



Sydney Business Park - Stage 3 SSD 10477

Operation Compliance Report February 2022 – December 2023

February 2024



Prepared by:



pjep environmental planning Pty Ltd, abn. 73 608 508 176
tel. 0400 392 861
striving for balance between economic, social and environmental ideals...

On behalf of:



Marsden Park Developments Pty Ltd (Sydney Business Park)
15 Hollinsworth Road
MARSDEN PARK NSW 2765

Revision	Date	Description	Author	Approved
1	14 Dec 23	Draft	K. Winwood, BEng	
2	15 Dec 23	Final	K. Winwood BEng	P. Jones BAppSc
3	13 Feb 24	Final Revised	K. Winwood BEng	P. Jones BAppSc

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1 INTRODUCTION

This Compliance Report has been prepared by PJEP on behalf of Marsden Park Developments Pty Ltd (trading as Sydney Business Park), for Stage 3 of Sydney Business Park (Stage 3 Facilities). The Sydney Business Park development site covers 15.9 hectares within the Marsden Park Industrial Precinct in Western Sydney (**Figure 1**).

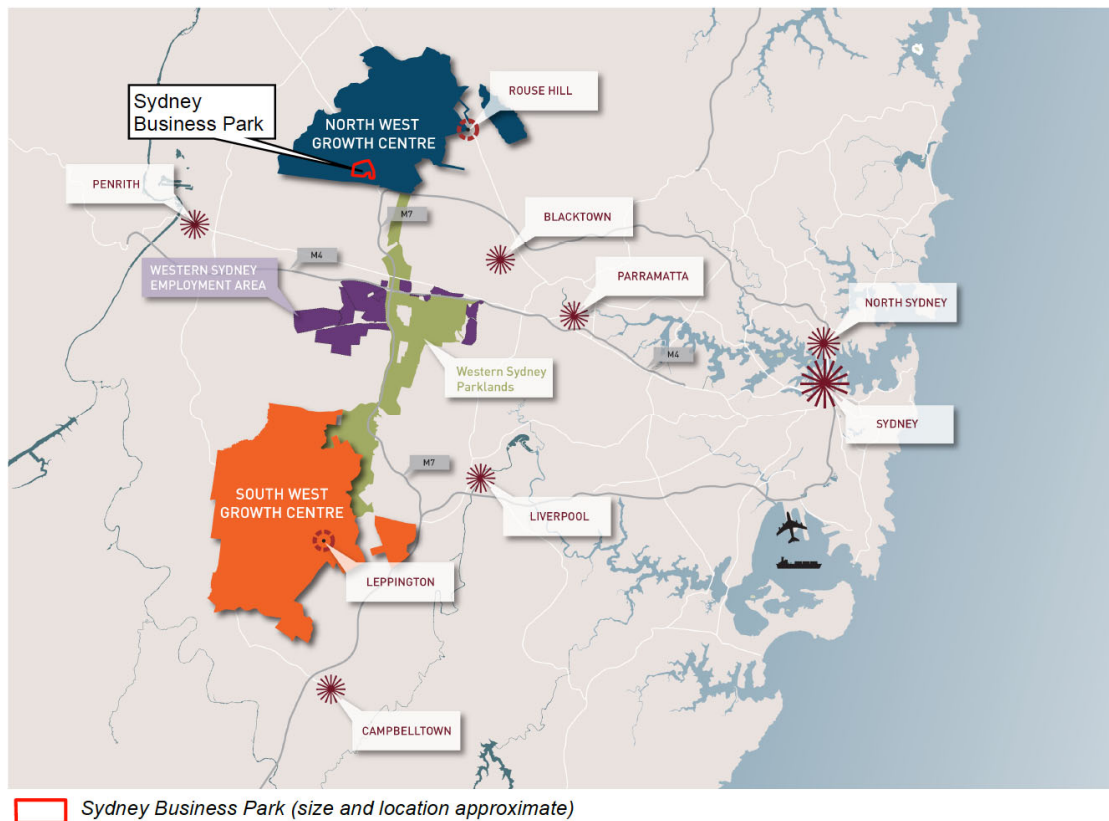


Figure 1: Regional Context (Source: Department of Planning, Industry & Environment)

The Stage 3 Facilities consists of the construction and operation of four warehouse and distribution facilities, ancillary parking and infrastructure and two estate roads. The Stage 3 Facilities were approved by the delegate of the Minister for Planning and Public Spaces on 28 January 2021 (SSD 10477).

