



Planning &
Environment

STATE SIGNIFICANT DEVELOPMENT ASSESSMENT:
Lot 3, Horsley Drive Business Park
Warehouse, Distribution and Light Industrial Facility
SSD 7917



Environmental Assessment Report
Section 89H of the *Environmental Planning and
Assessment Act 1979*

April 2017

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Source: EIS

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ABBREVIATIONS AND DEFINITIONS

AHD	Australian Height Datum
Applicant	Frasers Industrial Constructions Pty Ltd
AS	Australian Standard
BCA	Building Code of Australia
Council	Fairfield City Council
CIV	Capital Investment Value
CEMP	Construction Environmental Management Plan
Construction	The demolition of buildings or works, carrying out of works, including earthworks, erection of buildings and other infrastructure covered by this consent
Department	Department of Planning and Environment
Development	The development as described in the EIS and RTS for the construction and operation of a warehouse and distribution or light industrial facility at Wetherill Park
EIS	Environmental Impact Statement titled, <i>Horsley Drive Business Park Proposed Two Staged Warehouse/Distribution & Light Industrial Facility, Proposed Lot 3 in Lot 5, DP 1212087 Burilda Close Wetherill Park</i> , prepared by Willowtree Planning Pty Ltd, dated 9 November 2016
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979 (NSW)</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000 (NSW)</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999 (Cth)</i>
EPI	Environmental Planning Instrument
HDBP	Horsley Drive Business Park located on the corner of Cowpasture Road and The Horsley Drive, Wetherill Park approved for subdivision, remediation, bulk and detailed earthworks, estate infrastructure and estate landscaping under SSD 5169 in 2013
Minister	Minister for Planning
OEH	Office of Environment and Heritage
Parklands SEPP	<i>State Environmental Planning Policy (Western Sydney Parklands) 2009</i>
Parklands, the	The Western Sydney Parklands
RMS	Roads and Maritime Service
RTS	Response to Submissions letter and appendices, prepared by Willowtree Planning, dated 03 February 2017
Secretary	Secretary of the Department of Planning and Environment, or nominee
SEARs	Secretary's Environmental Assessment Requirements
Site	The land identified as Lot 3 in the approved layout of the HDBP in SSD 5169
SRD SEPP	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>
SSD	State Significant Development
TfNSW	Transport for NSW
WSP Act	<i>Western Sydney Parklands Act 2006</i>

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EXECUTIVE SUMMARY

Fraser's Industrial Constructions Pty Ltd (the Applicant) has lodged a Development Application (DA) and accompanying Environmental Impact Statement (EIS) seeking consent to construct a warehouse, distribution and light industrial facility at the corner of The Horsley Drive and Cowpasture Road, Wetherill Park in the Fairfield local government area (LGA).

The site is located within the Horsley Drive Business Park (HDBP) in the Western Sydney Parklands (the Parklands). The HDBP is one of nine business hubs in the Parklands identified for redevelopment to provide long-term funding for new recreational facilities and environmental initiatives within the Parklands. The HDBP is being developed in three stages in accordance with the requirements of a State significant development consent (SSD 5169) issued in January 2013, which permits the subdivision of the site into five lots, clearing, earthworks and infrastructure provision (including road construction). The majority of these works have been completed, however a subdivision certificate has yet to be issued for the HDBP.

The Applicant proposes to construct a two tenancy warehouse, distribution and industrial facility over two stages on proposed Lot 3 of the HDBP. Stage 1 comprises the construction of the main building, the office associated with tenancy 1 and associated car parking. Stage 2 comprises the construction of a dividing wall to separate the main building into two tenancies, construction of the office associated with tenancy 2 and additional car parking.

The proposal has a capital investment value of \$14.9 million and will generate up to 300 jobs during construction and approximately 100 full time equivalent jobs during operation (dependent on final building tenants).

The proposal is classified as State significant development (SSD) under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as it involves development that has a capital investment value of more than \$10 million on land identified as being within the Western Sydney Parklands. This satisfies the criteria of Schedule 2, Clause 5 of *State Environmental Planning Policy (State and Regional Development) 2011*. Consequently, the Minister for Planning is the consent authority for the development.

The Department exhibited the DA and EIS for the development from 17 November 2016 to 16 December 2016. A total of 10 submissions were received, all of which were from government authorities including from Fairfield City Council. No public submissions were received.

The submissions raised no objection to the proposed development however, raised concerns regarding a potential conflict of heavy vehicle access, stormwater management and impacts to the heritage listed 'Upper Canal System'. The Applicant submitted a Response to Submissions (RTS) in February 2017 to address and clarify issues raised in the submissions.

The Department's assessment of the application has fully considered all relevant matters under Section 79C of the EP&A Act, the objects of the EP&A Act and the principles of ecologically sustainable development. The Department identified the following key issues for assessment:

- traffic impacts on the road network in the locality;
- urban design; and
- operational noise.

The Department's assessment concluded that the impacts of the development can be mitigated and/or managed to ensure an acceptable level of environmental performance, subject to the recommended conditions of consent. Furthermore, the proposed development would provide employment opportunities in western Sydney consistent with the *State Priorities for NSW*, including the Premier's key priorities, and the goals and actions outlined in *A Plan for Growing Sydney*.

Consequently, the Department considers the development is in the public interest and should be approved, subject to conditions.

1. BACKGROUND

1.1. The Department's Assessment

This report details the Department of Planning and Environment's (the Department) assessment of the State significant development (SSD 7917) for a warehouse, distribution and light industrial facility within the Horsley Drive Business Park (HDBP) at Wetherill Park. The development involves the staged construction of two attached warehouse/industrial buildings, ancillary offices, parking and landscaping. The Department's assessment considers all documentation submitted by the Applicant, including the Environmental Impact Statement (EIS), Response to Submissions (RTS), and submissions received from government authorities including Fairfield City Council. The Department's assessment also considers the legislation and planning instruments relevant to the site and the development.

This report describes the proposed development, the surrounding environment, relevant strategic and statutory planning and the issues raised in submissions. The report evaluates the key issues associated with the development and provides recommendations for managing any impacts during construction and operation. The Department's assessment of the warehouse, distribution and industrial facility concludes the proposed development is in the public interest and should be approved, subject to conditions.

1.2. Development Background

Fraser's Property Industrial Constructions (the Applicant) proposes to construct a warehouse, distribution and light industrial facility in the suburb of Wetherill Park in the Fairfield local government area.

The site is located approximately 35 kilometres (km) west of the Sydney city centre adjacent to the Smithfield-Wetherill Park industrial estate (see **Figure 1**). The site is approximately 3.5 hectares (ha) in area and is located within a 21 ha industrial precinct known as the Horsley Drive Business Park (HDBP). The HDBP forms part of a larger strategic land use corridor known as the Western Sydney Parklands. The HDBP was approved under a previous State significant development application (SSD 5169) which currently permits the subdivision of the site into a five lot business park, demolition, remediation, bulk and detailed earthworks, estate infrastructure and landscaping. The construction works required to facilitate the creation of the lots within the HDBP commenced on 31 August 2015 and are expected to be completed in the coming months. The development is proposed on Lot 3 of the HDBP which has been cleared and levelled and the necessary infrastructure has been installed as part of the works for the HDBP, including the roadworks.

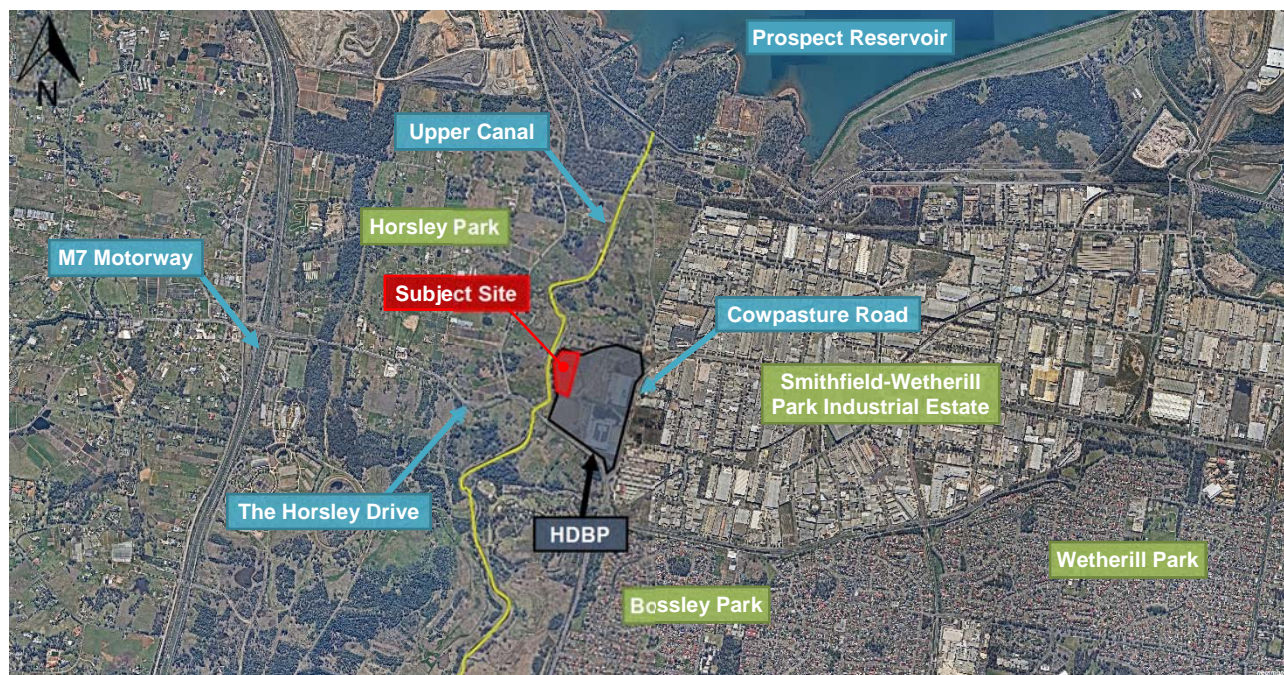


Figure 1: Site Location

1.3. Site Description

The site is located on proposed Lot 3 within part of Lot 5 in DP 1212087.

