7 – Modification 01 Site Areas | 10 December 2020 |

| Landscape Plans prepared by SBA Architects | | |
|--|---|---------------|
| Drawing | Title | Date |
| MPA02, Issue B | 813-913 Wallgrove Road, Eastern Creek Masterplan Amendments – Existing Vegetation | 25 March 2021 |
| MPA03, Issue B | 813-913 Wallgrove Road, Eastern Creek Masterplan Amendments – Planting Zone Types | 25 March 2021 |
| MPA04, Issue B | 813-913 Wallgrove Road, Eastern Creek Masterplan Amendments – Concept Masterplan with Local Access Road | 25 March 2021 |
| MPA05, Issue B | 813-913 Wallgrove Road, Eastern Creek Masterplan Amendments – Concept Masterplan with Southlink Road | 25 March 2021 |

| Civil Plans prepared by Orion Consulting | | |
|--|--|------------------|
| Drawing | Title | Date |
| 19-0108, Set 07, Plan 001, Revision B | General Layout Plan, Notes and Legend | 13 November 2020 |
| 19-0108, Set 07, Plan 003, Revision B | Site Regrading Plan | 13 November 2020 |
| 19-0108, Set 07, Plan 100, Revision B | Sediment & Erosion Control Plan | 13 November 2020 |
| 19-0108, Set 07, Plan 101, Revision B | Sediment & Erosion Control Notes & Details | 13 November 2020 |
| 19-0108, Set 07, Plan 200, Revision B | Engineering Plan | 13 November 2020 |

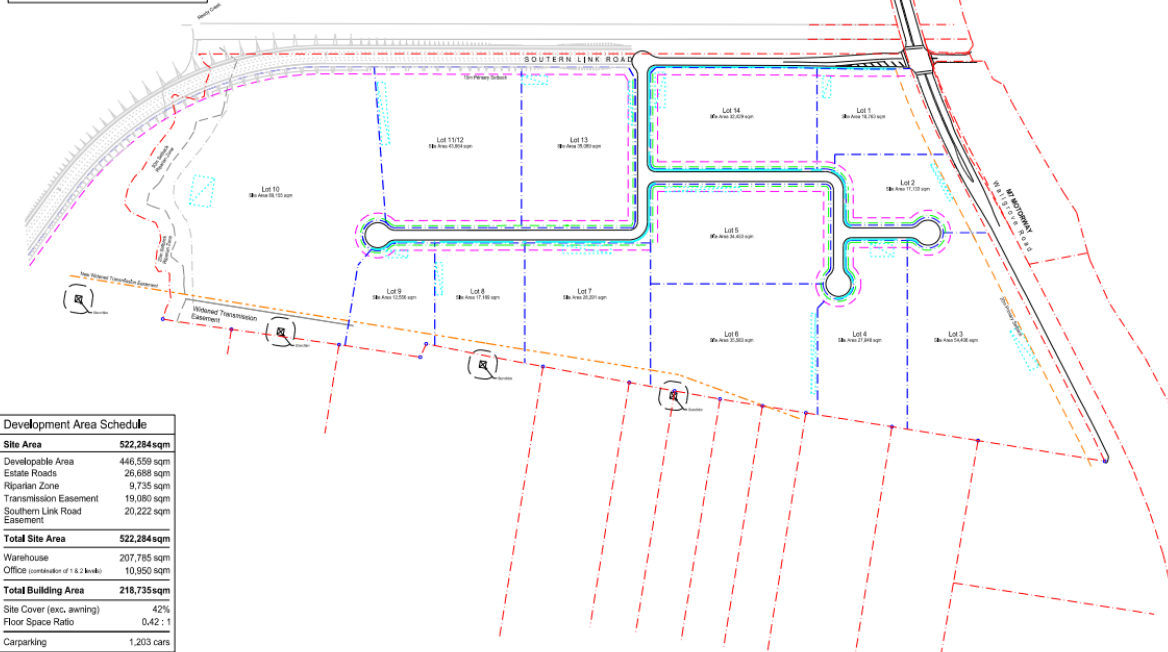
20. Delete Figure 1 and replace with the following:



