

# Section 4.55(1A) Modification Report

## Modification 3

1030-1048 & 1050-1064 Mamre Road, 59-62 & 63 Abbots Road and  
290-308 Aldington Road, Kemps Creek

Submitted to NSW Department of Planning and Environment  
on behalf of ESR Developments (Australia) Pty Ltd



**'Gura Bulga'**

Liz Belanjee Cameron

'Gura Bulga' – translates to Warm Green Country. Representing New South Wales.



**'Dagura Buumarri'**

Liz Belanjee Cameron

'Dagura Buumarri' – translates to Cold Brown Country. Representing Victoria.



**'Gadalung Djarri'**



Liz Belanjee Cameron

'Gadalung Djarri' – translates to Hot Red Country. Representing Queensland.

Ethos Urban acknowledges the Traditional Custodians of Country throughout Australia and recognises their continuing connection to land, waters and culture.

We pay our respects to their Elders past, present and emerging.

In supporting the Uluru Statement from the Heart, we walk with Aboriginal and Torres Strait Islander people in a movement of the Australian people for a better future.

|  |   |   |                    |
|--|---|---|--------------------|
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# 1.0 Introduction

This Modification Report has been prepared by Ethos Urban on behalf of ESR Developments (Australia) Pty Ltd to accompany a Modification Application pursuant to 4.55(1A) of the Environmental Planning and Assessment Act 1979 (EP&A Act). It seeks to modify State Significant Development (SSD) SSD-9138102 relating to the Westlink Industrial Estate – Stage 1 (the project) at 1030-1048 & 1050-1064 Mamre Road, 59-62 & 63 Abbots Road and 290-308 Aldington Road, Kemps Creek (the site).

Section 4.55(1A) states consent authority may, modify the consent if it is satisfied that the proposed modification is of minimal environmental impact and that the consent as modified is substantially the same development as the development for which the consent was originally granted.

The Modification Application is based on the amended Architectural Plans provided by Nettletontribe Architects (see **Appendix A**) and other supporting technical information appended to the Report (see Table of Contents). This Report has been prepared in accordance with Part 5 of the EP&A Regulations and the Department of Planning and Environment's (DPE) State Significance Development Guidelines – Preparing a Modification Report. It identifies the consent to be modified, describes the proposed modifications and provides a planning assessment of the relevant matters for consideration.

## 1.1 The Applicant

The Applicant's details are presented in **Table 1** below.

**Table 1** Applicant Details

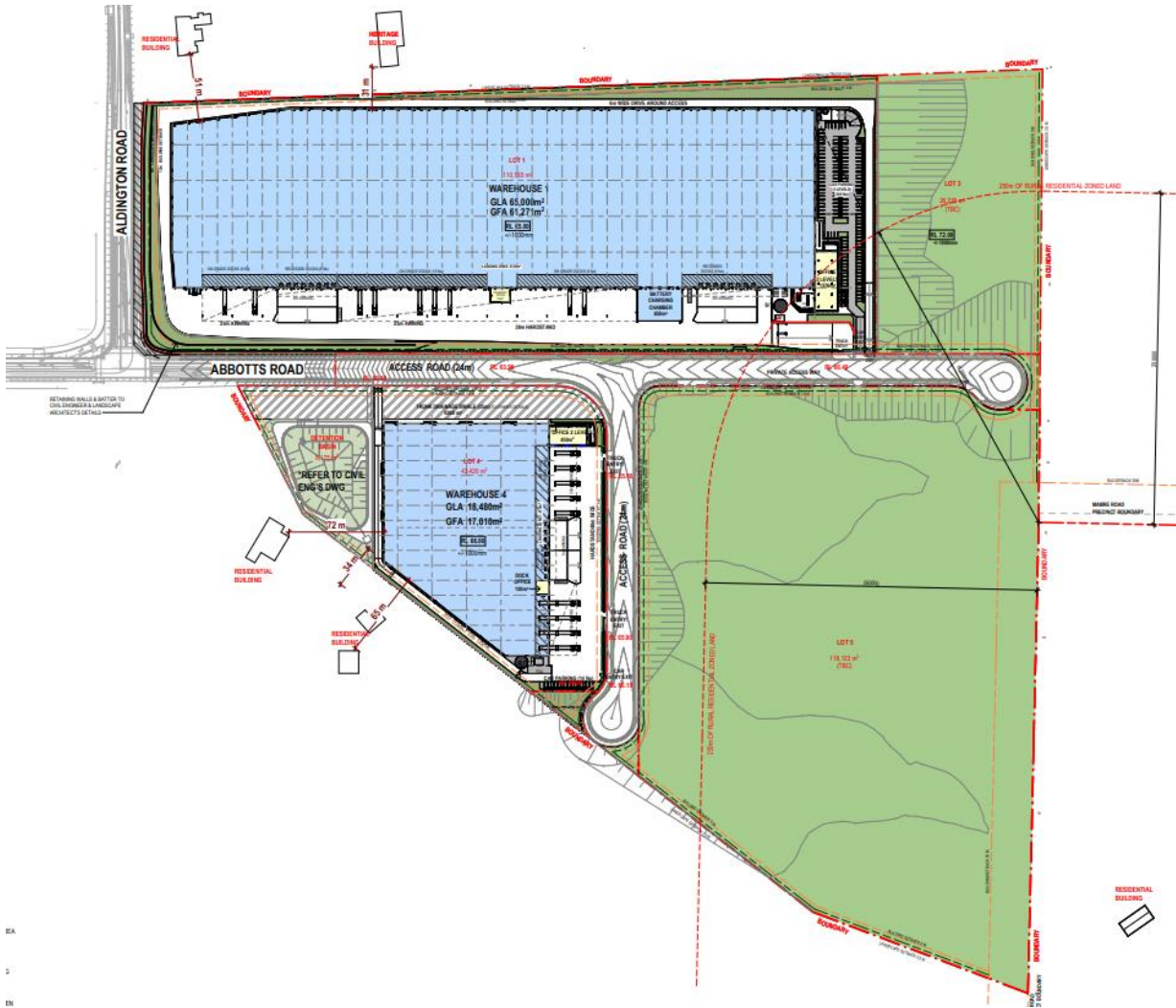
|            |  |
|------------|--|
| Applicant: | ESR Developments (Australia) Pty Ltd           |
| Address:   | Level 24, 88 Phillip Street, Sydney, NSW, 2000 |
| ABN:       | 88 625 766 109                                 |

