



Gazcorp Industrial Estate Modification 2 & DHL Warehouse and Distribution Centre SSD

State Significant Development Modification Assessment (SSD-5248-MOD-2) and

State Significant Development Assessment (SSD-36156297)

December 2022



Published by the NSW Department of Planning, Industry and Environment

dpie.nsw.gov.au

Title: Gazcorp Industrial Estate Modification 2 & DHL Warehouse and Distribution Centre

Subtitle: State Significant Development Modification Assessment (SSD-5248-MOD-2) and State Significant Development Assessment (SSD-36156297)

Cover image: Perspective of the proposed DHL Warehouse (SBA Architects, 2022)

© State of New South Wales through Department of Planning and Environment 2022. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning, Industry and Environment as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (December 2022) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning, Industry and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability, or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

Glossary

Abbreviation	Definition
Applicant	Gazcorp Pty Ltd for the modification application and DHL Supply Chain (Australia) Pty Ltd for the State Significant Development application
BC Act	<i>Biodiversity and Conservation Act 2016</i> (NSW)
CIV	Capital Investment Value
Council	Fairfield City Council
Department	Department of Planning and Environment
DHL	DHL Supply Chain (Australia) Pty Ltd
DPE	Has the same meaning as the Department
EHG	Environment and Heritage Group, DPE
EIS	Environmental Impact Statement titled <i>DHL Warehouse and Distribution Centre, 813-913 Wallgrove Road Horsley Park</i> , prepared by Ethos Urban and dated 31 March 2022
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i> (NSW)
EP&A Regulation	Environmental Planning and Assessment Regulation 2021 (NSW)
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth)
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
FRNSW	Fire and Rescue NSW
Gazcorp	Gazcorp Pty Ltd
GFA	Gross Floor Area
GIE	Gazcorp Industrial Estate
Minister	Minister for Planning
Planning Secretary	Secretary of the Department of Planning and Environment
Planning Systems SEPP	State Environmental Planning Policy (Planning Systems) 2021

Abbreviation	Definition
RtS	Response to Submissions titled <i>DHL Warehouse and Distribution Centre Response to Submissions and Project Amendment Report</i> prepared by Ethos Urban and dated 10 October 2022
SEARs	Planning Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
SLR	Southern Link Road
SSD	State Significant Development
TfNSW	Transport for NSW
WSEA	Western Sydney Employment Area
WSFL	Western Sydney Freight Line

Executive Summary

Introduction

DHL Supply Chain Pty Ltd (DHL) proposes to construct and operate a DHL Warehouse and Distribution Centre at Horsley Park to receive, store and distribute goods. The proposed development is located within the approved Concept Plan for the Gazcorp Industrial Estate (GIE) located in the Fairfield local government area (LGA).

In 2019, Gazcorp Pty Ltd (Gazcorp) obtained approval for a Concept Plan (SSD-5248) and Stage 1 development application from the Independent Planning Commission as delegate of the then Minister for Planning and Public Spaces. The approved GIE includes a concept layout of 14 warehouse and industrial buildings and Stage 1 works including bulk earthworks across the GIE, construction of estate roads and construction and operation of one warehouse. Construction works are yet to commence on the GIE. The proposed DHL warehouse would require a modification to the approved concept layout and subdivision plan and minor changes to total gross floor area and approved building height.

This report details the Department of Planning and Environment's (the Department) assessment of the State significant development application (SSD-36156297) for the DHL Warehouse and Distribution Centre and a supporting modification application (SSD-5248-MOD-2) to amend the layout of the GIE.

Site Context

The GIE is located at 813 – 913 Wallgrove Road, Horsley Park in the Fairfield LGA, approximately 33 kilometres (km) west of the Sydney central business district. The site is located within the Western Sydney Employment Area (WSEA), which is strategically zoned to support industrial and employment generating developments in Western Sydney. The site has good connections to the regional road network including the M7 and M4 Motorways. Industrial land surrounds the site to the north, east and west and the nearest rural residences are located 120 metres (m) to the south of the GIE boundary and 400 m south of the proposed DHL warehouse. The Water NSW Warragamba water supply pipelines are located near the northern site boundary and Reedy Creek is located along the site's western boundary.

Development Description

The proposed development (the development) includes construction, fit out and operation of a DHL warehouse in the northern part of the GIE. The warehouse includes 29,531 square metres (m²) of gross floor area, an office, hardstand, loading docks, parking and landscaping. The development has a capital investment value of \$33 million and would generate 240 operational jobs and 160 construction jobs.

The proposed modification includes an amended concept layout and subdivision plan, a small decrease in gross floor area for the GIE and a minor increase in the building height control for the DHL warehouse.

Statutory Context

The modification of the GIE Concept Plan was submitted in accordance with section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (NSW) (EP&A Act). The application for the DHL warehouse is SSD under Part 4 of the EP&A Act as it meets the criteria in State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP). Consequently, the Minister for Planning is the consent authority for the SSD application.

Engagement

The Department exhibited the Environmental Impact Statement (EIS) for the modification and SSD from Thursday 12 May 2022 until Wednesday 8 June 2022 (28 days). The Department received advice from seven public authorities and submissions from two special interest groups. All advice and submissions provided comments on the application. No objections were received, and no public submissions were received.

Key issues raised related to truck manoeuvrability and traffic management, stormwater, the storage of dangerous goods and noise impacts.

The Applicant submitted a Response to Submissions (RtS) on 10 October 2022 to address matters raised in the submissions. The RtS was supported by amended architectural and landscape plans as well as revised technical reports. The RtS was made publicly available on the Department's website and was provided to public authorities to consider if it adequately addressed the issues raised.

In November 2022, the Applicant provided an amended site plan for the DHL warehouse showing a widened truck exit driveway responding to Council's review comments on the RtS.

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 assessment issue is access and traffic. Other matters were also assessed including noise, vibration, hazards and risks, water management, bushfire protection, air quality, landscaping, visual amenity and biodiversity.

Access and Traffic

The approved GIE includes construction of a new intersection on Wallgrove Road and two traffic lanes along the alignment of the future Southern Link Road to provide access to the site. The approved works also include an internal estate road network that would provide access to individual warehouses. The Department's assessment of the GIE Concept Plan concluded the proposed intersection and road layout would adequately accommodate the predicted traffic volumes from the fully developed estate.

The proposed DHL warehouse would generate less traffic volumes than assessed in the approved GIE and would not adversely impact on the capacity of existing intersections or the surrounding road network.

Council identified the proposed driveway connection from the DHL warehouse to the approved estate road network would not adequately accommodate turning B-double trucks, creating a potential safety issue. DHL revised the design to widen the truck exit driveway and provided swept path diagrams demonstrating that B-doubles could exit the driveway without crossing the centreline of the estate road. Council considered the revised design and recommended 'No Stopping' signs be installed along the estate road network to maintain truck manoeuvrability and road safety. Council also raised concerns about the design of the approved estate road network, requesting the Applicant undertake a Road Safety Audit and implement corrective actions to address the findings. The Applicant provided a Road Safety Audit in December 2022 as requested by Council.

The Department notes the development is consistent with the approved traffic volumes for the Concept Plan and concludes it would be adequately accommodated on the road network. The Department notes the residual concerns raised by Council in relation to detailed design of the estate road network and the need for parking restrictions to ensure trucks can safely manoeuvre throughout the estate. The

Department agrees with the recommendations of Council for 'No Stopping' restrictions and the need to address the findings of the Road Safety Audit. The Department has recommended the Applicant provide a list of recommendations to address the audit findings and a timetable for implementation, to the satisfaction of the Planning Secretary. Future applications for warehouses within the Concept Plan must also demonstrate that the access driveways would minimise safety risks and congestion when considered cumulatively across the estate.

The Department concludes that with the recommended conditions in place, the development would have adequate road access and would not impact on traffic safety on local and regional roads.

Other Issues

The development is generally consistent with the approved Concept Plan and the Department has recommended a range of standard conditions for managing stormwater, bushfire risks, hazards, air quality, landscaping and visual amenity.

The Department's assessment of potential noise and vibration impacts concluded that these aspects need to be carefully managed during both the construction and operational phases. The approved GIE includes a range of conditions to minimise noise impacts on nearby rural residences including verification of noise levels once operating and early construction of a noise wall along the southern site boundary. The Department has replicated similar conditions in the consent for the DHL warehouse to ensure the noise impacts remain below criteria and consistent with the approved Concept Plan. In relation to vibration, the Department has included vibration limits and the requirement to consult with Water NSW prior to construction, to ensure protection of the Warragamba water supply pipelines. The Department's assessment concluded the noise and vibration impacts of the development would be effectively managed to meet the criteria in the Concept Plan consent and minimise impacts on sensitive receivers.

Conclusion

The Department's assessment concluded the impacts of the development can be mitigated and managed to ensure an acceptable level of environmental performance, subject to the recommended conditions of consent.

Overall, the Department's assessment concludes the development:

- would have adequate site accesses for heavy and light vehicles and would not cause adverse traffic impacts
- would meet noise limits and vibration criteria at sensitive receivers subject to compliance with the conditions of consent
- would meet land use safety criteria
- would not cause adverse stormwater, air quality or visual impacts
- would not cause biodiversity impacts beyond what has been assessed under the approved GIE.

The Department considers that the development is in the public interest and recommends that the application is approved, subject to conditions.

