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ESR HORSLEY LOGISTICS PARK - SSD-10436 MOD 5

Section 4.55(1A) Modification

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Director	Jacqueline Parker
Senior Consultant	John Booth
Consultant	Andrew Lee
Project Code	P0020568
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EXECUTIVE SUMMARY

This Modification Report has been prepared by Urbis Pty Ltd on behalf of the Applicant, ESR Australia (**ESR**), and is submitted to the NSW Department of Planning, Industry & Environment (**DPIE**) in support of a modification application under Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**) to a State Significant Development (**SSD**) approval, SSD-10436, which was granted development consent on 31 March 2021 and subsequently modified by MOD 1 and MOD 2.

- SSD-10436 was granted approval for the construction, fit-out and operation of eight warehousing and distribution tenancies in four buildings with a total gross floor area of 112,819m², inclusive of offices, loading docks, hardstand areas, truck and car parking spaces, landscaping, infrastructure, and signage.
- Mod 1 approval related to minor adjustments to the hardstand, carparking, access, building area as well as the inclusion of an estate café area. Additionally, the modification approved the reconfiguration of the warehouse at Lot 201 and its division into three tenancies.
- Mod 2 sought design amendments to Lot 204, the renumbering of the Horsley Logistics Park development lots, and amendments to a consent condition relating to development contributions.

This Section 4.55(1A) modification application to SSD-10436 (as modified by Mod 1 & MOD 2) seeks approval for revisions to the approved development of the Horsley Logistics Park (**HLP**) and is herein referenced as MOD 5.

This Modification Report describes the site and the proposed modifications, provides relevant background information, and assesses the development against the relevant legislation, environmental planning instruments and planning policies. An assessment of the proposal against the Secretary's Environmental Assessment Requirements (**SEARs**) issued for the development by the DPIE on 19 August 2021 has also been undertaken.

The specialist technical studies provided to support SSD-10436 have been updated where relevant to this Section 4.55(1A) modification application and have informed the assessment of the potential environmental impacts of the proposal within this Modification Report.

The proposed modification to the HLP entails:

- Installation of 11 warehouse temperature control units onto the roof of Warehouse Tenancy 2A and 2B.
- Removal of roller shutter doors from the western elevation of Lot 201.
- Amalgamation of warehouse tenancies 2B and 3, and fit-out works across warehouse 2A/2B including racking and cold storage for use by the future tenants.
- Construction of minor internal works within the warehouse 1 tenancy.

The proposed rooftop plant units and the modifications to the warehouse tenancy arrangement will be in support of a future UPS tenancy at Warehouse tenancy 2A/2B. The proposed modifications will provide the required utility infrastructure and storage space for these intended UPS operations.

The proposed fit-out works at tenancy 1 are consistent with the intended industrial change of use and fit-out application for a Jalco Manufacturing Facility. The Jalco application has been lodged as a separate application (SSD-21190804) and will see the Warehouse tenancy 1 be used for manufacturing and bottling site for liquid detergents. The proposed modification seeks to include the storage room and office fit-out works so that these can be constructed as part of the base build of the Lot 201 Warehouse.

The proposal is consistent with the relevant legislative and policy framework including the EP&A Act and the *State Environmental Planning Policy (Western Sydney Employment Area) 2009*.

The potential impacts identified to be relevant to MOD 5 include:

- Noise and visual impacts of the temperature control units proposed to be installed on the roof of the Lot 201 building; and
- Traffic and parking impact of the amended Lot 201 loading dock provisions.

Having regard to the above, the assessment of the proposed modification application has not identified any significant additional environmental, social, or economic impacts from those assessed as acceptable as part of the original consent.

The findings of this section 4.55(1A) Modification Report and the revised technical studies identify that the proposed development as modified can be accommodated without generating impacts over and above those which were previously approved under SSD-10436 and are considered appropriate by relevant legislation.

A positive assessment and determination of the project should prevail for the following reasons:

- The proposed development will support the approved warehouse and distribution land use for warehouse 2A/2B that is consistent with the zoning of the land and will contribute an employment generating use in line with strategic goals for the Western Sydney Employment Area (**WSEA**);
- The proposal demonstrates consistency with the relevant environmental planning instruments including strategic planning policy, and State and local planning legislation, regulation, and policies;
- The proposal will operate within the operational bounds assessed and considered to be satisfactory as determined in the approval of SSD-10436;
- It has been demonstrated that the proposed works will result in minimal environmental impacts and will result in substantially the same development as approved by SSD-10436; and
- It has been demonstrated that all impacts can be appropriately managed or mitigated through the recommendations outlined in the sections of this report.

Given the merits of the proposal, it is requested that the Minister approve the modifications subject to the mitigation measures outlined in this report.

1. INTRODUCTION

This modification application is lodged on behalf of ESR under the provisions of Section 4.55(1A) of the EP&A Act. It seeks to modify the approval of SSD-10436 for the staged construction, fit-out and operation of eight warehousing and distribution tenancies in four buildings at the HLP.

The Site

The HLP is a 20.8-hectare (**ha**) landholding located at 6-10 Johnston Crescent, Horsley Park (**the Site**) within the former CSR quarry site and is legally described as Lots 201, 202 & Part 203 in Deposited Plan 1244593. Thereby the proposed works subject to MOD 5 are to be carried out within Lot 201, as per the below in **Figure 1**.

The site is accessed via Johnston Crescent, an access road off Reserve Road and Burley Road which is currently being constructed as a part of DA 893.1/2013 and is to eventually be extended into an internal loop road. The Site comprises land south of the Sydney Water Pipeline, at the western extent of the strategically significant WSEA. It is located within the Fairfield local government area (LGA) and is approximately 15km from the Penrith Central Business District (CBD), 17km from the Parramatta CBD, and 35km from Sydney CBD. The site is currently used for / subject to earthworks to support future industrial development. Landscape and bund works approved by way of DA893/2013 have been constructed along the southern boundary.

The site is immediately bordered to the north by the remainder of the original CSR quarry site which now operates as a brickworks which was excised from the site and subdivided as part of DA 893.1/2013. Beyond the quarry site the surrounding land uses include:

- North: The Oakdale Central Business Hub (SSD 6078)
- East: Land zoned RU4 – Primary Production including a number of rural residential lots
- South: Land zoned RU4 – Primary Production and the residential subdivision Greenway Place
- West: The Horsley Park Warehousing Hub (MP 10_0129 & MP 10_0130).

The Proposed Modification

Further design development following confirmation of future tenants and their operational requirement has necessitated the modification to the existing consent, including:

- Installation of 11 warehouse temperature control units onto the roof of Warehouse tenancy 2A and 2B.
- Removal of roller shutter doors from the western elevation of Lot 201.
- Amalgamation of warehouse tenancies 2B and 3, and fit-out works across warehouse 2A/2B including racking and cold storage for use by the future tenants.
- Construction of minor internal works within the warehouse 1 tenancy.

To outline the proposed modification and assist in the assessment of the Section 4.55(1A) application, the following information is submitted with this Modification Report:

- Description of the site, its context, and approvals history;
- A description of the proposed modifications, including the amendments to the conditions of the approval;
- Planning compliance assessment considering the environmental planning instruments, policies and guidelines relevant to the site and the proposed modification; and
- An Environmental Assessment relative to the updated SEARs issued on 19 August 2021.

This planning report has been prepared based on the following updated plans and specialists reports, which are lodged as appendices to this Modification Report:

- **Appendix A** – Architectural Drawings, prepared by HLA Architects;
- **Appendix B** – BCA Assessment Report, prepared by Blackett Maguire+ Goldsmith;
- **Appendix C** – Visual Impact Assessment, prepared by Geoscapes;

- **Appendix D** – Transport Statement, prepared by Ason Group;
- **Appendix E** – Operational Noise Impact Assessment, prepared by SLR Consulting; and
- **Appendix F** – Waste Management Plan, prepared by SLR Consulting.

The technical reports and plans submitted with the original SSD DA and MOD 1 have been reviewed and updated to address the proposed modifications to MOD 5. These updated technical studies conclude that there are no material changes in impact arising from the proposed modification that were considered as part of the original SSDA assessment.

Where modified impacts are identified in these reports, the issue is addressed in this application. Where confirmation is provided that the nature of the impact is the same as the original approval, no specific mention is made of that issue however correspondence to that effect is appended to the report for confirmation.

2. CONSENT FRAMEWORK

The HLP is located within the 'CSR Estate', an area of approximately 74.48-ha within the strategically significant WSEA. The WSEA has long been identified as the single largest greenfield industrial precinct to serve the growing demand for industrial lands in the Sydney Metropolitan Area for the next 20 to 30 years.

The wider CSR Estate has been subject to several development applications determined by the NSW Land & Environment Court (**LEC**) and Fairfield City Council (**Council**). The CSR Estate is comprised of the following three lots, now owned and operated by ESR Australia:

- Lot 201 in DP 1244593;
- Lot 202 in DP 1244593;
- Lot 204 DP 1265921 and
- Part Lot 205 in DP 1265921.

