



ESR Horsley Logistics Park Modification 4

Design, access and landscaping amendments to Lot 204,
and an updated signage masterplan
State Significant Development Modification Assessment
(SSD- 10436- Mod- 4)

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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 and Environment
EA	Environmental Assessment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
GFA	Gross Floor Area
HLP	Horsley Logistics Park
Minister	Minister for Planning
RMS	Roads and Maritime Services, TfNSW
SEARs	Planning Secretary's Environmental Assessment Requirements
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

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1 Introduction

This report provides the Department of Planning 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 make design amendments to Lot 204 (previously known as Lot 203) including the reduction of the approved building pad level, updated signage masterplan and changes to landscaping.

The application was lodged on 3 December 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

The Applicant seeks to modify an approved warehouse at 6 Johnston Crescent, in the Fairfield City local government area. The site is located approximately 35 kilometres (km) west of the Sydney central business district (CBD), 18 km west of the Parramatta CBD and is within the Western Sydney Employment Area (WSEA). The site location is shown in **Figure 1**.

The approved development involves 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.

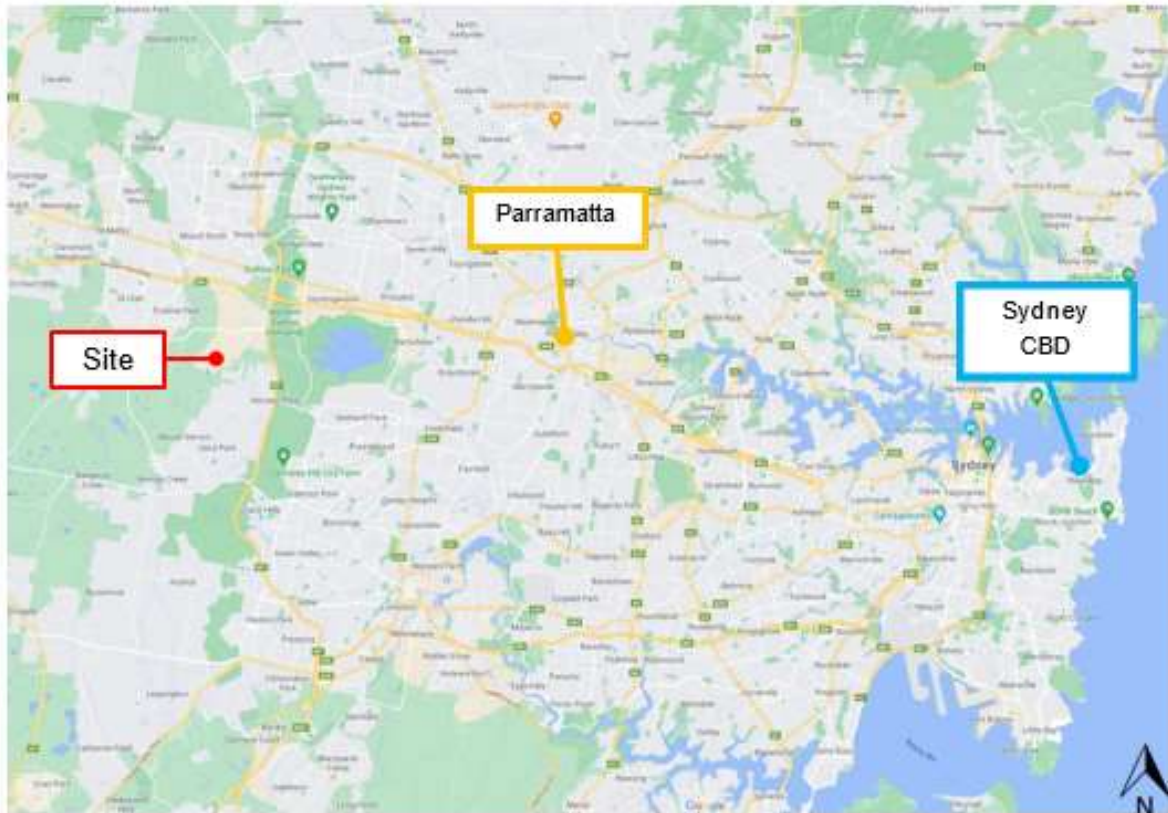


Figure 1 | Regional Context

1.2 Site Description

On 16 October 2015, the NSW Land and Environment Court approved a staged 14-lot industrial subdivision called the CSR Estate (DA 893.1/2013). The HLP covers approximately 20.8 hectares (ha) of the CSR Estate and 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 11-lot rural residential subdivision located adjacent to a portion of the southern boundary of the site has been approved but not constructed to date.

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. 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.

The local context is shown in Error! Reference source not found..



Figure 2 | Local Context

1.3 Approval History

On 31 March 2021, the then Executive Director, Energy, Industry and Compliance as delegate of the then Minister of Planning and Public Spaces (the Minister) granted development consent for the HLP (SSD-10436) at 6 Johnston Crescent, Horsley Park.

The development consent has been modified on 3 occasions and 1 modification is currently under assessment (see [Table 1](#)).

