



ESR Horsley Logistics Park Modification 2

Design amendments to Lot 204 (proposed Lot 202), renumbering approved Lots, updated signage strategy and administrative changes to conditions

State Significant Development Modification Assessment (SSD-10436-MOD- 2)

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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
Council	Fairfield City Council
Department	Department of Planning, Industry and Environment (DPIE)
EA	Environmental Assessment
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
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
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 Warehouse 204, reduce the overall gross floor area (GFA), renumber the approved lots, update the site precinct signage plan and stage the payment of contributions.

The application was lodged on 30 August 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**).

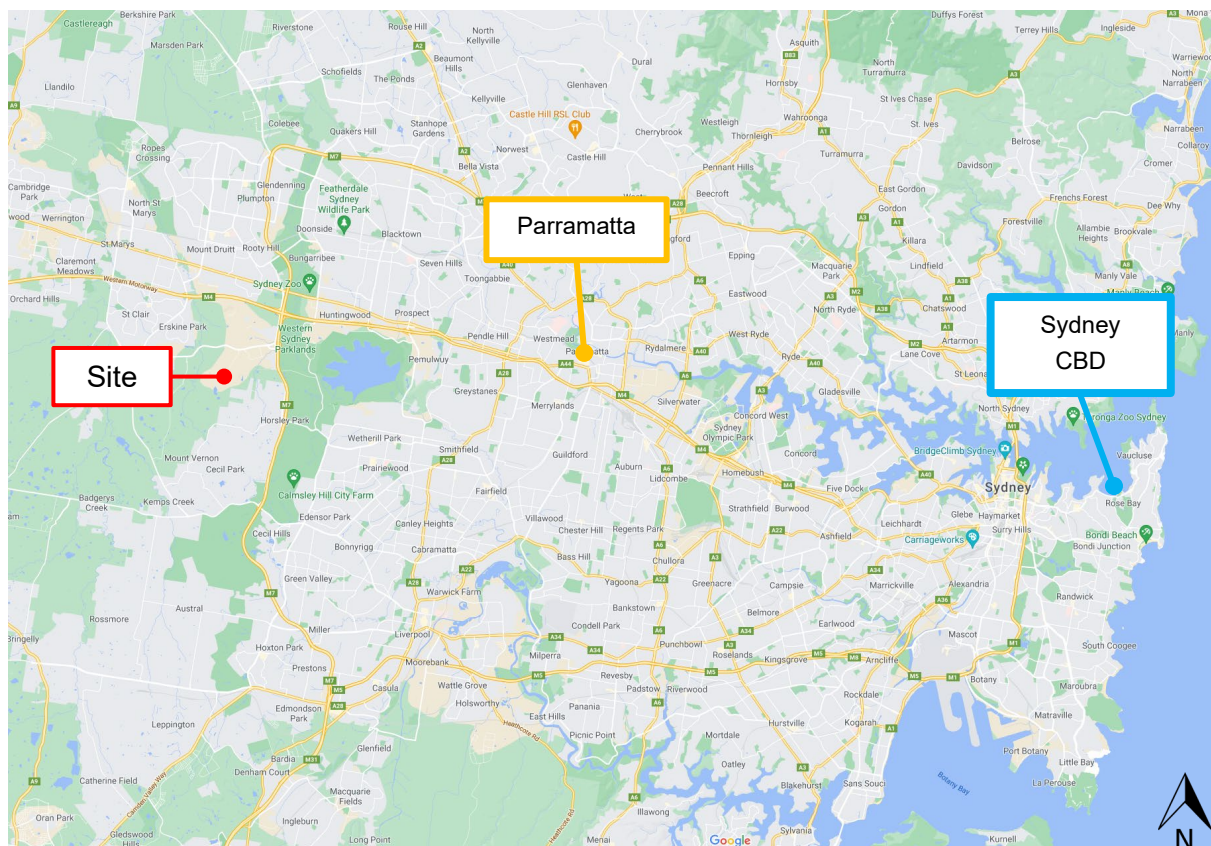


Figure 1 | Regional Context Map

The approved development comprised 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.

