

ETHOS URBAN

State Significant Development 7664

Horsley Drive Business Park Stage 2

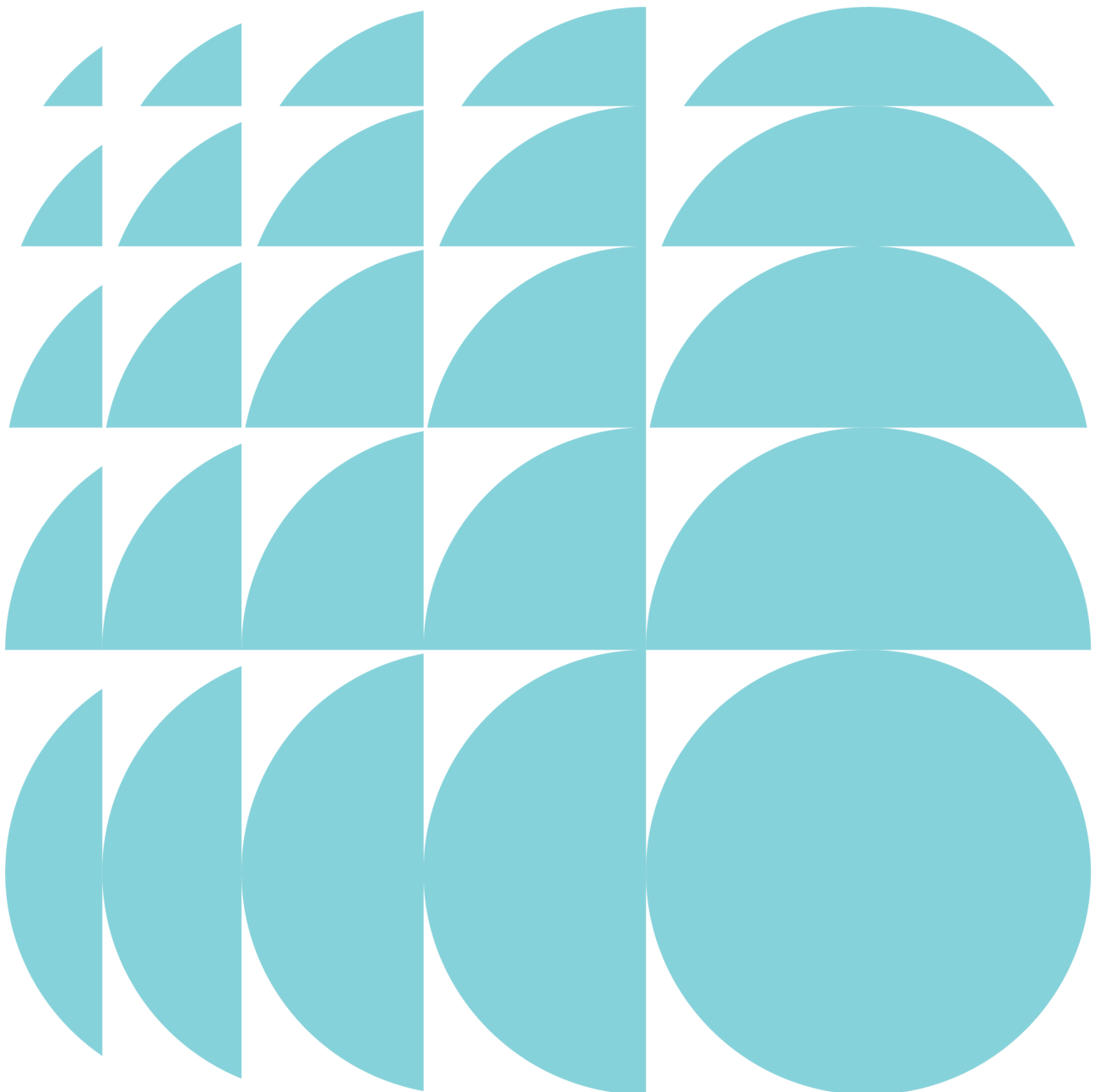
Section 4.55 (1A) Modification Application
(Mod No. 3)

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

Submitted to Department of Planning, Industry
and Environment

On behalf of Charter Hall

11 November 2021 | 2200737



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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(1A) 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.

A section 4.55(2) Modification Application was approved by DPIE on 10 August 2020 (SSD-7664-Mod-1) for modifications to the location and configuration of vehicle access, consolidation of Warehouses 1 and 2, reductions to the development footprint for warehouses 3 and 4 and revisions to the finished ground levels.

