



Temperature Controlled Warehouse Facility

State Significant Development Assessment

SSD-8586218

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Glossary

Abbreviation	Definition
Applicant	ESR Developments (Australia) Pty Ltd
AQIA	Air Quality Impact Assessment
BAL	Bushfire Attack Level
BC Act	<i>Biodiversity Conservation Act 2016</i>
BDAR	Biodiversity Development Assessment Report
BRBH	Bringelly Road Business Hub
CIV	Capital Investment Value
CTMP	Construction Traffic Management Plan
Council	Liverpool City Council
DA	Development Application
DCP	Development Control Plan
Department	Department of Planning, Industry and Environment
Development	The development as described in the EIS and RTS for a Temperature Controlled Warehouse
EES	Environment, Energy and Science Group
EIS	Environmental Impact Statement prepared by Ethos Urban Pty Ltd dated 27 August 2020
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
EPL	Environment Protection Licence
ESD	Ecologically Sustainable Development
ICNG	Interim Construction Noise Guideline
LGA	Local Government Area

LLEP	Liverpool Local Environmental Plan 2008
Minister	Minister for Planning and Public Spaces
MNES	Matters of National Environmental Significance
NIA	Noise Impact Assessment
NPfI	NSW Noise Policy for Industry 2017
PBP 2019	Planning for Bush Fire Protection 2019
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
POM	Western Sydney Parklands Plan of Management 2030
RFS	NSW Rural Fire Service
RTS	Response to Submissions titled Response to Submissions SSD-8586218 prepared by Ethos Urban dated 14 October 2020
SEARs	Planning Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
TfNSW	Transport for NSW
TIA	Transport Impact Assessment
VIA	Visual Impact Assessment
WCDP	Western City District Plan
WSP	Western Sydney Parklands
WSPT	Western Sydney Parklands Trust
vtph	Vehicle trips per hour

Executive Summary

ESR Developments (Australia) Pty Ltd (the Applicant) has lodged a Development Application (DA) and accompanying Environmental Impact Statement (EIS) seeking consent to construct and operate a warehouse facility at Horningsea Park in the Liverpool local government area (LGA).

Background

The site for the proposed warehouse facility is located within an already approved 22-hectare (ha) business park known as the Bringelly Road Business Hub (BRBH). The BRBH is located in the southern portion of the Western Sydney Parklands (WSP) and is 36 kilometres (km) south-west of the Sydney city centre and 8 km south-west of the Liverpool town centre. The warehouse facility is proposed to be located on Lot 4, which is in the western portion of the BRBH and will be approximately 200 metres (m) from the nearest sensitive receiver, located north-east of the site on Stuart Road.

On 13 January 2016, the then Acting Executive Director, Keys Sites and Industry Assessment, at the Department of Planning, Industry and Environment (the Department) approved the BRBH, a staged State significant development (SSD 6324) comprising a concept proposal and stage 1 development. The concept proposal covered the establishment of the BRBH and permitted a range of uses on the site including large format retail and light industrial uses. Stage 1 approved site preparation works for the BRBH, including bulk earthworks and subdivision of the site into eight lots. Bulk earthworks have been largely completed across portions of the site.

Since the BRBH approval, three of the larger lots have obtained State significant development (SSD) approvals including lots 3, 6 and 8. Lots 6 and 8 are currently operational, with the uses being large format retail and light industrial uses, respectively. Lot 3 obtained approval for a large format retail use in May 2020, with preliminary earthworks having begun.

Project Description

The proposed development (the development) includes a light industrial building, encompassing a temperature controlled warehouse facility, ancillary office space, hardstand areas for loading, manoeuvring and car parking, and landscaping. Provision of service infrastructure also forms part of the development. The facility will primarily be used for the storage of low turnover goods, including single use medical supplies such as gloves and thermometers, as well as consumer goods such as appliances and toiletries. To ensure the longevity of the goods, the warehouse will be temperature controlled, kept between 15° Celsius and 25° Celsius.

The development has a capital investment value (CIV) of \$41.8 million and will generate approximately 153 construction jobs and 187 operational jobs. It will also facilitate the continued development of the BRBH and is consistent with the key objectives of the Greater Sydney Region Plan and Western City District Plan, which encourage planned and managed industrial development and the provision of jobs in Western Sydney.

The development is subject to the Western Sydney Parklands (WSP) Plan of Management 2030 which identifies that 2% of the WSP is to be developed for business purposes to provide funding towards the development of facilities, programs and environmental initiatives throughout the WSP. The development represents a portion of the 2% of the WSP identified strategically for business purposes.

Statutory Context

The proposed development is classified as SSD under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). This is because:

- it has a CIV of more than \$10 million within the WSP, meeting the criteria in clause 5 of Schedule 2 in State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP); and
- the Minister did not make a determination under the former section 89D(2) of the EP&A Act that subsequent stages of the BRBH could be determined by Liverpool City Council.

Consequently, the Minister for Planning and Public Spaces is the consent authority for the application.

Engagement

The Department exhibited the EIS for the development from Friday 4 September 2020 until Thursday 1 October 2020. A total of seven submissions were received including one from Liverpool City Council, five from public authorities and one from a gas pipeline operator. No submissions were received from the general public. Of the seven submissions received, none objected to the development.

Key concerns raised related to consistency of the development with the concept proposal, bushfire risk, landscaping and flooding on site. The Applicant submitted a Response to Submissions (RTS) on 14 October 2020 to address and clarify matters raised in the submissions.

Assessment

The Department's assessment of the application has fully considered all relevant matters under section 4.15 of the EP&A Act, the objects of the EP&A Act and the principles of ecologically sustainable development. The Department has identified that consistency with the BRBH concept proposal, particularly in relation to requirements for setbacks to manage bushfire risk and potential visual impacts was the key issue with the proposal.

In response to issues raised by the Department and agencies, the Applicant submitted updated drawings which resulted in several changes including increasing the depth of the vegetation buffer to Stuart Road and altering the built form to remove the building completely from the BRBH's Asset Protection Zone (APZ). An updated bushfire assessment was also provided.

The Department is satisfied the above changes result in a development that aligns with the intent of the BRBH approval. The increase in the Stuart Road vegetation buffer now aligns with the urban design controls under the BRBH approval. Removing the building from the APZ and increasing the setback to the Bedwell Park Wetland has resulted in the development being exposed to less bushfire risk, remaining consistent with the BRBH approval's intent to create a high design quality, bushfire resilient development. The RFS was satisfied with the proposed changes to the site layout and provided recommended conditions to address bushfire management at the site.

Summary

The Department is satisfied the potential impacts of the development can be managed and/or mitigated to ensure an acceptable level of environmental performance, subject to the recommended conditions of consent. These conditions include the implementation of management plans to address impacts arising during the construction phase, particularly traffic management, as well as the operational phase, primarily in relation to the management of noise. Conditions have also been recommended to provide suitable landscaping as well as ensure compliance with RFS's guideline, Planning for Bushfire Protection 2019.

In summary, the development would:

- provide up to 153 construction jobs and 187 new operational jobs within Western Sydney
- be consistent with NSW Government policies including, the Greater Sydney Region Plan and the Western City District Plan, which encourage planned industrial development and the provision of jobs in Western Sydney
- be consistent with the approved uses and design objectives for the BRBH.

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

Contents

1	Introduction	1
1.1	The Department's Assessment	1
1.2	Development Background	1
1.3	Site Description.....	1
1.4	Surrounding Land Uses.....	3
1.5	Other Development Approvals	3
2	Development	6
2.1	Description of the Development	6
2.2	Physical Layout and Design	7
3	Strategic context	1
3.1	A Plan for Growing Sydney	1
3.2	Western City District Plan 2018.....	1
3.3	Western Sydney Parklands Plan of Management 2030.....	2
4	Statutory Context.....	4
4.1	State significance	4
4.2	Permissibility.....	4
4.3	Consent Authority	4
4.4	Other approvals	5
4.5	Mandatory Matters for Consideration	5
4.6	Public Exhibition and Notification	5
4.7	Objects of the EP&A Act.....	5
4.8	Ecologically Sustainable Development	7
4.9	Biodiversity Development Assessment Report	8
4.10	Commonwealth Matters.....	8
5	Engagement.....	9
5.1	Consultation.....	9
5.2	Summary of submissions	9
5.3	Response to submissions.....	10
6	Assessment	12
6.1	Consistency with Concept Proposal.....	12
6.2	Other issues.....	17
7	Evaluation.....	22
8	Recommendation.....	23
9	Determination.....	24
	Appendices	25
	Appendix A – List of Documents.....	26

Appendix B – Considerations under Section 4.15 of the EP&A Act	27
Appendix C – Consideration of Environmental Planning Instruments	29
Appendix D – Recommended Instrument of Consent	34

1 Introduction

1.1 The Department's Assessment

This report details the Department of Planning, Industry and Environment's (the Department) assessment of the State significant development (SSD-8586218) for a Temperature Controlled Warehouse Facility. The proposed development (the development) involves the construction and operation of a warehouse facility, primarily for the storage, dispatch and distribution of consumer and medical goods at Horningsea Park in the Liverpool local government area (LGA).

The Department's assessment considers all documentation submitted by the ESR Developments (Australia) Pty Ltd (the Applicant), including the Environmental Impact Statement (EIS) and Response to Submissions (RTS), and submissions received from government authorities and stakeholders. The Department's assessment also considers the legislation and planning instruments relevant to the site and the development.

This report describes the development, surrounding environment, relevant strategic and statutory planning provisions 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 development has concluded the development is in the public interest and should be approved, subject to conditions.

1.2 Development Background

The Applicant is seeking development consent to construct and operate a warehouse facility that operates 24 hours a day, seven days a week. The proposal includes a warehouse facility of approximately 36,170 square metres (m²) including ancillary office space. The warehouse is proposed to store consumer and medical goods within a temperature controlled environment (that is, the temperature within the warehouse is kept between 15° Celsius and 25° Celsius) which reduces the risk of damage and extends the longevity of the products.

As part of the development, hardstand surrounding the building is also proposed, allowing vehicular movement around the site. Loading areas will be included on the western and eastern sides of the facility. The development also incorporates landscaping and 231 car parking spaces.

1.3 Site Description

The site is located 36 kilometres (km) west of the Sydney city centre, 8 km south-west of the Liverpool town centre and approximately 4 km north-west of the intersection of the M5 and M7 motorways (see **Figure 1**). The development is proposed to be sited on Lot 4 of the Bringelly Road Business Hub (BRBH). The 6.9 hectare (ha) allotment is located in the western portion of the 21 ha BRBH site (see **Figure 2**). Access to the site is via Skyline Crescent to the south, which connects to Bringelly Road in Horningsea Park.