The site is located at the western end of Burilda Close which is a local road proposed to be classified for B-double traffic as part of the development of the HDBP.

The site is clear of any structures or vegetation and has been graded to a level earthworks pad at a current level of RL 72.20.

1.4. Surrounding Land Uses

The site is located within the HDBP, a purpose built business park containing five lots, including recently constructed warehouse and distribution facilities on Lots 1 and 5 to the east and south-east (see **Figure 2**) approved under separate DAs:

- DA 818.1/2014 – Construction of a 13,000 m² two staged warehouse development (approved by Fairfield City Council);
- DA 325.1/2016 – Construction of a Nick Scali warehouse (approved by Fairfield City Council);
- SSD 7078 – Construction of a 18,559 m² warehouse and distribution facility for Martin Brower; and
- SSD 7564 – Construction of a 17,700 m² warehouse and distribution facility.

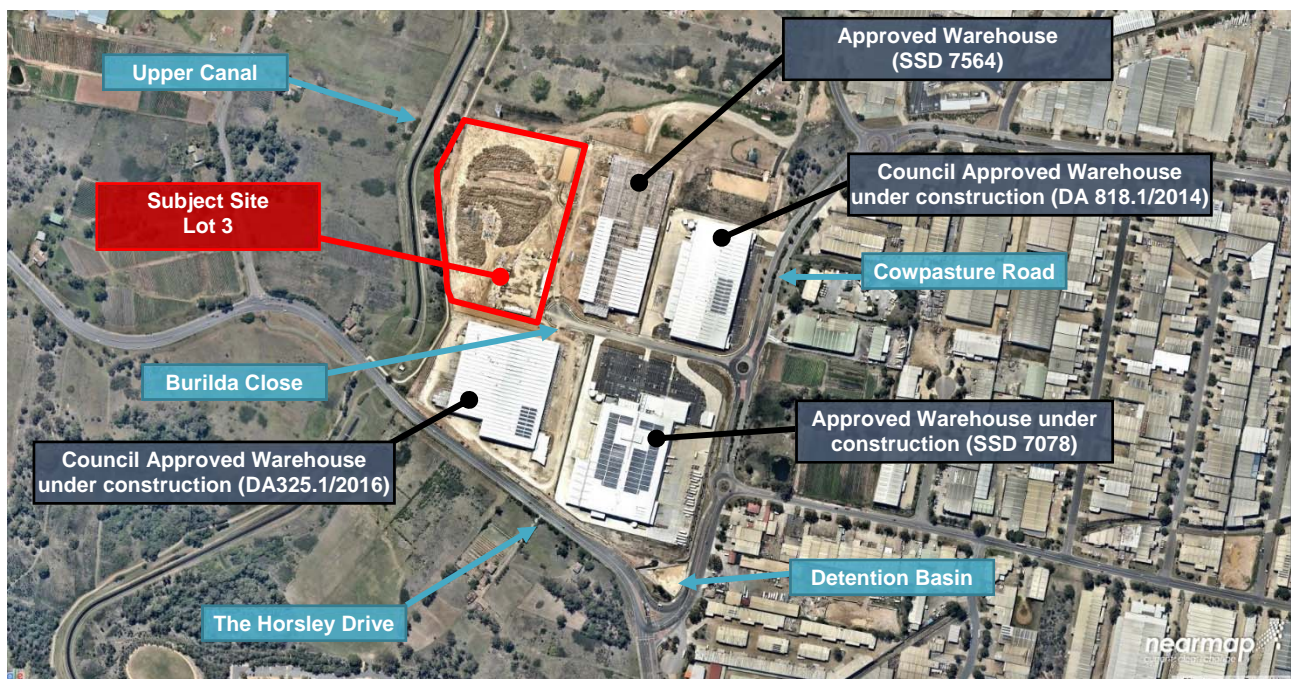


Figure 2: Site (Lot 3) within the Horsley Drive Business Park (HDBP)

The HDBP is located adjacent to the Wetherill Park industrial precinct to the east which contains a variety of light industrial, warehouse and storage uses. To the west and south of the HDBP are lands presently used for agriculture which will in the future form part of the Western Sydney Parklands recreational area. To the north of the site are lands which have been proposed to facilitate the expansion of the HDBP. This expansion is referred to as HDBP Stage 2 and is subject to a separate staged SSD application (SSD 7664) which is currently being assessed by the Department for a Concept Proposal for a warehouse and distribution and light industrial park with 88,000 m² and a Stage 1 DA for subdivision, earthworks, infrastructure services and internal roads and landscaping.

The nearest residential dwelling is located approximately 150 metres (m) to the south-west of the site. In addition, the residential suburb of Bossley Park is located approximately 1 km to the south-east of the site (see **Figure 1**).

The road network surrounding the site includes:

- Burilda Close (the main access road for the HDBP) which is a newly constructed two-lane local road that connects to Cowpasture Road to the east;
- Cowpasture Road, a dual carriageway road which connects to The Horsley Drive to south; and

- The Horsley Drive, a dual carriageway road which directly connects to the M7 Motorway to the west.

A TransGrid electricity easement (30.5 m wide, 132 kV) is located adjacent to the northern boundary of the site.

1.5. Other Development Approvals

On 14 December 2012, the then Director, Metropolitan and Regional Projects North, approved SSD 5169 for subdivision and infrastructure works for the entire HDBP in three stages. The original approval permitted:

- subdivision of the site into 12 lots;
- demolition and remediation works;
- bulk and detailed earthworks;
- estate infrastructure including road access, connections to existing electricity, water, sewer, gas and telecommunication services and construction of estate stormwater including two on-site detention basins; and
- internal and perimeter setback landscaping.

Specific uses for buildings within the HDBP would be subject to future DAs. The HDBP approval (SSD 5169) has been modified three times to amend the site area, internal road and subdivision layout (from 12 to 5 lots), site levels, retaining walls and stormwater design. The approved subdivision layout currently permits five lots. As outlined in **Section 1.4** above, a number of Council and Departmental approvals have permitted warehouse and distribution uses in the HDBP.

2. PROPOSED DEVELOPMENT

2.1. Description of the Development

The Applicant proposes to construct a warehouse, distribution and industrial facility. The major components of the development are summarised in **Table 1** and shown in **Figure 3** and **Figure 4**. The proposed development is described in full in the EIS, with clarifications provided in the RTS which are provided at **Appendix E** and **Appendix G**, respectively.

Table 1: Main Development Components

Aspect	Description
Development Summary	Staged construction of two attached buildings / tenancies, access roads, parking, drainage and landscaping providing 23,455 m ² for warehouse, distribution and industrial uses with ancillary offices.
Occupation of buildings	Dependent on future tenants, but proposed to be used for warehousing, distribution and light industrial uses.
Staged Construction	<ul style="list-style-type: none"> • Stage 1 <ul style="list-style-type: none"> - construction of a 23,455 m² main building with a height of 12.2 m and 500 m² of ancillary office space for tenancy 1; - one access road for heavy vehicles and two access roads for light vehicles; - two loading areas, each containing four recessed loading docks, 6 flush docks for proposed warehouse 1 and 5 flush docks for proposed warehouse 2; - a 100 space parking lot for tenancy 1; and - landscaping, stormwater management system and rainwater harvesting and re-use system. • Stage 2 <ul style="list-style-type: none"> - dividing wall to form 2 warehouse tenancies; - 500 m² office for tenancy 2; and - additional 59 space parking lot for tenancy 2.
Construction Timeframe	• 60 weeks for the entire HDBP
Earthworks	• the majority of earthworks for the site have been completed as part of SSD 5169 for the construction of the HDBP. No additional earthworks are proposed for SSD 7917.
Infrastructure	<ul style="list-style-type: none"> • water, sewer and drainage infrastructure is available in Burilda Close for the development to connect into; and • the proposed internal stormwater management system consists of pits and pipes around the perimeter of the building to convey stormwater to the HDBP drainage infrastructure in Burilda Close.
Landscaping	• a 4 m landscaped setback along the rear and northern side boundary will be planted with predominantly native vegetation.
Traffic	• 996 vehicles per day (vpd), and 131 vehicles per hour during peak periods.
Hours of Operation	• 24 hours per day, seven days per week.

Aspect	Description
Car Parking	• 159 spaces (including 4 disabled spaces) servicing stages 1 and 2.
Capital Investment Value	• \$14.9 million.
Employment	• 300 construction jobs and 100 full time operational jobs.

2.2. Applicant's Need and Justification

The Applicant has advised the development is required to accommodate the Applicant's need for additional warehouse, distribution and industrial space in the Wetherill Park area. The Applicant suggests the development is necessary to improve operational efficiencies of its customers which operate transport and logistics businesses, as well as provide opportunities for additional space for light industrial uses in western Sydney.

The Applicant selected the site in a purpose built industrial business park to minimise impacts on the surrounding environment. The site was also selected based on its proximity to the regional road network including the M7 which is approximately two kilometres to the west of the site.

The Applicant has also advised the facility will provide employment opportunities in the Western Sydney Parklands strategic corridor, consistent with the goals, directions and actions outlined in *A Plan for Growing Sydney* and the draft *South West District Plan*. The facility will contribute to the growth of industry, the provision of employment opportunities in the region and generate income to support the management and development of western Sydney.

