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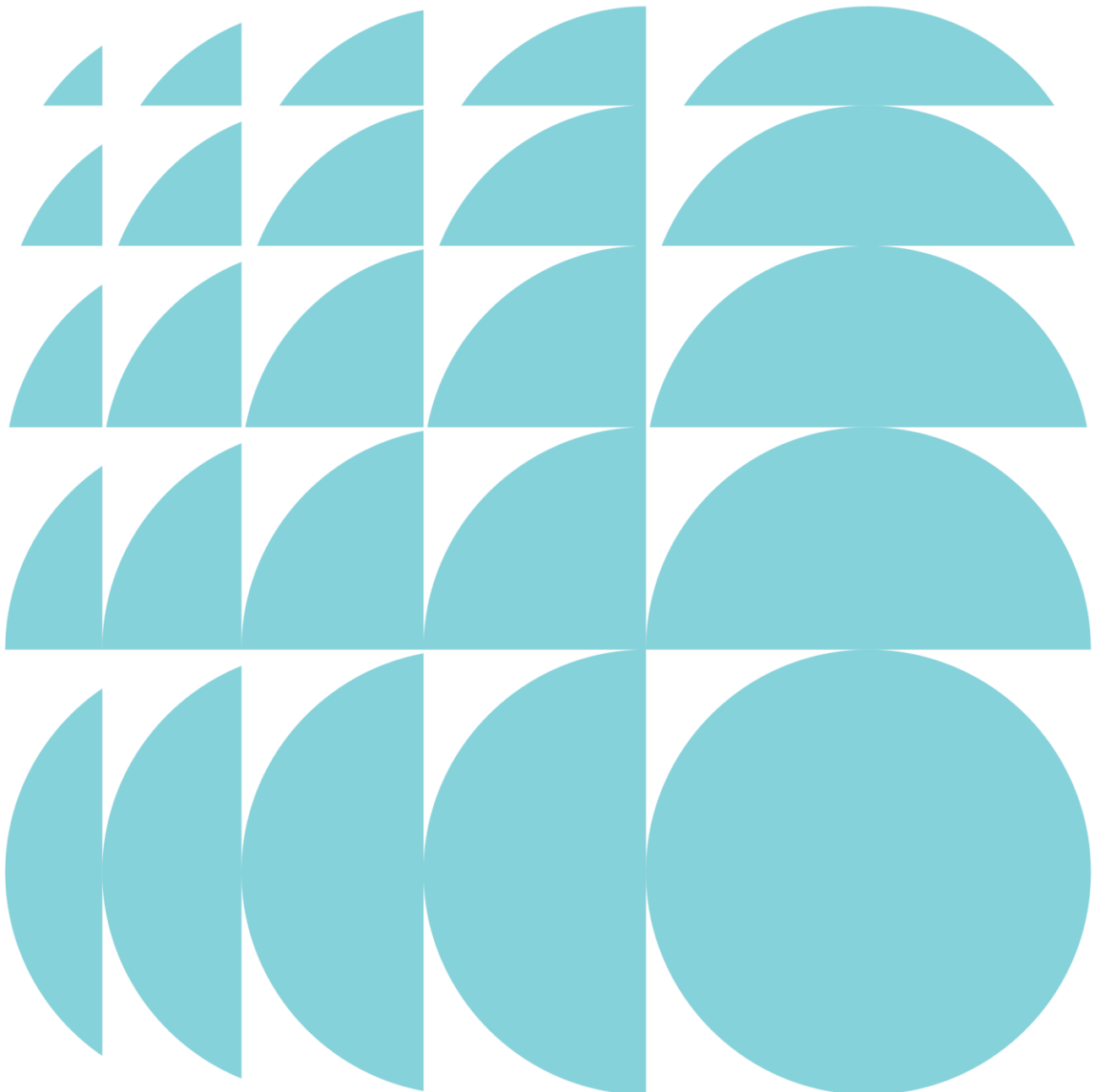
State Significant Development 7664

