

**URBIS**

**ESR HORSLEY  
LOGISTICS PARK -  
SSD-10436 MOD 1**

Section 4.55(1A) Modification

**URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:**

Director	Jacqueline Parker
Consultant	John Booth
Project Code	P0020568
Report Number	MOD 1 – Rev 1

**Urbis acknowledges the important contribution that Aboriginal and Torres Strait Islander people make in creating a strong and vibrant Australian society.**

**We acknowledge, in each of our offices, the Traditional Owners on whose land we stand.**

All information supplied to Urbis in order to conduct this research has been treated in the strictest confidence. It shall only be used in this context and shall not be made available to third parties without client authorisation. Confidential information has been stored securely and data provided by respondents, as well as their identity, has been treated in the strictest confidence and all assurance given to respondents have been and shall be fulfilled.

© Urbis Pty Ltd  
50 105 256 228

All Rights Reserved. No material may be reproduced without prior permission.

You must read the important disclaimer appearing within the body of this report.

**[urbis.com.au](http://urbis.com.au)**

# CONTENTS

<b>Executive Summary</b> .....	<b>1</b>
<b>1. Introduction</b> .....	<b>3</b>
<b>2. Consent Framework</b> .....	<b>5</b>
2.1. Site History.....	5
2.2. Approval Process.....	6
<b>3. Rationale for the Proposed Modification</b> .....	<b>7</b>
<b>4. Proposed Modifications</b> .....	<b>8</b>
4.1. Development Objectives .....	8
4.2. Overview of Proposed Modifications .....	8
4.3. Numeric Overview.....	10
4.4. Proposed Modifications to the Conditions of Consent.....	13
<b>5. Statutory Planning Framework</b> .....	<b>15</b>
5.1. Section 4.55 of the EP&A Act 1979 .....	15
5.2. Minimal Environmental Impact.....	15
5.3. Substantially the Same Development.....	15
5.4. Assessment of Environmental Planning Instruments .....	16
<b>6. Assessment of Key Impacts</b> .....	<b>20</b>
6.1. Layout & Design.....	20
6.2. Visual Impact .....	20
6.3. Traffic Generation & Parking .....	21
6.4. Noise & Vibration .....	22
6.5. Landscaping.....	23
6.6. Waste management.....	23
6.7. BCA.....	23
6.8. REcommended Mitigation Measures .....	23
<b>7. Section 4.15 Assessment</b> .....	<b>24</b>
7.1. Environmental Planning Instruments .....	24
7.2. DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS .....	24
7.3. Development Control Plan .....	24
7.4. Planning Agreement .....	24
7.5. The EP&A Regulation 2000 .....	24
7.6. Likely Impacts of the Proposal .....	24
7.7. Suitability of the Site .....	24
7.8. Submissions.....	25
7.9. Public Interest .....	25
<b>8. Conclusion</b> .....	<b>26</b>
<b>Disclaimer</b> .....	<b>28</b>
<b>Appendix A</b>	<b>Architectural Plans</b>
<b>Appendix B</b>	<b>Landscape Concept Plans</b>
<b>Appendix C</b>	<b>Visual Impact Assessment</b>
<b>Appendix D</b>	<b>Transport Assessment</b>
<b>Appendix E</b>	<b>Operational Noise Impact Assessment</b>
<b>Appendix F</b>	<b>Waste Management Plan</b>
<b>Appendix G</b>	<b>BCA Assessment Report</b>
<b>Appendix H</b>	<b>Fire Safety Strategy</b>

**FIGURES**

Figure 1 Site Aerial ..... 3  
Figure 2 Lot 201 Site & Facility Plan ..... 9  
Figure 3 Lot 204 Site & Facility Plan ..... 10

**TABLES**

Table 1 Site Development Application History ..... 5  
Table 2 Numerical Changes Proposed to SSD-10436 ..... 10  
Table 3 EPI Consistency ..... 16  
Table 4 MOD 1 Traffic Rates ..... 21  
Table 5 MOD 1 Parking Rates ..... 22

# EXECUTIVE SUMMARY

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

SSD-10436 was granted approval for the construction, fit-out and operation of eight warehousing and distribution tenancies in four buildings with a total gross floor area of 112,819m<sup>2</sup>, inclusive of offices, loading docks, hardstand areas, truck and car parking spaces, landscaping, infrastructure, and signage. This Section 4.55(1A) modification application to SSD-10436 seeks approval for revisions to the approved development of the Horsley Logistics Park (HLP) and is herein referenced as MOD 1.

This Modification Report describes the site and the proposed modifications, provides relevant background information, and assesses the development against the relevant legislation, environmental planning instruments and planning policies. An assessment of the proposal against the original Secretary's Environmental Assessment Requirements (SEARs) issued for the development by the DPIE on 26 March 2020 has also been undertaken.

