

ETHOS URBAN

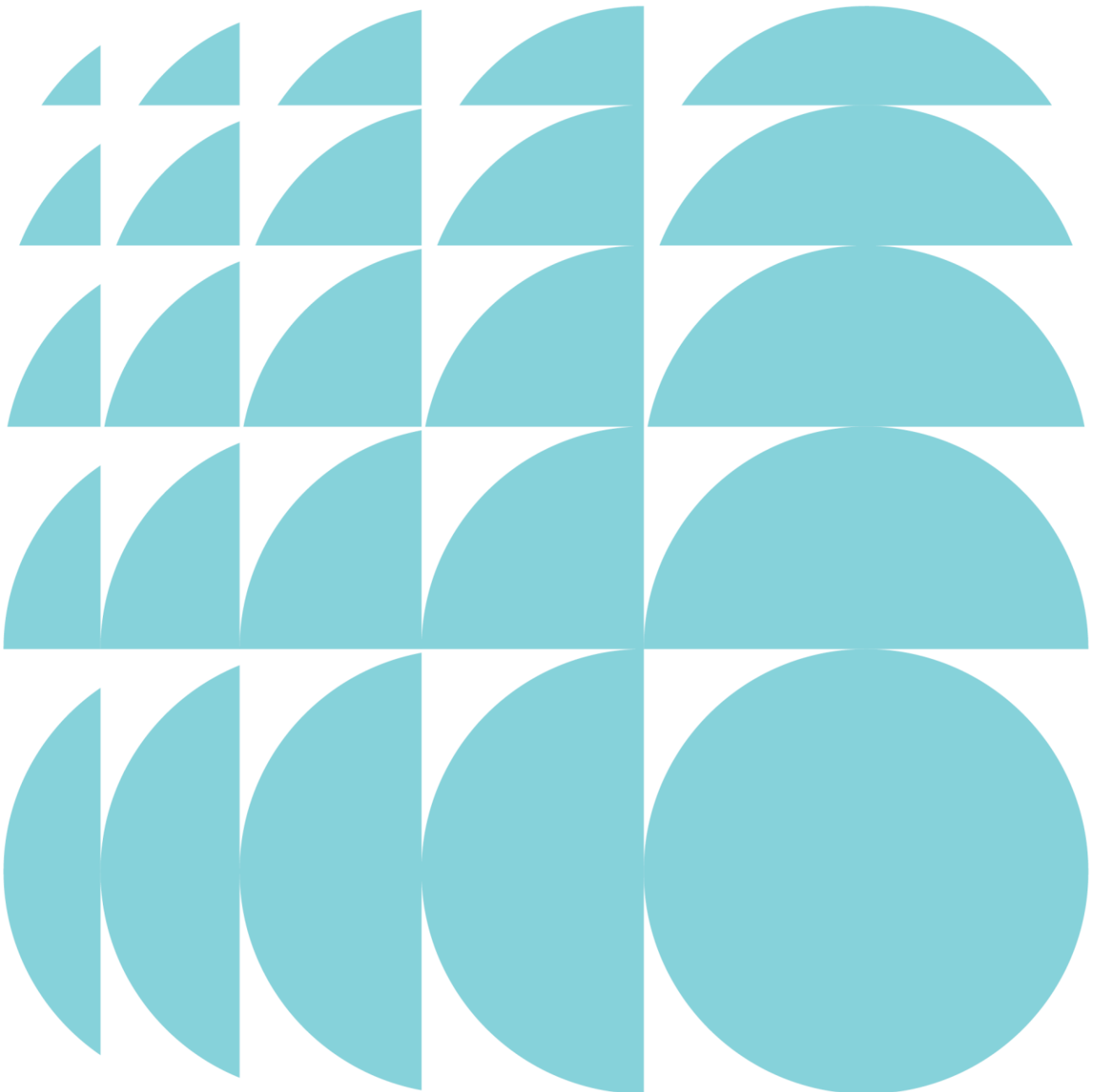
State Significant Development 7664

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 and
Environment
On behalf of Charter Hall

27 March 2020 | 7190880



CONTACT

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

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This document has been prepared by:



Lucy Bennett

27 March 2020

This document has been reviewed by:



Angus Halligan

27 March 2020

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VERSION NO.	DATE OF ISSUE	REVISION BY	APPROVED BY
Draft	27 March 2020	Lucy Bennett	Angus Halligan and Gordon Kirkby
Final	27 March 2020	Lucy Bennett	Angus Halligan and Gordon Kirkby

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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1.0 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(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to State Significant Development (SSD) approval SSD7664 issued on 9 November 2017 in respect of the Horsley Drive Business Park Stage 2.

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, more formally described as Lots 17-23 DP 13961 and Lot 2 DP 1212087.

The Section 4.55(2) modification application 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 of approximately 30,000m²;
- Minor reductions in size and development footprint of Warehouses 3 and 4; and
- Associated changes to the finished development levels of the site.

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. It should be read in conjunction with the documentation that accompanied SSD 7664.

The majority of environmental site constraints and impact management was addressed in the EIS for the approved Concept Proposal and Stage 1 works for the Horsley Drive Business Park Stage 2.

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:

- Transport, Traffic and Access impacts;
- Biodiversity impacts;
- Air Quality impacts;
- Noise impacts; and
- Visual impacts.

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

Concurrently to this modification application, an Environmental Impact Assessment is being prepared for the Horsley Drive Business Park Stage 2 – Building 1 to support the development of the Customer Fulfilment Centre.

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 Concept Approval and Stage 1 works SSDA.

Additional consultation on this proposed modification was undertaken with the DPIE to determine whether the proposed modifications required amended SEARs.

It was considered that the modifications did not require amended SEARs and as such this Section 4.55(2) is prepared in accordance with the original SEARs as per SSD 7664.

Relevant agencies have also been consulted with regard to this Section 4.55(2) as required by the SEARs issued for the approved SSD 7664. The findings of this Section 4.55(2) and the revised technical reports identify the modifications can be accommodated without generating impacts over and above that which was previously approved under SSD 7664 and is considered appropriate by relevant legislation.

Moreover, it is considered that a positive assessment and determination of the project should prevail given:

- 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 sections of this report.

Given the merits of the proposal, it is requested that the Minister approve the modifications subject to the mitigation measures outlined in this report.

2.0 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 proposed development is located within the Horsley Park Precinct, which 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.*

The approved Concept Plan Indicative Masterplan is shown in **Figure 1** below.



Figure 1 Approved Horsley Drive Business Park Stage 2 – Indicative Masterplan WS-HW-MP-005

Source: Concept Architecture Pty Ltd

2.1 Reason for the Proposed Modification

The approved Horsley Business Park Stage 2 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 development 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 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.

This Section 4.55(2) application aims to modify the Concept Plan and Stage 1 earthworks approval (SSD 7664) to align the proposed development of the Stage 2 (Building 1) Customer Fulfilment Centre.

