



Temperature Controlled Warehouse Facility Modification 1

Temperature Controlled Warehouse Facility Modification 1
(SSD-8586218-Mod-1)

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Glossary

Abbreviation	Definition
Applicant	ESR Developments (Australia) Pty Ltd
BDAR	Biodiversity Development Assessment Report
BRBH	Bringelly Road Business Hub
Council	Liverpool City Council
Department	Department of Planning, Industry and Environment
EPA	Environmental Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
GFA	Gross Floor Area
LGA	Local Government Area
Minister	Minister for Planning and Public Spaces
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
POM	Western Sydney Parklands Plan of Management 2030
RFS	NSW Rural Fire Service
SEPP	State Environmental Planning Policy
SRD SEPP	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>
SSD	State Significant Development
vtph	Vehicle trips per hour
WCDP	Western City District Plan
WSP	Western Sydney Parklands

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1 Introduction

This report provides the NSW Department of Planning, Industry and Environment's (the Department's) assessment of an application to modify the State significant development (SSD) consent for the Temperature Controlled Warehouse Facility, Horningsea Park.

The modification application seeks approval for internal amendments to the building, adding a 4,700 square metre (m²) mezzanine and a freezer and refrigerated storage area. Operational changes are also proposed, which would see dangerous goods being stored in the facility and a processing area for the stored goods.

The application was lodged on 16 February 2021 by ESR Developments (Australia) Pty Ltd (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.1 Background

The Applicant is constructing a warehouse facility within the Bringelly Road Business Hub (BRBH) in the Liverpool local government area (LGA) (see Figure 1). The development seeks to provide distribution and employment opportunities within an identified business hub within the Western Sydney Parklands (WSP).



Figure 1 | Regional Context Map

On 30 November 2020, the Applicant was granted development consent for the construction and operation of a Temperature Controlled Warehouse Facility (SSD-8586218). The development forms part of a business park known as the BRBH. On 13 January 2016, the BRBH concept approval and stage 1 Development Application was approved by the Department. The approval permitted the

subdivision of the site into eight lots, bulk earthworks and allowing for a range of uses on the site including large format retail and light industrial uses. Four of the larger lots have had uses and built form approved by the Department, explained in **Section 1.2**.

1.2 Subject site

The subject site is located on lot 4 of the BRBH, located approximately 36 kilometres (km) west of the Sydney city centre, 8 km south-west of the Liverpool town centre and approximately 4 km north-west of the intersection of the M5 and M7 motorways (see **Figure 1**). Access to the site is via Skyline Crescent to the south, which connects to Bringelly Road.

The development is located in Horningsea Park, and is adjacent to the neighbouring suburb of Leppington, both of which comprise predominantly residential development. The closest private residential properties are located approximately 200 metres (m) to the north-east of the BRBH, on Stuart Road (see **Figure 2**).



Figure 2 | Local Context Map

Bedwell Park Wetland is located to the north of the development, containing a significant amount of vegetation. This partially obscures the view of the development from the abovementioned residential properties.

The BRBH approval permitted a range of uses within the business hub including light industrial and large format retail (see **Section 1.4**). Since the approval of the BRBH, in addition to the subject consent, a further three separate SSD approvals have been granted within the precinct for a range of uses. Lots 6 and 8 are currently operational. This includes:

- Steelforce Warehouse Facility (SSD-8900) – warehouse primarily for the storage, dispatch and distribution of steel materials on Lot 8 – operational (see **Figure 2**)
- CFC Group Large Format Retail (SSD-9511) – large format retail for the display and sale of construction machinery and equipment on Lot 6 – operational (see **Figure 2**)
- a Bunnings Warehouse (SSD-10366) – large format retail on Lot 3 – preliminary earthwork commenced (see **Figure 2**).

1.3 Approval history

On 30 November 2020, the Applicant was granted development consent for the construction and operation of a Temperature Controlled Warehouse Facility (SSD-8586218). The development consent permits the construction and operation of a warehouse, ancillary office, landscaping and carparking.

At the time of writing this report, the Applicant had commenced bulk earthworks across the site.

1.4 Other approvals

On 13 January 2016, the then Acting Executive Director, Key Sites and Industry Assessments approved the BRBH, a staged State significant development (SSD-6324) comprising a concept proposal and stage 1 development. The concept proposal covered the establishment of the business park comprising of large format retail premises, light industry, service station, take away food and drink premises, restaurant and café uses and a development structure. The stage 1 consent approved the demolition of existing structures, subdivision of the site into eight lots and early works to the site including infrastructure installation and earthworks. The BRBH consent has been modified on seven occasions.