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

The proposed modification to the HLP entails:

- Reconfiguration on the warehouse footprint and building form on Lot 201;
- Dividing the approved single tenancy warehouse space on Lot 201 into three separate tenancies;
- Realignment of hardstand, car parking and access locations to reflect the three-tenancy arrangement within the Lot 201 warehouse;
- Allocation of space for a future estate café (construction and fit-out subject to separate approval);
- Minor amendment to the south-western corner of Lot 204 to facilitate fire truck movements around Lot 201;
- Installation of a recessed docks into Warehouse A of Lot 204, reduction in total car parking and changes to office configuration; and
- Amending the overall total building area within Lots 201 and 204 from 59,929 sqm to 57,089 sqm.

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

The impacts identified to be relevant to MOD 1 include:

- Noise and visual impacts of the amended Lot 201 warehouse building; and
- Traffic impact of the amended Lot 201 warehouse building and associated impacts of the proposed driveways along Johnston Crescent.

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

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

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

- The proposed development will result in a land use that is consistent with the zoning of the land and contribute an employment generating use in line with strategic goals for the Western Sydney Employment Area (WSEA);

- The proposal demonstrates consistency with the relevant environmental planning instruments including strategic planning policy, and State and local planning legislation, regulation, and policies;
- The proposal will operate within the operational bounds assessed and considered to be satisfactory as determined in the approval of SSD-10436;
- It has been demonstrated that the proposed works will result in minimal environmental impacts and will result in substantially the same development as approved by SSD-10436; and
- It has been demonstrated that all impacts can be appropriately managed or mitigated through the recommendations outlined in the sections of this report.

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

# 1. INTRODUCTION

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

## The Site

The HLP is a 20.8-hectare (ha) landholding located at 6 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. This Modification Report will identify each of the lots as previously identified in the consent issued for SSD-10436. Thereby the proposed works subject to MOD 1 are to be carried out within Lots 201 & 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 DA 893.1/2013 and is to eventually be extended into an internal loop road. The Site comprises land south of the Sydney Water Pipeline, at the western extent of the strategically significant WSEA. It is located within the Fairfield local government area (LGA) and is approximately 15km from the Penrith Central Business District (CBD), 17km from the Parramatta CBD, and 35km from Sydney CBD (Figure 4). 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.

Figure 1 Site Aerial



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

- North: The Oakdale Central Business Hub (SS 6078)

- East: Land zoned RU4 – Primary Production that includes a number of rural residential lots
- South: Land zoned RU4 – Primary Production and the residential subdivision Greenway Place
- West: The Horsley Park Warehousing Hub (MP 10\_0129 & MP 10\_0130).

### The Proposed Modification

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

- Reconfiguration on the warehouse footprint and building form on Lot 201;
- Dividing the single lot warehouse space into three separate tenancies on Lot 201;
- Realignment of hardstand, car parking and access locations to reflect the three-tenancy arrangement within the Lot 201 warehouse;
- Allocation of space for a future estate café (construction and fit-out subject to separate approval);
- Minor amendment to the south-western corner of Lot 204 which has been amended to facilitate fire truck movements around Lot 201;
- Installation of a recessed docks into Warehouse A of Lot 204, reduction in total car parking and changes to office configuration; and
- Amending the overall total building area within Lots 201 and 204 from 59,929 sqm to 57,089 sqm.

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

- Description of the site, its context, and approvals history;
- A description of the proposed modifications, including the amendments to the conditions of the approval;
- Planning compliance assessment considering the environmental planning instruments, policies and guidelines relevant to the site and the proposed modification; and
- An Environmental Assessment relative to the applicable SEARs issued for the original designated SSDA.

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

- **Appendix A** – Architectural Drawings, prepared by HLA Architects;
- **Appendix B** – Landscape Concept Plan, prepared by Geoscapes;
- **Appendix C** – Visual Impact Assessment, prepared by Geoscapes;
- **Appendix D** – Traffic Assessment, prepared by Ason Group;
- **Appendix E** – Operational Noise Impact Assessment, prepared by SLR Consulting; and
- **Appendix F** – Waste Management Plan, prepared by SLR Consulting.

The technical reports and plans submitted with the original SSD DA have been reviewed and updated to address the proposed modifications to MOD 1. 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 as 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
- Part Lot 203 in DP 1244593.

Whilst this Section 4.55(1A) modification application is specific to approved Lots 201 & 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	Date of Approval	Consent Authority	Development Description
893.1/2013	19/12/2013	NSW L&EC	Torrens Title subdivision to create 14 lots and 1 residue lot in 3 stages.
893.2/2013	Withdrawn	Fairfield Council	Reconfiguration of approved lots.
893.3/2013	Withdrawn	Fairfield Council	Torrens title subdivision.
893.4/2013	18/06/2018	Fairfield Council	Minor amendments to features of the subdivision in each of the 3 stages.
893.5/2013	Under Assessment	Fairfield Council	Modification application proposing to further stage approved stage 2.
893.6/2013	13/11/2019	Fairfield Council	Modification application proposing to further stage approved stage 2.
893.7/2013	Under Assessment	Fairfield Council	Modification application proposing to split stage 2 into two separate stages (submitted on 5 August 2019).
65.1/2016	04/02/2016	Fairfield Council	Construction of a landscape bund water supply pond to facilitate an existing Brick Factory in Lot 2 DP 1228114 in Stage 3.
86.1/2016	15/02/2016	Fairfield Council	Subdivision to create two (2) Torrens Title lots.