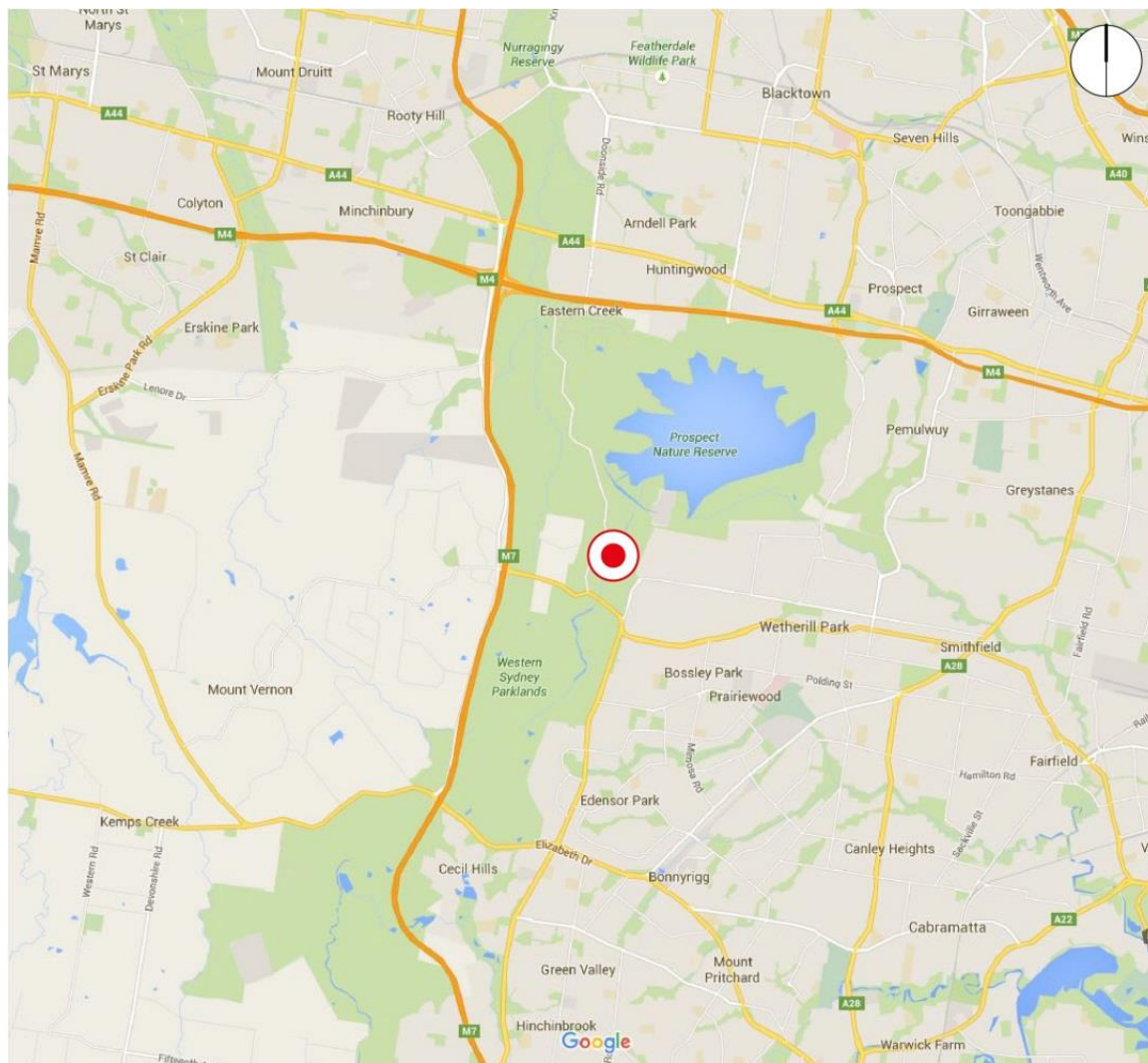
The proposed development is generally consistent with the Indicative Masterplan (WS-HW-MP-005) in terms of proposed land use and scale of the development. However, the proposed development requires changes to the approved Indicative Masterplan with regard to the lot configuration; number, size and footprint of proposed warehouses; vehicular access to the site off Cowpasture Road; and changes to finished development levels.

Concurrently to this modification application, an Environmental Impact Assessment is being prepared for the Horsley Drive Business Park Stage 2 – Building 1.

3.0 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 2**) and is irregularly shaped.



① The Site

Figure 2 Site location

Source: Ethos Urban

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.

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 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 3** 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.

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



Figure 3 Subject site

Source: Nearmap and Ethos Urban

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	<p>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.</p> <p>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.</p>
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 4–Figure 7** 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 4 View to agricultural land to the north, looking north-west along Trivet Street

Source: Google Maps



Figure 5 View to Horsley Drive Business Park Stage 1 development, looking south-west from Cowpasture Road / Burilda Close intersection

Source: Google Maps



Figure 6 Street view of industrial estate to the east (looking east at Cowpasture Road / Sleigh Place intersection)

Source: Google Maps



Figure 7 Looking east at Upper Canal System that forms the western boundary of the site (from Ferrers Road)

Source: Google Maps

4.0 Proposed Modifications to the Concept Approval

The proposed modification to the SSD 7764 Concept Approval comprises the following:

- A revised location and configuration for vehicular access to the site, including provision of an access roundabout intersection with Cowpasture Road and Trivett Street;
- Reduction in number of lots from 7 to 4;
- Consolidation of Warehouses 1 and 2 resulting in a reduction in total Gross Floor Area (GFA) from 47,190m² (approved) to 30,190m² (proposed);
- Minor reductions in size and development footprint of Warehouse 3 from 18,280m² (approved) to 16,640m² (proposed) and Warehouse 4 from 23,090m² (approved) to 14,940m² (proposed);
- An increase in the total number of carparks provided from 397 (approved) to 672 (proposed);
- Provision of a Customer Fulfilment Centre (CFC) on southern lot to replace Warehouse 1 and 2. The CFC will be a specialist warehouse facility used for the distribution of goods. The northern lots would accommodate traditional warehouse development;
- Alterations to the finished development levels on the site; and
- Alterations to the landscaping to align with the revised lot and built form configuration.

The proposed modification to the concept approval is shown in **Figure 8** and the proposed modification to the approved subdivision plan is shown in **Figure 9** below.

