



# ESR Horsley Logistics Park

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State Significant Development Assessment SSD-10436

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# Glossary

Abbreviation	Definition
<b>Applicant</b>	ESR Developments (Australia) Pty Ltd
<b>AQIA</b>	Air Quality Impact Assessment
<b>BAL</b>	Bushfire Attack Level
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>BDAR</b>	Biodiversity Development Assessment Report
<b>CEMP</b>	Construction Environmental Management Plan
<b>CIV</b>	Capital Investment Value
<b>Council</b>	Fairfield City Council
<b>CPW</b>	Cumberland Plain Woodland
<b>Crown Lands</b>	Crown Lands, DPIE
<b>CTMP</b>	Construction Traffic Management Plan
<b>DA</b>	Development Application
<b>DCP</b>	Development Control Plan
<b>Department</b>	Department of Planning, Industry and Environment (DPIE)
<b>Development</b>	The development as described in the EIS, RtS, SRtS and Supplementary Information for ESR Horsley Logistics Park
<b>EEC</b>	Endangered Ecological Community
<b>EES</b>	Environment, Energy and Science group, DPIE
<b>EIS</b>	Environmental Impact Statement titled <i>Environmental Impact Statement Horsley Logistics Park</i> prepared by Urbis dated July 2020
<b>EPA</b>	Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	<i>Environmental Planning and Assessment Regulation 2000</i>
<b>EPBC Act</b>	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
<b>EPI</b>	Environmental Planning Instrument
<b>ESD</b>	Ecologically Sustainable Development

<b>Abbreviation</b>	<b>Definition</b>
<b>FRNSW</b>	Fire and Rescue NSW
<b>GFA</b>	Gross floor area
<b>GTP</b>	Green Travel Plan
<b>LEC</b>	NSW Land and Environment Court
<b>LEP</b>	Local Environmental Plan
<b>LGA</b>	Local government area
<b>Minister</b>	Minister for Planning and Public Spaces
<b>NVIA</b>	Noise and Vibration Impact Assessment
<b>Planning Secretary</b>	Secretary of the Department of Planning, Industry and Environment
<b>RAP</b>	Remedial Action Plan
<b>RFS</b>	NSW Rural Fire Service
<b>RMS</b>	Roads and Maritime Services, TfNSW
<b>RtS</b>	Response to Submissions titled <i>Response to Submissions Horsley Logistics Park</i> prepared by Urbis dated November 2020
<b>SEARs</b>	Planning Secretary's Environmental Assessment Requirements
<b>SEPP</b>	State Environmental Planning Policy
<b>Site</b>	6 Johnston Crescent, Horsley Park
<b>SLR</b>	Southern Link Road
<b>SRD SEPP</b>	State Environmental Planning Policy (State and Regional Development) 2011
<b>SRtS</b>	Supplementary Response to Submissions titled <i>Supplementary Response to Submissions Horsley Logistics Park</i> prepared by Urbis dated 22 December 2020
<b>SSD</b>	State Significant Development
<b>SWL</b>	Sound Power Level
<b>Supplementary Information</b>	Supplementary Information titled <i>Memorandum – Horsley Logistics Park – NVIA Addendum Report – Collated Response to DPIE RFI's</i> , prepared by SLR, dated 12 March 2021
<b>TA</b>	Transport Assessment
<b>TfNSW</b>	Transport for NSW

<b>Abbreviation</b>	<b>Definition</b>
<b>VIA</b>	Visual Impact Assessment
<b>VPA</b>	Voluntary Planning Agreement
<b>vph</b>	vehicles per hour
<b>WSEA</b>	Western Sydney Employment Area

# Executive Summary

This report details the Department of Planning, Industry and Environment's (the Department) assessment of a State significant development (SSD) application for the ESR Horsley Logistics Park (SSD-10436). ESR Developments (Australia) Pty Ltd (the Applicant) proposes the construction of eight warehouse tenancies within four buildings with associated infrastructure and landscaping at 6 Johnston Crescent, Horsley Park in the Fairfield City local government area (LGA).

## The Site

The site is located 35 kilometres (km) west of the Sydney central business district (CBD) and 18 km west of the Parramatta CBD within the Western Sydney Employment Area (WSEA). The site covers approximately 20.8 hectares (ha) of IN1 General Industrial zoned land within the CSR Estate, a 14-lot industrial subdivision approved by the NSW Land and Environment Court (LEC) (DA 893.1/2013) on 16 October 2015 which is being delivered in stages. The site is located within Stage 2 and at the southern extent of the CSR Estate. Site preparation works including remediation, bulk earthworks, building pads, road infrastructure and services are being delivered as part of DA 893.1/2013 for the site.

The site is located to the north of an existing rural residential subdivision known as Greenway Place separated by a bund, retaining walls and a landscaped buffer constructed as part of the CSR Estate. An approved, but yet to be constructed, 11-lot rural residential subdivision is also proposed to be located adjacent to a portion of the southern boundary of the site. To the east of the site is an environmental conservation area established to protect approximately 10 ha of Cumberland Plain Woodland (CPW) which is an Endangered Ecological Community (EEC). To the west and south of the site is the Jacfin Industrial Estate, which is under early stages of construction as part of project approval 10\_0130. To the north of the site are the other stages of the CSR Estate, presently under construction and further to the north is Austral Bricks.

## Development Description

The SSD application seeks development consent for the construction, fit-out and use of eight warehouse tenancies in four buildings, site access, internal roads and car parking, stormwater infrastructure, landscaping and signage.

The proposed development (the development) would operate 24 hours a day, seven days a week, has a capital investment value (CIV) of approximately \$110 million and would generate up to 254 construction jobs and 441 full-time equivalent operational jobs.

## Statutory Context

The development is classified as SSD under Section 4.36 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it involves the construction and operation of a warehouse and distribution centre with a CIV greater than \$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 and Public Spaces (the Minister) is the consent authority for the application. However, the application may be determined under the Minister's delegation of 9 March 2020 by the Executive Director, Energy, Industry and Compliance.

## Engagement

The Department exhibited the Environmental Impact Statement (EIS) for the development from 30 July 2020 until 26 August 2020 (28 days). A total of six submissions were received, including three from special interest groups and three from the public. Four submissions objected to the development including Jacfin Pty Ltd (Jacfin), the owner of land to the south and west of the site and three residents of Greenway Place. The Department also received advice from Fairfield City Council (Council), Penrith City Council and eight public authorities.

Key concerns raised in submissions related to compliance with the conditions of consent established by the LEC in DA 893.1/2013, potential visual and noise impacts on existing and future residential receivers and management of existing contamination. The Applicant submitted a Response to Submissions (RtS) on 3 November 2020 and a Supplementary RtS (SRtS) on 22 December 2020 to address and clarify matters raised during the exhibition.

## Amendments to the Development Application

As part of the RtS and SRtS, the Applicant sought to amend the development to meet the design and layout requirements of future tenants and to respond to matters raised by the Department, special interest groups and the public, relating to consistency with the requirements of DA 893.1/2013 and noise impacts. The Applicant proposed amendments to the development under Clause 55 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation), including:

- amending the layout of Lot 201 to reflect the southern boundary setback requirements of DA 893.1/2013;
- a 3 m high by 80 m long masonry acoustic wall at the southern extent of the Lot 201 warehouse building;
- a metal clad acoustic awning at the southern extent of the loading areas of the warehouse building on Lot 204;
- amalgamation of the warehouse buildings on Lot 204, reorientation of the built form in a north-south direction with hardstand and loading areas to the west and separation of the building into four tenancies; and
- minor amendments to the external appearance of the buildings.

The Department considered the amended application to be consistent with the requirements of Clause 55 of the EP&A Regulation and accepted the amended application accordingly.

## Assessment

The Department's assessment of the application has fully considered all relevant matters under Section 4.15 of the EP&A Act, the objects of the EP&A Act and the principles of ecologically sustainable development.

The Department has identified the key issues for assessment as visual and noise impacts.

### *Visual Impact*

The design of the CSR Estate was informed by engagement with Council and the adjacent landowners with the boundary interface between the site and existing and future rural residential uses to the south an important consideration. In recognition of the potential for land use conflict including visual and noise impacts, a bund, retaining wall and landscape buffer was designed for the southern boundary of the

CSR Estate adjacent to the rural residential uses. The design of the boundary treatments and the finished floor levels of the building pads of future warehouses were refined by the LEC in the determination of DA 893.1/2013 through prescriptive conditions of consent. The boundary treatments have been constructed as part of Stage 1 of the CSR Estate and the development has been designed to meet the requirements of the LEC determination. The Applicant's visual impact assessment concluded that the boundary treatments constructed as part of the CSR Estate would effectively filter and blend the development into the surrounding context.

In recognition of the concerns raised in submissions and the high potential for visual impacts along the southern boundary, the Department has recommended the planting of additional screen trees adjacent to the Lot 201 warehouse to provide more effective visual mitigation for receivers. The Department has also recommended the Applicant be responsible for ensuring the effectiveness of the southern boundary treatments are maintained through a Landscape Management Plan. The Department considers the visual impacts of the development can be mitigated to an acceptable level through the recommended conditions.

### *Noise Impact*

In recognition of the close proximity of the site to residential receivers, the issues raised in submissions, the Department carefully reviewed and required amendments to the Applicant's noise assessment.

To ensure the operation of the development would not exceed the relevant night-time noise criteria at any sensitive receivers, the Applicant was required to include noise barriers on the southern boundary of the site and restrict the number of trucks accessing Lot 204 during the night time period. The Department has recommended the Lot 204 warehouse operations are restricted to the operational assumptions made in the noise model, such as the number of vehicles arriving at the site during the night-time period. The Department has also recommended stringent conditions requiring:

- construction and operation of the development to meet relevant noise criteria;
- preparation of noise verification reports and implementation of on-site noise attenuation measures to mitigate any resultant exceedances in the noise criteria;
- preparation of a loading dock management plan for Lot 204; and
- preparation of a community consultation plan to ensure effective communication and complaints handling is available to nearby residents.

The Department considers the noise impacts of the development can be mitigated to an acceptable level through the recommended conditions.

### **Summary**

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

- provide up to 254 construction jobs and 441 operation jobs within western Sydney;
- satisfy demand for additional warehouse and distribution space within the Western Sydney Employment Area; and
- be consistent with the objectives of the relevant strategic planning framework.

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, Industry and Environment's (the Department) assessment of the State significant development (SSD-10436) for the ESR Horsley Logistics Park. The proposed development (the development) includes the construction of eight warehouse tenancies in four buildings with associated infrastructure and landscaping at 6 Johnston Crescent, Horsley Park in the Fairfield City local government area (LGA) (see **Figure 1**).

The Department's assessment considers all documentation submitted by ESR Developments (Australia) Pty Ltd (the Applicant), including the Environmental Impact Statement (EIS), Response to Submissions (RtS), Supplementary RtS (SRtS), supplementary information and advice received from public authorities and submissions from special interest groups and the public. The Department's assessment also considers the legislation and planning instruments relevant to the site and the development.

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

## 1.2 Development Background

On 19 December 2013, the NSW Land and Environment Court (LEC) approved the CSR Estate (DA 893.1/2013), a 14-lot industrial subdivision to be constructed in three stages on 72 hectares (ha) of land. The site was previously used for brickmaking and quarrying activities. The design of the CSR Estate was informed by engagement with Fairfield City Council (Council) and the adjacent landowners, with the boundary interface between the site and existing and future rural residential uses to the south a key consideration.

In recognition of the potential for land use conflict, a bund, retaining wall and landscape buffer was designed for the southern boundary. The design of the boundary treatments and the finished floor levels of the building pads of future warehouses were refined by the LEC in the determination of DA 893.1/2013 through detailed conditions of consent. The CSR Estate is presently under construction and is being delivered in stages to provide the necessary site preparation works, infrastructure (including roads), subdivision of lots and building pads for warehouses to be constructed under separate development consents.

The Applicant is now seeking to develop on the building pads being constructed under Stage 2 of the CSR Estate. The Applicant is an industrial real estate company with a network of warehouse and logistics properties spanning across Australia, China, India, Japan, Singapore and South Korea.

### 1.3 Site Description

The site comprises approximately 20.8 hectares (ha) of industrial zoned land located at 6 Johnston Crescent, Horsley Park within Stage 2 and at the southern extent of the CSR Estate in the Fairfield LGA (the site). The site is legally described as Lots 201-203 in Deposited Plan (DP) 1244593 and is located 35 kilometres (km) west of the Sydney central business district (CBD) and 18 km west of the Parramatta CBD (see **Figure 1**).

The southern boundary of the site contains the following boundary interface treatments, constructed under DA 893.1/2013:

- a 21 m wide landscaped bund with a height of approximately 12.7 m adjacent to Greenway Place for a distance of approximately 230 m;
- a 14 m wide landscape buffer at the western edge of the bund with stepped retaining walls extending further to the west for a distance of approximately 160 m; and
- a 10 m wide landscaped buffer extending from the edge of the 14 m buffer to the western boundary of the site.

As described in **Section 1.2**, the CSR Estate including the site is presently under construction. At the completion of Stage 2 of the CSR Estate, the site would contain four lots with building pads and infrastructure connections. Each lot would have a direct access to Johnston Crescent which connects to Old Wallgrove Road via a temporary road within the future alignment of the Southern Link Road (SLR) (see **Figure 2**). Old Wallgrove Road provides the site access (through an intersection at Milner Avenue) to the regional road network including the M7 motorway to the north-east.

Once constructed, the SLR would provide the site access to the regional road network including the M7 motorway to the east and Mamre Road to the west.



**Figure 1 | Regional context**



**Figure 2 | Local context**

### 1.4 Surrounding Land Uses

The site is located in the Horsley Park precinct of the Western Sydney Employment Area (WSEA) and is immediately surrounded by a range of existing and potential future uses, including (see **Figure 2**):

- the former Camide Landfill subject to a landfill closure plan (LCP) to the north and west;
- the Jacfin Horsley Park Industrial Estate lands (68.5 ha) to the south and west approved under Concept Plan (10\_0129) for an industrial estate and Stage 1 project approval (10\_0129) for a 27,330 square metres (m<sup>2</sup>) warehouse in the north-eastern portion of the land;
- Jacfin owned lands zoned RU4 – Primary Production Small Lots approved under DA 19/0785 for an 11-lot rural residential subdivision;
- Greenway Place rural residential neighbourhood to the south-east;
- an environmental conservation lot created as part of the CSR Estate to the east; and
- the existing PGH brickworks and future Stage 3 of the CSR Estate to the north.

Within the immediate locality of the site are a number of other industrial estates, the regional road network and other infrastructure, including:

- the future alignment of the SLR located at the northern extent of the CSR Estate;
- Oakdale South Industrial Estate (SSD 6917) located approximately 400 m to the west;
- Oakdale Central Industrial Estate (SSD 6078) located approximately 580 m to the north;
- Austral Bricks located approximately 550 m to the north-east; and
- rural residential and small holdings uses located outside the WSEA approximately 160 m to the east.

The nearest dwelling is located adjacent to the bund on the southern boundary of the site and at the top end of Greenway Place (see **Figure 2**). The residential suburbs of Minchinbury and St Clair are located approximately 3 km to the north and north-west, respectively.

## 1.5 Other Development Applications

### DA 893.1/2013

On 19 December 2013, CSR Building Products Pty Ltd (CSR) lodged a DA with Council for the remediation and subdivision of the CSR Estate in three stages to create 14 lots for future industrial buildings, one lot for an environmental conservation area, a new estate road (Johnston Crescent), intersection works and associated infrastructure. CSR lodged a deemed refusal application with the LEC in mid-2014 as Council had not determined the DA.

