

14 November 2018

NSW Department of Planning & Environment
320 Pitt Street
Sydney NSW 2000

SECTION 4.55(1A) MODIFICATION TO SSD 8606: LOT 23 HOLLINSWORTH ROAD, MARSDEN PARK

1. INTRODUCTION

This Statement of Modification has been prepared on behalf of Logos Property (the Applicant) to support an application made pursuant to the provisions of section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). This application seeks to modify State Significant Development (SSD) approval SSD 8606 as it relates to Lot 23 & 24 Hollinsworth Road, Marsden Park (the site).

The application seeks to make minor amendments to the internal and external layout of Building 6 (spec) to align with market demand and potential future tenant requirements. The amendments involve:

- Reduction of office floorspace by 500sqm and subsequent reduction of carparking
- Revised loading dock layout
- Minor increase in hardstand area
- Relocated fire booster and pump location
- Minor changes to the carpark layout and egress/access arrangements
- Modification the conditions related to bushfire protection.

The modification is supported by the following documentation:

- Amended Architectural Plans prepared by Nettleton Tribe (Attachment A)
- Traffic Statement prepared by PTC Consultants (Attachment B)
- Bushfire Assessment Report prepared by Bushfire Consulting Services Pty Ltd (Attachment C)

1.1. APPROVAL HISTORY

On 16 August 2018, development consent was granted under approval number SSD 8606 for *the staged construction and operation of a warehousing estate consisting of:*

- *Seven buildings for warehouses and distribution with ancillary offices uses and an ancillary agricultural produce industry use in Building 5*
- *Access roads off Hollinsworth Road*
- *On-site stormwater management infrastructure*

- Service connections, car parking and hardstand areas
- Landscaping

The site is also subject to development consent DA15-275 granted by Blacktown City Council on 9 September 2015 for:

“Staged subdivision to create 3 Torrens title industrial lots, 1 lot for full width road construction of Hollinsworth Road, 1 lot for future bus-only link road and associated bulk earthworks and drainage infrastructure” (as modified on 24 July 2018).

Blacktown City Council are currently assessing a section 4.55(1A) application (ref: MOD-18-00449) to modify DA15-275 to clarify several drainage and section 7.11 contributions conditions. This application is not relevant to the assessment of this modification application.

1.2. CONSULTATION WITH COUNCIL

The applicant sent an overview and drawing package of the proposed development to Planning Officers at Blacktown City Council on 16 October seeking comment. No comments were received at the date of this report.

2. SITE DESCRIPTION

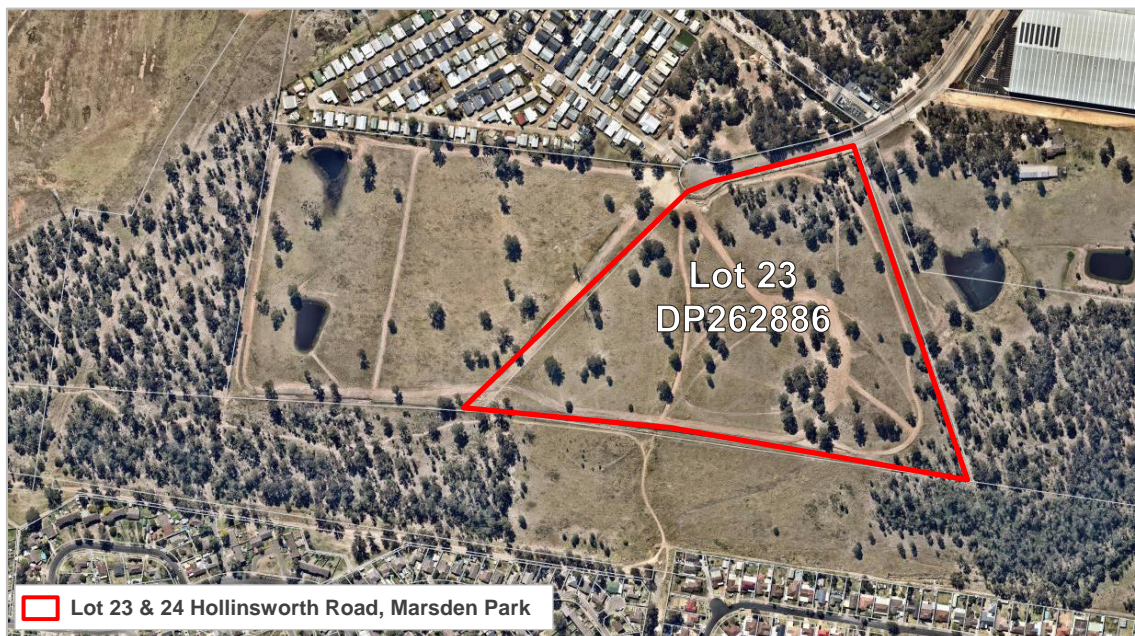
A descriptive overview of the site is provided in **Table 1** below and an aerial photo of the site is provided at **Figure 1**.