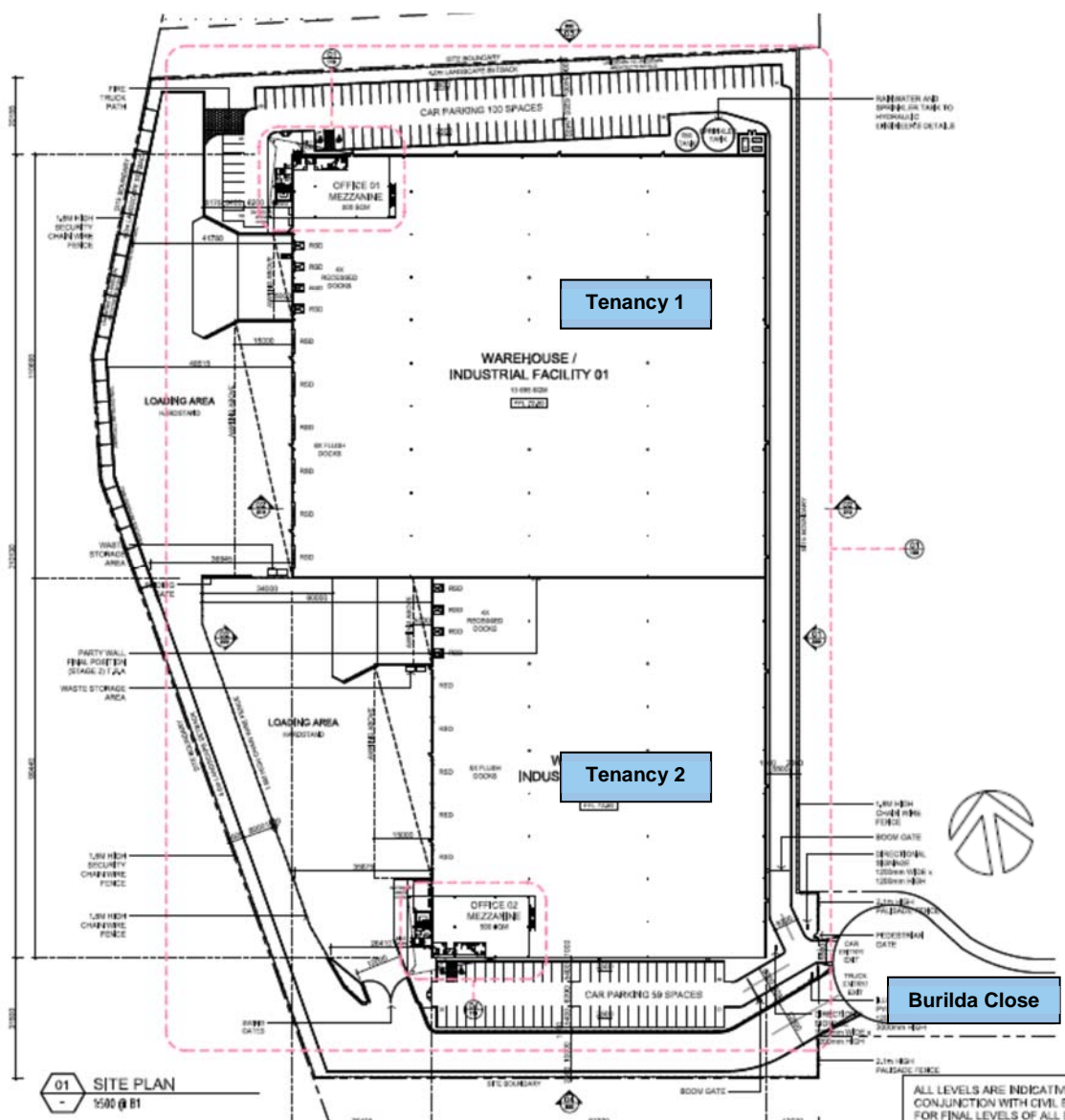
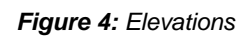


Figure 3: Site Layout Plan



3. STRATEGIC AND STATUTORY CONTEXT

3.1. Strategic Context

The NSW Government has announced the Premier's Priorities which cover 12 key areas, including economic growth, provision of infrastructure, protection of vulnerable communities, improving education and environmental protection. One of the Premier's key priorities is 'Creating Jobs'. The NSW Government aims to provide 150,000 new jobs over the next four years.

The proposed development would contribute toward 'Creating Jobs' by providing 300 new construction jobs and 100 full time equivalent operational jobs (dependent on final building tenants) in the Fairfield LGA. The development also represents a \$14.9 million capital investment in warehouse development which would generate a considerable number of construction jobs in western Sydney.

The proposal is also consistent with the goals, directions and actions outlined in *A Plan for Growing Sydney*, as it 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, and existing and planned public transport and cycle infrastructure (Direction 1.4);
- provide additional employment opportunities within close proximity to existing residential developments in western Sydney (Direction 1.4); and
- provide a high quality development which will stimulate economic activity and create new jobs within the western Sydney (Direction 1.7).

The Greater Sydney Commission has released the draft of six district plans encompassing Greater Sydney which will guide the delivery of A Plan for Growing Sydney. The draft district plans set out the vision, priorities and actions for the development of each district. The proposed development is located within the South West District which is identified as an area of diverse employment activities including local services and employment land and distribution centres. The proposed development would assist in achieving a number of the productivity actions of the draft South West District Plan by providing a pipeline of employment and urban services land.

3.2. State Significant Development

The proposal is State Significant Development (SSD) pursuant to Section 89C of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it involves development with a capital investment value of more than \$10 million on land identified as being within the Western Parklands as defined in *State Environmental Planning Policy (Western Sydney Parklands) 2009* (Parklands SEPP). As such, the development triggers the criteria in Clause 5 of Schedule 2 of *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP). Consequently, the Minister for Planning is the consent authority for the development.

3.3. Permissibility

The site is within the Western Sydney Parklands (the Parklands). After the commencement of the Parklands SEPP, all previously zoned lands within the WSP became unzoned. The Applicant has not stipulated the exact future use of the two tenancies, however has suggested the uses will be either warehouse and distribution or industrial. The *Standard Instrument-Principal Local Environmental Plan* defines a warehouse or distribution centre and industry as follows:

warehouse or distribution centre means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made.

industry means any of the following: general industry, heavy industry or light industry.

Clause 11(2) of the Parklands SEPP permits development for the purposes of both "industry" and a "warehouse or distribution centre" with consent on unzoned lands in the Parklands. An assessment of the types of industries which could occupy the tenancies is contained in **Section 5** of this report. No specific development standards or controls apply to the site under the Parklands SEPP.

3.4. Consent Authority

On 16 February 2015, the Minister for Planning delegated responsibility for the determination of SSD applications to the Executive Director, Key Sites and Industry Assessments where:

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

Of the 10 submissions received, none objected to the proposed development, including Council. No reportable political donations were made by the Applicant in the last two years and no reportable political donations were made by any persons who lodged a submission.

Accordingly, the application can be determined by the Executive Director, Key Sites and Industry Assessments.

3.5. Other Approvals

Under Section 89K of the EP&A Act, other approvals may be required and must be approved in a manner that is consistent with any Part 4 consent for the SSD under the EP&A Act.

The proposed development does not require any other approvals identified under Section 89K of the EP&A Act.

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

Section 79C of the EP&A Act sets out the matters to be considered by a consent authority when determining a DA. The Department's consideration of those matters is set out at **Section 5** and **Appendix B**. In summary, the Department is satisfied the proposed development is consistent with the requirements of Section 79C of the EP&A Act.

3.7. Environmental Planning Instruments

The following State Environmental Planning Policies (SEPPs) were considered in the assessment of the proposal:

- *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP);
- *State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP);
- *State Environmental Planning Policy (Western Sydney Parklands) 2009* (Parklands SEPP);
- *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development* (SEPP 33);
- *State Environmental Planning Policy No. 55 – Remediation of Land* (SEPP 55); and
- *Sydney Regional Environmental Plan No. 20 Hawkesbury – Nepean River*.

Development Control Plans (DCPs) do not apply to SSD under Clause 11 of the SRD SEPP. However, the Department has considered the relevant provisions of the Fairfield City Wide DCP in its assessment of the proposal in **Section 5** and in **Table 7** at **Appendix G** of this report.

Detailed consideration of the provisions of all EPIs that apply to the proposal is provided at **Appendix C**. The Department is satisfied the proposal complies with the relevant provisions of these EPIs.

3.8. Public Exhibition and Notification

Under Section 89F(1) of the EP&A Act, the Secretary is required to make the DA and any accompanying information of an SSD application publicly available for at least 30 days. The application and accompanying EIS was placed on public exhibition from 17 November 2016 to 16 December 2016 (30 days). Details of the exhibition process and notifications are provided in **Section 4.1**.

3.9. Objects of the EP&A Act

In determining the application, the consent authority should consider whether the development is consistent with the relevant objects of the EP&A Act. These objects are detailed in Section 5 of the EP&A 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;*
 - (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 (see **Table 2**).

Table 2: Objects of the EP&A Act and relevance to the development

Object	Consideration
5(a)(i)	The proposal would ensure the proper management and development of land identified as being suitable for warehousing, distribution and industry in the Parklands' supplementary plan of management (PoM). The proposed development will result in the economic enhancement of the community, including the provision of 100 full time equivalent operational jobs (dependant on future tenants) within the Parklands. The 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 and layout, design and proposed environmental control measures.
5(a)(ii)	The proposal is located on land identified as being suitable for warehousing, distribution and industrial uses and would generate additional revenue for the Parklands required to provide recreational facilities and environmental initiatives.
5(a)(vi)	The Department's assessment at 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 development has been located in an existing business park to avoid impacts on significant environmental features.
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. This is consistent with the object of sharing responsibility for environmental planning between different levels of government in the State.
5(c)	The application was exhibited in accordance with Section 89F(1) of the EP&A Act to provide public involvement and participation in the assessment process.

3.10. Western Sydney Parklands Act 2006

The *Western Sydney Parklands Act 2006* (WSP Act) establishes the Western Sydney Parklands Trust, defines the boundaries of the Parklands and guides its management. Clause 12 of the WSP Act identifies the principal function of the Trust is to develop the Parklands into a multi-use urban parkland for the region of western Sydney and to maintain and improve the Parklands on an on-going basis.

