



ESR Horsley Logistics Park Modification 1

Amend layout of Lots 201 and 204

State Significant Development Modification Assessment (SSD-10436-MOD- 1)

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Cover image: Aerial view of the proposed ESR Horsley Logistics Park (Source: ESR Developments (Australia) Pty Ltd

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Glossary

Abbreviation	Definition
BCA	Building Code of Australia
Council	Fairfield City Council
Department	Department of Planning, Industry and Environment (DPIE)
EA	Environmental Assessment
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i> (NSW)
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
FRNSW	Fire and Rescue NSW
GFA	Gross Floor Area
HLP	Horsley Logistics Park
LEC	NSW Land and Environment Court
LGA	local government area
Minister	Minister for Planning and Public Spaces
NHVR	Nation Heavy Vehicle Regulator
PCC	Penrith City Council
Planning Secretary	Secretary of the Department
RtS	Response to Submissions
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
TfNSW	Transport for NSW

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1 Introduction

This report provides the Department of Planning, Industry and Environment's (the Department's) assessment of an application to modify the State significant development (SSD) consent for the ESR Horsley Logistics Park (HLP) (SSD-10436). The modification application seeks approval to amend the layout of Lots 201 and 204, including separating the Lot 201 warehouse building into three separate tenancies and extending the building west and reducing the overall gross floor area (GFA) of the development.

The application was lodged on 3 May 2021 by ESR Developments (Australia) (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.1 Background

On 31 March 2021, the Executive Director, Energy, Industry and Compliance as delegate of the Minister of Planning and Public Spaces (the Minister) granted development consent for the HLP (SSD-10436) at 6 Johnston Crescent, Horsley Park. The site is located approximately 35 kilometres (km) west of the Sydney central business district (CBD) and 18 km west of the Parramatta CBD within the Western Sydney Employment Area (WSEA), in the Fairfield City local government area (LGA) (see **Figure 1**).

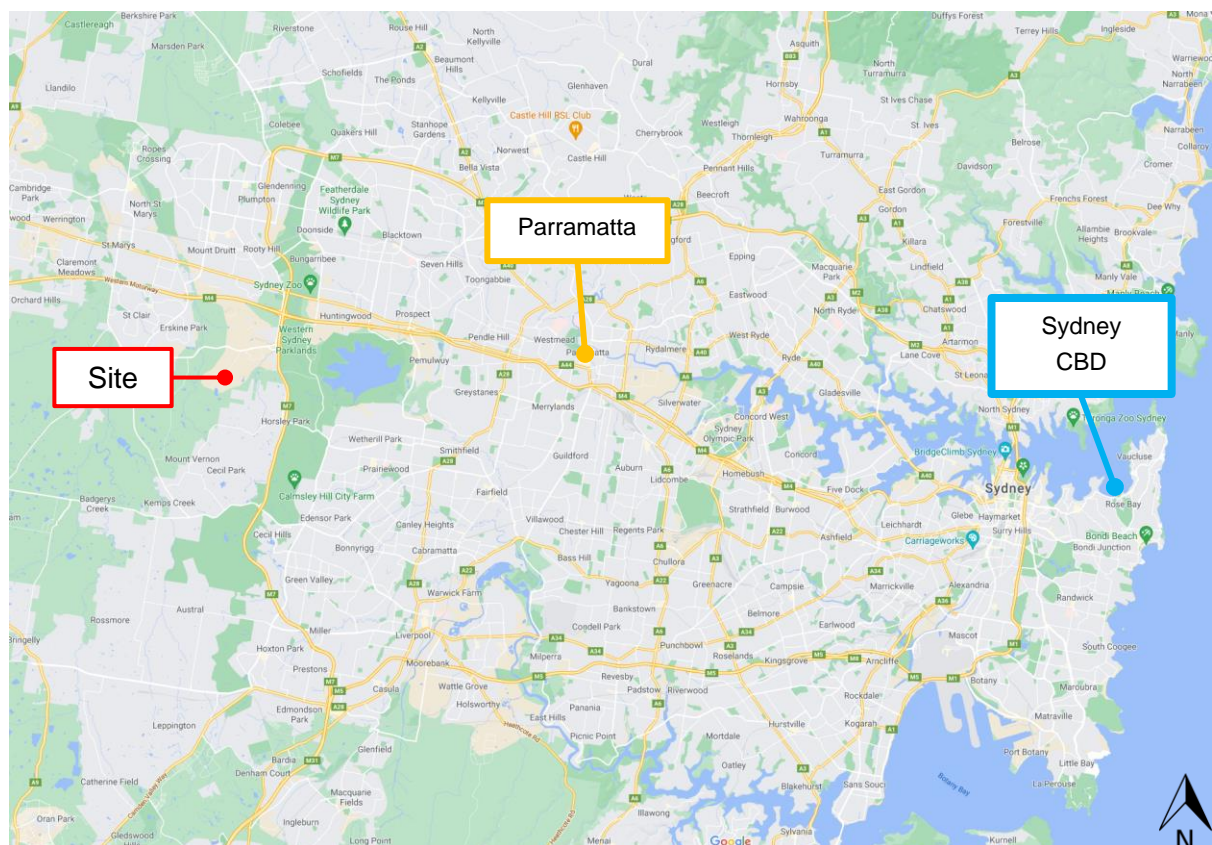


Figure 1 | Regional Context Map

The approved development includes the construction, fit-out and operation of eight warehouse and distribution tenancies in four buildings with a total GFA of 112,719 square metres (m²) including offices, loading docks, hardstand areas, truck and car parking areas, landscaping, associated infrastructure and signage.