DA Number	Date of 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. APPROVAL PROCESS

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

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

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

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

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

### **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 Warehouse 201 into three separate tenancies and subsequent design amendments to that building and the warehouse on Lot 204 is a reflection of 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, however 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 201

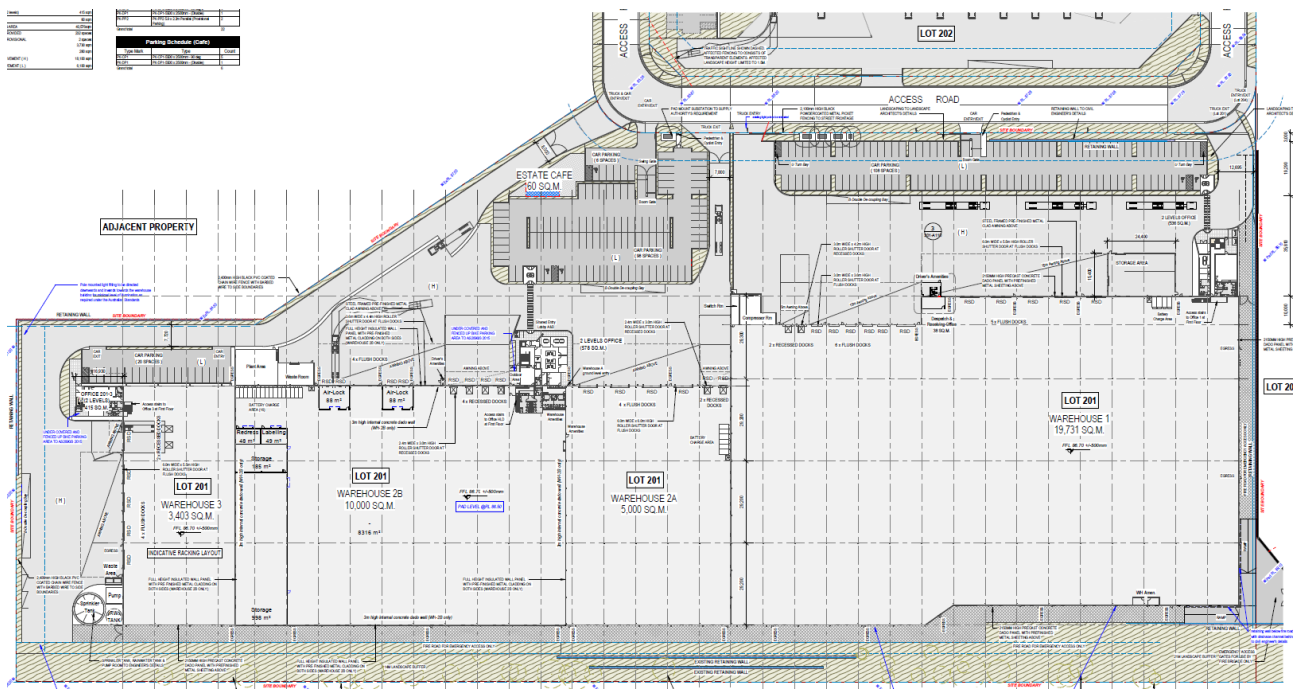
- Reconfigured building footprint and geometry including the extension of the building footprint to the west by 90 metres;
- Conversion of the reconfigured warehouse from a single tenancy to three tenancies, including the erection of inter-tenancy wall panels (note: Warehouse 2A and 2B form two components of a single Warehouse 2 tenancy);
- Reduction in overall warehouse maximum GFA from 42,233m<sup>2</sup> to 38,134m<sup>2</sup>;
- Increase in office maximum GFA from 1,095m<sup>2</sup> to 1,529m<sup>2</sup>;
- Redistribution of the 232 car parking spaces from the lot's western boundary to include:
  - 20 spaces north of proposed Warehouse tenancy 3,
  - 98 spaces with direct access from Johnson Crescent supporting proposed Warehouse tenancy 2, and
  - 108 car parking spaces north of proposed Warehouse tenancy 1 also with direct access from Johnson Crescent;
- Relocating of loading areas and access points for each proposed new tenancy;
- Introduction of 10 recessed docks and 23 flush docks to facilitate the operation of the three tenancies;
- Inclusion of storage area north of Warehouse tenancy 1;
- Allocation of space for a future estate café (construction and fit-out subject to separate approval); and
- Relocation of the approved pump room and sprinkler tank to the lot's western façade.

