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17 January 2022

**Re: ESR Horsley Logistics Park – SSD 10436 Modification 6 – Amendment to Condition B40**

Dear William

This Modification Letter is submitted to the NSW Department of Planning, Industry and Environment (**DPIE**) in support of a modification application under Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* to a State Significant Development (**SSD**) approval, SSD-10436, which was granted development consent on 31 March 2021 and subsequently modified by MOD 1 and MOD 2.

Planning approval history for Horsley Logistics Park is summarised below.

- SSD-10436 was granted approval for the construction, fit-out and operation of eight warehousing and distribution tenancies in four buildings with a total gross floor area of 112,819m<sup>2</sup> inclusive of offices, loading docks, hardstand areas, truck and car parking spaces, landscaping, infrastructure and signage.
- Mod 1 approval related to minor adjustments to the hardstand, carparking, access, building area and inclusion of an estate café area. Additionally, the modification approved the reconfiguration of the warehouse in Lot 201 from four to three tenancies.
- Mod 2 approval related to minor adjustments to distribution of GFA allocation between warehouse and office uses. Further, it consolidated the proposed warehouse tenancies from four to three tenancies.
- Additionally, there are two additional modification applications currently under assessment. Mod 4 seeks minor amendments to Lot 204, formerly known as Lot 203, including lowering RLs across the site, increase from one to two tenancies, car parking updates and access arrangements to and from the hardstand. Mod 5 seeks to introduce rooftop plant equipment to Lot 201. Both applications are currently under assessment by DPIE.

This Modification Letter describes the site and proposed modifications, provides relevant background information and assesses the development against the relevant legislation, environmental planning instruments and planning policies.

A bushfire report prepared by Travers Bushfire and Ecology on 17 November 2021 is provided in support of the proposed modification and has informed the assessment of the potential environmental impacts of the proposal (refer to **Attachment A**).

The proposed modification to Horsley Logistics Park seeks to amend Condition B40 to enable rooftop construction materials for industrial warehouse buildings in Western Sydney, while maintaining bushfire protection measures to the overall building.

## Site Context

Horsley Logistics Park is a 20.8 hectare (**ha**) site located at 6-10 Johnston Crescent, Horsley Park (**the site**). It is within the former CSR quarry site and is legally described as Lot 201, 202, 204 in DP 1244593 and Lot 205 DP 1265921 (refer to **Figure 1** below).

**Figure 1 Context Map** – Horsley Logistics Park outlined in red



Source: Sixmaps

The site is accessed via Johnston Crescent, an access road off Reserve Road and Burley Road which is being constructed in stages via DA 893.1/2013. The ultimate construction of Johnston Crescent will be extended to form an internal loop road.

The site comprises land south of the Sydney Water Pipeline, at the western extent of the Western Sydney Employment Area (**WSEA**). It is located within the Fairfield local government area (**LGA**) and is approximately 15km from Penrith Central Business District (**CBD**), 17km from the Parramatta CBD and 35km from Sydney CBD. The site is currently undergoing earthworks and construction to support the future industrial development. Landscape and bund works approved under DA 893/2013 have been constructed along the southern boundary.

In its immediate vicinity, the site is bordered to the north by the remainder of the original CSR quarry which is decommissioned and undergoing earthworks/remediation to support future development as approved under DA 893.1/2013. Beyond the former quarry site, the surrounding land uses include:

- North: The Oakdale Central Business Hub (SSD-6078)
- East: E2 Environmental Conservation zoned land and land zoned RU4 Primary Production which includes rural residential lots.

- South: Part IN1 General Industrial zoned land and RU4 Primary Production including the residential subdivision of Greenway Place.
- West: Horsley Park Warehousing Hub (MP 10\_0129 and MP 10\_0130)

### Consent Framework

Horsley Logistics Park is owned by ESR Australia. The site previously formed part of the CSR quarry which was used for brickmaking and quarrying. The site is currently undergoing redevelopment to subdivide the former quarry and remediation for future industrial uses. To assist in understanding the history of the site, a summary of CSR development applications is provided in **Table 1** and Horsley Logistics Park approvals is provided in **Table 2**.