## 1.2 Overview of the approved development

The Westlink Stage 1 SSDA (SSD-9138102) was approved by the Department of Planning and Environment as delegate of the Minister for Planning and Public Spaces on 21 April 2023 for:

*Construction of the first stage of an industrial estate including bulk earthworks, subdivision, construction, fit out and operation of two warehouse buildings and ancillary office space with a total gross floor area of 81,317m<sup>2</sup>, landscaping, construction of estate roads and external road upgrades, site servicing and stormwater infrastructure.*

The approved Westlink Stage 1 Site Plan is provided in **Figure 1** illustrating the approved development.

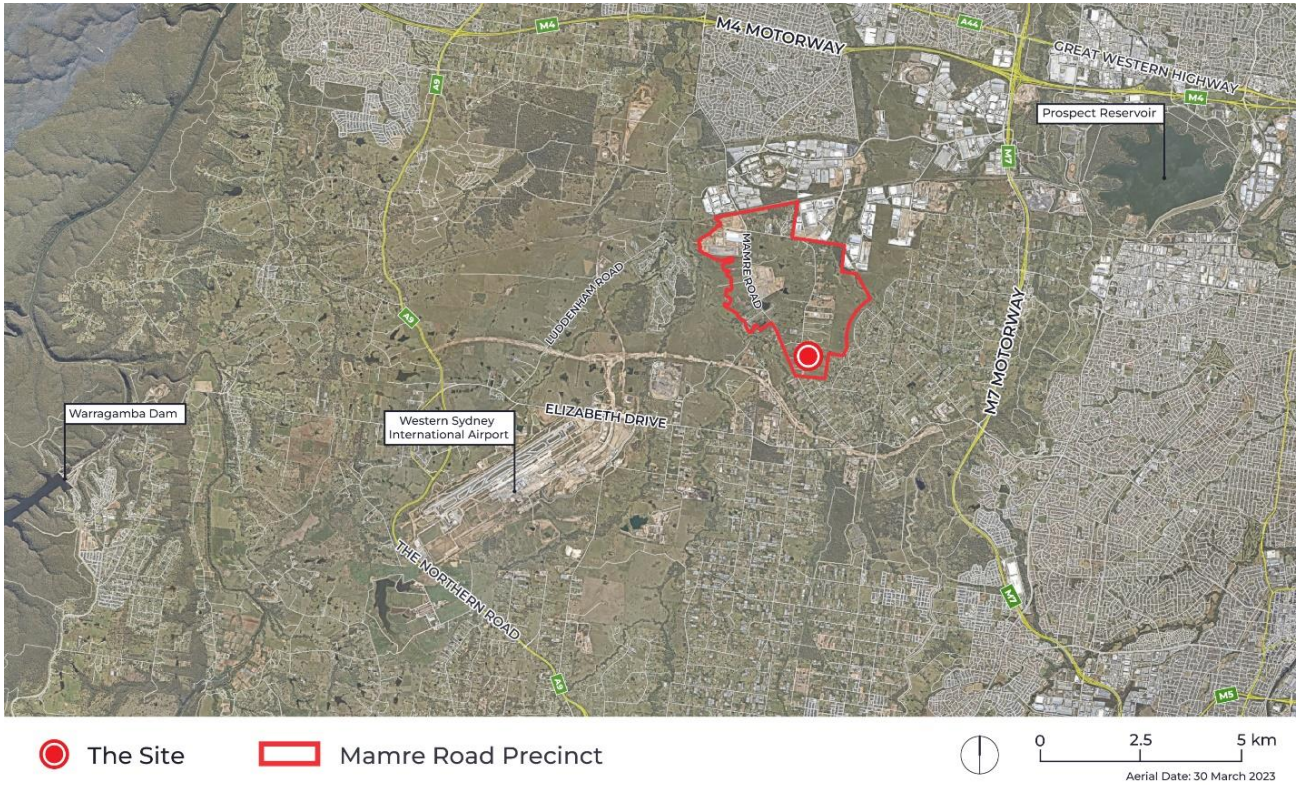


**Figure 1** Approved Westlink Stage 1 Site Plan

Source: Nettletontribe Architects

### 1.2.1 Site Overview

The Westlink Stage 1 site is located at the southern end of the Mamre Road Precinct (MRP) (refer to **Figure 2**), which sits within both the Western Sydney Employment Area (WSEA) and the Western Sydney Aerotropolis. The site was rezoned in 2020 as part of the gazettal of the *State Environmental Planning Policy (Western Sydney Employment Area) 2009*, now known as *State Environmental Planning Policy (Industry and Employment) 2021* (Industry and Employment SEPP), which rezoned the site to IN1 General Industrial.