The approved BRBH site was originally an undeveloped 'greenfield' site which was previously grazing pastureland and included small areas of Cumberland Plain Woodland, scattered paddock trees and native shrubs. Under the BRBH approval (SSD 6324), Stage 1 works included early works, consisting of earthworks and vegetation clearing, as such the site has been cleared and preliminary earthworks have been undertaken in this portion of the estate. Out of the eight lots approved as part of the BRBH, three other lots have gained State significant development (SSD) approvals, with two of these developments operational. These are discussed in greater detail in **Section 1.4**.

Following completion of earthworks across the BRBH, the site will drain toward an existing natural waterway, Bedwell Park Wetland to the north of the site.



Figure 1 | Local Context Map



Figure 2 | Subject site and surrounding area

1.4 Surrounding Land Uses

The development is located in Horningsea Park, and is adjacent to the neighbouring suburb of Leppington, both of which comprise predominantly residential development. The closest private residential properties are located approximately 200 metres (m) to the north-east of the BRBH, on Stuart Road (see **Figure 2**).

Bedwell Park Wetland is located to the north of the development, containing a significant amount of vegetation. This partially obscures the view of the development from the abovementioned residential properties.

The BRBH approval permitted a range of uses within the business hub including light industrial and large format retail (see **Section 1.5**). Since the approval of the BRBH, a further three separate SSD approvals have been granted within the precinct for a range of uses. Lots 6 and 8 are currently operational. This includes:

- Steelforce Warehouse Facility (SSD-8900) – warehouse primarily for the storage, dispatch and distribution of steel materials on Lot 8 – operational (see Figure 2)
- CFC Group Large Format Retail (SSD-9511) – large format retail for the display and sale of construction machinery and equipment on Lot 6 – operational (see Figure 2)
- a Bunnings Warehouse (SSD-10366) – large format retail on Lot 3 – preliminary construction work started (see Figure 2).

A high pressure gas pipeline, operated by Jemena Gas Networks, is located south of the site, around the Bringelly Road corridor.

Road Network

Access to the site is from Skyline Crescent which connects with Bringelly Road and the broader regional road network. Bringelly Road subsequently connects to the north east with the significant intersection of Camden Valley Way and Cowpasture Road.

To the north of the site is Stuart Road, a local access road.

1.5 Other Development Approvals

On 13 January 2016, the then Acting Executive Director, Key Sites and Industry Assessments approved the BRBH, a staged State significant development (SSD 6324) comprising a concept proposal and stage 1 development. The concept proposal covered the establishment of the business park comprising of large format retail premises, light industry, service station, take away food and drink premises, restaurant and café uses and a development structure including. The concept proposal approved:

- land uses
- site layout
- design parameters
- landscaping.

The Stage 1 DA approved the subdivision of the site and early works including:

- demolition of existing structures
- subdivision to create eight developable lots
- bulk and detailed earthworks

- construction of an access road
- stormwater management
- civil engineering works
- estate landscaping.

The BRBH approval was a deferred commencement consent which required conditions relating to site contamination and remediation works to be fulfilled prior to the development consent becoming operational. To comply with these conditions, the Applicant submitted additional information, and, on 12 May 2016, the Department considered the consent to be operational. The concept proposal approved for the BRBH is shown in **Figure 3**, noting that condition A7 of SSD 6324 did not approve the building footprints and envelopes indicated in this plan.

Bulk earthworks have been largely completed across portions of the site. As discussed in section 1.4, three of the larger lots within the BRBH have obtained State significant development (SSD) approvals, with the uses being large format retail and light industrial uses. Two of these sites are operational, with the third having commenced preliminary earthworks.



Figure 3 | Site plan as approved SSD 6324 (since modified)

The BRBH development consent has been modified on six (6) occasions, as summarised in **Table 1**.

Table 1 | Summary of Modifications

Mod No.	Summary of Modification	Consent Authority	Type	Approval Date
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MOD 1	Alteration in car parking requirements	Department	s4.55(1A)	14 April 2018
MOD 2	Boundary realignment and introduction of one allotment	Department	s4.55(1A)	15 August 2018
MOD 3	Boundary realignment between lots 4, 6 and 8	Department	s4.55(1A)	22 March 2019
MOD 4	Boundary realignment of all lots to reflect detailed surveying of site	Department	s4.55(1A)	30 September 2019
MOD 5	Boundary realignment between lots 3 and 4 as well as amendments to bulk earthworks	Department	s4.55(1A)	13 January 2020
MOD 6	Amendment to cycle and pedestrian path	Department	s4.55(1A)	19 February 2020

2 Development

2.1 Description of the Development

The Applicant is seeking development consent for the construction and operation of a warehouse facility, including ancillary office space, car parking and landscaping within the Bringelly Road Business Hub. The warehouse is proposed to store consumer and medical goods at a controlled temperature of between 15°Celsius and 25°Celsius, in order to reduce the effects of constant temperature fluctuations on goods with slow turn over. Goods proposed to be stored are described in **Table 2**.

The major components of the development are summarised in **Table 2**, shown in **Figure 4** to **Figure 7** and described in full in the Environmental Impact Statement (EIS) and Response to Submissions (RTS) report included in **Appendix A**.

Table 2 | Main Components of the Development

Aspect	Description
Development Summary	Construction and operation of a light industrial building, encompassing a temperature controlled warehouse facility, ancillary office administration, car parking and landscaping within the Bringelly Road Business Hub
Site area and development footprint and height	<ul style="list-style-type: none"> The site is approximately 6.9 hectares in area Development footprint of around 3.6 hectares (51.7% site cover) Maximum height of 15.8 m to roof plants and 13.7 m to the roof ridgeline.
Earthworks, civil works and services extension	Minor earthworks, foundations, stormwater drainage, construction of hardstand and car parking
Types of goods stored	<ul style="list-style-type: none"> Disposable single use medical supplies such as, scalpels, medical devices, thermometers and gloves Electronics Appliances Books Clothing Cosmetics Toiletries
Construction	Site levelling and construction of the proposed building over a period of approximately 10 months
Traffic	Peak of 73 vehicles per hour (all traffic)
Access and Car Parking	<ul style="list-style-type: none"> Separate car and truck access points from Skyline Crescent 231 car parking spaces 19 Bicycle spaces conditioned
Landscaping	<ul style="list-style-type: none"> Varied vegetation heights and types at Skyline Crescent frontage and car parking area Varied tree and ground cover vegetation front Stuart Road with significant turfed area

Aspect	Description
	<ul style="list-style-type: none"> Trees and shrubs abutting entry to office space
Hours of operation	24 hours, seven days per week
Capital investment value	\$41.85 million
Employment	Approximately 153 construction jobs and 187 operational jobs

2.2 Physical Layout and Design

The physical layout and design of the development is shown in **Figure 4** to **Figure 7**. The development comprises of a single building, up to 13.7 m in height to the ridgeline and 15.8 m to the height of the roof plant, consisting of mostly warehouse space. The proposal also includes three, two storey ancillary office spaces within the warehouse. The main office is located at the south eastern corner of the building, overlooking Skyline Crescent and the carpark. This office includes the main reception and building entry point, meeting rooms, office space and staff amenities. Two smaller offices are located on the western and eastern sides of the buildings and include staff amenities and a small amount of staff office space for the adjacent docks. The north and south elevations, which face Stuart Road and Skyline Crescent respectively, make use of predominately profiled metal cladding in varying neutral colours. The main office, overlooking Skyline Crescent, sees a mix of solid metal cladding and glazing with vertical sun shading battens.

The warehouse is surrounded by an internal driveway and handstand areas on all sides, with docks on both the eastern and western sides of the building. Truck access to the docks and warehouse are provided from Skyline Crescent, with traffic moving in a one-way clockwise direction around the warehouse, with queueing bays proposed along the southern elevation, abutting the building.

General car parking access is separate to the abovementioned access, with this parking located on the western side of the site. Main pedestrian access to the building is provided through the south eastern office, with glazing overlooking both the carpark and Skyline Crescent.