Whilst this Section 4.55(1A) modification application is specific to approved Lot 201 within SSD-10436 only, the below section provides detail on the wider approval history of the CSR Estate.

2.1. SITE HISTORY

The HLP is currently owned by ESR Australia. The CSR Estate lands have been previously used for brickmaking and quarrying. The operation of the quarry has resulted in the clearance of all vegetation, removal of original soils and the overall wholesale disturbance of the landscape. CSR has since identified large portions of land within the CSR Estate as surplus and available for alternate development.

As the land is no longer being utilised for quarrying CSR has proceeded to subdivide and stage out the future development of its land. This has resulted in a series of development applications lodged with Council and the LEC. A summary of the approvals over the CSR Estate are tabulated below in **Table 1**.

Table 1 Site Development Application History

DA Number	Date of Approval	Consent Authority	Development Description
893.1/2013	19/12/2013	NSW L&EC	Torrens Title subdivision to create 14 lots and 1 residue lot in 3 stages.
893.2/2013	Withdrawn	Fairfield Council	Reconfiguration of approved lots.
893.3/2013	Withdrawn	Fairfield Council	Torrens title subdivision.
893.4/2013	18/06/2018	Fairfield Council	Minor amendments to features of the subdivision in each of the 3 stages.
893.5/2013	Under Assessment	Fairfield Council	Modification application proposing to further stage approved stage 2.
893.6/2013	13/11/2019	Fairfield Council	Modification application proposing to further stage approved stage 2.
893.7/2013	Under Assessment	Fairfield Council	Modification application proposing to split stage 2 into two separate stages (submitted on 5 August 2019).
65.1/2016	04/02/2016	Fairfield Council	Construction of a landscape bund water supply pond to facilitate an existing Brick Factory in Lot 2 DP 1228114 in Stage 3.

DA Number	Date of Approval	Consent Authority	Development Description
86.1/2016	15/02/2016	Fairfield Council	Subdivision to create two (2) Torrens Title lots.
292.1/2016	04/08/2016	Delegated Authority	Construction of roadworks, stormwater drainage, associated construction works and sediment control along an 160m portion of Old Wallgrove Road.
437.1/2016	27/10/2016	Delegated Authority	Earthworks – biofiltration trench and drainage swale. Including an approval of a Remediation Action Plan (RAP) in accordance with SEPP 55.

2.2. HLP AND 201 WAREHOUSE APPROVAL

Following the appropriate lot subdivision and site preparation works as identified above, the relevant HLP development and Lot 201 Warehouse structure was approved in accordance with SSD-10436 and subsequent modifications.

Table 2 HLP Warehouse 1 Approval History

DA Number	Date of Approval	Consenting Authority	Description of Development
SSD-10436	31/03/2021	Minister for Planning and Public Spaces	Horsley Logistics Park - Construction, fit-out and operation of eight warehousing and supporting infrastructure, parking and signage, including warehouse 201.
SSD-10436 MOD 1	04/08/2021	Minister for Planning and Public Spaces	Modification to the approved layout and design of Warehouse 201 including the dividing of the single warehouse into three separate tenancies, and associated changes to parking and amenity. Change to GFA allocation on (then) Lot 202 and 204.
SSD-10436 MOD 2	16/12/2021	Minister for Planning and Public Spaces	Amendments to Lot 204; renumbering of lots within ESR Horsley Logistics Park; amendments to development consent condition relating to development contributions.
SSD-10436 MOD 4	Assessment	Minister for Planning and Public Spaces	Design modifications to the approved layout and design of (renumbered) Lot 204, including: - Minor reconfiguration of warehouse footprint and building form - Division of the single warehouse space into two separate tenancies - Creation of an additional lot access/exit point to provided dedicated access to proposed Warehouse B, as well as reconfiguration of car parking to facilitate two tenancies

DA Number	Date of Approval	Consenting Authority	Description of Development
			- Installation of two additional recess docks for proposed Warehouse B - Changes to landscaping The building pads for Lot 204 are proposed to be lowered

SSD-10436 – Horsley Logistics Park

SSD-10436 development consent granted for the HLP on the 31 March 2021 under delegation of the Minister for Planning and Public Spaces. The approval received consent for the construction, fit-out and operation of eight warehousing and distribution tenancies in four buildings with a total gross floor area of 112,819m², inclusive of offices, loading docks, hardstand areas, truck and car parking spaces, landscaping, infrastructure, and signage.

A single warehouse building was approved under SSD-10436 at Lot 201 with a GFA of 42,233m² and 1,095m² of office space. The warehouse building was provided with direct access to Johnston Crescent and a 3m high by 80m long masonry acoustic wall located 14 m from the southern boundary of Lot 201.

The approved development at Lot 201 also included the following detailed works:

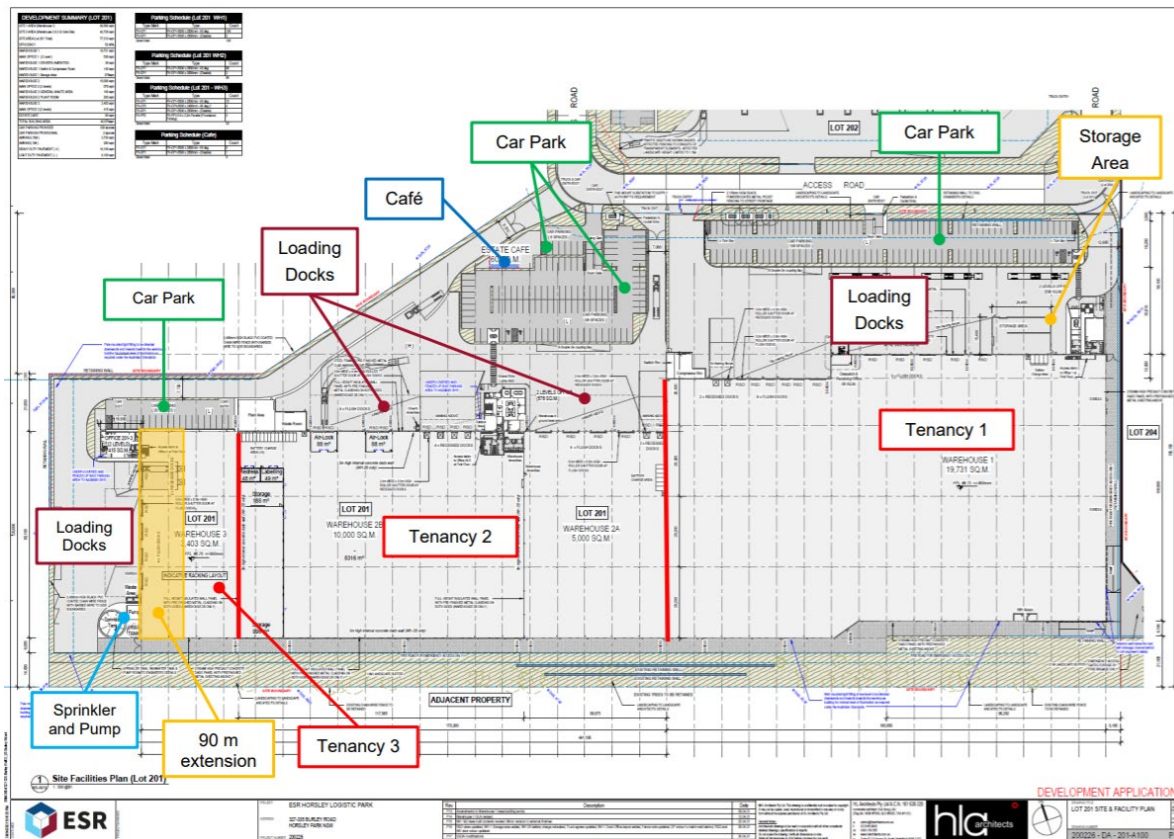
- Detailed earthworks and landscaping works,
- On-lot stormwater and utility infrastructure and services connection,
- 232 at-grade parking spaces including three accessible spaces, and
- Ancillary infrastructure including sprinkler tank, rainwater tanks, and pump room.

SSD-10436 MOD 1

Modification 1 was approved on 4 August 2021 under Section 4.55(1A) of the EP&A Act to amend the layout of Lots 201 and 204, including separating the Lot 201 warehouse building into three separate tenancies and extending the building west and reducing the overall GFA of the development. The modification to Lot 201 included:

- Separation of the Lot 201 warehouse into three tenancies 1, 2A/2B and 3.
- Inclusion of one storage area north of tenancy 1.
- Extension of the Lot 201 warehouse 90m to the west.
- Reduction in total GFA of Lot 201 warehouse from 43,328m² to 39,663m².
- Inclusion of a 60 m² café in Lot 201.
- Relocation and reconfiguration of car parks to the north of the Lot 201 warehouse building.
- Inclusion of additional 10 recessed loading docks and 23 flush docks.
- Inclusion of a new loading area to the west of Lot 201 warehouse building.
- Relocation of the approved pump room and sprinkler tanks.
- Redistribution of parking to the separated tenancies as follows:
 - 20 spaces north of proposed Warehouse tenancy 3,
 - 98 spaces with direct access from Johnson Crescent supporting proposed Warehouse tenancy 2, and
 - 108 car parking spaces north of proposed Warehouse tenancy 1 also with direct access from Johnson Crescent.