On 30 July 2015, the LEC granted development consent to DA 893.1/2013. The main issue identified in the judgement was the impact of the proposed industrial subdivision on adjoining residential land to the south. To mitigate potential impacts, the Commissioner provided detailed directions after hearing evidence from residents in Greenway Place, expert evidence from CSR and Council and in consideration of the objections to the DA. The conditions of consent included detailed requirements for boundary treatments at the southern extent of the site (including a bund, retaining wall and landscape buffer) and a restriction on the finished pad level of Lot 201 at RL 86.5 among other requirements.

DA 893.1/2013 is being delivered in stages to facilitate the development of industrial buildings on subdivided lots within the CSR Estate (see **Figure 2**):

Stage 1 has been completed, including:

- subdivision of two lots for industrial purposes including bulk earthworks, building pads and infrastructure;
- construction of an estate road (Johnston Crescent) connecting to the temporary road constructed within the general alignment of the future SLR to the west of Burley Road; and
- construction of the boundary treatments including a bund, retaining wall and landscaped buffer at the southern boundary of the estate adjacent to the rural residential lots on Greenway Place and the future rural residential subdivision on Jacfin's land.

Stage 2 is currently under construction and comprises the following:

- subdivision of four lots for future industrial purposes ranging in size from 4.03 ha to 13.35 ha including bulk earthworks, building pads and infrastructure;
- subdivision of an 11.51 ha lot for environmental conservation purposes (protection of Cumberland Plain Woodland (CPW) Endangered Ecological Community (EEC)); and
- continuation of the estate road with a temporary turning head at the end of Stage 2.

Construction of Stage 3 has not commenced and is focused on the northern portion of the CSR Estate and comprises the following:

- subdivision of eight lots for future industrial purposes including bulk earthworks, building pads and infrastructure; and
- continuation of Johnston Crescent from Stage 2 to intersect with Old Wallgrove Road and the future alignment of the SLR to the north.

Development consent DA 893.1/2013 has been modified on four occasions and there are two modification applications currently under assessment with Council relating to the Stage 3 area.

### **DA 21.1/2020 – Earthworks and Remediation**

CSR Estate is being remediated under a Remedial Action Plan (RAP) approved as part of DA 893.1/2013. A site audit statement was issued for Stage 1 by a NSW EPA Accredited Site Auditor in August 2019. DA 21.1/2020 has been approved by Council to construct a containment cell within Stage 3 of the CSR Estate. A RAP was submitted with the development application to update the RAP approved under DA 893.1/2013. The new RAP proposes to place the contaminated materials excavated as part of the remediation of Stage 2 and 3 into the containment cell.

The remediation of the site is not reliant on the implementation of the containment cell proposed under DA 21.1/2020 as the Applicant has retained the option of removing contaminated materials from the CSR Estate for disposal at a licenced facility in accordance with the approved RAP and DA 893.1/2013.

## 2 Development

### 2.1 Amended Development

Following exhibition of the EIS and ongoing consultation with the Department, Council and public authorities, the Applicant sought to amend the development to meet the design and layout requirements of future tenants and to address the concerns raised in submissions including consistency with the requirements of DA 893.1/2013 and noise impacts.

The Applicant proposed the following amendments to the development under Clause 55 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation):

- increase the number of warehouse tenancies from six to eight;
- slight reduction in gross floor area (GFA) by 1,673 m<sup>2</sup>;
- amending the layout of Lot 201 to reflect the southern boundary setback requirements of DA 893.1/2013;
- a 3 m high by 80 m long masonry noise wall at the southern extent of the Lot 201 warehouse building;
- a metal clad acoustic awning at the southern extent of the loading areas of the warehouse building on Lot 204;
- amalgamation of the warehouse buildings on Lot 204, reorientation of the built form in a north-south direction with hardstand and loading areas to the west and separation of the building into four tenancies;
- reduce the number of car parking spaces from 678 to 636; and
- minor amendments to the external appearance of the buildings and the signage strategy.

The amended development forms part of the RtS report and subsequent additional information. The Department considered the amended application to be consistent with the requirements of Clause 55 of the EP&A Regulation and accepted the amended application accordingly.

### 2.2 Description of the Development

Site preparation and earthworks (including building pads), roadworks, infrastructure works and remediation for the CSR Estate are being completed under the Council development consents listed in **Section 1.5**. The Applicant proposes to complete all the required site preparation works prior to the commencement of works associated with the development.

The main components of the development are summarised in **Table 1**, shown in **Figure 3** and **Figure 4** and described in full in the EIS, RtS and Supplementary Response to Submissions (SRtS) included in **Appendix B**.

**Table 1** | Main Components of the Development

Aspect	Description
<b>Development Summary</b>	The construction, fit-out and operation of eight warehouse and distribution tenancies in four buildings with a total GFA of 95,679 m <sup>2</sup> including offices, loading docks, hardstand areas, truck and car parking areas, landscaping, associated infrastructure and signage



Aspect	Description
<b>Site area</b>	20.8 ha
<b>Development footprint</b>	<p>The development would result in a total GFA of 95,679 m<sup>2</sup>, comprising:</p> <ul style="list-style-type: none"> <li>• Lot 201 – a single warehouse building with a GFA of 42,233 m<sup>2</sup> and 1,095 m<sup>2</sup> of office space</li> <li>• Lot 202 – two attached warehouse tenancies each with a GFA of 15,880 m<sup>2</sup> and 800 m<sup>2</sup> of office space</li> <li>• Lot 203 – a single warehouse building with a GFA of 18,370 m<sup>2</sup> and 800 m<sup>2</sup> of office space</li> <li>• Lot 204 – four attached warehouse tenancies: <ul style="list-style-type: none"> <li>– 204A – warehouse with a GFA of 4,517 m<sup>2</sup> and 777 m<sup>2</sup> of office space</li> <li>– 204B – warehouse with a GFA of 3,454 m<sup>2</sup> and 400 m<sup>2</sup> of office space</li> <li>– 204C – warehouse with a GFA of 3,397 m<sup>2</sup> and 400 m<sup>2</sup> of office space</li> <li>– 204D – warehouse with a GFA of 3,156 m<sup>2</sup> and 400 m<sup>2</sup> of office space</li> </ul> </li> </ul>
<b>Building height (maximum) and finished floor level (FFL)</b>	<ul style="list-style-type: none"> <li>• Lot 201 – FFL of RL 86.7 (pad level at RL 86.50) with a height of 15 m</li> <li>• Lot 202 – FFL of RL 86.3 with a height of 15 m</li> <li>• Lot 203 – FFL of RL 89.7 with a height of 15 m</li> <li>• Lot 204 – FFL of RL 89.3 with a height of 13.7 m</li> </ul>
<b>Acoustic walls and awnings</b>	<ul style="list-style-type: none"> <li>• 3 m high by 80 m long masonry acoustic wall located 14 m from the southern boundary of Lot 201 and adjacent to a truck storage and hardstand area</li> <li>• 12.45 m high, 42 m deep and 33 m wide metal clad acoustic awning along the southern extent of the loading area associated with warehouse 204D</li> </ul>
<b>Access</b>	<ul style="list-style-type: none"> <li>• access to the development would be provided from Johnston Crescent</li> <li>• Lots 201, 202 and 203 would have separate entry and exit points for trucks and light vehicles</li> <li>• Lot 204 would have separate entry/exit driveways for light and heavy vehicles shared between four tenancies</li> </ul>
<b>Boundary interface treatments</b>	<ul style="list-style-type: none"> <li>• the southern boundary interface treatments have been constructed as part of the CSR Estate (refer to Section 1.3)</li> </ul>
<b>Parking</b>	<ul style="list-style-type: none"> <li>• Lot 201 – 232 parking spaces including three accessible spaces</li> <li>• Lot 202 – 147 parking spaces including four accessible spaces</li> <li>• Lot 203 – 140 parking spaces including three accessible spaces</li> <li>• Lot 204 – 117 parking spaces including four accessible spaces</li> </ul>
<b>Landscaping</b>	<p>To be provided in the setback areas from Johnston Crescent and around site boundaries, including:</p> <ul style="list-style-type: none"> <li>• warehouse boundary plantings including screening trees</li> <li>• street trees along Johnston Crescent</li> </ul>

Aspect	Description
	<ul style="list-style-type: none"> <li>eastern periphery landscaping areas that incorporate species similar to those within the adjacent asset protection zone (APZ) / managed environmental zone (MEZ)</li> <li>low level planting within the car parks</li> </ul>
<b>Signage</b>	Estate signage would be installed identifying the ESR Logistics Park, including: <ul style="list-style-type: none"> <li>three estate identification signs ranging in height from 8 m to 12 m</li> <li>tenant identification signage at the frontage of each lot</li> <li>a designated area on the façade of each warehouse for future tenants' signage</li> <li>directional signage throughout</li> </ul>
<b>Traffic</b>	<ul style="list-style-type: none"> <li>Lot 201: 107 and 79 vehicles per hour (vph) during AM and PM peak periods</li> <li>Lot 202: 83 and 61 vph during AM and PM peak periods</li> <li>Lot 203: 48 and 35 vph during AM and PM peak periods</li> <li>Lot 204: 41 and 30 vph during AM and PM peak periods</li> </ul>
<b>Hours of operation</b>	24 hours a day, 7 days a week
<b>Capital Investment Value (CIV)</b>	\$110,020,640 including \$52,554,263 for the construction of the warehouse on Lot 201
<b>Employment</b>	254 construction jobs and 441 operational jobs

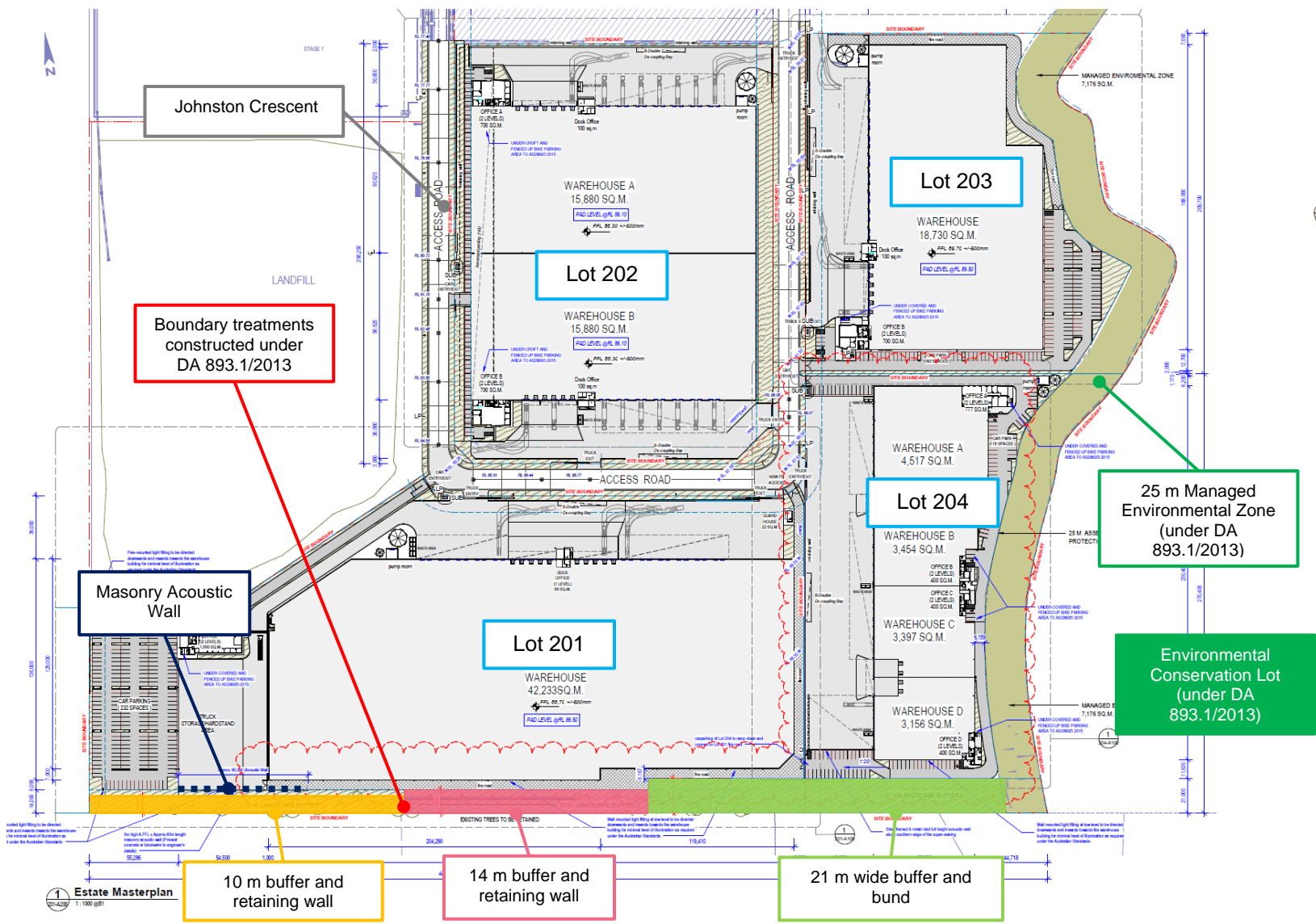


Figure 3 | Development Layout

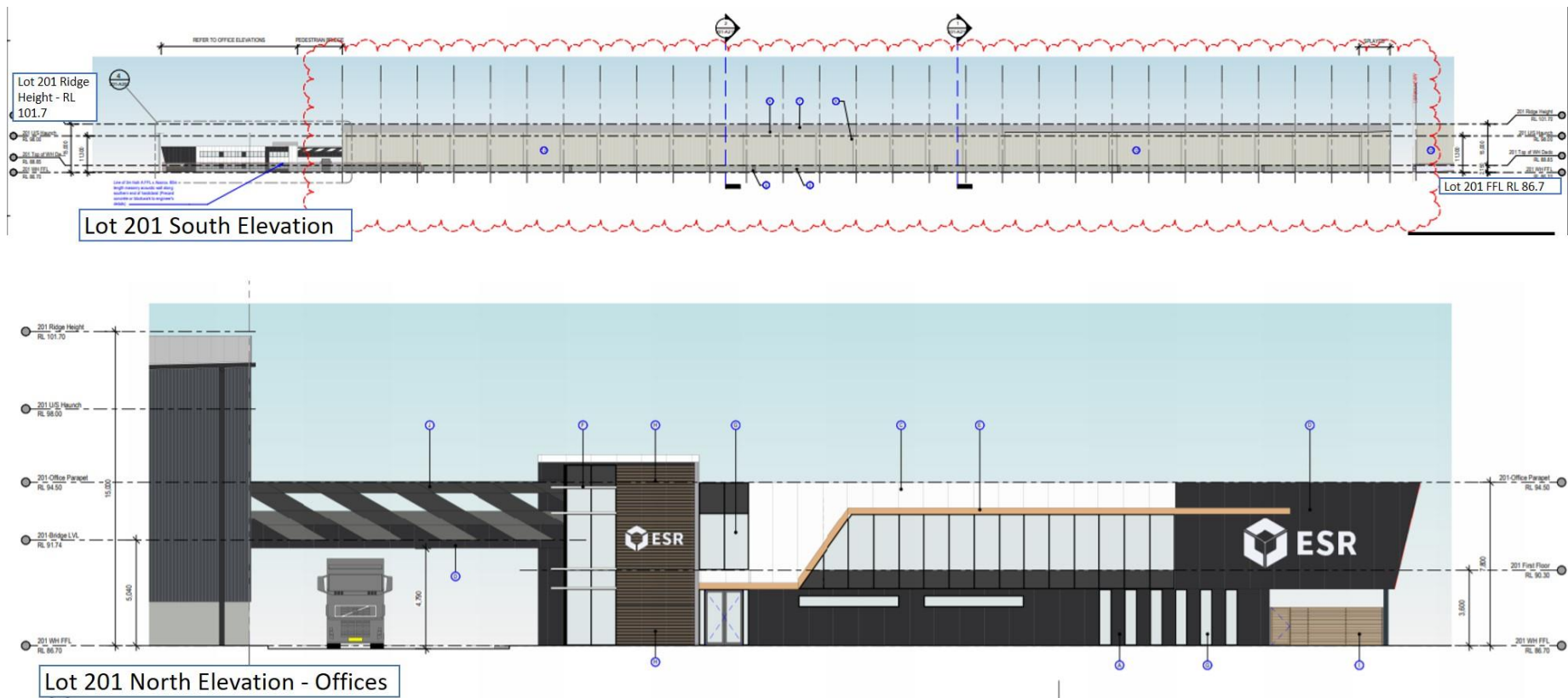


Figure 4 | Lot 201 warehouse elevations

### 2.3 Physical layout and design

The physical layout of the development is shown in **Figure 3** and the elevations of Lot 201 are shown in **Figure 4**. Detailed elevations of the other warehouses are provided in the amended architectural plans in the RtS (see **Appendix A**). The warehouses would be primarily constructed with colorbond or zincilume metal wall cladding and painted precast concrete panels.

