ETHOS URBAN

14 May 2021

2200444

Mr Jim Betts
Secretary
Department of Planning, Industry and Environment
4 Parramatta Square, 12 Darcy Street,
Parramatta NSW 2150

ATTN: Mr Thomas Bertwhistle

Dear Thomas,

SSD-8586218 – TEMPERATURE CONTROLLED WAREHOUSE FACILITY
SECTION 4.55(1A) MODIFICATION APPLICATION

This application has been prepared by Ethos Urban on behalf of ESR Developments (Australia) Pty Ltd, pursuant to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify Development Consent SSD-8586218 relating to a temperature-controlled warehouse facility within the Bringelly Road Business Hub at Lot 4, Skyline Crescent (the site).

The modification relates to the installation of signage, alterations to the office forecourt/amenity area and a minor increase in GFA on site. This application identifies the consent, describes the proposed modifications, and provides an assessment of the relevant matters contained in Section 4.55(1A) of the EP&A Act. This application is accompanied by architectural drawings prepared by SBA Architects (**Attachment A**) and Landscape Plans prepared by Site Image (**Attachment B**).

1.0 Consent proposed to be modified

The consent (SSD-8586218) proposed to be modified was granted by the Executive Director of Energy, Industry and Compliance Development under delegation from the Minister for Planning and Public Spaces on 30 November 2020 for a light industrial facility at Lot 4 of the Bringelly Road Business Hub. Specifically, approval was granted for the:

> *construction and operation of a light industrial building encompassing a temperature-controlled warehouse facility including, ancillary office administration, car parking and landscaping within the Bringelly Road Business Hub.*

Two modification applications have been approved by the Executive Director of Energy, Industry and Compliance Development, the first relating to the construction and detailed fit-out of a mezzanine level as well as the installation of a cool room and freezer, and the second relating to the correction of an error on the approved plans.

This modification is the third modification to the development consent.

2.0 Proposed modifications to the consent

2.1 Modifications to the development

The proposed modification seeks the following amendments to the approved development:

- Installation of external business identification and directional signage;
- Increase in gross floor area by 9.1m due to the suspension of slab over Level 1 office; and
- Alterations to the staff forecourt area to enhance the amenity of the staff facilities and increase landscaping.

The proposed modifications are shown on the Architectural Drawings at **Attachment A**.

2.1.1 Signage

This modification seeks approval of business identification and directional signage at the site. Specifically, approval is sought for the installation of five (5) flush wall signs and six (6) free-standing pylon signs.

The flush wall signage will include the logo and branding of the tenant operating at the site being DHL. Five pylon signs will include the logo and name of the estate operator ESR. One pylon sign will display DHL branding as well as the site address.

The design of the signage is straightforward and comprises the logo and branding elements of the tenant and estate operator to assist in business identification and wayfinding. A summary and numerical breakdown of the proposed signage is provided in **Table 1**. Excerpts from the Architectural Plans depicting the proposed signage and locations have been provided in **Figures 1-3** below.

Table 1 Signage Specifications

Type	Content & Location	Dimensions (mm) (W x H x D)	Specifications
4 x Large Flush wall sign	'DHL' logo and branding. One sign located on each elevation of the Warehouse.	9970 x 2200 x 3	Aluminium panel. Non-illuminated
1 x Small Flush wall sign	'DHL' logo and branding. Located on the office elevation.	5890 x 1300 x 3	Aluminium panel. Non-illuminated
2 x Pylon Sign 1	Customer Identification Signage with 'ESR' logo and branding as well as 'DHL'	900 x 3500 x 200	Non-Illuminated
Pylon Sign 2	Truck entry – directional signage	400 x 2000 x 200	Non-Illuminated
Pylon Sign 3	Customer Carpark – directional signage	400 x 2000 x 200	Non-Illuminated
Pylon Sign 4	Truck Exit – directional signage	400 x 2000 x 200	Non-Illuminated
Pylon Sign 5	'DHL' Logo and Branding Street address and business unit	900 x 3000 x 246	Non-Illuminated

