STATE SIGNIFICANT DEVELOPMENT ASSESSMENT:
Marsden Park Warehousing Estate
Lots 23 and 24 DP 262886, Hollinsworth Road
SSD 8606

Assessment Report
Section 4.40 of the
Environmental Planning and Assessment Act 1979

August 2018
ABBREVIATIONS AND DEFINITIONS

AHD  
Australian Height Datum

Applicant  
Logos Property Holdings Pty Ltd

ARI  
Average Recurrence Interval

AS  
Australian Standard

BCA  
Building Code of Australia

CEMP  
Construction Environmental Management Plan

CIV  
Capital Investment Value

Construction  
The carrying out of works, including earthworks, erection of buildings and other infrastructure

Council  
Blacktown City Council

DA  
Development Application

DA 15-275  
An underlying civil and subdivision DA applying to the site issued by Council on 9 September 2015

Demolition  
The removal of buildings, sheds and other structures on the site

Department  
Department of Planning and Environment, and its successors

Development  
The development as described in the EIS and RTS for the Marsden Park Warehousing and Light Industrial Estate

DPI  
Department of Primary Industries

EIS  
Environmental Impact Statement titled Logos Marsden Park Logistics Estate prepared by Urbis dated 11 January 2018

EP&A Act  
Environmental Planning and Assessment Act 1979

EP&A Amendment Act  
Environmental Planning and Assessment Amendment Act 2017

EP&A Regulation  
Environmental Planning and Assessment Regulation 2000

EPA  
Environment Protection Authority

EPI  
Environmental Planning Instrument

EPL  
Environment Protection Licence

Growth Centres DCP  
The Blacktown City Council Growth Centres Development Control Plan 2010

Growth Centres SEPP  
State Environmental Planning Policy (Sydney Region Growth Centres) 2006

ILP  
Indicative Layout Plan within Schedule 3 of the Growth Centres DCP 2010

Ingenia Estate  
The Ingenia Lifestyle Stony Creek Estate located at 140 Hollinsworth Road, Blacktown

Minister  
Minister for Planning (or delegate)

MOD-17-00050  
A section 4.55(1A) modification application to DA 15-275 being handled by Council

OEH  
Office of Environment and Heritage

Planning Secretary  
Secretary of the Department of Planning and Environment, or nominee

PMF  
Probable Maximum Flood

Precinct Plan  
The Precinct Plan for the Marsden Park Industrial Precinct at Appendix 5 of the Growth Centre SEPP

RMS  
Roads and Maritime Services

RTS  
Response to Submissions titled Lot 23 & 24 Hollinsworth Road, Marsden Park prepared by Urbis dated 12 April 2018

SEARs  
Secretary’s Environmental Assessment Requirements

SEPP  
State Environmental Planning Policy

Sensitive receiver  
A location where people are likely to work or reside, this may include a dwelling, school, hospital, office or public recreational area

SIC  
Special Infrastructure Contribution

SIC Determination  
Special Infrastructure Contribution – Western Sydney Growth Areas Determination 2011

Site  
Lots 23 and 24 in Deposited Plan 262886

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

SSD  
State significant development
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EXECUTIVE SUMMARY

Urbis Pty Ltd has lodged a Development Application (DA) and accompanying Environmental Impact Statement (EIS) on behalf of Logos Property Holdings Pty Ltd (the Applicant) seeking development consent to construct and operate a warehousing and distribution estate at Hollinsworth Road, Marsden Park in the Blacktown local government area (LGA).

The site of the proposed development is located 40 kilometres (km) north-west of the Sydney CBD and covers approximately 21.5 hectares (ha) of vacant land, zoned for light industrial and infrastructure uses. The site is also located within the Marsden Park Industrial Precinct (MPIP), a strategically identified employment area in the North-West Priority Growth Area.

The MPIP was rezoned in collaboration with Blacktown City Council (Council), in 2010 under the Government’s Precinct Acceleration Protocol. The MPIP is governed by State Environmental Planning Policy (Sydney Region Growth Centres) 2006. The rezoning introduced a range of employment (industrial and commercial), residential and road and infrastructure uses. The rezoning was supported by a Development Control Plan to establish design and environmental outcomes for industrial, commercial and residential development. Minor changes were made to the transport corridors and drainage areas of the MPIP in 2016 for increase efficiency. Since the rezoning several industrial, commercial and residential DAs have been approved by Council and the Minister for Planning (under delegation). Key businesses currently operating in the MPIP include Costco Wholesale, ALDI, IKEA Retail, IKEA Distribution Centre (SSD 6954), Lindt & Sprungli Chocolate (SSD 6620), Bunnings and Home Hub.

The Ingenia Lifestyle Stony Creek Estate (an over 55’s lifestyle estate) is located immediately to the north at 140 Hollinsworth Road. The next closest residential dwelling is 120 m to the south in the suburb of Hassall Grove. Industrial development consisting of warehouse and distribution centres and bulky goods stores currently operating and under construction are located further to the north and east.

This DA seeks development consent for the staged construction of seven warehouse buildings, ancillary offices, internal roads, car parking, loading docks, hardstand areas, service infrastructure augmentations and additions and landscaping.

The proposal would deliver 101,139 square metres (m²) of warehousing space, 6,633 m² of ancillary office space and 633 car parking spaces. The development would be built in four stages, with construction stages generally moving from east to west.

The application relies upon an existing development consent, issued by Council for subdivision, earthworks and lead in infrastructure including half width construction of Hollingsworth Road (DA 15-275, as modified). A modification to this DA is also being progressed by Council at the time of this assessment to amend the roadworks at Hollinsworth Road to align with the site layout proposed under this application.

The proposed development has a capital investment value (CIV) of $128 million and is expected to generate 500 construction jobs and 150-350 operational jobs when fully constructed.

The development is classified as State significant development (SSD) under Part 4 of the Environmental Planning and Assessment Act 1979 (EP&A Act) because it involves the construction and operation of a warehouse and distribution centre with a CIV over $50 million that meets the criteria in Clause 12 of Schedule 1 in State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP). Consequently, the Minister for Planning is the consent authority for the proposed development under section 4.5(1) of the EP&A Act and clause 8A of the SRD SEPP. As there were less than 25, public submissions in the nature of objections, Council did not object and no political donations were made in the last two years, the Executive Director, Key Sites and Industry Assessments, can determine the application under delegation.

The Department of Planning and Environment (the Department) exhibited the DA and accompanying EIS for the development from Thursday 18 January 2018 until Monday 19 February 2018. A total of 14 submissions were received including 10 from government agencies, two from special interest groups and two from members of the general public. Of the 14 submissions received, two members of the public objected to the development.

NSW Government
Department of Planning and Environment
Key concerns raised in submissions related to noise impacts to nearby receivers, traffic and access, architectural design and drainage. The Applicant submitted a Response to Submissions (RTS) in April 2018, to address and clarify matters raised in the submissions.

The Department notes Council initially objected to the proposal, however the Department has worked closely with Council to resolve its key concerns around stormwater, heavy vehicle access, visual impact and built form. In its RTS, the Applicant included the addition of façade treatments to the warehouse buildings to address visual impacts and updated drainage plans in response to stormwater concerns from Council. The Department has incorporated additional recommendations in its conditions to address heavy vehicle access and stormwater drainage design. Council advised it was satisfied its concerns were addressed and no longer objected to the proposal.

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

- implementation of the management measures recommended in the EIS and RTS
- preparation of a construction environmental management plan
- installation of a 2.5 m noise barrier to manage operational noise at the Ingenia Estate
- installation of perimeter, on-lit and street landscaping
- provision of additional stormwater treatment until the precinct-wide stormwater management system for the MPIP is complete
- staged stormwater management plans, verifying the detailed design of the additional stormwater treatment, if required for the relevant stage.

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 the key issues for assessment are traffic and access, noise and vibration during construction and operation, built form and visual amenity and stormwater and drainage. The Department has also evaluated other issues related to the development including hazards and risk, fire management and special infrastructure contributions.

Consequently, the Department considers the development is in the public interest and is recommended for approval, subject to conditions.
1. BACKGROUND

1.1. The Department’s Assessment
This report details the Department of Planning and Environment’s (the Department) assessment of the State significant development application for the Marsden Park Warehousing Estate (SSD 8606). The development involves the construction and operation of seven warehouse buildings with up to nine tenancies for warehousing and distribution, ancillary office and agricultural produce industry uses with associated car parking, internal road, stormwater, service and utility infrastructure. The Department’s assessment considers all documentation submitted by Logos Property Holdings Pty Ltd (the Applicant), including the Environmental Impact Statement (EIS) and Response to Submissions (RTS) and submissions received from government authorities, stakeholders and the general public. The Department’s assessment also considers the legislation and planning instruments relevant to the site and the development.

This report describes the proposed 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 Marsden Park Warehousing Estate has concluded the development is in the public interest and should be approved, subject to conditions.

1.2. Development Background
Logos Property Pty Ltd (the Applicant) is seeking development consent to construct and operate a warehousing estate in the Blacktown local government area (LGA) (see Figure 1). The development seeks to provide distribution and employment opportunities within an identified employment area and leverage the site’s location near Sydney’s arterial road network. The proposal consists of seven warehouse buildings for potential use by nine different tenants. Three of these tenants who would operate on-site have been identified. Other buildings would be let to tenants subject to market demand. Operation is proposed on a 24-hour, seven day a week basis.

![Figure 1: Site location](image)

1.3. Site Description
The site comprises 21.5 hectares (ha) of light industrial and infrastructure zoned land located on Hollinsworth Road, Marsden Park, in the Blacktown LGA (see Figure 2). The site is legally described as Lots 23 and 24 in DP 262886. The site is 40 kilometres (km) north-west of the Sydney CBD and 3.1 km from the M7 Motorway. Access is via Hollinsworth Road which currently ends at a turning head.

The site consists of cleared land. Bulk earthworks are currently being undertaken under a separate development consent (DA 15-275) issued by Blacktown City Council (Council) on 9 September 2015, (see Section 0). A road corridor for the possible future Bells Line of Road - Castlereagh Connection runs along the southern site boundary. The site is also located in the Marsden Park Industrial Precinct (MPIP), an employment area within the North-West Priority Growth Area (NWPGA). The NWPGA falls...
under State Environmental Planning Policy (Sydney Regional Growth Centres) 2006 and contains the Marsden Park Industrial Precinct Plan 2010 (Precinct Plan). The Precinct Plan details the land use zonings, development standards and controls for the area and takes the place of the Blacktown Local Environmental Plan 2015. The Blacktown City Council Growth Centres Development Control Plan 2010 (Growth Centres DCP) provides further development controls, including an Indicative Layout Plan (ILP) for the MPIP.

1.4. Surrounding Land Uses
The MPIP was zoned and released in 2010 under the NSW Government’s Precinct Acceleration Protocol (PAP) to provide land for employment generating purposes. Land uses across the MPIP consist of general industrial, light industrial, business development, business park, medium and low density residential, local infrastructure and environmental conservation. However, some residential uses remain within the MPIP, despite the current land use zonings.