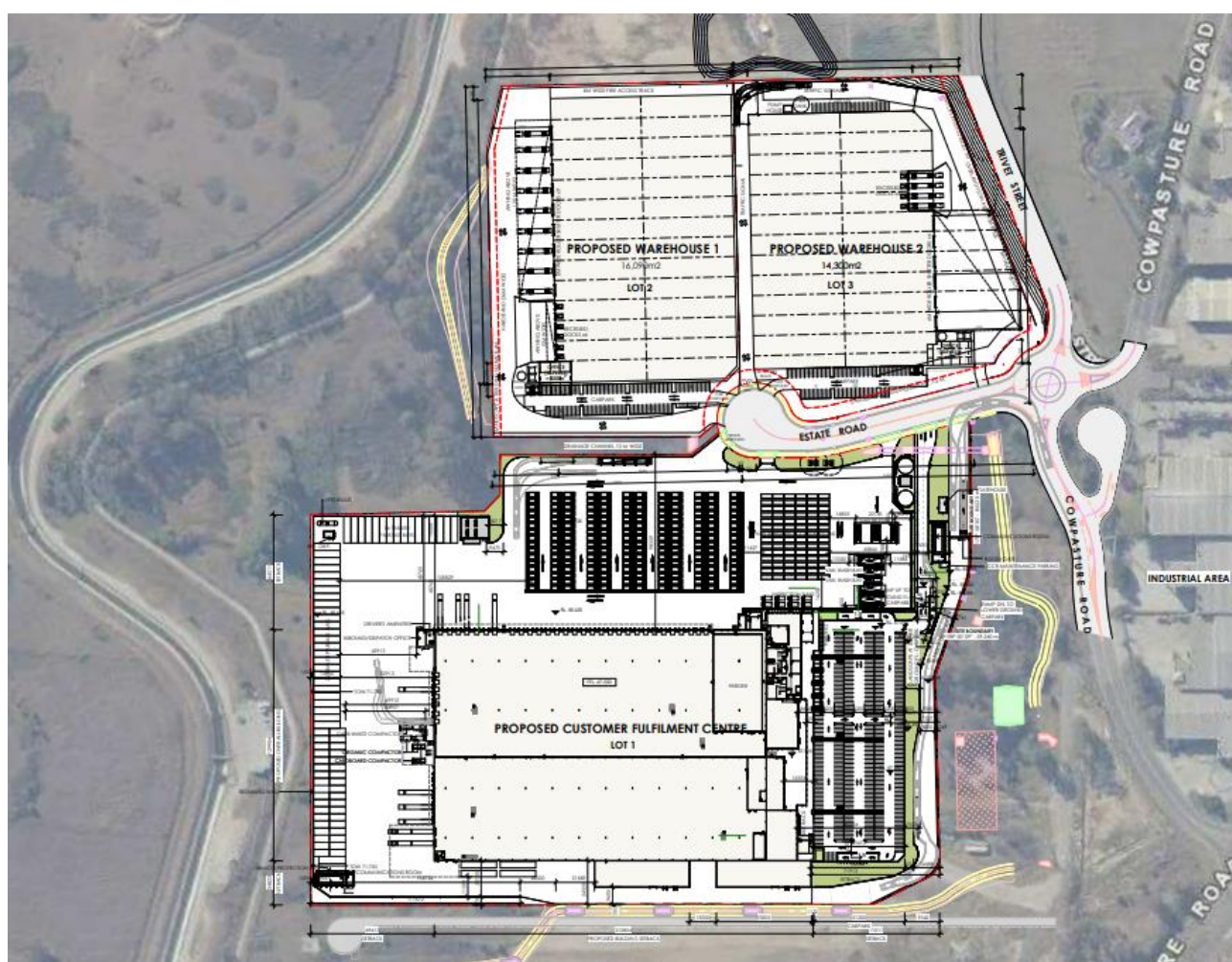
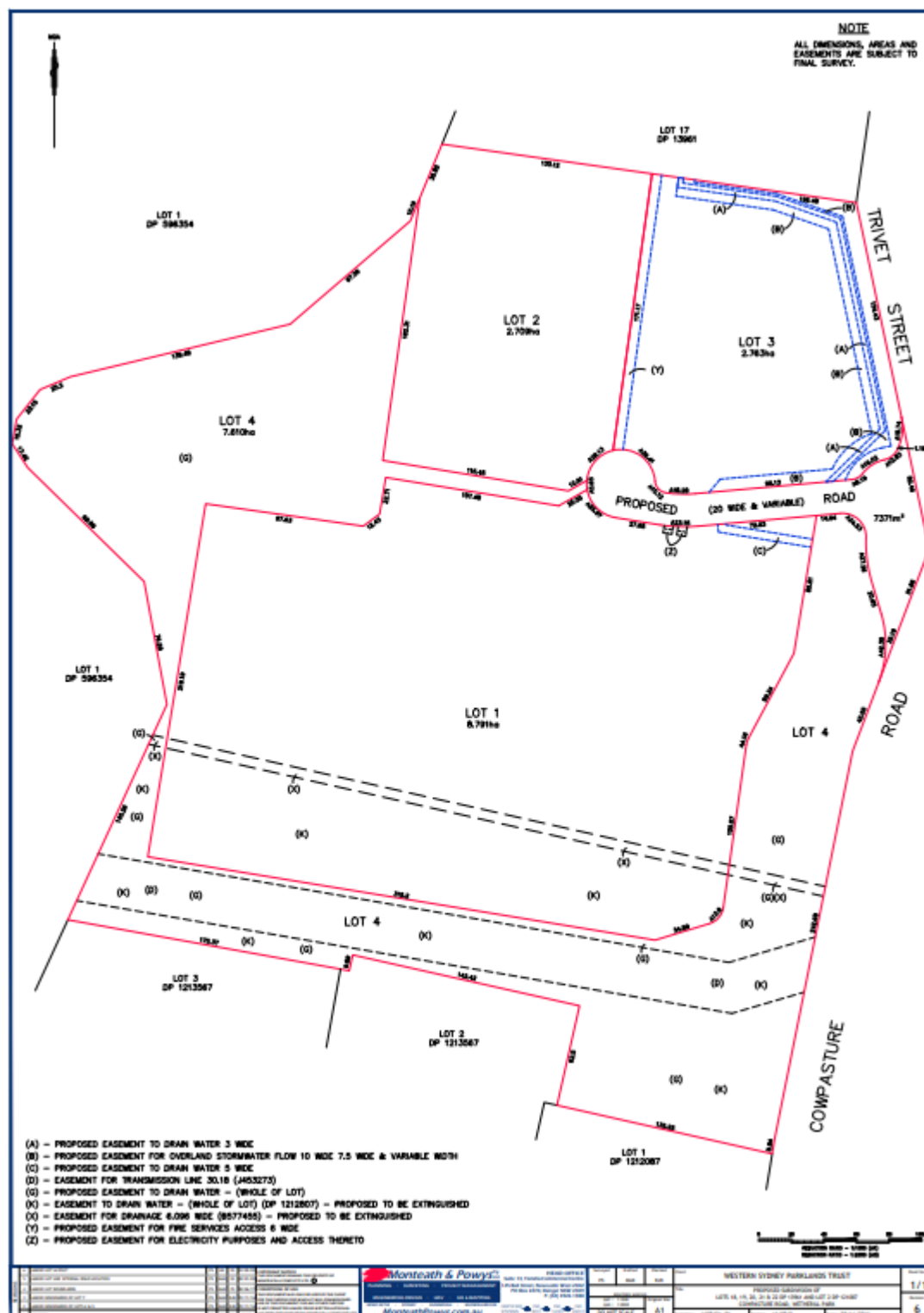


Figure 8 Overall Site Plan

Source: Leffler Simes



A detailed description of the proposed modifications to the concept plan and Stage 1 earthworks approval (SSD 7664) is presented in the following subsections.

4.1 Modifications to Development

The proposed modifications to the Horsley Drive Business Park Stage 2 align the proposed development with the approved Concept Plan.

A brief description of the proposed modifications is presented in **Table 2** which includes a comparison with the previously approved concept plan.

Table 2 Modifications to the approved development by lot

Approved lot / area	Description of modification
Access	<ul style="list-style-type: none"> Revised location and configuration for vehicular access to the site, including provision of a roundabout at the site access point from Cowpasture Road. Revised configuration resulting in a reduction in the access road area from 5,371m² to 7,371m².
Lot 1 and 2 (proposed Lot 1)	<ul style="list-style-type: none"> Consolidation of Lot 1 and 2 resulting in an increase in lot area from 71,050m² to 87,924m². Consolidation of Warehouse 1 and 2 into a single CFC resulting in a GFA reduction of 17,528m². Consolidation of lots and the introduction of the CFC will result in an increase in carparking by 275 space (plus 20 motorcycle parks and 20 bicycle parks).
Lot 3 (proposed Lot 2)	<ul style="list-style-type: none"> Reduction in lot area from 30,220m² to 27,091m². Reduction in the warehouse GFA from 18,280m² to 16,640m². Reduction in carparking from 85 spaces to 68 spaces. Revised truck carparking location from the east of the warehouse to the west of the warehouse and amendments to truck parking configuration. Revised office location from the east to the west of the warehouse and increase in GFA from 500m² to 550m².
Lot 4 and 5 (proposed Lot 3)	<ul style="list-style-type: none"> Consolidation of Lot 4 and 5 resulting in a decrease in lot area from 44,401m² to 27,619m². Reduction in warehouse GFA from 23,090m² to 14,940m². Reduction in carparking from 92 spaces to 66 spaces. Revised truck parking configuration. Increase in office GFA from 500m² to 640m².
Lot 6 and 7	<ul style="list-style-type: none"> Consolidation of Lot 6 and 7 resulting in an increase in lot area from 75,050m² to 76,100m².