Horsley Drive Business Park Stage 2
Section 4.55(2) Modification Application

5, 15 and 25 Trivet Street, Wetherill Park and 130,
132-142, 144-154 and 156 Cowpasture Road,
Wetherill Park, NSW 2164 (Lots 17-22 DP 13961
and Lot 2 DP 1212087)

Submitted to Department of Planning, Industry
and Environment
On behalf of Charter Hall

17 June 2020 | 2190880



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1.0 Introduction

A Modification Application to the State Significant Development Application (SSD 7664-MOD-1) for the Horsley Drive Business Park Stage 2 project was publicly exhibited for a period of 30 days, ending on 24 April 2020.

Public exhibition occurred in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* (EP&A Act). During exhibition, a total of six (6) submissions were received from government agencies, organisations, and Fairfield City Council. No submissions were received from the public.

Charter Hall and its consultant team have considered all issues raised in the submissions and prepared a detailed Response to Submission (RTS) addressing the matters raised in each of these submissions.

This RTS has been prepared to satisfy the provisions of Section 4.39 of the Environmental Planning & Assessment Act 1979 (EP&A Act) and Section 85A of the *Environmental Planning and Assessment Regulation 2000* (EP&A Reg).

1.1 Overview of the Original Proposal

SSD 7664 sought approval for Concept Proposal and Stage 1 works for the establishment of a warehouse, distribution and industrial facility at the Horsley Drive Business Park Stage 2 within the Western Sydney Parklands (WSP).

Specifically, SSD 7664 involved a Concept Plan for a range of uses such as general and light industrial, warehouse, distribution and ancillary office land uses (88,700m² total), as well as Stage 1 earthworks for subdivision (7 lots), an internal access road, demolition, bulk earthworks, infrastructure and landscaping.

The development site is located on the corner of Cowpasture Road and Trivet Street, Wetherill Park, and legally described as Lots 17-22 DP 13961 and Lot 2 DP 1212087.

The identified Lots have not changed in the preparation of SSD 7664 MOD 1.

The Section 4.55(2) modification application (SSD 7664-Mod-1) seeks approval for revisions to the approved Concept Plan (SSD 7664) to facilitate:

- A revised location and configuration for vehicular access to the site;
- Revised lot configurations to support the consolidation of Warehouses 1 and 2 into one Customer Fulfilment Centre (CFC) of approximately 44,713m²;
- Minor reductions in size and development footprint of Warehouses 3 and 4 (these warehouse will now be referred to as Warehouse 1 (WH1) and Warehouse 2 (WH2)); and
- Associated changes to the finished development levels of the site.

1.2 Amendments to the proposal

To address issues raised in submissions, a range of documentation has been prepared.

The following consultants' reports and supporting information either update and replaces the material originally submitted in support of the Modification Application or constitutes new information:

- Detailed record and response to submissions table prepared by Ethos Urban (**Appendix A**);
- Amended Architectural Plans prepared by Leffler Simes Architects (**Appendix B**);
- Additional Civil Drawings prepared by Costin Roe (**Appendix C**);
- Updated Transport Assessment Report prepared by Ason Group (**Appendix D**);
- Updated Landscape Plan and revised Plant Schedule prepared by Geo Scapes (**Appendix E**);

- Aboriginal Heritage Advice addendum letter prepared by Biosis (**Appendix F**);
- Updated Noise Impact Assessment Report prepared by SLR (**Appendix G**); and
- Biodiversity Assessment Report addendum response prepared by Eco Logical (**Appendix H**).

The revised supporting documentation will enable the Department of Planning, Industry and Environment (the Department) to complete its assessment of the proposal.

This report should be read in conjunction with the Modification Application prepared by Ethos Urban and dated 27 March 2020, as relevant. No significant design changes have been made to the proposal beyond those identified as part of MOD 1 in response to issues and concerns raised by the Department and other government agencies.