The loading areas of the warehouses on Lot 201-203 have been oriented away from nearby residential receivers and are located adjacent to Johnston Crescent. The loading area of the warehouses on Lot 204 is oriented in a north-south alignment with an acoustic awning proposed at the southern extent of the lot adjacent to the 21 m bund.

Each warehouse has been provided with a staff and visitor carpark located in close proximity to a two-storey attached office component.

Individual tenants for the buildings have not been identified in the EIS, however, the floor plans for the development include the location of standard racking within the warehouse space, a basic office fit out and standard finishes to the lobby and reception areas.

### 2.4 Uses and Activities

The development includes the use of each building as a warehouse and distribution centre for the storage and handling of goods and materials. Warehouses at the nearby Oakdale Central and South Industrial Estates are occupied by businesses including Toyota, Sigma, Costco and DHL. The development is expected to house similar businesses.

### 2.5 Planning Agreement

The CSR Estate, including the site, is subject to a Voluntary Planning Agreement (VPA) (SVPA-2016-8153) with the Department which was executed on 20 November 2015 and amended on 24 April 2017 in accordance with clause 29 of the WSEA SEPP. The VPA provides that CSR will carry out road works and will make monetary contributions of \$182,898 per ha of net developable area. On 23 June 2020, the Department issued a Satisfactory Arrangement Certificate (SAC) pursuant to Clause 29 of the WSEA SEPP for the development.

### 2.6 Related Development

The proposed SLR forms part of the strategic road network designed to service the WSEA. The alignment of the SLR was identified in the WSEA SEPP and through a concept design prepared for the Department and Transport for NSW (TfNSW) in 2014. Detailed design work for the SLR is presently underway by TfNSW. The SLR would ultimately be delivered by the Department and TfNSW, supported by contributions from development in the WSEA.

The timeframe for delivering the SLR is currently unknown but is estimated to be complete by 2026. The SLR is planned to link Mamre Road to Wallgrove Road through the existing Burley Road alignment to the north of the CSR Estate. The CSR Estate is tentatively proposed by TfNSW to be connected to the SLR via Access Road 2 (which is an extension of Johnston Crescent to the north) at a four-way intersection with Old Wallgrove Road. However, the operation of the development is not contingent on the completion of these road works.

## **2.7 Applicant's Need and Justification for the Development**

The Applicant develops and manages industrial and business park estates in Australia and internationally. The Applicant has justified the need for the development by highlighting the demand for warehousing and logistics facilities in western Sydney. The Applicant suggests the development is justified for the following reasons:

- the site is appropriately zoned and located in close proximity to the regional road network;
- the built form outcomes of the development directly address the objectives of the WSEA SEPP and would generate employment in the Western Sydney region;
- subject to the implementation of recommended mitigation measures, the development would not have unacceptable impacts on adjoining or surrounding properties; and
- the development would make a positive contribution to the overall built form of the broader locality.

## 3 Strategic Context

### 3.1 Greater Sydney Region Plan

In March 2018, the GSC released the Greater Sydney Region Plan – A Metropolis of Three Cities (the Greater Sydney Region Plan) which forms part of the integrated planning framework for Greater Sydney. The Greater Sydney Region Plan is built on a vision of three cities; the Western Parkland City, the Central River City and the Eastern Harbour City. The development would assist in achieving the objectives of the Greater Sydney Region Plan by:

- utilising industrial zoned land for warehouse use (Objective 16) and providing employment opportunities in Western Sydney (Objective 23).

### 3.2 Western City District Plan

The GSC released six district plans encompassing Greater Sydney which will guide the delivery of the Greater Sydney Region Plan. The district plans set out the vision, priorities and actions for the development of each district. The development is located within the Western City District. The development would assist in achieving the following Planning Priorities set out in the Western City District Plan:

- maximising freight and logistics opportunities and planning and managing industrial and urban services land (W10); and
- growing investment, business opportunities and jobs in strategic centres (W11).

### 3.3 State Environmental Planning Policy (Western Sydney Employment Area) 2009

The WSEA SEPP aims to promote economic development and employment, provide for the orderly and coordinated development of land and ensure development occurs in a logical, cost-effective and environmentally sensitive manner. The development is generally consistent with the relevant aims set out in Clause 3 of the WSEA SEPP as it:

- is for a warehousing and distribution development;
- would provide 254 construction jobs and 441 operational jobs in western Sydney; and
- it does not require the removal of any native vegetation.

The Department's assessment of the development against the relevant development standards in the WSEA SEPP is provided in **Appendix C**.

## 4 Statutory Context

### 4.1 State Significance

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 warehousing or distribution centres with a CIV of more than \$50 million, satisfying the criteria in Clause 12 of Schedule 1 in *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP). The warehouse on Lot 201 has an estimated CIV of \$52,554,263.

### 4.2 Permissibility

The site is zoned IN1 General Industrial under the WSEA SEPP. Warehouse and distribution centres are permissible with development consent in the IN1 zone. Therefore, the Minister or a delegate may determine the carrying out of the development with consent.

### 4.3 Consent Authority

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

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

Of the six submissions received from special interest groups and the public, four objected to the development. Council did not object to the development. No reportable political donations were made by the Applicant in the last two years and the Applicant has not made a political disclosure statement. Accordingly, the application can be determined by the Executive Director, Energy, Industry and Compliance under delegation.

### 4.4 Other Approvals

Under Section 4.42 of the EP&A Act, other approvals may be required and must be approved in a manner that is consistent with any Part 4 consent for the SSD under the EP&A Act.

In its submission, the EPA advised that the development does not constitute a scheduled activity under the *Protection of the Environment Operations Act 1997* (POEO Act), therefore an Environmental Protection Licence (EPL) is not required. The EPA also advised that if any future tenancies include scheduled activities, an EPL would be required prior to undertaking the activity.

The Department has considered the advice of the relevant public authorities in its assessment of the development and preparation of the recommended conditions.

### 4.5 Consideration under Section 4.15 of the EP&A Act

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



## 4.6 Environmental Planning Instruments

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

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

- State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP);
- State Environmental Planning Policy (Infrastructure) 2007 (ISEPP);
- State Environmental Planning Policy (Western Sydney Employment Area) 2009 (WSEA SEPP);
- State Environmental Planning Policy No 33 – Hazardous and Offensive Development (SEPP 33);
- State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55);
- State Environmental Planning Policy No 64 – Advertising Structures and Signage (SEPP 64);
- Draft State Environmental Planning Policy (Remediation of Land) (Draft Remediation SEPP); and
- Draft State Environmental Planning Policy (Environment) (Draft Environment SEPP).

While Development Control Plans (DCPs) do not apply to SSD under Clause 11 of the SRD SEPP, the Department has considered the relevant provisions of the site-specific 327-335 Burley Road, Horsley Park DCP (March 2016), in its assessment of the development in **Section 6** of this report.

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

## 4.7 Public Exhibition and Notification

In accordance with Section 2.22 and Schedule 1 to the EP&A Act, the development application and any accompanying information of an SSD application are required to be publicly exhibited for at least 28 days. The application was on public exhibition from Thursday 30 July 2020 until Wednesday 26 August 2020 (28 days). Details of the exhibition process and notifications are provided in **Section 5**.

## 4.8 Objects of the EP&A Act

In determining the application, the consent authority must consider whether the development is consistent with the relevant objects of the EP&A Act. These objects are detailed in Section 1.3 of the EP&A Act.

The Department has fully considered the objects of the EP&A Act, including the encouragement of Ecologically Sustainable Development (ESD), in its assessment of the development application. A summary of the Department's considerations against the relevant objects of the EP&A Act is provided in **Table 2**.

**Table 2** | Considerations Against the Objects of the EP&A Act

Object	Consideration
1.3(a) to promote the social and economic welfare of the community and a better	The development would:

Object	Consideration
environment by the proper management, development and conservation of the State's natural and other resources,	<ul style="list-style-type: none"> <li>ensure the proper management and development of suitably zoned land for the economic welfare of the LGA and the State</li> <li>promote social and economic welfare in the community through the provision of an additional 254 construction jobs and 441 operational jobs.</li> </ul>
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 development includes several measures to deliver ESD, including rainwater harvesting and reuse, landscaping which has been designed to support native flora and fauna and careful consideration of passive solar building design measures.
1.3(c) to promote the orderly and economic use and development of land,	The development would ensure an orderly and economic use of land, which is zoned for industrial use and provide employment opportunities for the WSEA and 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 <b>Section 6</b> of this report demonstrates 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(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The development is not anticipated to result in any impacts upon built and cultural heritage, including Aboriginal cultural heritage.
1.3(g) to promote good design and amenity of the built environment,	The Department considers the development would provide good design and amenity of the built environment suitable for an industrial zone.
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 warehouse buildings would be constructed to meet a combination of deemed to satisfy and performance requirements of the National Construction Code (NCC) and relevant construction standards to address nearby bushfire prone lands. The Department has recommended a condition requiring any cladding to be used for the warehouse buildings to be of a non-combustible material.
1.3(i) to promote the sharing of the responsibility for environmental planning and assessment	The Department has assessed the development in consultation with, and giving due consideration

Object	Consideration
between the different levels of government in the State	to, the technical expertise and comments provided by other government authorities (including Council) (see <b>Section 5</b> and <b>6</b> of this report).
1.3(j) to provide increased opportunity for community participation in environmental planning and assessment	The application was exhibited in accordance with Schedule 1 of the EP&A Act to provide opportunity for public involvement and participation in the environmental assessment of this application.

## 4.9 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:

- *the precautionary principle;*
- *inter-generational equity;*
- *conservation of biological diversity and ecological integrity; and*
- *improved valuation, pricing and incentive mechanisms.*

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

The development would not include vegetation removal and as demonstrated by the Department's assessment in **Section 6** of this report, 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 can be undertaken in a manner that is consistent with the principles of ESD without adversely impacting the environment and is consistent with the objectives of the EP&A Act.

## 4.10 Biodiversity Development Assessment Report

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

A BDAR waiver request was submitted to the Department on 17 July 2020, on the basis that the development would not involve the removal of any vegetation and the development is consistent with the EPBC Act approval (2017/7744) (see **Section 4.11**) and DA 893.1/2013. The Applicant's waiver request was subsequently approved on 6 August 2020.

#### **4.11 Environmental 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.

The CSR Estate is subject to an EPBC Act approval (2017/7744) which required the following measures to be implemented as part of the subdivision works (located outside the boundaries of the site):

- protection of at least 10.14 ha of CPW ECC;
- establishment and management of a 25 m MEZ at the western boundary of the environmental conservation area (E2 zoned land to the east of the site). This MEZ would act as a buffer between the E2 zoned land and the CSR Estate and would be managed by CSR; and
- implementation of a vegetation management plan (VMP).

## 5 Engagement

### 5.1 Introduction

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

### 5.2 Consultation by the Applicant

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

- meeting with Council and public authorities; and
- consultation with community and other stakeholders through email correspondence and teleconference.

### 5.3 Consultation by the Department

The Department consulted with relevant public authorities during the preparation of the SEARs.

After accepting the EIS, the Department:

- made the documentation publicly available from 30 July 2020 until 26 August 2020 (28 days) on the Department's website and at all Service NSW Centres;
- notified landowners/occupiers in the vicinity of the site about the exhibition period by letter; and
- notified and invited comment from relevant public authorities, electricity providers, Council and Penrith City Council by letter.

A total of six submissions were received on the development during the exhibition period, including three from special interest groups and three public submissions from neighbouring landowners. All of the public submissions and one special interest group, Jacfin Pty Ltd (a neighbouring landowner), objected to the development. A summary of the issues raised in submissions is provided below, with a copy of each submission included in **Appendix A**.

### 5.4 Key issues – Public Authorities

The Department received advice from Council, Penrith City Council, and eight public authorities.

**Council** did not object to the development but sought clarification as to the Applicant's commitments regarding the protection and maintenance of the landscape area and bund and requested the Applicant show the location of waste storage facilities on the site plans.

**Penrith City Council (PCC)** requested the Applicant provide additional cross-sectional drawings in locations of maximum ground level differences at the southern boundary and suggested the size and height of boundary treatments may need to be re-assessed. PCC also recommended conditions of consent regarding tree protection and biodiversity, stormwater and water quality and noise.

**Environment Protection Authority (EPA)** raised concerns with the remediation of the site being undertaken under separate development applications with Council. The EPA requested the Applicant provide additional information including the RAP's for the site, environmental site assessments and interim Site Audit advice from a NSW EPA accredited Site Auditor.

**Rural Fire Service (RFS)** recommended the site be managed as an inner protection zone (IPZ) from the commencement of site works and in perpetuity. The RFS also recommended the warehouses should be constructed of non-combustible materials to meet a BAL of 12.5. RFS also provided additional requirements for the construction of the fire roads and water and utility services.

**TfNSW** requested the Applicant update the Transport Assessment (TA) to consider a design vehicle up to 30 m in length and to provide adequate bicycle parking and end-of-trip facilities.

**Water NSW** did not provide any comments on the development.

**DPIE Environment, Energy and Science Group (EES)** noted that a BDAR waiver was approved on 6 August 2020 and provided no other comments.

**Crown lands** did not provide any comments on the development.

**Heritage NSW** recommended an unexpected finds protocol be prepared for Aboriginal artefacts.

**Fire and Rescue NSW (FRNSW)** did not raise any concerns with the development and noted that further consultation with FRNSW would be required through a fire engineering brief questionnaire (FEBQ) prior to the issue of a construction certificate.

## 5.5 Key issues – Special Interest Groups

**Endeavour Energy** did not raise any concerns with the development and provided its standard requirements for substations, easements and service installations.

**Sydney Water** did not raise any concerns with the development and noted that adequate capacity would be available within its water and wastewater trunk systems to cater for the development.

**Jacfin Pty Ltd (Jacfin)**, the owner of the lands to the south and west of the CSR Estate objected to the development. Jacfin's submission included a report prepared by GLN Planning, an assessment of the Noise and Vibration Impact Assessment (NVIA) by Wilkinson and Murray and a Visual Impact Assessment (VIA) prepared by urbane architectural. Jacfin's objection to the development is based on the following matters:

- the development does not comply with the setbacks required under DA 893.1/2013 granted by the LEC;
- the assessment of contamination and the suitability of the site for the proposed use is inadequate and does not satisfy the requirements of SEPP 55;
- the Application is premature as the Applicant seeks to rely on a mechanism for the management of landfill gas which is not yet constructed and is the subject of a development application which is under assessment by Council;
- the measures proposed to mitigate amenity impacts on adjoining residential land are inadequate;
- the Application provides no details on the proposed management of the landscaped buffer area along the southern boundary of the site as required under the LEC approval; and

- the location of the 240-vehicle carpark and associated truck hardstand area at the south-western boundary of the site would impact future residents of the approved rural residential subdivision and is also inconsistent with the LEC approval.

