



ASICS Facility

State Significant
Development Assessment
(SSD 9153)



November 2018

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Cover photo

ASICS Facility, 4 Darling St, Sydney Business Park, Marsden Park - Office and Warehouse Perspective (Architectural Design Plans, Reid Campbell 2018)

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Glossary

Abbreviation	Definition
ASICS	ASICS Oceania Pty Ltd
BCA	Building Code of Australia
CIV	Capital Investment Value
Consent	Development Consent
Council	Blacktown City Council
Department	Department of Planning and Environment
DPI	Department of Primary Industries
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
EPL	Environment Protection Licence
ESD	Ecologically Sustainable Development
FRNSW	Fire and Rescue NSW
GFA	Gross Floor Area
Growth Centres DCP	Blacktown City Council Growth Centre Precincts Development Control Plan 2016
Growth Centres SEPP	<i>State Environmental Planning Policy (Sydney Region Growth Centres) 2006</i>
LEP	Local Environmental Plan
LGA	Local Government Area
Minister	Minister for Planning
OEH	Office of Environment and Heritage
RMS	Roads and Maritime Services
RMS Guide	RTA Guide to Traffic Generating Developments 2002
RTA	Roads and Traffic Authority (now RMS)
RTS	Response to Submissions
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy

SRD SEPP	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>
SSD	State Significant Development
TfNSW	Transport for NSW



Executive Summary

Background

Marsden Park Development Pty Ltd (the Applicant) has lodged a Development Application (DA) and accompanying Environmental Impact Statement (EIS) on behalf of ASICS Oceania Pty Ltd (ASICS) seeking consent to develop a warehouse and distribution centre, ancillary office space and a retail outlet at 4 Darling Street, Marsden Park in the Blacktown local government area (LGA).

The 5.7 hectare (ha) site is located within Sydney Business Park which is part of the Marsden Park Industrial Precinct (MPIP), approximately 38 kilometres (km) north west of the Sydney CBD. The MPIP is an identified employment area in the North West Priority Growth Area (NWPGA) which was established by the NSW Government under the *State Environmental Planning Policy (Sydney Regional Growth Centres) 2006*.

The Applicant is the primary owner and developer of the 256 ha Sydney Business Park site, which is currently being developed on a staged basis under multiple existing development consents issued by Blacktown City Council (Council). Additionally, several DAs have been approved by Council and the Minister for Planning (under delegation) to facilitate the development of the MPIP which is already home to a wide range of businesses, including ALDI, Bunnings, Coles Express, Costco Wholesale, Dulux, Home Hub Marsden Park, IKEA Marsden Park, IKEA Distribution Centre (SSD 6954), Lindt & Sprungli (SSD 6620), Linfox, Storage King, Swire (SSD 6799), McDonald's, Reece, Shell, Toll and Marsden Park Industrial Estate (SSD 8606).

ASICS is one of the world's largest producers of running shoes and sporting goods and is seeking to establish the Marsden Park facility to store, distribute and showcase its range of products. ASICS intends to develop a high quality integrated facility, which would facilitate its Australian operational and administrative headquarters.

Project Description

On 18 March 2013, Council granted consent for 'Stage 1.02' of the Sydney Business Park Estate Development in which the site is located. This development consent (DA 11-2284) allows for the Torrens title subdivision of the land into 24 industrial lots and 6 residue lots, tree removal, bulk earthworks, construction of roads, stormwater infrastructure, street tree planting and associated subdivision works. The preliminary works under DA 11-2284 have been completed for the site.

The proposed development (the development) entails the construction of a 24,960 square metre (m²) warehouse and distribution facility, 4,000 m² of ancillary office space, a 1,500 m² showroom and retail outlet, and 4,500 m² of private open space including a multipurpose sports court, car parking and ancillary infrastructure and services.

The development has a capital investment value (CIV) of \$54 million and is expected to generate approximately 150 construction jobs and 185 operational jobs. The development will allow the continued growth and development of the MPIP and is consistent with key objectives of the Greater Sydney Region Plan and the Central City District Plan, which encourage the growth of Marsden Park as an identified strategic centre and the provision of jobs in Western Sydney.

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 or 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 under section 4.5(a) of the EP&A Act. 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.

Engagement

The Department exhibited the DA and accompanying EIS for the development from Thursday 26 April 2018 until Wednesday 23 May 2018. A total of eight submissions were received including five from government agencies, two from service providers and one from Council. No submissions were received from the general public, special interest groups or community groups. Of the eight submissions received, none objected to the development.

Key concerns raised in submissions related to operational traffic management, access, car parking and signage. Additionally, TransGrid raised concern regarding the site layout and access and safety requirements relevant to its easement that affects site. The Applicant submitted a Response to Submission (RTS) in July 2018 to address and clarify matters raised in the submissions. The Department reviewed the RTS in consultation with government agencies, service providers and Council and determined that amendments were required to address TransGrid easement requirements.

On 3 and 30 August 2018, the Applicant provided additional information, including a revised development layout, to supplement the RTS and address outstanding issues, particularly those raised by TransGrid. Specifically, the Applicant amended the application in the following manner:

- increased landscaped area at frontages and underneath the TransGrid easement centreline
- scaled back signage on the retail outlet and at frontage
- extended the site north by approximately 2.5 m, increasing the site area by approximately 724 m²
- reduced the warehouse area by 5 m²
- reconfigured the car parking area to avoid parking within 17 m of the TransGrid easement centreline
- removed boom gates and railing in car park
- substituted the proposed private sports playing field for turfed private open space
- repositioned the playing court to avoid obstructing the TransGrid easement centreline.

The Department reviewed the amended development layout in consultation with Council and TransGrid and determined that the amended application had satisfactorily addressed all outstanding issues.

On 27 November 2018, the application was officially amended to reflect the above changes. The amendment was made in accordance with Clause 55 of the Regulations and with the agreement of the Secretary.

Assessment

The Department's assessment of the application has fully considered all relevant matters under section 4.15 of the EP&A Act, the objects of the EP&A Act and the principles of ecologically sustainable development. The key issues for assessment are traffic, access and parking. The Department has also evaluated other issues including the permissibility and suitability of the proposed retail use, visual amenity and noise.

The Department's assessment concluded that the generation of traffic travelling to and from the development is consistent with the levels modelled across the MPIP. As the overall traffic levels were used to design the road network its performance would not be detrimentally impacted by the traffic from the development.

During the assessment, the site layout was amended to accommodate the requirements of TransGrid's easement which has constrained the number of available parking spaces for the development. Since the employees at the warehouse would operate on a shift basis and with the implementation of work travel plans to encourage ride-

sharing and public transport use, the Department is satisfied sufficient parking is available within the site for the employees and visitors to the retail facility.

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

- implementation of management and mitigation measures identified in the EIS and RTS
- preparation of Construction and Operational Traffic Management Plans and a Work Place Travel Plan
- restricting the use of the retail space to the sale and showcase of products distributed from the warehouse
- limitations on operating hours for the retail outlet and public access to the private open space and court
- a requirement that signage does not create a nuisance to surrounding land uses.

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

- provide a range of benefits for the region and the State as a whole, including a capital investment of approximately \$54 million in the Blacktown LGA
- provide for approximately 150 construction jobs and 185 new operational jobs
- be consistent with NSW Government policies including, the Greater Sydney Region Plan and the Central City District Plan, which encourage the growth of Marsden Park as an identified strategic centre and the provision of jobs in Western Sydney
- be consistent with the desired future character of the area as identified in the MPIP Plan, which aims to provide for multifunctional and innovative development in the Precinct that encourages employment and economic growth
- not have a significant impact on the local or regional road network during construction or operation.

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



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1. Introduction

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 ASICS Facility (SSD 9153). The proposed development (the development) involves the construction and operation of a warehouse and distribution centre to facilitate the storage and distribution of ASICS range of shoes and sporting goods. The development would also facilitate ancillary office space, a showroom and retail outlet, private open space and ancillary infrastructure and services.

The Department's assessment considers all documentation submitted by Marsden Park Developments Pty Ltd (the Applicant), including the Environmental Impact Statement (EIS), Response to Submissions (RTS), additional information, amended application and submissions received from government agencies, service providers and Blacktown City Council (Council). The Department's assessment also considers the legislation and planning instruments relevant to the site and the development.

This report describes the proposed development, 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 ASICS Facility has concluded that the development is in the public interest and should be approved, subject to conditions.

1.2 Development Background

The Applicant, on behalf of ASICS Oceania Pty Ltd (ASICS), is seeking development consent to construct and operate a warehouse and distribution centre with ancillary office space, showroom and retail outlet at 4 Darling Street, Marsden Park in the Blacktown local government area (LGA), approximately 38 kilometres (km) north west of Sydney CBD (see **Figure 1**).

The development site is located within the 256 hectare (ha) Sydney Business Park, which forms part of the wider Marsden Park Industrial Precinct (MPIP). The MPIP covers an area of 551 ha and is an identified employment area within the North West Priority Growth Area (NWPGA) (see **Figure 2**).

The NWPGA was established by the NSW Government under State Environmental Planning Policy (Sydney Regional Growth Centres) 2006 and contains the Marsden Park Industrial Precinct Plan 2010 (the Precinct Plan). The Precinct Plan details the land use zones, development standards and controls for the area and replaces the Blacktown Local Environmental Plan (LEP) 2015. The Blacktown City Council Growth Centres Development Control Plan 2016 (Growth Centres DCP) provides further development controls, including an Indicative Layout Plan (ILP) for the MPIP (see **Figure 3**).

1.3 Sydney Business Park

The Applicant is the primary owner and developer of Sydney Business Park, which is currently being developed as a master planned estate on a staged basis. Sydney Business Park plans to deliver up to 17,000 jobs and is already home to a wide range of businesses, including ALDI, Bunnings, Coles Express, Costco Wholesale, Dulux, Home Hub Marsden Park, IKEA Marsden Park, IKEA Distribution Centre (SSD 6954), Lindt & Sprungli (SSD 6620), Linfox, Storage King, Swire (SSD 6799), McDonald's, Reece, Shell and Toll.