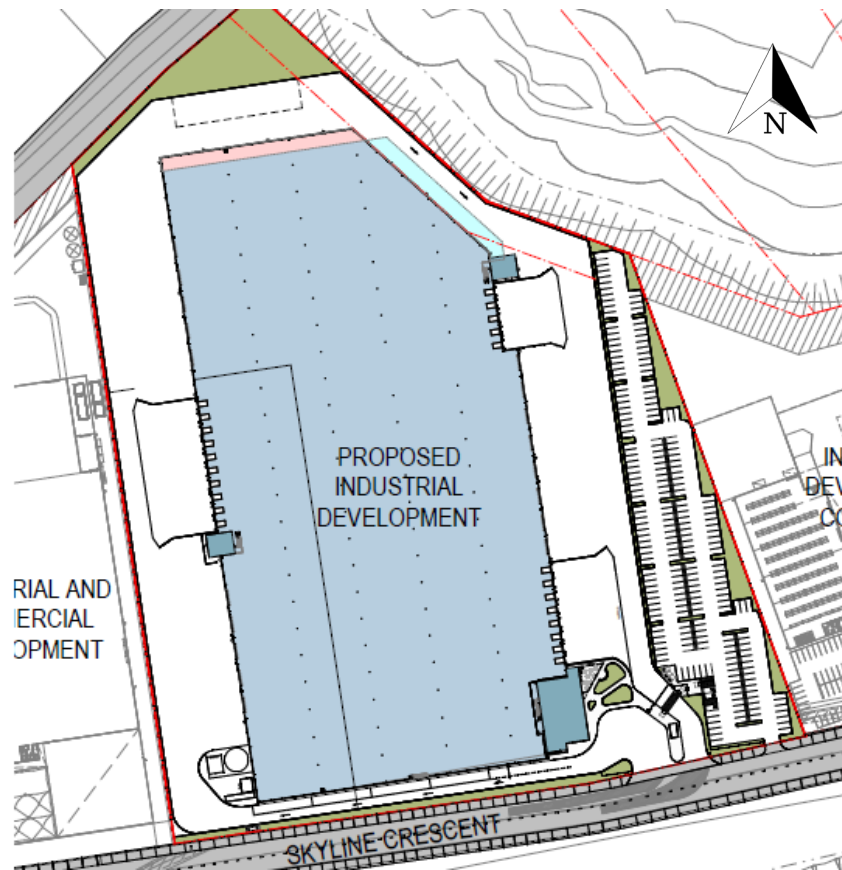


Figure 4 | Site Layout

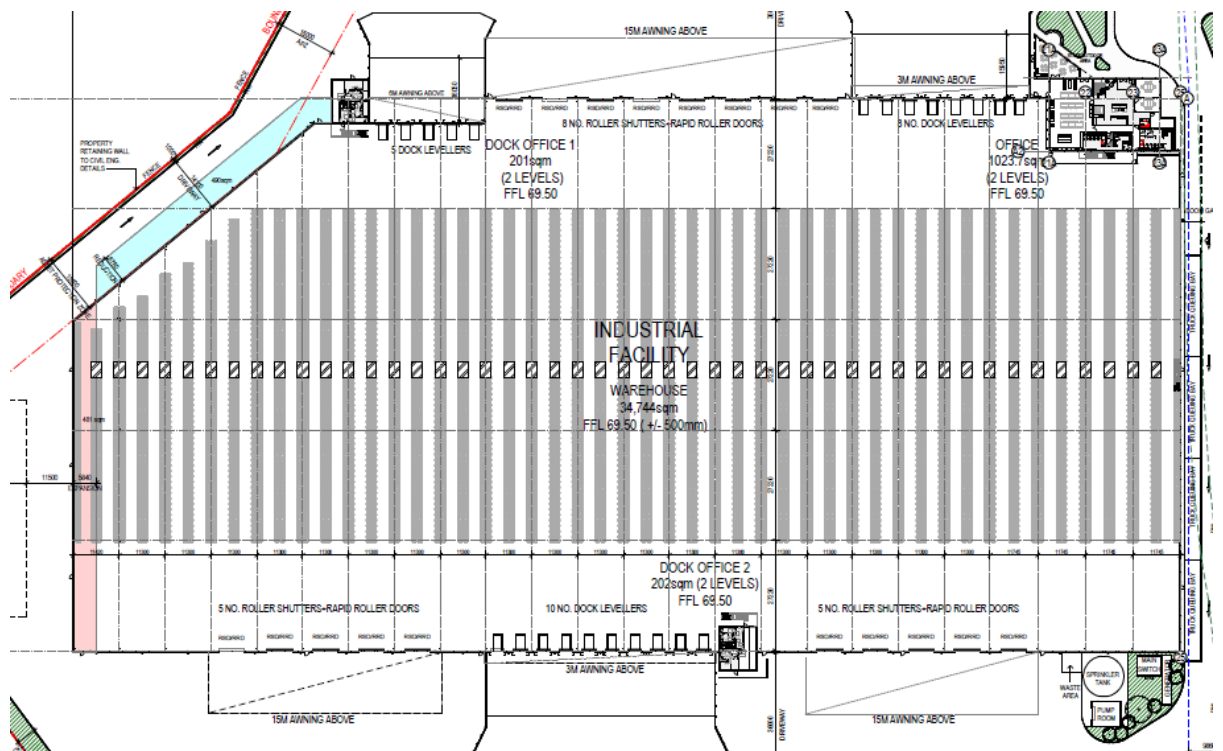


Figure 5 | Floor Plan

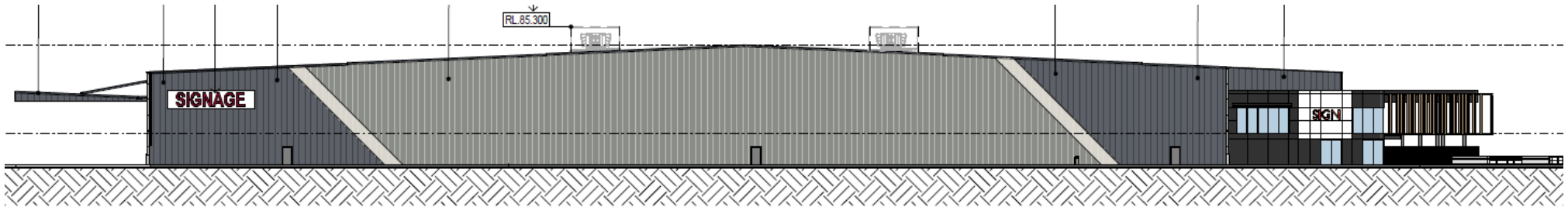


Figure 6 | Southern Elevation

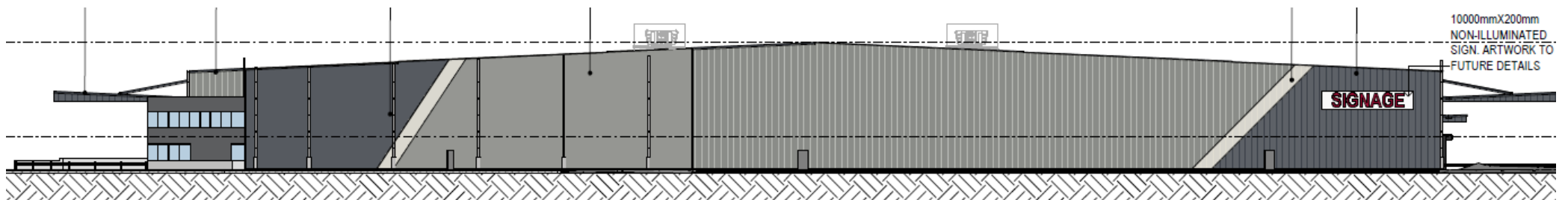


Figure 7 | Northern Elevation

3 Strategic context

3.1 A Plan for Growing Sydney

The vision of the 'Greater Sydney Region Plan 2018, A Metropolis of Three Cities' falls within the integrated planning framework for Sydney (see **Figure 8**) and seeks to meet the needs of a growing and changing population by transforming Greater Sydney into a metropolis of three cities – the Western Parkland City, the Central River City and the Eastern Harbour City. It brings new thinking to land use and transport patterns to boost Greater Sydney's liveability, productivity and sustainability by spreading the benefits of growth.

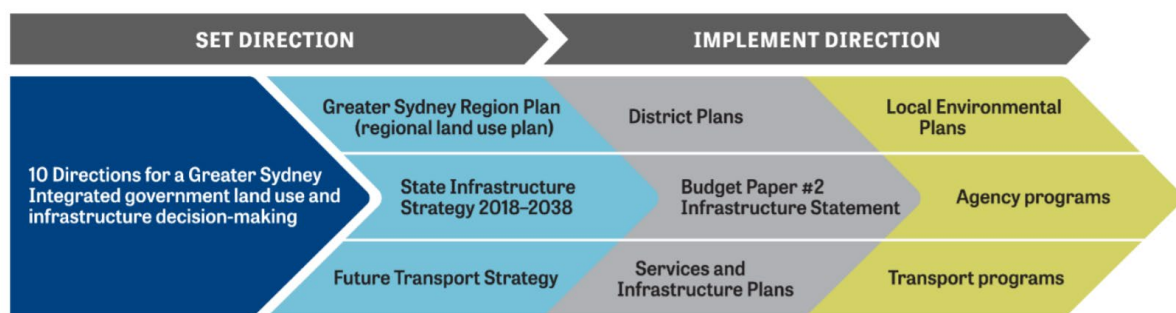


Figure 8 | Integrated Planning for Greater Sydney

Objective 23 outlines that industrial and urban services land is to be planned, retained and managed. Strategy 23.1 also recognises the need for certain office uses to be co-located with industrial and urban service uses to provide job opportunities closer to residents. By providing additional jobs closer to where people live and providing commercial and industrial uses in an approved business hub, the development will support the objectives and strategies of the Greater Sydney Region Plan.

3.2 Western City District Plan 2018

The Western City District Plan (WCDP) is a 20-year plan to manage growth in Western Sydney in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney established by the Greater Sydney Region Plan. It is a guide for implementing the Greater Sydney Region Plan at a district level. The development is aligned with Planning Priority W10 of the WCDP as it would plan and manage industrial and urban services land in an approved business hub in the Liverpool LGA. The development would also meet Action 52, as the development would be located in an area where industrial and urban service land can be reviewed and managed (see **Figure 9**).

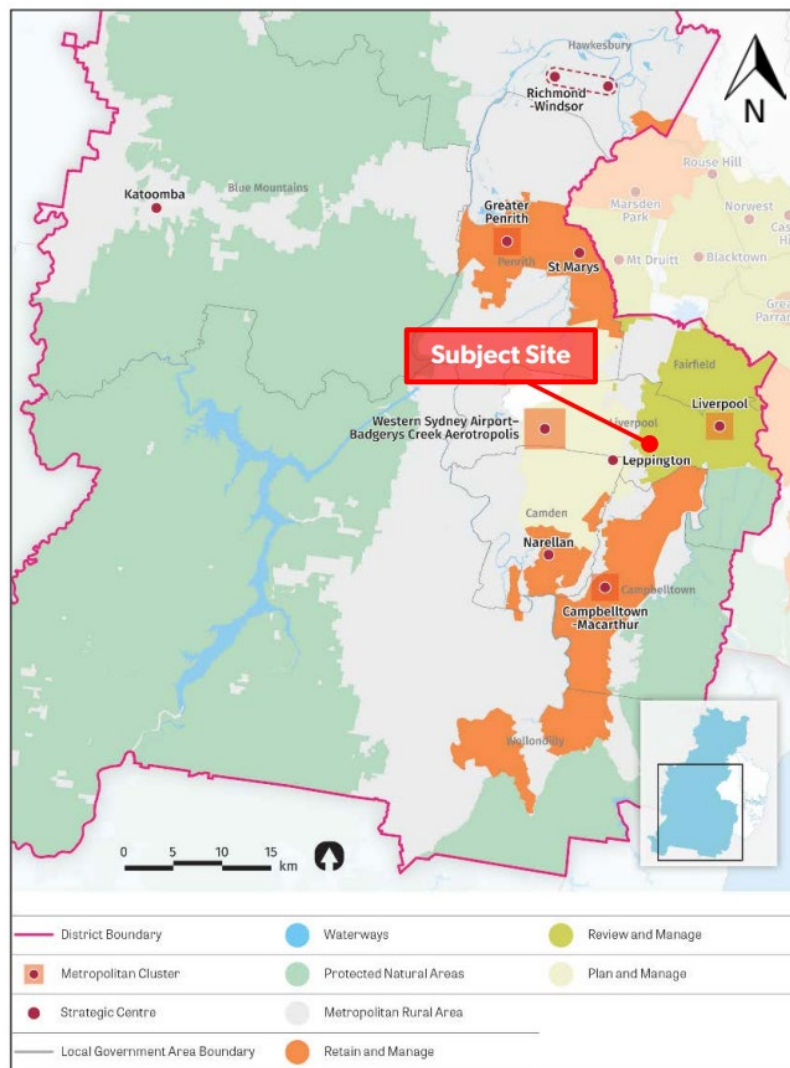


Figure 9 | Approach for the management of industrial and service land under the Western City District Plan

3.3 Western Sydney Parklands Plan of Management 2030

The WSP is a major social and recreational facility in Western Sydney and is strategically managed by the Western Sydney Parklands Plan of Management 2030 (POM). The POM identifies that 2% of the WSP is to be developed for long term leases for business purposes to generate revenue to support operations in the WSP, including maintenance and development of new and existing facilities. The proposal represents a portion of the 2% of the WSP identified strategically under the POM for business purposes. Under the POM, the site is located within an area identified as Precinct 16 (see **Figure 10**), which borders with Carnes Hill and Horningsea Park residential areas. The POM identifies two business hub sites within Precinct 16 as areas to support business functions, generate local employment and contribute to the development of the economy in Western Sydney. The Department considers the development would provide a light industrial use which is consistent with the intent of the POM for the precinct. The proposed use would generate local employment and support the business hub functions of the BRBH. The development would contribute to the ongoing viability of the WSPT and the WSP. The Department considers the development is consistent with the POM.

