



Planning &
Environment

***TRANSITIONAL PART 3A PROJECT
ASSESSMENT***

**Section 75W Modification Request
DEXUS Industrial Estate, Greystanes
Southern Employment Lands, Holroyd
Local Government Area
(MP08_0259 MOD 6)**

Secretary's
Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act 1979

July 2014

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1.0 BACKGROUND

This report is an assessment of a Section 75W modification request (MP08_0259 MOD 6) (the application) which seeks to modify the Project Approval for the DEXUS Estate Industrial Park Estate which is located within the Greystanes Southern Employment Lands (SEL), in the Holroyd Local Government Area (**Figure 1**).

PJEP Environmental Planning (the proponent) has lodged the application which seeks to permit the following changes (primarily to superlot A) (and see **Figure 2** and **Appendix A**):

- the subdivision of Lot 4 into two lots to enable the establishment of a warehouse and distribution facility for Jemena Gas (Jemena) (on Lot 4b) and a future warehouse/distribution facility (on Lot 4a);
- relocation of an approved estate manager's office and cafe from superlot C to proposed Lot 4a; and
- minor "housekeeping" changes to the approved master plan layout and development data (for example, floor space ratio, landscaped area) to reflect some previously approved modifications.

The 47 hectare DEXUS Estate forms part of the 156 hectare SEL. The SEL and the DEXUS Estate are located within the former Prospect Quarry, adjacent to Prospect Reservoir, Prospect Hill and Nelsons Ridge (**Figure 2**). Quarry walls to heights of approximately 40 metres to 60 metres remain, and constitute the back drop to the DEXUS Estate and the SEL.

The SEL and the adjoining Northern Employment Lands (NEL) (**Figure 1**) are identified as being of regional and state significance for employment and investment in the NSW Government's Metropolitan Strategy. *State Environmental Planning Policy (Major Development) 2005* (MD SEPP) and the SEL Concept Approval (MP06_0181) provides the planning regime and development controls for the SEL and the site, as detailed below.

Concept Approval and Project Approval (MP06_0181) Greystanes SEL:

On 20 July 2007, the Minister for Planning approved a Concept Plan and Project Application (MP06_0181) from Boral Limited (Boral) for the SEL under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Concept Approval was granted for:

- subdivision into industrial and business park precincts;
- a maximum gross floor area of 493,215 m²;
- a floor space ratio of 0.75:1 for the industrial precinct, and 1:1 for hotel development;
- conceptual road design; and
- urban design controls, including height, landscaping and open space.

Project Approval was granted for:

- a 75 lot community title subdivision;
- creation of three lots for business park and service retail use;
- construction of major infrastructure; and
- dedication of roads and transit corridor as public roads.

On 11 January 2008 and 13 August 2009, the concept and project approvals were modified, by creating an additional lot, making various lot boundary adjustments, reducing the spine road width, and establishing design controls for the spine road and southern road connection.

Project Approval MP08 0259 DEXUS Industrial Park Estate:

On 8 November 2009, the Minister for Planning approved a project application from DEXUS Funds Management Limited under Part 3A of the EP&A Act for the development of the eastern portion of the SEL (a former quarry) for the DEXUS Industrial Park Estate (**Figure 1**).

The Project Approval comprised a broad approval for:

- the construction and operation of a range of warehouse and storage/distribution facilities on three 'superlots'; and
- building footprints, approximate floor space, site cover and landscaping provisions.

The currently approved layout of the DEXUS Estate is shown at **Figure 2**.

The conditions of the project approval are structured such that the construction and use of future buildings do not require a development application. Instead, the conditions require proponents to submit architectural, landscape, stormwater and site management details for the Secretary's approval prior to the construction of each warehouse/industrial facility.

The proponent seeks to establish a facility for Jemena which is not wholly in accordance with the approved master plan layout, and as such requires a modification to the project approval.



