



AMENDED REQUEST FOR SECRETARY'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS

HORSLEY LOGISTICS PARK
6 JOHNSTON CRESCENT, HORSLEY PARK

MAY 2020
P0020568
PREPARED FOR ESR



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1. INTRODUCTION

1.1. PURPOSE

In accordance with Part 4 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*, this report forms an amended request for Secretary's Environmental Assessment Requirements (**SEARs**) to inform the assessment of the proposed development located at 6 Johnston Crescent, Horsley Park. The SEARs will inform the assessment requirements for the proposed development of a new industrial warehouse and distribution precinct at the subject site, referred to as 'Horsley Logistics Park', an approximate 20.76 hectare (ha) landholding that forms part of the Western Sydney Employment Area (**WSEA**). The site location is shown at **Figure 1**.

The purpose of this report is to provide information to support the request to the Secretary to assist in identifying the SEARs for the preparation of an Environmental Impact Statement (EIS) for the proposed development.

This request for SEARs report should be read in conjunction with the Architectural Concept Masterplan prepared by ESR at **Appendix A**, QS Report prepared by CIP Constructions at **Appendix B**, and a collection of the applicable DA consents over the site at **Appendix C**.

Figure 1 Site Context



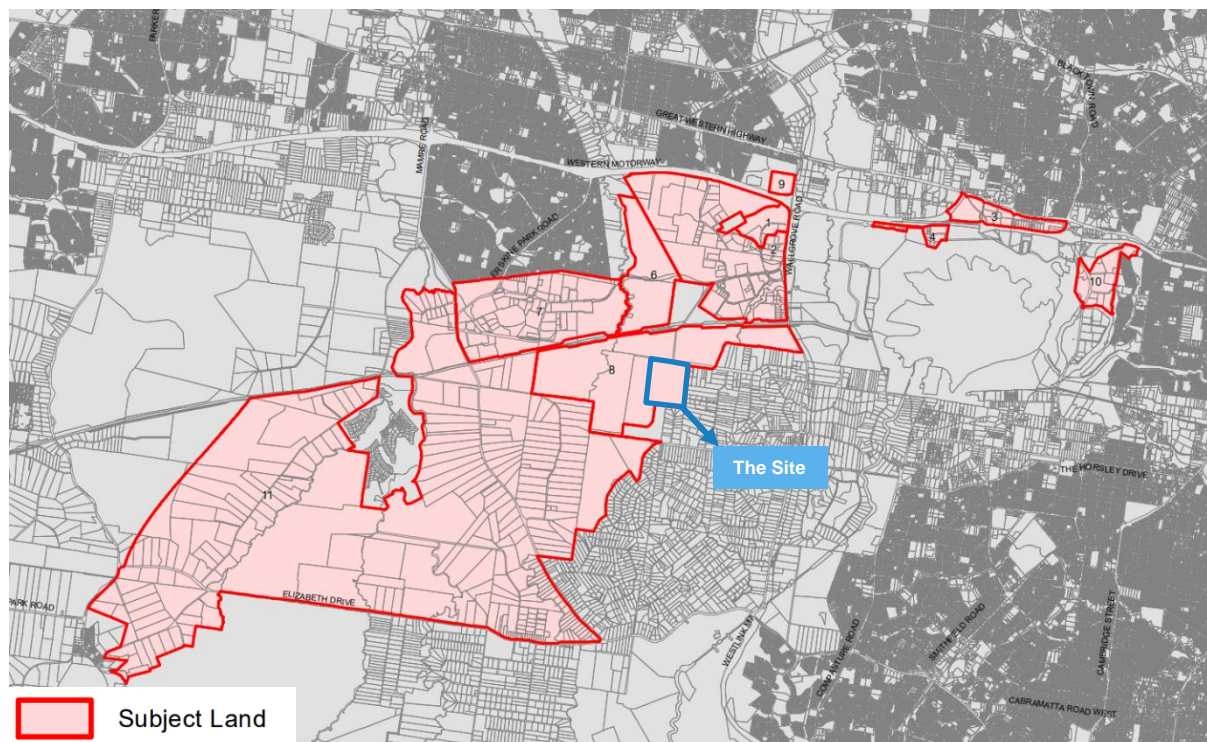
Source: Sixmaps

1.2. BACKGROUND

ESR has exchanged contracts with CSR for the 20.8 ha area of land located within the strategically significant Western Sydney Employment Area (**WSEA**). However, settlement of this is conditional upon the completion and delivery of approved subdivision and remediation works. It is estimated that these works will be completed in December 2020.

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 over the next 20 to 30 years. The *State Environmental Planning Policy (Western Sydney Employment Area) 2009* (WSEA SEPP) establishes the WSEA and identifies eleven precincts within its boundary, as shown in **Figure 2**. The site is located within Precinct 8 – South of Sydney Catchment Authority Warragamba Pipeline.

Figure 2 WSEA Land Application Map



Source: NSW DPIE

The site has previously been subject to a number of development applications, and the extent of approvals over the site are detailed below in **Table 1** and in **Appendix C**. These applications have been undertaken by the existing landowner CSR.

Table 1 DA History over the Site

DA Number	Date of Approval	Consenting Authority	Description of Development
893.1/2013	19/12/2013	NSW Land & Environment Court	Torrens Title subdivision to create 14 lots and 1 residue lot in 3 stages.
893.2/2013	Withdrawn	Fairfield City Council	Reconfiguration of approved lots.
893.3/2013	Withdrawn	Fairfield City Council	Torrens title subdivision.
893.4/2013	18/06/2018	Fairfield City Council	Minor amendments to features of the subdivision in each of the 3 stages.
893.5/2013	Under assessment	Fairfield City Council	Modification application proposing to further stage approved Stage 2.
893.6/2013	13/11/2019	Fairfield City Council	Modification application proposing to further stage approved Stage 2.
893.7/2013	Under Assessment	Fairfield City Council	Modification application proposing to split stage 2 into two separate stages.

DA Number	Date of Approval	Consenting Authority	Description of Development
65.1/2016	04/02/2016	Fairfield City Council	Construction of a landscape bund water supply pond to facilitate an existing Brick Factory in Lot 2 DP 1228114 to the north of the proposed site.
86.1/2016	15/02/2016	Fairfield City Council	Subdivision to create two (2) Torrens Title lots.
292.1/2016	04/08/2016	Delegated Authority	Construction of roadworks, stormwater drainage, associated construction works and sediment control along an 160m portion of Old Wallgrove Road.
437.1/2016	27/10/2016	Delegated Authority	Earthworks – biofiltration trench and drainage swale. <ul style="list-style-type: none"> Including an approval of a Remediation Action Plan (RAP) in accordance with SEPP 55.
21.1/2020	Under Assessment	Fairfield City Council	Earthworks and Remediation of Contamination

This proposal seeks to develop the first stage of the Horsley Logistics Park, occupying approved lots 201, 202, 204 & 206 in Stages 2A, 2B & 2C of DA 893.6/2013 approved by Fairfield City Council in November 2019.

1.3. STATUTORY CONTEXT

Schedule 1, Group 12 of the *State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)* identifies development for the purpose of ‘warehouse or distribution centres’ to be State Significant Development (SSD) if it:

‘has a capital investment value of more than \$50 million for the purpose of warehouses or distribution centres (including container storage facilities) at one location and related to the same operation’.