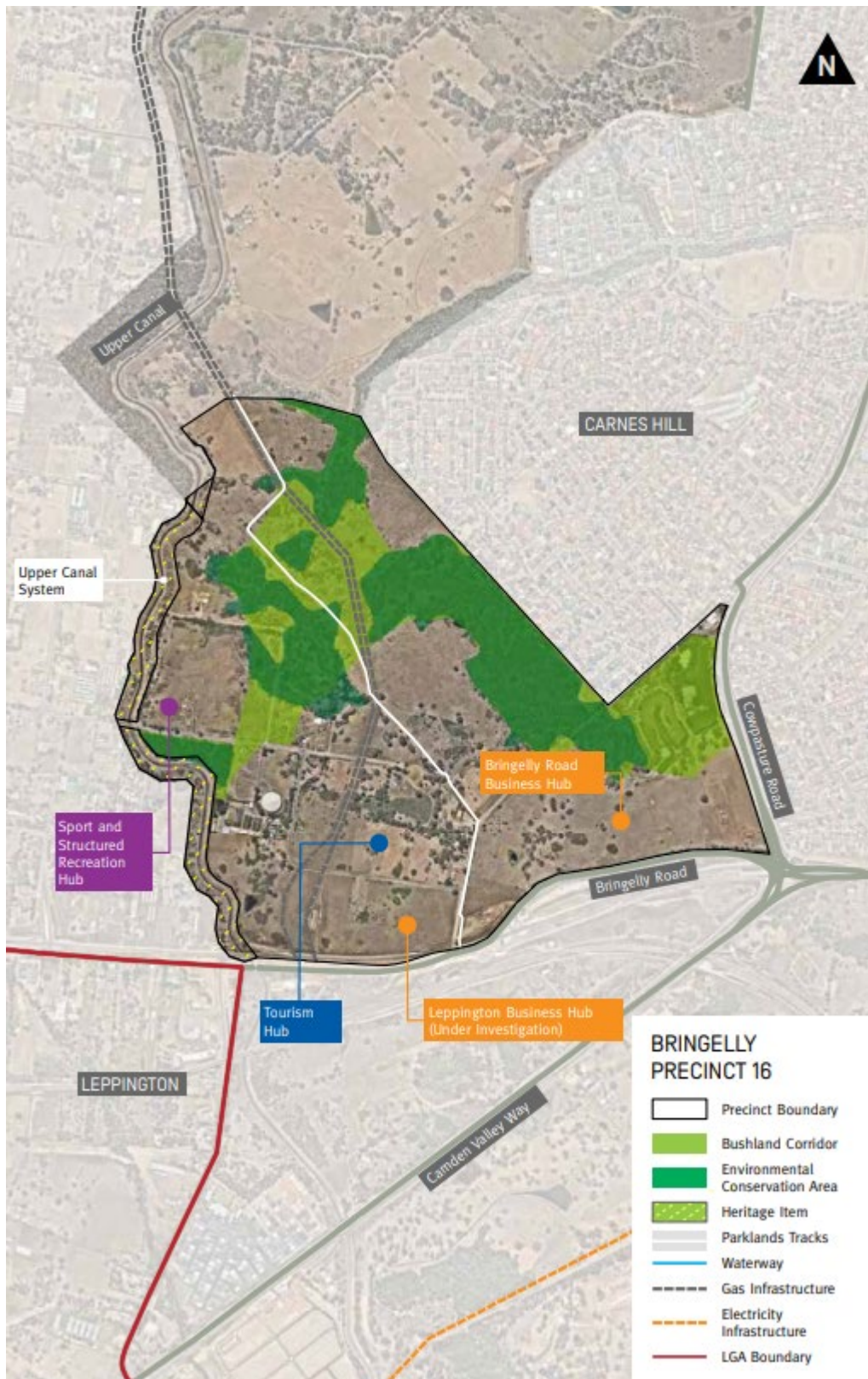


Figure 10 | Precinct 16 map

4 Statutory Context

4.1 State significance

The proposed development is located on proposed Lot 4 within the BRBH, a staged State significant development consent (SSD 6324). Under the provisions of the former section 89D(2) of the EP&A Act, the Minister, as consent authority, could make a determination that subsequent stages of the BRBH could be determined by the relevant local Council. The Minister's decision did not make such a determination.

The proposed development has a capital investment value of \$41.8 million. Under clause 5 of Schedule 2 in State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP), development with a CIV of greater than \$10 million in the Western Sydney Parklands is State significant development (SSD).

Accordingly, the proposed development is classified as SSD pursuant to section 4.36 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the Minister for Planning and Public Spaces is the consent authority for the application

4.2 Permissibility

The site is located in the WSP. After the commencement of State Environmental Planning Policy (Western Sydney Parklands) 2009 (WSP SEPP), all previously zoned lands within the WSP became unzoned. Under Clause 11(2) of the WSP SEPP, development for light industrial, warehouse and distribution and ancillary office uses are permissible with consent.

Under section 4.24 of the EP&A Act, the determination of any DA in respect of a site that is subject to a concept DA (formerly staged DA) 'cannot be inconsistent' with the original consent. The concept proposal set out under the BRBH approval permitted a range of uses on the site including large format retail, light industrial and warehouse and distribution uses. The Department considers the primary use of the development is for a warehouse and distribution centre with ancillary office, handstand areas, service infrastructure and landscaping on site. The proposed uses and indicative built form are consistent with the BRBH approval, as detailed in **Section 6**.

4.3 Consent Authority

The Minister is the consent authority for the development under section 4.5 of the EP&A Act. On 9 March 2020, the Minister delegated the functions to determine SSD applications to the Executive Director - Energy, Industry and Compliance where:

- the relevant local council has not made an objection and
- there are less than 50 unique public submissions in the nature of objections and
- a political disclosure statement has not been made.

Liverpool City Council (Council) did not object to the development and no public submissions were received. 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 – Energy, Industry and Compliance under delegation.

4.4 Other approvals

Under section 4.42 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.

In its submission, the EPA advised the development does not constitute a scheduled activity under the *Protection of the Environment Operations Act 1997* (POEO Act), therefore an Environment Protection Licence (EPL) is not required.

The Department has considered the advice of the relevant public authorities responsible for other approvals in its assessment of the development and included suitable conditions in the recommended conditions of consent, where necessary.

4.5 Mandatory Matters for Consideration

Section 4.15 of the EP&A Act sets out matters to be considered by a consent authority when determining a development application. The Department's consideration of these matters is set out in Section 6 and Appendix B. In summary, the Department is satisfied the proposed development is consistent with the requirements of section 4.15 of the EP&A Act.

Under section 4.15 of the EP&A Act, the consent authority, when determining a development application, must take into consideration the provisions of any environmental planning instrument (EPI) and draft EPI (that has been subject to public consultation and notified under the EP&A Act) that apply to the proposed development.

The Department has considered the development against the relevant provisions of several key EPIs including:

- State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)
- State Environmental Planning Policy (Western Sydney Parklands) 2009 (WSP SEPP)
- State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)
- State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP 33)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- Draft State Environmental Planning Policy (Remediation of Land) (draft Remediation SEPP)
- Liverpool Local Environmental Plan 2008.

Development Control Plans (DCPs) do not apply to SSD under Clause 11 of the SRD SEPP.

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

4.6 Public Exhibition and Notification

In accordance with section 2.22 and Schedule 1 to the EP&A Act, the development application and any accompanying information of an SSD application are required to be made publicly exhibited for at least 28 days. The application was on public exhibition from 4 September 2020 until 1 October 2020. Details of the exhibition process and notifications are provided in **Section 5.1**.

4.7 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 1.3 of the EP&A Act. The objects of relevance to the merit assessment of this application include:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,
- (c) to promote the orderly and economic use and development of land,
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),
- (g) to promote good design and amenity of the built environment,
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,
- (j) to provide increased opportunity for community participation in environmental planning and assessment.

The Department has fully considered the relevant objects of the EP&A Act, including the encouragement of Ecologically Sustainable Development (ESD), in its assessment of the application (see **Table 3**).

Table 3 | Considerations Against the Objects of the EP&A Act

Object	Consideration
1.3 (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	The development would contribute revenue towards the ongoing management of the WSP for the social and economic welfare of the WSP, the Liverpool LGA and the State. The development would also promote social and economic welfare in the community by generating 153 construction jobs and 187 operational jobs in the area.
1.3 (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The Department has considered the need to encourage the principles of ecologically sustainable development (ESD), in addition to the need for the proper management and conservation of natural resources, the orderly development of land, the need for the development as a whole, and the protection of the environment within Section 6 of this report and in Section 4.8 below. Where potential environmental impacts have been identified, mitigation measures have been recommended. The development also includes measures to deliver ESD through the planting of native landscaping, appropriate stormwater management and bushfire management.

Object	Consideration
1.3 (c) to promote the orderly and economic use and development of land,	The development promotes orderly and economic development of land by remaining consistent with the BRBH approval for large format retail uses and light industrial uses in the WSP and is predicted to generate up to 153 construction jobs and 187 operational jobs. The development will also provide private investment in the WSP which will contribute to establishing a sustainable funding base for the WSP.
1.3 (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The BRBH approval allowed for the clearing of vegetation from the site. The clearing of the site was offset by the purchase and retiring of 35 ecosystem credits in accordance with the NSW Biodiversity Offsets Policy. The Applicant for BRBH, WSPT, has purchased and retired the required ecosystem credits.
1.3 (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The site is not a heritage item or located in a conservation area. The Department's assessment of the BRBH concluded the development of the BRBH is unlikely to have an impact on any items of heritage significance. As required by the conditions of the BRBH development consent, an updated Aboriginal Heritage Assessment Report and a Heritage Interpretation Plan has been submitted and approved. The built form of the development is consistent with the development consent for the BRBH and will not impact on Aboriginal or European heritage significance.
1.3 (g) to promote good design and amenity of the built environment,	The proposed bulk and scale of the development is consistent with the approved built form in the development consent for the BRBH. The Department considers the visual impacts of the development to be acceptable given the site's location in the BRBH.
1.3 (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The Department has considered the development and has recommended a number of conditions of consent to ensure that construction and maintenance is undertaken in accordance with applicable legislation, guidelines, policies and procedures (refer to Appendix B).
1.3 (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department publicly exhibited the development as outlined in Section 5 , which included consultation with Council and other public authorities and consideration of their responses.
1.3 (j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the application as outlined in Section 5 , which included notifying adjoining landowners and displaying the application on the Department's website.