On 4 August 2021, the Team Leader, Industry Assessments as delegate of the Minister granted consent for a Modification to SSD 10436 (SSD-10436-Mod-1) to amend the layout of Lots 201 and 204, including separating the Lot 201 warehouse building into three separate tenancies and reducing the overall GFA of the development to 109,048 m².

1.2 Site Description

The site covers approximately 20.8 hectares (ha) of the CSR Estate, which forms part of the staged 14-lot industrial subdivision approved by the NSW Land and Environment Court (LEC) (DA 893.1/2013) on 16 October 2015. The HLP 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. Construction work has commenced within the HLP.

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, which are 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 Warehouse 204, reduce the overall GFA, renumber the approved lots, update the precinct signage plan and to stage the payment of contributions.

The modification is described in full in the Environmental Assessment (EA) included in **Appendix A** and shown in **Figure 3** to **Figure 6**. The components of the modification are summarised in **Table 1**.

Table 1 | Components of the Modification

Aspect	Description
Condition A6, Schedule 2 of SSD-10436 Development Consent	
Lot description	<ul style="list-style-type: none"> Lot 201 unchanged Lot 204 is proposed to be Lot 202 Lot 203 is proposed to be Lot 204 Lot 202 is proposed to be Lot 206
Condition A22, Schedule 2 of SSD-10436 Development Consent	
Contributions to Council	<ul style="list-style-type: none"> Contributions to be paid in stages prior to the issue of the Construction Certificate for each warehouse. Payment based on the Capital Investment Value (CIV) of each warehouse and associated works.
Condition B6, Schedule 2 of SSD-10436 Development Consent	
Signage	<ul style="list-style-type: none"> Inclusion of an estate signage masterplan for the HLP to supplement the approved estate identification signs, tenant identification signs, warehouse signs and directional signs The proposed estate signage plan details the content of each sign to be installed in the HLP The proposed signage plans reflect the amended tenancy configurations across the HLP approved by Mod 1 and proposed in Mod 2
Lot 204 (Proposed Lot 202)	
Layout	<ul style="list-style-type: none"> reduce number of tenancies from four to three reconfigure warehouse layout: <ul style="list-style-type: none"> Warehouse B is deleted and absorbed into Warehouse A Warehouse C is reduced in size and referred to as Warehouse B Warehouse D is now referred to as Warehouse C
GFA	<ul style="list-style-type: none"> reduction in total GFA of the Lot 204 warehouse from 16,435 m² to 16,126 m² (- 309 m²) including: <ul style="list-style-type: none"> reduction in total warehousing GFA from 14,735 m² to 14,531 m² (- 204 m²)

Aspect	Description
Car Park	<ul style="list-style-type: none"><li data-bbox="496 275 1342 302">– reduction in total office GFA from 1,700 m2 to 1,595 m2 (- 105 m2)<li data-bbox="448 338 1166 365">• reduction in parking spaces from 114 to 105 (- 9 spaces)<li data-bbox="448 376 1182 403">• one on-site parking space for a fire truck opposite office A