2 Proposed modification

On 16 March 2021, the Applicant lodged a modification application under section 4.55(1A) of the EP&A Act to modify the development consent SSD-8586218.

The modification is described in the Applicant's Modification Application Report included in Appendix A and as illustrated in **Figure 3** to **Figure 5**.

The modification involves several key aspects. This includes:

- incorporation of a 4,700 m² mezzanine floor at the southern end of the warehouse, resulting in an increase in gross floor area (GFA) from 36,170.7 m² to 40,870.7 m²
- the mezzanine will be used for additional storage space, and include the addition of 'technical rooms,' described in further detail below
- storage of dangerous goods (DGs) within the warehouse including antiseptic hand sanitisers, antiseptic creams and lithium metal batteries
- addition of freezer and refrigerated storerooms and associated plant room in the southwest corner of the warehouse with a GFA of approximately 248.8 m².

Proposed Technical Rooms

The proposed mezzanine floor involves works to include part of the area to be used as 'technical rooms.' As part of the application, the Applicant described the activities which would occur in these rooms, noting they will service and process goods that would otherwise be stored at the warehouse facility. The processes include:

- labelling of medical products with marketing information or Therapeutic Goods Administration required labels, prior to shipment
- charging, testing and servicing medical infusion pumps and monitors when being stored at the facility between periods at hospitals
- bundling of medical products stored at the facility.

