



Gazcorp Industrial Estate Modification 1

Amendments to Concept Plan and Stage 1 DA Earthworks

State Significant Development Modification Assessment (SSD-5248 MOD 1)

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Cover Image: Aerial View of the Gazcorp Industrial Estate (Source: Gazcorp Pty Ltd, 2021)

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Glossary

Abbreviation	Definition
ARI	Average Recurrence Interval
BC Act	<i>Biodiversity Conservation Act 2016</i> (NSW)
Council	Fairfield City Council
Department	Department of Planning, Industry and Environment
EEC	endangered ecological community
EES Group	Environment, Energy and Science Group, DPIE
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i> (NSW)
EP&A Regulation	Environmental Planning and Assessment Regulation 2000 (NSW)
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
GFA	Gross Floor Area
GIE	Gazcorp Industrial Estate
GSC	Greater Sydney Commission
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces
NRAR	Natural Resources Access Regulator, DPIE
RMS	Roads and Maritime Services, TfNSW
RRFI	Response to Request for Further Information
RtS	Response to Submissions
SEARs	Planning Secretary's Environmental Assessment Requirements
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy
SLR	Southern Link Road

Abbreviation	Definition
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
TfNSW	Transport for NSW
WSEA	Western Sydney Employment Area
WSFL	Western Sydney Freight Line

Contents

1	Introduction	1
1.1	Site Description	1
1.2	Surrounding Land Uses	2
1.3	Approval History	3
2	Proposed Modification.....	4
2.1	Description of Modification	4
2.2	Applicant's Justification	10
3	Strategic Context	11
3.1	Greater Sydney Regional Plan.....	11
3.2	Western City District Plan	11
3.3	Future Transport Strategy 2056	11
3.4	State Environmental Planning Policy (Western Sydney Employment Area) 2009	11
4	Statutory Context.....	13
4.1	Scope of Modifications	13
4.2	Consent Authority.....	13
4.3	Mandatory Matters for Consideration.....	13
4.4	Biodiversity Conservation Act 2016	13
5	Engagement.....	14
5.1	Consultation by the Department.....	14
5.2	Summary of Submissions	14
5.3	Key Issues – Councils and Government Agencies	14
5.4	Key Issues – Public Submissions	15
5.5	Response to Submissions and Response to Request for Further Information.....	15
6	Assessment	16
6.1	Operational Noise Impacts	16
6.2	Other Issues	19
7	Evaluation.....	26
8	Recommendation.....	27
9	Determination.....	28
	Appendices	29
	Appendix A – List of referenced documents	29
	Appendix B – Submissions	30
	Appendix C – Community views for draft notice of decision.....	31
	Appendix D – Notice of Modification.....	32

1 Introduction

This report provides the NSW Department of Planning, Industry and Environment's (the Department) assessment of an application to modify the State significant development consent for the Gazcorp Industrial Estate (GIE) (SSD-5248).

The proposed modification includes amendments to the approved Concept Plan including a revised layout with 14 warehouse buildings and an increase in the overall gross floor area (GFA) of the development from 211,550 square metres (m²) to 218,735 m². The modification also includes carrying out earthworks and civil infrastructure works across the entire site as part of the Stage 1 development.

The modification application was lodged by Gazcorp Pty Ltd (the Applicant) on 13 April 2021 pursuant to section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.1 Site Description

The site comprises approximately 52 hectares (ha) of IN1 General Industrial and E2 Environmental Conservation zoned land at 813 – 913 Wallgrove Road, Horsley Park in the Fairfield City local government area (LGA), approximately 33 kilometres (km) west of Sydney and 14 km southwest of Parramatta (see **Figure 1**).

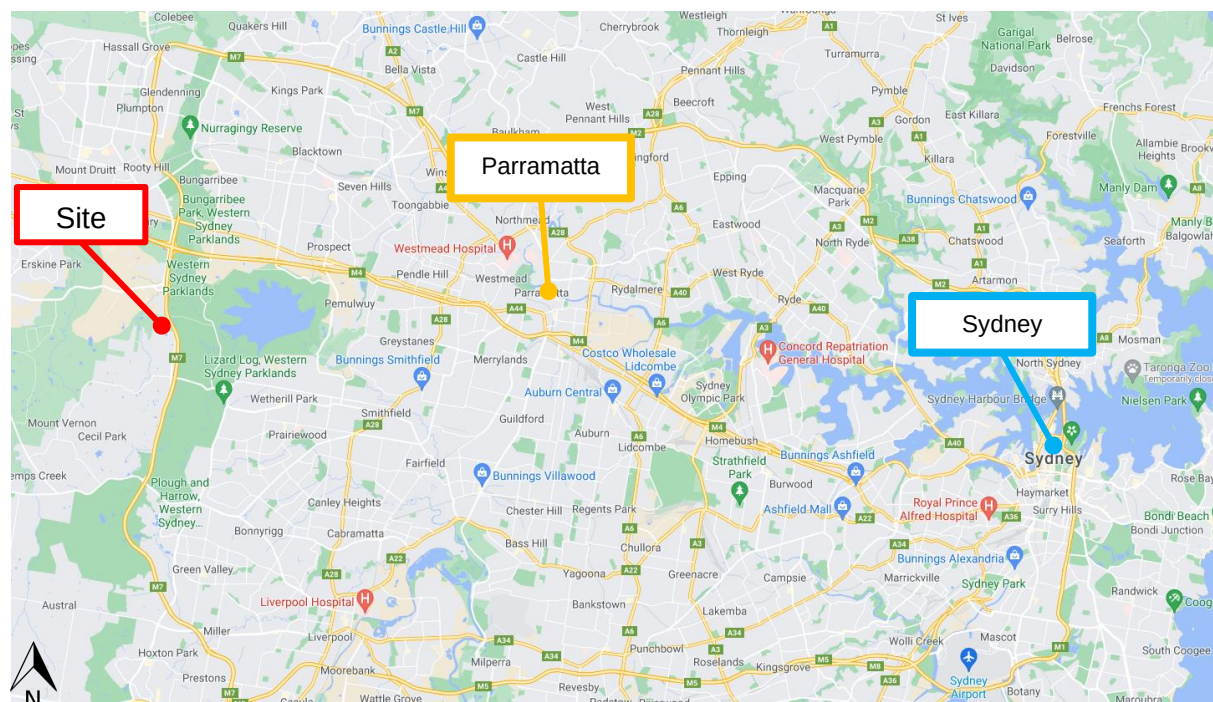


Figure 1 | Regional Context Map

The site is legally described as Lot 5 in Deposited Plan (DP) 24090 and is bound by the Water NSW Warragamba to Prospect pipeline to the north, Wallgrove Road to the east, a TransGrid transmission line easement to the south and Reedy Creek to the west (see **Figure 2**). The site is characterised by undulating topography including a hill located in the central part of the site, which slopes east to Wallgrove Road and west to Reedy Creek. Reedy Creek forms the western boundary of the site. Patches of native vegetation are located in the south-western part of the site adjacent to Reedy Creek.

The site contains remnant patches of natural vegetation, comprising mainly the Cumberland Plain Woodland endangered ecological community (EEC).

Historically, the site was used for pastoral grazing for cattle and horses. Currently, the site consists of several farming dams, a metal shed and an animal-stock holding yard. Site access is off Wallgrove Road, via an unsealed internal driveway along the northern site boundary.