A Section 4.55(1A) Modification Application was approved by DPIE on 19 March 2021 (SSD-7664-Mod-2) to amend the building height for Building 1 to allow for rooftop plant/screening treatments to exceed the prescribed building height over the site.

This application is the third modification to the Concept Approval.

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, 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.

This current section 4.55(1A) modification application seeks to amend the Concept Approval as follows:

Subdivision

SSD 7664 MOD 1 included the consolidation of subdivided lots from seven to four (from that originally approved under SSD 7664) to facilitate Building 1. As per Stamped Plan DA02 and DA03 (**Appendix A**), Lot 2 and Lot 3 were approved with lot areas of 2.709 ha and 2.763 ha respectively.

To facilitate the development of Building 2 and 3 (the subject of SSD-17161650), the approved areas of northern Lots 2 and 3 are proposed modified as follows:

- Lot 2 – 2.954 ha.
- Lot 3 – 2.515 ha.

This modification seeks to amend the table in Schedule 2, Condition A1 to reference an updated Proposed Plan of Subdivision along with Appendix A of the Development Consent. Further, amend Schedule 3, Condition A14 to reflect updated Proposed Plan of Subdivision.

Maximum Office Gross Floor Area

Increase the allocation of Office Gross Floor Area as approved under the Concept Approval from 2,500m² to 3,000m² and reduce the allocation of Warehouse Gross Floor Area from 86,200m² to 85,700m² (without exceeding the overall the maximum allowable GFA of 88,700m²).

This modification seeks to amend Schedule 2, Condition A11, Table 2 to allow 2,848m² of Office Gross Floor Area by increasing the GFA Maximum under the Concept Development for Total Office GFA to 3,000m² and reducing the Total Warehouse 85,700m². The modification does not seek to amend the total GFA maximum approved under SSD 7664 of 88,700m² and is limited to a reallocation of 500m² of GFA from Warehouse to Office.

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 were addressed in the EIS for the approved Concept Proposal and Stage 1 works for the Horsley Drive Business Park Stage 2.

As the proposed amendment relates to a minor internal boundary adjustment to the approved plan of subdivision, and reallocation of approved Gross Floor Area from Warehouse to Office, no environmental impacts have been identified in relation to the Modification Application. There are no material changes in impact arising from the proposed modification that were considered as part of the original SSDA assessment.

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

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.

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 7664 and is considered appropriate by relevant legislation.

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 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.*

The approved modification to the SSD 7764 Concept Approval (SSD 7664-Mod 1) facilitated 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 Trivet 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 Concept Plan Overall Site Plan approved as part of SSD 7664-Mod 1 is shown in **Figure 1** below.