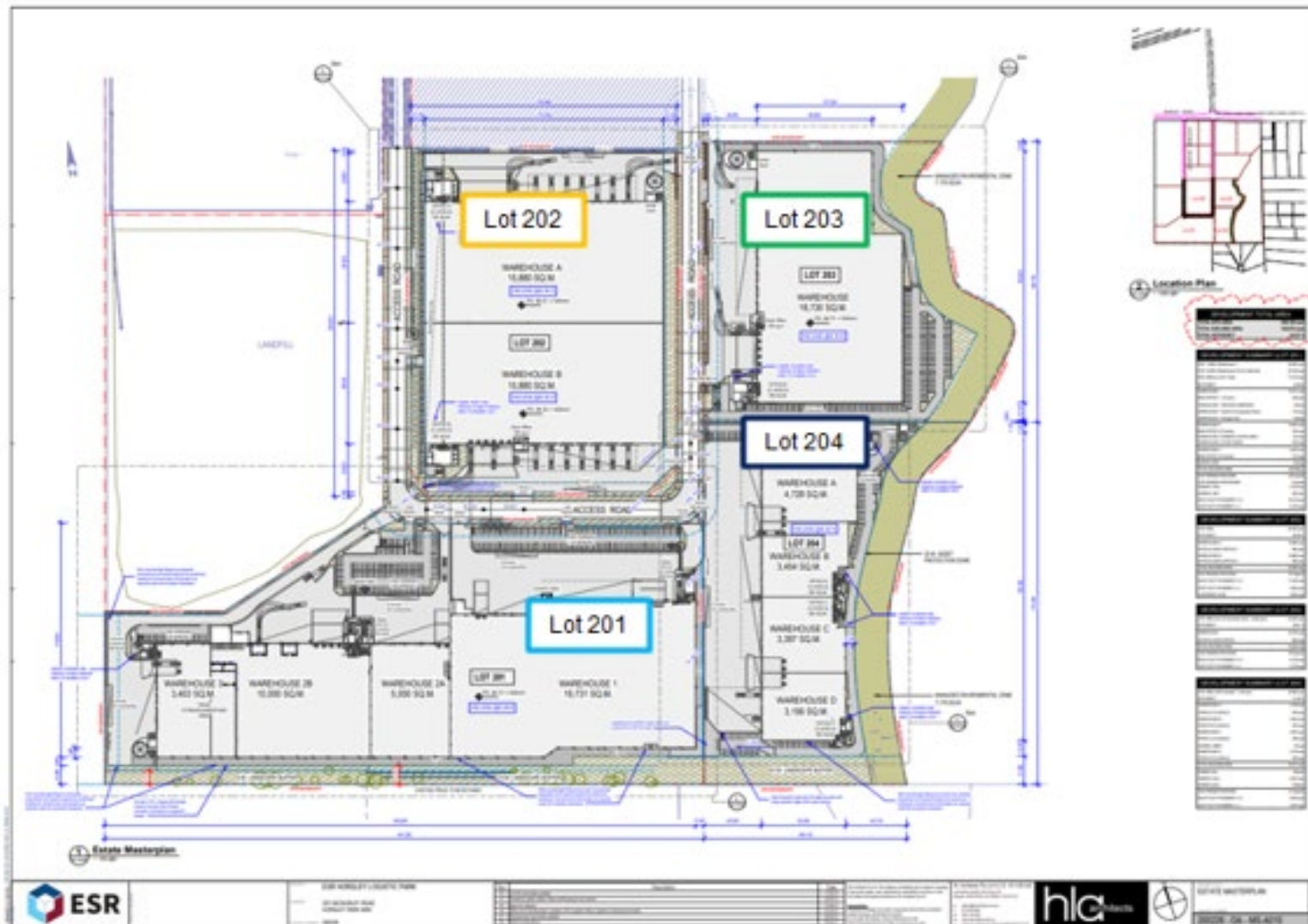


Figure 3 | Approved HLP Master Plan (Mod 1)