The works comprising the SSDA for the Horsley Logistics Park (including infrastructure and building works) will have a value of approximately \$110,020,640 million as detailed in the QS Report (**Appendix B**). The CIV of one of the individual warehouses exceeds \$50 million. The project is therefore appropriately characterised as SSD and approval is sought via an SSD DA to the NSW Department of Planning, Industry & Environment (**DPIE**). The Minister for Planning and Public Spaces is the consent authority.

This report represents a formal request for SEARs in respect of the proposed development of the Horsley Logistics Park. The report includes a description of the proposal and an overview of the statutory framework against which it will be considered. It also includes an account of key issues in relation to the project and the scope of studies proposed to be undertaken to inform the Environmental Impact Statement (**EIS**). This report aims to provide sufficient information about the proposal to allow the Planning Secretary to issue SEARs for the EIS which will be used to inform the assessment and determination of the proposal in accordance with Division 4.1 of the EP&A Act and Schedule 2 of the *NSW Environmental Planning and Assessment Regulation 2000 (EP&A Reg)*.

The subject site lies within the WSEA and is subject to the provisions of *State Environmental Planning Policy (WSEA) 2009 (WSEA SEPP)*. Clause 18 of the WSEA SEPP requires that a Development Control Plan (**DCP**) be in place before consent can be granted for development within the WSEA. In this respect it is noted that a site-specific DCP (referred to as Development Control Plan: 327 – 335 Burley Road, Horsley Park March 2016) applies to the subject site. The requirement for a DCP is therefore satisfied, however it is noted that Clause 11 of the SRD SEPP states that DCPs do not apply to SSD. The provisions of the DCP:

327 – 335 Burley Road, Horsley Park March 2016 are therefore not relevant to the assessment of the Horsley Logistics Park SSDA.

1.4. OVERVIEW OF THE PROPOSED DEVELOPMENT

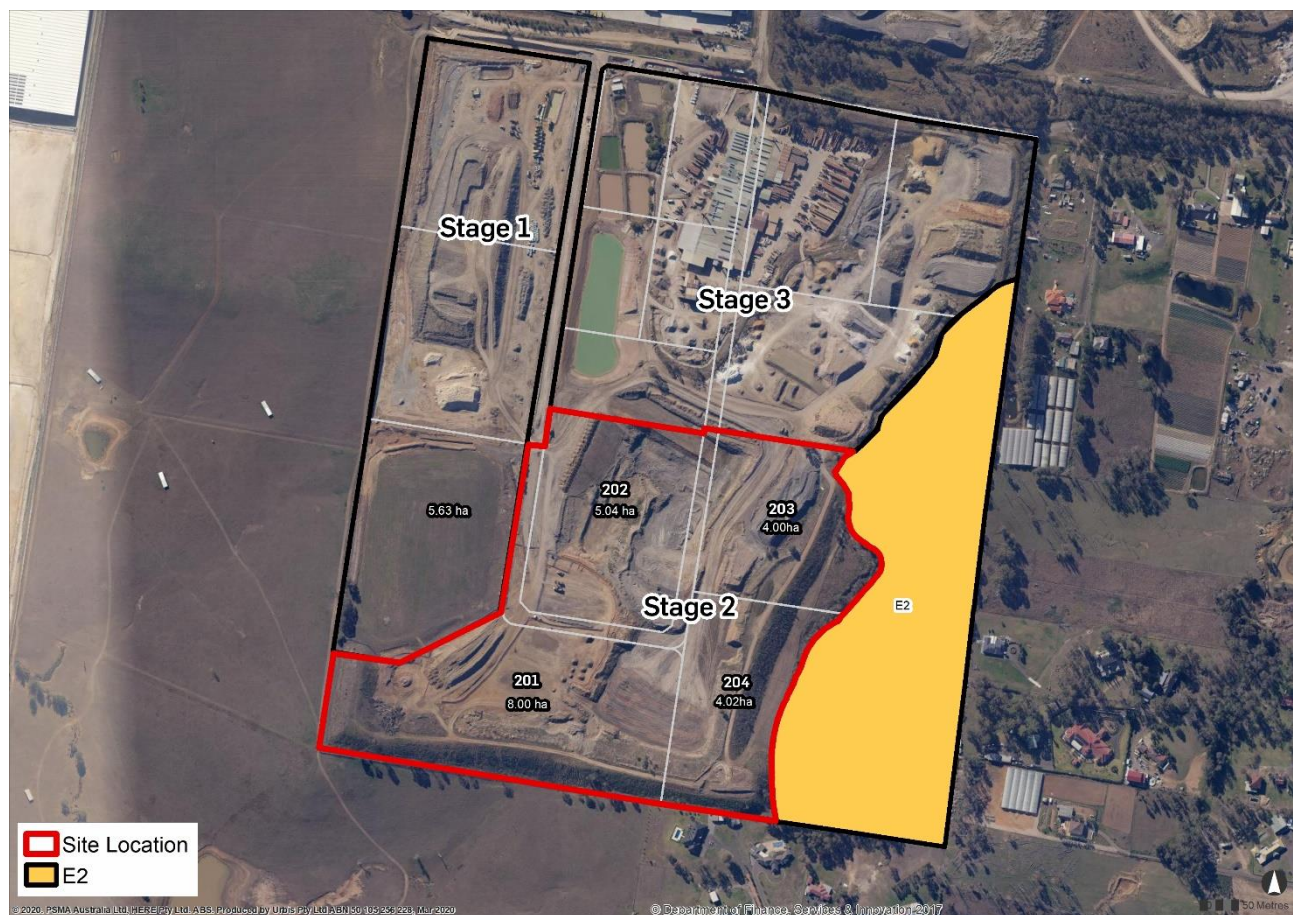
1.4.1. The Proponent

ESR Australia is a leading developer and manager of industrial and business park real estate. ESR entered the Australian market in 2018, by merging with CIP and PropertyLink, long standing Australian industrial developers and property fund managers respectively. ESR Australia has market leading capabilities in development, investment and asset management. In addition to its Australian headquarters, ESR has extensive geographical reach with headquarters established internationally in Hong Kong, China, Japan, South Korea, Singapore and India.

1.4.2. The Site

The subject site, referred to as the Horsley Logistics Park, is located within the existing CSR quarry at 6 Johnston Crescent, Horsley Park. The site comprises 20.76 ha of land south of the Sydney Water Pipeline, at the western extent of the WSEA. It is located within the Fairfield local government area (LGA) and is approximately 15km from the Penrith Central Business District (CBD), 17km from the Parramatta CBD, and 35km from Sydney CBD.

Figure 3 Aerial View and Staging Plan



Source: Urbis

The site is immediately bordered to the north by the remainder of the original CSR quarry site which was excised from the site and subdivided into future Stage 3 as part of DA 893.1/2013. Beyond the quarry site the surrounding land uses include:

- The Oakdale Central Business Hub (SSD 6078) to the north;
- Land zoned RU4 – Primary Production land that includes a number of rural residential lots to the east;

- Land zoned RU4 – Primary Production land and the residential subdivision Greenway Place to the south; and
- Horsley Park Warehousing Hub (MP 10_0129 & MP 10_0130) to the west.

The Horsley Logistics Park comprises a single allotment – Lot 103 DP 1214912 and is irregular in shape with a south-eastern boundary that follows the alignment of the E2 – Environmental Conservation corridor adjacent to the site. The site is zoned IN1 – General Industrial under the WSEA SEPP. The site is currently identified as a singular allotment, however concept approval for the subdivision of the lot to reflect the proposed masterplan was approved in DA 893.1/2013. That lot boundary reflects the subject site in Figure 3.

