

State Significant Development 10404

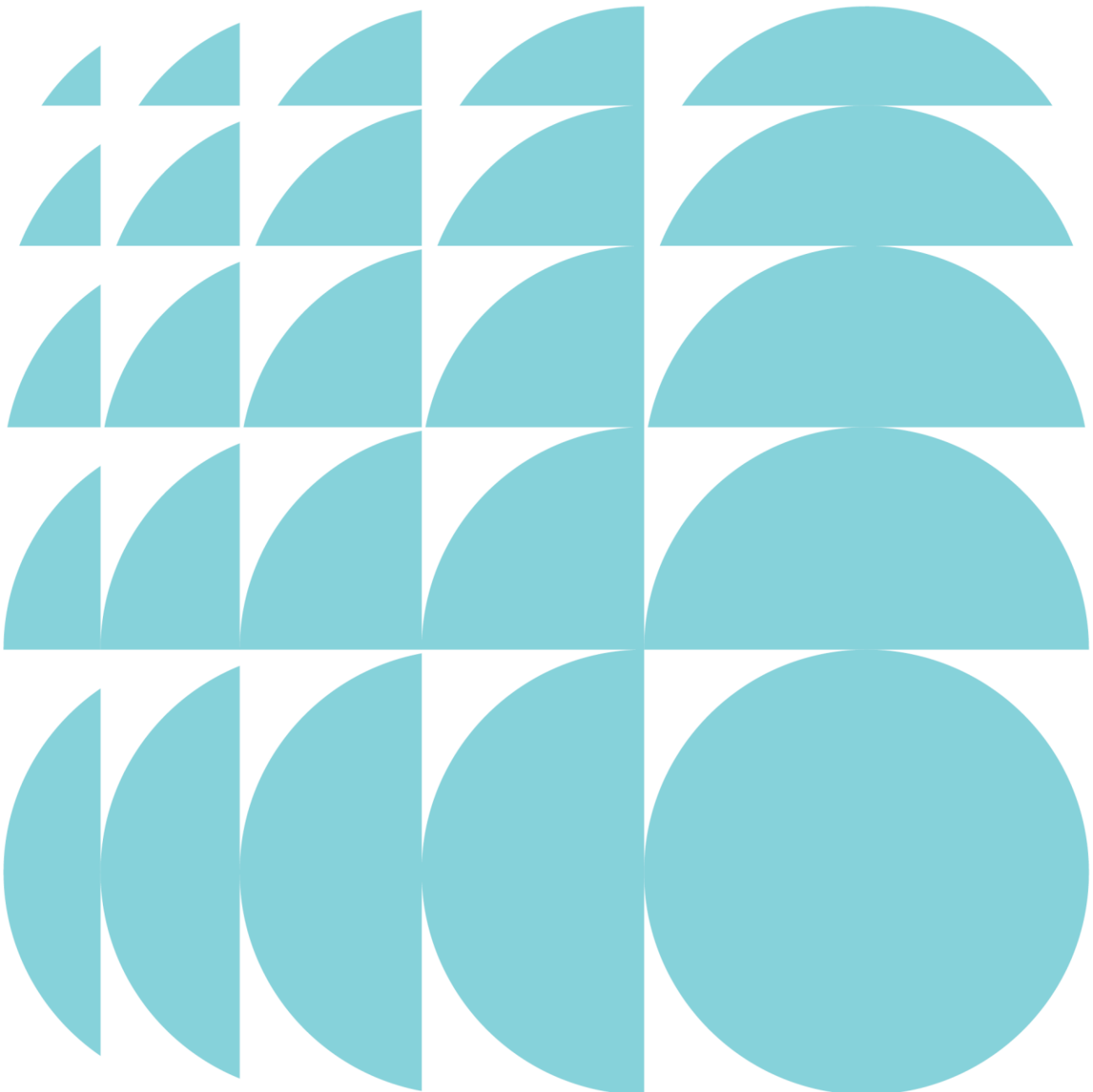
Horsley Drive Business Park Stage 2 –
Building 1

Section 4.55(1A) Modification Application
(Mod No. 1)

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 and
Environment
On behalf of Charter Hall

8 December 2020 | 7190880



CONTACT

Angus Halligan Associate Director ahalligan@ethosurban.com (07) 3852 1822

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This document has been prepared by:



Rebekah McDonald

30 November 2020

This document has been reviewed by:



Angus Halligan

1 December 2020

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Ethos Urban Pty Ltd
ABN 13 615 087 931.
www.ethosurban.com
1/356 St Pauls Terrace, Fortitude Valley
QLD 4006 t 61 7 3852 1822

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Introduction

This report has been prepared by Ethos Urban on behalf of the Applicant (Charter Hall), and is submitted to the Department of Planning, Industry and Environment (DPIE) in support of a modification under Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to State Significant Development (SSD) approval SSD 10404 issued on 10 August 2020 in respect of the Horsley Drive Business Park Stage 2 – Building 1. The development site is located on the corner of Cowpasture Road and Trivet Street, Wetherill Park, more formally described as Lots 17-23 DP 13961 and Lot 2 DP 1212087 (proposed Lot 1).

This Section 4.55(1A) modification application seeks approval for changes to the development consent to facilitate an increase to the maximum building height of Building 1 to allow for the placement of rooftop plant and equipment which is necessary for the customer fulfillment centre to operate. The modification also seeks to have a number of minor detailed design changes made to the approved site plan and building design, including:

- Rooftop mechanical plant platforms with screening treatments
- A new service driveway added from the southern truck driveway to access the plantroom
- Stairs added to the north façade for reduced egress distances
- Additional mezzanine and walkways to facilitate egress
- Reconfiguration of fuel bays to include a second fuel bay
- Increase to the size of the Fire Pump Room and shifting sprinkler tanks to the east slightly
- Plant room façade height extension
- Additional signage zones

This modification application has been prepared based on information in the plans of development and other supporting technical information appended in this report.

The proposal is consistent with the relevant legislative and policy framework including the Environmental Planning and Assessment Act 1979 and State Environmental Planning Policy (Western Sydney Parklands) 2009.

This report describes the proposed modifications to the approved design, sets out the proposed amendments to the development consent conditions, and provides an assessment of the environmental impacts of the proposed changes. The majority of environmental site constraints and impact management was addressed in the EIS for the approved development consent for Building 1 of the Horsley Drive Business Park Stage 2 (SSD 10404). This modification should be read in conjunction with the documentation that accompanied SSD 10404.

This report addresses the key modifications with respect to the relevant likely impacts. All other impacts have been reviewed and updated to conclude that there are no material changes in impact arising from the proposed modification that were considered as part of the original SSDA assessment.

The relevant impacts include:

- Visual impacts;
- Traffic impacts; and
- Noise impacts.

Having regard to the above, the assessment of the proposal has not identified any significant environmental, social or economic impacts.

A section 4.55(1A) modification application has been lodged concurrently with this application to reflect the proposed changes and seek approval to amend the maximum building height conditioned in the Concept Approval for the Horsley Drive Business Park Stage 2 (SSD-7664-Mod-2).

1.1 Consultation

Consultation was undertaken with a range of State authorities, service providers and members of the community during the preparation and assessment of the EIS for the Development Application relating to Building 1 (SSD 10404).

Preliminary consultation with DPIE has been undertaken to confirm the approvals pathway and the proposed changes are suitable to progress via a section 4.55(1A) modification.

Given the nature and scale of the proposed change, no additional environmental impacts or changes to existing known impacts are proposed. As such, the proposed modifications do not require amended SEARs and this Section 4.55(1A) is prepared in accordance with the original SEARs as per SSD 7664.

The findings of this Section 4.55(1A) report identify the modifications can be accommodated without generating impacts over and above that which was previously approved under SSD 10404 and is considered appropriate by relevant legislation.

Background

The *Western Sydney Parklands Act 2006* (WSP Act) gives heads of power to the Western Sydney Parklands Trust (WSPT), a self-funded government agency responsible for the development, management and improvement of the WSP.

In December 2018 the WSPT adopted the *Western Sydney Parklands Plan of Management 2030* (POM) which established a framework to guide the long-term operation and management of the Parklands. The POM identifies nine business hubs over which leases will be granted with the aim of generating income to help fund the management and future development of the entire Parklands.

The development is located within the Horsley Park Precinct, and will be anchored by a business hub and become an extension of the Smithfield / Wetherill Park Industrial Estate. The Horsley Drive Business Park Stages 1 and 2 were approved by SSD 5169 and SSD 7664 on 8 January 2013 and 9 November 2019 respectively.