Figure 1 SSD-10436 MOD – 1 Warehouse 1 Layout



SSD-10436 MOD 2

Modification 2 was approved on 16 December 2021. It reconfigured the approved warehouse at Lot 204 (to be re-identified as Lot 202). Additionally, this modification aimed to conduct the following to the wider HLP site:

- Inclusion of an updated signage plan for the precinct and to be reflected in Condition B6 – Signage & Fencing.
- An amendment to Condition A22 – Contributions to Council. As the HLP is to be delivered in a staged manner, payment of Section 7.12 Contributions is sought to be reflective of this and carried out in stages prior to the issuing of a CC for each stage.
- Renumbering of the lots to reflect the approved plan of subdivision. Of note, Lot 201 to remain as Lot 201.

SSD-10436 MOD 4

Modification 4 will seek to modify the approved plans within Appendix 1 of the development consent to support design modifications to the approved layout and design of (renumbered) Lot 204 which includes:

- Minor reconfiguration of warehouse footprint and building form,
- Division of the single warehouse space into two separate tenancies,
- Creation of an additional lot access/exit point to provided dedicated access to proposed Warehouse B, as well as reconfiguration of car parking to facilitate two tenancies,
- Installation of two additional recess docks for proposed Warehouse B,
- Changes to landscaping,
- The building pads for Lot 204 are proposed to be lowered. Level changes will vary in the order of 2 – 3m across the lot. It is noted that these changes in pad levels will alter the overall height of the approved

buildings, and as a result this will require further assessment of the resultant potential environmental impact.

A scoping meeting was held with the DPIE on the 15 September 2021 to discuss the application. The modification application is currently under assessment.

2.3. APPROVAL PROCESS

The HLP was granted development consent on the 31 March 2021 under delegation of the Minister for Planning and Public Spaces. Pursuant to Section 4.36(2) of the EP&A Act:

(2) A State environmental planning policy may declare any development, or any class or description of development, to be State significant development

The HLP was triggered as SSD under Section 4.36 of the EP&A Act as the development had a capital investment value (**CIV**) in excess of \$50 million for the purpose of 'warehouses or distribution centres (including container storage facilities) at one location and related to the same operation' under Schedule 1, Clause 12 of the *State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)*.

Section 4.55 of the EP&A Act provides a mechanism for the modification of development consents. This section of the Act sets out the statutory requirements and heads of consideration for the assessment of such a modification application, depending on whether the application is made under section 4.55(1A), 4.55(1) or 4.55(2).

This Section 4.55(1A) modification application is formally lodged with the Minister for Planning and Public Spaces for the proposed modification to the development consent for SSD-10436 issued under delegation on the 31 March 2021.

2.4. COMPLIANCE WITH EXISTING CONDITIONS OF CONSENT

The proposed modification will see amendments to Condition A6 as well as Appendix 1 – Development Layout Plans of Development Consent SSD-10436 to facilitate the revisions to the architectural plans as well as the revised tenancy layout. These modifications are detailed in **Section 6.4** of this SoM.

The only other identified condition of relevance is Condition B11 in relation to operational noise limits. A detailed assessment demonstrating consistency with Condition B11 is provided in **Section 7.4** of this SoM. Otherwise, it is identified that the proposed modifications will not result in any significant built, environmental and construction management impacts and consequently, will not affect compliance with the existing conditions of consent. The modification will not affect any approved operations/facilities, existing licences or other environmental management and monitoring regimes.

3. UPDATED SEARS

Updated SEARs for SSD-10436 MOD 5 were issued on 19 August 2021. A summary table of the SEARs is set out below, nominating the corresponding section in this Modification Report where each SEARs requirement is addressed.

Table 3 SEARs Table

SEARs REQUIREMENT	MODIFICATION REPORT SECTION
Description of the Modification , including: - a detailed description of the proposed modification, including the relationship with and changes to existing operations on the broader site - identification of conditions to be modified and proposed wording of any new or modified conditions - identification of any proposed variations to other licences and approvals	Section 5.2 and Section 5.3 of this SoM Section 5.4 of this SoM Section 5 of this SoM
Details of the existing operations on the site , including: - a description of existing and approved operations/facilities, including licences or statutory approvals that apply to these - a summary of the existing conditions of consent that would be relevant to the proposal - a summary of the existing environmental management and monitoring regime - detailed plans of the existing and proposed site layout and structures - a table detailing compliance with existing conditions of consent.	Section 2 of this SoM Throughout this SoM
Assessment of the modification , including: - a detailed assessment of the key issues specified below: - an assessment of all potential impacts of the proposal on the existing environment and measures to avoid, minimise, mitigate and/or manage these potential impacts, including proposals for adaptive management and/or contingency plans to manage any significant risks to the environment - an assessment of the potential impacts of all stages of the development, including any cumulative impacts of the proposal with the existing operations on site.	Section 7 of this SoM Section 7.13 of this SoM
Strategic and Statutory Context , including:	

SEARs REQUIREMENT	MODIFICATION REPORT SECTION
- the need and justification for the proposal having regard to its location and impacts, the suitability of the site and the public interest - consideration of all relevant legislation, strategies, environmental planning instruments, including identification for any inconsistencies - detailed justification the proposal is substantially the same development as the development to which consent was originally granted, as per s4.55(2) of the EP&A Act.	Section 4, 8.7 and 8.9 of this SoM Following discussions with DPIE, this application has been identified as resulting in minimal environmental impact and is therefore assessed in accordance with 4.55(1A) of the EP&A Act. Justification that the proposal will result in substantially the same development with minimal environmental impact is provided in Section 6 of this SoM.
Noise and Vibration, including a quantitative assessment of potential construction, operational and transport noise and vibration impacts in accordance with relevant EPA guidelines, the operational noise limits specified in Condition B12 and including details of the proposed on-going monitoring regime to be implemented. The operational noise assessment must include the cumulative noise and vibration impacts anticipated by the proposal and broader site, this must include all plant and vehicles entering the site.	Section 7.4 of this SoM and Appendix E
Traffic and access, including a description of approved and proposed traffic types, volumes, parking and loading areas and an assessment of any potential additional impacts or additional management measures required as a result of the proposed modification.	Section 7.3 of this SoM and Appendix D
Visual Impact, including an assessment of the potential impacts of the modified development on the amenity of the immediate locality and surrounding area and an assessment of the modified development against Clause 31 of the State Environmental Planning Policy (Western Sydney Employment Area) 2009.	Section 7.2 of this SoM and Appendix C
Air quality, including an assessment of air quality impact at sensitive receivers during operation in accordance with NSW Environment Protection Authority (EPA) guidelines and details of mitigation, management and monitoring measures.	Section 7.5 of this SoM
Soil and water, including a description of approved surface water and stormwater management systems and measures to treat, reuse or dispose of water and an assessment of any potential impacts or additional	Section 7.6 of this SoM

SEARs REQUIREMENT	MODIFICATION REPORT SECTION
management measures required as a result of the proposed modification.	
Waste management , including details of the quantities and classification of waste streams generated during construction and operation and proposed storage, handling and disposal requirements.	Section 7.9 of this SoM and Appendix F
Hazard and risk , including a preliminary risk screening completed in accordance with State Environmental Planning Policy No. 33 – Hazardous and Offensive Development and Applying SEPP 33 (DoP, 2011), with a clear indication of class, quantity and location of all dangerous goods and hazardous materials associated with the development, Should preliminary screening indicate that the project is 'potentially hazardous' a Preliminary Hazardous Analysis must be prepared in accordance with Hazardous Industry Planning Advisory Paper no. 6 – Guidelines for Hazard Analysis (DoP, 2011) and Multi-Level Risk Assessment (DoP, 2011).	Section 7.7 of this SoM
Biodiversity , including an assessment of biodiversity impacts in accordance with the Biodiversity Assessment Method and documented in a Biodiversity Development Assessment Report (BDAR) or justification that a BDAR is not required as the proposal will not increase the impact on biodiversity values as per Clause 7.1(82)(c) of the Biodiversity Conservation Act 2016.	Section 7.8 of this SoM
Consultation with relevant local, State or Commonwealth Government authorities, service providers, community groups and affected landowners,	Section 8 of this SoM
A table indicating where each element of the SEARs is addressed in the modification application.	Section 3 of this SoM

4. RATIONALE FOR THE PROPOSED MODIFICATION

The proposed modification to Lot 201 aims to facilitate the intended UPS tenancy at Warehouse 2A/2B and minor fit-out works at Warehouse 1 consistent with the anticipated industrial change of use and Jalco fit-out per SSD-21190804.