21. Delete Figure 2 and replace with the following:



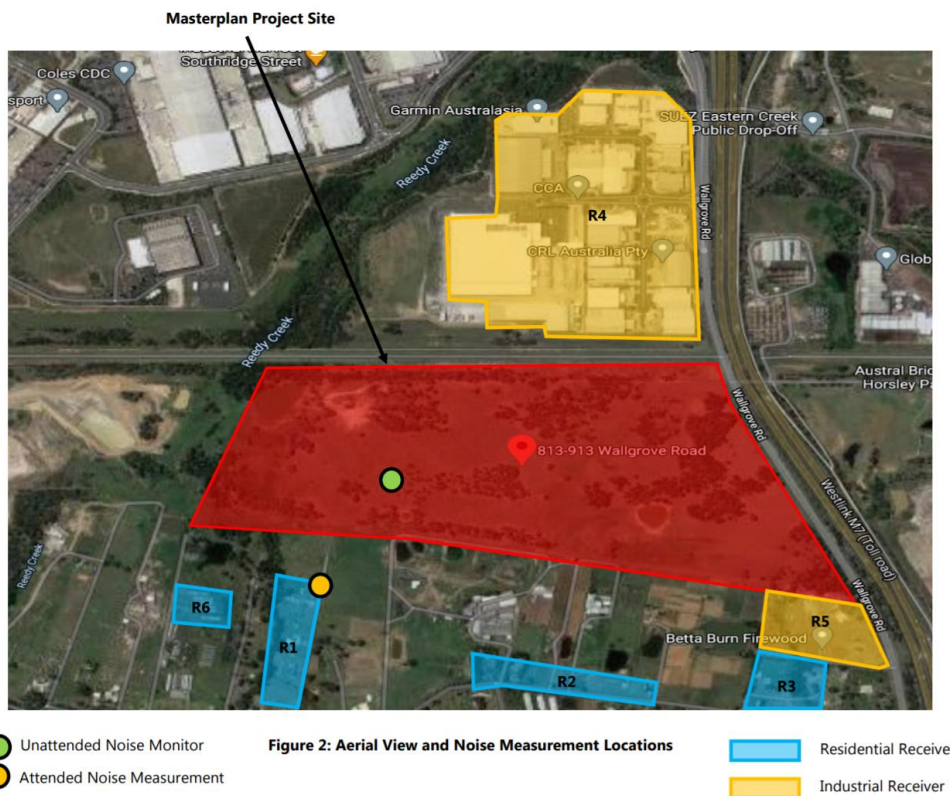
| Legend | |
|--------|----------------------|
| | Site Boundary |
| | Lot Boundary |
| | 20m Building Setback |
| | 10m Building Setback |
| | 3m Landscape Setback |



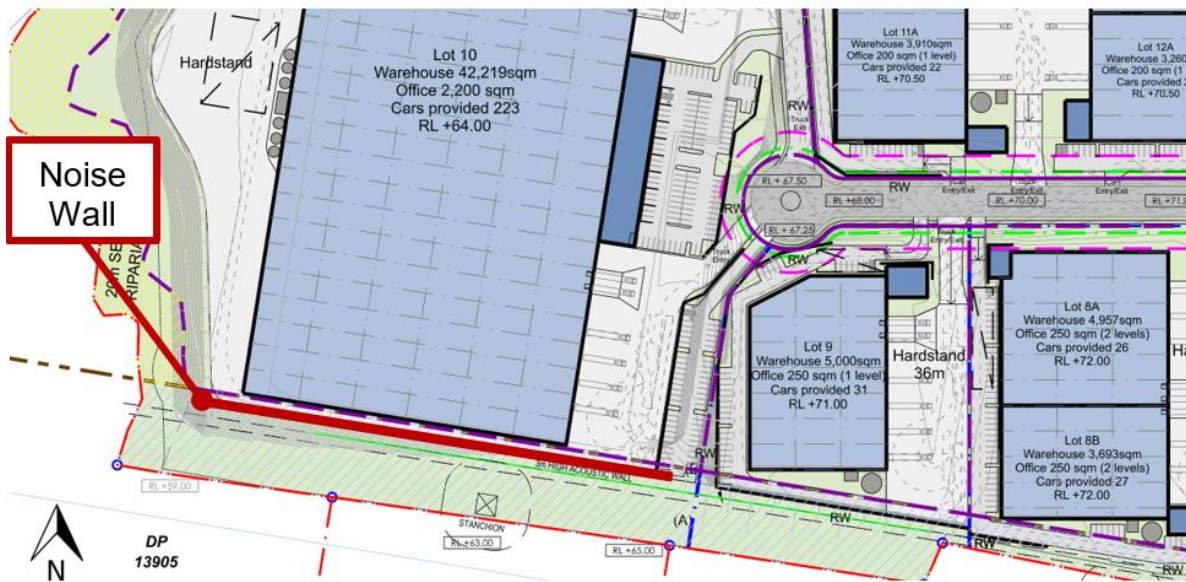
SBA Momentum M7 - Modification 01 Proposed Development Subdivision Plan
 813-913 Wallgrove Road, Eastern Creek Development Application
 1:2000 @ A1 1:5000 @ A3 MM7 - DA-002(A)
 10 Dec 2020 Job No: 20109

In Appendix 5 Concept Proposal Plans

22. Delete Figure 6 and replace with the following:



23. Delete Figure 7 and replace with the following:



**End of modification
(SSD-5248-MOD-1)**