Table 1 | Summary of Modifications

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 1	Amendments to the layout of Lots 201 and 204	Department	s.4.55(1A)	4 August 2021
MOD 2	Design amendments to Lot 204 (now Lot 202); renumbering of lots; amendment to development consent condition relating to development contributions	Department	s.4.55(1A)	16 December 2021
MOD 3	Installation of rooftop cooling units on Lot 201	Department	s.4.55(2)	Withdrawn
MOD 5	Design amendments to Lot 201; 11 temperature cooling units on the roof of Warehouse tenancies 2A and 2B, deletion of a roller door, amalgamation of tenancies 2B and 3, fit out tenancy 2A and 2B and internal works within tenancy 1	Department	s.4.55(1A)	21 February 2022
MOD 6	Amendment to Condition B40 Bushfire construction requirements	Department	s.4.55(1A)	Under assessment

2 Proposed Modification

The Applicant lodged a modification application under Section 4.55(1A) of the EP&A Act to make design amendments to Lot 204. These amendments include the reconfiguration to the warehouse footprint and associated changes to the landscaping, division of the warehouse into proposed Warehouses A and B, additional ingress and egress points, relocation of two recessed docks for proposed warehouse B, reconfiguration of the carparking, lowering of the approved building pad by 2.8 m and an updated signage masterplan.

The modification is described in full in the Environmental Assessment (EA) included in **Appendix A** and shown in **Figure 3** to **Figure 86**. The components of the modification are summarised in **Table 2**
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Table 2 | Components of the Modification

Aspect	Description
Condition A6, Schedule 2 of SSD-10436 Development Consent	
GFA	<ul style="list-style-type: none"> • 223m² increase proposed to Lot 204 GFA: <ul style="list-style-type: none"> ○ Approved Lot 204 total GFA: 18,730m² (warehouse) + 800m² (office) (SSD-10436-Mod 5) = 19,530m² ○ Proposed Lot 204 total GFA: 18,603m² (warehouse) + 1150m² (office) = 19,753m²
Condition A7, Schedule 2 of SSD-10436 Development Consent	
Maximum building height	<p>Lot 204</p> <ul style="list-style-type: none"> • SSD-10436-Mod 2 approved overall height 15 m <ul style="list-style-type: none"> ○ pad level RL 89.70 m • Proposed overall height: 15 m (no change) <ul style="list-style-type: none"> ○ pad level RL 86.70 m (approximately 3 m reduction) <p>Lot 201 – approved under Mod 5 however was not reflected in the instrument</p> <ul style="list-style-type: none"> • SSD-10436-Mod 1 approved height 15 m (ridge height RL 101.70) • SSD-10436-Mod 5 approved height: <ul style="list-style-type: none"> ○ 15 m (ridge height RL 101.70 m): no change to ridge height ○ 11 rooftop cooling units and associated acoustic screens (RL 106 m top of screen)
Layout	<ul style="list-style-type: none"> • Reconfiguration of approved warehouse into 2 tenancies: <ul style="list-style-type: none"> ○ Warehouse A: 13,541 m² GFA ○ Warehouse B: 5,062m² GFA • Deletion of dock office (100 m²) • New 2 level office space in Warehouse B: <ul style="list-style-type: none"> ○ Office B 450 m² • Minor relocation of waste area

Aspect	Description
Egress Points	<ul style="list-style-type: none"> • New truck lot ingress / egress point in centre of Lot 204
Reconfiguration of loading docks	<ul style="list-style-type: none"> • No change is proposed to the approved total number of docks • SSD-10436-Mod 2 approved 6 recessed docks and 9 flushed docks • Reconfiguration and allocation of recessed and flushed docks: <ul style="list-style-type: none"> ○ Warehouse A: 4 recessed docks and 6 flushed docks ○ Warehouse B: 2 recessed docks and 3 flushed docks ○ Total: 6 recessed docks and 9 flushed docks
Car parking reduction & reconfiguration	<ul style="list-style-type: none"> • Proposed reduction of 21 car parking spaces for Lot 204: <ul style="list-style-type: none"> ○ Total approved (SSD-10436-Mod 2) 140 spaces ○ Total proposed 119 spaces • Reconfiguration of car parking, car parking proposed to the north, east and south of Lot 204
Signage Masterplan	<ul style="list-style-type: none"> • SSD-10436-Mod 2 approved: 40 signs <ul style="list-style-type: none"> ○ Estate signs: 2 ○ Customer identification signs: 6 ○ Directional signs: 16 ○ Customer building identification signs: 16 • Updated signage masterplan proposes: 49 signs (9 additional signs) <ul style="list-style-type: none"> ○ Site identification (Estate) signs: 2 ○ Tenant (Customer) identification signs: 4 ○ Directional signs: 26 ○ High level building identification signs: 17

2.1 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 proposed design amendments and reconfiguration of Lot 204 into two warehouses is required to facilitate the tenant's future operations.

The Applicant advised the modification application would not change the purpose of the HLP being a warehousing and distribution centre complex as approved under SSD-10436. The Applicant notes the modification would not change the approved overall building height for Lot 204. As such, the Applicant contends the modification would have minimal environmental impacts.

