

## ASSESSMENT REPORT

### Section 96(1A) Modification LOT 3 HORSLEY DRIVE BUSSINESS PARK (SSD 7917 MOD 1)

#### 1. INTRODUCTION

This report assesses a modification application by Frasers Industrial Construction Pty Ltd (the Applicant) to the approved warehousing and distribution and light industrial facility on Lot 3 of the Horsley Drive Business Park (HDBP) (SSD 7917). The application has been lodged pursuant to section 96(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

#### 2. BACKGROUND

The Applicant manages several warehouses at an industrial estate known as the HDBP located at the corner of The Horsley Drive and Cowpasture Road, Wetherill Park in the Fairfield local government area, approximately 35 kilometres (km) west of the Sydney central business district. The HDBP is also located wholly within the Western Sydney Parklands (WSP).

The HDBP has an underlying development consent (SSD 5169) permitting staged subdivision and site wide earthworks and construction of infrastructure. Individual state and local development consents rely upon SSD 5169, including SSD 7917 for the development on Lot 3. The SSD 5169 consent has been modified three times. A fourth modification is currently under assessment by the Department.

Lot 3 is located in the north-western corner of the HDBP (see **Figure 1**) and permits the staged construction of a two-tenancy warehouse and distribution and light industrial facility.



*Figure 1: Site Location*

The nearest residential dwelling is located approximately 150 metres (m) to the south-west of the site along The Horsley Drive (see **Figure 2**). Surrounding land uses include:

- four approved warehouse and distribution facilities within the immediate surroundings;

- the Wetherill Park industrial precinct to the east;
- Burilda Close (the main access road for the HDBP) that connects to Cowpasture Road to the east;
- the low density residential suburb of Bossley Park located to the south-east;
- agricultural land to immediate west and south of the site;
- The Horsley Drive the dual carriageway road which directly connects to the M7 Motorway to the west; and
- to the north of the site is land which has been proposed to facilitate a future expansion of the HDBP, known as HDBP Stage 2 (SSD 7664).