1.2 Surrounding Land Uses

The site is predominantly surrounded by IN1 General Industrial and RU4 Primary Production zoned land. Surrounding land uses include:

- to the north: Water NSW's Warragamba to Prospect pipeline and an industrial precinct located to the north of the pipeline
- to the east: Wallgrove Road and Westlink M7 Motorway, Austral Bricks is located to the east of the M7 Motorway
- to the south: TransGrid transmission easement, rural residences in Flavex Estate and Burley Road (RU4 Primary Production Small Lots zoned land) and future Western Sydney Freight Line (WSFL) corridor
- to the west: Reedy Creek forms the western site boundary and Austral Bricks is located to the west of Reedy Creek, opposite the site.

The nearest residential receiver is located at 146 Burley Road which is approximately 122 m to the south of the site (shown as a yellow star in **Figure 2**). There are also several rural residential properties fronting Burley Road further to the south (see **Figure 2**).

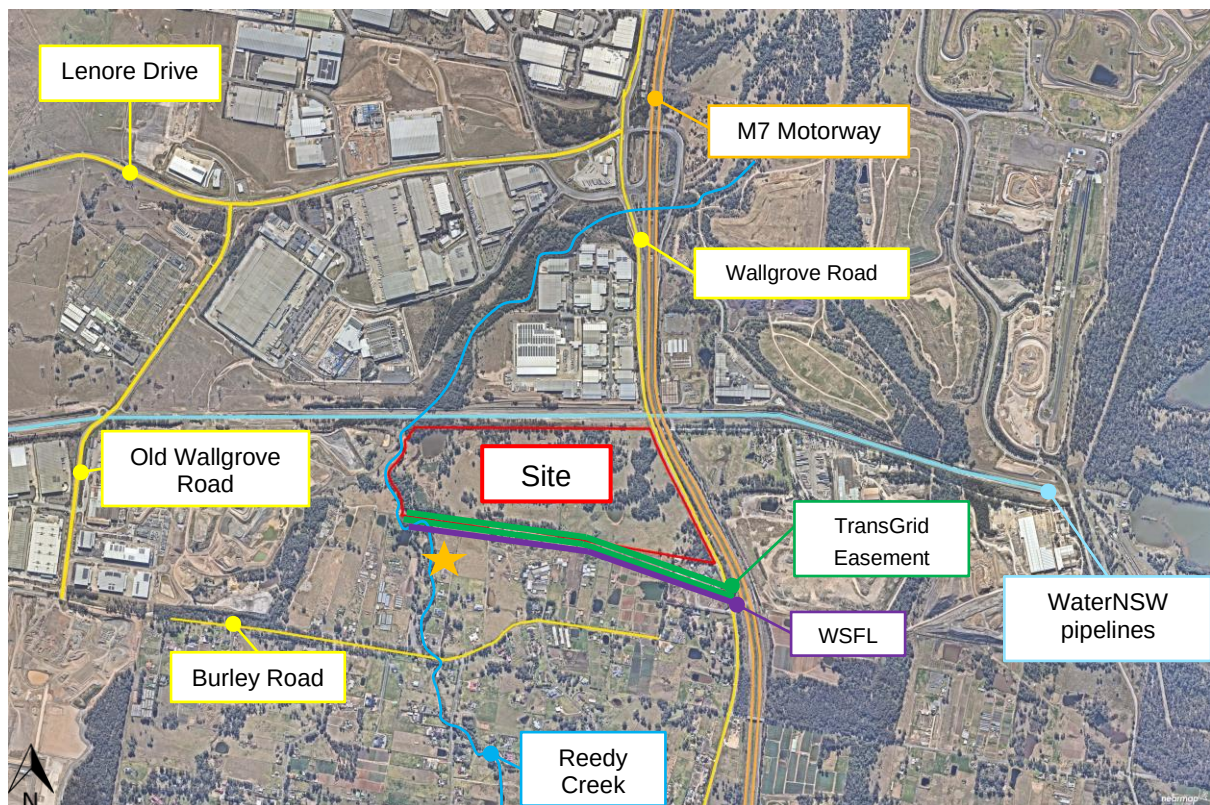


Figure 2 | Local Context Map

1.3 Approval History

On 11 November 2019, the Independent Planning Commission as delegate of the Minister for Planning and Public Spaces approved the GIE, including the following components:

- a Concept Plan of 16 development lots for 15 buildings with 211,550 m² GFA accommodating warehousing, office and industrial uses, conceptual layout, landscaping designs and infrastructure, site levels, road layout, as well as urban design controls
- Stage 1 development including vegetation clearing, bulk earthworks, construction and operation of Stage 1 warehouse, internal roads, services and utilities, landscaping, rehabilitation of vegetation in the Ropes Creek riparian corridor, and a signalised intersection at Wallgrove Road.

The future Southern Link Road (SLR) would be located along the site's northern boundary. As part of Stage 1 development, the Applicant would construct the two southern lanes of the SLR, for a length of 350 m extending from Wallgrove Road acting as a private access driveway until the full construction of the SLR is complete.

The Applicant has not commenced construction of the approved Stage 1 development.

2 Proposed Modification

2.1 Description of Modification

The Applicant has lodged a modification application under section 4.55(2) of the EP&A Act to modify development consent SSD-5248 to amend the approved Concept Plan layout including a revised layout with 14 warehouse buildings and an increase in the overall gross floor area (GFA) of the development from 211,550m² to 218,735 m². The modification also includes carrying out earthworks and civil infrastructure works across the entire site as part of the Stage 1 development and administrative amendments to SSD-5248 development consent. These changes are summarised in **Table 1**, **Table 2**, and **Table 3**. A full description is provided in the Applicant's Environmental Assessment (EA) included in **Appendix A**.

A comparison of the approved and proposed Concept Plan is illustrated in **Figure 3** and **Figure 4**, a comparison of the approved and proposed bulk earthworks is shown in **Figure 5** and **Figure 6**.

Table 1 | Main Components of the Amendments

Aspect	Description
Modification to the Concept Plan	
Layout	amendments to the GIE layout (see Figure 4) including changes to building footprints and the internal road network
Gross Floor Area (GFA)	increase of GFA from 211,550 m² to 218,735 m² (+7,125 m²)
Warehouse Buildings	revised layout with 14 warehouse buildings
Tenancies	increase in tenancies from 16 to 20
Modifications to Stage 1 development	
Civil Works	- amendments to services and utilities in line with changes to the Concept Plan - carrying out earthworks, services, and utilities installation across the entire site (see Table 2 and Figure 6).
Construction Timeframe	- bulk earthworks: 9 months - proposed SLR/ Wallgrove Road intersection: 12 months (to be carried out concurrently with bulk earthworks) - civil works and construction of warehouse building 10: 13 months - total: 22 months
Construction Hours	7 am to 6 pm, Monday to Friday 8 am to 1 pm, Saturday

Table 2 | Comparison of the Approved and Proposed Bulk Earthworks

Approved	Proposed
- clearing of vegetation across the site - bulk earthworks to create a building pad to facilitate the construction of warehouse building 10 - construction of Access Roads 1, 2 and 3 and the southern two lanes of the Southern Link Road (see Figure 5)	- clearing of vegetation across the site - bulk earthworks to create building pads to facilitate construction of warehouse building 10 and the future construction of 14 warehouse buildings - construction of all Access Roads within the GIE and the southern two lanes of the Southern Link Road (see Figure 6)