1.2 Site Description

The site covers approximately 20.8 hectares (ha) of the CSR Estate, a 14-lot industrial subdivision approved by the NSW Land and Environment Court (LEC) (DA 893.1/2013) on 16 October 2015 which is being delivered in stages. Specifically, the site is located within Stage 2 and at the southern extent of the CSR Estate. Site preparation works including remediation, bulk earthworks, building pads, road infrastructure and services are being delivered as part of DA 893.1/2013 for the site.

The site is located to the north of existing rural residences on Greenway Place separated by a bund, retaining walls and a landscaped buffer constructed as part of the CSR Estate. An approved, but yet to be constructed, 11-lot rural residential subdivision is to be located adjacent to a portion of the southern boundary of the site.

To the east of the site is an environmental conservation area established to protect approximately 10 ha of Endangered Ecological Community being Cumberland Plain Woodland (CPW). To the west and south of the site is the Jacfin Horsley Park development, which is under early stages of construction as part of project approval 10_0130. To the north of the site are the other stages of the CSR Estate, presently under construction. Warehousing complexes including Oakdale Central Estate and Oakdale East Estate are located further to the north (see **Figure 2**).

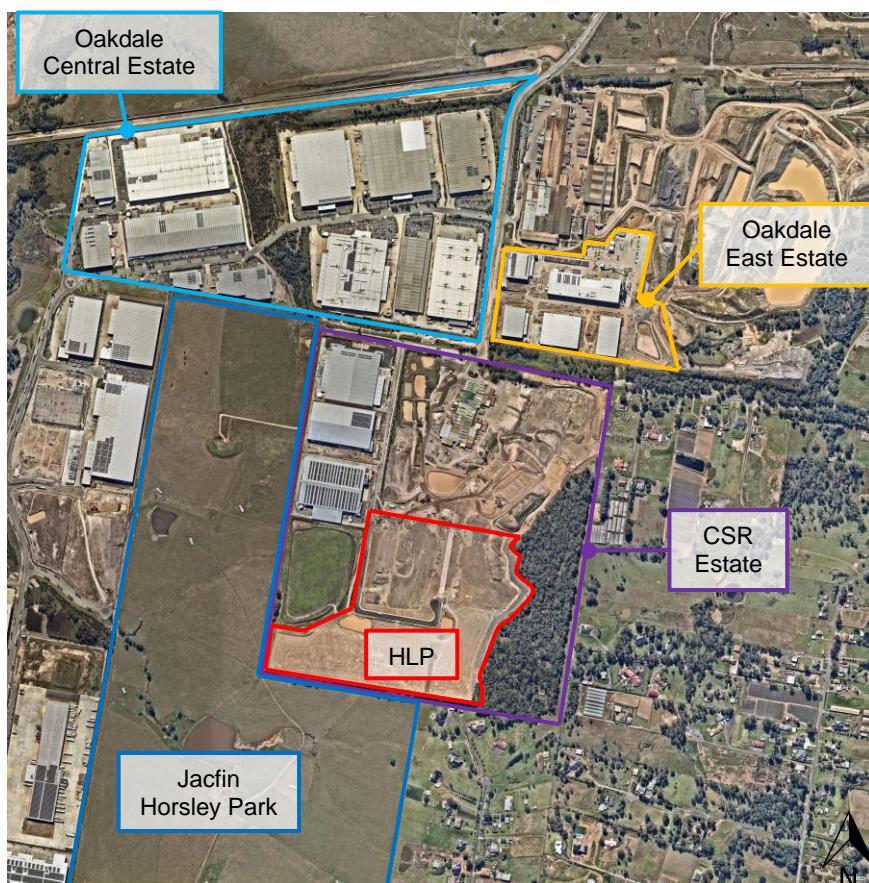


Figure 2 | Local Context Map

2 Proposed Modification

2.1 Proposed Modification

The Applicant has lodged a modification application under Section 4.55(1A) of the EP&A Act to amend the layout of Lots 201 and 204, including separating the Lot 201 warehouse building into three separate tenancies and extending the building west and reducing the overall GFA of the development.

The modification is described in full in the Environmental Assessment (EA) included in **Appendix A** and shown in **Figure 3** to **Figure 8**. The components of the modification are summarised in **Table 1**.

