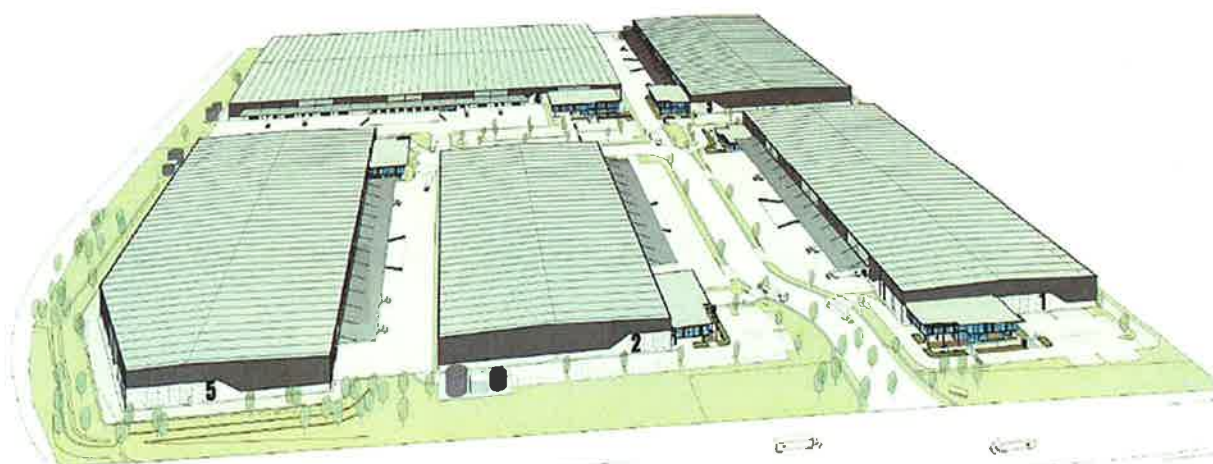




**Planning &
Environment**

**ENVIRONMENTAL ASSESSMENT REPORT
60 WALLGROVE RD, EASTERN CREEK
(MP09_0099 MOD 4 & SSD 6962)**



Secretary's
Environmental Assessment Report

Section 89E of the *Environmental Planning and
Assessment Act 1979*

January 2016

Cover Photo: Envisaged warehouse development
Source: *EIS 2015 SBA Architects*

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Published January 2016
NSW Department of Planning and Environment
www.planning.nsw.gov.au

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ABBREVIATIONS AND DEFINITIONS

Act, the	<i>Environmental Planning and Assessment Act, 1979.</i>
Applicant	Mirvac Pty Ltd
AS	Australian Standard
BCA	Building Code of Australia
CIV	Capital Investment Value
CEMP	Construction Environmental Management Plan
Construction	The demolition of buildings or works, carrying out of works, including erection of buildings and other infrastructure covered by this consent
Council	Blacktown City Council
Dangerous Goods	As defined by the Australian Dangerous Goods Code 7th Edition (Australian Government, 2010)
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning and Environment
Development	The Development as described in the EIS and RTS and approved by this Development consent for the redevelopment of the site for an industrial, transport and logistics operations facility at Eastern Creek
EIS	Environmental Impact Statement titled " <i>60 Wallgrove Road, Eastern Creek, Calibre Eastern Creek (formally Minchinbury Employment Park)</i> ", dated July 2015 and prepared by JBA Urban Planning Consultants
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
GFA	Gross Floor Area
MEP	Minchinbury Employment Park
Minister	Minister for Planning
PEA	Preliminary Environmental Assessment
RMS	Roads and Maritime Services
RTS	Response to Submissions, dated 9 October 2015 and prepared by Mirvac.
Secretary	Secretary of the Department of Planning & Environment
SEARs	Secretary's Environmental Assessment Requirements
SRD SEPP	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>
TfNSW	Transport for NSW
UDG	Urban Design Guidelines
WSEA	Western Sydney Employment Area

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EXECUTIVE SUMMARY

Mirvac (the Applicant), is seeking development consent for the redevelopment of its site at 60 Wallgrove Road, Eastern Creek for industrial, transport and logistics operations. The development is referred to as Calibre Eastern Creek and will have a combined gross floor area (GFA) of approximately 123,865 square metres (m²), in the Blacktown local government area. The site is also strategically located within the Western Sydney Employment Area (WSEA), which permits the development of the site as an industrial business park.

The site is also the subject of a Part 3A Concept Plan approval (MP 09_0099), which has been modified on three occasions. The Concept Plan, as modified, currently identifies building envelopes (three) and the approved road configuration for the site and requires future development to comply with the approved Urban Design Guidelines.

As clause 3B(d) of Schedule 6A of the *Environmental Planning and Assessment Act 1979* (EP&A Act) restricts a consent authority from determining a development application unless it is satisfied that the proposed development is generally consistent with the terms of an approved Concept Plan, the Applicant is also seeking concurrent approval to modify the Concept Plan to increase the number of building envelopes from three to five, and alter the approved road configuration and Urban Design Guidelines to reflect the development proposed under the SSD application.

The application will facilitate the construction of five standalone warehouse and distribution centres for its proposed future use for warehousing, distribution, light industry, high technology uses, freight logistic facilities, and associated administrative/office premises. It will also provide for the demolition of the existing Eastern Creek Quarantine Facility, bulk earthworks, construction of internal roads, estate landscaping and site services and infrastructure. The site will operate 24-hours-per-day, seven-days-per-week.

The proposal has a capital investment value (CIV) of \$51.3 million. It will generate approximately 300 jobs during construction and 700 full-time equivalent jobs during operation.

The proposal is classified as State significant development (SSD) under Part 4 of the EP&A Act as it involves the construction of a warehouse and distribution centre with a CIV in excess of \$50 million, at one location and related to the same operation. This satisfies the requirements of clause 12, Schedule 1 of *State Environmental Planning Policy (State and Regional Development) 2011* (the SRD SEPP). Consequently, the Minister for Planning is the consent authority for the proposal.

The Department exhibited the Environmental Impact Statement (EIS) for the applications from 5 August 2015 to 7 September 2015. A total of 10 submissions were received, including a submission from Blacktown City Council and nine submissions from public authorities. No submissions from the general public were received.

None of the Council or public authorities objected to the application, though a number of issues were raised and recommendations provided in relation to urban design, landscaping and visual impacts, traffic and access, heritage and drainage.

The Applicant prepared a Response to Submissions (RTS) report to address the issues raised in the submissions. The RTS provided responses to government agency comments and a more detailed response to each issue raised within Council's submission and the Department's correspondence. No amendments to the proposed development were proposed by the Applicant within its RTS.

The Department has assessed the application and has concluded that the key issues for assessment are consistency with the Minchinbury Employment Park (MEP) Concept Plan, built form and urban design, traffic and access and noise. Other issues requiring assessment include soil and water management, waste, signage and heritage.

The Department has carefully considered the potential impacts of the proposed development and has concluded that the application will facilitate the creation of an integrated industrial estate with flexible floor plates to service a wide range of end users, as well as new employment opportunities in Western Sydney. Further, the proposal is consistent with the aims and objectives of *NSW 2021, A Plan for Growing Sydney*, and the development controls of the MEP Concept Plan.

Any impacts from the proposal can be managed to an acceptable standard subject to the recommended conditions of consent, which require the Applicant to mitigate and/or manage the impacts to ensure an acceptable level of environmental performance. Consequently, the Department has concluded that the proposal is in the public interest and should be approved, subject to conditions.

1. BACKGROUND

1.1. Proposed Development

Mirvac (the Applicant), is seeking development consent to redevelop the Eastern Creek Quarantine Facility for warehouse and distribution, light industry, high technology, freight and logistic uses at 60 Wallgrove Road, Eastern Creek, in the Blacktown local government area.

The SSD application (SSD 6962) proposed comprises five warehouse buildings including ancillary office facilities with a total gross floor area (GFA) of 123,865 m², associated site preparatory works consisting of demolition, bulk earthworks and vegetation clearance, construction of an internal road, site services and infrastructure, and subdivision and dedication of a parcel of land to Council as a public road. The proposed hours of operation are 24-hours-per-day, seven-days-per-week.

As clause 3B(d) of Schedule 6A of the *Environmental Planning and Assessment Act 1979* (EP&A Act) restricts a consent authority from determining a development application unless it is satisfied that the proposed development is generally consistent with the terms of an approved Concept Plan, the Applicant is also seeking concurrent approval to modify the Concept Plan to increase the number of building envelopes from three to five, and alter the approved road configuration and Urban Design Guidelines to reflect the development proposed under the SSD application.

1.2. Site and Site Context

The site is legally described as Lot 1 in Deposited Plan 1040948 and is located in the suburb of Eastern Creek in the Blacktown local government area and has frontages to Wallgrove Rd and M4 Motorway. The site is around 21.8 hectares (ha) in area and is located 35 kilometres (km) west of the Sydney central business district (CBD) and 6 km southwest of the Blacktown CBD.

The site is located in 'Precinct 9 – Quarantine Station' in the Western Sydney Employment Area (WSEA) and is zoned IN1 General Industrial under the WSEA SEPP. Development for the purposes of freight transport facilities, industrial retail outlets and training facilities, industries, neighbourhood shops, roads, service stations, transport and truck depots, warehouse and distribution centres are permitted with consent.

The site is currently leased by the Commonwealth Government and occupied by the Eastern Creek Quarantine Facility, providing post entry quarantine services for animals and high risk plant species entering the country from overseas.

Land uses surrounding the site include:

- Pinegrove Memorial Park, Cemetery and Crematorium (Pinegrove Cemetery) to the north and west,
- the M4 Motorway to the south;
- Wallgrove Road, the M7 Motorway and Western Sydney Parklands to the east;
- Huntingtonwood West Industrial Park, further to the west; and
- Eastern Creek Business Park, further to the south.

The closest residential receiver is located in the suburb of Minchinbury approximately 260 m to the north of the site.

The site's regional and local context is depicted in **Figures 1 and 2**.



Figure 1: Regional Context (Source: <http://maps.au.nearmap.com/>)



Figure 2: Subject Site and Surrounding Development (Source: <http://maps.au.nearmap.com/>)

1.3. Other Approvals

MEP Concept Plan (MP 09_0099)

On 29 June 2010, the then Deputy Director-General (as delegate of the then Minister for Planning) approved a Concept Plan application under Part 3A of the EP&A Act to establish the MEP. The approved Concept Plan allowed:

- bulk earthworks and subdivision of the land into 25 lots to create a regional warehouse distribution park, distributions centres, light industry, office premises, high technology uses, freight logistic facilities and associated infrastructure works;
- 4,000 m² to 10,000 m² lots;
- lots comprising a minimum frontage of 45 m, maximum development site coverage of 65 per cent and development heights of 15 m to 20 m and internal site access road reserve width of 23 m;
- two stormwater detention basins;
- a western detention basin generally where located on the Concept Masterplan;
- 10 m minimum landscaped setbacks, with 20 m to Wallgrove Road and M4 boundaries;
- 24 hour operations, seven-days-per-week; and
- provision for essential services to the site, including signalisation of the site access intersection with Wallgrove Road.

Since then, the MEP Concept Plan has been modified three times to permit:

- amendments to the planning agreement for road works (MOD 1);
- an extension of the consent lapse date from 29 June 2015 to 31 October 2016 (MOD 2); and

- a reduction in the number of lots from 25 to 3, modifications to the internal road layout and a reduction to the minimum internal road setbacks from 10 m to 2 to 4 m, an increase in the total GFA from 95,800 m² up a maximum of 119,210 m², replacement of the western detention basin with an underground on-site detention basin and modifications to the statement of commitments (MOD 3).

The approved MEP Concept Plan layout (as modified by MP 09_0099 MOD 3) is depicted in **Figure 3** below.