Table 3 | Amendments to SSD-5248 development consent

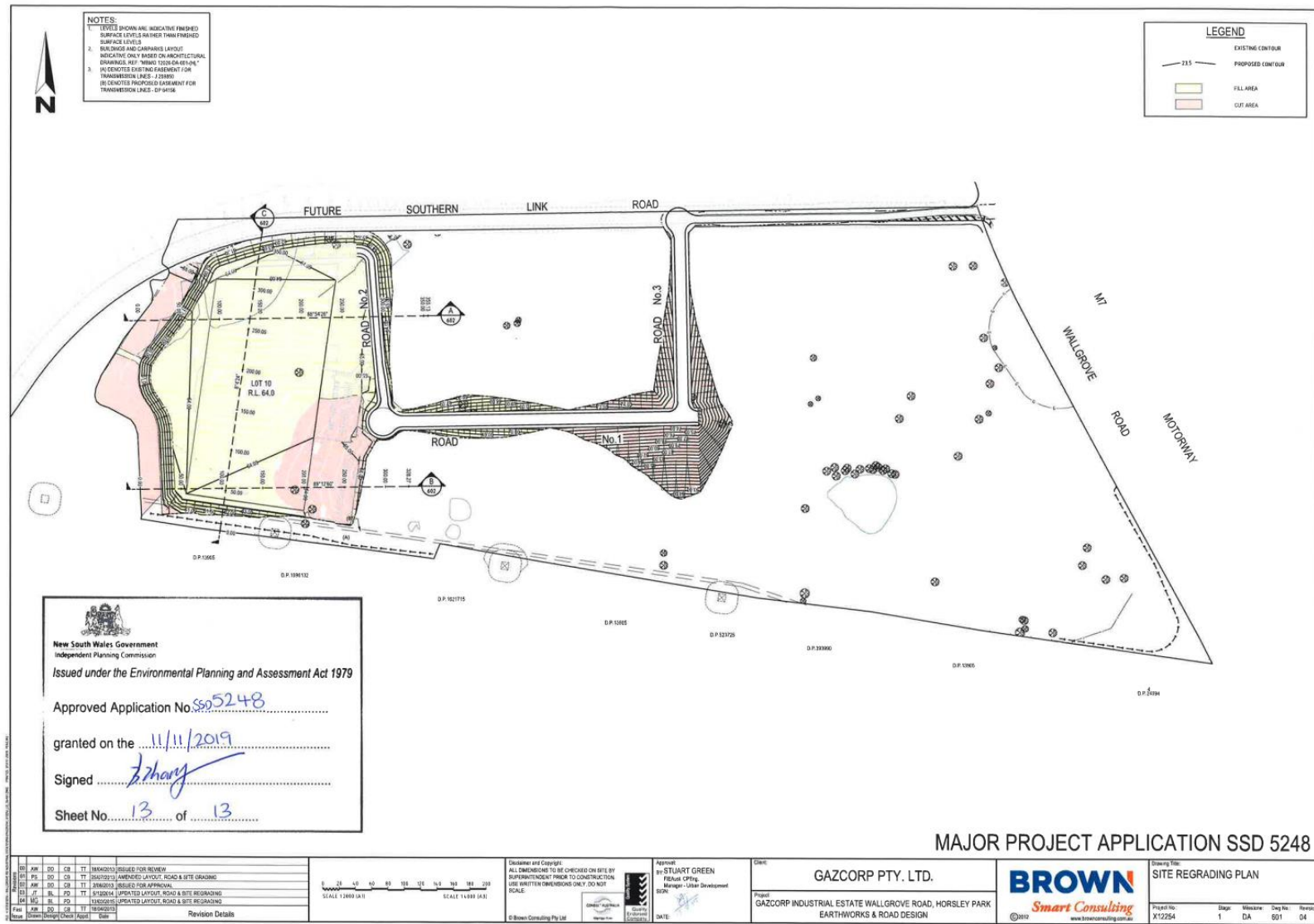
Amendments	Reasons
- Condition A12: updating timing for the submission of a Sustainability Strategy from prior to commencement of construction of the Stage 1 development to prior to commencement of construction of warehouse building 10 - Condition A24: updating timing for submission of evidence of satisfactory arrangements for telecommunication facilities from before the issue of a Subdivision or Construction Certificate of any stage of the Development to prior to the commencement of construction of warehouse building 10 - Condition C85: updating timing for submission of the waste storage area design from prior to the commencement of construction of Stage 1 development to prior to construction of warehouse building 10	The Sustainability Strategy, telecommunication facilities, and waste storage area design would require consultation with the prospective tenant of warehouse building 10 to confirm its operational requirements. The Applicant has not secured a tenant and required the proposed amendments to facilitate commencement of site-wide bulk earthworks as part of the Stage 1 development.
Condition C33: delete	The Applicant would construct the access road and Wallgrove Road as part of the Stage 1 development. Condition A3 requires the Applicant to obtain all relevant approvals.



