

# Modification Report

Westlink Industrial Estate – Stage 1 (Modification 2)

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

Submitted to the Department of Planning, Housing and Infrastructure  
on behalf of ESR Developments (Australia) Pty Ltd

SSD-9138102



**'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 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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# Contents

<b>1.0</b>	<b>Introduction .....</b>	<b>5</b>
1.1	Applicant Details .....	5
1.2	Overview of the Approved Development.....	5
1.3	Proposed Modifications to the Consent .....	8
1.4	Analysis of Alternatives.....	9
<b>2.0</b>	<b>Strategic Context.....</b>	<b>9</b>
<b>3.0</b>	<b>Description of the Modifications .....</b>	<b>9</b>
3.1	Detailed Overview .....	9
3.2	Trunk Drainage Channel .....	10
3.3	Lot 4 Design Changes .....	11
3.4	Other Changes .....	<b>Error! Bookmark not defined.</b>
3.5	Modifications to Conditions.....	13
3.6	Substantially the Same Development.....	14
3.7	Modification Category .....	14
3.8	Updated Project Description.....	14
<b>4.0</b>	<b>Statutory Context .....</b>	<b>15</b>
<b>5.0</b>	<b>Community Engagement .....</b>	<b>16</b>
5.1	Engagement Carried Out.....	16
5.2	Engagement to be Carried Out .....	16
<b>6.0</b>	<b>Assessment of Impacts .....</b>	<b>17</b>
6.1	Traffic and Transport.....	17
6.2	Urban Design and Visual Impact.....	18
6.3	Noise .....	18
6.4	Reasons given for granting Consent.....	18
<b>7.0</b>	<b>Justification of the Modified Project .....</b>	<b>19</b>
7.1	Project Design.....	19
7.2	Strategic Context.....	19
7.3	Statutory Context.....	19
7.4	Community Views.....	19
7.5	Likely Impacts of the Proposal .....	20
7.6	Suitability of the Site .....	20
7.7	Public Interest .....	20

## Figures

Figure 1	Approved Westlink Stage 1 Site Plan .....	6
Figure 2	Site Location and Context Map .....	7
Figure 3	Site Aerial Map .....	7
Figure 4	View of Westlink Stage 1 Lot 4 from the Abbots Road extension looking south .....	<b>Error! Bookmark not defined.</b>
Figure 5	View of Westlink Stage 1 Lot 1 looking east .....	<b>Error! Bookmark not defined.</b>
Figure 6	Proposed Westlink Stage 1 Site Plan .....	8
Figure 7	Approved and Proposed Trunk Drainage Channel .....	10
Figure 8	Approved and Proposed Warehouse 4 Site Plan .....	11
Figure 9	Approved and Proposed Lot 4 Detention Basin .....	11
Figure 10	Approved and Proposed Private Access Road .....	12
Figure 11	Approved and Proposed Bulk Earthworks Plan .....	12
Figure 11	Approved and Proposed Interim Stormwater Management Plan .....	13

## Tables

Table 1	Applicant Details .....	5
Table 2	Comparison of Lot 4 Key Development Information – Approved vs Proposed .....	10
Table 3	Statutory Context .....	15
Table 4	Car Parking Compliance .....	17
Table 5	Traffic Generation .....	17

## Appendices

Appendix	Author
A. Updated Project Description	<i>Ethos Urban</i>
B. Statutory Compliance Table	<i>Ethos Urban</i>
C. Amended Architectural Drawings	<i>Nettletontribe Architects</i>
D. Amended Estate Civil Drawings	<i>AT&amp;L</i>
E. Amended On-Lot Civil Drawings	<i>AT&amp;L</i>
F. Water and Stormwater Management Plan	<i>AT&amp;L</i>
G. Amended Landscape Drawings	<i>Site Image</i>
H. Sydney Water Letter	<i>Sydney Water</i>
I. Transport Statement	<i>Ason Group</i>
J. BCA Assessment	<i>BM+G</i>
K. Noise Memorandum	<i>SLR Consulting</i>



# 1.0 Introduction

This Modification Report has been prepared by Ethos Urban on behalf of ESR Developments (Australia) Pty Ltd (ESR) (the Applicant) pursuant to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It supports a Modification Application for the Westlink Industrial Estate – Stage 1 (SSD-9138102) State Significant Development Application (SSDA) which was approved on 21 April 2023.

The Modification Application seeks a number of design changes to the approved development including to the design of the trunk drainage channel located on Lot 4 which have been designed in accordance with Condition B28 of the Development Consent.