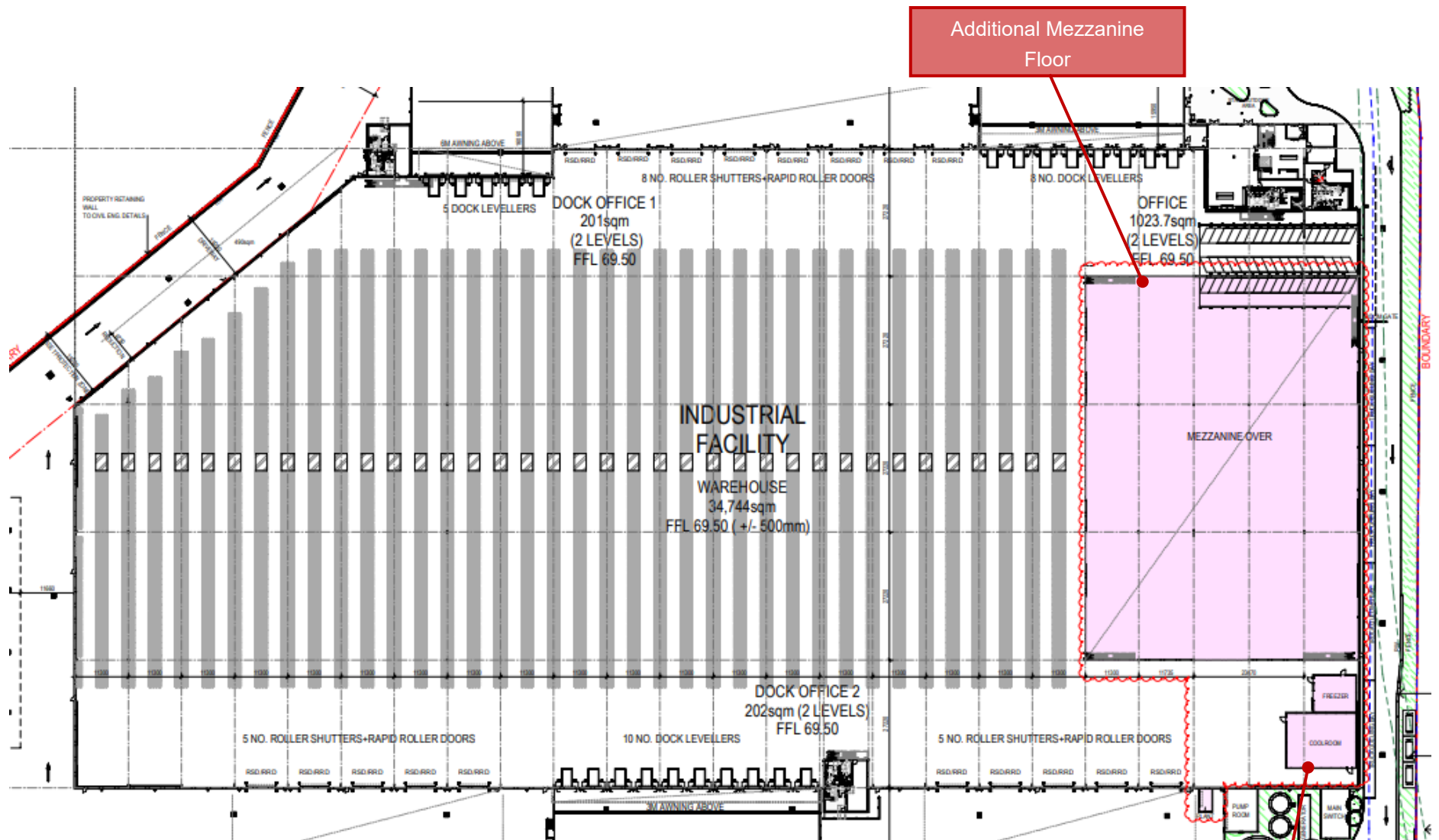


Figure 3 | Proposed warehouse layout

Addition of freezer and cold storage rooms

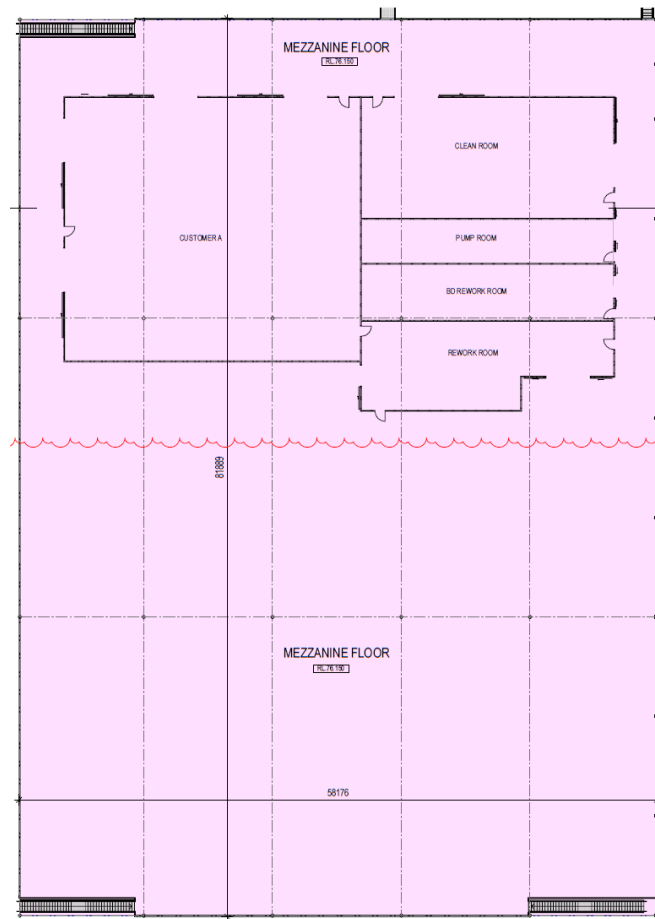


Figure 4 | Detailed floor plan of mezzanine, including ‘technical rooms’

