



ESR Horsley Logistics Park Modification 5

Amendments to Lot 201 warehouse, including installation of plant equipment, amalgamation of tenancies and fit out works

State Significant Development Modification Assessment (SSD-10436-MOD- 5)

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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 (DPE)
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
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 for amendments to the Lot 201 warehouse including the installation of 11 temperature cooling units on the roof, amalgamating tenancies and fit out works.

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 then Executive Director, Energy, Industry and Compliance as delegate of the then Minister for 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**).

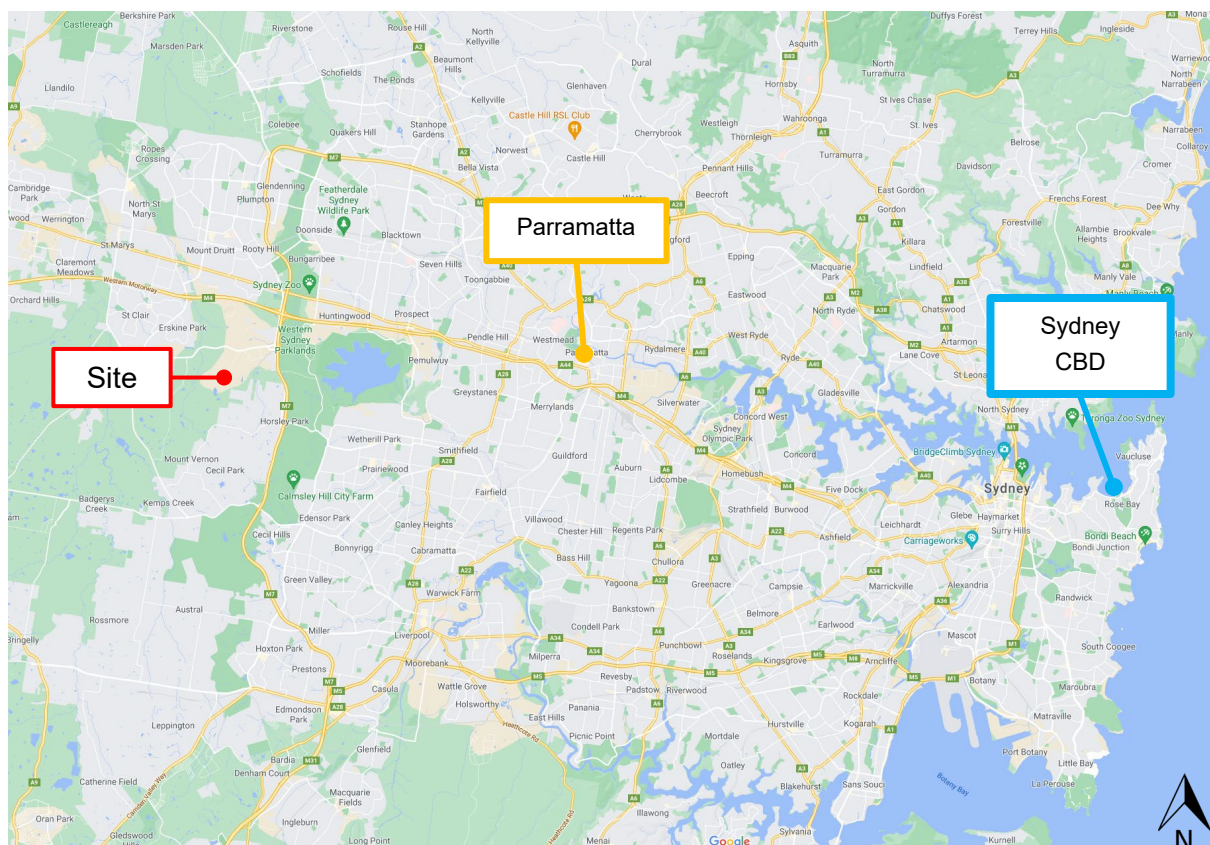


Figure 1 | Regional Context Map

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 16 November 2021 the Applicant submitted a development application (SSD-21190804) seeking consent to use tenancy 1 of the Lot 201 warehouse to manufacture and bottle liquid soap, detergents and cleaning products. SSD-21190804 is currently under assessment.