Specifically, the Modification Application seeks to:

- Reduce the width of the Lot 4 trunk drainage channel from 25m to 20m;
- Incorporate design changes on Lot 4 which include:
  - A reduction in the total gross floor area (GFA) of Warehouse 4 from 17,460m<sup>2</sup> to 17,020m<sup>2</sup>;
  - The removal of a dock office;
  - An increase of loading zone area from 1,470m<sup>2</sup> to 3,630m<sup>2</sup>;
  - An increase in the number of loading docks from 17 to 19.
  - A reduction in the number of parking spaces from 96 to 85; and
  - The modification of the Lot 4 Detention Basin design.
- Reduce the length of the private accessway and alter the design of the adjoining cul-de-sac including changes to associated earthworks; and
- Amend the Interim Stormwater Management Plan in response to consultation with government agencies.

A detailed description of the proposed modifications is provided in **Section 3.0**.

This Modification Report describes the proposed modifications and provides an assessment of the relevant matters contained in section 4.55(1A) of the EP&A Act. It has been prepared with regard to the Department of Planning Housing and Infrastructure's (DPHI's) *State Significant Development Guidelines – Preparing a Modification Report*.

## 1.1 Applicant Details

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

**Table 1** Applicant Details

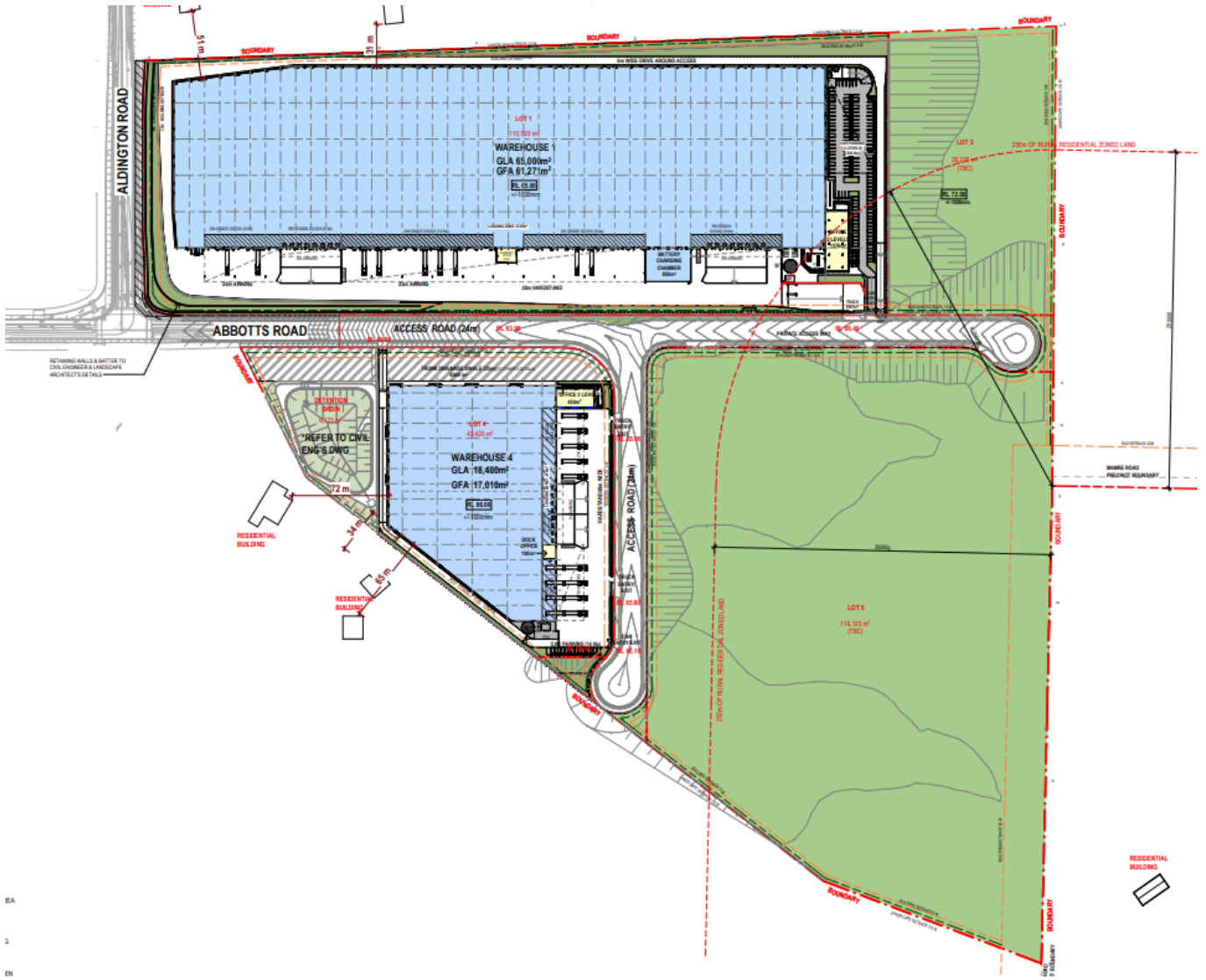
<b>Applicant:</b>	ESR Developments (Australia) Pty Ltd
<b>Address:</b>	Level 12, 13 King Street, Sydney NSW 2000
<b>ABN:</b>	88 625 766 109

## 1.2 Overview of the Approved Development

The Westlink Stage 1 SSDA (SSD-9138102) was approved by the Department of DPHI 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** on the following page.