**Figure 2 Site Location and Context Map**

Source: Nearmap, Ethos Urban

The site comprises five (5) separate allotments owned by ESR, being 1030-1048 & 1050-1064 Mamre Road, 59-62 & 63 Abbots Road and 290-308 Aldington Road, Kemps Creek. An updated Site Aerial Map is provided in **Figure 3**. Site photos of the approved development site are provided in **Figure 4** and **Figure 5** following.



**Figure 3 Site Aerial Map**

Source: Nearmap, Ethos Urban



**Figure 4** View of Westlink Stage 1 Lot 4 from the Abbotts Road extension looking south



**Figure 5** View of Westlink Stage 1 Lot 1 looking east

Source: Ethos Urban

### 1.3 Proposed modifications to the consent

This application seeks consent for a range of design development changes based on tenant requirements, including:

- Reshuffle of the battery charging room and recess docks 1,130mm to the west;
- Relocation of north-eastern rainwater tank to underground below the hardstand near the Transport Office;
- Addition of extra windows to the Transport Office;
- Enlargement of the pump room and addition of two water tanks;
- Reconfiguration of the southern recreation area and replacement of the pergolas with shade sails for the outdoor area;
- Reconfiguration of the warehouse amenities in the south-west corner of the warehouse;
- Modifications to the fire egress door locations including additional doors added across Warehouse 1;
- Adjustments to the internal office layout, a new awning over the entry and removal of external stairs;
- Reduction in car parking provision by six spaces;
- Translucent sheeting added to the roof;
- Awning re-sized above the recessed docks adjoining the batter charging room; and
- Minor reconfiguration of the driveway, with a sliding gate instead of swing gates, and landscaping at the entry to the site.

The purpose of the proposed modifications is to further refine the approved Warehouse 1 design to reflect the requirements of the tenant.

### 1.4 Analysis of alternatives

Three options are available to ESR Developments (Australia) Pty Ltd in responding to the identified need for the changes to the design, as outlined below.

#### 1.4.1 Option 1 – As Approved

Retaining the existing design as approved is not feasible, as the tenant requires the design development changes to occur in order to satisfy operational requirements to carry out their national business operations.

#### 1.4.2 Option 2 – Alternative Designs

Alternative design outcomes were explored by ESR and the tenant through the design evolution process carried out. These were considered in the context of client needs which resulted in the settlement of design changes to that as proposed in the modification.



### 1.4.3 Option 3 – As Proposed to be Modified

The modification application as proposed provides for the outcomes and design changes required by the tenant to enable efficient operations for their national business. The changes proposed are minor in nature and as a result of design refinements to meet tenant requirements.

## 2.0 Strategic context

The strategic context of the development as proposed to be modified remains substantially the same as approved on 21 April 2023. Since then, construction of the proposed development has commenced with the bulk earthworks currently being completed at the time of writing.

The modified development's alignment with its strategic context remains consistent for the following reasons:

- The development will continue to provide warehousing and industrial floor space in an area identified for this purpose
- The development remains permissible with consent under the relevant statutory planning framework for the site
- The development remains consistent with the Greater Sydney Region Plan – A Metropolis of Three Cities, the Western City District Plan, and the Mamre Road Precinct Structure Plan

## 3.0 Description of the modifications

This Section describes the proposed modifications to the approved project. It also outlines why the development, as proposed to be modified, is substantially the same development as that originally approved.