1.4.3. The Proposal

The proposed SSD DA for the Horsley Logistics Park seeks the detailed approval for the development of a new industrial estate comprised of four lots (Lots 201, 202, 203 and 204) and construction and fit-out of six warehouses including: On-lot stormwater, infrastructure and services;

- Construction and fit out of buildings;
- Construction of hardstand, loading and car parking;
- Landscaping, retaining walls and signage; and
- 24 hour and 7 days a week use of buildings for warehousing and distribution uses.

1.4.4. Project Objectives

The proposed Horsley Logistics Park development aims to integrate with the broader ongoing industrial warehousing precincts surrounding the site including the neighbouring Oakdale Estate and approved Horsley Park Warehousing Hub. The proposal will contribute to the objectives of the WSEA by creating 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.

Noting the above, the proposed objectives of the Horsley Logistics Park include to:

- Secure developable areas and high-level development controls to provide certainty and minimise risk in the future development of the site;
- Resolve uncertainties in the location and alignment of key road infrastructure to allow for timelier delivery;
- Allow for the detailed development of the site in line with infrastructure delivery and market demand;
- Facilitate earthworks and infrastructure/services development on the land concurrently with the delivery of regional road infrastructure; and
- Secure approval for the development of the entire estate to allow for a timely response to enquiry as infrastructure issues are resolved.

2. PROJECT JUSTIFICATION

2.1. STRATEGIC CONTEXT

The proposed Horsley Logistics Park forms part of a strategically significant employment precinct that is identified and endorsed in metropolitan and local planning strategies, the WSEA.

Since the delivery of the M7 Motorway, the WSEA has developed rapidly into a freight and logistics hub that rivals many other industrial locations in Greater Sydney. The greenfield location offers opportunities for modern, custom designed facilities and its proximity to Sydney's Motorway Network provides convenient access to Port Botany, Sydney Airport and the future Western Sydney Airport without exposure to the congestion and vehicle restrictions present in many of the more established, inner ring industrial areas. Shifting land economics in these inner ring areas has also contributed to the growing dominance of the WSEA in the Sydney industrial market, due to its ability to offer a supply of large, flat sites at a competitive market rate.

The Metropolitan Plan for Sydney (*A Plan for Growing Sydney*) identifies and recognises the strategic significance of the WSEA and surrounding lands to the productivity of the wider Sydney Metropolitan Area and strongly promotes the continued growth of this area into a major economic and employment hub. The proposed development of the Horsley Logistics Park responds to and aligns with this strategic context and presents a design solution that respects the important role of the WSEA to the broader economy of the Sydney Metropolitan Area.

In addition to the above, the proposed development aligns with the NSW Government's Premier's Priorities which include 12 key areas including economic growth, provision of infrastructure, protection of vulnerable communities, improving education and environmental protection. The proposed development would align with these priorities particularly the creation of a number of jobs in both construction and operation of the proposal over a number of years.

2.2. NEED FOR THE PROPOSAL

Since the introduction of the WSEA SEPP in 2009 the land to which the SEPP applies has been recognised as the sole focus for Sydney's long-term strategic focus for the implementation of industrial land. Sydney's underlying topography combined with demographic and economic trends mean that this part of Sydney offers the only remaining supply of greenfield land for employment uses therefore its timely and efficient development for an appropriate mix of uses is paramount to Sydney's economy.

In 2013 Urbis undertook an Economic Issues and Driver Study on behalf of the then NSW Department of Planning and Infrastructure. The study noted that Sydney has a significant supply of 'strategy identified' employment land (24-91 years dependent upon take-up rates) and of 'zoned, unserved' employment land (13-47 years). However, it was noted that Sydney has only three to five years supply of 'zoned and serviced' employment land. Further, data indicates that in relation to the types of employment land available, the supply of large industrial sites is most limited.

The servicing and development of land in the WSEA is therefore critical in ensuring a reliable pipeline of employment land to meet expected demand over the next decade. The proposed development of the Horsley Logistics Park would contribute to the supply of serviced industrial land required to meet projected market demand. This supply is critical to ensuring that the Sydney industrial market does not suffer supply constraints that would inhibit the planned growth of the WSEA and broader Western Sydney region over the next two decades.

The proposed development of the Horsley Logistics Park could generate the following:

- Outcomes that support the strategic role and objectives of the WSEA and Broader WSEA;
- Support for the delivery of critical infrastructure and services to the WSEA for the benefit of the broader area;
- Significant private sector investment in the area with direct and indirect benefits for productivity and the local economy; and
- Additional employment opportunities for the Western Sydney Region.

3. DESCRIPTION OF THE PROPOSAL

3.1. OVERVIEW

The SSDA seeks consent for the following:

- Detailed Development approval of the entire estate including:
 - The on-lot development and use of four proposed Lots 201, 202, 203 and 204.
 - Construction, fit-out and use of six warehouse and distribution buildings across the four lots as detailed in Table 2 below. This will result in a total building area of 11,492 sqm across the site.

Table 2 Proposed Development Summary

Development Summary	Numerics
Lot 201	
Warehouse	43,488 sqm
Office (and dock office)	1,095 sqm
Guard house	22 sqm
Car parking spaces	240
Heavy duty pavement	17,849 sqm
Light duty pavement	7,083 sqm
Lot 202	
Warehouses x 2 (A and B)	A – 15,880 sqm B – 15,880 sqm
Office (and dock office)	A – 800 sqm B – 800 sqm
Car parking spaces	153
Heavy duty pavement	11,290 sqm
Light duty pavement	4,023 sqm
Lot 203	
Warehouse	18,730 sqm
Office (and dock office)	800 sqm
Car parking spaces	138
Heavy duty pavement	6,209 sqm
Light duty pavement	4,142 sqm

Development Summary	Numerics
Lot 204	
Warehouse x 2 (A and B)	A – 7,863 sqm B – 8,834 sqm
Office	A – 400 sqm B – 400 sqm
Car parking spaces	153
Heavy duty pavement	6,678 sqm
Light duty pavement	5,145 sqm

- Proposed building ridge height of 15 m
- Civil, infrastructure and trunk services for each lot; and
- Associated landscaping works for the entire estate.

For clarity, this application does not include bulk earthworks, only minor pad levelling, built form and the associated on-lot infrastructure and landscaping.

The proposed operating hours for the HLP upon the completion of construction is proposed to be 24 hours a day seven days a week, consistent with a number of the surrounding warehouse and logistics precincts within the WSEA.

Table 3 breaks down the various elements of the proposal. Refer to **Appendix A** for the Amended Concept Masterplan.

Table 3 Definition of Proposal

Element	Description	
Detailed Development	The construction of all warehousing buildings on the four proposed lots including construction of site access, hardstand, loading and parking ad on lot drainage infrastructure. This would also include landscaping, signage and public domain works as well as the fit out and use of each building for warehouse and distribution uses.	Proposed works to commence upon receiving consent for the SSDA and endorsement of a CEMP by the DPIE.
Landscaping Works	Landscaping works would be undertaken as proposed as part of the application in accordance with the relevant statutory instrument.	Proposed works to commence upon receiving consent for the SSDA and endorsement of a CEMP by the DPIE and landscaping plan of management.

4. STATUTORY FRAMEWORK

The Horsley Logistics Park proposal is classified as SSD pursuant to Section 4.36 of the EP&A Act. The Minister for Planning and Public Spaces is the consent authority.