The report has been prepared to assist the Department of Planning and Environment's (DPE) compliance review of the Stage 3 Facilities against the requirements of State significant development (SSD) consent SSD 10477. This Compliance Report has been prepared in accordance with condition C11 of SSD 10477.

This report covers a reporting period between February 2022 and December 2023.

1.1 Site Location

The project is located at Lot 4 in DP 1210172 & Part Lots 50 and 51 in DP 1265695. Access to the site is off Hollinsworth Road, Astoria Street and Carnaby Street. The estate masterplan and Stage 3 Facilities are shown on **Figure 2**.



Figure 2: Sydney Business Park Master Plan

1.2 Development Summary

The development consent allows Sydney Business Park to develop four high quality warehouse and distribution facilities within the Stage 3 area of Sydney Business Park.

Three of the four warehouses are now operational. Warehouse 1 commenced operations on 15 February 2022 and is occupied by TJX Australia Pty Ltd (TJX). Device Technologies Australia Pty Ltd (Device Technologies) commenced operation of Warehouse 2 on 9 October 2023 and Australian Pharmaceutical Industries Ltd (API) commenced operation of Warehouse 4 on 16 February 2022.

An end user of the remaining facility is yet to be confirmed and the development of Warehouse 3 will commence once a tenant is confirmed.

The layout of the facilities is shown on **Figure 3**, and the main components of the development are outlined in **Table 1** below. A full description of the development is provided in the Environmental Impact Statement (EIS) for the project.

Table 1: Stage 3 Facilities Development Summary

Development Summary	Development of the Sydney Business Park Stage 3 Facilities, including: <ul style="list-style-type: none"> • subdivision; • vegetation clearing and earthworks; • extension of Hollinsworth Road; • construction of two estate roads and associated intersections • construction and operation of four warehouse and distribution facilities, including ancillary offices; and • ancillary development including car parking, infrastructure provision and landscaping
Proposed Use	Warehousing and distribution, with ancillary office. <ul style="list-style-type: none"> • Warehouse 1 is used for storage and distribution of TJX's range of general consumer products, including clothing, footwear, home wares, beauty products, accessories and related consumer products. • Warehouse 2 is used for storage and distribution of Device Technologies' range of medical devices. • Warehouse 3 would also be used for storage and distribution of general consumer products by an as-yet unidentified end user. • Warehouse 4 is used for storage and distribution of API's range of pharmaceutical and related consumer products, including pharmaceutical and therapeutic goods.
Subdivision	Lots 4, 5 and 36 will be subdivided to provide seven development lots, one lot for precinct stormwater infrastructure (which would be dedicated to Council), and a lot for the proposed roads (which would also be dedicated to Council)
Clearing, Demolition and Earthworks	<p>Vegetation clearing across the site would be undertaken to facilitate the development. Most of the site is already cleared, though there are some trees in the south-eastern part of the site.</p> <p>Demolition of minor site structures (mainly fencing and a small section of road) would be undertaken, along with bulk and detailed earthworks across the site to facilitate the development.</p>
Facility Development	<p>Construction and operation of the Stage 3 Facilities, including:</p> <ul style="list-style-type: none"> • Warehouse 1 (TJX Facility) – 44,560 m² total building area; • Warehouse 2 (Device Technologies Australia Pty Ltd) – 16,835 m² total building area; • Warehouse 3 (unspecified end user) – 3,860 m² total building area; and • Warehouse 4 (API Pty Ltd) – 34,201 m² total building area. <p>All warehouse facilities include attached ancillary offices</p>
Landscaping	Implementation of site landscaping consistent with estate landscaping, including street trees in the roadways and landscaping within each individual warehouse facility site
Signage	Building identification, business identification and directional signage
Hours of Operation	24 hours a day, 7 days a week
Capital Investment Value	\$157.4 million (exc. GST)
Employment¹	<p>Construction: 670</p> <p>Operation: 610</p>
Infrastructure and Services	
Roads	Extension of Hollinsworth Road to the western side of the site and construction of a new north-south collector road between Hollinsworth Road and Astoria Street, as well as constructing associated intersections.