Figure 1 | Site Location and Regional Context

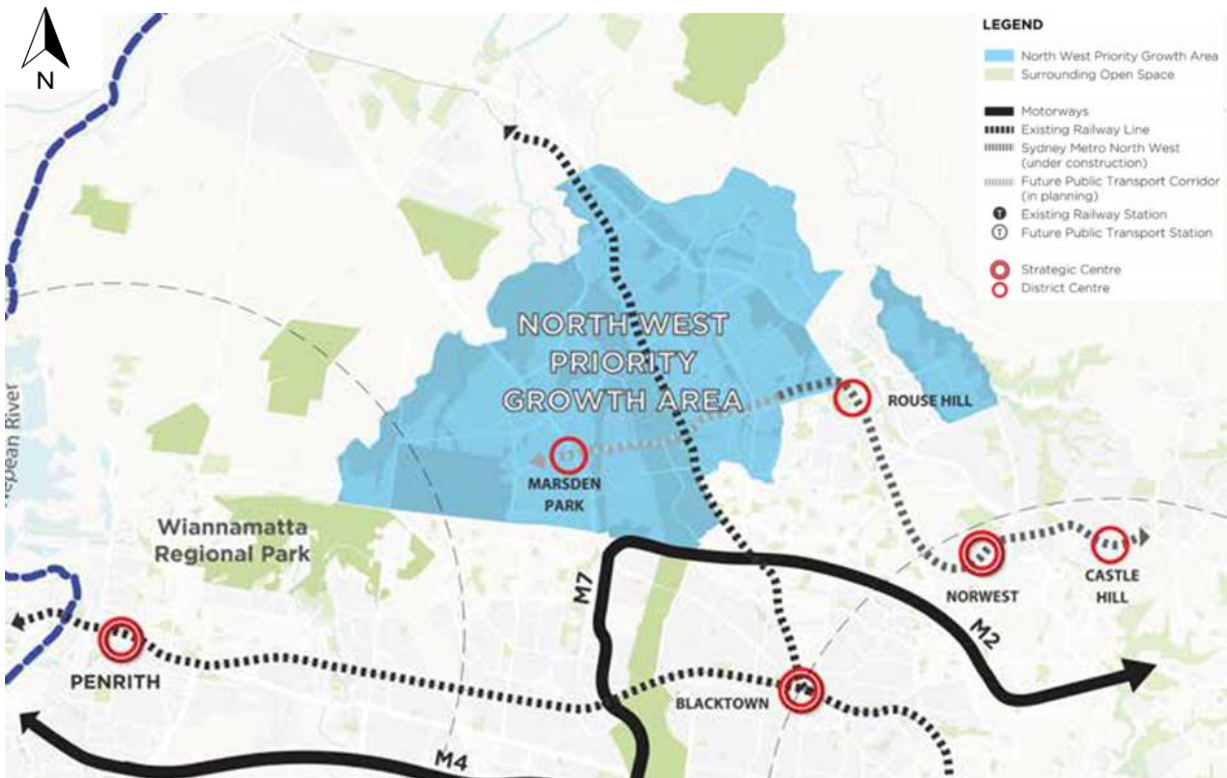


Figure 2 | North West Priority Growth Area and Regional Context (2017)

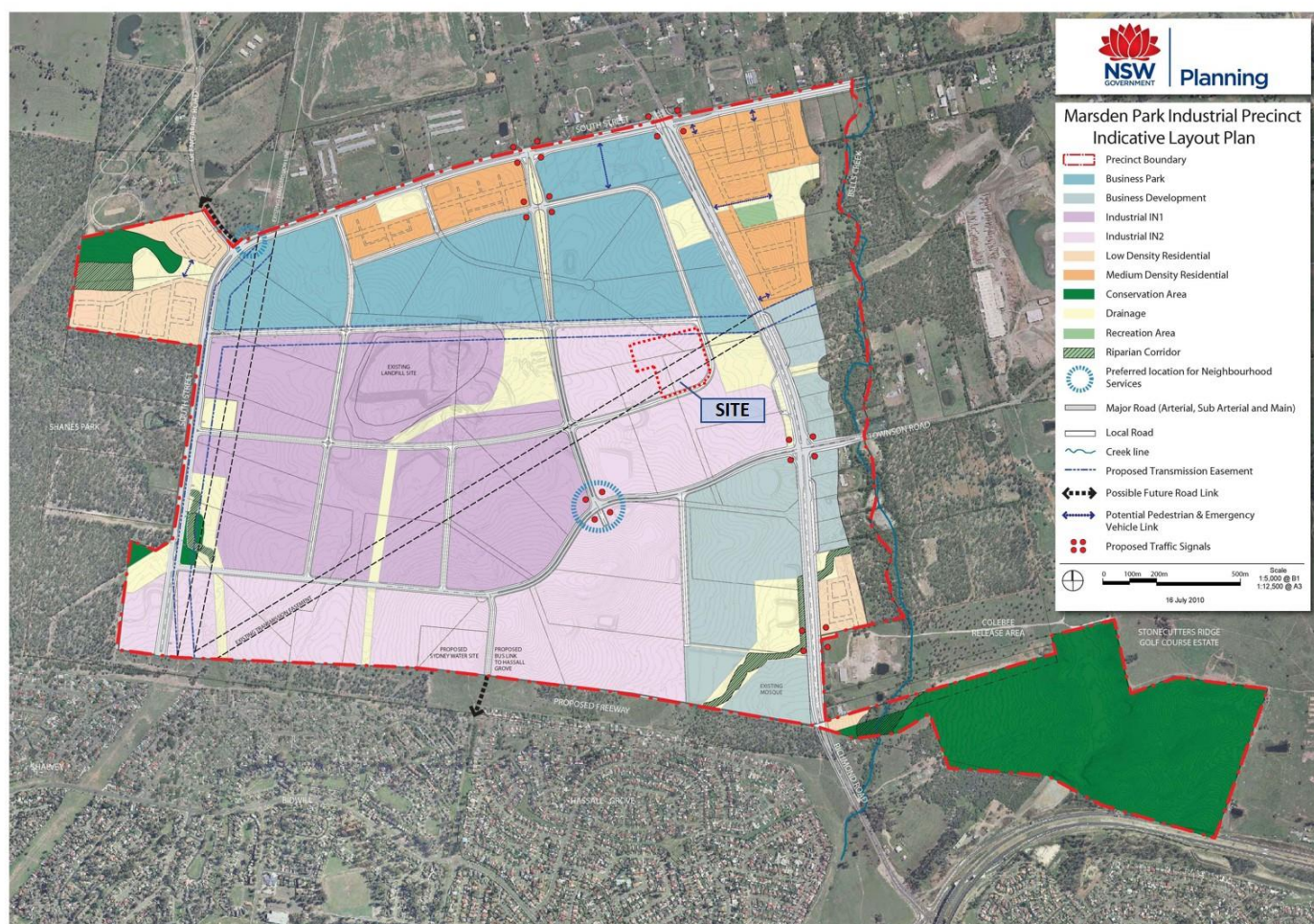


Figure 3 | Marsden Park Industrial Precinct Indicative Layout Plan

1.4 Site Description

The site is located at 4 Darling Street, Marsden Park and covers an area of approximately 5.7 ha. The site comprises predominately IN2 Light Industrial zoned land as well as a small portion of SP2 Infrastructure (local road) zoned land, which is associated with a minor discrepancy between the master planned/zoned roadway and the final development of Darling Street (see **Figure 4**).

The site is located on part of Lots 303 & 304 and Lot 305 in DP 1213756. The development also involves the use of part of Lot 302 in DP 1213756 for the construction of a retaining wall on the lot boundary. The lots related to the site are in the process of being subdivided (under separate approval) to be located entirely on the proposed Lot 3005 (see **Figure 5**).

Prior to development of the MPIP, the site had been used predominantly for agricultural purposes (mainly grazing) and/or vacant bushland. The site is currently vacant and a 60.96 metre (m) wide easement, associated with a TransGrid 330 kilovolt (kV) transmission line, traverses through the southern portion of the site (see **Figure 6**).