4.1. COMMONWEALTH LEGISLATION

4.1.1. Commonwealth Environment Protection and Biodiversity Act 1999

The *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) is the key Federal legislation that addresses environmental impact through seeking to protect matters of national environmental significance (NES). Matters of NES include:

- World heritage properties;
- National heritage places;
- Wetlands of international importance;
- Commonwealth-listed threatened species and ecological communities;
- Commonwealth-listed migratory species;
- Commonwealth marine areas;
- The Great Barrier Reef Marine Park;
- Nuclear actions; and
- Other matters, including:
 - the environment, where the action will be undertaken on Commonwealth land or will significantly affect Commonwealth land; and
 - significant impact on the environment, where the Commonwealth is proposing to take the action.

Under the EPBC Act, referral to the Commonwealth Minister for the Environment is required for proposed 'actions' (including projects, developments and activities), which have the potential to have a significant impact on a matter of national environmental significance.

A review of the proposed works has been undertaken and whilst it is noted no actions of national environmental significance are proposed to be undertaken and thereby no referral required, consideration will be given to the EPBC Act throughout the EIS process.

4.2. STATE LEGISLATION

State legislation applicable to the proposal are identified below in **Table 4**.

Table 4 Relevant State Legislation

Legislation	Relevant Requirements	Application to Horsley Logistics Park
NSW Environmental Planning and Assessment Act 1979	The EP&A Act establishes the framework for the assessment and approval of development and activities in NSW. The Act also facilitates the making of Environmental Planning Instruments which guide the way in which development should occur across the State.	The proposed Horsley Logistics Park development has a single warehouse component exceeding \$50 million CIV and therefore the overall project meets the threshold for SSD. An SSD application must therefore be made to the Minister for Planning and Public Spaces, accompanied by an EIS. Refer to Appendix B for the QS Report.

Legislation	Relevant Requirements	Application to Horsley Logistics Park
	Division 2A of the Act sets out provisions for staged development applications and Division 4.1 establishes the requirements for State significant development.	The proposed development would be constructed in a single stage, therefore the SSD DA submitted is seeking detailed approval for the entire site.
Biodiversity Conservation Act 2016 (Biodiversity Act)	The aim of the Biodiversity Act is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development.	The site does not include any development on the E2 zoned land and comprises wholly cleared land. A BDAR Waiver Request will be included with the application to address this requirement and demonstrating that no biodiversity exists on the site.
NSW Native Vegetation Act 1997 (NV Act)	The NV Act applies to State protected land and native vegetation that is identified by the Minister for Planning.	Pursuant to section 4.41 of the EP&A Act, SSD is exempt from the need for an authorisation under section 12 of the <i>Native Vegetation Act 2003</i> to clear native vegetation.
NSW National Parks and Wildlife Act 1974 (NPW Act)	The NPW Act aims to prevent the unnecessary or unwarranted destruction of relics and the active protection and conservation of relics of high cultural significance. The provisions of the Act apply to both indigenous and non-indigenous relics.	<p>Pursuant to Section 4.41 of the EP&A Act, SSD is exempt from the need for a section 90 permit for the removal of items of Aboriginal heritage.</p> <p>Prior development consent (DA893.1/2013) has been issued for bulk earthworks which will be completed prior to the commencement of any works proposed in this application. In addition, no bulk earthworks are proposed under this application that will trigger the need for an archaeological assessment.</p> <p>The project is anticipated to have no potential to impact upon any identified archaeological item or relic protected under the NPW Act, as the site is located within the former CSR Quarry, and has undergone a range of cut, fill, remediation and earthworks activities.</p> <p>The operation of the quarry has resulted in the clearance of all vegetation, removal or any original soil and overall disturbance of the landscape.</p>
NSW Heritage Act 1977 (Heritage Act)	The Heritage Act protects heritage items, sites and relics in NSW older than	Pursuant to section 4.41 of the EP&A Act, SSD is exempt from the application of Division 8 of Part 6 of the Heritage Act.

Legislation	Relevant Requirements	Application to Horsley Logistics Park
	<p>50 years regardless of cultural heritage significance.</p> <p>Approval from the NSW Heritage Council is required for any direct impacts on a state listed heritage item. Approval from the Heritage Council under section 139 of the Heritage Act provides for the application for a permit.</p>	<p>The project is anticipated to have no potential to impact upon any identified heritage item or relic protected under the Heritage Act, as the site is located within the former CSR Quarry, and has undergone a range of cut, fill, remediation and earthworks activities.</p> <p>The operation of the quarry has resulted in the clearance of all vegetation, removal or any original soil and overall disturbance of the landscape.</p>
NSW Roads Act 1973 (Roads Act)	Section 138 of the Roads Act requires the consent of NSW Roads and Maritime Services (RMS) for work in, on, under or over a public road.	<p>Any works proposed to a public road as part of the proposed development would require the consent of the RMS. Consultation would be undertaken with the RMS during the preparation of the EIS to ensure adequate consideration of potential issues affecting public roads within or surrounding the site.</p>
NSW Water Management Act 2000	Under the Act, a licence would be required if water was to be extracted from a creek or if any waterways were to be realigned during construction.	<p>Under section 4.41 of the EP&A Act approvals under s89, 90 or 91 of the Water Management Act 2000 are not required.</p> <p>A Notice of Exhibition with concurrence from Water NSW will inform the assessment requirements.</p>
NSW Rural Fires Act 1997 (Rural Fires Act)	<p>The Rural Fires Act requires consideration of potential bush fire impacts on development at the planning assessment stage in order to protect people and property from the effects of bush fire.</p> <p>Section 100B requires a bush fire authority to be issued prior to undertaking certain types of development on bushfire prone land.</p>	<p>Pursuant to section 4.41 of the EP&A Act, SSD is exempt from the need for a bushfire safety authority under Section 100B of the Rural Fires Act.</p> <p>A Notice of Exhibition with concurrence from the RFS will inform the assessment requirements.</p>
NSW Protection of the Environment Operations Act 1997 (POEO Act)	<p>The POEO Act enforces licences and approvals formerly required under separate Acts relating to air, water and noise pollution, and waste management with a single integrated licence.</p> <p>Under Section 48 of the POEO Act, premise-based scheduled activities (as defined in Schedule 1 of the Act) require</p>	<p>Assessments carried as part of the EIS for the proposal would determine the need for an EPL.</p> <p>The general provisions of the POEO Act in relation to the control of pollution of the environment will apply throughout the development.</p>

Legislation	Relevant Requirements	Application to Horsley Logistics Park
	an Environment Protection Licence (EPL).	During the construction phase of the project, appropriate management measures would be required in relation to the control of noise, dust, erosion and sedimentation, and stormwater discharge to ensure that the pollution control provisions of the POEO Act are satisfied.

4.3. STATE ENVIRONMENTAL PLANNING POLICIES

Table 5 identifies applicable provisions of current State Environmental Planning Policies.