**Table 1 CSR Quarry Development Application History**

DA Number	Date of Approval	Consent Authority	Development Description
893.1/2013	19/12/2013	NSW L&EC	Torrens title subdivision to create 14 lots and 1 residue lot in 3 stages
893.2/2013	Withdrawn	Fairfield Council	Reconfiguration of approved lots
893.3/2013	Withdrawn	Fairfield Council	Torrens title subdivision
893.4/2013	18/06/2018	Fairfield Council	Minor amendments to features of the subdivision in each of the 3 stages.
893.5/2013	Under assessment	Fairfield Council	Modification application proposing to a further staged to the approved Stage 2.
893.6/2013	13/11/2019	Fairfield Council	Modification application proposing to a further staged to the approved Stage 2.
893.7/2013	Under Assessment	Fairfield Council	Modification application proposing to split Stage 2 into two separate stages.
65.1/2016	04/02/2016	Fairfield Council	Construction of a landscape bund water supply pond to facilitate an existing Brick Factory in Lot 2 DP 1228114 in Stage 3.
86.1/2016	15/02/2016	Fairfield Council	Subdivision to create two Torrens Title lots.
292.1/2016	04/08/201	Delegated Authority	Construction of road works, stormwater drainage and associated construction works and sediment control along a 160m portion of Old Wallgrove Road.
437.1/2016	27/10/2016	Delegated Authority	Earthworks – biofiltration trench and drainage swale including an approval of a Remediation Action

Plan (RAP) in accordance with SEPP 55.

**Table 2 Horsley Logistics Park SSD-10436 Application History**

DA Number	Date of Approval	Consent Authority	Development Description
SSD 10436	31/03/2021	Minister for Planning and Public Spaces	Construction, fit-out and operation of eight warehouses and supporting infrastructure, parking, and signage.
SSD 10436 Mod 1	04/08/2021	Minister for Planning and Public Spaces	Modification to the approved layout and design of Lot 201 including adjustment from four tenancies to three, and associated changes to parking and amenity including the inclusion of a café.
SSD 10436 Mod 2	16/12/2021	Minister for Planning and Public Spaces	Amendment to Lot 202 to reduce number of warehouse tenancies, renumbering of lots within the estate, amendments to development constructions.
SSD 10436 Mod 3	Withdrawn	Minister for Planning and Public Spaces	Installation of rooftop plant equipment at Lot 201. Withdrawn as it was reclassified from a Section 4.55 (2) to a (1A). Refer to Mod 5 description below.
SSD 10436 Mod 4	Under assessment	Minister for Planning and Public Spaces	<p>Design modifications to the approved layout and design of Lot 204 including:</p> <ul style="list-style-type: none"> <li>• Minor reconfiguration of warehouse footprint and building form</li> <li>• Division of single tenancy into two separate tenancies</li> <li>• Creation of an additional lot access/exit point to provide dedicated access to warehouse B.</li> <li>• Reconfiguration of car parking</li> <li>• Building pad RL to be lowered.</li> </ul>
SSD 10436 Mod 5	Under Assessment	Minister for Planning and Public Spaces	<ul style="list-style-type: none"> <li>• Installation of 11 warehouse temperature control units onto the roof of Warehouse 2A and 2B</li> </ul>

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- Removal of roller shutter doors from the western elevation in Lot 201
  - Amalgamation of warehouse tenancies 2B and 3 and fit out works across warehouse 2A and 2B including racking and cold storage for use by the future tenants.
  - Construction of minor internal works within Warehouse 1 tenancy.
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### Approval Process

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

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

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

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

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

### Proposed Modification

The proposed Section 4.55(1A) Modification seeks to amend Condition B40 to enable rooftop construction materials such as translucent rooftop sheeting, for industrial warehouse buildings in Western Sydney, while maintaining bushfire protection measures.