## Lot 204

- Increase in warehouse maximum GFA from 14,524m<sup>2</sup> to 14,735m<sup>2</sup>;
- Reduction in office space maximum GFA from 1,977m<sup>2</sup> to 1,700m<sup>2</sup>;
- Car parking reduced from 117 spaces to 114 spaces;
- Inclusion of an additional two recessed docks within Warehouse A; and
- Reconfiguration of the hardstand area fronting Warehouse D to provide additional manoeuvring space for trucks accessing the Fire Road for emergency access.

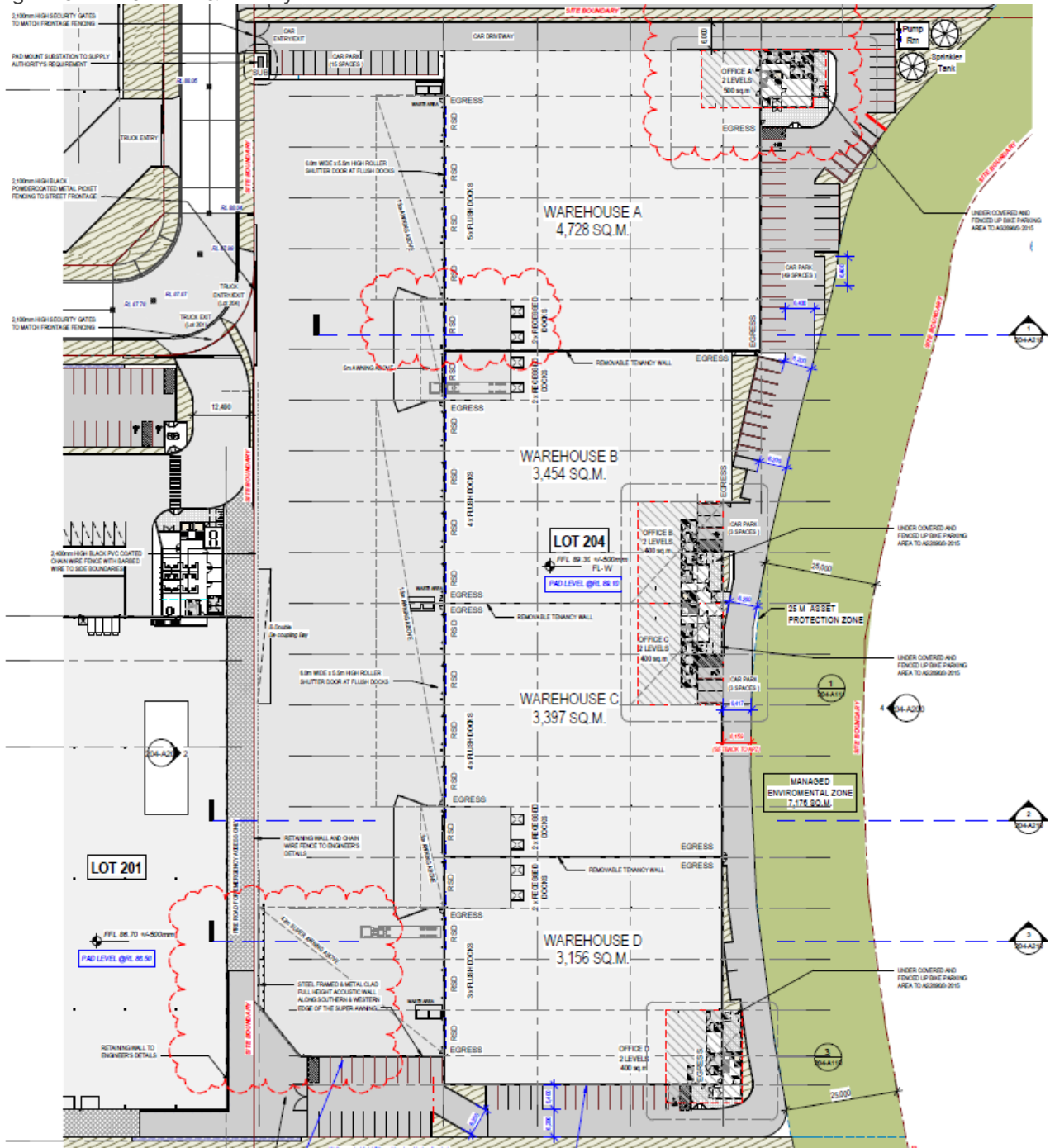
Architectural Drawings prepared by HLA Architects are attached as **Appendix A** and a revised Landscape Concept Plan prepared by Geoscapes is attached as **Appendix B**. An extract of the proposed plans for Lots 201 and 204 is provided below in **Figure 2** and **Figure 3**.

Figure 2 Lot 201 Site & Facility Plan



Source: HLA Architects

Figure 3 Lot 204 Site & Facility Plan



Source: HLA Architects

### 4.3. NUMERIC OVERVIEW

A summary of the numerical changes to the HLP is provided below in Table 2.