Table 5 Relevant SEPPs

SEPP	Relevant Provisions
SEPP No 55 – Remediation of Land	<p>SEPP 55 introduces state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed.</p> <p>DA 437.1/2016 lodged with Fairfield City Council in July 2017 sought approval for bulk earthworks and the installation of a biofiltration trench and drainage swale, adjacent to proposed Lots 201 & 202. The proposal was also inclusive of a Remediation Action Plan (RAP) to set remediation goals and document the management procedures and environmental safeguards to be implemented on the former landfill site.</p> <p>In addition, DA21.1/2020 currently under assessment with Fairfield City Council seeks remediation of land in Stages 2 and 3 of the CSR quarry, which includes the site. This means that the site will be fully remediated prior to handover to ESR, and therefore addressing the SEPP 55 requirements.</p> <p>The contamination containment cells proposed in the RAP to DA21.1/2020 are located outside the boundary of the subject site. Any future development of the subject site will need to address its relationship with those off-site containment cells.</p> <p>This information will be noted in the EIS.</p>
SEPP (Infrastructure) 2007	<p><i>State Environmental Planning Policy (Infrastructure) 2007</i> (Infrastructure SEPP) aims to facilitate the effective delivery of infrastructure across NSW and allows for a range of developments to be permitted with and without consent.</p> <p>The SEPP also includes provision for traffic generating development and requires referral and concurrence of Transport for NSW 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 Transport for NSW for concurrence. The schedule includes development for the purposes of warehouse or distribution centres</p>

SEPP	Relevant Provisions
	<p>with 8,000 m² or more of GFA. The proposed development will be considered a traffic generating development due to its overall scale and concurrence from Transport for NSW will be required as part of the proposal.</p>
SEPP (State and Regional Development) 2011	<p>Schedule 1 of the State and Regional Development SEPP sets out development that is considered state significant development based on its size, location and value.</p> <p>The project includes an individual building which exceed the \$50 million CIV threshold for SSD for the purpose of 'warehouse or distribution centres'.</p>
SEPP (Vegetation in Non-Rural Areas) 2018	<p>The Vegetation SEPP seeks to protect the biodiversity values of trees and other vegetation in non-rural areas of the State and preserve the amenity of non-rural areas through the preservation of trees and other vegetation.</p> <p>The site has an established history as use as a quarry of and has been cleared of vegetation.</p> <p>Further biodiversity studies will be undertaken to confirm the conservation values of any on site species; however, it is anticipated that future development can be planned and designed to minimise adverse impact on any potential communities.</p> <p>Development of the site can implement conservation and management mitigation of any communities as necessary.</p>
State Environmental Planning Policy 33 – Hazardous and Offensive Development (SEPP 33)	<p>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.</p> <p>Any application to carry out potentially hazardous development must be supported by a preliminary hazard analysis (PHA).</p> <p>The proposal is for a master planned warehousing and distribution complex which is intended to have a freight and logistics focus.</p> <p>It is not anticipated that the future operation of the proposed warehouse building will include the storage of any dangerous goods. Therefore, a SEPP 33 assessment is not required.</p>
SEPP (Western Sydney Employment Area) 2009	<p>The WSEA SEPP applies to lands within the Western Sydney Employment Area and provides planning and development controls to guide the efficient release and development of land within eight key precincts.</p> <p>The SEPP zones the land and establishes key development controls and design principles as well as setting the framework for regional infrastructure contributions.</p> <p>Part 4 of the SEPP requires the preparation of a development control plan for any land within the WSEA prior to development consent being granted.</p>

SEPP	Relevant Provisions
	<p>The proposed site is zoned IN1 – General Industry pursuant to the WSEA SEPP. Development for the purposes of warehouses and distribution centres is permissible with consent in this zone.</p> <p>The development controls and principles contained in the WSEA SEPP would be a key consideration in the design of the proposed development and would be considered in detail in the EIS prepared for the proposal. In particular, the requirements of Clause 23 of the SEPP would be considered in the design of the master plan.</p> <p>In relation to the requirement of Part 4 of the SEPP for a DCP to be prepared for all sites in the WSEA, a site-specific DCP (referred to as Development Control Plan: 327 – 335 Burley Road, Horsley Park March 2016) currently applies to the subject site.</p> <p>The requirement for a DCP to be in place prior to the grant of consent for development is therefore satisfied in respect of the land. However, it is noted that Clause 11 of the SRD SEPP makes SSD exempt from the application of DCPs, therefore the controls of the site specific DCP are not strictly relevant to the assessment of the proposal.</p>

4.4. LOCAL PLANNING FRAMEWORK

There are no local environmental planning instruments applicable to the proposed site. Pursuant to Clause 11 of the SRD SEPP, DCPs do not apply to SSD and do not therefore require consideration in the assessment of the Horsley Logistics Park proposal.

4.5. DEVELOPMENT CONTRIBUTIONS

There is no local Section 94 Contributions plan applying to the site. The subject site lies within the 'Industrial Release Area' as defined under the WSEA SEPP and as such, Clause 29 of the WSEA SEPP applies which states that:

'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.'

A Voluntary Planning Agreement (VPA) is currently the sole responsibility of CSR and will be paid by CSR prior to the subdivision works being approved. ESR has contracted the land and settlement is contractual on all subdivision and remediation works being completed by CSR. ESR will take ownership of the lots upon the completion of these works with settlement estimated to be December 2020.

5. KEY ISSUES

5.1. INTER-RELATIONSHIP WITH HISTORICAL DEVELOPMENT CONSENTS

Section 1.2 of this report notes a number of development consents that have been issued in respect to the subject land. These consents have approved a range of works on the site including (in various forms)

- Remediation,
- Earthworks including fill,
- Construction of gabion walls and earth bunds with associated landscaping, and
- Subdivision.

These consents set the background and enabling works for the future development and use of the subject site for warehouse & distribution purposes, which will be the subject of the SSD DA. The proposal does not seek to detract from or require rescission of any of these development consents but seeks a further development consent for the next phase of works for warehouse & distribution purposes in a manner consistent with the objectives of the WSEA SEPP.

The EIS accompanying the SSD DA will detail the site history, interrelationship of the consent framework, and how the proposal interfaces with those consents.

5.2. TRAFFIC AND TRANSPORT

Suitable provision is to be made to accommodate and service the proposed development in terms of traffic and transport. On site car parking is proposed to support future use of the site so to not adversely affect the surrounding road network. Road widths are also sufficient for vehicles associated with future uses.

A detailed Transport and Accessibility Impact Assessment report will be provided as part of the EIS. The report will analyse parking requirements, existing and expected traffic impacts, the design of the proposed vehicular access point, and associated pedestrian safety across the development precinct and its interface with the surrounding street system. The report will address and assess the cumulative impacts of the development across the entire estate.