	The development also involves construction of internal driveways, hardstand and parking for each warehouse facility.
<i>Stormwater</i>	Development of site stormwater infrastructure, draining to estate stormwater infrastructure (including existing Basin E and Basin A constructed as part of Stage 3).
<i>Potable Water, Sewer, Electricity and Telecoms</i>	Extension and connection to mains in Hollinsworth Road and Astoria Street and/or South Street, and reticulation through the site

¹ Estimate

The development consent has been modified three times, on 20 August 2021, 9 February 2022 and 18 November 2022. The modifications are summarised in the table below and included changes to accommodate warehouse layout and operational changes required by warehouse end users, and the timing for entering into a road upgrade works deed under the consent.

Table 2: Stage 3 Facilities Modifications

Modification	Date Approved	Summary
SSD 10477 Mod 1	20 August 2021	Modifications to Warehouse 1 to suit the operational needs of AJX. Modifications included: <ul style="list-style-type: none"> • an additional 40m² of office space; • loading dock and awning design changes; • confirmation of roof mounted plant and solar designs; • internal layout changes; and • other minor changes
SSD 10477 Mod 2	9 February 2022	Change to the timing for entering into a deed with Transport for NSW (TfNSW) for the approved road upgrade works to the intersection of Hollinsworth Road and Richmond Road
SSD 10477 Mod 3	18 November 2022	Modifications to Warehouse 1 to suit the operational needs of Device Technologies. Modifications included: <ul style="list-style-type: none"> • changes to the building façade and additional signage; • changes to the configuration of the loading dock, including 2 additional recessed docks, and a 5m increase in the width of the loading dock awning; • other minor external changes; • internal changes to the use and layout of the warehouse and office, including provision of temperature-controlled storage rooms, technical services areas, reverse logistics (returns) workshop, medical gases storage and manual handling equipment (MHE) charging bays; and • allowing limited night time movements on the eastern truck exit driveway.