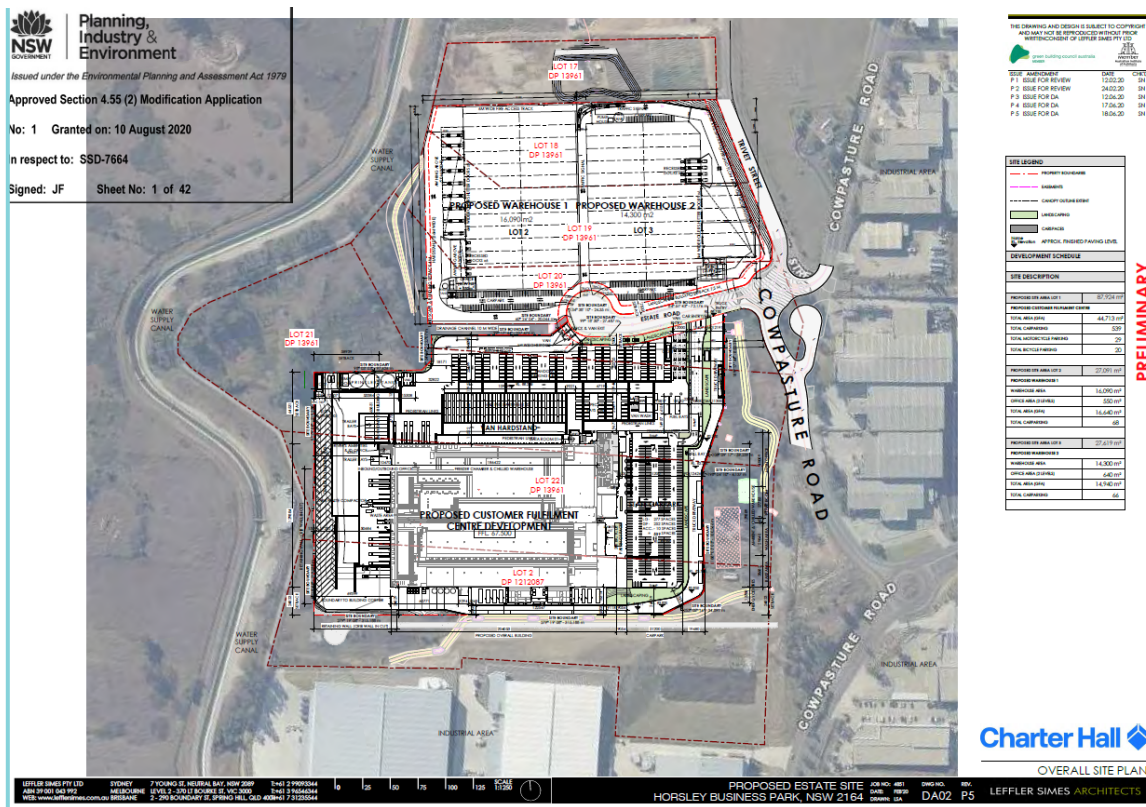


Figure 1 Approved Horsley Drive Business Park Stage 2 – Overall Site Plan

Source: Leffler Simes Architects

The approved modification to the SSD 7764 Concept Approval (SSD 7664-Mod 2) facilitated the following changes to the approved Concept Plan:

Immediately after Condition A10, insert new Condition A10A as follows:

A10A. Notwithstanding Condition A10, the building height for Building 1 (floor level to top of rooftop plant / screening treatments) must not exceed 19.626 m (RL 87.126 m) (as described in the modification application SSD-10404-Mod-1).

2.1 Reason for the Proposed Modification

Since SSD 7664-Mod 1 and Mod 2 were approved, the detailed design of the two Northern Warehouse Buildings 2 and 3 (subject of SSD 17161650) have been prepared and in order to respond to operational design and construction requirements it is proposed to amend the approved Plan of Subdivision to realign the boundary between approved Lots 2 and 3.

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. However, the proposed development requires changes to the conditions of consent to reflect and updated Plan of Subdivision.

Further, following the approval of Building 1 (SSD 10404) with an allocation of 1,883m² of Office Gross Floor Area, the maximum total office GFA of 2,500m² would limit the provision of office GFA to the two Northern Warehouse Buildings 2 and 3 to less than 617m².

In order to attract tenants to future warehouse Buildings 2 and 3, the proposed warehouses require an appropriate amount of ancillary office floor space to meet user demand. The detailed design for Warehouse 2 proposed ancillary office of 373m² and for Warehouse 3 proposed ancillary office of 506m².

This allocation of office floor space results in an exceedance above the maximum Total Office GFA of 2,500m² by 348m². It is therefore proposed to reduce the allocation of approved Warehouse GFA by 500m² to increase the allocation of Office GFA to 3,000m² to ensure Northern Warehouses Buildings 2 and 3 can provide a suitable amount of ancillary floor space to meet the end user needs.

