

28 June 2017
WTJ17-87



ACN: 146 035 707 ABN: 54 146 035 707
Suite 7, Level 7, 100 Walker St,
North Sydney NSW 2060
P 02 9929 6974
enquiries@willowtreeplanning.com.au

NSW Department of Planning & Environment
23-33 Bridge Street
Sydney NSW 2000

Attention: Thomas Piovesan

Section 96(1A) Modification Application (SSD 7917) – MOD 1

Horsley Drive Business Park, Lot 3, Burilda Close, Wetherill Park (Lot 5 DP 1212087)

Dear Thomas,

This Modification Application is submitted to the NSW Department of Planning & Environment (NSW DP&E) on behalf of Frasers Industrial Constructions Pty Ltd and relates specifically to Lot 3 at Horsley Drive Business Park, Burilda Close, Wetherill Park.

Approval to State Significant Development (SSD 7917) was granted by the Minister for Planning on 4 May 2017 for the construction and use of a two staged warehouse/distribution and light industrial facility. Specifically, the proposed works included the following:

- Two (2) warehouse/light industrial facilities including a total of two (2) offices and loading docks;
- Warehouse 1 – 13,695sqm GFA and Office – 500sqm GFA;
- Warehouse 2 – 8,680 sqm GFA and Office – 500sqm GFA; and
- 159 car parking spaces.

The proposed modifications being sought are primarily design based in order to accommodate the future operational needs of the tenant and therefore are considered minor in nature to the approved facility on Lot 3.

This application represents the **first** modification to SSD 7917.

The amendments sought have been assessed against the original Secretary's Environmental Assessment Requirements throughout this report.

Attached to this submission are the following specialist reports and plans:

- **Appendix 1 – Architectural Plans**
- **Appendix 2 – Traffic Report & Operational Traffic Management Plan**
- **Appendix 3 – Acoustic Report**
- **Appendix 4 – Fire Engineers Report**
- **Appendix 5 – BCA Report**

Section 96 (1A) Modification Application - MOD 1 (SSD 7917)

Horsley Drive Business Park, Lot 3

Burilda Close, Wetherill Park (Lot 5 DP 1212087)

Should you require further information, please contact the undersigned.

Yours Faithfully,



Andrew Cowan
Associate Director
Willowtree Planning Pty Ltd

Section 96 (1A) Modification Application - MOD 1 (SSD 7917)

Horsley Drive Business Park, Lot 3

Burilda Close, Wetherill Park (Lot 5 DP 1212087)

1. HORSLEY DRIVE BUSINESS PARK - BACKGROUND

Consent was granted to the subject application, **State Significant Development No. SSD 7917** on the 4 May 2017 for the construction and use of a two staged warehouse/distribution and light industrial facility.

The proposed development particulars are outlined as follows:

Table 1: Approved Development Particulars	
Site	<p>Lot 3 has been designed over two (2) stages and comprises of the following areas:</p> <ul style="list-style-type: none">▪ Tenancy 1 – 13,695sqm▪ Tenancy 2 – 8,860sqm <p>The approval accommodates 2 tenancies and are staged as follows:</p> <ul style="list-style-type: none">▪ Stage 1 – whole warehouse/Light Industrial facility + office 1; and▪ Stage 2 – office 2, additional car parking and dividing wall.
Warehouse	<p>The approved development includes two (2) Warehouses/Light Industrial facilities including a total of two (2) offices, loading docks and car parking. The approved areas are as follows:</p> <ul style="list-style-type: none">▪ Warehouse 1 – 13,695sqm GFA; Office – 500sqm GFA; Ground Floor Entry – 40sqm;▪ Warehouse 2 – 8,680sqm GFA; Office – 500sqm; Ground Floor Entry – 40sqm;▪ Total Building Area = 23,455sqm.
Car Parking	<ul style="list-style-type: none">▪ Total = 159 spaces
Access and Servicing	Access and servicing arrangements are provided in accordance with the relevant Australian Standards.
Primary Land Use	Warehousing/Distribution and Industry.
Bulk Earthworks	Bulk earthworks previously approved under SSD 5169 (see details below) and accordingly no earthworks were subject to this SSDA 7917.
Subdivision	N/A
Infrastructure and Services	Existing infrastructure and services provided under previous approval, SSD 5169.
Operational Jobs	100
Construction Jobs	300

Section 96 (1A) Modification Application - MOD 1 (SSD 7917)

Horsley Drive Business Park, Lot 3

Burilda Close, Wetherill Park (Lot 5 DP 1212087)

In addition to SSDA 7917, it is worth noting the subdivision and infrastructure works for Horsley Drive Business Park was approved under **State Significant Development No. SSD 5169** on 8 January 2013. Specifically, the works included the following:

- 5 Lot subdivision and access road under leasehold arrangement;
- Demolition of two existing dwellings, ancillary structure and existing trees across the site;
- Remediation of part of the site which was associated with former fuel storage;
- Bulk and detailed earthworks to create building pads;
- Estate infrastructure including central access road, connection with essential utilities and provision of OSD basins and associated stormwater infrastructure; and
- Estate landscaping treatments, comprising predominately native vegetation.