Figure 3 | SSD-5248 Approved Concept Plan



Figure 4 | SSD-5248 MOD-1 Proposed Concept Plan



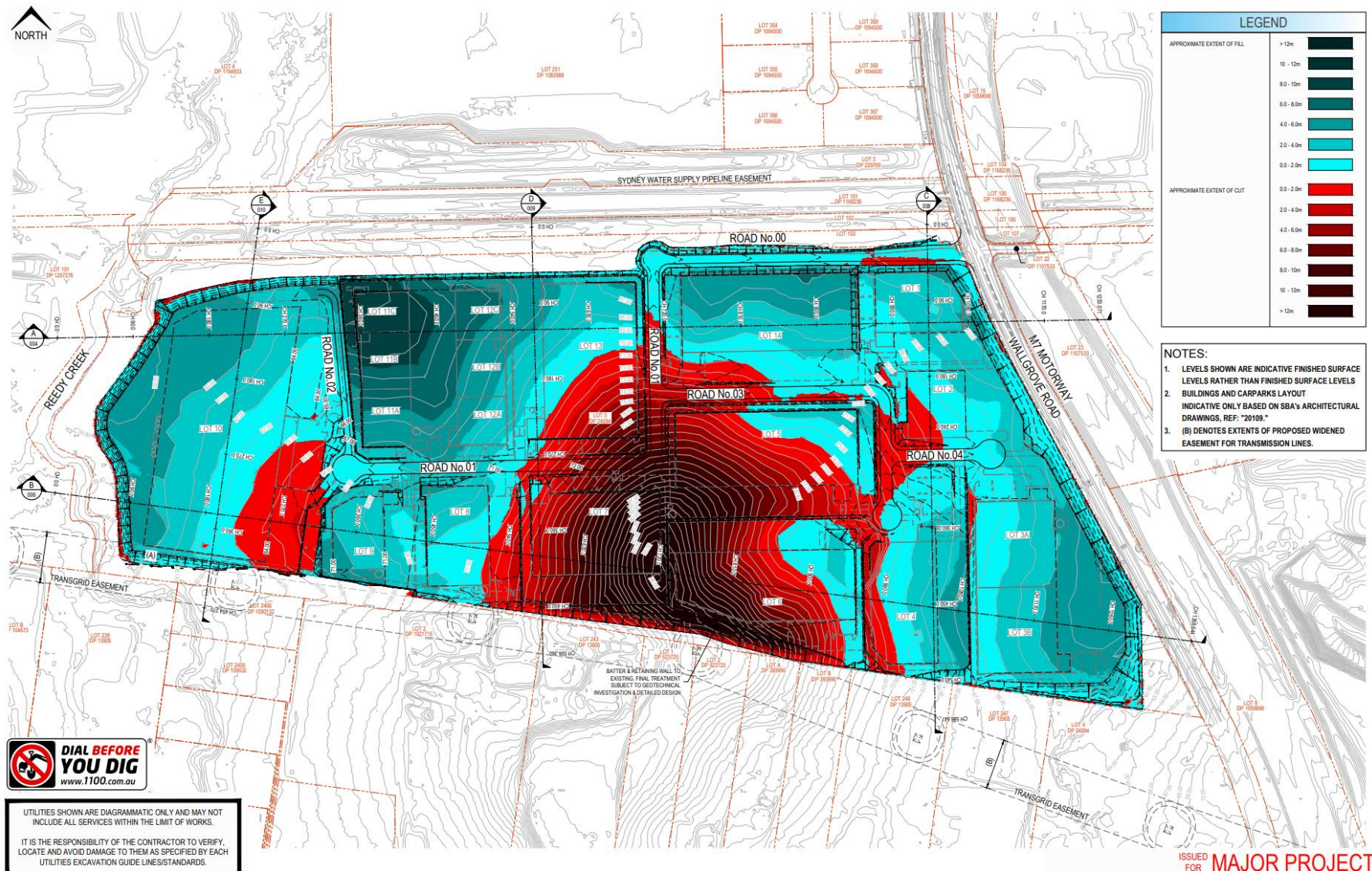


Figure 6 | SSD-5248 Proposed Stage 1 Bulk Earthworks

2.2 Applicant's Justification

The Applicant advised that the modification of the Concept Plan was needed to accommodate a new arrangement responding to strong market demands for industrial and warehousing facilities. Amendments to the Stage 1 development are needed to implement a revised construction strategy which would involve the delivery of earthworks and civil infrastructure works for the entire site as part of the first stage of works. The revised construction strategy would reduce the total extent of earthworks, specifically the degree of deep cutting. The EA states that the modification would achieve a more balanced cut and fill and reduce the total amount of earthworks across the site.

3 Strategic Context

3.1 Greater Sydney Regional Plan

In March 2018, the Greater Sydney Commission (GSC) released the Greater Sydney Region Plan: A Metropolis of Three Cities (the Region Plan) which forms part of the integrated planning framework for Greater Sydney. The Region Plan is built on a vision of three cities including the Western Parkland City, the Central River City, and the Eastern Harbour City.

The modification would not detract from the development contributing to Objective 16 by utilising industrial zoned land for warehouse and logistics use and Objective 23 by providing employment opportunities in Western Sydney.

3.2 Western City District Plan

The GSC has released six district plans encompassing Greater Sydney which will guide the delivery of the Region Plan. The district plans set out the vision, priorities, and actions for the development of each district.

The proposed development is located within the Western City District. 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 to 40-year vision for Greater Sydney. It is a guide to implementing the Region Plan at a district level and is a bridge between regional and local planning.

The modification would not detract from the development contributing to the following Planning Priorities in the Western City District Plan:

- maximising freight and logistics opportunities and planning and managing industrial and urban services land (W10)
- growing investment, business opportunities and jobs in strategic centres (W11).

3.3 Future Transport Strategy 2056

Future Transport 2056 is a 40-year strategy for the development and improvement of the NSW transport system. The vision for future transport is built on six outcomes: customer focused, successful places, a strong economy, safety and performance, accessible services, and sustainability. These outcomes are intended to provide a guide for future investment, policy, reform, and provision of services, as well as provide a framework to support a modern, innovative transport network.

Future Transport 2056 identifies the WSFL as a Greater Sydney Initiative for Investigation in 10-20 years. The site is located immediately north of the proposed WSFL. The revised GIE layout would not impact the WSFL corridor. TfNSW has not raised any issues with the interface between the development and the WSFL corridor.

3.4 State Environmental Planning Policy (Western Sydney Employment Area) 2009

The WSEA SEPP aims to promote economic development and employment, provide for the orderly and coordinated development of land, rezone land for employment or conservation purposes, ensure development occurs in a logical, cost-effective and environmentally sensitive manner and conserve and

rehabilitate areas with high biodiversity, heritage or cultural value within the WSEA. The development is generally consistent with the relevant aims set out in clause 3 of the WSEA SEPP as:

- it is for a warehousing and distribution development
- the Concept Plan would provide up to 1,500 operational jobs
- it includes the rehabilitation of riparian vegetation and the establishment of a biodiversity offset area.

4 Statutory Context

4.1 Scope of Modifications

The Department has reviewed the scope of the modification and considers the application can be characterised as a modification as:

- it would not significantly increase the environmental impacts of the development as approved
- the primary function and purpose of the approved development would not change as a result of the proposed modification; and
- it is substantially the same development as originally approved.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(2) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(2) of the EP&A Act rather than requiring a new development application to be lodged.

4.2 Consent Authority

The Minister for Planning and Public Spaces is the consent authority for the modification under section 4.5(a) of the EP&A Act. Under the Minister's delegation dated 19 November 2021, the Director, Industry Assessments, may determine the application under delegation as:

- the applicant has not disclosed a reportable political donation under section 10.4 of the EP&A Act in connection with the modification application
- there is only one public submission in the nature of an objection, and
- Fairfield City Council has not made an objection.

4.3 Mandatory Matters for Consideration

Section 4.15 of the EP&A Act outlines the matters that a consent authority must take into consideration when determining an application that seeks to modify an SSD application. The Department conducted a comprehensive assessment of the development against the mandatory matters for consideration as part of the original assessment of SSD-5248.

The Department considers this modification application does not result in significant changes that would alter the mandatory matters for consideration under section 4.15 of the EP&A Act and conclusions made as part of the original assessment.

4.4 Biodiversity Conservation Act 2016

Section 7.17 of the *Biodiversity Conservation Act 2016* (BC Act) specifies that if the determining authority is satisfied a modification will not increase the impact on biodiversity values, a biodiversity development assessment report (BDAR) is not required.

While the modification would amend the GIE layout, the modification would not result in additional vegetation removal beyond what has been approved. As such, it is not considered there is an increase in impacts on biodiversity values and the Department concludes a BDAR is not required.

5 Engagement

5.1 Consultation by the Department

The Department consulted with local councils and relevant NSW government agencies during preparation of the Planning Secretary's Environmental Assessment Requirements (SEARs) for the modification application.

In accordance with clause 10 of Schedule 1 to the EP&A Act and clause 118 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation), the Department exhibited the modification application for 14 days from Thursday 29 April 2021 to Wednesday 12 May 2021 on the Department's website.

Previous submitters were notified of the modification application and invited to make a submission. The modification application was also referred to Fairfield City Council (Council), Blacktown City Council, and relevant NSW public authorities for review and comment.

5.2 Summary of Submissions

The Department received advice from Council, Blacktown City Council, and eight public authorities and a total of three public submissions including one objection during the exhibition period. A summary of the issues raised in advice and in submissions is provided below, with a copy included in **Appendix A**.

5.3 Key Issues – Councils and Government Agencies

Council made comments on construction vehicle access and associated impacts during bulk earthworks, operational traffic impacts of the fully developed Concept Plan, widths of the proposed driveway splays and potential manoeuvrability issues for 26 m B-Doubles and 12 m rigid vehicles at loading docks, within each lot and when exiting the site.

Council recommended the Applicant to prepare and implement a Loading Management Plan to ensure sufficient manoeuvrability would be provided at loading and unloading areas of each warehouse building.

Blacktown City Council (BCC) made no specific comments on the modification.

Environment, Energy and Science Group, DPIE (EES Group) did not raise biodiversity related comments and requested the Applicant to undertake a flood modelling for the Reddy Creek Catchment to evaluate storage loss in the floodplains and flooding impacts at warehouse building 10 and its adjoining areas.