The current modification includes amendments to tenancy 1 which are consistent with the floor plan proposed under SSD-21190804.

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 within Jacfin Horsley Park 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**).

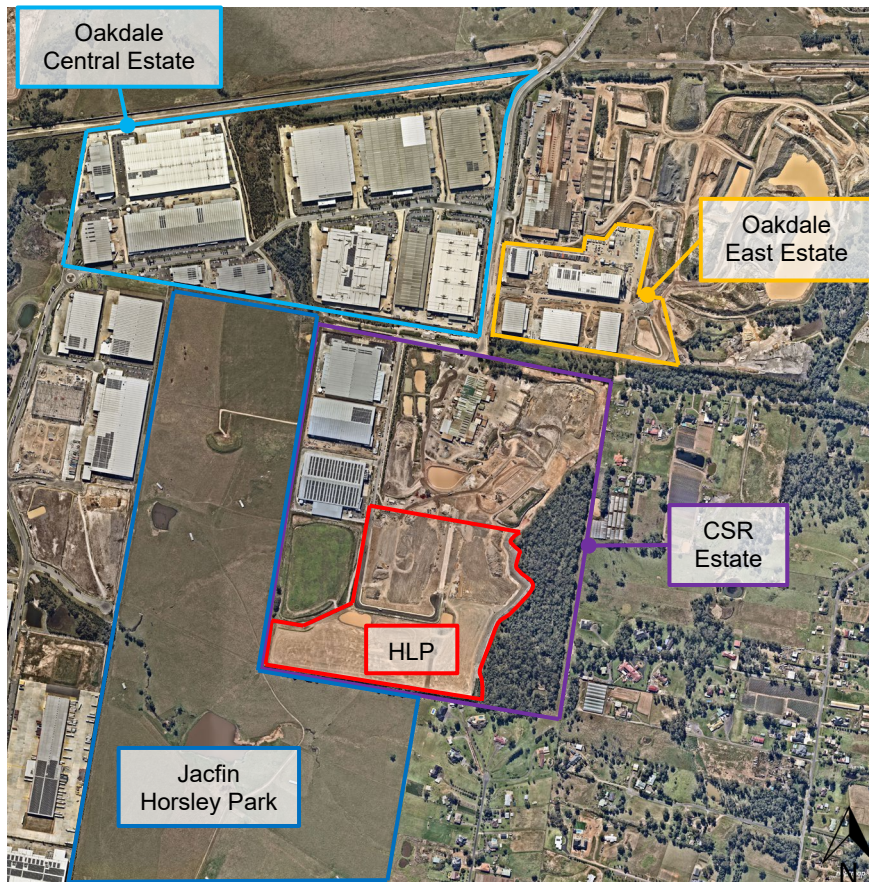


Figure 2 | Local Context Map

1.3. Approval History

The development consent has been modified twice and a further two modifications are 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; 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 4	Design amendments to Lot 204 (formerly Lot 203)	Department	s.4.55(1A)	Under assessment

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
Mod 6	Amendment to Condition B40 relating to bushfire requirements	Department	s.4.55(1A)	Under assessment

2. Proposed Modification

2.1. Proposed Modification

The Applicant lodged a modification application under Section 4.55(1A) of the EP&A Act seeking to amend the Lot 201 warehouse, including installation of 11 temperature cooling units on the roof, fit out of tenancies 2A and 2B and deletion of a roller door, amalgamation of tenancies 2B and 3 and internal works within tenancy 1.

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 2**.