## 5.6 Key issues – Public Submissions

During the exhibition period, the Department received three public submissions, all by way of objection.

The public submissions raised the following concerns with the development:

- the boundary treatments required under DA 893.1/2013 are not accurately reflected on the submitted plans;
- the required floor levels for Lot 201 at 86.5 RL under DA 893.1/2013 has not been adhered to;
- proposed building heights are not consistent with DA 893.1/2013;
- the proximity of the development to existing and future residential receivers would cause adverse noise impacts and at-receiver mitigation controls are warranted;
- stormwater management near the boundaries may cause adverse impacts;
- the development is not sympathetic to existing and future residential receivers resulting in a visual impact; and
- the warehouses would have a negative impact on adjacent residential receivers due to light spill.

## 5.7 Response to Submissions

On 3 November 2020, the Applicant submitted a Response to Submissions (RtS) on the issues raised during the exhibition of the development (see **Appendix A**). As described in **Section 2.1**, the Applicant proposed to amend the development under Clause 55 of the EP&A Regulation.

The RtS was supported by amended architectural and landscape plans, various plans approved under DA 893.1/2013, RAPs, a compliance audit against DA 893.1/2013, a response to the VIA prepared on behalf of Jacfin, civil drawings and updated impact assessments.

The RtS was made publicly available on the Department's website and was provided to Council and to key public authorities to consider whether it adequately addressed the issues raised, while previous submitters were also notified in writing. A summary of the responses is provided below:

**Council** requested an amended swept path analysis for various sized trucks. Council also recommended conditions of consent requiring access driveways to be designed and constructed to the relevant Australian Standards (AS), preparation of a loading management plan and detailed stormwater management plans.

**TfNSW** indicated it was satisfied with the Applicant's response to its issues and stated the need for the Applicant to prepare a Green Travel Plan (GTP).

**EPA** recommended the Applicant continue to engage an NSW EPA accredited Site Auditor throughout the duration of works to ensure that any work required in relation to soil, groundwater, or ground gas contamination is appropriately managed. The EPA also recommended conditions requiring the Applicant to obtain a Site Audit Statement(s) certifying that the site is suitable for the proposed use at the completion of remediation.

DPIE EES, PCC and Heritage NSW had no further comments.

**Jacfin** reiterated its objection to the development in a submission on the RtS. Jacfin's submission included a Noise Impact Assessment prepared by Acoustic Dynamics which raised issues with the Applicant's amended NVIA including:

- the use of the carpark and truck hardstand area at Lot 201 was not modelled or assessed correctly; and
- the lack of a detailed maximum level assessment of sleep disturbance.

Jacfin also reiterated its position that the development does not comply with SEPP 55.

The Department reviewed the submissions and carried out a detailed review of the amended development application including the amended NVIA. On 11 December 2020, the Department requested the Applicant respond to the submissions received on the RtS and requested additional information or clarification on the assumptions and modelling used in the NVIA.

### **5.8 Supplementary Response to Submissions**

On 22 December 2020, the Applicant submitted a SRtS which responded to the issues raised in the submissions and included a NVIA addendum, Site Audit Statement for Lots 201 and 204 and a registered Deposited Plan and 88B Instrument.

The Department's review of the NVIA addendum resulted in a further request to the Applicant to amend the NVIA to incorporate each distinct outdoor operation corresponding to side-loading as well as heavy vehicles idling, passing by, accelerating and reversing (including the contribution of energy-average noise emission associated with non-tonal reversing alarms). The Department also requested the application of a +5dB modifying correction for intermittent noise in the NVIA.

On 12 March 2021, the Applicant submitted Supplementary Information that included additional noise modelling to address the issues raised by the Department. Jacfin also provided an additional submission on 24 March 2021 raising concerns regarding noise, contamination and light spill.



## 6 Assessment

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

- visual impact; and
- noise impact.

A number of other issues have also been considered. These issues are considered to be less significant and are addressed in **Section 0**.

### 6.1 Visual Impact

The development would alter views from vantage points in the locality through the construction of a warehouse and distribution estate.

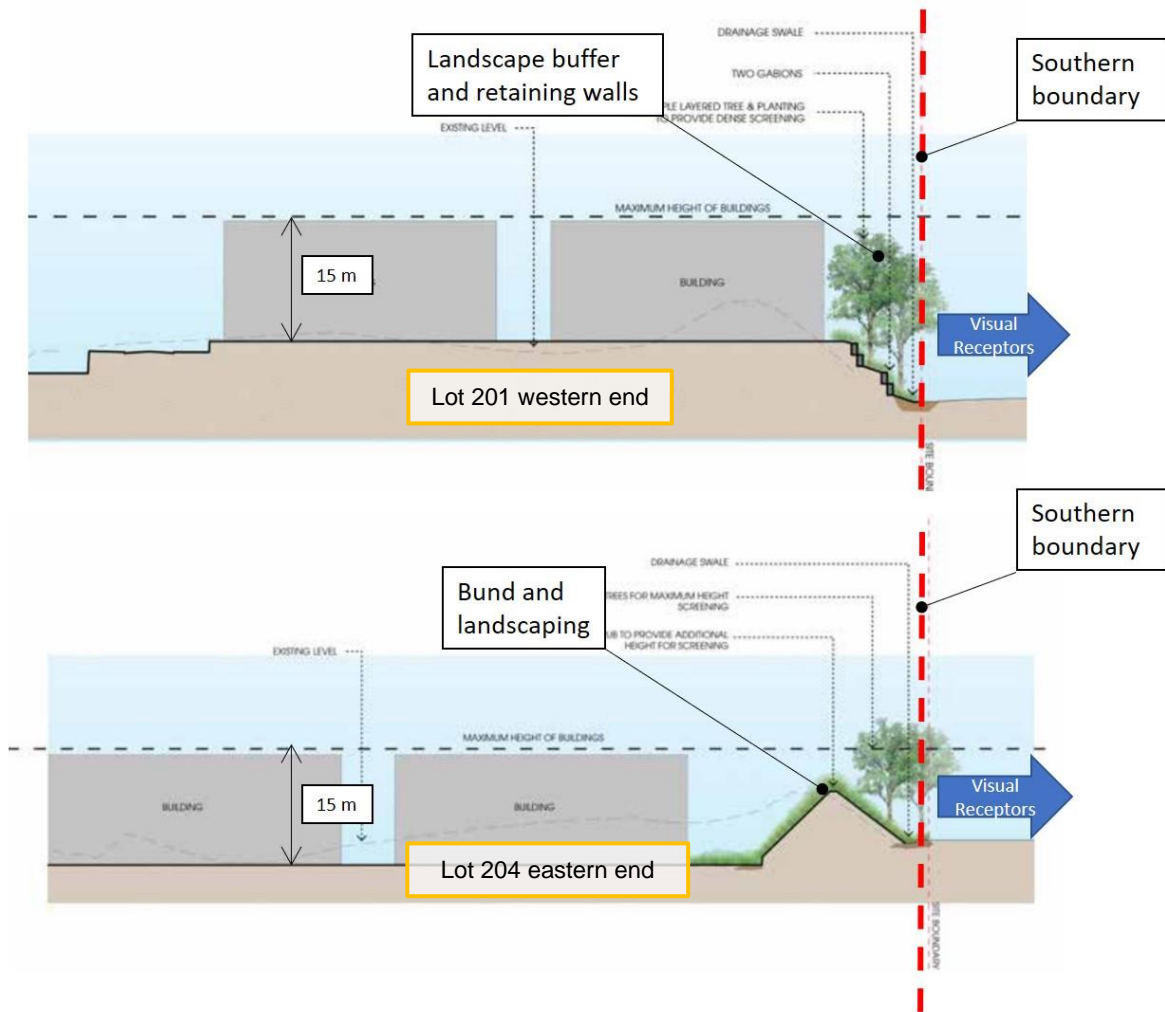
#### Background

The area has been identified for warehouse and industrial uses as part of the WSEA expansion area since 2013. More broadly, the WSEA has been progressively developed over the past decade to provide a range of employment generating uses. These uses largely include warehousing and distribution centres. As a result, the character of the area has been and continues to transition from a rural landscape to industrial uses.

Clause 23 of the WSEA applies to development located within 250 m of land zoned primarily for residential purposes and provides matters the consent authority must consider, including visual impacts and compatibility with the built form in the locality. While the southern boundary of the site adjoins existing and future residential receivers, these are primarily zoned rural and therefore Clause 23 does not strictly apply. Regardless, the Department has given due consideration to the matters under Clause 23 in its assessment.

The southern boundary treatments required under DA 893.1/2013 have been constructed and works as executed (WAE) plans provided to the satisfaction of Council in accordance with conditions imposed by the LEC. The intent and purpose of the southern boundary treatments is to screen the future warehouses from visual receivers to the south as detailed in **Figure 5**. The Applicant noted in the EIS that CSR would remain responsible for the ongoing management of the southern boundary treatments in accordance with a management plan approved under DA 893.1/2013.

During the exhibition of the EIS, adjoining landowners including residents of Greenway Place and Jacfin raised concerns with the potential visual impacts of the development, including potential light spill. As part of its submission, Jacfin provided its own Visual Impact Assessment (VIA), prepared by urbane architectural, which concluded that a more robust approach to mitigating visual impacts and view losses on the Jacfin rural residential subdivision to the south of the site should be considered by the Applicant.



**Figure 5 |** LEC southern boundary design for the CSR Estate development (DA 893.1/2013)

#### *Lot 204 Warehouse Building*

The warehouse building on Lot 204 would be setback 10 m from the 21 m wide landscape bund at the southern boundary of the site. The southern façade of the building would have a height of 13.7 m and a width of 62.2 m and would be constructed of light grey metal cladding. To mitigate potential noise impacts from the loading areas, an awning structure with a height of 12.45 m and width of 42.2 m constructed of light grey metal cladding would be attached to the southern façade of the building.

#### *Lot 201 Warehouse Building*

The warehouse building on Lot 201 would be setback approximately 3 m from the southern boundary treatments. The southern façade of the building would have a height of 15 m and a length of 323.7 m and would be constructed of light grey metal cladding with grey Zinalume steel roof sheeting.

### **Applicant's Visual Assessment**

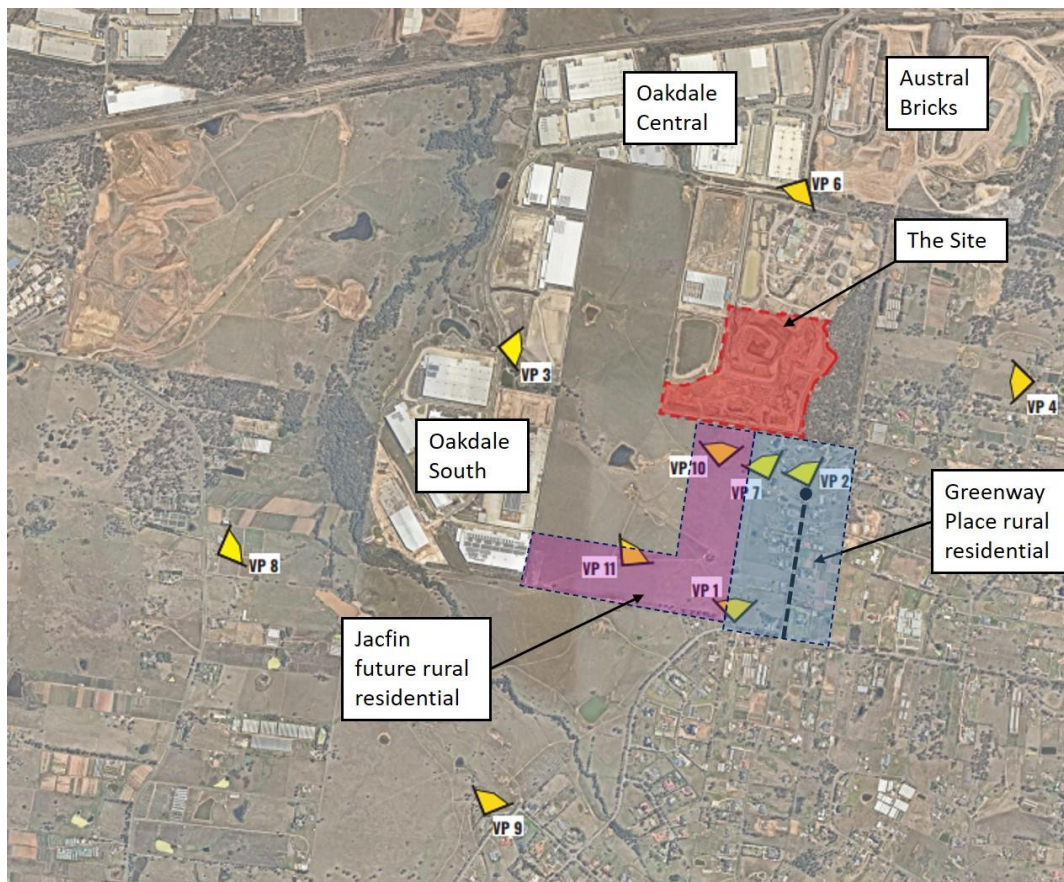
The RtS included an updated Landscape and Visual Impact Assessment (LVIA) prepared by Geoscapes to assess the potential visual impacts of the construction and operation of all warehouses on the site. The key aspect of the development likely to have a visual impact is the construction of warehouses with large building façades adjacent to the southern boundary of the site. The Lot 201 and

204 warehouse buildings are located in proximity of the southern boundary with the other warehouses screened from view and located within the site.

The updated LVIA selected 11 viewpoints based on a set of criteria including:

- views in which the development would be most prominent;
- views from important public domain elements; and
- consideration of the location of surrounding industrial development.

The viewpoints assessed in the updated LVIA are shown in **Figure 6**. The LVIA included photomontages from the selected viewpoints as a tool in analysing the potential visual impacts from visual receivers. The photomontages compare the baseline photo with the views immediately post development and views 15 years post-development as boundary landscaping continues to mature.



**Figure 6 |** Viewpoint locations assessed in the LVIA

Based on the updated LVIA's assessment of the photomontages, the Applicant established the key visual receivers that may be affected by visual changes as the dwellings at the end of Greenway Place (VP2 and VP7) (see **Error! Reference source not found.**) and the future Jacfin rural residential lands (VP10) (see **Figure 8**). The updated LVIA assessment of viewpoint 7 located at 33 Greenway Place determined the development would be expected to have a moderate visual impact on the receiver, concluding:

- the view is representative of a number of properties on Greenway Place;
- existing industrial development has already impacted the view from this viewpoint due to the introduction of warehouses to the north;

- the existing bund effectively screens the Lot 204 warehouse building; and
- the southern boundary landscape buffers at maturity would provide visual mitigation.

The updated LVIA assessment of viewpoint 10 located within the future Jacfin rural residential lands determined the development would be expected to have a minor to moderate visual impact on the future receiver, concluding:

- the future residential receivers would be aware of the zoning of adjacent lands and expect their views would contain industrial type buildings; and
- the southern boundary treatments would mitigate visual impacts once the trees reach maturity.

Overall, the LVIA concludes that the careful selection of building finishes and colours combined with landscaping would effectively filter and blend the development into the surrounding context.

### The Department's Assessment

The Department has carefully considered the Applicant's updated LVIA, the LEC decision, the issues raised in the public submissions and the VIA provided in Jacfin's submission.

The site is located on strategically identified employment lands and the development is typical of development within the WSEA, being a warehouse and distribution centre with building heights of approximately 15 m. Given the sites location at the edge of the WSEA, some boundary interface land use conflicts would be expected with the existing and future residential receivers to the south of the site.