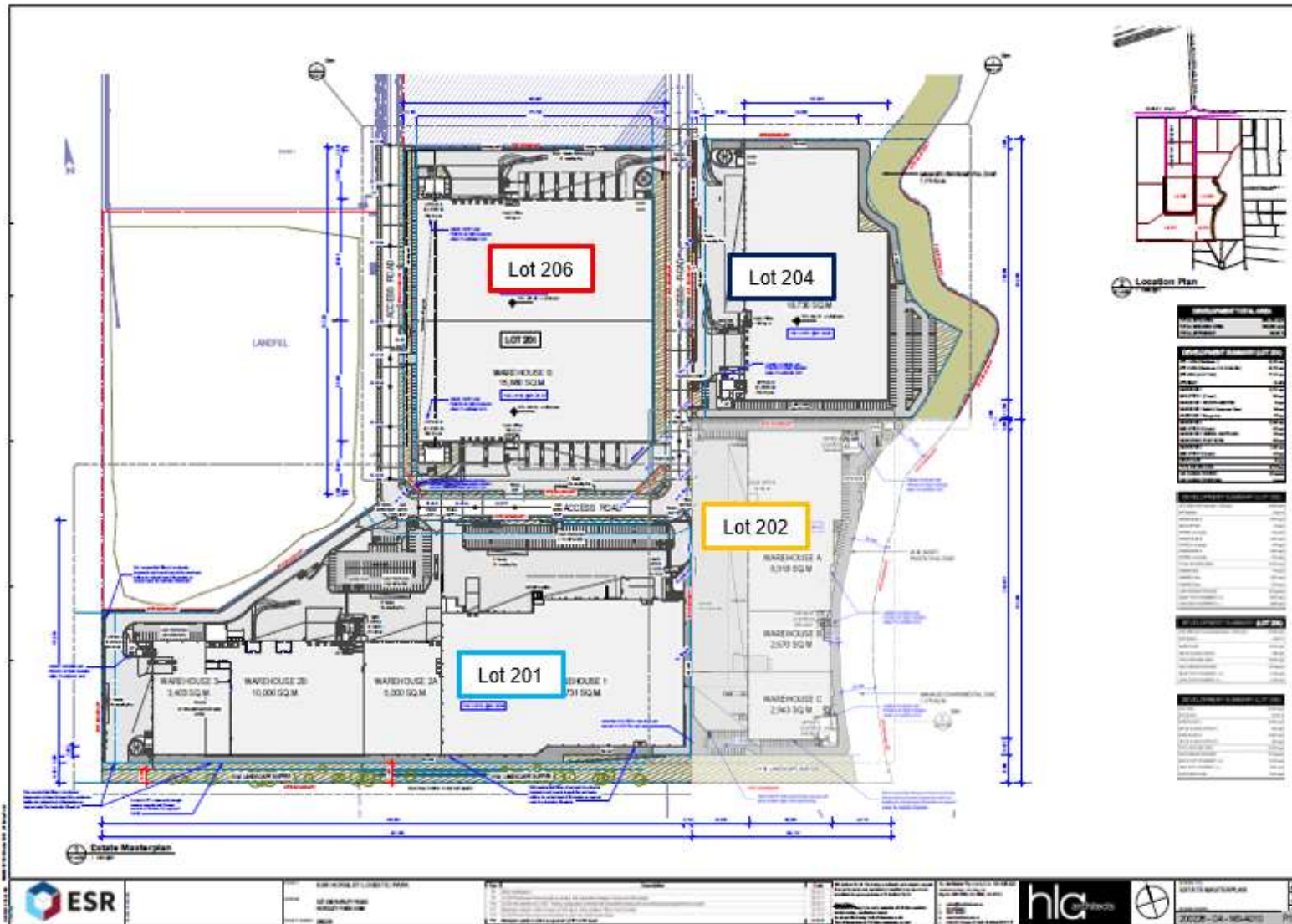


Figure 4 | Proposed HLP Master Plan