The approved HLP development (SSD-10436) comprises a regional warehouse and distribution hub that will ultimately operate as part of an integrated and synergistic network of custom designed, state of the art facilities incorporating all the future stages of the CSR Estate within the WSEA. The approved development includes earthworks, construction of roads and infrastructure and the construction, fit out and use of buildings within what is described by CSR as Stage 2. Development approval for all other warehouses outside of Stage 2 will be subject to subsequent DA approval.

The approved HLP development was designed to accommodate generic warehousing and distribution facilities, without knowledge of the specific needs of individual operators and end tenants that may ultimately occupy the site.

Accordingly, the proposed rooftop plant, amalgamation of Tenancy 3 and 2B, racking, fit-out of cool-room storage and adjustments to loading and access will provide the required design amendments to Warehouse 2A/2B on Lot 201 to facilitate the future UPS tenant. The anticipated Jalco Manufacturing operation at tenancy 1 has been submitted as a separate SSD application (SSD-21190804). This application intends to facilitate Jalco's operations for the manufacturing of and bottling on-site for liquid detergents. This proposed modification includes the establishment of storage, workshop and office space within warehouse 1 that is consistent with submitted Jalco SSD application. As such, the modification will enable some internal changes to Warehouse tenancy 1 proposed by the Jalco SSD, so that they can be undertaken as part of the base build of the Lot 201 Warehouse Building.

The proposal is a reflection of the current market demand and responds specifically to tenant enquiry. The amendments will result in adjustments to the approved building height to accommodate the proposed rooftop plant condensers (noting that the overall ridge height remains unchanged), however will facilitate timely investment and occupancy of the building for the purpose of warehouse and distribution purposes, consistent with the intent of the original proposal.

5. PROPOSED MODIFICATIONS

5.1. DEVELOPMENT OBJECTIVES

The proposed development will facilitate the future tenant at Warehouse tenancy 2 and will facilitate fit-out works in warehouse tenancy 1 that is consistent with the anticipated Jalco manufacturing use. This is consistent with the overarching aim for the broader HLP which aims to maximise the employment generating potential of the land to create an efficient, attractive, and high-quality employment zone for Western Sydney. The proposal responds to the market demand for the industrial and warehouse tenancy and will maintain sufficient diversity within the range of tenants utilising the HLP.

The proposed modification maintains the following core objectives:

- Allows for the overall development of the site in line with infrastructure delivery and market demand, specifically by refining the infrastructure, storage and access provisions to cater for current tenant demand;
- Makes use of an underutilised industrial zoned site for suitable industrial purposes for operators ready to occupy the space that suits their tenancy requirements;
- Generates employment growth within the WSEA that can be released in the short term;
- Continues to meet the objectives for the IN1 General Industrial zone under the WSEA SEPP; and
- Responds to the site context and key interfaces with surrounding lands, including sensitive receivers to ensure an appropriate and sustainable development outcome.

5.2. OVERVIEW OF PROPOSED MODIFICATIONS

This application seeks a modification to the approved SSD-10436 development consent for the HLP. The proposed modification includes the following changes.

Lot 201

- Installation of 11 warehouse temperature control units onto the roof of Warehouse 2A and 2B.
 - The 11 mechanical control units are to be housed in eight (8) separately screened locations along the length of the rooftop across the 2A and 2B tenancies.
 - Each temperature unit has a size of approximately 4.8m x 2.2m and a max height of 3.5m (RL106 inclusive of acoustic screening and RL105 without).
- Amalgamation of warehouse tenancies 2B and 3, and fit-out works across the space for racking and cold storage for use by the future tenants.
 - Amalgamation of Warehouse Tenancies 2B and 3 through the removal of the approved party wall. The combined area is to be identified as 2B.
 - Relocation and adjustment of the approved storage area within Tenancy 2B in accordance with the amalgamated floor plate.
 - Installation of racking within tenancy 2A and 2B.
- Internal works to Warehouse 1 to enable their construction as part of the building 201 base build, in a manner consistent with the Jalco fitout detained in SSD-21190804.
 - Establishment of a new storage area and office rooms (as part of the warehouse space) at the north-eastern corner of Warehouse 1.
 - Establishment of a new storage area and bathroom amenities at the south end of Warehouse 1.
- Removal of roller shutter doors from the western elevation of the Lot 201 building.
 - To facilitate the adjusted storage space, the existing 4 flush loading docks and the four supporting roller shutter doors are to be removed from the west end of the Lot 201 Warehouse.

Figure 2 Roof Level Plan – Proposed Mechanical Control Units

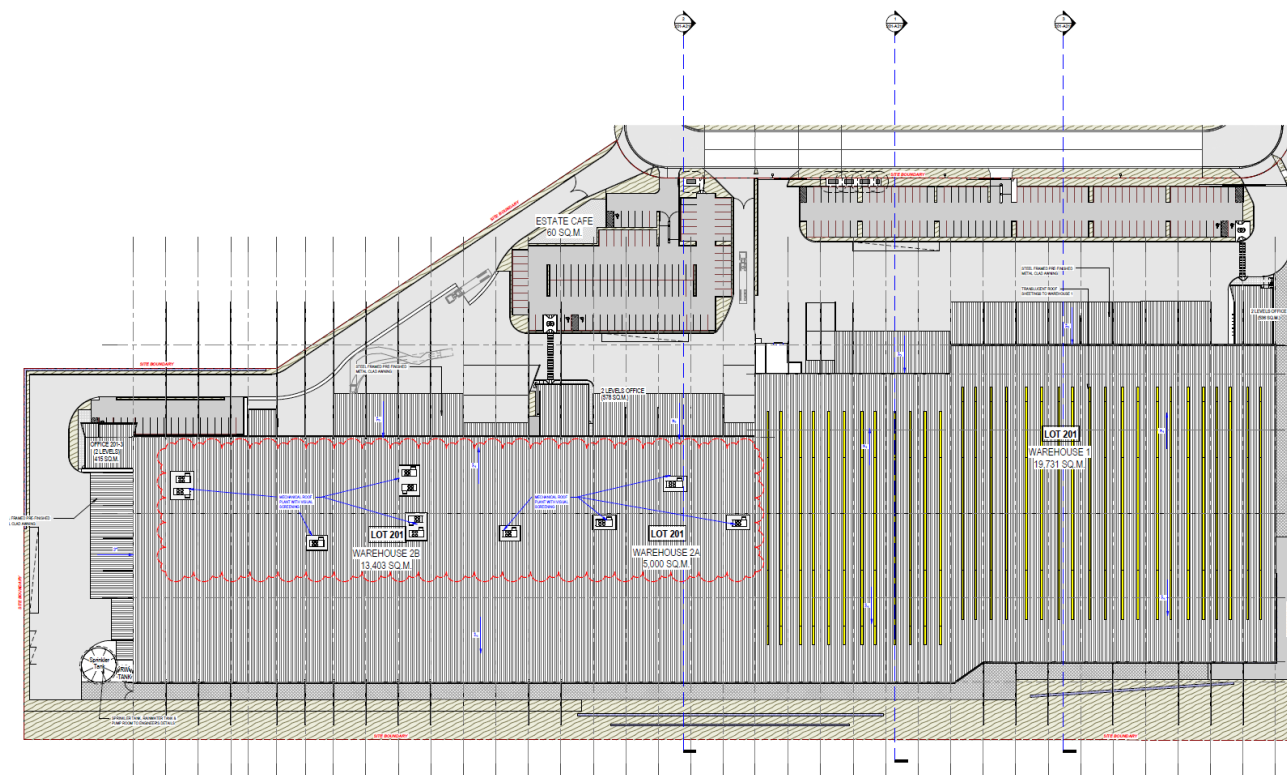
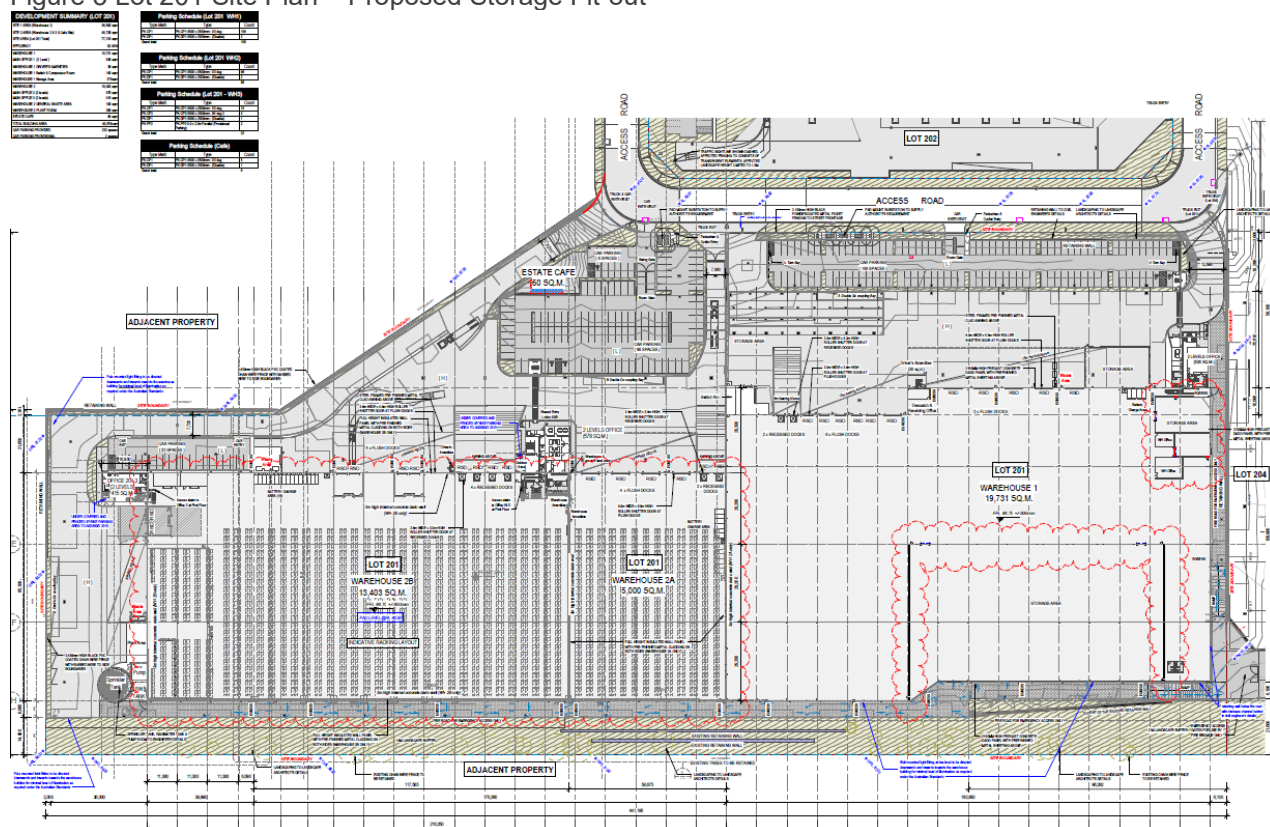