Figure 1: DEXUS Estate and SEL/NEL locality plan

The DEXUS Estate is being developed in stages as tenants/uses for the facilities are secured. The Department has approved 11 end-user facilities for the estate which have either been constructed or are currently under construction. Those facilities include (and see **Figure 2**):

- Solaris Paper Facility, super lot B;
- Symbion Health Facility, super lot B;
- DEXUS Estate Data Centre Facility (now known as Fujitsu Data Centre), super lot A;

- Warehouse A and Warehouse B (superseded by Blackwoods Facility), super lot B;
- Warehouse 8 (now known as UPS Facility) and Warehouse 9, super lot C;
- Brady Australia and Voith Turbo Facilities (superseded by the proposed Jemena Gas facility), super lot A;
- Warehouse 10, super lot C;
- Makita Facility, super lot A;
- Blackwoods Facility, super lot B (supersedes Warehouse B); and
- Roche Facility, super lot C.

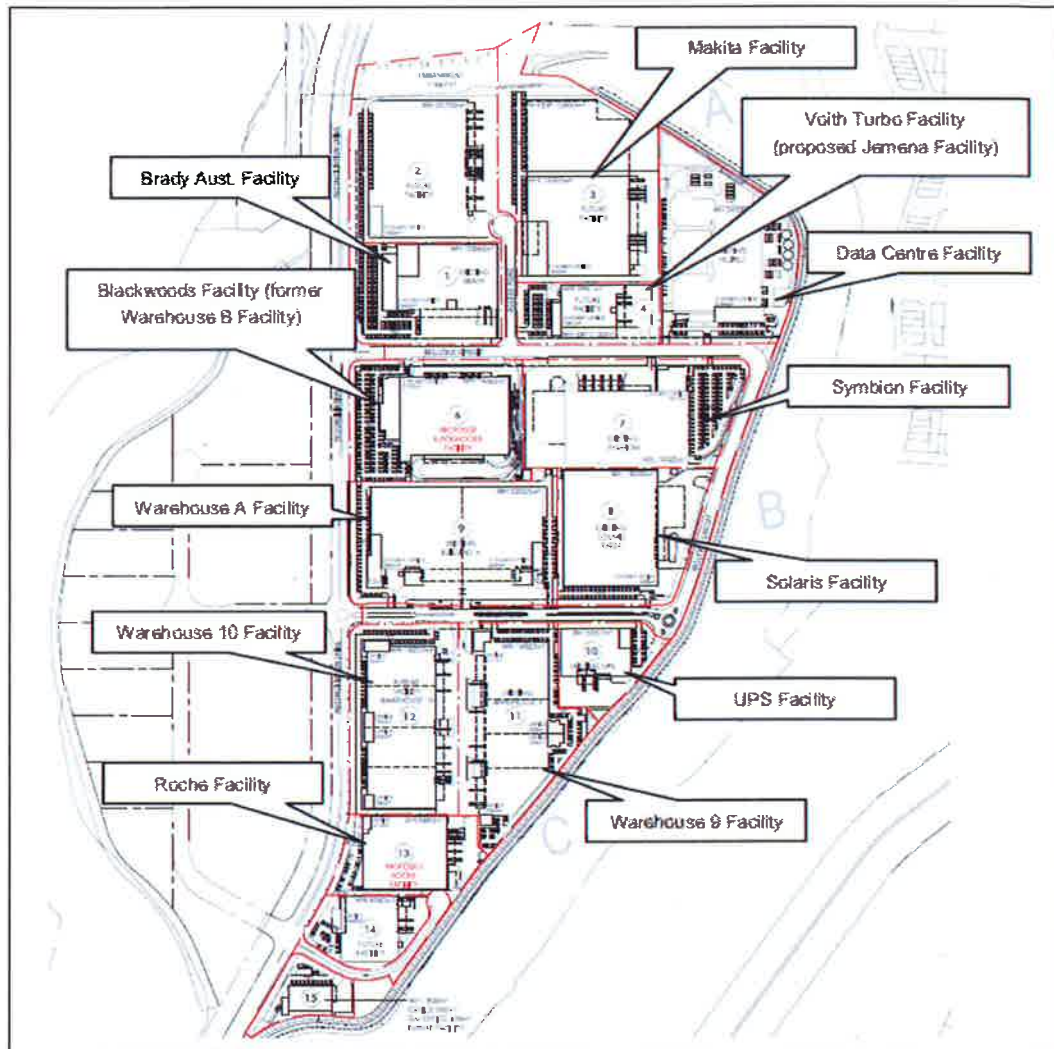


Figure 2: Approved DEXUS Estate Masterplan

The approved project has been modified on five occasions, as follows:

- On 20 August 2010, the Executive Director, Major Projects Assessment approved a Modification No. 1 to permit paper product manufacturing at the Solaris Paper Facility on Lots 8 and 9 (now known as Lot 7) of super lot B;
- On 14 March 2012, the Director, Metropolitan and Regional Projects North approved Modification No. 2 to permit amendments to the super lot C layout, including deletion of the southern portion of Bellevue Circuit on the eastern side of the lot, and an ancillary estate manager's office;
- On 4 May 2012, the Director, Metropolitan and Regional Projects North approved Modification No. 3 to permit changes to the super lot A masterplan layout, including subdivision of two lots into four lots, a new access road to service the additional lots, and light industrial use of two facilities (Brady and Voith Turbo);
- On 6 March 2013, the Executive Director, Development Assessment Systems and Approvals approved Modification No. 4 to permit amendments to building footprints and

envelopes, gross floor area and floor space ratio for the Fujitsu data storage facility on Lot 14 DP 270644, super lot A; and

- On 22 May 2013, the Director, Metropolitan and Regional Projects North approved Modification No. 5 to permit amendments to building footprints to split one building into two on Lot 25 DP 270644 within super lot C and subdivision of proposed Lot 13 to create proposed Lots 13 (for the Roche facility) and 14 (for a future facility).

2.0 PROPOSED MODIFICATION

On 8 May 2014, the proponent submitted a request to modify the project approval to permit the following changes (primarily to super lot A):

- subdivision of Lot 4 into two lots to enable the establishment of a facility for Jemena (on proposed Lot 4b) and a future warehouse/distribution use (on proposed Lot 4a) (**Figures 3 and 4**);
- relocation of an approved estate manager's office and cafe from super lot C to proposed Lot 4a; and
- minor "housekeeping" changes to the super lot C master plan and updated development data for super lot A to reflect previously approved modifications.

The approved Voith Turbo facility on Lot 4, super lot A is no longer proposed to be constructed. In its place, a new warehouse and distribution facility (Jemena) on proposed Lot 4b, and an additional warehouse and distribution facility for an unspecified end-user on proposed Lot 4a are proposed. The additional facility on Lot 4a will include a cafe and estate manager's office to service the estate (originally approved on super lot C). This requires changes to the approved super lot A masterplan: the subdivision of Lot 4 into two lots.

The application does not propose any change to the approved permissible height or floor space ratio. The application proposes to increase the total number of car parking spaces on the DEXUS Estate by an additional 128 spaces (to a total of 1,901 spaces). This exceeds the 1,402 spaces required. The additional spaces comprise 117 spaces for super lot A and 11 spaces for super lot C.