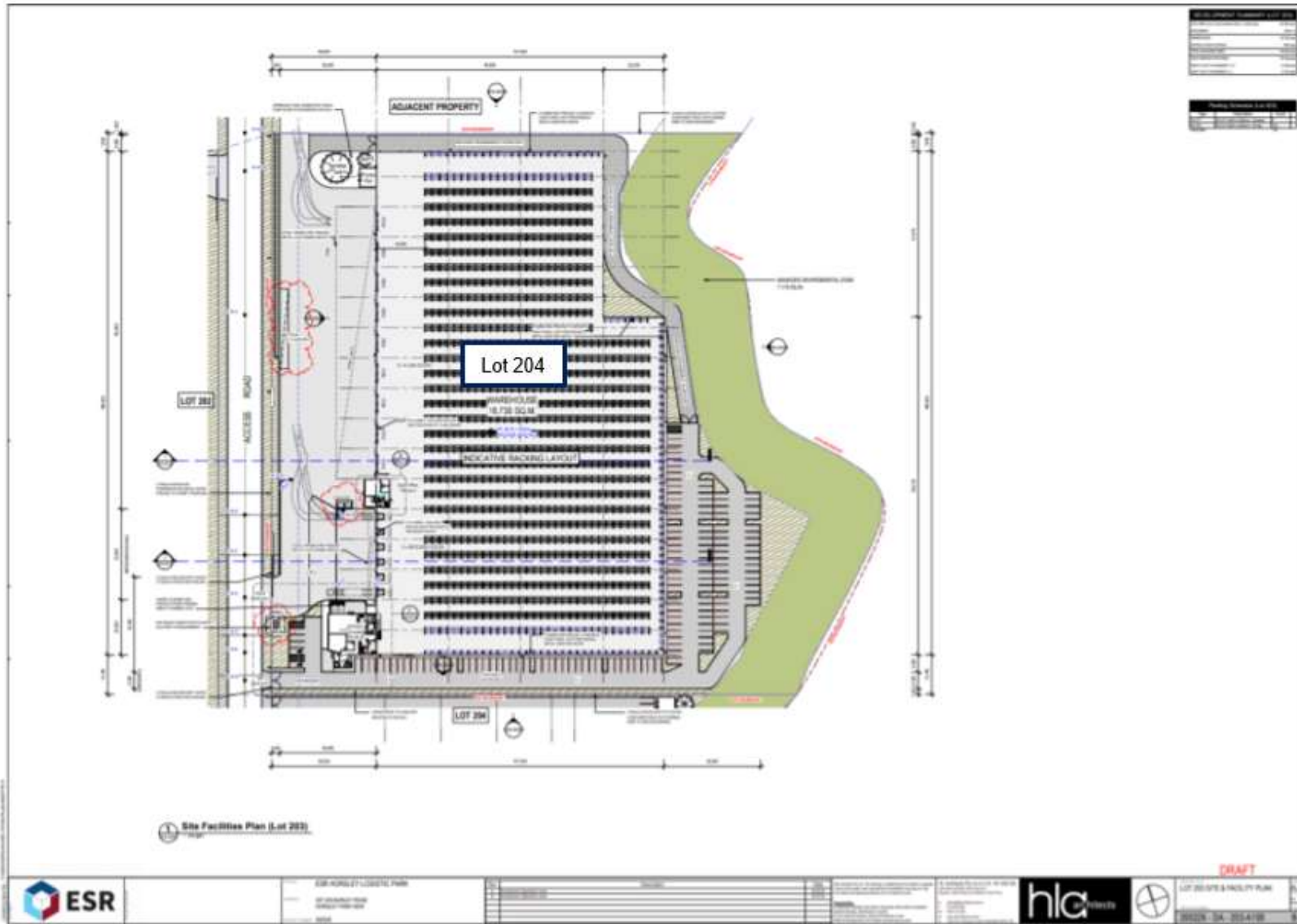


Figure 5 | Approved Lot 204 Site Plan (previously Lot 203)