Table 2 | Components of the Modification

Aspect	Description
Lot 201	
Layout	- Layout changes: - Tenancies 2B and 3 are amalgamated into Tenancy 2B - Relocation of the approved storage area in the amalgamated floor plate - Fit out of tenancy 2A/2B - Internal works within tenancy 1: - New storage area and office areas in the north-eastern section of the tenancy - New storage area and bathroom amenities in the southern section of the tenancy - Removal of roller shutter doors from the western elevation: - Removal of the four flush loading docks and four supporting roller shutter doors
GFA	- Reconfiguration of Tenancy 2 to: - Tenancy 2A: 5,000m² GFA - Tenancy 2B: 13,403 m² GFA - No change is proposed to the overall approved GFA
Rooftop	- Installation of 11 temperature control units on the rooftop of tenancies 2A and 2B operating 24 hours a day, 7 days per week - Each temperature unit is approximately 4.8 m x 2.2 m and 3.5 m high
Maximum Building Height	- SSD-10436-Mod 1 approved height 15 m: no change to existing ridge height (RL 101.70 m) - Additional height of five acoustic barriers and cooling units: RL 106 m (top of screen)
Loading Bay	- The modification results in a reduction in loading bays - SSD-10436-Mod 1: 33 loading bays - Proposed: 29 loading bays