Modification 1 to SSD 5169 was lodged in 7 August 2014 to modify the approved Estate layout, however it was subsequently withdrawn on 23 February 2015.

Modification 2 to SSD 5169 was granted on 6 August 2015 for the following:

- Reduce the number of allotments from 12 to 6;
- Provision of a new round-about on Cowpasture Road;
- Amend retaining wall heights comprising a tiered design;
- Re-shape detention basin to improve stormwater management outcomes; and
- Registration of subdivision and titles over 4 stages.

Modification 3 to SSD 5169 was granted on 16 September 2015 to consolidate proposed lots 5 and 6 into 1 lot within Horsley Drive Business Park. The modification was required to facilitate the construction of the Martin Bower Warehouse/Distribution and Industrial Facility as proposed under SSD 7078.

As such, SSD 5196 did not grant consent for any building footprint or construction of any warehouse facilities.

Review of the approval granted under SSD 7917 and SSD 5196 indicates there is nothing which prevents the proposed modifications identified in this application.

Section 96 (1A) Modification Application - MOD 1 (SSD 7917)

Horsley Drive Business Park, Lot 3

Burilda Close, Wetherill Park (Lot 5 DP 1212087)

2. PROPOSED MODIFICATIONS

The proposal seeks modifications to SSDA 7917 and reflect post approval design changes to maximise the functional layout of the building for one future tenant. In summary, the modifications comprise of the following:

- Amalgamate the two (2) approved tenancies into one (1) warehouse/distribution facility.
- Align the warehouse office, showroom and office including a minor increase in height from 10m to 11.5m.
- Increase the Gross Floor Area (GFA) of the warehouse by +2,600m².
- Relocate office and office entry to the west end of the building.
- Relocate undercover parking spaces to the west end of the car park.
- Addition of a meeting room and secure lobby to the showroom entry on the ground floor.
- Addition of a void at the first floor to allow occupants to look down to the ground floor below.
- Relocation of outdoor area.
- New direct access from main office to showroom and warehouse office.
- Glazing from main office into warehouse from the open work areas, meeting rooms and circulation stair.

The operations of Lot 3 will remain in accordance with the approved land use being for a, *Warehouse and Distribution Centre*.

Table 2 below demonstrates the proposed modifications against SSD 7917. As evident, the modifications are minor and do not alter the aims or objectives of SSD 7917.

Table 2: Schedule of Proposed Changes		
Project Element	Approved	Proposed under Section 96
Warehouse	<ul style="list-style-type: none">- Warehouse 1 – 13,695sqm GFA; Office – 500sqm GFA; Ground Floor Entry – 40sqm;- Warehouse 2 – 8,680sqm GFA; Office – 500sqm; Ground Floor Entry – 40sqm; <p>Total Building Area = 23,455sqm.</p>	<ul style="list-style-type: none">- Warehouse – 23,260sqm GFA; Showroom (2 Storey) – 1,990sqm; Office – 530sqm GFA; Office Entry – 50sqm; Warehouse Office – 225sqm. <p>Total Building Area = 26,055sqm.</p>
Site Area	43,976sqm	43,976sqm
Car Parking	159 spaces	133 spaces

Section 96 (1A) Modification Application - MOD 1 (SSD 7917)

Horsley Drive Business Park, Lot 3

Burilda Close, Wetherill Park (Lot 5 DP 1212087)

