



# Temperature Controlled Warehouse Facility Modification 3

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State Significant Development Modification  
Assessment (SSD-8586218-Mod-3)

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# Glossary

| Abbreviation               | Definition  |
|----------------------------|---|
| <b>Applicant</b>           | ESR Developments (Australia) Pty Ltd                              |
| <b>BDAR</b>                | Biodiversity Development Assessment Report                        |
| <b>Council</b>             | Liverpool City Council  |
| <b>BRBH</b>                | Bringelly Road Business Hub                                       |
| <b>Department</b>          | Department of Planning, Industry and Environment (DPIE)           |
| <b>EP&amp;A Act</b>        | <i>Environmental Planning and Assessment Act 1979</i>             |
| <b>EP&amp;A Regulation</b> | Environmental Planning and Assessment Regulation 2000             |
| <b>GFA</b>                 | Gross Floor Area  |
| <b>Minister</b>            | Minister for Planning and Public Spaces                           |
| <b>Planning Secretary</b>  | Secretary of the Department                                       |
| <b>SEPP 64</b>             | State Environmental Planning Policy No 64—Advertising and Signage |
| <b>SSD</b>                 | State Significant Development                                     |
| <b>WSPT</b>                | Western Sydney Parklands Trust                                    |

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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 (SSD-8586218).

This modification application seeks approval to install signage along the building's façade and introduce a way-finding pylon sign within the frontage of the site. The modification also seeks internal first floor changes, resulting in a small increase in office floor area and alterations to the forecourt to increase landscaping.

These changes are proposed following confirmation of the facility's tenant, DHL, in order to meet its requirements.

The application was lodged on 14 May 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 site forms part of an approved business park known as the Bringelly Road Business Hub (BRBH) located in the southern portion of the Western Sydney Parklands (WSP) in Horningsea Park.



**Figure 1 | Regional Context Map**



## 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**). Bedwell Park Wetland is located to the north of the site.

A range of uses are planned within the BRBH including light industrial and large format retail (see **section 1.4**). In addition to the subject consent, a further three separate SSD consents have been granted within the BRBH, including:

- 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 – earthworks commenced (see **Figure 2**).



**Figure 2 | Local Context Map**

### 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 building works on site.

The development consent has been modified on two occasions (see **Table 1**).

**Table 1 | Summary of Modifications**

| Mod No.      | Summary of Modifications   | Approval Authority | Type       | Approval Date |
|--------------|--|--------------------|------------|---------------|
| <b>MOD 1</b> | Introduction of a mezzanine level for further storage and technical rooms, as well as the addition of cold and freezer rooms to the main warehouse floor | Department         | s.4.55(1A) | 1 April 2021  |
| <b>MOD 2</b> | Amend error in plans relating to cold and freezer rooms  | Department         | s.4.55(1)  | 21 April 2021 |

### 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

### 2.1 Proposed Modification

The Applicant has 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 full in the Modification Application letter included in **Appendix A** and is illustrated on **Figures 3 to 12** and is being proposed to meet the tenant's updated requirements.

The modification involves several key aspects as below.

