

URBIS

ESR HORSLEY LOGISTICS PARK - SSD-10436 MOD 4

Section 4.55(1A) Modification

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Director	Jacqueline Parker
Consultant	John Booth
Project Code	P0020568
Report Number	MOD 4

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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 1979**) to a State Significant Development (**SSD**) approval, SSD-10436, which was granted development consent on 31 March 2021 and subsequently modified by MOD 1. The following is relevant to this modification applications background:

- SSD-10436 was granted development approval on the 31 March 2021 for the construction, fit-out and operation of eight warehouse 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 was approved on the 04 August 2021 for 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.
- Two additional modification applications have been lodged to the DPIE and are currently under assessment. Further details on these applications are provided below in **Section 2.2**.

It should be noted that MOD 2 which is currently under assessment by the DPIE has proposed for the lots to be renumbered to reflect the approved plan of subdivision. The renumbering is proposed as follows:

- Lot 201 remains as Lot 201;
- Lot 204 becomes Lot 202;
- Lot 203 becomes Lot 204; and
- Lot 202 becomes Lot 206.

This modification application is specific to the land on Lot 203, which to be consistent with MOD 2 is to be referred to as Lot 204 from this point.

This section 4.55(1A) modification application to SSD-10436 (as modified by MOD 1) seeks approval for revisions to the approved development of the Horsley Logistics Park (**HLP**) and is herein referenced as MOD 4.

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.

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.

This proposed modification relates specifically to Lot 204 of the HLP and entails the following:

- Minor reconfiguration of warehouse footprint and building form;
- Division of the single warehouse space into two separate tenancies;
- Creation of an additional lot ingress/egress points and reconfiguration of car parking to facilitate two tenancies; and
- Relocation of two recessed docks for proposed Warehouse B;
- Changes to landscaping; and
- The building pads for Lot 204 are proposed to be lowered by 2.8-m.

An updated signage masterplan is also submitted to the DPIE for approval of new identification and directional signage.

The proposed amendments provide an efficient building design which is able to cater to a variety of customers and enable seamless access into and out from the site. The approved scheme is limited given its

higher pad level creates access issues for trucks entering and exiting the site. In addition, the single tenancy limits the types of warehouse users. Therefore, the proposed scheme provides a better outcome in delivering a utilitarian site that works for a range of users and contributes to the target of job creation in Western Sydney. The proposal is consistent with the relevant legislative and policy framework, including the EP&A Act 1979 and the *State Environmental Planning Policy (Western Sydney Employment Area) 2009 (WSEA SEPP)*.

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 Lot 204 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.
- 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 modification 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 1979. It seeks to modify the approval of SSD-10436 for the staged construction, fit-out and operation of eight warehouse and distribution tenancies in four buildings.

The Site

The HLP is a 20.8-hectare (**ha**) landholding located at 6 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. The proposed works subject to MOD 4 are to be carried out within Lot 204, 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 DA893.1/2013 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 15-kilometres (**km**) from the Penrith Central Business District (**CBD**), 17-km from the Parramatta CBD, and 35-km 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 DA893.1/2013. Beyond the quarry site the surrounding land uses include:

- **North:** The Oakdale Central Business Hub (SSD-6078)
- **East:** Land zoned RU4 – Primary Production that includes several 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).

It should be noted that MOD 2 which is currently under assessment by the DPIE has proposed for the lots to be renumbered to reflect the approved plan of subdivision. The renumbering is proposed as follows:

- Lot 201 remains as Lot 201;
- Lot 204 becomes Lot 202;
- Lot 203 becomes Lot 204; and
- Lot 202 becomes Lot 206.

This modification application is specific to the land on Lot 203, which to be consistent with MOD 2 is to be referred to as Lot 204 from this point.

The Proposed Modification

Further design development following confirmation of future tenants and their operational requirement has necessitated modification to the existing consent, including the following changes to Lot 204:

- Minor reconfiguration of warehouse footprint and building form;
- Division of the single warehouse space into two separate tenancies;
- Lowering of the resultant building pad for Lot 204 by 2.8m to improve vehicular ingress and egress;
- Creation of additional lot ingress/egress points and reconfiguration of car parking to facilitate two tenancies;
- Relocation of two recessed docks for proposed Warehouse B; and
- Changes to landscaping.

An updated signage masterplan is also submitted to the DPIE for approval of new identification and directional signage.

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; and
- Planning compliance assessment considering the environmental planning instruments, policies, and guidelines relevant to the site and the proposed modification.

This modification application has been prepared based on the following updated plans and specialist reports, which are lodged as appendices to this report:

- **Appendix A:** Architectural Drawings, prepared by HLA Architects
- **Appendix B:** Visual Impact Addendum Report, prepared by Geoscapes
- **Appendix C:** Landscape Plans, prepared by Geoscapes
- **Appendix D:** Transport Assessment, prepared by Ason Group
- **Appendix E:** Aboriginal Archaeological Due Diligence Assessment Addendum Letter, prepared by Umwelt
- **Appendix F:** Fire Safety Strategy, prepared by Affinity Fire Engineering
- **Appendix G:** Waste Management Plan, prepared by SLR
- **Appendix H:** Regulatory Compliance Report, McKenzie Group
- **Appendix I:** Civil Engineering Package, prepared by Costin Roe Consulting
- **Appendix J:** Signage Masterplan, prepared by Diadem

The technical reports and plans submitted with the original SSDA, and MOD 1 have been reviewed and updated to address the proposed modifications to MOD 4. 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; and
- Lot 204 in DP 1265921.

Whilst this Section 4.55(1A) modification application is specific to approved Lot 204 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	Approval	Consent Authority	Development Description
893.1/2013	19/12/2013	NSW LEC	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.
86.1/2016	15/02/2016	Fairfield Council	Subdivision to create two (2) Torrens Title lots.

DA Number	Approval	Consent Authority	Development Description
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. SSD-10436 & SUBSEQUENT MODIFICATIONS

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. These are detailed below in **Table 2**.

Table 2 SSD-10436 Approval History

DA Number	Approval	Consent Authority	Development Description
SSD-10436	31/03/2021	Minister for Planning & Public Spaces	Horsley Logistics Park - Construction, fit-out and operation of eight warehousing and supporting infrastructure, parking and signage, including warehouse 201.
MOD 1	04/08/2021	Minister for Planning & 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.
MOD 2	Under Assessment	Minister for Planning & Public Spaces	Amendments to Lot 204; renumbering of lots within ESR Horsley Logistics Park; amendments to development consent condition relating to development contributions.
MOD 3	Withdrawn	Minister for Planning & Public Spaces	Modifications to approved Lot 201, 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.

DA Number	Approval	Consent Authority	Development Description
			Construction of minor internal works within the warehouse 1 tenancy.
MOD 5	Under Assessment	Minister for Planning & Public Spaces	Modifications to approved Lot 201, 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.

SSD-10436 – Horsley Logistics Park

SSD-10436 development consent was 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 42,233-m² and 1,095-m² of office space. The warehouse building was provided with direct access to Johnston Crescent and a 3-m high by 80-m 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.
 - 108 car parking spaces north of proposed Warehouse tenancy 1 also with direct access from Johnson Crescent.

SSD-10436 MOD 2

MOD 2 seeks to reconfigure the approved warehouse at Lot 204 (to be re-identified as Lot 202). Additionally, this modification aims 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.

MOD 2 is currently under assessment by DPIE.

SSD-10436 MOD 3

MOD 3 was lodged with the DPIE and eventually withdrawn following advice from the DPIE regarding the application being lodged as a 4.55(1A) rather than a 4.55(2). The application was relodged with the DPIE as MOD 5.

SSD-10436 MOD 5

MOD 5 seeks to further amend the approved layout and of Lot 201, specifically seeking consent for the following:

- 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.

MOD 5 is currently under assessment by DPIE.

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 1979:

(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 1979 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.

3. RATIONALE FOR THE PROPOSED MODIFICATION

The approved HLP development 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 of 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.

The reconfiguration of the warehouse on Lot 204 into two separate tenancies and subsequent design amendments to the building reflects the current market demand and responds specifically to tenant enquiry. The minor amendments will ultimately decrease the overall building footprint and GFA whilst retaining the approved building heights, albeit the RL of the warehouse buildings will drop by 2.8-m due to a reduced pad level from RL89.50 to RL86.70. The lowered pad level will assist in an efficient ingress and egress arrangement for delivery vehicles, further enhancing operations on the site.