Aboriginal Cultural Heritage, Heritage NSW (HNSW) advised that an Aboriginal Cultural Heritage Management Plan (ACHMP) had already been prepared and would be applied to all construction activities carried out at the site. As such, Heritage NSW considered the modification had adequately addressed Aboriginal cultural heritage matters for the site.

Transport for NSW (TfNSW) (including Roads and Maritime Services (RMS)) requested the Applicant update the proposed Concept Plan with the WSFL corridor at its correct location, consult with TfNSW on the Construction Traffic Management Plan and the WSFL corridor prior to commencing construction of warehouse building 10 (Stage 1 DA), and consider 30 m PBS 2B vehicle in the traffic impact assessment.

Water Group, DPIE and Natural Resource Access Regulator (NRAR) did not provide specific comments.

Water NSW advised that the revised GIE layout would reduce quantity of water conveyed into the Warragamba Pipelines corridor (the Pipelines corridor). Water NSW recommended the Applicant:

- prepare and implement a construction environmental management plan to adequately manage impacts of bulk earthworks and construction vibration on the Pipelines corridor, protect the Pipelines corridor assets and prohibit access to the Pipelines during construction works
- ensure post-development overland flows would not exceed pre-development flows into and through the Pipelines corridor.

5.4 Key Issues – Public Submissions

During the exhibition period, the Department received three public submissions including one objection and two in support of the modification.

The objection raised concerns with potential traffic noise impacts from vehicles travelling south on Wallgrove Road on nearby residents and noted that any additional traffic above the approved traffic numbers could result in an exceedance of noise criteria.

5.5 Response to Submissions and Response to Request for Further Information

On 9 June 2021, the Applicant submitted a Response to Submissions (RtS) report responding to the issues raised in submissions. The RtS was made publicly available on the Department's website and referred to Council and key public authorities for comment.

Council required the Applicant to submit loading management plans for each subsequent stage of the GIE to Council for approval. Council requested the Applicant submit swept path analysis demonstrating the two-laned SLR and the estate internal roads could accommodate the largest vehicle. Council also made comments on the signalised intersection of Wallgrove Road and the site access road.

EES Group and **TfNSW** advised they had no further comments.

Water NSW made no additional comments and reiterated its previously advised conditions.

In addition, the Department raised a number of issues relating to the Applicant's NVIA including concerns with background noise recording and the representativeness of the reported background noise levels, the selection of sensitive receivers and the characterisation of the existing acoustic environment as suburban rather than rural. The Department also sought further clarification on the predicted noise impacts of the revised Concept Plan.

On 11 August 2021, the Applicant submitted a Supplementary RtS responding to issues raised by the Department and Council. The Supplementary RtS was also made available on the Department's website. The Department considers that Council's comments on the RtS relate to future stages that could be addressed by the existing or amended conditions of consent. As such, the Supplementary RtS was not referred to Council for comments.

On 27 October 2021, the Applicant submitted a Response to Request for Further Information (RRFI) from the Department. The RRFI includes an Air Quality Impact Assessment (AQIA), Supplementary Traffic Impact Assessment (TIA), and Supplementary Flooding Impact Assessment Addendum (FIAA) responding to the Department's request. The RRFI were made available on the Department's website.

6 Assessment

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

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

The Department considers the key assessment issue is operational noise impacts. The Department's assessment of a number of other issues is provided in **Table 5** in **Section 6.2**.

6.1 Operational Noise Impacts

The modification would amend the Concept Plan layout, including altering building footprints and orientation. This has the potential to generate additional noise impacts beyond that of the approved Concept Plan.

Applicant's Assessment

The Applicant submitted a Noise and Vibration Impact Assessment (NVIA) assessing potential impacts of the amended Concept Plan in accordance with the NSW Noise Policy for Industry 2017 (NPfI). The NVIA identified four residential receivers to the south of the site and two industrial receivers including one to the south on Wallgrove Road and an industrial estate to the north opposite the Water NSW pipeline (see **Figure 7**).

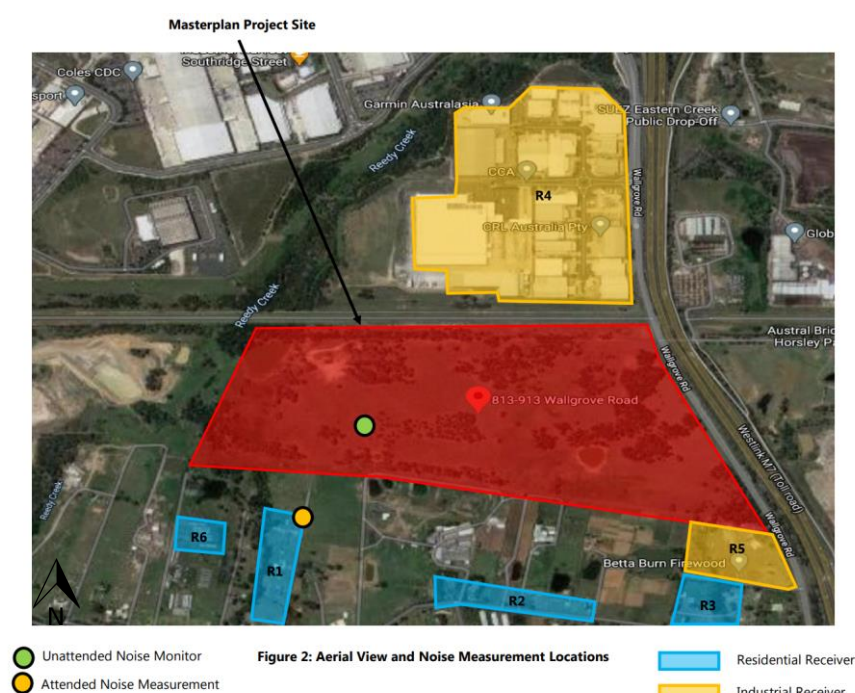


Figure 7 | Sensitive receivers identified in the NVIA

The NVIA established operational noise predictions from a worst-case hourly emission profile and identified the main operational noise sources to be heavy and light vehicle movements within the site and loading/unloading activities. In lieu of referencing the noise limits within the development consent which were established from the operational noise levels predicted for the original application, the NVIA re-established project noise trigger levels (PNTLs). These were re-established utilising measured background noise levels within the subject site in 2020 and the suburban amenity noise levels for residential receivers to assess operational noise impacts of the amended Concept Plan.

PNTLs and predicted noise levels at the residential receivers to the south of the site for the relevant day, evening and night assessment periods are presented in **Table 4**. The NVIA indicated the predicted worst-case time-averaged operational noise levels over a 15-minute period (denoted as $L_{Aeq(15min)}$) and the maximum noise levels (denoted as L_{Amax}) would comply with the PNTLs for all time periods considered.

Table 4 | PNTLs and predicted operational noise levels detailed in the NVIA

Time period	Descriptor	Existing consent noise limit	Project noise trigger level	Predicted noise level
Day	$L_{Aeq(15min)}$	50	44	≤ 38
Evening	$L_{Aeq(15min)}$	50	43	≤ 38
Night	$L_{Aeq(15min)}$	45	38	≤ 35
Night	L_{Amax}	63	58	55

The NVIA noted that compliance with PNTLs would be contingent on noise emission from mechanical plant being effectively insulated and a range of mitigation and management measures implemented. These measures include restricting heavy vehicle exhaust brakes and where practical, ensuring heavy vehicles are switched off once they have arrived at the loading dock and limiting the discharge of airbrake compressors. Additionally, warehouses along the southern boundary are required to be constructed with acoustically insulated roofs and walls. The construction of a 3 m high noise wall to the south of warehouse building 10 as part of the approved development (see **Figure 8**) is also required to mitigate operational noise of the amended Concept Plan.

