



Professor Mary O'Kane AC
Chair
Independent Planning Commission
Level 3, 201 Elizabeth Street
SYDNEY NSW 2000

Our ref: SSD 5248

Dear Professor O'Kane

**Determination of State Significant Development Application
Gazcorp Industrial Estate (SSD 5248)**

The above State Significant Development (SSD) application is referred to the Independent Planning Commission (the Commission) for determination.

The SSD application is required to be determined by the Commission under the Minister's delegation dated 14 September 2011, as more than 25 public submissions were received objecting to the SSD application and reportable political donations having been made.

Should the Commission have any further enquiries about this matter, I have arranged for Chris Ritchie, Director Industry Assessments, to assist. Mr Ritchie can be contacted on (02) 9274 6413.

Yours sincerely

Marcus Ray
**Group Deputy Secretary
Planning and Assessment**

30/08/2019



Gazcorp Industrial Estate ○

*State Significant
Development Assessment
(SSD 5248)*



August 2019

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Cover photo

Gazcorp Industrial Estate Entry Artist's Impression (Source: Design Statement, 813-913 Wallgrove Road, Eastern Creek, Morris Bray Martin Oallmann 2013)

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Glossary

Abbreviation	Definition
Applicant	Gazcorp Pty Ltd
AS	Australian Standard
BCA	Building Code of Australia
CEMP	Construction Environmental Management Plan
CIV	Capital Investment Value
Construction	The demolition of buildings or works, carrying out of works, including earthworks, erection of buildings and other infrastructure covered by this consent
Consent	Development Consent
Council	Fairfield City Council
DA	Development Application
Department	Department of Planning, Industry and Environment
Development	The development as described in the EIS and RtS for Gazcorp Industrial Estate (SSD 5248)
DPI	Department of Primary industries
EIS	Environmental Impact Statement titled <i>Environmental Impact Statement Gazcorp Industrial Estate Western Sydney Employment Area</i> prepared by (former) JBA Urban Planning Consultants Pty Ltd dated 6 February 2014
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
FRNSW	Fire and Rescue NSW
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces (or delegate)
NCC	National Construction Code
OEH	(former) Office of Environment and Heritage (now Biodiversity and Conservation Division of the Department)
PA	Planning Agreement
RFS	NSW Rural Fire Service
RMS	(former) Roads and Maritime Services (now TfNSW)
RTS	Response to Submissions
SLR	Southern Link Road

Abbreviation	Definition
TfNSW	Transport for New South Wales
TSC Act	<i>Threatened Species Act 1995</i>
WIK	Works-in-kind
WSEA	Western Sydney Employment Area
WSEA SEPP	State Environmental Planning Policy (Western Sydney Employment Area) 2009
WSFL	Western Sydney Freight Line



Executive Summary

Introduction

Gazcorp Pty Ltd (the Applicant) has lodged a State significant development application and accompanying Environmental Impact Statement (EIS) seeking approval to establish an industrial warehouse estate known as the Gazcorp Industrial Estate at 813 – 913 Wallgrove Road, Horsley Park (the site), within the Western Sydney Employment Area (WSEA) in the Fairfield Local Government Area (LGA).

The site is located 33 kilometres (km) west of Sydney and covers approximately 52 hectares (ha) of IN1 General Industrial and E2 Environmental Conservation zoned land. The site is located within Precinct 8 of the Western Sydney Employment Area (WSEA). The nearest sensitive receiver is a residential dwelling located approximately 122 metres (m) to the south. The site is bound by Water NSW Warragamba to Prospect pipeline to the north, Wallgrove Road to the east, a TransGrid transmission line to the south and Reedy Creek to the west.

Development Description

The proposed development (the development) includes a Concept Proposal for an industrial estate with 16 warehouses and a concurrent Stage 1 Development Application (DA). The Concept Proposal seeks approval for a maximum gross floor area (GFA) of 211,550 square metres (m²) across 16 development lots as well as site levels, landscaping, infrastructure services and development controls. The Stage 1 DA seeks consent for the construction and operation of a 45,225 m² warehouse with ancillary office space on proposed Lot 10 as well as bulk and detailed earthworks, construction of internal access roads and estate-wide street landscaping.

The Concept Proposal has a capital investment value (CIV) of \$174.5 million. The Stage 1 DA has a CIV of \$52.2 million. Development within the Concept Proposal area is expected to generate up to 1,900 construction jobs and 1,500 operational jobs. It is anticipated the Stage 1 development would generate 520 of the Concept Proposal construction jobs and 360 of the Concept Proposal operational jobs.

Statutory Context

The development is classified as State significant development (SSD) under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it involves construction and operation of a warehouse and distribution facility that meets the criteria in Clause 12 of Schedule 1 in State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP). Consequently, the Minister for Planning and Public Spaces is the consent authority for the development.