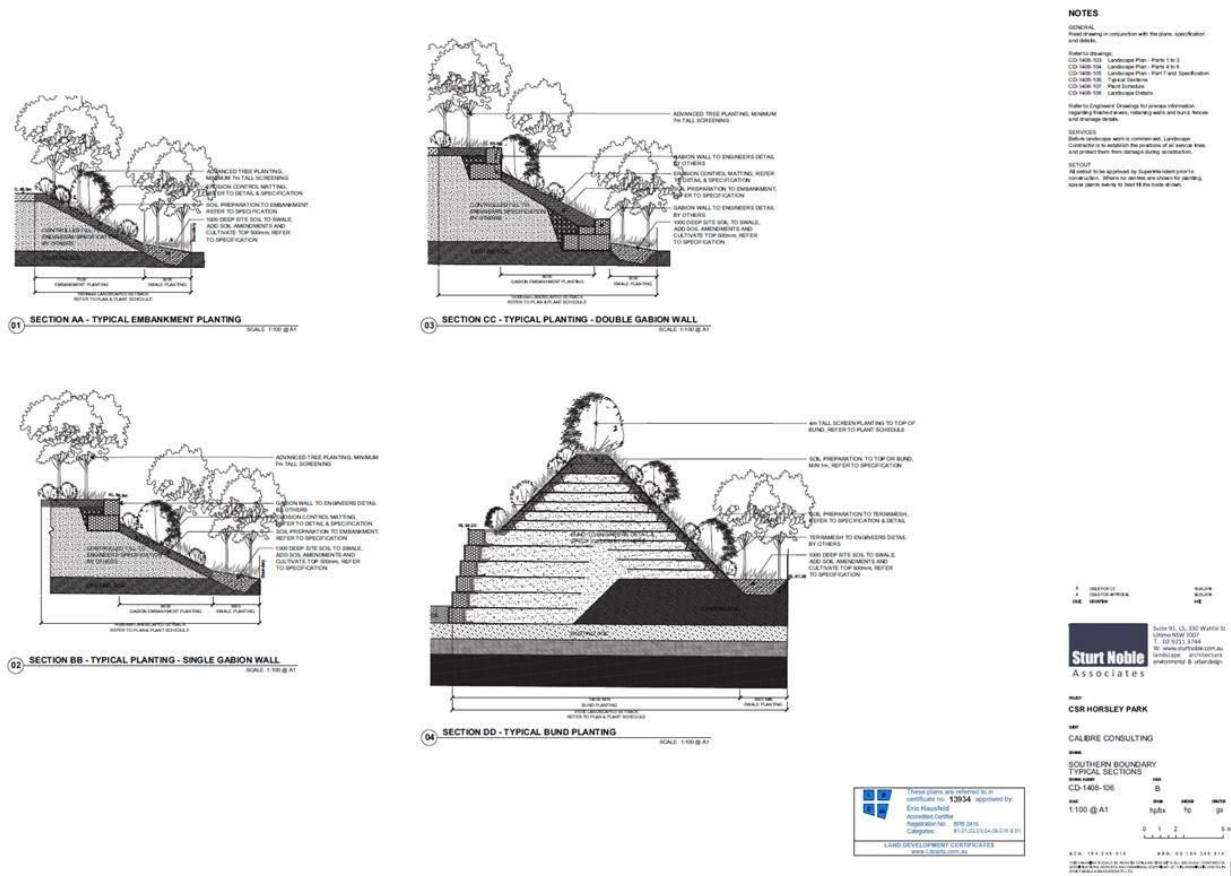
5.3. NOISE AND VIBRATION

Sensitive receivers in the surrounding vicinity include rural-residential land uses to the south and east.

A Construction and Operational Noise Report will be provided as part of the EIS. The report will provide a detailed assessment of potential noise and vibration impacts caused by the proposed construction and operations activities associated with the proposal, together with recommendations to mitigate against these. The report will address the cumulative impacts associated with the detailed development of the entire estate.

The gabion wall and earth bund approved by Fairfield City Council as part of DA 893/2013 along the site's southern boundary currently offers a degree of mitigation from future noise generation on the site (refer approved plan extract below). That gabion wall and earth bund are not proposed to be modified in any way as part of this application. Details on the interface between the proposal and these gabion walls / earth bunds and any further mitigation measures against noise and vibration will be included in the EIS and will be informed by the Construction and Operational Noise Report which will be undertaken to inform the proposal by a certified consultant.

Figure 4 Approved Gabion Walls & Earth Bunds DA 893/2013



Source: Stewart Noble Associates

5.4. AIR QUALITY

Given the nature of the development for warehousing and distribution purposes, it is not anticipated there will be any adverse impacts associated with air quality. During construction, air quality will be managed through appropriate dust mitigation measures through use of an Air Quality Management Plan. This plan will address the cumulative impacts associated with the detailed development of the entire estate.

5.5. WASTE

A Construction Waste Management Plan and an Operational Waste Management Plan will be prepared and accompany the EIS. The plans will detail proposed waste management practices. Where possible, all demolition, construction and operational waste will be reused or recycled.

5.6. INDIGENOUS & EUROPEAN HERITAGE

A review of the Fairfield LEP 2013 Heritage Mapping does not reveal any items of local or state heritage in proximity to the site. In addition, as highlighted in the approved DA 893.1/2013 the site has been highly disturbed for extractive industries usage.

The applicant is seeking to exclude the standard SEARs requirement for an Aboriginal Cultural Heritage Assessment for the following reasons:

- The subject area is located within the boundaries of the existing CSR quarry at 6 Johnston Crescent, Horsley Park and it is situated on land that has been the subject of extreme level of disturbance cause by historical land use, including the operation of the quarry. Historical disturbance included the total clearing of native vegetation, excavation and quarrying of the area that removed the original soil profile and completely changed the original environment into an artificial, highly impacted landscape.
- No bulk earthworks are proposed as part of this application.

- The Preliminary Geotechnical Investigation by Douglas Partners (Douglas Partners 2014) confirmed that the topsoil has been removed all across the subject area and most of the subject area has been impacted to a depth of 5 to 21m.
- Based on the identified impacts of historical land use, it is highly unlikely that any original soil profile survived in the area and consequently it is also highly unlikely that Aboriginal archaeological resources survived within the subject area.
- Based on the above information, if commissioned as part of the process, an Aboriginal Objects Due Diligence Assessment would not recommend any further investigation for the subject area and would also recommend the proposed development to proceed with the general chance-find procedure.

Given the highly disturbed nature of the site due to its past historical usage as an active quarry, the fact that no bulk earthworks are proposed and the issuance of previous development consents over the site, the proposal will have no impact on indigenous and non-indigenous heritage.

5.7. FLORA AND FAUNA

Given the site's historic land use and the previous approval of a number of consents on site for subdivision and earthworks no tree removal is required to facilitate the proposed built form, thus there will be minimal impact on flora and fauna as part of the SSD application. Consideration to the effect of any flora and fauna will however be undertaken as part of the EIS process.

5.8. VISUAL AMENITY

The proposed site is adjacent to a number of rural residential lots to the east and south. It is noted that proposed Lot 201 would have a finished ground level above that of the residential subdivision to the south of the site. As part of the EIS process a detailed Visual Impact Assessment (VIA) will be undertaken to analyse the extent of the visual impact for the proposed building works of the entire estate. The VIA will detail any required mitigation measures to ameliorate potential visual impact of the proposed warehouse buildings on any existing or future residences surrounding the site.

It is noted that a gabion wall and earth bund were approved by Fairfield City Council as part of DA 893/2013 along the site's southern boundary. These works have since been constructed by CSR. This proposal does not contemplate modifying the gabion wall or completed landscaping in any way as it currently provides a reasonable visual buffer to the rural residential properties adjacent to the site. The VIA to be undertaken as part of the EIS will factor in both the gabion wall and earth bund as well as any other required visual mitigation measures.

5.9. CONTAMINATION AND GEOTECHNICAL

The application has considered the requirements of SEPP 55 and has been informed by the previous applications on the land. As discussed in Section 4.3, DA 437.1/2016 included earthworks over the site as well as the construction of a biofiltration trench and drainage swale at the site of the former landfill in the western portion of the landholding. Approval of the application included the endorsement of the Remediation Action Plan (RAP) that was lodged with the SEE. The RAP concluded that the site is able to be made suitable for the future intended land use as a warehouse or distribution centre through remedial action as part of the redevelopment works in accordance with SEPP 55.

The site will be suitably remediated prior to the commencement of the development as per DA21.1/2020, seeking to fully remediate Stages 2 and 3 of the CSR Quarry (which is inclusive of the site) through transference of contaminated material off site and the containment of contaminants in an offsite contamination cell. In addition, no bulk earthworks are proposed under this application as they will have been delivered under the consent of DA893.1/2013.