The current wording of Condition B40 limits the types of construction materials to be used on roofs, including translucent sheeting. ESR Australia has sought professional advice from Travers Bushfire and Ecology to review the current control and advise of an appropriate path to maintain bushfire protection measures while broadening the types of construction materials allowed on rooftops for industrial and warehouse buildings.

The current limitation of Condition B40 is the wording. Under the current conditions of consent, the wording is as follows:

*New construction of the proposed warehouse buildings on Lots 201, 203 and 204 must be non-combustible, and comply with Section 3 and 5 (BAL 12.5) Australian Standard AS3959-2018 Construction of buildings in bush fire-prone areas or NASH Standard (1.7.14 updated)*

*National Standard Steel Framed Construction in Bushfire Areas – 2014 as appropriate, and Section 7.5 of Planning for Bushfire Protection 2019.*

This wording was adopted from an RFS submission on SSD 10436 dated 20 August 2020. The Travers Bushfire and Ecology report identified Condition B40 wording specifically related to the requirement for new construction to be non-combustible prevents the ability for the development to use certain building materials common for industrial developments, such as translucent sheet.

### **Proposed modification to Condition of Consent**

Given the limitation of building materials to non-combustible status, this letter seeks to amend Condition B40 under Section 4.55(1A) for the EP&A Act. The text proposed to be deleted is indicated by a ~~strike through~~ and text proposed to be added is indicated by **bold text**.

#### *Condition B40*

*The Applicant must ensure warehouse buildings on Lot 201, 203 and 204 are constructed ~~of non-combustible materials and~~ to comply with Section 3 and 5 (BAL 12.5) of the Australian Standard AS2959 – 2018 Construction of buildings of bushfire-prone areas or National Standard – Steel Framed Construction in Bushfire Areas (NASH) as appropriate, and Section 7.5 of the PBP **except otherwise permitted per the Recommendations in Travers Bushfire and Ecology letter dated 17 November 2021.***

### **Assessment of Key Issues**

The key issue associated with the amendment of Condition B40 is the assurance to maintain bushfire safety measures while enabling greater flexibility in the rooftop construction materials within the estate. This issue is outlined below. In addition, Travers Bushfire and Ecology prepared a report (**Attachment A**) which reviews the Condition B40 and assesses it against the relevant standards and policies to identify if there is scope to amend the control.

#### The Australian Standard AS3959

AS3959 states its objective in Section 1.2, which is to prescribe construction detail for buildings to reduce the risk of ignition from a bushfire, appropriate to the:

- a) Potential for ignition caused by burning embers, radiant heat or flame generated by a bushfire, or
- b) Intensity of the bushfire attack on the building.

AS3959 states it should be used for all building classes, but its written language relates to habitable dwellings, i.e. residential.

Key issues identified in AS3959 related to industrial/ warehouse development:

- AS3959 does not reference industrial Class 5 buildings or provide designed construction solutions for this asset class.
- There are many instances in the AS3959, where it uses words and drawings (in Appendix D and Appendix H) where it refers to verandas, carports, awning roofs that are separated from the main building. This infers that the main building is a habitable dwelling. Further, AS3959 refers to structural framing as wood. It does not consider any other materials for the structure.
- AS3959 advises in the Forward on page 5 that it is primarily concerned with improving the ability of buildings in designated bushfire prone areas to better withstand attack from bushfire. This provides a measure of protection to the building occupants (until the fire passes) as well as the building. In the following paragraph, it refers to property owners.

Therefore, it can be concluded that while AS3959 applies to all asset classes, it is focused on providing controls geared toward the construction of habitable dwelling. As a result, it can be concluded AS3959 is an indicative guideline for Class 5 industrial buildings, as it does not consider key construction parameters associated with this asset class, such as construction of a steel frame.

### BAL 12.5 of AS3959

Section 3 and 5 in AS3959 sets out requirements for developments with a BAL 12.5. Key items in relation to BAL 12.5 of AS3959 are the following:

- Section 3 identified the 'level of threat' for BAL 12.5, which is ember attack (refer to **Figure 2** below).