Specifically, the SSD 7764 consent granted approval for the Horsley Drive Business Park Stage 2 concept development application, comprising:

Concept Proposal for:

- *establishment of up to 88,700m² of general and light industrial, warehouse and distribution centre land uses;*
- *concept development levels, footprints and building envelopes;*
- *road layout and site access arrangements; and*
- *landscape designs.*

Stage 1 works for:

- *subdivision of the site into seven lots (lots 1-4 to be developed and lots 5-7 to be residual lots);*
- *construction of an access road off Cowpasture road;*
- *demolition of existing structures on-site;*
- *bulk earthworks;*
- *site infrastructure, including stormwater infrastructure; and*
- *estate landscaping.*

On 10 August 2020, DPIE approved a modification to the SSD 7764 Concept Approval (SSD 7664-Mod 1) to facilitate the following changes to the approved Concept Plan:

- A revised location and configuration for vehicular access to the site, including provision of an access roundabout intersection with Cowpasture Road and Trivett Street;

This modification application seeks to modify the development approval issued on 10 August 2020 for Building 1 (SSD 10404).

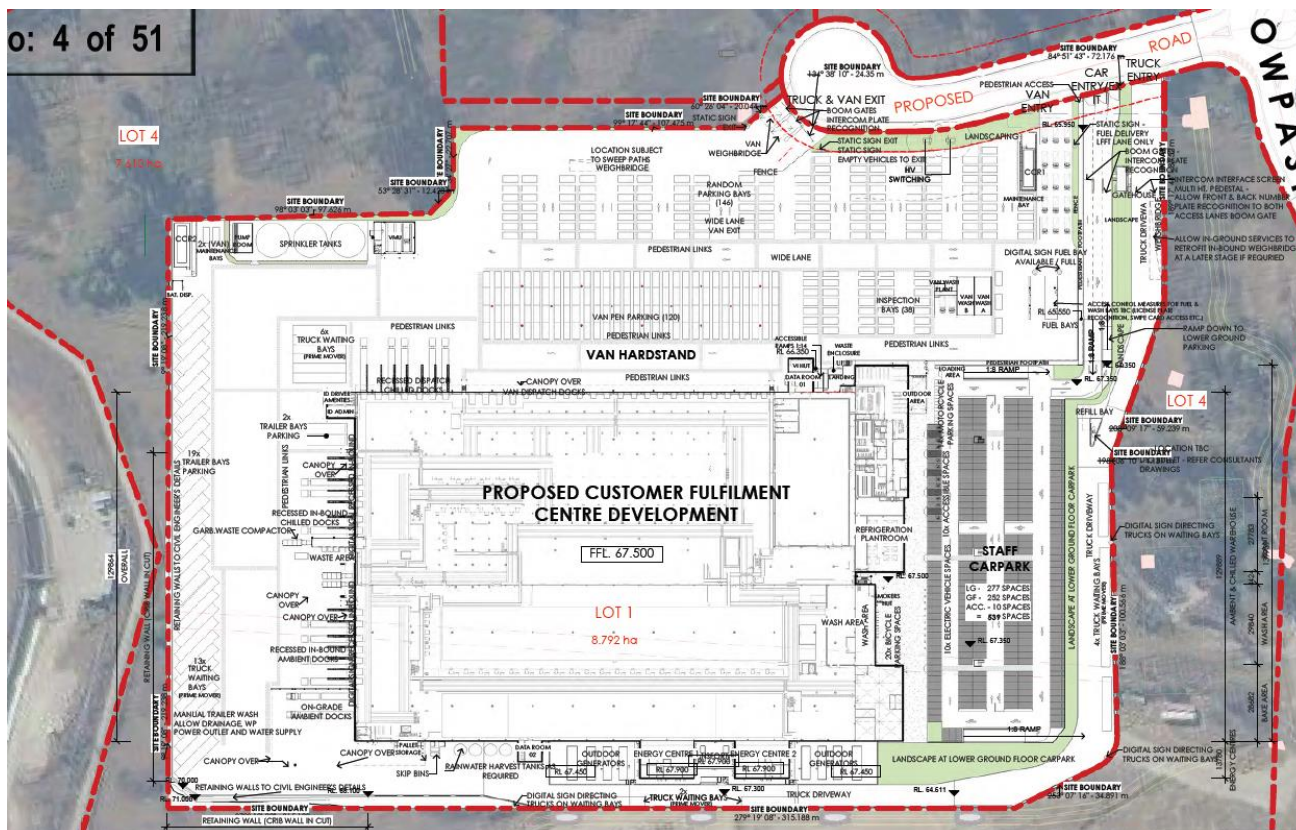


Figure 2 Approved Overall Site Plan DA020 Rev H (SSD 10404)

Source: Leffler Simes Architects

2.1 Reason for the Proposed Modification

Since SSD 10404 was approved, further detailed design changes have been made to improve the way in which the customer fulfillment centre operates and to respond to operational design and construction requirements.

The approved architectural drawings for the development approval involving Building 1 only showed indicative roof plant locations. The exact location and size of rooftop plant and equipment associated with the building was unknown when the development application was approved.

Since the consent was granted for this approval on 10 August 2020, detailed design, mechanical, civil and structural drawings have been prepared by specialist consultants for construction documentation. This has confirmed that due to the nature of the proposed use and size of the building, very large air conditioning condensers are required to cool the building. The equipment must be located on the roof of the building to operate most effectively. This results in the overall height of the building exceeding the maximum building height of 16 metres, as conditioned by the Concept Approval (SSD 7664) and the subsequent development approval for building 1 (SSD 10404).

As such, in order for this rooftop plant equipment to be placed on the building, an increase to the maximum allowable building height is requested. Other detailed design amendments to improve the way the facility operates have also been made in response to operator requirements and to improve the efficiency of operations on the site.

The proposed development is generally consistent with the approved Overall Site Plan (DA02-P5) in terms of proposed land use and scale of the development. The proposed modifications are minor when viewed in the overall context of the approved development and do not seek to substantially alter the approved site layout, built form, nature of the use or operations of the site.

A Section 4.55(1A) modification has been lodged concurrently with this application to modify the Concept Development Approval (SSD 7664) to reflect the proposed changes to the Stage 2 (Building 1) Customer Fulfilment Centre.

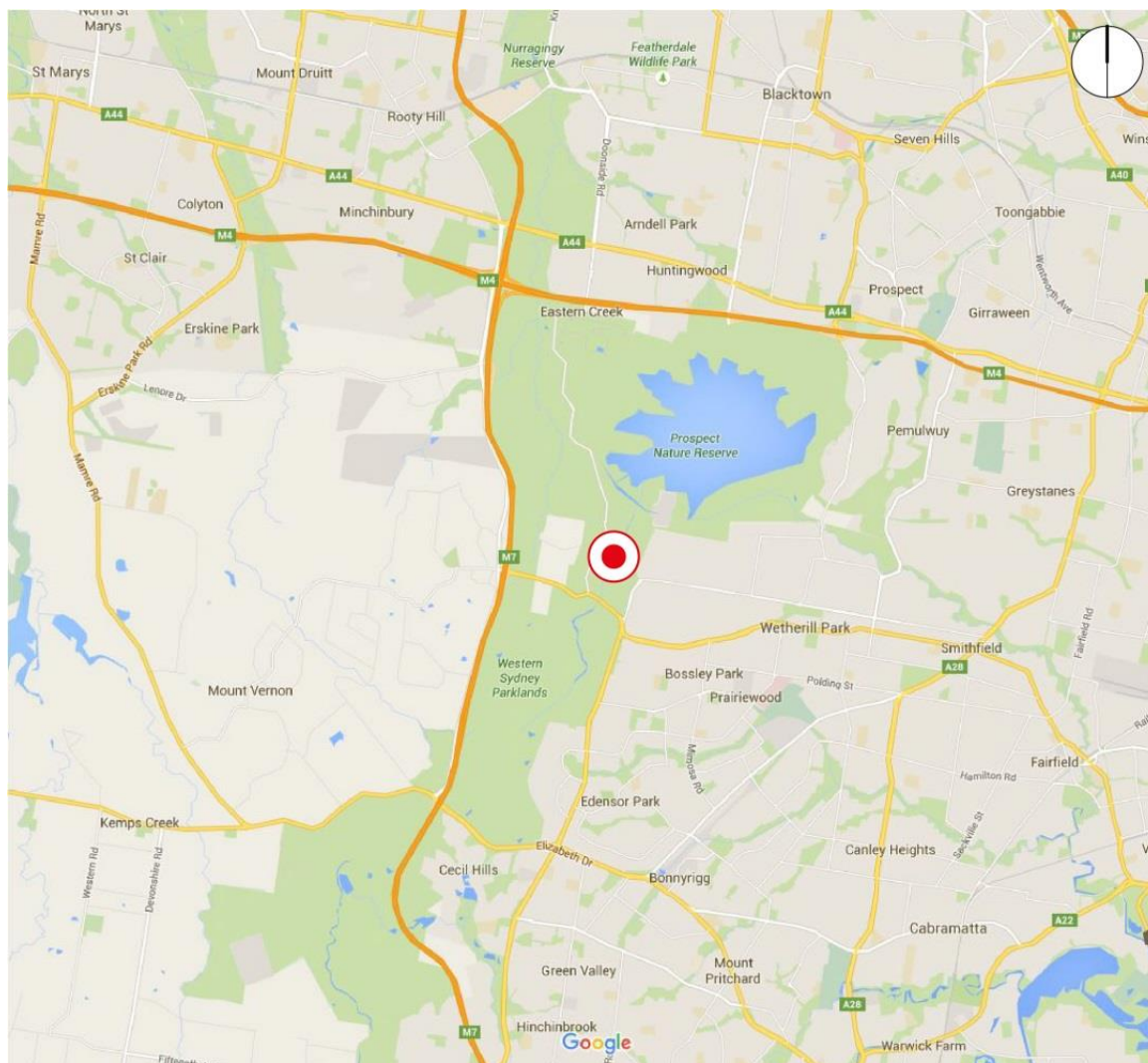
Site Description

3.1 Site Location and Context

The subject site ('the site') is located within Western Sydney Parklands (WSP) and is approximately 30km west of the Sydney Central Business District (CBD). In total, it covers approximately 16.5ha of WSP land (**Figure 3**) and is irregularly shaped.