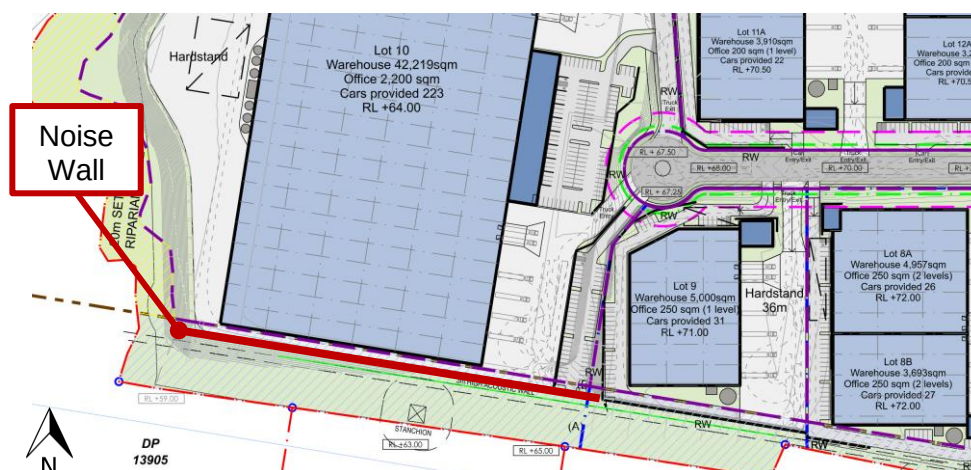


Figure 8 | Location of the Proposed Noise Wall to the south of warehouse building 10

Subject to implementing the abovementioned noise management and mitigation measures, the Applicant's NVIA concluded the noise impacts arising from the general operation of the warehouse facilities as amended would meet the PNTLs.

Submissions

One public objection raised concerns with the potential for an increase in traffic noise impacts on nearby residents resulting from the amended Concept Plan layout. In addition, the objection raised concerns with the potential for exceedance of noise limits should modelling inputs do not reflect actual operational scenarios.

The Department sought clarification from the Applicant regarding the unattended noise monitoring undertaken within the subject site (see **Figure 7**) as it appears to have been influenced by extraneous noise indicated by higher ambient and background noise levels during the night than the day. The NVIA shows the unattended noise monitoring location was not at the most-affected residential receivers rather was within the site. The Department thereby raised concern this was not likely to provide background noise levels that are representative at the most-affected residential receivers to appropriately derive intrusiveness and sleep disturbance noise criteria in accordance with the NPfI. Further, the Department found the NVIA to be unclear on how the reversing swept paths associated with the revised Concept Plan and the corresponding operational noise generating activities have been accurately modelled. The Department met with the Applicant to discuss these issues.

The Applicant submitted a Supplementary RtS responding to the Department's concerns. The Supplementary RtS included suggested amendments to Condition A13 of the SSD-5248 development consent, which provides operation noise limits for Concept Plan but did not include an updated NVIA.

Department's Assessment and Conclusion

The Department has carefully considered the Applicant's NVIA and the public objection, particularly given the proximity of existing residential receivers to the south of the site.

The Department acknowledges operational noise levels were predicted to comply with the re-established PNTLs which utilised measured background noise levels within the subject site in 2020. However, given the variability in the existing background noise levels recorded, the Department has recommended inserting a new condition (A13A) that requires the Applicant to undertake further noise monitoring before commencement of bulk earthworks to verify background noise levels. The Department has also recommended updating the noise limits for the Concept Plan in Condition A13 and the Stage 1 development in Condition C62 to the project amenity noise levels or intrusiveness noise levels, whichever is lower, in accordance with the NPfI.

To address the variability in operational noise modelling assumptions within the NVIA, the Department has recommended inserting a condition requiring the Applicant to conduct operational noise verification within three months of the commencement of operation of each warehouse building and within three months of the occupation of the warehouses by any new tenants for the life of the development. The noise verification is to determine the actual noise emission levels and confirm compliance with the amended noise limits. Should any unforeseen noise impacts be identified during the noise verification studies, the Applicant would be required to implement additional noise management actions to address exceedances of the noise limits, including potentially further refining warehouse layout. Notwithstanding, the Department notes that warehouse buildings in the remaining balance of the Concept Plan would be subject to detailed assessment as part of future development applications.

Further, condition A8(b) of the development consent prohibits locating loading docks along the southern elevation of any warehouse buildings that have a direct frontage to the southern boundary of the site. This is to ensure high noise generating activities including loading and unloading, trucks and forklifts movements would be away from the existing residents. Under the amended Concept Plan, warehouse building 7 loading docks are located along the southern site boundary. Accordingly, the Applicant would be required to refine detailed design of warehouse building 7 to achieve compliance with Condition A8(b). As such the Department considers the Applicant would have further opportunities to confirm detailed design of the future warehouse buildings to minimise their potential operational noise impacts.

The Department's assessment concludes that with the recommended conditions in place and implementation of the recommended mitigation measures, noise impacts from the modified Concept Plan would remain within what has been approved under SSD-5248.

6.2 Other Issues

The Department's assessment of other issues is provided in **Table 5**.

Table 5 | Assessment of Other Issues

Findings	Recommendations
Operational Traffic Impact and Access	
- The modification application includes an increase in the number of tenancies across the GIE from 16 to 20 and GFA from 211,550 m² to 218,735 m² which has the potential to generate additional traffic impacts. - The Applicant's Traffic Impact Assessment (TIA) predicted the modified Concept Plan would generate 541 hourly vehicle trips during AM peak and 397 hourly vehicle trips during PM peak, being a reduction by 59 trips and 203 trips from the approved Concept Plan. The TIA therefore concluded there would be no additional impacts on the local and regional road network, including key intersection (Wallgrove Road and future Southern Link Road) performance. The TIA also included swept path diagrams of heavy vehicles, including 26 m B-Doubles and 19 m semi-trailers, entering, exiting, and moving throughout the site. - Council raised concerns with the interim two-lane access arrangement to the site, which will be in place until construction of the four lane SLR and its capacity to accommodate traffic from the fully developed Concept Plan. Council also raised concerns with the ability for 26 metre B-Doubles to safely manoeuvre within the site and access loading dock areas, and to enter and exit the site. - Council recommended the Applicant to prepare and implement a Loading Management Plan to ensure sufficient manoeuvrability would be provided at loading and unloading areas of each warehouse building. - The Department notes the interim and ultimate access arrangements are not changing under the modification application and were previously assessed under the approved development with greater traffic	Not applicable

Findings

Recommendations

generation and found to provide a satisfactory level of service at the site access with Wallgrove Road. Considering the modification would reduce vehicle movements in both the AM and PM peak periods, the Department is satisfied any additional operational impacts on the key intersection and the local and regional road networks would be minimal.

