



Mr Paul Solomon  
Australand Industrial Constructions  
PO Box 3307  
RHODES NSW 2138

Our ref: SSD 5169 MOD2, 12/03480

Dear Mr Solomon

**Horsley Drive Business Park Subdivision and Infrastructure Works (SSD 5169) – MOD2  
Response to Submissions**

The Department has undertaken a preliminary assessment of your proposal and has identified a number of issues which require clarification and/or amendment. The Department considers the issues raised by its preliminary assessment and the submissions provided by Fairfield City Council (see attached) should be addressed in a Response to Submissions (RTS). In particular, the Department requests the following be included in your RTS:

**1. Visual Impact Analysis - Streetscape Presentation to The Horsley Drive and Cowpasture Road**

There is concern that the proposed changes to the heights and locations of retaining walls on the site will adversely affect the visual amenity of the site and surrounding locality. The Horsley Drive and the Cowpasture Road frontages of the site are highly visible. The Horsley Drive is the principal western 'Gateway' entrance into Wetherill Park and this frontage also has a strong visual relationship with the parkland area to the south. The gateway and parkland character of the site necessitates a good streetscape presentation in order to complement this character.

The perspective included at Appendix 2 to the modification request of February 2015, and Appendix 5 to the letter dated 5 March 2015, is not indicative of a good streetscape outcome. The height and scale of the proposed retaining walls appear to be overwhelming. While it is assumed that this perspective depicts The Horsley Drive frontage of the site, this is unclear as no indication is provided as to where this perspective is taken from. In the order to address this issue it is requested that you provide:

- a master plan to indicate the viewing point;
- additional perspectives from defined viewing points to demonstrate that the proposed retaining walls and landscaping will result in an acceptable streetscape outcome; and
- a visual impact analysis of the proposed modification.

The landscape plans do not assist in satisfying the Department's streetscape concerns. No elevations to either The Horsley Drive or the Cowpasture Road have been provided. An additional section closer to the corner of The Horsley Drive and Cowpasture Road, where the retaining walls would appear to attain their maximum height, is requested in order to assist the Department's assessment of this issue.

Consideration should also be given to lowering the heights of the proposed retaining walls and bulk earthworks in the vicinity of the corner of The Horsley Drive or the Cowpasture Road in order to facilitate a good urban design outcome.

**2. Deletion of the Warehouse and Office Footprints/Envelopes from the Master Plan (MP WSPT FS-011)**

The development consent did not provide for the approval of any footprints or concept envelopes for the site. The inclusion of building footprints on the Master Plan as part of the proposed modification may result in a substantially different development to what was originally considered and approved. The inclusion of the footprints also pre-empts the assessment of the final built form for the site which should be the subject of individual development applications to the Council.

Accordingly, it is requested that you delete all reference to the warehouse and office envelopes on the proposed Master Plan.

**3. Clarification of the Number of Stages Proposed**

The development consent provides for three stages. The Staging Plan, which accompanied the modification request dated February 2015, refers to 2 stages. However, the Draft Staged Plan of Subdivision in Appendix 4 of the modification request specifies that four stages are proposed.

Please clarify the numbers of stages involved in the proposed modification, together with the intent of proposed Condition D1A.

**4. Section 96 of the *Environmental Planning and Assessment Act 1979***

The Department is concerned that the proposed modification would not have a minimal environmental impact as required under Section 96(1A). Please provide justification as to why the Department should assess the proposal as a Section 96 modification application.

**5. Responses to Other Issues Raised by the Council**

The Department notes the responses included in the letter dated 5 March 2015, in relation to the following issues raised by the Council:

- proposed amendment to conditions D1 and D10;
- traffic and vehicular access; and
- stormwater and drainage.

Please ensure that your responses to these issues are incorporated into the final RTS. Once received, the RTS will be re-notified to the Council. If you have any queries, please contact Robert Byrne on the above details.

Yours sincerely,



Kate MacDonald  
**A/Manager**  
**Industry Assessments**

09.04.15



In reply please quote: 12/02849

**Contact:** Andrew Mooney 9725 0214

2 April 2015

Kate McDonald  
Team Leader Industry Assessments  
NSW Department of Planning & Environment  
GPO Box 39  
SYDNEY NSW 2001

Attention: Senior Planner - Robert Byrne

Dear Sir/Madam

**HORSLEY DRIVE BUSINESS PARK – SSD 5169 MO1– REQUEST FOR MODIFICATION**

I refer to Council's previous letter dated the 2 March 2015 regarding the proposed modification to the State Significant Development approval for the Horsley Drive Business Park located at the corner of The Horsley Drive and Cowpasture Rd, Wetherill Park comprising;

Further to our recent discussions, Council wishes to provide further comments in regard to the height of the proposed new retaining walls along at the corner of The Horsley Drive and Cowpasture Road and extending further along the Cowpasture Road elevation of the site.

At this stage the issues Council wishes to raise are as follows;

- The applicant needs to provide further justification as to why the modified retaining walls along Cowpasture Road should be constructed to the proposed height, approximately 4.5metres above the approved height under the approved application.