The site has frontages of approximately 160m along Cowpasture Road to the east and 185m along Trivet Street to the north-east. It is immediately bound by the Wetherill Park Industrial Precinct to the east, the Upper Canal system to the west, the Horsley Drive Business Park Stage 1 development under construction to the south and Prospect Reservoir and Prospect Nature Reserve to the north.

Via Cowpasture Road and The Horsley Drive, the site is also connected to the Westlink M7 corridor and is located approximately 5km south-east of the Westlink M7 and Western Motorway M4 interchange. This provides good connectivity to the key centres of Penrith in the west and to Parramatta and Sydney CBD in the east.



 The Site

Figure 3 Site location

Source: Ethos Urban

3.2 Site Description

The site is located on the corner of Cowpasture Road and Trivet Street, Wetherill Park within the Fairfield City Council Local Government Area (LGA). The site has an address at 5, 15 and 25 Trivet Street, Wetherill Park and 130, 132-142, 144-154 and 156 Cowpasture Road, Wetherill Park, NSW 2164. The land is legally described as Lots 17-22 on DP 13961 and Lot 2 on DP 1212087. The land is under the management of WSPT. The approved development subject to this modification application is located over approved Lot 1 (SSD 4667).

The Upper Canal Corridor forms the western boundary of the site and is a critical component of Sydney's bulk water supply infrastructure, while Cowpasture Road and Trivet Street border the site to the east. **Figure 4** locates the site with respect to these features. The southern portion of the site is bound by an Endeavour Energy electricity easement containing overhead power lines, although this is not within the site boundary.



Figure 4 Subject site

Source: Nearmap and Ethos Urban

Key site characteristics are summarised in **Table 1**

Table 1 Key site characteristics

Characteristics	Description
Existing use	Large lot residential dwellings and associated outbuildings.
Improvements	The site is currently improved by four residential dwellings, five small dams and access tracks to the residential properties.
Existing approvals	A State Significant Development Approval (SSD 10404) was granted over the site on 10 August 2020 for Horsley Drive Stage 2 – Building 1. This development involves the construction and operation of a warehouse and distribution facility to operate as a customer fulfillment centre and includes ambient and chilled warehouse space, freezer chamber, bakery, plant, data centre, energy areas and ancillary office space. A previous State Significant Development Approval (SSD 7664) was granted over the site on 9 November 2017 for a Concept Plan and Stage 1 earthworks establishing the Horsley Drive Business Park Stage 2. The development consent approved an indicative master plan for the Stage 2 business park, including specific development controls and gross floor area maximums.

	Approved land uses in the business park included general industrial, light industrial, warehouse, distribution and ancillary office activities, totalling 88,700m² gross floor area. Stage 1 works included a 1 into 7 lot staged subdivision, an internal access road off Cowpasture Road, demolition, bulk earthworks and associated servicing infrastructure and landscaping. A Section 4.55(a) modification was granted on 10 August 2020 to modify the Concept Approval (SSD-7664-Mod1). The modification involved a number of amendments to the location and configuration of vehicular access to the site, consolidation of warehouses 1 and 2 (creation of Building 1), reductions to the lot size and development footprint for warehouses 3 and 4 and consolidation of subdivided lots from seven lots to four lots.
Related approvals	Development consent was given for the Horsley Drive Business Park Stage 1 (SSD 5169) on 8 January 2013. This related to subdivision and infrastructure works to facilitate the future redevelopment of the site.
Vegetation	The land is relatively cleared of vegetation; however, includes some sparse stands of trees in the north-east, south-east and south-west. No significant vegetation is identified over the site and the site is located outside environmental conservation areas in an area of least ecological impact.
Topography	The topography of the site slopes marginally from west to east, with gradients ranging from two to ten degrees. The site undulates although is most likely the result of previous earthworks.
Tenure	Western Sydney Parklands Trust (under the <i>Western Sydney Parklands Act 2006</i>)
Heritage	The site is not located in an area containing State, Aboriginal, Archaeological, Landscape or Heritage Conservation areas. However, the Upper Canal System (Pheasants Nest West to Prospect Reservoir) is identified on the State Heritage Register Curtilage.
Easements	No easements or other encumbrances exist over the site
Access	Access to the site is provided directly from Cowpasture Road and Trivet Street.
Infrastructure	The site is connected to reticulated water and sewerage networks. Two water mains service the site along the western side of Cowpasture Road and Trivet Street and were extended to lots within the stage 2 business park via the internal access road. An existing sewerage main services the Stage 1 business park to the south of the site and will provide a connection to future development. Existing telecommunications infrastructure is provided along Cowpasture Road and Trivet Street to service development from the fibre optic network.

3.3 Surrounding Development

The site is surrounded by the following land uses. These are depicted in **Figure 5–Figure 8** below.

- **North** – predominately used for agricultural purposes. The broader Horsley Park precinct to the north forms part of an urban farming precinct, which the POM intends for market gardens, community and research gardens, agri-tourism, farm-gate sales, education programs and the like with surrounding farming landowners. Further north is the Prospect Reservoir, an important potable water supply and storage reservoir to the Prospect Dam.
- **South** – The Horsley Drive Business Park Stage 1 redevelopment is to the south of the site. The residential suburb of Bossley Park is also located just over 1 kilometre (km) to the south of the site. Balance WSP land and recreational facilities (e.g. Lizard Log, nature playgrounds) are further south.
- **East** – of the site is the Smithfield–Wetherill Park Industrial Estate, which contains a mixture of light industrial, warehouse and storage uses. The Bossley Park residential suburb is approximately 1.2km south-east on the opposite side of The Horsley Drive. The nearest residential dwellings at 28 Trivet Street and 52 Trivet Street are also situated approximately 70m east and 170m north-east respectively.
- **West** – The Upper Canal System is located west of the site. This corridor is strategically important to channel water from dams in the upper Nepean Catchment to the Prospect Reservoir. Agricultural land, commercial farms, a driving range and motorcycle training facilities are located further west. The Westlink M7 corridor lies approximately 1.75km west.



Figure 5 View to agricultural land to the north, looking north-west along Trivet Street

Source: Google Maps



Figure 6 View to Horsley Drive Business Park Stage 1 development, looking south-west from Cowpasture Road / Burilda Close intersection

Source: Google Maps



Figure 7 Street view of industrial estate to the east (looking east at Cowpasture Road / Sleigh Place intersection)

Source: Google Maps



Figure 8 Looking east at Upper Canal System that forms the western boundary of the site (from Ferrers Road)

Source: Google Maps

Proposed Modifications to the Concept Approval

This Section 4.55(1A) modification application seeks approval for changes to the development consent to facilitate an increase to the maximum building height of Building 1 to allow for the placement of rooftop plant and equipment which is necessary for the customer fulfillment centre to operate. The modification also seeks to have a number of other minor detailed design changes made to the approved site plan and building design, including:

- Identification of rooftop mechanical plant equipment on the building
- Rooftop mechanical plant platforms with screening treatments
- A new service driveway added from the southern truck driveway to access the plantroom
- Stairs added to the north façade for reduced egress distances
- Additional mezzanine and walkways to facilitate egress
- Reconfiguration of fuel bays to include a second fuel bay
- Increase to the side of the Fire Pump Room and shifting sprinkler tanks to the east slightly
- Plant room façade height extension
- Additional signage zones

Since the consent was granted for this approval on 10 August 2020, detailed design, mechanical, civil and structural drawings have been prepared by specialist consultants for construction documentation. This has confirmed that due to the nature of the proposed use and size of the building, very large air conditioning condensers are required to cool the building. Other detailed design changes have been incorporated into the architectural plans to improve the way delivery / collection vehicles and staff use and work on the site.

Mechanical engineers have advised that the plant equipment and condensers cannot be located within the building or at ground level and must be placed on the roof for optimal operation and maintenance. This results in the overall height of the building exceeding the maximum building height of 16 metres.

The approved architectural drawings for the development approval involving Building 1 only showed indicative roof plant locations. The exact location and size of rooftop plant and equipment associated with the building was unknown when the development application was approved.

A modification application has been lodged concurrent to this application to amend SSD 7764 Concept Approval so that rooftop plant and lift overruns are excluded from the maximum 16m building height conditioned by SSD 7764.