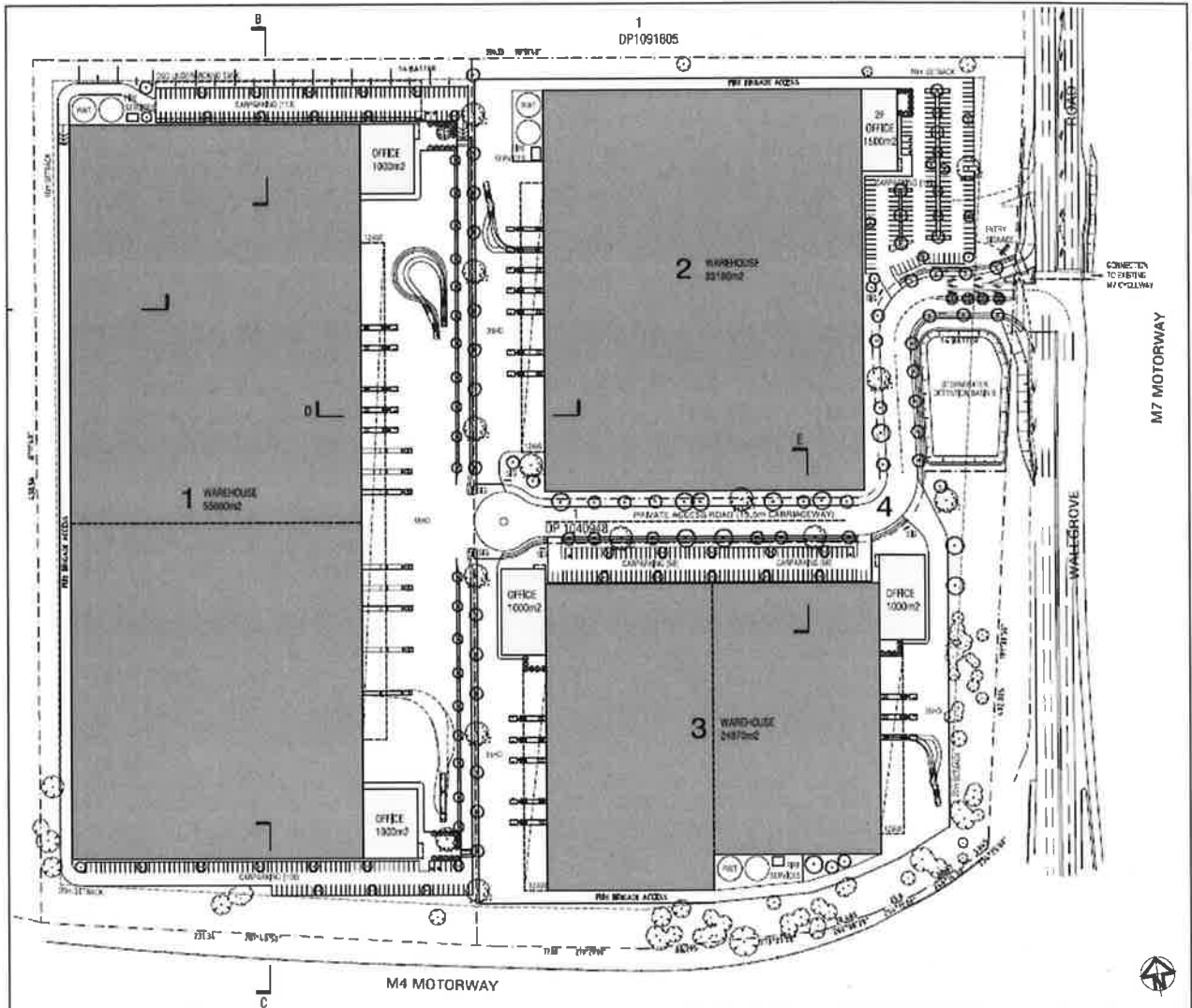


Figure 3: Approved MEP Concept Plan (MP 09_0099, as modified)

Development Application (DA 13-683)

On 26 August 2013, development consent was granted by Blacktown City Council for Stage 1 infrastructure works, pursuant to the development approved under the Concept Plan approval. The approved works included off-site utilities and lead-in infrastructure works as well as the construction of the site access intersection with Wallgrove Road and associated road works.

To date, no works associated with Council's DA consent have commenced.

2. PROPOSED DEVELOPMENT

2.1. Development Summary

MP 09_0099 MOD 4 Minchinbury Employment Park

The modification request seeks approval to modify the MEP Concept Plan to:

- increase the number of warehouse lots from three to five (see **Figure 3**);
- redesign the internal road system to accommodate the proposed building layout;
- relocate the detention basins to reflect the proposed lot and internal road layout;
- revise the site landscaping; and
- add a new term of approval to permit a variation in building footprints and layouts (including the total number of buildings), subject to written approval by the secretary.

SSD 6962 Calibre Eastern Creek

The SSD application seeks approval for the redevelopment of the site for warehouse and distribution, light industry, technology, freight and logistic and office uses, and will be known as Calibre Eastern Creek. The redevelopment of the site will comprise of the following:

- demolition of all existing structures (i.e. Eastern Creek Quarantine Facility);
- vegetation clearance;
- bulk earthworks and construction of retaining walls;
- subdivision and dedication of a 961m² parcel of land to Blacktown City Council as a public road for the site access intersection works;
- construction of five warehouse buildings totalling 123,865 m² of GFA, including offices and parking facilities for each building, with the flexibility to be split into multiple tenancies;
- construction of reticulated site services and infrastructure, including on-site stormwater detention structures;
- construction of internal roads to accommodate both heavy and light vehicles;
- construction of lead-in services approved separately by Council under DA 13-683, including electricity, sewer and potable water; and
- 24 hour operations, seven-days-per-week.

The key development components are detailed in **Table 1** and **Figures 4 to 8**.

Table 1: Key Development Components

Aspect	Description
Development Summary	Redevelopment and operation of the Calibre Eastern Creek Estate, including • demolition of existing buildings and structures; • construction of five warehouses comprising 123,865 m²; • construction of ancillary office and amenities; and • landscaping.
Proposed Use	• warehouse and distribution centres, light industry, high technology uses, freight and logistic facilities, and associated administrative/office premises; and • ability for buildings to be split into multiple tenancies.
Subdivision	• subdivision and dedication of a 961 m² portion of the site to Blacktown City Council for the site intersection works.
Site Preparation Works	• demolition and removal of existing buildings and structures, including detention basins, at-grade car parking, roads and clearance of all vegetation on the site; • bulk earthworks, comprising approximately 221,800 m³ of cut, approximately 229,800 m³ of fill and a balance of 8,000 m³ (with additional fill to comprise of imported VENM); and • batter works and construction of retaining walls around the perimeter of the site ranging in height between 0.5 m to 4.5 m.
Facility Description	Construction of five warehouse buildings, with a maximum height of 13.7 m and total GFA of approximately 123,865 m ² , including 5,930 m ² of ancillary office GFA, as follows: • <u>Warehouse 1</u> – 18,020 m² of warehouse GFA and 1,305 m² of office GFA; – provision of 17 loading docks, including six recessed docks; and – provision of 90 car parking spaces. • <u>Warehouse 2</u> – 16,065 m² of warehouse GFA and 915 m² of office GFA;

Aspect	Description
	- provision of 10 loading docks, including four recessed docks; and - provision of 65 car parking spaces. • <u>Warehouse 3</u> - 21,615 m² of warehouse GFA and 1,020 m² of office GFA; - provision of 12 loading docks, including four recessed docks; and - provision of 85 car parking spaces. • <u>Warehouse 4</u> - 40,660 m² of warehouse GFA and 1,540 m² of office GFA; - provision of 18 loading docks, including eight recessed docks; and - provision of 142 car parking spaces. • <u>Warehouse 5</u> - 21,575 m² of warehouse GFA and 1,150 m² of office GFA; - provision of 13 loading docks, including four recessed docks; and - provision 89 car parking spaces.
Access and Roads	• construction of a new 15.5 m dual carriageway internal access road from the signalised intersection on Wallgrove Road; • provision of a cul-de-sac head, accommodating vehicles up to 25 m in length and provision of hardstand areas in front of each warehouse building; and • ancillary external works including the construction of bus stops on Wallgrove Road and construction of a shared path across Wallgrove Road to connect with the existing M7 Motorway share path.
Signage	• construction of site entry signage, consisting of two entry statements (8.9 m wide x 3 m high) and a single estate identification totem sign (4 m wide x 12 m high); • construction of internal way finding signage, consisting of totem signs (1 m wide x 3 m high) installed in the internal access road reserve; and • provision for warehouse business identification and numbering.
Stormwater and Drainage	• construction of on-lot and internal estate stormwater drainage infrastructure, including a 3,450 m³ underground on-site detention (OSD) tank servicing the western catchment and a 3,000 m³ landscaped detention basin servicing the eastern catchment; and • rainwater harvesting to meet or exceed targeted 70 per cent non-potable water consumption.
Infrastructure and Services	• connection to existing services located adjacent to, or near the site, in accordance with the requirements of service providers; and • reticulation of internal site services including potable water, sewer, electricity, communications, and gas.
Landscaping	• native landscaping within the site, comprising buffer planting along the M4 Motorway and Wallgrove Road, stormwater basin and swale landscaping, verge and car park shade planting, feature entrance and mature screen planting along site boundaries.
Staging	• construction is likely to commence with Warehouse buildings 1 and 2, followed by construction of Warehouses 3, 4 and 5 with the extension of the internal road to the south-west.
Hours of Operation	• 24-hours-per-day, seven-days-per-week.
Capital Investment Value	• \$51.3 million
Employment	• 300 full-time equivalent construction jobs; and • 700 full-time equivalent operational jobs.

2.2. Need and Justification

The proposed development will facilitate the redevelopment of Precinct 9 of the WSEA SEPP for the purposes of an industrial park and will be generally consistent with the Concept Plan, subject to the approval of the proposed modifications to the Concept Plan to permit the amended building layout and number of lots.

The proposed warehousing, transport and logistic uses will also capitalises on the site's close proximity to the adjacent regional road network and assist in the development of new industrial facilities that will provide employment opportunities in Western Sydney, consistent with the goals, directions and actions outlined in *A Plan for Growing Sydney*. Further assessment of the strategic justification for the project is discussed in **Section 3.1** of this report.

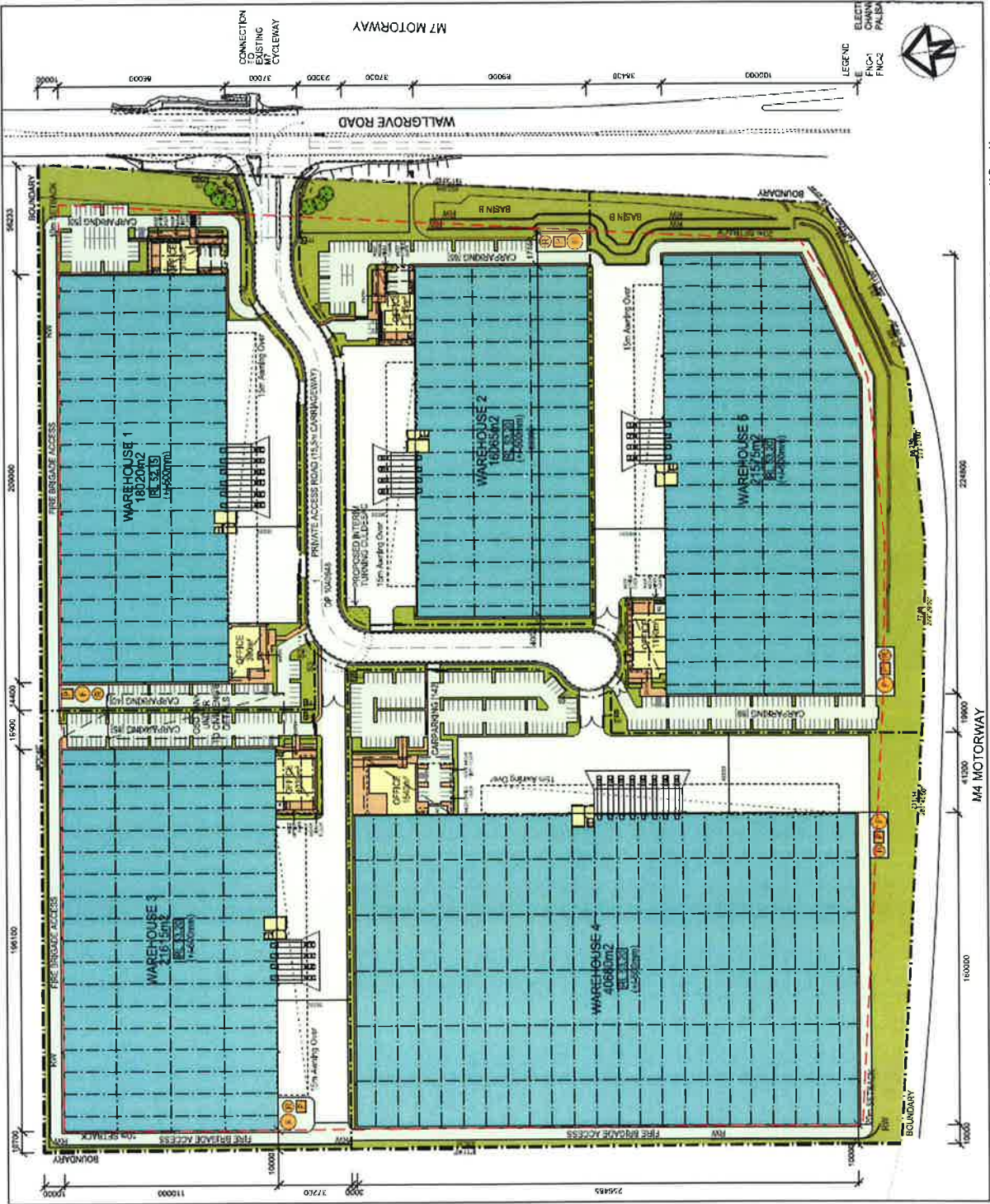


Figure 4: Calibre Eastern Creek Layout / Proposed MEP Concept Plan Layout (MP 09_0099, as modified)