Section 12(j) of the WSP Act identifies further specific functions including the provision or facilitation of commercial, industrial, retail and transport activities and facilities, with the object of supporting the viability of the management of the Parklands.

The Department considers the development of the site for warehousing, distribution and industrial purposes within an existing business park is consistent with the requirements of the WSP Act and the functions of the Western Sydney Parklands Trust.

3.11. Ecologically Sustainable Development

The EP&A Act adopts the definition of ESD in the *Protection of the Environment Administration Act 1991* (POEA Act). Section 6(2) of the POEA Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and ESD can be achieved through the implementation of:

- (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 has considered the need to encourage the principles of ESD, in addition to the need for proper management and conservation of natural resources, orderly development of land, the need for the proposal as a whole, and protection of the environment, including threatened species, within **Section 5** of this report.

The Department notes the development does not involve any clearing or removal of vegetation from the site or changes to the distribution of fauna habitat. Thus, the Department has concluded that, subject to the recommended conditions of consent, the proposal will not result in any adverse biodiversity outcomes.

3.12. Environment Protection and Biodiversity Conservation Act 1999 (Cth) (EPBC Act)

Under the EPBC Act, assessment and approval is required from the Commonwealth Government if a development is likely to impact on a matter of national environmental significance, as it is considered to be a 'controlled action'. The EIS for the development noted the development does not involve any clearing of vegetation on the site, hence consideration of the EPBC Act or referral to the Commonwealth Government is not required.

4. CONSULTATION AND SUBMISSIONS

4.1. Consultation by the Department

Under Section 89F(1) of the EP&A Act, the Secretary is required to make the Environmental Impact Statement (EIS) and any accompanying information publicly available for at least 30 days.

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

- made it publicly available from **17 November 2016** until **16 December 2016**:
 - on the Department's website;
 - at the Department's Information Centre; and
 - at Fairfield City Council (Avoca Road, Wakely);
- notified landowners in the vicinity of the development about the exhibition period by letter;
- notified the relevant State government authorities and Fairfield City Council by letter; and
- advertised the exhibition in the Fairfield Champion.

A total of 10 submissions were received during the Department's exhibition period, all from public authorities. None of the submissions objected to the development. No public submissions were received. A summary of the issues raised in the submissions is provided below, and copies of the submissions are included in **Appendix E**.

4.2. Public Authorities

Fairfield City Council (Council) raised no objection to the development. However, provided the following comments:

- the stormwater treatment is consistent with the approved stormwater works under SSD 5169 as modified;
- the entry/exit of Warehouse 2 in the south-west corner of the site may result in a conflict between B-Doubles accessing warehouse tenancies 1 and 2. Details to address the conflict is requested; and
- the minimum driveway width required is 6 m.

The Department reviewed Council's comments and requested the Applicant address them in a RTS report.

Roads and Maritime Services (RMS) did not object to the development, however, provided the following comments:

- Lot 5 in DP 1212087 is under investigation for the proposed widening of The Horsley Drive;
- the development is to comply with the HDBP Master Plan approved under SSD 5169 as modified;
- car parking should be provided in accordance with Council's DCP;
- a Construction Traffic Management Plan should be prepared prior to the issue of a Construction Certificate; and
- works or regulatory signposting associated with the development are to be at no cost to the RMS.

Transport for NSW (TfNSW) did not object to the development and did not recommend any conditions of consent.

Heritage Council of NSW raised no objection to the development and provided the following comments:

- the EIS did not provide an assessment of potential heritage impact on the State Heritage Register listed 'Upper Canal System'; and
- prepare a Heritage Impact Statement and pay particular attention to mitigating visual, vibration or other civil and infrastructure construction impacts on the fabric and visual setting of the Upper Canal.

Department of Primary Industries did not object to the development and did not recommend any conditions of consent.

Department of Industry (Geological Survey of NSW) did not object to the development and did not recommend any conditions of consent.

WaterNSW raised no objection to the development and provided the following comments:

- there was no meeting with WaterNSW during the EIS development;
- there are issues to the south of the site regarding an inlet pit that is not properly engineered and located to capture runoff and requires urgent remediation; and
- the site is adjacent to the heritage 'Upper Canal System' and there should be no impact to this.

Sydney Water raised no objection and recommended standard conditions of consent regarding utilities arrangements, which have been included in the recommended conditions of consent.

TransGrid raised no objection, however, recommended conditions of consent to ensure the protection of its easement located on adjacent to the site to ensure:

- no structures, including car parking are located within the easement;
- the Applicant notifies it of all subsequent stages and obtain its written consent for any proposed encroachment on the easement; and
- all works near TransGrid's infrastructure are carried out in accordance with SafeworkNSW's and TransGrid's requirements.

Endeavour Energy raised no objection to the proposed development.

4.3. Response to Submissions

On 13 February 2017, the Applicant submitted an RTS to address the issues raised in the submissions.

The RTS included the following additional information:

- clarified the traffic access and management;
- clarified urban design impacts;
- clarified heritage issues of the site boundary adjoining the Upper Canal; and
- clarified noise impacts on the closest resident to the site.

The RTS was referred to the government authorities for comment.

Council advised the RTS addressed its comments raised and are satisfied with the proposal.

RMS reiterated its comments provided on the EIS. RMS noted the car parking rate is consistent with SSD 6159.

Heritage Council was satisfied the Heritage Impact Statement addressed the SEARs and impact to the Upper Canal System.

WaterNSW is satisfied its concerns have been addressed under SSD 5169. The additional issues regarding the stormwater extension works, cycleway, sediment control and retaining wall along the Upper Canal have been addressed in the RTS. WaterNSW has recommended conditions of consent to address its concerns.

The Department has considered the issues raised in submissions, the RTS and the supplementary concerns raised, in its assessment of the development.

5. ASSESSMENT

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

- traffic and access;
- built form and urban design; and
- noise.

A number of other issues have also been considered. Those issues are considered to be minor and are addressed in **Table 4** in **Section 5.4** of this report.

5.1. Site Access and Traffic Impacts

The development has the potential to generate substantial traffic movements with heavy vehicles transporting goods to and from the site and light vehicles associated with employee movement. Increased traffic has the potential to impact on the safety and capacity of the surrounding road network.

5.1.1 Road Network and Site Access

The site is located on Burilda Close which is to the west of Cowpasture Road. The site has direct access to Sydney's arterial road network with the M7 Motorway located approximately 2.4 km to the west, via The Horsley Drive to the south (see **Figure 5**).

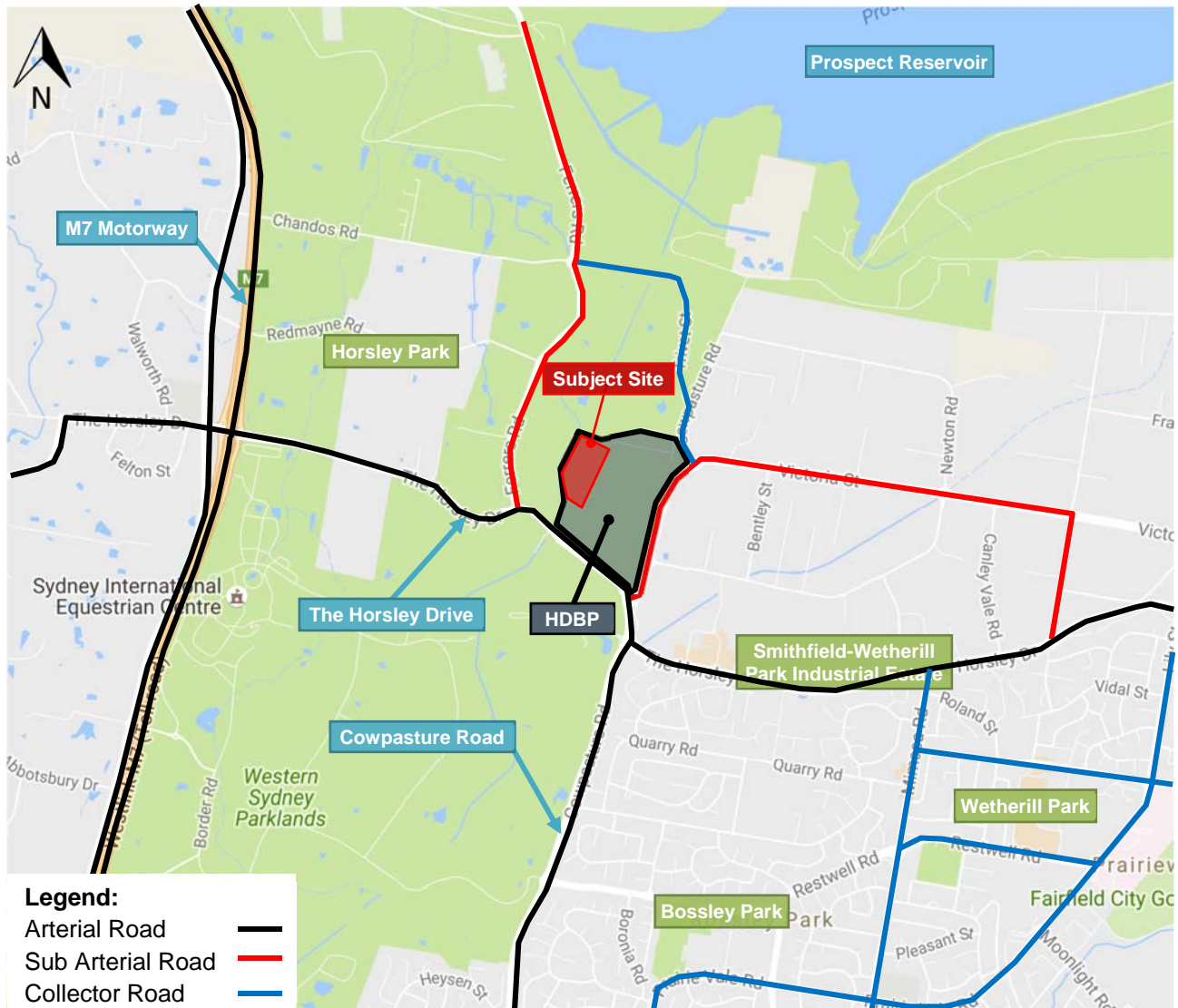


Figure 5: Regional Road Network

Access to all of the lots in the HDBP is obtained via a new roundabout on Cowpasture Road, located to the north-east of the site, and via Burilda Close, an internal access road (see **Figure 6**). Truck access will be via a gated two-way driveway from Burilda Close where the road ends in a cul-de-sac. The maximum sized vehicle proposed to enter the site is a B-double, which will require Burilda Close to be classified for the use of B-double's through Council and the RMS.