4.2 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***.

4.2.1 Schedule 1 – Description of Development

The modified description of development is summarised as follows:

Horsley Drive Business Park Stage 2 concept development application, comprising:

- *Concept Proposal for:*
 - establishment of up to ~~88,700m²~~ ***61,232m²*** of Gross Floor Area for general industrial, light industrial, warehouse and distribution and ancillary office land uses; and

- conceptual development levels, footprints and building envelopes for ~~Lots 1-4~~ **Lots 1-3**, road layout and site access and landscape designs.
- Stage 1 works for:
 - subdivision of the site into ~~seven~~ **four** lots (~~Lots 1-4~~ **Lots 1-3** to be development and ~~Lots 5-7~~ **Lot 4** to be a residual lots);
 - construction of ~~an access road off Cowpasture Road~~ **a roundabout at the site access point from Cowpasture Road;**
 - demolition of existing structures on-site;
 - bulk earthworks;
 - site infrastructure, including stormwater infrastructure; and
 - estate landscaping.

Justification

The amendment to the total GFA, number of lots and site access arrangements are a result of the proposed modifications to the development.

4.2.2 Schedule 2 (Concept Development): Condition A1 – Terms of Consent

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 Secretary;
- (c) In accordance with the EIS and Submissions report;
- (d) The following drawings, except for
 - i) Any modifications which are 'Exempt' or 'Complying Development'; and
 - ii) Otherwise provided by the conditions of this consent.

Architectural Drawings prepared by Concept Architecture Pty Ltd Leffler Simes Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
WS-HW-MP-005	K	Indicative Masterplan	22.09.2017
DA01	P2	Cover Sheet, Sheet List & Locality Plan	24.02.2020
DA02	P2	Overall Site Plan	24.02.2020
DA03	P2	Customer Fulfilment Centre – Elevations	24.02.2020
DA04	P2	Warehouse 1 – Elevations	24.02.2020
DA05	P2	Warehouse 2 – Elevations	24.02.2020
DA06	P2	External Finishes Schedule	24.02.2020

Justification

The amendments to the plans are to reflect the changes proposed as part of this modification application.

4.2.3 Schedule 2 (Concept Development): Condition A11 – Limits of Consent

The following limits apply to future development on the site:

- (a) The maximum GFA for the warehouses shall not exceed the limits outlined in Table 2 below; and
- (b) Loading docks, car parking and internal access driveways to buildings are not approved.

Table 2: GFA Maximum for Concept Development

Land Use	Maximum GFA (m ²)
Total Warehouses	86,200 30,390
Total Customer Fulfilment Centre	29,652
Total Office	2,500 1,190
Total GFA	88,700 61,232

Justification

This condition is required to be amendment to reflect the new GFA of the buildings.

4.2.4 Schedule 2 (Concept Development): Condition B9 – Landscaping

Landscaping must be consistent with the key principles and plant species described in the Landscape Plans prepared by ~~Arcadia Landscape Architecture Pty Ltd September 2017~~ Geoscapes Landscape Architects, 28 February 2020.

Justification

This condition is required to be amended to reference the updated Landscape Plan which reflects the changes proposed as part of this modification application.

4.2.5 Schedule 3 (Stage 1): Condition A8 – Terms of Consent

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 Secretary;*
- (c) *In accordance with the EIS and Submissions report;*
- (d) *The following drawings, except for*
 - i) *Any modifications which are 'Exempt' or 'Complying Development'; and*
 - ii) *Otherwise provided by the conditions of this consent.*

Landscape Drawings prepared by Arcadia Landscape Architecture Pty Ltd Geoscape Landscape Architecture			
Drawing No.	Revision	Name of Plan	Date
101	B	Colour Landscape Masterplan	September 2017
102	1	Key Principles	September 2017
103	1	Precedents – WSUD	September 2017
104	1	Precedents – Landscape Elements	September 2017
105	1	Colour Landscape Masterplan	September 2017
106	1	Landscape Plan – Warehouse 4	September 2017
107	1	Landscape Plan – Warehouse 1	September 2017
108	1	Landscape Sections	September 2017
109	1	Landscape Sections	September 2017
110	1	Landscape Sections	September 2017
111	1	Landscape Sections	September 2017
112	1	Landscape Sections	September 2017
113	1	Planting Palette	September 2017

114	1	Planting Schedule	September 2017
200	1	Landscape Masterplan	September 2017
201	1	Softworks Plan	September 2017
202	1	Softworks Plan	September 2017
203	1	Softworks Plan	September 2017
204	1	Softworks Plan	September 2017
205	1	Softworks Plan	September 2017
501	1	Landscape Details	September 2017
502	1	Landscape Details	September 2017
503	1	Landscape Specification	September 2017
SSD-00	D	Landscape Cover Sheet	28.02.2020
SSD-01	D	Landscape Master Plan – North	28.02.2020
SSD-02	D	Landscape Master Plan – South	28.02.2020
SSD-03	D	Hydromulch Set-out Plan	28.02.2020
SSD-04	D	Landscape Detail Plan – Sheet 1	28.02.2020
SSD-05	D	Landscape Detail Plan – Sheet 2	28.02.2020
SSD-06	D	Landscape Detail Plan – Sheet 3	28.02.2020
SSD-07	D	Landscape Detail Plan – Sheet 4	28.02.2020
SSD-08	D	Landscape Detail Plan – Sheet 5	28.02.2020
SSD-09	D	Landscape Sections – Sheet 1	28.02.2020
SSD-10	D	Landscape Sections – Sheet 2	28.02.2020
SSD-11	D	Landscape Sections – Sheet 3	28.02.2020
SSD-12	D	Typical Specifications & Details	28.02.2020
SSD-13	D	Plant Schedules & Imagery	28.02.2020
Civil Engineering Drawings prepared by Costin Roe Consulting Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
Co11492.11-DA10	C	Drawing list & General Notes	07.06.2017
Co11492.11-DA20	C	Erosion & Sediment Control Plan	22.03.2017
Co11492.11-DA25	B	Erosion & Sediment Control Details	01.12.2016
Co11492.11-DA30	H	Bulk Earthworks Cut/Fill Plan	07.06.2017
Co11492.11-DA35	C	Bulk Earthworks Sections Sheet 1	22.03.2017
Co11492.11-DA36	C	Bulk Earthworks Sections Sheet 2	22.03.2017
Co11492.11-DA37	C	Bulk Earthworks Sections Sheet 3	22.03.2017
Co11492.11-DA40	B	Existing Stormwater Catchment Plan	07.06.2017
Co11492.11-DA41	J	Concept Civil Works Plan Sheet 1	07.06.2017
Co11492.11-DA42	I	Concept Civil Works Plan Sheet 2	12.05.2017
Co11492.11-DA43	F	Concept Basin 2 Plan Northern Basin	07.06.2017
Co11492.11-DA44	E	Concept Basin 3 Plan Western Basin	22.03.2017