Contents

1	Introduction	1
1.1	The Department's Assessment	1
1.2	Site Description	1
1.3	Development Background	2
2	Development	4
2.1	Overview	4
2.2	SSD 5248 MOD-2 – Gazcorp Industrial Estate.....	4
2.3	SSD 36156297 – DHL Warehouse and Distribution Centre	5
2.4	Applicant's Need and Justification for the Development.....	8
3	Strategic Context	9
3.1	Greater Sydney Regional Plan.....	9
3.2	Western City District Plan	9
3.3	Future Transport Strategy 2056	9
3.4	State Environmental Planning Policy (Industry and Employment) 2021.....	10
4	Statutory Context.....	11
4.1	Scope of Modification.....	11
4.2	State Significance.....	11
4.3	Permissibility	11
4.4	Consent Authority.....	11
4.5	Other Approvals	12
4.6	Mandatory Matters for Consideration.....	12
4.7	Public Exhibition and Notification	12
4.8	Objects of the EP&A Act	12
4.9	Ecologically Sustainable Development	13
4.10	Biodiversity Development Assessment Report.....	14
4.11	Commonwealth Matters	14
5	Engagement.....	15
5.1	Applicant's Consultation	15
5.2	Department's Engagement	15
5.3	Advice and Submissions	15
5.4	Response to Submissions.....	16
5.5	Additional Information	17
6	Assessment	18
6.1	Traffic and Access.....	18
6.2	Other Issues	20
7	Evaluation.....	27
8	Recommendation.....	29

9	Determination	30
	Appendices	31
	Appendix A – List of Referenced Documents	31
	Appendix B – Considerations under Section 4.15 of the EP&A Act	32
	Appendix C – Consideration of Environmental Planning Instruments	33
	Appendix D – Modification Instrument	37
	Appendix E – Development Consent	37

1 Introduction

1.1 The Department's Assessment

This report details the Department of Planning and Environment's (the Department) assessment of a State Significant Development (SSD 36156297) application for a DHL warehouse and distribution centre and a supporting modification application for the approved Gazcorp Industrial Estate (SSD-5248 MOD-2).

The Department's assessment considers all documentation submitted by Gazcorp Pty Ltd (Gazcorp) for the modification and DHL Supply Chain (Australia) Pty Ltd (DHL) for the SSD and submissions received from public authorities and other stakeholders. This report evaluates the key issues associated with the development and provides recommendations for managing any impacts during construction and operation. The Department's assessment has concluded the modification and the development are in the public interest and should be approved, subject to conditions.

1.2 Site Description

The Gazcorp Industrial Estate (GIE) is located at 813 – 913 Wallgrove Road Horsley Park in the Fairfield local government area, approximately 33 kilometres (km) west of the Sydney central business district, see **Figure 1**. The GIE covers 52 hectares (ha) of land zoned for general industrial uses and is located in the Western Sydney Employment Area (WSEA), see **Figure 2**.

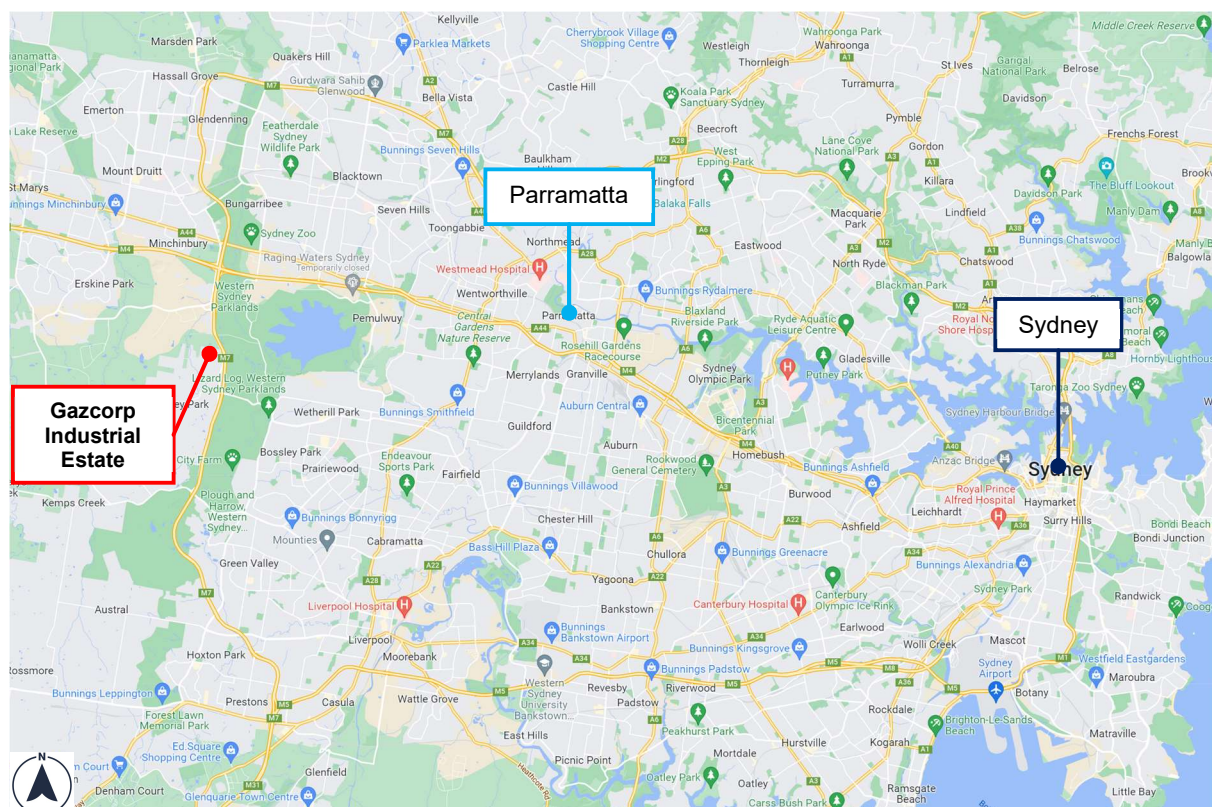


Figure 1 | Regional Context Map



Figure 2 | Local Context Map

The site is currently undeveloped, has historically been used for grazing and contains remnant patches of native vegetation. Immediately to the north are the Water NSW Warragamba to Prospect water supply pipelines and a future road corridor which was identified for the Southern Link Road (SLR). To the east is Wallgrove Road and the M7 Motorway, to the west is Reedy Creek and to the south is a transmission line easement and rural-residential properties. General industry and warehousing uses have been developed around the site to the north, east and west. Land immediately to the south has been identified as a potential corridor for the Western Sydney Freight Line (WSFL) and further south is an alternative alignment for the SLR. The nearest residences are located along Burley Road to the south, around 120 metres (m) from the southern boundary and around 400 m from the proposed DHL warehouse which is located in the northern part of the GIE.

1.3 Development Background

On 11 November 2019, Gazcorp obtained development consent (SSD-5248) from the Independent Planning Commission as delegate of the then Minister for Planning and Public Spaces, to develop the GIE, see **Figure 3**. The consent included a Concept Plan for the estate and a Stage 1 development application for a warehouse on Lot 10. The consent was modified in December 2021 to amend the concept layout and include bulk earthworks across the site. The approved Concept Plan (as modified) includes:

- a Concept Plan for 14 warehouse buildings and associated offices, covering 218,735 square metres (m²) of gross floor area (GFA)

- a concept road layout, urban design controls, concept landscape designs and infrastructure arrangements
- a stage 1 development including:
 - bulk earthworks across the estate
 - construction of the estate roads and other service infrastructure
 - subdivision
 - construction of a signalised intersection on Wallgrove Road and two lanes of the future SLR for a length of 350 metres (m) to enable access to the site
 - construction and operation of a 45,225 m² warehouse and distribution centre on Lot 10 (western most lot).

Construction of the approved Stage 1 works is due to commence in early 2023.

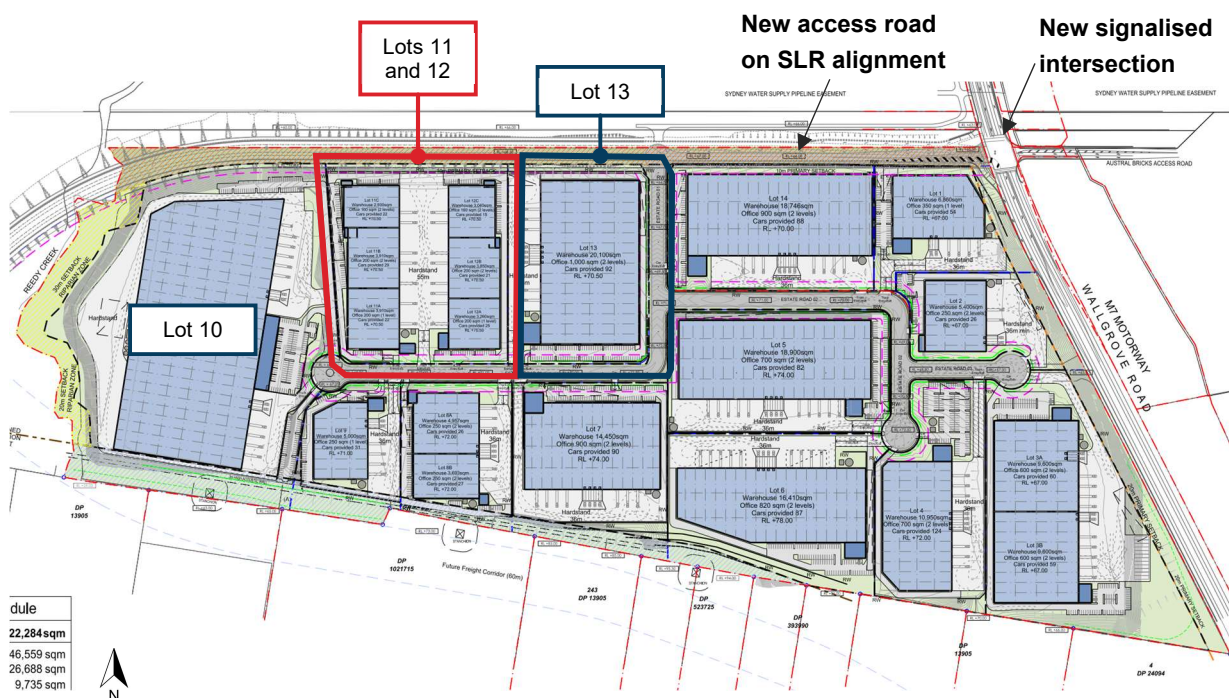


Figure 3 | Approved Concept Plan

2 Development

2.1 Overview

Gazcorp and DHL are seeking approval for:

- a modification to the Concept Plan for the Gazcorp Industrial Estate (SSD 5248 MOD 2)
- a State Significant Development application for a DHL warehouse on Lot 11/12 (SSD 36156297).