#### *Office and Forecourt*

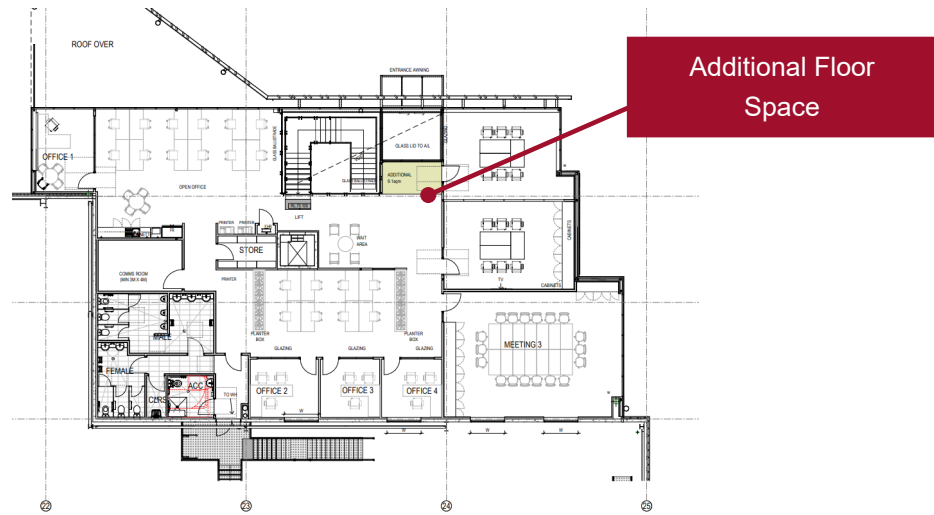
The proposal seeks minor internal alterations to the main office layout consisting of partially infilling the existing void on level 1 to change access to the meeting rooms. This results in an additional 9.1 square metres (m<sup>2</sup>) in Gross Floor Area (GFA) (see **Figure 3**).

The alterations also extend to the forecourt area to the front of the main office building, the main pedestrian entry point to the building. These changes involve additional landscaping to enhance the amenity for workers and visitors to the site (see **Figure 4** and **Figure 5**).

#### *Signage*

The Applicant proposes the addition of five business identification wall signs on all elevations of the warehouse, as seen in **Figures 6 to 10**. These replace the generic 'sign/ signage' signage seen on the original consent's plans and are all proposed to be non-illuminated fascia panels. In addition to this, four pylon signs are also proposed within the frontage of the site (reduced from six signs at lodgement of this modification application), as seen in **Figure 11** and **Figure 12**. This includes three directional signs to the site's three driveways, as well as a single business identification sign. These range in height from 2 m to 3.5 m.





**Figure 3 | Proposed Office Alterations**



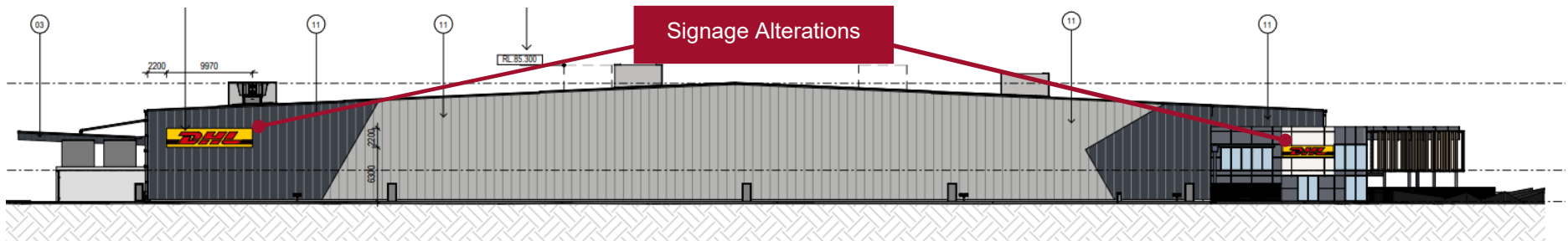
**Figure 4 | Approved Forecourt**



**Figure 5 | Proposed Forecourt**



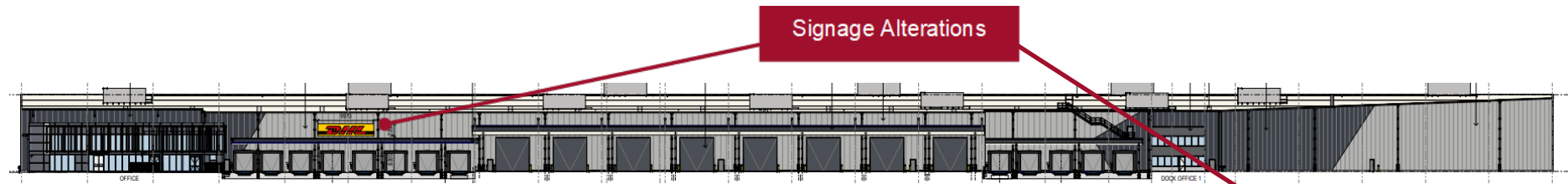
**Figure 6 | Approved Southern Elevation**