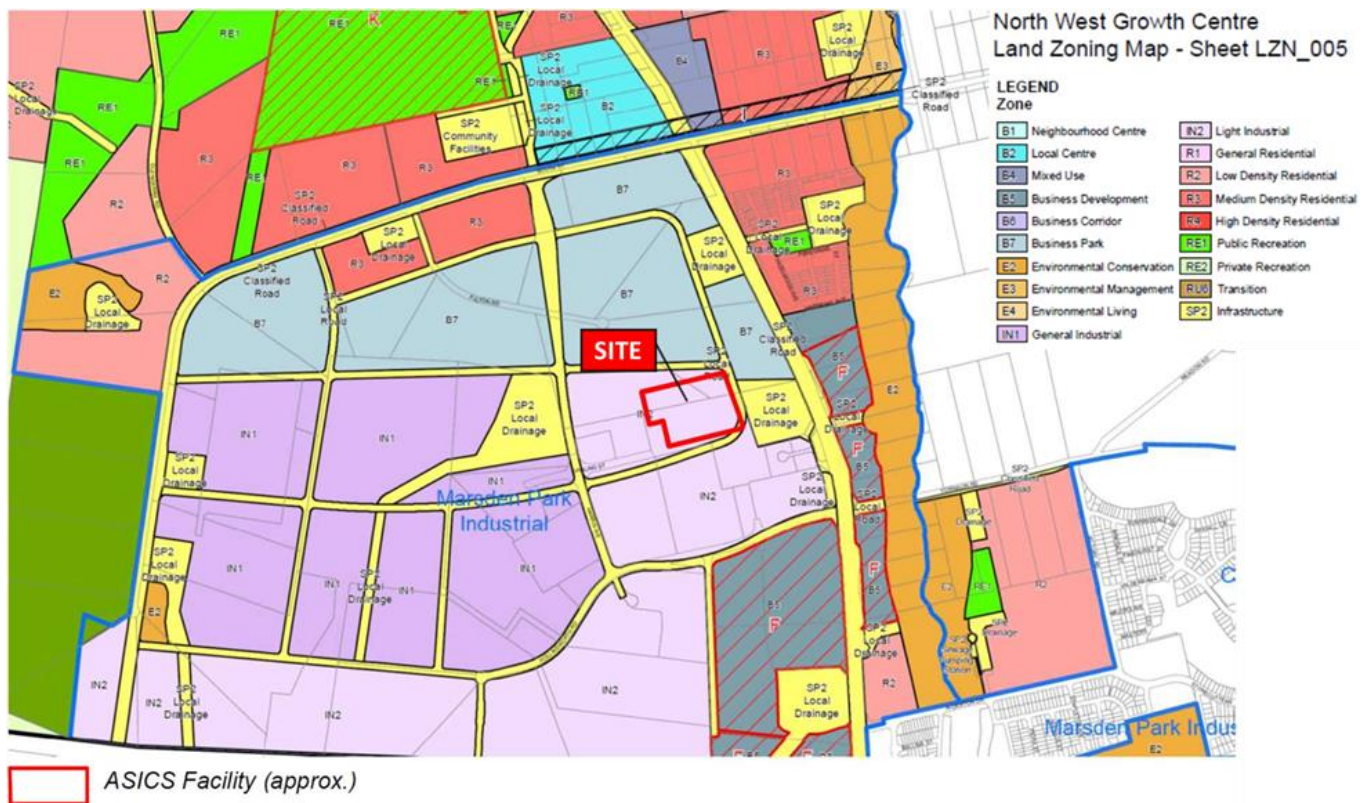


Figure 4 | Land Zoning Map

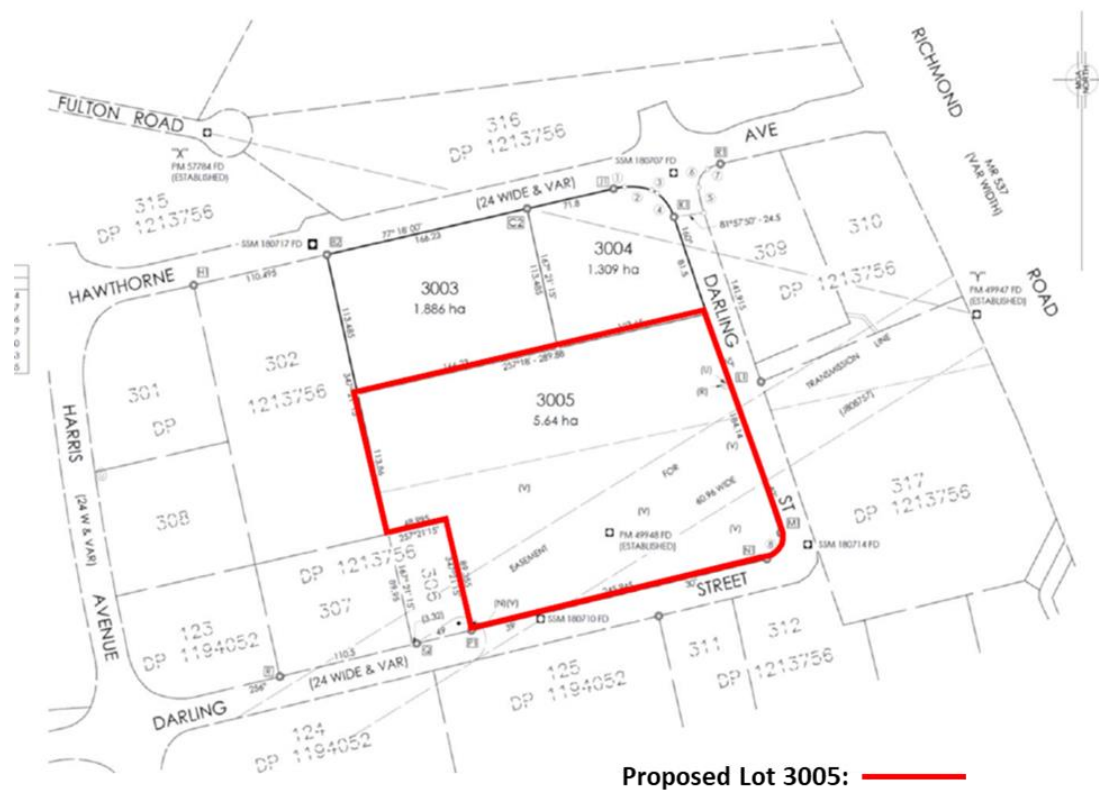


Figure 5 | Draft Survey Plan

1.5 Surrounding Land Uses

The site is surrounded by industrial, business and infrastructure (road and drainage) zoned land associated with Sydney Business Park and the wider MPIP (see **Figure 4** and **Figure 6**). The closest residential receiver is located approximately 300 m north east of the site in the Marsden Park neighbourhood, on the other side of Richmond Road (see **Figure 6**). The area is currently characterised by large-scale warehousing and bulky goods retailing facilities which have been approved by Council and the Minister (under delegation). Key businesses already operating in the area include Toll Global Logistics, Lindt (SSD 662), Aldi, Bunnings and IKEA. There are also a number of cleared vacant lots that are yet to be developed, including the Marsden Park Industrial Estate (SSD 8606).

The land to the north of the site is currently vacant and zoned B7 Business Park. To the east of the site is a 3.25 ha parcel of land zoned SP2 Infrastructure - Local Drainage associated with a stormwater detention basin ("Regional Basin I"). The land to the south of the site is zoned IN2 Light Industrial and accommodates large scale warehousing and retailing, including the Lindt Factory Outlet which is located directly south of the site. The land to the west of the site is zoned IN2 Light Industrial and accommodates a completed commercial office building development AusReo.



Figure 6 | Site Context

1.6 Other Development Approvals

Council has issued a suite of development consents to facilitate the staged development of the Sydney Business Park. On 18 March 2013, Council granted development consent for 'Stage 1.02' of Sydney Business Park Estate Development in which the site is located. The consent (DA 11-2284) allows for the Torrens title subdivision of the

land into 24 industrial lots and 6 residue lots, tree removal, bulk earthworks, construction of roads, stormwater infrastructure, street tree planting and associated subdivision works. Sydney Business Park has completed these preliminary works, including earthworks and tree removal, in preparation for the development.

Development consent DA 11-2284 has been modified since the original approval to provide for changes to the subdivision layout to accommodate the needs of individual end users.

1.7 ASICS

ASICS is a multinational corporation and one of the world's largest producers of running shoes and sporting goods. Founded in Japan in 1949, the company has grown to become a globally recognised sporting brand, employing approximately 8,000 people worldwide.

ASICS is seeking to develop and utilise the proposed Marsden Park facility to store and distribute its range of products. The proposed facility is intended to facilitate ASICS' Australian operational and administrative headquarters and would include a retail and showroom component for public sale and display of goods. Upon completion of the development, ASICS intend to relocate to the Marsden Park facility from its existing facility in Eastern Creek, approximately 9.5 km south of the site.

1.8 Amended Application

Following the exhibition of the EIS, the Applicant has amended the development from what was originally presented. These amendments have been made in response to issues raised in submissions, particularly those raised by TransGrid relating to easement access and safety requirements (see further consideration in **Section 5.2**).

The amendments have resulted in a revised site layout including an extension of the site boundary to the north by approximately 2.5 m, which has increased the total site area by approximately 724 square metres (m²). Amendments were also made to ancillary infrastructure, car parking and landscaping. Specifically, there has been a minor (5 m²) reduction in the warehouse area and a small reduction in the number of car parking spaces (reduced by 2 spaces from 243 to 241). Furthermore, the proposed private sports playing field has been substituted for 'turfed private open space', the sports court has been repositioned from its original position within the TransGrid easement centreline, boom gates have been removed from the car park accessways and railing around the base of the transmission structure has been removed. Additionally, the landscaped area has been increased at frontages and underneath the TransGrid easement, and signage on the retail component has been scaled back.



2. Project

The Applicant, on behalf of ASCIS, proposes to construct and operate a warehouse and distribution centre with ancillary office space, showroom and retail outlet, private open space including a multipurpose sports court, car parking, landscaping and associated infrastructure at 4 Darling Street, Marsden Park. The site will also form the national administrative and operational headquarters for ASICS Australia. The major components of the development are summarised in **Table 1**, shown in **Figure 7**, **Figure 8** and **Figure 9**, and described in full in the EIS, included in **Appendix B**.

Table 1 | Main Components of the Project

Aspect	Description
Development Summary	<ul style="list-style-type: none">• Construction and operation of a warehouse and distribution centre, ancillary office space and a showroom and retail outlet
Site area and development footprint	<ul style="list-style-type: none">• The site area is approximately 57,124 m² (3.05 ha)• The total building area is approximately 30,460 m² (53% of the total site area)
Earthworks	<ul style="list-style-type: none">• Minor earthworks are required however site preparation earthworks and construction of building pads are to be carried out under existing Council approval DA 11-2284
Construction	<ul style="list-style-type: none">• Construction of:<ul style="list-style-type: none">○ 24,960 m² warehouse and distribution centre○ 4,000 m² of ancillary office space over two levels○ 1,500 m² showroom and retail outlet○ 4,500 m² of turfed private open space, including a 450 m² multipurpose acrylic hard-court○ 11,200 m² landscaped area including perimeter buffer and on-lot landscaping (excluding private open space component)○ stormwater management infrastructure○ hardstand areas
Signage	<ul style="list-style-type: none">• Building identification, business identification and directional signage
Traffic	<ul style="list-style-type: none">• 280 heavy vehicle trips and 1,120 car trips per day
Vehicle Parking	<ul style="list-style-type: none">• 241 spaces (including 6 accessible)
Capital investment value	<ul style="list-style-type: none">• \$53,922,966
Employment	<ul style="list-style-type: none">• 150 full-time equivalent construction jobs• 185 operational jobs - including 65 warehouse staff, 100 administration staff and 20 retail staff

Hours of operation	<ul style="list-style-type: none"> • 24 hours, 7 days - warehouse and ancillary offices • 7 am to 9 pm, 7 days - showroom and retail outlet and supervised access to private open space and court
Construction timeframe	<ul style="list-style-type: none"> • Construction of the development is anticipated to take 9-12 months • Construction hours: <ul style="list-style-type: none"> ○ Monday to Friday 7 am to 6 pm ○ Saturday 8 am to 1 pm ○ No work on Sundays or public holidays

2.1 Physical Layout and Design

The two main buildings on the site are separated by a TransGrid easement that traverses through the southern portion of the development area (see **Figure 7**). The largest building would cover a Gross Floor Area (GFA) of 28,960 m² and comprise the warehouse and distribution centre, with attached offices. A separate retail outlet and showroom building in the south east corner would cover a GFA of 1,500 m². Car parking and landscaped areas including turfed private open space, a multi-purpose acrylic hard-court and a timber shade structure, would be located within the TransGrid easement.

The private open space area would be separated from Darling Street by a landscaped setback and a 1.1 m high timber picket fence. Truck access and the loading dock adjacent to the warehouse would be located directly north of the private open space separated by a landscaped retaining wall.

The proposed bulk and scale of the facility is consistent with the key outcomes identified in the Precinct Plan, as presented in **Table 2**.

Table 2 | Marsden Park Industrial Precinct Plan Key Development Standards and Proposed Development

	Precinct Plan Maximum Control	Proposed
Height of buildings	16 m	13.7 m
Floor space ratio (FSR)	0.7:1	0.53:1

2.2 Uses and Activities

The warehouse would be used for the storage and distribution of ASICS sporting goods throughout NSW and interstate. The facility may also include some relatively minor research and development and light industrial processes (e.g. printing) associated with the warehousing and distribution of the goods. The two-storey ancillary office would be attached to the main warehouse building and be used to provide administrative support for the business. The detached showroom and retail outlet would be used for the display, demonstration and sale of ASICS' sporting goods stored within the warehouse. It would also be used for small scale promotional activities associated with ASICS' sporting products.

The private open space and court would also be used in association with the retail outlet and showroom for product testing, demonstration and promotional events such as meet-and-greets with sports stars and other marketing opportunities such as photo shoots, and trials of sporting equipment. The area would be made accessible to visitors of the facility and retail outlet under supervision but would not be open to the general public.