These modifications will facilitate timely investment and occupancy of these buildings for the purpose of warehouse and distribution purposes, consistent with the intent of the original proposal.

4. PROPOSED MODIFICATIONS

4.1. DEVELOPMENT OBJECTIVES

The proposed development is consistent with the overarching aim for the broader HLP to create a high-quality warehouse and logistics estate, which maximises 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 high-quality warehouse infrastructure, whilst enabling sufficient diversity within the range of tenants utilising the HLP.

A fundamental consideration in the formulation and approval of the original proposal was to create large development lots which provided for flexibility to suit a broad range of end user requirements as well as maximising the potential to accommodate larger footprint facilities in keeping with current best practice for efficiency of warehouse and distribution supply chain operations.

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 approved layout to cater for current tenant demand;
- Makes use of an underutilised industrial zoned site for suitable industrial purposes for operators ready to occupy warehouse 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.

4.2. 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:

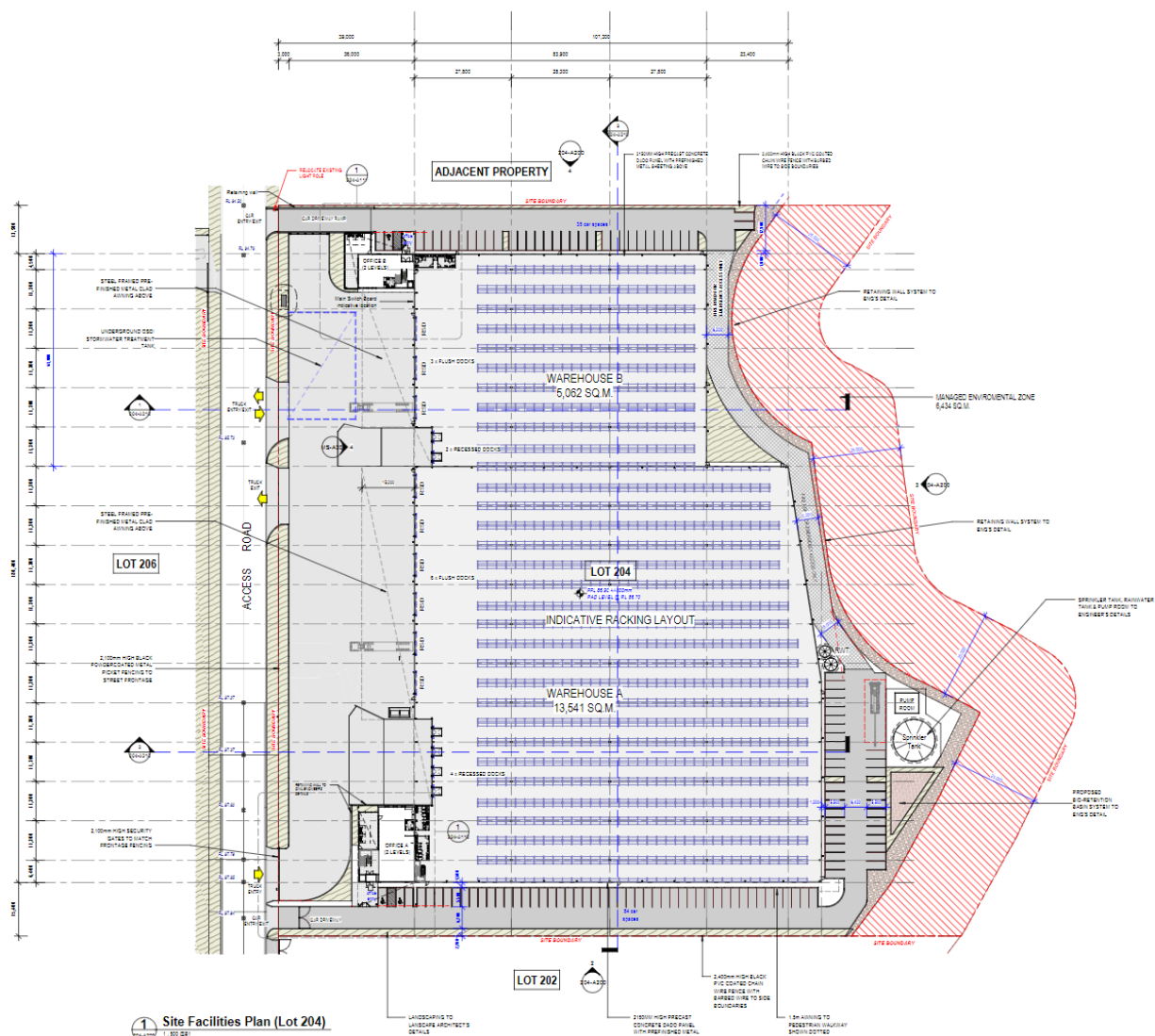
Lot 204

- Minor reconfiguration of warehouse footprint and building form;
- Division of the single warehouse space into two separate tenancies;
- Lowering of the resultant building pad for Lot 204 by 2.8m to improve vehicular ingress and egress;
- Creation of additional lot ingress/egress points and reconfiguration of car parking to facilitate two tenancies;
- Relocation of two recessed docks for proposed Warehouse B; and
- Changes to landscaping.

An updated signage masterplan is also submitted to the DPIE for approval of new identification and directional signage.

Architectural drawings prepared by HLA Architects are attached as **Appendix A** and a revised Landscape Concept Plan prepared by Geoscapes is attached as **Appendix C**. An extract of the proposed plan for Lot 204 is provided below in **Figure 1**.

Figure 1 Lot 204 Proposed Site Plan



Source: HLA Architects, 2021

4.3. EARTHWORKS

It is proposed that approximately 100,000m³ of fill will be removed from the constructed pad at Lot 204, constructed under the earlier CSR approval, to reduce the overall pad level by 2.8m.

It is the intention of ESR to keep this spoil within the HLP Estate for future works on other lots.

In the event that accommodation of this spoil as fill on other lots within the HLP is not achievable ESR have advised that approximately 2,000 cubic metres of spoil a day would be trucked off-site to ESR's Leppington Industrial Estate which requires fill. It is estimated that this would equate to 142 movements a day over a period of approximately 50 days.

Figure 2 below shows the change in pad level on the Bulk Earthworks Plan prepared by Costin Roe.

Figure 2 Bulk Earthworks Plan



A summary of the numerical changes to Lot 204 is provided below.

Table 3 MOD 4 Numeric Overview

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SSD-10436 MOD 4 MODIFICATION REPORT 221121

Element	Approved SSDA (MOD 2)	Proposed MOD 4
Car Parking Provided	140 spaces	119 spaces
Maximum Building Height	15m	15m

4.5. 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 **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 1: Site Plan – **Replace with Drawing No. 200226 – DA – MS-A010 P12**

Figure 4: Lot 203 Plan – **Replace with Drawing No. 200226 – DA – 204-A100 P7**

- 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 (m²)
Warehousing	
Tenancy 1, Lot 201	19,731
Tenancy 2, Lot 201	15,000
Tenancy 3, Lot 201	3,403
Lot 202A Lot 206A	15,880
Lot 202B Lot 206B	15,880
Lot 203 Lot 204	18,730 18,603
Lot 204A Lot 202A	8,918
Lot 204B Lot 202B	2,670
Lot 204C Lot 202C	2,943
Lot 204D Lot 202D	
Total	103,155 103,028
Office	
Tenancy 1, Lot 201	536
Tenancy 2, Lot 201	578
Tenancy 3, Lot 201	415
Lot 202A Lot 206A	800
Lot 202B Lot 206B	800
Lot 203 Lot 204	800 1,150
Lot 204A Lot 202A	582
Lot 204B Lot 202B	400
Lot 204C Lot 202C	613
Lot 204D Lot 202D	

Total	5,524 5,874
Retail	
Café	60
Total	60
Total GFA	408,739 108,962

It is noted that within the development consent for SSD-10436 there is a minor inconsistency between Table 1 and the stamped plans for Lot 204. Table 1 of the consolidated consent notes the maximum GFA for the lot as 18,370m², however on the stamped plans this reads as 18,730m². This typo has been picked up and is to be addressed with the above proposed amendment to Table 1. The calculation of an overall reduction in 127-m² of office space has still been accurately considered on the total warehouse GFA above.

5. STATUTORY PLANNING FRAMEWORK

This section assesses and responds to the relevant legislative and policy frameworks in accordance with the EP&A Act 1979, 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 1979)*;
- *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)*.