Light vehicles will enter the site via a shared dedicated central driveway off Burilda Close which access two separate car parks. A total of 100 car parking spaces will be provided for tenancy 1 north of the building

adjacent to the side site boundary. A total of 59 car parking spaces will be provided for tenancy 2 to the south of the building near the entrance from Burilda Close (see **Figure 6**).

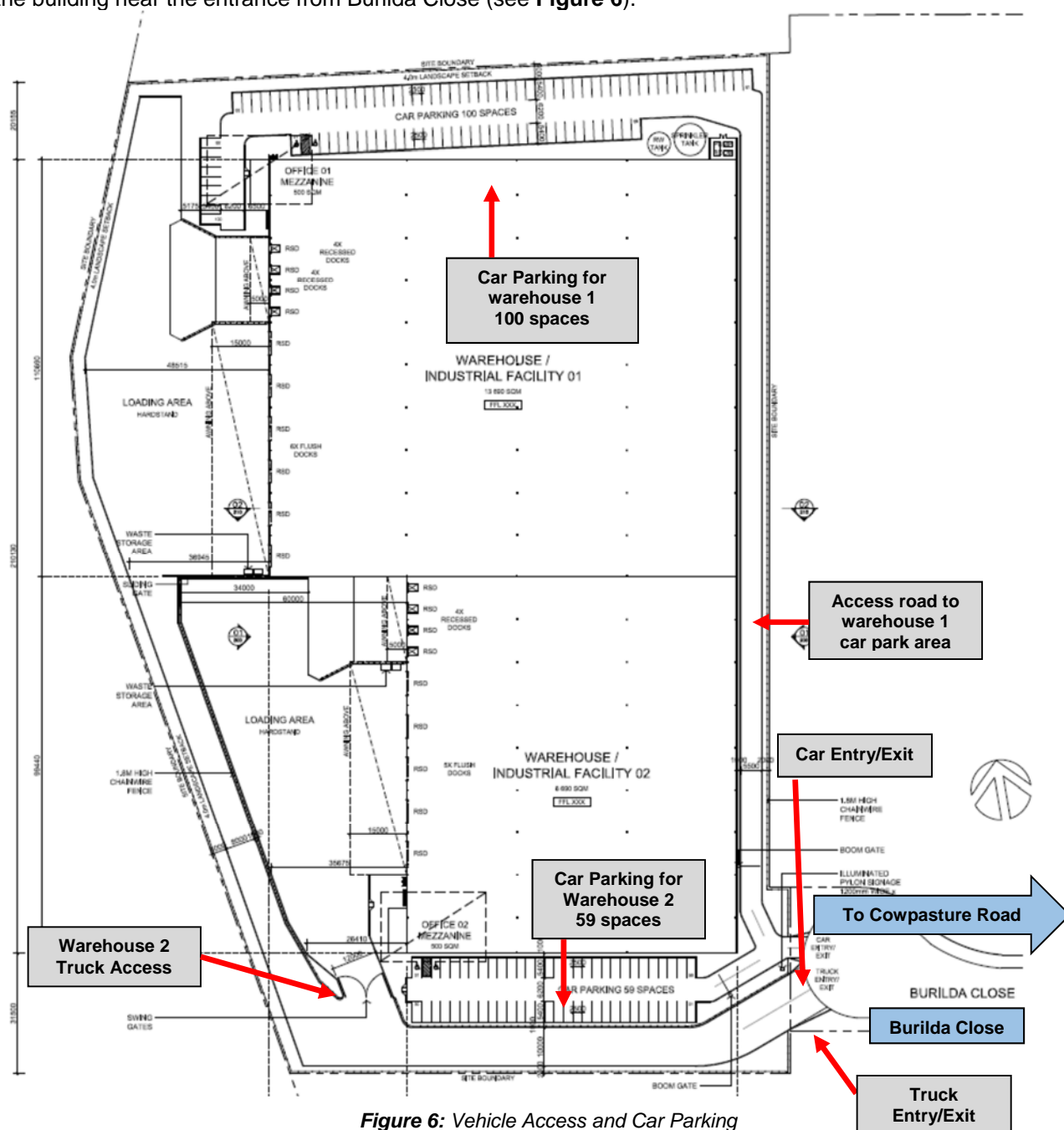


Figure 6: Vehicle Access and Car Parking

5.1.2 Traffic Impacts

SSD 5169 as modified assessed the traffic impacts of developing all five lots in the HDBP at a rate of 15 vehicles per hour (vph) per hectare, recommended by RMS. That assessment concluded the entire HDBP would generate 4,607 vehicle trips per day once complete, with 1,368 vehicle trips during the morning and evening peaks. This equates to 684 vph in the AM and PM peak periods. Lot 3 was estimated to generate 141 vph in peak hours as a proportion of the overall traffic to be generated from the HDBP.

The Applicant provided a Traffic Impact Assessment (TIA) prepared by Ason Group for the development of Lot 3. The TIA considered the potential traffic and safety impacts for warehouse and distribution uses in accordance with the relevant RMS guidelines. The TIA concluded:

- the development would generate 131 vph during the AM and PM peak periods, 10 peak hour trips less than assessed under SSD 5169 as modified;
- approximately 80 % of the vehicles accessing the site during the AM and PM peak periods will be light vehicles with the remainder of trips being heavy vehicles associated with the delivery of goods to and from the site;

- the Cowpasture Road and Burilda Close roundabout will operate at a level of service (LoS) 'A' (good operation) during AM and PM peak periods;
- the Cowpasture Road and Newton Road intersection will operate at a LoS 'A' (good operation) during the AM and PM peak periods;
- The Horsley Drive and Cowpasture Road intersection will operate at a LoS 'C' (satisfactory) during the AM peak period and a LoS 'D' (operating near capacity) during the PM peak period; and
- parking will be provided in accordance with Council's requirements (a minimum of 117 car parking spaces recommended, 159 car parking spaces are proposed).

B-doubles are the largest-sized vehicle proposed to access the site. The TIA provided a swept path analysis of B-doubles accessing and manoeuvring around the site. Burilda Close has been designed and constructed to be used for B-double vehicles. The developer of the HDBP is in the process of finalising the classification of the road for B-double use with Council and the RMS. As such, prior to the use of the site for B-doubles, the Applicant or the developer of the HDBP will be required to finalise the classification of Burilda Close for B-double use as part of a condition of consent.

The Department has reviewed the Applicant's TIA and the RTS in consultation with Council, the RMS and TfNSW, and has concluded the proposal can be accommodated as:

- its traffic impacts are consistent with the impacts assessed by the Department and can be accommodated by the internal and local/regional infrastructure works approved and constructed under SSD 5169;
- adequate measures would be put in place to manage any potential conflict between the two warehouse tenancies, including a give-way line and convex mirrors to ensure adequate sight lines; and
- the Lot 3 internal site layout can accommodate B-double class vehicles.

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

- construction and operational traffic is managed in accordance with an approved Traffic Management Plan;
- B-doubles cannot access the site until Burilda Close is classified as a B-double road; and
- car parking is provided in accordance with the relevant RMS rates and constructed in accordance with the relevant Australian Standards.

5.2. Built Form and Urban Design

The Parklands SEPP and PoM do not provide development controls to regulate the height, bulk and scale of developments within the Parklands. Notwithstanding, Clause 12 of the Parklands SEPP requires a consent authority to consider the impacts of a development on the physical and visual continuity of the Parklands as a scenic break in the urban fabric of western Sydney, the continuity of habitat corridors provided within the Parklands, the amenity of surrounding residential properties, and impacts on significant views.

The Department has assessed the application against the requirements of Clause 12 of the Parklands SEPP and has had regard to the nearest resident receiver at 1601 The Horsley Drive, and has concluded that:

- it will not impact on the physical or visual continuity of the Parklands as a scenic break in the urban fabric as the site is within an identified business hub in the Parklands Supplementary PoM;
- the landscape buffers planted as part of the HDBP development will ensure the continuity of habitat corridors within the broader Parklands are not eroded; and
- landscaped treatments to be planted along The Horsley Drive and Cowpasture Road will ensure views and vistas to and from the Parklands' key vantage points are not adversely impacted by future developments within the HDBP.

There are a number of rural residential properties in the interface zone of the development, including the nearest located 150 m to the south-west. Due to the distribution of these existing properties, there are a limited number of viewing opportunities into the Lot 3 site and the HDBP generally. The local topography at these residents provide them with easterly views above the HDBP currently dominated by existing mature trees and the Upper Canal in the foreground, existing transmission line infrastructure and warehouse buildings in the HDBP in the mid-ground and the existing industrial area of Wetherill Park in the background (see **Figure 7**). Existing mature trees are also located around the closest residential receivers and within the embankment of the Upper Canal, which would partially screen the development when viewed these properties. Further screening would be provided by the HDBP landscaping under SSD 5169 and as proposed for the development of Lot 3.