However, under the Minister's delegation dated 14 September 2011, the Independent Planning Commission (the Commission) may determine the application as there are 32 public submissions received during the exhibition objecting to the development and the Applicant has made a political enclosure statement.

Engagement

The Department of Planning, Industry and Environment (the Department) exhibited the EIS for the development from Wednesday 9 April 2014 until Friday 23 May 2014. The Department received a total of 42 submissions during the exhibition period, including 9 submissions from public authorities, one from Fairfield City Council (Council), one submission from a special interest group and 31 submissions from the general public including one petition containing 17 signatures.

Key concerns raised related to noise and vibration, traffic and access, visual impact and stormwater and drainage management. Transport for New South Wales (TfNSW) and the former Roads and Maritime Service (RMS) (now

TfNSW) lodged a joint submission regarding the proposed location of the intersection and access with Wallgrove Road. The joint submission requested the Applicant amend the development to utilise the proposed future location of the Southern Link Road (SLR) to gain access to the site as identified in the draft amendment to the State Environmental Planning Policy (Western Sydney Employment Area) 2009 (WSEA SEPP).

As part of the Response to Submissions (RtS) process, the Applicant amended the layout of the development to relocate the proposed access to the site to within a portion of the road reserve identified for the future SLR in the WSEA SEPP. The Applicant also proposed to construct the intersection of the SLR and Wallgrove Road and two lanes of the SLR for 350 m as works-in-kind (WIK) to offset the contributions for regional transport infrastructure as part of a Planning Agreement.

Southern Link Road and Delays

Negotiations regarding the Planning Agreement took a considerable amount of time because Council and the TfNSW both would not provide an undertaking to be the roads authority under the *Roads Act 1993* for the SLR. Essentially, a WIK for the proposed construction of a portion of the SLR by the Applicant would not be possible without a roads authority approving the design, costings, construction and validation of the road. The Department mediated between the Applicant, TfNSW and Council to progress the issue and ensure a Planning Agreement could be executed to facilitate a Satisfactory Arrangements Certificate (SAC) as required by clause 29(3) of the WSEA SEPP. The SAC demonstrates the provision of adequate contributions towards regional transport infrastructure.

The Applicant wanted to ensure a WIK would be possible should the roads authority for the SLR be selected prior to the construction of the site access. However, the Applicant ultimately agreed to alternatively construct a private access road within the SLR road reserve without receiving a WIK should the roads authority still be in question. Once the final design of the road is complete and the roads authority settled, the private access road would be removed prior to the construction of the SLR. After lengthy deliberations spanning a number of years, the Applicant, TfNSW and the Department are now satisfied the Planning Agreement is flexible enough to provide the Applicant options regarding the construction of road infrastructure.

The Planning Agreement was executed on 25 July 2019 and a SAC was issued on 29 July 2019. Detailed design work for the SLR is presently underway by the TfNSW on behalf of the Department and it is not expected that construction of the road would be complete until around 2026.

Assessment

The Department's assessment of the application has fully considered all relevant matters under Section 4.15 and the objects of the EP&A Act and the principles of ecologically sustainable development. The Department has broadly considered the impacts of the entire Concept Proposal, noting further DAs would be submitted for subsequent stages, and this is when a detailed assessment of the impacts of the subsequent stages would be undertaken. For the Stage 1 DA, the Department has assessed the impacts in greater detail.

The Department has identified the key issues for assessment are built form and visual impact, noise and vibration and traffic and access. The Department's assessment of these and other issues concluded the development can be designed, constructed and operated to achieve acceptable levels of amenity at the adjacent sensitive land uses.

The development would transform the existing rural nature of the site into a fully developed industrial warehouse complex, consistent with its industrial zoning and the objectives of the WSEA SEPP. This transformation would have moderate visual impacts for the rural residences to the south. The visual impacts would be reduced to an acceptable level through the construction of a landscape mound and early landscape planting along the southern boundary. The visual impact of the development would also be obstructed by the future Western Sydney Freight

Line (WSFL) corridor which has been proposed to run between the M7 Motorway and the planned Outer Sydney Orbital. Once contrasted, the WSFL would run immediately parallel to the southern boundary of the site.

The development would meet relevant noise criteria with the construction of landscape mounds and acoustic barrier. The development would require the removal of ecological communities which would be offset through the purchase and retirement of biodiversity credits.

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

- provide a range of benefits for the region and the State, through a capital investment of \$174.5 million in the Fairfield LGA
- provide a total of 1,500 operational jobs in western Sydney
- be consistent with the strategic objectives of the WSEA SEPP and the Western City District Plan to deliver employment generating development in western Sydney, close to key transport links
- not have a significant impact on the local environment.

Consequently, the Department considers the development is in the public interest and the application is approvable, subject to conditions. This assessment report is hereby presented to the Commission for determination.