4.8 Ecologically Sustainable Development

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

(a) *the precautionary principle*

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

The potential environmental impacts of the development have been assessed and, where potential impacts have been identified, mitigation measures and environmental safeguards have been recommended.

The development is not anticipated to have any adverse impacts on native flora or fauna, including threatened species, populations and ecological communities and their habitats. The clearing of the site has been approved under the BRBH approval. The Department is also satisfied the development and mitigation measures will suitably manage bushfire risks and potential impacts on receiving environments from, noise, dust and stormwater runoff. As such, the Department considers that the development would not adversely impact on the environment and is consistent with the objectives of the EP&A Act and the principles of ESD.

4.9 Biodiversity Development Assessment Report

Under section 7.9(2) of the *Biodiversity Conservation Act 2016* (the BC Act), SSD applications are to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the development is not likely to have any significant impact on biodiversity values.

The Applicant submitted a request for a BDAR waiver as part of their EIS lodgement on the basis of the site having no vegetation present, having been cleared in the previous approval.

The Environment Agency Head and Director, Industry Assessments, as nominee of the Planning Secretary, determined the proposed development is not likely to have any significant impact on biodiversity values. A BDAR waiver under section 7.9(2) of the BC Act was subsequently granted for the development on 9 October 2020.

4.10 Commonwealth Matters

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 (MNES), as it is considered to be a 'controlled action'. The Applicant provided a request for a BDAR waiver which concluded that the proposed works are not likely to have significant impact on biodiversity values with the site having already been cleared under the BRBH approval. Consequently, the proposed development would not have any impacts on MNES and the Applicant determined a referral to the Commonwealth Government was not required.

5 Engagement

5.1 Consultation

The Applicant, as required by the Planning Secretary's Environmental Assessment Requirements (SEARs), undertook consultation with relevant local and State authorities as well as the community and affected landowners. The Department undertook further consultation with these stakeholders during the exhibition of the EIS and throughout the assessment of the application. These consultation activities are described in detail in the following sections.

Consultation by the Applicant

The Applicant undertook a range of consultation activities throughout preparation of the EIS including:

- communicating with local and State authorities
- letters to five immediate neighbours
- distribution of an information flyer to properties within close proximity of the site, being a total of 840 flyers
- an informal webpage, email address and phone number for the development.

The Applicant outlined that no community feedback was received throughout the consultation.

Consultation by the Department

The Department undertook a range of consultation activities throughout preparation of the Planning SEARs including consultation with relevant public authorities.

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

- made it publicly available from Friday 4 September 2020 until Thursday 1 October 2020:
 - on the Department's website
- notified landowners in the vicinity of the site about the exhibition period by letter
- notified and invited comment from relevant State government authorities and Liverpool City Council by letter.

5.2 Summary of submissions

During the exhibition period, the Department received a total of seven submissions on the proposal. Of the submissions received, five were from NSW Government agencies, with one from Council and one from Jemena, a gas pipeline operator. No public submissions were received. Of the seven submissions received, none objected to the development. A summary of the issues raised in submissions is provided below, with a copy of each submission included in **Appendix A**.

Public Authorities

Council did not object to the development, however, Council raised several matters to be addressed prior to determination. These included inconsistencies with the concept proposal's design guidelines. Council also requested further detail on vegetation types, increased landscaping on site and further details on flooding (including a flood impact assessment) and roof materials.

Transport for NSW (TfNSW) had no further comment on top of its SEARs advice, which requested a transport impact assessment to be completed.

Sydney Water raised no objection, giving advice on future water and wastewater servicing.

Water NSW raised no objection.

NSW Rural Fire Service (RFS) raised concerns regarding the building being located within the BRBH's Asset Protection Zone. If consent were to be granted, RFS recommended several conditions, including strict construction standards for building in the Flame Zone.

Environment, Energy and Science Group (EES) raised no objection, noting they were assessing a BDAR waiver request for the proposal. EES later recommended the Applicant's BDAR waiver request be approved.

Western Sydney Parklands Trust (WSPT) did not wish to provide a submission.

Public Submissions

The Department received a submission from **Jemena**, who operates a gas pipeline located within the Bringelly Road road corridor. Jemena confirmed the pipeline operates in accordance with Australian Standards and that a concrete slab exists on top of the pipe along Skyline Crescent. The submission raised no objection to the proposal.

No other public submissions were received.

5.3 Response to submissions

On Wednesday 14 October 2020, the Applicant provided a Response to Submissions (RTS) on the issues raised by Council during the exhibition of the development (see **Appendix A**).

The RTS provided the following documents in response to the matters raised during the exhibition of the DA and EIS:

- a revised landscaping plan, providing further detailing on vegetation types
- clarification that no solar panels are proposed to be installed
- an updated assessment against the urban design guidelines, namely in regard to the setback, height and vegetation buffer sections raised in the request for RTS.

The RTS was made publicly available on the Department's website and was provided to key government authorities to consider whether it adequately addressed the issues raised. A summary of the government authority responses is provided below.

Council reviewed the revised landscape plan and response by the Applicant and advised it does not object to the setback from the Bedwell Park Wetland, provided the landscaping plan in the concept proposal is carried out, which saw vegetation located within the riparian area. Council also noted its preference for solar panels and a greater landscaped buffer to Stuart Road, however, gave support for the proposal overall.

On 12 November 2020, the Applicant provided a response to the issues raised by RFS. The response included updated drawings which removed the building from the Asset Protection Zone and increasing the minimum vegetation buffer to Stuart Road to 5 m, in line with Council's advice. An updated bushfire assessment was also supplied.

RFS raised no objection to the updated bushfire assessment and drawings and provided updated recommended conditions to remove the Flame Zone construction requirements. Standard bushfire conditions were recommended in the RFS' updated advice.

6 Assessment

The Department has considered the EIS, the issues raised in the submissions, the Applicant's RTS and supplementary information in its assessment of the development. The Department considers the key assessment issues relate to the consistency of the development with the concept proposal set out under the BRBH approval, particularly in relation to requirements for setbacks to manage bushfire issues and potential visual impacts.

A number of other issues have also been considered. These issues are considered to be minor and are addressed in **Table 4** under **Section 6.2**.

6.1 Consistency with Concept Proposal

The concept proposal set out under the staged BRBH approval established site development guidelines and conditions to regulate future development within the complex. Section 4.24 of the EP&A Act requires any future development application on the site to remain consistent with the existing concept (formerly, staged) approval. Notable requirements relevant to the subject lot included bushfire controls and urban design controls. These matters are discussed separately below.

Bushfire

Under the BRBH approval, there is a requirement for a 15 m Asset Protection Zone (APZ) to be located along the northern boundary of the hub site with the Bedwell Park Wetland, as seen in **Figure 11**. This APZ requirement was established due to the potential bushfire risk associated with the adjoining vegetation in the Bedwell Park Wetland. As part of this proposed development, the Applicant initially sought to locate the warehouse partially within this APZ by approximately 6.6 m. A Bushfire Assessment was submitted with the application to support this approach. The assessment concluded that part of the building's Bushfire Attack Level (BAL), a scale used to determine the building's bush fire risk, fell into the highest risk category, referred to as the Flame Zone. The assessment recommended several construction methods to mitigate the higher risk.

In its submission, the RFS raised concern with the encroachment into the APZ, indicating that siting the building in the Flame Zone would result in the facility being exposed to greater bushfire risk and be inconsistent with its guideline Planning for Bush Fire Protection 2019 (PBP 2019). The RFS also indicated that should consent be granted to the proposal in this location, the building would need to adopt stringent construction standards to reduce the bushfire attack risk associated with being located in the Flame Zone.

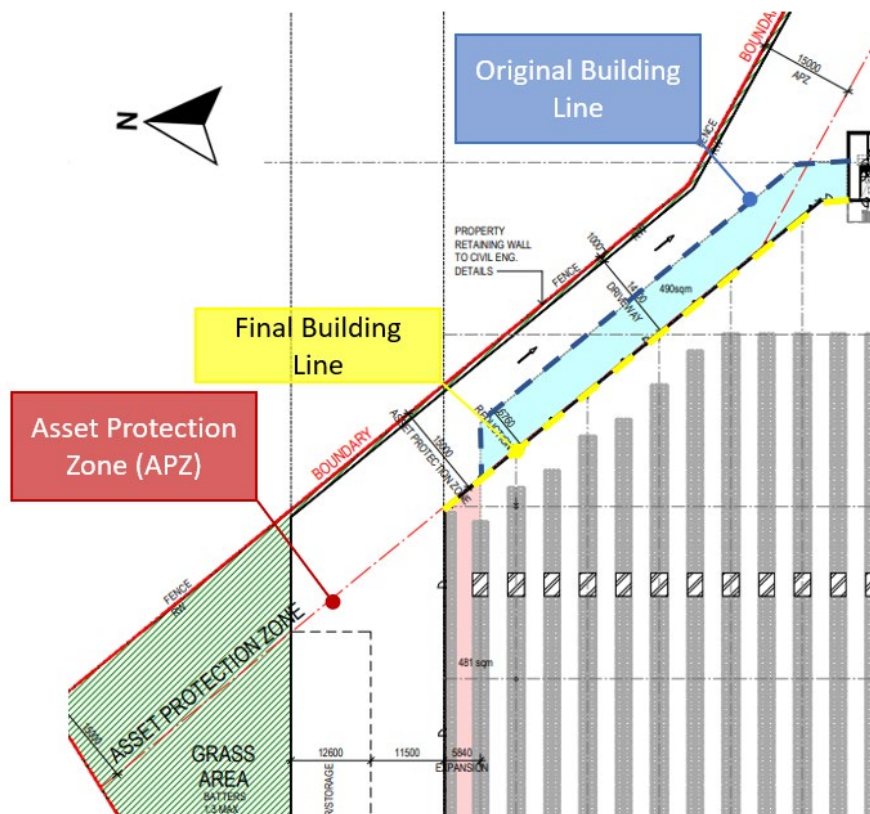


Figure 11 | Asset Protection Zone Location

On 12 November 2020, the Applicant submitted changes to the built form of the development to relocate the warehouse outside the APZ (see **Figure 11**), citing costs that would be incurred meeting the relevant Flame Zone construction standard and to align with RFS siting recommendations. An updated Bushfire Assessment was also submitted. The assessment concluded that the building's BAL would be reduced to BAL29, a lower risk category, and did not require the stringent construction standards as required under the original proposal. RFS reviewed the changes and raised no objections, updating its recommended conditions to remove the stringent Flame Zone construction standard requirements. Several standard conditions were recommended by the RFS to ensure the development meets the requirements of the PBP 2019.