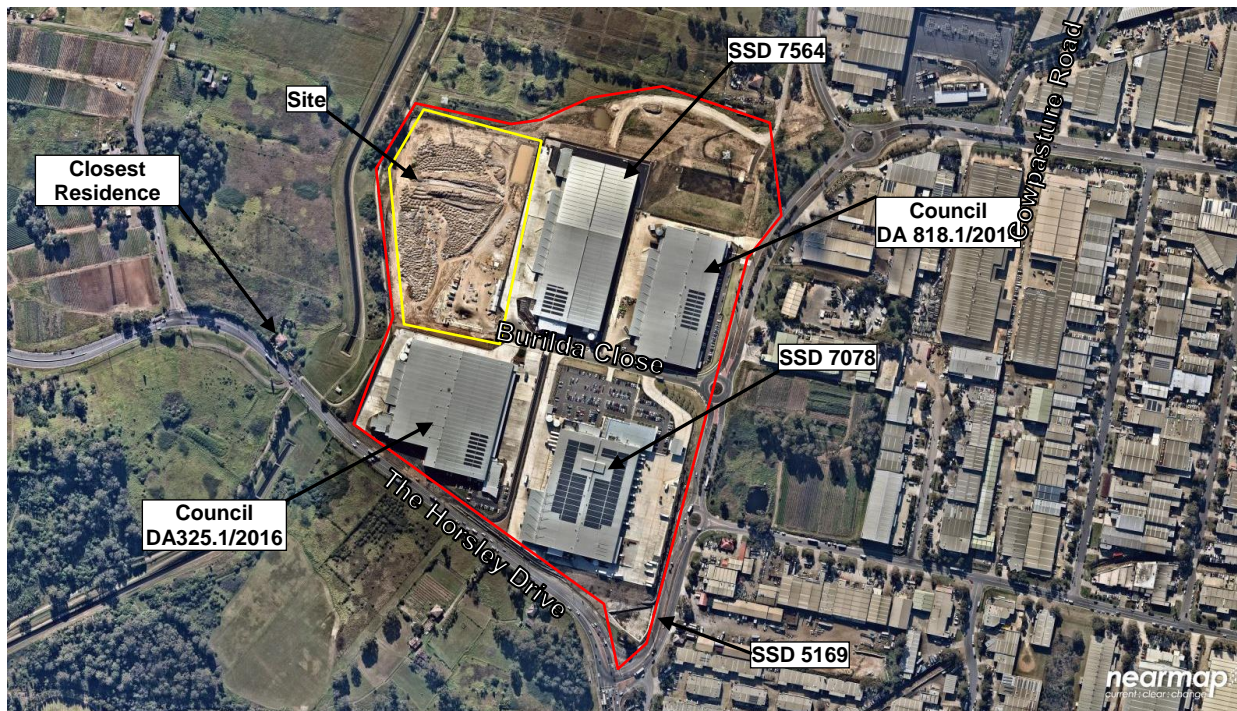


Figure 2: HDBP showing the site of Lot 3 and other warehouses under construction or operating

The applicant has lodged the modification application to amend the layout of the site to facilitate the end user requirements for one future tenant by amalgamating the two approved tenancies into one warehouse and distribution facility.

### 3. APPROVAL HISTORY

On 8 January 2013, the then Acting Deputy Director-General, Development Assessment and Systems Performance, as delegate of the Minister for Planning, granted development consent for SSD 5169 for the HDBP including subdivision, bulk earthworks and infrastructure works.

On 4 May 2017, the then Executive Director, Key Sites and Industry Assessments, as delegate of the Minister for Planning, granted development consent for the construction and operation of a warehouse and distribution and industrial facility (SSD 7917). The development consent permits the following works:

- construction of a single warehouse building 23,455 m<sup>2</sup> in area, with two tenancies;
- associated hardstand, car parking and loading docks; and
- ancillary office and amenities.

Since the determination of SSD 7917, the site has been subdivided and is now legally described as Lot 3 DP 1213567.

### 4. PROPOSED MODIFICATION

On 18 May 2017, the Applicant lodged a modification application under section 96(1A) of the EP&A Act to modify the development to amend the design and layout of the approved two tenancy warehouse building and consolidate into a single tenancy warehouse and distribution facility. The modification is described in full in the Statement of Environmental Effects (SEE) included in **Appendix B**.

**Table 1** below compares the approved and proposed development. The approved development is shown in **Figure 3** and **Figure 4**. The proposed development footprint and elevations are shown in **Figure 5** and **Figure 6**.

**Figures 7, 8** and **9** show renderings of the proposed warehouse, office and showroom from Burilda Close and South Western and North Western perspectives.

The proposed modifications would:

- amend the warehouse layout to consolidate the approved warehouses into one warehouse and distribution facility;
- increase the area of the warehouse by 880 m<sup>2</sup> (from 22,380 m<sup>2</sup> to 23,260 m<sup>2</sup>);
- reduce the office GFA by 295 m<sup>2</sup> (from 1,000 m<sup>2</sup> to 705 m<sup>2</sup>);
- add 2,090 m<sup>2</sup> warehouse showroom;
- increase the total building area by 2,675 m<sup>2</sup> (from 23,380 m<sup>2</sup> to 26,055 m<sup>2</sup>);
- align the office, showroom and warehouse along the southern elevation;
- increase the ceiling height of the warehouse from 10 to 11.5 m with a corresponding increase in the height of the warehouse ridgeline from 12.2 m to 13.7 m;
- remove 26 car parking spaces;
- amend the location of car parking, loading docks and hardstand and circulation areas to accommodate the proposed layout;
- amend the colours and finishes of the warehouse building; and
- install new glazing from the main office into the warehouse from the open work areas, meeting rooms and circulation stair of the western elevation.

The Applicant has advised the proposed modifications are needed to maximise the functional layout of the building to meet requirements for Viven Furniture, a furniture import company, as a future tenant.

**Table 1: Approved Development versus Proposed Modifications**

Areas/Measures	Approved Development	Proposed	Change (% Change)
Site Area (m <sup>2</sup> )	43,976	43,976	No Change
Warehousing (m <sup>2</sup> )	22,375	23,260	+885 (+3.8%)
Office (m <sup>2</sup> )	1,080	805	-275 (-34%)
Warehouse Showroom (m <sup>2</sup> )	0	1,990	+1,990 (+100 %)
Total Building Area (m <sup>2</sup> )	23,455	26,055	+2,600 (+9.97%)
Awning Areas (m <sup>2</sup> )	844	1200	+356 (+29.6%)
Site Cover incl. awning (%)	55	62	+7
Floor Space Ratio (%)	53	62	+9
Car Spaces Required (No.)	117	159	+42
Car Spaces Proposed (No.)	130	133	+3

No retail sales will be made from the site. The purpose of the showroom is to enable trades people to view products on-site.