2.0 Overview of Submissions

In total, six (6) submissions were received in response to the public exhibition of the EIS. The submissions were received from:

- Fairfield City Council
- Heritage Council of NSW
- WaterNSW
- Department of Transport for New South Wales
- Environment, Energy and Science Group (EES) in the Department of Planning, Industry and Environment (DPIE)
- Endeavour Energy

Five (5) of the six (6) submissions provided additional commentary and/or recommended conditions for the application and one (1) submission confirmed that the authority had no further comments regarding the application (Heritage NSW). No submissions were received from the public.

In addition to the above, the Department of Planning and Environment (Department) has prepared a letter outlining additional information or clarifications required prior to the final assessment and determination of the application.

Based on a review of the submissions received and analysed, the main issues identified during public exhibition relate to:

- Landscaping;
- Traffic impacts and access arrangements;
- Consultation;
- Ecosystem credits;
- Heritage;
- Development contributions;
- Construction Management.

These issues are addressed in the proceeding sections of this report.

Section 3.1 to Section 3.6 of this report provides response to submissions from Government agencies including the letters received from the Department. A detailed response to each individual submission is provided at **Appendix A**.

3.0 Response to Submission

3.1 Department of Planning, Industry & Environment

The Department issued an overarching letter seeking clarification and additional information on a number of issues. As mentioned earlier within this report, a detailed response to each issue raised in that issues letter is provided at **Appendix A**. The main issues raised within this letter and the applicant's response to each is discussed below.

These include:

- Report Inconsistencies;
- Scope of SSD-7664 Mod 1;
- Site Layout; and
- Technical Studies and other information.

3.1.1 Report inconsistencies

1. *There are a number of inconsistencies within the Section 4.55(2) Modification Report and specialist reports – for instance:*
 - a) *Table 2 states that there will be a “reduction in the access road area from 5,371m² to 7,371m²”; and*
 - b) *Section 6.7 of the Modification Report states that 36 ecosystem credits are required (down from the approved 39 ecosystem credits) yet the Biodiversity Development Assessment Report only addresses the additional impact and the need for one additional ecosystem credit. The BDAR makes no reference to most of the information attributed to it in the Modification Report. This shall require detailed revision.*

Applicant's Response

- The applicant acknowledges that there is a wording error in Table 2.
- Table 2 should read “*There will be an increase in the access road area from 5,371m² (approved) to 7,371m² (proposed).*”
- Section 6.7 of the Modification Application erroneously states that 36 credits are required as a result of the development. SSDA 7664 was already approved with an impact to 1.09 hectares of native vegetation, and the FBA assessment identified a requirement to retire 39 BioBanking ecosystem credits (30 for 0.76 ha PCT 850 and 9 for 0.33 ha of PCT 835). These BBAM credits are currently being purchased and retired.
- The subject site for the current BDAR covers an additional area of 2.92 ha outside the previously approved SSD 7664 land, with the clearing of 0.015 ha of PCT 835 requiring one (1) BAM ecosystem credit.
- Please refer to the Biodiversity Assessment Report addendum response provided at **Appendix H**.

3.1.2 Scope of SSD-7664 Mod 1

2. *The Response to Submissions (RTS) needs to clearly set out what aspects form part of SSD-10404, SSD 7664, or SSD 7664 MOD 1.*

Applicant's Response

The approved Horsley Business Park Stage 2 (SSD 7664) comprises a warehouse and distribution hub that will ultimately operate as part of an integrated and synergistic network of custom designed, state of the art facilities in accordance with the intended outcomes of the Western Sydney *Parklands Plan of Management 2030* (POM).

The approved development includes a Concept Proposal to guide the staged development of the entire estate as well as a Stage 1 development comprising earthworks, construction of roads and infrastructure.