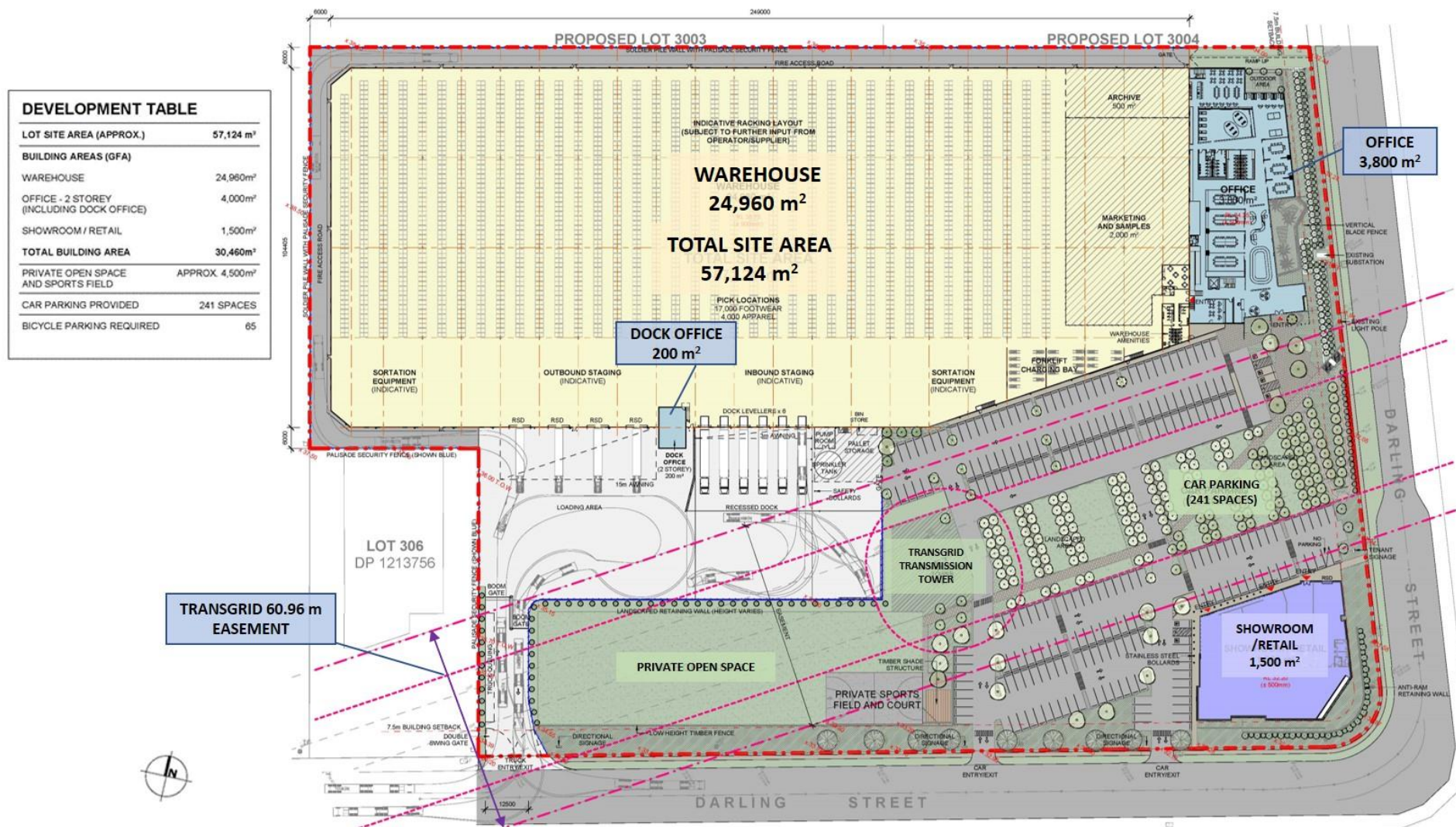




Figure 8 | Indicative Perspectives (Warehouse and Office top, Retail bottom)



Figure 9 | Indicative Perspective – Warehouse

2.3 Applicant's Need and Justification for the Development

The Applicant states that the development would form an integral and central component of ASICS' Australian and global operations, comprising its national administrative headquarters and its core NSW warehousing and logistics facility. The Applicant notes the provision of approximately 185 on-site operational jobs represents a considerable employment density compared to other warehousing developments in Western Sydney. Additionally, it is noted the site is well suited for the proposed development as it is zoned for light industrial uses, has access to all required services and utilities and is well removed from sensitive receivers and potential environmental hazards. Furthermore, the Applicant suggests the development provides for the beneficial use of land effected by a TransGrid easement which may otherwise represent a key constraint to the development of the site.



3. Strategic Context

3.1 Greater Sydney Regional Plan

In March 2018, the Greater Sydney Commission (GSC) released the Greater Sydney Region Plan: A Metropolis of Three Cities (the Region Plan) which forms part of the integrated planning framework for Greater Sydney (see **Figure 10**). The Region Plan is built on a vision of three cities, the Western Parkland City, the Central River City and the Eastern Harbour City. The 40-year vision to 2056 brings new thinking to land use and transport patterns to boost Greater Sydney's liveability, productivity and sustainability by spreading the benefits of growth.

In March 2018, the GSC also released five district plans encompassing Greater Sydney, which will guide the delivery of the Region Plan. The district plans set out the vision, priorities and actions for the development of each district. The development is located within the Central City District, which is identified as an area of growth and opportunity benefiting from its proximity to the geographic centre of Greater Sydney.

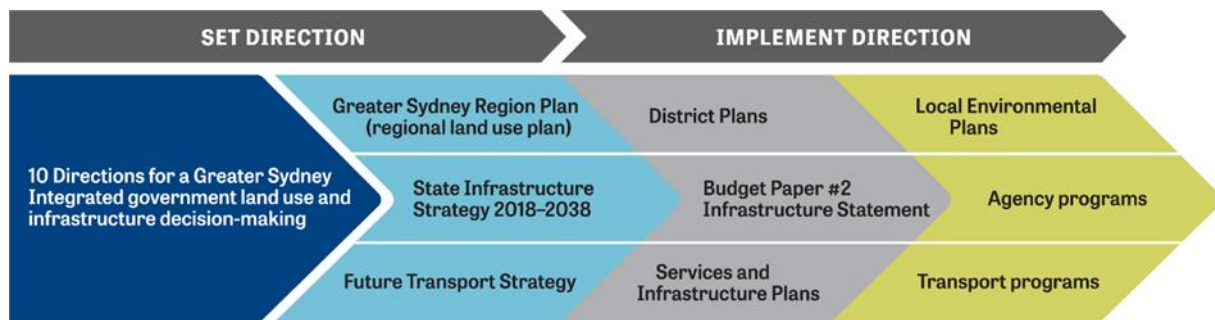


Figure 10 | Integrated Planning for Greater Sydney

3.2 Central City District Plan

The Central City District Plan (the District Plan) identifies Marsden Park as an emerging strategic centre and the largest employment zone in the North West Growth Area. The District Plan identifies key approaches to strengthen Marsden Park, including facilitating a variety of activities that meet the needs of the residents of the western part of the North West Growth Area and integrating the MPIP with the town centre, including walking and cycling connections.

The Department considers development would assist in achieving a number of planning priorities and objectives identified in the Region and District Plan, specially Planning Priority C11 - Maximising opportunities to attract advanced manufacturing and innovation in industrial and urban services land, and Productivity Objective 23 - Industrial and urban services land is planned, retained and managed. Additionally, the development will assist in achieving the identified 2036 job target for Marsden Park (baseline target of 5,000 and higher target of 10,000) by providing up to 335 jobs (150 construction and 185 operational).



4. Statutory Context

4.1 State Significant Development

The development is State significant development pursuant to section 4.36 of *Environmental Planning and Assessment Act 1979* (EP&A Act) because it involves construction and operation of a warehouse or distribution centre with a CIV of over \$50 million which 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 development. However, under the Minister's Instrument of Delegation of 11 October 2017, the application can be determined by the Executive Director, Key Sites and Industry Assessments.

4.2 Permissibility

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

- IN2 Light Industrial
- SP2 Infrastructure – Local Road (associated with a minor discrepancy between the master planned/zoned roadway and the final development of Darling Street).

Warehouses and distribution centres are permissible with consent in the IN2 Light Industrial zone. The office component of the development is considered to be ancillary to the dominant warehousing and light industrial purposes and is therefore permissible as part of the development. The private open space and court represent development for the purpose of private open space, which is permissible as an innominate purpose in the IN2 zone.

The showroom and retail component would be directly associated with the warehouse facility, only displaying products stored at the warehouse (see further consideration in **Section 6.3**). However, the proposed use constitutes a 'retail premises', which is prohibited in the IN2 zone. Additionally, all proposed uses are prohibited in the SP2 Infrastructure zone. The development therefore constitutes partly prohibited development.

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). Therefore, the Minister or a delegate may determine the carrying out of the development.

4.3 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 Environment Protection Authority (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.

4.4 Mandatory Matters for Consideration

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

4.4.1 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 EPI and draft EPI (that has been subject to public consultation and notified under the EP&A Act) that apply to the development.

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

- 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. 65 – Advertising Structures and Signage (SEPP 65)
- State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP)

Development Control Plans (DCPs) do not apply to SSD under Clause 11 of the SRD SEPP. However, the Department has considered the relevant provisions of the Growth Centres DCP in its assessment of the development, with further details of the development's compliance with the Growth Centres DCP provided in **Appendix G** of this report.

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

4.4.2 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. The Department has fully considered the objects detailed in Section 1.3 of the EP&A Act, including the encouragement of ecologically sustainable development (ESD), in its assessment of the application (see **Table 3**).

Table 3 | Objects of the EP&A Act and Relevance to the Development

Object	Consideration
1.3(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources	The development will promote the economic welfare of the community by providing for new employment opportunities. The development is located within an existing industrial estate and will be used for employment purposes. The development is not expected to adversely affect the State's natural and other resources.
1.3(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment	The Department has considered the encouragement of ESD in its assessment of the development. This assessment integrates all socio-economic and environmental considerations and seeks to avoid potentially serious or irreversible environmental damage based on appraisal of risk weighted consequences. The Department is satisfied the development can be carried out in a manner that is consistent with the principles of ESD.

1.3(c) to promote the orderly and economic use and development of land	The development would ensure the orderly and economic use of land, which is zoned for light industrial use and would provide employment for 185 operational employees, promoting the growth of Western Sydney.
1.3(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats	The Department's assessment in Section 6 of this report demonstrates that with the implementation of the recommended conditions of consent, the impacts of the development can be mitigated and/or managed to ensure the environment is protected.
1.3(g) to promote good design and amenity of the built environment	The proposed facility has been designed to a high standard with quality architecture, materials and generous open space. The Applicant's revised application includes scaled back signage on the retail component and increased landscaping to add to the visual amenity of the area.
1.3(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants	The proposed facility will be constructed in accordance with the requirements of the Building Code of Australia (BCA) and in a manner that provides for safe and efficient access and circulation.
1.3(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State	The Department has assessed the development in consultation with, and giving due consideration to, the technical expertise and comments provided by other government agencies and Council (see Section 5). This is consistent with the object of sharing the responsibility for environmental planning between the different levels of government in the State.
1.3(j) to provide increased opportunity for community participation in environmental planning and assessment	The application was exhibited for 28 days in accordance with Schedule 1, Division 2, Clause 9 of the EP&A Act to provide the opportunity for public involvement and participation in the environmental planning and assessment of this application.

4.4.3 Ecologically Sustainable Development

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

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

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

The 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 11-2284, the development is not anticipated to have any adverse impacts on native flora or fauna, including threatened species, populations and ecological communities and their habitats. As such, the Department considers that the development would not adversely impact on the environment and is consistent with the objectives of the EP&A Act and the principles of ESD.

4.4.4 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.



5. Engagement

5.1 Consultation by the Department

The Department undertook a range of consultation activities throughout the preparation of the Secretary's environmental assessment requirements (SEARs), specifically consultation with relevant public authorities, service providers and Council.

After accepting the development applicant and EIS for the application, the Department:

- made it publicly available from Thursday 26 April 2018 until Wednesday 23 May 2018:
 - on the Department's website
 - at Service NSW Centres online
 - 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 agencies, service providers and Blacktown City Council by letter
- advertised the exhibition in the Blacktown Advocate.

During the exhibition period, the Department received a total of eight submissions, including five from public authorities, two from service providers and one from Council. No submissions were received from the public, special interest groups or community groups. Of the eight submissions received, none objected to the development. A summary of the issues raised in submissions is provided below, with a copy of each submission included at **Appendix D**.