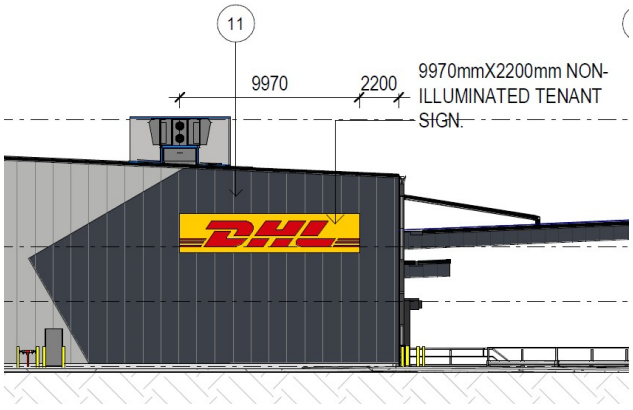

Figure 1 Indicative Plan for Large Flush Wall Sign

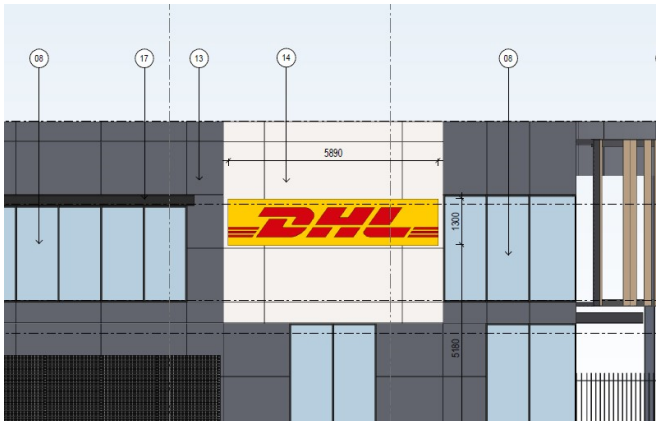

Figure 2 Indicative Plan for Small Flush Wall Sign

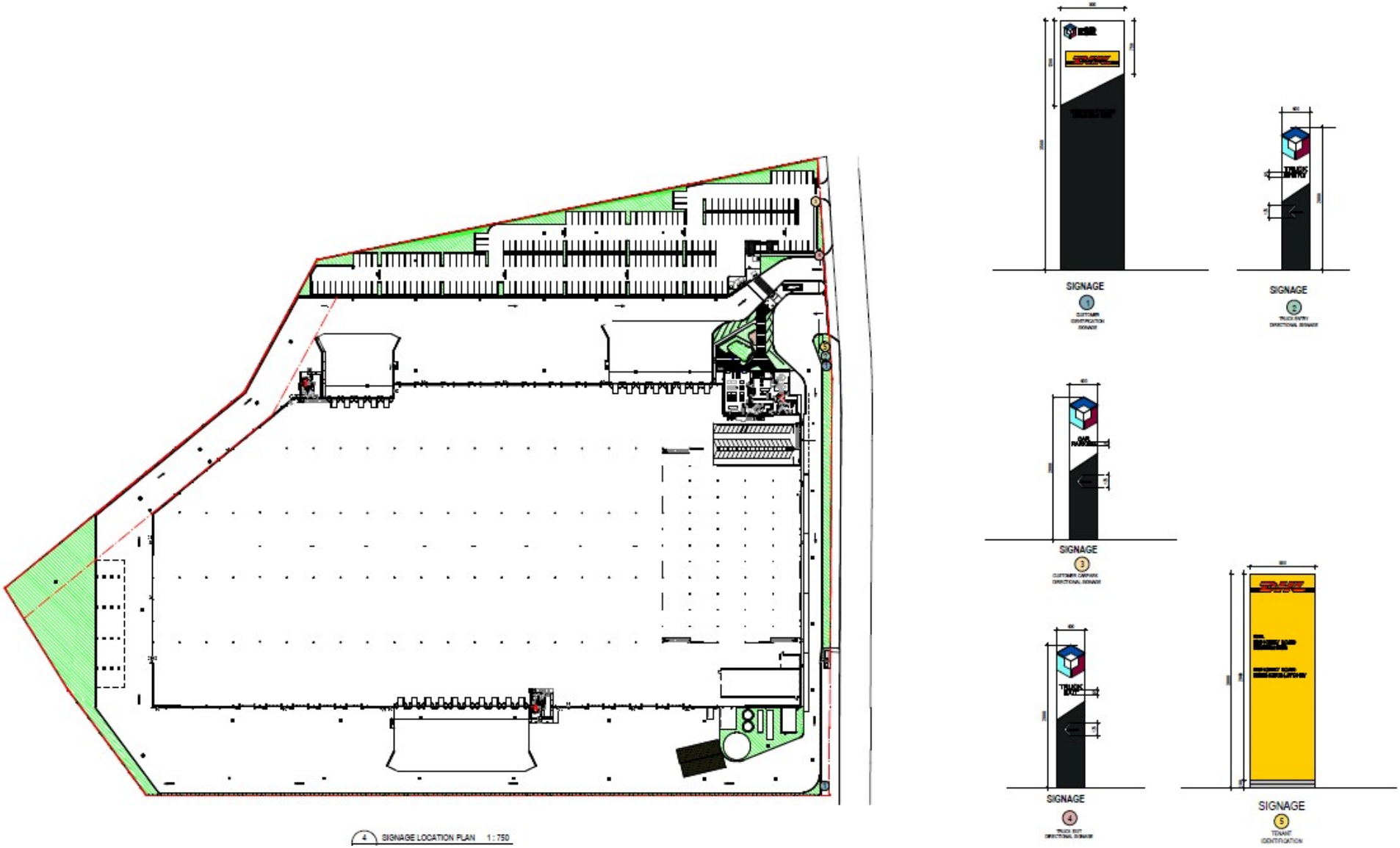

Figure 3 Proposed Location of Pylon Sign

Source: SBA Architects

2.1.2 Increase in GFA

The modification seeks approval for an additional 9.1m^2 of floor area on Level 1 of the office (refer **Figure 4** below). The additional GFA is needed to facilitate amended access to meeting rooms.

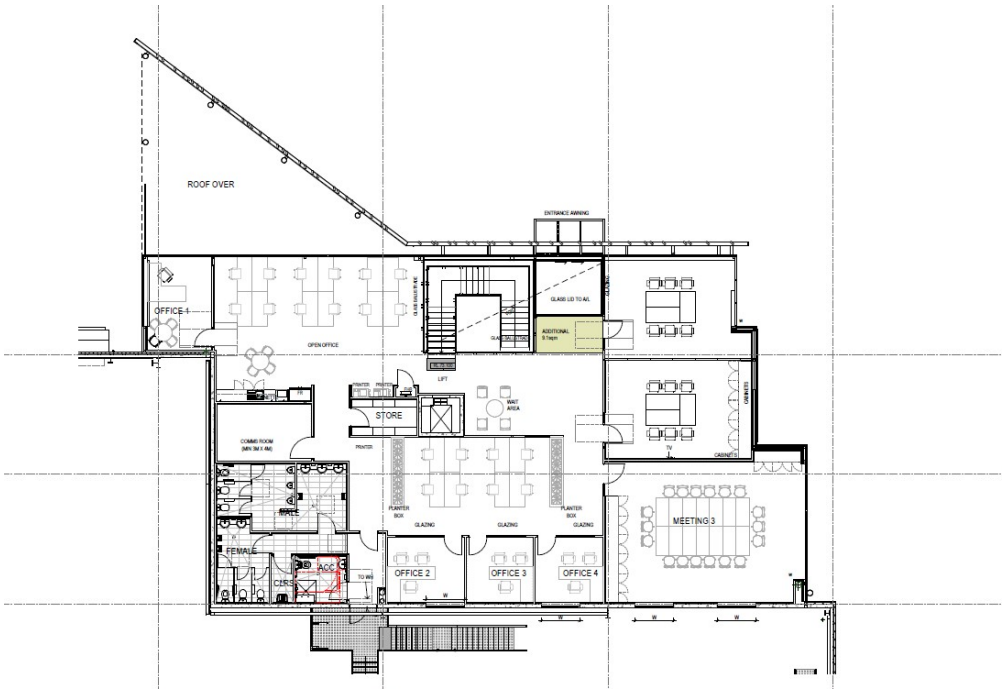

Figure 4 Level 1 Floor Plan

Source: SBA Architects

2.1.3 Forecourt Area

The proposed modifications include improvements to the forecourt area and specifically results in an increase in the landscaped open space. The modification proposes two (2) additional mature canopy trees within the forecourt area. The modification will enhance the amenity on site for both visitors and staff. Refer to landscape plans at **Attachment B** for further details.

Figure 5 provides an excerpt of the stamped outdoor staff area in comparison to **Figure 6** which provides the proposed modifications to the area.