The increase in building height is not intended to be a blanket increase for all buildings within the Horsley Drive Business Park Stage 2. All buildings will still need to ensure the highest point of the building (excluding plant and lift overruns) does not exceed 16 metres about natural ground level.

The approved elevation for Building 1 (SSD-10404) is shown in **Figure 9** and the proposed modification to the Building 1 elevation to incorporate a 20m height limit is shown in **Figure 10** below. A complete set of amended Architecture Plans in **Appendix A** illustrate the scope of proposed changes to the site layout and built form.

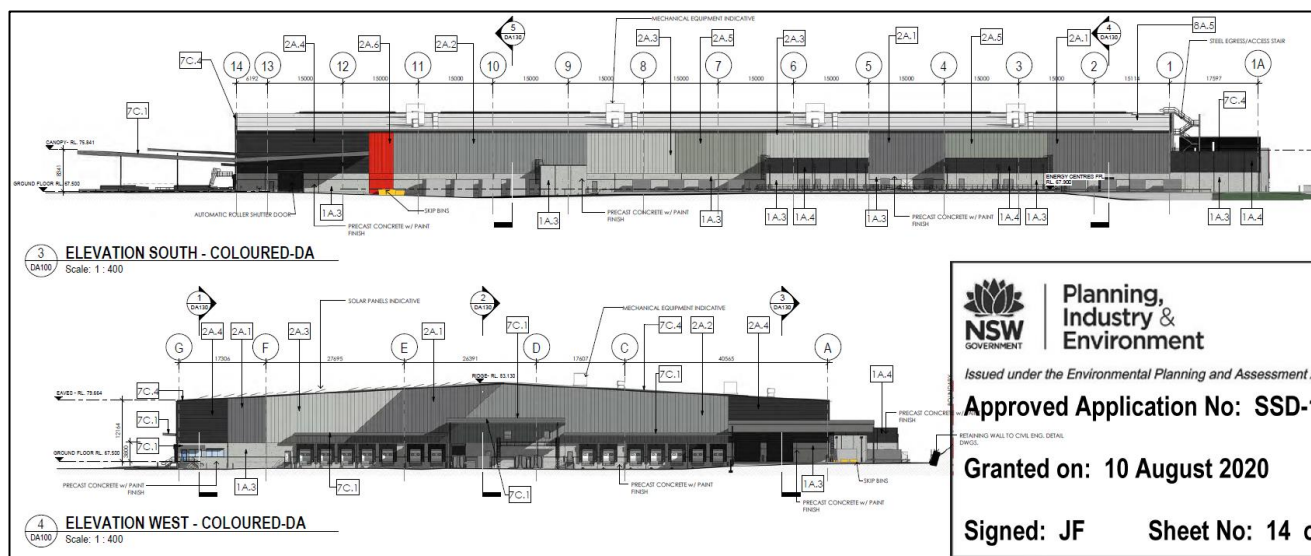


Figure 9 Approved Elevations (South and West) – SSD-10404

Source: Lefler Simes Architects

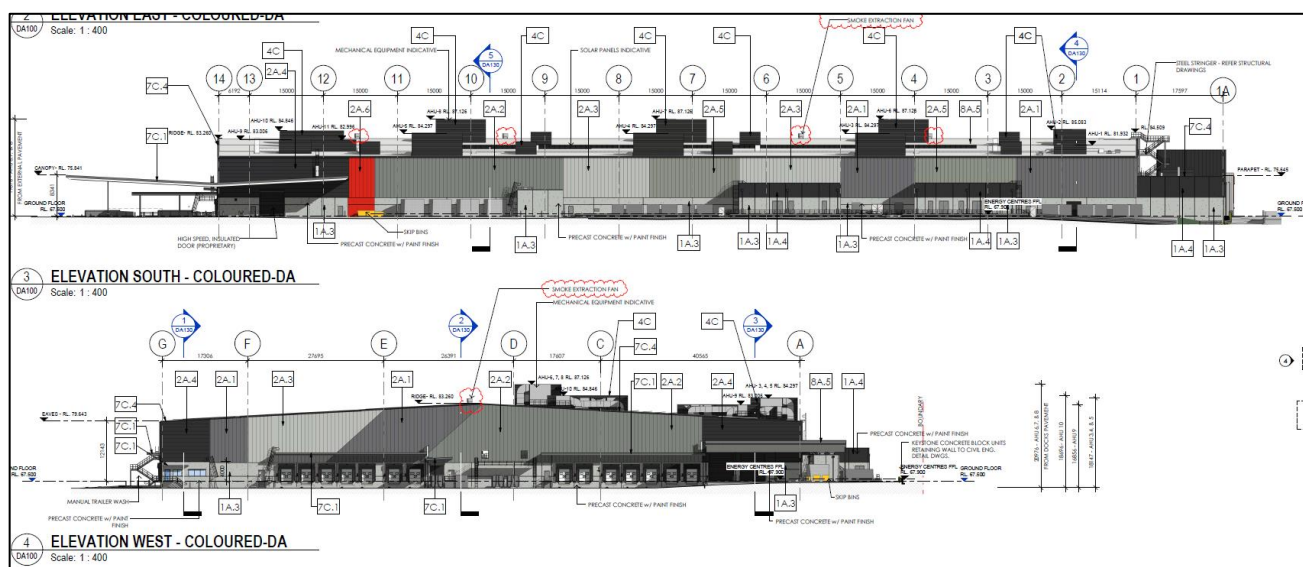


Figure 10 Proposed Elevations (South and West) – SSD-10404-Mod-1

Source: Lefler Simes Architects

Figure 11 and Figure 12 shows a comparison of the approved site plan and proposed site plan, highlighting the proposed amendments.

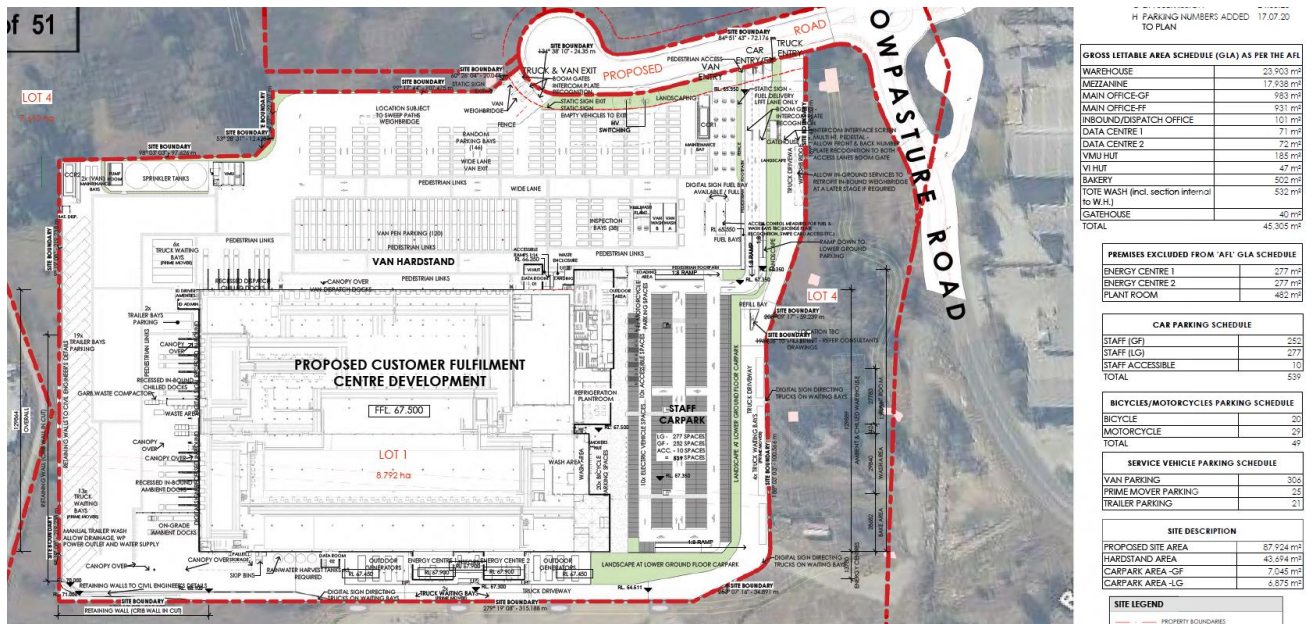


Figure 11 Approved Overall Site Plan (DA020, Rev H)