- The Department acknowledges Council's concerns regarding manoeuvrability within the site and its request for a Loading Management Plan but considers these are matters for detailed consideration in the assessment of future development applications for the construction and operation of each warehouse. Furthermore, the Department again notes the modification would reduce vehicle movements and would not create additional impacts beyond what has been assessed and previously approved.
- The Department considers Council's requests for further swept path analysis could be addressed by existing condition C38(b) which requires the Applicant to ensure the swept path of the longest vehicle entering the exiting the site, as well as manoeuvrability through the site, is in accordance with relevant Austroads guidelines.
- The Department's assessment thereby concludes the modification would not result in additional traffic impacts and the existing conditions of consent could adequately manage and mitigate the traffic impacts of the amended Concept Plan.

Visual Impacts

- The modification application would alter the visual presentation of the development as it involves amending building layouts at the southern boundary of the site. Not applicable
- The Applicant's EA noted the modification would not increase the approved building pad levels and building heights and that the most visually prominent warehouse building 10 within the Stage 1 development would remain unchanged. The Applicant's assessment concluded the modification would therefore not cause significant visual impacts beyond what has been assessed and approved.
- The Department notes that the approved development includes a landscaped buffer zone along the southern boundary of proposed warehouse buildings 8, 9, and 10 to mitigate visual impacts while warehouse buildings 6 and 7 would not be visible due to an existing hill. Given the modification application will not alter approved building pad levels or building heights, any additional visual impacts from the amended layout are likely to be minimal.
- The Department carefully considered visual impacts in its assessment of the approved development and imposed conditions requiring the

Findings	Recommendations
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Applicant prepare a Landscape Management Plan (LMP) for the Stage 1 development as part of the Operational Environmental Management Plan (OEMP) to ensure ongoing maintenance of the landscaped buffer zone on the southern boundary.

- The Department notes that Condition B23 of the SSD-5248 development consent requires that development applications for future warehouses demonstrate compliance with the SSD-5248 approved urban design guideline which sets minimum boundary setbacks, building layouts and treatments. In addition, Condition C98 requires the Applicant provide additional landscaping to the south of the site if requested by receivers along the southern boundary. The additional landscaping would be located within the receiver's property and be an additional mitigation measure should the receiver deem it necessary.
- The Department's assessment concludes that while the proposed modification would alter the Concept Plan layout, the resultant visual impacts would be minimal given there is no increase in pad levels or building heights. The existing conditions ensure adequate screening would be in place to mitigate any additional visual impacts, while future warehouses will be subject to a detailed assessment against the approved urban design guideline. In addition, the existing conditions provide receivers the opportunity to request additional screening within their properties to further mitigate the potential visual impacts as required.

Flooding

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| <ul style="list-style-type: none"> • The western part of the site is located within the Ropes Creek catchment while the remainder is in a local catchment area. The site is identified as impacted by flood waters during a 100-year average recurrence interval (ARI) event. • The modification application would alter the layout of buildings across the GIE and increase the non-pervious areas. The modification therefore has the potential to change flooding impacts from the approved development. • The Applicant submitted a Flood Impact Assessment Addendum (FIAA) and a Supplementary FIAA which found the on- and off-site flooding impacts of the amended Concept Plan to be consistent with the approved development. Additionally, the FIAA noted the warehouse finished floor levels would remain above the 100-year ARI flood level and therefore the modification would not increase the risk of warehouses being inundated by flood waters. • The EES Group initially requested the Applicant undertake flood modelling of the amended Concept Plan however after reviewing the FIAA, the EES Group did not make further comments. | Not applicable |
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Findings	Recommendations
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- The Department notes that the Regional Hydraulic Modelling and Impact Report (RHMIR) for the approved development states that the approved Concept Plan would increase flood levels at areas along the western and southern boundaries of the site by up to 4 centimetres (cm) during 100-year ARI flood flooding event. - The Department has reviewed the FIAA and is satisfied with the Applicant's conclusion that any additional flooding impacts resulting from the amended Concept Plan would be minimal. The Department notes that Condition C51 in the SSD-5248 development consent that requires the Applicant to ensure all floor levels be no lower than the 100-year ARI flood level plus 500 mm of freeboard would ensure the development would not be inundated under the worst-case flooding scenario. - The Department's assessment concludes the flood impacts associated with the amended concept plan are minimal and manageable subject to the implementation of existing conditions of consent.	
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Construction Air Quality Impact

- The modification application includes undertaking sitewide bulk earthworks as part of the Stage 1 development. This has the potential to increase the dust emissions from the site during construction. - The Applicant's EA noted that construction air quality impact would be temporary and that the existing conditions of consent required the implementation of a Construction Air Quality Management Plan (CAQMP) to minimise dust emissions during earthworks. The Applicant concluded that compliance with the existing conditions would be sufficient to minimise and manage air quality impacts during bulk earthworks and construction. - The Department requested further assessment of construction impacts and the Applicant submitted an Air Quality Impact Assessment (AQIA) in the RRFI which assessed air quality impacts during the Stage 1 construction in accordance with the <i>Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales</i> (EPA, 2017). - The AQIA considered risks associated with fugitive dust deposition and health effects during bulk earthworks on existing residences to the south and industrial receivers to the north and south of the site. The AQIA found that without mitigation measures in place, the Stage 1 construction would impose low and medium risks upon residential and commercial receivers respectively. With mitigation measures including erection of screens around dusty activities and stockpiles, covering stockpiles to prevent wind erosion, ensuring an adequate water supply on site during construction, and application of dust suppression such as water sprays	Not applicable
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Findings

Recommendations

in place, the AQIA predicted that the risks would be reduced to negligible for residential receivers and low for industrial receivers.

- The Department notes that air quality impacts during sitewide bulk earthworks would be temporary in nature, with these works taking approximately 9 months to complete, rather than being undertaken in a staged manner over a longer period. The Department acknowledges the Applicant's assessment has found the potential impacts to receivers to be negligible to low risk subject to mitigation measures. Furthermore, the Department notes the modification application would achieve an improved balance of cut and fill as a result of the revised Concept Plan layout thereby reducing the total extent of earthworks across the site.
- The Department's assessment concludes, with the implementation of a CAQMP to ensure best practice air quality management techniques, air quality impacts could be adequately minimised and mitigated.

Construction Noise Impact

- The modification application includes undertaking sitewide bulk earthworks as part of the Stage 1 development. This has the potential to increase noise impacts on sensitive receivers during construction. Not applicable
- The Department notes the existing Conditions C57 and C59 require construction works to comply with construction noise management levels detailed in the EPA's *Interim Construction Noise Guidelines* and restrict construction works within standard construction hours (7 am to 6 pm Monday to Friday and 8 am to 1 pm on Saturday). The exception is where construction works are inaudible at the nearest sensitive receivers, for the delivery of materials required by authorities for safety reasons, or where construction is required in an emergency.
- Prior to the commencement of construction, Condition C60 requires the Applicant to prepare a Construction Noise and Vibration Management Plan (CNVMP) describing procedures on how noise management levels would be achieved and how noise complaints would be dealt with.
- Accordingly, the Department is satisfied that the implementation of best-practice construction noise and vibration management strategies to address requirements set out in the existing conditions of consent would ensure construction noise is approximately managed and minimised.

