

# Modification of Development Consent

## Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*

As delegate for the Minister for Planning, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions outlined in Schedule 2.

Pamela Morales  
**A/Team Leader**  
**Industry Assessments**

Sydney

X April 2022

File: EF21/14072

### SCHEDULE 1

**Development Consent:** SSD-10436 granted by the then Minister for Planning and Public Spaces on 31 March 2021

**For the following:** The construction, fit-out and operation of ten warehouse and distribution tenancies in four buildings with a total gross floor area (GFA) of 108,962 m<sup>2</sup> including offices, loading docks, hardstand areas, truck and car parking areas, landscaping, associated infrastructure, and signage

#### **Modification 4**

**Modification Application:** SSD-10436-Mod-4

Modification to:

- Amend Lot 204 warehouse including reconfiguration of warehouse into two tenancies, lowering of building pad, additional access, changes to landscaping and signage

**Applicant:** ESR Developments (Australia) Pty Ltd

**Consent Authority:** Minister for Planning

**Land:** Lot 204 DP 1265921

Horsley Park NSW 2175

## SCHEDULE 2

This consent is modified as follows:

### In Definitions

1. In the definition for 'Development', replace the word 'eight' with the word 'ten' and the number '109,048' with the number '108,962'.
2. Insert a new modification application c) into the definition of 'Modification Applications' after b) as follows:
  - c) The Section 4.55(1A) modification application SSD-10436-MOD-4 prepared by Urbis, dated 6 April 2022 (Ref: P0020568)

### In Schedule 2, Part A: Administrative Conditions

3. In Condition A6, replace Table 1 with the following:

**Table 1** Maximum GFA for Development

Land Use	Maximum GFA square metres (m <sup>2</sup> )
<b>Warehousing</b>	
Lot 201 Tenancy 1	19,731
Lot 201 Tenancy 2A	5,000
Lot 201 Tenancy 2B	13,403
Lot 206A	15,880
Lot 206B	15,880
Lot 204A	13,541
Lot 204B	5,062
Lot 202A	8,918
Lot 202B	2,670
Lot 202C	2,943
<b>Total</b>	<b>103,028</b>
<b>Office</b>	
Lot 201 Tenancy 1	536
Lot 201 Tenancy 2	578
Lot 201 Tenancy 3	415
Lot 206A	800
Lot 206B	800
Lot 204A	700
Lot 204B	450
Lot 202A	582
Lot 202B	400
Lot 202C	613
<b>Total</b>	<b>5,874</b>
<b>Retail</b>	
Café	60
<b>Total</b>	<b>60</b>
<b>Total GFA</b>	<b>108,962</b>

4. In Condition A7, replace Table 2 with the following:

**Table 2** *Development Controls*

Maximum Building Height	Development Control
Lot 201	15 m (ridge height RL 101.70 m) 11 rooftop cooling units and associated acoustic screens (RL 106m top of screen)
Lot 202	13.7 m
Lot 204	15 m
Lot 206	15 m

**In Schedule 2, Part B: Specific Environmental Conditions**

5. In Condition B6, delete the phrase 'and Modification 2 report' and replace with the phrase 'Modification 2 report and Modification 4 report'.
6. In conditions B16 and B18, replace all instances of the phrase 'Lot 204' with the phrase 'Lot 202'.
7. Immediately after Condition B27B, insert new Condition B27C as follows:

B27C. Prior to the commencement of operation of the first tenancy within Lot 204 of the development, the Applicant must prepare an Operational Traffic Management Plan (OTMP) for Lot 204. The OTMP must form part of the OEMP required by condition C6 and must:

- (a) be prepared by a suitably qualified and experienced expert, in consultation with Fairfield City Council and to the satisfaction of the Planning Secretary;
- (b) detail the numbers and frequency of truck movements, sizes of trucks and vehicle routes;
- (c) include measures to maintain road safety;
- (d) include details of a traffic management system to avoid conflicts between vehicles entering, exiting, and manoeuvring within Lot 204, including but not limited to traffic signals, detector loops and push buttons, regulatory traffic signs and line marking;
- (e) include details of ongoing review and maintenance measures for the traffic management system;
- (f) include contingency traffic management measures to be implemented in the event of traffic management system failure;
- (g) include a program to monitor the effectiveness of the traffic management system; and
- (h) include a Driver's Code of Conduct that includes procedures to ensure drivers implement safe driving practices.