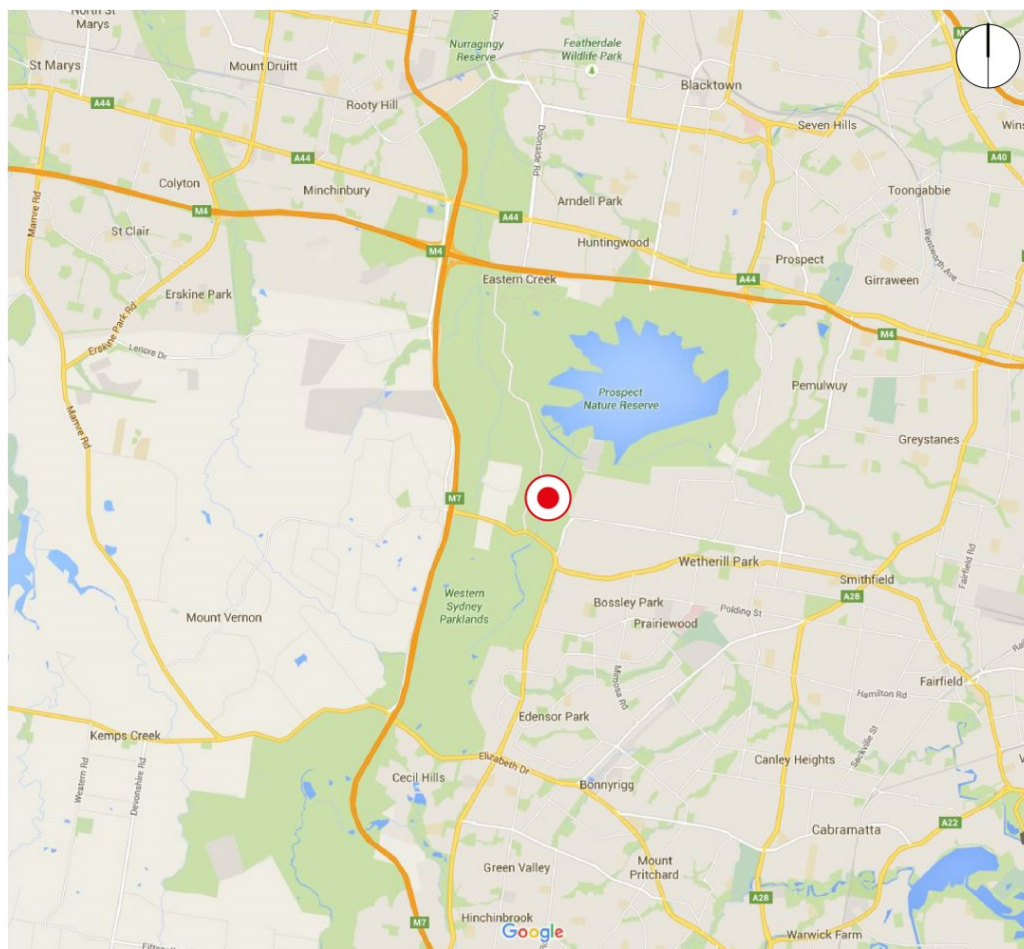
3.0 Site Description

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.

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 2 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 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.



Figure 3 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	<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> <p>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.</p> <p>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.</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.

- **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.

4.0 Proposed Modifications to the Concept Approval

Subdivision

This modification seeks to amend the table in Schedule 2, Condition A1 to reference an updated Proposed Plan of Subdivision along with Appendix A of the Development Consent.

Further, amend Schedule 3, Condition A14 to reflect updated Proposed Plan of Subdivision

Maximum Office Gross Floor Area

The proposed modification to the SSD 7764 Concept Approval seeks to change the GFA Maximum for Total Office as approved for the Concept Development (2,500m²) to 3,000m² and change the GFA Maximum for Total Warehouse as approved for the Concept Development (86,200m²) to 85,700m² as conditioned in Schedule 2, Condition A11, Table 2.

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 (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 this consent;*
- (c) *In accordance with the EIS and Submissions report;*
- (c1) *In accordance with the Modification Assessments;*
- (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.*

Drawings prepared by Leffler Simes Architects and Monteath & Powys			
Drawing No.	Revision	Name of Plan	Date
DA02	P5	Overall Site Plan	18/06/2020
DA03	P1	Proposed Subdivision Plan	18/06/2020
10990-002	-	Plan of Subdivision of Lots 18-22 in DP 13961 and Lot 2 in DP 121087 Cowpasture Road, Wetherill Park	02/08/2021

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

The following limits apply to future development on 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