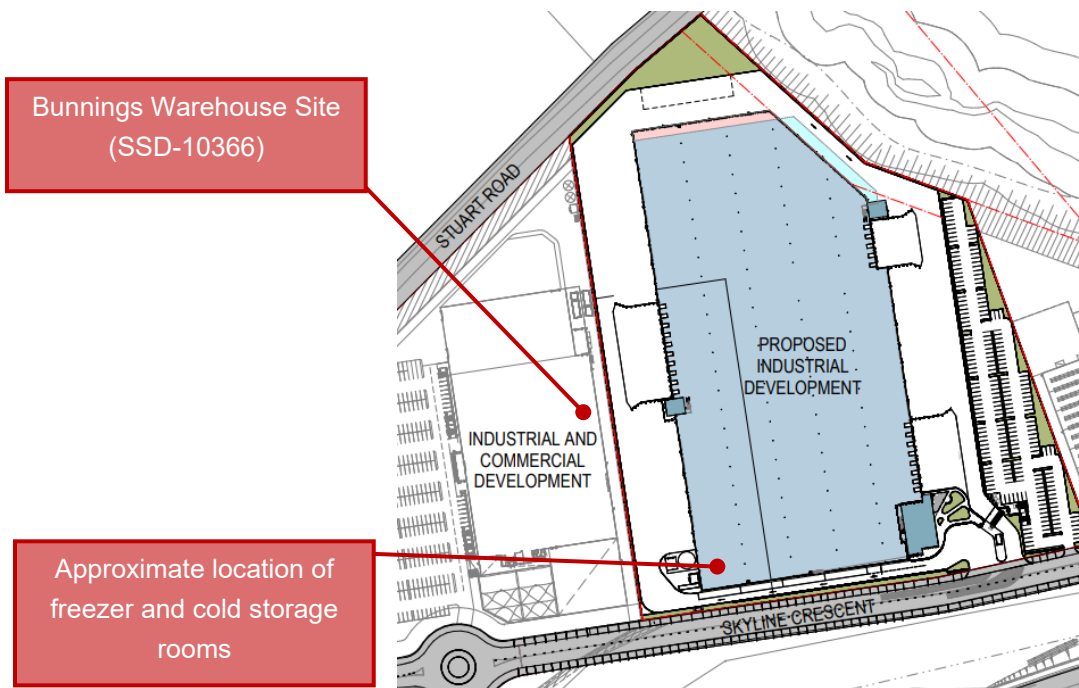


Figure 5 | Location of modified elements in relation to adjoining development

3 Strategic context

3.1 Greater Sydney Region Plan

The vision of the 'Greater Sydney Region Plan 2018, A Metropolis of Three Cities' falls within the integrated planning framework for Sydney and seeks to meet the needs of a growing and changing population by transforming Greater Sydney into a metropolis of three cities. It brings new thinking to land use and transport patterns to boost Greater Sydney's liveability, productivity and sustainability by spreading the benefits of growth.

The proposed modification would continue to support the objectives of the Region Plan by:

- allowing the development of the warehouse facility which will provide additional jobs closer to where people live (Objective 14)
- facilitating industrial development and large format retail in an approved business hub, ensuring industrial land is planned, retained and managed (Objective 23).

3.2 Western City District Plan

The Western City District Plan (WCDP) is a 20-year plan to manage growth in Western Sydney in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney established by the Greater Sydney Region Plan. It is a guide for implementing the Greater Sydney Region Plan at a district level. The proposed modification is consistent with the goals, directions and actions outlined in the WCDP by:

- ensuring that industrial and urban services land is planned, retained and managed (see Planning Priority W10)
- supporting growing investment, businesses opportunities and jobs in strategic centres (see Planning Priority W11).

The Department has considered the strategic context of the site and is satisfied the proposed modification is consistent with the intent of the relevant strategic planning documents.

3.3 Western Sydney Parklands Plan of Management 2030

The WSP is a major social and recreational facility in Western Sydney and is strategically managed by the Western Sydney Parklands Plan of Management 2030 (POM). The POM identifies that 2% of the WSP is to be developed for long term leases for business purposes to generate revenue to support operations in the WSP, including maintenance and development of new and existing facilities. The proposal represents a portion of the 2% of the WSP identified strategically under the POM for business purposes (Strategic Direction 4).

The proposed modification seeks amendments to increase the floor area of the warehouse. This will benefit the future operation and functionality of the site, which will increase economic activity in Western Sydney, aligning with Strategic Direction 4 of the POM.

4 Statutory context

4.1 Scope of modifications

The Department has reviewed the scope of the modification application and is satisfied the proposed modification would result in minimal environmental impacts and relates to substantially the same development as the original development consent on the basis that it:

- would not increase the environmental impacts of the development as approved
- is substantially the same development as originally approved, and
- would not involve any further disturbance outside the already approved disturbance areas for the development.

Therefore, the Department is satisfied the proposed 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.

4.2 Consent authority

The Minister for Planning and Public Spaces (the Minister) is the consent authority for the application under section 4.5(a) of the EP&A Act. However, under the Minister's delegation dated 9 March 2020, the Director, Industry Assessments, may determine the application as:

- the application has not already been referred by the Planning Secretary to the Independent Planning Commissions as at the date of the delegation
- a political disclosure statement has not been made by the Applicant
- there are no public submissions in the nature of objections.