Source: Leffler Simes Architects

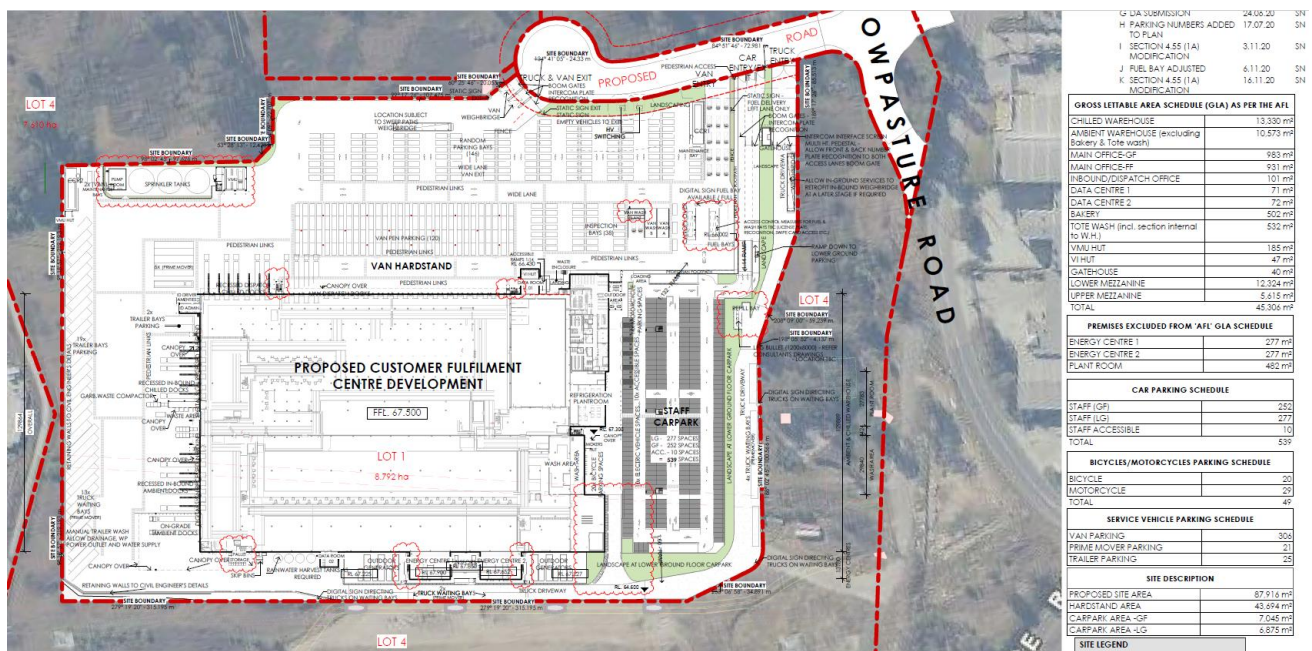


Figure 12 Proposed Overall Site Plan (DA020, Rev K)

Source: Leffler Simes Architects

In addition to the amended architectural drawings (prepared by Leffler Simes Architects – **Appendix A**), amended drawings and reports have been prepared to support this modification. These documents are attached within the appendices of this application and include:

- Amended Landscape Plans, prepared by Geoscapes Landscape Architects (**Appendix B**);
- Transport Statement, prepared by Ason Group (**Appendix C**);
- Amended Noise and Vibration Impact Assessment, prepared by SLR Consulting (**Appendix D**); and
- Amended Civil Drawings, prepared by Costin Roe Consulting Pty Ltd (**Appendix E**).

4.1 Modifications to Conditions

The proposed modifications described above necessitate amendments to the term of consent for the concept development which are identified below. Words proposed to be deleted are shown in ~~bold strike through~~ and words to be inserted are shown in **bold italics**.

4.1.1 Schedule 2 – Terms of Consent

A2. The development may only be carried out:

- (a) in compliance with the conditions of this consent;
- (b) in accordance with all written directions of the Planning Secretary;
- (c) in accordance with the EIS and Response to Submissions; and
- (c1) in accordance with the Modification Assessments;**
- (d) in accordance with the Development Layout in Appendix 1.

Note: The Applicant is to ensure the development is not inconsistent with SSD 7664 (as modified) per the requirements of section 4.24 of the EP&A Act.

Justification

The amendment to Condition A2 is to ensure the consent acknowledges and reflects the modified development and assessment which is undertaken.

4.1.2 Appendix 1 – Development Layout Plans

ARCHITECTURAL DRAWINGS PREPARED BY LEFFLER SIMES ARCHITECTS			
DRAWING NO.	REV.	DATED	TITLE
DA001	F J	24/06/2020 27/11/2020	COVER SHEET, SHEET LIST & LOCALITY PLAN
DA010	G I	24/06/2020 16/11/2020	SITE CONTEXT PLAN
DA015	F H	24/06/2020 16/11/2020	EXISTING CONDITIONS & SURVEY PLAN
DA020	H K	17/07/2020 16/11/2020	OVERALL SITE PLAN
DA030	B E	24/06/2020 16/11/2020	GROUND FLOOR GROSS FLOOR AREA
DA031	A C	17/06/2020 16/11/2020	OFFICE FIRST FLOOR & MEZZANINE GROSS FLOOR AREA
DA100	F H	24/06/2020 16/11/2020	OVERALL FLOOR PLAN
DA101	E G	17/06/2020 16/11/2020	LOWER MEZZANINE PLAN
DA102	E H	17/06/2020 23/11/2020	UPPER MEZZANINE PLAN
DA105	F H	24/06/2020 16/11/2020	STAFF CAR PARKING PLANS
DA106	E G	17/06/2020 16/11/2020	STAFF CAR PARKING SECTIONS
DA110	E I	17/06/2020 23/11/2020	OVERALL ROOF PLAN
DA115	E	17/06/2020	EXTERNAL FINISHES SCHEDULE

	G	16/11/2020	
DA120	E K	17/06/2020 23/11/2020	OVERALL ELEVATIONS
DA130	E J	17/06/2020 23/11/2020	OVERALL SECTIONS
DA150	F H	24/06/2020 16/11/2020	MAIN OFFICE – PLANS
DA151	E H	17/06/2020 27/11/2020	MAIN OFFICE – ELEVATIONS AND SECTIONS
DA180	F J	24/06/2020 27/11/2020	ANCILLARY BUILDINGS – SHEET 1
DA181	E G	17/06/2020 16/11/2020	ANCILLARY BUILDINGS – SHEET 2
DA182	E G	17/06/2020 16/11/2020	ANCILLARY BUILDINGS – SHEET 3
DA183	E G	17/06/2020 16/11/2020	ANCILLARY BUILDINGS – SHEET 4
DA184	E H	17/06/2020 16/11/2020	ANCILLARY BUILDINGS – SHEET 5
DA185	E G	17/06/2020 16/11/2020	ANCILLARY BUILDINGS – SHEET 6
DA186	A	03/11/2020	ANCILLARY BUILDINGS – SHEET 7
DA200	F H	24/06/2020 16/11/2020	SHADOW DIAGRAMS
DA300	F K	24/06/2020 27/11/2020	ARTIST IMPRESSIONS
CIVIL ENGINEERING DRAWINGS PREPARED BY COSTIN ROE			
DRAWING NO.	REV.	DATED	TITLE
CO11492.18-DA10 CO11492.18-C10	A C	29/01/2020 18/08/2020	DRAWING LIST & GENERAL NOTES
CO11492.18-DA20 CO11492.18-C20	G O	02/06/2020 12/08/2020	EROSION & SEDIMENT CONTROL PLAN
CO11492.18-DA25 CO11492.18-C25	A O	29/01/2020 12/08/2020	EROSION AND SEDIMENT CONTROL DETAILS
CO11492.18-DA40 CO11492.18-C40	E F	04/06/2020 03/11/2020	DRAWING KEY PLAN
CO11492.18-DA41 CO11492.18-C41	E F	04/06/2020 12/10/2020	CONCEPT STORMWATER PLAN – SHEET 1
CO11492.18-DA42 CO11492.18-C42	E F	04/06/2020 12/10/2020	CONCEPT STORMWATER PLAN – SHEET 2
CO11492.18-DA43 CO11492.18-C43	E F	04/06/2020 12/10/2020	CONCEPT STORMWATER PLAN – SHEET 3
CO11492.18-DA44 CO11492.18-C44	E F	04/06/2020 12/10/2020	CONCEPT STORMWATER PLAN – SHEET 4
CO11492.18-DA45 CO11492.18-C45	A	29/01/2020 12/06/2020	CONCEPT STORMWATER DETAILS SHEET 1