Table 2 Numerical Changes Proposed to SSD-10436

Element	Approved SSDA	Proposed MOD 1
Lot 201		
Site Area	77,310 sqm	77,310 sqm

Element	Approved SSDA	Proposed MOD 1
Site Efficiency	56.07%	52.48%
Warehouse	42,233 sqm	Warehouse 1 – 19,731 sqm Warehouse 2 – 15,000 sqm Warehouse 3 – 3,403 sqm <b>Total – 38,134 sqm</b>
Office	1,095 sqm	Office 1 – 536 sqm Office 2 – 578 sqm Office 3 – 415 sqm <b>Total – 1,529 sqm</b>
Estate Café	0 sqm	60 sqm
Total Building Area	43,350 sqm	40,576 sqm
Car Parking Provided	232 spaces	242 spaces
Awning (15M)	1,876 sqm	3,730 sqm
Awning (5M)	298 sqm	290 sqm
Heavy Duty Pavement	13,845 sqm	18,100 sqm
Light Duty Pavement	6,437 sqm	6,100 sqm
<b>Lot 204</b>		
Site Area	40,080 sqm	40,080 sqm
Efficiency	41.36%	41.36%
Warehouse		
A	4,517 sqm	4,728 sqm
B	3,454 sqm	3,454 sqm
C	3,397 sqm	3,397 sqm
D	3,156 sqm	3,156 sqm
Office		
A	777 sqm	500 sqm
B	400 sqm	400 sqm
C	400 sqm	400 sqm
D	400 sqm	400 sqm

<b>Element</b>	<b>Approved SSDA</b>	<b>Proposed MOD 1</b>
Total Building Area	16,579 sqm	16,513 sqm
Car Parking Provided	117 spaces	114 spaces
Awning (5m)	172 sqm	230 sqm
Awning (15m)	2,215 sqm	2,047 sqm
Awning (42m)	1370 sqm	1320 sqm
Heavy Duty Pavement	9,220 sqm	9,220 sqm
Light Duty Pavement	4,970 sqm	4,970 sqm

## 4.4. PROPOSED MODIFICATIONS TO THE CONDITIONS OF CONSENT

Pursuant to Section 4.55(1A) of the EP&A Act 1979, this application seeks to amend the following conditions within the consent of SSD-10436.

For ease of reference, text proposed to be deleted is indicated by a ~~strike through~~ and text proposed to be added is indicated by **bold text**.

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

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

### TERMS OF CONSENT

A2. The development may only be carried out:

- in compliance with the conditions of this consent;
- in accordance with all written directions of the Planning Secretary;
- in accordance with the EIS, Response to Submissions (RtS), Supplementary RtS, and Supplementary Information;
- in accordance with the Development Layout in Appendix 1; and
- in accordance with the management and mitigation measures in Appendix 2.
- ~~Except as modified by plans and documents forming MOD1 dated April 2021.~~

### APPENDIX 1 DEVELOPMENT LAYOUT PLANS

Figure 1: Site Plan – ~~Replace with Drawing No. 200226-DA-MS-A010 P8~~

Figure 2: Lot 201 Plan – ~~Replace with Drawing No. 200226-DA-201-A100 P17~~

Figure 5: Lot 204 Plan – ~~Replace with Drawing No. 200226-DA-204-A100 P5~~

Figure 6: 4m Wide Area of Southern Landscape Buffer within Lot 201 – ~~Replace with Drawing No. Overall Landscape Master Plan Rev G~~

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

### LIMITS OF CONSENT

A6. The following limits apply to the development:

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

Land Use	Maximum GFA square metres (m <sup>2</sup> )
<b>Warehousing</b>	
Lot 201	<del>42,233</del> <b>38,134</b>
Lot 202	15,880
Lot 203	18,370
Lot 204A	<del>4,517</del> <b>4,728</b>
Lot 204B	3,454
Lot 204C	3,397
Lot 204D	3,156
<b>Total</b>	<del>91,007</del> <b>87,119</b>
<b>Office</b>	
Lot 201	<del>1,095</del> <b>1,529</b>
Lot 202	800
Lot 203	800

Lot 204A	<del>777</del> 500
Lot 204B	400
Lot 204C	400
Lot 204D	400
<b>Total</b>	<b>4,672 4,829</b>
<b>Total GFA</b>	<b>95,679 91,948</b>

## 5. STATUTORY PLANNING FRAMEWORK

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

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

### 5.1. SECTION 4.55 OF THE EP&A ACT 1979

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

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

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

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

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

These heads of consideration are addressed below.

### 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 or amenity of the approved development. As demonstrated by the accompanying updated consultant information provided within the appendices, SSD-10436 as proposed to be modified by MOD 1 will have minimal additional environmental impacts over and above that which has already been assessed as acceptable in the original development application.

### 5.3. SUBSTANTIALLY THE SAME DEVELOPMENT

The proposed modifications within MOD 1 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 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 2,840 sqm.
- There is no change to the maximum building height controls for the warehouses; and
- The level of environmental impact resulting from this section 4.55 modification application (MOD 1) is minimal and consistent with that approved by way of SSD-10436.