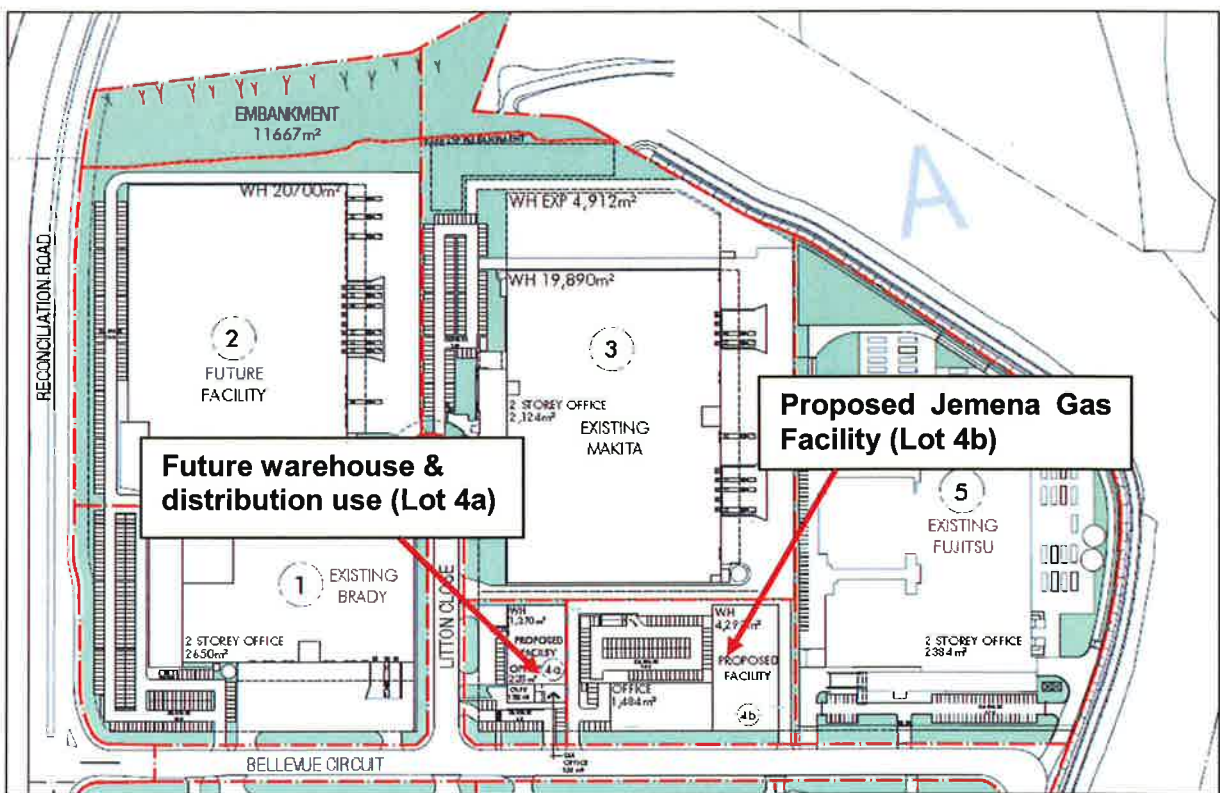


Figure 3: Proposed DEXUS Estate masterplan - Super lot A MOD 6

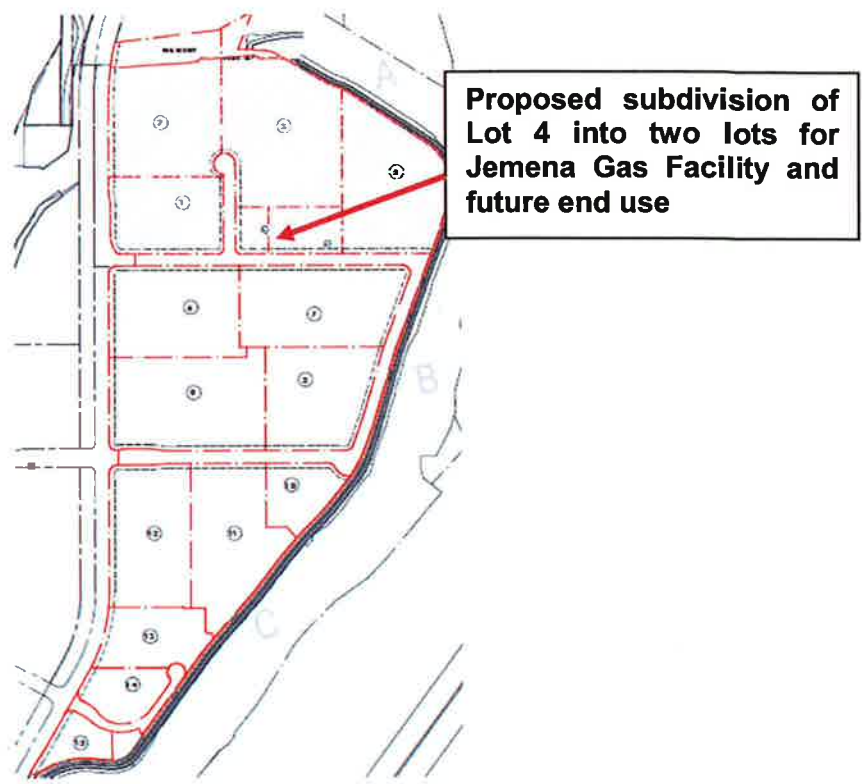


Figure 4: Proposed subdivision plan - Super lot A MOD 6

Super lot A:

Jemena Gas Facility (Lot 4b)

The proposed building will accommodate the warehousing and distribution of gas supply infrastructure, parts and equipment to support Jemena's NSW gas distribution operations. It will also be used by staff and contractors working on Jemena's infrastructure networks in western Sydney.