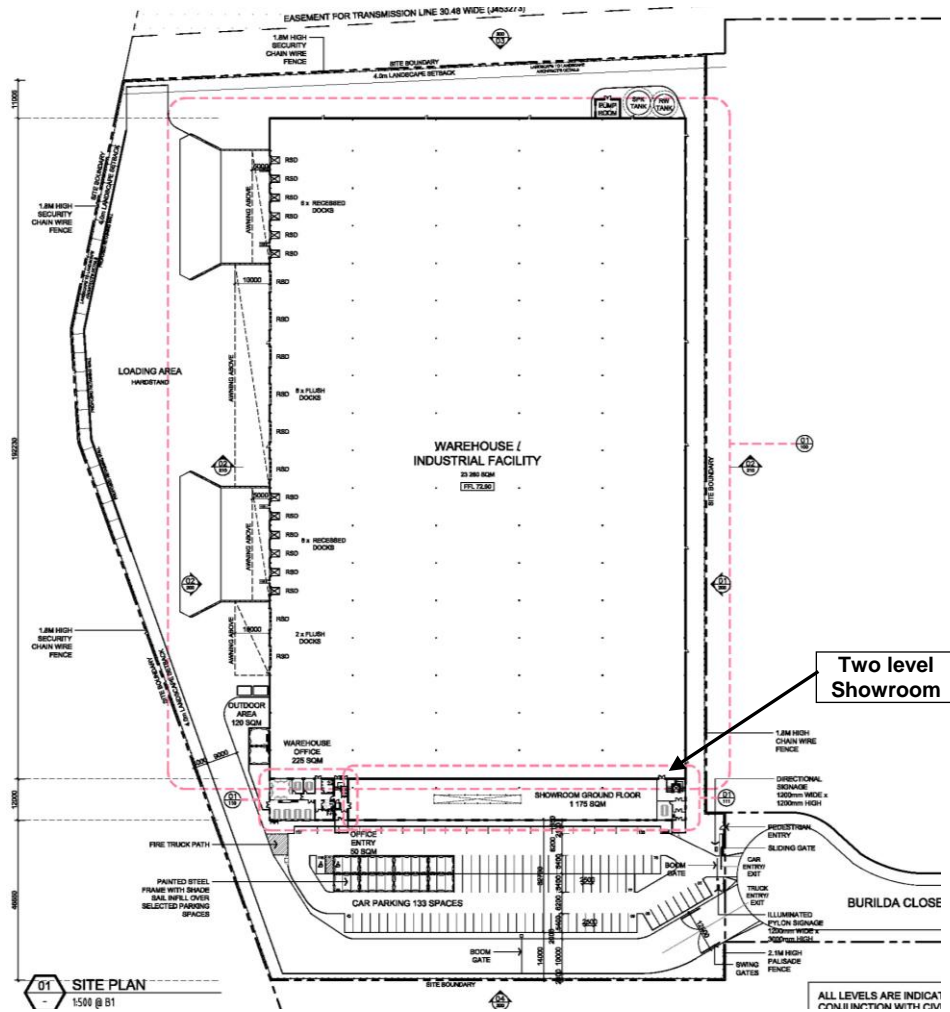


Figure 5: Proposed Warehouse Footprint

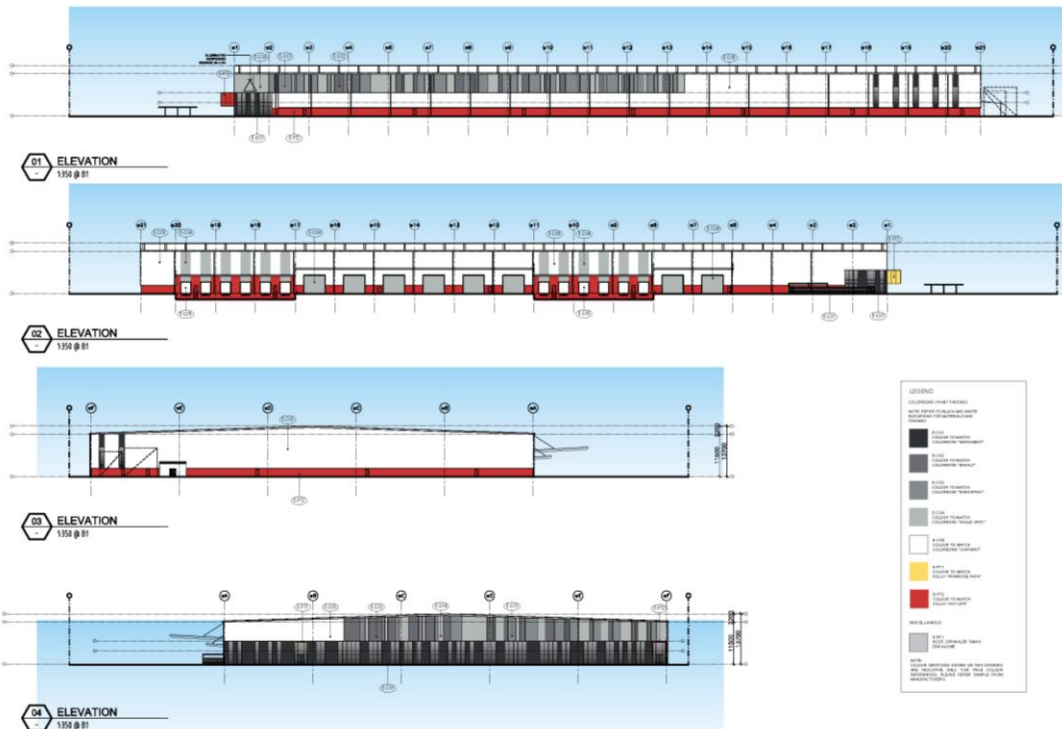
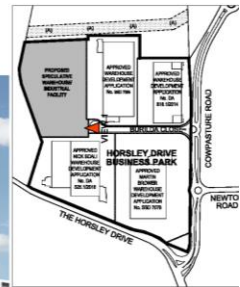


Figure 6: Proposed Warehouse Elevations



01 BURILDA CLOSE CUL DE SAC PERSPECTIVE

Figure 7: Perspective of Proposed Modifications from Burilda Close



KEY PLAN



01 SOUTHWEST PERSPECTIVE  
- MTC

Figure 8: Perspective of Proposed Modifications from the South West



KEY PLAN



01 NORTHWEST PERSPECTIVE

Figure 9: Perspective of Proposed Modifications from the North West



KEY PLAN



## 5. STATUTORY CONTEXT

### 5.1 Consent Authority

The Minister for Planning is the consent authority for the application. Under the Minister's delegation of 16 February 2015, the Director, Industry Assessments, may determine the application under delegation as:

- the relevant local council has not made an objection; and
- a political disclosure statement has not been made; and
- there are no public submissions in the nature of objections.

### 5.2 Section 96(1A)

The Department has reviewed the scope of the modification application and is satisfied that the proposed modification would result in minimal environmental impacts, and relates to substantially the same development as the original development consent on the basis that:

- the primary function and purpose of the approved development would not change as a result of the proposed modification;
- the modification is of a scale that warrants the use of section 96(1A) of the EP&A Act;
- the approved uses on-site would remain unchanged as a result of the proposed modification; and
- any potential environmental impacts would be minimal and appropriately managed through the existing or modified conditions of consent.

Therefore, the Department is satisfied the proposed modification is within the scope of section 96(1A) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers the application should be assessed and determined under section 96(1A) of the EP&A Act rather than requiring a new development application to be lodged.

## 6. CONSULTATION

Clause 117(3B) of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) specifies that the notification requirements of the EP&A Regulation does not apply to State significant development. Accordingly, the application was not notified or advertised, however, it was made publicly available on the Department's website on 23 May 2017, and was referred to Fairfield City Council, Roads and Maritime Services, Transport for New South Wales, Environment Protection Authority, WaterNSW, Office of Environment and Heritage and TransGrid.

During the notification period, a total of seven submissions were received from public authorities. No submissions from the public were received. Of the submissions received, none objected to the development.