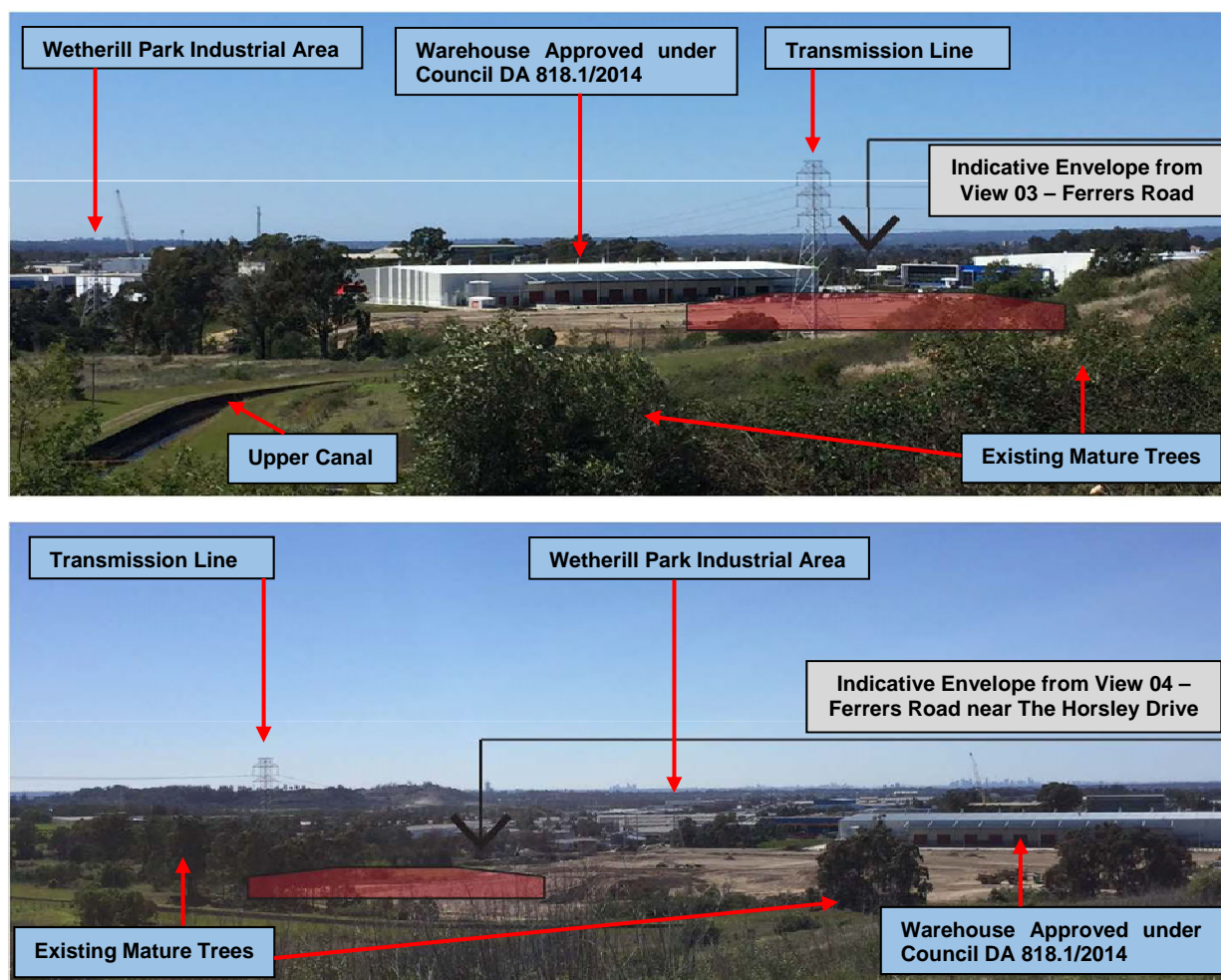


Figure 7: Local View Features Looking at the Site from the West

Visual perspectives and artist's representation depicting the visual impacts of the proposal are shown in **Figures 8, 9 and 10**. The Department raised a concern regarding the visual bulk and scale of the development when viewed from Burilda Close and requested additional perspectives and justification of the adopted office design. The Applicant addressed this in the RTS with the use of landscaping to soften the building edge on the street scape and advised the current office location was chosen to provide surveillance of the loading docks and provide views into the Parklands and superior access to natural light.

Considering the changing industrial nature of the local area, and existing built and vegetated features, the Department considers the development provides a suitable urban design outcome considering:

- it is consistent with the bulk and scale of similar warehouses in the HDBP and is consistent with the overall development footprint of the business park;
- the eastern, western and southern elevations will be articulated by using different materials and colours to minimise the warehouses' bulk and scale, provide an appropriate site entry statement, and passive surveillance of the public domain adjacent to the site entry;
- associated office areas on the north and south western corners incorporate articulated treatments with a range of materials and colours to reduce the bulk and scale of the warehouse when viewed from the west;
- vegetated landscaped treatments along all boundaries have been provided to screen and soften the proposal, consistent with SSD 5169;
- the western elevation has been designed to ensure loading docks are recessed and integrated into the façade design by using a wide awning to minimise any potential visual impacts from The Horsley Drive;
- Council is satisfied with the layout and design of the development; and
- there were no public submissions raising urban design concerns.

In addition, in order to ensure the development provides a design response consistent with the form of the industrial development east of the site at Wetherill Park, the Department has assessed it against Council's Development Control Plan (DCP) (see **Appendix G**). Whilst the DCP does not apply to developments within

the Parklands, the Department considers it provides a suitable basis for determining whether the proposed built form has been designed to respond to the character of the surrounding development.

The Department has concluded the development complies with the relevant controls in the Parklands SEPP and Council's DCP including setbacks, height, and landscaping. Therefore, the proposal is consistent with the envisioned uses within the HDBP. Furthermore, the development provides an appropriate response which integrates with existing industrial development in the HDBP and to the east along Cowpasture Road. Finally, to ensure internal and perimeter landscaping works are undertaken in accordance with the EIS and long term management measures are in place to mitigate the visual impact of the development, the Department has recommended conditions requiring the Applicant to prepare and implement a landscape management plan to the satisfaction of the Secretary prior to the commencement of operation of the warehouse.



Figure 8: Artist's representation of the development (looking north from Burilda Close)



Figure 9: Artist's representation of the development (looking towards Warehouse 1 Office)



Figure 10: Perspectives of Lot 3

5.3. Noise

The development would generate noise associated with its 24-hour operations with the primary noise sources being heavy vehicle movements to, from and within the site, operation of forklifts and staff vehicle trips. Warehouse operations, including packing and unpacking may also generate noise, however, they would be undertaken inside the building and are likely to contribute less to off-site noise levels.

The EIS included a Noise and Vibration Impact Assessment (NIA) which assessed the construction and operational impacts of the development against the requirements of the *Industrial Noise Policy* (INP) and the *Interim Construction Noise Guideline* (ICNG). The NIA describes the existing noise environment and predicts noise impacts associated with the operation of the development for warehouse and distribution purposes under a worst-case scenario for plant and equipment sound pressure levels and traffic noise sources.

The NIA identified a number of residential receivers in the vicinity of the proposed development, including the closest being 150 m to the south-west. The location of these residential receivers and the noise monitoring site are shown in **Figure 11**. The EIS indicates these residents are isolated in a rural residential industrial interface. This interface is experiencing a change in land use over time from rural residential to industrial. As the site is located at an industrial interface with a rural residential context and along roads which experience high levels of traffic, the recorded background noise levels are elevated (**Table 3**). It should be noted that the residence at 2614 Cowpasture Road is identified as a tenant of the Western Sydney Parklands Trust and is proposed to be demolished as part of Stage 2 of the HDBP under SSD 7664.

Table 3: Background Noise Levels and INP Intrusive Criteria

Period	Background Noise Level - dB(A) _{L90}	INP Intrusiveness Criteria (Background + 5 dB(A) dB(A) _{L_{eq} 1 hour}
Day	51	56
Evening	49	54
Night	46	51

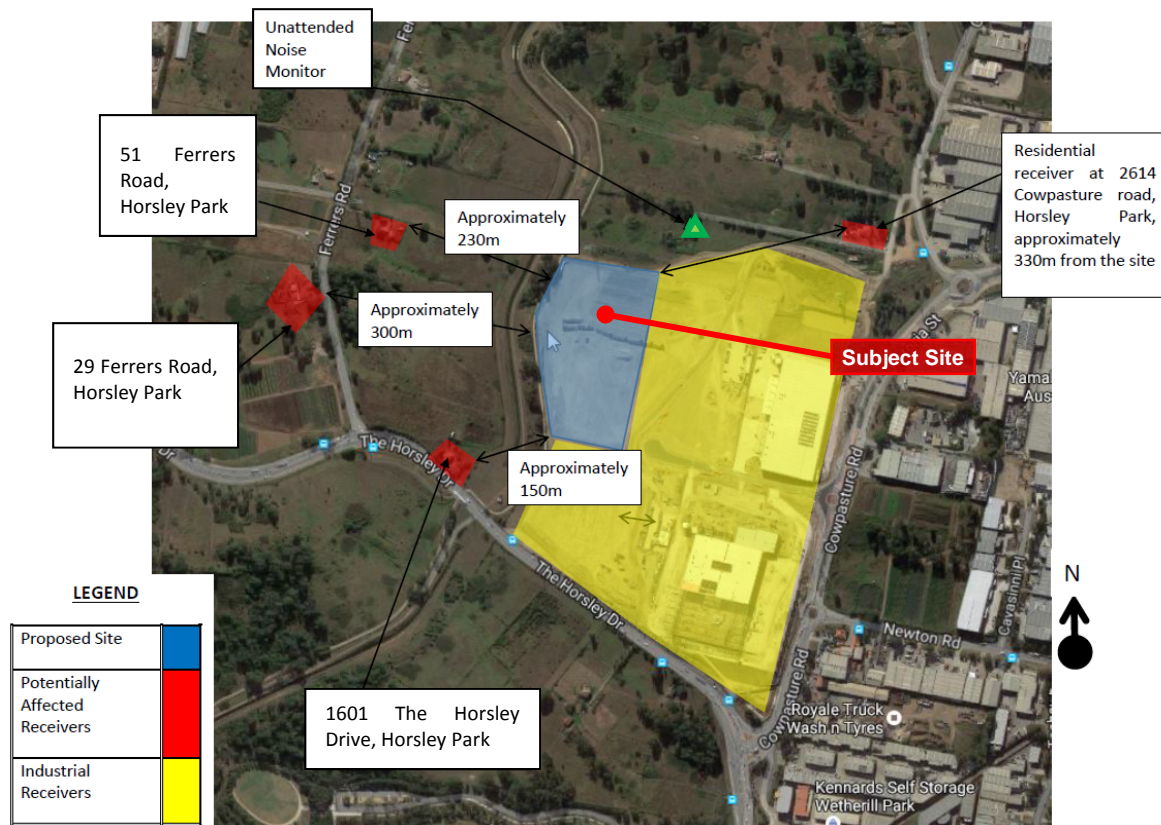


Figure 11: Monitoring Position and Sensitive Receivers relative to Lot 3 HDBP

Key sources of construction noise would be from construction traffic to, from and within the site and the use of construction plant and machinery. The NIA provided with the RTS concluded construction noise emissions will fully comply with the criteria outlined in the *Interim Construction Noise Guideline* (ICNG) at all surrounding receivers. The NIA also concluded the development fully complies with the project specific amenity,

intrusiveness and sleep disturbance criteria based on the *Industrial Noise Policy* (INP) during the day, evening and night-time periods.