Table 1 | Components of the Modification

Aspect	Description
Lot 201	
Layout	<ul style="list-style-type: none"> Separating the Lot 201 warehouse into three tenancies 1, 2A/2B and 3 (tenancies 2A and 2B would be occupied by one tenant) extension of the Lot 201 warehouse 90 m to the west inclusion of one storage area north of tenancy 1 (see Figure 6)
GFA	<ul style="list-style-type: none"> reduction in total GFA of Lot 201 warehouse from 43,328 m² to 39,663 m² (- 3,665 m²) including: <ul style="list-style-type: none"> decrease in total warehousing GFA from 42,233 m² to 38,134 m² (- 4,099 m²) increase in total office GFA from 1,095 m² to 1,529 m² (+ 434 m²)
Land Use	<ul style="list-style-type: none"> inclusion of a 60 m² café in Lot 201 (fit-out of the café is subject to a separate future development application)
Car Park and Access	<ul style="list-style-type: none"> relocation and reconfiguration of car parks to the north of the Lot 201 warehouse building reconfiguration of driveway access on Johnston Crescent to create six separate driveways for each tenancy and café
Loading Docks	<ul style="list-style-type: none"> inclusion of additional 10 recessed loading docks and 23 flush docks to meet future tenants' requirements inclusion of a new loading area to the west of Lot 201 warehouse building
Service and Utilities	<ul style="list-style-type: none"> relocation of the approved pump room and sprinkler tanks to the west of the tenancy 3 (see Figure 6)
Lot 204	
GFA	<ul style="list-style-type: none"> reduction in total GFA of the Lot 204 warehouse from 16,501 m² to 16,435 m² (- 66 m²) including: <ul style="list-style-type: none"> increase in total warehousing GFA from 14,524 m² to 14,735 m² (+ 211 m²) reduction in total office GFA from 1,977 m² to 1,700 m² (- 277 m²)

Aspect	Description
Car Park	<ul style="list-style-type: none"> reduction in parking spaces from 117 to 114
Loading Docks	<ul style="list-style-type: none"> inclusion of additional two recessed loading docks at tenancy 204A (see Figure 8)
Fire Truck Access	<ul style="list-style-type: none"> reconfiguration of the south-western corner of tenancy 204D to provide additional manoeuvring area for fire trucks (see Figure 8)
GFA Detailed in Condition A6, Schedule 2 of SSD-10436 Development Consent	
Administrative Error	<ul style="list-style-type: none"> inclusion of GFA for Lot 202B warehouse (15,880 m²) that was missed in Condition A6 inclusion of GFA for Lot 202B office (800 m²) that was missed in Condition A6 correction of typographic error of GFA for Lot 203 office
Total GFA	<ul style="list-style-type: none"> decrease in the total GFA of the HLP from 112,719 m² to 109,048 m² (-3,671 m²)

