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NSW Department of Planning & Environment  
23-33 Bridge Street  
Sydney, NSW 2001

**Attention: Robert Byrne**

**Section 96(1A) Modification Application (MOD 2) to State Significant Development 5169  
Horsley Drive Business Park – Subdivision and Infrastructure Works  
Corner of The Horsley Drive and Cowpasture Road, Wetherill Park**

Dear Robert,

Further to the correspondence provided, please find below a response to the issues raised from NSW Planning & Environment and Fairfield City Council in relation to MOD 2 to SSD 5169.

**A. NSW Department of Planning & Environment**

**1) Confirmation regarding the number of stages the development is proposed to be carried out over**

Comment: It is now proposed to delete reference to staging of the Estate on the Drawing MP-WSPT-FS-011. A revised Estate Masterplan is annexed to this submission (**Appendix 1**) which details such. The staging is still required for the Subdivision of the land as described below.

In addition to the above, it is proposed to include the following new documentation also for assessment by NSW DP&E:

▪ *Civil drawings*

Revised civil drawings prepared by Costin Roe Consulting have been prepared that take into account the amended design of the retaining walls. As noted on the plans, the design changes in this respect include:

- Introduction of boulder walls in lieu of Keystone on the Horsley Drive frontage.
- Replacement of the sandstone at the corner of The Horsley Drive and Cowpasture Road with gabions.
- Undulating curves on the keystone wall on Cowpasture Road.
- No stepping up of the formerly sandstone and keystone on Cowpasture Road.

Attached are the following Drawings by Costin Roe Consulting at **Appendix 2:**

- Co11492.05-DA42 Rev C dated 9 February 2015
- Co11492.05-DA65 Rev D dated 9 February 2015
- Co11492.05-DA67 Rev C dated 9 February 2015
- Co11492.05-DA68 Rev C dated 9 February 2015

- *Landscape plans*

The new landscape plans prepared by habitation incorporate the changes to the retaining wall and illustrate the visual perspective from the Corner of The Horsley Drive and Cowpasture Road.

Attached are Drawings by Habitation at **Appendix 3**:

- L01 Landscape Concept Masterplan and Precedent Imagery
- L02 Landscape Sections
- L03 Planting Schedule

- *Draft subdivision plans*

Draft subdivision plans have been prepared which indicate the staging process of subdivision for the site. As noted previously within the Planning Report, subdivision is proposed to over four stages.

Attached are Drawings by Boxal Surveyors at **Appendix 4**:

- 10067-006-STG1-(A) dated February 2015
- 10067-007-STG2-(A) dated February 2015
- 10067-008-STG3-(A) dated February 2015
- 10067-009-STG4-(A) dated February 2015

- *Perspective*

A revised visual perspective has been prepared that addresses the corner of The Horsley Drive and Cowpasture Road. This image provides an accurate visual representation of the estate following completion of the earthworks and built form.

Attached are Drawings by Australand Property Group at **Appendix 5**:

- MP-WSPT-SUB-0115-B dated 4 February 2015

## **B. Fairfield City Council**

The following responses are provided to the correspondence from Council dated 2 March 2015.

### 1) Requested amendments to previous conditions of approval

#### *Schedule 1 Development*

*The applicant proposes to modify the approved description of the development from a 12 lot subdivision to that of a 6 lot residual subdivision.*

*There is no clarification or justification provided in regard to the above change in description, particularly in relation to what is intended by changing the description and any potential implications for current and future subdivision of the site.*

*In this regard, Council requires further clarification on this issue and applicants intentions for the proposed subdivision of the site.*

**Comment:** The Modification Application seeks to amend the wording of the development description to include reference to "residue lots". This is for the purpose of the utility authority when constructing the required services. It also will allow for further subdivision of the lots should that be required. Overall, this will provide greater flexibility for Australand when developing the estate as no tenants are confirmed and there may be further changes to the layout required. There is no legal impediment which prevents this wording from existing within the modified approval.

*Condition D1 – Subdivision and Infrastructure Works – Works-as-Executed*

*The requested modifications to allow submission of details of Works-As-Executed prior to road dedication are not acceptable to Council.*

*At every stage a Works-As-Executed Plan should be provided, Councils preferred wording is as follows:*

*Following completion of the works the applicant shall provide a detailed "works as executed" drawing signed by a registered surveyor showing the relevant finished surface levels of access, roads, inter-allotment drainage and any lot filling, carried out under this consent.*

*Council will not accept works as executed plans with colours highlighter markings on the plans. All dimensions are to be handwritten in blue or red pen only.*

**Comment:** The applicant accepts the proposed wording recommended by Council in respect of Condition D1. Condition D1A as proposed within the Planning Report prepared by McKenzie Group dated February 2015 makes provision for the staged subdivision approach.