Construction Traffic Impact

- The modification would include carrying out bulk earthworks across the entire site during the Stage 1 development which has the potential to increase construction traffic and have additional traffic impacts. Not applicable

Findings

Recommendations

- The Applicant's RRFI states the modified Stage 1 development would be constructed over approximately 22 months, including 12 months for the construction of the proposed SLR/ Wallgrove Road, during which earthworks would be undertaken concurrently over a 9 months period followed by other civil works and the construction of the warehouse building 10 for an 13 months.
- The construction would be carried out during the standard construction hours being 7 am to 6 pm, Monday to Friday and 8 am to 1 pm on Saturdays. No works would be undertaken on Sundays and public holidays.
- The Applicant submitted a Supplementary TIA which provided an assessment of the amended Stage 1 development construction traffic on the surrounding road network. The supplementary TIA found the amended Stage 1 development would generate a total of 100 daily vehicle movements, including 40 light vehicle movements and 60 heavy vehicle movements during construction, which is a reduction of 14 daily light vehicle movements compared with the approved development. There is no change to daily heavy vehicle movements as a result of the proposed modification.
- Given the modification would reduce the total daily construction vehicle movements for the Stage 1 development by 14, the Supplementary TIA concludes the modification would not cause additional traffic impacts beyond what has been approved.
- The Supplementary TIA noted the proposed construction haul routes would remain as approved, being the M7 Motorway and Wallgrove Road via M7/Old Wallgrove Road interchange.
- The Applicant advised that the proposed SLR/ Wallgrove Road intersection construction site would be larger than the actual intersection so that construction vehicles associated with the bulk earthworks could access the site via the proposed intersection without interfering with the intersection works. Construction vehicles would access site via the signalised intersection upon its completion.
- During construction, left in and left out access on Wallgrove Road would be in place to ensure safe and efficient operation of Wallgrove Road.
- The Department considers that the modification would reduce the total daily construction traffic and therefore it would not cause additional impacts on the safety and efficiency of the surrounding road network. Key intersection performance would also not be reduced.
- The Applicant is required to prepare and implement a Construction Traffic Management Plan (CTMP) to ensure interim access is provided, haul routes avoid residential areas, and construction vehicles have allocated areas to park on site to avoid queuing on Wallgrove Road.

Findings	Recommendations
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The Department's assessment concludes the modification would not have additional construction traffic impacts beyond that of approved under SSD-5248 and impacts can be managed via the existing conditions of consent.	
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Parking Provision

- The TIA calculated a parking requirement of 984 car parking spaces (including 19 accessible spaces), based on the approved parking rate under Condition B5 of SSD-5248 development consent. - The modification application proposes 1,203 spaces (including 37 accessible spaces) which is above the minimum requirement. - Council and TfNSW made no specific comments on car parking. - The Department considers parking is to be provided in accordance with the SSD-5248 approved rates and therefore concludes that there is sufficient parking proposed.	Not applicable
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7 Evaluation

The Department has reviewed the EA, RtS, RRFI, and all submissions, taking into consideration the relevant matters under section 4.15 of the EP&A Act and the objectives of the EP&A Act.

The Applicant is proposing to modify the SSD-5248 development consent to amend the Concept Plan including a revised layout with 14 warehouse buildings, an increase of gross floor area from 211,550 m² to 218,000 m², and to carry out earthworks and civil infrastructure works across the entire site as part of the Stage 1 development.

The Department exhibited the modification and received three public submissions including one objection and advice from Council, Blacktown City Council, and seven State government authorities. The public objection raised matters relating to noise impacts.

The Department's assessment considered operational noise impacts to be the key matter for consideration. The Department has recommended imposing new conditions to address the variability issue of the recorded background noise levels, including undertaking noise monitoring to verify the claimed background noise levels prior to commencement of earthworks and carrying out operational noise verification to determine the actual noise emission levels and confirm compliance with the amended noise limits. The Department recognises that the proposed loading docks for warehouse building 7 are located along the southern elevation which has potential to generate operational noise impacts on receivers to the south. However, the Department notes that condition A8(b) of the development consent stipulates that no loading docks or delivery bays are permitted along the southern elevation of any warehouse buildings that have a direct frontage to the southern site boundary. The Applicant is therefore required to amend the layout of warehouse building 7 to comply with condition A8(b) to mitigate this.

The Department's assessment concludes the modification is appropriate on the basis that it would:

- not cause additional noise impacts beyond the approved Concept Plan subject to implementation of a range of mitigation measures
- fulfil the employment-generating role of the WESA and provide economic benefits for the local community by providing jobs
- meet the strong market demands for industrial and warehousing facilities
- not significantly increase the environmental impacts of the development beyond those assessed under the original development application.

Consequently, the Department is satisfied that the modification application should be approved, subject to the recommended revised conditions of consent.

8 Recommendation

It is recommended that the Acting Executive Director, Energy and Resource Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report;
- **determines** that the application SSD-5248-MOD-1 falls within the scope of section 4.55(2) of the EP&A Act;
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification;
- **agrees** with the key reasons for approval listed in the draft notice of decision;
- **modify** the consent SSD-5248; and
- **signs** the attached approval of the modification (**Appendix D**).

Recommended by:



14/12/2021

Bruce Zhang

Senior Environmental Assessment Officer
Industry Assessments

Recommended by:



14/12/2021

William Hodgkinson

Team Leader
Industry Assessments

9 Determination

The recommendation is **Adopted** by:



23/12/2021

Chris Ritchie

Director

Industry Assessments

as delegate of the Minister for Planning and Public Spaces

Appendices

Appendix A – List of referenced documents

The Department has considered:

- Environmental Assessment, 813-913 Wallgrove Road, Horsley Park, State Significant Development 5248 – Modification 1, prepared by Ethos Urban, dated 12 April 2021
- Response to Submissions Report, 813-913 Wallgrove Road, Horsley Park, State Significant Development 5248 – Modification 1, prepared by Ethos Urban, dated 8 June 2021
- Supplementary Response to Submissions Report, in response to queries raised by Fairfield City Council and the Department, prepared by Ethos Urban, dated 11 August 2021
- advice received from Fairfield City Council, Blacktown City Council, and relevant State government agencies
- submissions received from the public.

These documents may be viewed on the Department's website at <https://www.planningportal.nsw.gov.au/major-projects/project/41081>

The Department has also considered:

- the existing conditions of consent
- documents supporting the original development
- relevant environmental planning instruments, policies, and guidelines
- relevant requirements of the *Environmental Planning and Assessment Act 1979* (NSW).

Appendix B – Submissions

In accordance with clause 10 of Schedule 1 to the EP&A Act and clause 118 of the Environmental Planning and Assessment Regulation 2000, the Department exhibited the application for 14 days from Thursday 29 April 2021 to Wednesday 12 May 2021 on the Department's website.

During the exhibition period, the Department received three public submissions including one objection and two supports. These submissions may be viewed on the Department's website at <https://www.planningportal.nsw.gov.au/major-projects/project/41081>

Appendix C – Community views for draft notice of decision

Issue	Consideration
Operational Noise Impacts - the increase in traffic and truck noise impacts of the Concept Plan on the acoustic amenity of nearby residents - the predicted operational noise levels are barely compliant with noise criteria and noise impacts may become unacceptable if modelling assumptions do not reflect reality.	The Department has carefully considered the Applicant's Noise and Vibration Impact Assessment (NVIA), the predicted noise emission levels generated by the amended Concept Plan, and the public objection. The Department has also met with the Applicant to discuss the operational noise impacts of the revised Concept Plan. The Department has recommended updating the noise limits for the Concept Plan in Condition A13 and the Stage 1 development in Condition C62 of SSD-5248 development consent. The update reflects a set of performance-based noise limits at five noise monitoring locations on the site's boundary and one noise monitoring location at the nearest residence. The limits are consistent with the Applicant's predicted noise levels at each monitoring location shown on the noise contours in the NVIA.

Appendix D – Notice of Modification

The modification instrument may be found on the Department's website at <https://www.planningportal.nsw.gov.au/major-projects/project/41081>