**Fairfield City Council** (Council) did not object to the modification application and requested further details of estimated traffic generation, construction noise generated and to provide amended site plans showing the waste areas on site can be covered, bunded and allowed to drain to the sewer.

**Roads and Maritime Services** (RMS) did not object to the modification application and provided comments for consideration including that car parking should be provided in accordance with Council's DCP and all works/regulatory signposting associated with the proposed development are to be at no cost to the RMS.

**Environment Protection Authority** (EPA) did not object to the modification application and provided a comment that should future tenants of warehouse buildings intend to undertake activities that require a licence under Schedule 1 of the POEO Act then a licence application must be submitted to the EPA prior to undertaking those activities.

**WaterNSW** did not object to the modification application and provided comments that the land that sits higher than the Upper Canal corridor needs to be reshaped to restore pre-development flows from the corridor onto the site, and all stormwater needs to be accommodated in the construction of the remainder of the retaining wall. WaterNSW also advised the chain mesh fencing along the boundary of the Upper Canal must be maintained.

**Office of Environment and Heritage** did not object to the modification application and did not raise any issues or recommend any modified conditions of consent.

**TransGrid** did not object to the modification application and did not raise any issues or recommend any modified conditions of consent.

**Transport for NSW** did not object to the modification application and requested a Construction Traffic Management Plan (CTMP) be prepared in consultation with Council and the RMS.

No response was received from Endeavour Energy.

The Department requested the Applicant revise the site plans and provide the additional information as requested by Council.

On 19 June 2017, the Applicant provided a response on the modification application, which included a Response to Submissions (RTS) containing an addendum to the Traffic Impact Statement (TIA) and an updated landscape plan. Upon further review of the proposal, the Department required further clarification.

On 28 June 2017, the Applicant provided additional information including revised photomontages, signage details and ancillary use of the showroom. The planning report, architectural drawings and traffic report and addendum letter were updated to accurately reflect the correct building footprint and height.

## 7. ASSESSMENT

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

- the SEE and RTS provided to support the proposed modification (see **Appendix B**);
- the assessment report for the original development application;
- submissions from the State government authorities and Council (**Appendix C**);
- relevant environmental planning instruments, policies and guidelines; and
- requirements of the EP&A Act, including the objects of the EP&A Act.

The Department's consideration of the issues is provided in **Table 2**.

**Table 2: Assessment of Other Issues**

Issue	Assessment	Recommendation
<i>State Environmental Planning Policy (Western Sydney Parklands) 2009</i>	<ul style="list-style-type: none"> <li>• The WSP SEPP includes key development standards for the site relating to flood planning, heritage conservation, essential services, earthworks and infrastructure.</li> <li>• The Applicant provided an assessment of the proposed modifications against the matters for consideration under Clause 12 of the WSP SEPP within the SEE.</li> <li>• The assessment concluded the proposed modifications to the development are consistent with those originally assessed under SSD 7917.</li> <li>• The Department notes while the building envelope has increased under the modification application, the proposal maintains the landscape treatments approved under SSD 7917, including the 4 m landscape setback to the Upper Canal.</li> <li>• On this basis, the Department agrees with the Applicant's consideration of the matters under Clause 12 of the WSP SEPP.</li> <li>• The Department's assessment concludes the proposed amendments are acceptable and the development would continue to comply with the WSP SEPP development standards.</li> </ul>	<ul style="list-style-type: none"> <li>• Manage through existing conditions of consent.</li> </ul>
<i>Ancillary Showroom</i>	<ul style="list-style-type: none"> <li>• The modification seeks to add a two-storey ancillary showroom attached to the warehouse and office space to display furniture products handled by the future tenant.</li> <li>• The Department is satisfied the showroom is ancillary to the primary use of the development, being for warehousing and distribution.</li> <li>• However, to ensure the site is operated in accordance with its approved use, the Department has recommended a new condition (Condition B6A) stating that no retail sales are to be made from the development.</li> </ul>	<ul style="list-style-type: none"> <li>• Limit retail sales from occurring on-site.</li> </ul>