5.2 Submissions

5.2.1 Public Authorities

Blacktown City Council (Council) generally supports the development but raised some concerns which it wanted addressed prior to determination. Council requested additional landscaped zones be provided at the site perimeter and street tree plantings for the full length of street frontages. Council also requested that cross sections be provided for the north west boundary of the site and that the Applicant submit a concept plan demonstrating that on site car parking can be provided in line with the requirement set out in the Growth Centres DCP. Council also noted that the site audit and contamination report has not certified the site's suitability for a sports playing field and court and therefore an appropriate environmental site investigation would be required to determine if the land is suitable for the proposed use. Council also noted that the building signage on the retail/showroom component appeared excessive and a more simplified strategy was suggested.

Environment Protection Authority (EPA) provided general comments and raised some queries regarding stormwater infrastructure, wastewater, erosion and sediment control. The EPA recommended the inclusion of a map showing the location of all sensitive receivers, including residences which may be affected by dust and noise during construction and operations and mitigation measures proposed. Additionally, the EPA provided recommended conditions of consent relating to construction and operation hours, noise, dust, stormwater and waste management.

Roads and Maritime Services (RMS) suggested the site entry points are clearly signposted to identify driveways as "Truck Entry/Exit Only" and "Car Entry/Exit Only".

Department of Primary Industries (DPI) advised it had no comments or recommendations regarding the development.

Transport for NSW (TfNSW) requested additional information in relation to potential small delivery truck/vehicle movements as well as site access and loading dock arrangements and operations. It noted the absence of a splay at the western approach to the site would create a sharp transition and has the potential to cause conflicts between vehicles entering from the west (left turn in) and the trucks queuing to exit. It also noted that the needs of B-doubles are not addressed inside the facility and loading dock. It recommended that the Applicant amend the driveway design or prepare a loading dock management plan.

TfNSW also recommended that bicycle parking be provided in line with the requirement of the Growth Centres DCP and the Applicant develop wayfinding strategies and travel access guides to assist with increasing the mode share of walking and cycling. Additionally, it requested that the Applicant be conditioned to prepare a Construction Traffic Management Plan (CTMP) prior to the commencement of any works.

Sydney Water provided information to assist in planning the servicing needs of the development noting that there is a water main and wastewater main on Darling Street available to service to site and a Section 73 compliance certificate will be required.

5.2.2 Service Providers

Endeavour Energy provided general comments and advice regarding the endeavour energy easement that affects the site. Additionally, it provided guidance documents regarding requirements for development in proximity to electricity infrastructure. Endeavour Energy raised no objection to the development subject to recommendations.

TransGrid raised concerns with aspects of the development, specifically with regards to site layout and access and safety requirements relevant to the TransGrid easement that runs through the site (i.e. no car parking within 17 m of the transmission line centreline or within 20 m of the transmission line structure). In its submission, TransGrid noted that it met with the Applicant on 13 April 2018 to discuss the development and TransGrid's easement requirements.

TransGrid's Transmission Line and Cable Engineers assessed the development in accordance with TransGrid's Easement Guidelines and provided a list of general, technical, access and maintenance conditions that were required to be met and included in a revised development layout.

5.3 Response to Submissions and Supplementary Information

On 10 July 2018, the Applicant provided a RTS on the issues raised during the exhibition of the development. The Department reviewed the RTS in consultation with government agencies, service providers and Council and determined that further amendments were required to address TransGrid's easement requirements.

On 3 and 30 August 2018 the Applicant provided additional information, including a revised development layout, to supplement the RTS and to address outstanding issues, particularly those raised by TransGrid (see **Appendix E**). Specifically, the Applicant amended the application in the following manner:

- increased landscaped area at frontages and underneath the TransGrid easement
- scaled back signage on the retail outlet and at frontage
- extended the site north by approximately 2.5 m, increasing the site area by approximately 724 m²
- reduced the warehouse area by 5 m²
- relocated several car parking spaces to avoid obstructing the TransGrid easement centreline
- reduced car parking by two spaces

- substituted the proposed private sports playing field for turfed private open space
- removed boom gates from the car park accessways
- removed railing from around the base of the transmission structure
- repositioned the playing court to avoid obstructing the TransGrid easement centreline.

On 27 November 2018, the application was officially amended to reflect the above changes. The amendment was made in accordance with Clause 55 of the Regulations and with the agreement of the Secretary.

The RTS and amended application was made publicly available on the Department's website and was provided to key government agencies, service providers and Council to consider whether it adequately addressed the issues raised. A summary of their responses is provided below:

- **TransGrid** advised the development is acceptable subject to conditions
- **TfNSW** recommended the Applicant prepare an Operational Traffic Management Plan (OTMP) in consultation with Council. Additionally, it reiterated its original recommendations and suggested the Applicant provide signage/marked walkways to the showroom and retail outlet from the car park
- **Council** raised no further concerns and provided recommended conditions of consent.

EPA, Endeavour Energy, RMS and Sydney Water advised that they had no further comments regarding the development.



6. Assessment

The Department has considered the EIS, the issues raised in the submissions, the Applicant's RTS, the amended application and additional information in its assessment of the development. The Department considers the key assessment issues are traffic, access and parking.

A number of other issues have also been considered. These issues are considered to be minor and are addressed in **Table 5** under **Section 6.3**.

6.1 Traffic and Access

The 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 is supported by a Traffic Impact Assessment (TIA) prepared by ARUP which provides a qualitative assessment of the construction and operational traffic impacts of the development.

6.1.1 Surrounding Road Network

The site is located on Darling Street, an internal estate road that has been constructed by Sydney Business Park to service the Marsden Park industrial estate. The industrial estate has direct access to Richmond Road, a classified state road, via Hawthorne Avenue and Hollinsworth Road. Darling Street connects through to Hawthorn Avenue to the north and Hollinsworth Road to the south via Harris Avenue. Additionally, Richmond Road provides direct access to the M7 Motorway, approximately 2 km to the south of the site (see **Figure 10**).

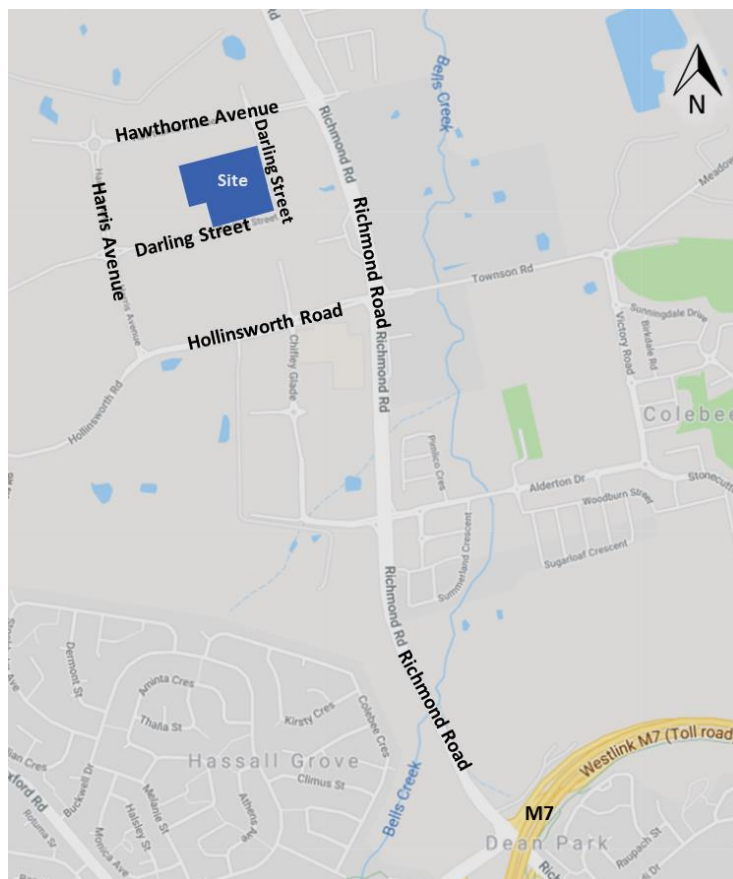


Figure 10 | Surrounding Road Network

Integrated traffic modelling for the MPIP (AECOM 2010) has determined the road improvements needed to accommodate the forecast 2021 interim and 2036 final growth numbers. This modelling predicts the entire MPIP would generate up to approximately 4,021 vehicle trips in the AM peak hour, and 4,487 trips in the PM peak hour.

The modelling identified a need to provide additional access to Richmond Road to service the MPIP and subsequently a new central collector road and intersection was built along Richmond Road, now known as Hawthorne Avenue (see **Figure 10**).

Based on these road design improvements, all key intersections will operate efficiently based on the forecast 2021 interim and 2036 final growth numbers. Intersection performance at the Richmond Road/Hawthorne Avenue intersection is predicted to perform at a level of service (LoS) C (satisfactory flow) in 2036, with all other intersections in proximity to the development predicted to perform at LoS A or B (good operation or better, with spare capacity).

6.1.2 Operational Traffic Impacts

The TIA has estimated the traffic generated by the site's operation based on the rates for 'business parks' and 'industrial estates' in the RMS Technical Direction: Guide to Traffic Generating Developments – Updated Traffic Surveys (2013). The development would generate a total of 1,400 vehicle trips per day consisting of approximately 280 heavy vehicle trips and 1,120 car trips.

Additionally, the TIA estimates peak hour traffic generation to be 158 trips per hour in the AM peak, 170 trips per hour in the PM peak and 106 trips per hour in the weekend peak. Compared with the overall traffic volumes generated within the estate, the TIA notes that the traffic generation forecast for the development is relatively minor and is consistent with the traffic volumes estimated for the wider industrial estate. Therefore, no negative impacts on traffic flows are expected within the estate or at the Richmond Road intersections as a result of the development.

Truck access and egress would be provided via a driveway in the south west corner of the site, with approximately 45 m queuing space (enough space for two semi-trailers) provided between the street entrance and the security gates to prevent trucks queuing on the public road network (see **Figure 11**). The TIA states loading provision has been designed for 19 m articulated vehicles (AV) and 26 m B-double trucks.

In its submission on the development, TfNSW raised concern regarding the absence of a splay at the western approach to the truck access and the potential for conflicts between vehicles entering the site from the west (left turn in) and the trucks queuing to exit. Additionally, TfNSW noted the needs of B-doubles are not addressed inside the facility and the loading dock and requested additional information in relation to potential small delivery truck/vehicle movements.

The Applicant addressed these matter in its RTS noting the TIA included a swept path analysis and sight line assessment, which demonstrated the largest trucks associated with the development, including B-doubles, would be able to access the site efficiently and safely, with good sight lines available between trucks entering and exiting. The RTS also states that B-doubles would be unloaded on the southern part of the apron using forklifts, allowing other trucks to arrive and depart the dock area. The RTS was provided to TfNSW, who reviewed and provided some recommendations which have been included in the recommended conditions of consent.

Passenger vehicle access to the main car park, including access to the warehouse, office space, retail outlet and open space would be provided via two separate driveways on the southern frontage of the site. Access in and out of the car park would allow for two-way entries and exits along Darling Street.