2.2 SSD 5248 MOD-2 – Gazcorp Industrial Estate

The modification includes amendments to facilitate construction and operation of the DHL warehouse, including:

- changes to the building layouts and amendments to the subdivision plan. Lot 11/12 becomes larger, and Lot 13 becomes smaller. **Figure 3** shows the approved layout and **Figure 4** shows the proposed layout.
- a decrease in total GFA from 218,735 m² to 218,628 m²
- an increase in building height for the DHL warehouse from 14 m to 15 m.

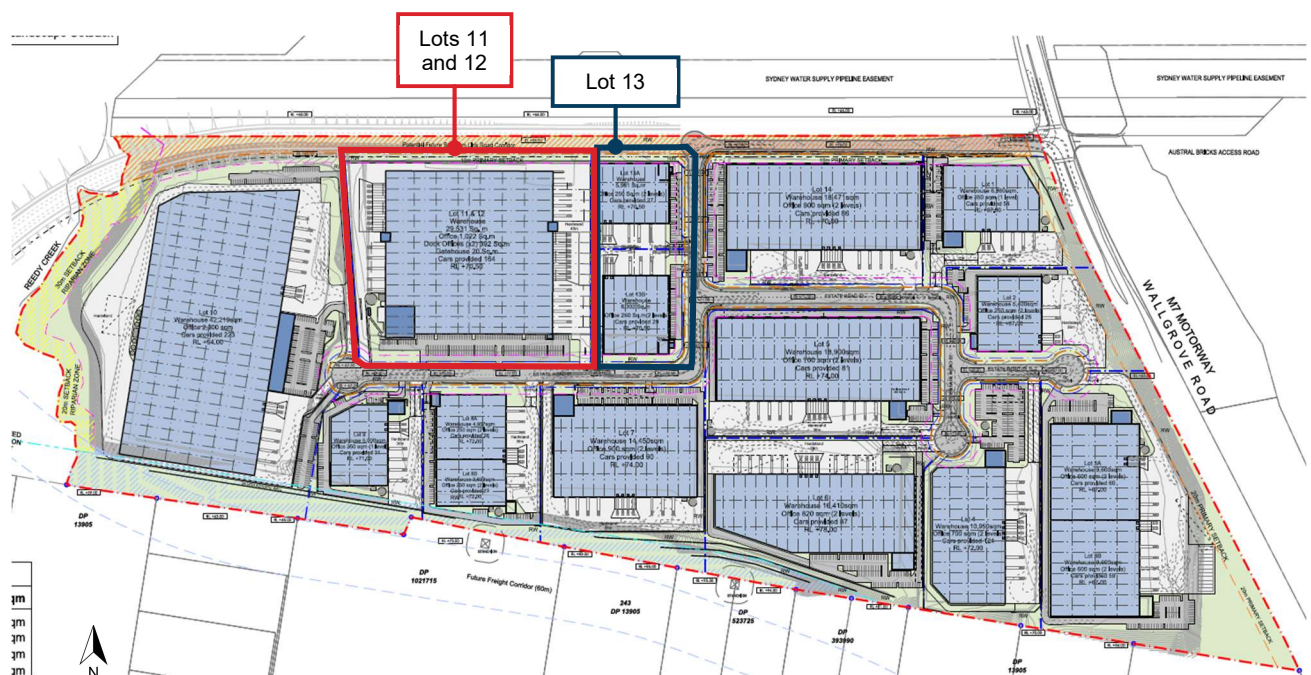


Figure 4 | Proposed Concept Plan

2.3 SSD 36156297 – DHL Warehouse and Distribution Centre

The major components of the proposed DHL warehouse are summarised in **Table 1**, shown on **Figure 5** and **Figure 8**, and described in the EIS and RtS included in **Appendix A**.

Table 1 | Main Components of the SSD

Aspect	Description
Summary	Construction, fit-out and operation of a warehouse and distribution centre on Lot 11/12 for DHL
Site Area	56,716 m ²
GFA	Total GFA of 30,965 m ² comprising: <ul style="list-style-type: none">• warehouse: 29,531 m²• office: 1,022 m²• ancillary structures (gatehouse and dock offices): 412 m²
Building Height	15 m
Site Access	<ul style="list-style-type: none">• separate truck entry and exit onto the estate road• two car park entry/exit points onto the estate road
Parking	<ul style="list-style-type: none">• 164 spaces, including 3 accessible spaces• 2 parking spaces for B-double trucks
Signage	A 4 m ² business identification sign on the office building
Landscaping	<ul style="list-style-type: none">• 10 m landscape setback on the northern site boundary• landscaping on the southern boundary, around the office and within the carpark
CIV	\$33,175,000
Construction	Up to 12 months
Hours of Operation	24 hours, 7 days a week
Employment	160 construction jobs, 240 operational jobs