Visual impacts of future warehouses within the CSR Estate were considered in detail by the LEC in determining DA 893.1/2013. This included prescribing maximum building heights and minimum building setbacks for the site and requiring screening treatments along the southern boundary, including a landscape bund. In order to minimise visual impacts on residential receivers to the south, the development has been designed to be consistent with the decision by the LEC, including complying with building height and setback requirements.

The Applicant's updated LVIA relies on the southern boundary treatments delivered under DA 893.1/2013 as the primary mitigation measure to reduce the potential visual impacts on existing and future residential receivers. The WAE plans show the southern boundary treatment has a varied width including a 21 m bund at the eastern extent of the southern boundary, a 14 m landscape buffer with retaining walls in the centre of the southern boundary and stepping down to a 10 m wide landscape buffer at the western portion of the site in accordance with the LEC decision. However, the Applicant's Landscape Plans show that a 14 m wide buffer would continue further to the west increasing the area of the existing 10 m buffer in this area. The Department notes that the Landscape Plans do not show how the additional 4 m of width in this area would be landscaped (see **Based on** the photomontages in the updated LVIA, the visual impact of the development when viewed from the south would decrease over a 15-year period as the trees at the southern boundary reach maturity. The Department concurs with the Applicant's conclusions in the updated LVIA and the RtS that should these trees reach maturity as depicted in the photomontages and the visual impacts of the development on existing and future receivers could be mitigated to achieve an appropriate outcome.



**Figure 7).**

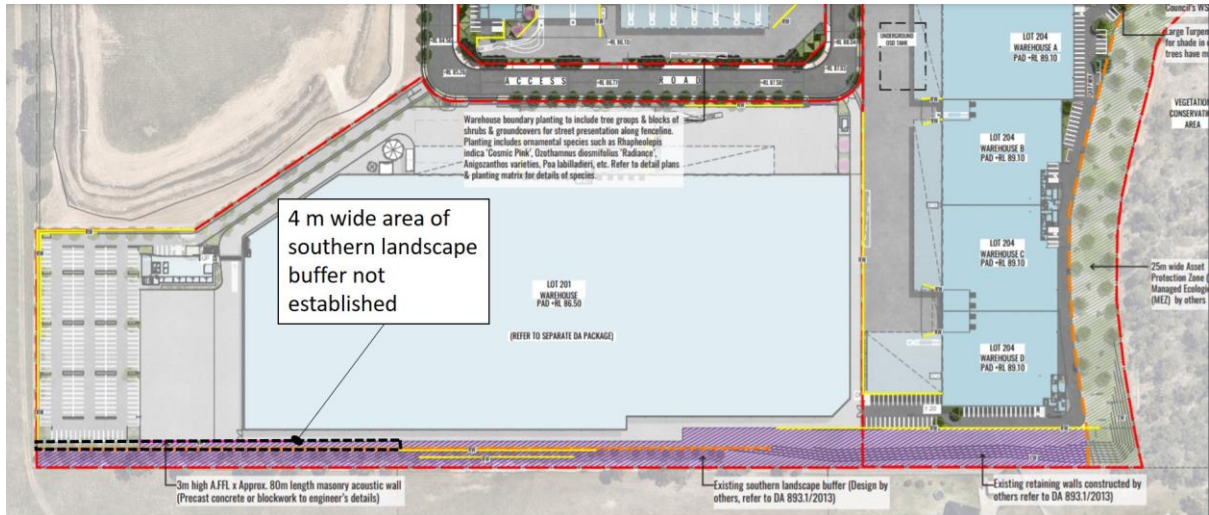
Based on the photomontages in the updated LVIA, the visual impact of the development when viewed from the south would decrease over a 15-year period as the trees at the southern boundary reach maturity. The Department concurs with the Applicant's conclusions in the updated LVIA and the RtS that should these trees reach maturity as depicted in the photomontages and the visual impacts of the development on existing and future receivers could be mitigated to achieve an appropriate outcome.



**Figure 7** | View assessment of Lot 201 and 204 warehouses from 33 Greenway Place (VP7)



**Figure 8** | View assessment of Lot 201 warehouse from future Jacfin rural residential lands (VP10)



**Figure 9** | Applicant's proposed Landscape Plan showing the 4 m wide area of the southern boundary treatment not established

There is the potential for increased visual impacts during the interim period until the trees along the southern boundary reach maturity. The Department considers the visual impacts on dwellings at the end of Greenway Place (VP2 and VP7) will be mitigated by the landscape bund, screening views north towards Lot 204 (see **Error! Reference source not found.**). Additionally, while Lot 201 will be visible to the north-west, existing views in that direction are currently of warehouse developments further north and Lot 201 is also offset from Greenway Place, being located west of Lot 204, mitigating potential visual impacts.

The Department acknowledges Lot 201 will be visible from the future Jacfin rural residential lands during the interim period (VP10) (see **Figure 8**). These lands are bordered by industrial zoned land to the north and west and future occupiers would expect industrial buildings to be visible in those directions. Furthermore, the Jacfin rural residential lands are currently undeveloped and any impacts from the development would be reduced throughout the interim period until Lot 201 is predominately screened by mature trees.

It is also noted the bulk and scale of the development along the southern boundary (which includes the walls of buildings on Lot 201 and 204 and proposed noise barriers) enables effective noise mitigation of loading areas and other existing and future warehouse and industrial operations further to the north (see **Section 6.2**). Given the close proximity of the site to existing and future visual receivers to the south and the high visibility of the western portion of the Lot 201 warehouse building due to topography (see **Error! Reference source not found.** and **Figure 8**), the Department considers additional tree plantings at the southern boundary within the 4 m wide landscaped area shown in **Based on** the photomontages in the updated LVIA, the visual impact of the development when viewed from the south would decrease over a 15-year period as the trees at the southern boundary reach maturity. The Department concurs with the Applicant's conclusions in the updated LVIA and the RtS that should these trees reach maturity as depicted in the photomontages and the visual impacts of the development on existing and future receivers could be mitigated to achieve an appropriate outcome.





**Figure 7** are warranted. At maturity, these additional trees would further reduce the visual impact of the development and address some of the concerns raised in the public submissions. The Department has therefore recommended a condition requiring the preparation of a revised and detailed Landscape Plan including the additional tree plantings at the southern boundary.

The Department considers the management and maintenance of the southern boundary treatments to allow trees to reach maturity as detailed in the photomontages in the LVIA would be an important factor in the success of mitigating the visual impacts of the development. To this end, the Department has recommended a condition requiring the preparation and submission of a Landscape Management Plan (LMP) for the additional 4 m wide area to be established and the remainder of the southern boundary treatments. The implementation of the LMP would ensure that the southern boundary is effectively managed and maintained under this SSD and the Applicant is not reliant on other approvals and management regimes to ensure mitigation measures remain effective within the site.

Concern was also raised in submissions with light spill from the development onto existing and future receivers to the south. The Applicant has provided a general layout of potential lighting locations and advised final locations will be determined once a tenant has been identified for each warehouse. The Department recognises the potential additional risk for light spill due to the topography of the site and has recommended a condition of consent requiring the preparation of an outdoor lighting management plan prior to operation of each warehouse. The management plan must detail the locations of any

outdoor lights and describe measures to be implemented to minimise light spill. The Department has also recommended a condition of consent requiring lighting be installed and operated in accordance with the relevant Australian Standard and be located and directed in such a manner to not create a nuisance on surrounding properties. The Department considers with these conditions, the potential risk for light spill will be mitigated.

The Department's assessment concludes that through the recommended conditions of consent including the ongoing management of the southern boundary treatments, the visual impacts of the development would be mitigated to an appropriate level given the context of the site and its location at the boundary interface of the WSEA.

## 6.2 Noise Impact

### Background

The development would generate noise during construction and from 24-hour operations. Primary operational noise sources include heavy vehicle movements to, from and within the site, the use of external mechanical plant, the use of forklifts and staff vehicle trips. This has the potential to impact on the amenity of the nearest existing and future sensitive receivers, being the dwellings on Greenway Place (Noise Catchment Area (NCA) 2), future dwellings within the Jacfin rural residential lands (NCA1) and scattered rural residential dwellings to the east of the site (see **Error! Reference source not found.**).

The EIS included a Noise and Vibration Impact Assessment (NVIA), prepared by SLR consulting. The NVIA assessed the construction and operational noise impacts of the development on nearby sensitive receivers in accordance with the Noise Policy for Industry (NPfI) (EPA, 2017), Interim Construction Noise Guideline (ICNG) (DECC, 2009), Assessing Vibration: A Technical Guideline (EPA, 2006) and the NSW Road Noise Policy (DECCW, 2011).

During exhibition, the Department received three public submissions from residents on Greenway Place and one submission from Jacfin all by way of objection and citing noise as a key issue. Jacfin's submission included a peer review of the NVIA by Wilkinson and Murray which raised concerns that the potential impact of the truck storage hardstand area on Lot 201 was not adequately assessed and suggested that maximum noise levels from trucks would be higher than the levels used by SLR.

Following exhibition of the EIS, the development, including the layout of buildings, was amended such that construction and operational impacts changed from the original assessment and an amended NVIA, prepared by SLR consulting, was submitted as part of the RtS. The amended design included additional acoustic barriers adjacent to the Lot 201 truck storage hardstand area and the Lot 204 loading dock area.



**Figure 10 |** Nearby sensitive receivers and noise monitoring locations

Additional submissions were received from Jacfin, including peer reviews of the amended NVIA prepared by Renzo Tonin & Associates. The peer reviews raised concerns with the assumed heavy vehicle sound power levels (SWLs) for slow-moving and accelerating conditions, vehicle passage speed and the number of trucks not being representative of the likely worst-case emission scenario. The peer reviews also raised concerns the NVIA did not sufficiently demonstrate exceedances related to sleep disturbance can be mitigated and annoying noise characteristics such as intermittency and tonality can be minimised.

The Department also carried out a review of the amended NVIA and raised the following issues to be considered by the Applicant:

- worst-case noise emission scenarios must be assessed to ensure the objectives of Clause 23 of the WSEA SEPP can be met;
- noise emission assumptions for heavy vehicles and operational activities should be amended to include SWLs and vehicle speeds for slow-moving, accelerating and reversing movements consistent with other noise assessments for warehouse developments; and
- penalty corrections for annoying noise characteristics such as tonality, low-frequency content, impulsivity and intermittency typically occurring from heavy vehicle movements and cargo handling activities within loading docks must be evaluated.

The Applicant made subsequent amendments to the noise assessment consistent with best practice operational noise modelling established by other warehouse developments in the WSEA. The Applicant submitted an addendum report to the NVIA which addressed the concerns raised by the Department and Jacfin on 12 March 2021 which included an awning structure to enclose a southern portion of the Lot 204 loading dock area as an additional mitigation measure. The final noise modelling used by the Applicant sought to ensure compliance with the night-time project amenity noise level and sleep disturbance criterion at all sensitive receivers; which required the number of night-time heavy vehicle movements within a 15-minute period as specified in the amended NVIA be reduced significantly (see

**Table 3).**

**Table 3 |** Maximum number of two-way heavy vehicle movements over a given 15-minute period

<b>Lot Number</b>	<b>Amended NVIA (November 2020)</b>	<b>Amended NVIA (March 2021)</b>
201	20	10
202A	8	4
202B	8	4
203	10	5
204A	8	2
204B	8	2

## **Applicant's Noise Assessment**

### *Construction Noise*

Bulk earthworks, construction of building pads and associated infrastructure are being delivered under DA 893.1/2013. Therefore, construction activities for the development are limited to minor earthworks and the construction of the warehouses and associated works, which are proposed to be undertaken during standard daytime construction hours.

In accordance with the ICNG, the highly noise affected construction noise management level (CNML) at all sensitive receivers during standard daytime construction hours is  $L_{Aeq,15minute}$  75 dB(A). Restrictions to the hours of construction and the provision of respite periods may apply to activities that generate noise at residences above the highly noise affected CNML as this level represents the point above which there may be strong community reaction to noise. The noise affected CNMLs for the residential receivers ranged from  $L_{Aeq,15minute}$  of 45 to 49 dB(A) during standard construction hours and represents the level above which some adverse community reaction to noise may be expected. The predicted worst-case scenario construction noise levels moderately exceeded the noise affected CNML's at NCA1 and NCA2 by up to 17 dB(A) and 13 dB(A) respectively but were below the highly noise affected CNML of 75dB(A).

The amended NVIA modelled a worst-case scenario in which the noisiest plant and equipment, being earthworks plant was operating at the nearest point of construction to sensitive receivers. As such, the predicted exceedances are not expected to occur throughout the duration of construction considering only minor earthworks are required. The amended NVIA suggests construction noise near the boundaries of the site can be managed through mitigation strategies in accordance with the ICNG, including:

- construction respite and scheduling;
- avoiding plant operating simultaneously;
- shield stationary noise sources; and
- orienting equipment with directional noise emissions away from sensitive receivers.

The Department notes construction noise impacts would be temporary, and the modelling represents a worst-case scenario whereby the noisiest plant is operating adjacent to the southern boundary. The Department considers construction impacts can be managed to an acceptable level by ensuring the Applicant adheres to the noise management levels in the ICNG through the implementation of a Construction Noise and Vibration Management Plan (CNVMP) and restricting construction works to standard construction hours. The Department has recommended conditions of consent accordingly.

#### *Operational Noise*

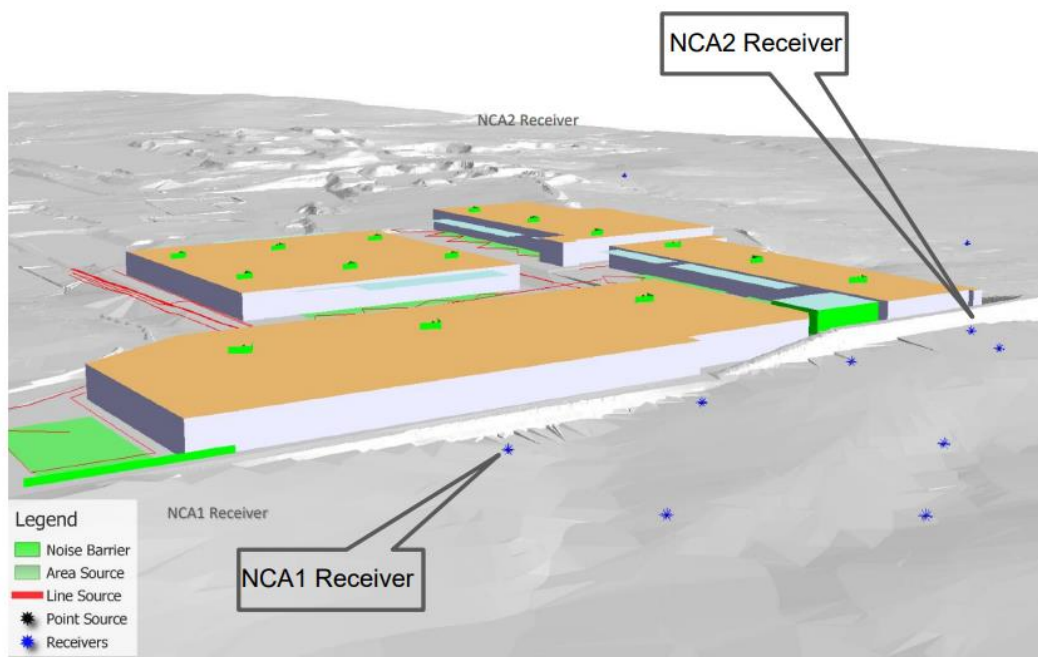
The amended NVIA identified key sources of operational noise generation to be light and heavy vehicle manoeuvres, loading activities and rooftop mechanical plant. The worst-case time-averaged operational noise over an assessment time period of 15-minutes (denoted as  $L_{Aeq,15\text{minute}}$ ) was evaluated assuming all key sources of noise generation would operate concurrently. The amended NVIA also evaluated maximum noise levels (denoted as  $L_{Amax}$ ) generated from air brakes and non-tonal reversing movement alarms.