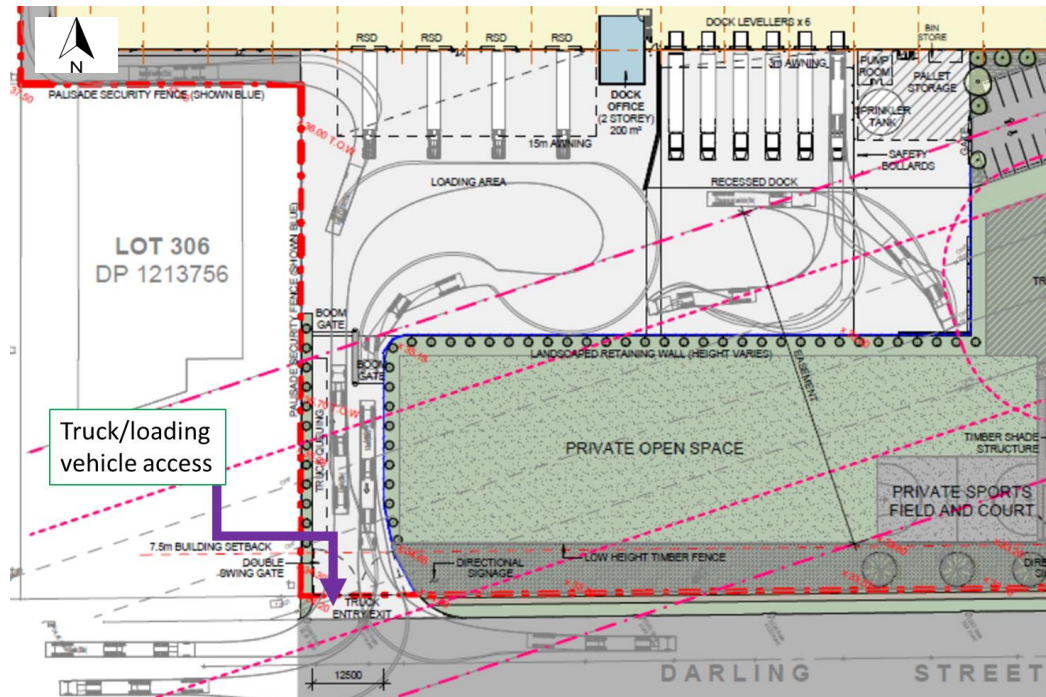


Figure 11 | Truck Access

In its RTS, the Applicant committed to preparing an OTMP to manage traffic and access arrangements for the development. The OTMP would include measures for managing parking and access arrangements for heavy and light vehicles, signage of site entries, internal circulation, management of public access to the retail facility and management of patronage access during any promotional events.

In line with TfNSW recommendation and the Applicant's proposed management measure, the Department has recommended a condition of consent requiring the preparation of an OTMP prior to the commencement of operations. The Department has recommended conditions requiring the Applicant to prepare the OTMP in consultation with Council and detail access arrangements for site, specifically addressing operational vehicles and measures to be implemented to minimise conflict and delays for heavy vehicles entering and exiting the site.

The Department is satisfied that the proposed development layout would provide adequate access to, from and within the site during construction and operation for up to 19 m AV and up to 26 m B-Double trucks when required.

6.1.3 Construction Traffic Impacts

The EIS states construction related traffic generation is likely to be similar to that associated with the facility's operations. Additionally, construction traffic would access the site via the same internal estate road network, with no access through residential or other sensitive areas. The Applicant considers the construction traffic is unlikely to result in any significant traffic or safety issues and proposes to prepare a CTMP to manage construction traffic.

The Department notes that the site is located on industrial zoned land with the main access roads designed to safely accommodate operational traffic from industrial premises. The Department agrees with the Applicant's conclusion the local road network can accommodate construction traffic associated with the development, and in line with the recommendation from TfNSW and the Applicant's proposed management measure, has recommended a condition of consent requiring the Applicant to prepare a CTMP. The CTMP must be prepared in consultation with Council and outline the measures to be implemented to ensure road safety and network efficiency during construction.

6.1.4 Conclusion

The Department notes that in their submissions on the development, Council and RMS did not provide comments on traffic impacts associated with the development. The Department acknowledges the modelling presented in the TIA is consistent with the original traffic modelling forecasts and the predicted traffic volumes are likely to have minimal impact on the surrounding road network performance, which is anticipated to perform efficiently in the 2021 interim and the 2036 final built form.

The Department is satisfied the proposed site layout has sufficient capacity for delivery vehicles, including B-double trucks, to enter and exit the site and deliver product without the risk of queuing on Darling Street.

The Department is satisfied that, with the implementation of the Applicant's proposed management/mitigation measures, and the recommended conditions of consent, the development would allow for safe and efficient access. Additionally, the Department is satisfied that the predicted traffic volumes associated with the development can be adequately accommodated on the existing road network and the development would not have a significant impact on the local or regional road network.

6.2 Parking

The development would require adequate car parking to cater for the demand of all staff, visitors and customers of the facility. Otherwise, the development may cause nuisance associated with the use of public and residential streets or public parking facilities.

The TIA considered the parking provision rates in the RTA Guide to Traffic Generating Developments 2002 (RMS Guide) and the Growth Centres DCP to determine the required number of car parking spaces for the development. The TIA notes the RMS Guide does not provide relevant rates for the proposed retail/showroom component so the rates for bulky goods retail, as per the Growth Centres DCP, have been adopted. The TIA concluded that based on rates from the RMS Guide, a total of 217 spaces would be required, and based on rates from the Growth Centres DCP a total of 321 spaces would be required (see **Table 4**).

Table 4 | Parking Provision Requirements (source: EIS)

Land Use	Gross Floor Area (m ²)	Growth Centres DCP		RMS Guide	
		Required Parking Space Rate	Total Required	Required Parking Space Rate	Total Required
Warehouse/ Industry	24,965	1 per 75m ² for GFA <7,500m ²	187.3	1 per 300m ²	83.2
		1 per 200m ² for GFA >7,500m ²			
Office	4,000	1 per 40m ²	100	1 per 40m ²	100
Retail/ Showroom ¹	1,500	1 per 45m ²	33.3	1 per 45m ²	33.3
Total	30,500		321		217

¹ Based on the rate for bulky goods retailing in the DCP (the RMS Guide does not provide rates), and conservatively assuming that the whole building would be used for retailing

The development includes the provision of 241 car parking spaces, including 6 wheelchair accessible spaces. While this is less than required under the Growth Centres DCP, the Applicant states the proposed parking supply is reasonable given:

- not all staff would travel by single-passenger vehicle to the site, with some travelling by existing public transport services, and/or bicycle, shared transport or walking
- shift workers would operate on site at different times (approximately 20% of staff would operate on different shifts)

- additional on-site parking for the showroom and retail outlet would be available on weekends when fewer warehouse and office staff are on site.

The TIA also notes the site has ample open space that could be converted to provide additional car parking if a future land user required additional parking supply. In response to Council's request, the Applicant included an amended concept plan within its RTS demonstrating that, if required, additional car parking could be provided on site to meet the DCP requirement of 321 spaces.

It is acknowledged the site is significantly constrained due to the TransGrid easement. The obligation to meet TransGrid safety and access requirements has limited the Applicant's ability to increase car parking without compromising other elements of the development.

The Department notes that based on the estimated number of operational staff (185), the proposed 241 car parking spaces would allow for one car parking space per staff member with 66 remaining car parking spaces available for visitors, including customers visiting the retail outlet and showroom and attending promotional events.

The Department questioned the potential excess parking demands generated by the proposed use of the private open space for promotional events. In response, the RTS states that promotional events that may generate larger numbers of people would be held outside normal business hours only (i.e. outside Monday to Friday 9am to 5pm). During these times, additional parking would be available in the on-site staff parking areas. The Applicant has committed to including such restrictions, as well as other measures for managing parking demands associated with the facility, within the OTMP for the development.

As noted above, the Department supports the Applicant's proposed OTMP and has recommended a condition requiring it to be prepared in consultation with Council and prior to the commencement of operations. The Department has also recommended a condition of consent requiring the Applicant to provide sufficient car parking facilities on-site, in accordance with the relevant Australian Standards, to ensure that traffic associated with the development does not utilise public and residential streets or public parking facilities. Additionally, the Department has recommended a condition of consent requiring the Applicant to provide sufficient bicycle parking facilities on-site, including amenity and change room facilities for cyclists, in accordance with the relevant Australian Standards and NSW Bicycle Guidelines.

Furthermore, the Department has recommended a condition of consent required the Applicant to prepare a Work Place Travel Plan to promote and manage alternate methods of travel. The Work Place Travel Plan must include details of wayfinding strategies, pedestrian and bicycle linkages and details of end of trip facilities available on-site.

The Departments assessment concludes that with the implementation of the Applicant's proposed management/mitigation measures, and the recommended conditions of consent, the proposed car parking provision would be sufficient to cater for the development.

6.3 Other Issues

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

Table 5 | Summary of Other Issues Raised

Issue	Findings	Recommended Condition
Retail Use	<ul style="list-style-type: none"> The proposed retail outlet and showroom is prohibited in the IN2 Light Industrial zone. While SSD allows for partly prohibited development there is a need to assess the suitability of the proposed retail use. The Gross Floor Area (GFA) of the retail building represents less than 3% of the total site area and approximately 5% of the total floor area of the site. The proposed private open space and court would be used in conjunction with the retail outlet and showroom for uses such as promotional events and product demonstrations. Submissions did not raise any concern regarding the proposed retail use or the associated promotional uses. Sydney Business Park is characterised by light industrial, commercial and large-scale retail uses and the area does not contain any heavy industry. The proposed retail use is not out of context with the existing and desired future character of the area as identified in the Precinct Plan, which aims to provide for multifunctional and innovative development in the Precinct that encourages employment and economic growth. The Department considers that the proposed retail use would complement the dominant use of the site and fit in with the mix of commercial, office and warehouse uses in the immediate locality. To ensure the retail use remains ancillary to the warehouse operation the Department has recommended a condition of consent restricting the use of the retail space to the display and sale of products from the warehouse. The Department's assessment concludes that the retail use would be appropriately managed with the implementation of the recommended conditions. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> restrict the use of the retail space to the sale and showcase of products distributed from the warehouse limit the operating hours of the retail facility to 7 am to 9 pm, seven days a week limit public access to the private open space to the operating hours of the retail outlet and ensure all public access is supervised provide signage and marked walkways to the showroom and retail outlet from the car park.
Air Quality	<ul style="list-style-type: none"> The development would result in air emissions both during construction and operation. Bulk earthworks have been completed under a separate Council approval (DA 11-2284) and therefore associated air quality impacts are not a consideration under this assessment. Emissions during construction would predominately be associated with dust and heavy vehicles and machinery exhaust. Emissions during operation would predominately be associated with exhausts from light and heavy vehicles moving to, from and within the site as well as emissions from plant equipment. 	<p>Require the Applicant to prepare and implement a construction environment management plan (CEMP), including measures to minimise construction generated dust.</p>

- The facility would store only non-hazardous consumer goods and is unlikely to generate significant odour impacts.
- Proposed measures to minimise dust emissions during construction include minimising the area of disturbance, minimising drop heights, keeping exposed areas moist, rehabilitation of disturbed surfaces and covered loads.
- The EPA recommended a condition of consent requiring the Applicant to carry out operations and activities in a manner that will minimise or prevent the emissions of dust from the premises; and dust emissions during the construction phase must be managed in accordance with the mitigation measures described in the EIS.
- The Department's assessment of the development concludes that, with the implementation of the proposed mitigation measures, air quality impacts during construction and operation will be negligible and would not cause adverse impacts to surrounding receivers.