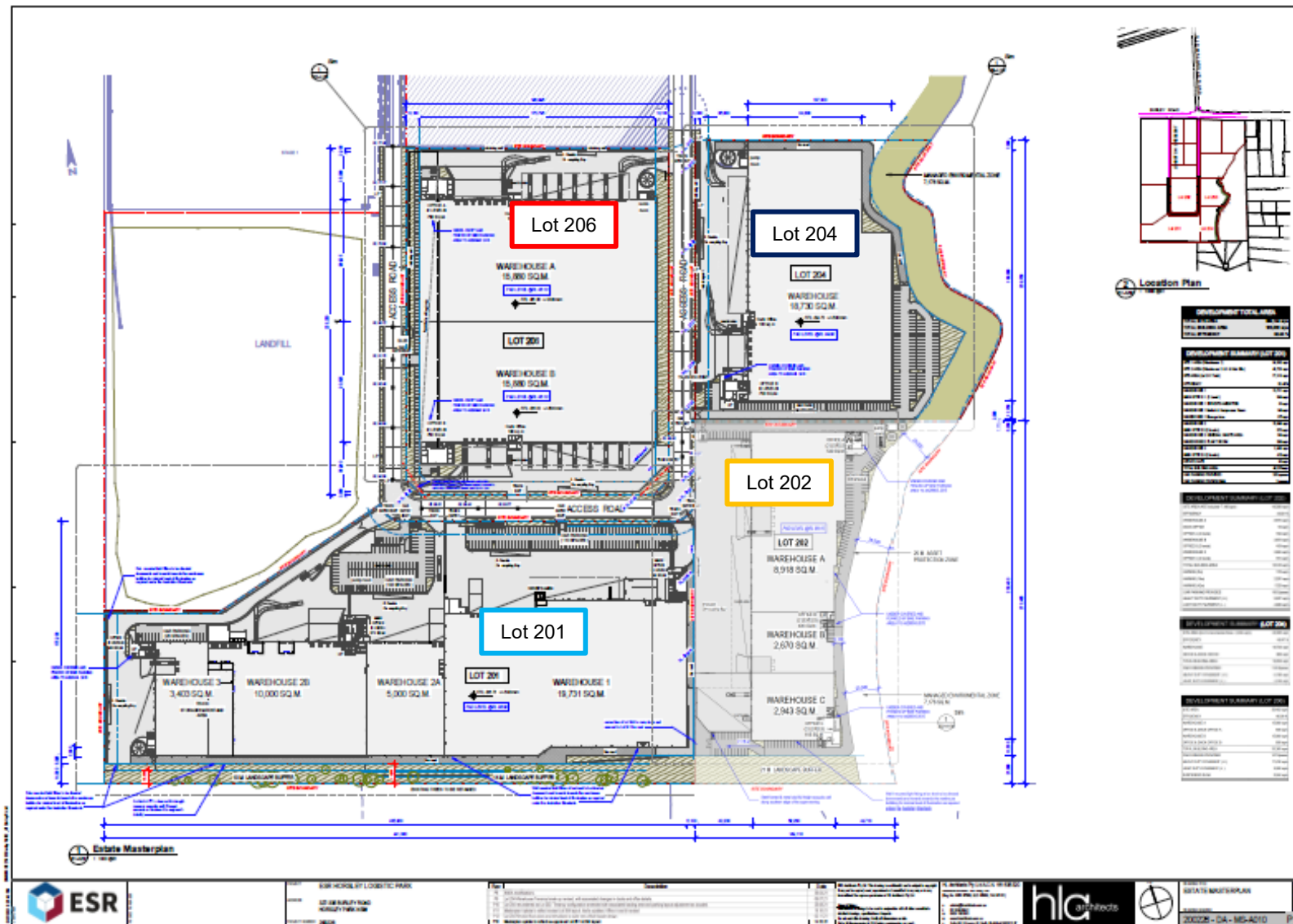


Figure 4 | Proposed HLP Master Plan