8. Immediately after Condition B27C, insert new Condition B27D as follows:

B27D. The Applicant must:

- (a) not commence operation of Lot 204 until the OTMP required by Condition B27C is approved by the Planning Secretary; and
- (b) implement the most recent version of the OTMP approved by the Planning Secretary for the duration of operation of Lot 204.

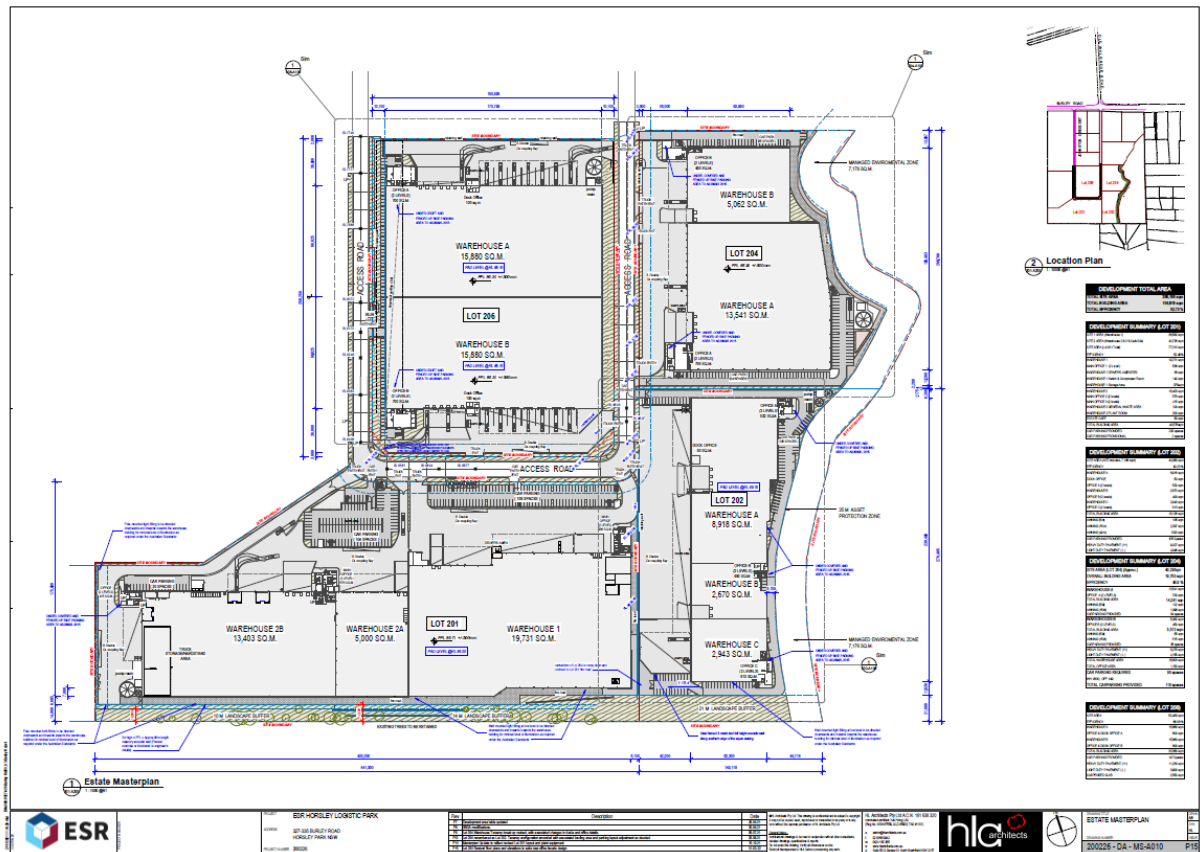
9. In Condition B40, replace the phrase '203 and 204' with the phrase '204 and 202'.