The industrial training component of Jemena will be used for compliance and refresher training for employees and contractors. The training will include the use of workshops, classrooms, and covered and uncovered external areas. The external area will include a fire pit providing trainees with a facility to extinguish gas fires, simulating real-life emergencies. The fire pit is likely to be fuelled from the reticulated gas mains.

Future end-use (Lot 4a)

The application proposes a warehouse, cafe and estate manager's facility (relocated from super lot C to super lot A) on proposed Lot 4a for a future end-use. **Figure 5** illustrates the proposed elevations for Lot 4.

Other:

The application proposes to update the master plan building layout for super lots A, B and C to reflect buildings recently approved and buildings proposed in the current application.

The previously approved modifications to the master plan have not been considered in this assessment report and do not form part of the recommended modification instrument.

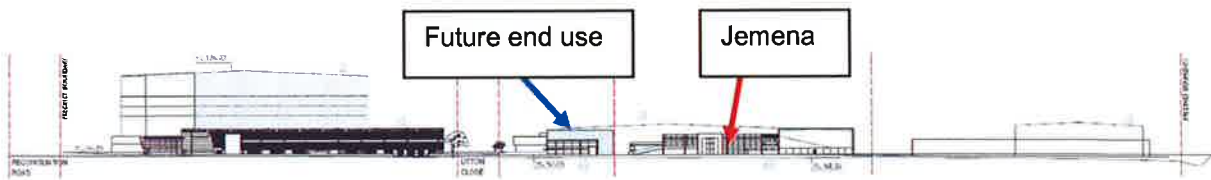


Figure 5: Proposed south east elevation – Lots 4a and 4b

3.0 STATUTORY CONTEXT

3.1 Modification of the Minister's Approval

The application seeks to modify the project approval under section 75W of the EP&A Act. The project application was approved in accordance with under section 75J, Part 3A of the EP&A Act, and is subject to transitional provisions following the repeal of Part 3A on 1 October 2011. In accordance with clause 3, Schedule 6A of the EP&A Act, section 75W (as in force immediately before its repeal on 1 October 2011 as modified by Schedule 6A), continues to apply to transitional Part 3A projects.

The Department considers that the application constitutes a modification within the scope of section 75W of the EP&A Act and is not a new application. Consequently the application is able to be determined under section 75W.

Section 75W of the EP&A Act provides the Secretary with the scope to issue environmental assessment requirements (SEARs) that must be addressed in a proposed modification. As the modification relates only to minor changes to the approved project, it was considered unnecessary to notify the proponent of any further SEARs. The assessment submitted with the application addresses the original SEARs.

3.2 Delegated Authority

On 14 September 2011, the then Minister for Planning and Infrastructure delegated functions to determine modification requests to the Director in the Major Projects Assessment Division, where all of the following circumstances are satisfied:

- the relevant local council has not made an objection; and
- a political disclosure statement has not been made; and
- there are less than 10 public submissions in the nature of objections.

Holroyd City Council (Council) did not object to the application, no public submissions were received, and no political disclosure statement was made for the application. Accordingly, the application satisfies the terms of the delegation and can be determined by the Director, Industry, Key Sites and Social Projects.

3.3 Permissibility

The site is zoned IN2 Light Industrial under Part 22 'Greystanes Southern Employment Lands site' of Schedule 3 of the MD SEPP. Warehouse or distribution centres are permissible uses within the zone. The Jemena facility will be used for warehousing and distribution of gas supply infrastructure, parts and equipment, and by staff and contractors working on Jemena's infrastructure networks, and includes an industrial training component.

The relevant objectives of the IN2 zone include the following:

- to provide a wide range of light industrial, warehouse and related land uses;
- to encourage employment opportunities;
- to minimise any adverse effect of industry on other land uses;

- to enable other land uses that provide facilities or services to meet the day to day needs of workers in the area; and
- to facilitate employment-generating development for a wide range of purposes, including light industry and technology-based industry.

The application means that the development as proposed to be modified will remain consistent with relevant zone objectives, and provide for the continued use of the land for warehouse related land uses and technology based activity.

4.0 CONSULTATION AND SUBMISSIONS

Under section 75W of the EP&A Act, a request to modify an approval does not necessarily require public exhibition, however, under section 75X(2)(f) of the EP&A Act, the Secretary is required to make the application publicly available. In accordance with clause 8G of the *Environmental Planning and Assessment Regulation 2000*, the request for modification was made publicly available on the Department's website.