CO11492.18-DA51 CO11492.18-C46	E A	04/06/2020 12/06/2020	STORMWATER DETAILS SHEET 2
CO11492.18-DA52 CO11492.18-C51	E E	04/06/2020 04/11/2020	FINISHED LEVELS PLAN – SHEET 1
CO11492.18-DA53 CO11492.18-C52	E H	04/06/2020 27/10/2020	FINISHED LEVELS PLAN – SHEET 2
CO11492.18-DA54 CO11492.18-C53	E E	04/06/2020 10/09/2020	FINISHED LEVELS PLAN – SHEET 3
CO11492.18-DA55 CO11492.18-C54	E I	04/06/2020 03/11/2020	FINISHED LEVELS PLAN – SHEET 4
LANDSCAPE PLANS PREPARED BY			
DRAWING NO.	REV.	DATED	TITLE
LDA-00	L M	24/06/2020 03/11/2020	LANDSCAPE COVER SHEET
LDA-01	L M	24/06/2020 03/11/2020	LANDSCAPE MASTER PLAN
LDA-02	L M	24/06/2020 03/11/2020	LANDSCAPE DETAIL PLAN 1
LDA-03	L M	24/06/2020 03/11/2020	LANDSCAPE DETAIL PLAN 2
LDA-04	L M	24/06/2020 03/11/2020	LANDSCAPE DETAIL PLAN 3
LDA-05	L M	24/06/2020 03/11/2020	LANDSCAPE DETAIL PLAN 4
LDA-06	L M	24/06/2020 03/11/2020	LANDSCAPE DETAIL PLAN 5
LDA-07	L M	24/06/2020 03/11/2020	LANDSCAPE DETAIL PLAN 6
LDA-08	L M	24/06/2020 03/11/2020	LANDSCAPE SECTION AA
LDA-09	L M	24/06/2020 03/11/2020	LANDSCAPE SECTION BB & CC
LDA-10	L M	24/06/2020 03/11/2020	PLANTING MATRICES
LDA-11	L M	24/06/2020 03/11/2020	SPECIFICATION & TYPICAL DETAILS
LDA-12	L M	24/06/2020 03/11/2020	PLANT SCHEDULE & IMAGERY

Justification

The proposed amendments to schedule 1 – development layout plans are to ensure consistency between the approval and the proposed modifications. We request Schedule 1 is amended to reference the plans attached in **Appendix A**, **Appendix B** and **Appendix E** of this modification application.

Assessment of proposed modifications

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if “it is satisfied that the proposed modification is of minimal environmental impact and is satisfied that the development to

which the consent as modified relates is substantially the same development as the development for which the consent was originally granted”.

Sections 5.1 and 5.2 provide an assessment against the section 4.55(1A) criteria for modifications involving minimal environmental impact.

5.1 Minimal Environmental Impact

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if “*it is satisfied that the proposed modification is of minimal environmental impact*”. Under section 4.55(3) the consent Authority must also take into consideration the relevant matters to the application referred to in section 4.15(1) of the EP&A Act and the reasons given by the consent authority for the grant of the original consent.

The following assessment considers the relevant matters under section 4.15(1) and demonstrates that the development, as proposed to be modified, will be of minimal environmental impact.

5.1.1 Statutory and Strategic Context

The Environmental Impact Statement submitted with the original State Significant Development application (SSD 10404) addressed the proposed development’s level of compliance against the relevant strategic plans, policies, guidelines and statutory planning instruments, including:

- *Environmental Planning and Assessment Act 1979*;
- *Environmental Planning and Assessment Regulation 2009*;
- *State Environmental Planning Policy (Western Sydney Parklands) 2009*
- *State Environmental Planning Policy (State and Regional Development) 2011*;
- *State Environmental Planning Policy 55 (Remediation of Land)*;
- *Western Sydney Parklands Plan of Management 2030*;
- *Western City District Plan 2018*;
- *NSW 2021 State Plan*;
- *A Plan for Growing Sydney 2041*;
- *Fairfield Local Environmental Plan 2013*; and
- *Fairfield Development Control Plan 2008*.

The proposed modifications do not affect the development’s level of compliance with the majority of the relevant planning instruments and strategic documents.

5.1.2 Reasons given for granting Consent

In the preparation of the Environmental Impact Statement (EIS) in support of the development application (SSD 10404), the DPIE considered a number of key issues including:

- Traffic – access, parking, operational traffic volumes
- Operational noise
- Development standards SSD-7664-Mod-1
- Construction Noise
- Upper Canal System
- Visual impact

The biggest issues for DPIE in the assessment was traffic and operational noise. However, the assessment concluded these potential impacts could be managed and/or mitigated to ensure an acceptable level of

environmental performance. The Department's assessment concluded the development is in the public interest and would:

- provide a range of employment and investment benefits for the region and State, including a capital investment of \$100 million in the Fairfield LGA
- provide 280 construction jobs for a period of 18 months and 600 operational jobs
- be consistent with NSW Government policies including the Region Plan and WCDP
- be consistent with the approved Horsley Drive Business Park – Stage Two concept plan
- not have a significant impact on the locality during its construction and operation.

The DPIE approved SSD 10404 subject to conditions outlining the matters to be addressed during construction and complied with during operation of the facility.

The following sections provide an assessment of the proposed modification against the key issues that were considered when assessing SSD10404.

5.1.2.1 Traffic – access, parking, operational traffic volumes

Ason Group has been commissioned to prepare a Transport Statement in support of the proposed modification to SSD 10404 to assess the access, traffic and parking implications of the proposal (refer to **Appendix C**). The traffic, access and parking related modifications involve:

- Kerb islands on new frontage road
- Additional fuel bay tank – total of two fuel tanks
- Service ramp from southern truck driveway to upper level car park / front of plant room
- Sprinkler tanks and VMU shifting to the east

The proposal does not increase the gross floor area of the approved development or increase staff numbers, production or general vehicle movements. As such, the parking demands and traffic generation of the proposal are consistent with the Ason Group Transport Assessment (AG ref: 1223r03v3) which was approved as part of the SSD application.

Ason Group has undertaken a comprehensive technical assessment of the amended architectural plans to confirm the internal car parking layout, aisle roadways and loading areas are designed in accordance with the relevant Australian Standards. In addition, the following comments are made by Ason Group:

- The service ramp from the truck driveway to the upper level car park can accommodate the largest anticipated vehicle (6.4m Medium Rigid Vehicle);
- The second fuel bay can accommodate a 25m B-Double; and
- All loading docks remain accessible to articulated vehicles.

The assessment concludes that the proposal is supportable on access, traffic and parking grounds and does not generate any additional impacts.

5.1.2.2 Operational Noise

SLR Consulting has been engaged to prepare an Operational Noise Impact Assessment (**Appendix D**) for the proposed modification to summarise the operational and construction noise assessment and identify feasible and reasonable noise mitigation and management measures to be incorporated into the development during design and construction.

Operational noise impacts have been reanalysed to factor in the addition of rooftop plant equipment and air conditioning condensers. The following provides a summary of the key findings included in section 6.1 of the modified report (**Appendix D**):

- *The report considers SSD 7664 consent conditions*

- *The original assessment referenced the now superseded EPA guideline, the NSW Industrial Noise Policy (INP) (2000). The Noise Policy for Industry (NPfI) (2017) has been considered for the modified assessment.*
- *To account for potential cumulative noise impact of other industrial noise in the area, amenity noise criteria levels have been reduced as per NPfI in Section 4.6.*
- *Latest estimated onsite vehicle movements provided by the Ason Group in their report Transport Assessment - Horsley Drive Business Park Stage 2, Horsley Park dated 27/02/2020 have been taken into account.*
- *Feasible and reasonable noise mitigation measures have been investigated to reduce the noise impacts on the most-affected receivers. An indicative noise barrier on top of the refrigeration room is recommended as detailed in Section 4.7.2.*
- *Predicted no exceedance of the consent condition and the PTNL during all periods.*
- *During night-time period, the sleep disturbance at 28 Trivet Street are predicted to be 3 dB above the SSD7664 criteria which is from the trucks brake noise. Several potential mitigation measures can be implemented to reduce engine brake noise. Furthermore, It is noted that with an indicatively barrier which was recommended in the SSD7664 MOD 1 application, the L_{Amax} level from the Customer Fulfilment Centre (SSD 10404) is predicted to exceed the sleep disturbance by a marginal 1 dB.*
- *The increase in traffic noise on public roads due to additional HDBP Stage 2 traffic is not considered likely to result in a perceptible increase in noise levels at the nearest sensitive receivers. No mitigation is therefore likely to be required for road traffic noise.*

The assessment demonstrates that the proposal does not introduce new environmental impacts or increase the severity of known environmental impacts with respect to noise and vibration.

5.1.2.3 Consistency with Concept Plan and Stage 1 Earthworks Approval

The purpose of the SSD 7664 aimed to establish the vision and planning framework to assess the detailed design of the future development on the site. It included details of the proposed land uses, building footprints, road layout and site access arrangements and landscape designs. In accordance with Section 4.24(1A) of the EP&A Act, while the concept plan and stage 1 earthwork approval remains in force development on the site cannot be inconsistent with the approval.

The development proposed as part of the modification application remains consistent with the Terms of Approval as set out in the concept plan and stage 1 earthworks approval. The modifications as part of this s4.55 application do not change the overall development's consistency with the approval. The SSD 7764 approval was broad and therefore, the modification aims to provide more details around intended development form.

5.1.2.4 Built Form and Urban Design

The proposed modifications to the Horsley Drive Business Park Stage 2 retains the key parameters of the approved building footprint and layout as the concept plan and stage 1 earthworks approval (SSD 7664). The main change in development design relates to the building height of Building 1 (Lot 1) to accommodate rooftop plant and air conditioning condensers.