The amended NVIA assessed the extent of night-time operational noise impacts at noise sensitive receivers against project noise trigger levels (PNTLs) established using the NPfI, including an amenity noise level of  $L_{Aeq,15\text{minute}}$  38 dB(A) for the rural residential zone and sleep disturbance screening criterion of  $L_{Amax}$  52 dB(A). Locations of noise sources, noise barriers and assessment locations in each respective NCA are shown in **Figure 11**.

In order to assess the possibility of sleep disturbance, the Applicant considered modelling inputs and source SWLs for each component of vehicle access, manoeuvring and loading and rooftop plant operating in all noise source locations. Maximum  $L_{Amax}$  levels reported in the amended NVIA corresponds to noise generated from the release of truck air brakes.

The amended NVIA reported that operational noise levels predicted under noise-enhancing meteorological propagation conditions at the nearest residential receivers (NCA1 and NCA2) would comply with the PNTLs (see **Table 4**) following the implementation of attenuation measures, including:

- a 3 m high noise barrier along the southern boundary of Lot 201 hardstand;
- a metal clad acoustic awning along the southern extent of the loading area associated with warehouse 204D rooftop screening for mechanical plant; and
- restriction to the number of heavy vehicle movements over each 15-minute assessment period.



**Figure 11 |** Location of noise sources, noise barriers and receivers

**Table 4 |** Final noise model results

	<b>NCA1</b>		<b>NCA2</b>	
	<b>Source noise level contribution</b> $L_{Aeq,15minute}$	<b>Maximum source noise level</b> $L_{Amax}$	<b>Source noise level contribution</b> $L_{Aeq,15minute}$	<b>Maximum source noise level</b> $L_{Amax}$
Total receiver noise level	33 dB(A)	49 dB(A)	36 dB(A)	48 dB(A)
PNTL	38 dB(A)		38 dB(A)	
Sleep disturbance screening criterion		52 dB(A)		52 dB(A)

The Applicant also carried out an intermittency screening test under weather enhancing conditions to understand if reversing alarms could be considered intermittent at the sensitive receivers requiring penalty corrections in accordance with the NPfI. The NPfI defines intermittency as noise where the level suddenly drops/increases several times during the assessment period. The Applicant’s intermittency screening test concluded that with the proposed mitigation measures including the acoustic barriers in place, the maximum reversing alarm noise level would not be considered intermittent at the sensitive receivers. Furthermore, penalty corrections for tonality and impulsivity were qualitatively excluded on the basis that non-tonal reversing alarms would be utilised by all warehouses and that impact noise from operational activities would not be prominent in the ambient noise environment.

The Applicant's noise impact assessment concludes that the modelled operation of the development would not be expected to exceed PNTLs of  $L_{Aeq,15\text{minute}}$  38 dB(A) and  $L_{Amax}$  52 dB(A) established using the NPfl (see **Table 4**). However, the Applicant noted that the predicted operational noise is subject to confirmation during detailed design once operational needs of future tenants are known.

### **The Department's Assessment**

The close proximity of existing and future residential dwellings to the site and the objectives of Clause 23 of the WSEA SEPP were important considerations for the Department in the assessment of the noise impacts of the development. The Department also carefully considered the concerns raised in the public submissions including potential night-time impacts on receivers. The Department has critically reviewed and required amendments to the Applicant's noise assessment, to ensure the final model was based on robust assumptions to provide a reasonable prediction of the potential sleep disturbance impacts of the development in full operation.

The Department notes that in order to ensure compliance with the night-time amenity noise level and sleep disturbance screening criterion at all sensitive receivers, the Applicant committed to implement noise attenuation measures in conjunction with a reduced number of heavy vehicle movements across the site. Specifically, restricting only two inbound and two outbound heavy vehicles are allowed within the loading dock area of Lot 204 in any given 15-minute period during the night-time period could achieve compliance with the night-time amenity noise level at the most-affected receiver in NCA2 under the premise.

The Department considers that stringent operational limitations on the four warehouse tenancies on Lot 204 should be established to ensure truck movements align with the assumptions in the Applicant's noise model during the night-time period. The Department has therefore recommended conditions which:

- restrict the number of trucks entering and exiting Lot 204 during the night-time period to two inbound and two outbound movements over any 15-minute period; and
- requires the preparation of a loading dock management plan for Lot 204 to manage noise emissions and provide feasible measures to ensure truck movements are effectively restricted during the night-time period.

The Department has also recommended conditions requiring the preparation and submission of a noise verification report prior to the final design of warehouses on Lot 201 and 204 and within three months of the commencement of operation of each warehouse tenancy on the site. Through noise verification, the Applicant can confirm the actual noise emissions of the warehouses at full operation, including noise caused by external plant, truck movements and operational activities in loading areas can comply with the relevant noise criteria at all sensitive receivers. Should the noise verification report show any exceedances in the noise criteria, the recommended conditions require the Applicant to identify and implement additional noise control measures and verify the effectiveness of these mitigation measures to the satisfaction of the Planning Secretary. This could include further restrictions on the night-time operational activities in close proximity to residential receivers to avoid sleep disturbance impacts.

As the appropriate regulatory authority for noise from the development, the Department would closely review the noise verification reports and any additional mitigation measures to ensure compliance with the noise criteria can be achieved at all sensitive receivers. The Department has also recommended

conditions requiring an independent environmental audit of the development after one year of operation and every three years thereafter to ensure continued compliance through the life of the development.

The Department also considers that an effective means of communication between the nearby existing and future sensitive receivers and the Applicant must be established. As such, the Department has recommended the preparation of a Community Consultation Plan which must, among other requirements:

- assign a central contact person to keep the nearby sensitive receivers regularly informed throughout the life of the development; and
- include a complaints procedure for recording, responding to and managing any complaints.

The Department’s assessment concludes that the potential impacts from construction and operation noise are acceptable and the residual noise impacts on nearby sensitive receivers, including sleep disturbance, can be suitably mitigated and managed through the stringent recommended conditions of consent and best practice noise management procedures.

### 6.3 Other Issues

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

**Table 5 | Assessment of Other Issues**

Findings	Recommendations	
<b>Traffic</b>		
<ul style="list-style-type: none"> <li>• Ason Group prepared an amended Transport Assessment (TA) as part of the RtS which assessed the potential traffic impacts of the development on the local and regional road network.</li> </ul>	Require the Applicant to: <ul style="list-style-type: none"> <li>• prepare and implement a CTMP</li> <li>• submit detailed design plans and swept path analysis for each access driveway in consultation with Council</li> <li>• prepare and implement a GTP.</li> </ul>	
<b>Construction Traffic</b>		
<ul style="list-style-type: none"> <li>• The TA suggests the expected light and heavy vehicle generation during construction would be less than the predicted operational traffic volumes of the development and concludes existing intersections and Johnston Crescent would adequately accommodate construction traffic movements.</li> <li>• In its submission on the EIS, Council recommended a condition requiring the implementation of a Construction Traffic Management Plan (CTMP) to mitigate potential construction traffic impacts.</li> <li>• The Department does not anticipate any traffic related impacts during construction subject to the preparation and implementation of a CTMP which establishes workforce arrival and departure times and heavy vehicle delivery times to be within standard construction hours and outside the peak hours of the road network.</li> </ul>		
<b>Site Access and Internal Circulation</b>		
<ul style="list-style-type: none"> <li>• Each warehouse tenancy on Lots 201-203 would have dedicated entry and exit driveways from Johnston Crescent for</li> </ul>		



heavy vehicles and an additional entry/exit driveway for light vehicles to avoid the potential for traffic conflicts on-site and within the road. The four proposed warehouse tenancies on Lot 204 would share separate entry/exit driveways for light and heavy vehicles also accessed from Johnston Crescent.

- The TA included a swept path analysis, demonstrating that B-Double combination vehicles can enter, exit and manoeuvre within the site and fire trucks and emergency vehicles can adequately access all required areas of each Lot.
- In its submission on the RtS, Council raised concerns regarding the location of access driveways and the potential for turning trucks to encroach on the path of travel of oncoming traffic in Johnston Crescent. Council suggested widening access driveways could alleviate this issue and recommended that further analysis and design refinement be considered.
- The Department notes that Johnston Crescent is a local industrial road designed to cater for warehouse and distribution operations and associated traffic. The Department agrees with Council that the design and location of the access driveways must minimise potential conflicts in Johnston Crescent caused by the turning of large trucks.
- To this end, the Department has recommended a condition requiring the preparation and submission of detailed design plans for the access driveways, prepared in consultation with Council, including a swept path analysis confirming a range of light and heavy vehicles can safely enter and exit each access driveway avoiding conflict in Johnston Crescent.

#### ***Operational Traffic***

- The TA utilised the RMS traffic rates established for other warehouse and distribution precincts to accurately predict the likely peak hour traffic generation for the development based on total GFA, suggesting the development would have a traffic generation rate of 279 and 205 vehicle trips in the AM and PM peak hours respectively.
- The TA included a SIDRA analysis undertaken for the key intersection of Old Wallgrove Road / Milner Avenue based on the projected cumulative traffic volumes for 2026 including the impacts of existing and future development.
- The SIDRA analysis concluded that the development under full operation would only marginally increase the average delays experienced and the intersection would operate at a good level of service (LoS) B at 2026.
- TfNSW did not raise specific concerns regarding the potential traffic generation impacts of the development on the future SLR

## Findings

## Recommendations

and were satisfied the RtS adequately responded to issues raised in its initial submission on the EIS. TfNSW recommended a condition requiring the preparation of a Green Travel Plan (GTP).

- The Department notes that under the interim arrangements in which Old Wallgrove Road is utilised to access the regional road network, the development would only slightly impact the performance of the key intersection. The Department considers the construction of the SLR would have a beneficial impact on the development and provide better access to the M7 motorway to the east and Mamre Road to the west. The use of the SLR by the development and other operations in the CSR Estate in the future would also reduce traffic on the local road network including Old Wallgrove Road.
- The Department concurs with TfNSW and has recommended a condition requiring the preparation of a GTP to provide mechanisms and strategies to reduce employees' reliance on single occupant vehicle travel.
- The Department's assessment concludes that the development would not be expected to negatively impact the safety, capacity or efficiency of the local or regional road network under both the interim and ultimate arrangements.

### Car Parking

- The site specific DCP for the CSR Estate requires the provision of 1 space per 70 m<sup>2</sup> of gross lettable area, being 1,207 parking spaces for the development.
  - As an alternative to the DCP rates, the Applicant proposes to provide parking at a rate of 1 space per 300 m<sup>2</sup> of warehouse GFA and 1 space per 40 m<sup>2</sup> of office GFA in accordance with the rates provided in the RMS Guide to Traffic Generating Developments (RMS Guide). Based on the use of the RMS Guide rates, the development would require the provision of 496 parking spaces. The Applicant has proposed to provide a total of 636 parking spaces, which is in excess of the RMS Guide rates.
  - The Applicant has justified the use the RMS Guide rates instead of the DCP, noting the DCP rates are more suited to smaller tenancies with a high proportion of office area, the rates are consistent with what has been adopted elsewhere in the WSEA, TfNSW is satisfied with the approach and the development will be supported by a GTP.
- Require the Applicant to:
- construct car parks in accordance with the relevant Australian Standards
  - prepare and implement a GTP.

## Findings

## Recommendations

- Council's submission on the RtS requested that additional parking should be provided on site at the rate required under Council's City Wide DCP for warehousing which equates to 1 space per 177 m<sup>2</sup>.
- The Department notes the RMS Guide rates have been applied to other similar warehouse and distribution developments in the WSEA without resulting in supply issues (including the Oakdale Industrial Estate's to the west and north of the site) and therefore considers the parking provision of the development to be appropriate.
- The Department has recommended conditions requiring the preparation of a GTP to reduce the development's reliance on light vehicles and reduce the potential demand for parking spaces of future tenants.
- The Department's assessment concludes the development has provided an adequate supply of parking to meet the realistic demands of future tenants of the proposed warehouses in accordance with the RMS Guide.

## Contamination

- The site contains asbestos contamination which is being remediated in stages under two development consents.
- DA 893.1/2013 approved a RAP to excavate and dispose of the contaminated material at a licenced facility.
- DA 21.1/2020 approved an amended RAP which alters the method of disposal of contaminated materials through the construction of a containment cell within Stage 3 of the CSR Estate (on the lot presently used by PGH Bricks). The proposed containment cell is outside the land subject to this SSD.
- Remediation works have now been completed under DA 893.1/2013 and a Site Audit Statement (SAS) issued by an EPA Accredited Site Auditor for Lots 201 and 204 verifying these portions of the site are suitable for the proposed industrial use.
- Remediation of Lot 202 and 203 is underway and expected to be completed with SAS's issued by the Site Auditor by November 2021.
- As part of the RtS, the Applicant requested the Department place conditions of consent on the development requiring the SAS's for Lots 202 and 203 prior to the commencement of works on these lots.
- The EPA raised some concerns that the remediation of the site was being carried out under separate development consents, but recommended conditions which require the issue of SAS's

Require the Applicant to:

- provide a SAS prior to the commencement of works on Lots 202 and 203
- prepare an unexpected finds protocol.

## Findings

## Recommendations

prior the commencement of works on Lots 202 and 203 while concerns were raised in submissions whether the development satisfied the requirements of SEPP 55.

- The Department notes that Council, as the regulatory authority for contamination on the site, did not raise any concerns with the remediation.
- The Department has considered the contamination issues and notes remediation works are being carried out in accordance with an approved RAP, that would make the land suitable for future industrial uses proposed as part of this SSD application. The Department is satisfied that Lots 202 and 203 would not be used for industrial purposes until SAS's are issued by the EPA Accredited Site Auditor.
- The Department has recommended a condition of consent requiring the issue of SAS's by an EPA accredited Site Auditor prior to the commencement of works on Lots 202 and 203.
- The Department's assessment concludes that adequate measures are in place to ensure the site can be made suitable for the development as required by SEPP 55.

### Former Camide Landfill

- The former Camide Landfill site (Landfill site) is located to the north of Lot 201 but not located within the site. The Landfill site is being maintained by CSR as part of the CSR Estate development.
- As part of the SRtS, the Applicant submitted an SAS for Lot 201 incorporating a Landfill Gas Environmental Management Plan prepared by an accredited Site Auditor. The SAS determined that the site is suitable for the intended industrial use subject to the implementation of the EMP.
- The Department notes that Council, who is the regulatory authority for the Landfill site, did not raise any concerns with the proximity of the development to the former landfill.
- The Department is satisfied that adequate measures are in place under Council DA's and the EMP to manage potential gases from Landfill site to ensure any impacts on the development could be mitigated.

### Biodiversity

- The CSR Estate is subject to an EPBC Act approval (2017/7744) requiring the establishment of a 25 m wide MEZ along the eastern boundary of the site as a buffer between the between the development and the environmental conservation area east of the site.
- Require the Applicant to:
- prepare and implement a BMP as a sub-plan to the CEMP.

## Findings

## Recommendations

- The MEZ would be located within the site but would continue to be managed by CSR as part of the broader industrial estate. The development does not involve works within the MEZ.
- A BDAR waiver was approved on 6 August 2020 on the basis that the development would not involve the removal of any vegetation and is consistent with EPBC Act approval (2017/7744) (see Section 4.11) and DA 893.1/2013.
- Council recommended conditions requiring the protection of vegetation within the MEZ during construction activities.
- The Department notes that the development involves no vegetation removal and is unlikely to have any biodiversity impacts.
- The Department concurs with Council that the vegetation established as part of the MEZ should be protected during construction activities and has recommended a condition requiring the Applicant to prepare and implement a Biodiversity Management Plan (BMP) detailing management measures to protect flora and fauna during construction.