One submission was received from Council which recommended conditions of approval primarily for traffic, and road and stormwater design (**Appendix B**), and included the following comments:

- the proposed provision of 152 car parking spaces is a shortfall of 92 spaces, as a total of 244 spaces are required under the *Holroyd Development Control Plan 2013* (DCP). Council has applied an 'information and education facility' parking rate for the proposed training component of the Jemena facility in the absence of a more specific rate in the DCP; and
- a traffic generation assessment is required to demonstrate that traffic generation will not exceed that of the approved project.

The proponent responded to all of the matters raised by Council (see **Annexure C**).

5.0 ASSESSMENT

The Department has reviewed the application and considers that the key issues for assessment are:

- subdivision layout and built form;
- parking and access; and
- potential hazards and risks.

5.1 Subdivision Layout and Built Form

The proposed subdivision of approved Lot 4, super lot A to create Lots 4a and 4b (resulting in 16 lots instead of 15 lots for the estate) will result in two smaller lots to accommodate two proportionately smaller facilities of a similar height and scale to the one approved building (the Voith Turbo Facility previously approved for Lot 4 in MOD 3). This is unlikely to result in any adverse impacts on the design quality of the project or visual amenity of the locality. It will generally improve the visual amenity of the estate, as it will facilitate two smaller scale buildings facing Bellevue Circuit rather than one larger building in the original approved layout. This will generally assist in reducing the scale and bulk of the facilities when viewed from this elevation.

Similarly, the proposed minor changes to the super lot C master plan relate to the layout of the internal estate access road and development lots (approved in MOD 5), the layout of buildings on Lots 14 and 15, and the relocation of the cafe and estate manager's office (to super lot A), and will not result in any design or visual impacts. In addition, the Council did not raise any issues about the proposed subdivision layout and built form.

The Department considers the revised subdivision layout for super lots A and C is generally consistent with the project approval, will have minimal environmental impacts and is recommended for approval.

5.2 Parking and Access

The proposed modification to Lot 4, super lot A retains the approved vehicular access points on Bellevue Circuit and Litton Close whilst providing two additional vehicular access points on Bellevue Circuit (**Figure 6**). This will provide for efficient servicing of the proposed Jemena facility and any future use of proposed Lot 4b. The application does not propose any change to the DEXUS Estate's approved access arrangements between Basalt Road and the southern access road.