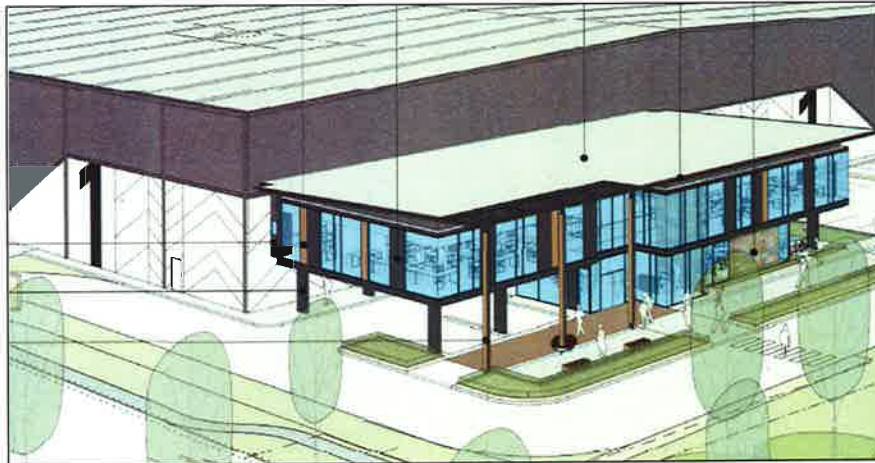


Figure 5: Warehouse 1 Office Aerial View



Figure 7: Warehouse 2 Office North West View



Figure 6: Warehouse 1 Aerial View

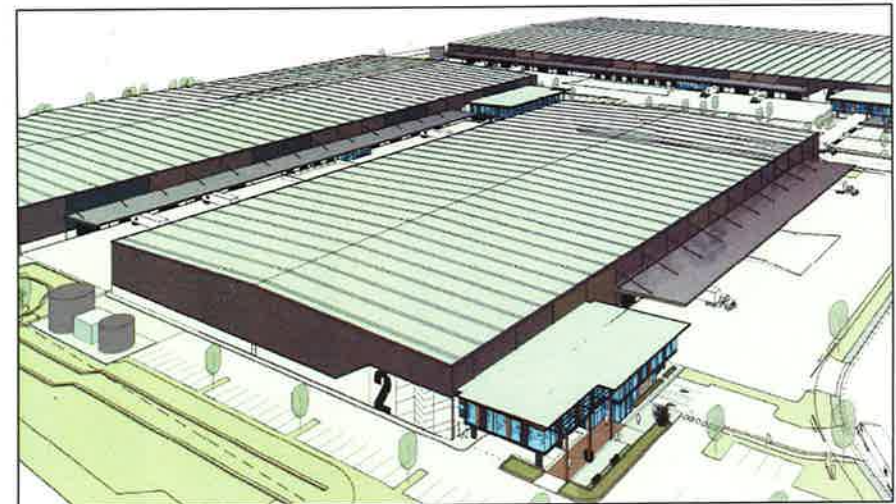


Figure 8: Warehouse 2, 4 and 5 Aerial View

3. STRATEGIC AND STATUTORY CONTEXT

3.1. Strategic Context

The NSW Government's main priority in *NSW 2021* is to restore economic growth by improving the performance of the economy to deliver jobs, opportunities and increased prosperity to the State (Goal 1) through a number of specific targets. These targets include increasing business investment and economic output and ensuring that employment growth continues at a steady state and is shared by all of the community.

The construction and operation of the proposed development will assist in achieving the targets outlined in *NSW 2021* by facilitating the investment of \$51.3 million in Western Sydney which will have flow on economic benefits via the creation of 300 construction jobs and 700 operational jobs.

The proposed development also strongly correlates with *A Plan for Growing Sydney (2014)*, which aims to encourage growth and maintain a strong employment focus in specialised precincts, which includes the Eastern Creek precinct of the WSEA.

The Department considers that the proposal achieves the aims of the main priorities in *NSW 2021* by:

- creating 300 construction and 700 operational jobs, consistent with the objectives of *NSW 2021*; and
- the goals, directions and actions (Direction 1.4) outlined in *A Plan for Growing Sydney (2014)*, as it will:
 - assist with the transformation of Western Sydney by providing growth and investment in an identified industrial precinct with high levels of accessibility to the regional road network, and existing and planned public transport and cycle infrastructure; and
 - provide additional employment opportunities within close proximity to existing residential developments in Western Sydney.

3.2. Section 75W

Part 3A of the EP&A Act, as in force immediately before its repeal on 1 October 2011, and as modified by schedule 6A to the EP&A Act, continues to apply to section 75W modification requests to Part 3A projects. The modification request has been lodged with the Secretary pursuant to section 75W of the EP&A Act. The Minister's approval is not required if the project, as modified, remains consistent with the original approval. As the application seeks to modify the approved number of buildings, site layout and internal road layout and stormwater drainage design, the Minister's approval is required.

The proposed changes constitute a modification, are within the scope of section 75W of the EP&A Act, and do not constitute a new application. Therefore, the Minister (or delegate) has the ability to determine the modification application.

Consequently, this report has been prepared in accordance with the requirements of Part 3A of the EP&A Act and the Environmental Planning and Assessment Regulation 2000. The Minister (or delegate) may approve or disapprove of the modification of the Concept Plan under section 75W of the EP&A Act.

3.3. State Significant Development

The proposal is a State significant development pursuant to section 89C of the EP&A Act because it involves development with a CIV of more than \$50 million for the purpose of a warehouse and distribution centre at one location. As such, the proposal satisfies the criteria in clause 12 of Schedule 1 of *State Environmental Planning Policy (State and Regional Development) 2011*. Therefore, the Minister for Planning is the consent authority for the development.

3.4. Consent Authority

On 16 February 2015, the then Minister for Planning delegated the function to determine SSD applications to the executive directors, who report to the Deputy-Secretary Planning Services where:

- the relevant local council has not made an objection;
- there are less than 25 public submissions in the nature of objections; and
- a political disclosure statement has not been made.

Under the Ministerial delegation dated 16 February 2015, the A/Executive Director, Key Sites and Industry Assessments may determine the SSD application as the Council did not object, there were no political donation disclosures, and there were less than 25 public submissions of objection.

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

The site is located within Precinct 9 (Quarantine Station of the WSEA) and is zoned IN1 'General Industrial' under the WSEA SEPP. Development for the purpose of a warehouse and distribution centre is permissible with consent. Clause 18 of the SEPP also requires a development control plan (DCP) to be prepared for the site prior to consent being granted, unless the Secretary has determined in writing that a DCP for the site is not required.

Clause 29 of WSEA SEPP also requires that the consent authority must not grant development consent to the proposed development unless the Secretary has notified in writing that satisfactory arrangements have been made to contribute to these infrastructure requirements. In this regard, the approved Concept Plan included Term of Approval 7 that requires the Applicant enter into a Planning Agreement with the Minister for Planning to contribute towards the provision of regional road infrastructure.

Accordingly, the applicant made an offer to enter into a Planning Agreement with the Minister for Planning and prepared a draft Planning Agreement to this effect, detailing the payment of a Special Infrastructure Contribution of \$182,989 net development ha, providing a total contribution of up to approximately \$2 million. Subsequent to the Applicant's offer, the Department's Chief Financial and Operating Officer, as delegate for the Secretary, certified in writing on 7 December 2015 that satisfactory arrangements have been made.

3.6. Permissibility

The site is located within 'Precinct 9 – Quarantine Station' and zoned IN1 General Industrial under the WSEA SEPP. Development for the purposes of freight transport facilities, industrial retail outlets and training facilities, industries, neighbourhood shops, roads, service stations, transport and truck depots, warehouse and distribution centres is permitted with consent.

The proposed Calibre Eastern Creek development seeks approval for the development of the site for the purposes of warehouse and distribution centres, light industry, high technology uses, freight logistics facilities and associated administrative/office premises. The proposed uses of the site are permissible with consent under the WSEA SEPP.

3.7. Considerations under Section 79C of the EP&A Act

Under section 79C of the EP&A Act, a consent authority is required to take a number of matters into consideration. The Department has duly considered the prescribed matters.

The Department's detailed consideration of the development against the provisions of section 79C of the EP&A Act is provided at **Appendix B**. In summary, the Department is satisfied that the proposed development is consistent with section 79C of the EP&A Act.

3.8. Environmental Planning Instruments

The following State Environmental Planning Policies (SEPP) were considered in the assessment of the proposed development:

The Department has assessed the proposed development against the relevant provisions of the following EPIs:

- *State Environmental Planning Policy (State and Regional Development) 2011;*
- *State Environmental Planning Policy (Western Sydney Employment Area) 2009;*
- *State Environmental Planning Policy (Infrastructure) 2007;*
- *State Environmental Planning Policy No. 64 – Advertising and Signage;*
- *State Environmental Planning Policy No. 55 – Remediation of Land; and*
- *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development.*

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

3.9. Objects of the EP&A Act

In determining an application, the consent authority must consider whether the proposed development is consistent with the relevant objects of the EP&A Act. These objects are detailed in clause 5 of the Act, and include:

- (a) to encourage:
 - (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment;
 - (ii) the promotion and co-ordination of the orderly and economic use and development of land;
 - (iii) the protection, provision and co-ordination of communication and utility services;
 - (iv) the provision of land for public purposes;
 - (v) the provision and co-ordination of community services and facilities;
 - (vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats;
 - (vii) ecologically sustainable development; and
 - (viii) the provision and maintenance of affordable housing;
- (b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State; and
- (c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.

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.

The Department considers that objects 5(a)(i), (ii) and (vi), 5(b) and 5(c) are most relevant to the merit assessment of this application. The Department has given due consideration to these objects in its assessment of the proposed development and has concluded that the application is consistent with these objectives (see **Table 2**).

Table 2: Objects of the EP&A Act and Relevance to the Proposed Development

Object	Consideration
5(a)(i)	The proposed development would ensure the proper management and development of suitably zoned land for the economic enhancement of the community including the provision of 300 construction and 700 full-time equivalent jobs within the WSEA. The proposed development has been designed to meet current best practice environmental standards. The potential impacts of the proposed development have been minimised through appropriate site selection, site layout, design and proposed environmental control measures.
5(a)(ii)	The proposed development is located on suitably zoned industrial land and would be used economically to ensure the employment of 700 operational staff.
5(a)(vi)	The Department's assessment in Section 5 of this report demonstrates that with the implementation of the recommended conditions of consent, the impacts of the development can be mitigated and/or managed to ensure the environment is protected.
5(a)(vii)	The approved Concept Plan included conditions requiring the Applicant to purchase and retire biodiversity credits to offset the approved clearance of native vegetation from the development site. The subject SSD application proposes vegetation clearance in accordance with the approved Concept Plan. The Department has therefore recommended a condition of consent to ensure that the required offset credits are purchased and retired prior to any vegetation clearance or issue of the first Construction Certificate.
5(b)	The Department has assessed the development in consultation with, and giving due consideration to, the technical expertise and comments provided by other Government authorities on the development. This is consistent with the object of sharing the responsibility for environmental planning between the different levels of government in the State.
5(c)	The application was exhibited in accordance with Section 89F (1) of the Act to provide public involvement and participation in the environmental planning and assessment of this application.

3.10. Compliance with Clause 3B of Schedule 6A to the EP&A Act

Clause 3B(2)(d) to Schedule 6A the EP&A Act specifies that a consent authority must not grant consent under Part 4 unless it is satisfied that a development is generally consistent with the terms of the approved MEP Concept Plan.

The Department considers that the application is generally consistent with the terms of the approved MEP Concept Plan (as proposed to be amended) as it will facilitate the construction of development for warehousing and distribution purposes. The Department's full assessment of compliance against the terms of the MEP Concept Plan is provided at **Section 5.1** of this report and **Appendix D**.

3.11. Ecologically Sustainable Development

The EP&A Act adopts the definition of ESD in the *Protection of the Environment Administration Act 1991* (PEA Act). 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 the four following principles:

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

The Department's assessment of the proposed development (refer to **Section 5**) is based on a conservative and rigorous assessment of the likely impacts of the proposed development, with consideration of cumulative impacts from existing and approved development in the WSEA.

The Department has considered the need to encourage the principles of ESD, in addition to the need for the proper management and conservation of natural resources, the orderly development of land, the need for the proposed development as a whole (which comprises a utility provision), and the protection of the environment including threatened species within **Section 5** of this report.

As a result of this assessment, the Department has concluded that the subject site has undergone an adequate biodiversity impact assessment to ensure the biodiversity impacts associated with vegetation clearance on-site are offset. Furthermore, the Department has concluded that subject to the imposition of the recommended conditions of consent, the application will not result in any adverse environmental outcomes.

3.12. Environmental Planning and Assessment Regulation 2000

Subject to any other references to compliance with the EP&A Regulation cited in this report, the requirements for notification (Part 6, Division 6) and fees (Part 15, Division 1AA) have been complied with.