The modification relates only to Building 6 approved under SSD 8606, which is located on Lot 23.

Table 1 – Site Description

Component	Description
Address	Hollinsworth Road, Marsden Park
Local Government Area	Blacktown City Council
Legal description	Lot 23 DP262886
Site area	214,805sqm (20.3ha)
Characteristics	<p>The site is located in the Marsden Park Industrial Precinct, 40 kilometres' northwest of Sydney's CBD and in close proximity to the M7 Motorway.</p> <p>The site is accessible at north-eastern corner via Hollinsworth Road and is currently vacant with previous rural/agricultural land uses.</p>

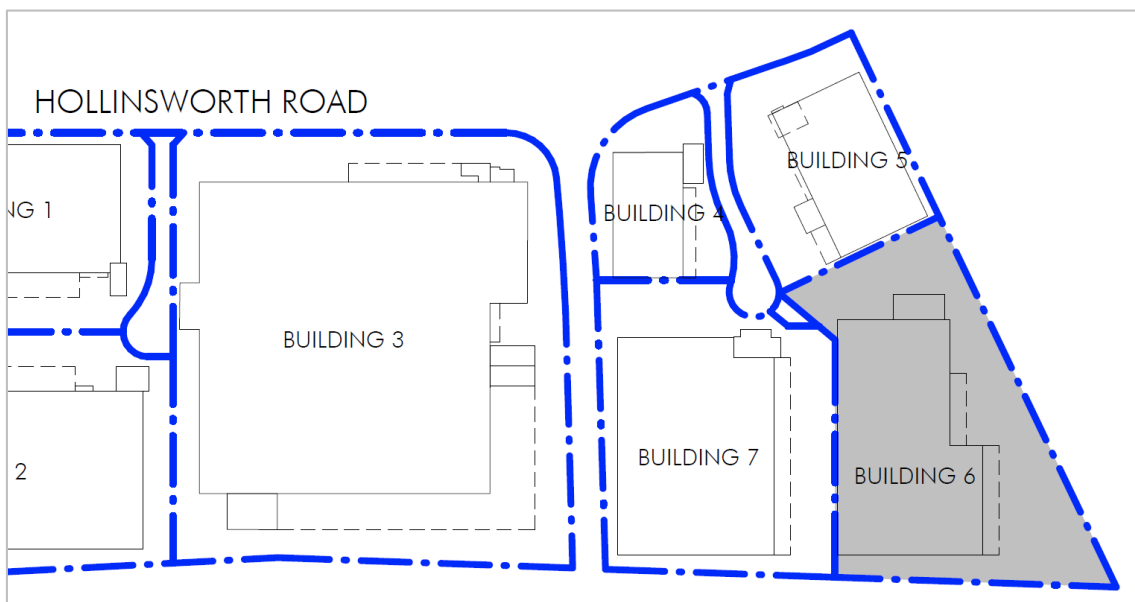
Figure 1 – Site Aerial Photograph of Estate



Source: Nearmaps

The following figure identifies the part of the site subject to this application.

Figure 2 – Part of site subject to this application (in grey)



Source: Nettleton Tribe

3. PROPOSED MODIFICATION

The proposal seeks to modify the internal and external layout of Building 6 approved under SSD 8606 as described in **Table 2** below.

Table 2 – Proposed Modifications to Building 7

Item	Approved	Proposed
Office layout	Two-storey office	One-storey office Addition of an outdoor (non-enclosed) 'staff amenity' area at ground level.
Gross floor area (GFA)	12,140sqm	11,640sqm
Building height (from finished ground)	13.7m	13.7m
Fire booster and pump location	Fire booster and pump located on the northern site boundary corner.	Fire booster and pump located in north-western carpark corner adjacent to the access road.
Loading dock layout	Nine on-grade roller shutter door docks	Seven on-grade roller shutter door docks and four recessed docks
Carparking provision	67 spaces	42 spaces and 10 provisional spaces.
Access and carparking layout	N/A	Minor amendments to the overall carpark layout and access/egress arrangements to reflect the reduced carparking provision, amended dock layout and revised fire booster and pump location.
Hardstand and awning area	Total awning area- 1,108sqm Heavy duty pavement area (hardstand)- 5,800sqm Light duty pavement area (carparking)- 1,518sqm	Total awning area- 1,099sqm Heavy duty pavement area (hardstand)- 6,438sqm Light duty pavement area (carparking)- 1,006sqm