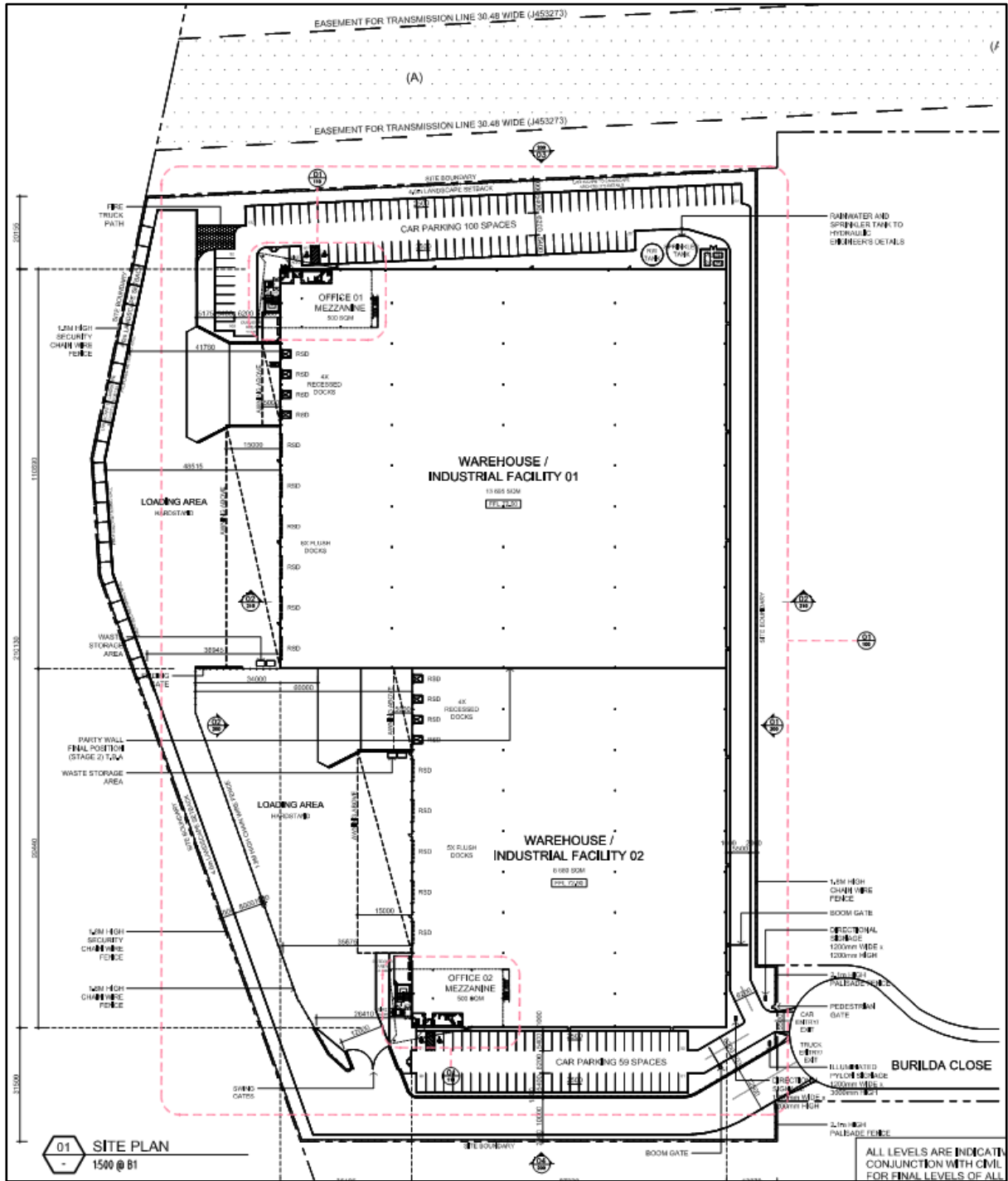


Figure 1: Approved Layout

Section 96 (1A) Modification Application - MOD 1 (SSD 7917)

Horsley Drive Business Park, Lot 3

Burilda Close, Wetherill Park (Lot 5 DP 1212087)