Figure 3 Lot 201 Site Plan – Proposed Storage Fit-out



PROPOSED MODIFICATIONS 15

5.3. NUMERIC OVERVIEW

A summary of the numerical changes to the HLP is provided below in **Table 4**.

Table 4 Numerical Changes Proposed to SSD-10436 (MOD 1)

Element	Approved SSDA (MOD 1)	Proposed MOD 5
Lot 201		
Site Area	77,310 sqm	Unchanged
Site Efficiency	52.48%	Unchanged
Warehouse	Warehouse 1 – 19,731 sqm Warehouse 2 – 15,000 sqm Warehouse 3 – 3,403 sqm Total – 38,134 sqm	Warehouse 1 – 19,731 sqm Warehouse 2A/2B – 18,403 sqm Total – 38,134 sqm
Office	Office 1 – 536 sqm Office 2 – 578 sqm Office 3 – 415 sqm Total – 1,529 sqm	Unchanged
Total Building Area	40,576 sqm	Unchanged
Loading Bay Number	33	29
Maximum Building Height	15m	Roof Ridge Unchanged Mechanical Cooler: 18.8m

5.4. PROPOSED MODIFICATIONS TO THE CONDITIONS OF CONSENT

Pursuant to Section 4.55(1A) of the EP&A Act 1979, this application seeks to amend the following conditions within the consent of SSD-10436. For ease of reference, text proposed to be deleted is indicated by a ~~strike through~~ and text proposed to be added is indicated by **bold text**.

The Development Consent for SSD-10436 is proposed to be modified as follows:

- Delete and replace the figures in Appendix 1 with the following:

TERMS OF CONSENT

APPENDIX 1 DEVELOPMENT LAYOUT PLANS

Figure 2: Lot 201 Plan – Replace with Drawing No. 200226-DA-201-A100 P26

- Delete and replace the content in Table 1 with the following:

LIMITS OF CONSENT

A6. The following limits apply to the development:

- The maximum Gross Floor Area (GFA) for the land uses in the development must not exceed the limits outlined in Table 1; and
- The largest vehicle permitted to access the site is a 26 m B-Double heavy vehicle.

Land Use	Maximum GFA square metres (m ²)
Warehousing	
Tenancy 1, Lot 201	19,731
~~Tenancy 2, Lot 201~~	~~15,000~~ 18,403
~~Tenancy 3, Lot 201~~	~~3,403~~
Lot 202A	15,880
Lot 202B	15,880
Lot 203	18,370
Lot 204A	4,728
Lot 204B	3,454
Lot 204C	3,397
Lot 204D	3,156
Total	103,359
Land Use	Maximum GFA square metres (m ²)
Office	
Tenancy 1, Lot 201	536
Tenancy 2, Lot 201	578
Tenancy 3, Lot 201	415
Lot 202A	800
Lot 202B	800
Lot 203	800
Lot 204A	500
Lot 204B	400
Lot 204C	400
Lot 204D	400
Total	5,629
Retail	
Café	60
Total	60
Total GFA	109,048

6. STATUTORY PLANNING FRAMEWORK

This section assesses and responds to the relevant legislative and policy frameworks in accordance with the EP&A Act, the Regulations, and the original SEARs. The following environmental planning instruments, policies and guidelines have been considered in the assessment of this modification proposal:

- *Environmental Planning and Assessment Act 1979 (EP&A Act)*;
- *State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)*;
- *State Environmental Planning Policy (Western Sydney Employment Area) 2009 (WSEA SEPP)*;
- *State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)*;
- *State Environmental Planning Policy No. 55 (Remediation of Land) (SEPP 55)*; and
- *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP 33)*.

6.1. SECTION 4.55 OF THE EP&A ACT 1979

Section 4.55 of the EP&A Act provides a mechanism for the modification of development consents. This section of the Act sets out the statutory requirements and heads of consideration for the assessment of such a modification application, depending on whether the application is made under section 4.55(1A), 4.55(1) or 4.55(2).

As is relevant to this application, pursuant to section 4.55(1A), a consent authority may, subject to and in accordance with the Regulations, modify a development consent if:

- a) *it is satisfied that the proposed modification is of minimal environmental impact, and*
- b) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- c) *it has notified the application in accordance with:*
 - i. *the regulations, if the regulations so require, or*
 - ii. *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- d) *it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

Subsections (1), (2) and (5) do not apply to such a modification.

Further, subsection (3) requires that the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application, and the reasons given by the consent authority for the grant of the consent that is sought to be modified.

These heads of consideration are addressed below.

6.2. MINIMAL ENVIRONMENTAL IMPACT

The proposed modification is for minor changes to the consent which do not significantly alter the context, scale, built form, amenity or impacts arising from the originally approved development. As demonstrated by the accompanying updated consultant information provided within the appendices, SSD-10436 as proposed to be modified by MOD 5 will have minimal additional environmental impacts over and above that which has already been assessed as acceptable in the original development application.

The proposed modifications will have minimal environmental impact for the reasons below:

- **Approved uses of the development remain unchanged:** warehouse and distribution land uses are to be facilitated within the modified warehouse alignment. As the proposal will maintain the approved land uses, the modification will not result in any adverse air quality, soil and water, biodiversity, hazard and risk impacts.

- **Minor additions to approved Warehouse Building:** The proposed changes to the Warehouse building are minor and assessment of the changes has found that they will not create any additional adverse amenity impacts.
 - The proposed realignment of the warehouse tenancies will not result in any change in GFA and all internal additions will not result in any adverse environmental impacts.
 - The introduction of additional rooftop mechanical coolers will result in a minor increase of the height of the warehouse building envelope by 350mm from 15m to 18.8m. These additional coolers are required in order to facilitate the plant equipment required for the intended future tenants. The overall ridge height of the building will remain unchanged, this element informing the overall appearance of building scale when considering the visual impact from neighbouring residential properties. The minor increase in built form is inconsequential (compared to the approved roof), especially with consideration of the increased vegetation screening over time, located on the landscape bund to the south. The additional height will not create any additional environmental impact:
 - The additional rooftop plant elements will not create any additional environmental impact when viewed from the 11 assessed viewpoints in the surrounding region, as documented in the updated Visual Impact Assessment at **Appendix C**. That assessment found that 8 of 11 view points will see no further visual impacts, with the intended vegetation to provide the appropriate visual buffer from the remaining viewpoints.
 - The additional height increase has minimal impact on the overall scale and built form of the warehouse building.
 - The minor increase in height will not have any shadow impacts on any nearby residential properties.
 - Further, the area of non-compliance of relates to the rooftop plant space with and will not impact on privacy.
- **No adverse traffic and parking impacts:** The proposed modification has been assessed by Ason Group consultant, which concluded that the approved and modified traffic and parking infrastructure can support the intended uses.
- **No operational noise impacts:** The proposed modification has been assessed by SLR Consulting, which concluded that the proposed rooftop plant units and vehicle operations will comply with the relevant noise limits and is considered consistent with the approved MOD 1 development.
- **No adverse waste impacts:** The appropriate waste management plan has been prepared and will ensure the appropriate recycling, waste re-use and management will take place
- **Minimal Environmental Impacts:** The proposed modifications will have minimal additional environmental impacts over and above that which has already been assessed as acceptable in the original concept application.