### 3.1 Modification Overview

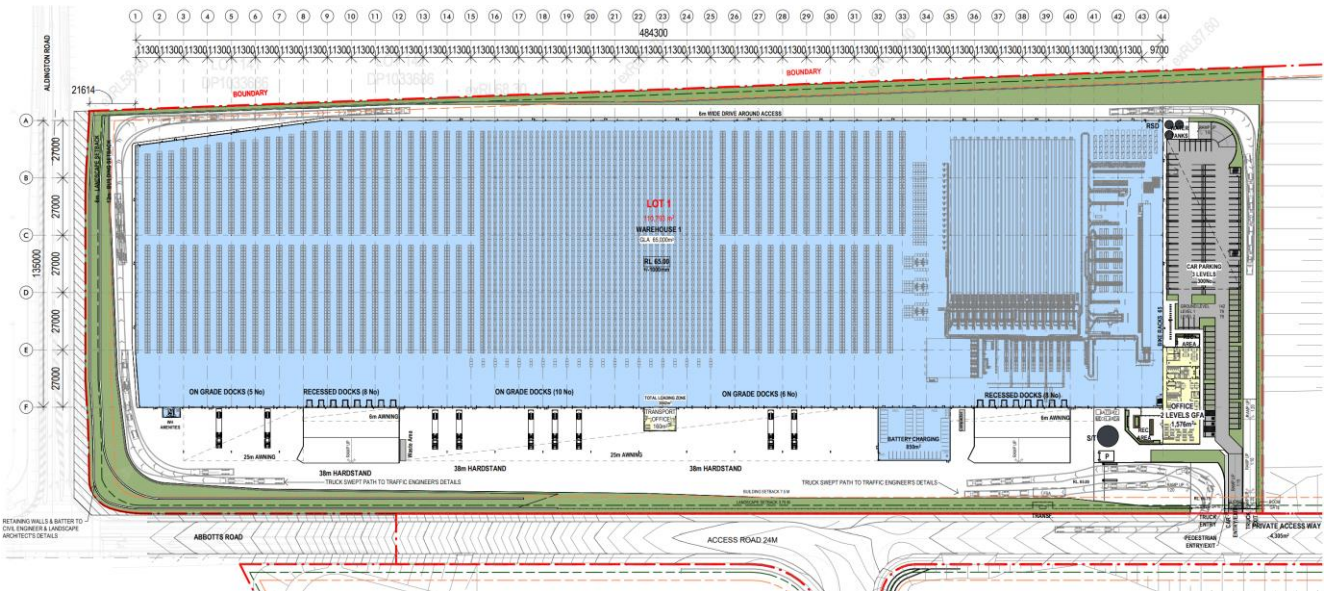
The purpose of this Modification Application is to amend SSD-9138102 to reflect design refinements to Warehouse 1 based on tenant requirements. The proposed modifications are summarised in Table 2 below and further detailed in **Section 3.2**. There are no changes to the approved Warehouse 2 proposed as part of this modification.

**Table 2** Modified Project Summary Table

| Component               | Original Project                  | Modified Project                  | Change (+/-)                        |
|-------------------------|-----------------------------------|-----------------------------------|-------------------------------------|
| Proposed land use       | Warehouse or distribution centres | Warehouse or distribution centres | N/A                                 |
| Site area (overall)     | 320,258m <sup>2</sup>             | 320,258m <sup>2</sup>             | N/A                                 |
| GFA (Lot 1)             | 63,857m <sup>2</sup>              | 63,857m <sup>2</sup>              | N/A                                 |
| Car spaces (Lot 1)      | 300 (40 permeable)                | 294 (40 permeable)                | -6 (2% reduction)                   |
| Pervious Area (overall) | 26,225m <sup>2</sup> (17%)        | 25,410m <sup>2</sup> (16%)        | -815m <sup>2</sup> (3.1% reduction) |

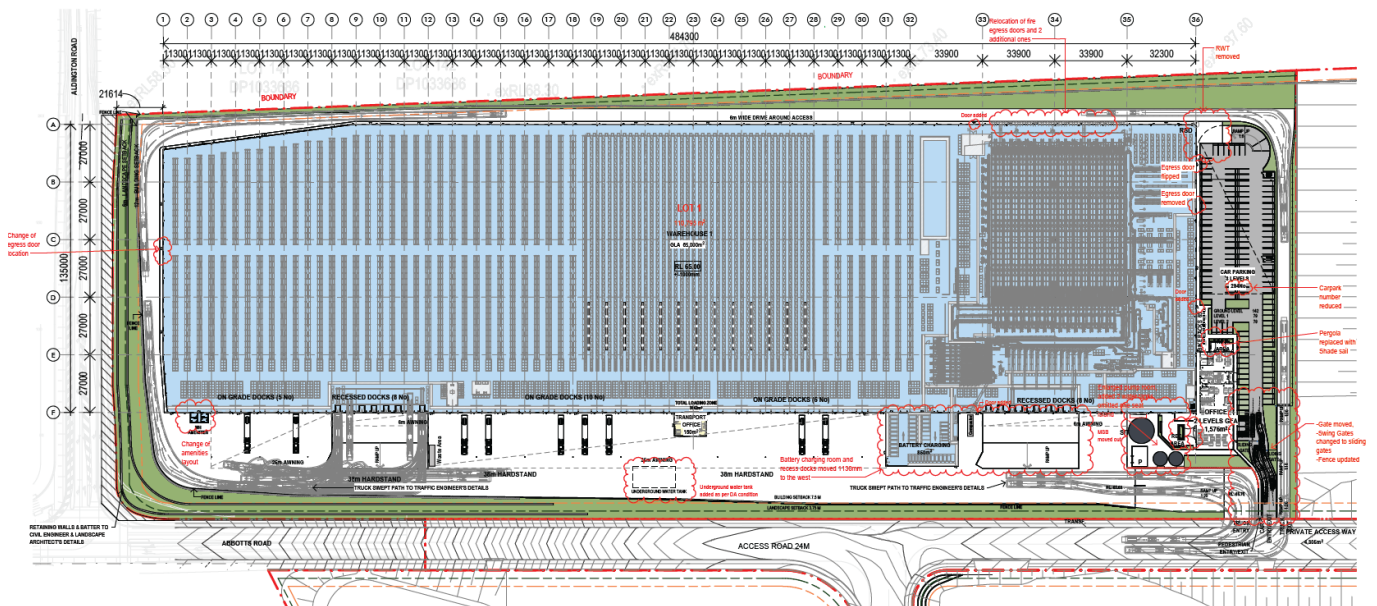
The proposed changes are illustrated on the amended Architectural Drawings included at **Appendix A** with extracts of the approved and proposed Warehouse 1 Site Plan provided in **Figure 6** and **Figure 7**. In summary, the modifications include:

- Reshuffle of the battery charging room and recess docks 1,130mm to the west;
- Relocation of north-eastern rainwater tank to underground below the hardstand near the Transport Office;
- Addition of extra windows to the Transport Office;
- Enlargement of the pump room and addition of two water tanks;
- Reconfiguration of the southern recreation area and replacement of the pergolas with shade sails for the outdoor area;
- Reconfiguration of the warehouse amenities in the south-west corner of the warehouse;
- Modifications to the fire egress door locations including additional doors added across Warehouse 1;
- Adjustments to the internal office layout, a new awning over the entry and removal of external stairs;
- Reduction in car parking provision by six spaces;
- Translucent sheeting added to the roof;
- Awning re-sized above the recessed docks adjoining the batter charging room; and
- Minor reconfiguration of the driveway, with a sliding gate instead of swing gates, and landscaping at the entry to the site.



**Figure 6 Approved Warehouse 1 Site Plan**

Source: Nettletontribe Architects



**Figure 7 Proposed Warehouse 1 Site Plan**

Source: Nettletontribe Architects

## 3.2 Detailed Modification Description

The following table outlines the proposed changes for each part of the building including elevations.

**Table 3 Proposed design modifications**

| Level/Elevation/Plan | Drawing Reference | Description of modification   |
|----------------------|-------------------|---|
| Estate               | DA102             | <ul style="list-style-type: none"> <li>(1) Change of egress door location on western wall of warehouse</li> </ul>   |
| Ground- Warehouse 2  | DA105             | <ul style="list-style-type: none"> <li>(2) Adjustment to amenities layout on south-western corner of warehouse</li> <li>(3) Underground water tank added under hardstand near Transport Office</li> <li>(4) Battery Charging Chamber and Recessed Docks moved 1130mm to the west on southern side of warehouse including roof line</li> </ul> |

| Level/Elevation/Plan          | Drawing Reference | Description of modification   |
|-------------------------------|-------------------|---|
|                               |                   | <ul style="list-style-type: none"> <li>(5) Relocation of fire egress doors and two new doors added on north-eastern end of warehouse, and egress doors flipped on eastern end of warehouse</li> <li>(6) Rainwater tanks removed near carpark at north-eastern corner</li> <li>(7) Shade sails to replace pergolas at office outdoor areas on eastern end of warehouse, and removal of one seat island in the western recreation area</li> <li>(8) Enlarged pump room with two water tanks added</li> <li>(9) Entry gates relocated and converted to sliding from swing</li> <li>(10) Main switchboard moved from near pump room</li> <li>(11) Reduction in car parks from 300 to 294</li> </ul> |
| Roof                          | DA107             | <ul style="list-style-type: none"> <li>(12) Addition of translucent sheets to roof (removed from elevations)</li> <li>(4) Battery Charging Chamber and Recessed Docks moved 1130mm to the west on southern side of warehouse including roof line</li> <li>(13) Resized awning for Recessed Docks</li> <li>(14) New roof cover over bike rack area</li> <li>(15) Office roof amended and raised from RL73.80 to RL74.05 (250mm increase)</li> </ul>  |
| Office Ground Level           | DA116             | <ul style="list-style-type: none"> <li>(7) Shade sails to replace pergolas at office outdoor areas on eastern end of warehouse</li> <li>(16) Entry sliding door added and additional internal door</li> </ul>   |
| Office Level 1                | DA116             | <ul style="list-style-type: none"> <li>(7) Shade sails to replace pergolas at office outdoor areas on eastern end of warehouse</li> <li>(17) Awning added over entry door below</li> </ul>  |
| Office Roof                   | DA116             | <ul style="list-style-type: none"> <li>(7) Shade sails to replace pergolas at office outdoor areas on eastern end of warehouse</li> <li>(17) Awning added over entry door below</li> <li>(18) External stair removed on roof</li> </ul>   |
| Transport Office Ground Level | DA119             | <ul style="list-style-type: none"> <li>(19) Additional windows added to Transport Office and resized for external walls and internal wall to warehouse</li> </ul>   |
| Eastern Elevation             | DA121             | <ul style="list-style-type: none"> <li>(7) Shade sails to replace pergolas at office outdoor areas on eastern end of warehouse</li> <li>(15) Office roof amended and raised from RL73.80 to RL74.05 (250mm increase)</li> <li>(16) Entry sliding door added</li> <li>(20) Sun shades removed from windows and additional window on office,</li> </ul>   |
| Western Elevation             | DA121             | <ul style="list-style-type: none"> <li>(1) Change of egress door location on western wall of warehouse (and translucent wall panelling adjusted accordingly)</li> <li>(21) Louvres added to façade</li> <li>(19) Additional windows added to Transport Office and resized for external walls with louvres added</li> </ul>  |
| Northern Elevation            | DA121             | <ul style="list-style-type: none"> <li>(5) Relocation of fire egress doors and two new doors added on north-eastern end of warehouse, and egress doors flipped on eastern end of warehouse</li> <li>(12) Addition of translucent sheets to roof (removed from elevations)</li> <li>(21) Louvres added to façade</li> </ul>  |
| Southern Elevation            | DA121             | <ul style="list-style-type: none"> <li>(4) Battery Charging Chamber and Recessed Docks moved 1130mm to the west and walls changed to concrete with additional louvres</li> <li>(15) Office roof amended and raised from RL73.80 to RL74.05 (250mm increase)</li> </ul>  |