Noise

- The development would generate noise from construction activities and proposed 24-hour operations and has the potential to impact the amenity of sensitive receivers in the locality.
- The nearest residential receiver is located approximately 300 m north east of the site across Richmond Road. Additional residential zoned land is located approximately 500 m north west of the site and 750 m south east of the site.
- Bulk earthworks have been completed under a separate Council approval (DA 11-2284) and therefore associated construction noise impacts are not a consideration under this assessment.
- Key construction noise impacts would be associated with building construction works. The Applicant proposes to manage these impacts through abiding by the standard construction hours, scheduling noisy activities in less sensitive periods of the day; maintaining all plant and equipment in good condition; and maintaining a complaints handling and management system.
- Key operational noise impacts would be associated with onsite traffic movements and warehouse operations.
- The EIS included a Noise Impact Assessment (NIA) undertaken in accordance with the Interim Construction Noise Guideline, Noise Policy for Industry (NPI) 2017 and NSW Road Noise Policy 2011.
- The NIA modelled operational noise levels from combined noise sources at the nearest residential receivers. The predicted operational noise level at the nearest residential receiver (A1) is 26 dB during the day, evening and night.
- All predicted noise levels associated with the sites operations would comfortably comply with the applicable noise criteria during all time periods.
- Construction noise is unlikely to exceed the relevant construction noise management levels

Require the Applicant to:

- adhere to the relevant noise limits and criteria in accordance with the NPI 2017
- restrict construction activities to the hours of 7 am to 6 pm Monday to Friday and 8 am to 1 pm on Saturday

given the distance to sensitive receivers and operation noise predictions.

- The Department has reviewed the results of the NIA and has concluded the development would comply with the relevant construction and operation noise levels.

Stormwater

- Precinct stormwater infrastructure has been approved under a separate Council approval (DA 11-2284), including on-site detention which has been provided by Sydney Business Park as part of the wider estate works.
- A stormwater detention basin servicing the site and wider areas of Sydney Business Park (Regional Basin I) is located directly east of the site across Darling Street.
- A Stormwater Management Plan (including Erosion and Sediment Control Plan) has been prepared for the development.
- Dirty water will be captured by a sediment basin and about 1/3 of the stormwater from roofs will be stored in the rain water tanks for reuse. The remaining water runoff from the site area drains towards the regional basin and will be discharged to culverts off Richmond road and tributaries of Bells Creek.
- The EPA recommended a condition that the stormwater management plan in the EIS be implemented during construction and operational phases.
- Council raised no concern regarding the proposed stormwater management.

Require the Applicant to implement a stormwater management system, in consultation with Council, prior to the commencement of operation.

Visual Amenity

- As the size and scale of the development is consistent with the provisions of the Precinct Plan (see **Section 2.1**), the key visual amenity impact is the proposed building identification, directional and tenant logo signage for the development
- Type 1 showroom/retail signage and type 2 directional signage will have maximum dimensions of 3 m high by 1.1 m wide. Type 3 tenant logo signage will be of varying sizes (see conceptual plans in Appendix B of the EIS).
- The Applicant is seeking consent for 24-hour, 7-day illumination of the signage noting that this is compatible with the approved 24/7 operations for industrial facilities within Sydney Business Park.
- Council recommended illuminated signage be appropriately managed and turned off at night to avoid amenity disturbance to the parklands and nearby residents.
- The Department consulted further with Council who advised that 24/7 illumination of signage is generally acceptable for businesses in the MPIP who are permitted to operate 24/7.
- The Department's assessment concludes that the proposed signage would be appropriate with implementation of the recommended conditions of consent.

Require the Applicant to:

- ensure signage is mounted, screened, illuminated and directed in a manner that does not create a nuisance to surrounding land uses
- ensure signage is for business identification purposes only
- limit illumination of type 3 tenant logo signage associated with the retail/showroom to the permitted operating hours of the retail outlet, being 7 am to 9 pm, 7 days.

Bushfire	<ul style="list-style-type: none"> • The site is located on bushfire prone land as identified on Council's bushfire prone land mapping. • These maps are based on dated vegetation mapping and the area has undergone significant change (and vegetation clearing) in recent years with the development of Sydney Business Park and the wider North West Growth Centre. • A bushfire review for the development has been undertaken. The review confirms that the site is at least 160 m from bushfire prone vegetation, and that the NSW Rural Fire Service guidelines do not prescribe any bushfire protection measures for developments located more than 100 m from bushfire prone land. Consequently, the review concludes that the site is not affected by any bushfire hazards. • The Department has reviewed the bushfire review and determined that the development meets the requirements of <i>Planning for Bushfire Protection 2006</i> and bush fire risk is minimal. 	<p>Require the Applicant to comply with the relevant requirements of the BCA.</p>
Waste	<ul style="list-style-type: none"> • 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 development. • Construction waste would likely include concrete (overpours and overcuts), broken masonry, plasterboard, metal (sheeting), plastics (electrical cabling) and packaging waste (plastic, cartons). • These wastes would be avoided as far as practicable and recyclable wastes would be separated and recycled. • Operational waste would be collected on site for disposal off-site and generally include cardboard, paper, plastic packaging, organic waste and general solid waste. • The EPA recommended the Waste Management Plan presented in EIS be implemented during construction and operational phases. • The Department has reviewed the waste assessment and concludes the proposed measures (classification, sorting, stock pile management, waste minimisation and recycling opportunities) would adequately manage waste streams generated during construction as part of the CEMP. The Department considers operational waste streams can be adequately managed by typical tenant operations. • The Department has therefore recommended conditions requiring the Applicant to classify all waste streams and to incorporate the measures proposed in the EIS into a CEMP for the development. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> • classify all waste streams in accordance with the EPA's Waste Classification Guidelines • ensure all waste generated by the development is disposed to lawful waste facilities.
Contributions	<ul style="list-style-type: none"> • Two separate development contributions apply to the site, a Special Infrastructure Contribution (SIC) payable for state and regional infrastructure in accordance with the <i>Environmental Planning and Assessment (Special Infrastructure Contribution –</i> 	<p>No specific conditions required.</p>

Western Sydney Growth Areas) Determination 2011 (the Determination) and a Section 94 Contribution payable for local infrastructure.

- The Applicant has advised it has addressed its obligations for contributions as part of the development of the wider estate under DA 11-2284.
- As a SIC has been made in accordance with condition 8.2.1 of DA 11-2284, Clause 5(3) of the Determination provides that a further SIC is not required to be made.
- Council's *Section 94 Contributions Plan No. 21 – MPIP* requires contributions towards provision of local infrastructure and baseline facilities within the MPIP.
- Sydney Business Park and Council have entered into a voluntary planning agreement (VPA) which sets a legal framework for provision of the s94 contributions, which are being provided via a number of land dedications and works-in-kind.
- Council raised no issues regarding contributions and the Department is satisfied that the Applicant has fulfilled its contribution obligations under a separate consent.

Bicycle Parking

- In their submissions on the development, both Council and TfNSW recommended the Applicant provide bicycle parking in line with the rates specified in the Growth Centres DCP.
- The development provides for 50 undercover bicycle parking spaces, which is less than the 152 spaces required under the Growth Centres DCP (one bicycle locker or other suitable form of secure bicycle accommodation per 200 m² GFA).
- While 152 bicycle parking spaces is considered excessive in the context of the development, it is important the Applicant provide sufficient bicycle parking and end of trip facilities in order to promote and manage alternate methods of travel such as public transport usage, mode sharing and cycling.
- The Department's assessment concludes that with the implementation of the Applicant's proposed management/mitigation measures, and the recommended conditions of consent, the proposed bicycle parking provision would be sufficient to cater for the development.

Require the Applicant to:

- prepare a Work Place Travel Plan to promote and manage alternate methods of travel, the Plan should include wayfinding strategies, pedestrian and bicycle linkages and details of end of trip facilities available on-site
- provide sufficient bicycle parking facilities on-site, including amenity and change room facilities for cyclists, in accordance with the relevant Australian Standards and NSW Bicycle Guidelines (RTA, 2005).



7. Evaluation

The Department has assessed the development application, EIS, submissions, RTS and additional information provided by the Applicant, relevant government agencies, service providers and Council. The Department has also considered the objectives and relevant considerations under section 4.15 of the EP&A Act.

The development will allow the continued growth and development of the MPIP as an identified employment precinct and strategic centre in the NWPGA. The development will also support the productivity, growth and employment objectives of the Region Plan and the Central City District Plan. Specifically, the development would benefit the local community through job creation and capital investment in Sydney's north west.

The key issues for the development relate to traffic, access and parking. The Department's assessment concluded that the generation of traffic travelling to and from the development is consistent with the levels modelled across the MPIP. As the overall traffic levels were used to design the road network its performance would not be detrimentally impacted by the traffic from the development.

During the assessment, the site layout was amended to accommodate the requirements of TransGrid's easement which has constrained the number of available parking spaces for the development. Since the employees at the warehouse would operate on a shift basis and with the implementation of work travel plans to encourage ride-sharing and public transport use, the Department is satisfied that sufficient parking is available within the site for the employees and visitors to the retail facility.

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

- implementation of management and mitigation measures identified in the EIS and RTS
- preparation of Construction and Operational Traffic Management Plans and a Work Place Travel Plan
- restricting the use of the retail space to the sale and showcase of products distributed from the warehouse
- limitations on operating hours for the retail outlet and public access to the private open space and court
- a requirement that signage does not create a nuisance to surrounding land uses.

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

- provide a range of benefits for the region and the State as a whole, including a capital investment of approximately \$54 million in the Blacktown LGA
- provide for approximately 150 construction jobs and 185 new operational jobs
- be consistent with NSW Government policies including, the Greater Sydney Region Plan and the Central City District Plan, which encourage the growth of Marsden Park as an identified strategic centre and the provision of jobs in Western Sydney
- be consistent with the desired future character of the area as identified in the MPIP Plan, which aims to provide for multifunctional and innovative development in the Precinct that encourages employment and economic growth
- not have a significant impact on the local or regional road network during construction or operation.

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



8. Recommendation

It is recommended that the Executive Director, Key Sites and Industry Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report;
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant approval to the application;
- **agrees** with the key reasons for approval listed in the notice of decision; and
- **grants consent** for the application in respect of SSD 9153, subject to the conditions in the attached development consent.

Recommended by:


28/11/18

Kane Winwood
Team Leader
Industry Assessments

Recommended by:


28/11/18

Chris Ritchie
Director
Industry Assessments



9. *Determination*

The recommendation is: **Adopted by:**

Sargeant

30/11/2018

Anthea Sargeant

Executive Director

Key Sites and Industry Assessments



Appendices

Appendix A – List of Documents

List of key documents relied on by the Department in its assessment:

- ASICS Facility, Sydney Business Park - Environmental Impact Statement and associated attachments, prepared by PJEP Environmental Planning Pty Ltd, dated April 2018
- ASICS Facility, Sydney Business Park (SSD 9153) – Response to Submissions, prepared by PJEP Environmental Planning Pty Ltd, dated 10 July 2018
- Email titled 'HPE CM: RE: HPE CM: FW: SSD 9153 ASICS Facility - Response to RTS', dated 3 August 2018
- Email titled 'FW: 2018-111 Proposed ASIC Facility 4 Darley Street Marsden Park: SSD 9153', dated 2 May 2018, containing the following drawing: Site Plan - Drawing number: 118101_A100
- Email titled 'RE: DA 11-2284', dated 11 May 2018, containing Blacktown City Council Development Consent Number 11-2284 and stamped plan
- Email titled 'REL ASICS SSD 9153 – Signage Illumination', dated 19 November 2018
- TransGrid Easement Guidelines: Third Party Development
- RTA Guide to Traffic Generating Developments Version 2.2 (2002)
- RMS Guide to Traffic Generating Developments: Updated traffic surveys (2013)
- Relevant environmental planning instruments, policies and guidelines
- Relevant requirements of the EP&A Act

Appendix B – Environmental Impact Statement

See link: http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9153

Appendix C – Additional Information

See link: http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9153

Appendix D – Submissions

See link: http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9153

Appendix E – Submissions Report

See link: http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9153

Appendix F – Community Views for Draft Notice of Decision

The Department exhibited the Environmental Impact Statement for the development from 26 April 2018 until 23 May 2018 (28 days) and received comments from Blacktown City Council, Environment Protection Authority, Office of Environment and Heritage, Transport for NSW, TransGrid, Department of Primary Industries, Sydney Water and Endeavour Energy. No other submissions were received.