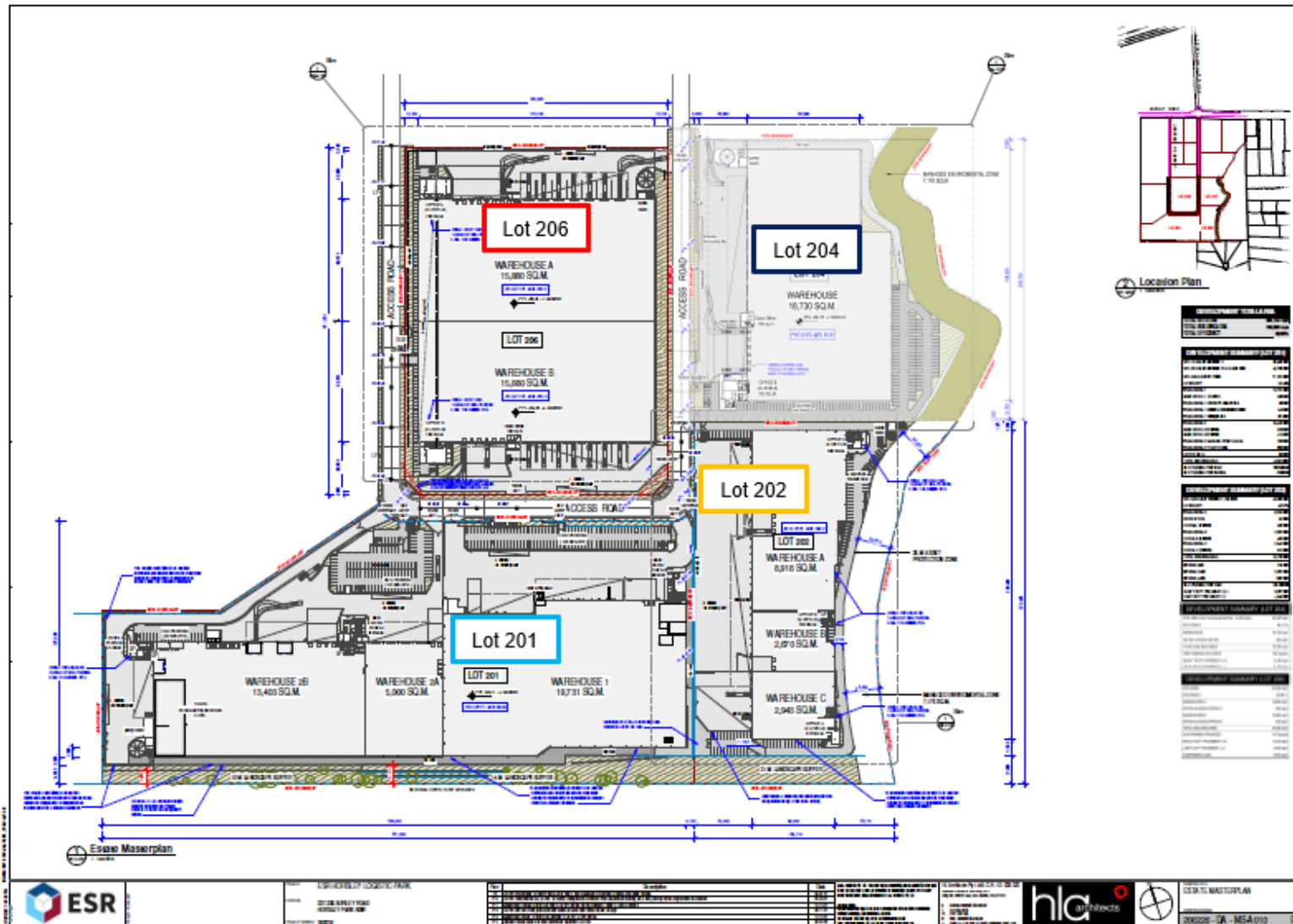


Figure 4 | Proposed HLP Master Plan (Mod 5)