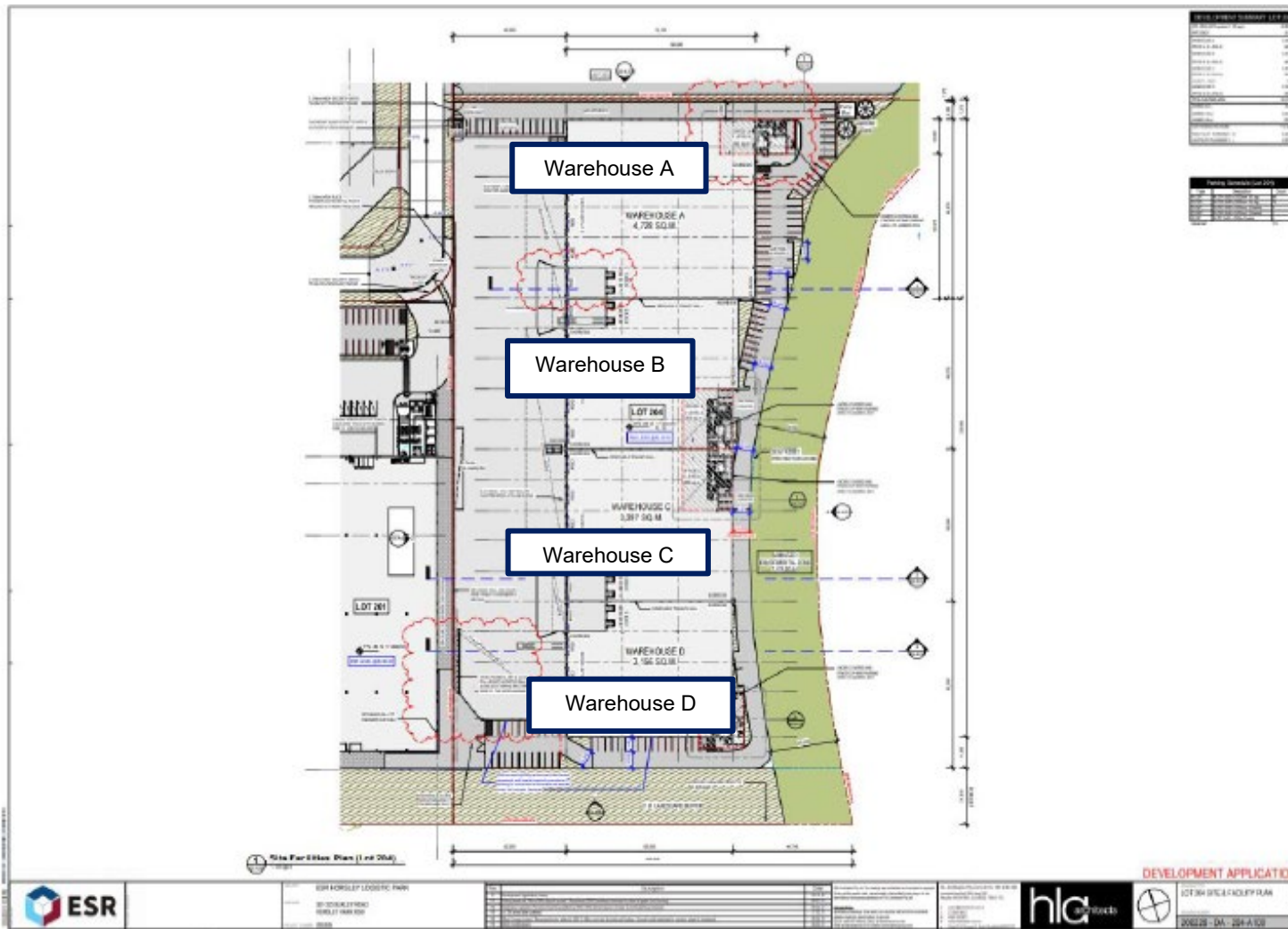


Figure 5 | Approved Lot 204 Warehouse (Mod 1)