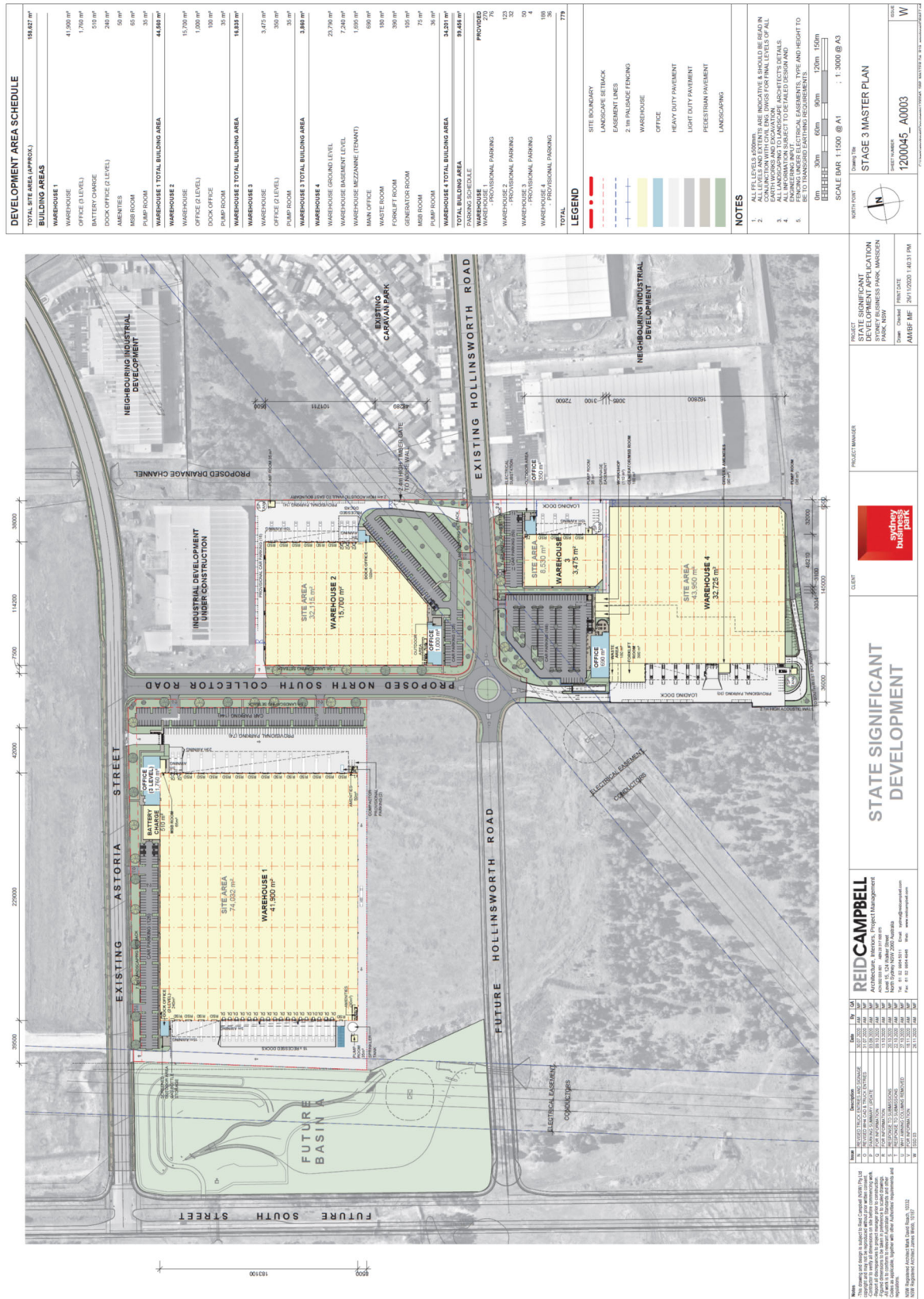


Figure 3: Stage 3 Facilities Site Plan – As Approved

1.3 Project contacts

The primary contact for the development is:

Owen Walsh
 Director, Sydney Business Park
 15 Hollinsworth Road, Marsden Park NSW 2765
 Phone: 0413 442 096
 sydneybusinesspark.com.au

2 PROJECT ACTIVITIES DURING REPORTING PERIOD

This is the first compliance report for the Stage 3 Facilities since operations commenced on 24 June 2022. The project activities have included bulk earthworks and construction of infrastructure across the entire site and the construction of three warehouses (Warehouse 1, Warehouse 2 and Warehouse 4).

In accordance with condition A9 of SSD 10477, the construction and operation of the Stage 3 Facilities has occurred in stages. Construction of bulk earthworks and site drainage infrastructure commenced on 10 March 2021 and construction of road upgrades commenced on 29 March 2021, with the subsequent construction of Warehouse 4 (4 March 2021), Warehouse 1 (10 March 2021), and Warehouse 2 (20 January 2023).

A summary of each of the key stages of the development of Stage 3 is provided in the following table.

Table 3: Stage 3 Facilities Key Stages

Stage	Description	Construction Start	Operation Start
1	Bulk Earthworks and Basin A	10 March 2021	30 September 2022 ¹
2	Hollinsworth Road, North-South Collector Road and intersections	29 March 2021	22 July 2022
3	Warehouse 1	10 March 2021	14 February 2022
4	Warehouse 4	4 March 2021	16 February 2022
5	Warehouse 2	20 January 2023	9 October 2023

¹ Date certificate of completion issued by Blacktown City Council. Temporary completion certificate of the detention basin issued prior to commencing construction as referenced in the first construction certificate dated 10 March 2021 (Item 39)

3 PREVIOUS REPORTING ACTIONS

As this is the first compliance report for the development and an Independent Audit is yet to be commissioned, no previous actions are identified from previous Independent Audit and Compliance Reports.

4 COMPLIANCE STATUS SUMMARY

A full review of the development's compliance with the conditions of SSD 1077 is provided in **Appendix A**.

The compliance matters identified by the review are summarised in the table below.