Co11492.11-DA45	D	Bio-retention/OSD Basin Plan	01.12.2016
Co11492.11-DA46	C	Concept Stormwater Details Sheet 1	01.12.2016
Co11492.11-DA47	C	Stormwater Details Sheet 2	01.12.2016
Co11492.11-DA48	D	Stormwater Drainage Long Sections	22.03.2017
Co11492.11-DA50	C	Access Road Details	01.12.2016
Co11492.11-DA51	C	Access Track & Creek Details	01.12.2016
Co11492.11-DA52	C	Road Alignment Plan & Long Sections	22.03.2017
Co11492.11-DA70	C	Intersection Functional Layout Plan	01.12.2016
Co11492.17-DA10	A	Drawing list & General Notes	11.12.2019
Co11492.17-DA20	C	Erosion & Sediment Control Plan	28.02.2020
Co11492.17-DA25	B	Erosion & Sediment Control Details	01.12.2016
Co11492.17-DA30	E	Bulk Earthworks Cut/Fill Plan	13.03.2020
Co11492.17-DA35	C	Bulk Earthworks Sections Sheet 1	28.02.2020
Co11492.17-DA36	C	Bulk Earthworks Sections Sheet 2	28.02.2020
Co11492.17-DA37	A	Bulk Earthworks Sections Sheet 3	11.12.2019
Co11492.17-DA40	B	Existing Stormwater Catchment Plan	11.12.2019
Co11492.17-DA41	E	Concept Civil Works Plan Sheet 1	13.03.2020
Co11492.17-DA42	D	Concept Civil Works Plan Sheet 2	13.03.2020
Co11492.17-DA43	D	Concept Basin 2 Plan Northern Basin	05.02.2020
Co11492.17-DA44	C	Concept Basin 3 Plan Western Basin	28.02.2020
Co11492.17-DA45	C	Bio-retention/OSD Basin Plan	05.02.2020
Co11492.17-DA46	A	Concept Stormwater Details Sheet 1	11.12.2019
Co11492.17-DA47	A	Stormwater Details Sheet 2	11.12.2019
Co11492.17-DA48	B	Stormwater Drainage Long Sections	28.02.2020
Co11492.17-DA50	B	Access Road Details	11.12.2019
Co11492.17-DA51	A	Access Track & Creek Details	11.12.2019
Co11492.17-DA52	C	Road Alignment Plan & Long Sections	13.03.2020
Co11492.17-DA70	A	Intersection Functional Layout Plan	11.12.2019
Draft Subdivision Plan prepared by Monteath and Powys Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
16/0543	4	Proposed Subdivision of Lots 18, 19, 20, 21 & 22 DP 13961 and Lot 2 DP 121087 Cowpasture Road, Wetherill Park	08.06.2017
16/0543	6	Proposed Subdivision of Lots 18, 19, 20, 21 & 22 DP 13961 and Lot 2 DP 121087 Cowpasture Road, Wetherill Park	03.02.2020

Justification

The amendments to the plans are to reflect the changes proposed as part of this modification application.

4.2.6 Schedule 3 (Stage 1): Condition A14 – Subdivision

*The Applicant must subdivide the site in accordance with the subdivision plan titled Proposed Subdivision of Lots 18,19,20,21 & 22 DP 13961 and Lot 2 DP 121087 Cowpasture Road, Wetherill Park prepared by Monteath & Powys Pty Ltd, dated ~~8 June 2017~~ **3 February 2020**.*

Justification

The amendments to the plans are to reflect the changes proposed as part of this modification application.

4.2.7 Schedule 3 (Stage 1): Condition B33 – Biodiversity

*Prior to the commencement of construction, the Applicant must purchase and retire ~~39~~ **36** ecosystem credits to offset the removal of native vegetation on site. The ecosystem credits shall be determined in accordance with the OWH's Frameworks for Biodiversity Assessment (FBA) and the Biobanking Assessment Methodology 2014 (BBAM).*

Justification

The amendments to the required number of ecosystem credits reflects the findings in the Biodiversity Assessment Report (**Appendix F**) that has been prepared to support this modification application.

5.0 Substantially the Same Development

Section 4.55(2) of the EP&A Act states that a consent authority may modify a development consent if “it 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 and before that consent as originally granted was modified (if at all)”. The consent authority must also be satisfied that the proposed modification is of minimal environmental impact.

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(2) of the EP&A Act as:

- 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) remains 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 detailed design of the CFC is the subject of a separate SSDA (reference: SS-10404), which is also currently being assessed.
- The essence of the approved development design remains unaffected. The proposed development consolidates Lot 1 and 2 to accommodate the CFC which results in a reduction in the total GFA across the site by 27,328m². The consolidation of lots and introduction of the CFC has resulted in an increase in the total carparking spaces by 275 spaces. This is not a significant cumulative change across the Stage 2 business park.
- The revised location and configuration for vehicular access to the site, including provision of a roundabout at the site access point from Cowpasture Road and Trivett Street which will improve access to and within the site compared to the design that was originally approved.
- There are no increase to the maximum building height, scale and bulk from what was originally approved.

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 7764 and the more recent approved plans. **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	88,560m ²	61,232m ² (decrease of 27,328m ²)	Yes – see section 6.4.1 for further justification.
Lot configuration	Total of 7 lots, 4 for industrial development and 3 residual lots for stormwater mitigation and landscaping.	Total of 4 lots, 3 for industrial development and 1 lot for stormwater mitigation and landscaping	Yes – see section 6.4.2 for further justification.
Site area	226,092m ² .	226,105m ² (increase of 13m ² due to more accurate surveying).	Yes – see section 6.4.2 for further justification.
Car parking	397 spaces.	672 spaces (increase of 275 spaces)	Yes – see section 6.4.3 for further justification
Vehicular access	Access via an intersection with Cowpasture Road.	Access via a roundabout intersection with Cowpasture Road and Trivett Street.	Yes – see section 6.5 for further justification.
Traffic	Total of 1,863 vehicle trips per day.	Total of 3,225 vehicle trips per day (increase of 1,362 trips per day).	Yes – see section 6.5 for further justification.
Levels	Lot 1: RL 64, Lot 2: RL 68, Lot 3: RL 69, Lot 4: RL 65	Lot 1: RL 66, Lot 2: RL 67, Lot 3: 67	Yes – see section 6.8 for further justification.
Earthworks	Cut: -165,600, Fill: +220,900	Cut: -170,000, Fill: +233,600	Yes – see section 6.8 for further justification.

6.0 Environmental Assessment

Section 4.55(2) 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.

6.1 Statutory and Strategic Context

The Environmental Impact Statement submitted with the original State Significant Development application (SSD 7664) 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.

6.2 Reasons given for granting Consent

In the preparation of the Environmental Impact Statement (EIS) in support of the Concept Approval and Stage 1 Earthworks Approval SSD 7664, the DPE considered a number of key issues including:

- Conceptual Proposal Built Form and Urban Design;
- Traffic and Transport;
- Soils and Water;
- Infrastructure Requirements;
- Noise and Vibration;
- Air Quality;
- Waste;
- Biodiversity;
- Heritage;
- Greenhouse Gas and Energy Efficiency; and
- Ecologically Sustainable Development and Energy Efficiency.