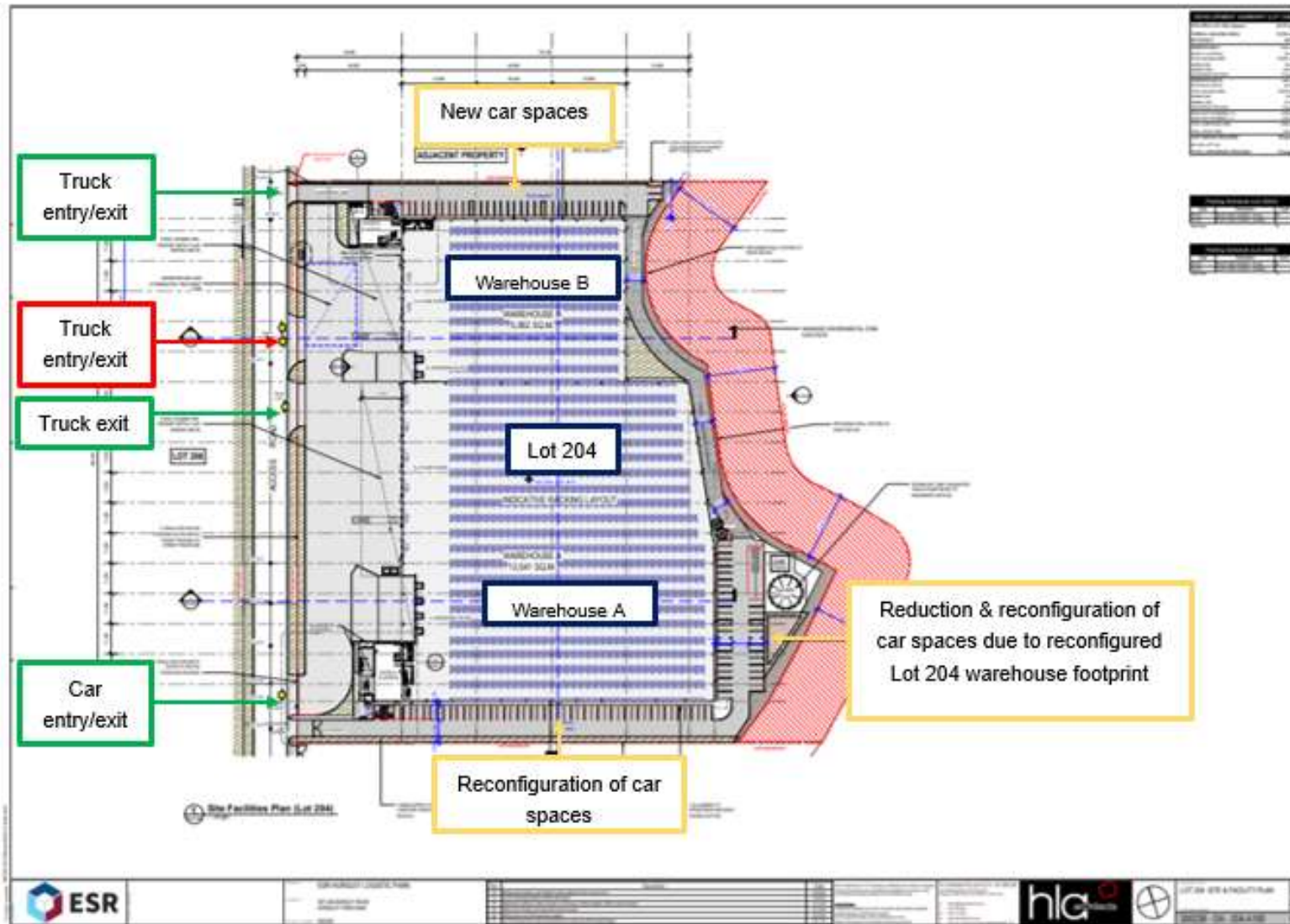


Figure 6 | Proposed Lot 204 Site Plan (new truck entry/exit point identified in red)

3 Strategic 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
- 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 9 March 2022, the Acting 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 (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.

Since lodgement of the modification application, all NSW State Environmental Planning Policies (SEPPs) have been consolidated into 11 policies. The consolidated SEPPs commenced on 1 March 2022, with the exception of State Environmental Planning Policy (Housing) 2021, which commenced on 26 November 2021.

The SEPP consolidation does not change the legal effect of the repealed SEPPs, as the provisions of these SEPPs have simply been transferred into the new SEPPs. Further, any reference to an old SEPP is taken to mean the same as the new SEPP.

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.

A BDAR waiver request for the original SSD was approved on 6 August 2020 on the basis that the development would not involve the removal of any vegetation and is consistent with EPBC Act Approval (2017/7744) and DA 893.1/2013.

As discussed in Section 5.2, all soils previously within Lot 204 have been excavated, sorted and classified for the purposes of remediation required under State Environmental Planning Policy No. 55 Remediation of Land (SEPP 55). Further, the Department notes that the modification does not propose any vegetation removal. As such, 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, the application was not notified or advertised. However, it was made publicly available on the Department's website on 3 December 2021 and was referred to Council for comment.

4.2 Government Advice

Council raised concerns with the proposed landscape species and manoeuvring of vehicles on the site as a result of the modification to Lot 204.

4.3 Response to Submissions

On 23 December 2021 and 11 January 2022, the Department requested further information from the Applicant. The Department's initial request included land owners consent, the Lot 204 proposed building pad levels, final civil drawing package, revised Estate Masterplan, revised GFA calculation, manoeuvrability details at the proposed truck accesses including swept paths of 26 m B-Doubles and mitigation measures and demonstrated compliance with SEPP 55. The Department's subsequent request included a request to update references to Modification 3 as being withdrawn, amended Visual Impact Assessment and Transport Statement to provide a comparison to the recently approved modification (Mod 5) and clarification of the proposed changes to the landscape plan.

The Department also requested the Applicant incorporate its response to the Department's comments and the submission made by Council on 19 January 2022 in a Response to Submissions (RtS) report.

On 3 February 2022, the Applicant provided an incomplete response to the Department. On the 7 February 2022, the Department reiterated its request for further information.

On 23 February 2022, the Applicant submitted a consolidated Response to Submissions (RtS) report responding to the Department's request for further information. The RtS was made publicly available on the Department's website. On 9 March 2022, the Department requested clarification of the Lot 204 site area and change in GFA, as well as an updated Estate Masterplan.

On 21 March 2022, **Council** provided its comments on the RtS and raised concerns with:

- the potential conflict of 19 m vehicles manoeuvring within the site while the recessed docks are occupied by heavy vehicles.
- the proposal does not comprise any traffic management measures to prevent trucks from entering the site when all of the spaces in the loading docks are occupied.

- the site does not provide for a loading bay to accommodate 26 m B-Double vehicles. There is potential for conflict with 26 m B-Double vehicle manoeuvring within the site and heavy vehicles parking at the recessed docks.
- an operational traffic management plan and loading dock management plan are recommended.

On 23 March 2022, the Applicant submitted a further updated modification report responding to the request for additional information by the Department and Council. The report was made publicly available on the Department's website. On 25 March 2022, the Department requested additional information to address inconsistencies between the GFA calculations in the modification report and the Estate Masterplan.

4.4 Supplementary Response to Submissions

On 1 April 2022, the Applicant submitted an updated modification report responding to the request for additional information by the Department. The report was made publicly available on the Department's website. On 7 April 2022, the Department advised the Applicant to address any comments from Council prior to re-submitting.