Table 3 – Proposed modification to conditions of consent

Original condition	Modification condition
<p><i>B45. The Applicant must ensure each warehouse building and the identified elevations and building elements in the development complies with the NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas - 2014' as appropriate or the specified bushfire attack levels (BAL) under Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' for:</i></p> <p><i>Building 6</i></p> <p><i>(f) the roof, southern, eastern and western elevation(s) must comply with sections 3 and 9 (BAL FZ) of AS3959-2009. Except for windows, flaming of the specimen is not permitted and there must be no exposed timber; and</i></p> <p><i>(g) the northern elevation(s) must comply with sections 3 and 8 (BAL 40) of AS3959-2009 and section A3.7 Addendum Appendix 3 of Planning for Bushfire Protection 2006.</i></p>	<p><i>B45. The Applicant must ensure each warehouse building and the identified elevations and building elements in the development complies with the NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas - 2014' as appropriate or the specified bushfire attack levels (BAL) under Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' for:</i></p> <p><i>Building 6</i></p> <p><i>(f) the roof, southern, eastern and western elevation(s) must comply with sections 3 and 9 (BAL FZ) of AS3959-2009. Except for windows, flaming of the specimen is not permitted and there must be no exposed timber; and of the proposed development shall be constructed to section 3 and 5 of AS3959-2009 (BAL 12.5), with the exception that the construction requirements shall be varied to comply with the requirements of Section A3.7 of the NSW Rural Fire Service Addendum to Appendix 3 of Planning for Bush Fire Protection 2006.</i></p>

Refer to the Bush Fire Assessment Report prepared by Bushfire Consulting Services (Attachment C) full a full assessment of the modified condition.

3.1. REASON FOR PROPOSED MODIFICATION

The amendments to Building 6 are required for the following reasons:

- **Office reduction** - The revised office layout and reduction of the office component by 500sqm has been informed by market sounding and is better aligned with potential future tenant requirements. No change is proposed to the approved warehouse GFA of 11,140sqm, and it is considered the building will continue to provide ample operational employment opportunities consistent with the operation of modern warehousing and distribution facilities.
- **Fire booster/pump location** - The revised fire booster and pump location is a more efficient solution for the site as it will enable a central pump and booster to be utilised by adjacent

buildings. This is considered an optimal operational outcome, and the relocation will also facilitate a more efficient carparking layout.

- **Loading dock and car park layout** - The hardstand and carpark layout has been revised to better suit future tenant operations.

4. SECTION 4.55(1A) ASSESSMENT

Approval of the proposed modification is sought under the provisions of section 4.55(1A) of the EP&A Act. The following assesses the modification to SSD 8606 against the relevant threshold tests of section 4.55(1A).

4.1. MINIMAL ENVIRONMENTAL IMPACT

The proposed modification is considered to have a minimal environmental impact for the following reasons:

- The modified development does not seek to generate additional heavy vehicle trips. Accordingly, no additional acoustic and traffic generation impacts from truck movements will result.
- No additional height or mass is proposed. Accordingly, the modified design will not significantly alter the visual elements of the approved development.

4.2. SUBSTANTIALLY THE SAME DEVELOPMENT

The development as modified by this proposal will remain substantially the same development as originally approved under SSD 8606 for the following reasons:

- The overall built form, bulk and scale of Building 6 will remain materially the same as originally approved as the modification proposes a net reduction of 500sqm of GFA and does not seek to increase the approved building height;
- The proposal does not seek to change or intensify the approved land uses, and will continue to generate employment opportunities in the Marsden Park Industrial Area; and
- The amendments are minor in nature, and will not generate additional adverse environmental impacts beyond those assessed and mitigated under the original development consent.

5. SECTION 4.15 ASSESSMENT

5.1. ENVIRONMENTAL PLANNING INSTRUMENT

The development as modified will remain generally consistent with the applicable environmental planning instruments, as demonstrated in the table below.