The approved Concept Proposal was designed to accommodate generic warehousing and distribution facilities, without knowledge of the specific needs of individual operators that may ultimately occupy the site. Since approval, a particular use has been identified for the southern portion of the site and there is a need to make certain modifications to the approved development to accommodate the needs of this specific operator.

Whilst the Concept Proposal envisaged two warehouse developments in the southern portion of the site, the proposed Customer Fulfilment Centre (CFC) has a need for a larger floorplate, necessitating a specific functional layout requirement for this portion of the site and as a result a modification to the approved masterplan.

The SSD 7764 MOD 1 seeks the following changes to approved SSD 7664:

- Adjusted drainage layout to facilitate the new Masterplan Layout, road alignment and lot configuration;
- Adjusted layout of the estate stormwater management basin to suit revised masterplan geometry;
- Realignment of the inter-allotment drains and overland flow paths from the western boundary to suit the access road being approximately 75m north;
- Relocation of the open overland flow path previously located on the eastern boundary and north of the access road, from the north of the access road to the south of the access road. This again is due to the access road being moved north from the currently approved location;
- Overall catchments draining to upstream catchments and diversion paths remain consistent with documents approved under SSD 7664.
- Overall storages and attenuation of both upstream catchments and internal catchments remain consistent with documents approved under SSD 7664.

The proposed amendments are substantially the same as that approved under Concept Proposal.

SSD 7764 MOD 1 consolidates Lot 1 and 2 to accommodate the CFC which results in a reduction in the total GFA approved in southern portion of the site by 2,477m².

SSD 7764 allowed for the establishment of up to 88,700m² of Gross Floor Area for general industrial, light industrial, warehouse and distribution and ancillary office land uses. The proposed modification will not result in any change to the approved maximum Gross Floor Area over the site.

The consolidation of lots and introduction of the CFC has resulted in an increase in the total carparking spaces by 288 spaces. This is not a significant cumulative change across the Stage 2 business park and has been assessed in detail within the Updated Transport Assessment Report prepared by Ason Group (**Appendix D**).

The detailed design of the CFC (Building 1) is the subject of a separate SSDA (SSD-10404).

3.1.3 Site Layout

3. *an amended site plan which clearly illustrates for example existing lot boundaries, topographic contours, lot sizes, building envelopes, easements, existing infrastructure.*

Applicant's Response

An amended site plan is attached at **Appendix B** that correctly identifies all relevant lots that formed the site area under the Concept Approval for SSD 7664 (Lots 17-22 DP 13961 and Lot 2 DP 1212087).

The lot boundaries, easements, building envelopes and existing infrastructure are all clearly shown on amended overall site plan drawing (DA02).

To ensure the retention of clarity on the site plan, the topographic contours are detailed within the civil drawings (refer to Drawing DA20) prepared by Costin Roe and submitted with the Modification Application.

4. *confirm if lot consolidation is being sought under SSD 7664 MOD 1. If so, the amended site plan should reflect this and a plan of consolidation, provided.*

Applicant's Response

Lot consolidation is being sought under SSD 7664 MOD 1.

The existing lots that form part of approval SSD 7664 include Lots 17-22 DP 13961 and Lot 2 DP 1212087.

As demonstrated on the Proposed Plan of Subdivision Plan submitted with the Modification Application (SSD 764 MOD 1) and detailed below in **Figure 1**, the proposed modification seeks to consolidate the existing 7 lots into 4.