On 7 April 2022, Council provided its comments on the updated modification report, advising the issue of swept paths and manoeuvrability within the site could be addressed subject to the imposition of condition, including:

- the submission of an Operational Traffic Management Plan (OTMP) and Loading Dock Management Plan (LDMP) to Council for assessment of Lot 204 prior to the issue of a Construction Certificate; and
- the number of trucks arriving and departing the site shall be managed in a way that they do not result in any vehicles queuing onto the adjoining public road.

On 7 April 2022, the Applicant submitted a supplementary RtS including an amended modification report and visual impact assessment to replace any reference to Mod 3 with Mod 5 where appropriate and acknowledging that Council's concerns about traffic and access could be addressed by a future OTMP via condition of consent.

5 Assessment

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

- the EA and 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
- requirements of the EP&A Act, including the objects of the EP&A Act.

The Department considers the key assessment issues are access and manoeuvrability. The Department's assessment of other issues is provided in **Section 5.3**.

5.1 Access and Manoeuvrability

The Applicant's Assessment

The proposed modification includes changes to the layout of Lot 204 including the increase in office GFA, the reconfiguration of the warehouse into warehouses A and B, the deletion of 21 car spaces and a new ingress/egress to the warehouse. These changes increase the potential risk of conflicts between vehicles manoeuvring within and entering and exiting the site.

The Applicant's initial Transport Statement (TS) acknowledged that the modification incorporated an increase in the number of access points along Johnston Crescent from 2 access crossovers to a total of 5 crossovers. The TS stated that the location of the proposed access crossovers was compliant with the relevant Australian Standards. The TS concluded that the traffic associated with the proposed Modification would be minimal when distributed across 5 access points and would unlikely to create any material traffic issues.

Government Advice

Council raised concern with the swept path diagrams provided, noting there is insufficient space for a 26 m B-Double vehicle to manoeuvre within the site whilst heavy vehicles are parked in the recessed docks. Council raised concern with the potential conflict between a Heavy Rigid Vehicle (HRV) entering Lot 204 from Johnston Crescent while other vehicles simultaneously enter/exit the site at the northern combined entry/exit driveway. Another potential conflict point raised was between a HRV entering the southernmost and northernmost driveways of the site and other road users. Council therefore requested further information be provided by the Applicant to address these concerns.

Applicant's Response

The Applicant submitted a RtS and supplementary RtS responding to Council's submission.

The RtS included a TS which provided additional swept path diagrams (see **Figure 7**) and provided information on how B-Doubles would access Warehouse B. The B-Doubles would uncouple within Warehouse B within the dedicated uncoupling zone. Furthermore, B-Doubles would only access Warehouse B once per week.

To mitigate the potential for conflict, the Applicant proposed the preparation and implementation of an OTMP which includes measures to ensure no internal truck movements would occur within Warehouse B when a B-Double is entering/exiting Warehouse B. The Applicant suggested that an OTMP or a LDMP could be provided as a condition of consent at the Occupation Certificate Stage.

The swept path diagram AG06 (**Figure 7**) illustrates a 26 m B-Double making a right turn to enter Warehouse B. The Applicant notes this would be a temporary arrangement until the signalised intersection (Old Wallgrove Road/Burley Road/Access Road 1) is constructed. The final arrangement would involve vehicles using Johnston Crescent (from the south) to access the site. The Applicant also noted the swept path was provided for conservativeness as during this temporary period there will be no vehicular conflicts as no vehicles will be entering the site from the north.

The Applicant also provided swept path diagram AG07 to demonstrate the ultimate truck entry movements, being vehicles turning left into the site, following the construction of the signalised intersection. The Applicant reiterated that the likelihood of B-Doubles accessing Warehouse B would also be once per week. The Applicant also reiterated the implementation of an OTMP would ensure when a B-Double is entering / exiting Warehouse B, no internal truck movements would occur within Warehouse B.



Figure 7 | Swept Paths AG06 (left) & AG07 (right)

The Applicant provided swept path diagram AG11 detailing a 12.5m HRV fire truck entering the car park from the northernmost driveway and exiting from the southernmost driveway (**Figure 8**). The Applicant notes this swept path was prepared to demonstrate that during such emergency events, fire trucks can access the site and not cause on-site manoeuvrability issues. The Applicant notes that outside of emergency events, these driveways will only be utilised by light vehicles.