Table 4: Stage 3 Facilities Compliance Summary

Condition	Non-compliance	Agencies notified	Enforcement action
A6(b)	Notification of commencement of operations occurred after the commencement of operations of Warehouse 1 and Warehouse 4	DPE notified by Sydney Business Park on 9 September 2023	None to date
A23	No evidence sighted to confirm maintenance of plant and equipment	Nil	None to date
A25	Evidence not sighted to confirm the application of height restrictions for mobile plant operating within the Transgrid easement	Nil	None to date
A30	Evidence not sighted to confirm that copies of all documentation given to the Certifier were provided to the Planning Secretary	Nil	None to date
B4	No evidence sighted to confirm swept path diagrams provided to Council	Nil	None to date
B15	Construction work carried out prior to the approved 7 am start time	DPE notified by Sydney Business Park on 10 August 2023	DPE advised on 15 August 2023 that no enforcement action would be taken.
B17	No evidence sighted to confirm compliance with Construction Noise Limits	Nil	None to date
B36	No evidence sighted to confirm compliance with waste collection time limits	Nil	None to date
B50	No evidence sighted to confirm consultation with identified stakeholders	Nil	None to date
C11	This compliance report submitted more than 15 months after commencing operations in June 2022	DPE notified Sydney Business Park on 6 September 2023	None to date
C11A	Logbook for Warehouse 2 not sighted	Nil	None to date
C14	Project website not established until November 2023	DPE notified on 3 November 2023	None to date

4.1 Discussion and Response

Further consideration of the compliance matters summarised in Table 4 is provided in the table below.

Table 5: Stage 3 Facilities Compliance Review

Condition	Comments	Response and Timing
A6(b)	Operation of Warehouse 1 commenced on 14 February 2022 and operation of Warehouse 4 commenced on 16 February 2022. The notification of commencing operations was not provided to the Department until 9 September 2023. Condition A6(b) requires notification one month prior to commencement of operation.	Sydney Business Park will ensure that the Department is notified at least one month prior to commencing operation of Warehouse 4 , as required by Condition A6(b).

Condition	Comments	Response and Timing
	It is noted that the notification of commencing operations of Warehouse 2 was issued over one month prior to commencing operations.	
A23	Condition A23 requires proper maintenance and operation of all plant and equipment used on site. No evidence to demonstrate compliance with this condition was sighted at the time of this report.	Sydney Business Park will retain a maintenance schedule for each warehouse, to demonstrate compliance with this condition. The maintenance schedules will be lodged with the next compliance report .
A25	Condition A25 places height restrictions on mobile plant such as cranes and elevated work platforms operating within the Transgrid easement. The earthworks, construction of car parks and landscaping within the easement is completed and no evidence to demonstrate compliance with this condition was sighted at the time of this report. It is noted that construction of Warehouse 2 and Warehouse 4 is completed and areas of the site within the easement comprise car parks and landscaping, which are unlikely to require the use of plant or equipment of a height that exceeds Transgrid requirements.	Construction of Warehouse 3 is yet to commence, and during construction of Warehouse 3 , Sydney Business Park will ensure that the use of plant and equipment within the easement complies with Condition A25. While the use of elevated plant in Warehouse 2 and Warehouse 4 is unlikely, Sydney Business Park will also issue a notice to each tenant by the end of February 2024 to ensure that it limits the operating height of plant and equipment within the easement to no greater than 4.2m.
A30	Condition A30 requires a copy of documentation given to the Certifier to satisfy condition A29 be provided to the Planning Secretary within 7 days of acceptance by the Certifier. No evidence to demonstrate compliance with this condition was sighted at the time of this report.	A copy of the relevant documentation provided to the Certifier to satisfy condition A29 has been forwarded to the Department, however not within the 7 days of acceptance by the Certifier.
B15	Activities on the Warehouse 2 construction site commenced at approximately 6:50am on Thursday 20 July 2023 and involved setting up machinery associated with a concrete pour. The activities occurring prior to 7am were limited to the arrival of a truck mounted concrete boom pump and the extension of support footings from the vehicle. The Department's compliance branch sought information about the alleged breach on 10 August 2023 and following its consideration of Sydney Business Park's response, advised on 15 August 2023 that no further enforcement action would be taken.	During construction of Warehouse 3 , Sydney Business Park will ensure that construction strictly adheres to the construction hours as required by Condition B15.
B17	Condition B17 requires the implementation of feasible and reasonable noise mitigation to ensure compliance with construction noise levels in the <i>Construction Noise Guideline</i> (DECC, 2009). No evidence to demonstrate compliance with this condition was sighted at the time of this report.	During construction of Warehouse 3 , Sydney Business Park will ensure that the construction of Warehouse 3 will abide by the Construction Environmental Management Plan, which will describe the reasonable and feasible noise mitigation measures to be implemented.
B36	Condition B36 restricts the collection of waste from the warehouses to the hours of 7am to 10pm Monday to Friday. No evidence to demonstrate compliance with this condition was sighted at the time of this report.	The tenants of each warehouse are contractually required to restrict waste collection to between 7am and 10pm Monday to Friday.