4.3 Biodiversity Conservation Act 2016

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

The Department is satisfied that there will be no additional clearing of native vegetation or habitat loss beyond that previously assessed and considered under SSD-8586218.

For the reasons discussed above, the Department's assessment concludes a BDAR is not necessary for the modification.

5 Engagement

5.1 Department's engagement

Clause 117(3B) of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) specifies that the notification requirements of the EP&A Regulation do not apply to section 4.55(1A) modification applications with minimal environmental impacts. Accordingly, the application was not notified or advertised. However, it was made publicly available on the Department's website on 16 February 2021 and was referred to Liverpool City Council (Council) and the Rural Fire Service (RFS) for comment.

5.2 Summary of submissions

Council supported the proposal, however requested the department consider noise impacts from the refrigerated rooms in its assessment. Council also commented on the introduction of DGs to the warehouse, noting this was not seen in the original consent.

RFS did not respond to the Department's request.

5.3 Response to submissions

The Applicant provided a response to Council's submission on 9 March 2021, which was made available on the Department's website and is included in **Appendix A**.

The Applicant confirmed that the storage of DGs formed part of the modification application and provided further detailing on the position of the refrigerated rooms.

5.4 Additional information

On 16 February 2021, the Department requested the Applicant provide further details on the activities proposed in the 'technical rooms' and how they continue to align with the original consent. In addition, the Department also requested the Applicant assess the impact refrigerated heavy vehicles may have on surrounding sensitive land uses.

On 1 March 2021, the Applicant provided a response to the Department's request, detailing the processing activities proposed on site, supplying slightly revised plans clearly detailing the technical rooms. A letter from the Applicant's acoustic consultant was also provided, confirming that, given the location of the refrigerated storage rooms, they would have little impact on surrounding sensitive uses (see **Appendix A**).

6 Assessment

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

- Modification Application Report provided to the support the proposed modification (see **Appendix A**)
- original development application, supporting documents and assessment
- submissions from Council (see **Appendix A**)
- additional information provided by the Applicant
- existing conditions of consent
- relevant environmental planning instruments, policies and guidelines
- requirements of the EP&A Act, including the objects of the EP&A Act.

The Department's assessment of the proposed amendment is provided in **Table 1**.

Table 1 | Assessment of Issues

Issue	Findings	Recommendations
Substantially the same development	<ul style="list-style-type: none"> • The Modification application includes the addition of technical processing rooms located on a new mezzanine level, which the Applicant stated would involve activities such as 'servicing' equipment. • The Department raised concerns in relation to the additional activities adding a Light Industrial use to the site, which would not align with the original consent's warehouse use. • The Applicant responded to the concerns, providing more details on the proposed activities in these rooms, noting the activities to be ancillary to the warehouse use. The Applicant confirmed they will be used for the processing of equipment already stored in the warehouse, such as charging ventilators and repackaging medical equipment. • The Department reviewed the additional information provided and is satisfied that, given the minimal footprint (approximately 3.1% of total modified GFA) and operational detail of the technical rooms, the rooms' activities remain ancillary to the original consent's warehouse use. • The Department concludes the proposed additional processing activities on site remain consistent with the original consent and is satisfied that the modification can be categorised as 'substantially the same' development. 	No additional conditions required.

<p>Noise</p>	<ul style="list-style-type: none"> • The addition of cold storage and freezer rooms introduce the potential for further noise generation from plants to cooling plants and the introduction of refrigerated heavy vehicles. • Concerns were raised by the Department relating to the addition of refrigerated heavy vehicles to the site and the impact these may have on the noise generated by the development. • Council commented on noise noting the Department should consider potential noise generated by these activities in its assessment. • The Applicant responded to noise concerns, noting the rooms, plant and loading area are more than 200 m away from the nearest sensitive receivers and located on the south-west side of the site, shielded from these receivers by adjacent buildings. • The Department has considered these comments by Council, the Applicant and its acoustic consultant. Given the small operation of cold rooms in relation to the context of the warehouse, and the location of the plant and docks shielded by the main warehouse building to the east and the future Bunnings Warehouse to the west, the Department is satisfied the acoustic impacts of the development remain in line with those originally considered and will be required to remain compliant with the consent's noise conditions. • The Department's assessment concludes the potential additional noise impacts are negligible due to the reasons above and can be managed with existing noise conditions, including the Operation Noise Management Plan. 	<p>No additional conditions required.</p>
<p>Hazards</p>	<ul style="list-style-type: none"> • The modification application seeks to introduce the storage of DGs to the warehouse which include batteries and sanitisation products. • The Applicant provided a SEPP 33 Assessment to determine whether the development should be considered a 'potentially hazardous industry.' The assessment found the DG quantities to be below the relevant threshold quantities listed in the Department's Applying SEPP 33 guideline and is not a 'potentially hazardous industry'. • Council noted in its submission that the storage of DGs on site conflicts with the original consent's Environmental Impact Statement, which stated no DGs would be stored on site. 	<p>Insert new conditions (Condition B27A and B27B) to require the Applicant to handle and store DGs in accordance with Australian</p>