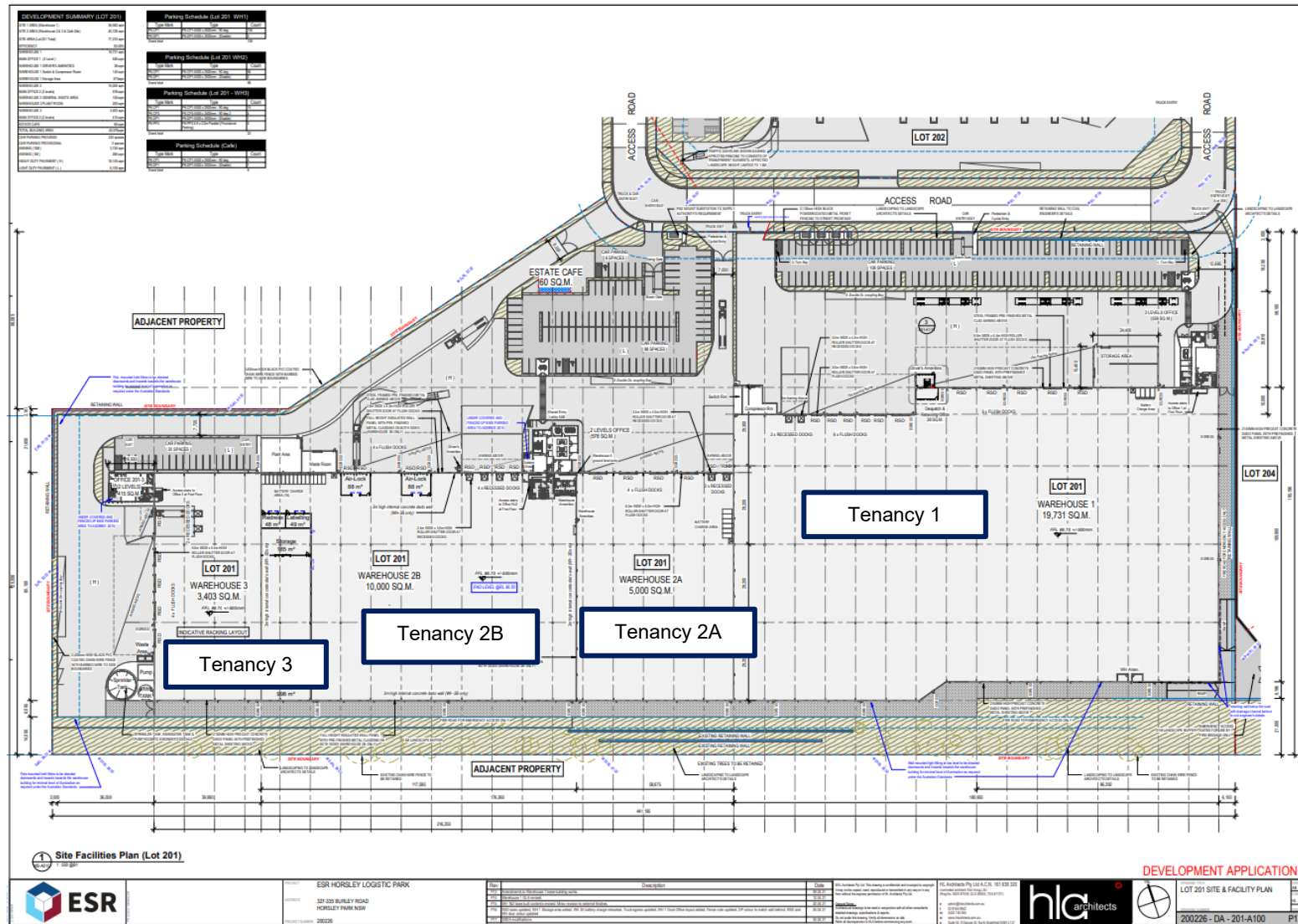


Figure 5 | Approved Lot 201 Warehouse (Mod 1)