| Level/Elevation/Plan     | Drawing Reference | Description of modification   |
|--------------------------|-------------------|---|
|                          |                   | <ul style="list-style-type: none"> <li>(19) Additional windows added to Transport Office and resized for external walls with louvres added</li> <li>(22) Colour strips location shifted</li> <li>(23) Awning heights of docks adjusted</li> <li>(24) Roller shutter door removed for compactor bay</li> </ul> |
| Indicative Lighting Plan | DA152             | <ul style="list-style-type: none"> <li>(4) Battery Charging Chamber and Recessed Docks moved 1130mm to the west with lighting adjusted as required</li> </ul>   |

### 3.3 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**.

#### Appendix 1 Development Layout Plans

To reflect the amended design, Table 4 Schedule of Approved Plans is intended to be updated as follows to reflect the changes to the architectural plans. Figure 2 within this Appendix of the Consent is also to be updated to the revised Site Plan

| Drawing No.  | Title                            | Issue                               | Date  |
|--|----------------------------------|-------------------------------------|---|
| Architectural Drawings prepared by Nettletontribe Architects |                                  |                                     |   |
| DA102  | Estate Plan – Stage 1            | <del>P20</del><br><b><i>P22</i></b> | <del>13/02/2023</del><br><b><i>30/10/2023</i></b> |
| DA104  | Lower Ground Floor Plan – LOT 4  | P2                                  | 13/02/2023  |
| DA105  | Ground Floor Plan – LOT 1        | <del>P18</del><br><b><i>P21</i></b> | <del>07/02/2023</del><br><b><i>30/10/2023</i></b> |
| DA106  | Ground Floor Plan – LOT4         | P14                                 | 15/02/2023  |
| DA121  | Elevations – LOT1                | <del>P12</del><br><b><i>P15</i></b> | <del>07/02/2023</del><br><b><i>30/10/2023</i></b> |
| DA124  | Elevations – LOT4                | P7                                  | 13/02/2023  |
| DA151  | Retain Wall & Fence – LOTS 1 & 4 | <del>P8</del><br><b><i>P11</i></b>  | <del>13/02/2023</del><br><b><i>30/10/2023</i></b> |

#### Reason

To reflect the modifications to the design.

### 3.4 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 proposed modifications are minor in nature and are in response to detailed design considerations from the tenant of the warehouse, who require specific changes to accommodate their national business operations.
- The development remains as originally approved in terms of its intended use and overarching design principles.
- The proposed modifications do not alter the key components of the approved development, being an industrial estate.
- The operational elements of the Warehouse 1 do not change, with the design elements purely being a refinement to ensure the efficient operation of the building by the tenant.
- The proposed modifications do not increase the gross floor area of Warehouse 1.

The development, as proposed to be modified, is both essentially and materially of the same essence as that of the approved development and is therefore considered to be substantially the same. The modification of the development consent can therefore be lawfully made under section 4.55(1A) of the EP&A Act.

### 3.5 Modification Category

The consent authority may be satisfied that this Modification Application is one which may be determined pursuant to Section 4.55(1A) of the EP&A Act as the proposed design changes are of minimal environmental impact with no impacts on surrounding properties.

### 3.6 Updated project description

There is no change required to the development description as a result of this modification, with the description to remain as:

*Construction of the first stage of an industrial estate including bulk earthworks, subdivision, construction, fit out and operation of two warehouse buildings and ancillary office space with a total gross floor area of 81,317m<sup>2</sup>, landscaping, construction of estate roads and external road upgrades, site servicing and stormwater infrastructure.*

## 4.0 Statutory context

This section identifies the relevant statutory context in relation to the proposed modification of the Westlink Stage 1 SSDA (SSD-9138102).

**Table 4 Statutory Context**

| Statutory Requirement  | Assessment  |
|--|---|
| <b>Power to Grant Consent</b>                                  | <p>Section 4.55(1A) of the EP&amp;A Act relates to modifications involving minimal environmental impact and enables a consent authority to modify a development consent if:</p> <p>(a) it is satisfied that the proposed modification is of minimal environmental impact, and</p> <p>(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 as originally granted was modified (if at all), and</p> <p>(c) it has notified the application in accordance with—</p> <p>(i) the regulations, if the regulations so require, or</p> <p>(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and</p> <p>(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.</p> <p><b>Minimal Environmental Impact</b></p> <p>The proposed modifications are of minimal environmental impact as:</p> <ul style="list-style-type: none"> <li>The design changes are a result of further design refinement and do not impact on any external receivers; and</li> <li>The proposed design changes to are minor in nature and therefore will not result in any perceptible environmental impact.</li> </ul> <p>An assessment of the anticipated impacts of the proposed modification is provided in <b>Section 6.0</b> which is supported by a Traffic Statement prepared by Ason Group (<b>Appendix B</b>). Due to minimal environmental impacts associated with the proposed modification it can be approved under Section 4.55(1A) of the EP&amp;A Act.</p> <p><b>Substantially the Same Development</b></p> <p>The development, as proposed to be modified, is substantially the same development as that originally approved as addressed in <b>Section 3.4</b>.</p> |
| <b>Permissibility</b>  | The proposed modifications does not seek to altered to use of the approved development. The approved development remains consistent with <i>State Environmental Planning Policy (Industry and Employment) 2021</i> (Industry and Employment SEPP).  |
| <b>Other Approvals</b>   | The proposed modification does not relate to any 'other approvals'.   |
| <b>Pre-Conditions to Exercising the Power to Grant Consent</b> | <p><i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i></p> <p>Section 2.121 requires the consent authority to provide TfNSW with written notice of the development application for developments considered a 'traffic generating activity'. The proposed modification is not considered a 'traffic generating activity' as it does not seek to increase GFA beyond that approved.</p>  |
| <b>Mandatory Matters for Consideration</b>                     | <p><i>State Environmental Planning Policy (Industry and Employment) 2021</i></p> <p>The development remains consistent with relevant provision of the Industry and Employment SEPP with an assessment of the relevant matters provided at <b>Appendix D</b>.</p> <p><i>Mamre Road Precinct Development Control Plan</i></p> <p>The development remains consistent with relevant provision of the MRP Development Control Plan (DCP) with an assessment of the relevant matters provided at <b>Appendix D</b>.</p>   |