Table 4 – Relevant EPI Assessment

Clause	Comment	Compliance
<i>State Environmental Planning Policy (Sydney Region Growth Centres) 2006.</i>		

Clause	Comment	Compliance
Zoning and permissibility	The modification does not seek to amend the land uses approved under SSD 8606.	Yes
Height of buildings	The modification does not seek to amend the maximum building height approved under SSD 8606.	Yes
Floor space ratio	The approved development has a total GFA of 107.772sqm (0.57:1), which complies with the maximum FSR of 0.7:1. The modification will result in a net reduction of 500sqm of GFA.	Yes

5.2. DRAFT ENVIRONMENTAL PLANNING INSTRUMENT

There are no draft environmental planning instruments relevant to the assessment of the modification.

5.3. DEVELOPMENT CONTROL PLAN

The *Blacktown City Council Growth Centre Precincts Development Control Plan 2010* (the Growth Centres DCP) provides guidance for development in the North-West Growth Centre within the Blacktown LGA. The Growth Centres DCP does not apply to SSD, and is not a formal consideration in the assessment of the modification.

5.4. PLANNING AGREEMENT

There are no planning agreements relevant to the assessment of the modification,

5.5. REGULATIONS

The modification application has been prepared in accordance with the relevant regulations.

5.6. LIKELY IMPACTS OF THE DEVELOPMENT

Given the minor nature of the proposed modification, it will have negligible adverse impacts beyond those originally assessed in the determination of SSD 8606, and mitigated under the approval instrument.

5.6.1. Access and Parking

A Traffic Statement has been prepared by PTC (Attachment B) which considers the parking and access implications of the development as modified.

The overall amended proposal comprises of 656 car spaces as opposed to the approved 663 car spaces, equating to a total loss of seven parking spaces. Building 6 accommodates 52 parking spaces, exceeding the required number of spaces of 50.

The modified proposal meets the requirement of parking spaces within the RMS Guide to Traffic Generating Developments, which was the basis for the SSD approval.

5.6.2. Social & Economic

The modification will improve the functionality of Building 6, which is a speculative building. The improvements will assist in attracting a future tenant, which has overall positive economic and social benefits for the local area through the provision of additional warehousing and office jobs.

5.7. SUITABILITY OF THE SITE

The modification does not propose significant amendments to the approved development that would make it unsuitable for the site. The development as modified will remain suitable for the site for the reasons stated in the original approval of SSD 8606.

5.8. SUBMISSIONS

There are no provisions under the EP&A Act or Regulations which require the notification of an application made under section 4.55(1A) of the EP&A Act to modify an SSD approval. If submissions are received as part of the referral process or otherwise, the Applicant will respond to them as required by the Department.

5.9. PUBLIC INTEREST

The modification is in the public interest as it will not generate any adverse impacts above what was assessed and approved under SSD 8606.

The proposal as modified will continue to generate significant private sector investment in the area and indirect benefits for productivity of the local economy. A key government priority, evident across a range of portfolios, is the generation of jobs in the Western Sydney region. The efficient and effective development of the Prestons Estate for employment-related uses is clearly consistent with the key strategic objective of government to support the growth of Western Sydney.

6. CONCLUSION

This application seeks to modify SSD 8606 as it relates to Lot 23 & 24 Hollinsworth Road, Marsden Park. It seeks to make minor amendments to the internal and external layout of Building 6 to align with market demand and potential future tenant requirements. The amendments involve:

- Reduction of office floorspace by 500sqm and subsequent reduction of carparking
- Revised loading dock layout
- Minor increase in hardstand area
- Relocated fire booster and pump location

- Minor changes to the carpark layout and egress/access arrangements.

This proposal is minor however has been assessed in terms of the immediate built context and statutory planning compliance, and found that the proposal is satisfactory and acceptable for the following reasons:

- The proposed modifications result in a building and hardstand design that is appropriate for the site and locality, and will not adversely impact on the visual and environmental amenity for residents further to the south.
- The modified proposal maintains appropriate landscaping, building material diversity and adequate building articulation to ensure the architectural quality of the Marsden Park Industrial Area is maintained and enhanced.
- The character, height and scale of the warehouse and office structures is consistent with Council's controls and will blend in with the existing adjoining and nearby industrial sites.
- The proposed modifications facilitate design amendments to meet local market demand. The proposal will provide job opportunities, local economic growth and contribute to the achievement of the Western Sydney employment targets.

The proposed modifications have been found to be acceptable in terms of environmental, economic and social impacts. For these reasons, it is considered that the modifications are appropriate and are worthy of approval.

Please call undersigned on (02) 8233 7631 should you have any queries related to this application.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "R Macindoe".

Ryan Macindoe
Senior Consultant