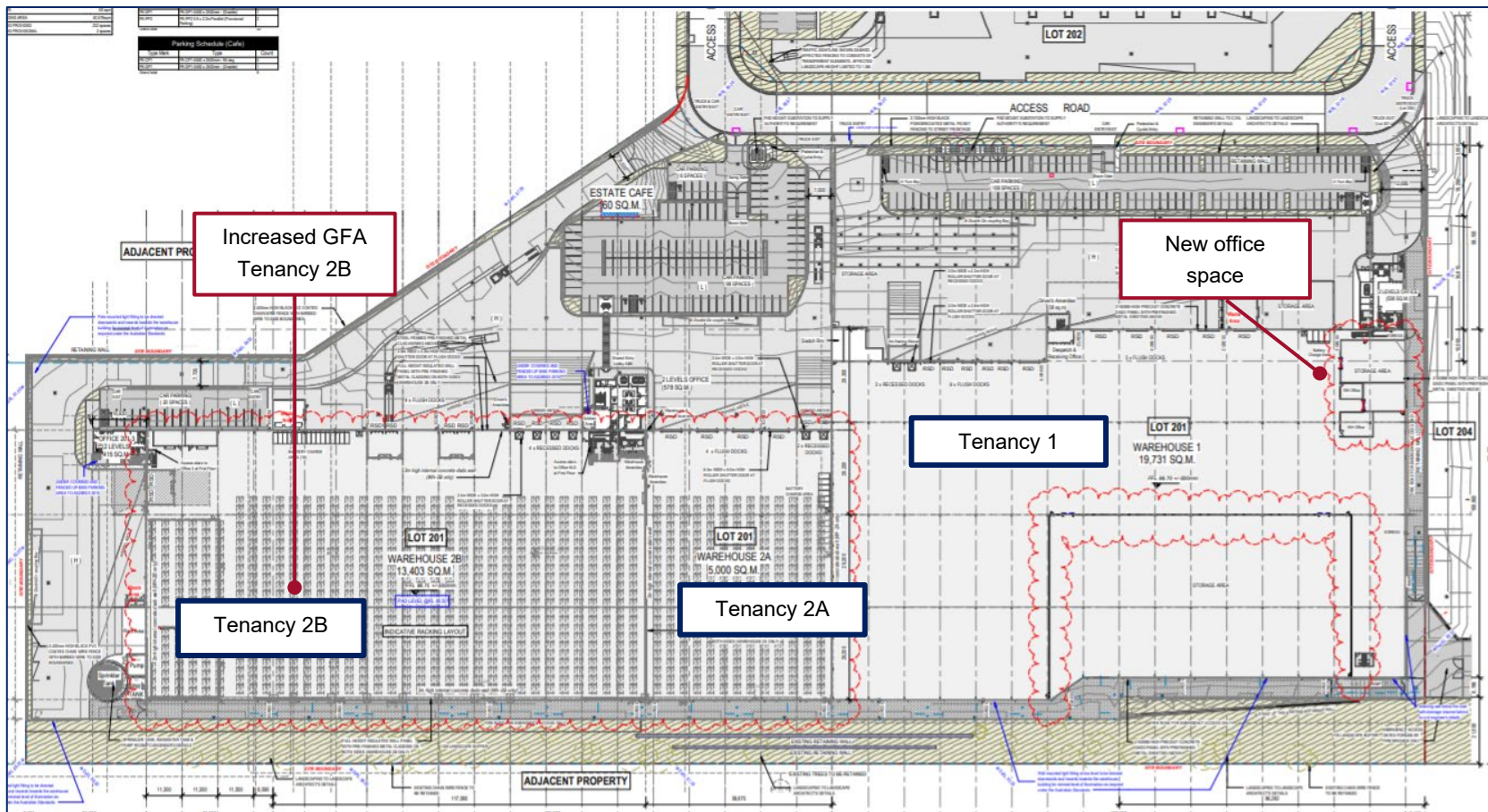


Figure 6 | Proposed Lot 201 Warehouse

2.2. Applicant's Justification for the Modification

The Applicant has justified the need for the modification application by highlighting market conditions and specific tenant requirements. The Applicant advised the proposed storage room and office fit-out at tenancy 1 are required to form the base of the future Jalco manufacturing tenancy and facilitate SSD-21190804. The additional cooling units are required to meet the future tenant's operational requirements.

The Applicant claimed that 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 noted the modification would not change the approved overall ridge height (excluding cooling units) or GFA of Lot 201. 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 (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 applications (SSD-10436 Mod 1 and Mod 2). 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 23 November 2021 and was referred to Council for comment.

4.2. Government Advice

Council did not raise any concerns with the proposed modification.

4.3. Response to Submissions

On 16 December 2021 the Department requested further information from the Applicant including clarification of the proposed maximum building height, updated cross sections and photomontages within the Visual Impact Assessment (VIA) to reflect the proposed maximum building height and clarification whether the landscaping detailed in the VIA is proposed as per Condition B1 of SSD-10436. On 10 January 2022 the Department requested further information from the Applicant including a revised Modification Report and revised Estate Master Plan to accurately reflect the development history of the site and approved development as per SSD-10436-Modification 2.

On 3 February 2022, the Applicant submitted a revised Modification Report and appendices responding to the issues raised in the Departments request. The RtS was made publicly available on the Department's website.

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;
- 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 operational noise impacts.

The Department's assessment of visual impacts is provided in **Section 5.3**.

5.1. Operational Noise Impacts

The Applicant's Assessment

The proposed modification includes the installation of 11 temperature cooling units on the rooftop of tenancies 2A and 2B which would operate 24 hours a day, 7 days a week. This has the potential to result in operational noise impacts beyond what has been assessed and approved under SSD-10436.

Applicant's Response

The Applicant submitted an Operational Noise Impact Assessment (ONIA) to evaluate the change in operational noise impacts. The ONIA grouped the existing and future residences into three noise catchment areas (NCAs) (**Figure 9**).

The ONIA stated that during operation of tenancies 2A and 2B, the major noise sources will include heavy vehicles using access roads and manoeuvring within the loading areas, loading and unloading and the 11 rooftop cooling units (**Figure 10**).

The ONIA assessed the modification against the operational noise limits for the HLP detailed in Condition B11 of SSD-10436. In addition to the approved noise mitigation measures, the ONIA recommended installing two-sided acoustic screening (L shaped) to five of the rooftop cooling units. The screens have a height of 1 m above the top of the cooling unit to minimise any potential noise escaping. The ONIA found that with screening to five of the cooling units in place, operation noise levels of the HLP would continue to comply with the noise criteria at all NCAs.

Council did not raise any noise impact related concerns.



Figure 7 | Location of the surrounding receivers



Figure 8 | Lot 201 tenancies 2A and 2B rooftop plant locations

The Department's Assessment and Conclusion

The Department reviewed the additional information provided within the ONIA and notes the modification would increase the operational noise level at NCA1 by 1 dB(A) at the night-time period during noise-enhancing weather conditions. The Department also notes that the operational noise level at NCA3 would increase by 1 dB(A) at both the daytime and evening periods.