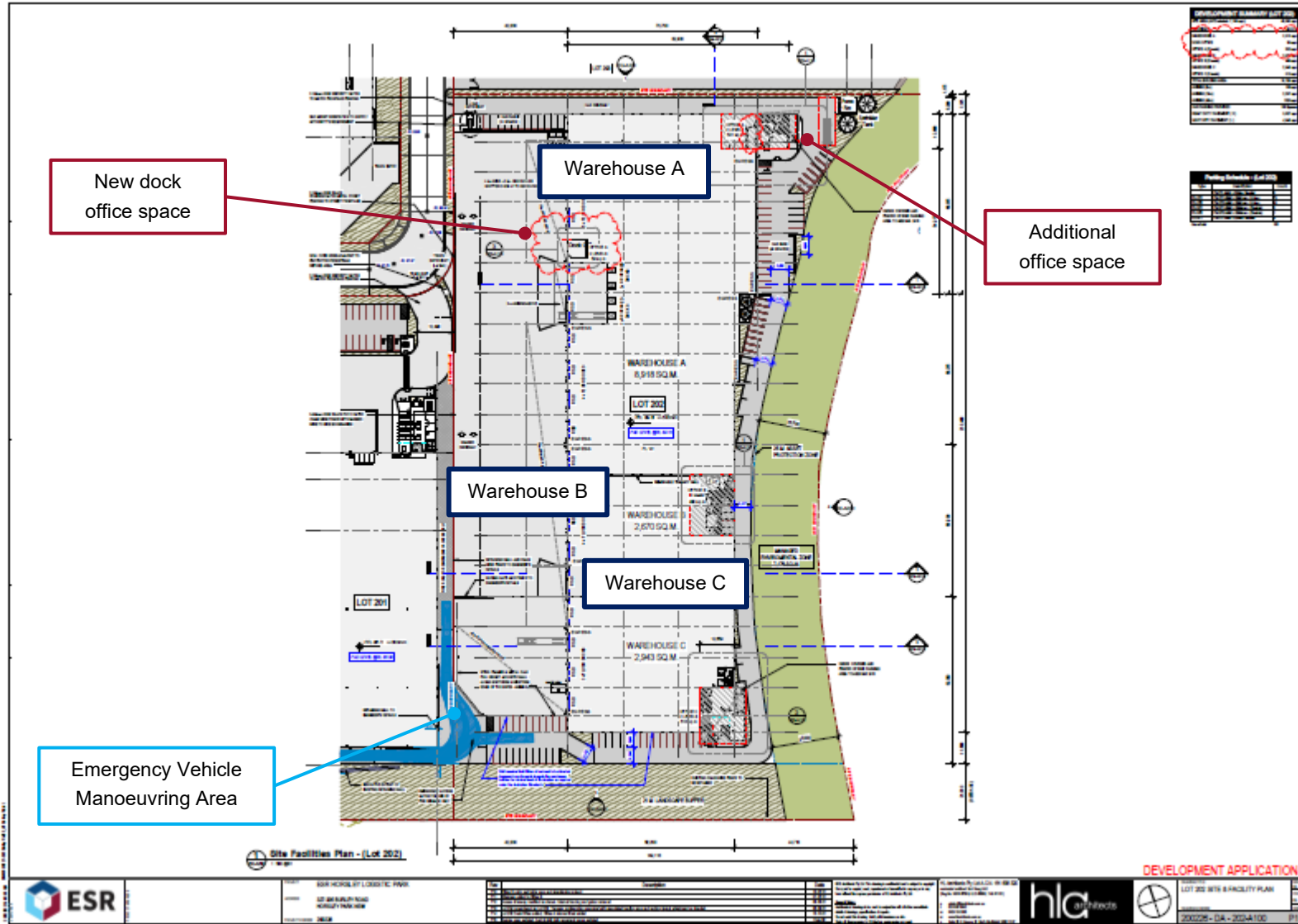


Figure 6 | Proposed Lot 202 Warehouse (previously Lot 204)

2.2 Applicant's Justification for the Modification

The Applicant has justified the need for the modification application by highlighting market conditions and specific tenant requirements. The Applicant advises the reconfiguration of Lot 204 (proposed Lot 202) is required to facilitate three tenancies within the approved development footprint. The Applicant states the modification will facilitate the occupancy of the tenancies.

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 GFA across the HLP. 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 and subsequent modification application (SSD-10436-Mod-1). 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 approved development footprint, 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 14 September 2021 and was referred to Fairfield City Council (Council) and Transport for NSW (TfNSW) for comment.

4.2 Government Advice

Council raised concerns with:

- potential vehicle conflicts between HRVs manoeuvring within hardstand and loading areas of Lot 204 (proposed Lot 202), including requesting a swept path analysis demonstrating a 26m B-Double vehicle manoeuvring within the site while simultaneous loading and unloading activities are occurring at / near the recessed loading docks
- potential vehicle conflicts at the Lot 204 (proposed Lot 202) northernmost driveway between HRVs exiting and light vehicles entering/exiting
- potential vehicle conflicts along the Lot 204 (proposed Lot 202) perimeter road within the car park area between HRVs and light vehicles.
- Johnston Crescent not being approved to be used for B-Doubles up to 26 m.

Council did not raise concern regarding the proposed amendment to the calculation, payment and staging of contributions. Council also requested a breakdown by vehicle type of the vehicles accessing the site.

TfNSW made no comments on the modification.

4.3 Response to Submissions

On 2 September 2021, the Applicant submitted a Response to Submissions (RtS) report responding to the issues raised in Council's submission. The RtS was made publicly available on the Department's website and referred to Council for comment.

On 5 October 2021, the Department requested further information in relation to inconsistencies between the Modification Report and the Appendices. On 5 November 2021, the Applicant submitted a response to the Department's request for further information which included revised plans. The supplementary response was made publicly available on the Department's website and referred to Council for comment.

On 23 November 2021, Council provided its comments on the supplementary response, again raising concerns with the potential for vehicle conflicts at the Lot 204 (proposed Lot 202) northernmost driveway and along the Lot 204 (proposed Lot 202) perimeter road.

Council advised its request for a breakdown of vehicles accessing the site had been addressed and did not raise any further concerns regarding potential vehicle conflicts within the loading areas of Lot 204 (proposed Lot 202).