Based on the above, the proposed modifications can be assessed in accordance with section 4.55(1A) of the EP&A Act.

6.3. SUBSTANTIALLY THE SAME DEVELOPMENT

The proposed modifications within MOD 5 will result in substantially the same development as originally approved in SSD-10436.

From a quantitative and qualitative perspective, the proposed modifications will not substantially alter the originally approved development for the following reasons:

- The proposal will facilitate the future tenant requirements within Warehouse tenancy 2A and 2B which is consistent with the character and aims of the HLP. The intended internal changes will facilitate an appropriate employment land use that is consistent with the provisions and aims of the WSEA SEPP;
- In the context of the site's size, the changes to the site layout and tenancy distribution are of a minor nature and will not significantly affect the operations of the HLP;

- The proposed mechanical control units will result in a minor increase to the maximum building height to the approved building and will result in negligible built form changes to the approved development;
- There is no change to the overall GFA of the approved buildings; and
- The level of environmental impact resulting from this section 4.55 modification application (MOD 5) is consistent with that approved by way of SSD-10436.

For comparison, **Table 2** above sets out the metrics of the approved and proposed modified development of SSD-10436.

- The table demonstrates that the development as proposed to be modified for this component of the project results in only minor numerical changes in some aspects, with no major redesign or amendment to the development proposed.
- The proposal will result in minor/negligible to no visual impacts to the neighbouring sensitive receivers and the minor impacts are considered to result in a visual outcome consistent with the approved SSD.
- With consideration of the recommended acoustic mitigation measures the modification will maintain compliance with the residential noise limits and sleep disturbance screening criterion, consistent with the approved noise levels.

Thereby the modification as proposed under MOD 5 can be considered to be substantially the same as the originally approved development.

6.4. ASSESSMENT OF ENVIRONMENTAL PLANNING INSTRUMENTS

The proposed modifications to the approval of SSD-10436 are such that there will be no material alteration to the level of compliance achieved with the EPIs detailed above.

Table 5 EPI Consistency

Schedule/ Clause	Provision	Consistency
State Environmental Planning Policy (State and Regional Development) 2011		
Schedule 1	Schedule 1, Group 12 of the SRD SEPP identifies development for the purposes of 'warehouses or distribution centres' to be SSD if it: <i>'has a capital investment value of more than \$50 million for the purpose of warehouse or distribution centres (including container storage facilities) at one location and related to the same operation.'</i> The original Lot 201 works had a calculated CIV of \$52,554,263. The overall HLP CIV is approximately \$110,020,640.	The original application was assessed and declared as SSD. As the project has been declared SSD its assessment for the purpose of modifications remains under the SSD pathway.
State Environmental Planning Policy (Western Sydney Employment Area) 2009		
Clause 3 - Aims	Aims to protect and enhance the land to which the Policy applies (the WSEA) for employment purposes.	The proposal seeks built form changes that continue to support employment uses on the site

Schedule/ Clause	Provision	Consistency
		consistent with the overarching aim of the WSEA SEPP.
Clause 10 – Land Use Zoning	The HLP is zoned IN1 – General Industry pursuant to this clause.	No change in use is proposed from that originally approved, being warehouse and distribution.
Clause 18 – Development Control Plans	Requires that a DCP be in place before consent can be granted for development within the WSEA.	Development Control Plan: 327 – 335 Burley Road, Horsley Park March 2016 Penrith applies to the subject site. Clause 18(6) of the SEPP recognises the provisions of this DCP for the purposes of the clause. The requirement for, and provisions of, the DCP is therefore satisfied.
Clause 20 – 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 consumption of potable water, and ▪ Greenhouse gas emissions.	The proposed modification will maintain principles of sustainable design as detailed in Building Code of Australia Assessment Report prepared for the proposal, included at Appendix B .
Clause 21 – Height of Buildings	The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that: ▪ Building heights will not adversely impact on the amenity of adjacent residential areas, and ▪ Site topography has been taken into consideration.	The proposed mechanical control units will result in an increase of maximum building height by 4m across limited portions of the building. A detailed analysis of the proposed built form with regard for the potential for impact on surrounding residential development has been undertaken as part of the addendum visual impact assessment (VIA) discussed in Section 6.2 and included in full at Appendix C . The VIA finds that the proposed modifications will result in little to no impacts upon view corridors and residential amenity.
Clause 22 – Rainwater Harvesting	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 approved by the Director-General.	No changes are proposed to the provisions for rainwater harvesting.

Schedule/ Clause	Provision	Consistency
Clause 25 – Public Utility Infrastructure	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.	All necessary public utility infrastructure and services are being provided to the HLP in accordance with SSD-10436. No augmentation of these services is proposed as part of this application.
Clause 29 – Industrial Release Area	Despite any other provision of this Policy, the consent authority must not consent to development on land to which this clause applies 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 (including the Erskine Park Link Road Network) in relation to the land to which this Policy applies.	The requirement for regional infrastructure contributions for the HLP are to be satisfied via a VPA. A VPA between CSR and the Minister has previously been undertaken, providing for the requisite provision of regional infrastructure for the broader estate. These works were complete prior to the subdivision certificate for DA893.6/2013 being registered and ESR taking ownership of the lots. As such Clause 29 has been addressed.
Clause 31 – Design Principles	In determining a development application that relates to land to which this Policy applies, the consent authority must take into consideration whether or not: - the development is of a high-quality design, - a variety of materials and external finishes for the external facades are incorporated, - high quality landscaping is provided, and - the scale and character of the development is compatible with other employment-generating development in the precinct concerned.	The proposal was subject to a robust and iterative design process, underpinned by carefully considered design principles related to bulk and scale, accessibility and permeability, landscaping and public domain, materials and finishes and integration with the surrounding land use character and context. The proposed modification has been designed to maintain consistency with the approved materiality and character. No changes are proposed to the approved landscaping at the site.
State Environmental Planning Policy (Infrastructure) 2007		

Schedule/ Clause	Provision	Consistency
Schedule 3 – Traffic Generating Development	The Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State by providing a consistent planning regime for infrastructure and the provision of services. The SEPP deals with traffic generating development and requires referral and concurrence of the NSW RMS for certain development which is expected to generate significant traffic.	Schedule 3 of the Infrastructure SEPP identifies 'traffic generating development' which must be referred to the RMS for concurrence. The modification does not include any changes to GFA or intensity of traffic generating uses. As such, referral to the RMS for MOD 5 is not required. Notwithstanding, the project was previously referred to the RMS as part of the SSDA process.
State Environmental Planning Policy No. 55 (Remediation of Land)		
Clause 7 – Contamination and remediation to be considered in determining development application	SEPP 55 seeks to provide a State-wide planning approach to the remediation of contaminated land. Clause 7(1)(a) of the SEPP requires that the consent authority, when assessing a development application, consider whether the land is contaminated and whether it is suitable for the proposed use. It also requires that consent authority review a report specifying the findings of a preliminary contamination investigation of the land concerned when considering an application which involves a change of use of the land.	The original findings and assessment in relation to contamination apply consistently to any future modifications. Potential contamination and its management have been considered and documented in the original EIS and SSDA. There will be no change to the location of development pads as approved – as a result there is no change to the contamination status of the soils at site.
State Environmental Planning Policy No. 33 – Hazardous and Offensive Development		
Part 3 – Potentially hazardous or potentially offensive development	SEPP 33 requires the consent authority to consider whether an industrial proposal is a potentially hazardous or a potentially offensive industry. In doing so, the consent authority must give careful consideration to the specific characteristics and circumstances of the development, its location and the way in which the proposed activity is to be carried out. Any application to carry out potentially hazardous development must be supported by a preliminary hazard analysis (PHA).	The overall proposal was originally assessed as not being potentially hazardous or potentially offensive development. The proposed modification does not seek to introduce the storage of dangerous goods on the site. SEPP 33 will be addressed if dangerous goods are proposed to be stored on the site in future.

7. ASSESSMENT OF KEY ISSUES

The SEARs issued in association with the SSD-10436 MOD 5 application were reviewed to identify the key issues likely to be of relevance in the assessment of the modified proposal. These include:

- Visual Impact;
- Traffic & Access;
- Noise & Vibration;
- Air Quality;
- Soil & Water;
- Hazard & Risk;
- Biodiversity;
- Waste Management; and
- Consultation.

Each of the potential impacts arising from the proposed modification is assessed in detail within the following sub-sections of the report, supported by relevant specialist consultant inputs as appendices.