## Air Quality

- An Air Quality Impact Assessment (AQIA) was part of the Applicant's EIS which qualitatively assessed the air quality impacts associated with the construction of the development in accordance with the methods in the IAQM Guidance on the Assessment of Dust from Demolition and Construction developed in the United Kingdom.
  - Considering site wide bulk earthworks and construction of roads and building pads are being delivered as part of the CSR Estate, the main sources of emissions during construction of the development would be drilling and excavation for footings, minor grading, loading and unloading of materials, wheel-generated dust from trucks travelling on unpaved surfaces and wind erosion of exposed surfaces.
  - The Applicant's qualitative assessment concluded off-site impacts associated with dust and suspended particles would be minor in nature and recommended a range of standard construction management measures be implemented.
  - The AQIA stated that operational air emissions would generally be caused by exhausts from vehicle movements and trucks idling at loading docks.
  - The AQIA adopted a risk-based approach to assess the potential impact of the operation of the development on sensitive receivers noting the magnitude of potential emissions
- N/A

## Findings

## Recommendations

is considered negligible and the nature of the potential air quality impacts of the development would be neutral to the environment.

- The EPA and Council did not raise any concerns regarding potential air quality impacts.
- The Department is satisfied the AQIA has provided an adequate level of assessment (being qualitative in nature) given the limited nature of earthworks and excavation required by the development.
- The Department considers during construction there could be some air quality impacts from dust generation, however these will be short-term and could be mitigated through adequate construction management measures.

## Bushfire Management

- The site is identified as being bushfire prone land on Council's Bushfire Prone Land Map.
- Eco Logical prepared a Bushfire Protection Assessment (BPA) of the development as part of the Applicant's EIS which considered the development layout, existing vegetation, effective slopes, local conditions and Fire Danger Index (FDI) in accordance with Planning for Bushfire Protection (PBP) 2019.
- The BPA found the development would be able to satisfy the PBP, noting the provision of a number of APZ's across the site.
- The BPA also included a series of recommendations to minimise the potential bushfire impacts, including construction standards for the buildings, water supply requirements and ensuring landscaping is in accordance with PBP requirements.
- RFS reviewed the development and the BPA and recommended conditions relating to managing Lot 201 and 204 as an inner protection area (IPA), construction standards, access requirements and water and utility services.
- The Department has considered the findings of the BPA and is satisfied the development can comply with PBP, subject to implementing the conditions recommended by the RFS. The Department's assessment concludes the development would adequately manage potential bushfire risks.

Require the Applicant to:

- construct the development in accordance with the recommendations of the RFS, the requirements of PBP and relevant Australian Standards.

## Development Contributions

### *Regional Contributions*

- Development within the WSEA is subject to development contributions for the provision of regional infrastructure.

Require the Applicant to:

- provide local contributions in accordance with

## Findings

## Recommendations

- The CSR Estate, including the site, is subject to a Voluntary Planning Agreement (VPA) (SVPA-2016-8153) with the Department which was executed on 20 November 2015 and amended on 24 April 2017 in accordance with clause 29 of the WSEA SEPP. The VPA provides that CSR will carry out road works and will make monetary contributions of \$182,898 per ha of net developable area.
- On 23 June 2020, the Department issued a Satisfactory Arrangement Certificate (SAC) pursuant to Clause 29 of the WSEA SEPP for the development.

### *Local Contributions*

- The Fairfield Indirect (Section 94A) Development Contribution Plan 2011 (Section 7.12 Plan) applies to the site and requires the payment of a contribution to Council equivalent to 1% of the overall development cost, for the purposes of providing various public facilities within the LGA in accordance with Section 7.12 of the EP&A Act.
- The Department has included a condition requiring the payment of local contributions to Council in accordance with the Section 7.12 Plan to the value of 1% of the CIV which would be approximately \$1.1 million.

Council's Section 7.12 Plan.

## Stormwater

- The development would increase impervious surfaces across the site and has the potential to increase stormwater volumes discharging from the site and decrease stormwater quality.
- Costin Roe prepared a Civil Engineering Report and Civil Engineering Plans which collectively provided a stormwater management strategy (SMS) for the site to meet the requirements set out in the site specific DCP.
- The SMS proposes each lot would have individual on-site detention (OSD) systems designed to ensure the permissible site discharge rates are achieved for up to the 100-year ARI and on-lot treatment measures designed to meet the required pollution reduction targets including, filters, pit inserts, gross pollutant traps (GPTs) and bioretention basins.
- The development proposes to discharge stormwater from each lot into the trunk drainage network for the CSR Estate in Johnston Crescent which has been designed and constructed in accordance with the DCP to cater for the maximum discharge rates of the proposed development.
- Council requested the Civil Engineering Plans include invert levels within the access road at all stormwater connection

Require the Applicant to:

- prepare and implement an Stormwater Management Plan as part of the CEMP and OEMP.

## Findings

## Recommendations

points. The Applicant provided an amended SMS which addressed Council's requirements as part of the RtS.

- The Department notes the development would utilise the trunk drainage system delivered as part of the CSR Estate and that the Applicant has designed an SMS to meet the stringent requirements of the DCP.
- The Department has recommended conditions requiring a qualified expert to prepare and implement a Stormwater Management Plan (SMP) in the CEMP and OEMP in consultation with Council. The SMP would ensure the SMS was installed and operated in accordance with the DCP.
- The Department's assessment concludes the development would provide adequate stormwater quantity and quality controls to mitigate impacts on surrounding sites and the broader stormwater network.



## 7 Evaluation

The Department's assessment of the application has fully considered all relevant matters under section 4.15 of the EP&A Act, the objects of the EP&A Act and the principles of ecologically sustainable development. The Department has considered the development on its merits, taking into consideration the strategic plans that guide development in the area, the environmental planning instruments that apply to the development and the submissions received from public authorities, Council, organisations and the community.

The Department considers the key assessment issues are visual and noise impacts.

### Visual Impacts

The Applicant has proposed to mitigate the visual impacts of the development on existing and future dwellings in proximity of the site through a built form outcome that is generally consistent with the requirements of the NSW LEC under DA 893.1/2013 and relying on the southern boundary treatments constructed as part of the CSR Estate. Based on a review of the Applicant's VIA and in consideration of the issues raised in the public submissions, the Department has recommended conditions requiring additional screen plantings and the ongoing management and maintenance of the southern boundary treatments. The Department considers that through the implementation of the recommended conditions, the southern boundary treatments would reduce the visual impacts of the development to an acceptable level.

### Noise Impacts

The Department considers that the effective mitigation of potential noise impacts caused by the operation of the development 24 hours a day, seven days is critically important to ensure the amenity of nearby existing and future residential receivers is maintained. To this end and in recognition of the issues raised in the public submissions, the Department carried out a detailed and critical review of the Applicant's noise assessment to ensure the assumptions used and the resultant noise model was as robust as possible. Through the use of additional acoustic barriers and a reduction in the number of night-time heavy vehicle movements on Lot 204, the Applicant was able to demonstrate that the development could be operated in a manner which did not exceed the relevant noise criteria at nearby receivers. To ensure the development will be operated in such a manner, the Department has recommended a suite of strict conditions requiring the Applicant to verify, mitigate and manage noise emissions from the development to protect the amenity of the locality and comply with the applicable project noise trigger level.

The Department has recommended a range of other detailed conditions to address the residual impacts of the development in conjunction with government agencies, Council and in recognition of substantiated issues raised in the public submissions.

The Applicant has been provided a SAC which details that the Department is satisfied that the required regional infrastructure contributions have been paid. The Department has also recommended a condition requiring the payment of local contributions in accordance with Council's Section 7.12 Plan.

Overall, the development is consistent with the strategic direction for the site set under the WSEA SEPP and will assist with providing employment generating uses within Western Sydney. The development would provide up to 112,819 m<sup>2</sup> of GFA for warehouse and distribution and ancillary offices and is

expected to generate \$110,020,640 in capital investment and 254 construction jobs and 441 operational jobs.

The Department concludes the impacts of the development can be appropriately managed through implementation of the recommended conditions of consent.

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

## 8 Recommendation

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

- **considers** the findings and recommendations of this report;
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application;
- **agrees** with the key reasons for approval listed in the notice of decision;
- **grants consent** for the application in respect of ESR Horsley Logistics Park (SSD-10436), subject to the conditions in the attached development consent; and
- **signs** the attached development consent and recommended conditions of consent (see **Attachment E**).

**Recommended by:**



29/03/21

**Bruce Zhang**

Senior Environmental Assessment Officer  
Industry Assessments

**Recommended by:**



29/03/21

**Chris Ritchie**

Director  
Industry Assessments

## 9 Determination

The recommendation is **Adopted** by:



31/03/21

**Mike Young**

Executive Director

Energy, Industry and Compliance

# Appendices

## Appendix A – List of documents

The Department relied upon the following key documents during its assessment of the SSD application:

### Environmental Impact Statement

- Environmental Impact Statement and attachments, titled Environmental Impact Statement Horsley Logistics Park, prepared by Urbis Pty Ltd, dated July 2020 (see <https://www.planningportal.nsw.gov.au/major-projects/project/28256>)

### Submissions and Advice

- Submissions received during the exhibition of the SSD, amended application and RtS (see <https://www.planningportal.nsw.gov.au/major-projects/project/28256>); and
- Advice from government authorities and Council on the EIS, amended application and RtS (see <https://www.planningportal.nsw.gov.au/major-projects/project/28256>).

### Response to Submissions

- Response to Submissions titled Response to Submissions Report Horsley Logistics Park, prepared by Urbis Pty Ltd, dated November 2020 (see <https://www.planningportal.nsw.gov.au/major-projects/project/28256>); and
- Supplementary Response to Submissions titled Supplementary Response to Submissions prepared by Urbis Pty Ltd, dated 22 December 2020 (see <https://www.planningportal.nsw.gov.au/major-projects/project/28256>).

### Supplementary Information

- Supplementary Information titled Memorandum – Horsley Logistics Park – NVIA Addendum Report – Collated Response to DPIE RFI's, prepared by SLR, dated 12 March 2021

### Statutory Documents

- Relevant environmental planning instruments, policies and guidelines (described in Appendix B); and
- Relevant requirements of the EP&A Act.

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

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

**Table 6 |** Consideration under Section 4.15 of the EP&A Act

Provision	Comment
<p>(a) the provisions of:</p> <p>(i) any environmental planning instrument, and</p> <p>(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</p>	<p>Detailed consideration of the provisions of all environmental planning instruments (including draft instruments subject to public consultation under the EP&amp;A Act) that apply to the development is provided in <b>Appendix C</b> of this report.</p>
<p>(iii) any development control plan, and</p>	<p>Under Clause 11 of the SRD SEPP, development control plans do not apply to State significant development. Notwithstanding, the Department has considered the site specific DCP for the CSR Estate titled <i>Development Control Plan: 327 – 335 Burley Road, Horsley Park March 2016</i> in its assessment.</p>
<p>(iia) 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</p>	<p>The CSR Estate, including the site, is subject to a Voluntary Planning Agreement (VPA) (SVPA-2016-8153) with the Department which was executed on 20 November 2015 and amended on 24 April 2017 in accordance with clause 29 of the WSEA SEPP. The VPA provides that CSR will carry out road works and will make monetary contributions of \$182,898 per ha of net developable area.</p> <p>On 23 June 2020, the Department issued a Satisfactory Arrangement Certificate (SAC) pursuant to Clause 29 of the WSEA SEPP for the development.</p>
<p>(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>	<p>The Department has assessed the development in accordance with all relevant matters prescribed by the regulations, the findings of which are contained in this report.</p>

Provision	Comment
(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 <b>Section 6</b> 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 relates to a warehousing and distribution centre development located on IN1 General Industrial zoned land which is permissible with development consent.
(d) any submissions made in accordance with this Act or the regulations,	All matters raised in submissions have been summarised in <b>Section 5</b> of this report and given due consideration as part of the assessment of the development in <b>Section 6</b> of this report.
(e) the public interest.	<p>The development would generate up to 254 jobs during construction and 441 jobs during operation. The development is a considerable capital investment in Western Sydney that 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>

## Appendix C – Consideration of Environmental Planning Instruments

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

The SRD SEPP identifies certain classes of development as SSD. The construction and operation of warehouses and distribution centres that meets the criteria in Clause 12(1) of Schedule 1 of the SRD SEPP is classified as State significant development. The development satisfies this criterion as the warehouse building on Lot 201 has an estimated CIV of \$52,554,263 which is above the \$50 million threshold.

### 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 includes a warehouse or distribution centre with over 8,000 m<sup>2</sup> in site area. Consequently, it requires referral to RMS for comment and consideration of accessibility and traffic impacts.

The development was referred to the TfNSW (RMS) for consideration, which is summarised in **Sections 5 and 6.3** of this report. The development is therefore considered consistent with the ISEPP.

### State Environmental Planning Policy (Western Sydney Employment Area) 2009 (WSEA SEPP)

The WSEA SEPP aims to promote economic development and employment, provide for the orderly and coordinated development of land, ensure development occurs in a logical, cost-effective and environmentally sensitive manner and conserve and rehabilitate areas with high biodiversity, heritage or cultural value within the WESA. Part 5 of the WSEA SEPP sets out the principal development standards within the WSEA. The development has been assessed against these standards and a summary of the Department's assessment is provided in **Table 7**.