For comparison, **Table 2** above sets out the metrics of the approved and proposed modified development of SSD-10436 MOD 1. The table demonstrates that the development as proposed to be modified for this component of the project results in only minor numerical changes in some aspects, with no major redesign or amendment to the development proposed. Thereby the modification as proposed under MOD 1 can be considered to be substantially the same as the originally approved development.

## 5.4. ASSESSMENT OF ENVIRONMENTAL PLANNING INSTRUMENTS

The proposed modifications to the approval of SSD-10436 are such that it is considered there will be no material alteration to the level of compliance achieved with the EPI's detailed above.

Table 3 EPI Consistency

Schedule/ Clause	Provision	Consistency
<b>State Environmental Planning Policy (State and Regional Development) 2011</b>		
Schedule 1	<p>Schedule 1, Group 12 of the SRD SEPP identifies development for the purposes of 'warehouses or distribution centres' to be SSD if it:</p> <p><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></p> <p>The works comprising Lot 201 has a calculated CIV of \$52,554,264. The overall HLP CIV is approximately \$110,020,640.</p>	<p>The original application was assessed and declared as SSD.</p> <p>As the project has been declared SSD its assessment for the purpose of modifications remains under the SSD pathway.</p>
<b>State Environmental Planning Policy (Western Sydney Employment Area) 2009</b>		
Clause 3 - Aims	Aims to protect and enhance the land to which the Policy applies (the WSEA) for employment purposes.	The proposal continues to seek consent for employment uses 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.	All proposed uses remain consistent with the appropriate zoning.
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

Schedule/ Clause	Provision	Consistency
		this DCP for the purposes of the clause. The requirement for, and provisions of, the DCP is therefore satisfied.
Clause 20 – Ecologically Sustainable Development	<p>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:</p> <ul style="list-style-type: none"> <li>▪ The consumption of potable water, and</li> <li>▪ Greenhouse gas emissions.</li> </ul>	No changes are proposed to the ESD measures approved by way of SSD-10436.
Clause 21 – Height of Buildings	<p>The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that:</p> <ul style="list-style-type: none"> <li>▪ Building heights will not adversely impact on the amenity of adjacent residential areas, and</li> <li>▪ Site topography has been taken into consideration.</li> </ul>	No changes are proposed to the maximum height of buildings. Nevertheless, the impact of building height has been assessed below in <b>Section 6.3</b> as acceptable having regard to the amenity of adjacent residential areas.
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	<p>The requirement for regional infrastructure contributions for the HLP are to be satisfied via a VPA.</p> <p>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</p>

Schedule/ Clause	Provision	Consistency
	Road Network) in relation to the land to which this Policy applies.	the subdivision certificate for DA893.6/2013 being registered and ESR taking ownership of the lots. As such Clause 29 has been addressed.
Clause 31 – Design Principles	<p>In determining a development application that relates to land to which this Policy applies, the consent authority must take into consideration whether or not:</p> <ul style="list-style-type: none"> <li>▪ the development is of a high-quality design,</li> <li>▪ a variety of materials and external finishes for the external facades are incorporated,</li> <li>▪ high quality landscaping is provided, and</li> <li>▪ the scale and character of the development is compatible with other employment-generating development in the precinct concerned.</li> </ul>	<p>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.</p> <p>No changes are proposed to the provisions of design principles as part of MOD 1. The general scale and materiality of the reconfigured warehouse building will remain consistent with the approved. The western extension remains compatible with the future industrial development anticipated for the adjacent site to the west.</p>
<b>State Environmental Planning Policy (Infrastructure) 2007</b>		
Schedule 3 – Traffic Generating Development	<p>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.</p> <p>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.</p>	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 <sup>2</sup> or more of GFA. The SSD as modified by MOD 1 will create 38,134 m <sup>2</sup> of warehousing GFA. The project was referred to the RMS as part of the SSDA process. Subsequent referral may occur as part of this modification application.
<b>State Environmental Planning Policy No. 55 (Remediation of Land)</b>		
Clause 7 – Contamination and remediation to be considered in	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,	The original findings and assessment in relation to contamination apply consistently to any future modifications. The

Schedule/ Clause	Provision	Consistency
determining development application	<p>when assessing a development application, consider whether the land is contaminated and whether it is suitable for the proposed use.</p> <p>It also requires that consent authority review a report specifying the findings of a preliminary contamination investigation of the land concerned when considering an application which involves a change of use of the land.</p>	<p>proposed development does not result in a change of use to the land from that approved under SSDA-10436. 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.</p>
<b>State Environmental Planning Policy No. 33 – Hazardous and Offensive Development</b>		
Part 3 – Potentially hazardous or potentially offensive development	<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. Any application to carry out potentially hazardous development must be supported by a preliminary hazard analysis (PHA).</p>	<p>As previously assessed the overall proposal is not potentially hazardous or potentially offensive development. The proposed modification does not seek to introduce or increase the amount of hazardous material as approved. SEPP 33 will be addressed for all future sites not yet developed if required.</p>

## 6. ASSESSMENT OF KEY IMPACTS

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

- Layout & Design;
- Visual Impact;
- Transport & Access;
- Noise & Vibration;
- Landscaping; and
- Waste Management.