4. CONSULTATION AND SUBMISSIONS

4.1. Public Exhibition

Under section 89F(1) of the EP&A Act, the Secretary is required to make a State significant development application (DA) and any accompanying EIS publicly available for at least 30 days. Under Section 75X(2)(f) of the EP&A Act and clause 8G of the EP&A Regulation 2000, the Secretary is also required to make a modification request publicly available. After accepting the EA for the Concept Plan modification application and EIS for the SSD DA, the Department:

- made it publically available between **Wednesday 5 August 2015** and **Monday 7 September 2015**:
 - on the Department's website;
 - at the Department's Information Centre; and
 - at the information centre of Blacktown City Council and Nature Conservation Council;
- notified nearby landowners in the vicinity of the proposed development about the exhibition;
- notified relevant public authorities and Blacktown City Council in writing; and
- advertised the exhibition in the Blacktown Sun and Blacktown Advocate.

The Department received 10 submissions during the exhibition period, including one submission from Blacktown City Council and nine submissions from public authorities. No submissions from the general public were received.

The Council and public authority submissions raised no objections to the proposed amendments to the Concept Plan to facilitate the proposed SSD application. Concerns, however, were raised by Council and some public authorities in relation to the SSD application. A summary of the issues raised in submissions is provided below. Each submission is provided in full at **Appendix F**.

4.2. Public Authorities

Blacktown City Council (Council) raised no objection, however it raised the following concerns:

Landscaping and Retaining Walls:

- it is unclear if sufficient area along the northern boundary would be available to achieve adequate screen planting to address potential visual impacts and to enable access for maintenance;
- additional screen planting should be provided adjacent to the Wallgrove Road and M4 motorway frontages, with tree species selected having a height of 15 m at full maturity; and
- Council requires the construction of masonry retaining walls in maximum two metre high sections and stepped with a minimum of one metre wide planting bays.

Screening:

- a pre-Construction Certification condition is requested that requires the submission of landscaping and solid structures details to ensure the proposed fire tanks, rainwater tanks and pump rooms are not visible from any public road or place.

Utilities

- the location of the proposed electricity substations within the Wallgrove Road front setback should be relocated adjacent to the internal access road, as their proposed location may cause a workplace health and safety issue and should not be endorsed without the support of the energy provider; and
- a condition is recommended to ensure suitable screen planting is provided in the event any substation is located at the front of the site.

Heritage

- the Applicant should be required to submit its Aboriginal Heritage Management Strategy for approval prior to the issue of a Construction Certificate; and
- an Archaeology Assessment, Heritage Interpretation Strategy should be prepared and photographic recording of the existing Quarantine Station should be undertaken prior to demolition.

Drainage

- the drainage plans should be amended prior to issue of a Construction Certificate and to ensure compliance with the targets outlined in Council's DCP.

Environmental Health

- the Applicant should provide an additional acoustic assessment prior to the issue of a Construction Certificate to outline the noise impacts and any mitigation measures to ensure noise compliance of plant and equipment associated with the operation of the development with NSW Industrial Noise Policy.

Council also recommended a number of standard engineering/civil conditions of consent.

The Department has reviewed Council's comments and agrees that additional information should be provided to address Council's concerns regarding landscaping, retaining walls, screening, utilises and drainage. The Department requested the Applicant prepare a Response to Submissions (RTS) to address these issues.

The Department notes an Aboriginal Heritage Management Plan (AHMP) was prepared by the Applicant and submitted to OEH in accordance with Statement of Commitment (SoC) 14.1 of the Concept Plan approval. The report concluded that implementation of protocols and procedures are necessary to ensure that identified Aboriginal heritage values and potential archaeological deposits are appropriately managed. The Department is satisfied that Aboriginal cultural heritage was satisfactorily considered under the approved Concept Plan and recommends a condition of consent requiring the conclusions and recommendations of the AHMP to be implemented as part of the proposed development.

The Department also notes that the Applicant has committed to the preparation of a Heritage Interpretation Strategy and photographic archival recording of the Quarantine Station prior to the demolition and excavation works commencing. The Department maintains that the commitments are acceptable and has recommended conditions of consent to ensure this occurs.

In addition, the Department has recommended conditions of consent to ensure that:

- operational noise generated does not exceed the project specific noise criteria, any defective plant cease operation and be fully repaired and noise monitoring data be assessed to address any non-compliances identified; and
- the drainage design is consistent with the requirements of Council's DCP.

Transport for NSW (TfNSW) raised no objection and provided the following comments for consideration:

- to avoid future changes to access arrangements, site access and internal circulation, roads should adopt a turning path for a performance based standards (PBS) Level 2B vehicle (i.e. articulated vehicle up to 30 m length) to take advantage of the site's strategic location adjacent to the Sydney Motorway network and productivity benefits associated with high productivity vehicles (HPV);
- prior to the commencement of any works, a Construction Traffic Management Plan should be prepared in consultation with TfNSW, RMS and Council; and
- a Road Occupancy Licence (ROL) must be obtained for any activity likely to impact on the operational efficiency of the road network.

It also requested that the Applicant provide information relating to the following:

- existing and future demand for walking and cycling and assess how well this demand is serviced;
- details of end of trip facilities that would be made available to all users of the development; and
- the number and location of bicycle parking spaces required to service the proposed development.

The Department has reviewed TfNSW's comments and has requested the Applicant to address TfNSW comments. In addition, the Department has recommended conditions of consent to ensure that:

- the Applicant prepares a Construction Traffic Management Plan prior to the commencement of any works on-site;
- end of trip facilities are provided in each building prior to the issue of an Occupation Certificate; and
- any necessary ROL's are obtained by the Applicant.

Roads and Maritime Services (RMS) did not object to the application, advising it had previously provided support for the proposed signalised site access on Wallgrove Road.

Department of Primary Industries (NSW Office of Water) (DPI) raised no objection, however it advised that:

- if groundwater is likely to be intercepted or extracted or if it was anticipated to be encountered and depending on the volumes encountered, an authorisation may be required from DPI Water; and
- SoC 7 should be amended to require the CEMP to include procedures to be followed if groundwater is encountered during construction works.

The Department has reviewed NOW's comments and has requested that the Applicant address DPI's comments in its RTS.

Office of Environment and Heritage (OEH) raised no objection, concluding that there are no environment, natural hazards or Aboriginal cultural heritage issues of concern that were not previously addressed at the Concept Plan approval stage.

However, it requested a condition of consent be imposed to ensure the necessary biobanking credits are purchased and retired prior to any vegetation clearance taking place on-site.

The Department has reviewed OEH's comments and has recommended a condition of consent requiring the Applicant purchase and retire the required biobanking credits prior to any vegetation clearing on-site or prior to the issue of a Construction Certificate, whichever occurs first.

Environment Protection Authority (EPA) raised no objection and advised that the proposed development would not constitute a Schedule Activity under Schedule 1 of the *Protection of the Environment Operations Act 1997*.

NSW Rural Fire Service (RFS) raised no objection, subject to the Applicant ensuring the development complies with the *Planning for Bush Fire Protection 2006* and that any biodiversity offsets not result in an increased bush fire management responsibility on adjoining land owners.

The Department has reviewed RFS' comments and has requested that the Applicant outline the measures required to comply with *Planning for Bush Fire Protection 2006* and relevant Australian Standards in its RTS.

NSW Department of Industry (Resource and Energy) raised no objections to the application and did not provide any additional comments.

Sydney Water and **Endeavour Energy** raised no objection and recommended standard conditions of consent regarding the arrangements for utilities arrangements. These conditions have been included in the recommended development consent.

4.3. Response to Submissions

The Applicant provided a RTS on 9 October 2015, which was made publicly available on the Department's website on 9 October 2015. The RTS addresses the issues about the proposed SSD application raised in the Council and public authority submissions. No amendments to the SSD application were proposed by the Applicant within its RTS.

In its RTS, the Applicant also amended the wording of its proposed new Concept Plan term of approval, which would permit minor design/layout amendments to the approved Concept Plan lot layout, by adding wording to ensure any amendments do not exceed the total approved GFA.

5. ASSESSMENT

The Department has considered the EIS, the issues raised in the submissions, and the Applicant's RTS in its assessment of the proposed development. The Department considers the key assessment issues are:

- consistency with the Minchinbury Employment Park Concept Plan (**Section 5.1**);
- built form and urban design (**Section 5.2**);
- traffic and transport (**Section 5.3**);
- noise (**Section 5.4**); and
- stormwater (**Section 5.5**)

A number of other issues are considered to be minor and are considered in **Section 5.6** of this report.

5.1. Consistency with the Concept Plan

5.1.1 Concept Plan Amendments

Concurrent amendments to the approved MEP Concept Plan are proposed by the Applicant to facilitate the proposed Calibre Eastern Creek development. The amendments seek to:

- modify the approved layout to reflect the proposed development of five warehouse buildings;
- modify the internal road layout to accommodate the proposed five building sites;
- revise the location of the stormwater detention basins;
- modify the estate landscaping to reflect the proposed layout amendments; and
- modify the Urban Design Guidelines (UDG) to reflect the proposed SSD application and incorporate a fire access road within the 10 m boundary setback and reduce landscaping on the northern and western boundaries.

Minor consequential amendments to the Concept Plan Instrument of Approval are also proposed to reflect the proposed Concept Plan amendments. The Applicant also seeks to introduce a new term of approval to the Concept Plan to permit low impact design amendments to the proposed development with the Secretary's approval and without the need to modify the Concept Plan further, including minor building footprint and layout amendments (including the total number of buildings) that do not exceed the total approved GFA, and architectural treatment changes (including finishes and materials) that meet the UDG objectives.

Key Concept Plan amendments proposed include increasing the number of buildings on-site from three to five, increasing the total site GFA (+4,655 m²) and amending the northern and western boundary setback landscape composition, resulting in reduced landscaping and integration of the fire brigade access road.

Table 3 and **Figures 9** and **10** outline the key design changes proposed as part of the modifications to the MEP Concept Plan.

Table 3: Key Component Comparison of the Concept Plan, MOD 3 and proposed MOD 4

Component	Concept Plan (as approved under MOD 3)	MOD 4
Gross Floor Area	- Warehouse 1 – 55,660 m² of GFA and 2,000 m² of office GFA - Warehouse 2 – 33,180 m² of GFA and 1,500 m² of office GFA - Warehouse 3 – 24,870 m² of GFA and 2,000 m² of office GFA - Industrial: 113,710 m² - Commercial: 5,500m²	- Warehouse 1 – 18,020 m² of GFA and 1,305 m² of office GFA - Warehouse 2 – 16,065 m² of GFA and 915 m² of office GFA - Warehouse 3 – 21,615 m² of GFA and 1,020 m² of office GFA - Warehouse 4 – 40,660 m² of GFA and 1,540 m² of office GF - Warehouse 5 – 21,575 m² of GFA and 1,150 m² of office GFA - Industrial: 117,935 m² - Office: 5,930 m²
	TOTAL: 119, 210 m²	TOTAL: 123,865 m² (4,655 m² additional GFA proposed)
Lot sizes	One lot, three industrial sites with the flexibility of being split into multiple tenancies (less 22 lots)	One lot, five industrial sites with the flexibility of being split into multiple tenancies (an additional two lots)
Building Height	Up to 20 m	Up to 20 m
Lot Frontage	Proposed to be removed	N/A
Setback (internal road)	2m – 4 m	0 m – 4 m
Setback (main roads)	20 m	20 m
Northern and western boundary setback	10 m + landscaping	10 m (reduced landscaping)

The section 75W request also seeks to amend the approved Urban Design Guidelines (UDG) to:

- change the landscaping requirements within the setbacks;
- increase the fencing height from 1.8 m to 2.1 m;
- introduce a requirement to screen car parking and tank structures with landscaping where setback encroachments are proposed; and
- remove the requirement to terrace retaining walls greater than three metres in height.

No objections were raised by Council or any public authorities to the proposed Concept Plan amendments, however, Council questioned the effectiveness and maintenance procedures of the reduced boundary buffer landscaping and recommended retaining walls higher than two metres be terraced.

The Department has reviewed the proposed amendments to the Concept Plan layout and raises no objections to the additional industrial sites/buildings or the minor increase to the total site GFA. The proposed increase in the number of lots, and subsequent future built form, is considered to offer an improved visual outlook, with the revised design providing relief from expansive built forms along site boundaries, particularly on the eastern and western boundaries.

The Department has also reviewed the proposed amendments to the UDG and considers the changes to be minor in the context of the overall development and is satisfied that a good urban design outcome would still be achieved on-site. Regarding the changes to landscaping requirements within setbacks, the Applicant's RTS advises a 2.2 m wide deep soil zone would be provided along the northern and western boundaries to accommodate 150 litre screening trees that would reach up to 10 m in height at maturity and would not require significant amounts of maintenance. The Department is satisfied that the proposed amendment would not result in detrimental off-site visual impacts and that the proposed buffer planting would still provide a visual screen to soften the proposed development, reaching 10 m high at maturity over a period of eight years (see **Figure 11**).

The inclusion of a new term of approval to allow minor modifications without the need for further Concept Plan amendments is supported in principle, however, the Applicant's proposed wording is not supported. The Department considers the wording contained in its standard and model conditions for industry and manufacturing development more appropriate and recommends a new term of approval for the Concept Plan

and a condition of consent on the SSD application to allow minor amendments to the building footprints and layouts and architectural treatment of buildings subject to the Secretary's approval in writing.