The issues raised by the public authorities and service providers are addressed in detail in the Department's Assessment Report.

There were no community views that needed to be taken into consideration in making this decision. No issues were raised by the community and no public submissions were received during the exhibition period.

Appendix G – Statutory Considerations

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 such of the following matters as are of relevance to the development the subject of the development application:

Table 6 | Matters for consideration under section 4.15

Matter	Consideration
a) the provisions of: <ul style="list-style-type: none"> i) any environmental planning instrument, and ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and iii) any development control plan, and (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,	<p>Detailed consideration of the provisions of all environmental planning instruments (including draft instruments subject to public consultation under this Act) that apply to the development is provided below</p> <hr/> <p>The Applicant has not entered into any planning agreement under section 7.4 for this application as an existing VPA is in place with Council under DA 11-2284</p> <hr/> <p>The Department has undertaken its assessment of the development in accordance with all relevant matters as prescribed by the regulations, the findings of which are contained within this report</p>
b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The Department has considered the likely impacts of the development in detail in Section 6 of this report. The Department concludes that all environmental impacts can be appropriately managed and mitigated through the recommended conditions of consent
c) the suitability of the site for the development,	The development is predominantly a warehousing/light industry project located on light industrial zoned land which is identified as a permissible use with development consent
d) any submissions made in accordance with this Act or the regulations,	All matters raised in submissions have been summarised in Section 5 of this report and given due consideration as part of the assessment of the development in Section 6 of this report
e) the public interest.	<p>The development would generate up to 150 jobs during construction and 185 jobs during operation. The development is a considerable capital investment in the Blacktown local government area and would contribute to the provision of local jobs.</p> <p>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.</p>

Consideration of the provisions of all 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 warehouse or distribution centre 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 (MPIP). 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 specialised warehousing and distribution centre facilities for the storage and distribution of ASICS sporting goods. 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 generally consistent with the Precinct Plan.

As discussed in **Section 4** warehousing and distribution centres with ancillary office facilities are permissible with development consent in the IN2 Light Industrial zone. The retail/showroom component is prohibited, as it is classed as an 'retail facilities' under the Growth Centres SEPP, making part of the operation (and consequently the overall development) partly prohibited.

The Department has undertaken an assessment of the development against the relevant provisions of the Precinct Plan (see **Table 7**). The Department considers the development achieves the aims of the Precinct Plan.

Table 7 | Compliance with relevant clauses and development standards of the Growth Centres SEPP

Clause	Complies (Y/N)	Comment
4.1 Subdivision	N/A	No subdivision is proposed as part of the application.
4.3 Height of Buildings	Yes	The proposed maximum building height is 13.7 m, complying with the maximum building height control of 16 m.
4.4 Floor space ratio (FSR)	Yes	The development has a FSR of 0.54:1, complying with the FSR limit of 0.7:1.
5.6 Architectural roof features	Yes	The proposed building does not involve architectural roof features above the maximum building height and building identification signage contained in or supported by the roof feature appears to be fully integrated into the design of the roof feature.
6.1 Public utility infrastructure	Yes	The Department is satisfied the water supplies, electricity and sewage disposal would be made available to support the development.

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 24,960 m² of 'industry' GFA, additionally it will provide parking for 200 or more motor vehicles. Consequently, it requires referral to RMS for comment and consideration of accessibility and traffic impacts.

The development was referred to RMS for consideration. RMS raised no concerns regarding the development and provided an advisory comment recommending the provision of signposts at the proposed entry points to identify driveways as "Truck Entry/Exit Only" and "Car Entry/Exit Only". The Department has incorporated RMS's recommendation into the recommended conditions.

Clause 45 of the ISEPP applies to development in the vicinity of electricity easements and requires the consent authority to notify to the relevant electricity service provider and take into consideration any response before determining the application.

The site contains an Endeavour Energy easement for an existing padmount substation and 11 KV high voltage underground cables to Darling Street roadway. Consequently, the development was referred to Endeavour Energy for comment and consideration. Endeavour Energy did not object the development and provided guidance documents regarding requirements for development in proximity to electricity infrastructure.

Additionally, the site is affected by a 60.96 m wide 330 kV Transgrid high voltage electricity easement that traverses through the southern portion of the site. Consequently, the development was referred to TransGrid for comment and consideration.

TransGrid required the site layout to be amended in order to meet safety and access requirements as outlined in TransGrid Easement Guidelines: Third Party Development. The Applicant has amended the site plan to address TransGrid's requirements and the Department has incorporated TransGrid's recommended conditions into the recommended conditions of consent.

The development is therefore considered to be 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 in assessing whether a development is hazardous or offensive.

The Applicant reviewed the development in accordance with SEPP 33 and advised that 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 11-2284 issued by Council approved bulk earthworks and lead in infrastructure.

A contamination assessment was conducted for Sydney Business Park by GHD in 2011. This assessment included both a Phase 1 and a Phase 2 assessment including soil, groundwater and surface water sampling. The assessment found that the northern portion of the site and its surrounds has a history that includes operation of a Council-owned sanitary depot and was characterised as having a 'highly likely' risk of contamination.

The contaminated areas were subsequently remediated by excavation with disposal of the contaminated soils at appropriately licensed waste facilities. The remediation was undertaken in accordance with detailed Remedial Action Plans (RAPs) prepared by ERM in 2011. Subsequently, a formal Site Audit Statement (No. GN 319B) under

the Contaminated Land Management Act 1997 was issued by an accredited Site Auditor in February 2013. The Site Audit Statement confirms that the former depot site is suitable for the intended commercial/industrial land use, subject to compliance with the site management plan (GHD, Feb 2013).

The EIS therefore concluded that based on the findings of the validation report and the Site Audit Statement, the site is suitable for the intended light industrial and retail land use. The Department has included specific conditions for managing any unexpected finds.

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 finished development will comprise three different types of signage including; type 1 showroom/retail signage and type 2 directional signage which will have maximum dimensions of 3m high by 1.1m wide, and type 3 tenant logo signage will be of varying sizes. The EIS included an assessment of the proposed signage against the criteria in Schedule 1 of SEPP 64 and the Department has assessed the proposed signage in **Table 8**.

The Department is satisfied that the proposed signage would not detract from the surrounding locality and would provide suitable wayfinding and direction within the site. The Department's recommended conditions of consent include requirements for signage. The Department is satisfied that the development will be consistent with the aims and objectives of SEPP 64.

Table 8 | Assessment against SEPP 64 Criteria

Criteria	Compliance
Character of the Area	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	Yes, the proposed signage is compatible with the character of the area. The immediate surrounds are industrial in nature and have been strategically identified as employment lands.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	Yes, the proposed signage is consistent with other business identification and directional signage in the area being an established industrial precinct.
Special Areas	
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	No, the proposed signage would not be visible from any special areas. The closest residential receivers are located 300 m north east of the site across Richmond Road.
Views and Vistas	
Does the proposal obscure or compromise important views?	No, the proposed signage would not obstruct important views.
Does the proposal dominate the skyline and reduce the quality of vistas?	No, all proposed signage is located below maximum building heights and would not have an impact on the skyline or on any vistas.
Does the proposal respect the viewing rights of other advertisers?	Yes, the proposed signage would not obstruct any existing signage.
Streetscape, setting and landscape	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Yes, the proposed signage is located within an industrial estate comprising large development blocks.

Criteria	Compliance
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	Yes, the proposed signage contributes an appropriate level of visual interest.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	Not applicable as no advertising signage is proposed.
Does the proposal screen unsightliness?	No, the proposed signage does not provide screening.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No, the proposed signage would not protrude above prevailing building heights.
Does the proposal require ongoing vegetation management?	No, the proposed signage would be located separately from vegetated areas.
Site and Building	
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	Yes, the proposed signage is compatible with the scale and industrial character of the site and area.
Does the proposal respect important features of the site or building, or both?	Yes, the scale, proportion and form of the proposed signage has been designed to integrate with the scale of the facility. The signage would be compatible with the overall design of the facility and would reflect its context with a business park.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signage demonstrates an appropriate level of imagination and innovation. The proposed signage would provide a consistent and integrated theme across the facility.
Associated devices and logos with advertisements and advertising structures	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Ancillary signage features would be hidden and/or integrated into the signage design.
Illumination	
Would illumination result in unacceptable glare?	No, the proposed signage is not expected to result in any adverse safety or amenity issues given its location within Sydney Business Park and distance from sensitive land uses. Signage would be illuminated either internally or externally.
Would illumination affect safety for pedestrians, vehicles or aircraft?	No, the proposed signage would not include flashing and all external lighting would be installed in accordance with the relevant Australian Standard (AS 4282).
Would illumination detract from the amenity of any residence or other form of accommodation?	No, the closest residential area is 300 m from the site across a major roadway.
Can the intensity of the illumination be adjusted, if necessary?	No, the sign's illumination would be static.
Is the illumination subject to a curfew?	No curfew would apply to the proposed signage associated with the warehouse and it would be illuminated 24-hours 7 days. Illumination of type 3 tenant logo signage associated with the retail/showroom would be limited to the operating hours of the retail outlet, being 7 am to 9 pm, 7 days.
Safety	
Would the proposal reduce the safety for any public road?	No, the proposed signage would not affect road safety.

Criteria	Compliance
Would the proposal reduce the safety for pedestrians or bicyclists?	No, the proposed signage would not impact pedestrian or cyclist safety.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No, the proposed signage would not obstruct pedestrian sight lines or cause any disruption from public areas.

Blacktown City Council Growth Centre Precincts Development Control Plan 2016 (Growth Centres DCP)

The Growth Centres DCP includes specific development controls for the development of land within parts of the North West Growth Centre, specially that land located in the Blacktown LGA. The relevant provisions for the development include Part 1, Part 2, Part 6 and Schedule 3. The EIS included an assessment of the development against the relevant items of the Growth Centres DCP.

While DCPs do not apply to State significant development, the Department has assessed the development against the provisions of the Blacktown Growth Centre DCP and given consideration to specific development controls relevant to the MPIP.

The Department has consulted with Blacktown City Council throughout the assessment process and has considered all relevant provisions of the DCP and those matters raised by Council in its assessment of the development. While Council raised concerns with respect to the provision of car parking, the Department is satisfied the provision of car parking is adequate in the context of the development. Further, the development complies with the built form considerations within the MPIP and includes adequate landscaping representing approximately 17% of the site.

Appendix H – Recommended Instrument of Consent