## 5.0 Community engagement

This section describes the engagement undertaken during the preparation of the Modification Report as well as any engagement to be carried out following the preparation of the Modification Report.

### 5.1 Engagement Carried Out

Following the approval of Westlink Stage 1 development in April 2023, the Applicant has consulted with other agencies in relation to the commencement of earthworks on the site, however these discussions have not involved the proposed minor design changes forming part of this modification. It is noted this modification application would be referred to agencies and placed on public exhibition however the changes are not expected to impact any of these external parties.

### 5.2 Engagement to be Carried Out

The Applicant will continue working with agencies and surrounding landowners as required through the design refinement and construction process. Throughout the Modification Application process, the Applicant will remain open to consultation and/or feedback from any relevant parties.

## 6.0 Assessment of impacts

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 EIS submitted with the originally approved SSD Application assessed the following environmental impacts of the proposed development, and in particular, the following elements of the development are not considered to require further environmental assessment or consideration due to the minor nature of the design development changes proposed as part of this modification:

- Infrastructure requirements
  - No changes proposed.
- Visual impact
  - The office roof line is increased in height by 250mm however this will be imperceptible given it sits below and largely within the approved warehouse form behind the office building element of the development. The other design changes are minor in nature and will not result in additional visual impacts beyond those assessed and approved as part of the original SSD.
- Soils and water
  - No changes proposed.
- Noise and vibration
  - No changes proposed.
- Hazards and risk
  - No changes proposed.
- Biodiversity
  - No changes proposed.
- Heritage
  - No changes proposed.
- Aboriginal heritage
  - No changes proposed.
- Social and economic impacts
  - No changes proposed.
- Contamination and geotechnical
  - No changes proposed.
- Bushfire
  - No changes proposed.
- Air quality
  - No changes proposed.
- Waste management
  - No changes proposed.
- Flooding
  - No changes proposed.
- Ecological sustainable development
  - No changes proposed.

The following assessment considers the relevant matters under section 4.15(1) and those elements of the proposed modification requiring additional assessment beyond that considered in the original EIS and demonstrates that the development, as proposed to be modified, will be of minimal environmental impact.

## 6.1 Design and Built Form

The overarching design and built form of the modified proposal remains consistent with the principles that guided the development as approved. These principles include:

- Establish the Mamre Road Precinct within Western Sydney as the foremost area for high-quality industrial developments and industrial employment land by delivering in-demand industrial floor space that will support significant employment growth, in a high-quality, sustainable and innovatively designed industrial estate;
- Contribute to the broader realisation of the development principles interpreted by the Western Sydney Employment Area and Western Sydney Aerotropolis frameworks, through delivering an industrial solution that will address key freight and logistics networks;
- Provide a well-connected street layout consistent with the intention for the broader Mamre Road Precinct which facilitates a safe vehicular and pedestrian environment;
- Deliver a landscaping outcome which integrates with the appearance of the large industrial estate to soften the interface towards the eastern boundary of the site (identified as 'transition to rural');
- Establish an appropriately high level of amenity at the site for the site's industrial uses;
- Ensure the incorporation of appropriate office uses facing site frontages, access points and surrounding areas, to provide a welcoming and highly amenable environment;
- Create opportunities for flexibility and efficiencies for future operation and function in a key strategic site in the Mamre Road Precinct and WSEA;
- Utilise high quality materials, finishes and colours complementing the site and its location, ensuring that signage and wayfinding referencing the proposed industrial estate reflects the chosen landscaping scheme.

Given the changes proposed as part of this modification are minor in nature and reflective of tenant requirements, these design principles continue to be satisfied and the proposed modification remains consistent with these as approved.

## 6.2 Traffic and Access

The proposed modification includes the reduction in car parking from 300 to 294 for the Lot 1 warehouse, which still remains consistent with the requirements of the MRDCP (which requires that 245 parking spaces be provided). The changes to the design also do not result in a material change to traffic generation from the site, which remains at 1,856 vehicle movements per day.

Updated swept paths have been prepared as required.

Refer to **Appendix B** for further information.