**Figure 7 | Proposed Southern Elevation**



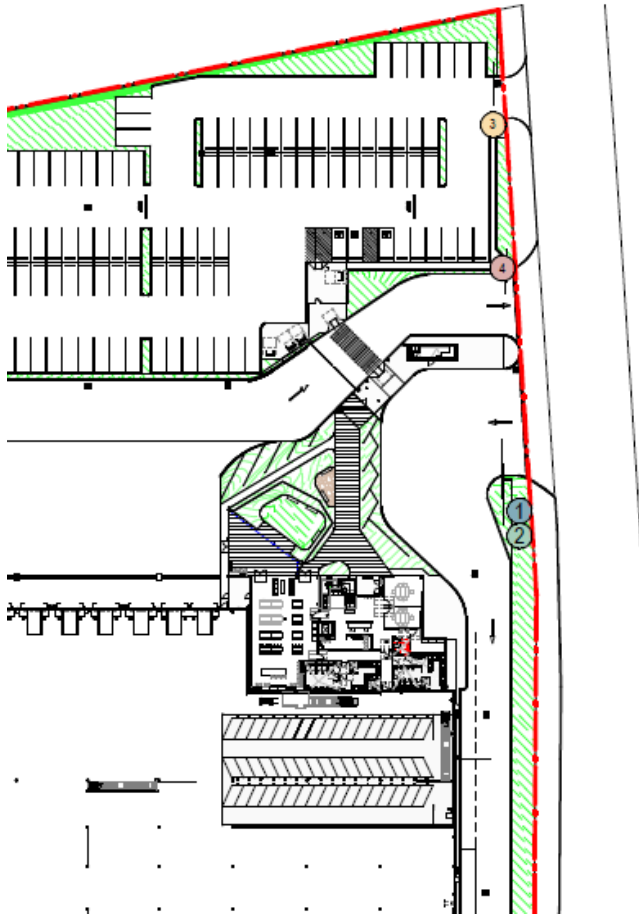
**Figure 8 | Proposed Northern Elevation**



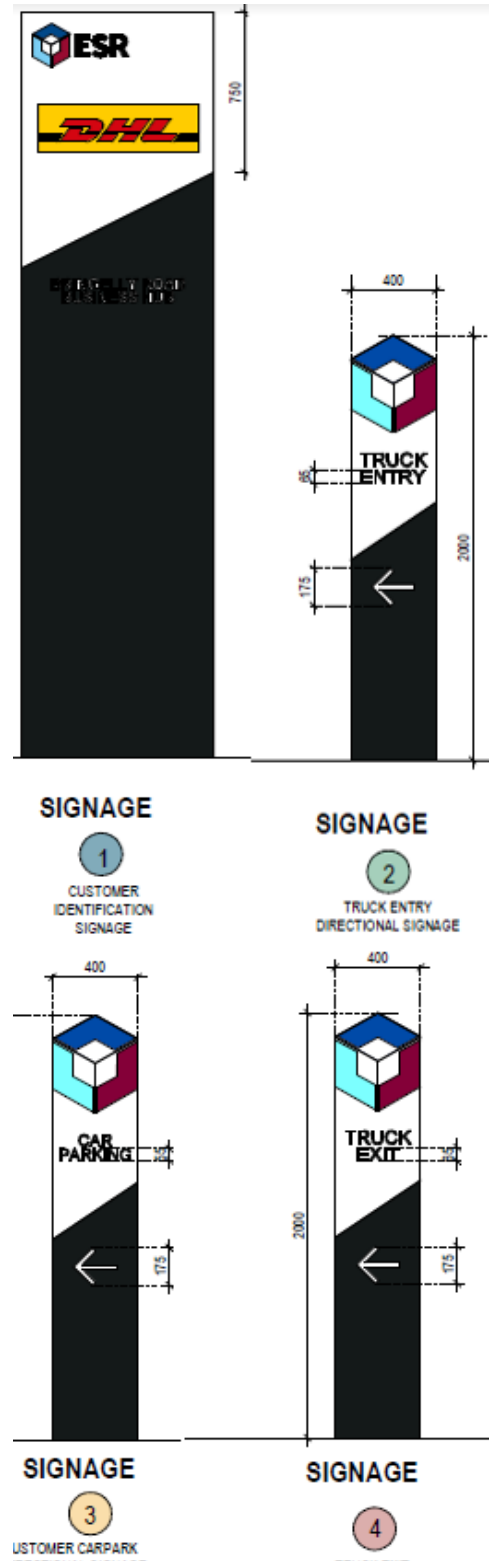
**Figure 9 | Proposed Eastern Elevation**