5.1. SECTION 4.55 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Section 4.55 of the EP&A Act 1979 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) *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.

5.2. 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 4 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 following reasons:

- **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 the 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 overall GFA remains comparable (within 223m² of the original consent). The height in metres from ground level will remain the same however the overall RL of the building will reduce by 2.8-m as a result of a lowered building pad level.
- **No adverse traffic and parking impacts:** The proposed modification has been assessed by Ason Group, which concluded that the approved and modified traffic and parking infrastructure can support the proposal and will not result in any additional adverse impacts as a result of traffic and parking. It is the intention of ESR to keep the additional spoil that would be produced when dropping the pad level, within the HLP Estate. ESR have noted it would ideally be utilised within the Estate for future works on other lots, however in the event this is not achievable ESR have noted that approximately 2,000 cubic metres of spoil a day would be trucked off-site to ESR's Leppington Industrial Estate which requires fill. It is estimated that this would equate to 142 movements a day over a period of approximately 50 days.
- **No additional visual impact:** Geoscapes have considered the proposed variation of the building pad and have concluded that there will be no additional impact as a result of the lowered overall building ridge RL. The extent of visual impact is considered to be consistent with what was previously approved under SSD-10436, and resulting in a better visual outcome for nearby sensitive receivers with a reduction of 2.8-m.
- **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 1979.

5.3. SUBSTANTIALLY THE SAME DEVELOPMENT

The proposed modifications within MOD 4 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 retain the same use of the HLP as a warehouse and distribution hub, consistent with the approved use and aims of the WSEA SEPP;
- In the context of the site's size, the changes to the site layout and built form are of a minor nature;
- There will be a reduction in overall building form and buildable GFA of 583-sqm;
- There is no change to the maximum building height controls for the warehouse however there will be a reduced overall building ridge RL of RL89.50 to RL86.70; and
- The level of environmental impact resulting from this section 4.55 modification application (MOD 4) is minimal and consistent with that approved by way of SSD-10436.

5.4. 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 4 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 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 proposed modification will maintain principles of sustainable design as detailed in Building Code of Australia Assessment Report prepared for the proposal, included at Appendix H .

Schedule/Clause	Provision	Consistency
	▪ The consumption of potable water, and ▪ Greenhouse gas emissions.	
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.	No changes are proposed to the maximum height of buildings. The building pads for Lot 204 are however proposed to be lowered by 2.8-m which will result in an overall reduction in RL from RL89.50 to RL86.70. This will reduce the visual impact of the built form on nearby residential areas to the east.
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.
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.

Schedule/Clause	Provision	Consistency
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.
State Environmental Planning Policy (Infrastructure) 2007		
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 schedule includes development for the purposes of industry incorporating 20,000m ² or more of GFA. The SSD as modified by MOD 4 will create 18,603-m ² of warehousing GFA. As such, referral to the RMS for MOD 4 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 & 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	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. The reduced pad level will not interfere with any previously undertaken

Schedule/Clause	Provision	Consistency
	investigation of the land concerned when considering an application which involves a change of use of the land.	remediation works or compromise the remediation recommendations of any previous consent on the site, including SSD-10436.
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.

Table 5 SEPP 64 Assessment

SEPP 64 Provision	Comment	Compliance
Character of the Area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage is consistent with the proposed development. It will serve as building identification signage and wayfinding signage across the site.	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed signage is consistent with concepts utilised in the WSEA.	Yes.
Special Areas		
Does the proposal detract for the amenity of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposal will not detract from the amenity or visual quality of the surrounding area. Further, it will serve to identify the location of businesses.	Yes.
Views & Vistas		

SEPP 64 Provision	Comment	Compliance
Does the proposal obscure or compromise important views?	The proposed signage is appropriate for the industrial setting. The building signage will be within the building footprint. The wayfinding signage will be located at ground level.	Yes.
Does the proposal dominate the skyline and reduce the quality of vistas?	The signage will not dominate important view or vistas nor does it dominate the skyline.	Yes.
Does the proposal respect the viewing rights of other advertisers?	The proposed signage will not impact the visibility of other buildings or the viewing rights of other advertisers.	Yes.
Streetscape, Setting or Landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposed signage is appropriate for an industrial setting.	Yes.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage has been designed to a high standard, in order to achieve well-presented building identification.	Yes.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	There is no exiting advertising on the site.	N/A
Does the proposal screen unsightliness?	Not relevant.	Yes.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signage is compatible with the scale and proportion of the building size given the dimensions of the signage as shown on the signage plans.	Yes.
Does the proposal require ongoing vegetation management?	No.	Yes.
Site & Building		
Is the proposal compatible with the scale, proportion and other characteristics of the site or	The proposed signage will not detract from any important building features and has been	Yes.

SEPP 64 Provision	Comment	Compliance
building, or both, on which the proposed signage is to be located?	positioned and scaled by the project architects.	
Does the proposal respect important features of the site or building, or both?	The signage has been designed to enhance the aesthetic quality of the building.	Yes.
Associated Devices and Logos with Advertisements and Advertising Structures		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The proposed signage and logo are integrated with the industrial building.	Yes.
Illumination		
Would illumination result in unacceptable glare?	The proposed signage will not result in unacceptable glare.	Yes.
Would illumination affect safety for pedestrians, vehicles or aircraft?	The proposed signage will not affect safety for pedestrians, vehicles or aircraft. They will be designed to promote wayfinding/identification during day and night time.	Yes.
Would illumination detract from the amenity of any residence or other form of accommodation?	The proposed signage will not detract from residential areas, as it is within an zoned industrial precinct.	Yes.
Can the intensity of the illumination be adjusted, if necessary?	The proposed signage can adjust the illumination if necessary.	Yes.
Is the illumination subject to a curfew?	The proposed signage lighting is not subject to a curfew. The proposed development is approved for 24 hours, 7 day a week operations.	Yes.
Safety		
Would the proposal reduce the safety for any public road?	The proposed signage is for building identification and wayfinding. It is located at a height that will not impact the safety of public roads.	Yes.

SEPP 64 Provision	Comment	Compliance
Would the proposal reduce the safety for pedestrians or bicyclists?	Signage will not be located at a height that will impact the safety of pedestrians or cyclists.	Yes.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The signage will not obtrude into any public area and will not be at a height that will impact the safety of pedestrians or children.	Yes.

6. ASSESSMENT OF KEY ISSUES

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

- Visual Impact;
- Transport & Access;
- Aboriginal Heritage;
- Fire & Incident Management;
- Acoustic Impact;
- Landscaping;
- Waste Management; and
- Building Code of Australia.

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.

6.1. LAYOUT & OPERATIONS

The modified design and layout of Warehouse 204 includes the following key changes:

- 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; and
- The building pads for Lot 204 are proposed to be lowered by 2.8-m.

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 and transport are 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.

A fundamental consideration in the formulation and approval of SSD-10436 was to create large development lots which provided for flexibility to suit a broad range of end user requirements as well as maximising the potential to accommodate larger footprint facilities in keeping with current best practice for efficiency of warehouse and distribution supply chain operations. MOD 4 is allowing Lot 204 to be used efficiently and is attempting to undertake minor modifications to suit the end users and produce the most efficient layout possible.