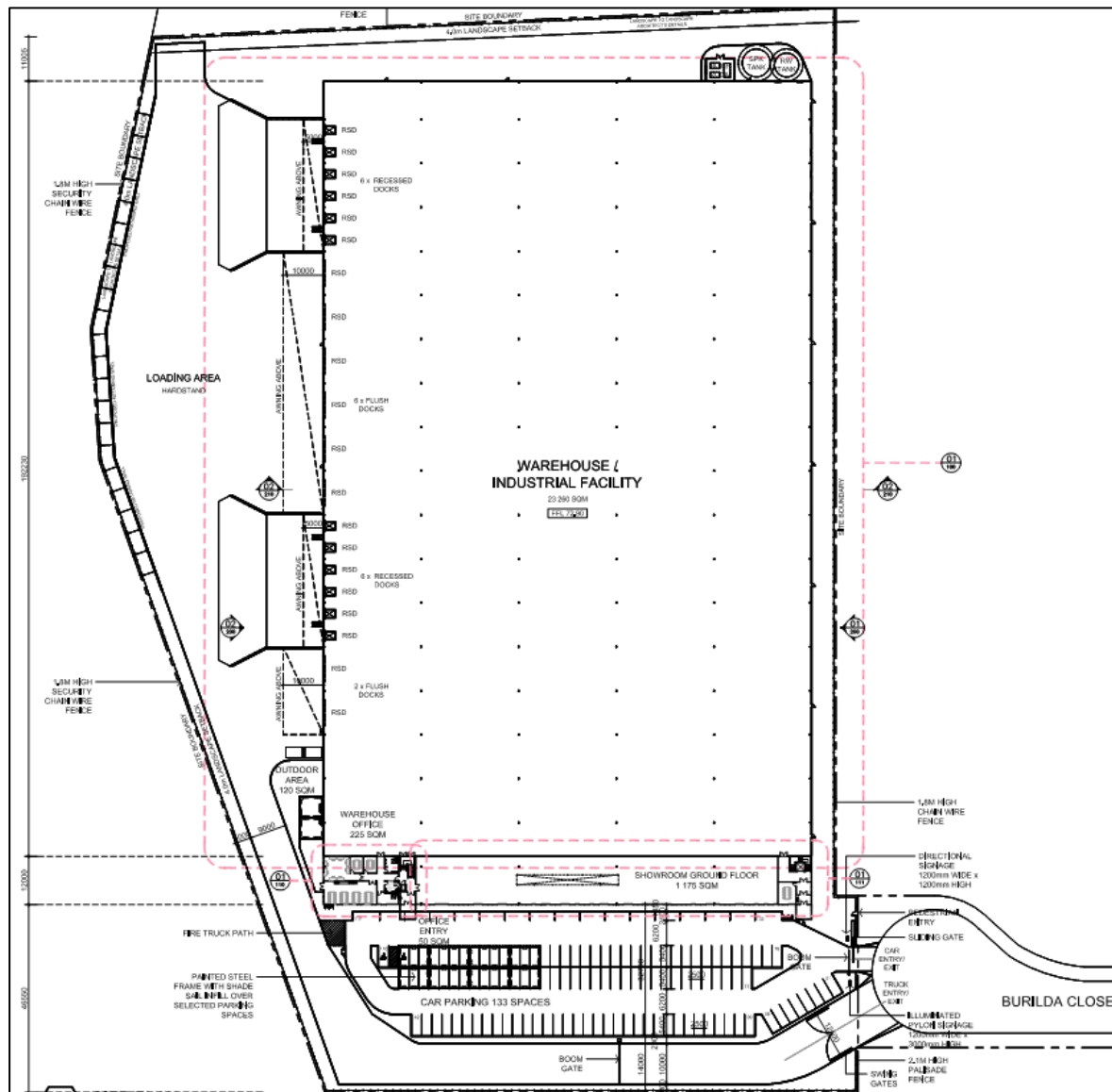


Figure 2: Proposed Site Plan

Section 96 (1A) Modification Application - MOD 1 (SSD 7917)

Horsley Drive Business Park, Lot 3

Burilda Close, Wetherill Park (Lot 5 DP 1212087)

To address the proposed modifications of the approved development, the following conditions are proposed to be amended. The proposed amendment to the consent conditions is emphasised in bold with the previous working struck out.

Schedule 1

Development:

Construction and operation of a warehouse and distribution and light industrial facility over two stages operating 24 hours a day, seven days a week, comprising the following:

- ~~Two~~ **One** attached building;
- Associated hardstand, car parking and loading docks; and
- Ancillary office, ~~and amenities~~ **and showroom**.

Schedule 2

Part A: Administrative Controls

Terms of Consent

A3. If there is any inconsistency between the documents referred to in Condition ~~B2~~ **A2** above, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this consent shall prevail to the extent of any inconsistency.

Part B: Environmental Performance and Management

Parking and Amenities

B5. The Applicant must provide:

- (a) A minimum of ~~117~~ **130** on-site car parking spaces (including 3 disabled spaces) for use during operation of the Development; and
- (b) Class 3 bicycle rails, and amenity and change room facilities for cyclists in accordance with AS 2890.3:1993 – Bicycle Parking Facilities and RMS' NSW Bicycle Guidelines.

Appendix 1 - Schedule of Approved Drawings

The following documentation is to form part of SSDA 7917.