**Figure 10 | Proposed Western Elevation**



**Figure 11 | Pylon Locations (shown at numbers 1-4)**



**Figure 12 | Proposed Pylons**

## 3 Statutory context

### 3.1 Scope of Modifications

The Department has reviewed the scope of the modification application and considers the application can be characterised as a modification involving minimal environmental impacts as the proposal:

- would not increase the environmental impacts of the project as approved
- the primary function and purpose of the approved development would not change as a result of the proposed 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.
- is substantially the same development as originally approved
- would not involve any further disturbance outside the already approved disturbance areas for the project.

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.

### 3.2 Consent Authority

The Minister for Planning and Public Spaces (Minister) is the consent authority for the application under section 4.5(a) of the EP&A Act. Under the Minister's delegation of 26 April 2021, the Team Leader, Industry Assessments, may determine the application under delegation as:

- the application has not been made by a person who has disclosed a reportable political donation under section 10.4 of the EP&A Act
- there are no public submissions (other than a council) in the nature of objections
- the council has not made a submission by way of objection under the mandatory requirements for community participation listed under Schedule 1 of the EP&A Act.

Accordingly, the application may be determined under delegation by the Team Leader, Industry Assessments.

### 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-8586218, under section 4.15 of the EP&A Act. This modification application does 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* 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. The Department is satisfied that due to the nature of the works, being signage and small internal and forecourt changes, 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 proposed modification.

## 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 19 May 2021 and was referred to Liverpool City Council (Council) and Western Sydney Parklands Trust (WSPT) for comment.

### 4.2 Summary of Submissions

**Council** raised no concerns to the modifications proposed.

**WSPT** did not provide comment.

## 5 Assessment

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

- the modification letter provided to support the proposed modification (see **Appendix A**)
- the documentation and Department's assessment report for the original development application and subsequent modification application(s) (see **Appendix A**)
- the submission from Council (**Appendix A**)
- 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 issues is provided in **Table 2**.