This should also include justification for the amount of fill now proposed at the south eastern corner of the site. Council officers note that there would appear to be capacity to provide greater balance in the amount of fill along the eastern boundary of the site such that building pads and height of retaining walls could be lowered in the south eastern corner without comprising other site development and infrastructure (i.e. access and site drainage) issues.

In particular it is unclear to Council officers as to why the pads on the southern side of the proposed access road are significantly higher than the pads associated with Stage 1 of the proposal on the northern side of the access road, leading to the excessive height in the pads along Cowpasture Rd resulting in unsatisfactory urban design outcomes in the development.

- The applicant needs to provide additional measures to reduce the bulk and scale of the proposed retaining walls. This includes addressing the need for additional soft landscaped areas, details of the location and depth of planting within the retaining walls.
- The finish of the retaining walls should have a more 'natural' appearance having regard to the setting of the site within the Western Sydney Parklands and gateway position to the Wetherill Park.
- The applicant needs to provide more detailed information including fully dimensioned plans and levels regarding the above.
- The applicant should substantiate as to why the proposed excessive height of the modified retaining walls is able to be dealt as a minor modification under s.96(1A) the EP&A Act

Council appreciates the opportunity to comment further on the proposal, please contact the undersigned on 9725 0214 if you have any further enquiries regarding the above.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Andrew Mooney', is written over a horizontal line.

Andrew Mooney

**ACTING MANAGER STRATEGIC PLANNING**



In reply please quote: 12/02849

**Contact:** Andrew Mooney 9725 0214

2 March 2015

Kate McDonald  
Team Leader Industry Assessments  
NSW Department of Planning & Environment  
GPO Box 39  
SYDNEY NSW 2001

Attention: Senior Planner - Robert Byrne

Dear Sir/Madam

**HORSLEY DRIVE BUSINESS PARK – SSD 5169 MO1– REQUEST FOR MODIFICATION**

I refer to your letter dated the 9 February 2015 regarding a proposed modification to the State Significant Development approval for the Horsley Drive Business Park located at the corner of The Horsley Drive and Cowpasture Rd, Wetherill Park comprising;

- Reducing the number of allotments from 12 to 6
- A new internal road off a proposed new roundabout on Cowpasture Rd
- Amending staging of the development
- Amending the location and height of the retaining walls; and
- Amending the stormwater management design

It also noted that documents associated with the proposal refer to '*amended building footprints*'. However the approved plans and original determination issued for the proposal did not incorporate any 'building footprints'. This issue is dealt with under point 2 (below) of this submission

Under its further assessment of the proposal, Fairfield City Council requests that the following issues and concerns be taken into account.

**1. Requested amendments to previous conditions of approval**

The application requests a range of modifications to the description and original conditions of approval for the proposal. Council's comments in relation to these modifications are as follows;

***Schedule 1 Development***

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

***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 is not acceptable to Council.

At every stage a Works-As-Executed Plan should be provided, Councils preferred modified wording for D1 is as follows.

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

*Council will not accept "work as executed" plans with coloured highlighter markings on the plans. All dimensions and levels are to be handwritten in blue or red pen only.*

***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 a too much uncertainty regarding the timing of the future road dedication which may be many years hence from when subdivision of the 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.

The applicant should be advised that under cl.18 Councils Indirect Section 94A) Development Contributions Plan there is scope to request a deferred payment of no longer than 12 months from the date at which s.94A contributions are due (i.e. issuing of the subdivision certificate).

## **2. Town Planning and 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 the 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 disabled access and other relevant planning controls/issues.

The building concept plan should only be for advice and not form part of the approval as it needs to be 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 the 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 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.

### **3. Traffic and Vehicular Access**

Councils Traffic and Transport section has reviewed the Traffic Statement and supporting material submitted with the proposal.

As a result further advice is required from the applicant in relation to the following points:-

- The impact on the road network from traffic generated by 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.
- In assessing the impact on the proposed roundabout 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.
- Design of the proposed roundabout shall comply with Austroads Guide to Road Design Part 4B, Austroads Guide to Road Design Part 4, Austroads Guide to Road Design Part 4A and Austroads Guide to Traffic Management Part 6. The installation of the roundabout requires approval under Section 138 of Roads Act 1993. A dimensioned plan of the roundabout shall be submitted to the Council and the plan will require approval from Fairfield Traffic Committee.
- 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.
- Turning path templates for B- Double vehicle shall be used to justify circulation within the proposed roundabout and entering/exiting from The Horsley Drive Business Park are satisfactory. These swept path diagrams shall be submitted to the council for assessment.

### **4. Stormwater and Drainage**

Issues raised by Council Catchment Management Branch are as follows;

- Further clarification needs to be provided on whether any 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 Rd near the corner of Victoria St.



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

- The two following two statements contained in the Civil Engineering Report are considered contradictory and require further clarification:

Under 'Design Adjustments – Stormwater Management'  
(page 3 – 1<sup>st</sup> paragraph)

*'..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'.*

and

(Page 3 - last dot point)

*'Overall catchments draining to Basins 1 and 2 from the development site remain consistent with documents approved under SSD5169'*

Council appreciates the opportunity to comment on the proposed modification and please contact the undersigned on 9725 0214 if you have any further enquiries regarding the above.

Yours faithfully



Andrew Mooney

**ACTING MANAGER STRATEGIC PLANNING**