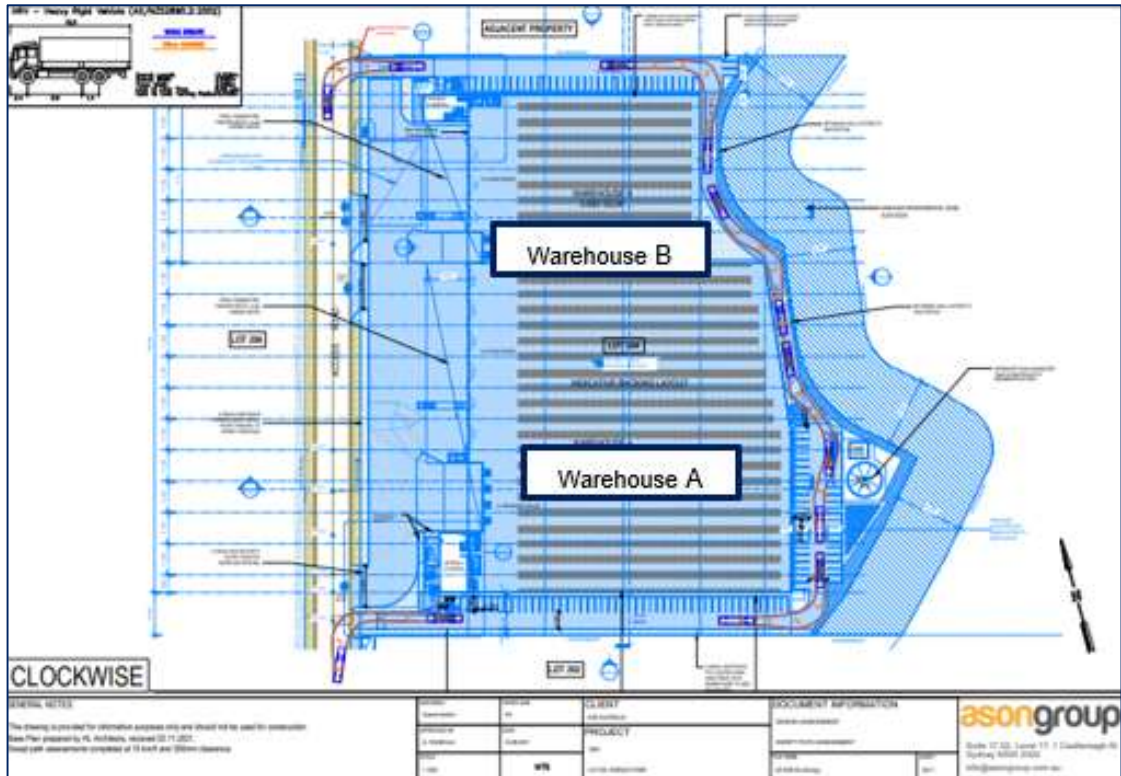


Figure 8 | Swept path diagram AG11 – 12.5 m HRV emergency vehicle

Department’s Assessment and Conclusion

The Department acknowledges the concerns raised by Council regarding the manoeuvrability within the site and potential conflicts between vehicles at the northern and southern driveways within Lot 204.

The Department has reviewed the additional information provided within the RtS and supplementary RtS and notes the Applicant provided justification to demonstrate that potential conflicts between vehicles would be low. The Department notes the swept paths demonstrate that the site can operate efficiently and not result in on-site manoeuvrability issues.

The Department agrees with Council’s recommendation that an OTMP would minimise potential for on-site vehicle conflicts when a B-Double is entering/exiting Warehouse B. The Department notes the existing conditions of consent do not include a condition requiring an OTMP be prepared for Lot 204. The Department has recommended a condition requiring a OTMP to be prepared in consultation with Council. The measures recommended to be included in the OTMP include a traffic management system to avoid conflicts between vehicles entering, exiting, queuing and manoeuvring within Lot 204, detail the numbers and frequency of truck movements, sizes of trucks and vehicle routes, measures to maintain road safety and program to monitor the effectiveness of the traffic management system.

The Department also notes that no changes are proposed to the approved access arrangements for emergency vehicles into and within the HLP. The Department agrees that the risk for potential vehicle conflict at the most northern and southern driveways of the site is low.

The Department’s assessment concludes the potential for vehicle conflicts within Lot 204 can be mitigated through the preparation and implementation of a lot specific OTMP. The Department has included a condition requiring an OTMP for Lot 204 in the recommended instrument.

5.2 Other issues

The Department's assessment of other issues is provided in **Table 3**.

Table 3 | Assessment of Other Issues

Findings	Recommendations
<p>Contamination</p> <ul style="list-style-type: none"> • The modification would require the excavation of additional soil beyond the approved levels, which would potentially impact the approved remediation works and require additional assessment under SEPP 55. • The Department notes that remediation work for Lot 204 was approved under a separate consent (DA897.9/2013) which was being undertaken in accordance with an approved Remediation Action Plan (RAP) during the assessment of SSD-10436. • The Department also notes Condition B55 of SSD-10436 requires a Section A1 Site Audit Statement (SAS) or a Section 2 SAS accompanied by an Environmental Management Plan to be submitted to the Department prior to the construction of any warehouse building. The Department notes that construction has commenced within the HLP. • The Applicant provided advice from Douglas Partners and ERM to demonstrate SEPP 55 has been satisfied. • Douglas Partners found the contamination exposure profile for the proposed development would not be altered by the lowered bulk excavation level proposed as part of the modification. This advice included the SAS, site audit report and the ERM completion certificate. • ERM's advice states that it has undertaken validation following the completion of earthworks on the site and to address the requirements of DA897.9/2013 which include a Notice of Completion of Remediation Works (completion certificate) on the site. The completion certificate covers an area known as Stage 2B in which Lot 204 is sited. • ERM conclude that all soils previously within the Stage 2B area have been excavated, sorted and classified. All fill material reinstated into the Stage 2B area have been classified as compliant. These works were completed on 8 June 2021. ERM conclude that its Validation Report dated 18 June 2021 are considered adequate for the assessment of the suitability of the site as per SEPP 55. • The Department notes that Council no specific comments on contamination. 	<ul style="list-style-type: none"> • No additional conditions are recommended.