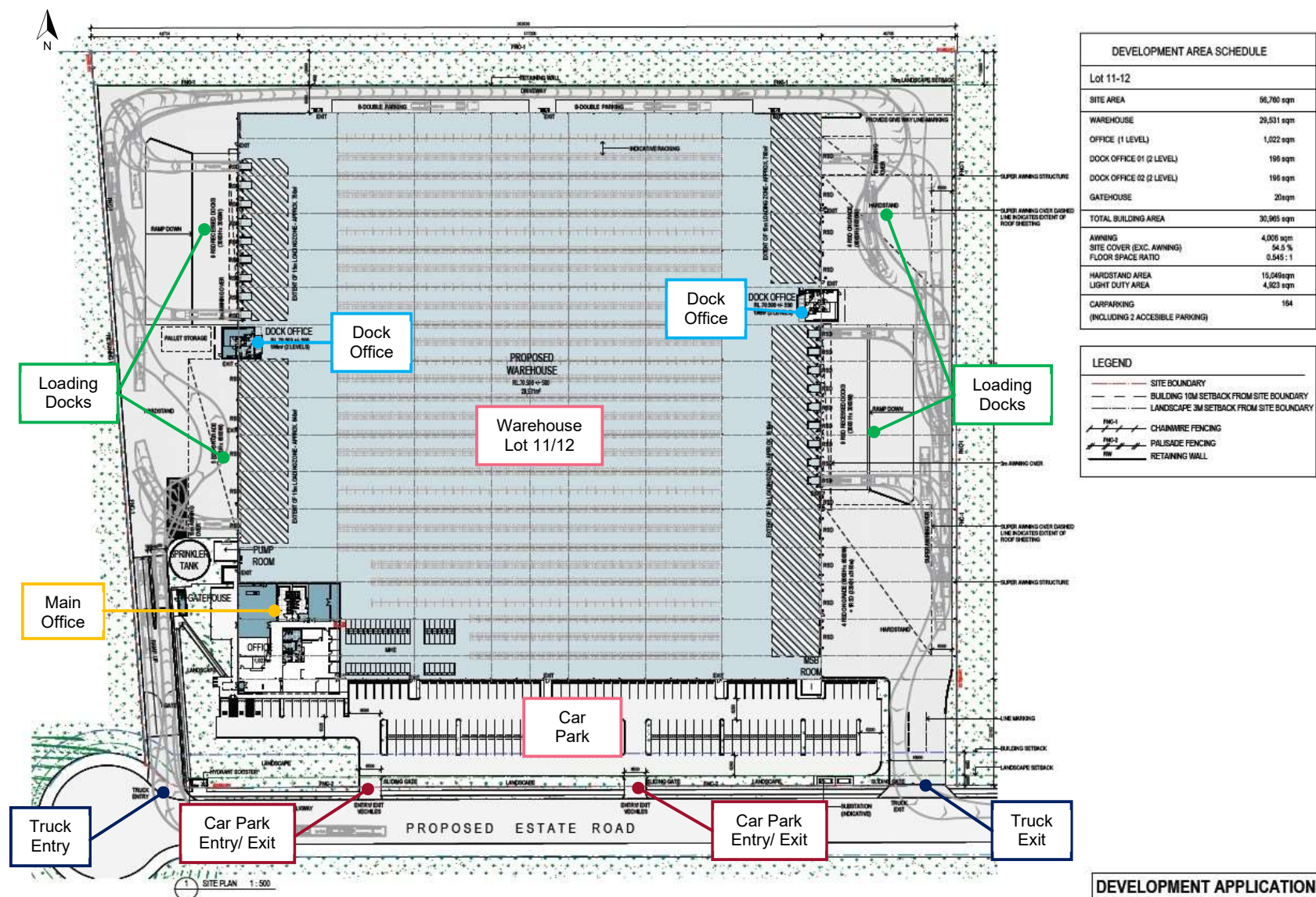


Figure 5 | Proposed DHL Warehouse and Distribution Centre Layout

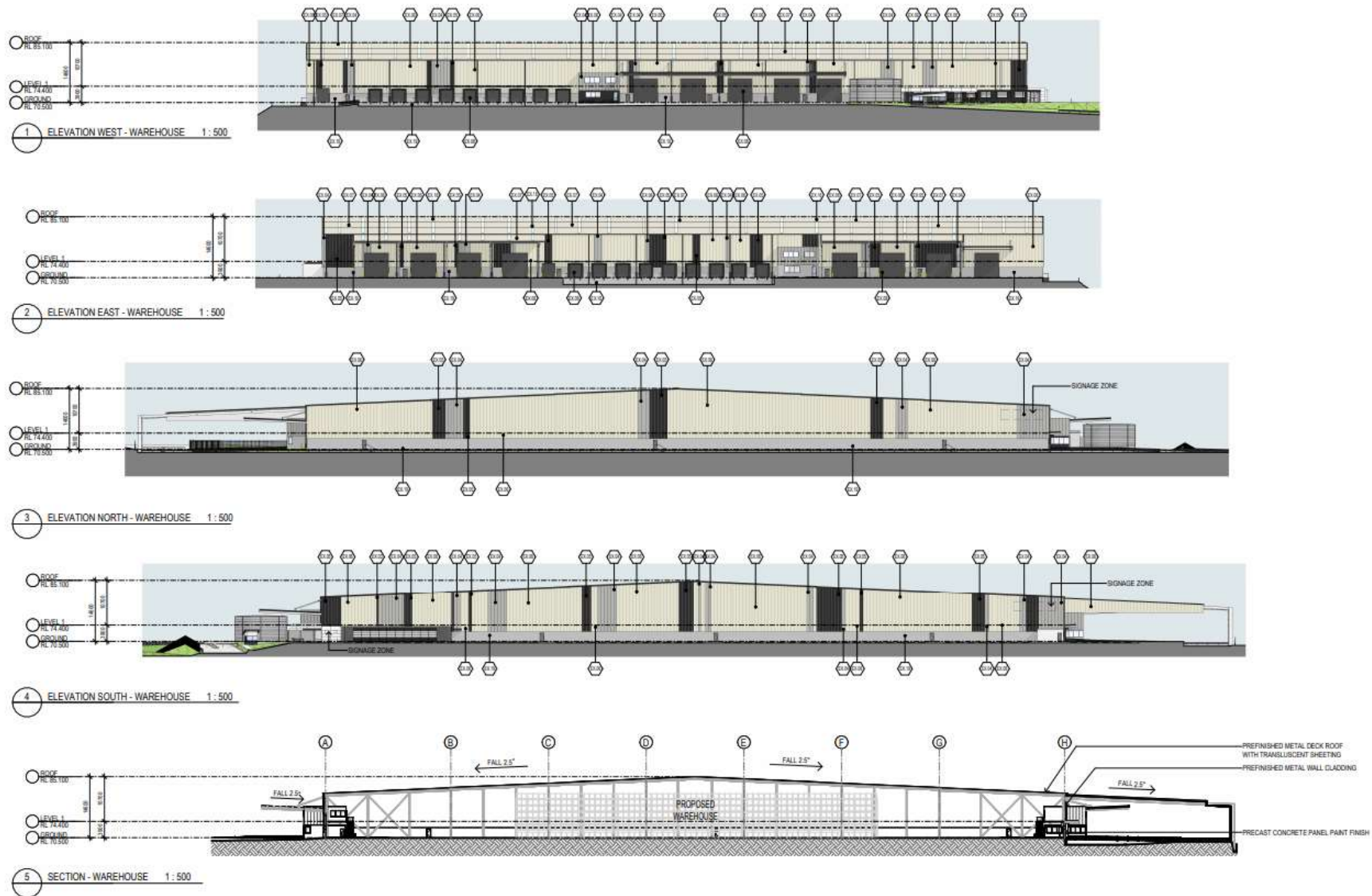


Figure 6 | Proposed DHL Warehouse Elevations



Figure 7 | Proposed DHL Warehouse Office Elevations



Figure 8 | Perspective of the Proposed DHL Warehouse and Distribution Centre

2.4 Applicant's Need and Justification for the Development

The Applicant notes the development would provide an efficient and modern facility to enable the distribution of goods throughout Sydney. The Applicant noted the importance of a secure and reliable logistics supply chain to reinforce Sydney's growth and economy. The proposed warehouse is located within an approved Concept Plan in the WSEA and is ideally situated to access key road networks. The development would contribute to the economy through the creation of 240 operational jobs and would support DHL's expansion to meet growing demands across the logistics supply chain.

3 Strategic Context

3.1 Greater Sydney Regional Plan

In March 2018, the former Greater Sydney Commission (GSC) released the Greater Sydney Region Plan: A Metropolis of Three Cities (the Region Plan) which forms part of the integrated planning framework for Greater Sydney (see **Figure 9**). The Region Plan is built on a vision of three cities including the Western Parkland City, the Central River City, and the Eastern Harbour City.

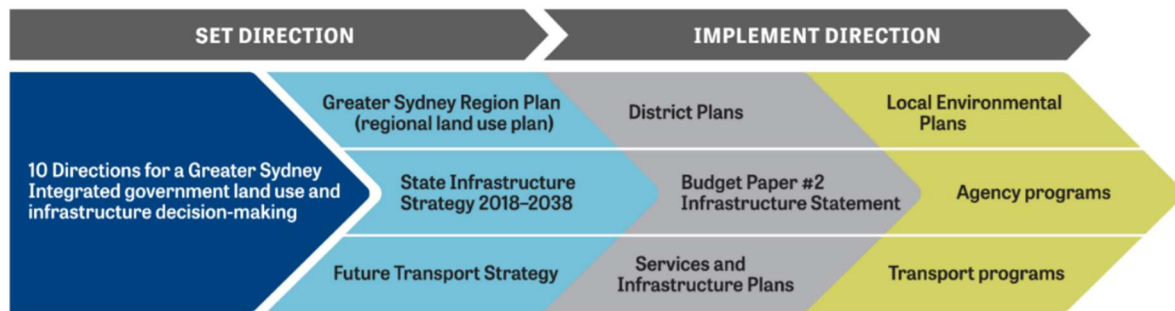


Figure 9 | Integrated Planning for Greater Sydney

The development is located within the Western Parkland City and would assist in achieving a number of key directions and objectives identified in the Region Plan, specifically it would:

- contribute to an efficient and competitive freight and logistics network (Objective 16)
- utilise industrial zoned land for warehouse and logistics uses (Objective 23).

3.2 Western City District Plan

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

The development is located within the Western City District. The Western City District Plan is a 20-year plan to manage growth in Western Sydney in the context of economic, social and environmental matters to achieve to 40-year vision for Greater Sydney. It is a guide to implementing the Region Plan at a district level and is a bridge between regional and local planning. The development would contribute to the following Planning Priorities in the Western City District Plan:

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

3.3 Future Transport Strategy 2056

Future Transport 2056 is a 40-year strategy for the development and improvement of the NSW transport system. It identifies the Western Sydney Freight Line (WSFL) as a Greater Sydney Initiative for Investigation in 10-20 years. The site is located immediately north of the proposed WSFL corridor. The modification and SSD application would not impact the WSFL corridor and TfNSW has not raised any issues regarding the interface between the development and the corridor.

3.4 State Environmental Planning Policy (Industry and Employment) 2021

Chapter 2 of the State Environmental Planning (Industry and Employment) 2021 (Industry and Employment SEPP) includes provisions relating to developments located in the WSEA.

Section 2.1(1) of the Industry and Employment SEPP states that Chapter 2 aims to promote economic development and employment, provide for the orderly and coordinated development of land, rezone land for employment or conservation purposes, 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 WSEA.

The modification and SSD application are generally consistent with the relevant aims of Chapter 2 of the Industry and Employment SEPP as:

- it is for a warehousing and distribution development
- it would provide 160 construction jobs and 240 operational jobs.

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

4 Statutory Context

4.1 Scope of Modification

The Department has reviewed the scope of the MOD 2 application and is satisfied it would result in minimal environmental impacts, and relates to substantially the same development as the original development, on the basis that:

- the primary function and purpose of the approved development would not change as a result of the modification
- the modification is of a scale that warrants the use of section 4.55(1A) of the EP&A Act
- any potential environmental impacts would be minimal and appropriately managed through the existing or modified conditions of consent.

Therefore, the Department is satisfied the modification is within the scope of section 4.55(1A) of the EP&A Act. Accordingly, the Department considers the proposed modification should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.

4.2 State Significance

The proposed DHL warehouse is a State significant development pursuant to section 4.36 of the EP&A Act as it has a CIV of \$33 million, which meets the criteria in Clause 12 of Schedule 1 in State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP).

4.3 Permissibility

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

4.4 Consent Authority

The Minister is the consent authority for the development under s 4.5 of the EP&A Act. On 9 March 2022, the Minister delegated the functions to determine SSD applications and section 4.55(1A) modification applications to the Director, Industry Assessments where:

- the relevant local council has not made an objection, and
- there are less than 15 unique public submissions in the nature of objections, and
- a political disclosure statement has not been made

There were no public submissions or objections to the development application or modification. Fairfield City Council did not object. No reportable political donations were made by the Applicant in the last two years and no reportable political donations were made by any persons who lodged a submission. Accordingly, the SSD application and modification can be determined by the Director, Industry Assessments under delegation.

4.5 Other Approvals

Under Section 4.42 of the EP&A Act, other approvals may be required and must be approved in a manner that is consistent with any Part 4 consent for the SSD under the EP&A Act. No other approvals listed under Section 4.42 are required for the development.

4.6 Mandatory Matters for Consideration

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

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

- State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)
- State Environmental Planning Policy (Industry and Employment) 2021 (Industry and Employment SEPP)
- State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)
- State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)
- State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP).

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

4.7 Public Exhibition and Notification

In accordance with section 2.22 and Schedule 1 of 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 SSD and modification applications were publicly exhibited from Thursday 12 May 2022 to Wednesday 8 June 2022 (28 days). Details of the exhibition process and notifications are provided in Section 5.2 of this report.

4.8 Objects of the EP&A Act

In determining the application, the consent authority should consider whether the development is consistent with the relevant objects detailed in section 1.3 of the EP&A Act. The objects of relevance to the merit assessment of the SSD application and modification include:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*

- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*

The Department has fully considered the objects of the EP&A Act, including the encouragement of Ecologically Sustainable Development, in its assessment of the SSD application and modification (see **Table 2**).