The Department has considered the updated drawings and is satisfied the development now meets the 15 m APZ setback, remaining consistent with the bushfire element of the BRBH approval. Further, by increasing the setback to the Bedwell Park Wetlands, the warehouse facility will also reduce its bushfire risk by providing appropriate separation between a potential hazard and the associated buildings. The Department has recommended conditions in line with the RFS advice, requiring the Applicant to manage the APZ, access routes and utilities on site in accordance with PBP 2019. A condition will also be recommended requiring the preparation of a Bush Fire Emergency Management and Evacuation Plan in order to improve preparedness in the event of a bushfire.

The Department has considered the final proposal and concludes that it remains consistent with the bushfire provisions of the BRBH approval. The Department has considered the assessment and conditions recommended by the RFS and is satisfied these measures will ensure compliance with PBP 2019 in order to effectively manage bushfire risks.

Visual

Condition A7 of the BRBH approval required future DAs to remain consistent with its urban design guidelines. This document sets built form controls for the development in order to achieve a high quality, consistent design approach across the entire business hub. In relation to the subject site, lot 4, the following setbacks are specified:

- Stuart Road - 15 m
- internal road (Skyline Crescent) - 10 m
- boundary adjoining Bedwell Park Wetland area - 15 m
- one third of road setbacks to be vegetation.

The warehouse building complies with both the Stuart Road and Skyline Crescent road setbacks, however, the application originally proposed to provide a setback of approximately 8.4 m to the Bedwell Park Wetland boundary rather than 15 m. A 3 m deep vegetation buffer to Stuart Road was also proposed, not meeting the requirements for one third of the depth of the 15 m road setback to be vegetated. Further, it is noted the small guard house at the truck accessway is setback approximately 9.9 m from Skyline Crescent, not strictly meeting the 10 m setback control to Skyline Crescent.

Council raised concerns regarding the reduced setback to the Bedwell Park Wetland, vegetation buffer and detail on the submitted landscape plan in its submission on the application, citing concerns over the visual impacts the reductions would result in.

The Applicant submitted updated plans on 12 November 2020 increasing the setback from the Bedwell Park Wetland to 15 m, aligning with the setback controls. As part of the updated drawing set, the vegetation buffer to Stuart Road was also increased from a minimum of 3 m to a minimum of 5 m and further details of vegetation were provided in the landscape plan, resulting in the vegetation buffer now aligning with the BRBH approval. Council was supportive of the revised landscape plan and reiterated the Bedwell Park Wetland setback and vegetation buffer requirements in the BRBH design guideline. Council did comment on a preference for solar panel utilisation on site, however it is noted there are no statutory requirements for the development to install solar panels. Council raised no further concerns.

The guard house is proposed to be setback 9.9 m from Skyline Crescent instead of the 10 m stated under the controls, with main warehouse building setback approximately 12 m. The urban design guidelines established road setbacks with the objective to create space for significant vegetation buffers and soften the visual impact of the development. Given the guard house is small in nature, in between two access driveways and the development as a whole contains a significant vegetation buffer to Skyline Crescent, the Department considers the minor 0.1 m departure from the controls acceptable and is satisfied the development's southern setback still aligns with the objectives of the urban design guidelines.

The urban design guidelines also contain building height controls. Under section 2.3, the maximum building height is to be 14 m, however, taller buildings may be supported when the following can be demonstrated:

- the proposed height is in keeping with the character of the locality;

- the building, or any part thereof, is not visually obtrusive; and
- the overall design of the development, including landscaping and building materials, reduces the impact of height and bulk of the building.

The proposal will see its roof reach a maximum height of 13.7 m, meeting the BRBH's height controls. However, 14 roof plants, used for cooling the warehouse, will sit above this with a maximum height of 15.8 m. The Applicant provided an assessment of the building in relation to the above criteria in its RTS, concluding the development will be in keeping with the industrial nature of the BRBH, not be visually obtrusive and the materials and landscaping will reduce the bulk and height of the building.

Although sitting above the 14 m stated in the controls, the proposed plants will make up approximately 1.6% of the total roof footprint. Due to the plants being only a small area in the context of the warehouse building, and evenly spread throughout the roof form, it is not considered they will dramatically change the building bulk or massing from that intended under the BRBH approval, and remain in character with the business hub, remaining consistent with the above height controls. The location of the plants is shown in **Figure 12**.

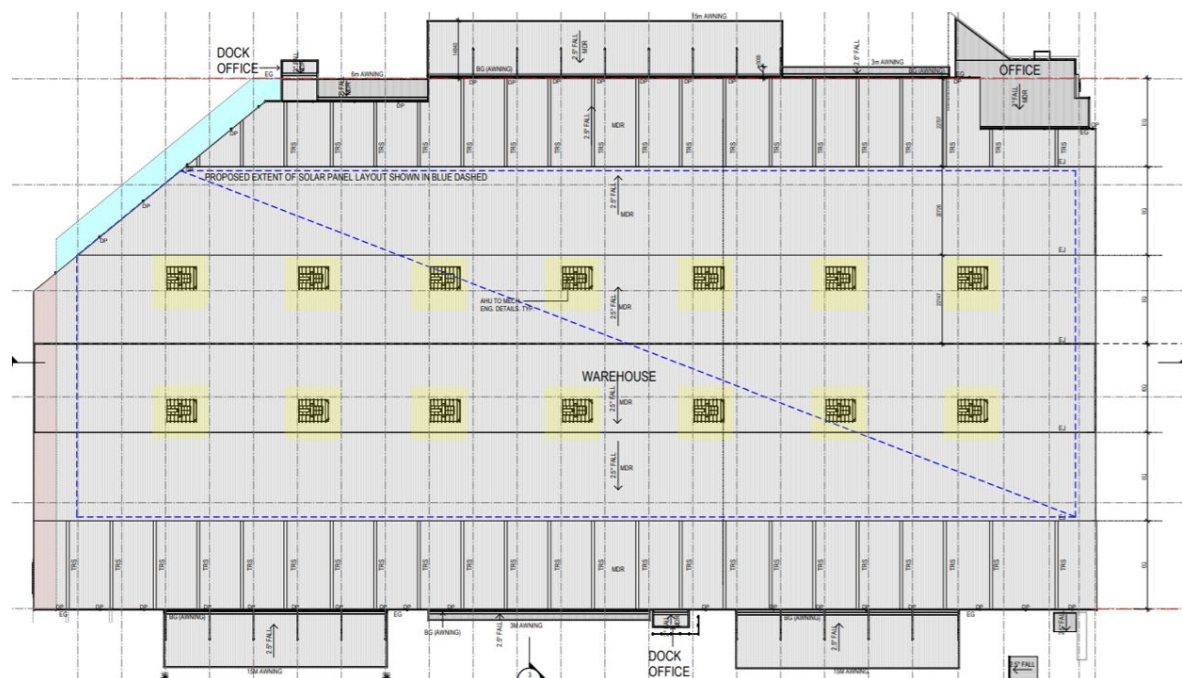


Figure 12 | Roof plan locations (highlighted in yellow)

The EIS included a Visual Impact Assessment (VIA) prepared by Habit8 which assessed the visual sensitivity and visual magnitude of the development from five key viewpoints within the surrounding area. In particular, the VIA assessed two viewpoints along Bringelly Road and Stuart Road as being the nearest public vantage points, as seen in **Figure 13** and **Figure 14**. The VIA found the significant landscaping buffer on Stuart Road, the setback from Bringelly Road and the approved developments to the east and west, would assist in reducing the visual impact of the development. The north and south elevations, which face Stuart Road and Skyline Crescent respectively, make use of predominately metal cladding in varying neutral colour to reduce prominence and building bulk, as seen in **Figure 6** and **Figure 7**. The south elevation will also see the main office facing Skyline crescent, utilising a mix of solid metal cladding, glazing and battening to create a clear pedestrian entry point to the development.



Figure 13 | View of proposal from Stuart Road



Figure 14 | View of proposal from Bringelly Road

The VIA concluded the development would be consistent with the business park character of the surrounding area and would have a low visual impact when viewed from surrounding receivers meeting the requirements of the BRBH's urban design guideline to be 'in keeping with the character of the locality' and to not be 'visually obtrusive'.

The Department has considered the Applicant's VIA and RTS and is satisfied with the assessment of the proposal's height.

Due to the large site with significant setbacks and vegetation buffers, the Department agrees with the findings of the VIA and is satisfied the minor departure from the controls in the urban design guidelines with respect to height and the guard house setback is justified on the basis the proposal's height and bulk will be in keeping with the business park character of the area. The proposed landscaping and building materials will serve to reduce any residual impacts, resulting in the design of the development remaining consistent with the intent and objectives of the BRBH concept approval's urban design guidelines.

The Department has recommended a condition requiring the preparation and implementation of a Landscape Management Plan to ensure the proposed landscaping at the site uses suitable plants that act as an appropriate vegetative buffer to screen residual visual amenity impacts. A condition to ensure non-obtrusive lighting at the site is also recommended which will ensure lighting will not cause a nuisance to surrounding properties or the public road network

The Department's assessment finds the proposed development is to be consistent with the built form approved for the BRBH and, subject to the implementation of the recommended landscaping and lighting conditions, will result in acceptable visual impacts, in line with that intended under the BRBH approval.

Conclusion

The Department's assessment concludes the bulk, scale and siting of the building is consistent with the objectives and overall outcomes of the BRBH's urban design guideline in terms of height, setbacks and vegetation on site and will have acceptable visual impacts on the local area.

6.2 Other issues

The Department's assessment of other issues is provided in **Table 4**.