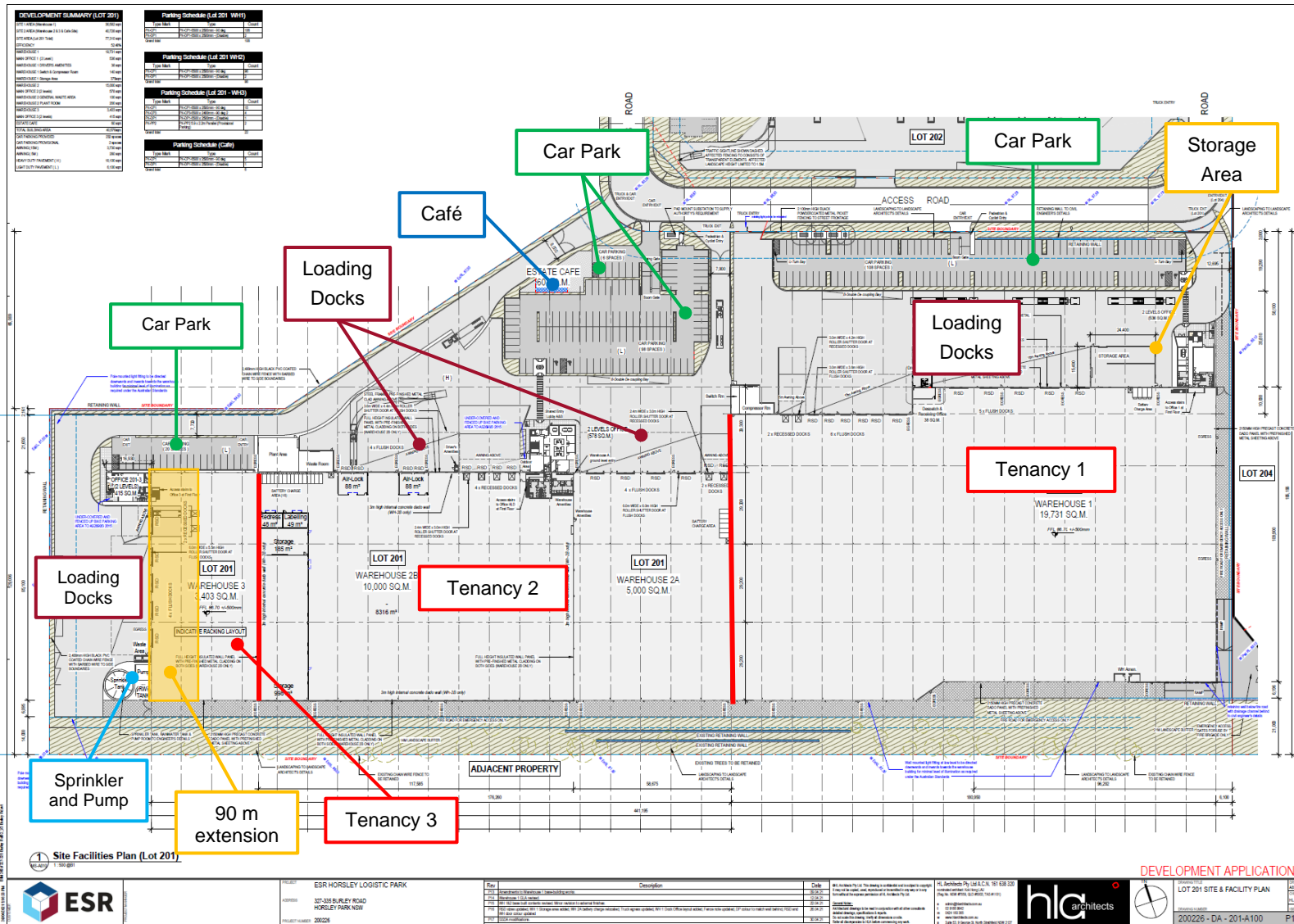


Figure 6 | Proposed Lot 201 Warehouse

2.2 Applicant's Justification for the Modification

The Applicant has justified the need for the modification application by highlighting the present market conditions and specific tenant operational requirements. The Applicant claimed that dividing the Lot 201 warehouse buildings into three separate tenancies, amendments in the design and layout of Lots 201 and 204 would facilitate timely construction and occupancy of these buildings for secured tenants.

The Applicant advised that the modification application would not change the purpose of the HLP being a warehousing and distribution centre complex as approved under SSD-10436. Furthermore, the amendments would decrease the overall building footprint and GFA across the HLP while retaining the approved building heights. As such, the Applicant contends the modification would have minimal environmental impacts.

3 Statutory Context

3.1 Scope of Modifications

The Department has reviewed the scope of the modification application and considers that the application can be characterised as a modification involving minimal environmental impacts as:

- the primary function and purpose of the approved development would not change as a result of the modification;
- any potential environmental impacts would be minimal and appropriately managed through the existing or modified conditions of consent;
- the modification is of a scale that warrants the use of section 4.55(1A) of the EP&A Act;
- the modified development is substantially the same development as originally approved; and
- the modification would not involve any further disturbance outside the already approved disturbance areas for the development.

Therefore, the Department is satisfied the modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.

3.2 Consent Authority

The Minister is the consent authority for the application under section 4.5(a) of the EP&A Act. Under the Minister's delegation dated 26 April 2021, the Team Leader, Industry Assessments, may determine the application under delegation as:

- the Applicant has not disclosed a reportable political disclosure in connection with the application;
- there are no public submissions in the nature of objections; and
- Fairfield City Council has not made a submission by way of objection.

3.3 Mandatory Matters for Consideration

The Department undertook a comprehensive assessment of the application against the mandatory matters for consideration as part of the original assessment of SSD-10436. This modification application would not result in significant changes that would alter the Department's consideration of the mandatory matters for consideration under section 4.15(1) of the EP&A Act and conclusions made as part of the original assessment.

3.4 Biodiversity Conservation Act 2016

Section 7.17 of the *Biodiversity Conservation Act 2016* (BC Act) specifies that if the determining authority is satisfied a modification will not increase the impact on biodiversity values, a biodiversity development assessment report (BDAR) is not required.

As the modification is located within the development footprint already assessed, it is not considered there is an increase in impacts on biodiversity values and the Department concludes a BDAR is not required.

4 Engagement

4.1 Department's Engagement

Clause 117(4) of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) requires a section 4.55(1A) modification application to be notified or advertised if specified by a community participation plan. The Department's Community Participation Plan notes the exhibition requirements for such modifications are discretionary, and based on the urgency, scale and nature of the proposal.

Given the proposed changes would result in minimal environmental impacts (see **Section 3**), the application was not notified or advertised. However, it was made publicly available on the Department's website on 7 May 2021, and was referred to Fairfield City Council (Council) and State government agencies for comment.

4.2 Government Advice

Council raised concerns with:

- potential vehicle conflicts between vehicles manoeuvring within Lot 201, entering and exiting Lot 201 and travelling along Johnston Crescent
- Johnston Crescent not being approved to be used for B-Doubles up to 26 m
- compliance with CSR Estate Development Control Plan; and
- waste management.

The Environment Protection Authority (EPA) advised the modification was not a scheduled activity and an environment protection licence would not be required.

Fire and Rescue NSW (FRNSW) made no comments on the modification.

Penrith City Council (PCC) noted the width of the landscape setback to Lot 201 western boundary was narrow and would be insufficient to screen the proposed loading docks located to the west of Lot 201 warehouse building.

Transport for NSW (TfNSW) reiterated its comments on the original SSD application that the applicant is required to consult with TfNSW during preparation of the Operational Traffic Management Plan for the amended HLP.

Water NSW made no comments on the modification.

4.3 Response to Submissions

On 8 June 2021, the Applicant submitted a Response to Submissions (RtS) report responding to the issues raised in submissions. The RtS was made publicly available on the Department's website and referred to Council for comment.

On 25 June 2021, **Council** provided its comments on the RtS, raising concerns with:

- the capability of the proposed Lot 201 entry and exit driveway to accommodate simultaneous two-way movements of the largest vehicle;
- the potential for 30 m long B-Doubles to cross the centre line of Johnston Crescent when exiting Lot 201,

- the potential conflict of movements between trucks and light vehicles at the proposed Lot 201 driveway; and
- clarification on the suitability of Lot 201 internal road grading for fire trucks and daily numbers of 30 m and 26 m B-Doubles.

On 9 July 2021, the Applicant responded to Council's comments. The Applicant proposed to widen the Lot 201 driveway splay and limit the largest vehicles entering the site to 26 m B-Doubles.

On 16 July 2021, Council maintained its concerns that heavy vehicles would cross the centre line of Johnston Crescent when exiting the site. Council also recommended conditions regarding loading dock management, Lot 201 internal road grading, and a traffic control system for tenancy 3 of Lot 201.