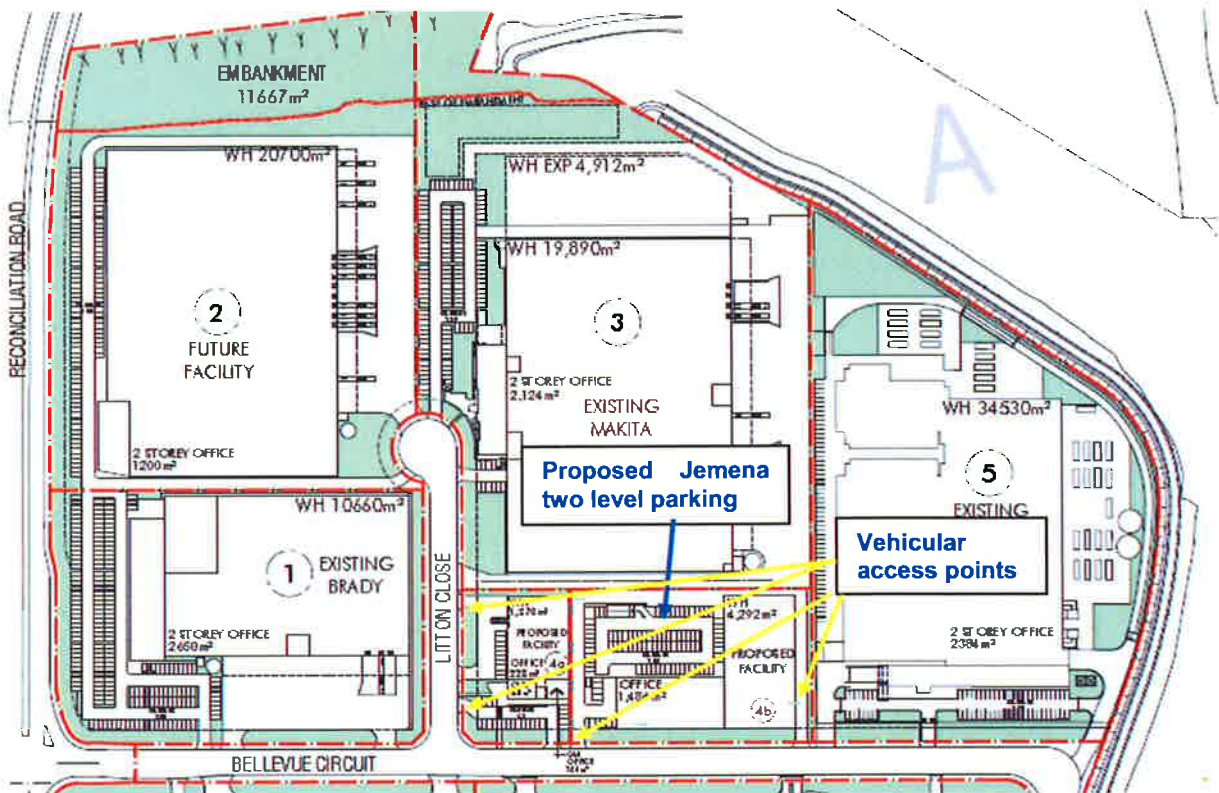


Figure 6: Vehicular access to Lots 4a and 4b on Bellevue Circuit and Litton Close

The application generates a requirement for 63 fewer car parking spaces compared with the total building area for the approved development as modified by MOD 5. This is due to a proposed reduction in MOD 6 in the warehouse and office/showroom floor area (a 1,670 m² reduction in total building area). However, a total of 152 parking spaces will be provided, in a two level structure below and beyond the main office at the rear of Lot 4b (**Figure 6** above). Those spaces will cater for Jemena's expected staffing levels and its requirement to provide on-site fleet vehicle parking.

Council's submission considered that a traffic assessment is required to confirm that overall traffic generation from the DEXUS Estate will not increase. Council also commented on the shortfall of parking spaces for the training component of the proposed Jemena facility.

Council noted that there is no specific parking rate in the DCP for the training component and that the closest applicable parking rate is 'information and education facility' which it applied in its calculations. Council also acknowledged that applicants can undertake parking surveys for similar sites to determine an appropriate parking rate on a site specific basis.

The parking rate for 'information and education facility' does not apply to the Jemena facility which is properly categorised as a light industrial/warehouse/distribution land-use. The proposed parking provision is based on the expected worst-case demand for Jemena with up to 70 staff and 60 trainees (at any one time). The proposed 152 parking spaces will comfortably accommodate the expected demand with some additional capacity for parking of Jemena-owned vehicles.

The Department does not agree with Council's comment that a traffic assessment is required. A comprehensive traffic assessment was undertaken for the original project approval. The predicted traffic generation for MOD 6 is less than that assumed in the original assessment due to a proposed reduction in the total building area for the project approval. MOD 6 will generate a need for 21 fewer on-site car parking spaces but will provide 117 spaces in excess of the minimum requirement to cater for Jemena's staffing levels and fleet vehicles. Application of an 'information and education facility' parking rate to Jemena's training component is unwarranted as it will be ancillary to the dominant warehouse/distribution use. Accordingly, another traffic assessment is unnecessary.

Any other minor matters raised by Council can be dealt with as part of the existing pre-construction approval requirements in the project approval following determination of this modification request. Similarly, Council's comments about stormwater drainage plans and a swept path analysis are addressed in the operational traffic management plan (which is required to be submitted with the pre-construction submission).

Vehicular access to the car park for all components of the Jemena facility will be via the western access off Bellevue Circuit (**Figure 6** above). Vehicles accessing the office and training components will also exit the site on that driveway whilst vehicles servicing the warehouse component will exit the site from the eastern driveway off Bellevue Circuit.

The management of on-street parking in the vicinity of the cafe (on proposed Lot 4a) will be addressed through the proponent's review and update of the existing Estate Traffic Management Plan. This will be undertaken prior to construction of the cafe building in accordance with condition 8, Schedule 3 of the project approval. This will particularly address Council's comment about sight lines in the vicinity of the Litton Close/Bellevue Circuit intersection.