Table 3: Plans and Documentation				
Architectural				
Drawing No.	Description	Author	Revision No.	Date
VI-WSP-DA-000 VI-WSP-S96-000	Title Sheet	Frasers Property	A B	-
VI-WSP-DA-001 VI-WSP-S96-001	Location Plan	Frasers Property	A B	6 April 2017 26 June 2017
VI-WSP-DA-002 VI-WSP-S96-002	Site Analysis	Frasers Property	A B	6 April 2017 26 June 2017
VI-WSP-DA-003 VI-WSP-S96-003	Site Plan	Frasers Property	A B	6 April 2017 26 June 2017
VI-WSP-DA-004 VI-WSP-S96-004	Truck Turning Diagrams – Sheet 1	Frasers Property	A B	6 April 2017 26 June 2017
VI-WSP-DA-005 VI-WSP-S96-005	Truck Turning Diagrams – Sheet 2	Frasers Property	A B	6 April 2017 26 June 2017
VI-WSP-DA-100 VI-WSP-S96-100	Warehouse/Industrial Facility Plan	Frasers Property	A B	6 April 2017 26 June 2017
VI-WSP-DA-110 VI-WSP-S96-110	Warehouse Office & Main Office Plans	Frasers Property	A B	22 December 2016 26 June 2017

Section 96 (1A) Modification Application - MOD 1 (SSD 7917)

Horsley Drive Business Park, Lot 3

Burilda Close, Wetherill Park (Lot 5 DP 1212087)

VI-WSP-DA-111 VI-WSP-S96-111	Showroom Plans	Frasers Property	A B	5 October 2016 26 June 2017
VI-WSP-DA-200 VI-WSP-S96-200	Elevations	Frasers Property	A B	6 April 2017 26 June 2017
VI-WSP-DA-210 VI-WSP-S96-210	Sections	Frasers Property	A B	6 April 2017 26 June 2017
VI-WSP-DA-400 VI-WSP-S96-400	Lighting Plan	Frasers Property	A B	6 April 2017 26 June 2017
VI-WSP-DA-500 VI-WSP-S96-500	Coloured Elevations	Frasers Property	A B	6 April 2017 26 June 2017
VI-WSP-DA-600 VI-WSP-S96-600	Burilda Close Cul De Sac Perspective	Frasers Property	A B	6 April 2017 26 June 2017
VI-WSP-S96-610	Southwest Perspective	Frasers Property	B	26 June 2017
VI-WSP-S96-620	Northwest Perspective	Frasers Property	B	26 June 2017
VI-WSP-S96-630	Streetscape Context Sketches	Frasers Property	B	26 June 2017

Section 96 (1A) Modification Application - MOD 1 (SSD 7917)

Horsley Drive Business Park, Lot 3

Burilda Close, Wetherill Park (Lot 5 DP 1212087)

3. ENVIRONMENTAL ASSESSMENT

Secretary's Environmental Assessment Requirements were issued on 20 September 2016 for SSDA 7917 for the construction and operation of a Warehouse and Distribution Facility. The key Environmental Assessment requirements as they relate to the modified proposal are addressed below.

3.1 Soil and Water

No change to the Civil Design Plans prepared by Henry & Hymas are proposed.

The stormwater management strategy will remain consistent with that approved by SSDA 7917.

3.2 Traffic and Transport

An Addendum Traffic Impact Assessment Report and Operational Traffic Management Plan prepared by Ason Group (**Appendix 2**) has been undertaken to identify the traffic and parking implications of the modified design in the context of the existing approval.

The proposed modification requires a minimum provision of 133 spaces to service the proposed tenancy on Lot 3. In response, the modification proposes the provision of 133 spaces thereby complying with the relevant controls. The original approval under SSD granted a total 159 spaces for Lot 3. Under the subject modification, this is sought to be revised to 133.

The proposed modifications and RMS rates applicable to the proposal are summarised in **Table 4** below.

Table 4: Comparison of Approved & Proposed Development Scheme (Ason Group, 2017)			
	Current Approval	Proposed (S96)	Net Change
Total GFA	23,455m ²	26,055m ²	+2,600m ²
Warehouse GFA	22,375m ²	23,260m ²	+885m ²
Office GFA	1,080m ²	805m ²	-275m ²
Warehouse Showroom GFA	0m ²	1,990m ²	+1,990m ²
Car Parking Spaces	159 spaces	133 spaces	-26 spaces

Site access, internal circulation and car parking arrangements have been designed to comply with Council's DCP requirements and the relevant Australian standards. The TIA confirms the proposed modifications are supportable on traffic planning grounds.

3.3 Noise

Construction Noise

The construction noise generated will not differ from that considered under SSDA 7917. The recommendations as provided in the Acoustic Report prepared by Acoustic Logic dated 7 February 2017 will be adhered to along with the Construction Environmental Management Plan Measures that have been committed to by Frasers Property Industrial Constructions Pty Ltd.

Operational Noise Emissions

Based on the scope of amendments, the proposal shall not exceed the noise thresholds established for the precinct and therefore acceptable in this report.