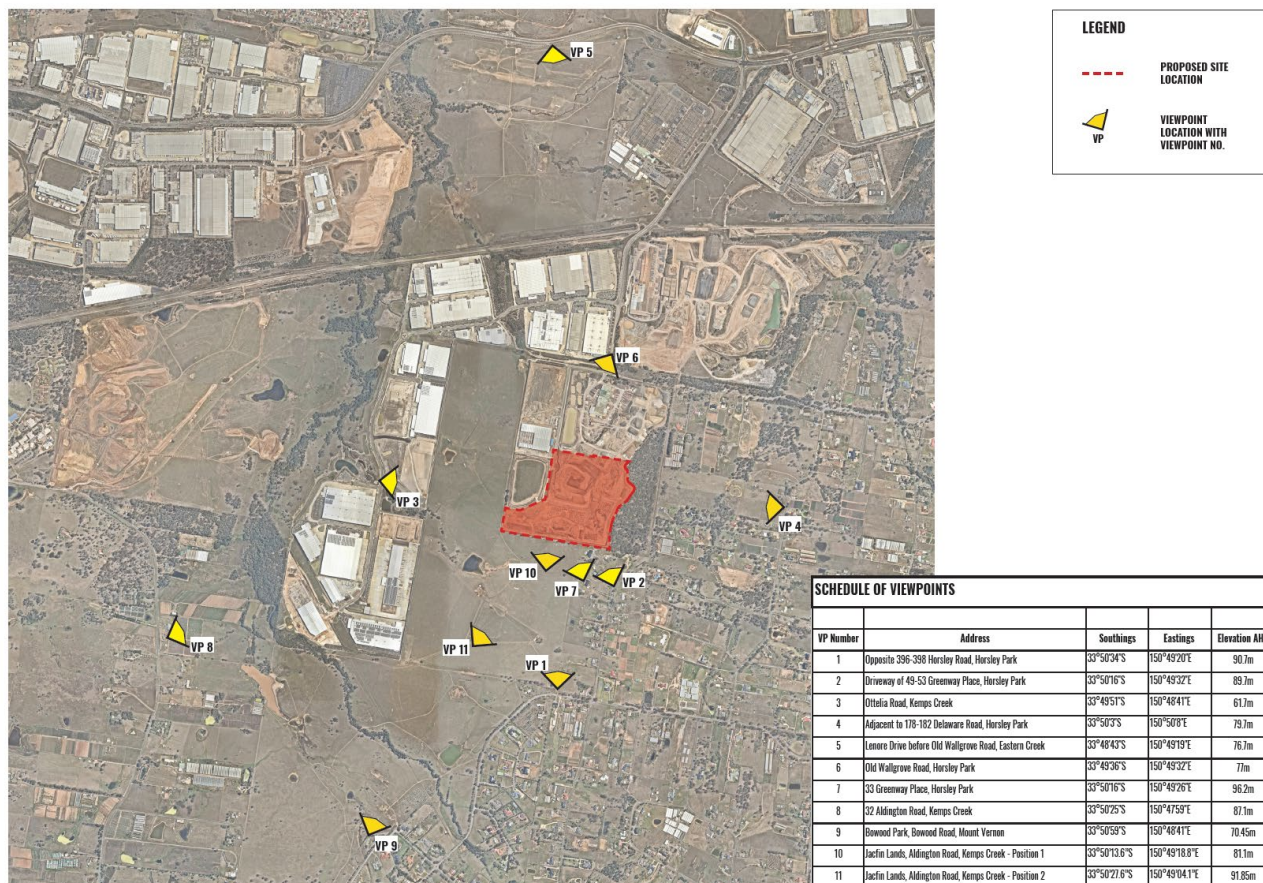
6.2. VISUAL IMPACT

Whilst the proposed modifications to Warehouse 204 are generally considered minor in the context of the remainder of the HLP, a Visual Impact Assessment (VIA) has been prepared by Geoscapes (**Appendix B**) to demonstrate that there will be no additional impacts from the proposed changes to building heights.

The proposed lowering of the building pads on Lot 204 from RL89.50 to RL86.70 equates to a reduction in overall height of 2.8m. The remainder of the building design however remains relatively similar to the approved scheme under SSD-10436. As such, Geoscapes considers that the proposed change in height will not have any adverse effect on the visual amenity of the adjoining visual receivers, particularly the residential ones to the south.

The results of the VIA are summarised below in **Table 6**, with further detail available within **Appendix B**.

Figure 3 Viewpoint Locations



Source: Geoscapes, 2021

Table 6 Viewpoint Analysis

View Location	MOD 4 Visual Receptor Sensitivity	Visual Impact of MOD 4 against MOD 5
1. Opposite 396-398 Horsley Road – Looking North	As stated in the original visual impact reports, residential receptors with a similar viewpoint to the baseline image are likely to be more critical of their view. Views may be experienced from primary or secondary living spaces. With the introduction of the MOD 5 Scheme, a new industrial element is partially visible, however landscape planting is expected to help mitigate visual impacts. It is judged therefore, that the sensitivity for this receptor to the development would remain at medium .	The visual impact of the Modification 4 Scheme against the MOD 5 Scheme at this location is judged to be none .
2. Driveway of 49-53 Greenway Place – Looking North-west	The visually sensitivity has not been fundamentally changed as a result of the introduction of the MOD 5 Scheme. As per the conclusions of previous VIA's, only a very small section of the top of warehousing closest to the southern site boundary is expected to be seen. Therefore, as views are likely to be experienced directly from residential properties, either from gardens or windows of primary or secondary living spaces, it is judged that the sensitivity for this receptor to the	Lot 204 is not visible from this location and therefore, the magnitude of change against the MOD 5 Scheme for this visual receptor is judged to be no change .

View Location	MOD 4 Visual Receptor Sensitivity	Visual Impact of MOD 4 against MOD 5
	proposed development would remain high . Residential receptors at close range to developments are generally more critical regarding their views.	
3. Ottelia Road – Looking East	Receptors at this location are likely to be mostly motorists traveling through a predominately industrial area, therefore, are unlikely to place a significant value on the baseline view. It is judged that the sensitivity for this receptor to the development would remain at very low .	The visual impact of the Modification 4 Scheme against the MOD 5 Scheme at this location is judged to be none .
4. Adjacent to 178-182 Delaware Road – Looking West	Views from this location are generally rural in appearance and do not contain a significant industrial influence therefore, it can be argued that they do present some scenic quality. Residential receptors with a similar viewpoint to the baseline image are likely to place a high importance on, and be more critical of their view. It is likely that views could be experienced from primary or secondary living spaces. The MOD 5 Scheme is hidden behind existing vegetation. It is judged that the sensitivity for this receptor to the development is high .	The visual impact of the Modification 4 Scheme against the MOD 5 Scheme at this location is judged to be none .
5. Lenore Drive before Old Wallgrove Road – Looking South	As the receptors are mostly motorists at this location and therefore are unlikely to place significant value on the baseline view, it is judged that the sensitivity for this receptor to the development would remain low .	The visual impact of the Modification 4 Scheme against the MOD 5 Scheme at this location is judged to be none .
6. Old Wallgrove Road – Looking South	As the receptors are mostly motorists at this location and traveling through a dense industrial area, they are unlikely to place any significant value on the baseline view. It is judged therefore, that the sensitivity for this receptor to the development would remain very low .	The visual impact of the Modification 4 Scheme against the MOD 5 Scheme at this location is judged to be none .
7. 33 Greenway Place – Looking North	The general character of residential properties in this location is rural. However, industrial development has already impacted the view with the introduction of warehousing to the north and the Terramesh bund. The MOD 5 Scheme has now significantly added to the industrial influence and character that is now seen. As a result of the introduction of the Approved MOD 5 Scheme into the view, it is judged that the sensitivity to the modification proposal would now be reduced to medium .	The visual impact of the Modification 4 Scheme against the MOD 5 Scheme at this location is judged to be none .

View Location	MOD 4 Visual Receptor Sensitivity	Visual Impact of MOD 4 against MOD 5
8. 32 Aldington Road – Looking South	Views are likely from primary or secondary living spaces, and this type of receptor is also likely to be more critical when assessing any visual impacts received from the development. However, there is a strong presence of existing industrial development within the view corridor which will now include the MOD 5 Scheme. It is therefore, judged that the sensitivity of this visual receptor is reduced to low .	The visual impact of the Modification 4 Scheme against the MOD 5 Scheme at this location is judged to be none .
9. Bowood Park, Bowood Road – Looking North	Not all areas of the park experience this view, as there is the presence of mature trees along the northern and eastern boundary. However, the view does have some clear scenic value and is likely to be held in high regard by the local community. The Approved MOD 1 Scheme also does not adversely affect the view, it is therefore, judged that the sensitivity of this visual receptor remains high .	visual impact of the Modification 4 Scheme against the MOD 5 Scheme at this location is judged to be none .
10. Jacfin Lands, Aldington Road – Position 1 – Looking North	As described within section 4.3 of report LVIA01 for the Approved Scheme, a judgement of sensitivity is more difficult when the receptor (residential dwellings) does not presently exist. However, it would be likely that dwellings at this location would experience a view similar to that seen within the photomontages. This already contains finished earthworks to the southern boundary of the ESR site and landscaping planting. To the west, proposed industrial development within LOT A is also likely to affect views. With the introduction of the MOD 5 Scheme, the presence of industrial development has increased and is now more apparent within this view. It is expected that landscaping to the southern boundary will help to mitigate visual impacts and therefore, it is judged that the sensitivity of this visual receptor remains at medium.	The visual impact of the Modification 4 Scheme against the MOD 5 Scheme at this location is judged to be none .
11. Jacfin Lands, Aldington Road – Position 2 – Looking North	As described within previous report LVIA01, a judgement of sensitivity is more difficult when the receptor (residential dwellings) does not presently exist. However, dwellings at this location may experience a view similar to that seen within the photomontages. There are a number of factors that would affect the actual resultant view corridor including other dwellings, development within LOT A and landscaping. With the introduction of the MOD 5 Scheme, the presence of industrial development has increased and is now more apparent within this view. It is expected that proposed landscaping will help to mitigate visual	The visual impact of the Modification 4 Scheme against the MOD 5 Scheme at this location is judged to be none .