**Figure 2 Table 3.1 of AS3959**

**TABLE 3.1  
BUSHFIRE ATTACK LEVELS AND CORRESPONDING SECTIONS FOR  
SPECIFIC CONSTRUCTION REQUIREMENTS**

Bushfire Attack Level (BAL)	Classified vegetation within 100 m of the site and heat flux exposure thresholds	Description of predicted bushfire attack and levels of exposure	Construction Section
BAL—LOW	See Clause 2.2.3.2	There is insufficient risk to warrant specific construction requirements	4
BAL—12.5	≤12.5 kW/m <sup>2</sup>	Ember attack	3 and 5
BAL—19	>12.5 kW/m <sup>2</sup> ≤19 kW/m <sup>2</sup>	Increasing levels of ember attack and burning debris ignited by windborne embers together with increasing heat flux	3 and 6
BAL—29	>19 kW/m <sup>2</sup> ≤29 kW/m <sup>2</sup>	Increasing levels of ember attack and burning debris ignited by windborne embers together with increasing heat flux	3 and 7
BAL—40	>29 kW/m <sup>2</sup> ≤40 kW/m <sup>2</sup>	Increasing levels of ember attack and burning debris ignited by windborne embers together with increasing heat flux with the increased likelihood of direct contact with flames	3 and 8
BAL—FZ	>40 kW/m <sup>2</sup>	Direct exposure to flames from fire front in addition to heat flux and ember attack	3 and 9

Source: AS3959

- Section 5.4.1 in AS3959 for BAL 12.5 does not provide construction requirements for external walls above 400mm from the ground or a deck.
- Section 5.6.1(a) requires roof sheet and roof covering accessories to be made of non-combustible materials.
- Section 5.6.3(a) requires roofs to be fully sarked; and acts to provide a secondary form of ember protection.
- Section 5.6.4(b) provides clarity that translucent roof sheeting can be used on a veranda, carport or awning roof, where they are separated from the main roof by an external wall.

### RFS advice in respect to Class 5–8 buildings

In *Planning for Bushfire Protection 2019 (PBP)* Section 8.3.1, the NSW Rural Fire Service (**RFS**) has provided advice in relation to AS3959 and the NASH Standard.

*In NSW, AS3959 or the NASH Standard are not considered as a set of Deemed to Satisfy provision of the National Construction Code (NCC). However, compliance with AS3959 and the NASH Standard must be considered when meeting the aims and objectives of Planning for Bushfire Protection (as published by the NSW RFS).*

In addition to the above, RFS has provided further commentary in applying AS3959 and the NASH Standard to industrial buildings, which states the following:

*Under the building classification system within the National Construction Code (NCC), Class 5 to 8 buildings include factories and warehouses. The NCC does not provide for any bushfire specific performance requirements for these particular classes of buildings.*

Given the lack of specific performance requirements for bushfire, Travers concluded the AS3959 and NASH Standard for warehouse and industrial buildings needs to be considered on a case-by-case basis as reference by the PBP on page 78:

*The general fire safety construction provisions of the NCC are taken as acceptable solutions. However, construction requirements for bushfire protection will need to be considered on a case-by-case basis.*

#### Horsley Logistics Park Conditions and Application to the development

A review of the existing Conditions of Consent, which applies to SSD-10436, has been undertaken to identify fire safety provisions including:

- Condition B38 – B42 for Bushfire Protection
- Condition B45 and B46 for Incident Management
- Condition B47 and B48 for Hazards and Risks
- Condition B49 for Dangerous Goods

In regard to the fire safety construction provisions (B45 – B49), they are all deemed to satisfy or dealt in the Fire Engineers Report (*Scientific Fire Services, August 2021*). This report provides a comprehensive assessment of the development including an internal roof sprinkler system that initiates at 218 seconds from thermal heads on sprinklers located just below the roof. This was identified as a satisfactory approach to ensure the development met the requirements in Condition B45 – B49.