Issue	Assessment	Recommendation
<p><i>Design Excellence</i></p>	<ul style="list-style-type: none"> <li>• The modification includes alterations to the warehouse, office and showroom façade treatments as a result of the revised functional layout (see <b>Figure 5</b> and <b>Figure 6</b>).</li> <li>• The warehouse ceiling is proposed to increase in height by 1.5 m to 11.5 m. This will result in a corresponding increase in the ridgeline height of the warehouse from 12.2 m to 13.7 m.</li> <li>• The modification also aligns the eastern wall boundary of the warehouse, equating to a net GFA increase of 2,600 m<sup>2</sup>.</li> <li>• The Department considers the proposed amendments are minor in nature and concludes it would not reduce the architectural quality of the proposed consolidated warehouse building or compromise the objective of design excellence.</li> <li>• The Department accepts the Applicant's argument for the increase in height of the warehouse, noting that it would accommodate the operational needs of the future tenant.</li> <li>• The Department's considers that the increase in GFA contributes to an intensified eastern and western façade built form. However, the Department is satisfied the existing setbacks within the site and landscape treatments to the Upper Canal provide sufficient measures to screen the development from the Upper Canal.</li> <li>• The Department concludes the net GFA increase is minor and of negligible impact to that of the approved warehouse.</li> <li>• The Department concludes the proposed modification would ensure the development maintains a high standard of design and continues to achieve design excellence.</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>
<p><i>Traffic and Car Parking</i></p>	<ul style="list-style-type: none"> <li>• The proposed modifications, including the increase in GFA and addition of an ancillary show room, have the potential to alter the anticipated traffic volumes generated during operation.</li> <li>• The modification included a Traffic Impact Assessment (TIA) assessing the impacts of the proposed changes.</li> <li>• The TIA concluded the amended development would generate 142 vehicle trips per hour (vph) during the morning and afternoon peak hour. This is one vph more than the traffic volume predicted for Lot 3 under the SSD 5169 as modified and therefore generally consistent.</li> <li>• Furthermore, as the HDBP is nearing completion, the TIA concluded the overall HDBP would generate 604 vph during the peak, 80 vph less than the overall HDBP traffic volumes predicted under SSD 5169 MOD 2.</li> <li>• Fairfield City Council requested the Applicant's traffic engineer clarify the estimated daily traffic generation of 1085 trips. Based on the peak hour traffic generation of 140 trips, Council has determined the daily traffic generation would be 1,400 trips.</li> <li>• In its RTS Applicant advised the traffic generation rates employed were based on the <i>RMS Guide to Traffic Generating Development</i> and its updates (RMS Guide).</li> <li>• The RMS Guide recommends the rates of: <ul style="list-style-type: none"> <li>– 4 vehicles an hour per 100 m<sup>2</sup> for general warehouse GFA; and</li> <li>– 4 vehicles an hour per 100 m<sup>2</sup> for office/commercial GFA.</li> </ul> </li> <li>• The application of these rates to the proposed development results in a daily traffic generation of 1,085 trips as detailed in Table 1 of the TIA.</li> <li>• Council did not raise any further issues following this clarification from the Applicant.</li> <li>• The Department's assessment concludes the projected vehicle trips is consistent with the traffic impacts already assessed and approved and would result in a minor increase in traffic volumes due to the addition of the warehouse showroom GFA in the development.</li> <li>• The TIA also concluded that site access, internal circulation and car parking arrangements have been developed with consideration of the requirements of Council's DCP and relevant Australian Standards.</li> <li>• Car parking provision has been revised to reflect the proposed warehouse, office and showroom layout. The proposed changes would decrease the number of car spaces from 159 car parks to 133</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>