View Location	MOD 4 Visual Receptor Sensitivity	Visual Impact of MOD 4 against MOD 5
	impacts and therefore, it is judged that the sensitivity of this visual receptor remains at medium .	

Source: Geoscapes, 2021

The VIA addendum report prepared by Geoscapes and lodged as **Appendix B** to this modification report provides a quantitative analysis and opinion of any additional visual impacts created by the proposed MOD 4 Scheme when compared against the recent MOD 5 Scheme. The MOD 4 scheme details specific changes to the pad level and warehouse design of Lot 204.

The same viewpoints that were selected for visual assessment from both SSD-10436, MOD 1 and MOD3, have also been selected for the addendum VIA report lodged as **Appendix B** to provide a direct comparison.

Following the remodelling of Lot 204 and production of photomontages only viewpoint 5 is affected visually by the change. However, this is considered so minor that the resultant view is essentially unchanged. From all other assessed visual receptor locations Lot 204 cannot be seen. This is either due to other proposed buildings or existing vegetation screening the development. Therefore, in the short term immediately following development completion at Year 0 and in the longer term at Year 15, visual impacts are expected to be extremely similar for both the approved MOD 1, proposed MOD 5 and now proposed MOD 4 schemes.

Geoscape have concluded that as the proposed MOD 4 works relate only to the warehouse and layout of Lot 204, the same conclusions within the VIA lodged with SSD-10436 and MOD 1 regarding the overall visibility still apply. The proposed reduction in height of Lot 204 remains consistent with what was previously approved and will not result in any adverse impacts to nearby sensitive receivers.

As such, the modification application is able to be supported from a visual impact perspective.

6.3. TRANSPORT & ACCESS

Noting the proposed changes would increase the number of tenancies at the HLP, as well as alter the approved GFA, Ason Group was engaged to prepare a Transport Statement (**ST**) to review the proposed MOD 4 works. A similar assessment was undertaken to that for the approved Traffic Impact Assessment within SSD-10436. For comparative purposes, the development yields as approved under SSD-10436 and the proposed modifications are detailed below in **Table 7**.

Table 7 Approved & Proposed Yield

Description	SSD-10436	SSD-10436 MOD 4	Difference
Warehouse A	18,730-m ²	13,541-m ²	-5,189-m ²
Warehouse B	-	5,062-m ²	+5,062-m ²
Warehouse Total	18,730-m ²	18,603-m ²	-127-m ²
Office A	800-m ²	700-m ²	-100-m ²
Office B	-	450-m ²	+450-m ²
Office Total	800-m ²	1,150-m ²	+350-m ²
Built Total	19,530-m ²	19,753-m ²	+223-m ²
Car Parking Spaces	140	119	-21

Source: Ason Group, 2021

Car Parking

Given the reduction in parking spaces, availability of spaces is a major consideration of the assessment. The *RMS Guide to Traffic Generating Development (RMS Guide)* provides parking requirements for General Warehouse / Distribution centre use as outlined in the Conditions of Consent for SSD-10436 – Condition A86. These rates include:

- Warehouse – 1 space per 300m² GFA
- Office – 1 space per 40m² GFA

Utilising the above rates, and the GFA identified above in **Table 3**, the required parking rates for Warehouse A and B of Lot 204 are provided below in **Table 8**.

Table 8 Lot 204 Parking Requirements & Provision

Land Use	Warehouse A	Warehouse B	Total
Warehouse requirement	46	17	63
Office requirement	18	12	30
Total requirement	64	29	93
Provision	84	35	119
Difference	+20	+6	+26

Source: Ason Group, 2021

As per the above, compliance with Condition A86 of the consent for SSD-10436 is able to be achieved for the revised layout of Lot 204 as proposed under this modification application. The current proposed car parking provision results in a surplus of 26 spaces for Lot 204. On the above basis, the proposed modifications to the Lot 204 warehouse development are able to be supported on parking assessment grounds.

Bicycle Parking

Bicycle parking for the HLP is to be assessed against the *NSW Planning Guidelines for Walking and Cycling (Walking and Cycling Guidelines)*, which requires bicycle parking to be provided at a rate of 3-5% of staff numbers (for long-term use) and 5-10% of staff numbers (for short-term use).

Condition B26 of the consent for SSD-10436 requires that a plan be submitted showing the locations and dimensions of the proposed bicycle parking provision within the development showing compliance with AS 2890.3:2015 prior to construction.

Given staff numbers are not available for future tenants at this point in time, staff numbers for the Warehouse A and B components have been forecast by applying the existing 90% of car driver mode share (refer to approved SSD-10436 TA Section 8.4 AG ref: P1328r02) to the proposed car parking provision, which results in approximately 76 and 32 staff numbers for Warehouse A and B respectively.

Utilising the above rate, **Table 9** below details the required provision of bicycle parking:

Table 9 Bicycle Parking requirements

Type	Requirement			Provision	
	Rate	Warehouse A	Warehouse B	Warehouse A	Warehouse B
Long-term	3%	2	1	8	8
Short-term	5%	4	2		

Type	Requirement			Provision	
	Rate	Warehouse A	Warehouse B	Warehouse A	Warehouse B
Total		6	3	8	8

Source: Ason Group, 2021

The above amenity of 16 bicycle spaces amongst the two tenancies exceeds the total overall requirement for 9 bicycle spaces, and as such the modification application exceeds the required thresholds for bicycle parking requirements.

End of Trip Facilities

Additionally, the Walking and Cycling Guidelines also provide minimum requirements for End of Trip Facilities on-site based on the indicative number of staff. The requirements and available provisions on site are provided below in **Table 10**.

Table 10 End of Trip Facilities Requirements

Warehouse	Facility	Requirement	Provision
Warehouse A ¹	Lockers	3	8
	Showers	4	4
	Changerooms	2	2
Warehouse B ²	Lockers	3	4
	Showers	2	2
	Changerooms	2	2

Note:

1) 50-149 staff band as per Walking and Cycling Guidelines

2) 13-49 staff band as per Walking and Cycling Guidelines

With reference to the above table, it is evident that the End of Trip Facilities provision satisfies and surpasses the minimum requirements of the Walking and Cycling Guidelines.

Accessible Parking

Condition A8(c) of the consent for SSD-10436 notes the following rate for accessible parking:

- 1 space for accessible parking for every 100 car parking spaces

Noting the above, **Table 11** below outlines the accessible parking spaces required for the proposed SSD-10436 MOD 4.

Table 11 Accessible Parking Requirements

Warehouse	On-Site Parking Supply	Accessible Parking Requirement	Accessible Parking Provision
Warehouse A	84	2	2
Warehouse B	35		1
Total	119	2	3

Noting the above, the accessible parking requirements are able to be achieved with the available provision proposed on site. As such, the modification application is able to be supported from an accessible parking perspective.

Traffic Generation

The assessment of the MOD 4 traffic generation relies on the same approved rates within SSD-10436 which are from the RMS Guide for warehouse and office land use developments (together). The following rates are to be utilised in this assessment:

- AM Peak: 0.247 trips per 100 m² GFA;
- PM Peak: 0.182 trips per 100 m² GFA; and
- Daily: 2.641 trips per 100 m² GFA.

These approved traffic generation rates have been applied to the development yield of Warehouse A and B to determine the traffic generation potential. Accordingly, the traffic generation potential of Lot 204 including a breakdown by warehouse is presented in **Table 12**.

Table 12 Lot 204 Traffic Generation

Lot 204	GFA (m ²)	AM Peak (Veh/Hr)	PM Peak (Veh/Hr)	Daily (Veh/Hr)
Warehouse A ¹	14,241	35	26	376
Warehouse B ¹	5,512	14	10	146
Total	19,753	49	36	522

Note: 1) Determined based on RMS Guide and approved SSD-10436 traffic generation rates

For comparison and assessment purposes, the traffic generation of Lot 204 submitted and approved under the SSD-10436 is provided against the revised Lot 204 traffic generation for this SSD assessment shown in **Table 13**.