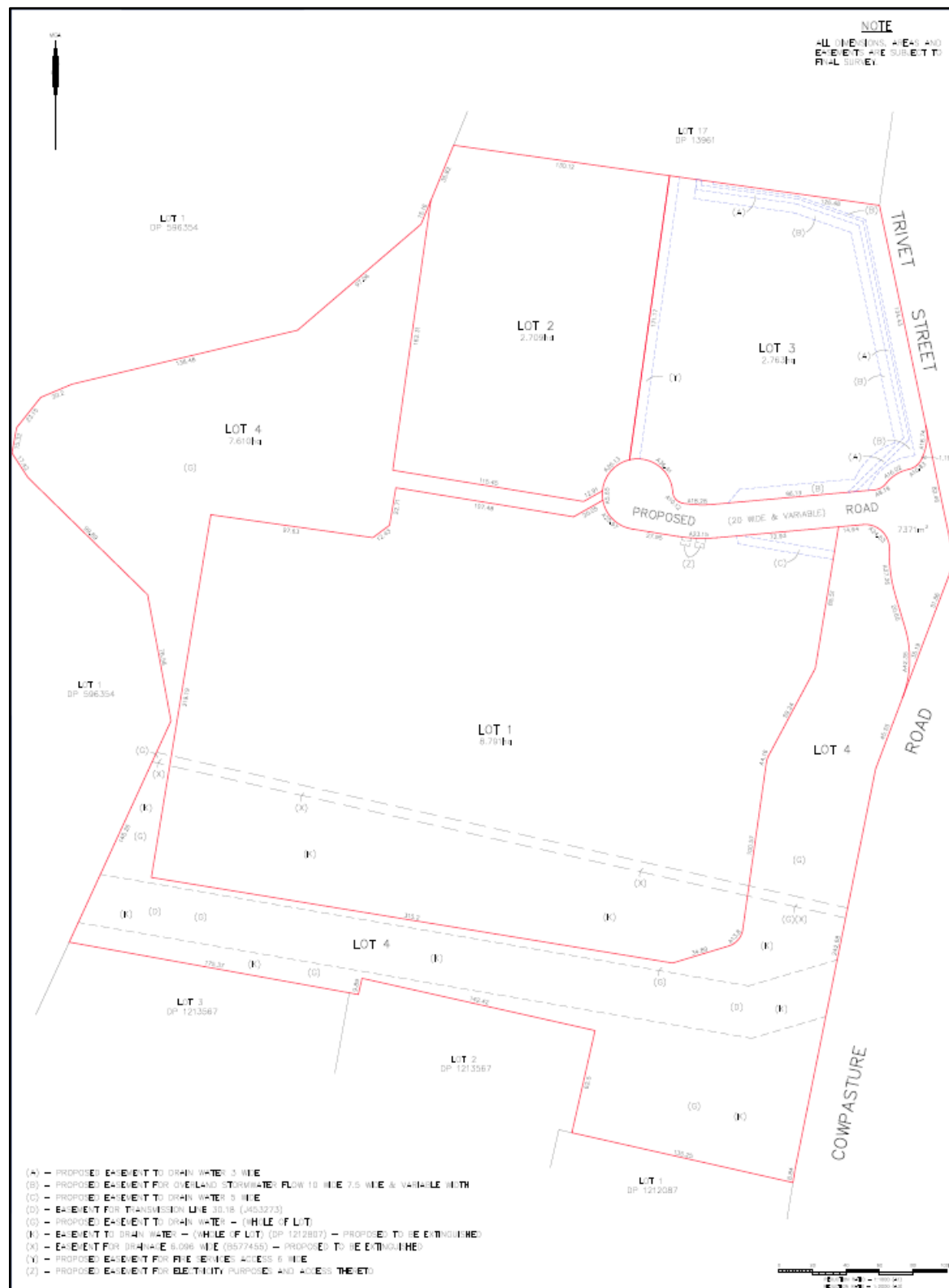


Figure 1 Proposed Plan of Subdivision

The overall site plan (DA02) prepared by Leffler Simes Architects has been amended to reflect this consolidation (**Appendix B**).

3.1.4 Technical Studies and other information

5. confirm whether site access and amendments to Cowpasture Road and Trivet Street are being sought under SSD-10404 or SSD 7664 Modification 1.