Condition	Comments	Response and Timing
B50	Condition B50 requires regular consultation with identified stakeholders. No evidence to demonstrate compliance with this condition was sighted at the time of this report.	Sydney Business Park will maintain a consultation register to ensure that it can demonstrate compliance with this condition. The consultation register will be submitted with the next compliance report .
C11	This forms the first compliance report since operations of the Stage 3 Facilities commenced in February 2022. Under condition C11, the first compliance report must be submitted within 15 months (one year and three months) of the commencement of operations. This report was due to be submitted in May 2023 and it has not been submitted until December 2023. The DPE Compliance Team notified the Applicant of this in September 2023 with a subsequent email in October 2023.	Sydney Business Park will ensure that future compliance reports are lodged every 12 months to cover the preceding 12 month reporting period between January and December.
C11A	Condition C11A requires a logbook recording the information about refrigerated containers visiting Warehouse 2 be provided with the Compliance Report. Warehouse 2 commenced operations in October 2023. The operator of the warehouse was asked to provide a copy of the logbook, however it was not received at the time of this report.	By 30 June 2024 , Sydney Business Park will provide a logbook of refrigerated container visits to Warehouse 2.
C14	The project website had not been established until November 2023 and not 48 hours prior to commencing construction in March 2021. This was identified during the Compliance review and the project website has been established and includes the relevant project-related documentation.	Sydney Business Park will regularly review and update the project website to ensure it includes updated and new project-related information. This will occur on an ongoing basis.

5 INCIDENTS

No incidents were recorded during this reporting period.

6 COMPLAINTS

6.1 Summary

A total of two complaints were recorded during the reporting period. Both complaints emanated from the Ingenia Lifestyle Stoney Creek Over 55's community and the same complainant, with the second complaint from two complainants (one additional complainant). They related to construction work outside the approved construction hours of 7am to 6pm Monday to Friday and 8am to 1pm Saturday.

A summary of the two complaints is provided in the table below.

Table 5: Stage 3 Facilities Complaints Summary

No.	Date of complaint	Number of complainants	Location of complaint	Nature of complaint
1	13/7/2023	1	Ingenia Lifestyle Stoney Creek	Noise <ul style="list-style-type: none"> Oversize plant was transported from the Warehouse 2 site at approximately 4:30 am on Thursday 13/7/2023
2	21/2/2023	2	Ingenia Lifestyle Stoney Creek	Noise <ul style="list-style-type: none"> Commencement of Warehouse 2 construction activities at approximately 6:50am on Thursday 20/7/2023 (prior to the 7am start) Activities comprised the setup of equipment in preparation for the arrival of concrete trucks to commence concrete pour

Complaint 1

The first complaint relates to the removal of oversized equipment from the Warehouse 2 construction site at approximately 4:30am. Because the machinery is oversized it could not be taken onto the road network during the standard construction hours for safety reasons, and was carried out in accordance with condition B16(c) of SSD 10477. This is a requirement of the *Multi-State Class 1 Load Carrying Vehicle Dimension Exemption Notice 2022 (No.1)* under the Commonwealth *Heavy Vehicle National Law*, as outlined in the Gazette C2022G00120 dated 11/02/2022.

This was a standalone occurrence and no other oversized machinery was transported to or from the construction site. The construction contractor advised the earthworks contractor responsible for the action of the requirement for advance notification of future out-of-hours activities.

The Department also received complaints from the community regarding this issue and requested further information on 8 August 2023. Following the receipt of responses to the request, it advised Sydney Business Park that no further enforcement action would be taken.