Refer to **Appendix 4**.

3.4 Air Quality and Odour

Construction & Operational Phase Impacts

All air quality impacts will be mitigated as outlined in the Air Quality Impact Assessment dated 27 September 2016 submitted with SSD 7917 and the Construction Environmental Management Plan Measures that have been committed to by Frasers Property Industrial Constructions Pty Ltd. The amendments sought under the Modification Application do not warrant further consideration in this respect.

3.5 Visual

The proposed development which is the subject of the proposed modification have been considered acceptable in terms of the visual impact on the locality for the following reasons:

- The proposed building represents a minor increase in height as the approved building being 10m to 11.5m.
- The built form will still present as a unified development.
- Building setbacks will be generally consistent as per SSDA 7917.

It is considered that the extent of changes proposed will not adversely affect the interface with the surrounding land uses, or the aesthetic value of the streetscape as viewed from Burilda Close.

The materials and colour scheme will be generally consistent with the approved scheme under SSD 7917 despite the modifications.

3.6 Waste Management

The findings and recommendations are generally consistent with the approved scheme under SSD 7917 despite the modifications.

3.7 Fire Safety

An addendum to the Affinity Fire Engineering DA Letter of Support (**Appendix 5**) in regards to the proposed modification and Fire Safety for Lot 3 has been included as part of this application.

The findings and recommendations conclude that the modified proposal is substantially the same as SSDA 7917 and does not compromise the approved fire safety strategy outcomes for the site.

3.8 Building Code of Australia

An addendum to the Building Code of Australia (BCA Report) prepared by McKenzie Group (**Appendix 6**) in regards to proposed modification and compliance with the relevant provisions of the BCA for Lot 3 has been included as part of this modification application.

4. LEGISLATIVE FRAMEWORK

4.1 Environmental Planning & Assessment Act 1979

Section 96 of the *Environmental Planning & Assessment Act 1979* makes provisions to modify a Development Consent that has been granted pursuant to Part 4 of the Act. The proposal as submitted to NSW DP&E is considered to satisfy the provisions of Section 96(1A) of the Act in that changes proposed will result in minimal environmental impact.

The relevant provisions are addressed below:

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

a) it is satisfied that the proposed modification is of minimal environmental impact, and

Comment: The proposal is considered to result in minimal environmental impact as the underlying land use for the purpose of warehousing and distribution is to remain unchanged.

- The noise generated as a result of the proposed modification will not differ from that which has been approved under SSDA 7917.
- The Modification Application does not exhibit adverse environmental impacts in regards to air quality.
- Car parking provided will be compliant with rates per SSD 7917.

b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent was originally was modified (if at all), and

Comment:

- The underlying use of the land, being for warehousing and distribution purposes will remain as originally approved.
- The height of the building is a minor increase from 10m to 11.5m.
- Car parking provided will be compliant with rates per SSD 7917.

c) it has notified the application in accordance with:

- i. the regulations, if the regulations so required, or*
- ii. a development control plan, if the consent authority is a council that has made a development control plan that requires the notification of advertising of applications for modification of a development consent, and*

d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

Comment: For the purpose of this application and the provisions set out in the *Environmental Planning & Assessment Regulation 2000*, notification of the application is not required.

4.2 Western Sydney Parklands Act 2006

The Western Sydney Parklands Act 2006 (WSP 2006) was passed in late 2006 to guide the establishment of Western Sydney Parklands Trust (the Trust) and the Trust's management of the Parklands. The establishment of the Trust and nominated members is currently being undertaken.

Clause 12 of the WSP Act identifies the key functions of the Trust. While the principal function of the Trust is to develop the Parklands into a multi-use urban parkland for the region of Western Sydney and

Section 96 (1A) Modification Application - MOD 1 (SSD 7917)

Horsley Drive Business Park, Lot 3

Burilda Close, Wetherill Park (Lot 5 DP 1212087)

to maintain and improve the Parklands on an ongoing basis, Clause 12(2) outlines additional functions, including:

(j) to undertake or provide, or facilitate the undertaking or provision of, commercial, retail and transport activities and facilities in or in relation to the Parklands with the object of supporting the viability of the management of the Parkland

Clause 12 also states the following actions of relevance to the proposed development are permitted by the Trust:

(5) In carrying out its functions, the Trust is to have regard to the principles of sustainable development, including ecologically sustainable development.

(6) The Trust may, with the consent of the Minister, exercise functions on or in relation to land outside the Parklands (including, for example, acquiring any such land). The consent of the Minister is to be given only if the Minister is satisfied that the exercise of the Trust's functions in relation to that land is consistent with the exercise of its functions in relation to the Parklands.