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

Object	Consideration
1.3(a)	The development would promote economic welfare by generating 240 operational jobs on industrial zoned land in the WSEA.
1.3(b)	The development includes a range of ecologically sustainable development (ESD) design measures in the warehouse building to reduce energy and resource consumption.
1.3(c)	The development would ensure the orderly and economic use of land which is zoned for industrial use and forms part of the WSEA.
1.3(g)	The Department's assessment in Section 6 of this report demonstrates the amenity of the surrounding built environment has been considered and the Department has recommended conditions to protect the amenity of nearby sensitive receivers.
1.3(h)	The proposed warehouse building would be constructed to meet the requirements of the National Construction Code and Planning for Bushfire Protection 2019 to ensure the health and safety of building occupants.
1.3(i)	The Department has assessed the development in consultation with Council and other public authorities, incorporating the recommendations into the conditions of consent.
1.3(j)	The SSD application and modification were publicly exhibited for 28 days providing opportunity for public participation in the assessment process.

4.9 Ecologically Sustainable Development

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

- (a) the precautionary principle*

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

The potential environmental impacts of the development have been assessed and, where potential impacts have been identified, mitigation measures have been recommended. The Applicant submitted an ESD report as part of the EIS which detailed several sustainability measures that would be implemented including rainwater harvesting, solar panels and energy efficient lighting.

The Department's assessment in Section 6 has concluded the development would not adversely impact on the environment and is consistent with the objectives of the EP&A Act and the principles of ESD.

4.10 Biodiversity Development Assessment Report

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

A BDAR waiver request was submitted to the Department as part of the Applicant's Response to Submissions (RtS), on the basis that native vegetation clearing was approved across the whole GIE under SSD-5248 and the DHL warehouse would not require any further clearing.

The Environment Agency Head and the Director, Industry Assessments, as delegate of the Planning Secretary, subsequently determined the development is not likely to have any significant impact on biodiversity values as the site would be cleared in accordance with SSD 5248. A BDAR waiver under section 7.9(2) of the BC Act was subsequently granted for the development on 5 December 2022.

4.11 Commonwealth Matters

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

5 Engagement

5.1 Applicant's Consultation

The Applicant, as required by the Planning Secretary's Environmental Assessment Requirements (SEARs), undertook consultation with relevant local and State authorities as well as the community and affected landowners during preparation of the EIS.

5.2 Department's Engagement

After accepting the modification and SSD applications, the Department:

- made the applications and EIS publicly available from **Thursday 12 May 2022** until **Wednesday 8 June 2022** (28 days) on the Department's website
- notified landowners in the vicinity of the site and previous submitters about the exhibition by letter
- invited comments from relevant State government authorities, Fairfield City Council, and the local Member of Parliament (MP).

5.3 Advice and Submissions

The Department received advice from seven public authorities and submissions from two special interest groups. All advice and submissions received provided comments on the application. No objections were received, and no public submissions were received. A summary of the advice and submissions is provided below and a link to full copies are included in **Appendix A**.

Council and Public Authorities

Fairfield City Council (Council) requested further information on traffic aspects including vehicle types, loading dock management and the provision of swept paths for B-doubles manoeuvring within the site and exiting onto the estate road network. Council recommended the Applicant commission a road safety audit for the estate road network to demonstrate there would be adequate road capacity for the intended vehicles.

Council also requested clarifications on the proposed storage of dangerous goods, operational air quality and odour impacts, and noise impacts. Council also recommended a condition for construction of stormwater drainage infrastructure prior to the issue of a subdivision works certificate.

Transport for NSW (TfNSW) recommended the Applicant prepare a Construction Traffic and Pedestrian Management Plan, an Operational Traffic Management Plan and a Green Travel Plan for the development. TfNSW also recommended the Applicant submit swept paths for the longest vehicle entering and exiting the site and indicated parking restrictions may be required to maintain the required sight distances at the driveway.

Environment and Heritage Group, DPE (EHG) requested an updated stormwater management report to demonstrate that the modification to increase impervious area would not increase post development flows. EHG recommended the biodiversity conditions in the Concept Plan be updated to reflect the current BC Act and requested further details of how biodiversity impacts would be avoided. EHG recommended amending the conditions in the Concept Plan covering vegetation and riparian management, pre-clearance surveys, retention or reuse of trees and landscaping with native provenance species.

Fire and Rescue NSW (FRNSW) recommended the Applicant prepare an Emergency Response Plan and Emergency Services Information Package to assist with incident management.

Rural Fire Service (RFS) recommended conditions for complying with Planning for Bushfire Protection, 2019 including the preparation of an Emergency Management and Evacuation Plan, maintenance of asset protection zones, specific construction standards and access requirements.

Water Group DPE and Natural Resources Access Regulator (NRAR) did not raise any concerns and recommended the Applicant comply with the Guidelines for Controlled Activities on Waterfront Land for the stormwater drain into Reedy Creek and the *Water Management Act 2000* (NSW) if groundwater would be intercepted.

Water NSW supported the proposed setbacks from the northern site boundary and recommended conditions for the construction and operational phases to avoid impacts on the Warragamba Pipelines corridor. Recommended conditions relate to stormwater management, control of hazards, compliance with vibration criteria, fencing and protection of Water NSW's infrastructure. Water NSW requested they be consulted during preparation of the Construction Environmental Management Plan.

Special Interest Groups

Sydney Water noted that water supply and wastewater services would need to be extended to service the site and noted that an application had been submitted for the Concept Plan. Sydney Water noted that a Section 73 application would be required for the SSD application.

Endeavour Energy advised the Applicant to engage an accredited service provider to assess the electricity load and proposed methods of supply for the development. Endeavour Energy noted the provision of two padmount substations in the development plans for the DHL warehouse and noted the Applicant must ensure the design complies with the requirements of Endeavour Energy.

5.4 Response to Submissions

On 10 October 2022, the Applicant submitted a Response to Submissions (RtS) on the issues raised during the exhibition of the development. The RtS was supported by amended architectural and landscape plans as well as revised technical reports assessing traffic, noise, biodiversity, hazards, and air quality.

The RtS was made publicly available on the Department's website and was provided to Council, EHG, and TfNSW to consider whether it adequately addressed the issues raised. A summary of the responses is provided below.

Council noted the matters regarding stormwater management, air quality and noise impacts were adequately addressed. Council recommended conditions for a loading management plan, installation of 'no stopping' restrictions along the estate roads and preparation of a Road Safety Audit to ensure road capacity is adequate for the intended vehicles. Council reiterated the need to widen the heavy vehicle exit driveway onto the estate road to ensure trucks would not have to cross the centre line and potentially conflict with on-coming traffic.

TfNSW had no further comments and noted their recommended conditions remain appropriate.

EHG recommended an Emergency Response Plan be prepared to manage flood risks and reiterated its preference for updating the biodiversity conditions in the Concept Plan. EHG also requested the Applicant remove a weed species from the proposed landscape plan for the DHL warehouse.

5.5 Additional Information

In November 2022, the Applicant provided an amended site plan and landscape plan for the DHL warehouse showing a widened heavy vehicle exit driveway. The site plan included swept path diagrams indicating that a 26-metre B-double could exit the driveway without crossing the centre line of the estate road. The landscape plan removed a weed species from the planting schedule.

Council reviewed the amended site plan and reiterated the need for the Applicant to install 'no stopping' signs along the estate road network and undertake a Road Safety Audit.

6 Assessment

The Department has considered the EIS, the issues raised in submissions and the RtS in its assessment of the modification and SSD application. The Department considers the key assessment issue is traffic and access. Other issues have been considered and are assessed in **Table 3** in **Section 6.2**.

6.1 Traffic and Access

The Concept Plan as modified, is predicted to generate 541 hourly vehicle trips during the AM peak and 397 hourly vehicle trips during the PM peak. The Department's assessment of the Concept Plan concluded the surrounding road network would adequately and safely accommodate these traffic volumes. Development applications within the Concept Plan area must consider the approved traffic volumes and demonstrate the development would be consistent with the approved volumes and would not result in any adverse traffic impacts.

6.1.1 Operational Traffic Impact

A traffic impact assessment (TIA) was prepared for the development, considering the DHL warehouse in the context of the approved traffic volumes for the GIE. The TIA noted the DHL warehouse would generate 42 hourly vehicle trips during the AM peak and 35 hourly vehicle trips during the PM peak. The TIA stated the DHL operation is consistent with the approved GIE as it would not increase the approved AM and PM peak hourly vehicle trips. The estate road network has been designed to accommodate the predicted volumes from the fully developed GIE. The TIA therefore concluded there would be no additional impacts on the local and regional road network, including the key intersection of Wallgrove Road and the estate road.

TfNSW reviewed the TIA and recommended the Applicant prepare an Operational Traffic Management Plan and a Green Travel Plan.

The Department is satisfied the Applicant has shown the performance of key intersections would be satisfactory and the efficiency of local and regional roads would not be adversely impacted by the development. Operational traffic would be adequately accommodated by the estate road network given it has been designed to accommodate traffic from the fully developed GIE. The Department has recommended a condition requiring the Applicant to prepare an Operational Traffic Management Plan (OTMP) and a Green Travel Plan to the satisfaction of the Planning Secretary prior to the commencement of operation of the DHL warehouse. The Department's assessment concludes that with the recommended conditions in place, the development would not have significant impacts on local and regional roads.

6.1.2 Site Access

The DHL warehouse would have four accesses onto the estate road, including two for heavy vehicles and two for the employee and visitor car park (see **Figure 10**).

and recommended 26 m B-doubles be the maximum vehicle length accessing the site. Council also requested the Applicant prepare a Loading Management Plan to manage vehicle movements on site during operation. Council reviewed the Road Safety Audit of the estate road network and requested the Applicant include a risk rating for each finding and identify corrective actions to be implemented, appropriate to the level of risk assigned.