**Table 7** | Compliance with the WSEA SEPP Development Standards

Development Standard	Proposed Development	Department Comment
CI 18(1) Requirement for development control plans  A consent authority must not grant consent to a Development Application unless a development control plan (DCP) has been prepared for that parcel of land.	The site is subject to the site specific DCP titled <i>Development Control Plan: 327 – 335 Burley Road, Horsley Park March 2016</i> applying to the entire CSR landholding which specifies planning controls for the site to promote high quality design outcomes.	The Department considers the development complies with Clause 18(1) of the WSEA SEPP.
<b>CI 20 Ecologically Sustainable Development</b>	The development incorporates a range of sustainability measures designed to reduce	The development includes passive building design measures for minimising



Development Standard	Proposed Development	Department Comment
<p>The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that the development contains measures designed to minimise:</p> <p>(a) the consumption of potable water, and</p> <p>(b) greenhouse gas emissions.</p>	<p>energy and resource use during operation, including through the selection of building materials and passive building design measures as detailed in the Applicant's EIS.</p>	<p>resource use and emissions. The Applicant has also committed to implement a number of measures to reduce consumption of potable water and greenhouse gas emissions.</p>
<p><b>CI 21 Height of Buildings</b></p> <p>The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that:</p> <p>(a) building heights will not adversely impact on the amenity of adjacent residential areas, and</p> <p>(b) site topography has been taken into consideration.</p>	<p>The development seeks approval for buildings 13.7 m high on Lot 204 and 15 m high on Lots 201-203 in accordance with the restrictions established in the LEC determination of the CSR Estate development.</p>	<p>The WSEA SEPP does not prescribe a height limit for the site.</p> <p>The Department has considered the potential impacts associated with the bulk and scale of the proposed buildings on existing and future residential receivers in the locality in <b>Section 6</b> of this report.</p>
<p><b>CI 22 Rainwater harvesting</b></p> <p>The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that adequate arrangements will be made to connect the roof areas of buildings to such rainwater harvesting scheme (if any) as may be approved by the Director-General.</p>	<p>The Applicant proposes to implement rainwater harvesting techniques to minimise potable water use by using rainwater collected from warehouse and/or office roofs for non-potable uses. Rainwater tanks are provided for each proposed warehouse.</p>	<p>The provision of rainwater tanks and proposed use of rainwater is satisfactory.</p>
<p><b>CI 23 Development adjoining residential land</b></p> <p>(1) This clause applies to any land to which this Policy applies that is within 250 metres of land zoned primarily for residential purposes.</p>	<p>Greenway Place and the site of the future Jacfin rural residential development are located within 250 m of the site on land zoned RU4 – Primary Production Small Lots.</p>	<p>The Department does not consider the RU4 zoning to be primarily for residential purposes. However, as the lots on Greenway Place are presently utilised for primarily residential purposes, the Department considers an assessment of the development</p>

Development Standard	Proposed Development	Department Comment
		against this clause to be warranted.
(2) The consent authority must not grant consent to development on land to which this clause applies unless it is satisfied that:		
(a) wherever appropriate, proposed buildings area compatible with the height, scale, siting and character of existing residential buildings in the vicinity, and	The Applicant suggests through the careful selection of building finishes and colours combined with landscape planting the development blends into its surrounding context.	The Department has considered the potential visual impacts of the development on nearby existing and future residential receivers in <b>Section 6</b> of this report.
(b) goods, plant, equipment and other material resulting from the development are to be stored within a building or will be suitably screened from view from residential buildings and associated land, and	The Applicant suggests that goods, plant and equipment will be stored inside at all times or suitably screened to avoid potential visual impacts in compliance with these requirements.	The potential visual and noise impacts of externally mounted plant and equipment has been considered by the Department in <b>Section 6</b> of this report.
(c) the elevation of any building facing, or significantly exposed to view from, land on which a dwelling house is situated has been designed to present an attractive appearance, and	The Applicant suggests the existing dwellings on Greenway Place would not be exposed to significant views of the development due to location of the southern landscape buffer and bund.	The Department has considered the potential visual impacts of the development on nearby existing and future residential receivers in <b>Section 6</b> of this report.
(d) noise generation from fixed sources or motor vehicles associated with the development will be effectively insulated or otherwise minimised, and	The Applicant's final noise model shows the noise generation from fixed sources and truck movements can be effectively mitigated and managed to adhere to relevant noise criteria.	The Department has carefully considered the potential noise impacts of the development in <b>Section 6</b> of this report.
(e) the development will not otherwise cause nuisance to residents, by ways of hours of operation, traffic movement, parking, headlight glare, security lighting or the like, and	The warehouse operations associated with the development would operate 24 hours a day, seven days a week. The traffic and parking provisions of the development are described in <b>Section 6.3</b> of this report and the proposed	The Department has carefully considered the potential amenity impacts of the development on nearby residential receivers throughout this report, but in particular in <b>Section 6</b> .

Development Standard	Proposed Development	Department Comment
	outdoor lighting is described in <b>Section 6.1</b> of this report.	
(f) the development will provide adequate off-street parking, relative to the demand for parking likely to be generated, and	The development has been designed to provide parking in accordance with the rates in the RMS Guide which the Applicant suggests have been demonstrated as being sufficient in other warehouse developments.	The Department has considered the provision of parking in <b>Section 6</b> of this report. The Department's assessment concluded the development has provided an adequate number of parking spaces for the proposed warehouse operations.
(g) the site of the proposed development will be suitably landscaped, particularly between any building and the street alignment.	The Applicant submitted an amended Landscape Plan as part of the RtS which included landscaping at the street boundaries of each proposed warehouse. The landscaping at the southern boundary of the site established as part of the CSR Estate development would continue to be maintained by CSR as required by DA 893.1/2013.	The Department has considered the suitability of the proposed landscaping in <b>Section 6</b> of this report.
<p><b>CI 25 Public utility infrastructure</b></p> <p>The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made</p>	All necessary public utility infrastructure for the development is being delivered as part of the CSR Estate development under DA 893.1/2013. No augmentation of these services is proposed as part of this application.	The Department is satisfied that adequate arrangements are in place for the provision of public utility infrastructure essential for the development.
<p><b>CI 26 Development on or in the vicinity of proposed transport infrastructure routes</b></p> <p>The consent authority must consider any comments made by the Secretary as to the compatibility of the</p>	The future SLR is located at the northern boundary of the CSR Estate	Appropriate provisions for future connections of the CSR Estate to the SLR have been provided in DA 893.1/2013.

Development Standard	Proposed Development	Department Comment
development with the proposed transport infrastructure route.		
<p><b>CI 29 Industrial release area</b> Assistance to the State authorities for the provision of regional transport infrastructure and services is required. The consent authority must not grant consent unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of regional transport infrastructure and services.</p>		<p>On 23 June 2020, the Department issued a Satisfactory Arrangement Certificate (SAC) pursuant to Clause 29 of the WSEA SEPP for the development.</p>
<p><b>CI 31 Design principles</b> The consent authority must take into consideration whether or not: (a) the development is of a high-quality design, and (b) a variety of materials and external finishes for the external facades are incorporated, and (c) high quality landscaping is provided, and (d) the scale and character of the development is compatible with other employment generating development in the precinct concerned.</p>	<p>The Applicant justified the development achieved a high-quality design outcome with the proposed warehouse buildings being an appropriate bulk and scale consistent with existing warehouses in the WSEA. Sufficient building and landscaping setbacks are proposed to minimise visual dominance of warehouse buildings when viewed from public vantage points with each warehouse incorporating various materials, finishes, and colours to positively contribute to the streetscape.</p> <p>The Applicant proposes to implement high-quality landscaping within car parks and along perimeters to soften built form.</p>	<p>The Department has assessed the visual impacts of the development in <b>Section 6.1</b> of this report. The Department's assessment concluded the proposed materials and landscaping of the development are appropriate for the location of the site at the southern extent of the WSEA and adjacent to residential receivers.</p>
<p><b>CI 33H Earthworks</b> Before granting development consent for earthworks, the consent authority must consider</p>	<p>The development includes only minor earthworks as bulk earthworks have been carried out under DA 893.1/2013.</p>	<p>The Department considers the earthworks associated with the development to be minor in nature and appropriate controls</p>

Development Standard	Proposed Development	Department Comment
the matters outlined in Clause 33H (3).		can be provided under recommended conditions.
<b>CI 33L Stormwater, water quality and water sensitive design</b>	The proposed stormwater management system includes on-site detention tanks and on-lot treatment measures designed to meet the required pollution reduction targets. Rainwater harvesting is proposed for reuse for non-potable application within the proposed warehouses.	The Department's assessment of the stormwater impacts of the development is provided in <b>Section 6.3</b> of this report.

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

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

The Applicant suggests that no Dangerous Goods (DG) would be stored on site given that no tenant has been secured for the warehouse tenancies. Should a future operator seek to occupy one of the warehouse tenancies for purposes that would be classified as potentially offensive or potentially hazardous, a PHA would be required to be prepared and submitted with a further development application for assessment and approval.

The Department has recommended conditions which restrict the storage of DG in each warehouse tenancy to below the thresholds established in DPIE's Applying SEPP 33 guidelines.

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

SEPP 55 aims to ensure that potential contamination issues are considered in the determination of a development application. Site investigations carried out as part of DA 893.1/2013 revealed the presence of asbestos as a CoC within the site and a RAP was prepared to remediate the site. To date, Lot 201 and 204 have been remediated and a SAS issued for each by a Site Auditor. The Applicant has proposed the remainder of the site would be remediated in accordance with the RAP and the requirements of DA 893.1/2013 prior to the commencement of works on Lot 202 and 203.

The Department's assessment of the development against SEPP 55 is provided in **Section 6.3** of this report. The Department's assessment concludes that adequate measures are in place to ensure the site can be made suitable for the development as required by SEPP 55 through the use of an EPA accredited Site Auditor.

## 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 Applicant has submitted an amended signage plan which includes a combination of Estate entry signage, building identification signage, wayfinding signage for vehicles and pedestrians, and the Applicant’s logo signage. Schedule 1 of SEPP 64 stipulates assessment criteria for outdoor signage. The Department’s assessment against these provisions is at **Table 8**.

**Table 8 | Compliance with SEPP 64**

Development Standard	Compliance
<b>1 Character of the area</b>	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage is contemporary in design and consistent with the existing and future industrial and warehousing uses of the site and surrounds. The signage plan avoids the placement of signage in close proximity to adjacent existing and future dwellings.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed signage is consistent with business identification and wayfinding theme for outdoor advertising in the locality.
<b>2 Special areas</b>	
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?	The proposed signage is entirely within the industrial zoned area. The site is located adjacent to an environmental conservation area and rural residential uses, but the signage would be oriented away from these sensitive areas and would not be expected to have significant impacts on visual amenity.
<b>3 Views and vistas</b>	
Does the proposal obscure or compromise important views?	No views or vistas would be obscured by the proposed signage.
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signage would be wall-mounted or erected as pylons with compatible scale with existing and future developments. The proposed signage would not dominate the skyline.
Does the proposal respect the viewing rights of other advertisers?	The proposed signage would not impact on the viewing rights of other advertisers.

Development Standard	Compliance
<b>4 Streetscape, setting or landscape</b>	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposed scale and design of the signage is appropriate for the streetscape and industrial and warehousing setting.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signs would not impede the visual interest of the streetscape, setting or landscape given the function and design of the proposed signage is consistent with the proposed industrial and warehousing use.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	N/A
Does the proposal screen unsightliness?	N/A
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No sign is proposed above host buildings or structures.
Does the proposal require ongoing vegetation management?	The proposed signage does not require ongoing vegetation management.
<b>5 Site and building</b>	
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?	The proposed scale and design of the signage is compatible with the site, the proposed warehouse buildings and surrounding land uses.
Does the proposal respect important features of the site or building, or both?	The proposed signage would not detract from important features.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signage is compatible with the scale of the proposed warehousing buildings and the CSR Estate.
<b>6 Associated devices and logos with advertisements and advertising structures</b>	
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?	The proposed lighting devices would be integrated into the proposed signage.
<b>7 Illumination</b>	
Would illumination result in unacceptable glare? Would illumination affect safety for pedestrians, vehicles or aircraft?	Illumination is proposed to ensure the wayfinding function of the proposed signage is maintained throughout the 24/7 operation of the

Development Standard	Compliance
	development. The proposed intensity of illumination would not result in safety impacts.
Would illumination detract from the amenity of any residence or other form of accommodation?	The proposed signage is oriented away from nearby residences. The illumination would not detract amenities of residents.
Can the intensity of the illumination be adjusted, if necessary? Is the illumination subject to a curfew?	The intensity of the illumination would not be adjusted but considering the low illumination level, there is no need to adjust illumination. The illumination would not subject to a curfew.
<b>8 Signage</b>	
Would the proposal reduce the safety for any public road? Would the proposal reduce the safety for pedestrians or bicycles? Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed design and location of the signage would not be envisaged to have an adverse impact on public roads, pedestrians or bicycles or public areas.

### **Draft State Environmental Planning Policy (Environment) (Draft Environment SEPP)**

The Draft Environment SEPP proposes to consolidate seven existing SEPPs, including SREP 20. There is some duplication between SREP 20 and the Standard Instrument local environmental plans, Ministerial Directions and other SEPPs. The Draft Environment SEPP proposes to repeal provisions in SREP 20 that are satisfactorily addressed in other legislation or planning instruments. In considering SREP 20, the Department has also considered the relevant matters under the Draft Environment SEPP.

### **Draft Remediation of Land State Environmental Planning Policy (Draft Remediation SEPP)**

The Draft Remediation SEPP will replace the core aims and structure of SEPP 55, however the proposed changes are not substantial and primarily relate to technical clarifications. In considering SEPP 55, the Department has also considered the relevant matters under the Draft Remediation SEPP

### **Fairfield Local Environmental Plan 2013 (FLEP)**

Clause 8(2) of the WSEA SEPP specifies the WSEA SEPP prevails to the extent of any inconsistency with any local environmental plan (LEP) or environmental planning instrument (EPI). The Department has reviewed the relevant provisions of the FLEP and notes the site is not identified in any maps of the FLEP relating to principal development standards. The Department also notes the provisions relating to Clause 6.5 Terrestrial Biodiversity and Clause 6.6 Riparian Land and Watercourses.

The FLEP aims to encourage the development of housing, employment, infrastructure and community services to meet the needs of the existing and future residents of the Fairfield LGA. The FLEP also



aims to conserve and protect natural resources and foster economic, environmental and social well-being.

The Department has consulted with Council throughout the assessment process and has considered all relevant provisions of the FLEP and those matters raised by Council in its assessment of the development (see **Section 6** of this report). The Department concludes that the development is consistent with the relevant provisions of FLEP.

## Appendix D – Key Issues – Council and Community views

The Department publicly exhibited the EIS from 30 July 2020 until 26 August 2020. The Department received a total of 16 submissions during the exhibition period, including eight from public authorities, one from Council, one from Penrith City Council, three from organisations and three public submissions from neighbouring landowners. All of the public submissions and one organisation, Jacfin Pty Ltd (a neighbouring landowner), objected to the development.

The issues raised by these public submissions and how each issue has been addressed is summarised in **Table 9**.

**Table 9** | Consideration of key issues raised by the community

Issue	Consideration
Noise impacts	<p>Assessment</p> <ul style="list-style-type: none"> <li>The Applicant has proposed noise mitigation and management measures including the construction of acoustic barriers and awnings and restricting night-time truck movements on Lot 204 to ensure compliance with the relevant noise criteria including sleep disturbance at sensitive receivers.</li> </ul> <p>Conditions</p> <ul style="list-style-type: none"> <li>Require the development to be constructed and operated in accordance with the relevant noise criteria established in accordance with the NPfl.</li> <li>Restrict the truck movements on Lot 204 during the night-time period.</li> <li>Prepare noise verification reports to show the operational compliance of each warehouse tenancy with the relevant noise criteria.</li> <li>Implement suitable and verified mitigation measures to ensure any exceedances of the criteria at sensitive receivers are rectified.</li> </ul>
Visual impacts	<p>Assessment</p> <ul style="list-style-type: none"> <li>The southern boundary treatments and additional tree planting within the site, at maturity would provide effective screening and reduce the visual impact of the development.</li> </ul> <p>Conditions</p> <ul style="list-style-type: none"> <li>Prepare detailed Landscape Plans for the site including additional tree plantings at the southern boundary.</li> <li>Prepare a Landscape Management Plan to ensure the southern boundary treatments reach maturity and are maintained for the life of the development.</li> </ul>
Consistency with DA 893.1/2013 and LEC decision	<p>Assessment</p> <ul style="list-style-type: none"> <li>As part of the RtS and as requested by the Department, the Applicant provided a compliance audit of the development against the requirements of DA 893.1/2013. The compliance audit established that the development was consistent with the requirements established in the LEC decision as part of DA 893.1/2013, including building pad levels, height of buildings, road dedication and landscaping.</li> </ul>

Issue	Consideration
	<ul style="list-style-type: none"> <li>The Applicant also provided works-as-executed plans for the landscape bund on the southern boundary confirming adherence to the relevant conditions in DA 893.1/2013.</li> </ul> <p>Conditions Not Applicable</p>
Contamination	<p>Assessment</p> <ul style="list-style-type: none"> <li>The Applicant has provided adequate measures to ensure the site can be made suitable for the development as required by SEPP 55 including the use of an EPA accredited Site Auditor and the provision of SAS's.</li> <li>A former landfill site is located to the north of Lot 201 and is not located within the site. The landfill site is subject to an approved RAP under a Council DA. A gas collection system and flare for the landfill has also been approved by Council.</li> </ul> <p>Conditions</p> <ul style="list-style-type: none"> <li>Provide SASs for the site prepared by a Site Auditor prior to the commencement of works.</li> </ul>

## Appendix E – Recommended conditions of consent