The DPE approved SSD 7664 subject to conditions outlining the matters to be addressed as part of the future development applications. The SSDA-SS-10404 will address the matters listed in the consent and will provide the DPE with an appropriate level of information with which to assess and determine the proposed development.

6.3 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(2) 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, scale and siting.

6.4 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 consolidation of the southern lots and reconfiguration of Warehouse 1 and 2 into a single CFC which will be assessed as part of a separate application (SSDA-SS-10404). The proposed amendments predominately relate to a change in transport, access and carparking.

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 a layout that:

- 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.

These design principles have informed the proposed modification, and when compared to the previously approved concept, generally results in an improved outcome for the site, as follows:

- Continues to provide general industrial, light industrial, warehouse and distribution and ancillary office land uses as approved under SSD 7764 which complements the surrounding industrial context of the Horsley Drive Business Park Stage 1 and the Smithfield-Wetherill Park Industrial Precinct;

- Provides additional details on landscaping and maintains landscape buffers along the site frontage to uphold a high quality interface with Cowpasture Road that is consistent with the original SSD 7664 landscape principles;
- Satisfies the development envelope controls in the SSD 7664 consent therefore, there will be no impact on surrounding utility infrastructure;
- Introduces a roundabout instead of a give-way intersection on the Cowpasture Road and Trivet Street intersection which will support safer and more efficient access to the site;
- Consolidates the previously approved 4 developable lots into 3 through consolidation of Lot 1 and Lot 2 to accommodate the CFC which will allow flexibility for any future development within the Stage 2 precinct; and
- Results in a decrease in the total GFA across the site due to the consolidation of Warehouse 1 and 2 into a single CFC to respond to market needs;

The photomontages contained in **Appendix C** demonstrates that the visual appearance, scale and bulk of the warehouses will be compatible with industrial development in the direct vicinity.

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 improving access arrangements which will reduce impacts on the local road network.

6.4.1 Gross Floor Area

The existing concept plan and stage 1 earthworks consent (SSD 7664) provides for a total GFA of 88,560m² consisting of:

- 86,060m² for the Warehouses; and
- 2,500m² for the Offices.

The proposed amendments to the design result in a decrease in the total GFA to 61,232m² due to a combination of the below changes:

- Consolidation of Warehouse 1 (15,700m²) and Warehouse 2 (31,490m²) into a single CFC (29,652m²) resulting in a GFA reduction of 17,528m² and an increase in vehicle carparking by 318 spaces.
- Reconfigured development footprint and layout of Warehouse 3 and Warehouse 4 resulting in a reduction in GFA from 40,370m² to 30,390m² and a decrease in carparking from 177 spaces to 134 spaces; and

Table 4 demonstrates the change in GFA distribution resulting from the proposed modification.

The modification to the numerical GFA for the stage 2 development area is not the result of any increase to the bulk, mass or scale of the development. Furthermore, it does not give rise to an intensification of, or any additional environmental impacts and in fact results in a decrease in floor area across the site.

Table 4 Proposed change in GFA

Site	Approved GFA (m ²)	Proposed GFA (m ²)	Difference	Percentage
Warehouses	86,060	58,112	-26,018	-30%
Offices	2,500	3,120	-1,310	-52%

6.4.2 Lot Arrangement

The existing stage 1 consent (SSD 7664) supported the subdivision of the site into 7 lots, with 4 lots intended to be used for industrial purposes and 3 residual lots for stormwater mitigation and landscaping.

The proposed amendments to the subdivision layout results in a decrease in the total number of lots by 3 due to a combination of the below changes:

- Consolidation of Lot 1 and Lot 2 and increase in lot area to support the proposed CFC;
- Decrease in the Lot 3 and 4 (proposed Lot 1 and 2) areas to support smaller warehouses and less carparking;
- Consolidation of Lot 4 and 5; and
- Consolidation of Lot 6 and 7.

Table 5 demonstrates the change in lot area distribution resulting from the proposed modification.

The modification to the lot area for the stage 2 development area is not the result of any increase to the bulk, mass or scale of the development. Furthermore, it does not give rise to an intensification of, or any additional environmental impacts and in fact results in a decrease in developable area across the site.

Table 5 Proposed change in lot area

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

6.4.3 Carparking

The existing concept plan and stage 1 consent (SSD 7664) provides for a total carparking of 397 with Lot 2 accommodating a majority of the vehicle carparking spaces.

The proposed amendments to the subdivision layout results in an increase in the total carparking numbers to 672 due to a combination of the below changes:

- Consolidation of Lot 1 and Lot 2 and increase in lot area to support the proposed CFC and an additional 318 carparking spaces; and
- Decrease in the number of carparking spaces for Lot 3 and 4 associated with the reduced lot areas and warehouse sizes.

Table 6 demonstrates the change in vehicle carparking distribution resulting from the proposed modification.

The modification to the carparking numbers for the stage 2 development area is not the result of any increase to number of vehicle trips on the site. Instead, it is a reflection on the operation of the CFC which requires more staff given the 24-hour function of the facility. The inclusion of the roundabout at the site access point from Cowpasture Road improves the functionality for vehicle movement and does not give rise to any intensification of, or any additional environmental impacts.

Table 6 Proposed change in carparking spaces

	Approved carparking	Proposed carparking	Difference	Percentage
Lot 1	75	538 (Lot 1)	+318	+145%
Lot 2	145			
Lot 3	85	68 (Lot 2)	-17	-20%
Lot 4	92	66 (Lot 3)	-26	-28%

6.5 Traffic and Transport

Ason Group have completed a Transport Assessment (**Appendix D**) which confirms the conclusions within the original Transport Impact Assessment (2016) submitted in support of the original SSD 7664 remain unchanged.

The original design presented in the SSD 7664 proposed access to be provided via a new intersection onto Cowpasture Road located approximately 100m to the south of the existing Trivet Street intersection. The Traffic Assessment proposed the provision of 397 parking spaces which exceeds the RMS Guide rates and includes accessible parking which would also be provided in accordance with the BCA as required by Council's DCP.

Additionally, the Traffic Assessment anticipated to generate approximately 138 vehicle trips in the AM Peak Hour, 139 vehicle trips in the PM Peak Hour and a total of 1,863 vehicle trips per day.

The modification proposed as part of this application includes the provision of an access roundabout intersection with Cowpasture Road and Trivett Street which was originally proposed as an intersection. The Transport Assessment identifies that the roundabout would facilitate good visibility towards oncoming traffic on Cowpasture Road and Trivet Street and provide safer turning movements in and out of the access road. The proposed new access road would provide access to the Stage 2 site from the roundabout and be a total of 150m in length and approximately 13m wide which is suitable for an industrial standard local access road and is consistent with that constructed to service Stage 1. The access arrangements have been developed to permit entry and exit movements in a forward direction, separate commercial (heavy) vehicle and passenger vehicle traffic and minimise pedestrian crossing distances.

The updated Transport Assessment has assumed the same warehouse trip rate applied in the previous SSD 7664. Based on the updated RMS Guide rates, it is estimated that the modified development will generate approximately 176 vehicle trips in the AM Peak Hour, 217 vehicle trips in the PM Peak Hour and a total of 3,225 vehicle trips per day. This represents increase of 28% (38 trips) in the morning peak hour, 56% (78 trips) in the evening peak hour, and 73% (1,362 trips) daily. The CFC (being assessed under a separate SSDA) will be operational over a 24-hour period and therefore, the traffic generation of the site would be spread over a much longer period. The Transport Assessment considers the additional traffic generated by the proposed modification as acceptable from a traffic planning perspective.