5 Assessment

The Department has assessed the merits of the modification. During this assessment, the Department has considered the:

- the EA, RtS and supplementary information provided to support the modification;
- the documentation and Department's assessment report for the original development application;
- advice from the Council, PCC, and State government agencies;
- relevant environmental planning instruments, policies and guidelines; and
- requirements of the EP&A Act, including the objects of the EP&A Act.

The Department considers the key assessment issues are:

- visual impact; and
- traffic access and manoeuvrability.

The Department's assessment of noise impact is provided in **Section 5.3**.

5.1 Visual Impact

Background

The development is located on industrial zoned land within the WSEA but borders existing and future residences to the south. DA 893.1/2013 for the CSR Estate approved the following southern boundary treatments (see **Figure 9**):

- a 21 m wide landscaped bund adjacent to Greenway Place for a distance of approximately 230 m;
- a 14 m wide landscape buffer at the western edge of the bund with stepped retaining walls extending further to the west for a distance of approximately 160 m; and
- a 10 m wide landscape buffer extending from the edge of the 14 m buffer to the western boundary of the site.

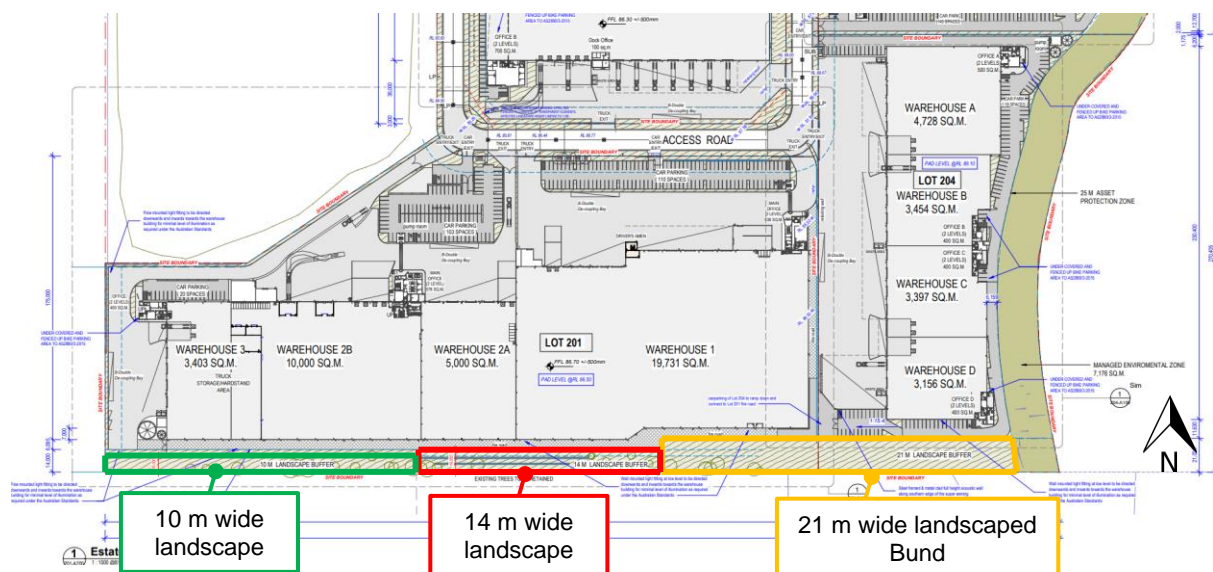


Figure 9 | Southern Boundary Interface Treatments

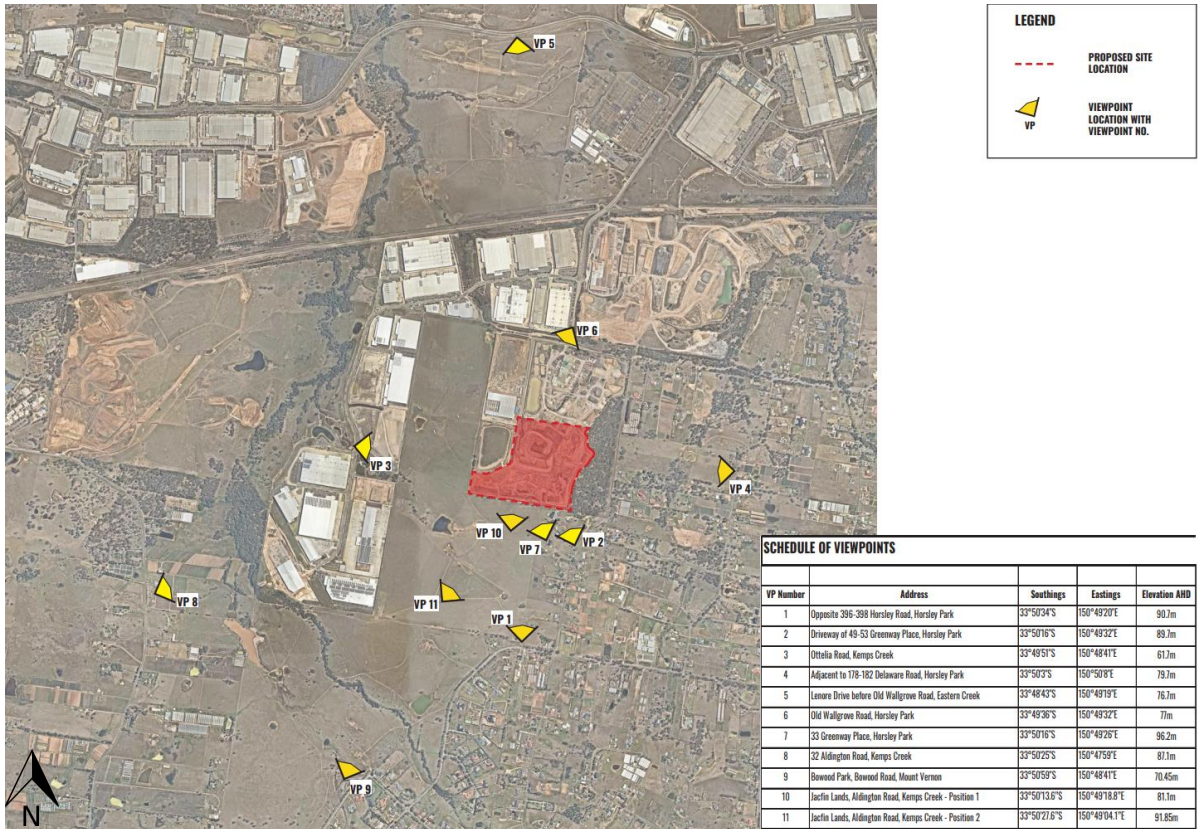


Figure 11 | Viewpoints identified in the VIA



Figure 12 | Photomontage of Lot 201 warehouse building at viewpoint 7 (33 Greenway Place)



Figure 13 | Photomontage of Lot 201 warehouse building at viewpoint 10 (Jacfin residential subdivision)

The Applicant’s VIA found the modified Lot 201 warehouse building would not lead to significant increases in visible built form in the long term compared to the approved development at the most sensitive locations, being viewpoint 7 at 33 Greenway Place and viewpoint 10 within the future Jacfin rural residential lands (see **Figure 12** and **Figure 13**). The VIA rated the visual impacts at viewpoints 7 and 10 for the modified development as moderate and minor respectively, which is consistent with the rating for the approved development.

The VIA noted that there would be no changes to the approved building heights, colours, materials and finishes, or signage and lighting and concluded the approved landscaped screening at the southern boundary could adequately mitigate the proposed extension of the Lot 201 warehouse building.

Government Advice

PCC raised concerns the western boundary landscape setback was not wide enough to offset the potential visual impact of the proposed loading areas to the west of Lot 201 warehouse building.

Department’s Assessment and Conclusion

The Department carefully considered visual impacts in its assessment of the approved development and recognised the importance of interface treatments along the southern boundary in mitigating visual impacts to existing and future sensitive receivers to the south of the site.

The proposed modification includes an extension of the Lot 201 warehouse building resulting in a longer southern façade. The Department notes the extension is to the western end of the building, away from the sensitive receivers within Greenway Place and the future Jacfin rural residential lands to the south. Furthermore, the extension is within the confines of the approved western boundary of Lot 201 and