The principles behind the Trust's vision to develop a business hub within the WSP were to:

- Achieve the Government's goals for the WSP, by continuing to grow private business investment that creates a sustainable ongoing funding base for the WSP for the future;
- Work with Fairfield City Council to identify suitable locations and land use opportunities for business hubs;
- Consider the impact on existing land uses and commercial centres in each Council's LGA and deliver additional employment and training opportunities for regional communities;
- Undertake development in a manner that minimises negative environmental impacts.

The layout and design of the development was reflective of the site topography and market requirements whilst ensuring appropriate amenity, visual impact and sustainability objectives were satisfied.

The key design principles aimed to strike a balance between the competing objectives and informed the end outcome for the Horsley Drive Business Park Stage 2 through development which:

- Responds to the natural terrain as far as practicable to minimise earthworks, constrain infrastructure requirements and maintain pre-development environmental quality;
- Complements the adjoining industrial context of the adjoining Horsley Drive Business Park Stage 1 and the Smithfield-Wetherill Park Industrial Precinct;
- Presents a high quality urban streetscape to Cowpasture Road;
- Maintains the integrity of existing nearby infrastructure including the Sydney Water Supply Channel, regional cycleways, electricity easements and road corridors;
- Provides opportunity for flexibility in future development on individual allotments within the estate through a large subdivision arrangement.

In addition, the detailed design objectives for height and floor space ratios seek to:

- encourage buildings that are of an appropriate scale and density; and
- encourage a built form that contributes to the visual amenity of the site.

These design principles and objectives have informed the proposed modification, which still remains generally consistent with the previously approved concept plans.

The proposed building height increase is only necessary to improve the way in which the customer fulfillment centre operates and to respond to operational design and construction requirements. This includes the placement of large air conditioning condensers on the roof of the building to ensure the building can be cooled and so freezer rooms can operate.

The size of the building necessitates quite large condensers and other plant equipment which comprises heights up to 6 metres. Mechanical engineers have advised that the plant equipment and condensers cannot be located within the building or at ground level and must be placed on the roof for optimal operation and maintenance.

As such, flexibility in the way building height is calculated is requested, so that rooftop plant and lift overruns are excluded from the maximum 16m building height. The increase in building height is not intended to be a blanket increase for all buildings within the Horsley Drive Business Park Stage 2. All buildings will still need to ensure the highest point of the building (excluding plant and lift overruns) does not exceed 16 metres about natural ground level.

The amended Visual Impact Assessment (**Appendix F**) demonstrates that the visual appearance, scale and bulk of the warehouse will be compatible with industrial development in the direct vicinity and the proposed increase in building height does not materially impact on the scale, bulk or appearance of the development.

Overall, the proposed modification results in an improved outcome for Stage 2 of the Horsley Drive Business Park by maintaining its intended purpose to provide industrial and warehouse uses whilst ensuring the approved Customer Fulfillment Centre can operate as intended.

5.1.2.5 Visual Impacts

A key consideration of the DPIE's assessment for the original Concept Approval (SSD 7664) and the Development approval for Building 1 (SSD 10404) was visual amenity. The assessment for SSD 10404 noted that due to the physical size of the Development there is the potential for visual impacts to occur within the locality. The EIS was accompanied by a Landscape and Visual Impact Assessment Report (LVIAR) prepared by Geoscapes Landscape Architects which provides an assessment of the predicted visual impacts of the Development.

The LVIAR noted that the Site is located within Precinct 9 of the POM 2030, which identifies the Site as being a 'Business Hub' and an extension of the Wetherill Park and Smithfield industrial areas. The LVIAR accepted that the Development will create visual impacts for those who experience views of the Development. The LVIAR concluded that the nearest sensitive receiver - VP9, would be subject to moderate visual impacts, with VP4 being subject to moderate/minor visual impacts. All others were rated to have minor or lower visual impact.

The department's assessment concluded in both applications that due to the design and finished levels of the Development, topography of the locality, and the distances to sensitive receivers and surrounding industrial

developments, the Development has demonstrated that the predicted visual impacts are acceptable, are consistent with the predominate industrial land uses to the east and south of the Site, and is in keeping with the future intended character of the Site and broader Precinct 9 of the POM 2030.

The Concept Approval establishes parameters relating to the built form of buildings, including height controls, floor space ratios and landscaped setbacks to enable an assessment of the visual impacts of future development on the site. The EIS for the Concept Approval notes that there is a significant height difference (12.5m) between the pad level and Trivet Street level, that results in Lot 3 sitting significantly lower than Trivet Street. Significant landscaped areas are also being retained or proposed along the eastern and western boundaries of the site to soften any visual impact from future development. The Department's assessment concluded that the development will not result in unacceptable visual impacts within the locality or on sensitive receivers.

When considering the proposed increase in building height, it is important to recognise that this increase is only applicable for the components of the building where rooftop plant and equipment are located. These components are located across the roof of the building and are not concentrated in one area.

It is acknowledged that the rooftop plant and equipment will be visible, but on balance and when viewed in context with the overall development and surrounding development, it is unlikely these components of the building will generate new or additional visual impacts. Furthermore, Building 1 is not located adjacent or within close proximity to sensitive receivers and still maintains a predominant building height of 16 metres or less for the bulkiest part of the building. Adjoining industrial uses to the north, south and east and rural uses to the west are unlikely to experience adverse visual impacts by the proposed plant equipment due to the nature of the uses and because building 1 is generously setback from all side boundaries. In addition, development has been conditioned to provide landscaping to all side boundaries as a mitigation measure to minimise visual impacts of the built form.

An amended Visual Impact Assessment has been prepared by Geoscapes Australia (Appendix B) to assess and compare the proposed modifications against the approved SSD scheme. The assessment concludes that of the viewpoint locations assessed, the proposed modification will not create significant visual impacts when compared against the approved scheme and only three locations have been judged to receive minor visual impacts. The locations determined to have minor visual impacts when compared to the approved scheme are due to the close range of the receptor or the elevated position. At these locations direct views of the plant equipment may be visible. However, the assessment concludes that when viewing the plant equipment holistically together with the proposed modifications to the approved scheme, the visual impact of the proposed changes are not highly significant.

Overall, the proposed modification results in minimal environmental impacts from a visual amenity perspective.

5.1.2.6 Signage

Clause 6(1) of the Western Sydney Parklands SEPP excludes the provisions of SEPP 64 for development within the Western Sydney Parklands. Nevertheless, the SEPP has been considered in the positioning of the signage zones given that the Western Sydney Parklands Design manual does not include provisions relating to commercial/business signage.

State Environmental Planning Policy No 64 – Advertising and Signage (SEPP 64) applies to all signage that, under an environmental planning instrument, can be displayed with or without development consent and is visible from any public place or public reserve. The proposed amended signage meets the objectives of SEPP 64 in that it:

- the amended signage is scaled appropriately for the building and the broader site in the context in which it is located;
- does not block any significant views and will not have an adverse impact on the amenity or future character of the surrounding area;
- will effectively communicate the location of the tenancy in anticipation of its operation; and
- will be of highly quality of design and finish.

Schedule 1 of SEPP 64 contains assessment criteria that are to be considered by the consent authority. An assessment of the proposal against the criteria is provided in **Table 2** below.

Table 2: Assessment Criteria under Schedule 1 of SEPP 64

Assessment Criteria	Comments	Compliant
1. Character of the Area		
<i>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</i>	The desired future character of the site is a low scale business park. In accordance with this vision, the Signage zones adopt an appropriate level of signage for the desired future character of the Business Hub. The signage typologies and zones nominated are compatible with the context of the surrounding public domain and residential uses	Yes
<i>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</i>	The building is the first to be constructed within the new centre and therefore there is no particular theme for outdoor advertising in the locality. However, the proposal is consistent with a typical suburban Business Hub and other outdoor advertising visible across the LGA	Yes
2. Special Areas		
<i>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</i>	Whilst the site adjoins parklands, the proposed signage will not adversely detract from the visual quality of these areas. The site is currently undergoing substantial change as it transitions into a new Business Hub and the proposed signage reflects this new use.	Yes
3. Views and Vistas		
<i>Does the proposal obscure or compromise important views?</i>	The proposed signage zones are to be located on the façade of the building. This will not obscure or compromise any important views	Yes
<i>Does the proposal dominate the skyline and reduce the quality of vistas?</i>		
<i>Does the proposal respect the viewing rights of other advertisers?</i>	The proposal does not impact upon any other signs in the location and does not obscure the ability to observe any other signage for surrounding areas.	Yes
4. Streetscape, Setting or Landscape		
<i>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</i>	The scale, form and proportion of the proposed signage zones and typologies are appropriate for the setting and will contribute to the visual interest and viability of the site	Yes
<i>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</i>	The proposed signage zones are fully integrated with the quality design of the new building, and will feature a contemporary design that will positively contribute to the Business Hub and streetscape.	Yes
<i>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</i>	N/A - the signage relates to a new building. The number of signs proposed ensures minimal visual impact on the streetscape, and helps establish a sense of place with a strong relationship to the public domain. Consistency in the design of the signage and its proportionate size will ensure that the proposal will not result in visual clutter.	N/A
<i>Does the proposal screen unsightliness?</i>	N/A - the proposal does not screen unsightliness, but rather is subservient to the architectural form of the building.	N/A
<i>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</i>	The proposed signage zones do not protrude above buildings, structures or tree canopies in the area or locality.	Yes
<i>Does the proposal require ongoing vegetation management?</i>	The signage does not require ongoing vegetation management.	N/A
5. Site and Building		
<i>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?</i>	The proposed signage zones are compatible with the scale and proportion of the building. The location and design of each of the signage zones have specifically considered the location and the unique characteristics of the building on which they are located..	Yes
<i>Does the proposal respect important features of the site or building, or both?</i>	The signage zones will not dominate the building, but rather achieve a balance between identifying the tenant whilst being subservient to the overall form.	Yes