In relation to bushfire protection, a report prepared by Ecological Australia in June 2020. This report identified bushfire protection 'measures in combination' where they provided complying responses such as asset protection zones, construction, access and egress, and the supply of water, electricity and gas. These measures met 'the aims and objectives of PBP' including:

- *Safe access to and from the public road system for firefighters providing property protection during a bushfire and for occupant egress for evacuation.*
- *Suitable emergency and evacuation (and relocation) arrangements for occupants of the development.*
- *Adequate services of water for the protection of buildings during and after the passage of bushfire, and to locate gas and electricity so as not to contribute to the risk of fire to a building, and*
- *Storage of hazardous materials away from the hazard wherever possible.*

The report provided the detailed responses to each item, which achieved complying outcomes with PBP which was documented in RFS letter dated 20 August 2020.

#### Impact of proposed amendment to Condition B40

As stated above, the referenced policies and standards do not provide specific design guidelines in relation to bushfire protection for industrial buildings and therefore should be assessed on a case-by-case basis. To assist with this assessment, the following outlines potential impacts associated with introducing translucent roof sheeting to the development and risk associated with bushfire.

ESR seeks to use a translucent roof sheeting called Ampelite Cool-Lite GC SR76. This material does not meet the non-combustible requirement as stated in Condition B40. However, a fire test

report has been prepared and attached with the Travers Report (**Attachment A**) which provides a detailed information on the fire risk associated with the proposed building material. It identifies the use of the material within Horsley Logistics Park has a low bushfire risk probability.

Additionally, the roof shape for each building in Horsley Logistics Park provides a low pitch which enables the roof to be 'self shedding design' that aids in denying the build-up of leaf materials, which could, when sufficiently aggregated, ignited by airborne embers.

Further to the design of the roof pitch for each warehouse buildings, an assessment of distance from bushfire prone lands has been undertaken for each building.

- Lot 201

Lot 201 is located 138m from the E2 Environmental Conservation zone in the east and 6m from a narrow 10m wide landscape verge in the south. Grassland is located in the south and rural-residential in the south-east.

The building is not subject to flame contact and or significant radiant heat flux affection arising from the E2 zoned land in the east. *Flamesol* advises the radiant heat affection would be 0.81 k/Wm<sup>2</sup> (not considering the radiant heat barrier benefit gained from the Lot 202 adjacent to the east).

Lot 201 is also not subject to a significant fire scenario from the southern aspect due to the insitu grass paddock and narrow 10-14m wide landscape zone parallel with Lot 201 building along the southern boundary. The landscape verge has a 3m high masonry wall located on its northern edge.

The bushfire risk in the 10-14m wide landscape zone is considered minor. Short fire run modelling depicts the radiant heat affection of 2.93 k/Wm<sup>2</sup> and a flame height of 7.96m – based on the widest 14m vegetation width.

Conclusion: Lot 201 is subject to less than 0.81 k/Wm<sup>2</sup> RH from the east and 2.93 k/Wm<sup>2</sup> RH from the south.

- Lot 202, formerly referred to as Lot 204

Lot 202 is located 31m from E2 zoned land to the east and 6m from a 21m wide landscape verge on the southern boundary. The landscape verge separates the development from rural residential land to the south. The impact of the E2 zoned land would be 12.22 k/Wm<sup>2</sup> from the east based on conventionally fully developed modelling by *Flamesol*. If this same space is assessed under short fire run modelling, the RH would be 8.03 k/Wm<sup>2</sup>. Short fire run modelling is based on 206m fire run length on 3.3 degree downslope. Given the non-contiguous link between the E2 zoned vegetation and any other vegetated hazards, the increased fire run length of 197m (from the accepted SFR maximum length of 175m) should be accepted by the RFS.

By using short fire run modelling, the impact from the 21m wide landscape on the southern boundary would be 4.11 k/Wm<sup>2</sup>. Arising from the short flame length of 13.17m, the flame is not an attacking force upon the 12m high roof given the 25m APZ.

Arising from the low 8.03 k/Wm<sup>2</sup> of radiant heat affection, the RH flux could not affect the roof due to the low roof pitch as embers would land on the roof but with no roof extrusions the embers would be blown off.