**In Schedule 2, Part C: Environmental Management, Reporting and Auditing**

10. In Condition C6(c)(iii), replace the phrase 'condition B27A' with the phrase 'conditions B27A and B27C'.

**In Appendix 1 Development Layout Plans**

11. Replace Figure 1 with the following:



**Figure 1: Site Plan**

12. Replace the caption for Figure 3 with 'Figure 3: Lot 206 Plan'.

13. Replace Figure 4 with the following:

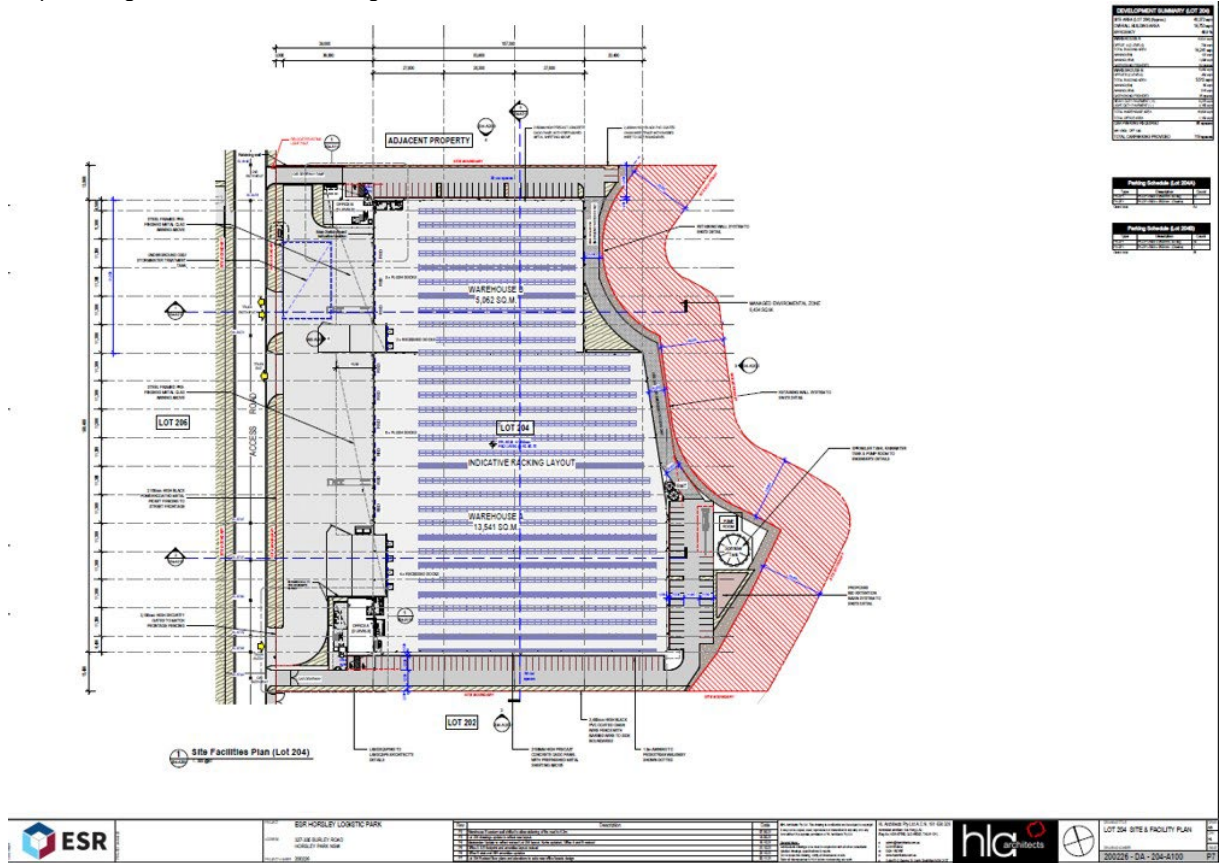


Figure 4: Lot 204 Plan

14. Replace the caption for Figure 5 with 'Figure 5: Lot 202 Plan'.