The majority of the development site is zoned IN2 Light Industrial. Lot 23 is bisected from the north to south by SP2 Infrastructure zoned land for an identified bus corridor (see Figure 2). The infrastructure zoning extends through the site to Hollinsworth Road, immediately to the north. The northern boundary of Lot 24 is also zoned SP2 Infrastructure for a half width road construction for the extension of Hollinsworth Road. Surrounding land uses include (see Figure 2 and Figure 3):

- IN2 Light Industrial zoned land to the east and west, currently vacant with remnant vegetation
- a TransGrid transmission line easement to the north
- further bulky goods, retail and other light industrial and commercial uses under construction or currently operating further to the north and north-east including the IKEA Multi-Function Logistics Unit (SSD 614), Cold Storage Facility (SSD 6799) and the Lindt Warehousing and Manufacturing Facility (SSD 6620)
- IN1 General Industrial zoned land to the north, beyond the TransGrid easement
- SP2 local drainage zoned land to the north
- SP2 classified road zoned land for the Bells Line of Road - Castlereagh Connection, zoned under the Blacktown Local Environmental Plan 2015
- R2 Low Density Residential and RE1 Public recreation zoned land further to the south in the suburbs of Bidwill and Hassall Grove
- the Baitul Huda Mosque located in B5 Business Development zoned land to the east.
Figure 3: Site Context
The Ingenia Lifestyle Stony Creek Estate (Ingenia Estate) is located to the north of the site, across Hollinsworth Road (see Figure 3). The Ingenia Estate is an over 55s estate established as a caravan park in the 1980s. It was rezoned to IN1 General Industrial with the rest of the MPIP and operates as an existing use. Caravan spots within the site have been replaced with manufactured homes since 2014. At 105 Hollinsworth Road to the east is a detached residential dwelling on IN2 Light Industrial zoned land (see Figure 3). The closest residential dwelling is located 120 m to the south at 67B Stockton Avenue, Hassall Grove. The suburbs of Bidwill and Hassall Grove are to the south. The suburb of Colebee is located further to the east, on the opposite side of Richmond Road.

1.5. Other relevant Development Approvals
On 9 September 2015, Blacktown City Council (Council) approved DA 15-275 for a four lot Torrens title subdivision, half width construction of Hollinsworth Road, a separate lot for a future bus-only link, bulk earthworks and drainage infrastructure. Under this development consent the Applicant also obtained an Aboriginal Heritage Impact Permit (AHIP) due to the associated earthworks. On 23 June 2017, this DA was modified to correct a minor error.

The Applicant intends to rely upon DA 15-275 as modified for lead in infrastructure, civil works, bulk and detailed earthworks, site clearing, building pad establishment, stormwater management and subdivision to facilitate the construction of the warehouses under SSD 8606. The Applicant has also lodged a second modification application (MOD-17-00050) with Council to amended roadworks at Hollinsworth Road to align with the site layout proposed under this SSD. This modification is currently being assessed by Council.

2. PROPOSED DEVELOPMENT

2.1. Description of the Development
The Applicant proposes to construct and operate a warehousing estate at Hollinsworth Road, Marsden Park. The major components of the proposed development are summarised in Table 1, shown in Figure 4, and described in full in the Environmental Impact Statement (EIS), included in Appendix D. An indicative elevation of the proposed development is shown in Figure 5 and the proposed development staging is shown in Figure 6.

Table 1: Main development components

<table>
<thead>
<tr>
<th>Aspect</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Summary</td>
<td>Staged construction and operation of a warehousing and distribution estate comprising of seven buildings for warehousing and distribution, ancillary office and agricultural produce industry uses (building 5) car parking, internal access roads, service upgrades and landscaping.</td>
</tr>
<tr>
<td>Site area and footprint</td>
<td>the site is 21.5 ha in area</td>
</tr>
<tr>
<td></td>
<td>the proposed development has a footprint of 18.9 ha</td>
</tr>
<tr>
<td>Services connections</td>
<td>connections and augmentations to lead in infrastructure and services</td>
</tr>
<tr>
<td></td>
<td>rainwater harvesting and re-use for each warehouse</td>
</tr>
<tr>
<td>Construction staging</td>
<td>Staged construction of infrastructure and buildings over four stages, with timing dependent on tenant demand, including:</td>
</tr>
<tr>
<td></td>
<td>stage 1: building 5 and 7 (7 months)</td>
</tr>
<tr>
<td></td>
<td>stage 2: building 4 and 6 (8 months)</td>
</tr>
<tr>
<td></td>
<td>stage 3: building 3 (9 to 12 months)</td>
</tr>
<tr>
<td></td>
<td>stage 4: building 1 and 2 (9 months)</td>
</tr>
<tr>
<td>Occupation and use of buildings</td>
<td>Proposed end use tenancies and speculative buildings on-site are:</td>
</tr>
<tr>
<td></td>
<td>buildings 1 (tenancies A and B), 2 (tenancies A and B), 4 and 6 would be constructed for unknown future tenants. Consent is sought for warehousing and distribution uses for these buildings</td>
</tr>
<tr>
<td>Traffic and parking</td>
<td>4,958 daily operational traffic movements comprised of 4,066 cars and 892 heavy vehicles</td>
</tr>
<tr>
<td></td>
<td>663 car parking spaces, including 15 accessible spaces across the site</td>
</tr>
<tr>
<td>Aspect</td>
<td>Description</td>
</tr>
<tr>
<td>-----------------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Road works</td>
<td>• staged access road construction in line with development staging</td>
</tr>
<tr>
<td>Landscaping</td>
<td>• perimeter buffer landscaping between 3.5 to 6 m deep plus on-lot landscaping</td>
</tr>
<tr>
<td>Hours of operation</td>
<td>• 24 hours, 7 days a week</td>
</tr>
<tr>
<td>CIV</td>
<td>• $128 million</td>
</tr>
<tr>
<td>Employment</td>
<td>• 500 full-time equivalent construction jobs</td>
</tr>
<tr>
<td></td>
<td>• 150-350 operational jobs</td>
</tr>
</tbody>
</table>
Future High Bay Element – 20 m high

Northern High Bay Element – 18 m high

Figure 4: SSD 8606 layout (red outline) and relationship to DA 15-275 with Council (blue outline)
Figure 5: Elevations of proposed building 3 (Austcor)
Figure 6: Staging plan

Note: The Hollinsworth Road extension and roundabout is being assessed under a section 4.55 application to DA 15-275 with Council and does not form part of SSD 8606.
2.2. Land Use Description
The Applicant has advised buildings 3 (Austcor) and 7 (eStore) would involve warehousing and distribution. Austcor provides a range of corrugated cardboard packaging products for firms across multiple business sectors. The tenant for building 7 (eStore) provides services for order fulfillment and online and retail stores.

Building 5 (Valley Fresh) would involve warehousing and distribution of fruit and vegetable produce that has been washed and spayed off-site. However, it would also involve an ancillary agricultural produce industry use as it would handle, sort, pack, repack, ripen and fumigate fruit and vegetables received on-site.

2.3. Applicant’s Need and Justification for the Development
The Applicant seeks to develop the site into an employment estate primarily for warehousing and distribution uses. The Applicant considers the site is well suited for these uses given its location within a land release area for employment purposes, its location near Sydney’s regional road network, the proposals compatibility with current land use zoning, the use of adequate separation from sensitive land uses. The Applicant also considers the development will have negligible risk to European or Aboriginal heritage and biodiversity as bulk earthworks have commenced under DA 15-275.

The Applicant has designed the development to maintain the bus-only corridor along Daniels Road (see Figure 3), so the future delivery of a bus-only link and bus bays under the North-West Priority Land Use and Infrastructure Implementation Plan (2017) is not compromised.

3. STRATEGIC AND STATUTORY CONTEXT

3.1. Strategic Context
The NSW Government has announced the Premier’s Priorities which cover 12 key areas including economic growth, provision of infrastructure, protection of vulnerable communities, improving education and environmental protection. One of the Premier’s key priorities is ‘Creating Jobs’. The NSW Government aims to provide 150,000 new jobs by 2019.

The development would contribute toward ‘Creating Jobs’ by providing 500 new construction jobs and 150-350 operational jobs in the Blacktown LGA. The development also represents a $128 million capital investment in warehousing and light industrial development that would generate a considerable number of supporting or indirect jobs in Blacktown.

The development is also consistent with the directions, objectives and strategies in the Greater Sydney Region Plan: A Metropolis of Three Cities (Greater Sydney Region Plan) and the Western Parkland City as it will:
- promote a competitive and efficient freight logistics network (Objective 16)
- ensure future regional connections can be delivered (Objective 17)
- provide investment and promote business activity in centres (Objective 22)
- ensure industrial land is retained and managed (Objective 23).

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

The proposed development is located within the Central City District, identified as an area of core transport services with several land release areas for housing and employment. The proposed development would assist in achieving a number of the objectives for the liveability and productivity planning priorities of the Central City District Plan. These include providing jobs close to existing and growing residential areas, growing investment and delivering connectivity in the strategic centre of Marsden Park.

3.2. State Significant Development
The proposal is State significant development pursuant to Section 4.36 of Environmental Planning and Assessment Act 1979 (EP&A Act) because it is development for a warehouse and distribution centre with a CIV of over $50 million which meets the criteria in Clause 12 of Schedule 1 in State Environmental
3.3. Permissibility

Two land use zones apply to the site under Appendix 5 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP):

- IN2 Light Industrial
- SP2 Infrastructure, associated with the future Daniels Road bus-only link land and extension of Hollinsworth Road.

Warehousing and distribution centres are permissible with consent in the IN2 zone. Buildings 1 - 4, 6 and 7 would operate as warehouse and distribution centres and are permissible with consent. Roads are also permissible in both the IN2 and SP2 zones. It should be noted the extension of Hollinsworth Road is being progressed under DA 15-275 by Council and does not form part of this SSD application.

The Applicant has advised building 5 for Valley Fresh would receive handle, pack, re-pack, cool, ripen, fumigate and distribute agricultural produce consisting of fruit and vegetables. This includes the permissible warehousing and distribution use. However, the proposed handling activities can be classed as an agricultural produce industry which is a type of industry. ‘Industries’ are prohibited in the IN2 zone under the Precinct Plan applying to the site.

The Applicant argues that because an agricultural produce industry falls under the umbrella definition of a ‘rural industry’ in the Growth Centres SEPP, it is permissible as an innominate use. Despite an agricultural produce industry being captured by a rural industry, both uses are defined to mean an ‘Industry’ which remains prohibited in the IN2 light industrial zone. Due to this prohibition, part of the proposed operation in building 5, and by extension, the overall application is partly prohibited.

Under Section 4.38 of the EP&A Act, development consent may be granted for a State significant development despite it being partly prohibited under an environmental planning instrument (EPI). As the agricultural produce industry only forms a part of the operations on the whole site, the Minister or his delegate may permit the carrying out of the proposed development.

3.4. Consent Authority

The Minister is the consent authority for the development under section 4.5 of the EP&A Act. On 11 October 2017, the Minister delegated the functions to determine SSD applications to the Executive Director, Key Sites and Industry Assessments where:

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

Of the 14 submissions received, two objected to the proposed development. Council initially objected to the development but withdrew its objection once Council’s key issues were resolved. No reportable political donations were made by the Applicant in the last two years and no reportable political donations were made by any persons who lodged a submission.

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

3.5. 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 that 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 EPA also advised that if any future tenancies include scheduled activities, an EPL would be required prior to undertaking the activity.

3.6. 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 development application. The Department’s consideration of these matters is set out in Section 5 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.

3.7. Environmental Planning Instruments
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 (Sydney Region Growth Centres) 2006 (Growth Centres SEPP)
- State Environmental Planning Policy (State and Regional Development) 2011 (SRD 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)
- State Environmental Planning Policy No. 64 – Advertising Structures and Signage (SEPP 64)
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.

The development seeks to exceed the site’s 16 m height limit under the Growth Centres SEPP. The Applicant has submitted a clause 4.6 request for an exception to the height of buildings development standard. This is assessed in Section 5 of this report. Pursuant to Section 4.13(2A) of the EP&A Act, the Planning Secretary’s concurrence is not required for the variation as the Growth Centres SEPP does not specify the Planning Secretary’s concurrence is required for SSD.