Conclusion: Lot 202 is subject to less than 8.03 k/Wm<sup>2</sup> from the east and 4.11 k/Wm<sup>2</sup> from the south.

- Lot 204, formerly referred to as Lot 203

Lot 204 is located 32m from the E2 zone land in the east. The radiant heat affectation from the east would be 11.74 k/Wm<sup>2</sup> (*Flamesol*).

Arising from the low RH, affectation radiant heat could not affect the roof or translucent sheeting. Embers could land on the low pitched roof but with no roof extrusions the embers would be blown off.

Conclusion: Lot 204 is subject to less than 11.74 k/Wm<sup>2</sup> from the east.

- Lot 206, formerly referred to as Lot 202

Lot 206 is located 203m from E2 zoned land in the east. The building is not subject to flame contact or significant radiant heat flex affectation arising from the E2 zoned land and is protected by Lot 204 it is immediate east.

Conclusion: Lot 206 should be removed from further commentary in respect to bushfire attack probability.

### Summary

Based on the above assessment, the following can be concluded:

- The RFS have the capability to apply condition of consent on a case-by-case basis.
- AS3959 does not reference industrial buildings by way of design solutions. Yet, it does refer to all classes of buildings without design parameters for all classes of buildings.
- AS3959 does not provide a construction standard for external walls on an industrial building above 400mm from the ground or a deck.
- The proposed industrial development in Horsley Logistics Park is not for habitable occupation nor are subject to the mixed development uses.
- Matters pertaining to access, water, electricity and emergency arrangements are compliant with PBP 2019.
- Matters pertaining to general fire safety construction provisions of the NCC, which are deemed as the acceptable solutions for incident management, hazard and risk and dangerous goods are dealt with the provision of Conditions B45 to B49 and are compliant.
- Matters pertaining to bushfire construction are driven by external building wall metal sheeting (with no gaps) and associated bushfire protection 'measures in combination'.
- Lot 201, 202 and 204 are less than 7.73 k/Wm<sup>2</sup> bushfire attack.
- The buildings have internal roof sprinkler system that initiates 218 seconds from thermal heads on the sprinklers located just below the roof.
- The very low roof profile on the buildings are self-shedding design in terms of leaf accumulation and possible attack from airborne embers.
- Translucent sheeting is an acceptable building roof material that achieves the aims and objectives of PBP under low bushfire attack probability.

Therefore, the proposed amendment to Condition B40 is acceptable as it maintains the bushfire protection standards as outlined in PBP 2019. It does not create any additional impacts associated with bushfire risk and will improve the overall nature of the industrial development by enabling natural light into the warehouse. This improves working conditions for employees and creates an energy efficient environment by reducing power consumption for internal lighting.

### **Section 4.15 Assessment**

The below table assesses the proposed modification against Section 4.15 of the EP&A Act.