Nothing in the Western Sydney Parklands Act 2006 prevents or restricts the development (as modified). Approval has previously been granted under SSD 7917 for the development of the site having regard to these objectives.

4.3 State Environmental Planning Policy (Western Sydney Parklands) 2009

The proposed development (as modified) will provide employment generating activities within the Western Sydney Parklands (WSP) consistent with the underlying objectives of the Plan. The Principal Development Standards and miscellaneous provisions prescribed under the SEPP are addressed below in respect of the proposed modifications.

All land within the Western Sydney Parklands is unzoned under the provisions of the WSP SEPP. Pursuant to Clause 11(2), the proposed modification does not alter the approved permissibility of the subject site. In addition, the proposed modification does not result in any inconsistencies with the objectives of provisions of the SEPP.

Matters to be considered by the consent authority—generally

Clause 12 of the WSP SEPP identifies a number of general matters that must be taken into account by the consent authority during determining of a development application on land within the Parklands.

These matters are addressed in **Table 7**.

Table 4: WSP SEPP General Matters for Consideration		
Matters	Compliance	Comments
<i>(a) the aim of this Policy, as set out in clause 2</i>	YES	The proposed modification is consistent with this aim as previously assessed and approved under SSD 7917.
<i>(b) the impact on drinking water catchments and associated infrastructure,</i>	YES	The outcomes in this respect are generally consistent with the approved scheme under SSD 7917.
<i>(c) the impact on utility services and easements,</i>	YES	No services or easements are to be impacted as a result of the proposed modification.

Section 96 (1A) Modification Application - MOD 1 (SSD 7917)

Horsley Drive Business Park, Lot 3

Burilda Close, Wetherill Park (Lot 5 DP 1212087)

<i>(d) the impact of carrying out the development on environmental conservation areas and the natural environment, including endangered ecological communities,</i>	YES	No impact is to result in this respect under the proposed modification. All earthworks and site clearing have been previously approved under SSD 5169 and SSD 7917.
<i>(e) the impact on the continuity of the Western Parklands as a corridor linking core habitat such as the endangered Cumberland Plain Woodland,</i>	YES	As above.
<i>(f) the impact on the Western Parkland's linked north-south circulation and access network and whether the development will enable access to all parts of the Western Parklands that are available for recreational use,</i>	YES	No impact on the circulation of the Parklands will result from the proposed modification given the position of the development area is approved under SSD 7917.
<i>(g) the impact on the physical and visual continuity of the Western Parklands as a scenic break in the urban fabric of western Sydney,</i>	YES	As above.
<i>(h) the impact on public access to the Western Parklands,</i>	YES	No impact on the circulation of the Parklands will result from the proposed modification given the position of the development area is approved under SSD 7917.
<i>(i) consistency with:</i> <i>(i) any plan of management for the parklands, that includes the Western Parklands, prepared and adopted under Part 4 of the Western Sydney Parklands Act 2006, or</i> <i>(ii) any precinct plan for a precinct of the parklands, that includes the Western Parklands, prepared and adopted under that Part,</i>	YES	The outcomes in this respect are generally consistent with the approved scheme under SSD 7917.
<i>(j) the impact on surrounding residential amenity,</i>	YES	The site does not adjoin any residential areas.
<i>(k) the impact on significant views,</i>	YES	The approved setbacks under SSD 5169 and SSD 7917 are to be retained as a result of the proposed modification therefore no significant views will be adversely impacted.
<i>(l) the effect on drainage patterns, ground water, flood patterns and wetland viability,</i>	YES	The outcomes in this respect are generally consistent with the approved scheme under SSD 7917.

Section 96 (1A) Modification Application - MOD 1 (SSD 7917)

Horsley Drive Business Park, Lot 3

Burilda Close, Wetherill Park (Lot 5 DP 1212087)

<i>(m) the impact on heritage items,</i>	YES	No heritage items will be impacted.
<i>(n) the impact on traffic and parking.</i>	YES	See Section 3.1.

Bulk Water Supply

Access to the Bulk Water Supply Infrastructure for maintenance and operation activities by the Sydney Catchment Authority and Sydney Water Corporation will not be impeded by the proposed modification.

Nature Reserves and Environmental Conservation Areas

The site does not contain and does not adjoin any Nature Reserves or Environmental Conservation Areas identified under the WSP SEPP.

Heritage Conservation

The site is located adjacent the Upper Canal System which is listed on the State Heritage Register. It is considered that the proposed modification will have no direct impact on the Upper Canal System or its heritage listed curtilage system.