Complaint 2

The second complaint related to activities occurring on site before the approved start time of 7am. The activities included the setting up of concrete pump equipment (concrete boom pump) at approximately 6:50am, in preparation for the scheduled arrival of the first concrete truck at 7:10am.

The construction contractor responded with a toolbox talk to reinforce the operating hours and increased the monitoring of morning start times to ensure no repeat of the issue.

Following the Department's request for information associated with Complaint 1 above, Sydney Business Park was advised by the contractor about commencing the setup of the concrete boom pump prior to 7am. Sydney Business Park advised the Department's Compliance Branch about this on 10 August, which is within the 7 day notification period required by condition C8.

This matter was also reviewed by the Department and it advised Sydney Business Park on 15 August 2023 that it had determined to take no further action regarding this issue.

6.2 Emerging Trends

Both complaints relate to work carried outside the approved construction hours for the development and occurred within one week of each other. No other complaints have been received and construction of the three operating warehouses has concluded.

7 DISCREPANCIES BETWEEN PREDICTED AND ACTUAL IMPACTS

One of the two complaints indicate noise impacts were experienced as a result of construction outside the hours committed to in the EIS, which are a discrepancy between the predicted and actual impacts. The commencement of activities associated with construction before the 7am start time resulted in low levels of construction noise occurring for approximately 10 minutes longer than predicted.

Otherwise, the compliance report has not identified any notable discrepancies between predicted and actual impacts during the construction and operation of Warehouse 1, Warehouse 2 and Warehouse 4. The issues identified in the compliance review are unlikely to have resulted in unanticipated or greater environmental impacts than those identified in the EIS.

8 PERFORMANCE IMPROVEMENT

The Compliance Report has identified some administrative matters with the implementation of the development consent for Stage 3 of Sydney Business Park. These primarily relate to notification and reporting, and verifying the implementation of ongoing operational restrictions.

Sydney Business Park will implement the proposed responses to each of the compliance matters as noted in Section 4.1.

Sydney Business Park will also review its compliance monitoring and verification processes highlighted by the compliance review, to ensure it can demonstrate compliance with the SSD-10477 development consent. This will be described in the next compliance report for the development.

APPENDIX A

APPENDIX B

COMPLIANCE REPORT DECLARATION FORM

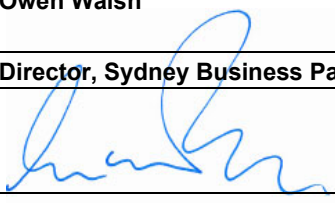
Project Name	Sydney Business Park Stage 3
Project Application Number	SSD 10477
Description of Project	The construction and operation of four warehouse and distribution facilities, ancillary parking and infrastructure and two estate roads.
Project Address	Lot 4 in DP 1210172 & Part Lots 50 and 51 in DP 1265695 Hollinsworth Road, Marsden Park
Proponent	Marsden Park Developments Pty Ltd (trading as Sydney Business Park)
Title of Compliance Report	Operation Compliance Report
Date	13 February 2024

I declare that I have reviewed the contents of the attached Compliance Report and to the best of my knowledge:

- i. the Compliance Report has been prepared in accordance with all relevant conditions of consent;
- ii. the Compliance Report has been prepared in accordance with the Compliance Reporting Requirements;
- iii. compliance with all relevant conditions of consent was assessed when preparing the Compliance Report;
- iv. the findings of the Compliance Report are reported truthfully, accurately and completely;
- v. due diligence and professional judgement have been exercised in preparing the Compliance Report; and
- vi. the Compliance Report is an accurate summary of the compliance status of the development.

Notes:

- i. Under section 10.6 of the *Environmental Planning and Assessment Act 1979* a person must not include false or misleading information (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is false or misleading in a material respect. The proponent of an approved project must not fail to include information in (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is materially relevant to the monitoring or audit. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000; and
- ii. The *Crimes Act 1900* contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years' imprisonment or 200 penalty units, or both).

Name of Authorised Reporting Officer	Owen Walsh
Title	Director, Sydney Business Park
Signature	
Qualification	BAppSc MPD
Company	Marsden Park Developments Pty Ltd
Company Address	25 Harris Street, Marsden Park NSW 2765