Table 13 Traffic Generation of Approved SSD-10436 vs Proposal SSD-10436 MOD 4

Lot 204	AM Peak (Veh/Hr)	PM Peak (Veh/Hr)	Daily (Veh/Hr)
Approved SSD-10436	48	36	516
Proposed MOD 4	49	37	522
Difference	+1	+1	+6

Despite the proposed division of the warehouse building on Lot 204 into two separate tenancies, the expected traffic generation is only marginally higher than what was previously approved under SSD-10436, with only 1 more vehicle movement during peak hour periods when compared to the approved trip generation threshold.

Given the minor increase, MOD 4 is not anticipated to have any material impact on the local road network. For this reason, the proposed modification application does not warrant any additional traffic modelling or assessment and any additional infrastructure upgrades beyond that already constructed and planned for in the locality.

Design

Design of the access and internal hardstand area for Lot 204 has been modified in comparison to the approved SSD-10436, including an entry only and exit only access for Warehouse A, and one entry/exit for Warehouse B. A detailed review of these access points, including a swept path analysis is included within Appendix B of **Appendix D**.

All proposed site access points, car parking, and loading areas have been designed to comply with the relevant Australian Standards – subject to the design commentary annexed in Attachment B of **Appendix D**. MOD 4 which proposes to increase the number of access points along Johnston Crescent from the previously approved two to 5 has proposed access crossovers that have been reviewed against the relevant Australian Standards and found to be compliant with key element of AS design guides. Furthermore, the traffic associated with the proposed access crossovers is quite minimal when distributed across 5 access points which is unlikely to create any material traffic issues.

Further assessment is provided in Attachment B of **Appendix D**.

In summary, it is concluded that MOD 4 will result in no material change in traffic, parking or impact to the local road network from that assessed as acceptable under SSD-10436.

6.4. ABORIGINAL HERITAGE

Given the proposed scale of works that is sought for approval under MOD 4, and the proximity of the site to two registered Aboriginal sites, Umwelt were engaged to prepare an Aboriginal Archaeological Due Diligence Assessment Addendum Letter which is lodged as **Appendix E** to this EIS. This responds to the proposed MOD 4 works and the findings within the initial Aboriginal Archaeological Due Diligence Assessment prepared by Urbis and approved as part of SSD-10436.

A previous search of the Aboriginal Heritage Information Management System (**AHIMS**) was carried out by Urbis on the 23 March 2020 (AHIMS Client Service ID: 492954) for an area of approximately 3km² which noted that there were two Aboriginal sites (AHIMS ID#45-5-2046 and AHIMS ID#45-5-2057) registered within the subject area, with a third (AHIMS ID#45-5-2095) located approximately 200m to the north-east of the Lot 204 site boundary.

The study by Urbis confirmed that both sites within the subject area had since been destroyed and an Aboriginal Site Impact Recording Form had been submitted to DPIE for both. As a result, it was determined by Urbis that neither site remain valid nor would not be harmed by the proposed development.

Umwelt undertook a further AHIMS search on the 20 September 2021 to ascertain if any additional items had been registered since Urbis' original search. The search confirmed that no additional objects had been registered in this time, and that the three identified items have all been destroyed.

Within Section 4 of **Appendix E**, Umwelt has undertaken an assessment of the proposed works sought under MOD 4 against the Due Diligence Code. The assessment found that given the minimal nature of the proposed changes, and no additional Aboriginal items of significance being identified, the proposed works are able to proceed without any further Aboriginal archaeological investigation provided that the impacts and extent of the proposed works are consistent with those as sought under MOD 4.

6.5. FIRE & INCIDENT MANAGEMENT

Affinity Fire Engineering was engaged to prepare a Fire Safety Strategy (**FSS**) (attached at **Appendix F**) to assess the fire safety engineering performance requirements presented in the Deemed-to-Satisfy provisions of the Building Code of Australia (**BCA**) 2019 Amendment 1.

As part of the FSS, Affinity have undertaken an analysis of the likely hazards associated with the use of Lot 204. The below section outlines a review of these potential hazards and summarises the proposed fire safety strategy by Affinity, with particular regard for proposed equipment and processes to mitigate and manage against threat of fire.

The following hazards were identified by Affinity:

- Fire Hazards:
 - Building Layout & Egress – Due to the building's extensive floorplate, extended travel distances to the nearest exit and between alternative exists is a threat in the event of an emergency.
 - The warehouses will be used for general goods storage and distribution and it is not expected that regular hot work processes, use of highly flammable materials, manufacturing processes or operation of high friction or high temperature machinery will be performed within the building.
- Dangerous Goods - Dangerous goods are not expected to be stored on the site in significant quantities. It is however noted that all commercial buildings will contain a degree of flammable materials for

maintenance purposes and where DGs are stored, they shall be stored in accordance with the Regulatory requirements.

- Rooftop Solar Panels - Solar photovoltaic systems contribute to an increased probability of a fire event, primarily due to electrical risks. Additionally, should the solar panels be subjected to a fire event, attending fire brigade can be exposed to hazardous toxins from the combustion of the panel materials.

Overall, the warehouse building on Lot 204 is considered to be compliant and safe with regard to fire and incident management. Lot 204, as approved under SSD-10436, was endorsed by the DPIE on the 4 August 2021, and similarly, the wider SSD-10436 approval which included concurrence from the Rural Fire Service (RFS) and Fire & Rescue NSW (FRNSW) that supports the overall fire and emergency access for Lot 204.

Affinity have developed a proposed fire safety strategy to address any potential hazards. The following strategy is proposed.

Table 14 Proposed Fire Safety Strategy

Mitigation Measure	Detail
Passive Fire Construction	
Fire Resisting Construction	All modification and any new works to the building structure including floors, walls, columns and shafts shall be constructed in accordance with the requirements of BCA Clause C1.1, Specification C1.1 for Type C Construction.
Separation of Equipment	Rooms containing the following equipment must be fire separated from the remainder of the building by construction in accordance with Specification C1.1 or 120/120/120 FRL construction: ▪ Lift monitors and lift control panels ▪ Emergency generators used to sustain emergency equipment operating in emergency mode ▪ Central smoke control plant ▪ Boilers ▪ A battery system installed in the building that have a total voltage of 12 volts or more and storage capacity of 200kWh or more
Finishes & Linings	Where practicable, internal finishes, internal linings and internal materials used throughout the building should be non-combustible to reduce the spread of fire and the generation of toxic smoke products.
External Claddings	All modification and any new works to the external cladding forming the building must comply with the DTS provisions of the BCA as defined by BCA Specification C1.1. Aluminium composite panels (ACP) containing a polyethylene (PE) core should not be used on the façade.
Insulated Sandwich Panels	Where the tenancy fit-out contains temperature-controlled areas with Freezers and Cool Rooms and the like, these enclosures shall be constructed using Insulated Sandwich Panels (ISP) that meet the following requirements to ensure a suitable degree of fire mitigation: ▪ All sandwich panels must be installed in accordance with the "Insulated Panel Council Australasia (IPCA) Code of Practice (CoP) - Version 4.3".

Mitigation Measure	Detail
	▪ The panels must be installed by an accredited installer as recognised by the Code of Practice prepared by IPCA. ▪ Certification must be provided from the accredited installer prior to final occupation certificate being issued for the building. ▪ All future works, modifications or repairs must be completed using ISP with the same core and material type. ▪ Signage and block plans will be required around the site adjacent to each sprinkler and hydrant block plan to alert fire fighters to the following: - Location of all sandwich panels installed. - Type of sandwich panels installed (commercial brand and core material).
Rooftop Solar Panels	Where panels are installed on the warehouse roof, the following must be provided: ▪ Minimum A3 sized block plan shall be provided at the Main FDCIE and Fire Pump Room to alert attending FRNSW personnel on the operational aspect of the plant and the chemical risk, as well as location of isolation switches. ▪ Where solar panels are designed to be automatically isolated on fire trip, signage shall be provided at the Main FDCIE and Fire Pump Room detailing this provision that can clearly be identified by attending fire brigade.
Smoke-Proof Construction	All shared walls and ceilings/roofs between the offices and warehouse parts of the building shall meet the smoke proofing construction requirements of BCA Specification C2.5 – Clause 3.
Egress Provisions	
Alarm & Evacuation Strategy	Activation of any sprinkler head, smoke detector or manual call point shall initiate the building occupant warning alarm tones throughout the building of alarm origin. Given the presence of dangerous goods, any fire alarm signal in the building should initiate throughout all areas of all tenancies immediately. Dedicated fire wardens shall ensure that all clients, visitors, maintenance contractors and staff of Tenancy 1 are promptly evacuated if a fire is identified anywhere in that building.
Egress Provisions	The fire engineering assessment to be undertaken shall address travel distances that have been identified as being non-compliant in the following listed locations of the main warehouse and production areas: ▪ Up to 95m to an exit in lieu of 40m.