The Department considers that traffic arrangements, car parking provision and associated engineering requirements are satisfactory, and will accommodate the Jemena facility and the future facility on proposed Lots 4a and 4b.

5.3 Potential Hazards and Risks

The Jemena facility will include a fire pit in the external area of the industrial training facility. The fire pit is likely to be fuelled from the reticulated gas mains. The application includes a Preliminary Hazard Analysis (PHA) which has been reviewed by the Department.

The Department notes that the PHA identifies the hazardous events associated with the proposed fire pit, estimates the potential impacts in the event of accidental release, and demonstrates that none of the events have the potential to impact upon off-site land uses.

The Department's findings and recommendations are, as follows:

- the proposed development is not considered to be potentially hazardous under the provisions of SEPP 34;
- the level of assessment is appropriate for the potential hazards associated with the development;
- the PHA demonstrates that the off-site impacts from the fire pit are below the criteria set out in HIPAP No. 4; and
- accordingly no hazard related conditions of consent are recommended.

6.0 CONCLUSION

It is considered that the project as proposed to be modified is consistent with the larger scale industrial and warehouse development as assessed under the original project approval.

The application does not alter the overall nature of the approved development for warehousing and distribution facilities. In addition, the application does not introduce any

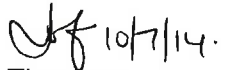
expected detrimental environmental, social or economic impacts to the site or surrounding locality, due to the site's location within an industrial estate, a former quarry.

As the application primarily involves minor changes to the approved subdivision layout for super lots A and C and the relocation of approved ancillary uses, with no change to the estate-wide approved height or floor space ratio there will be little if any impact on the environment. The Department therefore recommends the application be approved.

7.0 RECOMMENDATION

It is recommended that the Director, Industry, Key Sites & Social Projects, as delegate of the Minister for Planning:

- a) approve the proposed modification under section 75W of the EP&A Act to Project Approval MP08_0259 by signing the Instrument of Approval included at **Appendix D**.

 10/7/14.

Jane Flanagan
A/Team Leader

Industry, Key Sites & Social Projects

Chris Ritchie
Manager
Industry, Key Sites & Social Projects

Approved by:

  10/7/14
Dan Keary
Director
Industry, Key Sites & Social Projects

APPENDIX A - APPLICATION

See the following link:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6524

APPENDIX B - HOLROYD CITY COUNCIL'S SUBMISSION

See the following link:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6524

APPENDIX C - PROPONENT'S RESPONSE TO COUNCIL'S SUBMISSION

Council's comments appear to be generally broad in nature and consistent with its comments provided on previous buildings within the estate.

With regard to Council's comment regarding parking provision, I have now spoken to Council's traffic engineer to understand the basis for the stated 244 parking spaces. Council said that in the absence of a parking rate for the training component, they have applied the rate for 'education and information establishments' in Council's DCP for the training/industrial component of the facility, which is a rate of 1 space per 10 sqm. Council did mention that they were open to an alternative analysis based on parking demand.

In this regard, it is noted that the parking provision for the facility has been based on the expected demand for the facility. As outlined in the documentation, the Jemena Facility would have a staffing level of up to 70 people, plus a worst case trainee level (at any one time) of 60 people. The proposed parking provision of 152 spaces would accommodate these worst case staff/trainee levels, with some additional capacity for parking of Jemena-owned vehicles. Further, it is considered that application of the education establishment rate is not warranted for the facility, as the facility is not akin to a standard educational establishment.

Council has also requested swept path analysis for the Jemena Facility. I note that this analysis is provided in the Operational Traffic Management Plan for the Jemena proposal.

With regard to Council's request for a traffic assessment, I note that such assessments have already been undertaken for the DEXUS Estate, and as outlined in the MOD 6 EA the actual traffic generation within the estate is well less than that assumed in the original assessments. As such, it is considered that another traffic assessment for the modification is not necessary or warranted.

Council's comment that there are no stormwater drainage plans appears to be incorrect, as the plans are included in the Jemena Facility pre-construction submission. These plans have been prepared in a manner that is consistent with other approved facilities within the estate.

Council's other comments are noted, and it is considered that the proposal is generally consistent with these matters. It is considered that a detailed response is not required for these matters.