The future EIS will detail the history of contamination and remediation on the site, and the site's relationship to the containment cells which are located on the CSR lands but outside the boundaries of the subject site.

5.10. STORMWATER MANAGEMENT

A Stormwater Management Plan and Sediment & Erosion Control Plan will accompany the EIS. These plans will detail the comprehensive management process to be adopted for the site.

5.11. SITE LAYOUT AND DESIGN

The manner in which the site layout and design responds to the site constraints through considered landscaping and architectural design will need to be addressed, for the entire estate.

6. CONCLUSION

6.1. SUMMARY OF FINDINGS

This report documents a proposal for the detailed development of the entire Horsley Logistics Park which forms part of the broader Western Sydney Employment Area.

The proposed development for the Horsley Logistics Park has an estimated CIV of approximately \$110,020,640 million, with one of the individual warehouse developments itself exceeding a CIV of \$50 million Pursuant to the provisions of the SRD SEPP, the proposal is classified as SSD and consent is required from the Minister for Planning and Public Spaces, via the submission of a SSD DA.

The first step in the SSD DA process is a request for SEARs for the project. This report is a formal request for SEARs for the Horsley Logistics Park project.

The report demonstrates that the proposal meets the criteria for SSD and identifies and outlines the key issues for consideration in the assessment of the proposal. The key issues in relation to the Horsley Logistics Park SSDA are:

- Interrelationship with the site's development consent history;
- Site layout and design;
- Traffic and transport;
- Noise and vibration; and
- Visual impact.

Additional issues for consideration in the design and assessment of the proposal as part of the EIS include:

- Air quality;
- Waste management;
- Indigenous & non-indigenous heritage;
- Contamination and geotechnical;
- Flora and fauna; and
- Stormwater management.

6.2. CONCLUSIONS AND RECOMMENDATIONS

The proposed development of the Horsley Logistics Park site represents SSD which is critical to securing a reliable supply of industrial land to the Sydney market over the next decade.

Accordingly, it is requested that the Secretary for Planning, Industry and Environment NSW issue SEARs to guide the design and development of the project and the preparation of an EIS which will allow for the Minister for Planning and Public Spaces to make an informed and balanced determination of the proposal.

DISCLAIMER

This report is dated 10 March 2020 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's (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of ESR (**Instructing Party**) for the purpose of Scoping 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.

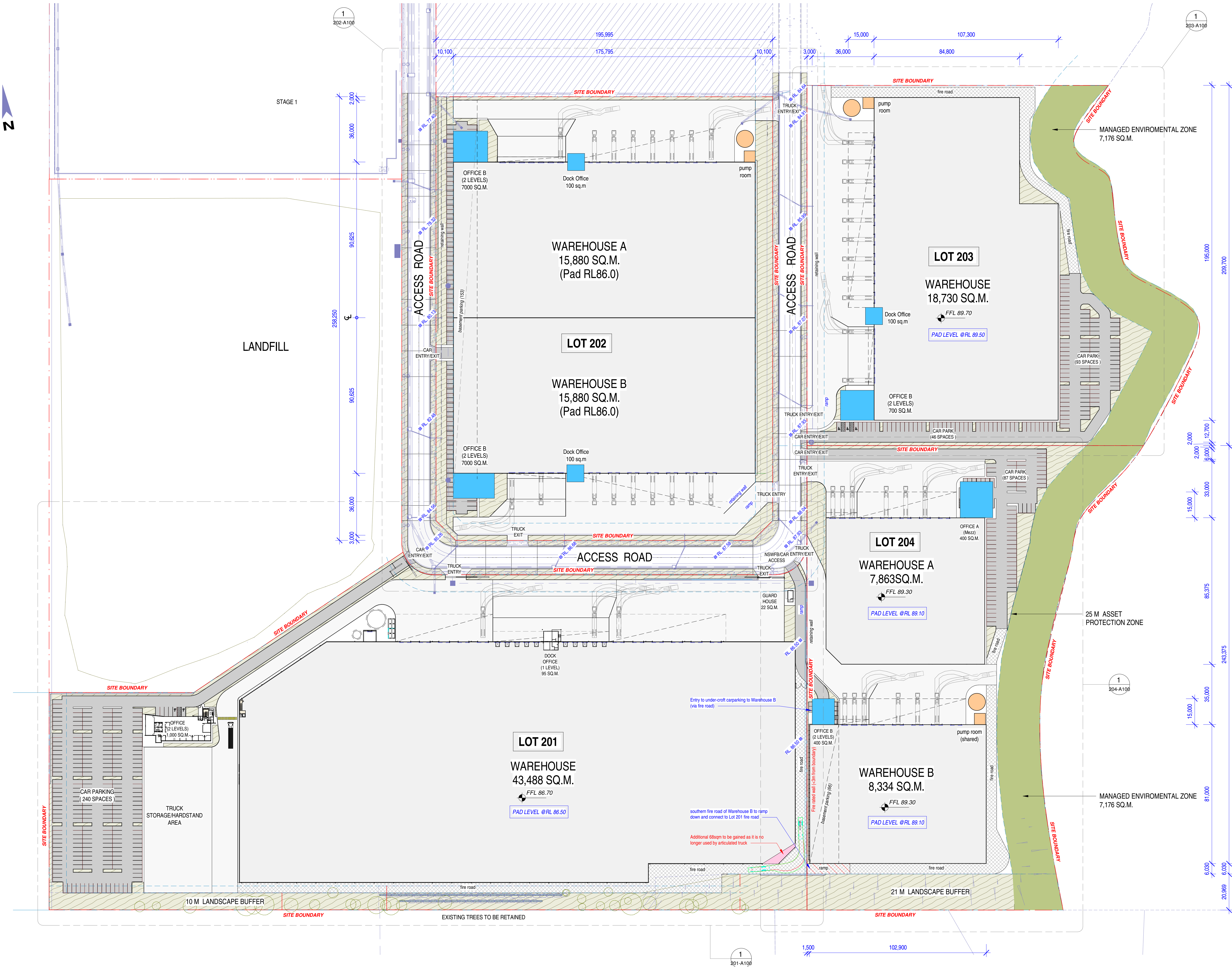
Whilst Urbis has made all reasonable inquiries it believes necessary in preparing this report, it is not responsible for determining the completeness or accuracy of information provided to it. Urbis (including its officers and personnel) is not liable for any errors or omissions, including in information provided by the Instructing Party or another person or upon which Urbis relies, provided that such errors or omissions are not made by Urbis recklessly or in bad faith.