does not extend beyond the western end of the southern boundary interface treatments. The Department therefore considers visual impacts of the proposed modification can be mitigated by the interface treatments constructed along the entirety of the southern boundary under DA 893.1/2013 and embellished under the approved development to achieve an appropriate outcome once landscaping reaches maturity.

The Department recognises there is the potential for increased visual impacts during the interim period until the trees along the southern boundary reach maturity. Again, it is noted the proposed building extension is to the western end, away from the sensitive receivers to the south, towards industrial zoned land. Furthermore, as noted in the Department's assessment of the approved development, the Jacfin rural residential lands are bordered by industrial land to the north and west, and future occupiers would reasonably expect industrial buildings to be visible in those directions.

The early establishment and on-going maintenance of landscaping at the southern boundary is fundamental in mitigating the visual impacts of the proposed modification. During the assessment of the approved development, the Department imposed a condition requiring the Applicant prepare a detailed landscape plan with trees to a height at maturity which would screen the western portion of the Lot 201 warehouse building within the additional 4 m wide area along the southern boundary, prior to commencement of construction. Further, prior to the commencement of operation of any part of the development, the Applicant is required to prepare a Landscape Management Plan to ensure ongoing management and maintenance of all vegetation along the southern boundary. The Department considers the existing condition can ensure adequate screening would be in place to mitigate any additional visual impacts of the proposed modification.

PCC raised concerns the width of the landscape setback to the western boundary of Lot 201 and potential visual impacts from the loading docks on the western elevation. The Department notes that a 2 m wide landscaped area comprising trees of a mature height of 30 m are forms part of the approved development. The Department also notes that land to the immediate west of Lot 201 would be future industrial developments within Jacfin Horsley Park development which are less sensitive to visual impacts than receivers to the south. As such, the Department considers the proposed landscaping along the western boundary of Lot 201 to be adequate.

The Department's assessment concludes that while the proposed modification will increase the length the Lot 201 warehouse building, any additional impacts could be adequately mitigated by the existing mitigation measures and conditions of consent.

5.2 Access and Manoeuvrability

Proposed Changes and the Applicant's Assessment

The proposed modification includes changes to the layout of Lot 201 and an increase in the number of driveway access points to Johnston Crescent from four to six, including a shared light and heavy vehicle driveway access to tenancy 3. This has the potential to result in conflicts between vehicles manoeuvring within and entering and exiting the site.