DCPs do not apply to SSD under Clause 11 of the SRD SEPP. However, the Department has considered the relevant provisions of the Blacktown City Council Growth Centre Precincts Development Control Plan 2010 in its assessment of the development in Appendix C of this report.

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.

3.8. Public Exhibition and Notification
In accordance with section 2.22 and Schedule 1 to the EP&A Act, the Secretary is required to make the development application and any accompanying information of an SSD application publicly available for at least 28 days. The application was on public exhibition from Thursday 18 January 2018 until Monday 19 February 2018 (33 days). Details of the exhibition process and notifications are provided in Section 4.1.

3.9. Objects of the EP&A Act
In determining the application, the consent authority should consider whether the development is consistent with the relevant objects of the EP&A Act. These objects are detailed in Section 1.3 of the 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,
(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 objects of the EP&A Act, including the encouragement of Ecologically Sustainable Development (ESD), in its assessment of the application (see Table 2).

<table>
<thead>
<tr>
<th>Table 2: Considerations Against the EP&amp;A Act</th>
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</thead>
<tbody>
<tr>
<td><strong>Object</strong></td>
</tr>
<tr>
<td>1.3(a)</td>
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<td>1.3(b)</td>
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<td>1.3(c)</td>
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<td>1.3(e)</td>
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<td>1.3(g)</td>
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<tr>
<td>1.3(h)</td>
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<tr>
<td>1.3(i)</td>
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<tr>
<td>1.3(j)</td>
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</tbody>
</table>

3.10. Ecologically Sustainable Development

The EP&A Act adopts the definition of ESD found in the Protection of the Environment Administration Act 1991. Section 10.1 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 Sydney Region Growth Centres have biodiversity certification under the now repealed Threatened Species Conservation Act 1995 (TSC Act). Despite the repeal of the TSC Act, clause 43 of the Biodiversity Conservation (Savings and Transitional) Regulation 2017 states the certification of the Growth Centres (which contain the subject site) is preserved and continues to have effect. On this basis, and considering the site has been cleared of remnant vegetation under DA 15-275, the proposed development is not anticipated to have any adverse impacts on native flora or fauna, including threatened species, populations and ecological communities and their habitats.

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.
3.11. Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)
Under the EPBC Act, assessment and approval is required from the Commonwealth Government if a development is likely to impact on a matter of national environmental significance (MNES), as it is considered to be a ‘controlled action’. The EIS for the development included a preliminary assessment of the MNES in relation to the development and concluded the development would not impact on any of these matters, and is therefore not a ‘controlled action’. As such, the Applicant determined a referral to the Commonwealth Government was not required.

4. CONSULTATION AND SUBMISSIONS

4.1. 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.

4.1.1. Consultation by the Applicant
The Applicant has advised it undertook a range of consultation activities throughout the preparation of the EIS. The outcome of this consultation is detailed in the EIS, and included:
• distributing a letter and project factsheet to 800 households near the site
• distributing project information to Ward 5 Blacktown City Councillors
• holding two community information and feedback sessions
• providing a dedicated project email and 1800 phone number prior to lodgement.

4.1.2. Consultation by the Department
The Department undertook a range of consultation activities throughout the preparation of the SEARs, including consultation with relevant public authorities.

After accepting the DA and EIS for the application, the Department:
• made it publicly available from Thursday 18 January until Monday 19 February 2018 (33 days):
  o on the Department’s website
  o at Service NSW Centres online
  o at Blacktown City Council (62 Flushcombe Road, Blacktown)
• notified landowners in the vicinity of the site about the exhibition period by letter
• notified and invited comment from relevant State government authorities and Blacktown City Council by letter
• advertised the exhibition in the Blacktown Advocate.

4.2. Submissions
A total of 14 submissions were received on the proposed development during the exhibition period, including 10 from public authorities, two from special interest groups and two from the general public. Of the 14 submissions received, three objected to the development including one objection from Council and two from members of the general public. A summary of the issues raised in submissions is provided below, with a copy of each submission included at Appendix E.

4.2.1. Public Authorities
Blacktown City Council (Council) objected to the development application and raised concerns regarding road design, access for building 3, architectural treatments to the estate, height breaches, drainage design and stormwater discharge locations. Council advised it does not support the shortfall of car parking and requested the SSD application not be determined until a modification application to DA 15-275 (MOD-17-00050) is determined. At the date of this report, MOD-17-00050 had not been determined.

Council requested the Applicant obtain legal access to discharge stormwater from the rear of lot 3 (the location of stages 1 and 2), consistent with conditions under DA 15-275. Council also requested revised architectural and landscaping designs in addition to amended drainage modelling and drainage plans.
The Applicant has submitted revised drainage designs and architectural treatments to address Councils concerns. These matters are assessed in further detail in Section 5 of this report.

**Roads and Maritime Services (RMS)** did not object to the development and raised issues regarding traffic generation, the design of the development in relation to the Daniels Road bus-only link and access arrangements. RMS requested the Applicant carry out further assessment on the Richmond Road/Hollinsworth Road/Townson Road intersection, revise the application to include a roundabout between Hollinsworth Road and Daniels Road and for access to building 3 from Hollinsworth Road to be restricted to left in movements only.

The Department notes the inclusion of a roundabout and local construction of Hollinsworth Road is being assessed by Council under MOD-17-00050.

**Transport for New South Wales (TfNSW)** did not object to the development and raised concern with the design of the development around the Daniels Road bus-only link, car parking provision and bicycle parking. TfNSW requested the Applicant confirm the consistency of the development with the bus-only link area, reassess car parking assumptions for the site, investigate options to promote alternative travel modes and prepare a Workplace Travel Plan.

**Office of Environment and Heritage (OEH)** did not object to the development and provided comments on flooding and aboriginal cultural heritage. OEH raised concern over the absence of flood modelling for overland flow characteristics and recommended further assessment is undertaken for flood events up to and including a Probable Maximum Flood (PMF) event. OEH also advised an AHIP is not required as AHIP (C0002929) was issued in relation to the earthworks undertaken under DA 15-275. OEH advised salvage excavations under this DA were completed on 14 November 2017.

**TransGrid** did not object to the development, advised the development would not affect its easement or infrastructure and requested to be informed of construction works or any future design changes.

**Department of Primary Industries (DPI)** did not object to the development and advised the matters of regulatory interest to DPI have been adequately addressed.

The **Environment Protection Authority (EPA)** did not object to the development and advised it would not constitute a scheduled activity under the POEO Act and an EPL is not required. The EPA advised that if future tenants proposed to undertake activities that meet a threshold under Schedule 1 of the POEO Act, a license may need to be obtained.

**Sydney Water** did not object to the development and advised a Section 73 compliance certificate is required. Sydney Water also advised the existing water services have capacity to service the site and that the wastewater main will need to be extended to the site. The extension of the wastewater main is expected to occur in November 2018.

**Endeavour Energy** did not object to the development and requested clarification if any provisions had been made in the architectural plans for pad mount substations, as stated in the Infrastructure Statement in the EIS.

The **NSW Rural Fire Service** did not object to the development and recommended conditions for the provision of asset protection zones (APZ), water, access and landscaping measures in accordance with Planning for Bushfire Protection 2006 and regulations for building materials to comply with bushfire attack levels (BAL) under AS 3959-2009 or the National Standard Steel Framed Construction in Bushfire Area - 2014.

**4.2.2. Special Interest Groups**

Two submissions were received from special interest groups. **Sydney Business Park (SBP)**, on behalf of Ganian Pty Ltd, did not object to the development but raised concerns regarding the alignment of the Hollinsworth Road extension under DA 15-275 and its impact on the future delivery of the Daniels Road bus-only link. The Department notes SBP’s concern and agrees the design of Hollinsworth Road and the roundabout should not compromise the ability to realise the MPIP ILP.

In response, the Applicant’s RTS included updated plans showing the area and relationship between DA 15-275 as proposed to be modified and this SSD application. While an inconsistency remains
between the architectural, civil and landscape plans (as the roundabout and central median are shown dashed), the Department considers this is acceptable as these road works are outside the scope of the SSD application.

The second submission was received from Ingenia Communities, the business entity responsible for the Ingenia Estate located to the north of the subject site. The submission from Ingenia Communities did not object, but raised concern over the noise impacts from proposed 24-hour operations and requested further noise mitigation measures (including noise walls) be considered. The Department has reviewed the comments from Ingenia Communities against the findings of the noise assessment in the EIS and agrees additional mitigation measures should be considered to mitigate operational noise impacts, particularly at night-time. This is discussed further in Section 5.1.

4.2.3. General Public
Two submissions were received from the general public. Both submissions objected to the development. The submissions raised concerns regarding loss of amenity, noise impacts, impacts on property values and health impacts (presumed to be air quality impacts) from the development.

On 13 April 2018, the Applicant provided a Response to Submissions (RTS) on the issues raised during the exhibition of the development (see Appendix F). The RTS included revised architectural and civil plans, amended the site to allow for bus bays for the future bus-only link, shadow diagrams, landscape plans, swept paths and addendum noise and traffic assessments. The RTS also:

- removed light industrial uses from the SSD application
- clarified the relationship between SSD 8606 and DA 15-275
- provided information submitted to Council under DA 15-275 for information only.

4.3. Response to Submissions
The RTS was made publicly available on the Department’s website and was provided to Council and key agencies and special interest groups to consider whether it adequately addressed the issues raised. A summary of the agency responses is provided below:

- Council reiterated its concerns about site access, stormwater design and visual amenity and raised further concerns over noise impacts. Council recommended a range of conditions to address its concerns
- OEH requested the flooding reports submitted for the original DA 15-275 to determine the flooding potential of the site
- RMS requested a revised swept path plan showing 14.5 m buses can access the bus link road.

TfNSW raised no further comments. No comments on the RTS were received from the RFS. RMS raised no further concerns regarding traffic modelling and the revised swept paths confirm the alignment can accommodate swept paths of buses. OEH reiterated its concerns for flood modelling, particularity for PMF flood depths for a pre-development situation. However, the Department notes flooding impacts have and are being addressed by Council under DA 15-275 as currently and proposed to be modified.

The Department has considered the issues raised in submissions, the RTS and the supplementary concerns raised, in its assessment of the development. The Department has also considered and incorporated recommended conditions provided by Council.

5. 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 are:

- noise and vibration
- traffic and access
- built form and visual impact
- stormwater and drainage.

A number of other issues that are considered to be minor are addressed in Table 4.
5.1. Noise and Vibration
The development is located in the MPIP, a strategically identified employment area for a range of commercial, industrial and residential uses. The proposed development would generate noise from construction activities and proposed 24-hour operations and may cause noise impacts at the Ingenia Estate to the north and properties in the residential suburbs of Bidwill, Hassall Grove and Oakhurst to the south. The Ingenia Estate is located immediately to the north (R1), but would be separated by a 13-14 m carriageway as part of an extension to Hollinsworth Road. The next nearest residential receiver is located 120 m to the south (R4) (see Figure 7).

The EIS included a Noise and Vibration Impact Assessment (NVIA), in accordance with the EPA’s Interim Construction Noise Guideline (ICNG), Industrial Noise Policy (INP) (2000)\(^1\), Road Noise Policy (RNP) (2011) and Assessing Vibration: A Technical Guideline. The assessment considered potential impacts from all on-site noise and vibration sources at nearby receivers during construction and operation. Members of the public and the Department raised concern with potential noise impacts at the Ingenia Estate and considered additional mitigation measures were warranted.

![Figure 7: Nearest residential receivers and noise monitoring location](image)

**Construction Noise**
Construction is expected to take place over two years, subject to market demand. Warehouses and services would be built in four stages, generally moving from the east to the west. Site establishment including bulk earthworks are currently being completed under a DA approved by Council (DA 15-275). Delivery of the Hollinsworth Road extension, new roundabout and subdivision for the site are also being sought under a modification application to DA 15-275 currently being considered by Council.