Figure 5 Stamped Plans of the Outdoor Staff Area (Drawing No: DA_201 A)

Source: Site Image

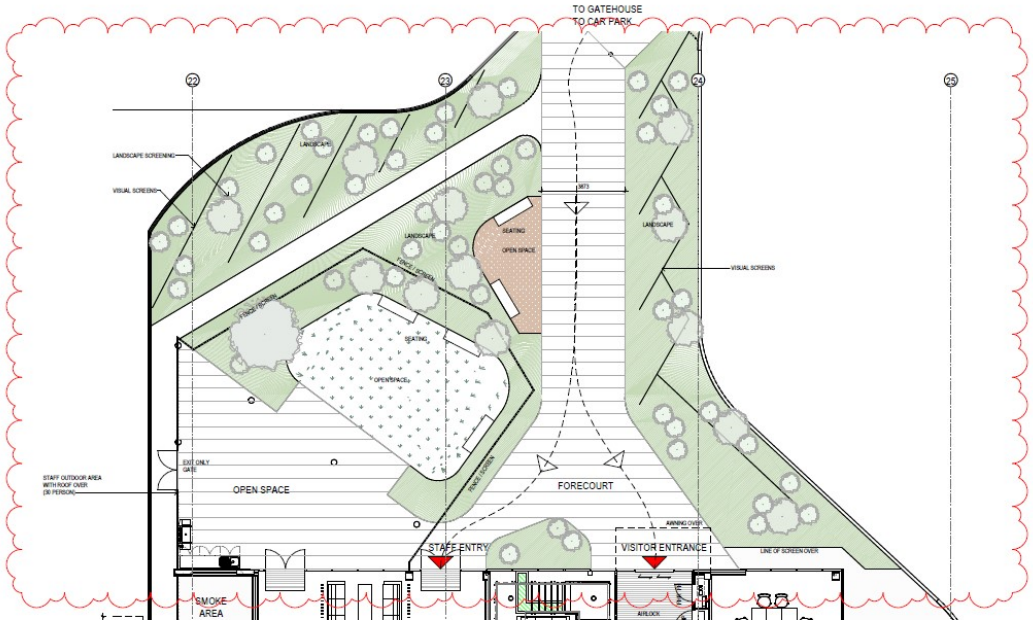

Figure 6 Proposed modifications to the Outdoor Forecourt Area

Source: SBA Architects

2.2 Modifications to conditions

The proposed modifications described above necessitate amendments to the consent conditions 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.***

TERMS OF CONSENT

A2. The development may only be carried out:

(f) in accordance with MOD 3 prepared by Ethos Urban and attachments (dated XXXX)

Reason: To ensure the conditions of consent reference the correct architectural drawings.

3.0 Substantially the same development

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 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 as originally granted was modified (if at all)".*

The development, as proposed to be modified, is substantially the same development as that originally approved in that it:

- Will not change the approved land use;
- Will not change the approved building envelope, form or setbacks;
- Will not change the approved on-site parking requirements;
- Will not result in any visual impact;
- Will result in a minimal impact (if any) on surrounding development.

4.0 Environmental Assessment

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 4.14(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.

4.1 Compliance with plans and policies

The EIS submitted with the original SSD assessment compliance with the following relevant plans and policies:

- *Concept Approval SSD-6324*
- *State Environmental Planning Policy (State and Regional Development) 2011;*
- *State Environmental Planning Policy (Western Sydney Parklands) 2009);*
- *State Environmental Planning Policy No. 64 – Advertising and Signage;*
- *State Environmental Planning Policy (infrastructure) 2007);*
- *Liverpool Local Environmental Plan 2008;* and
- *Liverpool Development Control Plan 2008.*

The EIS submitted with the original SSD also addressed a variety of environmental impacts. The planning assessment of the proposed modifications remains generally unchanged with respect to the above. The following sections provide further assessment where required.

4.2 Consistency with the Concept Plan SSD-6324

The proposed modifications will not alter the essential and fundamental elements of the approved development (land use, built form, operations, etc) and the development will remain consistent with SSD 6324.

4.2.1 Land Use and Gross Floor Area

Due to the minor increase of GFA on Level 1, the proposal will contribute an additional 9.1m^2 to the 'light industry' land use component approved under the Concept Approval. The following table provides a summary of gross floor area (GFA) already approved at the Bringelly Road Business Hub. As seen in the table below, the proposed additional GFA will not result in an exceedance of the total maximum of 120,000m^2, nor the maximum 100,000m^2 Light Industrial GFA permitted under the Concept Approval. For these reasons, the proposed additional gross floor area is consistent with the Concept Approval.