The Department considers the amended truck outbound driveway is wide enough to ensure no trucks would cross the estate road's centre line which adequately addresses the traffic safety concerns associated with the truck exit driveway. The Department has recommended a condition for 26 m B-doubles to be the largest vehicle permitted to access the site in order to minimise any potential conflict from vehicles exiting the DHL site. The Department has also recommended the estate roads be line marked to guide traffic movements and minimise safety risks. The Department's assessment concludes the DHL warehouse would have adequate road access and has been designed to accommodate the largest vehicles accessing the development.

Given Council's concerns with the safety of the estate road network, the Department has recommended Gazcorp develop recommendations to address the findings of the Road Safety Audit and provide a timetable for implementation, to the satisfaction of the Planning Secretary. The Department has also included requirements for future development applications within the Concept Plan to demonstrate that all accesses to the estate road network are designed to minimise road safety risks and considers the cumulative impacts of other driveways within the Concept Plan. With these measures in place, the Department's assessment concludes the safety of the estate road network would be considered and addressed at each stage of development of the Concept Plan. The Department has also recommended Gazcorp install no stopping signs along the estate roads to maintain manoeuvrability and sight distances.

The Department's assessment concludes the development has been designed to safely accommodate the largest vehicles that would access the site. The traffic volumes accessing the DHL warehouse are consistent with the volumes approved under the Concept Plan and the development would not result in adverse traffic impacts on local and regional roads.

6.2 Other Issues

The Department's assessment of other issues is provided in **Table 3**.

Table 3 | Assessment of Other Issues

Findings	Recommendation
Noise	
<u>Operation</u> <ul style="list-style-type: none"> Noise from the development must not exceed the noise limits in the Concept Plan as these were established to protect the amenity of residences, located 120 m to the south of the estate and 400 m south-west of the proposed DHL warehouse. A Noise Impact Assessment (NIA) was provided in the RtS which modelled noise from truck and forklift movements on site and vehicle movements on the road network. The NIA considered cumulative noise from operation of all buildings in the Concept Plan. 	Require the Applicant to: <u>For operation</u> <ul style="list-style-type: none"> comply with the Concept Plan noise limits. provide a design noise validation report prior to construction.

Findings	Recommendation
<ul style="list-style-type: none"> The NIA concluded the development would generate noise levels lower than the limits in the Concept Plan and cumulative noise would also comply with the limits. The NIA did not assess noise from mechanical plant that would be installed on the warehouse, such as air conditioning units, and noted these would need to be designed to ensure compliance. The NIA did not consider the staging of warehouse construction on the site or the effect of the approved 3 m high noise barrier that must be constructed on the southern boundary. The Department notes that noise was a key assessment issue for the Concept Plan, with early morning and night-time noise impacts a primary concern for residences. The Concept Plan includes detailed conditions to ensure noise impacts are minimised, including construction of the noise barrier within 6 months of commencing any construction, the requirement for noise verification once warehouses are operating and the restriction on loading docks on the southern boundary. The Department notes the peak time for vehicle movements to the site is 6 am – 7 am which is the night-time period. Predicted traffic volumes are 20 heavy vehicles and 22 light vehicles during this peak hour period. These volumes are lower than that assessed for the approved Concept Plan. However, the NIA did not account for the development being constructed before warehouses to the south, that may provide some shielding of vehicle noise from the DHL warehouse for residences to the south. The Department considers the development is generally consistent with the Concept Plan in terms of traffic volumes and noise impacts but recommends a design noise validation report be provided prior to construction of the warehouse. This would ensure aspects not included in the NIA are accounted for, including mechanical plant, timing of warehouse construction on the site and delivery of the 3 m high noise barrier. The Department has also mirrored the conditions from the Concept Plan in the conditions for the DHL warehouse, including the noise limits and the requirement for noise verification within 3 months of operation. With these conditions in place, the Department is satisfied that noise from operation of the development can be adequately minimised to meet the noise limits in the Concept Plan. 	<ul style="list-style-type: none"> provide an operational noise verification report within 3 months of operating. construct the noise wall on the southern boundary within 6 months of commencing any construction works on site.
<u>For construction</u>	
<p><u>Construction</u></p> <ul style="list-style-type: none"> The NIA did not consider construction noise but referred to a construction noise and vibration management plan (CNVMP) submitted for earthworks that considers concurrent warehouse construction. The Department notes the CNVMP does not provide an assessment of construction noise impacts in accordance with the EPA's <i>Interim Construction Noise Guideline 2009</i> (ICNG). The construction noise management levels in the CNVMP also differ from those assessed for the Concept Plan. To address these deficiencies, the Department has recommended the Applicant comply with noise management levels developed in accordance with the ICNG and engage an acoustic consultant that has been endorsed by the Planning Secretary to develop a CNVMP for the development. The plan must detail measures to manage high noise generating works and to communicate with residences during the construction phase. 	<ul style="list-style-type: none"> comply with construction working hours, the ICNG and prepare a construction noise and vibration management plan.

Findings	Recommendation
<ul style="list-style-type: none"> The construction period would take around 12 months. During this time the noise wall would be constructed on the southern boundary, and this would assist in reducing the temporary construction noise impacts. The Department's assessment concludes the construction noise impacts can be appropriately minimised and managed to an acceptable level, and the conditions require the Applicant to implement further management actions to minimise noise if necessary. 	
Vibration	
<ul style="list-style-type: none"> The development is located close to the Water NSW Warragamba water supply pipelines, which need to be protected from vibration impacts. The NIA did not predict vibration impacts from construction and instead noted these would be considered in the Construction Environmental Management Plan (CEMP) for the approved bulk earthworks, as this is the primary activity likely to cause vibration. The Department notes Gazcorp has been consulting with Water NSW in relation to the approved bulk earthworks and has entered into a deed for construction works including the requirement for a dilapidation survey of the pipelines and provision of a bank guarantee for any required repairs. Given the sensitivity of the pipelines and advice from Water NSW that the pipelines need protecting from vibration impacts, the Department has recommended conditions including vibration limits and a requirement for DHL to consult with Water NSW during preparation of the CEMP for the warehouse. With these conditions in place, the Department is satisfied that vibration impacts during construction would be appropriately identified and managed. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> adhere to vibration limits consult with Water NSW during preparation of the CEMP.
Hazards and Risk	
<ul style="list-style-type: none"> The development would store dangerous goods above the threshold quantities listed in the Resilience and Hazards SEPP, triggering the need for a Preliminary Hazard Analysis (PHA). The Department's hazards specialists reviewed the PHA submitted in the EIS and raised a number of issues to be addressed. The Applicant revised the PHA and subsequently confirmed there would be no storage of Class 6.1 toxic substances within the development. With the exclusion of storing toxic substances, the Department's hazards specialists confirmed the development would comply with the risk criteria in the Department's Hazardous Industry Planning and Advisory Paper No. 4. The PHA recommended safeguards to minimise risks of fire including an in-rack sprinkler system, dedicated storage area for aerosols and oxidising agents, caged storage for aerosols and spill containment for corrosive substances. The Department recommends these safeguards are implemented and has included conditions restricting the quantities of dangerous goods stored in the warehouse. Other conditions include the requirement for a Final Hazard Analysis, Fire Safety Study and Hazard Audit. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> restrict the quantities of dangerous goods stored on site prepare a Fire Safety Study, Final Hazard Analysis, Emergency Plan, Safety Management System and undertake a Hazard Audit.

Findings	Recommendation
<ul style="list-style-type: none"> The Department's assessment concludes, with the implementation of these conditions, the hazards and risks associated with the development would meet relevant land use safety criteria. 	
Water Management	
<ul style="list-style-type: none"> The development has the potential to impact on water quality and quantity by altering overland flow paths and velocities. The development is located within the catchment of Reedy Creek which is located around 400 m to the west. The Applicant provided a Stormwater Management Report for the development and a Stormwater Report for the modification, prepared in accordance with the stormwater management design for the approved Concept Plan. The proposed stormwater infrastructure for the DHL warehouse includes: <ul style="list-style-type: none"> two on-site detention basins to capture flows up to the 100-year event; water quality controls to meet the criteria in the Fairfield City Stormwater Management Policy rainwater tanks to meet Council's 80% demand reduction target; and discharge to a swale drain along the northern boundary connecting to Reedy Creek. Council requested the Applicant provide a maintenance schedule for the stormwater infrastructure. WNSW noted that overland flows should not exceed pre-development flows within the Warragamba pipelines corridor and recommended conditions for construction management. Following a review of the RtS, Council advised that stormwater management had been adequately addressed and recommended conditions, including the requirement for the detailed design to be approved by Council and for the swale drain to be constructed prior to the issue of a Subdivision Works certificate. The Applicant also provided a review of the potential change in flooding impacts as result of the modified concept layout. The flooding review noted the building pad extent is outside the Reedy Creek floodplain and the potential flooding impacts would not change. The Department considers the stormwater management design is consistent with the approved Concept Plan and meets relevant Council criteria. The modified building layout would not result in any changes to flooding impacts. The Department's assessment concludes the development has been designed to minimise impacts on water quality and quantity and incorporates measures to reduce demand for potable water. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> construct stormwater infrastructure in accordance with the design in the RtS and obtain approval from Council for the detailed design, prior to construction ensure post development flows do not exceed pre-development flows in the Warragamba Pipelines corridor.
Bushfire Protection	
<ul style="list-style-type: none"> The EIS included a Bushfire Protection Assessment (BPA) noting vegetation to the north of the proposed warehouse is category 2 bushfire prone. This vegetation is within the land proposed for the Southern Link Road, but until it is removed, the bushfire hazards must be addressed in accordance with <i>Planning for Bushfire Protection 2019</i> (PBP). The BPA noted that a minimum of 11 m of defensible space is required to the bushfire prone vegetation and the development provides 18 m including a landscaped buffer zone. The BPA recommended construction standards for 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> prepare an Evacuation Plan maintain asset protection zones around the building