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\(^1\) The INP was replaced by the NSW Noise Policy for Industry (2017) on 27 October 2017, however, it is not applicable to the development under the transitional arrangements of the new policy.
The Applicant’s NVIA adopted a construction noise management level of 47 dB(A). Under a worst-case scenario with all proposed plant and equipment working at the same time and at full power, construction noise levels of up to 53 dB(A) during windy weather are predicted. This exceeds the Noise Management Levels (NML) under the EPA’s Interim Construction Noise Guideline by 6 dB(A) at R4 in adverse weather (see Figure 7). However, this noise level is below the ‘highly noise affected’ management level of 75 dB(A) (as defined in the ICNG) at all receivers.

While construction noise levels are predicted to exceed the construction NMLs, the Department considers the Applicant’s assessment is sufficiently conservative. In practice, the construction noise impacts are likely to be lower in magnitude and duration as not all equipment would be operating at once and nor would all buildings be constructed at the same time as a number of buildings are yet to have a specified user. The Department also considers construction noise can be managed by the Applicant’s proposed mitigation measures, which include:

- preparation of a construction noise management plan
- scheduling construction activities so concurrent operation of plant and equipment is limited
- developing one-way routes within the site for material deliveries and parking to minimise noise
- avoiding the use of equipment that generates impulsive noise where possible
- minimising use of broadband audible reverse alarms on vehicles used on site
- scheduling intensive works outside of respite periods.

Conditions are recommended to require the Applicant to undertake construction during standard daytime hours only and prepare a Construction Noise Management Plan as part of a Construction Environmental Management Plan for the proposed development.

With respect to vibration, the Applicant advises it is difficult to predict the levels of vibration that may occur at nearby structures as details of the construction program and specific plant and equipment have not been confirmed. Notwithstanding, there is potential for vibration impacts as construction activities would occur near the Ingenia Estate, therefore management of vibration impacts would be required. The Applicant proposes to follow the recommended safe working distances and relevant criteria for vibration intensive plant and equipment for structures and human comfort. These range from 7 m (small hydraulic hammer) to 100 m (vibratory rollers of different sizes). The Department considers vibration impacts from construction activities would be temporary and can be managed by the Applicant through safe working distances and complying with the relevant criteria. The Department has formalised the Applicant’s commitments and has included several conditions to manage vibration impacts, including vibration criteria and ensuring that vibratory equipment is not used closer than 30 m from residential buildings.

The Department’s assessment concludes noise and vibration impacts during construction activities are acceptable and can be adequately managed by the Applicant, subject to conditions.

**Operational Noise**

The existing noise environment was determined through attended and unattended noise monitoring at a single location in Bidwill (L1) from 11 August until 21 August 2017, with further observations made on-site. The assessment also used data from the Bureau of Metrology’s Horsley Park monitoring station (30 km to the south), to determine the impact of wind and temperature conditions on operational noise levels. The RTS included additional assessment at 105 Hollinsworth Road (R9) (located immediately east of the development), as it was not included in the NVIA provided in the EIS and it was unknown if this property was occupied.

The NVIA adopted the ‘suburban’ amenity levels for receivers at R2 to R7 to the south of the site. The Baitul Huda Mosque (R8) was assessed as a place of worship, with relevant criteria of 40 LAeq(period) when being used (see Table 3).

The Ingenia Estate (R1) comprises temporary and permanent housing accommodation and is located within the MPiP. Under the former Blacktown Local Environmental Plan 1988, the Ingenia Estate was zoned 1(a) General Rural. When the MPiP was rezoned in 2010, the Ingenia Estate was rezoned to IN1 General Industrial. The INP states that where there is a change in land use, the criteria relevant to the new land use should be applied (i.e. IN1 General Industrial).

In accordance with the INP, the Applicant’s NVIA has characterised the Ingenia Estate and 105 Hollinsworth Road (R9) as ‘isolated residences’. The INP emphasises noise assessments for control
purposes need to be made against the acceptable noise levels relevant to the modified (changed) land use. In this case the relevant land uses are light industrial (for the site of the proposed development and 105 Hollinsworth Road) and general industrial (for the Ingenia Estate). Where an isolated residence is located in an industrial zone, the INP states the industrial amenity criteria (70 dB(A)) would usually apply. The Applicant has assessed the impacts of the development at the Ingenia Estate and 105 Hollinsworth Road in accordance with the industrial amenity criteria.

The background noise data and receiver characterisations were used to develop Project Specific Noise Levels (PSNL) (see Table 3). These PSNLs reflect the intrusive noise levels where applicable, as this is the more stringent noise criteria.

**Table 3: Project Specific Noise Levels**

<table>
<thead>
<tr>
<th>Location</th>
<th>Period</th>
<th>RBL (dB)</th>
<th>Intrusive Criteria L(_{Aeq}) (15 min) (dB)</th>
<th>Amenity Criteria L(_{Aeq}) (period) (dB)</th>
<th>PSNL (dB)</th>
</tr>
</thead>
<tbody>
<tr>
<td>R1 (Ingenia Estate)</td>
<td>Day</td>
<td>N/A</td>
<td>N/A</td>
<td>70</td>
<td>70 L(_{Aeq}) (period)</td>
</tr>
<tr>
<td>R9 (105 Hollinsworth)</td>
<td>Evening</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Night</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>R2 - R7 (Residential)</td>
<td>Day</td>
<td>37</td>
<td>42</td>
<td>55</td>
<td>42 L(_{Aeq}) (15 min)</td>
</tr>
<tr>
<td></td>
<td>Evening</td>
<td>35</td>
<td>40</td>
<td>45</td>
<td>40 L(_{Aeq}) (15 min)</td>
</tr>
<tr>
<td></td>
<td>Night</td>
<td>31</td>
<td>36</td>
<td>40</td>
<td>36 L(_{Aeq}) (15 min)</td>
</tr>
<tr>
<td>R8 (Mosque)</td>
<td>Day</td>
<td>N/A</td>
<td>N/A</td>
<td>40</td>
<td>50 L(_{Aeq}) (period)</td>
</tr>
<tr>
<td></td>
<td>Evening</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Night</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Key operational noise sources would include heavy vehicles moving to, from and within the site and the use of forklifts and building plant and equipment. Warehouse operations including packing and unpacking may also generate noise, however, these activities would occur indoors and would therefore contribute less to off-site noise levels.

The proposed site layout would shield most of the loading docks from receiver locations, except for building 3, which has 15 loading docks along the southern elevation. Loading docks to buildings 6 and 7 may also emit noise as they are perpendicular to the residential receivers to the south, with minimal intervening structures or topography.

Details of night-time operating scenarios and potential vehicle movements have not been confirmed. The NVIA therefore conservatively assumes operations would occur on a 24 hour a day, 7 day a week basis. Night-time vehicle movements were conservatively assumed to be half (50 %) of the movements occurring during the day and evening, which equates to 418 heavy vehicle trips. The Department considers truck movements from the development at this level are unlikely to occur.

The Applicant modelled potential noise at nearby receivers in accordance with the INP and associated criteria levels, against the PSNLs. The NVIA concluded the development can comply with the PSNLs at all times and at all locations during calm weather conditions. However, noise levels between 1 to 2 dB(A) over the PSNLs were predicted at R4 and R5 during the night in adverse winds and in F class temperature inversion conditions.

The NVIA also predicted noise levels up to 46 dB(A) at the Ingenia Estate. While this does comply with the criteria for an isolated residence, consistent with the land use change guidance in the INP, the Department considers the increase in local noise levels (being 10 dB(A) above the ‘suburban’ night-time PSNL) would have an adverse effect on current residents and needs to be mitigated using reasonable and feasible methods.

The Department also notes that in their submission, Ingenia Communities requested that consideration be given to noise barriers between the development site and the Ingenia Estate.

The Department has reviewed the NVIA and considers a 2.5 m high noise barrier installed on the boundary of the Ingenia Estate would be effective in mitigating operational noise from the development. The Department considers a noise wall would potentially reduce noise by up to 10 dB(A) at the Ingenia Estate and is likely to meet the noise criteria. The Department has recommended a condition for a noise barrier in the conditions of consent. The noise barrier would be required to be installed prior to the construction of Stage 3 of the development (which is located directly across from the Ingenia Estate).
and would have a minimum height of 2.5 m and be placed in a half metre road reserve on the frontage of the Ingenia Estate and Hollinsworth Road (see Figure 8). Council also supported the construction of a noise barrier and recommended measures for screening via vine plantings. The Department has included this requirement in the conditions of consent.

The Applicant also investigated the use of a second noise barrier between 2 to 4 m in height along the southern boundary (closest to the receivers in Bidwill and Hassall Grove, being R4 and R5, see Figure 8) and found a noise wall at this location did not sufficiently decrease noise levels during worst case meteorological conditions. The Applicant considers a noise wall at this location is unwarranted given the site backs onto the road reserve for the future Bells Line of Road - Castlereagh Connection and due to the construction and maintenance costs for the noise wall along the southern boundary. The development timeline of this freeway corridor is unknown and the RMS is continuing to investigate the area for future road links.

The two submissions received from members of the general public raised concern about construction and operational noise impacts, particularly with the design of building 3 and loading docks facing residential properties to the south. The Applicant proposes to implement several measures to mitigate the predicted noise levels over the PSNLs and sleep disturbance criteria. These include:

- scheduling operations in building 3 to use loading docks along the eastern elevation during the night where possible
- minimising the use of reversing alarms during the night
- using recessed loading docks where possible
- scheduling truck movements and loading dock operations so that concurrent use of vehicles is minimised, including limiting on-site idling.

The Department considers the methods used in the NVIA are conservative and are in line with the INP and accepts the Applicant’s position for not providing a noise barrier along the southern site boundary, considering the planning being progressed by TfNSW for a new regional road in the Bells Line of Road – Castlereagh Connection road reserve. In this respect, the Department considers the marginal 2dB exceedances predicted for residential receivers to the south would be infrequent as it would only occur in adverse or windy weather conditions and is unlikely to be perceptible to the human ear.

The Department is satisfied the installation of a noise barrier to the north of the site would mitigate predicted noise impacts on the Ingenia Estate. Notwithstanding, the Department has recommended noise verification testing to ensure the amenity of the area is maintained following the commencement of operation of the development. For normal on-site operations, the Department has recommended performance based noise limits consistent with the levels predicted by the Applicants NVIA.
Sleep Disturbance

The NVIA also set a sleep disturbance screening level of 46 dB(A)LA1(1 min) at receivers R2 through to R7. The assessment found night-time operations are expected to comply at R7 in calm weather. However, at all other receivers (R2 to R6) noise levels could reach up to 52 dB in calm conditions and up to 53 dB in adverse conditions. This equates to exceedances between 2 to 6 dB above the screening level (46 dB(A)) in calm weather and exceedances between 1 to 7 dB at all residential receiver locations (R2 to R7) in adverse weather. Due to the Applicant’s approach in classifying the Ingenia Estate as an isolated residence, it was not assessed for sleep disturbance.

Despite the predicted exceedances against the INP criteria, it should be noted the current Noise Policy for Industry (EPA, 2017) has adopted a maximum external level of 52 dB(A) to reflect recent research undertaken by the World Health Organisation (WHO) on the health effects of sleep disturbance. The former practice adopted in the INP of deriving screening level sleep disturbance assessment criteria on the basis of background plus 15 dB can lead to screening criteria as low as LAMAX 45 dB(A), which is well below the lowest observed adverse effect level recommended by WHO, being 42 dB inside a bedroom.