No changes are proposed to the car parking rates adopted as part of the SSD 7664. The CFC will be provided with 538 spaces, above the minimum requirements, to accommodate expected staff parking demands.

The site access, internal circulation and car parking arrangements have been developed with consideration of the requirements of the DCP and relevant Australian Standards. Any minor amendments necessary would be undertaken at detailed design stage (prior to the release of a Construction Certificate) in response to a suitable condition of consent.

6.6 Bushfire

Peterson Bushfire have provided a Bushfire Assessment (**Appendix E**) to assess the proposed modification's design demonstrates compliance with the relevant provisions. The Bushfire Assessment concludes that the modification does not alter the bushfire hazard assessment or protection requirements approved as part of the SSD 7664. Recommendations have been identified for the concurrent SSDA-SS-10404 to ensure compliance with *Planning for Bush Fire Protection 2006* which are relevant to the proposed modification. These will be adhered to and addressed in the assessment of the separate SSDA.

6.7 Biodiversity

Eco Logical Australia have provided a Biodiversity Development Assessment Report (**Appendix F**) to support the proposed modification to the SSD 7664. The report confirms that the proposed modification remains consistent with the approved Biodiversity Assessment Report and demonstrates compliance with conditions B31-33 of the SSD 7664 development consent.

The report confirms a total of 1.089 ha of native vegetation within the development site will be directly impacted, resulting in the clearing of 0.764 ha of the Cumberland Plain Woodland CEEC under the BC Act (PCT 850) and 0.325 of River-flat Eucalypt Forest EEC under the BC Act (PCT 835). A total of 11 ecosystem credits for PCT 850 and 8 credits PCT 835 will be required.

Additionally, the report confirms that the following threatened species have the potential to be adversely affected by the proposed works:

- Pteropus poliocephalus (Grey-headed Flying-fox), listed as vulnerable under the BC Act and EPBC Act, an ecosystem credit species; and
- Three species listed as Vulnerable under the BC Act; including:

- *Micronomus norfolkensis* (Eastern Coastal Free-tailed Bat), an ecosystem credit species;
- *Miniopterus orianae oceanensis* (Large Bent-winged Bat), an ecosystem credit species; and
- *Myotis macropus* (Southern Myotis), a species credit species.

A total of 17 species credits will be required for the species credit species, *Myotis macropus* (Southern Myotis).

Overall a total of 36 ecosystem credits are required. Condition B33 of the SSD 7664 consent requires a total of 39 ecosystem credits to be provided to offset the removal of native vegetation on site. The credits identified in the updated Biodiversity Assessment Report will result in an amendment to this condition.

The Construction Management Plan (**Appendix L**) will manage vegetation to be retained during the construction works.

6.8 Civil Engineering

A Civil Engineering Report (**Appendix G**) has been prepared by Costin Roe Consulting to support the proposed modification to the SSD 7664 which includes drawings illustrating the proposed infrastructure design, including road geometry, site levels, retaining walls and batter treatment, stormwater drainage layout and water quantity and quality requirements.

Erosion and Sediment Control:

This report identifies that generally the engineering and stormwater management strategy will remain consistent with the approved development. There are only minimal differences in design due to the new access road location, intersection type and adjustment to the proposed internal lot layout. Consideration has also been made to the *Fairfield City Council Stormwater Management Policy* (September 2017) which was not adopted at the time the original SSD 7664 was prepared and approved.

Road and Intersection Design:

The overall strategy for erosion and sediment control for the development remains consistent with the SSD 7664 approval with adjustment to the layout and access road. A detailed Erosion and Sediment Control Program will be employed throughout the site. The program shall include measure such as temporary sediment basins, silt fences, cut-off drains for polluted stormwater and diversion channels for clean stormwater run-off.

The road cross section (carriageway and road reserve geometry) and pavement details remain consistent with the previously approved arrangement. Differences between the proposed change and approved development are detailed below:

- Intersection location has been adjusted to be located on Cowpasture Road at the junction of Cowpasture Road and Trivet Street;
- The intersection type has changed from a priority intersection to a roundabout layout; and
- The new access road and intersection is positioned approximately 100m north of the approved access road alignment.

Council confirmed their support for the proposed change to the intersection location and arrangement in a meeting between Council, Charter Hall and Costin Roe Consulting on 4 April 2019.

Earthworks and retaining walls:

The development pads and associated earthwork levels have been adjusted to align with the new lot configuration.

Table 7 demonstrates the change in earthwork volumes resulting from the proposed modification.

Table 7 Proposed change in earthwork volumes

	Approved volume (m ³)	Proposed volume (m ³)	Difference	Percentage
Topsoil volume				
Cut	-36,100	-32,700	-3,400	-9%
Earthworks volume				
Cut	-165,600	-170,000	+4,400	+3%
Detailed Excavation / Services	-13,000	-12,500	-500	-4%
Retaining Wall Backfill	-8,000	-8,000	0	0%
Bulking of Cut	-6,800	-8,500	+1,700	+25%
Fill	+220,900	+233,600	+12,700	+6%
Balance	+27,500	+34,600	+7,100	+26%

Table 8 demonstrates the change in finished levels resulting from the proposed modification.

Table 8 Proposed change in ground levels

Site	Approved level (RL m)	Proposed level (RL m)	Difference	Percentage
Lot 1	64	63.5-67.8 (65.65) (Lot 1)	+1.65m	+2.58%
Lot 2	68		-2.35m	-3.46%
Lot 3	69	66.5-67.5 (67) (Lot 2)	-2m	-2.9%
Lot 4	65	66.5-67.4 (66.95) (Lot 3)	+1.95m	+3%

As a result of the adjustments to the lot configuration and earthwork levels, retaining wall locations and heights have also been adjusted. Where possible, mitigation measures will be used to reduce the visual impact of retaining walls by utilising aesthetically pleasing wall construction (i.e. boulders, gabion, stencilled concrete panels), introducing tiers and integrated landscaping. In particular, this integration will occur in areas of high prominence, such as on the Horsley Drive frontage and estate entrance. Where walls are in less prominent (e.g. behind buildings and in cut) standard wall construction will be performed. Final details of walls will be completed in conjunction with Landscape Architects during detail design/ construction certificate stage of the project.

Stormwater management:

The proposed stormwater management strategy remains consistent with the previously approved arrangement including management of stormwater quality and quantity in an estate basin (south-east corner of estate), management of upstream systems through piped and defined overland flow paths.

Differences between the proposed change and approved development are detailed below:

- 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.

6.9 Flooding

The Civil Engineering Report (**Appendix G**) prepared by Costin Roe Consulting includes an assessment of flooding (section 6.5) to support the proposed modification to the SSD 7664. Given the changes in the development layout, updated modelling was required to be undertaken to support the proposed modification application which was completed by Catchment Simulation Solutions.

A pre-development flood model (which now includes The Horsley Drive Business Park Stage 1 Development) was compared with the civil engineering design completed by Costin Roe Consulting to ensure that the objectives of Councils stormwater and flood management requirements have been met and that the development does not result in any impact on upstream, downstream or adjacent properties.