Table 2 GFA Assessment

Land Use	Concept Plan Max GFA (m^2)	Approved GFA	Balance
Large Formal Retail	50,000	• SSD-9511 CFC Group Large Format Retail Facility: 6,515m^2 • SSD-10366 Bunnings Warehouse Leppington: 14,194m^2	29,291m^2
Light Industry	100,000	• SSD-8900 Steelforce Warehouse Facility: 11:200m^2 • SSD-8586218 Temperature Controlled Warehouse Facility: 40,810m^2 (including GFA approved in Modification 1)	47,980.9m^2
Other Retail	3,100	N/A	3,100m^2

4.3 Signage

The modification proposes a total of 5 business identification signs and 6 directional pylon signs. The signs are integrated into the façade of the proposed building and within the landscaping on site. Clause 16 of the State Environmental Planning Policy (Western Sydney Parklands) 2009 (WSP SEPP) requires signage to be consistent with any signage policy prepared by the Western Sydney Parklands Trust (WSPT). The *Western Sydney Parklands Design Manual* includes design provisions relating to general signage within the Parklands but does not contemplate the type of business identification signage proposed in this DA.

Clause 6 of the WSP SEPP also 'switches off' the provisions of SEPP 64. Notwithstanding, given the absence of any controls, an assessment against the assessment criteria provided at Schedule 1 of SEPP 64 has been undertaken to inform a merit assessment of the proposed signage (refer to **Table 3**). The assessment demonstrates that the proposed signage is appropriate in the circumstances

Table 3 Assessment criteria under Schedule 1 of SEPP 64

Assessment Criteria	Comments	Compliance
1. Character of the Area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage is compatible with the character of the Bringelly Business Hub and is typical of development within the industrial and large format retail estate. The signage has been designed to a high quality standard and at an appropriate level that is consistent with existing signage within the area.	✓
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?		✓

Assessment Criteria	Comments	Compliance
2. Special Areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed development is located internally to the Business Road Hub site, and accordingly will not be directly adjacent to any residential areas. On this basis the proposal is considered acceptable and will not result in any adverse impacts on the surroundings.	✓
3. Views and Vistas		
Does the proposal obscure or compromise important views?	The proposed signage will not obscure significant or important views or vistas, as they have been designed at an appropriate height and scale commensurate with the surrounding buildings. The proposed signage will not protrude above the height of the building and will not reduce the quality of vistas.	✓
Does the proposal dominate the skyline and reduce the quality of vistas?		
Does the proposal respect the viewing rights of other advertisers?	The proposed signage is of a scale that respects the viewing rights of the adjacent operations and does not obstruct any other signage within the estate.	✓
4. Streetscape, Setting or Landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale, proportion and form of the proposed signs is appropriate for the setting and will assist with vehicles identifying and accessing the site. The proposed signage is consistent with the existing signage on the surrounding buildings and is compatible with the estate streetscape	✓
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposal will not detract from the visual interest of the setting and landscape through facilitating appropriate signage that integrates with the existing site, and allows for easy identification of the approved use.	✓
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed signage is of a simple design and will contribute to the identification of the building and business that operates at the site. There are no signs that currently exist on the site and the proposal will therefore not result in visual clutter.	✓
Does the proposal screen unsightliness?	The proposed signs are located on the façade of the building and within the boundaries of the site. They do not screen unsightliness.	✓
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed façade signs do not protrude above the building. The proposed pylon signage will have a maximum height of 3.5m and therefore will be well below the building height.	✓
Does the proposal require ongoing vegetation management?	The proposal does not require ongoing vegetation management.	**N/A**
5. Site and Building		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed signage has been carefully designed to be compatible with the scale, proportions and presentation of the existing development. The scale of the proposal is considered to be appropriate within the context of the site and is consistent with the industrial character of the estate.	✓
Does the proposal respect important features of the site or building, or both?	The proposed signage is compatible with the architecture and landscaping on site.	✓
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	Innovation is not considered to be appropriate as the proposed signage is intended to identify the use of the site within an industrial estate and assist with access and wayfinding.	✓
6. Associated Devices and Logos with Advertisements and Advertising Structures		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The proposal will not require any safety devices.	✓