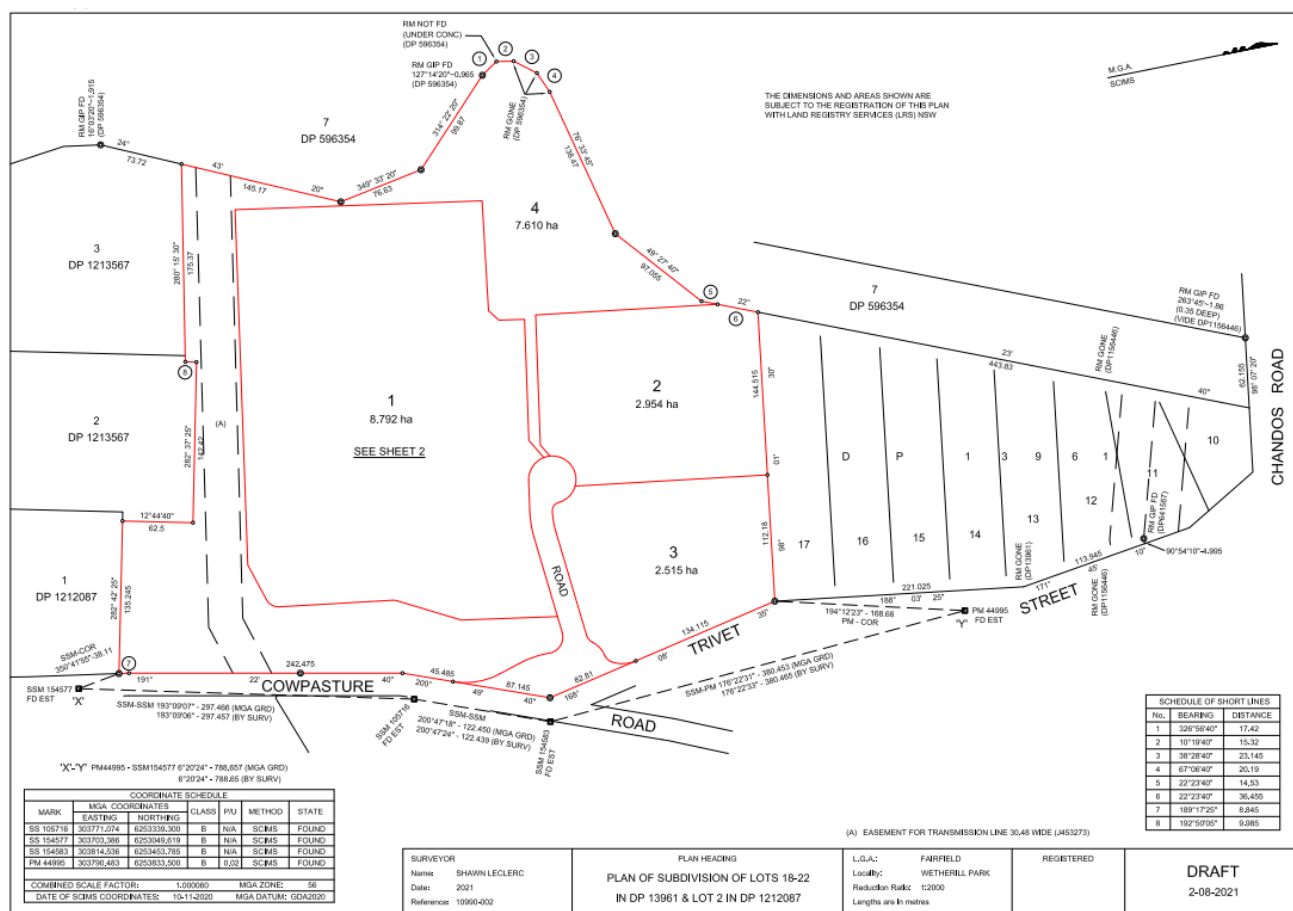
Land Use	Maximum GFA (m²)
Total Warehouse	86,200 85,700
Total Office	2,500 3,000
Total GFA	88,700

4.1.3 Schedule 3 (Concept Development): Condition A14 – Subdivision

The Applicant must subdivide the site in accordance with the subdivision plan titled ~~Proposed Subdivision Plan, Revision P1, prepared by Leffler Simes Architects, dated 18 June 2020~~ Plan of Subdivision of Lots 18-22 in DP 13961 and Lot 2 in DP 121087 Cowpasture Road, Wetherill Park, dated 2 August 2021

4.1.4 Appendix A

Replace Appendix A as follows:



Plan of Subdivision of Lots 18-22 in DP 13961 and Lot 2 in DP 121087 Cowpasture Road, Wetherill Park, dated 2 August 2021.

5.0 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 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.

5.1.2 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 proposed modification is limited to changes to the allocation of approved floor space (between warehouse and office) and the boundary alignment of the northern lots 2 and 3.

5.1.2.1 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.

5.1.2.2 Traffic and Car Parking

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 changes in development design relates to the approved configuration of the Northern Lots 1 and 2 (through a marginal realignment of an internal lot boundary) and the allocation of approved Gross Floor Area to allow for a marginal increase in Office Floor Space.

Whilst the concept proposal set out car parking rates that future development on the site must comply with. SSD-7664-Mod-1 modified this condition to allow rates to also be determined following any operation-specific traffic impact assessment. Each subsequent application must therefore demonstrate through the lodgement of a traffic impact assessment that proposal is capable of achieving appropriate operational traffic and car parking outcomes.

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 Northern Warehouse Building 2 and 3 can operate as intended.

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 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. 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 7764 and the more recent approved plans.

6.0 Conclusion

The proposed modification includes amendments to the concept development approval to facilitate the Northern Warehouse Buildings 2 and 3 through a marginal internal boundary lot adjustment and a reallocation of approved Gross Floor Area which is necessary for the Northern Warehouse Buildings to operate.

Since SSD 7664-Mod 1 and Mod 2 were approved, further detailed design changes have been made to improve the way in which the Northern Warehouse Buildings 2 and 3 will operate and to respond to operational design, construction requirements and end user needs.

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 Northern Warehouse Buildings 2 and 3 can operate as intended. No other changes to the concept approval are proposed.

Further and in accordance with section 4.55(1A) of the EP&A Act, the DPE may modify the consent as the proposed development if of minimal environmental impact and 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.