Signage

No modification to the approved signage is proposed.

Development on Private Land

The land subject of the proposed modification is under ownership of WSPT and is the subject of a development agreement between Frasers and WSPT.

4.4 State Environmental Planning Policy (Infrastructure) 2007

The proposal increases the approved gross floor area by 2,600m² and therefore referral to RMS under SEPP Infrastructure is required.

The addendum Traffic Report in **Appendix 2** confirms the proposed traffic generation is consistent with that assumed for the approved scheme under SSD 7917. Site access, internal circulation and car parking arrangements have been developed with consideration of the requirements of Council's DCP and relevant Australian Standards. The access arrangements have been developed to permit entry and exit movements in a forward direction, separate commercial (heavy) vehicle and passenger vehicle traffic, and minimize pedestrian crossing distances.

It is therefore considered the proposed modifications to the approved development at Lot 3 are supportable on traffic planning grounds.

4.5 State Environmental Planning Policy No. 64 – Advertising and Signage

The provisions of *State Environmental Planning Policy No.64 – Advertising and Signage* do not apply to land with the Western Sydney Parklands.

4.6 State Environmental Planning Policy No. 55 – Remediation of Contaminated Land

Contamination of the site has previously been dealt with under the previous approval for earthworks SSD 5169 and the subject approval SSD 7917. No further consideration is required as part of this Modification Application.

4.7 State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

Approval has previously been granted under SSD 7917 for the development of the site included a review of *State Environmental Planning Policy – No. 33 – Hazardous and Offensive Development* (SEPP 33) and confirmed the facility would not exceed the threshold criteria for the storage of DGs. As such, no further consideration under SEPP 33 is warranted for the proposed modification.

4.8 Fairfield Local Environmental Plan 2013

Fairfield Local Environmental Plan 2010 (FLEP 2013) is not applicable to the land as the provisions of *State Environmental Planning Policy (Western Sydney Parklands) 2009* apply.

4.9 Fairfield Development Control Plan 2013

It is noted that Section 11 of *State Environmental Planning Policy (State and Regional Development) 2011* states:

11 Exclusion of application of development control plans

Development control plans (whether made before or after the commencement of this Policy) do not apply to:

(a) State significant development

Notwithstanding, the proposed modification is generally consistent with the provisions of the *Fairfield City Wide Development Control Plan 2013* (FDCP 2013) as applicable to industrial development. Any departure from the FDCP is minor as compliance is achieved with the setbacks established under SSD 5169.

5. CONCLUSION

The subject Modification Application seeks consent for the modification of a Warehouse and Distribution Centre/Industrial Facility located at Horsley Drive Business Park, Lot 3. As detailed throughout this report, the changes sought will result in the development being substantially the same as that for which consent was originally granted. Notable aspects of the proposal which confirm the development will be substantially the same include and shall result in minimal environmental impact, are as follows:

- **Primary Land Use** – The warehousing and distribution use of the site is not proposed to change.
- **Gross Floor Area** – The overall Gross Floor Area is sought to increase by 2,600m².
- **Car Parking** – All facilities shall provide sufficient car parking as per the Concept Plan controls.
- **Setbacks** – Sufficient setbacks shall be maintained to ensure landscaped buffers can be achieved and separation is such that the visual amenity of the public domain is not compromised.
- **Traffic Generation** – Traffic generation shall not increase beyond that originally modelled for SSD 7917.

Overall, the modified scheme will provide for a more suitable layout that responds to the requirements of the future tenant resulting in increased efficiencies for the site. The proposal does not result in an intensification of the site or any variation to the approved use.

Accordingly, it is requested that the Department of Planning & Environment support the application.

Section 96 (1A) Modification Application - MOD 1 (SSD 7917)

Horsley Drive Business Park, Lot 3

Burilda Close, Wetherill Park (Lot 5 DP 1212087)

Appendix 1
Architectural Plans

Appendix 2

Traffic Report & Operational Traffic Management Plan

Section 96 (1A) Modification Application - MOD 1 (SSD 7917)

Horsley Drive Business Park, Lot 3

Burilda Close, Wetherill Park (Lot 5 DP 1212087)

Appendix 3
Acoustic Report

Section 96 (1A) Modification Application - MOD 1 (SSD 7917)

Horsley Drive Business Park, Lot 3

Burilda Close, Wetherill Park (Lot 5 DP 1212087)

Appendix 4
Fire Engineers Report

Section 96 (1A) Modification Application - MOD 1 (SSD 7917)

Horsley Drive Business Park, Lot 3

Burilda Close, Wetherill Park (Lot 5 DP 1212087)

Appendix 5
BCA Report