Findings	Recommendation
<p>the northern elevation of the building consistent with the Australian Standard for <i>Construction of Buildings in Bushfire Prone Areas</i>.</p> <ul style="list-style-type: none"> The BPA noted the proposed development would comply with the requirements for access and water supply for firefighting and recommended the Applicant prepare an evacuation plan. Rural Fire Service reviewed the BPA and recommended conditions consistent with the conclusions of the BPA. The Department considers the bushfire risks to the development have been adequately considered and addressed. The Department agrees with the recommended conditions proposed by RFS and concludes the development would incorporate adequate bushfire protection measures. 	<ul style="list-style-type: none"> comply with relevant standards for construction of buildings in bushfire prone areas.
Air Quality	
<p><u>Operation</u></p> <ul style="list-style-type: none"> The development may impact on air quality, with the primary sources including dust (particulate matter) and fuel combustion emissions. An Air Quality Impact Assessment (AQIA) included in the RtS provided a qualitative risk assessment of air quality and odour impacts on sensitive receivers. The AQIA reviewed local meteorology noting that winds from the north, that would blow dust from the site towards sensitive receivers, occur for less than 10% of the year. The AQIA concluded that air quality and odour impacts from warehouse operations and traffic movements would not be significant. Air quality impacts were not raised as a concern in submissions. The Department has reviewed the AQIA and agrees with the conclusion that air quality impacts from operation would be minor. Standard conditions for air quality management are recommended. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> minimise dust generated during all works. prepare a CEMP incorporating mitigation measures from the AQA ensure the development does not cause the emission of offensive odour.
<p><u>Construction</u></p> <ul style="list-style-type: none"> The EIS included an Air Quality Assessment (AQA) that qualitatively assessed potential impacts from earthworks, building construction and traffic. The AQA concluded the construction phase would present a low risk of impacts and recommended mitigation measures to control dust. The Department reviewed the AQA and agrees with the findings, noting the development would require only minor earthworks as the bulk earthworks have previously been approved. The site is located 400 m from residences, and the potential for significant dust impacts on these receivers is minor. The Department recommends the Applicant prepare a CEMP incorporating the mitigation measures in the AQA. 	
Landscaping	
<ul style="list-style-type: none"> The development includes a 10 m wide landscaped buffer along the northern site boundary incorporating Cumberland Plain Woodland species, consistent with the approved masterplan for the GIE. Other landscaping is proposed around the site office and along the estate road frontage and within the car park. The landscape setback to the estate road is proposed to be 4 m wide. The approved GIE masterplan included 5 m wide 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> prepare a landscape management plan prior to construction, to the satisfaction of

Findings	Recommendation
<p>setbacks to estate roads. DHL noted that a wider setback is provided around the office frontage which would offset the reduced setback along the estate road.</p> <ul style="list-style-type: none"> • EHG recommended landscaping include local provenance species. • The Department considers the proposed landscaping is adequate for the site, noting the increased setback around the office area provides an attractive presentation to the estate road. However, the Department recommends future development applications demonstrate consistent setbacks to the estate road network to present a coherent streetscape across the estate. • The Department has recommended the Applicant provide a detailed landscape management plan prior to construction incorporating local provenance species as recommended by EHG. With this condition in place, the Department concludes the proposed landscaping would be appropriate for the industrial estate. 	<p>the Planning Secretary.</p> <ul style="list-style-type: none"> • implement and maintain landscaping for the life of the development.
Visual Amenity	
<ul style="list-style-type: none"> • The modification proposes an increase of 1 m to the maximum building height for the DHL warehouse from 14 m to 15 m. • There is limited potential for visual impacts on sensitive receivers as the building is located in the north of the site, and there are other buildings approved between the DHL warehouse and residences. • The EIS included an analysis of visual impacts from the Southern Link Road that is proposed to pass along the northern boundary. The EIS concluded the development would be consistent with other industrial development in the WSEA and would have sufficient landscaping (10 metres wide) to screen the development. • The Department notes the Southern Link Road is now proposed on an alternate alignment, passing along the southern boundary of the site. Views of the DHL warehouse from the alternate alignment would be intermittent and screened by other buildings. • The Department notes the proposed building height is generally consistent with other warehouses in the approved Concept Plan and warehouses across the WSEA. The Department's assessment concludes the development would have negligible visual impacts. 	<p>Modify the height control in Condition A9 of SSD 5248 from 14 m to 15 m for the DHL warehouse.</p>
Biodiversity	
<ul style="list-style-type: none"> • Clearing and bulk earthworks were approved under SSD 5248 and the development would not require any additional clearing. • EHG recommended the biodiversity conditions of the Concept Plan be updated to reflect the <i>Biodiversity Conservation Act 2016</i> and to improve biodiversity outcomes. • The Department notes that many of the biodiversity conditions have already been satisfied by the Applicant and clearing of the site has already been approved under SSD 5248. The modification would not change any of the approved biodiversity impacts. • The Applicant subsequently submitted a Biodiversity Development Assessment Report (BDAR) waiver request, noting the proposed DHL 	<p>No conditions required.</p>

Findings**Recommendation**

warehouse would not have any impacts on biodiversity. The waiver request was approved by EHG on 29 November 2022 and the Department on 5 December 2022.

- The Department's assessment concludes that all clearing has been approved under SSD 5248 and the development would not have any additional impact on biodiversity values.

7 Evaluation

The Department's assessment of the modification and SSD application has fully considered all relevant matters under sections 4.55 and 4.15 of the EP&A Act, the objects of the EP&A Act and the principles of ecologically sustainable development.

Gazcorp is proposing to modify the approved Concept Plan for the GIE to facilitate development of a warehouse and distribution centre for DHL. DHL has lodged a concurrent SSD application for the warehouse and distribution centre as it meets the criteria in State Environmental Planning Policy (Planning Systems) 2021.

The SSD application includes construction, fit out and operation of a warehouse and distribution centre with associated office space that has a capital investment value of \$33 million. The warehouse and distribution centre would provide 160 construction jobs and 240 operational jobs.

The Department exhibited the EIS for the modification and SSD and received advice from seven public authorities and submissions from two special interest groups (utility providers). No public submissions or objections were received. The key issues raised in advice and submissions related to access, traffic, noise, vibration and biodiversity.

The key assessment issue for the modification and SSD is access and traffic. Other issues considered include noise, vibration, hazards and risks, water management, bushfire protection, air quality, landscaping, visual amenity, and biodiversity.

The Department's assessment concluded the development is consistent with the approved traffic volumes for the Concept Plan and could be adequately accommodated on the road network. To address Council's concerns about the design of the estate road network, the Department has recommended conditions for parking restrictions and implementation of recommendations to address the findings of the Road Safety Audit. These conditions would ensure the estate road network is designed and constructed to accommodate the largest vehicles using the estate roads. The Department has also recommended conditions for an operational traffic management plan and green travel plan as requested by Transport for NSW. With these conditions in place, the development would have adequate road access and would not impact on traffic safety on local and regional roads.

In relation to other assessment issues, the development is generally consistent with the approved Concept Plan. The Department has recommended a range of conditions for managing stormwater, bushfire risks, hazards, air quality, landscaping and visual amenity.

The Department's assessment of potential noise and vibration impacts concluded these aspects need to be carefully managed during construction and operation to minimise impacts on rural residences to the south and the Warragamba water supply pipelines to the north. The Department has included conditions in the consent for the DHL warehouse for verification of noise levels during operation and early construction of a noise wall along the southern site boundary, as required in the GIE consent. The Department has also recommended vibration limits and a requirement to consult with Water NSW prior to construction, to ensure protection of the Warragamba water supply pipelines.

The Department's assessment has concluded the modification and SSD:

- would assist in delivering the strategic objectives of the Western Sydney Employment Area, by providing 240 operational jobs in Western Sydney

- includes adequate site accesses for heavy and light vehicles and would not cause adverse traffic impacts
- would meet noise limits and vibration criteria at sensitive receivers subject to compliance with the conditions of consent
- would meet land use safety criteria
- would not cause adverse stormwater, air quality or visual impacts
- would not cause biodiversity impacts beyond what has been assessed under the approved GIE.

Consequently, the Department considers that the development is in the public interest and recommends that the modification and SSD applications be approved, subject to conditions.

8 Recommendation

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

- **considers** the findings and recommendations of this report;
- **determines** that the application SSD-5248 MOD 2 falls within the scope of Section 4.55(1A) of the EP&A Act;
- **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;
- **modifies** the consent SSD-5248 (**Appendix D**);
- **grants consent** for the application SSD-36156297 for the DHL warehouse;
- **signs** the attached modification instrument (**Appendix D**) and the development consent (**Appendix E**).

Recommended by:



21 December 2022

Bruce Zhang

Senior Environmental Assessment Officer
Industry Assessments

Recommended by:



21 December 2022

Deana Burn

Specialist Planner
Industry Assessments

9 Determination

The recommendation is **Adopted** by:



22 December 2022

Chris Ritchie

Director

Industry Assessments

Appendices

Appendix A – List of Referenced Documents

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

Environmental Impact Statement

(<https://www.planningportal.nsw.gov.au/major-projects/projects/dhl-warehouse-and-distribution-centre>)

- Environmental Impact Statement, DHL Warehouse and Distribution Centre, 813-913 Wallgrove Road, Horsley Park, State Significant Development Application SSDA 36156297 and SSD 5248 Concept Modification 2, prepared by Ethos Urban, dated 31 March 2022

Response to Submissions

(<https://www.planningportal.nsw.gov.au/major-projects/projects/dhl-warehouse-and-distribution-centre>)

- DHL Warehouse and Distribution Centre – SSD 36156297 + SSD 5248 MOD 2 Response to Submissions and Project Amendment Report, prepared by Ethos Urban, dated 10 October 2022

Statutory Documents

- relevant environmental planning instruments, policies, and guidelines (detailed in Appendix C)
- relevant requirements of the EP&A Act.