Given the highest predicted external level at night-time is 53 dB(A) at R4 under adverse conditions, the Department considers night-time operations are unlikely to cause sleep disturbance at the identified sensitive receivers given the exceedances are largely limited to worst case particularly as it assumes night-time vehicle movements would be half of the proposed day-time movements. To ensure sleep disturbance is minimised at the nearest receivers, the Applicant has committed to ensuring only the eastern loading docks would be used for building 3, while the use of the southern loading docks would be limited as far as practicable. The Department has included this commitment in the development consent.

However, the Department remains concerned a LAMAX level at the Ingenia Estate would be above these levels due to its location. As previously discussed, the Department has recommended a noise barrier 2.5 m in height be installed along the northern side of Hollinsworth Road, which would provide adequate attenuation of up to 10 dB(A) for the Ingenia Estate residents. With the inclusion of this barrier, the Department considers night-time operations would reduce the likelihood of sleep disturbance for residents at the Ingenia Estate.

Road Traffic Noise

The Applicant’s assessment of road traffic noise indicated the Ingenia Estate is the receiver location most likely to be affected by increases in road traffic levels. The EPA’s RNP assessment criteria for the proposed extension to Hollinsworth Road (sub-arterial) is 60 LAeq(15hr) during the day and 55 LAeq(9hr) at night. However, as the Applicant has classified the Ingenia Estate as an isolated resident due to its location in an industrial zone, the Applicant argues the road traffic from the development would not impact on those residences.

The Department notes Hollinsworth Road is a planned road under the MPIP ILP and would eventually connect with South Street to the west. Any extensions to Hollinsworth Road would also be dedicated to Council in the future, making it a public road. Notwithstanding, the Department considers the installation of a noise barrier would also manage road traffic noise from the development particularly as future development within the MPIP may increase traffic volumes along Hollinsworth Road and contribute to road traffic noise at the Ingenia Estate.

Potential cumulative noise impacts from existing and successive industrial sites within the MPIP are considered in the INP by ensuring appropriate noise criteria are established with the aim of creating acceptable amenity noise levels (ANL). The NVIA adopts the view the amenity noise level is typically 3 dB(A) below the intrusive noise level. On this basis, the highest ANL at R4 (closest receiver) is 37 dB(A). This level is 5 dB(A) below the acceptable amenity criteria for a suburban type receiver and is predicted to not have the effect of increasing industrial noise.

Conclusion

The Department’s assessment concludes the noise and vibration impacts of the development are acceptable, subject to management measures for construction and operational phases. While the Department considers the NVIA is conservative, a noise barrier is required to reduce noise levels at the Ingenia Estate. The Department notes the Castlereagh Freeway Investigation is ongoing and development of the freeway would screen the development from Bidwill and Hassall Grove residencies.
However, as the timeline of the freeway is unknown, the Department has assessed the proposal on its merits, with regard to its current local context. The Department considers a minor exceedance of 2 dB(A) over the PSNLs during adverse weather conditions for receivers south of the site would be infrequent and imperceptible.

To ensure noise emissions from the development do not adversely impact nearby sensitive receivers, the Department has recommended conditions to:

- construct the development in accordance with NMLs during standard construction hours
- comply with operational noise criteria
- prepare and implement construction and operational noise management plans
- prepare and submit design plans of a noise barrier at least 2.5 m high along the norther side of Hollinsworth Road prior to the commencement of construction of stages 3 or 4
- install a noise barrier along the northern side of Hollinsworth Road to manage operational noise, particularly at night time, prior to the commencement of some warehouse buildings
- prepare and submit noise verification reports to ensure the development is consistent with the predictions of the NVIA.

5.2. Traffic and Access

The proposed development would generate additional light and heavy vehicle movements to, from and within the site during construction and operation and may impact on the operation and capacity of the local road network. The EIS included a Traffic Impact Assessment (TIA) to determine the development’s potential traffic, access and parking impacts. The TIA was prepared with reference to the RMS Guide for Traffic Generating Development 2000 (RMS Guide), its supplements and relevant Australian Standards.

The position of the site is generally consistent with the Indicative Layout Plan (ILP) under the Growth Centres DCP, including the extension of Hollinsworth Road approved under DA 15-275, and proposed modification currently under consideration by Council. A road reserve for the Bells Line of Road - Castlereagh Connection is located immediately south of the site (see Figure 9).

![Figure 9: Extract of Bells Line of Road - Castlereagh Connection (TfNSW 2018)](image-url)
Access to and from the Site

Hollinsworth Road is the main link between the site and the regional road network. Key nearby roads include Richmond Road to the east and the M7 motorway to the south east. The main haul route would be along Hollinsworth Road, to Richmond Road, leading to Windsor Road or Bells Line of Road to the north, or the M7 to the south.

The Applicant proposes to construct three access roads from Hollinsworth Road to service the site, see Figure 4. Access Road 3 would service Stage 1 and 2 of the development, and would be built from the existing section of Hollinsworth Road. Access Road 2 would service Stage 3 of the development and Access Road 1 would service Stage 4. These two access roads can only be constructed once Hollinsworth Road is extended, in accordance with DA 15-275.

The Applicant proposes to provide separate vehicle entry points for light (staff) and heavy (truck delivery) vehicles, with the exception of building 6. Light and heavy vehicle access points for Stage 1 and 2 would come off Access Road 3. For Stage 3, the Applicant proposes the light vehicle access from Access Road 2 and the heavy vehicle access directly from the extended Hollinsworth Road. For Stage 4, light and heavy vehicle accesses would come off Access Roads 1 and 2.

Council raised concerns regarding the location of the heavy vehicle access directly from Hollinsworth Road for Stage 3. The proposed access is located close to the roundabout and intersection with Daniels Road (approved as part of DA 15-275). Council noted this may result in a constrained road design to provide adequate turning paths for heavy vehicles so close to the roundabout. Council also noted concerns given the proposed changes to the Hollinsworth road alignment, currently being considered via a modification to DA 15-275.

The Department reviewed the TIA and Council’s concerns and notes the full width of the Hollinsworth Road extension would be accommodated within the Applicant’s site. The Department considers heavy vehicle access for Stage 3 can be adequately addressed prior to Council issuing a Construction Certificate for the Stage 3 works. This would provide adequate time for Council to consider the modification to DA 15-275 and would ensure the Applicant meets Council’s requirements for design of the access. The Department recommends the design be approved by the Secretary, prior to the issue of a construction certificate for Stage 3.

The Department considers the proposed development layout would provide adequate access to, from and within the site during construction and operation for up to 19 m articulated vehicles and up to 26 m B-Doubles when required, with the exception of Stage 3, which would be addressed prior to construction of Stage 3.

Access within the Site

The Applicant noted the design layout can accommodate the swept path of 26 m B-doubles, 19 m articulated vehicles (semi-trailer) and 12.5 m rigid vehicles to enter, move and exit the site. Some access restrictions would need to be implemented for vehicles accessing the smallest building (4), such as loading/unloading of B-Doubles from the hardstand area, instead of the loading docks.

Daniels Road – Bus Link Access

The Applicant has designed the site to accommodate a carriageway with bus-bays for the Daniels Road bus-only link, consistent with the North-West Priority Growth Area Land Use and Infrastructure Implementation Plan (May 2017) and Growth Centres SEPP maps. The construction of the link does not form part of this application, however adequate provision has been retained for the bus-bays.

Operational Traffic Impacts

The TIA considered traffic volumes from operation, based on rates provided in the RMS Guide. The TIA estimated the full development would generate a total of 4,958 traffic movements per day, with 18% of these being heavy vehicles (892 movements per day). Peak hour movements were estimated at 561 in the AM peak and 603 in the PM peak.

The TIA included past modelling of the road network considering the capacity of industrial roads within the Marsden Park precinct and performance of the key intersections of Hollinsworth Road and Richmond Road. The modelling considered traffic volumes from operation of the industrial precinct. The TIA referenced a Transport and Access Study prepared by Arup in 2009 and modelling undertaken by AECOM in 2011. The AECOM 2011 modelling concluded that in 2021 the Richmond Road /
Hollinsworth Road intersection would operate at Level of Service (LoS) B - good with acceptable delays and space capacity in the AM Peak and a LoS D - near capacity in the PM Peak.

The Applicant states the estimated traffic volumes for the development have been accounted for in the 2036 model prepared by Arup in 2009. These levels were, 949 movements in the AM peak and 928 movements in the PM peak. The peak hour traffic movements from the proposed development are lower than (561 and 603) those accounted for in the Arup model. Therefore, the development can be adequately accommodated on the existing road network.

The TIA also assessed intersection performance of the three proposed access roads to the estate with Hollinsworth Road, using SIDRA traffic modelling. The modelling concluded all access roads would operate at a LoS C – satisfactory, or better under 2036 operating conditions.

Council did not comment on the operational traffic generated by the development. RMS reviewed the TIA and the revised swept path diagrams for bus access submitted with the RTS. RMS raised no objection and provided recommended conditions for road design and traffic management during operation.

The Department considers the predicted operational traffic from the development can be accommodated on the local and regional road network, without the need for additional upgrades, beyond the extension of Hollinsworth Road, which is being undertaken in accordance with DA 15-275.

Car Parking
The TIA considered the parking provision rates in the RMS guide and the Growth Centres DCP to determine the required number or car parking spaces for the development. Using the rates from the RMS Guide, a total of 503 spaces is required, using the rates from the Growth Centres DCP a total of 1,167 spaces is required. The Applicant intends to provide 663 car parking spaces (including 15 accessible spaces) and argues the proposed number of parking spaces can adequately service the development, as increased automation in modern warehouses requires fewer staff. The estimated number of operational staff is between 150 and 350. If more spaces are required, the Applicant proposes to stagger shift times to reduce the overlap in car parking demand.

Council objected to the shortfall of car parking spaces from the rates specified in the Growth Centres DCP. The Department considered Council’s objection but notes the proposed 663 spaces exceeds the requirements of the RMS Guide and would be sufficient for the proposed number of staff. The Department has consistently applied this approach to other warehousing developments in the MPIP.

Construction Traffic Impacts
The site is located within an industrial zoned area with the main access roads designed to carry heavy vehicles. The Applicant notes the staged construction of the development would not compromise the safety or function of the surrounding road network, given it was designed to accommodate operational traffic from industrial premises. The Applicant proposes to manage construction traffic via a construction traffic management plan (CTMP). The Department agrees with the Applicant that the local road network can accommodate construction traffic from the development.

Conclusion
The Department’s assessment concludes the development would not have an adverse impact on the local or regional road network or key nearby intersections. Construction and operational vehicles would be able to access, navigate and exit the site without conflicting with other traffic streams. To address Council’s concerns regarding Stage 3 heavy vehicle access and ensure traffic associated with the development is managed appropriately, the Department has recommended conditions requiring the Applicant to:
- submit revised designs of the access point for building 3 prior to construction
- comply with general requirements to ensure the bus-only link is preserved
- construct road areas and crossovers in accordance with Council standards
- not occupy or commence operation of Stage 3 and 4 until the extension of Hollinsworth Road is completed and dedicated to Council
- provide car parking in accordance with the RMS Guide
- prepare a construction traffic management plan
- comply with a range of conditions to manage operational traffic.
5.3. Built Form and Visual Impact

As outlined in Section 2.1, the development seeks to construct seven warehouse buildings between 12.2 to 20 m in height, with standard and high bay storage components for greater on-site efficiency. A number of these warehouses, however, exceed the 16 m height limit specified in the MPIP Plan, which has been discussed in Table 4.