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 & DESIGN

The modified design and layout of Lots 201 and 204 include the following key changes:

- Reconfiguration of warehouse footprint and building form for Lot 201 and extension of the warehouse footprint further west;
- Division of the single warehouse space into three separate tenancies within Lot 201;
- Reconfiguration of the approved Warehouse and Office GFA for both Lots 201 and 204;
- Realigned hardstand, car parking and access locations to reflect the three-tenancy arrangement within Lot 201;
- Minor amendments to the south-western corner of Lot 204 which has been amended to facilitate fire truck movements around Lot 201; and
- Minor revisions to the specifications of the warehouses, including modifications to loading areas, office floor layouts and the inclusion of a future estate café (subject to a separate approval process).

The revised layout will have no overall impact to any neighbouring development or the approved operation of the precinct. Further assessment is undertaken on the revised layouts impact on visual, transport and noise are all provided below. The impact in terms of layout however will not cause any additional impacts to that which was previously assessed and approved under SSD-10436 with the overall site footprint varying only minorly to that which was approved under SSD-10436.

### 6.2. VISUAL IMPACT

Whilst the proposed modifications to Lot 201 and 204 are generally considered minor in the context of the remainder of the HLP scale, the revised building footprint, parking layouts and entries have the ability to impact the surrounding visual character of the area. To ensure there is no wider visual impact as a result of the proposed modification, Geoscapes has provided an addendum Visual Impact Assessment (VIA) to demonstrate that there will be no additional impacts as a result of the proposed modification.

The proposed reconfiguration of Lot 201 would result in 4,099m<sup>2</sup> less warehouse GFA than was previously approved, however would result in a slight longer façade to visual receptors in the south as a result of the proposed increase in east to west dimensions. The extended warehouse also results in the majority of the carparking approved at the western end of the site being relocated north of the warehouse, away from potential receptors in the neighbouring west and south.

Geoscapes has considered the above and notes that the proposed modifications will not result in any significant increase to the visual impacts received within the surrounding local context. No proposed changes to building heights, colours, materials and finishes, or signage and lighting means that no real visual impact will derive from the modification proposal. Whilst the southern façade will increase in length slightly, the landscape planting to the southern buffer will continue to provide adequate mitigation for the proposed extension of the warehouse west.

Please refer to **Appendix C** for additional information within the addendum VIA.

### 6.3. TRAFFIC GENERATION & PARKING

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 Assessment (TA) to review the proposed MOD 1 works. A similar assessment was undertaken to that for the approved Traffic Impact Assessment within SSD-10436. To appreciate the scope of the Ason assessment, the following traffic generation rates have been applied as per the RMS guide:

- AM Peak – 0.247 trips per 100m<sup>2</sup> of GFA;
- PM Peak – 0.182 trip per 100m<sup>2</sup> of GFA; and
- Daily – 2.641 trip per 100m<sup>2</sup> of GFA.

Utilising these rates and the revised GFA and parking numbers for MOD 1, Ason note the below traffic rates would be anticipated at the HLP should the modification be approved.

Table 4 MOD 1 Traffic Rates

Lot	SSD-10436 Approved			MOD 1			Difference		
	AM	PM	Daily	AM	PM	Daily	AM	PM	Daily
201	107	79	1,145	100	74	1,072	(-) 7	(-) 5	(-) 73
202	82	61	881	82	61	881	-	-	-
203	48	36	516	48	36	516	-	-	-
204	41	30	438	41	30	436	-	-	(-) 2
<b>Total</b>	<b>279</b>	<b>205</b>	<b>2,980</b>	<b>270</b>	<b>200</b>	<b>2,905</b>	<b>(-) 7</b>	<b>(-) 5</b>	<b>(-) 75</b>

As noted above in **Table 4**, the estimated traffic generation of MOD 1 will be less than the approved rate under SSD-10436. As a result, MOD 1 is not expected to have any impact on the performance of the surrounding road network, and thereby does not warrant any further modelling or infrastructure upgrades beyond that which has already been constructed within the locality.

Condition A8 of the consent issued for SSD-10436 requires provision of the following parking rates across the HLP:

- 1 space per 300m<sup>2</sup> of warehouse GFA; and
- 1 space per 40m<sup>2</sup> of office GFA.

The rate for food & drink premise outlined within the WSEA FDCP 2016 is 1 space per 50m<sup>2</sup> leasable area. Provision is made for the car parking demands of this future operation, noting that the built form is subject to a separate application.

Having regard to these parking rates, Table 5 details the on-site car parking numbers proposed as part of MOD 1.