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

Section 4.15 of the EP&A Act sets out matters to be considered by a consent authority when determining a DA. The Department's consideration of these matters is set out in **Table 4**. In summary, the Department is satisfied the development is consistent with the requirements of section 4.15 of the EP&A Act.

Table 4 | Consideration under Section 4.15 of the EP&A Act

Matter	Consideration
a) the provisions of: <ul style="list-style-type: none"> (i) any environmental planning instrument, and (ii) any proposed instrument that is or has been the subject to public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and (iii) any development control plan, and (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph). 	<p>The Department has considered the relevant environmental planning instruments in its assessment of the development (see Appendix C). There are no relevant draft EPIs and under Part 2.10, development control plans do not apply to SSD.</p> <p>A Planning Agreement for the GIE Concept Plan was executed on 25 June 2019. A Satisfactory Arrangements Certificate (SAC) for the development was issued on 22 November 2022. No further planning agreement is required for the SSD.</p> <p>The Department has undertaken its assessment of the development in accordance with all relevant matters as prescribed by the regulations, the findings of which are contained within this report.</p>
b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The Department has considered the likely impacts of the development in detail in Section 6 of this report. The Department concludes that environmental impacts can be appropriately managed and mitigated through the recommended conditions of consent.
c) the suitability of the site for the development,	The site has been identified as being suitable for industrial, warehousing and distribution centres and is located within an approved Concept Plan for an industrial estate. The Department therefore considers that the site is suitable for the development.
d) any submissions made in accordance with this Act or the regulations,	All matters raised in submissions have been summarised in Section 5 of this report and given due consideration as part of the assessment of the development in Section 6 of this report.
e) the public interest.	<p>The development would generate 160 construction jobs, 240 operational jobs, and direct \$33 million in capital investment in the Fairfield LGA.</p> <p>The environmental impacts of the development would be appropriately managed via the recommended conditions. The Department considers the development is in the public interest.</p>

Appendix C – Consideration of Environmental Planning Instruments

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

- State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)
- State Environmental Planning Policy (Industry and Employment) 2021 (Industry and Employment SEPP)
- State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)
- State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)
- State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP).

State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)

The Planning Systems SEPP identifies certain classes of development as SSD. The development is SSD pursuant to Section 4.36 of the EP&A Act because it involves development for the purpose of warehousing and distribution centres with a CIV in excess of \$30 million, which meets the criteria in clause 12 of Schedule 1 of the Planning Systems SEPP.

State Environmental Planning Policy (Industry and Employment) 2021 (Industry and Employment SEPP)

The Industry and Employment SEPP aims to promote economic development and employment, provide for the orderly and coordinated development of land, rezone land for employment or conservation purposes, 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 WSEA.

Chapter 2 of the Industry and Employment 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 5**.

Table 5 | Department's Assessment of the Development against Chapter 2 of the Industry and Employment SEPP

Consideration	Proposed	Department's Comment
CI 2.17 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.	MBMO prepared an Urban Design Guidelines outlining development controls as part of the Concept Plan which is approved under SSD-5248.	The Department has assessed the development against the relevant provisions of the Urban Design Guidelines and considers that the development generally complies with the Guidelines.
CI 2.19 Ecologically sustainable development 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:	The Applicant has proposed a number of ESD initiatives including energy efficient lighting systems, natural ventilation of warehouses and offices, and high	The development includes rainwater tanks to reduce consumption of potable water and energy efficiency measures to reduce greenhouse gas emissions. The proposed measures are satisfactory for minimising resource

Consideration	Proposed	Department's Comment
<p>(a) the consumption of potable water, and</p> <p>(b) greenhouse gas emissions.</p>	thermally performing glazing and façade materials.	use and emissions from the development.
<p>CI 2.20 Height of buildings</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 area, and</p> <p>(b) site topography has been taken into consideration.</p>	The proposed maximum building height is 15 m consistent with other warehouses and distribution centres in the WSEA.	The Department has considered the visual impact of the proposed bulk and scale of the development and concludes that the proposed height would not adversely impact on the amenity of nearby residential areas.
<p>CI 2.21 Rainwater harvesting</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>	The Applicant proposes to implement rainwater harvesting techniques to minimise potable water use by using rainwater collected from warehouse/building and/or office roofs for non-potable uses.	The provision of rainwater tanks and proposed use of rainwater is satisfactory.
<p>CI 2.24 Public utility infrastructure</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 to make that infrastructure available when required.</p>	It is proposed to extend services to the site in consultation with utility providers including Sydney Water and Endeavour Energy.	Service providers were consulted during exhibition of the proposal and following the receipt of the RtS. The Department is satisfied that adequate arrangements have been made to ensure infrastructure will be available to the site as required.
<p>CI 2.25 Development on or in vicinity of proposed transport infrastructure routes</p> <p>The consent authority must consider any comments made by the Secretary as to the compatibility of the development with the proposed transport infrastructure route.</p>	The site adjoins the future Southern Link Road (SLR) which is identified as transport infrastructure routes under the WSEA SEPP. The development would not encroach into the SLR reserve.	The development layout includes appropriate provisions for the future SLR.
<p>CI 2.28 Satisfactory arrangements for the provision of regional transport infrastructure and services</p> <p>Assistance to the State authorities for the provision of regional transport infrastructure and services is required. The consent authority must not grant</p>	The Applicant entered into a planning agreement with the Minister on 25 June 2019.	On 22 November 2022, the Director, State Infrastructure Policy and Agreements as delegate of the Planning Secretary, issued a Satisfactory Arrangement Certificate for the development. No

Consideration	Proposed	Department's Comment
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.		further planning agreement is required for the SSD.
<p>CI 2.30 Design Principles</p> <p>The consent authority must take into consideration whether or not:</p> <ul style="list-style-type: none"> (a) the development is of a high-quality design, and (b) a variety of materials and external finishes for the external façades are incorporated, and (c) high quality landscaping is provided, and (d) the scale and character of the development is compatible with other employment generating developments in the Precinct concerned. 	<p>The proposed warehouse would incorporate a variety of materials and finishes to provide a high quality urban design outcome.</p> <p>The Applicant has proposed landscaping with adequate setbacks to the future Southern Link Road and to present an attractive streetscape around the office building.</p>	<p>The Department has assessed the visual impacts of the development in section 6.2 of this report.</p> <p>The proposed materials and landscaping are considered appropriate for the location of the site within a growing industrial precinct.</p>
<p>CI 2.40 Earthworks</p> <p>Before granting development consent for earthworks, the consent authority must consider the matters outlined in clauses 2.40(3)(a) to (j).</p>	<p>The development includes minor earthworks. Estate wide bulk earthworks were approved by SSD-5248 MOD 1.</p>	<p>To ensure earthworks are appropriately managed, the Department has included the requirement for a CEMP which includes an erosion and sediment control plan.</p>
<p>CI 2.43 Consent for clearing native vegetation</p> <p>Development consent under this clause is not to be granted unless the consent authority is satisfied of the matters listed in subclauses (a) to (f) in relation to the disturbance of native vegetation caused by the clearing of the vegetation.</p>	<p>Estate wide native vegetation clearing was approved by SSD-5248.</p> <p>The Applicant submitted a BDAR Waiver request as part for the development which was approved on 5 December 2022.</p>	<p>The Department is satisfied the development would not impact on native vegetation or biodiversity values.</p>
<p>CI 2.44 Stormwater, water quality and water sensitive design</p> <p>Before granting development consent to development on land to which this Policy applies, the consent authority must take into consideration the matters listed in subclauses (a) to (f).</p>	<p>The Applicant has proposed comprehensive stormwater management strategies for the development as described in Section 6.2 of the report.</p>	<p>The Department's assessment concluded the development would have adequate stormwater infrastructure and recommended conditions requiring the detailed design to be approved by Council prior to construction.</p>

Chapter 3 of the Industry and Employment SEPP 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 a high-quality design and finish. The development includes erection of wall-

mounted business identification signs. The Department considered the proposed signage against the provisions of the Industry and Employment SEPP, concluding the building signage is appropriate for the industrial estate.

State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)

The Resilience and Hazards SEPP aims to identify developments with the potential for significant off-site impacts, in terms of risk and/or offence. A development is defined as potentially hazardous and/or potentially offensive if, without mitigating measures in place, the development would have significant risk and/or adverse impact on off-site receptors. The Applicant prepared a risk screening which was reviewed by the Department's hazards specialists. After several reviews, DHL confirmed it would not store Class 6.1 toxic substances in the warehouse. The Department's hazards specialists recommended conditions for minimising hazards and risks including limits on the storage of dangerous goods.

The Resilience and Hazards SEPP also includes provisions relating to contamination, to ensure these issues are considered in the determination of a development application. The Department's assessment of the GIE Concept Plan considered contamination issues. As the Concept Plan also included Stage 1 earthworks across the entire estate, contamination issues have previously been considered and addressed.

State Environmental Planning Policy (Transport and Infrastructure) 2007 (Transport and Infrastructure SEPP)

The Transport and Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to certain types of infrastructure development, and providing for consultation with relevant public authorities about certain types of development during the assessment process.

The development constitutes traffic generating development in accordance with clause 104 of the Transport and Infrastructure SEPP as it will facilitate future industrial developments on-site with an area exceeding 20,000 m². Therefore, the application was referred to TfNSW for assessment. TfNSW comments are detailed in Section 5 of this report.

State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP)

The Biodiversity and Conservation SEPP aims to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. The Department's assessment has concluded the development does not compromise the aims and objectives of the Biodiversity and Conservation SEPP.

Appendix D – Modification Instrument

The modification instrument is available on the Department's website at <https://www.planningportal.nsw.gov.au/major-projects/projects/gazcorp-industrial-estate-mod-2>

Appendix E – Development Consent

The development consent is available on the Department's website at <https://www.planningportal.nsw.gov.au/major-projects/projects/dhl-warehouse-and-distribution-centre>