The flow depth over Cowpasture Road is noted to be slightly lower in the modelling output by Catchment Simulation Solutions when compared to Cardno modelling in the approved SSD 7664. This difference is noted to be resulting in the inclusion of the Stage 1 development as an existing condition, which results in overall lower flows being directed to the low point in Cowpasture Road. The development can be seen to have an overall improvement in flood conditions downstream of the development as a result of the attenuation measures proposed in the stormwater management system of the development site.

The assessment confirms that the building pads will continue to be free of flooding from the existing flow paths allowing for a minimum freeboard to the 1% AEP flood level of 500mm.

The storages and attenuation requirements of the SSD7664 approval have been maintained for the modification masterplan, and the updated modelling confirms acceptable flood management has been provided for the development.

6.10 Landscape

The previous landscape plan lodged and approved as part of the SSD 7664 application was conceptual only illustrating the layout and design of street tree planting along the access road, feature entrance planting, a vegetated riparian corridor, a detention basin, a native vegetation buffer and landscape terracing.

Geoscapes Landscape Architecture have prepared a detailed Landscape Plan (**Appendix H**) which is consistent with the key landscape principles and plant species detailed in the SSD 7664 consent. The amended development layout and configuration of Warehouse 1 and 2 and introduction of the CFC has resulted in a slight reduction in landscaping on the Cowpasture Road frontages. Sufficient landscaping will still be provided to ensure screening of buildings and acoustic barriers, as required in condition B9 and B11 of the SSD 7664 consent.

6.11 Acoustic

SLR Consulting prepared a Noise Assessment (**Appendix I**) to support the modifications proposed to the SSD 7664. The assessment confirms that following the consolidation of former Lot 1 and 2 to accommodate the CFC and realignment of former Lot 3 and 4 (now Lot 2 and 3), noise levels from the modified development are predicted to be lower than previously predicted in the approved acoustic assessment.

The original Noise Assessment referenced the now superseded EPA guideline, the NSW Industrial Noise Policy (2000). The updated Noise Policy for Industry (2017) has been considered in the modified assessment.

The report recommends that a 2m high noise barrier be located near the most affected receiver at 28 Trivet Street, Wetherill Park to ensure noise emissions from the operation of the development are below the noise criteria in condition B12 of the SSD 7664 consent and the project trigger noise level during daytime and evening periods. The report recommends that condition B13 of SSD 7664 development consent - *“the barrier must be maintained as required and comprise a density of at least 10-15 kg/m²”* also apply to this assessment.

During night-time period, a residual noise impact of up to 1 dB(A) is predicted at the residences at 28 Trivet Street with the 2m noise barrier. As this is higher than previously specified, consideration should be given at the detailed design stage when the final operational plan is confirmed to minimise noise impacts as far as reasonably practicable while balancing other constraints on the mitigation options such as visual impact.

The construction noise and vibration impact assessment undertaken as part of the Noise Assessment also identifies that the exceedance of the noise management levels (NML) of up to 11 dBA is predicted at 28 Trivet Street during excavation activity in Lot 3 during standard construction hours. Exceedance of the NMLs is also predicted at the nearest commercial receivers at HDBP Stage 1 estate during excavation works in Lot 1. NML exceedances during other construction activity is predicted to be minor with worst-case exceedance up to 7 dB during worst-case noise intensive activity. Construction noise mitigation measures have been recommended where the exceedances of the NMLs are predicted.

There is potential for ground vibration levels to exceed the human comfort criteria depending on the duration and nature of the construction activity. The required locations for vibration intensive equipment should be reviewed during the preparation of the site-specific construction vibration management plan for construction works adjacent to the most affected receivers.

6.12 Heritage

Biosis has prepared Aboriginal and historical advice on the proposed modification application to supplement the original Aboriginal Cultural Heritage Assessment and Archaeological Report and Heritage Impact Statement prepared for the SSD 7664 application. Additionally, advice was provided for Lot 17 DP13961 which was not included as part of the original application.

Aboriginal and Archaeological Heritage:

Biosis' advice (**Appendix J**) confirms that there is low potential for Aboriginal sites or areas of archaeological potential to be present within the study area.

An updated search of the Aboriginal Heritage Information Management System (AHIMS) identified 99 archaeological sites within a 7km search areas, which was the same as the previous assessment. One new Aboriginal site was registered in close proximity to the study area since the original assessment was completed in 2016. Based on a review of the AHIMS search data, it has been determined that this site consists of an isolated artefact, with its registered co-ordinates placing it outside of the study area within the easement of the Upper Canal. Based on the results of the AHIMS search, it has been determined that there are no registered Aboriginal sites present within the study area.

A visual inspection of Lot 17 DP13961 was undertaken to identify and record any Aboriginal archaeological sites visible on the surface or areas of Aboriginal archaeological potential and cultural sensitivity. No Aboriginal object were identified in the inspection. The advice concludes that there are low potential for intact subsurface archaeological deposits due to the distance to reliable sources of water, combined with heavy disturbance associated with modern land use activities and shallow topsoil profiles.

Historical Heritage:

Biosis' advice (**Appendix K**) confirms the original Heritage Impact Statement identifies the Upper Canal as historical infrastructure situated next to the study area, which was constructed between 1880 and 1888, and has functioned as a key part of Sydney's water supply for over a century. The proposed development did pose some indirect impacts on the adjacent Upper Canal. The design adjustments proposed as part of the modification, result in the proposed development having the potential to impact on the setting of the Upper Canal as it will detract from its associated rural landscape.

Mitigation measures have been recommended to protect the canal and its character from potential encroachments by the industrial development which include the following:

- Ensuring that no physical impacts occur within the curtilage of the Upper Canal (Lot 1 DP 596354);

- Building setbacks from the western edge of the lots (currently buildings setback 30-70m from the curtilage of the Upper Canal);
- Developing a landscaped area along the canal as a soft barrier to protect its setting;
- The proposed works should comply with the Guidelines for Development Adjacent to the Upper Canal and Warragamba Pipelines (WaterNSW 2018);
- Further assessment of any alterations to the design to determine whether it would impact the Upper Canal.

A visual inspection of Lot 17 DP13961 was undertaken to identify and record any heritage items or areas of archaeological potential. The proposed works within Lot 17 DP 13961 are limited to the construction of a detention basin, which is unlikely to have any adverse impact on the heritage values of the Upper Canal System.

6.13 Construction Management

A Construction Management Plan (**Appendix L**) has been prepared by Charter Hall to comply with the relevant conditions of the development consent for SSD 7664. Section 3.2 of the Construction Management Plan details exactly which section of the plan responds to each condition.

7.0 Conclusion

The proposed modifications include amendments to lot configuration; number, size and footprint of the proposed warehouses and carparking; vehicular access to the site off Cowpasture Road; and finished development levels. The modifications result in a slight increase in the total developable area in response to the revised lot configuration and access layout. The modifications also result in a decrease in the total GFA across the site therefore, there is a reduction in the bulk, scale and mass of the industrial development and does not create any additional environmental impacts.

The revised approach to the Horsley Drive Business Park Stage 2 has been a result of further design development and various technical investigations. The end outcome, as proposed through this modification, is considered to achieve the best holistic outcomes for the business hub, with significant benefits now able to be realised from a site access and transport movement perspective.

The proposed modifications represent further enhancements to the overall design while ensuring the development continues to deliver general industrial, light industrial, warehouse and distribution and ancillary office land uses which is entirely consistent with the approved concept plan and stage 1 SSD 7664 consent.

Further and in accordance with section 4.55(2) of the EP&A Act, the DPE may modify the consent as the proposed development remains substantially the same development as that originally granted.

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