7.1. LAYOUT & OPERATIONS

The modified design and layout of Warehouse 201 include the following key changes:

- Amalgamation of Tenancy 2B and Tenancy 3, to be identified and operate as Tenancy 2B;
- Installation of rooftop mechanical plant to support the temperature controlled elements within Tenancy 2; and
- Introduction of new storage areas and warehouse offices across Tenancy 1 and Tenancy 2;

The amalgamation of the two warehouse tenancies and subsequent modification to the warehouse storage will enable the appropriate future Warehouse 2, UPS tenant operations. Additionally, the proposed internal changes to Warehouse tenancy 1 are consistent with that proposed by the Jalco SSD-21190804 and will enable their construction as part of the base build for Warehouse 201.

The proposed alterations will facilitate the intended employment land use at the warehouse building and will have no overall impact to any neighbouring development or the approved operation of the precinct. Further assessment is undertaken on the proposal's impact on visual, transport and noise are all provided below. The impact in terms of layout however will not cause any additional impacts to that which was previously assessed and approved under SSD-10436 or its associated MOD 1.

7.2. VISUAL IMPACT

Whilst the proposed modifications to Warehouse 201 are generally considered minor in the context of the remainder of the HLP a Visual Impact Assessment has been prepared by Geoscapes (**Appendix C**) to demonstrate that there will be no additional impacts as a result of the proposed installation of roof mounted temperature control units.

It is identified that the proposed mechanical control units are to be located at the rooftop of Warehouse 201 and will increase the maximum building height from 15m to 18.8m (106 RL inclusive of acoustic screening and RL105 without). Otherwise, it is noted that the approved, maximum ridge height of the warehouse of 101.7 RL will remain unchanged from the original design. These units will have a maximum dimension of 4.8m x 2.2m and the screening of this plant equipment will consist of aluminium battens in a grey tone consistent with the approved building finish and façade treatment.

The visual impact addendum assessment provides an updated visual assessment of the proposed roof plant equipment on the immediate locality and surrounding area. Further it is noted that the requirement for mature tree planting along the western portion of Lot 201 will remain, assisting to screen the warehouse building

from neighbouring residential properties. The modification will not result in any changes to the required landscaping.

With consideration of the above, the addendum assessment provides an analysis of 11 viewpoints. It is identified that when viewed from eye-level position, 8 of the 11 viewpoints will see no further visual impacts caused by the proposed roof plant equipment. Where the roof equipment may be more easily seen, as demonstrated in **Figure 4** below, the screen planting landscaping is predicted to be effective in mitigating views of the building as well as the new roof equipment.

Figure 4 View Comparison from Viewpoint 7 – 33 Greenway Place Horsley Park



Source: Geoscapes

Views to the building from three viewpoints are identified to result in minor/negligible visual impacts. This is due to these locations providing direct views experienced from residential properties at closer proximity to the development. However, at these locations, the change in views will be extremely minor compared to the Approved MOD 1 Scheme due to the small magnitude of the addition.

Therefore, subject to the completion of the relevant landscape screening works and vegetation reaching maturity, the proposal will result in similar visual impacts to the approved MOD 1. The addendum report identifies that the proposed increase in overall height through the new roof plant equipment is small and spaced apart and consequently, will not have an adverse effect on the visual amenity of adjoining visual receivers.

7.3. TRAFFIC GENERATION & PARKING

A Transport Statement has been prepared by Ason Group (**Appendix D**) to review the proposed MOD 5 works. It is identified that the proposal does not seek to change the building GFA, and consequently will not result in any changes to the parking rate requirements (as approved under MOD 1) or traffic generation. The proposed alterations to the storage area fit-out will result in a reduction in 4 loading bays. This is considered acceptable as loading dock device advice is covered in P1328r03v2 (Traffic Assessment prepared for MOD 1). As such, no further assessment or additional management measures are required and is supportable with consideration for traffic and parking.

7.4. NOISE & VIBRATION

SLR Consulting was engaged to prepare an Operational Noise Impact Assessment to identify and analyse any potential acoustic impacts of the proposed mechanical plant as well as the future UPS vehicle operations at Warehouse tenancy 2A/2B to the nearest sensitive receivers during all relevant weather conditions (refer to **Appendix E**).

The report has been prepared in accordance with the SEARs issued for MOD 5 as well as consideration of the SLR report 610.19360-R02-v2.1 prepared for SSD-10436 as modified by MOD 1.

Noise Receivers

Consistent with the previous noise impact assessments, the area surrounding the development has been divided into three Noise Catchment Areas (NCAs) which are identified to accommodate residential dwellings and some associated commercial/shed structures. The operational noise limits for the HLP are defined in Condition B11 of Development Consent SSD-10436 with consideration of these noise catchment areas.

Table 6 Operational Noise Limits

Location	Daytime LAeq(15minute) (dBA)	Evening LAeq(15minute) (dBA)	Night-time LAeq(15minute) (dBA)	Night-time LAFmax (dBA)
NCA1	44	43	38	52
NCA2	40	40	38	52
NCA3	44	43	38	52

Weather Conditions

It is identified that the meteorological conditions of the area can affect the existing noise environment. Accordingly, the relevant 12-month weather data from the Bureau of Meteorology automatic weather station at Horsley Park was assessed. It was identified that the 30% threshold for noise-enhancing wind occurred during night-time. As such, these wind impacts are considered in the relevant night-time operations acoustic assessment.

Noise Sources

The relevant major noise sources from the proposed modification have been appropriately assessed through the noise modelling software as follows. The proposed mechanical cooling units have been classified as two noise sources in accordance with its model.

- External Plant Sound Power Levels
 - Temperzone OPA1400 Eco Ultra (6 units): 84dBA
 - Temperzone OPA2100 Eco Ultra (5 units): 76dBA
 - Bitzer Evo 8 (6 units Western Hardstand Plant Enclosure): 92dBA
- Hardstand, Loading Areas and Car Parks
 - Air Brake: 118dBA
 - Truck Reversing Alarm: 110dBA
 - Forklift Reversing Alarm: 105dBA
 - Car Peak Events: 100dBA
- With consideration of the identified noise sources of the proposed fit-out, the predicted operational noise levels at the most affected receiver in each catchment are demonstrated in **Table 7** below. The model findings identify that the proposed operations will not exceed any of the operational noise limits or sleep disturbance levels, with consideration of the noise-enhancing weather conditions.

Table 7 Predicted Operational Noise Levels at most affected receiver

NCA	Period (weather)	LAeq(15minute) Noise Level (dBA)			LAmax Noise Level (dBA)		
		Operational Noise Limit	Predicted	Compliance	Sleep Disturbance Screening Noise Level	Predicted	Compliance
NCA01	Daytime (neutral)	44	36	Yes	n/a2	n/a	n/a
	Evening (neutral)	43	36	Yes	n/a2	n/a	n/a
	Night-time (noise-enhancing)	38	37	Yes	52	47	Yes
NCA02	Daytime (neutral)	40	38	Yes	n/a2	n/a	n/a
	Evening (neutral)	40	38	Yes	n/a2	n/a	n/a
	Night-time (noise-enhancing)	38	38	Yes	52	48	Yes
NCA03	Daytime (neutral)	44	34	Yes	n/a2	n/a	n/a
	Evening (neutral)	43	34	Yes	n/a2	n/a	n/a
	Night-time (noise-enhancing)	38	36	Yes	52	49	Yes

Compliance with the sleep disturbance screening criterion is also predicted, therefore, a detailed maximum noise level assessment is not required.

It is noted that there is a 1dBA increase in the LAeq(15 Minute) above that approved in the assessment of MOD1 in the three following scenarios:

- NCA01 – Night time (noise enhancing),
- NCA03 – Daytime (neutral), and
- NCA03 – Evening (neutral).

These 1dBA increases remain within the approved operational noise limits for the site as approved by SSD-10436 and are therefore operationally consistent with what was originally assessed as acceptable for the site.

These predicted noise levels include the nominated noise mitigation measure listed in the section below.

Mitigation Measures

The following mitigation measure is recommended to be established to achieve the noise levels listed above:

- Two-sided solid screening to five rooftop packaged units, minimum height 1.0m above top of unit height.

Additionally, the noise mitigation measures established across (renamed) Lot 202 are noted to provide residual benefits to the noise mitigation levels generated by the proposed modification.

Conclusion

With consideration of the identified mitigation measures as well as the operational noise levels generated by the proposed rooftop plant units and resultant vehicle operations, the MOD 5 works and operations are predicted to comply with the residential noise limits and sleep disturbance screening criterion for all the surrounding NCAs. Additionally, the predicted operational noise impacts of the Lot 201 Warehouse 2A & 2B external operations are considered to be consistent with those of the approved MOD 1 development.

7.5. AIR QUALITY

The proposed operation will remain a warehouse and distribution facility and will not manufacture or produce goods. No odours will emanate from the tenancy and as such an assessment of air quality is not required.