Applicant's Response

SSD 7664 Modification 1 will modify the approved access arrangement from Cowpasture Road to Trivet Street. Please refer to the updated Transport Assessment Report prepared by Ason Group (**Appendix D**).

6. Engineering section plans provided should be amended to show approved cut / fill levels and not just as proposed.

Applicant's Response

Please refer to the revised Engineering Section plans by Costin Roe attached at **Appendix C**.

7. Table 5 should be amended to detail existing lots and sizes.

Applicant's Response

Table 5 has been amended to detail existing lots and sizes (refer below).

Table 5 Proposed change in lot area

	Existing Approved area (m ²)	Revised Lot Numbers	Proposed area (m ²)	Difference	Percentage
Lot 1	26,030	Lot 1	87,924	+16,874	+24%
Lot 2	45,020				
Lot 3	30,220	Lot 2	27,091	-3,129	-10%
Lot 4	38,530	Lot 3	27,619	-16,782	-38%
Lot 5	5,871				
Lot 6	13,730	Lot 4	76,100	+1,050	+1%
Lot 7	61,320				
Access road	5,371		7,371	+2,000	+37%

8. It is unclear how in Section 6.4.1, Warehouse 1 with a gross floor area (GFA) of 29,652m² requires 538 car parking spaces, yet Warehouses 3 and 4 with a combined GFA of 30,390m² is provided with only 134 car parking spaces. The rationale of this should be explained further.

Applicant's Response

As outlined in the amended Traffic Assessment Report prepared by ASON Group (and submitted at **Appendix D**), Table 13 of the TIA shows the parking rates for 'Warehouses 3 and 4' (hereafter referred to a proposed Warehouse 1 (WH1) and proposed Warehouse 2 (WH2)) are 68 spaces and 66 spaces, respectively. These parking provisions have been provided in accordance with the requirements of the approved parking rates for the HDBP Stage 2 as follows:

- 1 space for every 300m² of warehouse GFA.
- 1 space for every 40m² for all office and ancillary GFA.

The parking requirement for the CFC, 'Warehouse 1', considers the number of staff to be located on the site and staff shift changeover to ensure no impact to the operation of the external network during these periods.

Whilst the parking demands associated with the CFC Facility are subject to a separate application (SSD 10404), the TIA identifies a peak of 506 shift worker light vehicles being on-site at any one time. A total of 538 spaces are proposed for the CFC. The remaining 32 spaces will be available to accommodate office staff vehicles and any visitors.

It is noted that proposed warehouses in the northern portion of the site will be subject to separate future application to prepare traffic and car parking analysis associated with their future use however it should be noted that these warehouses are intended to operate as more traditional warehouse buildings whereby the provision of 1 space per 300m² is entirely appropriate to the associated demands of the end user.

The CFC Facility (subject to a separate application SSD 10404) has entirely different user needs in relation to parking demand and should not serve as a guide to the parking demands associated with the future use of Warehouses 3 and 4.

Based on the identified GFA for northern warehouses (WH1 and WH2) and the approved parking rates for HDBP Stage 2 (as per Concept Approval SSD 7664), the northern warehouses (subject to separate future application) are capable of compliance.

3.2 Fairfield City Council (FCC)

FCC provided comment on the proposed application and identified the following matters for consideration:

- Planning report inconsistency;
- Landscaping requirements;
- Access arrangements Trivet Street and Cowpasture Road;
- Agency consultation;
- Biodiversity Assessment Development Report;
- Traffic;
- Provision of warehouses on the northern lot;
- Proposed customer fulfillment centre (CFC) on the southern lot;
- Intersection of Cowpasture Road and Trivet Street (Roundabout);
- Proposed Estate Road;
- Aboriginal heritage

Applicants response:

A detailed response to the matters raised by Council has been provided within the Response to Submissions Table provided at **Appendix A**.