Assessment Criteria	Comments	Compliance
7. Illumination		
Would illumination result in unacceptable glare?	The proposed will not result in unacceptable glare.	✓
Would illumination affect safety for pedestrians, vehicles or aircraft?	The illumination is consistent with the relevant Australian Standards, with the display area to be static with consistent levels of illumination.	✓
Would illumination detract from the amenity of any residence or other form of accommodation?	The illumination will not detract from the amenity of any residence or other form of accommodation nearby.	✓
Can the intensity of the illumination be adjusted, if necessary?	Yes, the intensity of the illumination can be reduced if it is found necessary.	✓
Is the illumination subject to a curfew?	No illumination curfew is required or proposed.	**N/A**
8. Safety		
Would the proposal reduce the safety for any public road?	The proposed signage will not reduce the safety of any public roads.	✓
Would the proposal reduce the safety for pedestrians or bicyclists?	The proposal would not reduce the safety for pedestrians or cyclists.	✓
Would the proposal reduce safety of pedestrians, particularly children, by obscuring sightlines from public areas?	The proposal will not affect safety for pedestrians, particularly children.	✓

Clause 6 of the WSP SEPP also excludes the provisions of the Liverpool LEP 2008 for development within the Western Parklands and Development Control Plans do not apply to SSD. Notwithstanding, an assessment of the proposed signage in relation to the Liverpool Development Control Plan 2008 is provided in the table below.

Table 4 Summary of Compliance with Liverpool Development Control Plan 2008

Control	Comment	Compliance
26.1 General Controls		
1. Signage design, materials, colours, and placement should be visually compatible with the building, nearby signage, and the surrounding locality.	The proposed signage has been designed accordingly and is suitable with the approved building and surrounding industrial character of the area.	✓
2. The scale of signage must be consistent with the scale of the building or the property on which it is located.	The proposed signage is appropriately scaled to respect the architectural features of the building.	✓
3. Signs must not display offensive content, be reflective or result in glare.	The signage will display branding and logo content of the tenant 'DHL' and the estate operator ESR.	✓
4. Signage should complement natural features and not result in the removal, trimming or damage of trees and other vegetation.	The proposed signage does not detract from the character of the area, nor does it impact on surrounding natural features and elements.	✓
5. Signage is to be constructed and secured in accordance with the relevant Australian Standards.	Noted. The proposed signage will be constructed in accordance with the relevant Australian Standards.	✓
6. New and replacement signage should be designed and located in a manner that avoids the intensification of visual clutter caused by the cumulative effect of signage within the streetscape.	The proposed signage will not result in any visual clutter.	✓

Control	Comment	Compliance
7. Signage displays must not contain/use: • Flashing lights; • Animated display, moving parts or simulated movement; • Complex displays that hold a driver's attention beyond glance appreciation; • Displays resembling traffic signs or signals, or giving instruction to traffic by using colours and shapes that imitate a prescribed traffic control device or words such as 'halt' or 'stop'; or • A method of illumination that distracts or dazzles.	Complies. The signage display will be static and will not contain and flashing lights or digital display. The signage is located within an industrial estate and will not result in impacts on the road safety.	✓
8. Signage shall not hinder driver sightlines to critical road infrastructure.	The proposed signage is not located along a main road and have been located and designed accordingly to mitigate road safety impacts.	✓
9. Signage shall not distract a driver from or reduce the visibility and effectiveness of directional signs, traffic signals, other traffic control devices, regulatory signs or advisory signs, or to obscure information about the road alignment.	The proposed signage will not result in any adverse road safety impacts.	✓
11. Signage must not obstruct pedestrian/bicycle paths.	The proposed signage is located entirely within the lot boundaries and on the facades of the building. Therefore, it will not obstruct pedestrian and bicycle paths, nor will it create a trip hazard.	✓
12. Signage must not create trip hazards.		✓
26.2 Signage Controls by Type		
Flush Wall Signs		
1. Not to project above, horizontally or below the wall to which it is attached	The proposed flush wall signs are located on the facades of the building and do not project above, horizontally or below the boundaries of each wall.	✓
2. Where it is illuminated, it must be at least 2.6m above the ground level.	The proposed flush wall signs are located well above 2.6m from the ground level.	✓
3. Not to extend more than 0.3m from the face of the wall to which it is attached.	The proposed flush wall signs are 0.3 metres in depth.	✓
Illuminated Signs		
1. The display should be energy efficient.	Complies. The proposed illumination will be energy efficient.	✓
2. For night-time use, illumination must not cast shadows on areas that were previously lit and that have a special lighting requirements, such as pedestrian crossings.	The proposed signage is located along the facades of the building and within the lot boundaries, therefore it will not cast shadows on areas that were previously lit, specifically pedestrian crossings and open space.	✓
3. Daytime luminance levels are to comply with the Transport Corridor Outdoor Advertising and Signage Guidelines, as outlined below. Night-time luminance levels are to be one-quarter of the daytime luminance levels. (Refer to Table 22 of DCP).	The proposed signage is not located within transport corridor lands.	✓
Pole or Pylon Signs		
1. The height of pole or pylon signs from the ground level are to be in proportion with the scale of the subject and surrounding development.	The proposed pylon sign has been designed appropriately and is suitable for the scale of the building and the surrounding development.	✓
2. A minimum clearance of 2.6m from ground level to the underside of the sign.	Complies.	✓
Signage within Industrial Zones		