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 AMENDED CONCEPT MASTERPLAN

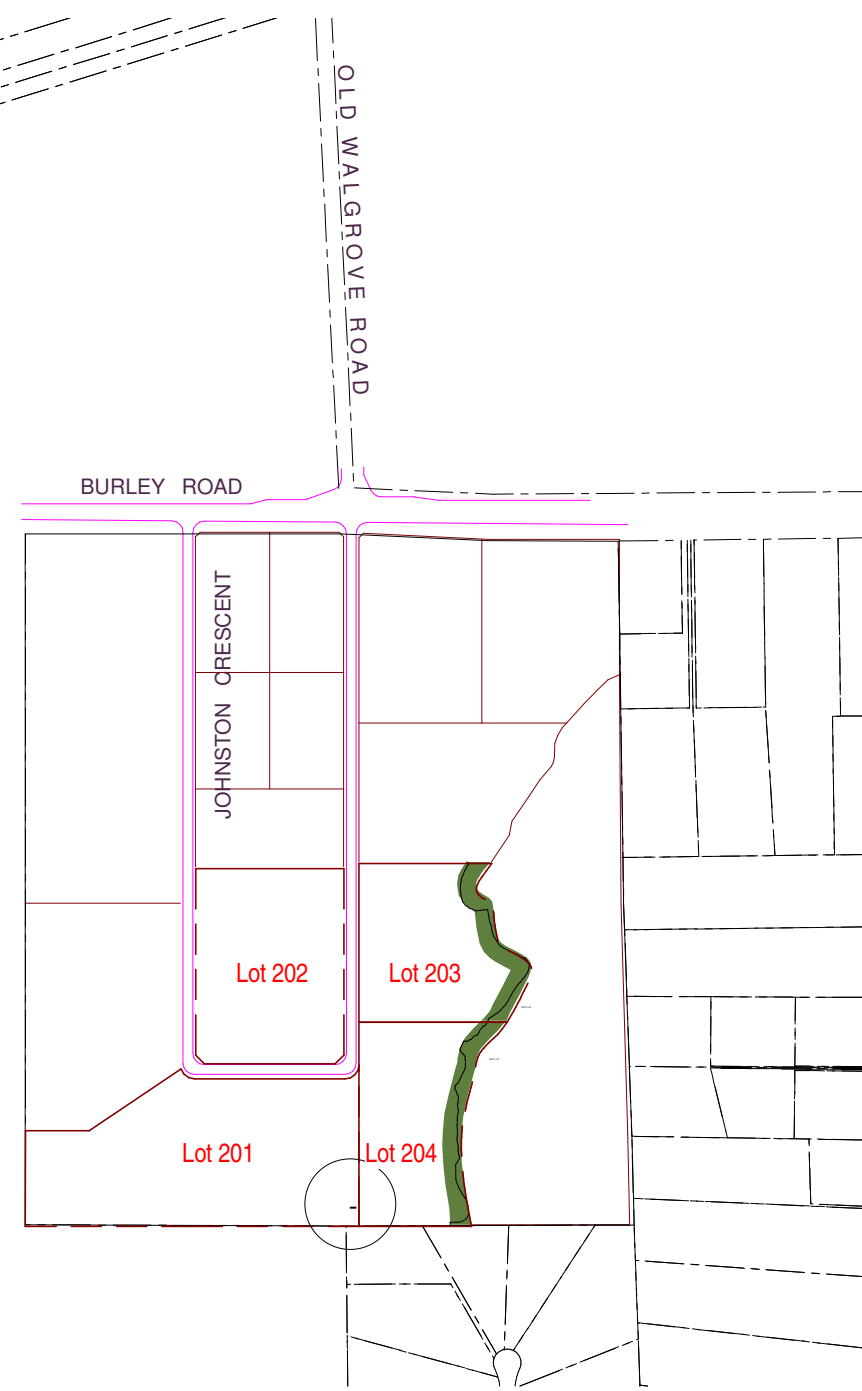
DEVELOPMENT SUMMARY

LOT 201	
SITE AREA	77,090 sqm
EFFICIENCY	57.86%
WAREHOUSE	43,488 sqm
MAINT OFFICE (2 Levels)	1,000 sqm
DOCK OFFICE (1 Level)	95 sqm
GUARD HOUSE	22 sqm
TOTAL BUILDING AREA	44,605 sqm
CAR PARKING PROVIDED	240 Spaces
AWNING (18M)	2,000 sqm
AWNING (6M)	357 sqm
HEAVY DUTY PAVEMENT (H)	17,849 sqm
LIGHT DUTY PAVEMENT (L)	7,083 sqm
LOT 202	
SITE AREA	50,483 sqm
EFFICIENCY	66.08 %
WAREHOUSE A	15,880 sqm
OFFICE & DOCK OFFICE A	800 sqm
WAREHOUSE B	15,880 sqm
OFFICE & DOCK OFFICE B	800 sqm
TOTAL BUILDING AREA	33,360 sqm
CAR PARKING PROVIDED	153 Spaces
HEAVY DUTY PAVEMENT (H)	11,290 sqm
LIGHT DUTY PAVEMENT (L)	4,023 sqm
SUSPENDED SLAB	2,550 sqm
LOT 203	
SITE AREA (incl. Environmental Zone - 6,484...	40,295 sqm
EFFICIENCY	48.47 %
WAREHOUSE	18,730 sqm
OFFICE & DOCK OFFICE	800 sqm
TOTAL BUILDING AREA	19,530 sqm
CAR PARKING PROVIDED	138 Spaces
HEAVY DUTY PAVEMENT (H)	6,209 sqm
LIGHT DUTY PAVEMENT (L)	4,142 sqm
LOT 204	
SITE AREA (incl. Environmental Zone - 7,176...	40,100 sqm
EFFICIENCY	42.58 %
WAREHOUSE A	7,863 sqm
OFFICE A	400 sqm
WAREHOUSE B	8,334 sqm
OFFICE B	400 sqm
TOTAL BUILDING AREA	16,997 sqm
CAR PARKING PROVIDED	153 Spaces
HEAVY DUTY PAVEMENT (H)	6,678 sqm
LIGHT DUTY PAVEMENT (L)	5,145 sqm
SUSPENDED SLAB	1,357 sqm
TOTAL SITE AREA	207,686 sqm
TOTAL BUILDING AREA	114,492 sqm
TOTAL EFFICIENCY	55.13 %



2 Location Plan

201-A200 1:10000 @B1



APPENDIX B AMENDED QS REPORT



14 May 2020

Department of Planning, Industry and Environment
4 Parramatta Square, 12 Darcy Street
Parramatta NSW 2150

ATTENTION: Chris Ritchie

RE: HORSLEY LOGISTICS PARK – CAPITAL INVESTMENT VALUE

To whom it may concern,

The estimated Capital Investment Value for the works relating to Horsley Logistics Park is **\$110,020,640**. The report has been prepared by Allen Dinham (BSc(QS)).

The project is estimated to create, 254 new construction jobs and 441 new operational jobs.

General Project Information

Development Application	Horsley Logistics Park
Applicants Name	ESR Australia Pty Ltd
Applicants Address	Level 29, Bond Street Sydney NSW 2000
Date	13 May 2020
Development Name	ESR Horsley Logistics Park
Development Address	6 Johnston Crescent, Horsley Park
Description of Works	Warehouse and Office Development

Table 1 provides a breakdown of cost per warehouse and aggregate infrastructure and site works costs.

Lot	Warehouse	Area			Cost
		Aggregate GFA	Warehouse GFA (sqm)	Office GFA (sqm)	Aggregate Cost (\$)
201	A	44,605	43,488	1,117	\$52,554,263
202	A	16,680	15,880	800	\$13,439,771
202	B	16,680	15,880	800	\$13,439,772
203	A	19,530	18,730	800	\$13,767,608
204	A	8,263	7,863	400	\$7,860,582
204	B	8,734	8,334	400	\$8,308,644
Sub-total		114,492	110,175	4,317	\$109,370,640
Infrastructure					\$650,000
TOTAL					\$110,020,640

Yours sincerely,



Allen Dinham BSc(QS)

Estimator

02 9506 1439

0457 056 376

allen.dinham@cipconstruct.com.au

APPENDIX C APPLICABLE SITE CONSENTS