Findings

Recommendations

- The Department has considered the information provided by the Applicant and notes that a completion certificate has been issued for the site as required by the relevant development consent.
- The Department is of the view that the modification works would not result in additional contamination impacts and is satisfied that the site is suitable for the proposed use in accordance with the requirements of SEPP 55.

Car Parking

- The modification would reduce the on-site parking spaces provided from 140 spaces to 119 spaces. The modification would also result in the reconfiguration of car parking proposed to the north, east and south of Lot 204.
- The Applicant's TS adopted the traffic generation rate approved under SSD-10436 for proposed Warehouses A and B. This rate is also consistent with the RMS Guide.
- Using the approved traffic generation rates, the TS found the proposed GFA of Warehouses A and B would require 93 on-site car spaces. Therefore, the proposed 119 on-site parking spaces represents a surplus of 26 spaces for Lot 204 despite a proposed reduction of 21 car spaces.
- Council made no specific comments on car parking.
- The Department notes parking would be provided in accordance with RMS Guide rates and Condition A8 of the consent. As such, the Department's assessment concludes that there is sufficient parking proposed under the modification.

- No additional conditions are recommended.

Landscaping

- The reconfiguration of the car parking spaces and proposed ingress/egress on Lot 204 would require the reconfiguration of the landscaping on the site, which would result in a 221 m² (0.7%) reduction in the total area reserved for landscaping across Lot 204.
- However, the Applicant noted this reduction would be minor and excludes the area provided as a buffer to the E2 zone.
- Council made comment on the species proposed and requested further information in this regard.
- The Applicant noted in the RtS that the modification would not result in any changes to the type of species that would be used across the site. Council did not raise any further issues.
- Despite a slight reduction in landscape area, the Department considers this reduction to be minor noting that landscape

- No additional conditions are recommended.

Findings

Recommendations

setbacks across the site would be maintained particularly the buffer to the E2 zone.

- The Department's assessment concludes the modification remains generally consistent with the development consent.

Visual Impacts

- The modification application would result in a reduction in the finished slab level by approximately 2.8 m (from RL 89.50 to RL 86.70), which has the potential to impact the visual impact of the development on nearby sensitive receivers.
 - The Applicant notes that while the finished slab level would be reduced, the Lot 204 warehouse approved building height of 13.7 m would not change.
 - The Applicant's Visual Impact Assessment (VIA) considered the proposed modification from 11 viewpoints, including residential properties along Greenway Place, Horsley Road and the Jacfin rural residential lands south of the site.
 - The VIA noted the approved Warehouse on Lot 204 would not be visible from the south or the rural residential lands south of the site.
 - The VIA found that proposal would result in no adverse visual impacts.
 - The VIA concluded the proposed modification would have no visual impacts above those approved under SSD-10436-Mod-5.
 - Council made no specific comment in this regard.
 - The Department notes that the approved warehouses on Lot 201 and Lot 202 generally screen Lot 204 from the sensitive receivers to the south of the site.
 - The Department finds the proposal would have no impacts on sensitive receivers, especially to the south of the site. The Department also finds that with the existing conditions of consent in place such as vegetation screening, the proposal will not result in adverse visual impacts from surrounding viewpoints.
 - The Department's assessment concludes the modification would not result in significant visual impacts beyond those approved under SSD10436 and SSD-10436-Mod 5.
- No additional conditions are recommended.

Signage

- The modification seeks to amend Condition B6 to include an estate signage masterplan.
 - Condition B6 requires all signage and fencing to be undertaken as per the development plans included in the Environmental Impact
- Amend Condition B6 to include the proposed

Findings

Recommendations

Statement, RTS, Supplementary RTS and Supplementary Information.

- The Applicant submitted a revised estate signage masterplan proposing a total of 49 signs across the estate, a total of 9 additional signs, as detailed in **Table 2**.
- 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 the modification would remain generally consistent with the development consent. The Department has recommended Condition B6 be updated to incorporate the revised estate signage masterplan.

estate signage masterplan

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 design amendments to Lot 204 would:

- not result in adverse visual impacts
- not present a risk of harm to the community or the environment
- not result in adverse vehicular access and manoeuvrability impacts.

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

- the modification would not result in significant visual impacts beyond those already approved
- the site has been appropriately remediated and is suitable for the proposed development
- satisfactory mitigation measures would be put in place to manage potential impacts including an Operational Traffic Management Plan for Lot 204 and proposed Warehouses A and B
- 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 Acting Team Leader, Industry Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report
- **determines** that the application SSD-10436-MOD-4 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
- **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:



Pamela Morales

A/Team Leader

Industry Assessments

as delegate of the Minister for Planning

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 4 Environmental Assessment, prepared by Urbis, dated 31 March and 6 April 2022 additional information responses, prepared by Urbis, dated 3 February and 23 March 2022
- response to Submissions, prepared by Urbis, dated 7 April 2022
- 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/42856>

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/42856>

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/42856>