**Table 2 | Assessment of Issues**

| Issue                 | Findings  | Recommendations  |
|-----------------------|---|--|
| <b>Visual Amenity</b> | <ul style="list-style-type: none"> <li>• The modification application seeks approval for five wall signs and four pylon signs. The new signs have potential to create an impact on the visual amenity of the area.</li> <li>• The Applicant assessed the proposed modification against the design criteria in the State Environmental Planning Policy No 64—Advertising and Signage (SEPP 64) and Council's advertising criteria in its Development Control Plan, as required by Condition 22 of the BRBH's Concept Approval.</li> <li>• The assessment concluded the proposal meets the requirements of both these documents, and given the scale of the signage, will not cause an adverse impact on the visual amenity of the site.</li> <li>• Council reviewed the proposal and raised no concerns in its submission.</li> <li>• The Department has reviewed the proposed signage and is satisfied that it meets the requirements and outcomes of Council's requirements and SEPP 64. The signage is also considered to be in keeping with signage approved on both neighbouring sites as part of their respective SSD consents and aligns with the BRBH concept approval.</li> <li>• The introduction of pylon signage to the frontage of the site will provide site identification from Skyline Crescent and wayfinding to the several driveways the facility uses. The use of non-illuminated signage will ensure the proposal will not cause amenity impacts on nearby sensitive receivers.</li> <li>• The Department has also reviewed the changes to landscaping within the forecourt area and is supportive of the increased landscaping and satisfied it continues to align with the BRBH concept approval.</li> <li>• The Department has reviewed the existing conditions of consent and recommends the removal of Condition B36, which was added to the original consent to exclude the generic signs from being approved and installed. Further, it is recommended that Condition B37's wording be altered to ensure the development's signage remains consistent with this</li> </ul> | Delete Condition B36 and amend Conditions B33 and B37 to refer to updated plans. |

| Issue                      | Findings   | Recommendations                    |
|----------------------------|--|------------------------------------|
|                            | <p>modification application. It is also recommended Condition B33(f) be updated to refer to the updated landscaping plan.</p> <ul style="list-style-type: none"> <li>The Department's assessment concludes the changes to landscaping and signage on site remain consistent with the original assessment, the BRBH concept plan and the commercial character of the business hub.</li> </ul>   |                                    |
| <b>Traffic and Parking</b> | <ul style="list-style-type: none"> <li>The modification sees an increase in GFA over the site, which could impact on the traffic generated by the site.</li> <li>In its assessment, the Applicant noted the increase in GFA of 9.7 m<sup>2</sup> is minor and will not impact on the traffic generation or parking needs of the development.</li> <li>Council raised no concerns over traffic or parking impacts.</li> <li>The original consent provided 231 car parking spaces, which continues to meet the parking space requirements of the modified development.</li> <li>The Department concludes the modification will not adversely impact the local road network and will continue to provide sufficient parking for staff and visitors, subject to conditions of the original consent.</li> </ul> | No changes to conditions required. |

## 6 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:

- the proposed modification to marginally increase the building's GFA, update the landscaping and provide for identification and wayfinding signage will facilitate the tenant's operational requirements
- the proposed changes in built form would not involve any further disturbance outside of the already approved disturbance areas for the development
- the proposed modification will not increase the environmental impacts beyond those assessed under the original development application
- the proposed modification would retain jobs and investment in Western Sydney.

The Department is satisfied the modification should be approved, subject to conditions.



## 7 Recommendation

It is recommended 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-8586218-Mod-3 falls within the scope 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 this 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
- **modifies** the development consent SSD-8586218
- **signs** the attached approval of the modification (**Appendix B**).

**Recommended by:**



12 July 2021

**Thomas Bertwistle**  
Environmental Assessment Officer  
Industry Assessments

## 8 Determination

The recommendation is **Adopted** by:



13 July 2021

**Joanna Bakopanos**

Team Leader

Industry Assessments

as delegate of the Minister for Planning and Public Spaces

# Appendices

## Appendix A – List of Documents

The Department has relied upon the following key documents during its assessment of the proposed development:

### Modification Application

‘Section 4.55(1A) Modification Application’ prepared by Ethos Urban dated 14 May 2021 - <https://www.planningportal.nsw.gov.au/major-projects/project/41871>

‘Section 4.55(1A) Modification Application’ prepared by Ethos Urban dated 16 June 2021 - <https://www.planningportal.nsw.gov.au/major-projects/project/41871>

### Submissions and Advice

<https://www.planningportal.nsw.gov.au/major-projects/project/41871>

## **Appendix B – Instrument of Modification**

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/41871>

## **Appendix C – Consolidated Consent**