7.6. SOIL AND WATER

No changes are proposed to the footprint of the building nor to ground works. No changes are proposed to the stormwater management measures approved for the building under SSD-10436 MOD 1. Therefore a soil and water assessment is not required in this instance.

7.7. HAZARD & RISK

The facility is approved for use as a warehouse and distribution tenancy. This use will not change as part of this proposal. There is no proposal to store dangerous goods on the site and as such a SEPP 33 Preliminary Hazard Analysis is not required. Such an assessment would be required if in the future dangerous goods were proposed to be transported to and from or stored on the site.

7.8. BIODIVERSITY

SSD-10436 was issued with a BDAR Waiver dated 6 August 2020. As the proposed modifications relate to internal building changes and the installation of rooftop mechanical plant, no impact will result to biodiversity values on the site. The original BDAR Waiver issued for SSD-10436 is relied upon for this MOD 5 application.

7.9. WASTE MANAGEMENT

A specific Waste Management Plan (**WMP**) for Lot 201 has been prepared by ESR and is lodged as **Appendix F** to this Modification Report.

The WMP identifies all potential waste streams likely to be generated at the site during the construction phase, including a description of how waste will be handled, processed, and disposed of, or re-used and recycled, in accordance with Council's requirements. The WMP sets out the following:

- Identify potential waste types likely to be generated during the construction and operational phases of the Project;
- Provide advice on how identified wastes should be handled, identified, processed, disposed of, reused, or recycled in accordance with Council requirements, relevant Australian codes and standards and better practice waste minimisation principles;
- Encourage waste avoidance and minimisation through advice on design, ordering and planning; and
- Help implement safe and practical options for waste collection from the Project by Council or private waste servicing contractors.

7.10. CONSULTATION

Notwithstanding consultation with relevant local, State or Commonwealth Government authorities, service providers, community groups and affected landowners being noted as a requirement in the updated SEARs for MOD 5, DPIE confirmed by email on 24 August 2021 that such consultation is not required.

Notwithstanding this, ESR undertakes regular communication with neighbouring landowners about general HLP development issues as part of the Community Consultation Plan required by conditions of consent to SSD-10436. Neighbours have been made aware of this proposed modification through that process.

7.11. BCA

A review of BCA compliance has been undertaken by BM+G. The report is included at **Appendix B**. The assessment concludes that the warehouse 201 can readily achieve compliance with the relevant provisions of the BCA. Where compliance matters are proposed to comply with the Performance Requirements (rather than DtS Provisions), the development of a Performance Solution Report will be required prior to the issue of the Construction Certificate.

7.12. RECOMMENDED MITIGATION MEASURES

One mitigation measure for the management of acoustic impacts is required for the proposal, which has informed the modelling and assessment:

- Installation of two-sided screening to five rooftop packaged units, minimum enclosure height 1.0m above top of unit height.

The assessment of potential impacts has demonstrated that no further mitigation measures are required to be undertaken by the proposal from those required by SSD-10436 (MOD1).

7.13. CUMULATIVE IMPACT ASSESSMENT

The sections below set out the cumulative assessment of impacts and conclude that there will be no adverse cumulative impacts resulting from the proposed modifications.

7.13.1. View Impacts

The VIA conducted an assessment of the proposed rooftop plant units as a cumulative view impact with the existing warehouse buildings. It was determined that with consideration of the approved landscape screening, the cumulative impacts of the proposed modification in conjunction with the approved SSD-10436 and the associated MOD 1 will see negligible to no view impacts.

7.13.2. Noise

The predicted Operational Noise Levels at the most affected receivers appropriately demonstrate that the resultant noise emissions generated by the proposed use will fall below the noise criteria for nearby receivers approved under SSD-10436 and the approved MOD 1. It is noted that the noise modelling included the vehicular noise impacts associated with the warehouse buildings as approved by SSD-10436 and the associated MOD 1.

Accordingly, as the proposed change of use and fit-out is consistent with the noise impacts identified for SSD-10436, the proposal will demonstrably maintain the appropriate acoustic amenity with consideration for the cumulative impacts of the HLP.

8. SECTION 4.15 ASSESSMENT

This section assesses the development as proposed to be modified by MOD 1 against the heads of Section 4.15(1) of the EP&A Act.

8.1. ENVIRONMENTAL PLANNING INSTRUMENTS

The proposed modification has been assessed against all relevant environmental planning instruments as detailed within **Section 6**.

8.2. DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

There are no relevant draft environmental planning instruments.

8.3. DEVELOPMENT CONTROL PLAN

Development Control Plan: 327 – 335 Burley Road, Horsley Park March 2016 Penrith applies to the subject site. Clause 18(6) of the WSEA SEPP recognises the provisions of this DCP for the purposes of the clause. It is noted that DCPs do not apply in the assessment of SSD DAs. The requirement for, and provisions of, the DCP is therefore satisfied.

8.4. PLANNING AGREEMENT

Planning agreements in place between CSR Building Products Limits and the Minister for Planning will not be affected by the proposed modification.

8.5. THE EP&A REGULATION 2000

All relevant regulations have been considered in the preparation of this modification application.

8.6. LIKELY IMPACTS OF THE PROPOSAL

The likely impacts of the proposed modification have been assessed in detail within the supporting specialist consultant reports and plans, as described in **Section 7**. Overall it is considered that the impacts are minimal and acceptable.

8.7. SUITABILITY OF THE SITE

As demonstrated within this report and the original EIS in respect to the approved SSD-10436, the proposed development as proposed to be modified is expected to provide positive employment impacts both locally and in the broader economy. It is envisaged that the proposal will generate approximately 441 operational jobs and 254 construction jobs.

The site is located within the Western Sydney Employment Area and the warehouse as proposed to be modified aligns with the desired future land use outcomes for this area, particularly in promoting economic development for major warehousing and distribution uses in an industrial setting with access to the road network connecting to the broader metropolitan area.

The site is suitable for the proposed development as despite the modification it will continue to provide the following:

- Outcomes that support the strategic role and objectives of the HLP as part of the WSEA and Broader WSEA;
- Outcomes that align with the future context and role of the WSEA and Broader WSEA as an economic hub for Greater Sydney;
- The delivery of critical infrastructure and services to the WSEA for the benefit of the broader area;
- Significant private sector investment in the area and indirect benefits for productivity of the local economy; and
- Generation of employment for the Western Sydney Region.

The proposal as proposed to be modified will continue to accord with the relevant State objectives and provisions.

8.8. SUBMISSIONS

Any submission received as part of the public notification period must be considered in accordance with the Section 4.15(1)(d) of the EP&A Act. If submissions are made, the Proponent would respond to them as required by the Department.

8.9. PUBLIC INTEREST

The proposal has been assessed against the current planning framework for the site and is consistent with the objectives of the Western Sydney Employment Area. The assessment has demonstrated that the modification will only result in minimal environmental impact to the surrounding area. The proposal will enable the site to respond to tenant demand, facilitating investment and job generation within the WSEA in a timely manner. The proposal is in the public interest.

9. CONCLUSION

This section 4.55(1A) application seeks consent for modifications to the approved SSD-10436 for the alterations and additions to the Warehouse 201 building within the Horsley Logistics Park in support of the future UPS tenant at Warehouse 2 and also minor fit-out works within Warehouse 1 consistent with the proposed fitout for the Jalco operation as detailed within SSD-21190804. The modification will provide the appropriate storage and rooftop plant equipment to support the UPS tenancy and facilitate some elements of the anticipated Jalco tenancy as part of the base build of the Warehouse 201 building. Otherwise, the proposal continues to support the delivery of the estate and essential infrastructure and services.

The key issues relevant to the proposed modifications have been assessed within the Modification Report and amended specialist consultant reports submitted with this application.

A review of all other relevant impacts identified within the original SSDA approval was also undertaken to ensure that no increased impacts would result from the proposed modifications. A single additional mitigation measure is recommended, the scope of which is accounted for on the proposed plans. This will ensure that acoustic impacts generated from the rooftop plant equipment are appropriately managed throughout the operation of the HLP.

The proposed modification to the approved development of the HLP has been considered and assessed in accordance with the requirements of the EP&A Act 1979. The Modification Report has assessed the relevant matters prescribed under this Act and its Regulation, and those matters identified in the SEARs for the proposal.

The modification aligns with the strategic direction and objectives established for the site and surrounding lands under the WSEA SEPP. The modification has been assessed as being of minimal environmental impact and substantially the same as the original approved SSDA as required under section 4.55(1A) of the EP&A Act 1979.

Based upon a balanced review of key issues and in consideration of the benefits and residual impacts of the proposal, development of the HLP as proposed under the approved SSDA and this modification is considered justified and warrants approval.

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

APPENDIX A

ARCHITECTURAL PLANS

APPENDIX B

BCA ASSESSMENT REPORT

APPENDIX C

VISUAL IMPACT ASSESSMENT

APPENDIX D TRANSPORT STATEMENT

APPENDIX E

OPERATIONAL NOISE IMPACT ASSESSMENT

APPENDIX F

WASTE MANAGEMENT PLAN