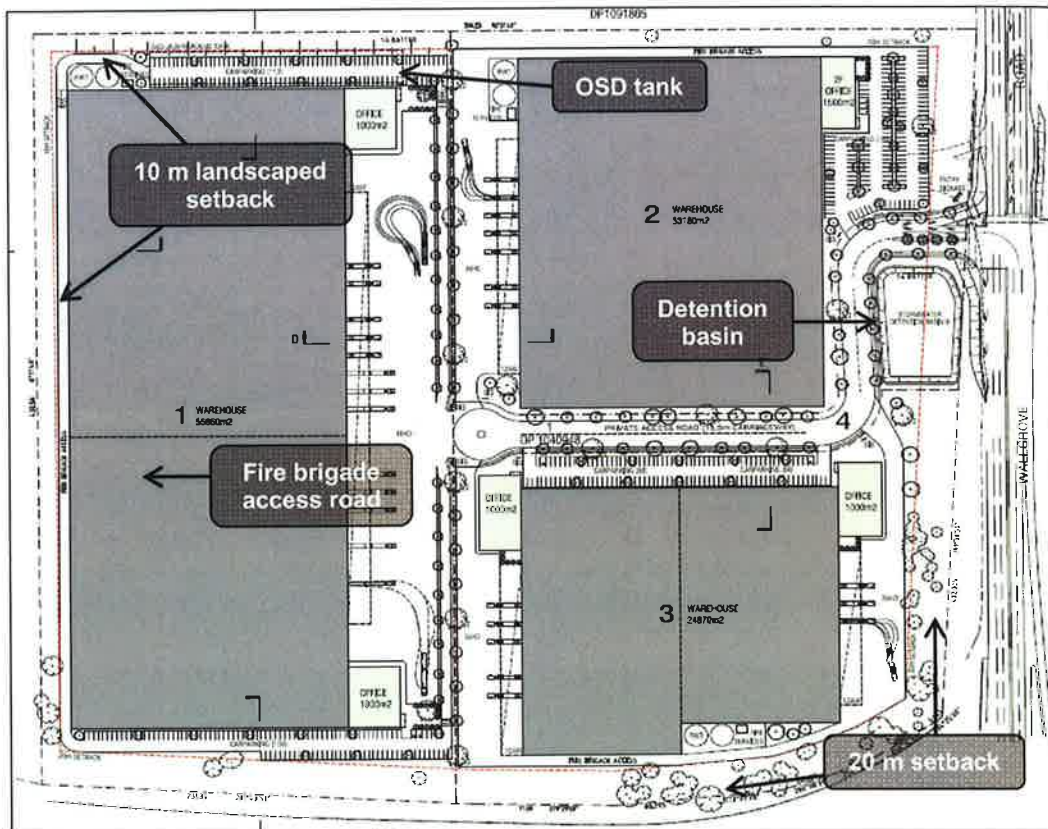


Figure 9: MOD 3 MEP Concept Plan Layout

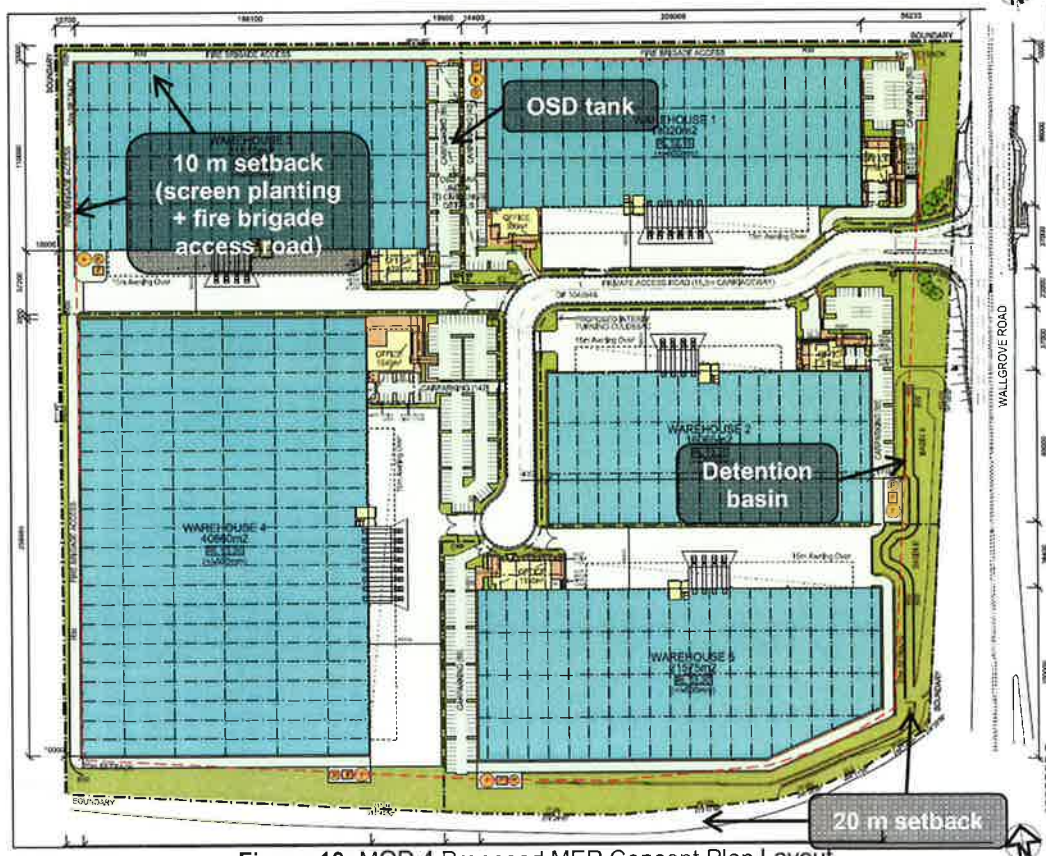


Figure 10: MOD 4 Proposed MEP Concept Plan Layout

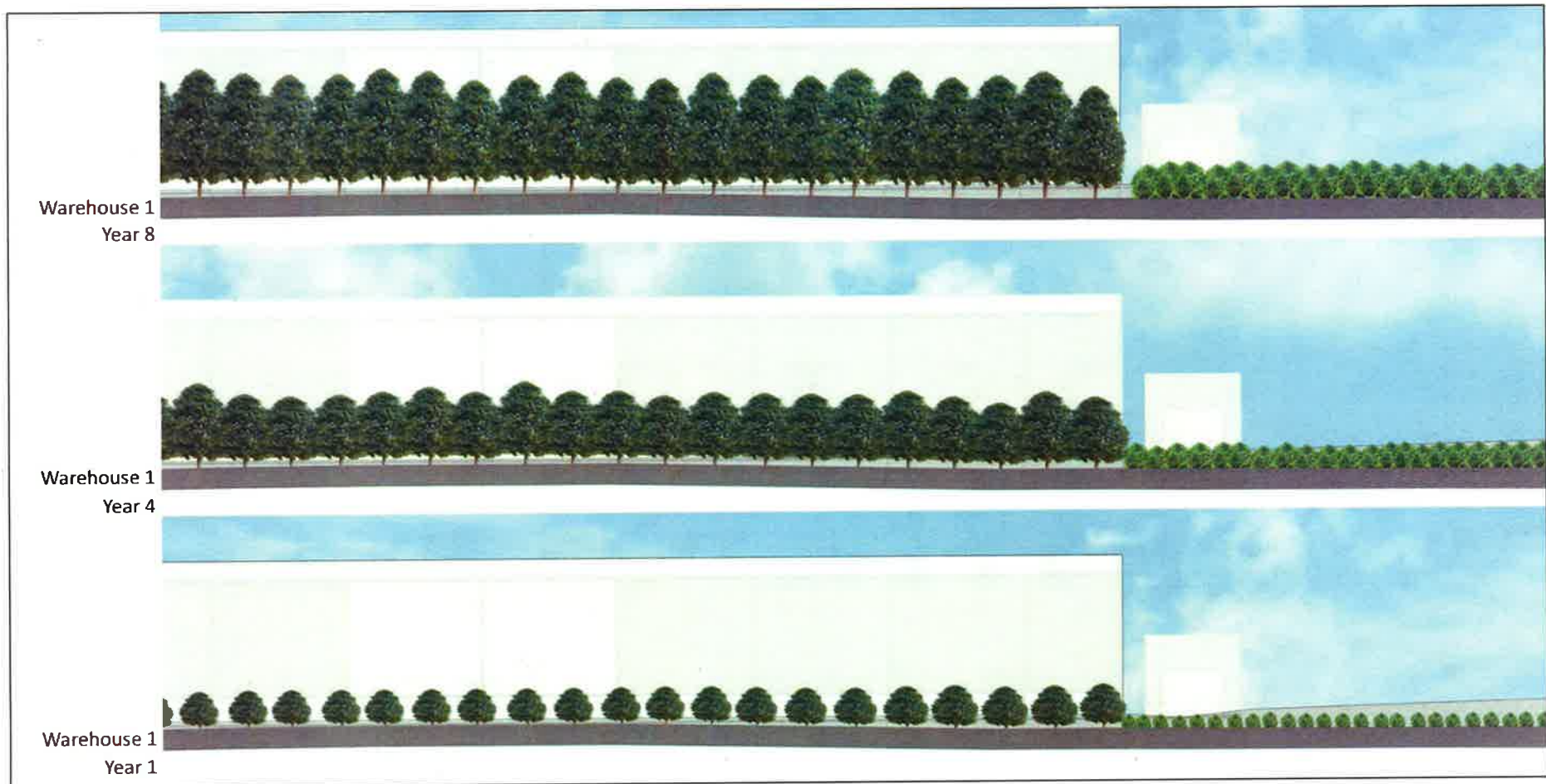


Figure 11: Northern Elevation Proposed Screen Planting – Year 1 to Year 8 Screening Growth

5.1.2 Consistency with the Concept Plan

Pursuant to clause 3B(d) of Schedule 6A of the EP&A Act, the Minister must not grant consent to an SSD application unless the Minister is satisfied that the proposed development is generally consistent with the terms of approval of the Concept Plan.

In this regard, terms 1, 2 and 10 of the approved Concept Plan (as amended) require future applications to demonstrate compliance with the site coverage, building heights, setbacks, road design, and concept building layout requirements of the Concept Plan. In addition, Term 10 requires compliance with a number of future assessment requirements including an assessment of all future development against the Minchinbury Employment Park Concept Plan Development Controls.

Table 1 at Appendix D provides an assessment of the proposed development against the Concept Plan terms of approval. The Department's assessment has concluded that the proposed development is consistent with the approved Concept Plan and is generally compliant with all terms of approval, with the exception of Term 2 (a) to (c). Term 2 requires the submission of an infrastructure staging plan, an updated Urban Design Guidelines incorporating sustainable development targets and a Transport Management Accessibility Plan that details alternate transport modes for occupants prior to the lodgement of the first development application.

While Term 2 was not satisfied prior SSD 6962 being lodged, the Applicant's SSD application includes details that addresses the requirements of Term 2 (a) to (c). In this regard, the Department notes the following:

- construction of the development would likely commence from the north-eastern portion of the site (i.e. buildings 1 and 2), followed by the construction of the remaining warehouse buildings, while infrastructure servicing is proposed to be completed prior to occupation of the first warehouse building;
- the ESD report, prepared by Cundall and submitted with the EIS, details extensive ESD initiatives, objectives and targets that would apply to all development on-site; and
- the Applicant's Traffic and Parking Assessment Report outlines measures proposed to increase non-car travel, including provisions for pedestrian and cyclist connections to the existing regional infrastructure and provision of new bus bays on Wallgrove Road.

In particular, the new signalised site access intersection and all required lead in infrastructure services will be completed prior to the occupation of the first building, while the proposed new internal access road would be completed in two stages to facilitate staged access to the estate.

The based on the installation of the ESD initiatives outlined in the Applicant's ESD report, energy savings of up to 40 per cent and greenhouse gas reductions of up to 30 per cent could be achieved in comparison to a similar building that is only designed to meet the minimum requirements of Section J of the Building Code of Australia (BCA). The Department has recommended a condition of consent to ensure that the Applicant implements all reasonable and feasible measures to minimise energy use and greenhouse gas emissions. The EIS also outlines measures to promote alternate travel modes and includes details on the provision of infrastructure to facilitate sustainable travel modes, such as bicycles, bus and motorcycle.

Term 10 of the approved Concept Plan also requires an assessment of future development against the UDG, and has been provided at **Table 2 of Appendix D**. The Department's assessment has concluded that the layout and design of the proposed development complies with the UDG and that no departures are proposed in the SSD application.

The Department has reviewed the details submitted with the SSD application and is satisfied that the proposed development is consistent with the approved Concept Plan (as amended) and is consistent with the terms of approval. The Department is also satisfied that the details submitted with the SSD application satisfactorily address the requirements of Term 2 (a) to (c).