Control	Comment	Compliance
1. A maximum of one freestanding, pole or pylon sign per building or site applies (including directory board for multiple occupancies). The sign, not exceeding 5sqm in area and 5m in height, is to be located within an area of 5m x 3m on either side of the ingress to the premises, as shown in Figure 3.	The proposed modification includes six free standing pylon signs. The proposed signage is considered necessary to identify the site and provide an appropriate level of guidance to vehicles accessing the site.	Appropriate in the circumstances
4. Signs in excess of a total of 50sqm in area are generally unsupported and are to be considered on their merits.	The signage does not exceed 50m^2 in area.	✓

4.4 Visual Impact

The proposed development will not result in any adverse visual impacts to the surrounding uses or obstruct any significant views. While there are a total of eleven (11) signs proposed for the site, they are modest in scale, and largely consistent with the signage zones that were identified in the original development application. They do not create any visual clutter or disturbance to the local environment due to their coherent, consistent, and integrated design which is complementary to the use and the estate. The proposed flush wall signs have been integrated into the design of the building. Section 4.3 above demonstrates that the proposed signage meets the relevant considerations in SEPP 64 and the Liverpool DCP.

4.5 Traffic and Parking

The proposed increase in GFA by 9.1m^2 is negligible and will have no discernible impact on the existing traffic and parking arrangements.

4.6 Reasons Given for Granting Consent

In accordance with Section 4.55(3) of the EP&A Act, the consent authority for the proposed modification is required to take into consideration the reasons given by the consent authority for the granting of the original consent that is sought to be modified. The following reasons were given by the Minister for Planning and Public Spaces when granting approval for SSD 8586218:

> *The development would provide a range of benefits for the region and the State as a whole, including a total capital investment of approximately $41.8 million and the generation of approximately 153 construction jobs and 187 operational jobs in the Liverpool Local Government Area;*
>
> *The development is consistent with NSW Government policies including the Greater Sydney Region Plan – A Metropolis of Three Cities and the Western City District Plan;*
>
> *The impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government polices and standards;*
>
> *The issues raised by Liverpool City Council and the relevant public authorities during consultation and in submissions have been considered and adequately addressed through changes to the development and the recommended conditions of consent;*
>
> *No issues were raised by the community during consultation and in submissions; and*
>
> *Weighing all relevant considerations, the project is in the public interest.*

The development, as proposed to be modified, remains consistent with these reasons.

4.7 Site Suitability and the Public Interest

The site remains suitable for the proposed development as the modifications are minor in nature and will not result in any adverse environmental or visual impacts to the site and its surrounding area. The development as modified also remains in the public interest as it will remain consistent with the Concept Approval 6324.

5.0 Conclusion

The proposed modifications seek approval for the following modifications to the Temperature Controlled Warehouse at Lot 4 Skyline Crescent, Leppington:

- the installation of business identification and directional signage;
- a minor 9.1m^2 increase in GFA within the office; and
- alterations and improvements to the approved forecourt area.

In accordance with Section 4.55(1A) of the EP&A Act, the DPIE may modify the consent as:

- The consent, as proposed to be modified, is substantially the same development as that originally approved.
- The proposed modifications will not result in any significant additional environmental impacts; and
- The proposed modifications do not alter the developments compliance with the relevant statutory planning instruments or the approved Concept Plan.

We trust that this information is sufficient to enable the assessment of the proposed modification request.

Yours sincerely,

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