The site is located in an identified industrial area with an existing and strengthening commercial and industrial character. This is reflected by commercial and industrial development under construction and currently operating to the north and east. Figure 10 shows the potential bulk and scale of the development within this context, without the proposed façade treatments.

The primary street frontage is Hollinsworth Road to the north. Nearby receptors include the Ingenia Estate, also to the north. The residential suburbs of Hassall Grove and Bidwill are located 120 m to the south. The suburb of Oakhurst is further to the south.

Properties within the Ingenia Estate consist of single story manufactured homes and a small number of caravans. Properties in Bidwill and Hassall Grove consist of detached one to two story houses and may observe local views of open grassed plans and completed commercial buildings. Existing grassed areas on-site have been cleared under DA 15-275, which has been approved by Council.

The proximity of the development to existing suburbs and its proposed high bay elements may create visual impacts from private residential dwellings and public open space. The EIS included a Visual Impact Assessment (VIA) to determine the magnitude of the impact on visual amenity and views.

![Figure 10](image)

**Figure 10**: Drone perspective of the development looking south-west

*Built Form*

The design and layout of the warehouses are consistent with the scale and character of existing industrial development in the MPIP, which generally have a height of 13.7 m. The MPIP also comprises a number of highbay warehouses such as the approved Cold Storage SSD (SSD 6799) with a maximum height of 34.8 m and the existing IKEA Multi-Function Logistics Unit (SSD 6954) with a maximum height of 34.7 m.

Warehouses would be constructed from precast concrete and colourbond steel metal cladding with painted precast dado panels. Uniform tones of white, grey and highlights are proposed for consistency across the site. Revised panel designs incorporating minor patterns for each warehouse were provided as part of the RTS in response to Councils concerns.

Building 3 has two proposed high bay elements. One is 18 m high and would be integrated into the north-western area of the main building footprint. This high bay element is set back 30 m from the main warehouse frontage.
The second high bay element would be built in the future and has a height of 20 m, with a mono-pitched roof. The future high bay area has been orientated to reduce its visual profile to visual receivers to the south. The façade of the future high bay consists of monotone grey paneling.

The Growth Centres DCP requires development adjacent to the Ingenia Estate to have a minimum 20 m buffer with high quality landscaping. While DCPs do not apply to SSD, the Department has considered the controls specified for development around the Ingenia Estate, due to its proximity to the development site. Staff car parking and non-intrusive uses are permitted within this buffer. The Department considers the development complies with the 20 m setback, landscaping and operational activity requirements of the buffer area.

Council did not support the design of the warehouses and requested façade treatments be revised to demonstrate design excellence and provide visual interest. Council also requested the Applicant consider either integrating the south eastern high bay storage into the main footprint of building 3, or applying a façade treatment to this component to mitigate its bulk and scale.

In its RTS, the Applicant provided shadow diagrams demonstrating no overshadowing would occur over Hollinsworth Road or any other public areas. Overshadowing would only occur on the internal estate roads, car park areas, loading docks and the Castlereagh Freeway road reserve.

The Department considers the designs of the standard warehouse components are acceptable and consistent with the character of the MPIP, but agrees the future high bay area of building 3 has the potential for the greatest visual impact and requires further architectural treatment. The Department notes the Applicant has worked closely with Council to address its concerns and is committed to applying further architectural treatment to the high bay component. The Department has recommended the Applicant in consultation with Council, prepare and submit a façade design plan of the future high bay area for approval, prior to its construction.

Visual Impacts
The site currently consists of vacant cleared land. Off-site remnant vegetation is located to the east, south and west. Local views of open grassed plains exist for residents to the south and existing industrial development (Costco). Key vantage points from the VIA are reproduced in Figure 11 to Figure 14 inclusive. The full VIA and the location of photomontage locations is contained in the EIS.

The Applicant's VIA concluded:
- the development site and surrounding area is dominated by commercial and industrial development, consistent with its land use zoning and desired future character
- the development would remove existing local views of open grassland
- the greatest areas of visual impact would be at the Ingenia Estate (VP1 and VP2) and residential dwellings in the suburbs of Bidwill and Hassall Grove (VP4), through gaps in existing vegetation
- elements of the development would also be seen from the public road network and areas of open space to the south
- the development may also be seen from second story windows of dwellings in the Colebee Estate approximately 1.2 km to the east
- the future development of the RMS road reserve would have a significant impact on the character of the area to the residential areas 120 m to the south
- the cumulative significance of the visual impact would be moderate to minor and would soften over time as the proposed landscaping establishes.

The Department notes none of the submissions received from members of the general public raised concern over visual impacts. Council raised concern regarding the bulk and scale of the development, and in particular the high bay elements, would result in adverse visual impacts at the Ingenia Estate and surrounding residential areas. While the Applicant has submitted plans with revised architectural finishes, the overall bulk and scale of the development remains unchanged.

The Department has assessed the visual aspects of the development and acknowledges there would be streetscape and visual amenity impacts for properties in the Ingenia Estate, Bidwill and Hassall Grove and areas further to the south. The Department acknowledges the Applicant has worked with Council to ensure good design outcomes and is committed to continue working with Council during the detailed design stage of the development. Notwithstanding, the Department considers the visual impacts are acceptable given the development is located within an established industrial area and is
consistent with surrounding industrial developments when viewed from more distant vantage points. The Department also considers visual impacts are acceptable as:

- the development complies with the 20 m buffer area for the Ingenia Estate
- the building elements that breach the 16 m height limit are considered acceptable (see Table 4)
- perimeter landscaping ranging between is included throughout the site and would help screen the development for close to mid-range views as it establishes
- office areas would provide some visual articulation to warehouse façades along the Hollinsworth Road frontage
- large office areas incorporate upper stories that project over hardstand areas (building 3)
- no roller shutters would face Hollinsworth Road

The Department also acknowledges the 2.5 m high noise barrier would also present a visual impact, however, the Department considers this is acceptable as it would be screened by existing landscaping on the Ingenia Estate. Conditions are also recommended to require the Hollinsworth Road frontage of the noise barrier to include guide wires and vines for additional screening.

The Department's assessment concludes the visual impacts of the proposed development are acceptable. While the visual impacts of the warehouses would change the vistas from the surrounding area, these impacts would reduce over time as the site landscaping develops. The Department notes that no submissions from the public were received in regard to visual impacts. The Department, in consultation with Council, has recommended conditions of consent specifying the reflectivity of materials and finishes to reduce the potential for glare. Additional conditions are recommended requiring the Applicant to:

- prepare a detailed landscape management plan
- prepare façade designs for the future high bay element for building 3
- ensure pallets are not stored outside for more than 24 hours and are screened
- ensure fire tanks visible from Hollinsworth Road are either screened or have a non-reflective finish.

Figure 11: Viewpoint 1 from Ingenia Estate looking south towards the site
**Figure 12:** Viewpoint 4 from Daniels Road, Bidwill looking north towards the site

**Figure 13:** Viewpoint 7 from Trent Place, Hassall Grove, looking North
5.4. Stormwater and Drainage

The proposed development would add impervious areas from warehouse roofs and hardstand on building pads created under DA 15-275. These impervious areas will alter the quality, quantity and direction of stormwater flows. The EIS included a stormwater assessment, modelling and civil plans for the site to determine pre and post stormwater flows, rainwater re-use and erosion controls. Several aspects of the stormwater management system rely on works outside the scope of this SSD application, however, details of these works were submitted with the application for information. This includes works proposed under DA 15-275 for road and swale drainage and easements and other works being progressed by Sydney Business Park for regional stormwater basins.

The MPIP contains several detention basins to manage stormwater flows for development lots and road areas at a precinct level. This was planned as part of the release of the MPIP in 2010 and aims to remove the need for individual on-lot detention, while ensuring run-off impacts to the nearby Bells Creek, Marsden Creek and Little Creek are managed. The ultimate drainage design for this application seeks stormwater flows to drain to, and be attenuated by, regional basins E and G (see Figure 15). Both basins are only partially complete and an associated drainage channel from the site to Basin E has not been built. To address this, the Applicant has presented additional permanent treatment measures for each warehouse if they are built before the broader MPIP stormwater treatment system is complete.

The stormwater system would create three catchments, one for each development lot, with minor and major drainage systems. The minor (pit and piped) system would handle a 1 in 20 Average Recurrence Interval (ARI) event. The major (surface) system would use overland flow paths to convey 1 in 100 ARI events to three discharge points. Points 1 and 2 would drain to Basin E. The third point would drain to Basin G. Rainfall within the Daniels Road bus-only link would be captured in temporary basins, but not treated. Run-off from the sites batters would also bypass the on-site detention (OSD) basins.

Until basins E and G are complete, additional permanent treatment measures are required for each warehouse to manage stormwater quantities. These measures include OSD tanks and treatment measures for each warehouse. The Applicant has assessed the impacts of the application for the provision of additional treatment measures. However, the Applicant has advised that if the regional...
Basins E and G and associated connections are completed, the additional warehouse specific treatment measures presented in the EIS would not be needed. The SMP concluded:

- rainwater harvesting and re-use meets the 80% requirement under the Growth Centres DCP
- the proposed stormwater system would comply with the required pollutant load reductions of total suspended solids, phosphorus, nitrogen and gross pollutants
- the development achieves a stream erosion index (SEI) of 2.8, meeting the target of <3.5.

Council did not support the proposed drainage design, raised several issues with the design of the stormwater treatment system and requested additional modelling be undertaken to detail the performance of stormwater treatment for each warehouse building. Council also raised concerns over the discharge of stormwater from stages 1 and 2, on lot 3 into the RMS road reserve. Council requested that a legal right to discharge stormwater over the land to the east be obtained. However, RMS raised no objection to this aspect of the application.

The OEH raised concern regarding the potential for flood impacts relating to studies done under DA 15-275 and requested further information.

The Applicant provided an updated assessment with minor design changes in response to Council’s comments, however Council remained concerned regarding the modelled stormwater outcomes, in particular post development stormwater quantities and velocities. The Department notes that detailed discussions were held between Council and the Applicant to resolve these outstanding issues. Whilst the Department acknowledges Council’s concerns, the Department considers Council’s key issues around stormwater discharge locations are resolved and residual issues around the drainage design can be dealt with in conditions at the detailed design and construction certificate stage. The revised assessment also addressed OEH’s concerns and refers to studies done under DA 15-275, which confirm the site is not affected by flooding from external catchments during a 1 in 100 ARI or PMF event.

The Department has considered the SMP and supplementary information and is satisfied the proposed treatment measures would ensure stormwater flows are managed to the pre-development quality and quantity levels when fully developed. The Department notes Council’s concerns regarding the design of the stormwater system, its predicted performance and proposed discharge locations. To ensure Council’s issues are resolved, the Department has recommended that Council be consulted during the
preparation of the SMP. The Department has also recommended a range of conditions requiring the Applicant to:

- submit work as executed plans for the development
- submit staged Stormwater Management Plans for each building or internal road, detailing the design of the additional OSD measures needed if the regional basins and connections are not complete, with specific measures for stormwater management in stages 1 and 2 on lot 3
- include stormwater verification reports with each SMP to verify the predicted quality and quantity at the detailed design stage
- submit certification of the final stormwater and OSD systems
- report on the maintenance of the stormwater treatment devices to Council on a yearly basis
- ensure water efficient fixtures are installed across the site.

The Department has also recommended a condition (A7) excluding civil drawings that detail works proposed under MOD-17-00050 from the development consent. This is to clarify the scope of civil works under SSD 8606.

The Department’s assessment concludes the stormwater impacts of the site are acceptable and would be managed through the proposed stormwater system, if implemented in accordance with the recommended conditions.