5.2. Built Form and Urban Design

5.2.1 Built Form

The proposed development seeks approval for the construction of five new buildings with a total GFA of 123,865 m² and maximum height of 13.7 m. Ancillary offices are also proposed for each building that project from the larger warehouse facades to create articulation and variation within the building design, with the proposed one to two storey office building heights set below the maximum warehouse building heights (see **Figures 12 to 14**).

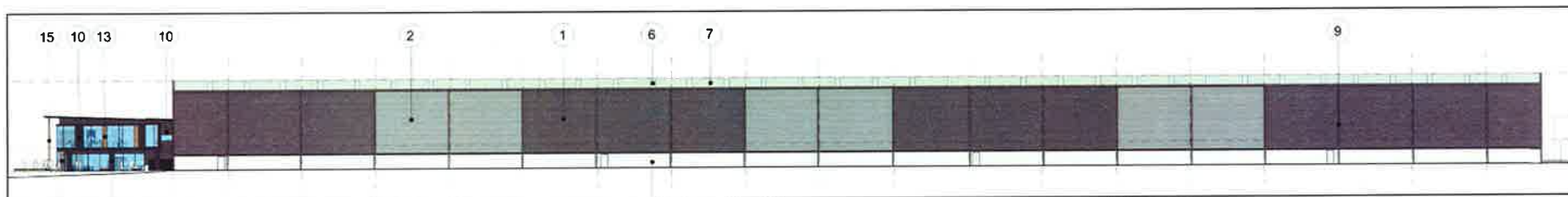


Figure 12: Façade Treatment Example External to Site – Building 1 Northern Elevation to Pinegrove Cemetery

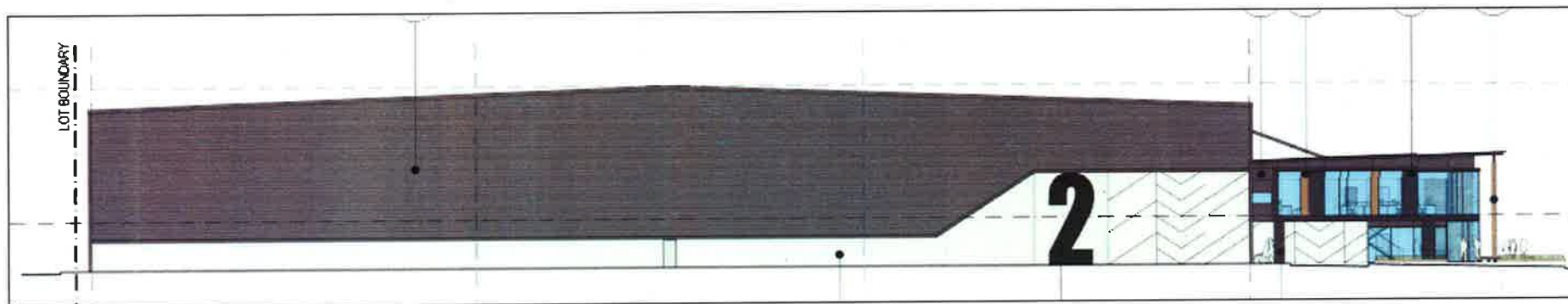


Figure 13: Façade Treatment Example External to Site – Building 2 Eastern Elevation to Wallgrove Road

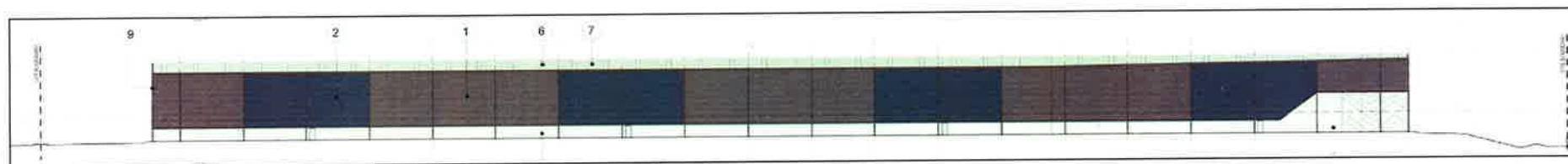


Figure 14: Façade Treatment Example External to Site – Building 5 Southern Elevation to M4 Motorway

The proposed development and concurrent amendments to the Concept Plan seek approval for an additional 4,655 m² of GFA across the site. In this regard, the Department notes that the proposed building heights are well below the maximum 20 m building height endorsed under the Concept Plan and the increase in proposed buildings from three (approved under Concept Plan MOD 3) to five has broken up the large expanse of blank building façade fronting Pinegrove Cemetery and Wallgrove Road.

Furthermore, all site boundary façades are proposed to be treated with heavy textured painting to add variation and to break up any continuous built form elements. It is also noted that Council did not raise any objections to the built form or layout of the proposed development.

The Department therefore considers the proposed GFA increase acceptable and that the Applicant has satisfactorily demonstrated that the additional built form can be accommodated on-site without giving rise to any adverse impacts on adjoining properties. The combination of the proposed design elements will also ensure a satisfactory built form and urban design outcome is achieved for the development and also represents a reduced bulk and scale impact to that previously endorsed under the Concept Plan (as amended under MOD 3).

5.2.2 Landscaping

Perimeter and internal site landscaping is proposed to compliment the proposed built form through the provision of 20 m landscaped setbacks to the M4 Motorway and Wallgrove Road, consisting of a landscaped bio-retention basin and bio-swale, a landscaped entry statement (with complimentary site identification signage), northern and western boundary landscaped buffer and internal site landscaping to the site access road and hardstand/car parking areas (see **Figure 15**).



Figure 15: Calibre Eastern Creek Landscape Masterplan

Vegetation proposed across the site includes:

- a range of primarily native groundcovers and grasses;
- a range of native grasses for the bio-retention bases and bio-swales;
- a range of primarily native shrubs, ranging in height between 0.5 m to 6 m (primarily 1 m to 3 m); and
- a range of primarily native trees, ranging in height between 4 m to 20 m.

Concerns were raised by Council regarding the effectiveness of the width of boundary landscape buffer planting to provide a vegetation screening and the ability for this area to be accessed for maintenance purposes. It also recommended that additional screen planting to the M4 Motorway and Wallgrove Road frontages be provided, with tree species selected able to reach a minimum 15 m at maturity.

As noted previously, the Applicant advised within its RTS that a 2.2 m wide deep soil zone would be provided along the northern and western boundaries to accommodate 150 litre screening trees that would reach up to 10 m in height at maturity and would not require significant amounts of maintenance. It also stated that native tree species proposed within the site's road corridor setbacks would be capable of reaching up to 15 m to 20 m in height at maturity.

The Department has considered the proposed landscaping scheme, in particular the proposed setback landscaping, and is satisfied that the establishment of a range of primarily native vegetation species within the estate will compliment and soften the future bulk and scale of the proposed development. The Department has recommended a condition of consent requiring the preparation of detailed landscape management plans for each future building in consultation with Council and to the satisfaction of the Secretary prior to the commencement of building and landscaping works for each prior to the issue of an Occupation Certification for each building.

5.2.3 Visual Impacts

Visually, the proposed development is generally consistent with the Concept Plan (as amended). Further, the proposed modifications to the Concept Plan, such as the creation of two additional lots (i.e. future buildings), combined with the final design treatments outlined in the SSD application, will provide an improved relief to the bulk and scale. The addition of two new lots and associated future built form will break up the large expansive blank walls of the current approved masterplan layout (see **Figures 9 and 10**). As noted previously, the proposed 13.7 m maximum building height is also lower than the maximum 20 m height permitted under the Concept Plan, positively contributing to reducing potential visual impacts.

The Department considers the proposed boundary landscaping and envisaged mature tree heights, in conjunction with the existing distance separation to the closest residential receivers and existing mature vegetation at the rear of these properties, will screen the future bulk and scale of the development and minimise potential visual impacts. While mature vegetation is not proposed to be established immediately, within eight years it will have reached maturity (see **Figure 11**).

Council however, raised concerns regarding the potential visual impacts from the proposed rainwater tank, fire tank and pump room structures proposed adjacent to or encroaching within boundary setbacks, requesting the construction of full height structures and additional landscaping to screen these areas.

In response to Council concerns, the Applicant advised in its RTS that it proposes to finish these structures in materials and colours consistent with the respective building that would assist in integrating their built form into the larger warehouse buildings. The Department considers this approach to be acceptable and considers that constructing solid fixed screening structures as recommended by Council would add to potential visual bulk of the building.

Notwithstanding, the Department considers that where such structures are proposed within the setbacks to the M4 Motorway and Wallgrove Road that, consistent with the requirements in the Applicant's UDG, appropriate landscape screening should be provided. Accordingly, the Department has recommended a condition requiring the Applicant to demonstrate suitable landscaping is provided to screen such structures where visible from the M4 Motorway and Wallgrove Road and any public vantage points prior to the commencement of construction works.

The Department considers the visual impacts of the proposed development are consistent with the strategic objectives for the site in its transformation into an employment hub and with that envisaged at the time of the original Concept Plan approval. The proposed amendments to the Concept Plan layout, to include two additional lots for future built form, will assist in breaking up built form along the site's

boundaries. The 13.7 m building height proposed within the SSD application will be lower than the maximum 20 m building height permitted by the Concept Plan, and in conjunction with proposed boundary setbacks and buffer planting, will have a positive effect in minimising any adverse visual impacts.

5.3. Traffic

5.3.1 Road Network and Site Access

The proposed development is located on Wallgrove Road, with direct access to Sydney's arterial road network. Direct access to the M4 and M7 Motorways and Great Western Highway is provided from Wallgrove Road within one km to the north and south of the site. Wallgrove Road adjacent to the site is a State, sub-arterial road and is constructed as a two/three-lane divided carriageway. **Figure 16** depicts the main access roads and intersections surrounding the site.



Figure 16: Surrounding Road Network

Site access for all vehicles will be provided via a new signalised intersection with Wallgrove Road, which was previously approved under a separate Council DA (DA 13-683) on 26 August 2013 (see **Figure 17**). The Council approval also provided for infrastructure works including off-site utilities and lead-in infrastructure works. Construction of the approved intersection has not commenced. The proposed development also seeks consent for the subdivision of a minor portion of the site (961 m²) to facilitate the new site access intersection, which will subsequently be dedicated to Council.

Internal vehicle access is proposed via a new two-way private access road with a 15.5 m wide carriageway and cul-de-sac turning head, that will service each new building and provide for separated heavy and light vehicle site access. Truck access and egress has been designed to accommodate articulated heavy vehicles up to 25 m in length.

TfNSW suggested that the Applicant adopt a PBS Level 2B vehicle turning path to accommodate vehicles up to 30 m in length to take advantage of the high productivity vehicle access on the nearby motorway network. The Applicant did not respond to TfNSW's suggestion, however, the Department considers it appropriate that the proposed development be designed to accommodate PBS Level 2B vehicles to ensure the development responds to projected future demands. Accordingly, a condition of consent is recommended requiring details

be submitted to the satisfaction of the relevant roads authority prior to the commencement of works demonstrating the proposed development can accommodate PBS Level 2B vehicles.

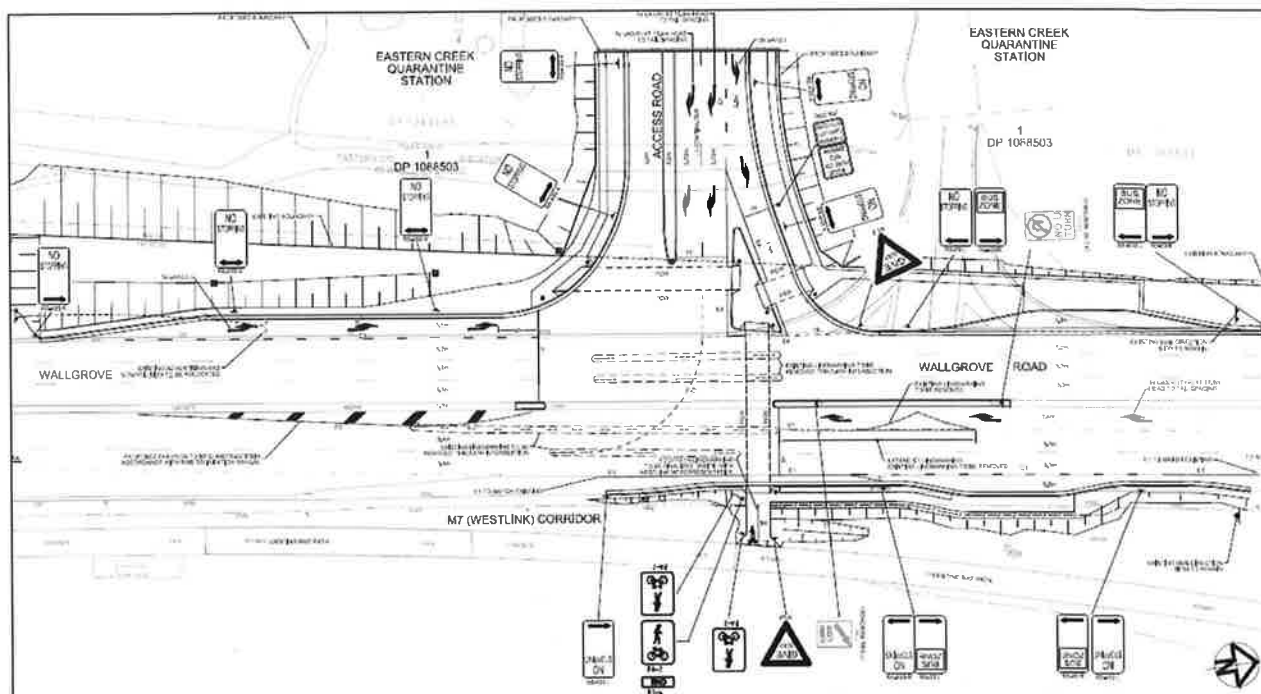


Figure 17: Signalised Site Access/Wallgrove Road Intersection Design Arrangement

5.3.2 Traffic Impacts

The traffic impacts associated with the development of the Minchinbury Employment Park were assessed as part of the Concept Plan, as amended. This assessment concluded that the cumulative impacts associated with the development would not have any adverse traffic impacts subject to the payment of approximately \$180,000 in Special Infrastructure Contributions to facilitate broader regional road network upgrades. The Applicant proposes to meet these contributions and has made an offer via a draft Planning Agreement between the Applicant and the Minister for Planning. In accordance with clause 29 of WSEA SEPP, the draft Planning Agreement has been reviewed and the Department's Chief Financial and Operating Officer, as delegate for the Secretary, has certified in writing, on 7 December 2015, that satisfactory arrangements have been made.