The Applicant advises the predicted noise levels vary between NCA1 and NCA3 due to refinements in the site operations and noise sources since the SSD-10436-Mod 1 was approved.

The Applicant noted that the variation in predicted results is also attributed to the combined effects of meteorological conditions, building structures and the orientation of the L shaped acoustic screens on sound propagation from source to receiver at NCA1 and NCA3. The Applicant also advised that NCA3 is more affected than NCA1 during the daytime by vehicle activity within Lot 201 because of building orientation.

While the modification application will result in minor increases in noise at NCA1 and NCA3, these increases occur during noise enhancing scenarios. With mitigation measures in place, the increase in noise impacts would not result in the operational noise levels of the HLP exceeding the criteria set out in the SSD-10436 development consent, even in a conservative worst-case scenario.

The Department notes that the existing conditions of consent set comprehensive requirements to mitigate noise impacts, including undertaking operational noise verification to confirm the predicted operational noise levels following commencement of operation. Should any exceedances be identified, additional mitigation measures would need to be implemented

The Department is satisfied that the operational noise impacts of the modification will result in a minor increase in noise and the Applicant has demonstrated the development will satisfy the noise criteria as set out in the consent. The Department therefore finds that no additional conditions are necessary in this regard.

5.2. Other Issues

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

Table 3 | Assessment of Other Issues

Findings	Recommendations
Visual Impacts	
- The modification application would result in a minor increase in the overall approved building height which has the potential to result in additional visual impacts. - The additional building height is the result of 11 new cooling units and associated acoustic screening to five of units on the rooftop of tenancies 2A and 2B (maximum overall height RL 106 m AHD). - No change is proposed to the approved ridge height (RL 101.7 m AHD). - The Applicant's VIA considered the proposed modification from 11 view points, including residential properties along Greenway Place, Horsley Road and the Jacfin rural residential lands south of the site.	Not applicable

Findings

Recommendations

- The VIA noted the rooftop cooling units would be visible from the south but would be partly screened by the approved landscape screen planting along the site's southern boundary.
- The VIA assessed the potential impacts on receivers to the south of the site as minor, noting the approved landscape screen planting would continue to be an effective mitigation measure.
- The VIA concluded the proposed modification would have minor additional visual impacts above those approved under SSD-10436-Mod 1.
- Council made no specific comment in this regard.
- The Department recognises the proposed 11 rooftop cooling units and L shaped screening to five of the units are minor in scale compared to the overall approved development envelope (SSD-10436). The Department notes that the approved building envelope for the Lot 201 warehouse is approximately 15 m in height and 441 m in length. The proposed rooftop units are up to 4.5 m high and 4.8 m in length where acoustic screening is proposed.
- The Department notes that the approved landscape screening in the VIA shows the proposal will be obscured by mature plantings by Year 15.
- The Department finds with the approved landscaped screen planting along the southern boundary, and the existing conditions of consent, the proposal will not result in adverse visual impacts from surrounding view points.
- The Department's assessment concludes the modification would not result in significant visual impacts beyond those approved under SSD-10436 and SSD-10436-Mod 1.

6. Evaluation

The Department has assessed the modification application and 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 201 would:

- not present a risk of harm to the community or the environment;
- have acceptable operational noise impacts; and
- have minimal visual impacts.

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

- the modification would result in minor visual impacts beyond those considered in the approved development.
- satisfactory landscape screening mitigation measures are in place within the conditions of consent to manage potential visual impacts on residential and rural residential properties to the south
- the modification would result in a minor increase in noise impacts beyond the approved development
- the proposed operational noise levels are within the noise criteria specified within the conditions of consent
- satisfactory operational noise limits and noise verification report conditions are in place within the conditions of consent to manage potential operational noise impacts on surrounding noise receivers
- the revised development could be appropriately managed through the existing and modified conditions of consent.

Overall, the Department is satisfied the noise and visual 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.

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-5 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:



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 5 Environmental Assessment, prepared by Urbis, dated 1 February 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/43371>

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/43371>

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/43371>