5 Assessment

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

- the EA, RtS and supplementary RtS provided to support the modification;
- the documentation and Department's assessment report for the original development application;
- advice from the Council;
- 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 issue is traffic access and manoeuvrability.

The Department's assessment of car parking, contributions and estate signage masterplan are provided in **Section 5.3**.

5.1 Access and Manoeuvrability

Proposed Changes and the Applicant's Assessment

The proposed modification includes changes to the layout of Lot 204 (proposed Lot 202) including the reduction of the overall warehouse and office GFA, reduction in the number of tenancies from four to three and the deletion of 9 car spaces to accommodate a substation and fire truck parking. This has the potential to result in additional access and manoeuvrability impacts.

Government Advice

Council raised concerns with the potential for vehicle conflicts at the Lot 204 (proposed Lot 202) northernmost driveway and along the perimeter road. Council also requested further information regarding manoeuvrability of HRVs within Lot 204 (proposed Lot 202) during when loading/unloading is occurring and noted only part of Johnston Crescent is approved for use by 26 m B-Double vehicles.

Applicant's Response

The Applicant provided swept path diagrams (AG07) demonstrating a 12.5m HRV exiting the northernmost driveway of Lot 204 (proposed Lot 202) and manoeuvring along the perimeter road. The swept paths demonstrate the path of a fire truck and the Applicant noted this scenario is only anticipated to occur during an emergency. The Applicant acknowledged swept path demonstrates a 12.5m HRV would occupy the entry/exit of the northernmost driveway when exiting the site but noted again this would only occurring in an emergency and it is unlikely light vehicles would be entering the site at that time.

The Applicant argued that the potential for vehicle conflicts within Lot 204 (proposed Lot 202) would therefore be low and noted that site access, car parking and loading areas have been designed to comply with the relevant Australian Standards.

The Applicant provided swept path diagrams (AG04) to demonstrate a 26 m B-double truck can manoeuvre while loading and unloading activities are occurring and noted 26 m B-Double trucks will be used infrequently. The Applicant also provided a breakdown of vehicles by type attending the site. Council did not require any further information on these matters.

Department's Assessment and Conclusion

The Department acknowledges the concerns raised by Council regarding the northernmost driveway of Lot 204 (proposed Lot 202) and along the perimeter road.

The Department has reviewed the additional information provided within the RtS and supplementary information and notes the northernmost driveway of Lot 202 (proposed Lot 204) and the perimeter road is for use by light vehicles during normal operations. It is only during an emergency where a 12.5 m HRV would be required to use the driveway and perimeter road. The Department considers the potential for vehicle conflict to be low, noting it would be unlikely vehicles would enter / exit the site at the same time an emergency fire truck is entering / exiting / manoeuvring within the site.

The Department also notes the proposed modification does not seek to change the approved emergency vehicle access routes. Notwithstanding, Condition B41 of SSD-10436 requires fire vehicle access roads to comply with the requirements of the NSW Rural Fire Service *Planning for Bush Fire Protection 2019* and Condition C6 requires the operational environmental management plan to include procedures to be implemented on site to respond to emergencies.

The Department considers the Applicant has sufficiently demonstrated 26 m B-Double vehicles can manoeuvre within Lot 204 (proposed Lot 202), including during periods where loading/unloading is occurring and notes the Applicant has advised that it has applied to the National Heavy Vehicle Regulator to permit Johnston Crescent to be used by 26 m B-Doubles.

The Department's assessment concludes the potential for vehicle conflicts at the northernmost driveway of Lot 204 (proposed Lot 202) and along the perimeter road is low. The Department is satisfied the Applicant has addressed the concerns raised by Council and considers any impacts could be appropriately managed through the existing conditions of consent.