	<ul style="list-style-type: none"> • The Applicant responded to Council's comment, noting the modification application seeks to alter this aspect of the development. • The Department reviewed the Applicant's assessment and agrees the development would not be potentially hazardous as the quantity of DGs to be stored on site would be below the relevant thresholds. • The Department has recommended standard additional conditions to ensure the DGs are handled and stored in accordance with Australian Standards and the Environment Protection Authority's (EPA) requirements. • The Department's assessment concludes the development would meet all the relevant risk criteria and can be managed, subject to conditions. 	Standards and EPA requirements.
Traffic	<ul style="list-style-type: none"> • The modification sees an increase in GFA over the site, which could impact on the traffic generated by the site. • The Applicant provided a transport statement as part of the application, which found the operational traffic generated by the development has potential to increase from 73 vehicle trips per hour (vtph) to 82 vtph. • The Department has reviewed the increase in operational traffic generation and the traffic volumes considered under the BRBH concept approval and is satisfied the modified development remains consistent with the traffic generation originally planned for. • The Department concludes the modification will not adversely impact on the local road network, subject to the conditions of the original consent. 	No additional conditions required.
Parking	<ul style="list-style-type: none"> • The modified development will see an increase in GFA, resulting in the facility requiring a total of 168 car park spaces to align with the BRBH concept approval. • The original consent provided 231 car parking spaces, which meets the parking requirements of the modified development. • The Department's assessment concludes the development will continue to provide sufficient parking for staff and visitors. 	No additional conditions required.

7 Evaluation

The Department has assessed the proposed modification in accordance with the relevant requirements of the EP&A Act. The Department considers the proposed modification is appropriate on the basis that:

- proposed modification would not increase the environmental impacts of the development as approved
- proposed changes are consistent with the original consent
- changes in built form would not involve any further disturbance outside of the already approved disturbance areas for the development
- proposed modification would retain jobs and investment in Western Sydney.

Consequently, the Department is satisfied the modification should be approved, subject to the implementation of the recommended conditions for SSD-8586218-Mod-1.

8 Recommendation

It is recommended that the Director, 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-8586218-Mod-1 falls within the scope of section 4.55(1A) of the EP&A Act
- **forms the opinion** under section 7.17(2)(c) of the *Biodiversity Conservation Act 2016* that a BDAR is not required to be submitted with the application as the application will not increase the impact on biodiversity values on the site
- **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 consent SSD-8586218
- **signs** the attached approval of the modification (**Appendix C**).

Recommended by:



Thomas Bertwistle
Environmental Assessment Officer
Industry Assessments

Recommended by:



Joanna Bakopanos
Team Leader
Industry Assessments

9 Determination

The recommendation is **Adopted** by:



1/4/2021

Chris Ritchie

Director

Industry Assessments

as delegate of the Minister for Planning and Public Spaces

Appendices

Appendix A – List of documents

Modification Application Report - Section 4.55(1A) Modification Application, and attachments, prepared by Ethos Urban, dated 11 February 2021 - <https://www.planningportal.nsw.gov.au/major-projects/project/16886>

Response to Request for Information and attachments, prepared by Ethos Urban, dated 25 February 2021 - <https://www.planningportal.nsw.gov.au/major-projects/project/16886>

Response to Request for Information, prepared by Ethos Urban, dated 9 March 2021 - <https://www.planningportal.nsw.gov.au/major-projects/project/16886>

Submissions - <https://www.planningportal.nsw.gov.au/major-projects/project/16886>

Appendix B – Consolidated consent

Appendix C – Modifying instrument

The modifying instrument for the subject modification may be found on the Department's website at:
<https://www.planningportal.nsw.gov.au/major-projects/project/16886>