Notwithstanding, the SSD application was accompanied by a Traffic and Parking Implications Report, prepared by Transport and Traffic Planning Associates, that assessed the traffic impacts of developing the site for five buildings for warehouse and distribution purposes and ancillary office uses. This assessment predicted that the future development of the site would generate approximately 198 AM vehicle trips per hour and 223 PM vehicle trips per hour. The report concluded that:

- subject to the completion of the new site access intersection with Wallgrove Road, all surrounding intersections will all operate with spare capacity, with average levels of service (LOS) ranging from:
 - LOS A (good operation) (site access/Wallgrove Road) during both the AM and PM peak periods;
 - LOS D (operating near capacity) (Wallgrove Road/Great Western Highway/Rooty Hill Road South) during the AM peak period; and
 - LOS C (satisfactory) (Wallgrove Road/Great Western Highway/Rooty Hill Road South) during the PM peak period.
- some individual movements at each intersection will have a LOS approaching E and F, particularly right turn movements from Wallgrove Road into Great Western Highway and right turn movements from Great Western Highway into Wallgrove Road due to lane queuing lengths and existing congestion contributed mainly to light vehicle movements (heavy vehicles estimated to contribute to only five per cent of traffic volumes), however the degree of saturation for these right turn movements is satisfactory, indicating satisfactory intersection operation;
- the new signalised site access intersection with Wallgrove Road will provide a LOS A operational intersection performance arrangements and improved and safe vehicle access to the site, as well as make provisions for bus priority measures (bus bays and stops) and shared pedestrian and cyclist connections to existing infrastructure within the M7 Motorway corridor;

- all car parking areas, internal roads, driveways and hard stand areas can be designed to comply with the relevant Australian Standards;
- the proposed car parking provisions are consistent with the Concept Plan and the RMS' *Guidelines for Traffic Generating Development* for warehouse developments;
- construction traffic associated with the five month site preparation and early works period is anticipated to generate the following movements:
 - clearing and demolition (truck & dog) – 6 visits per day;
 - bulk earthworks (semi-trailer and truck & dog) – 8 visits per day;
 - internal site access road construction (various) – 10 visits per day; and
- construction traffic associated with the estimated eight month construction period of each building is not yet known, though would not exceed the traffic volume associated with a completed/operational building and individual construction management plans are proposed to be prepared for each building.

The Department has reviewed the Applicant's traffic assessment in consultation with Council, the RMS and TfNSW and has concluded that the proposed development can be accommodated on the basis that the traffic impacts of the proposed development are consistent with the impacts planned for under the Concept Plan and that site access works approved will facilitate significant access improvements to the site via controlled traffic movements through the new signalised intersection. In addition, the Department has recommended standard conditions of development consent to ensure that:

- car parking is provided in accordance with the relevant RMS rates and is constructed in accordance with the relevant Australian Standards;
- construction and operational traffic is managed in accordance with an approved traffic management plan; and
- a work place travel plan is prepared and implemented for each building to reduce the travel demand associated with private vehicles.

5.4. Noise

The application includes a Noise and Vibration Assessment prepared by Wilkinson Murray that assesses the construction and operational noise impacts of the development proposed under the SSD application against the requirements of the *Industrial Noise Policy* (INP) and the *Interim Construction Noise Guideline*. The assessment is based on the results of noise monitoring undertaken at existing residential receivers north of the site (R1) and east of the site (R2) as well as the sensitive receivers at Pinegrove Cemetery (R3) and the Eastern Creek Business Park industrial complex (R4) south of the M4 Motorway (see **Figure 18**).



Figure 18: Monitoring Locations

In summary, this assessment concluded that construction noise associated with works proposed by the SSD application would fully comply with the criteria outlined in the *Interim Construction Noise Guideline* (ICNG) at all surrounding receivers. In addition, the assessment concluded that the application fully complies with the amenity, the intrusiveness and the sleep disturbance criteria outlined in the INP during the day, evening and night-time periods. The results of the Applicant's noise assessment are provided in **Tables 4 to 6** below.

Table 4: Compliance with ICNG Construction Noise Levels

Sensitive Receiver	Period	Background Noise Level dB(A) _{L₉₀}	ICNG Construction Noise Levels (Background + 10dB(A))	Worst Case Predicted Noise Level dB(A) _{L_{eq}15 min}	Compliance
R1	Day	49	59	55	Yes
R2	Day	52	62	51	Yes
R3	Day	N/A	60 (external)	60	Yes
R4	Day	N/A	75 (external)	51	Yes

Table 5: Compliance with INP Construction Noise Criteria

Sensitive Receiver	Period	Background Noise Level dB(A) _{L₉₀}	INP Construction Noise Criterion (dB(A))	INP Amenity Criterion (Urban)	Predicted Noise Level dB(A) _{L_{eq}15 min}	Compliance
R1	Day	49	54	60	41	Yes
	Evening	52	54	50	41	Yes
	Night	47	52	45	38	Yes
R2	Day	52	57	60	42	Yes
	Evening	52	57	50	42	Yes
	Night	47	52	46*	40	Yes
R3	Day	N/A	N/A	50 (when in use)	46	Yes
	Evening				46	Yes
	Night				N/A	N/A
R4	Day	N/A	N/A	70 (when in use)	42	Yes
	Evening				46	Yes
	Night				41	Yes

*Based on areas with high traffic noise levels whereby amenity criteria become existing L_{Aeq} minus 10 dB.

Table 6: Sleep Disturbance Criterion (Operation) at Nearest Sensitive Receiver (Residential)

Receiver	Sleep Emergence Level, dB(A) L _{A1} 1 min	Predicted Noise Level dB(A) L _{A1} 1 min	Complies
R1	62	47	Yes
R2	62	48	Yes

The Department has reviewed the conclusions of the Noise and Vibration Assessment and agrees that the application will not result in any adverse noise impacts at the surrounding receivers. It should be noted that as the INP specifies that a consent authority should apply the more stringent of the amenity or intrusiveness criterion when setting project specific noise levels for each development (shown bold in **Table 5**). The Department has recommended conditions of consent requiring the Applicant to:

- comply with the construction noise management levels outlined in the ICNG;
- ensure noise does not exceed the following project specific noise levels:
 - INP intrusiveness criteria for R1 and R2 and INP urban development amenity criterion for R3 and R4 during the day-time period;
 - INP urban development amenity criterion for all sensitive receivers during the evening and night-time period; and
- implement best practice noise management procedures for the full duration of the development, that requires the Applicant to maintain the effectiveness of any plant noise suppression equipment and ensure that any defective plant ceases operation until fully repaired.

5.5. Stormwater

As noted above in **Section 5.1.1** of this report, minor amendments to the Concept Plan approved Stormwater Management Plan are proposed, including minor amendments to the location of the western catchment on-site detention tank and the size/location of the eastern catchment bio-retention basin. The proposed changes are necessary to accommodate the proposed amended site layout, however are considered to be minor and not detrimental to the functionality of the proposed system and will remain generally consistent with the strategy established under the Concept Plan (as amended).

The SSD application includes a Civil Infrastructure Report prepared by AT&L that proposes the construction of an on-site detention tank, bio-retention basin, bio-swales, a series of pipes and overland flows and water sensitive urban design measures generally in accordance with the approved Concept Plan (see **Figure 19**). The Applicant advises that the proposed stormwater system has been designed generally in accordance with Council's DCP Part R 2006 to ensure that post-development flows do not exceed the existing pre-development flows up to the 1 in 100 year ARI event. In addition, the proposed stormwater system will include rainwater harvesting and set finished floor levels of buildings above the 300 mm freeboard. In addition, the stormwater system has been designed to comply with the water sensitive urban design targets for total suspended solids, total phosphorus, total nitrogen, total hydrocarbons and gross pollutants outlined within both Council's DCP and approved Concept Plan.

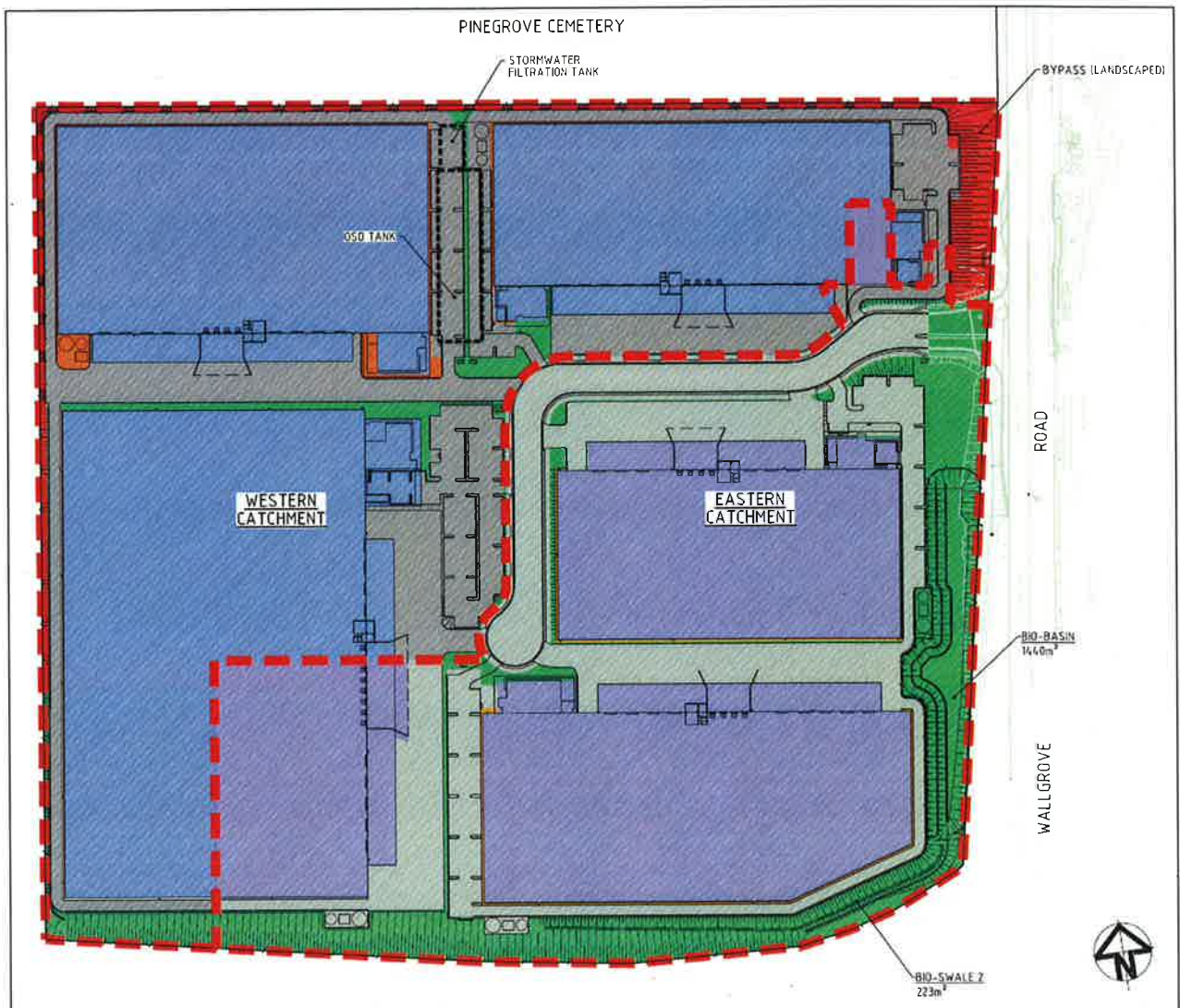


Figure 19: Proposed Stormwater System

Council raised concerns during the EIS exhibition regarding the ability of the proposed stormwater drainage design to meet targets in its DCP and recommended amendments to ensure compliance. The Applicant's RTS included supplementary correspondence from AT&L in response to Council's comments, which also included annotations from Council on the appropriateness of the Applicant's responses.