Mitigation Measure	Detail
	Up to 185m between alternative exits in lieu of 60m.
Door Hardware, Operation & Mechanisms	All doors serving as required exits shall have hardware, door swings, latch operations and signage in accordance with the prescriptive requirements of BCA Clauses D2.19, D2.20, D2.21 and D2.23.
Signage & Lighting	Exit and emergency lighting is to be provided throughout the building in accordance with the prescriptive DTS provisions of BCA Clause E4.2, E4.4, E4.5, E4.6, E4.8 and AS2293.1:2018.
Active Fire Protection Systems	
Building Alarm & Communication System	All modification and any new works to the building occupant warning system shall be in accordance with the prescriptive requirements of Specification E1.5 and Clause 6 of Specification E2.2a of DTS provisions and AS1670.1:2018. The existing system shall be extended and modified as required to ensure compliant coverage of the system. Activation of the any automatic smoke detector, fire sprinkler head or manual call point shall initiate the Building Occupant Warning System (BOWS) throughout all areas of all tenancies in the building.
Automatic Fire Sprinkler System	All modification and any new works to the fire sprinkler system shall be in accordance with the prescriptive requirements of BCA Specification E1.5 and AS2118.1:2017 Amendment 1. The existing system shall be extended and modified as required to ensure compliant coverage of the system taking into account the storage arrangements, commodities and material processes. The recommendations of the dangerous good consultant must be adopted as detailed in the Riskcon Dangerous Goods Report and Preliminary Hazard Analysis Assessment.
Automatic Smoke Hazard Management Systems	The existing automatic smoke exhaust system shall be modified and extended to cater for the additional fire loads presented by the production equipment and Dangerous Goods in the facility. All modifications and any new works to the system shall be in accordance with the prescriptive requirements of BCA Specification E2.2a and AS1668.1:2015.
Occupant Fire Fighting Facilities	
Fire Hose Reel	The existing fire hose reel system shall be modified and extended to cater for the additional fire loads presented by the production equipment and Dangerous Goods in the facility and the internal fit-out of the tenancy. All modification and any new works to the fire hose reels are to be in accordance with the prescriptive DTS provisions of BCA Clause E1.4 and AS2441:2005.

Mitigation Measure	Detail
Portable Fire Fighting Equipment	Portable fire extinguishers are to be provided throughout the tenancy in accordance with Table E1.6 of the BCA with the type of extinguisher selected in accordance with AS2444:2001, specifically: ▪ General office areas – Dry Powder (ABE type) – 2.5kg ▪ Computer/server rooms – CO2 – 3.5kg ▪ Plant rooms – Dry Powder (ABE) – 2.5kg ▪ Designated exists – Dry Powder (ABE) – 4.5kg ▪ Adjacent each fire hose reel cabinet – Dry Powder (ABE) – 4.5kg
Fire Brigade Intervention	
Fire Brigade Alarm Signalling Equipment	An automatic link shall be provided directly to an approved monitoring centre on activation of any automatic smoke detection system, fire sprinkler system or manual call point installed in the tenancy.
Fire Hydrant System	The existing fire hydrant system shall be modified and extended to cater for the additional fire loads presented by the production equipment and Dangerous Goods in the facility and the internal fit-out of the tenancy. All modification and any new works to the fire hydrant system shall be in accordance with the prescriptive requirements of BCA Clause E1.3 and AS2419.1:2005 Amendment 1.
Vehicular Perimeter Access	The existing emergency vehicular perimeter access pathway shall be maintained clear of obstructions to achieve continuous access around the site and through the tenancy dispatch hardstand. Any new works or modifications to the existing hardstand and adjacent building shall ensure that the vehicular access path is maintained no less than 6m clear width and facilitates the turning arc and sweep for both pumper and aerial appliances.
Building Management Procedures	
Maintenance of Fire Safety Equipment	The fire detection systems, fire sprinkler systems, emergency warning systems, fire hydrants, hose reels, portable fire extinguishers, emergency lighting and any other fire safety equipment shall be tested and maintained in accordance with Australian Standard AS1851 or other relevant testing regulatory.
No Smoking Policy	A no-smoking policy shall be implemented and enforced through all internal areas of the building.
Fire Safety Manual	A fire safety manual shall be developed for the site to provide an overview of all fire safety procedures and systems within the building. The manual should also record false alarms, outcomes from fire drills and provide details of the ongoing maintenance and inspection procedures. The manuals should be reviewed annually and a lessons learned exercise undertaken.

Mitigation Measure	Detail
Dangerous Goods	
Hot Works Policy	A hot works policy should be put in place and rigorously enforced to ensure that all hot works, including grinding and welding, are managed to avoid the accidental ignition of fires.
Emergency Management Plan	An Emergency Management Plan (EMP) must be developed in accordance with AS3745:2010. The EMP must: ▪ Be developed by an emergency planning committee (EPC). ▪ Implement emergency control organisation (ECO) procedures for the building. ▪ Specifically address the types of emergencies that may arise from the industry and/or activities associated with the business operations. ▪ Detail ongoing training, education and execution of the emergency management procedures to be regularly conducted with all building occupants. An evacuation plan should be developed for the site in accordance with AS3745:2010 and standard fire orders should be displayed throughout the building.
Fire Drills & General Fire Safety Training	All fire wardens are to be trained in first-aid, firefighting and emergency response. All staff shall be inducted with a fire safety brief including the actions necessary on the activation of the building emergency warning system and the location of all emergency egress paths and fire exits. In addition, periodic fire drills should be undertaken and any lessons learned included in future fire safety procedures.

6.6. ACOUSTIC IMPACT

SLR have been engaged to undertake an operational noise impact assessment (**Appendix K**) to identify if the splitting of the lot two tenancies will create any additional noise impact to that which was previously assessed and approved under SSD-10436.

The operational noise limits for the HLP are defined in Condition B11 of Development Consent SSD 10436. The operational noise limits for each receiver Noise Catchment Area (**NCA**) are shown below in **Table 15**.

Table 15 Operational Noise Limits

Location	Daytime LA _{eq} (15minute) (dBA)	Evening LA _{eq} (15minute) (dBA)	Night-time LA _{eq} (15minute) (dBA)	Night-time LAF _{max} (dBA)
NCA1	44	43	38	52
NCA2	40	40	38	52
NCA3	44	43	38	52

Source: SLR, 2021

The predicted MOD 4 operational noise levels at the most affected receiver in each catchment are summarised below in **Table 16**. These predictions also include all external sources of noise from the MOD 1 assessment. The indicative 10-m barriers/buildings representing future Stage 3 development are also included in the noise model as shown in **Figure 4**.

Figure 4 HLP Acoustic Masterplan



Source: SLR, 2021

Table 16 MOD 4 Predicted Operational Noise Levels

NCA	Period	LA _{eq} (15minute) Noise Level (dBA)			LAF _{max} Noise Level (dBA)		
		Noise Limit	Predicted	Compliance	Sleep Disturbance Noise Level	Predicted	Compliance
NCA01	Daytime	44	36	Yes	N/A	N/A	N/A
	Evening	43	36	Yes	N/A	N/A	N/A
	Night-time	38	37	Yes	52	48	Yes
NCA02	Daytime	40	38	Yes	N/A	N/A	N/A
	Evening	40	38	Yes	N/A	N/A	N/A
	Night-time	38	38	Yes	52	50	Yes
NCA03	Daytime	44	35	Yes	N/A	N/A	N/A
	Evening	43	35	Yes	N/A	N/A	N/A
	Night-time	38	37	Yes	52	51	Yes

Source: SLR, 2021

The above results indicate that compliance with the Operational Noise Limits is predicted at the most affected receivers in all noise catchments during all periods. Compliance with the sleep disturbance screening criterion is also predicted, therefore, a detailed maximum noise level assessment is not required.