5.2 Other Issues

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

Table 2 | Assessment of Other Issues

Findings	Recommendations
Operational Traffic and Car Parking	
<i>Operational Traffic</i> <ul style="list-style-type: none">The modification application would reduce the total GFA of the development and car parking spaces provided on site.The Applicant's Transport Statement (TS) relied on available traffic generation information for the future tenants of Warehouses A and C, Holman and Rhomberg respectively. Holman manufactures and distributes plumbing, lighting and gardening products. Rhomberg manufactures and distributes electrical and instrumental products.The TS adopted the SSD-10436 approved traffic generation rate for Warehouse B that is consistent with the RMS Guide.The Transport Statement found that the traffic generation for the proposed Lot 204 (proposed Lot 202) would be reduced as follows:	Not applicable

- daily vehicle movements: 155 less
- AM Peak: 13 vehicle movements less
- PM Peak: 9 vehicle movements less.
- As less traffic will be generated, the TS concluded the modification would not generate additional traffic impacts on the surrounding road network.
- Council made no specific comments in this regard.
- 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.
- The Department's assessment concludes the modification would not have additional operational traffic impacts beyond that of approved under SSD-10436.

Car Parking

- The TS calculated the parking requirements based on the RMS Guide rates which was adopted in the TIA for the approved development.
- The TS notes that Warehouses A and B will have a shared operational arrangement and therefore the carparking requirement is to be calculated together based on the proposed GFA.
- Based on the RMS Guide rates, the modification would result in a parking requirement of 89 spaces for the Lot 204 warehouse building (proposed Lot 202), being 40 spaces for the office and 49 spaces for warehouses A, B and C.
- The proposed modification includes 105 spaces for the Lot 204 warehouse building (proposed Lot 202), 16 spaces in excess of the RMS rates requirements.
- Council made no specific comments on car parking.
- The Department notes parking is to be provided in accordance with RMS Guide rates and Condition A8 of the consent therefore concludes that there is sufficient parking proposed under the modification.

Contributions to Council

Payment of Section 7.12 contributions

- | | |
|---|--|
| <ul style="list-style-type: none"> • The Modification Application seeks to amend Condition A22 to modify the timing of the payment of contributions to Council. • Condition A22 requires the payment of contributions prior to the issue of any Construction Certificate for any part the development. • The Applicant seeks to amend Condition A22 to permit the payment of contributions in stages prior to the issue of the Construction Certificate for each warehouse. • The Applicant further seeks to ensure that the calculation of the applicable contribution would be based on the relevant Capital Investment Value (CIV) for each warehouse. • Council did not raise concern with the amendment to Condition A22. | <p>Amend the wording of Condition A22.</p> |
|---|--|

Findings

Recommendations

- The Department notes that the payment of contributions would still be required and only the timing of payment would be modified. Further, the Department notes the Ministerial direction permitting the temporary deferral of payment of local contributions for certain development consents (including SSD-10436) in response to the COVID-19 pandemic until at least the issuing of the first Occupation Certificate.
- The Department's assessment concludes that the modification would remain generally consistent with the development consent, with payment of contributions still required.

Signage

Estate Signage Masterplan

- The Modification Report seeks to amend Condition B6 to include an estate signage masterplan. Amend the wording of Condition B6
- Condition B6 requires all signage and fencing to be undertaken as per the development plans included in the EIS, RTS, Supplementary RTS and Supplementary Information.
- The Applicant seeks to amend Condition B6 to include an estate signage masterplan detailing estate, building and directional signage across the site.
- Council made no specific comment in this regard.
- The Department notes that the signage is generally consistent with the requirements of State Environmental Planning Policy No. 64 – Advertising and Signage and represents good quality design. The Department considers the positioning and siting of the signage will minimise potential lighting impacts to surrounding properties.
- The Department's assessment concludes that the modification would remain generally consistent with the development consent.

6 Evaluation

The Department has assessed the modification application and considered the submissions provided by Council. 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 Lot 202 would:

- not present a risk of harm to the community or the environment and
- have minimal vehicular access and manoeuvrability impacts.

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 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-2 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:



Rebecka Groth

Senior Environmental Assessment Officer
Industry Assessments

8 Determination

The recommendation is **Adopted** by:

A handwritten signature in blue ink, appearing to read 'W Hodgkinson', is positioned below the text 'Adopted by:'. The signature is fluid and cursive.

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 2 Environmental Assessment, prepared by Urbis, dated 22 October 2021
- Response to Submissions, prepared by ESR, dated 5 November 2021
- advice received from Fairfield City Council

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

<https://www.planningportal.nsw.gov.au/major-projects/project/42526>

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/42526>

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/42526>