Government Advice

Council raised concern with the potential for conflict between vehicles entering and exiting the shared driveway at the north western corner of Lot 201, noted the close proximity of the proposed driveways to each other and questioned the ability of 30 m B-Doubles to exit the site without crossing the centre

line of Johnston Crescent. Council also raised concerns with the potential for conflict between vehicles within the site, particularly in relation to the tenancy 3 car park, the ability for emergency vehicles to traverse the fire trail and noted only part of Johnston Crescent is approved for use by 26 m B-Double vehicles.

Council recommended conditions in relation to loading dock management and internal road grading.

The Department concurred with Council's concerns regarding the potential for vehicle conflicts and highlighted particular concern regarding the internal driveway system accessing tenancy 3 and the ability for two way simultaneous traffic movements along the northern side of the proposed car park.

Applicant's Response

The Applicant submitted an RtS and supplementary information responding to Council's submission and the Department's comments.

Access Points on Johnston Crescent and Manoeuvrability

The Applicant proposed to widen the tenancy 3 driveway splay in the north western corner of Lot 201 and limit the largest vehicle accessing the site to 26 m B-Doubles, to address Council's concerns regarding potential conflicts between vehicles entering and exiting Lot 201 and to ensure vehicles would not cross the centre line of Johnston Crescent when exiting the site. Additional swept path diagrams show that with these additional measures in place, 26 m B-Doubles would not cross the Johnston Crescent centre line and would be able to enter and exit the site without conflicting with other vehicles.

Manoeuvrability within Lot 201

The Applicant argued that the potential for vehicle conflicts within Lot 201 was low due to the reduced traffic numbers for tenancy 2 and 3.

In response the Department's concerns regarding the internal driveway accessing tenancy 3 and the potential for conflict along the northern side of the proposed car park, the Applicant proposed to install a traffic management system comprising traffic signals, detector loops, regulatory traffic signs and line marking to manage traffic flows. The system would ensure the driveway along the northern side of the car park would be limited to a one-way heavy vehicle movement at any one time, to prevent vehicle conflicts that could occur with simultaneous two-way movements.

In response to Council's additional concerns, the Applicant's swept path diagrams demonstrate that B-Double de-coupling bays would not encroach into the loading docks for tenancy 3 and impact on heavy vehicle movements within the loading area. Swept paths were also submitted demonstrating the fire access is wide enough to allow a 12.5 m heavy rigid vehicle to circulate around the Lot 201 warehouse building.

The Applicant also noted it has applied to NHVR to permit Johnston Crescent to be used by 26 m B-Doubles.

Department's Assessment and Conclusion

The modification application would introduce additional driveway access points at Johnston Crescent due to the split of the Lot 201 warehouse into three tenancies with each tenancy having its own vehicle access. The Department acknowledges the concerns raised by Council regarding the proposed access arrangements and manoeuvrability within the site.

The Department has reviewed the additional swept path diagrams in the RtS and supplementary RtS and notes the Applicant has demonstrated that 26 m B-Doubles would not cross the centre line of Johnston Crescent when exiting Lot 201 and that the driveway is sufficient in width to accommodate simultaneous movement of 26 m B-Doubles entering and exiting the site. The Department considers this to be sufficient in addressing concerns regarding potential conflicts between vehicles entering and exiting the site simultaneously and potential conflicts with oncoming traffic in Johnston Crescent.

The Department notes the proposed internal signalised traffic system would ensure heavy vehicle traffic along the northern side of the tenancy 3 car park is limited to a one-way movement at any one time. The Department is therefore satisfied that with traffic control devices in place, including an internal signalised traffic system, the potential for vehicle conflicts within Lot 201 has been addressed. As such, the Department has recommended a new condition requiring that prior to the commencement of operation of the first tenancy at Lot 201, the Applicant must prepare an Operational Environmental Management Plan (OEMP) including measures to main road safety, details of traffic management system, ongoing maintenance measures for the system, contingency traffic management measures and system effectiveness monitoring program, in consultation with Council.

The Department notes that Condition A6(b) limits the largest vehicle permitted to access the site to a 26 m B-Double vehicle. Given the swept path diagrams demonstrate that the amended Lot 201 layout could sufficiently accommodate and ensure manoeuvrability for a 26 m B-Double vehicle within Lot 201, subject to the implementation of a traffic management system, no changes are proposed to this condition.

The Department’s assessment concludes that the modification application has sufficiently mitigated the potential risk of vehicle conflicts, subject to installation and implementation of a traffic management system and limiting the largest vehicle accessing the site to 26 m B-Doubles.

5.3 Other Issues

The Department’s assessment of other issues is provided in **Table 2**.