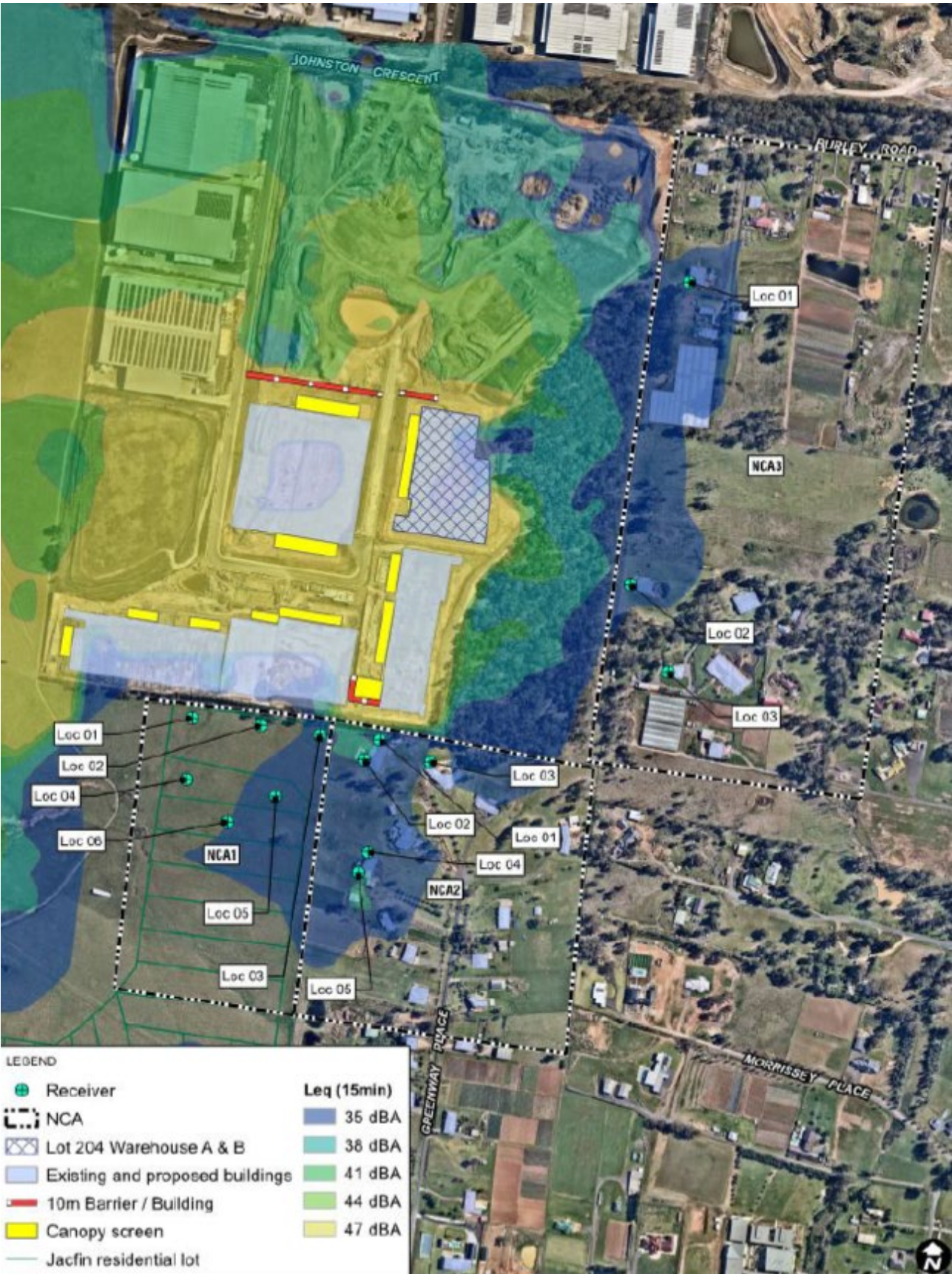
Noise contours are provided for daytime/evening (neutral weather) in **Figure 5** and night-time (noise-enhancing weather) in **Figure 6**.

Figure 5 Predicted Daytime/Evening Noise Levels



Source: SLR, 2021

Figure 6 Predicted Night-time Noise Levels



Source: SLR, 2021

The results in **Table 16** indicate that operational noise levels of Lot 204 Warehouse A & B and the MOD 4 Masterplan design are predicted to comply with the residential noise limits at all identified residential receivers under both neutral and adverse weather conditions during the applicable periods. Compliance with the sleep disturbance screening criterion in each NCA is also predicted, therefore, a detailed maximum noise level assessment is not required.

As such, operational noise emissions from the MOD 4 Masterplan are considered to be compliant should the previously approved mitigation measures under SSD-10436 be utilised.

6.7. LANDSCAPING

The revised landscaping plan submitted as **Appendix C** denotes only minimal changes to accommodate the minor layout revisions as detailed above. The overall landscape strategy remains as an individual design per lot in the HLP.

The revised design remains sympathetic to the appropriate setbacks to the access road and site/lot boundaries. To accommodate the additional entry and exit points for the new tenancy, as well as the reduction in parking spaces, landscaping along the internal access road and car park has been redesigned. Overall, however, the landscaping proposed provides a level of screening and visual softening of the development from the public domain through a mix of trees, shrubs, and ground cover planting. This is consistent with the approach approved under SSD-10436.

6.8. WASTE MANAGEMENT

A specific Waste Management Plan (**WMP**) for Lot 204 has been prepared by ESR and is lodged as **Appendix G** 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.

6.9. BUILDING CODE OF AUSTRALIA

A review of BCA compliance has been undertaken by McKenzie Group. The report is included at **Appendix H**. The assessment concludes that warehouse 204 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.

6.10. MITIGATION MEASURES

Assessment of the proposed modification has found that there are no mitigation measures required in addition to those already proposed as part of the modification in order to moderate impacts from the proposed works.

7. SECTION 4.15 ASSESSMENT

This section assesses the development as proposed to be modified by MOD 4 against the heads of Section 4.15(1) of the EP&A Act.

7.1. ENVIRONMENTAL PLANNING INSTRUMENTS

The proposed modification has been assessed against all relevant environmental planning instruments as detailed within **Section 5**.

7.2. DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

There are no relevant draft environmental planning instruments.

7.3. 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.

7.4. PLANNING AGREEMENT

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

7.5. THE ENVIRONMENTAL PLANNING & ASSESSMENT REGULATION 2000

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

7.6. 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 0**. Overall it is considered that the impacts are minimal and acceptable.

7.7. 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.

7.8. 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.

7.9. 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.

8. CONCLUSION

This section 4.55(1A) application seeks consent for modifications to the approved SSD-10436 for the construction and operation of four warehousing buildings within the Horsley Logistics Park. The proposal continues to support the delivery of the estate and essential infrastructure and services.

These 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. Where relevant, proposed mitigation measures have either been recommended or updated and have been incorporated into the measures identified in the approved SSDA to ensure all potential environmental impacts are appropriately managed throughout the construction and 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 original SEARs for the proposal.

The modifications align 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, the staged development of the HLP as proposed under the approved SSDA and this modification, is considered justified and warrants approval subject to the implementation of the management and mitigation measures described in this report and nominated supporting documents.

DISCLAIMER

This report is dated 3 February 2022 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of ESR AUSTRALIA (**Instructing Party**) for the purpose of Modification Report (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

In preparing this report, Urbis may rely on or refer to documents in a language other than English, which Urbis may arrange to be translated. Urbis is not responsible for the accuracy or completeness of such translations and disclaims any liability for any statement or opinion made in this report being inaccurate or incomplete arising from such translations.

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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

VISUAL IMPACT ADDENDUM REPORT

APPENDIX C

LANDSCAPE PLANS

APPENDIX D

TRANSPORT ASSESSMENT

APPENDIX E

ABORIGINAL ARCHAEOLOGICAL DUE DILLIGENCE ASSESSMENT ADDENDUM LETTER

APPENDIX F

FIRE SAFETY STRATEGY

APPENDIX G

WASTE MANAGEMENT PLAN

APPENDIX H

REGULATORY COMPLIANCE REPORT

APPENDIX I

CIVIL ENGINEERING PACK

APPENDIX J

SIGNAGE MASTERPLAN