While some general consensus was reached regarding the proposed design requirements for the stormwater system, the Department notes that some concerns were still raised by Council with specific design elements. The Department is generally satisfied with the proposed stormwater arrangements for the site, noting that the primary design aim is to ensure the matching of pre and post-development flows is met. However, it is considered appropriate that a condition of consent be imposed to ensure stormwater system design for the site and each future building are prepared in consultation with Council's standards and has recommended conditions of consent to ensure this occurs.

5.6. Other Issues

A number of other assessment issues were identified in the EIS. These issues are considered to be minor in nature and are assessed at **Table 7** below.

Table 7: Assessment of Other Issues

Issue	Assessment	Recommendation
Developer Contributions	- The Department previously concluded in its assessment of the approved Concept Plan that contributions to the provision of regional road infrastructure would be required. - Clause 29 of the WSEA SEPP provides that the consent authority must not grant consent to the proposed development unless the Secretary has certified in writing that satisfactory arrangements have been made to contribute to the provision of regional transport infrastructure. - Accordingly, the Applicant made an offer to enter into a Planning Agreement with the Minister for Planning under Division 6, Part 4 of the EP&A Act and a draft Planning Agreement was prepared detailing the payment of a Special Infrastructure Contribution (SIC) of \$182,989 per net developable hectare, equating to approximately \$2 million. - On 7 December 2015, the Chief Financial and Operating Officer, as delegate for the Secretary, certified in writing that satisfactory arrangements have been made. - The Department has recommended conditions of consent to ensure that the draft Planning Agreement is executed prior to the issue of the first Construction Certificate and that contributions payable are made prior to the occupation of each respective building.	The Department has included conditions of consent requiring the subject Planning Agreement be executed prior to the issue of the first Construction Certificate, payable on a staged basis prior to the occupation of each building.
Signage	- The site and building identification signage proposed under the SSD application is comprised of: - site entry signage, consisting of two entry statements (8.9 m wide x 3 m high) and a single estate identification totem sign (4 m wide x 12 m high); - internal way finding signage, consisting of totem signs (1 m wide x 3 m high) installed in the internal access road reserve; and - warehouse business identification and numbering (varying scales). - The design and location of proposed signage was determined through the preparation of a Wayfinding Strategy, prepared by Diadem and submitted with the EIS. - Detailed design of estate and tenant signage has not been finalised, however, the Wayfinding Strategy provide specific design standards for future signage to comply with. - Council requested that a condition be imposed to ensure that any signage visible from a public road did not comprise elements that could impact on driver safety from signage lighting and content distractions. The Department considers this condition appropriate and has recommended it as part of its conditions of consent. - The Department has assessed the proposed signage against the aims and objectives of <i>State Environmental Planning Policy No. 64 – Advertising and Signage</i> (SEPP 64) and has concluded that the proposed signage would not detract from the surrounding locality and would provide suitable wayfinding and direction within the future estate. - The Department has recommended conditions of consent to ensure future signage is installed in accordance with the provisions of the Wayfinding Strategy and Urban Design Report and Design Guidelines.	The Department has recommended a condition on the SSD application requiring the Applicant to design, install and operate any signage consistent with: - the Urban Design Report and Design Guidelines; - the approved Wayfinding Strategy; and - does not include any lighting or content that may cause driver distractions and impact on motorist safety.
Contamination	Clause 7 of <i>State Environmental Planning Policy No. 55 – Remediation of Land</i> (SEPP 55) prohibits a consent authority from determining an application unless it has considered whether the land is contaminated, and if it is, whether the	The Department is satisfied that the development site is suitable for the proposed warehouse and distribution

Issue	Assessment	Recommendation
	site can be made suitable for its proposed use. - A Phase 2 Environmental Site Assessment Report, prepared by JBS&G accompanied the SSD application, which assessed soil samples from 115 bore holes. An addendum statement prepared by JBS&G was also submitted that confirmed the conclusions and recommendations of the Phase 2 Report remained appropriate. The Phase 2 Report concluded: - all concentrations of contaminants were below investigation levels for commercial and industrial use; - no visible evidence of asbestos containing materials were observed below or on the site surface; - existing buildings on-site were identified as potentially containing asbestos materials and recommended a hazardous buildings material survey be completed; and - remediation of the site was not required. - The Department has reviewed the Phase 2 Report and has concluded that the proposed development is consistent with the requirements of SEPP 55 and that the site is suitable for the warehouse, distribution and freight and logistics uses. - The Department has recommended a condition of consent to ensure the recommendations of the Phase 2 Report are carried out.	uses and that the site is not contaminated or requires remediation. The Department has recommended a condition of consent to ensure the recommendations of the Phase 2 Report are carried out.
Dangerous Goods and Hazardous Substances	- The Applicant advises that the proposal has not been designed to cater for the storage of dangerous goods in excess of thresholds stipulated under <i>State Environmental Planning Policy No.33 – Hazardous and Offensive Development</i> (SEPP 33) and therefore would not constitute a potentially hazardous or potentially offensive industry. - Notwithstanding, as end users of future buildings are not known, the Department has recommended conditions of consent requiring the Applicant to ensure that: - at any time the storage of all dangerous goods do not exceed the threshold quantities outlined in <i>Hazardous and Offensive Development Application Guidelines – Applying SEPP 33</i>; and - any dangerous goods stored must be done so in accordance with all relevant Australian Standards.	The Department has included conditions requiring the Applicant to ensure that: - the storage of all dangerous goods does not at any time exceed the thresholds in the <i>Hazardous and Offensive Development Application Guidelines – Applying SEPP 33</i>; and - any dangerous goods are stored and handled in accordance with <i>AS 1940-2004: The storage and handling of flammable and combustible liquids</i>.
Air Quality	- The Applicant engaged SLR Consulting to undertake an assessment of the potential construction and operational air quality impacts of the SSD application. The assessment was prepared in accordance with EPA's <i>Approved Methods for the Modelling and Assessment of Air Pollutants in NSW</i>. The assessment concluded that: - surrounding sensitive receivers currently have high amenity and a low exposure to dust and air impacts; - without the application of any mitigation measures, impacts associated with demolition are estimated to be medium, but low for bulk earthworks and construction phases; - with the implementation of mitigation and management measures, impacts and risks would be negligible; and - air quality impacts from the minor increase in vehicle traffic associated with the operational phase would represent a negligible impact on sensitive receivers. - The Department reviewed the Applicant's air quality assessment and has concluded that the proposed development will not result in any exceedances of the EPA's air quality criteria subject to the implementation of appropriate mitigation measures. The Department has recommended standard air quality management conditions to ensure the Applicant constructs and operates the facility in	The Department has included a condition that requires the Applicant to: implement best practice management and mitigation measures to minimise dust emissions from the site during construction and operation.

Issue	Assessment	Recommendation
	accordance with best practice.	
Soil and Water	- The Applicant proposes to implement standard erosion and sediment control measures to ensure that there are no adverse water quality impacts during the construction phase of the development. - The Department has reviewed the erosion and sediment control measures in consultation with the Council and has recommended standard conditions requiring the Applicant to implement best soil management practices during the construction of the proposed development.	The Department has included a condition on the SSD application requiring the Applicant to: implement and maintain suitable erosion and sediment control measures on-site, in accordance with the relevant requirements in the latest version of the <i>Managing Urban Stormwater: Soils and Construction Guideline</i>.
Waste	- A Waste Management Plan, prepared by SLR Consulting, was submitted with the SSD application and includes an assessment of the potential waste streams generated during the construction and operational phases of the development. The assessment concluded that: - demolition waste streams will generally comprise concrete, brick steel, wood, plastics and some asbestos containing roof material and should be re-used on-site where possible or disposed/recycled off-site; - construction waste will generally be comprised of packaging, plant management and non-putrescible waste from the employee compound and should be deposited/recycled off-site; and - operational waste will mainly comprise general, packaging, amenity and maintenance wastes and should be disposed/recycled off-site. - The Waste Management Plan also identifies opportunities for waste avoidance, re-use and recycling and options for storage and disposal of waste and recommends that site specific waste management plans be prepared for each building. - The Department has reviewed the Applicant's waste assessment and Waste Management Plan and is satisfied that they provide an accurate estimate of the waste products generated on-site, and incorporate best practice measures to minimise and manage waste over the life of the development. - The Department has recommended standard conditions to ensure that the Waste Management Plan is implemented over the life of the development.	The Department has included conditions requiring the Applicant to: - ensure that construction and operational waste is classified in accordance with the EPA's <i>Waste Classification Guidelines</i>; and - ensure that the Waste Management Plan is implemented over the life of the development.
Aboriginal and European Heritage	- An Aboriginal Heritage Management Plan (AHMP) was prepared by the Applicant and submitted to OEH in accordance with Statement of Commitment 14.1 of the approved Concept Plan (as amended). - The report concluded that implementation of protocols and procedures are necessary to ensure that identified Aboriginal heritage values and potential archaeological deposits are appropriately managed. - OEH raised no objections to the proposed development, advising that heritage matters had been addressed in the approval of the Concept Plan (as amended). - The Department has recommended a condition of consent requiring the conclusions and recommendations of the AHMP to be implemented as part of the proposed development. - The Applicant also committed to the preparation of a Heritage Interpretation Strategy and photographic archival recording of the Quarantine Station prior to the demolition and excavation works commencing under the approved	The Department has recommended conditions of consent requiring the Applicant to: - implement the conclusions and recommendations of the AHMP during the construction of the development; and - undertake photographic archival recording of the Quarantine Station prior to any demolition or excavation works commencing.

Issue	Assessment	Recommendation
	Concept Plan (as amended). The Department has recommended conditions of consent to ensure this occurs.	
Flora and Fauna	- The Department previously concluded in its assessment of the approved Concept Plan that biodiversity offsets would be required to offset the proposed clearance of native vegetation from the site, including Cumberland Plains Woodland; Shale Gravel Transition Forest; and Swamp Oak Floodplain Forest. - Under the approved Concept Plan, the Applicant committed to the purchase and retirement of the required biobanking credits prior to any vegetation clearance on-site, to the satisfaction of OEH. - OEH raised no objections to the proposed Concept Plan modification request and SSD application and advised that a request from the Applicant to modify the biobanking credits to vary the required ecosystem credits was reasonable on the grounds that all efforts had been undertaken to secure matching ecosystem credits and could be offset through the acquisition of credits of the same vegetation formation. - The Department has recommended a condition of consent to ensure that the required biobanking credits are purchased and retired prior to the commencement of any on-site vegetation clearance works.	The Department has recommended a condition of consent requiring the Applicant to: purchase and retire all necessary biobanking credits in accordance with Biobanking Credit Report ID: 0057/2009/D001, subject to the OEH approved variations.

6. CONCLUSION

The Department has assessed the proposed development and considers is to be consistent with the strategic objectives for the site in its transformation into an employment hub and with the envisaged Concept Plan approval. The proposed amendments to the Concept Plan layout, to include two additional lots for future built form, will assist in breaking up built form along the site's boundaries. The combination of the proposed design elements will also ensure that a satisfactory built form and urban design outcome is achieved for the development.

The Department has assessed the proposed development against the strategic goals and directions outlined *NSW 2021* and *A Plan for Growing Sydney* and has concluded that the application will:

- assist in the transformation of Western Sydney by providing growth and investment in an identified industrial precinct with high levels of accessibility to the regional road network, existing and planned public transport and cycle infrastructure (Direction 1.4); and
- provide additional employment opportunities within close proximity to existing residential developments in Western Sydney (Direction 1.4).

In addition, the Department has assessed the application against the provisions of section 79(c) of the EP&A Act and the relevant State environmental planning policies and is satisfied that the proposed development will not result in any adverse environmental, urban design, traffic, archaeological or heritage impacts, subject to the implementation of the recommended conditions of consent.

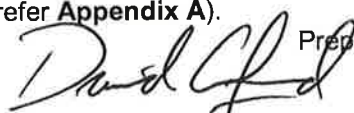
Given the above, the Department recommends that the proposed development should be approved subject to the recommended conditions of consent.

7. RECOMMENDATION

It is recommended that the Executive Director, Priority Projects Assessments:

- consider** the findings and recommendations of this report;
- approve** the development application under Section 89E of the EP&A Act; and
- sign** the attached development consent (refer **Appendix A**).


Chris Ritchie
Director
Industry Assessments
19/1/16.


David Gainsford
Executive Director
Priority Projects Assessments
19/1/16
Prepared by: Peter McManus

APPENDIX A CONDITIONS OF CONSENT