3.3 WaterNSW

WaterNSW acknowledges that the proposed development is generally consistent with the Indicative Masterplan in terms of proposed land use and the scale of the development. The submission requested several conditions relating to the use of batters and retaining wall 2, erosion and sediment controls, vibration monitoring and mitigation measures, and dust mitigation measures.

Applicants response

The Applicant has reviewed the recommendations and appreciates that several of these can be addressed by way of a condition of consent. Accordingly, the applicant is prepared to address these (as relevant) prior to commencement or during construction phases.

3.4 Department of Transport for New South Wales (TfNSW)

The TfNSW submission notes that the majority of impact of the proposed development will be at the intersection of Cowpasture Road and Trivett Street, Wetherill Park. The TfNSW submission suggests extra capacity or alternate access onto The Horsley Drive should be considered.

Applicant's Response:

The SIDRA analysis indicates that the resulting development's traffic would cause Cowpasture Road /Victoria Street roundabout to decrease from Level of Service (LOS) B to LOS C. This decrease in LOS occurs for the AM peak right turn movements from Cowpasture Road to Victoria Street as a result of a 9-10 second increase in delay from 20.9 to 30.2 seconds. The worst delay of 34.1 seconds occurs for the U-turn movement with only 2 vehicles per hour projected to utilise this movement.

Under the RMS Guide, LOS C occurs between 29-42 seconds of delay. As such, the primary right turn movement is only 1.2 seconds higher than a LOS B which indicates that the resulting LOS decrease is only marginal. This is an acceptable outcome as it indicates that the roundabout would still operate satisfactorily.

It is noted that the future Horsley Drive upgrade would provide additional capacity along The Horsley Drive and reduce the future PM peak hour delays at the existing roundabout.

3.5 Environment, Energy and Science Group (EES) in the Department of Planning, Industry and Environment (DPIE)

EES requested clarification on the number of ecosystem credits required.

Applicants response

The BDAR, prepared by Eco logical dated 7 April 2020, states that 39 credits were required for SSD 7664, and given the modification will impact an additional 0.015 ha of PCT 835, one additional credit is required. Section 6.7 of the Modification Application erroneously states that 36 credits are required as a result of the development. Please refer to the Biodiversity Assessment Report Addendum response provided at **Appendix H**.

3.6 Endeavour Energy

Endeavor Energy raised no issues with the proposed development. The submission included information regarding potential matters that may arise for development within close proximity of the electricity infrastructure.

Applicant's Response:

A submission for power will be made to Endeavor Energy prior to commencement or during construction phases.

4.0 Conclusion

This Response to Submissions has been prepared to satisfy the provisions of Section 4.39 of the EP&A Act and Section 85A of the EP&A Regulation. Each of the submissions received during the public exhibition period have been collated, analysed, and addressed through the provision of additional information and design amendments.

A majority of the issues raised within the submission are proposed to be addressed by way of conditions of consent which will monitor and ameliorate impacts during the construction and operational phase.

The mitigation measures provided within the EIS have been updated where necessary to respond to the submissions received, and these updated measures will further reduce the overall environmental impacts during both the construction and operation of the proposal.

Having regards to biophysical, economic and social considerations, including the principles of ecologically sustainable development, the carrying out of the project is justified for the following reasons:

- The proposed development will result in a land use that is consistent with the zoning of the land and contribute an employment generating use in line with strategic goals contained within the Western Sydney Parklands Plan of Management 2030 (POM).
- The relationship between the site and surrounding sites will be improved with the reconfigured access arrangements.
- The proposal demonstrates consistency with the relevant environmental planning instruments including strategic planning policy, and State and local planning legislation, regulation and policies.
- The proposal will operate within the operational bounds assessed and considered to be satisfactory as determined in the approval of SSDA 7664.
- It has been demonstrated that the proposed works will result in minimal environmental impacts, all of which can be managed or mitigated through the recommendations outlined in the relevant specialist reports.

Given the merits described above it is requested that the application be approved.