In addition to the above, it is proposed to incorporate new wording for condition D1A as shown in bold and red below:

*D1A. Approval is granted under this consent (SSD 5169 – MOD 1) to carry out subdivision **and the works** within the estate as a two phase process for each stage of the development:*

*Phase 1 – Create residue lots and a lot for the road providing easements for services and right of carriageway (over 3 sub-stages).*

*Phase 2 – Extinguishment the easement for services, right, of carriageway and dedication of the road as "public road" to Fairfield City Council, **following the works construction.***

For the purpose of issuing a subdivision certificate as a staged approach, the above wording is required.

#### *Condition D10 - Section 94A Development Contributions*

*The applicant requests that the timing for payment of s.94A contributions (amounting to \$135,302) be changed from prior to issuing of a subdivision certificate to road dedication.*

*Council does not agree to this modification based on the following:*

- *The requested modification is inconsistent with the requirements of Council's s.94A Indirect Development Contributions Plan and practices Council has consistently followed in relation to payment of s.94A contributions for development of this nature.*
- *The principle intention of the proposal is to facilitate subdivision of the site for development with the future dedication of the access road being an ancillary component. In this regard, the context of the condition requiring payment of contributions prior to issuing of the subdivision certificate is consistent with the primary scope and nature of the development proposal.*
- *There is too much uncertainty regarding the timing of the future road dedication which may be many years hence from when subdivision of a site is completed. This generates a high degree of uncertainty regarding the timing for payment of s.94A contributions and is not acceptable to Council.*

**Comment:** The applicant accepts the Council's condition in terms of timing of payment of the Section 94A Contributions, subject to the payment on a pro-rata basis. The table below indicates the proposed payment according to subdivision of the estate allotments.

| Subdivision Stage | Proposed Residual Lots | Area Split per Stage (Ha) | % Split per Stage | Section 94 Payment per Stage |
|-------------------|------------------------|---------------------------|-------------------|------------------------------|
| 1                 | 1                      | 2.583                     | 13%               | <b>\$ 17,100.61</b>          |
| 2                 | 31 & 32                | 6.113                     | 30%               | <b>\$ 40,470.77</b>          |
| 3                 | 331, 332 & 333         | 11.741                    | 57%               | <b>\$ 77,730.62</b>          |
| Total             |                        | 20.437                    | 100%              | <b><u>\$ 135,302.00</u></b>  |

It is considered that NSW DP&E could implement this table within the modified approval to ensure that monetary contributions are captured at the relevant stage of development.

## 2) Town Planning & Building Code of Australia Issues

*Plans submitted with the proposal show the layout and configuration of future warehouse/logistic buildings on the site. It is noted that the modifications to the proposal enhances the scope for improving building presentation and landscaping treatment to surrounding roads (Particularly The Horsley Drive).*

*However, it is noted that the original determination for the project did not approve any concept building envelopes. Therefore the proposed Concept Plan showing the proposed building locations is not formally endorsed by Council as there is insufficient information to provide comments relating to building design, boundary setbacks and potential impacts of the BCA issues including disables access and other relevant planning controls and considerations.*

*The building concept plan should only be for advice and not form part of the approval as it needs to be subject the subject of separate application for each proposed building to fully consider Council including consideration of related BCA matters.*

*As long as the building envelopes are not approved then there are no conditions relating to BCA as these would be dealt with as part of each separate DA for the buildings on the site at a later date.*

*Council maintains its original advice to the Department and Applicant that in light of the location and context of the site (at the gateway to Wetherill park and potential visual impacts of the development) the facades of future industrial buildings on the site to provide high quality urban design, particularly to The Horsley Drive and Cowpasture Road. Blank and unarticulated facades are not acceptable.*

**Comment:** The comments made by Council in respect of planning and BCA issues are noted and agreed. Under the subject Modification Application, it is not proposed to carry out any built form works related to the warehouses. The building footprints have been shown on the Masterplan for information purposes only and will be subject to separate approval.

## 3) Traffic and Vehicular Access

- *The impact on the road network from traffic generated from Warehouse Stage 5A, Office Stage 5A, Warehouse Stage 5B, Office Stage 5B, Warehouse Stage 6A and office Stage 6A has not been taken into account. This needs to be clarified.*

**Comment:** A revised Traffic Impact Assessment has been prepared by Road Delay Solutions that addresses all warehouses in Table 1 on page 7 of the Report (refer **Appendix 6**).