Issue	Assessment	Recommendation
	<p>spaces, continuing to exceed the minimum of 130 spaces in accordance with Fairfield Council's DCP.</p> <ul style="list-style-type: none"> <li>• Council did not raise any issues for the changes to car parking.</li> <li>• The Department's assessment concludes the proposed modifications would have minimal impact on the local road network and would continue to provide adequate access to, from and within the site as well as provide sufficient on-site car parking.</li> </ul>	
<i>Signage</i>	<ul style="list-style-type: none"> <li>• The modification does not seek to modify the signage approved under SSD 7917.</li> <li>• Existing Condition B31 requires the Applicant to install signage in accordance with an elevation plan approved under the original SSD 7917 assessment.</li> <li>• While the Applicant advised it does not seek to amend the building façade signage, the proposed elevations would create an inconsistency with Condition B31 as the existing condition requires the Applicant to install signage in accordance with an elevation plan with signage which does not reflect the proposed warehouse elevations.</li> <li>• Furthermore, the Applicant has not provided an assessment of the signage under <i>State Environmental Planning Policy No. 64 - Advertising and Signage</i>.</li> <li>• Therefore, Condition B31 needs to be revised to remove reference to the now obsolete elevation plan.</li> <li>• The Department has recommended a revision to Condition B31, removing reference to the elevation plan approved under SSD 7917, to require the Applicant to submit details of any signage to the satisfaction of the Secretary, prior to its installation.</li> </ul>	<ul style="list-style-type: none"> <li>• Revise conditions to require signage details be submitted to the satisfaction of the Secretary prior to installation.</li> </ul>
<i>Landscaping</i>	<ul style="list-style-type: none"> <li>• The revised site layout would alter the internal site landscaping and potentially impact the ability of perimeter landscape plantings to screen the development and mitigate visual and heritage impacts as assessed under both SSD 5196 and SSD 7917.</li> <li>• Existing Condition B33 requires the Applicant to prepare and submit a Landscape and Vegetation Management plan in consultation with the Heritage Council and to the satisfaction of the Secretary, prior to the commencement of operation.</li> <li>• Council noted updated landscape plans had not been provided in the application.</li> <li>• The Applicant provided landscape plans in its response, however, these plans continue to show the previously approved warehouse.</li> <li>• However, the Department has reviewed the revised plans and notes the 4 m landscape setback is maintained under the modification application.</li> <li>• The proposed plantings rely on existing mature trees located on the banks of the Upper Canal, and propose a mix of plants with a smaller mature height (0.3 to 5 m). Gaps in existing mature plants consist of trees and shrubs with mature heights between 0.3 and 22 m.</li> <li>• The Department's assessment concludes the perimeter landscape treatments are generally consistent with those approved under SSD 7917.</li> <li>• However, as the plans show the wrong building footprint the Department has not incorporated these plans into the development consent and has recommended new Condition C8 requiring the Applicant to submit updated strategies, plans and programs to reflect the changes under the modification application.</li> </ul>	<ul style="list-style-type: none"> <li>• Require the Applicant to submit revised landscape plans showing the layout proposed under SSD 7917 MOD 1 under new Condition C8.</li> </ul>
<i>Other Impacts</i>	<ul style="list-style-type: none"> <li>• The proposed modification does not involve any changes to the construction, noise or environmental management elements of the development, which are addressed by existing conditions of consent or via administrative amendments to the documents relating to the development.</li> <li>• Since the approval of SSD 7917, the site has been subdivided and is now legally described as Lot 3 DP 1213567. The Department has recommended an amendment to the development consent to incorporate the current legal description of the site.</li> </ul>	<ul style="list-style-type: none"> <li>• Amend the development consent to incorporate updated plans and documents; and</li> <li>• incorporate updated legal description.</li> </ul>

## 8. CONCLUSION

The Department has assessed the proposed modification in accordance with the relevant requirements of the EP&A Act. The Department considers the proposed modification is appropriate on the basis that:

- the proposed modification will result in minimal environmental impacts beyond the approved facility;
- is generally consistent with the development approved under SSD 7917;
- the proposed amendments will ensure the development remains consistent with the WSP SEPP and approved plans and subdivision layout under SSD 5169; and
- the increase in building bulk and scale would facilitate end user requirements for an identified future tenant in the estate and would not result in any adverse amenity impacts on surrounding or nearby residential receivers.

On this basis, the Department is satisfied the modification should be approved, subject to conditions.

## 9. RECOMMENDATION

It is recommended that the Director, Industry Assessments:

- **consider** the findings and recommendations of this report;
- **approve** the modification application under section 96(1A) of the EP&A Act; and
- **sign** the attached instrument of modification (**Appendix A**).

Max Chipchase  
Student Planner  
Industry Assessments

ENDORSED:



Joanna Bakopanos  
Team Leader  
Industry Assessments

## APPENDIX A – NOTICE OF MODIFICATION

See link: [http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8477](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8477)

## **APPENDIX B – STATEMENT OF ENVIRONMENTAL EFFECTS**

See link: [http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8477](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8477)

## **APPENDIX C – SUBMISSIONS**

See link: [http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8477](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8477)