

12 July 2019

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Ania Dorocinska  
Senior Environmental Assessment Officer  
Industry Assessments  
Department of Planning, Industry and Environment

Dear Ania,

## SSD 8900 MOD 1 – Steelforce Warehouse Facility

This application has been prepared by Ethos Urban on behalf of ESR, pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify Development Consent SSD 8900 relating to the construction and operation of a warehouse and distribution centre at Skyline Crescent, Horningsea Park.

The modification seeks to amend the approved hours of operation to allow the premises to operate on Sundays.

This application identifies the consent, describes the proposed modification and provides an assessment of the relevant matters contained in section 4.55(1A) of the EP&A Act.

### 1. Consent proposed to be modified

Approval for SSD 8900 was granted by the Independent Planning Commission (IPC) on the 8<sup>th</sup> July 2019 for the following:

*“Construction and operation of a warehouse and distribution centre with associated light industry and ancillary office uses, including earthworks, infrastructure services, landscaping and car parking”*

### 2. Proposed modification to the consent

The consent permits the facility to operate 24 hours Monday – Saturday. The proposed modification seeks to amend the approved hours of operation to include 24 hours on Sundays. The proposal to include Sundays as part of the 24 hour operations was discussed and confirmed with the Department prior to determination by the IPC (refer **Attachment A**). This was reflected by the draft conditions of consent which proposed 24/7 operations (refer **Attachment B**, draft condition B11). It is not proposed to amend any conditions related to the management of truck movements or deliveries.

### 3. Modifications to conditions

The proposed modification described above necessitates an amendment to the consent condition identified below. Words proposed to be deleted are shown in ~~**bold strike through**~~ and words to be inserted are shown in ***bold italics***.

## NOISE

### Hours of Work

B10. The Applicant must comply with the hours detailed in Table 1, unless otherwise agreed in writing by the Planning Secretary.

**Table 1** Hours of Work

| Activity                    | Day   | Time                         |
|-----------------------------|---|------------------------------|
| Earthworks and construction | Monday – Friday<br>Saturday                       | 7 am to 6 pm<br>8 am to 1 pm |
| Operation                   | Monday – <del>Saturday</del> <b><i>Sunday</i></b> | 24 hours                     |

#### 4. 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:

- The approved land uses remain unchanged
- There are no amendments to the exterior of the building
- No change is proposed to the GFA or maximum height of the approved building
- No change is proposed to the approved delivery, loading and access arrangements

The proposed amendment will not change the essential characteristics of the approved development. It will not result in any changes to the approved uses, floor area or site area. In accordance with Section 4.55(1A)(b) the proposed modifications as outlined above, result in a development that is substantially the same as the approved development.

#### 5. 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 4.15(1) of the EP&A Act and the reasons given by the consent authority for the grant of the original consent.

The following assessment demonstrate that the development, as proposed to be modified, will be of minimal environmental impact.

- The Noise Impact Assessment prepared by SLR (dated November 2018; **Attachment C**) submitted with the revised EIS considered noise impacts at the nearest sensitive receivers 24 hours, 7 days a week. The assessment demonstrated that the workshop activities comply with the relevant noise criteria during the day and night seven days a week. The proposal to extend operations to include 24 hours on Sundays will not create any unreasonable noise impacts to sensitive receivers in the surrounding area.

The Department’s assessment of the proposal identified truck movements and deliveries as potentially creating unreasonable noise impacts to the nearest sensitive receivers and imposed conditions to mitigate impacts. As stated above, the proposed modification does not seek to change the consent conditions imposed by the IPC to manage noise from truck movements and deliveries.

- The Traffic Report prepared by TTPA (dated November 2018; **Attachment D**) submitted with the revised EIS considered the impact of operations on the surrounding road network at midday on the weekend. The assessment concluded that *‘the development will not present any unsatisfactory implications for the road system’*. The proposal to operate 24 hours on Sundays will not alter this conclusion or change the traffic impacts of the proposal on the surrounding road network. The proposed modification remains consistent with the IPC’s conclusions regarding operational traffic impacts.
- The proposed modification to the hours of operation will not alter the development’s permissibility and consistency with SSD 6324.
- The proposed modification to the hours of operation will not alter the development’s general compliance with the relevant environmental planning instruments or consistency with the relevant objects of both the EP&A Act and the *Western Sydney Parklands Act 2006*.
- The proposed modification will not create unreasonable noise or traffic impacts and the development will remain in the public interest.

## 6. Conclusion

The proposed modification SSD 5800 seeks to enable the facility to operate in a manner that will increase productivity without creating any unreasonable noise or traffic impacts on the surrounding environment. The proposed amendment is minor in nature and will not result in impacts beyond those considered and deemed acceptable during the original SSD assessment.

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

- The proposed modification is of minimal environmental impact; and
- Substantially the same development as development for which the consent was granted.

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

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Jim Murray', with a stylized, looping initial 'J' and a long horizontal stroke extending to the right.

**Jim Murray**  
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