Table 4 | Assessment of Other Issues

Issue	Findings	Recommendations
Traffic	<ul style="list-style-type: none">• The EIS included a Traffic Impact Assessment (TIA) for the development, prepared with reference to TfNSW's Guide to Traffic Generating Developments and the Liverpool DCP 2008.• A maximum of 60 light and 4 heavy vehicle trips per hour (vtph) are expected during construction which would generally occur outside of peak traffic periods. These levels are lower than the predicted operational traffic and are unlikely to impact on the safety and capacity of the road network.• However, Council requested a Construction Traffic Management Plan (CTMP) be implemented.• Operation of the development would generate up to 73 vtph during the AM and PM peak periods, which is substantially lower than the 200 vtph predicted for the subject lot in the TIA for the overarching BRBH approval.• The Bringelly Road intersection was designed to accommodate the higher traffic volumes predicted in the TIA for the BRBH approval, therefore the lower levels of traffic estimated for this development would easily be accommodated on the road network without the need for any upgrades.• Neither TfNSW nor Council raised concerns in relation to traffic impacts.• The Department considered the TIA for this development and concluded the development is consistent with the BRBH approval and would not adversely impact on the local road network.• The Department recommends the Applicant implement a Construction Traffic Management Plan and recommends standard operating conditions for traffic covering queuing, parking and loading activities.	<p>Require the Applicant to:</p> <ul style="list-style-type: none">• update and implement the CTMP contained in the TIA• implement suitable mitigation measures to ensure the operation of the development does not impact the surrounding road network.
Parking	<ul style="list-style-type: none">• The development includes 231 car parking spaces, which meets the car parking	<p>Require the Applicant to:</p> <ul style="list-style-type: none">• provide sufficient parking facilities on-

Issue	Findings	Recommendations
	<p>requirements prescribed in the BRBH approval for a warehouse facility on lot 4.</p> <ul style="list-style-type: none"> • In the RTS, the Applicant agreed to increase the bicycle parking provision to 19 spaces to meet Council's requirements as described in the Liverpool DCP 2008. • The Department is satisfied with the proposed car and bicycle parking provisions and has recommended conditions to ensure this commitment is met. The Department's assessment concludes the development will provide sufficient parking for staff and visitors. 	<p>site in accordance with the BRBH approval</p> <ul style="list-style-type: none"> • provide at least 19 bicycle parking spaces in accordance with relevant guidelines
<p>Noise</p>	<ul style="list-style-type: none"> • The EIS included a Noise Impact Assessment (NIA) prepared in accordance with the Noise Policy for Industry 2017 (NPfI). • The NIA predicted there would be some construction noise impacts on the nearest receivers on Stuart Road during site establishment works. These works would be short-term and conducted during standard day-time working hours, with measures implemented to minimise noise. • Noise from 24-hour operation of the development would result primarily from heavy vehicles accessing the site. • The NIA included a worst-case assessment of 6 trucks and 13 light vehicles during the day and 1 truck and 2 light vehicles during the night. Under this scenario, predicted noise levels would be below relevant project trigger levels except for the closest residential property on Stuart Road, which would exceed the level by 2 decibels (dBA). The NPfI categorises noise exceedances of up to 2 dBA as negligible. • In relation to sleep disturbance, the use of air brakes would exceed night-time sleep disturbance goals for a duration of 1 second per event, however the NIA noted existing noise levels on Stuart Road regularly exceed the 60 dBA level predicted from the use of air brakes. The Applicant would minimise these noise exceedances through operational procedures such as minimising air brake use on site. • Council reviewed the NIA and recommended a noise management plan be included as a condition. • The Department has considered the NIA and Council's comments and concludes the predicted noise impacts from construction and operation would be minimal and generally consistent with the expected impacts under the BRBH approval. Noise during construction 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> • adhere to standard construction hours • adhere to the requirements of the Interim Construction Noise Guideline • prepare an Operational Noise Management Plan.

Issue	Findings	Recommendations
	<p>would be short term and works would be limited to day-time hours.</p> <ul style="list-style-type: none"> • The Department recommends the Applicant prepare an Operational Noise Management Plan to ensure noise from the development, including the use of air brakes is minimised. • The Department's assessment concludes that given the development is within an approved business hub and in an area that experiences high volumes of traffic, the predicted noise impacts would not interfere with the amenity of the local area. Implementation of conditions requiring adherence to the ICNG, a Driver Code of Conduct and an Operational Noise Management Plan, will ensure noise mitigation measures are in place for the development. 	
Water Management	<ul style="list-style-type: none"> • The development will alter natural drainage lines by establishing buildings and impervious hardstands which would increase stormwater flows off the site. • The EIS included a Civil Engineering Report describing the proposed stormwater management system, noting stormwater detention would be provided by an in-ground tank to the north of the building which discharges to the Bedwell Park Wetland. • Water quality would be managed by primary treatment via gross pollutant traps on-site and tertiary treatment off-site via the Bedwell Park Wetland. • Council requested further information on flooding and recommended water quality treatment trains be designed using MUSIC modelling software. • The Applicant's RTS confirmed the Civil Engineering Report had addressed flooding and stormwater impacts. Following a review of the RTS Council raised no further concerns and recommended conditions to ensure water quality discharged from the site meets the pollutant reduction criteria in the Liverpool DCP 2008. • The Department has considered the Applicant's engineering report and is satisfied the proposed measures will ensure stormwater is appropriately captured, treated and conveyed from the site to minimise flooding impacts and sufficiently protect water quality in the Bedwell Park Wetland. • The Department supports Council's comments and has recommended a condition to ensure the system is appropriately 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> • prepare a final stormwater management plan which demonstrates that stormwater quality will be managed in accordance with Council's pollutant reduction criteria.

Issue	Findings	Recommendations
	designed and discharged stormwater meets Council's water quality requirements.	
Signage	<ul style="list-style-type: none"> • The Applicant originally sought consent to allow a flexible approach to signage, meaning future changes to signage would not require approval. • The Department did not support this approach and the Applicant confirmed in the RTS that approval for a flexible signage strategy was no longer part of the application. • The Department supports this amendment and recommends a condition requiring the Applicant to obtain approval for the installation of any signage on site. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> • obtain further approval for the installation of any future signage.
Heritage	<ul style="list-style-type: none"> • The BRBH approval assessed the potential impacts of development on the site on Aboriginal and European heritage, concluding there is low to nil potential for cultural deposits given the history of site disturbance. • The BRBH approval required the Applicant to submit an update to the Aboriginal and Historical Archaeological Assessment (AHAA) to assess the impacts of developments on the heritage significance of Bringelly Road. • The Applicant submitted an update to the AHAA confirming impacts to Bringelly Road are unlikely given the low archaeological potential and low significance of the item. • The Department's assessment concludes the development would have negligible impacts on Aboriginal and European heritage and recommends conditions for an unexpected finds protocol. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> • manage unexpected finds appropriately.
Air Quality	<ul style="list-style-type: none"> • The Applicant submitted an Air Quality Impact Assessment (AQIA) estimating potential dust and particulate emissions from construction and operation. • The AQIA identified the primary air quality impacts during construction would be dust with the potential to cause nuisance impacts, however emissions would be low. • During operation, air quality emissions would predominately be from vehicular traffic on site, including wheel generated dust. The assessment concluded these impacts would be negligible. • The Department has considered the findings of the AQIA and agrees the impacts from construction and operation would be minor and that standard conditions to minimise dust 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> • take all reasonable steps to minimise dust generated during all works • ensure the development does not cause or permit the emission of any offensive odour.

Issue	Findings	Recommendations
	<p>would ensure the development achieves relevant air quality criteria.</p> <ul style="list-style-type: none"> The Department is satisfied that, with the implementation of the recommended conditions, the proposed development would not result in air quality or odour impacts on sensitive receivers. 	
Waste Management	<ul style="list-style-type: none"> The Applicant provided a Waste Management Plan, estimating the type and quantities of waste produced, with packaging and office waste the major component. Waste will be stored in bins located on the western side of the building, and adequately screened from Skyline Crescent through vegetation and other utilities. All waste will be disposed offsite by authorised agents to licensed waste disposal facilities. The Department is satisfied with the proposed waste management measures and recommends standard conditions for waste management and for securely storing waste in a designated area on the site. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> secure waste in a designated area on site identify, classify and manage wastes in accordance with the EPA's Waste Classification Guidelines.
Contamination and Remediation	<ul style="list-style-type: none"> Remediation and bulk earthworks were approved and completed under the BRBH approval. The Department's assessment concludes the site has been made suitable to accommodate the proposed light industrial use and recommends conditions regulating the type of fill brought to site to ensure the site remains suitable. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> ensure only excavated natural material or virgin excavated natural material is brought to the site.
Development Contributions	<ul style="list-style-type: none"> The site is located on Lot 4 of the BRBH which is in the Western Sydney Parklands and is not subject to development contributions 	<p>No conditions relating to development contributions are required.</p>

7 Evaluation

The Department's assessment of the development has fully considered all relevant matters under section 4.15 of the EP&A Act, the objects of the Act including the principles of ESD.

The Department has considered the development on its merits, taking into consideration strategic plans that guide development in the area, the EPIs that apply to the development and the submissions received from Government agencies, Council and the public.

The development would allow for the development of the BRBH, an approved business and light industrial hub in the WSP which represents a portion of the 2% of the WSP identified strategically under the POM for business purposes. The development would provide a light industrial use in the form of a warehouse consistent with the uses identified in the POM and approved for the BRBH, job opportunities close to residential areas and would enable a source of funding that would contribute to the ongoing viability of the WSPT and WSP, a major social and recreational facility in Western Sydney. The development would also support the productivity, growth and employment objectives of the Greater Sydney Region Plan and the Western City District Plan through job creation and capital investment in Western Sydney.

The key issues for the development relate to the consistency with the concept proposal set out under the BRBH approval (SSD 6324).

The Department considers the potential impacts of the development can be managed and/or mitigated to ensure an acceptable level of environmental performance, subject to the recommended conditions of consent, including:

- implementation of management and mitigation measures identified in the EIS
- preparation of a Construction Traffic Management Plan
- the preparation and implementation of a Construction Environmental Management Plan
- the preparation and implementation of an Operational Noise Management Plan
- the installation of appropriate landscaping.

Overall, the Department's assessment has concluded the development would:

- provide a range of benefits for the region and the State as a whole, including a capital investment of approximately \$41.8 million in the Liverpool LGA provide for approximately 153 construction jobs and 187 new operational jobs
- be consistent with NSW Government policies including, the Greater Sydney Region Plan and the Western City District Plan, which encourage planned industrial development and the provision of jobs in Western Sydney
- be consistent with the approved uses and design objectives for the BRBH
- not have a significant impact on the local or regional road network during construction or operation.

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.

8 Recommendation

For the purpose of section 4.38 of the *Environmental Planning and Assessment Act 1979*, it is recommended that the Executive Director of Energy, Industry and Compliance, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant to the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants consent** for the application in respect of SSD-8586218, subject to the conditions in the attached development consent
- **signs** the attached development consent and recommended conditions of consent (see **Appendix D**).