<b>Environmental Planning Instruments</b>	<ul style="list-style-type: none"> <li>• <i>State Environmental Planning Policy (State and Regional Development) 2011</i> – The original application was assessed and declared as SSD. As the project has been declared, its assessment for the purpose of modifications remains under the SSD pathway.</li> <li>• <i>State Environmental Planning Policy (Western Sydney Employment Area) 2009</i> – The proposal seeks built form changes that continue to support employment uses on the site consistent with the overarching aim of the WSEA SEPP.</li> <li>• <i>State Environmental Planning Policy (Infrastructure) 2007</i> – Schedule 3 of the ISEPP identified ‘traffic generating development’ which must be referred to RMS for concurrence. The modification does not include any changes to GFA or intensity of traffic generating uses. Therefore, a referral to RMS is not required.</li> <li>• <i>State Environmental Planning Policy No. 55 (Remediation of Land)</i> – The original findings and assessment in relation to contamination apply consistently to any future modifications. There are no proposed changes which affect the recommendations in relation to remediation.</li> <li>• <i>State Environmental Planning Policy No. 33 – Hazardous and Offensive Development</i> – The proposed modification does not seek to introduce the storage of dangerous goods on the site.</li> </ul>
<b>Draft Environmental Planning Instruments</b>	There are no relevant draft environmental planning instruments which apply to the proposed modification.
<b>Development Control Plan</b>	Development Control Plan 327-335 Burley Road, Horsley Park, March 2016 applies to the site. Clause 18(6) of the WSEA SEPP recognises the provisions of this DCP for the purpose of the clause. It is noted that DCPs do not apply in the assessment of SSDAs. The requirement for, and provision of, the DCP is therefore satisfied.
<b>Planning Agreement</b>	Planning agreements in place between CSR Building Products Limited and the Minister for Planning will not be affected by the proposed modification.
<b>EP&amp;A Regulation 2000</b>	All relevant regulations have been considered in the preparation of this modification application.
<b>Likely Impacts of the Proposal</b>	The likely impacts of the proposed modification have been assessed (refer to above section) in detail with the supporting Travers Report. Overall, it is considered the impacts are minimal and acceptable.
<b>Suitability of the Site</b>	<ul style="list-style-type: none"> <li>• <i>The proposed development as proposed to be modified is expected to provide positive employment impacts both locally and in the broader economy. It is envisaged that the proposal will generate approximately 441 operational jobs and 254 construction jobs.</i></li> <li>• <i>The site is located within the WSEA and aligns with the desired future land use outcomes for this area, particularly promoting economic development for major warehousing and distribution uses.</i></li> </ul>

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The site is suitable for the proposed development as it will:

- Supports the strategic role and objectives of the WSEA and Broader WSEA;
- Contributes toward the future context and role of the WSEA and Broader WSEA as an economic hub for Greater Sydney;
- Delivers critical infrastructure and services to the WSEA for the benefit of the broader area;
- Delivers on significant private sector investment and indirect benefits for productivity of the local economy; and
- Contributes toward employment generation in the Western Parkland City.

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**Submissions** Any submissions received as part of the public notification period must be considered in accordance with Section 4.15(1)(d) of the EP&A Act. If submissions are made, ESR Australia will respond to them as required by DPIE.

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**Public Interest** The proposal has been assessed against the current planning framework for the site and is consistent with the objectives of the WSEA. The assessment has demonstrated that the modification will result in only minimal environmental impact.

The proposal provides greater flexibility in rooftop construction materials while maintaining bushfire protection measures within the estate. The allowance for translucent rooftop sheeting will create a better work environment for employees as it enables natural light into the warehouse and create an energy efficient environment. The inclusion of this type of material does not materially increase the bushfire risk and is considered a positive impact to the public interest within the development and surrounding areas.

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## Conclusion

This section 4.55(1A) application seeks consent modify Condition B40 under SSD 10436 Conditions of Consent. The modification seeks greater flexibility in building materials as per the industrial standard while maintain bushfire safety measures. The provision of translucent rooftop sheeting creates a better work environment as it provides natural lighting and creates an energy efficient environment. The allowance of this type of building material does not increase bushfire risk or safety impacts within the development.

The key issues relevant to the proposed modifications have been assessed within the Modification Report and specialist consultant report submitted with this application. A review of all other relevant impacts identified within the original SSDA approval was also undertaken to ensure that no increased impacts would result from the proposed modifications.

The proposed modification to the approved development of the HLP has been considered and assessed in accordance with the requirements of the EP&A Act. The Modification Letter has assessed the relevant matters prescribed under this Act and its Regulation, and those matters identified in the SEARs for the proposal.

The modification aligns with the strategic direction and objectives established for the site and surrounding lands under the WSEA SEPP. The modification has been assessed as being of minimal environmental impact and substantially the same as the original approved SSDA as required under section 4.55(1A) of the EP&A Act 1979.



Based upon a balanced review of key issues and in consideration of the benefits and residual impacts of the proposal, development of the HLP as proposed under the approved SSDA and this modification is considered justified and warrants approval.

Kind regards,

A handwritten signature in cursive script that reads "G. Macdonald".

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**Attachment A:** Travers Report dated 17 November 2021