5.5. Other Issues

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

**Table 4: Assessment of Other Issues**

<table>
<thead>
<tr>
<th>Consideration</th>
<th>Recommended Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Clause 4.6 – Exceptions to Development Standards</strong></td>
<td>N/A</td>
</tr>
<tr>
<td>- Under the Growth Centres SEPP the maximum height for the site is 16 m, measured from the existing ground level. Architectural plans provided with the EIS and RTS detail the RLs before and after earthworks under DA 15-275 were commenced.</td>
<td></td>
</tr>
<tr>
<td>- Warehouse buildings would be between 12.2 m to 20 m in height and, as such, several parts of the buildings exceed the 16 m height limit.</td>
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<tr>
<td>- The EIS includes a written request to vary the height of buildings standard applicable to the site in accordance with Clause 4.6(3) of the Precinct Plan.</td>
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<tr>
<td>- Earthworks under DA 15-275 have changed the levels on-site and therefore affect where height breaches occur. The Department notes the height breaches discussed in the Applicant’s 4.6 request are inconsistent with the earthwork levels approved under DA 15-275.</td>
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<tr>
<td>- The Applicant considers the breaches over the 16 m height limit are:</td>
<td></td>
</tr>
<tr>
<td>- Building 1 – 3.2 m, due to earthwork levels</td>
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<tr>
<td>- Building 2 – 1 m, due to earthwork levels</td>
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<tr>
<td>- Building 3 (two breaches) one for the northern, integrated high bay of 2.5 m and another for the future, southern high bay of 0.3 m</td>
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</tr>
<tr>
<td>- Building 6 – 3.5 m, due to earthwork levels.</td>
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</tr>
<tr>
<td>- However, when considering building heights from the site levels approved under DA 15-275, the breaches for buildings 1, 2 and 6 disappear. The breach for the future high bay element for building 3 increases to 4.3 m, due to cutting earthworks.</td>
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</tr>
<tr>
<td>- Changes in the height breach for the integrated high bay are minimal, as site levels remain generally consistent with the natural ground levels at this location on-site.</td>
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</tr>
<tr>
<td>- The Applicant’s justification for the height variations addressed the provisions of Clause 4.6 of the Growth Centres SEPP as well as the principles of caselaw to argue the unreasonable and unnecessary nature of the standard.</td>
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<tr>
<td>- Council raised concern regarding the height breach of the proposal.</td>
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</tr>
<tr>
<td>- Based on the requirements of Clause 4.6(4)(a) of the Precinct Plan, the Department is satisfied development consent can be granted despite the contravention of the development standard as:</td>
<td></td>
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<tr>
<td>- bulk and detailed earthworks levels are a result of DA 15-275, and sit outside the scope of this SSD application</td>
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<tr>
<td>- no off-site overshadowing or solar access impacts would occur to nearby buildings or areas of open space</td>
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<tr>
<td>- the high bay areas have been set back and orientated to reduce their bulk when viewed in the site’s surroundings from Hollinsworth Road and from the south</td>
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<tr>
<td>- the visual amenity impacts of the development are considered acceptable (see Section 5.3).</td>
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</tbody>
</table>
### Consideration

- The Department recommends development consent be granted despite the contravention of the development standard.

#### Hazards and Risk

- The DA would involve the use of small quantities of Dangerous Goods (DG) in building 5 for Valley Fresh as part of fumigation and ripening processes and may be potentially hazardous.
- The DGs would include:
  - methyl bromide (Class 2.3) - one 95 kg cylinder used to fumigate fresh produce passing through quarantine. The gas would be stored in a service area with a dedicated fumigation chamber.
  - ethylene gas (Class 2.1) - three to four 30 kg cylinders used in the ripening process, and are stored in a separate ripening room.
- The Applicant provided a statement advising the development is below the screening thresholds of the Department’s Hazardous and Offensive Development Guidelines: Applying SEPP 33 (Applying SEPP 33) and is not potentially hazardous.
- The Department has reviewed the quantities of DGs and agrees they do not exceed the screening thresholds under Applying SEPP 33 and is not potentially hazardous under SEPP 33.
- The Department’s assessment concludes the proposed DGs on-site are acceptable and has recommended conditions to ensure the volumes of any DGs kept on-site remain below the screening thresholds of Applying SEPP 33.

#### Air Quality

- The EIS included an Air Quality Impact Assessment (AQIA) to determine the air quality and odour impacts of the proposal during construction and operation.
- Air emissions during operation would be from exhausts from light and heavy vehicles moving to, from and within the site.
- The AQIA concluded emissions from construction include dust deposition, dust plumes, increased PM10 concentrations and exhaust from diesel powered construction equipment and would present a low to medium risk.
- For operation, the AQIA concluded the potential for the development to adversely impact local air quality is minor.
- Council and the EPA raised no issues regarding air quality and odour.
- One submission from the general public raised concern on health impacts.
- The Department considers air quality impacts associated with site preparation, civil and subdivision works at the site would be managed under DA 15-275.
- The Department’s assessment concludes air quality impacts during construction and operation (with the implementation of proposed mitigation measures) will be negligible and would not cause adverse impacts to surrounding receivers.
- The Department has recommended conditions requiring the Applicant to prepare and implement a construction environment management plan (CEMP), including measures to minimise construction generated dust.

#### Bushfire

- The site is affected by category 1 bushfire areas to the south-east, south and west and may present a bushfire risk to the proposed warehouse buildings.
- The RFS provided recommendations to ensure the development complies with Planning for Bushfire Protection 2006 (PBP) including asset protection zones (APZ), water, access, road design and landscaping.
- The RFS also recommended conditions to ensure building elevations near bushfire mapped areas are constructed to the required Bushfire Attack Level (BAL) or National Standard Steel Framed Construction in Bushfire Areas – 2014 levels.
- The Department agrees with the RFS’ comments and has recommended conditions to ensure the development complies with the relevant aspects of PBP 2006 and bushfire construction standards.

#### Waste

- The EIS included an assessment of predicted waste streams during the construction and operational phases and the measures to avoid, minimise, reduce or re-use waste generated by the proposed development.
- Construction waste, such as building material waste (bricks, timber, steel), packaging waste, organic waste and liquid waste would be stored on-site fronting Hollinsworth Road and at the southern boundary in the vicinity of Daniels Road.
- Operational waste would be collected and disposed off-site and generally include cardboard, paper, plastic, organic waste and general solid waste.

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** NSW Government  
Department of Planning and Environment  
Assessment Report  
SSD 8606  
Marsden Park Warehousing Estate **

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<td>Require the Applicant to:</td>
</tr>
<tr>
<td><strong>Hazards and Risk</strong></td>
<td>require the quantities of DGs stored on-site remain below the screening thresholds in Applying SEPP 33.</td>
</tr>
<tr>
<td>The DA would involve the use of small quantities of Dangerous Goods (DG) in building 5 for Valley Fresh as part of fumigation and ripening processes and may be potentially hazardous.</td>
<td>Require the Applicant to:</td>
</tr>
<tr>
<td>The DGs would include:</td>
<td>- ensure the quantities of DGs stored on-site remain below the screening thresholds in Applying SEPP 33.</td>
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<td>- methyl bromide (Class 2.3) - one 95 kg cylinder used to fumigate fresh produce passing through quarantine. The gas would be stored in a service area with a dedicated fumigation chamber</td>
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<td><strong>Air Quality</strong></td>
<td>Require the Applicant to:</td>
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<tr>
<td>The EIS included an Air Quality Impact Assessment (AQIA) to determine the air quality and odour impacts of the proposal during construction and operation.</td>
<td>- implement dust minimisation measures as part of an approved CEMP.</td>
</tr>
<tr>
<td>Air emissions during operation would be from exhausts from light and heavy vehicles moving to, from and within the site.</td>
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<td>The AQIA concluded emissions from construction include dust deposition, dust plumes, increased PM10 concentrations and exhaust from diesel powered construction equipment and would present a low to medium risk.</td>
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<td>The Department’s assessment concludes air quality impacts during construction and operation (with the implementation of proposed mitigation measures) will be negligible and would not cause adverse impacts to surrounding receivers.</td>
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<tr>
<td><strong>Bushfire</strong></td>
<td>Require the Applicant to:</td>
</tr>
<tr>
<td>The site is affected by category 1 bushfire areas to the south-east, south and west and may present a bushfire risk to the proposed warehouse buildings.</td>
<td>- construct the development to comply with the relevant sections of PBP 2006.</td>
</tr>
<tr>
<td>The RFS provided recommendations to ensure the development complies with Planning for Bushfire Protection 2006 (PBP) including asset protection zones (APZ), water, access, road design and landscaping.</td>
<td>- comply with bushfire construction standards.</td>
</tr>
<tr>
<td>The RFS also recommended conditions to ensure building elevations near bushfire mapped areas are constructed to the required Bushfire Attack Level (BAL) or National Standard Steel Framed Construction in Bushfire Areas – 2014 levels.</td>
<td></td>
</tr>
<tr>
<td>The Department agrees with the RFS’ comments and has recommended conditions to ensure the development complies with the relevant aspects of PBP 2006 and bushfire construction standards.</td>
<td></td>
</tr>
<tr>
<td><strong>Waste</strong></td>
<td>Require the Applicant to:</td>
</tr>
<tr>
<td>The EIS included an assessment of predicted waste streams during the construction and operational phases and the measures to avoid, minimise, reduce or re-use waste generated by the proposed development.</td>
<td>- classify all waste streams in accordance with the EPA’s Waste Classification Guidelines.</td>
</tr>
<tr>
<td>Construction waste, such as building material waste (bricks, timber, steel), packaging waste, organic waste and liquid waste would be stored on-site fronting Hollinsworth Road and at the southern boundary in the vicinity of Daniels Road.</td>
<td></td>
</tr>
<tr>
<td>Operational waste would be collected and disposed off-site and generally include cardboard, paper, plastic, organic waste and general solid waste.</td>
<td></td>
</tr>
</tbody>
</table>
The Department considers operational waste to be negligible. The Department has recommended a condition (2) requiring the Applicant to classify all waste streams and to incorporate the measures proposed in the EIS into a CEMP for the development.

**Contributions**

- The Applicant has advised it intends to fulfil its Section 7.11 obligations under DA 15/275. Council has confirmed this arrangement and did not provide any comments on local development contributions.
- However, as the site is located in the NWPGA, a Special Infrastructure Contribution (SIC) for state and regional infrastructure may also be payable in accordance with the Special Infrastructure Contribution – Western Sydney Growth Areas Determination 2011 (SIC Determination), under section 7.23 of the EP&A Act.
- On this basis, the Department has recommended a condition in accordance with the Minister’s Direction under 7.24(2) of the EP&A Act, requiring the Applicant to fulfil its SIC obligations in accordance with the SIC Determination.

**Building 5 Operations**

- Building 5 proposes to have an ancillary agricultural produce industry use for the sorting, packaging, storage, ripening of fruit and vegetables.
- While the Applicant has not advised the volume of produce that would be processed, the relevant Scheduled Activity threshold under the POEO Act is 30,000 tonnes per annum (tpa).
- The EPA advised none of the proposed operations would currently require an EPL, however this may change, should a proposed operation meet a Scheduled Activity threshold.
- To ensure operations are carried out at an appropriate intensity, the Department has recommended limits on the development consent to ensure the 30,000 tpa processing throughput is not exceeded in building 5 and operations do not involve the cutting washing or spraying of produce (conditions A8 and A9). Require the Applicant to:
  - limit the throughput of agricultural produce processed in building 5 to 30,000 tpa, being from 1 January to December 31.