Prepared by:
Thomas Bertwistle
Environmental Assessment Officer
Industry Assessments

Recommended by:



23 November 2020

Joanna Bakopanos
Team Leader
Industry Assessments

Recommended by:



24 November 2020

Chris Ritchie
Director
Industry Assessments

9 Determination

The recommendation is **Adopted** by:



30 November 2020

Mike Young

Executive Director

Energy, Industry and Compliance

Appendices

Appendix A – List of Documents

Appendix B – Considerations under Section 4.15 of the EP&A Act

Appendix C – Consideration of Environmental Planning Instruments

Appendix D – Recommended Instrument of Consent

Appendix A – List of Documents

The Department has relied upon the following key documents during its assessment of the proposed development:

Environmental Impact Statement

- Environmental Impact Statement SSD-8586218, and all attachments, prepared by Ethos Urban Pty Ltd, dated 27 August 2020

Submissions

- All submissions received from relevant public authorities, gas pipeline operators and the general public

Response to Submissions

- Response to Submissions SSD-8586218 and all attachments, prepared by Ethos Urban Pty Ltd, dated 14 October 2020

Additional Information

- Memorandum (Ref: 610.17734-M01-v0.1.docx), prepared by SLR Consulting Australia Pty Ltd, dated 10 November 2020
- Revised bushfire hazard assessment – Industrial Development (Ref: 20WOL_16651), prepared by Eco Logical Australia, dated 11 November 2020
- Email titled *FW: Temperature Controlled Warehouse Facility SSD-8586218 - Request for Comment on Draft Condition* and all attachments, prepared by Ethos Urban, dated 17 November 2020

Statutory Documents

- Relevant considerations under section 4.15 of the EP&A Act (see **Appendix B**)
- Relevant environmental planning instruments, policies and guidelines (see **Appendix C**)

All documents relied upon by the Department during its assessment of the application may be viewed at: <https://www.planningportal.nsw.gov.au/major-projects/project/38206>

Appendix B – Considerations under Section 4.15 of the EP&A Act

Section 4.15 of the EP&A Act sets out matters to be considered by a consent authority when determining a DA. The Department's consideration of these matters is set out in **Table 5**. In summary, the Department is satisfied the development is consistent with the requirements of section 4.15 of the EP&A Act.

Table 5 | Consideration under Section 4.15 of EP&A Act

Matter	Consideration
a) the provisions of:	The Department has considered the relevant environmental planning instruments in its assessment of the development.
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 Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	The Department has considered all relevant draft instruments.
iii.) any development control plan, and	Under clause 11 of the SRD SEPP, development control plans do not apply to State significant development.
iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and	The Applicant has not entered into any planning agreement under section 7.4.
iv.) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,	The Department has assessed the development in accordance with all relevant matters prescribed by the regulations, the findings of which are contained in this report.
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 has considered the likely impacts of the development in detail in Section 6 of this report. The Department concludes that all environmental impacts can be appropriately managed and mitigated through the recommended conditions of consent.
c) the suitability of the site for the development,	The development involves the construction and operation of a light industrial building in the form of a warehouse, located in the approved BRBH, within the WSP. The development is permissible with development consent.

Matter	Consideration
d) any submissions made in accordance with this Act or the regulations,	All matters raised in submissions have been summarised in Section 5 of this report and given due consideration as part of the assessment of the development in Section 6 of this report.
e) the public interest.	The development would generate up to 153 jobs during construction, 187 jobs during operation and direct \$41.8 million in capital investment in the Liverpool City Council local government area. The environmental impacts of the development would be appropriately managed via the recommended conditions. The Department considers to the development is in the public interest.

Appendix C – Consideration of Environmental Planning Instruments

To satisfy the requirements of section 4.15(1) of the EP&A Act, the following EPI's were considered as part of the Department's assessment:

- State Environmental Planning Policy (State and Regional Development) 2011 (**SRD SEPP**)
- State Environmental Planning Policy (Western Sydney Parklands) 2009 (**WSP SEPP**)
- State Environmental Planning Policy (Infrastructure) 2007 (**Infrastructure SEPP**)
- State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (**SEPP 33**)
- State Environmental Planning Policy No. 55 – Remediation of Land (**SEPP 55**)
- draft State Environmental Planning Policy (Remediation of Land) (**draft Remediation SEPP**)
- Liverpool Local Environmental Plan 2008 (**LLEP**)

State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)

The relevant sections of the SRD SEPP are addressed in **Table 6**.

Table 6 | SRD SEPP compliance table

Relevant Sections	Consideration and Comments
3 Aims of Policy The aims of this Policy are as follows: (a) to identify development that is State significant development	The development is identified as SSD under the EP&A Act.
12 Concept development applications If: (a) development is specified in Schedule 1 or 2 to the Policy by reference to a minimum capital investment value, other minimum size or other aspect of the development, and (b) development the subject of a concept development application under Part 4 of the Act is development so specified, any part of the development that is the subject of a separate development application is development specified in the relevant Schedule (whether or not that part of the development exceeds the minimum value or size, or other aspect specified in the Schedule for such development).	The development is part of approval for the BRBH but is not a development specified in Schedule 1. Notwithstanding, the proposal is SSD under the EP&A Act (as described in Section 4.1).

State Environmental Planning Policy (Western Sydney Parklands) 2009 (WSP SEPP)

Compliance with the WSP SEPP, the principal planning instrument applying to the site with the relevant provisions of the WSP SEPP is provided in **Table 7** below.

Table 7 | Compliance with the WSP SEPP

Matter	Consideration and Comments
The aims of this Policy	The proposal is consistent with the aims of the WSP SEPP as it will provide funding towards the development of facilities, programs and environmental initiatives throughout the WSP, which will facilitate the public use and enjoyment of WSP in the long term.
The impact on drinking water catchments and associated infrastructure	The Department consulted with WaterNSW on the potential impact from the development on any nearby drinking water catchments. WaterNSW advised that the development is not located near any WaterNSW land or infrastructure, and as such would not provide a submission. The Department is satisfied the proposal will not impact on any drinking water catchments with the implementation of the recommended conditions
The impact on utility services and easements	The development does not encroach into any easements or utility services. Subject to the implementation of the recommended conditions, the proposal will not impact on utility services and easements.
The impact of carrying out the development on environmental conservation areas and the natural environment, including endangered ecological communities	The site does not comprise any identified environmental conservation areas. The proposal was accompanied by a BDAR waiver request. On the basis of the assessment undertaken by EES, the Department is satisfied that the development is not likely to impact any threatened species, populations or ecological communities, or their habitats.
The impact on the continuity of the Western Parklands as a corridor linking core habitat such as the endangered Cumberland Plain Woodland	The Department is satisfied that, with the implementation of the recommended conditions, the development will not impact on the continuity of the WSP as a corridor linking core habitat.
The impact on the Western Parkland's linked north-south circulation and access network and whether the development will enable access to all parts of	The development will not impact on the north-south circulation and access network of the WSP and will not impact on access to any recreational use areas of the WSP.

the Western Parklands that are available for recreational use

The impact on the physical and visual continuity of the Western Parklands as a scenic break in the urban fabric of Western Sydney	The development will be visible from Skyline Crescent and Bringelly Road, and from within the WSP. To reduce potential impacts, the proposal includes landscaped setbacks along the road frontage. The Department is satisfied the layout and landscaping of the proposal (assessed in Section 6.1 of this report) is consistent with the design outcomes approved for the BRBH, and will not result in any significant impact on the physical and visual continuity of the WSP.
The impact on public access to the Western Parklands	The location of the development will not hinder public access to the WSP
Consistency with any plan of management or precinct plan for the WSP	The POM identifies that 2 % of the WSP is to be developed for business purposes to provide funding towards the development of facilities, programs and environmental initiatives throughout the WSP. The proposal represents a portion of the 2 % of the WSP which is to be developed for business purposes and therefore consistent with the POM and POM Supplement. A detailed assessment the POM is held at Section 3 of this report
The impact on surrounding residential amenity	The proposal is not expected to result in any significant adverse impacts on the surrounding residential amenity. However, to protect and minimise amenity impacts, the Department has included a number of conditions regarding noise management
The impact on significant views	The Department has considered the potential visual impacts of the development in Section 6.1 and is satisfied the development will not significantly impact on any significant views.
The effect on drainage patterns, ground water, flood patterns and wetland viability	The Department considers that the development will not create any impacts upon the drainage patterns, ground water, flood patterns or upon the viability of the Bedwell Park Wetland with the implementation of the stormwater conditions.
The impact on heritage items	The Department's assessment concludes that the potential impacts of the development on the Aboriginal, historical archaeology and European heritage was assessed and deemed acceptable under SSD 6324 and no further assessment is required.

The impact on traffic and parking	A full assessment of the traffic issues associated with the proposal is provided in Section 6.2 of this report. The proposed provision of parking is consistent with the parking provisions established for the BRBH.
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State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

The 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 certain types of infrastructure development, and providing for consultation with relevant public authorities about certain types of development during the assessment process.

TfNSW's and Council's comments are detailed in **Section 5** of the report.

The Department has consulted and considered the comments from relevant public authorities and where applicable, has included suitable conditions in the recommended conditions of consent.

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

SEPP 33 aims to identify developments with the potential for significant off-site impacts, in terms of risk and/or offence. A development is defined as potentially hazardous and/or potentially offensive if, without mitigating measures in place, the development would have significant risk and/or adverse impact on off-site receptors.

The Applicant seeks approval for the establishment of a light industrial warehouse facility. The EIS did not identify any potentially hazardous or potentially offensive development under Clause 3 of SEPP 33. Therefore, SEPP 33 does not apply to the development and the Department has not recommended any hazard related conditions, other than standard requirements to ensure the Applicant complies with all relevant requirements in relation to the storage of chemicals, fuels or oils used on site.

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

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:

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

Contamination was a key consideration in the Department's assessment of the BRBH application given the site had historically been used for agricultural purposes where potential sources of contamination may have included pesticides and unknown fill material. Stage 1 of the BRBH development consent comprises site preparation works including bulk earthworks. The Applicant's contamination assessment for the BRBH site concluded that the likelihood of encountering potential contaminants during these bulk earthworks is low to moderate and, if present, would likely be near surface soils

On this basis, the Department considered potential contaminants of concern would likely be removed during early works and disposed of at a registered waste facility. However, the Department further

required as conditions of the development consent that a detailed Phase 2 site environmental investigation be undertaken to ensure the site could be made suitable for the uses approved for the BRBH. A Phase 2 Environmental Site Assessment was submitted which was approved by the Department, confirming the site was suitable for the approved industrial/ commercial uses and is able to meet the requirements of SEPP 55.

draft State Environmental Planning Policy (Remediation of Land) (draft Remediation SEPP)

The draft Remediation SEPP seeks to retain the key operational framework of the current SEPP 55, while also adding new provisions relating to changes in categorisation and introducing modern approaches to the management of contaminated land. The development has been assessed against SEPP 55 (see above), and the Department is satisfied the development would be consistent with the draft Remediation SEPP.

Liverpool Local Environmental Plan 2008 (LLEP)

The LLEP aims to encourage the development of housing, employment, infrastructure and community services to meet the needs of the existing and future residents of the Liverpool LGA. The LLEP also aims to conserve and protect natural resources and foster economic, environmental and social wellbeing.

The development is located on unzoned land. Under Clause 6(1) of the WSP SEPP the LLEP does not apply to development in the Western Sydney Parklands.

Notwithstanding, the Department has consulted with Council throughout the assessment process and has considered all relevant provisions of the LLEP and those matters raised by Council in its assessment of the development.

Appendix D – Recommended Instrument of Consent

The recommended conditions of consent for SSD-8586218 can be found on the Department's website at: <https://www.planningportal.nsw.gov.au/major-projects/project/38206>