The Department has reviewed the project specific noise levels (PSNL) proposed by the Applicant and notes the PSNLs are based on the intrusive noise criteria identified in the NIA as the noise levels of the development were estimated to be lower than the amenity criteria as specified by the INP. **Table 4** below shows the development's compliance with the PSNLs at the nearest sensitive receivers. Furthermore, the NIA has found the residence at 1601 The Horsley Drive (closest to the site) is predicted to experience noise levels in the evening and night-time periods at or just below the noise criteria level (bold values in **Table 4**).

Table 4: Project Specific and Predicted Noise Levels

Sensitive Receiver	Period	Project Specific Noise Levels dB(A) _{Leq 15min}	Predicted Noise Levels dB(A) _{Leq 15 min}	Compliance with PSNL
Western Residence (300 m) 2614 Cowpasture Road	Day	56	<45	Yes
	Evening	50	<45	Yes
	Night	45	<40	Yes
South Western Residence (150 m) 1601 The Horsley Drive	Day	56	<50	Yes
	Evening	50	<50	Yes
	Night	45	<45	Yes

The Department acknowledges the noise levels predicted at the nearest residential receiver is on or close to the proposed PSNLs. However, the NIA suggests the current background noise levels at the property is dominated by traffic noise, particularly from The Horsley Drive which experiences between 32,000 to 40,000 vehicles per day. As this resident is located on The Horsley Drive, current background noise levels are elevated (see **Table 3**). However, to address the potential noise impact from the development, the Department has recommended a number of conditions to ensure the development meets or remains below the criteria. These include:

- setting specific noise limits against the predicted noise levels rather than the PSNLs as they provide a more stringent control (i.e. 6 dB(A) lower in the day time); and
- implementing best practice noise management procedures over the life of the development, including:
 - acoustic shielding or silencing devices on plant and equipment during construction, in accordance with the relevant Australian Standards; and
 - a complaints management process during construction and operation.

With these measures in place, the Department's considers the development will not result in any unacceptable construction or operational noise impacts.

5.4. Other Matters

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

Table 5: Assessment of Other Issues

Consideration	Recommended Conditions
Hazards and Risks	
<ul style="list-style-type: none"> • The Applicant undertook an assessment of potential hazards and risks associated with the development in accordance with SEPP 33. • The assessment identified the types and quantities of dangerous goods (DG) that could potentially be stored at a representative warehouse and distribution facility. • All DG proposed to be stored at the facility will be under the SEPP's screening threshold. • To ensure the quantity of DG stored on the site for all potential future uses remains below the threshold quantities, the Department recommends a condition requiring the quantities stored to be below the thresholds in <i>Hazardous and Offensive Development Application Guideline – Applying SEPP 33</i> at all times. • The Department's assessment concludes that the proposed development is unlikely to pose significant risks to the locality. 	Require the Applicant to: <ul style="list-style-type: none"> • store and handle DG in accordance with relevant guidelines and standards; and • storage of all DG does not at any time exceed the thresholds in the <i>Hazardous and Offensive Development Application Guidelines – Applying SEPP 33</i>.
Air Quality	
<ul style="list-style-type: none"> • The Applicant engaged Northstar Air Quality Pty Ltd to undertake an assessment of the potential construction and operational air quality impacts in accordance with the EPA's <i>Approved Methods for the Modelling and Assessment of Air Pollutants in NSW</i>. 	Require the Applicant to: <ul style="list-style-type: none"> • implement best practice management and mitigation measures to minimise dust

Consideration	Recommended Conditions
<ul style="list-style-type: none"> Air emissions from construction would be from construction traffic vehicle emissions and earthworks. Air emissions during operation would consist of exhaust emissions from light and heavy vehicles moving to, from and within the site. The assessment concluded that: <ul style="list-style-type: none"> the background (existing) PM_{2.5} concentrations already exceed the annual average criterion in the region and the proposed development is not expected to be a major contributor to PM_{2.5} levels (8.75% of the annual average); impacts during construction would be minor as the majority of bulk earthworks and site preparation works have been completed as part of the HDBP development under SSD 5169; and the operation of the development is not expected to exceed any air quality criteria. The Department has reviewed the Applicant's assessment and is satisfied air quality impacts of the proposal would be minimal and will not result in any exceedances of the EPA's air quality criteria as a result of the minimal earthworks required. The Department's assessment concludes the development presents a low risk to air quality. The Department has therefore recommended a condition of consent requiring the Applicant to implement best practices management and mitigation measures for the development. 	<p>emissions from the site during construction and operation of the development.</p>
Waste	
<ul style="list-style-type: none"> The EIS includes an assessment of the potential waste streams generated during the construction and operational phases of the development which concluded: <ul style="list-style-type: none"> construction related waste will comprise of general construction waste and packaging waste; and operational waste will mainly comprise of general waste, packaging waste, servicing of equipment and employee amenities waste. The EIS included a Waste Management Plan (WMP) which proposed measures to manage, monitor and reduce waste over the life of the development. The Department's assessment concludes the EIS provides an adequate assessment of the waste streams generated on-site and has been prepared in accordance with the <i>NSW Waste Avoidance and Resource Recovery Strategy 2014-2021</i> and the WMP will adequately manage waste on site. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> ensure construction and operational waste is classified in accordance with the EPA's <i>Waste Classification Guidelines</i>; ensure construction and operational waste is monitored and minimised wherever possible; and implement the WMP included with the EIS.
Soil and Water	
<ul style="list-style-type: none"> The Applicant has assessed the impacts of these works and has concluded temporary erosion and sediment controls should be installed to manage potential impacts on soil and water quality off site. The Applicant has provided a Civil Engineering Report prepared that proposes to construct a series of pits, pipes and overland flow paths to convey stormwater to the HDBP drainage infrastructure. In addition, the Civil Engineering Report specifies that all stormwater will be treated on-site to reduce pollutant loads to levels identified in the Stormwater Management Strategy approved under SSD 5169 prior to discharging into the HDBP drainage infrastructure. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> construct the development in accordance with the Civil Engineering Report; and implement best practice soil and erosion management in accordance with <i>Managing Urban Stormwater: Soils and Construction Volume 1 4th Edition</i> (Landcom, 2004).
Heritage	
<ul style="list-style-type: none"> The site is adjacent to the state heritage item, the WaterNSW Upper Canal System (Pheasants Nest Weir to Prospect Reservoir) on the State Heritage Register (SHR listing No. 01373). The initial subdivision, earthworks and infrastructure approval for the HDBP (SSD 5169) considered the impact of an industrial site adjoining the Upper Canal. As part of SSD 5196, the Applicant proposed a 4 m landscape setback along the boundary between the subject site and the Upper Canal. The Department concluded this setback would protect the heritage values of the canal. The current layout of SSD 7917 does not preclude the landscape setback required under SSD 5169 and is consistent with the Department's assessment of SSD 5169. WaterNSW advised its concerns regarding heritage impacts on the Upper Canal have been addressed in the RTS. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> ensure appropriate protection mechanisms are identified and established in a Construction Environmental Management Plan (CEMP) to ensure the Upper Canal is not impacted; and retain the existing setbacks and establish a landscaped buffer zone.

Consideration	Recommended Conditions
<ul style="list-style-type: none"> On this basis, the Department's assessment concludes the proposed development is consistent with the impacts previously assessed. 	
Contributions <ul style="list-style-type: none"> Fairfield City Council's <i>Indirect (Section 94A) Development Contributions Plan 2011</i> applies to the development. The Department has recommended conditions of consent to ensure the Applicant pays a Section 94A contribution in accordance with Council's contribution plan, prior to the issue of any construction certificate. 	Require the Applicant to: <ul style="list-style-type: none"> pay the 94A contribution to the Council prior to the issue of a Construction Certificate.

6. CONCLUSION

The Department has assessed the application against the *State Priorities for NSW*, the Premier's 12 key priorities, *A Plan for Growing Sydney* and *draft South West District Plan*, and has concluded the development will:

- assist in the transformation of western Sydney by providing growth and investment in an identified industrial precinct with high levels of access to the regional road network, public transport and cycle infrastructure; and
- provide additional employment opportunities within near existing residential developments in western Sydney.

In addition, the Department assessed the application against the provisions of Section 79C of the EP&A Act and the relevant State Environmental Planning Policies and is satisfied the proposed development will not result in any adverse environmental, urban design or traffic impacts, subject to the implementation of the recommended conditions of consent. Further, the development is consistent with the site layout arrangements and development consent for the HDBP.

The Department concludes the impacts of the development can be appropriately managed through implementation of the recommended conditions of consent. Consequently, the Department considers the development is in the public interest and should be approved, subject to conditions.