Table 5 MOD 1 Parking Rates

Lot		GFA (m <sup>2</sup> )					Parking Requirement	Parking Provision
		Warehouse	Office	Amenity	Retail	Total		
201	Warehouse 1	19,731	536	553	-	20,820	80	108
	Warehouse 2A/B	15,000	578	-	-	15,878	72	98
	Warehouse 3	3,403	415	-	-	3,818	22	30 <sup>1</sup>
	Cafe	-	-	-	-	60	1 <sup>2</sup>	6
	<b>Total</b>	<b>38,134</b>	<b>1,829</b>	<b>553</b>	<b>60</b>	<b>40,576</b>	<b>175</b>	<b>242</b>
<b>202</b>		31,760	1,829	-	-	33,360	146	147
<b>203</b>		18,730	800	-	-	19,530	83	140
<b>204</b>		14,735	1,700	78	-	16,513	92	114
<b>Total</b>		103,359	5,929	631	60	109,979	496	643

<sup>1</sup> including 10 provisional car parking spaces

<sup>2</sup> based on RMS guide, it is assumed that 100sqm GFA equals to 75sqm GLA

SSD-10436 approved a total of 232 spaces for Lot 201 and 117 spaces on Lot 204.

The total number of parking spaces for Lot 201 warehouse & office (allocated to the three tenancies) will increase by 4 spaces to 236, slightly increasing the rate / m<sup>2</sup> of warehouse and office space. An additional six spaces are allocated for use by customers of the future café operation who would not otherwise walk to the premises. This brings the total parking spaces to 242 for Lot 201, 10 more than the original consent.

The number of parking spaces for Lot 204 will be reduced by 3 spaces to facilitate fire truck movements around Lot 201. The parking rate is however sufficient for the intended future tenants on Lot 204 and still exceeds the car parking rates required for the land use mix on that lot.

As noted above in **Table 5**, the proposed parking for MOD 1 satisfies the parking requirement for both Lots 201 and 204, provisioning for the anticipated car parking demand by future tenants and retains a suitable level of parking provision across the wider precinct.

In summary, it is concluded that MOD 1 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. NOISE & VIBRATION

Given the proposed increase in tenant numbers, minor building footprint changes, and relocation of access and parking arrangements for Lot 201, SLR were engaged to undertake an addendum Operational Noise Impact Assessment (NIA). This is provided at **Appendix E** to this Modification Report.

SLR's NIA has considered the changes proposed as part of MOD 1 and has found no exceedances of the noise limits will occur at any of the previously identified sensitive receivers under both neutral (day, evening and night periods) and adverse (night period) weather conditions.

Despite the increase in warehouse tenancies within Lot 201, the operational parameters and noise impacts are estimated to be consistent with those previously identified for nearby residential receivers. The extension of the Lot 201 building towards the western boundary results in additional acoustic screening to the nearest existing and proposed receiver locations along the southern boundary. The 3m noise barrier to the western

hardstand of Lot 201 included in the approved SSD-10436 is no longer required in order to comply with the operational noise limits.

SLR found that the anticipated change in road traffic noise levels on the main access route to the HLP would be negligible when compared to the approved acoustic levels within the assessment undertaken for SSD-10436.

Overall, the proposed works under MOD 1 will have no further impact on the locality in terms of noise and vibration. The full assessment of the expected operational noise limits is available within **Appendix E**.

## 6.5. LANDSCAPING

The revised landscaping plan submitted as **Appendix B** 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 relocation of the car parking from the western portion of Lot 201 to north of the warehouse, landscaping long the internal access road 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.

## 6.6. WASTE MANAGEMENT

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

The WMP identifies all potential waste streams likely to be generated at the site during both the construction and operational phases, 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 will set 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.

## 6.7. BCA

A review of BCA compliance has been undertaken by BM+G. The report is included at **Appendix G**. The assessment concludes that the proposed development 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.

## 6.8. RECOMMENDED MITIGATION MEASURES

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

The 3m high noise wall that was required as a mitigation measure by SSD-10436 is, however, is now no longer required to meet the nominated noise criteria at sensitive receivers as the western extension of the warehouse will suitably attenuate noise generated on the site. The noise wall has therefore been removed from the plans.

## **7. SECTION 4.15 ASSESSMENT**

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

### **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 EP&A 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 6**. 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 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 operation 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 no significant adverse impacts will result 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 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 OSE 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 May 2021 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 Application (**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**

**ARCHITECTURAL PLANS**

# **APPENDIX B**

# **LANDSCAPE CONCEPT PLANS**

# **APPENDIX C**

# **VISUAL IMPACT ASSESSMENT**

# **APPENDIX D**

# **TRANSPORT ASSESSMENT**

**APPENDIX E**

**OPERATIONAL NOISE IMPACT  
ASSESSMENT**

# **APPENDIX F**

# **WASTE MANAGEMENT PLAN**

**APPENDIX G**

**BCA ASSESSMENT REPORT**

# **APPENDIX H**

# **FIRE SAFETY STRATEGY**