Assessment Criteria	Comments	Compliant
<i>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</i>	The strategy illustrates how signage for the development will not focus on innovation, but rather on what will be effective whilst also being complementary to the building.	Yes
6. Associated Devices and Logos with Advertisements and Advertising Structures		
<i>Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?</i>	Lighting devices have been integrated into the overall design of the signage zones/signs. The signs are to be backlit with all necessary cabling being concealed within the sign or signage structure	Yes
7. Illumination		
<i>Would illumination result in unacceptable glare?</i>	Illumination of signage will not result in unacceptable glare. Illumination levels will comply with all applicable standards and the proposed signage zones are located to minimise glare to surrounding uses.	Yes
<i>Would illumination affect safety for pedestrians, vehicles or aircraft?</i>		Yes
<i>Would illumination detract from the amenity of any residence or other form of accommodation?</i>		Yes
<i>Can the intensity of the illumination be adjusted, if necessary?</i>		Yes
<i>Is the illumination subject to a curfew?</i>	The intensity of the illumination can be adjusted where necessary, however a curfew is not proposed.	Yes
8. Safety		
<i>Would the proposal reduce the safety for any public road?</i>	The proposal will not reduce safety for users of public roads given that none of the signs include moving parts. The content and scale of the signs are not such that they will be distracting to road users so as to result in safety impacts.	Yes
<i>Would the proposal reduce the safety for pedestrians or bicyclists?</i>	The location and scale of the proposed signs do not pose any adverse impacts on pedestrian or cyclist safety.	Yes
<i>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</i>	The proposed signs will not obscure sightlines from public areas.	Yes

The amended signage zones are largely consistent with those approved under SSD 10404 and will not result in any additional environmental impact from a visual amenity perspective.

5.2 Substantially the Same Development

Whilst there is no hard and fast rule when it comes to determining what constitutes ‘substantially the same development’ the ‘substantially the same test’ has been considered and approved through various cases within the Land & Environment Court.

The applied phrasing as described in *Moto Projects (No. 2) Pty Ltd v North Sydney Council [1999] NSWLEC 280*, requires the consent authority to undertake both quantitative and qualitative analysis:

“The comparative task does not merely involve a comparison of the physical features or components of the development as currently approved...Rather, the comparison involves an appreciation, qualitative, as well as quantitative, or the developments being compared in their proper contexts (including circumstances in which the development consent was granted)”.

Further *Moto Projects Pty Ltd v North Sydney [1999] NSWLEC 280* established the following key principles when considering what constitutes a modification:

- The verb “modify” means to alter without radical transformation.
- “Substantially” in this context means essentially or materially or having the same essence.

- A development as modified would not necessarily be “substantially the same development” simply because it is precisely the same use as that for which consent was originally granted.
- A modification application involves undertaking both quantitative and qualitative comparison of the development as originally approved and modified.
- Although the comparative task required under Section 96 involves a comparison of the whole development being compared, the fact does not eclipse if a particular feature of the development, particularly if that feature is found to be important material or essential to the development.
- Environmental impacts of the proposed modifications are relevant in determining whether or not a development is ‘substantially the same’.

The development, as proposed to be modified, is in our opinion considered to meet the substantially the same development tests under Section 4.55(1A) of the EP&A Act as:

+The prevailing building height of buildings and structures is not altered by this modification. The changes to the wording of Schedule 2, Condition A10, Table 1 only allow a building height of 20m for components of the building associated with rooftop building and plant equipment. The roof pitch of all buildings and structures must remain consistent with the approved 16m height limit;

- The EIS material submitted with the original concept plan development application acknowledged that buildings higher than 16m may be required (and suitable) where it can be demonstrated that the proposed height is in keeping with the character of the locality; the building, or any part thereof, is not visually obtrusive; and the overall design of the development, including landscaping and building materials, reduces the impact of height and bulk of the building. Increasing the building height of Building 1 from 16m to 20m for the plant and equipment components of the building will not be visually obtrusive when considering the location of the building, the generous setbacks afforded to the building from Cowpasture Road and the nature and form of adjoining (industrial) development.
- The proposed modifications do not alter the key components of the approved development description.
- The essence of the approved development design and operation remains unaffected, the development (as modified) continues to provide general industrial, light industrial, warehouse and distribution and ancillary office land uses approved under the Horsley Drive Business Park Stage 2.
- The essence of the approved development design remains unaffected. No changes to the Overall Site Plan are required to facilitate the proposed changes. This is not a significant cumulative change across the Stage 2 business park.
- The proposed modifications do not generate any new or additional environmental impacts on users of the site or areas external to the site.

For these reasons, the DPIE can be satisfied that the modified proposal is substantially the same development for which consent was originally granted. Furthermore, it is important to note that the extent of the proposed modifications are generally minor in nature and are considered to have only minimal environmental impact beyond those considered during the assessment of SSD 10404.

Table 3 below demonstrates that all key elements of the approved development remain, resulting in a development that clearly meets the test of being substantially the same as originally approved.

Table 3 Consistency with the approved development

Component	Approved development	Amended proposed development	Consistency / substantially the same
Use	General industrial, light industrial, warehouse and distribution and ancillary office land uses.	No change	Yes
GFA	61,232m ²	No change	Yes
Building height	16m	16m to the highest point of the building, excluding rooftop plant and lift overruns	Yes – refer to discussion above in section 5.2.
Lot configuration	Total of 4 lots, 3 for industrial development and 1 lot for stormwater mitigation and landscaping	No change	Yes
Site area	226,105m ² .	No change	Yes

Component	Approved development	Amended proposed development	Consistency / substantially the same
Car parking	672 spaces	No change	Yes
Vehicular access	Access via a roundabout intersection with Cowpasture Road and Trivett Street.	No change	Yes
Traffic	Total of 3,225 vehicle trips per day	No change	Yes
Levels	Lot 1: RL 66, Lot 2: RL 67, Lot 3: 67	No change	Yes
Earthworks	Cut: -170,000, Fill: +233,600	No change	Yes

Conclusion

The proposed modification includes amendments to the development approval for building 1 of the Horsley Drive Business Park (stage 2). The changes seek to have a number of minor site layout and design changes approved and also facilitate an increase to the maximum building height of Building 1 to allow for the placement of rooftop plant and equipment which is necessary for the customer fulfillment centre to operate.

Since SSD 10404 was approved, further detailed design changes have been made to improve the way in which the customer fulfillment centre operates and to respond to operational design and construction requirements. The proposed changes include:

- Increase to maximum height of building 1
- Rooftop mechanical plant platforms with screening treatments
- A new service driveway added from the southern truck driveway to access the plantroom
- Stairs added to the north façade for reduced egress distances
- Additional mezzanine and walkways to facilitate egress
- Reconfiguration of fuel bays to include a second fuel bay
- Increase to the size of the Fire Pump Room and shifting sprinkler tanks to the east slightly
- Plant room façade height extension
- Additional signage zones

The approved architectural drawings for the development approval involving Building 1 (SSD-10404) only showed indicative roof plant locations. The exact location and size of rooftop plant and equipment associated with the building was unknown when the development application was approved. Since the consent was granted for this approval on 10 August 2020, detailed design, mechanical, civil and structural drawings have been prepared by specialist consultants for construction documentation.

This has confirmed that due to the nature of the proposed use and size of the building, very large air conditioning condensers are required to cool the building. The equipment must be located on the roof of the building to operate most effectively. This results in the overall height of the building exceeding the maximum building height of 16 metres, as conditioned by the Concept Approval (SSD 7664) and Development Approval (SSD 10404).

As such, in order for this rooftop plant equipment to be placed on the building, an increase to the maximum allowable building height is requested.

The proposed modifications represents an improved outcome for Stage 2 of the Horsley Drive Business Park by maintaining its intended purpose to provide industrial and warehouse uses whilst ensuring the approved Customer Fulfillment Centre can operate as intended.

Further and in accordance with section 4.55(1A) of the EP&A Act, the DPIE may modify the consent as the proposed development is of minimal environmental impact and remains substantially the same development as that originally granted.

A section 4.55(1A) modification application has been lodged concurrently with this application to reflect the proposed changes and seek approval to amend the maximum building height conditioned in the Concept Approval for the Horsley Drive Business Park Stage 2 (SSD-7664-Mod-2).

We trust that this information is sufficient to enable a prompt assessment of the proposed modification request.