Table 2 | Assessment of Other Issues

Findings	Recommendations
Noise Impact	
<ul style="list-style-type: none"> The modification involves amendments to the layouts of Lots 201 and 204 including reconfiguring car parks and loading areas and removal of part of Lot 204 to create a fire truck manoeuvring area. This has the potential to cause additional noise impacts beyond what has been assessed and approved under the approved development. The modification application included an Operational Noise Impact Assessment (ONIA) to evaluate the change in operational noise impacts. The ONIA found the noise from the proposed modified development would comply with all noise criteria set out in development consent. Council did not raise any concerns with the proposed modification in relation to potential additional noise impacts. 	N/A

Findings

Recommendations

- To minimise noise impacts at the adjacent residential receivers, the approved development included a 3 m high noise wall to the south of the Lot 201 warehouse building and an awning above the loading dock for tenancy 204D. The noise wall and the awning would be established prior to commencement of operation of Lot 201 and 204 warehouse buildings.
- The Department notes the amended Lot 201 layout would continue to orientate loading docks away from the sensitive receivers to the south and that no changes are proposed to the approved noise wall and awning. The modification would also reduce the total traffic movements across the development.
- The Department has imposed a number of robust conditions setting noise limits for construction and operation of the development, requiring the Applicant prepare and implement construction noise and vibration management plans and a loading area management plan and conduct and submit noise verification reports once the development is operational.
- The Department considers the existing conditions of consent provide comprehensive requirements to mitigate noise, including verification reports to verify impacts once the development is operational.
- The Department's assessment concludes that the potential additional impacts from the proposed modification are acceptable can be suitably mitigated and managed through the stringent recommended conditions of consent and best practice noise management procedures.

Operational Traffic and Car Parking

Operational Traffic

Not applicable

- The modification application would reduce the total GFA of the development and rearrange car parking and loading dock areas, which has the potential to impact the surrounding road network and car parking numbers.
- The TIA adopted the SSD-10436 approved traffic generation rate that is consistent with the RMS Guide and predicted the entire development as modified would generate less traffic as follows:
 - daily vehicle movements: 95 less
 - AM Peak: 10 vehicle movements less
 - PM Peak: 7 vehicle movements less.
- As there are less traffic be generated, the TIA concluded the modification would not generate additional traffic impacts on the surrounding road network including the key intersection of Old Wallgrove Road/ Milner Avenue.
- Council made no specific comments in this regard. TfNSW reiterated its comments on the approved development that the Applicant should consult with TfNSW before developing an Operational Traffic Management Plan (OTMP).

Findings

Recommendations

- The Department recognises the modification would reduce the total daily and peak hour traffic and therefore considers it will not cause additional impacts on the safety and efficiency of the surrounding road network. Key intersection performance would also not be reduced.
- The Department's assessment concludes the modification would not have additional operational traffic impacts beyond that of approved under SSD-10436.

Car Parking

- The TIA calculated the parking requirements based on the RMS Guide rates which was adopted in the TIA for the approved development.
- Based on the RMS Guide rates, the modification would be required to provide 174 spaces for the Lot 201 warehouse building, 1 space for the proposed café, and 92 spaces for the Lot 204 warehouse building.
- The proposed modification includes 236 spaces for the Lot 201 warehouse building, 6 spaces for the café, and 114 spaces for the Lot 204 warehouse building, in excess of the RMS rates requirements.
- Council and TfNSW made no specific comments on car parking.
- The Department notes parking is to be provided in accordance with RMS Guide rates and therefore concludes that there is sufficient parking proposed under the modification.

6 Evaluation

The Department has assessed the modification application and considered the submissions provided by Council, PCC, and State government agencies. The Department has also considered the objectives and the relevant considerations under section 4.55 of the EP&A Act.

The Department's assessment of the modification concludes the amended layout of Lots 201 and 204 would:

- not present a risk of harm to the community or the environment and
- have minimal visual impacts that could be adequately mitigated by the approved landscaping screen at the southern boundary.

The Department considers the modification is appropriate on the basis that:

- the modification would result in minimal environmental impacts beyond the approved development
- satisfactory mitigation measures would be put in place to manage potential impacts
- the revised development could be appropriately managed through the existing and modified conditions of consent.

Overall, the Department is satisfied the impacts from the modification could be appropriately managed through the Applicant's proposed management and mitigation measures, the existing conditions of consent, and the Department's recommended modified conditions. It is therefore recommended the modification should be approved, subject to conditions.

7 Recommendation

It is recommended that the Team Leader, Industry Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report;
- **determines** that the application SSD-10436 MOD-1 falls within the scope of section 4.55(1A) of the EP&A Act;
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification;
- **modify** the development consent SSD-10436; and
- **signs** the attached approval of the modification (**Appendix B**).

Recommended by:

A handwritten signature in blue ink, appearing to read 'B Zhang', with a long horizontal stroke extending to the right.

Bruce Zhang

Senior Environmental Assessment Officer
Industry Assessments

8 Determination

The recommendation is **Adopted** by:

A handwritten signature in blue ink, appearing to read 'W Hodgkinson', written in a cursive style.

William Hodgkinson

Team Leader

Industry Assessments

as delegate of the Minister for Planning and Public Spaces

Appendices

Appendix A – List of Documents

The Department has considered the following key documents during its assessment of the modification:

- ESR Horsley Logistics Park SSD-10436 MOD 1 Environmental Assessment, prepared by Urbis, dated 3 May 2021
- Response to Submissions, prepared by Urbis, dated 8 June 2021
- advice received from Fairfield City Council, Penrith City Council and State government agencies

These documents may be viewed on the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/project/41721>

The Department has also considered the:

- existing conditions of consent
- documents supporting the original development
- relevant environmental planning instruments, policies and guidelines
- relevant requirements of the *Environmental Planning and Assessment Act 1979*.

Appendix B – Notice of Modification

The Notice of Modification may be viewed on the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/project/41721>

Appendix C – Consolidated Consent

The consolidated consent may be viewed on the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/project/41721>