**Signage**

- The Applicant has provided indicative spaces on warehouse elevations for tenant signage 5 x 2.4 m in size. The indicative signage areas are located on the northern and eastern building elevations. However, no details of the building signage have been included in the application and no details for estate wayfinding or directional signage is sought.
- All signage areas would be placed between 8 to 10.6 m on the building elevations and would also be below a height of 16 m, measured from the previous, natural ground level. No signage areas are proposed on the high bay areas of building 3.
- The Applicant has advised details of all estate signage would be sought as part of a future DA. The Department accepts this position and has recommended a condition highlighting all operational site, business identification and building façade signage associated with the development would be the subject of a separate DA. Require the Applicant to:
  - seek further approval for all signage as a separate DA.

### 6. CONCLUSION

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 development will allow the continued growth and development of the MPIP as an identified employment precinct and strategic centre in the North-West Priority Growth Area. The site’s location near the arterial road network would provide operational efficiencies for the identified tenants of Austcor, Valley Fresh and eStore in addition to future tenants. The development will also support the productivity, growth and employment objectives of the Greater Sydney Region Plan: A Metropolis of Three Cities (Greater Sydney Region Plan) and the Western Parkland City.
The key issues for the development relate to noise and vibration, traffic and access, built form and visual impact and stormwater and drainage. The Department’s assessment concluded the impacts of the development can be mitigated and/or managed to ensure an acceptable level of environmental performance, subject to the recommended conditions of consent, including:

- implementation of the management measures recommended in the EIS and RTS
- preparation of a construction environmental management plan
- installation of a 2.5 m noise barrier to manage operational noise at the Ingenia Estate
- installation of perimeter, on-lit and street landscaping
- provision of additional stormwater treatment until the precinct-wide stormwater management system for the MPIP is complete
- staged stormwater management plans, verifying the detailed design of the additional stormwater treatment, if required for the relevant stage.

The Department has also recommended conditions for the payment of development contributions towards state and regional infrastructure.

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

For the purpose of section 4.38 of the Environmental Planning and Assessment Act 1979, it is recommended that the Acting Executive Director, Key Sites and Industry Assessments, as delegate of the Minister for Planning:

- consider the findings and recommendations of this report
- consider the Applicant's written request seeking to justify the departure from the height of buildings development standard in clause 4.3(2) of Appendix 5 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006
- be satisfied of the matters in clause 4.6(4) of Appendix 5 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 to vary that development standard
- grant consent to the application in respect of State significant development for the Marsden Park Warehousing Estate (SSD 8606)
- sign the attached development consent (Appendix A)
- accept and adopt all the findings and recommendations set out in the Department's Assessment Report as the reasons for making this decision.

Recommended by:
Pamela Morales
A/Team Leader – Industry

Recommended by:
Kelly McNicol
A/Director, Industry Assessments

DECISION
The recommendation is Approved Not approved by:

Chris Ritchie
A/Executive Director, Key Sites and Industry Assessments
as delegate of the Minister for Planning
APPENDIX A: DEVELOPMENT CONSENT

APPENDIX B: CONSIDERATIONS UNDER SECTION 4.15

Section 4.15 of the EP&A Act requires that the consent authority, when determining a development application, must take into consideration the following matters:

<table>
<thead>
<tr>
<th>(a) the provisions of:</th>
<th>Detailed consideration of the provisions of all environmental planning instruments (including draft instruments subject to public consultation under this Act) that apply to the proposed development is provided in Appendix C of this report.</th>
</tr>
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<tbody>
<tr>
<td>(i) any environmental planning instrument, and</td>
<td>The Applicant has not entered into any planning agreement under Section 7.4.</td>
</tr>
<tr>
<td>(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 Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</td>
<td>The Department has undertaken its assessment of the proposed development in accordance with all relevant matters as prescribed by the regulations, the findings of which are contained within this report.</td>
</tr>
<tr>
<td>(iii) 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</td>
<td>The site is not located within a coastal zone and no coastal zone management plan applies to the development.</td>
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<td>(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph).</td>
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<td>(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,</td>
<td>The Department has considered the likely impacts of the development in detail in Section 5 of this report. The Department concludes that all environmental impacts can be appropriately managed and mitigated through the recommended conditions of consent.</td>
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<td>(c) the suitability of the site for the development,</td>
<td>The development is predominantly a warehousing and light industry project located on light industrial zoned land which is permissible with development consent.</td>
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<tr>
<td>(d) any submissions made in accordance with this Act or the regulations,</td>
<td>All matters raised in submissions have been summarised in Section 4 of this report and given due consideration as part of the assessment of the proposed development in Section 5 of this report.</td>
</tr>
<tr>
<td>(e) the public interest.</td>
<td>The development would generate up to 500 jobs during construction and 150-350 jobs during operation. The development is a $128 million capital investment in the Blacktown local government area that would contribute to the provision of local jobs. The environmental impacts of the development would be appropriately managed via the recommended conditions. On balance, the Department considers the development is in the public interest.</td>
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APPENDIX C: CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

State Environmental Planning Policy (State and Regional Development) 2011
The SRD SEPP identifies certain classes of development as SSD. The development satisfies the criteria in Clause 12, Schedule 1 of the SRD SEPP as it involves development of a warehousing and distribution estate with an attributable CIV of over $50 million at one location and related to the same operation.

State Environmental Planning Policy (Sydney Region Growth Centres) 2006
The site is zoned IN2 Light Industrial and SP2 Infrastructure under the Growth Centres SEPP. The site is also located within the Marsden Park Industrial Precinct. This precinct has a Precinct Plan at Appendix 5 of the Growth Centres SEPP.

The Precinct Plan seeks to establish development controls in the MPIP for quality environmental and design outcomes, enhance sensitive environmental areas and the cultural heritage of the area, provide recreational opportunities, provide for multifunctional and innovative development to encourage employment and economic growth, promote housing choice and affordability, encourage sustainable development and promote pedestrian and vehicle connectivity with and around the MPIP.

The development would deliver dedicated warehousing facilities to specific and as yet to be identified end users which incorporate sustainability measures. The Applicant submitted revised warehouse designs in response to Council’s concerns in its RTS, to ensure good design outcomes are achieved. The site layout is consistent with the Precinct Plan and would allow for the future delivery of the Daniels Road bus-only link, and the extension of Hollinsworth Road under DA 15-275, maintaining pedestrian and vehicular connectivity.

As discussed in Section 3.3, warehousing and distribution centres with ancillary office facilities and roads are permissible with development consent in the IN2 Light Industrial zone. The agricultural produce industry in building 5 for Valley Fresh is prohibited, as it is classed as an 'industry' under the Growth Centres SEPP. This makes part of the operation in building 5 (and consequently the overall development), partly prohibited. While the Applicant argues the agricultural produce industry is permissible as it falls under the umbrella term of a 'rural industry' (and would therefore be permissible as an innominate use), the Department notes a rural industry is also defined as an industry. Therefore, agricultural produce industry in building 5 remains partly prohibited.

As discussed in Section 5 several of the warehouse buildings breach the height of buildings development standard under Clause 4.3 of the Precinct Plan. The Departments assessment concluded the environmental impacts of these variations are acceptable and consistent with the objectives of the Growth Centres SEPP. The Department has undertaken an assessment of the development against the relevant residual provisions of the Precinct Plan (see Table 5). The Department considers the proposed development achieves the aims of the Precinct Plan.

<table>
<thead>
<tr>
<th>Table 5: Compliance with relevant clauses and development standards of the Growth Centres SEPP</th>
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<tbody>
<tr>
<td>Clause</td>
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</tr>
<tr>
<td>4.1 Subdivision</td>
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<tr>
<td>4.3 Height of Buildings</td>
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<tr>
<td>4.4 Floor space ratio</td>
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<tr>
<td>5.1 Relevant Acquisition Authority</td>
</tr>
<tr>
<td>5.6 Architectural roof features</td>
</tr>
<tr>
<td>6.1 Public utility infrastructure</td>
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</table>

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)
The ISEPP aims to facilitate the effective delivery of infrastructure across the State and lists the type of development defined as Traffic Generating Development.
The development constitutes traffic generating development in accordance with the ISEPP as it will create 101,139 m² of warehousing GFA. As this is greater than the 20,000 m² threshold under the ISEPP, it was referred to the RMS for comment and consideration of accessibility and traffic impacts.

The RMS did not object to the development but raised concerns regarding traffic impacts and the configuration of the site in relation to the future bus-only link and local traffic movements near the proposed roundabout (see Section 4.2.1). The Department has incorporated RMS’s requirements into the recommended conditions.

The Applicant’s RTS was also referred to the RMS, who requested updated swept path analysis along the Daniels Road bus-only link and roundabout for buses. RMS raised no further concern regarding traffic modelling for the development. The additional swept path analysis confirmed buses can navigate the area where the road and roundabout would be built. However, the Department notes these works do not form part of this SSD application. The development is therefore considered consistent with the ISEPP.

**State Environmental Planning Policy 33 – Hazardous and Offensive Development (SEPP 33)**

SEPP 33 outlines the items that a consent authority must consider to assess whether a development is hazardous or offensive. The Applicant reviewed the development in accordance with SEPP 33 and advised the development would not store dangerous goods above the threshold limits specified in SEPP 33, therefore it would not be considered potentially hazardous or offensive development. The Department has recommended a condition requiring the storage of any dangerous goods on-site remains below the screening thresholds of SEPP 33.

**State Environmental Planning Policy 55 – Remediation of Land (SEPP 55)**

SEPP 55 aims to ensure that potential contamination issues are considered in the determination of a development application. As detailed in this report, DA 15-275 issued by Council approved bulk earthworks and lead in infrastructure.

The EIS included the contamination assessment for the site submitted as part of DA 15-275 as modified. The report found pockets of filling were present on site. The materials encountered on-site consisted of general solid waste and small parts of asbestos. The report concluded the site is suitable for the proposed uses and does not present a contamination risk. The Department is satisfied the development complies with SEPP 55 and is fit for its intended industrial use.

**State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64)**

SEPP 64 aims to ensure that outdoor signage is compatible with the desired amenity and visual character of an area, and provides effective communication in suitable locations, that is of high quality design and finish.

The EIS included indicative signage areas on the warehouse elevations 5 m x 2.4 m in area. No details have been provided. The Applicant has advised details of signage would be sought as part of a future DA. As such, no assessment against SEPP 64 has been carried out. The Department has recommended a condition limiting the installation of signage on-site.

**State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017**

This SEPP aims to protect the biodiversity values of trees and other vegetation in non-rural areas and to preserve amenity of non-rural areas.

The development is consistent with the ILP contained within the MPIP DCP. The site has already been cleared of remnant vegetation under DA 15-275. On this basis, the Vegetation in Non-Rural Areas SEPP does not apply.

**Blacktown Growth Centres Development Control Plan 2010 (Growth Centres DCP)**

While DCPs do not apply to State significant development, the Department has assessed the proposal against the provisions of the Blacktown Growth Centres Development Control Plan 2010. The Growth Centres DCP includes specific development controls for the precincts of the North-West Priority Growth Area.

The relevant provisions for the development include part 6 and schedule 3 of the Growth Centres DCP. The EIS included an assessment of the development against the relevant items in the Growth Centres DCP. The Department has consulted with Blacktown City Council throughout the assessment process and has considered all relevant provisions of the Growth Centres DCP. While Council raised concerns for the...
development with respect to car parking provisions and visual amenity, the Department is satisfied the development:

- complies with the car parking rates under the RMS Guide
- generally complies with the built form considerations within the MPIP broadly, and specifically with the 20 m buffer zone around the Ingenia Estate (see Section 5 of this report)
- includes landscaping species generally consistent with the preferred planting schedule of the DCP.
APPENDIX D: ENVIRONMENTAL IMPACT STATEMENT

APPENDIX E: SUBMISSIONS

APPENDIX F: RESPONSE TO SUBMISSIONS