- *In assessing the impact on the proposed round-about located on Cowpasture Road between Newton Street and Victoria Street, the existing traffic using the road network has not been taken into account. A revised modelling undertaken utilising SIDRA program has to be submitted taking into account the existing traffic using the road network.*

**Comment:** Figure 3 within the Report prepared by Road Delay Solutions demonstrates that the existing traffic conditions have been considered in the SIDRA models provided earlier. An additional sentence has been added to page 8 of the report to confirm this.

- *Design of the proposed round-about shall comply with Austroads Guide to Road Design Part 4B, Austroads Guide to Road Design Part 4 and Austroads Guide to Traffic Management Part 6. The installation of the round-about requires approval under Section 138 of the Roads Act 1993. A dimensioned plan of the round-about shall be submitted to Council and the plan will require approval from Fairfield Traffic Committee.*

**Comment:** The design of the round-about has previously been dealt with as part of the Civil Design Drawings by Costin Roe Consulting. Refer to Drawing SK01 at Appendix 6 of the main Planning Report prepared.

- *Actual driveway design will depend on the type of design vehicle. In this instance, it is proposed to use B-Double vehicles for servicing the development. Access driveway designs shall be checked using turning path templates for B-Double vehicles. Swept Path diagrams shall be submitted to the council for assessment.*

**Comment:** The driveway designs will be considered in detail as part of the individual built form Development Applications for each allotment. Consent is not sought for these works under the subject Modification Application.

- *Turning path templates for B-Double vehicles shall be used to justify circulation within the proposed round-about and entering/exiting from The Horsley Drive Business Park is satisfactory. Swept Path diagrams shall be submitted to the council for assessment.*

**Comment:** The turning path templates have been previously provided and are included as part of the Civil Drawings. Refer to SK02 at Appendix 6 of the Planning Report.

#### 4) Stormwater and drainage

- *Further clarification needs to be provided whether upstream catchments have been diverted, and what impact does this have on flooding, especially where there is a known flooding issue on the north eastern edge of the site where water is channelled under Cowpasture Road near the corner of Victoria Street.*

*This is an important issue as although the volume of flow from the undeveloped catchment has not changed, by channelling it there will be a shorter time to peak and this may exacerbate flooding, therefore still requiring On Site Detention.*

**Comment:** No upstream catchments have been diverted from their current ultimate point of conveyance, being the area identified by council adjacent to the culvert at Victoria Road/ Cowpasture Road. Although the upstream catchment from the western side of the Sydney Water channel is now being conveyed in a more formalised drainage channel, rather than the existing natural gully/ creek, there is no change in "concentrated" flows as a result of this. The reach lengths and roughness of the channel will also remain consistent with the existing scenario hence there will not be a substantial change in conveyance time of flows from the upstream catchments. There will be no exacerbation of existing flooding as a result of the development – this is discussed in detail in Section 5.5 of the Civil Engineering Report located in Appendix 6 of the main Planning Report.

- The two following statements contained in the Civil Engineering Report are considered contradictory and require further clarification:
  - i. *'...however the revised Masterplan Layout allows for the upstream catchments...to be diverted around the northern on-site detention/bio-retention basin (Basin 2). Overall storage volumes and bio-retention filtration areas are able to be reduced substantially as a result of this adjustment'.*
  - ii. *'Overall catchments draining to Basins 1 and 2 from the development site remain consistent with documents approved under SSD 5169'*

**Comment:** The wording on Page 3 should read "Site catchments draining to Basins 1 and 2 from the development site remain consistent with documents approved under SSD5169". The external catchment previously draining through Basin 2 is now diverted around the basin and is considered separate to the above developed site catchment. It should be noted that the OSD volumes remain generally consistent with the previous design approvals however the bio-retention media is able to be reduced.

Based on the above and attached documents, we trust that the Department of Planning & Environment are now in a position to finalise the Modification Application.

Should you require further information, please contact the undersigned.

Yours Faithfully,



Andrew Cowan  
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## **Appendix 1**

### Estate Masterplan

## **Appendix 2**

### Civil Drawings



## **Appendix 3**

### Landscape Plans

## **Appendix 4**

### Draft Subdivision Plans

## **Appendix 5**

### Estate Perspective

## **Appendix 6**

### Traffic Report