## 6.3 Building Code of Australia

An assessment of the proposed modification compliance with the relevant provisions of the Building Code of Australia (BCA) has been prepared by Mackenzie Group, and is attached to this report at **Appendix C**. The statement confirms that the proposed development is compliant, or capable of compliance, with the relevant BCA provisions.

## 6.4 Reasons given for granting consent

The key reasons given by the Department of Planning and Environment for granting consent to Westlink Stage 1 (SSD-9138102) were as follows:

- the development would provide a range of benefits for the region and the State as a whole, including a capital investment value of \$128 million and generation of 160 full-time equivalent construction jobs and 212 operational jobs;
- the development is permissible with development consent under State Environmental Planning Policy (Industry and Employment) 2021
- the development is consistent with NSW Government policies including the Greater Sydney Region Plan – A Metropolis of Three Cities, the Western City District Plan, and the Mamre Road Precinct Structure 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 policies and standards
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the development and the conditions of consent
- weighing all relevant considerations, the development is in the public interest.

The proposed modification is consistent with these reasons and considered supportable given its minor nature.

# 7.0 Justification of the modification project

The proposed modification seeks to modify the approved development in response to detailed design requirements from the tenant for Warehouse 1.

In accordance with section 4.55(1A) of the EP&A Act, the consent authority 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 with justification of the modified project provided in the following subsections.

## 7.1 Project Design

The design of the development, as proposed to be modified, remains substantially the same to that approved in that it continues to provide two warehouses for warehousing and distribution purposes, and remains consistent with the overarching approved design.

## 7.2 Strategic Context

The strategic context of the development remains substantially the same as approved on 21 April 2023. The proposed modification is consistent with the MRP SSP as well as the MRP Structure Plan and other relevant strategic plans. Since approval, construction of the proposed development has commenced with the bulk earthworks currently being carried out on site.

## 7.3 Statutory Context

The development as proposed to be modified is consistent with Section 4.55 (1A) of the EP&A Act as it is of minimal environmental impact and is substantially the same development. The proposed modifications are of minimal environmental impact as:

- the proposed design changes are of minimal environmental impact with no impacts on surrounding properties.
- the proposed design changes to Warehouse 1 are as a result of design refinement and tenant requirements, and therefore will not result in any perceptible environmental impact.

An assessment of the anticipated impacts of the proposed modification is provided in **Section 6.0** which is supported by a Traffic Statement prepared by Ason Group (**Appendix B**) and a BCA Statement by McKenzie Group (**Appendix C**). Due to minimal environmental impacts associated with the proposed modification it can be approved under Section 4.55(1A) of the EP&A Act.

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

- The proposed modifications are minor in nature and are in response to detailed design considerations from the tenant of the warehouse, who require specific changes to accommodate their national business operations.
- The development remains as originally approved in terms of its intended use and overarching design principles.
- The proposed modifications do not alter the key components of the approved development, being an industrial estate.
- The operational elements of the Warehouse 1 do not change, with the design elements purely being a refinement to ensure the efficient operation of the building by the tenant.
- The proposed modifications do not increase the gross floor area or building height of Warehouse 1.

The remaining statutory context of the development remains unchanged from that approved on 21 April 2023.

## 7.4 Engagement

The Applicant has consulted with agencies and neighbouring landowners in relation to the ongoing construction works at the site, however noting these design changes are minimal and as a result of design refinement to suit the needs of the tenant, there are no perceptible impacts to external receivers or agency requirements.

## 7.5 Likely Impacts of the Proposal

The development, as proposed to be modified, does not have any greater built environment, natural environment or social and economic impact to that of the approved development. The modified development will provide an efficient layout suitable for the operational purposes of the tenant to carry out their national business.

## 7.6 Suitability of the Site

The development, as proposed to be modified, is suitable for the site as it:

- Continues to provide for industrial warehouse uses as envisaged by the Mamre Road Structure Plan;
- Provides for the appropriate street network as outlined in the Mamre Road Development Control Plan; and
- Utilises the site for employment purposes consistent with the objectives of the IN1 General Industrial zone.

## 7.7 Public Interest

The development, as proposed to be modified, is in the public interest as it:

- Constitutes the orderly and economic development of the site by utilising additional site area for employment purposes;
- Provides for employment opportunities and jobs within an area identified as appropriate for the land use; and
- Is consistent with the Industry and Employment SEPP and other relevant statutory provisions.

## 8.0 Conclusion

The proposed modifications relate to various minor design amendments to Warehouse 1 (Lot 1):

- Reshuffle of the battery charging room and recess docks 1,130mm to the west;
- Relocation of north-eastern rainwater tank to underground below the hardstand near the Transport Office;
- Addition of extra windows to the Transport Office;
- Enlargement of the pump room and addition of two water tanks;
- Reconfiguration of the southern recreation area and replacement of the pergolas with shade sails for the outdoor area;
- Reconfiguration of the warehouse amenities in the south-west corner of the warehouse;
- Modifications to the fire egress door locations including additional doors added across Warehouse 1;
- Adjustments to the internal office layout, a new awning over the entry and removal of external stairs;
- Reduction in car parking provision by six spaces;
- Translucent sheeting added to the roof;
- Awning re-sized above the recessed docks adjoining the battery charging room; and
- Minor reconfiguration of the driveway, with a sliding gate instead of swing gates, and landscaping at the entry to the site.

In accordance with section 4.55(1A) of the EP&A Act, the consent authority 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.