7. RECOMMENDATION

It is recommended that the Executive Director, Key Sites and Industry 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
 28/4/17


 Anthea Sargeant
 Executive Director
 Key Sites and Industry Assessments
 4/5/17

APPENDIX A: DEVELOPMENT CONSENT

See the link below:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7917

APPENDIX B: CONSIDERATIONS UNDER SECTION 79C

Section 79C of the EP&A Act requires that the consent authority, when determining a development application, must take into consideration the matters identified in **Table 5** below.

Table 6: Section 79C Assessment

(a) the provisions of:	The Department has considered the relevant Environmental Planning Instruments with respect to the proposal.
(i) any environmental planning instrument, and	
(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	N/A
(iii) any development control plan, and	Under Clause 11 of the SRD SEPP, development control plans do not apply to State significant development, however, the Department has assessed the proposal against the provisions of the Fairfield City Wide DCP 2013 (see Appendix G).
(iia) any planning agreement that has been entered into under Section 93F, or any draft planning agreement that a developer has offered to enter into under Section 93F, and	The Applicant has not entered into any planning agreement under Section 93F.
(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and	The Department has undertaken its assessment of the proposed development in accordance with all relevant matters as prescribed by the regulations, the findings of which are contained within this report.
(v) any coastal zone management plan (within the meaning of the <i>Coastal Protection Act 1979</i>) that apply to the land to which the development application relates,	N/A. The site is not located within the coastal zone.
(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The Department's assessment of the likely environmental impacts of the development can be found in Section 5 of this report. The Department concludes that the impacts of the development can be mitigated and/or managed to ensure an acceptable level of environmental performance through implementation of the recommended conditions of consent.
(c) the suitability of the site for the development,	<p>The site is located in the area of Western Sydney Parklands identified as being suitable for business hubs, and the development is permissible with development consent.</p> <p>The site is also located in close proximity to Sydney's major road network which provides good transport links throughout the city and NSW.</p> <p>The Department considers the site is suitable for the proposed development.</p>
(d) any submissions made in accordance with this Act or the regulations,	The Department has assessed the development having regard to all of the issues raised in the submissions in Section 4 of this report.
(e) the public interest.	<p>The socio-economic benefits generated from the proposed development include the generation of approximately 300 jobs during construction and 100 full time equivalent jobs during operation.</p> <p>The recommended conditions of consent impose a range of controls which the Department considers will mitigate any potential environmental impacts of the proposed development.</p> <p>On this basis, the Department considers the development is in the public interest.</p>

APPENDIX C: CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

State Environmental Planning Policy (State and Regional Development) 2011

The aims of *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP) are to identify State significant development and State significant infrastructure and provide the necessary functions in determining development applications.

The development satisfies the criteria in Clause 5 of Schedule 2 of the SRD SEPP as it involves development with a capital investment value of more than \$10 million in the Western Sydney Parklands. Therefore, the development is considered State significant development and the Minister for Planning is the consent authority for the development.

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities during the assessment process.

Clause 45 of the ISEPP requires all developments in the vicinity of an electricity easement to be referred to the relevant electricity supplier for comment prior to determination. The Department referred the application to TransGrid, which raised no objection to the application. The Department has concluded the development complies with the requirements of Clause 45 of the ISEPP.

The proposal is classified as a traffic generating development under Clause 104 of the ISEPP as its size exceeds 20,000 m², and as such requires referral of the application to RMS. The Department referred the application to RMS and TfNSW neither of which raised an objection to the development, subject to the inclusion of standard conditions of consent, including requiring the Applicant to prepare a CTMP. RMS also advised part of Lot 4 DP 121087 is within an RMS investigation area for the proposed widening of The Horsley Drive, car parking should be provided in accordance with Council requirements and signposting associated with the proposal is to be at no cost to RMS. Those conditions have been included in the recommended conditions of consent. The Department has concluded the development complies with the requirements of Clause 104 of the ISEPP.

State Environmental Planning Policy (Western Sydney Parklands) 2009

State Environmental Planning Policy (Western Sydney Parklands) 2009 (Parklands SEPP) aims to provide planning controls that enable the development of the Parklands into a multi-use urban parkland. Clause 12 of the Parklands SEPP details the matters to be considered by the consent authority in determining a development application.

The Applicant provided an assessment against the provisions of Clause 12 of the Parklands SEPP and concluded the proposed development is consistent with the aims of the SEPP and the *Parklands Plan of Management 2020*, and will not impact on the important features of the Parklands.

The Department has reviewed the Applicant's assessment and considers the development would be undertaken in a manner consistent with all of the provisions of the Parklands SEPP.

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP 33) aims to identify proposed developments with the potential for significant off-site impacts, in terms of risk and/or offence (odour, noise). A development is described as potentially hazardous and/or potentially offensive if, without mitigating measures in place, it would have a significant risk and/or offence impact on off-site receptors.

The proposed quantities of dangerous goods to be stored at the facility are based upon the requirements of likely tenants, and would be below the threshold limits established in SEPP 33. Consequently, the development does not constitute a potentially hazardous development. The Department's assessment, therefore, concludes that the development is consistent with the relevant provisions of SEPP 33. Nonetheless, the Department has recommended conditions of consent that:

- restrict the Applicant from storing or handling dangerous goods above the thresholds outlined in SEPP 33 without the prior approval of the Secretary; and

- require the Applicant to store and handle all dangerous goods and hazardous materials in accordance with the *Australian Dangerous Goods Code* and *AS 1940-2004: The storage and handling of flammable and combustible liquids*.

State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) aims to provide a State wide approach to the remediation of contaminated land. In particular, SEPP 55 aims to promote the remediation of contaminated land to reduce the risk of harm to human health and the environment by specifying:

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

The potential for site contamination within the HDBP was assessed under SSD 5169. The assessment concluded there was contaminated land across the centre of the site. In order to ensure that the site could be made suitable for its future use as a business hub, the Department included a condition of consent requiring the Applicant to remediate the HDBP prior to the issue of a Subdivision Certificate for SSD 5169. The remediation has been completed and the site has been validated as suitable for use as a business park.

Sydney Regional Environmental Plan No. 20 Hawkesbury – Nepean River

Sydney Regional Environmental Plan No. 20 Hawkesbury – Nepean River (SREP 20) aims to protect the environment of the Hawkesbury Nepean River system by ensuring the impacts of future land uses are considered in a regional context. It provides general and specific planning policies, recommended strategies and development controls aimed at minimising impacts on environmentally sensitive areas in the catchment.

The subject site is in the South Creek catchment of the Hawkesbury-Nepean River and is not in the vicinity of any wetlands, scenic corridors or areas of regional or local significance. Furthermore, the proposed development includes a number of water management measures to ensure the proposed development will not adversely impact upon the hydrology or water quality of the South Creek catchment. Given the above, the Department is satisfied that the proposed development is consistent with the requirements of SREP 20.

APPENDIX D: ENVIRONMENTAL IMPACT STATEMENT

See the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7917

APPENDIX E: SUBMISSIONS

See the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7917

APPENDIX F: RESPONSE TO SUBMISSIONS

See the Department's website at:

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APPENDIX G: COMPLIANCE WITH FAIRFIELD CITY WIDE DCP

Compliance with the relevant provisions of the Fairfield City Council Development Control Plan is provided in **Table 7** below.

Table 7: Compliance with Fairfield City Wide DCP Chapter 9 - Industrial Development

DCP Control	Proposed Development	Compliance
Site and Built Form		
Minimum 30 m frontage other roads.	The lot frontage of the proposed development to Burilda Close exceeds 30 m.	Yes
Minimum of 10 m setback, of which 5 m is to be used for landscaping.	The minimum setback to Burilda Close is 25 m, of which 7.5 m comprises landscaping.	Yes
Advertising Signage		
Total advertising area of up to 0.5 m ² for every metre of lineal street frontage.	Two signs, (one illuminated pylon sign and one illuminated façade sign) are proposed on the site frontage. Those signs have a total area of 15.6 m ² which exceeds the requirement by approximately 3m.	No, however, the signage is consistent with the control's objectives as it is unlikely to: <ul style="list-style-type: none"> • detract from the amenity of the locality; • dominate the streetscape; • adversely affect traffic safety; or • result in visual clutter. Therefore, the total area of proposed signage is considered acceptable.
No sign to exceed an area of 30 m ² .	No sign will exceed an area of 30 m ² .	Yes
Only one freestanding commercial sign per development.	Two freestanding commercial signs are proposed, exceeding the maximum number of signs permitted by the DCP. However, one is a small (0.6 m wide x 2.0 m high), directional sign on the western side elevation of the development. The Department has recommended a condition of consent requiring the Applicant to comply with the specifications on the relevant EIS drawing.	Yes, as one sign is a smaller directional sign.
Streetscape and Amenity		
Incorporate decorative paving treatments.	Concrete pavers with an aggregate finish are proposed within the Burilda Close setback.	Yes
Open car parking areas should be landscaped.	Native grasses and trees are proposed on the pedestrian islands in the car parking areas, and trees, small shrubs and grasses along the rear and Burilda Close boundaries.	Yes
Fencing along a front boundary or facing an arterial road must be a maximum of 2.4 m in height, solid construction up to 600 mm above natural ground level, be an open style and, for security fencing, only palisade fencing made from metal is permitted. Fencing along the side or rear boundaries should be a maximum of 2.4 m in height and constructed in an open style.	Palisade fencing, 2.1 m in height is proposed at the front entrance boundary that addresses Burilda Close, and 1.8 m high chain wire fencing along the side and rear boundaries of the site. The fencing is not of solid construction up to 600 mm above natural ground level. The Department considers the style of fencing combined with the proposed landscaping will provide an acceptable level of amenity.	Yes
Details of building construction and the materials to be used on external facades should be provided.	Details of colours and materials proposed for all external facades have been provided in Appendix 4 of the EIS.	Yes