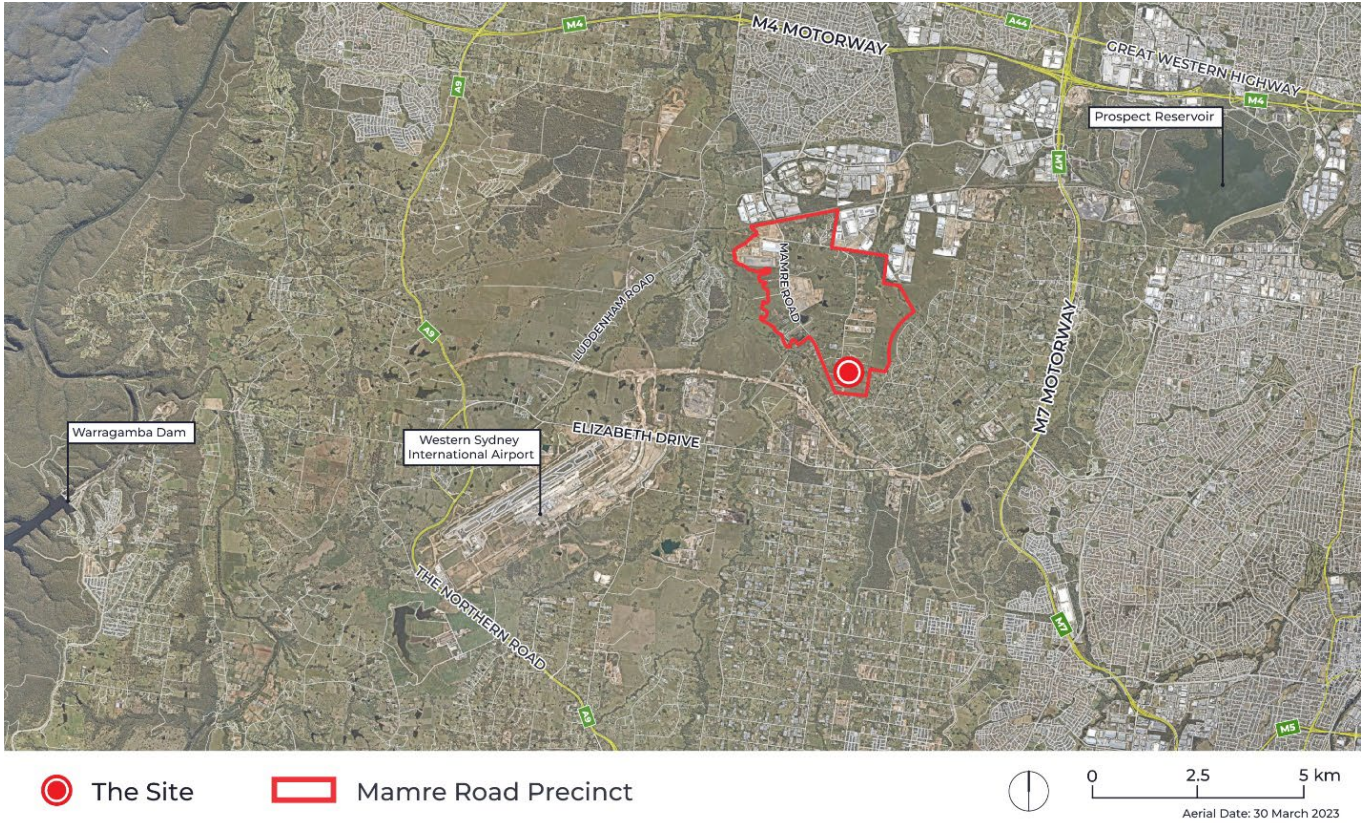
**Figure 1** Approved Westlink Stage 1 Site Plan

Source: Nettletontribe Architects

### 1.2.1 Site Overview

The 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.

The site comprises five (5) separate allotments owned by the Applicant, 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**.



**Figure 2 Site Location and Context Map**

Source: Nearmap, Ethos Urban



**Figure 3 Site Aerial Map**

Source: Nearmap, Ethos Urban



### 1.3 Proposed Modifications to the Development Consent

The Modification Application seeks to modify the approved development in response to the design of the Lot 4 trunk drainage channel being designed to the Planning Secretary’s satisfaction in accordance with Condition B28 of the Development Consent. Condition B28 of the Development Consent required the Applicant to design the trunk drainage infrastructure on the site, to the satisfaction of the Planning Secretary taking into consideration the relevant matters.

The Applicant and J. Wyndham Prince (Civil Engineer) have subsequently consulted with Sydney Water and achieved an acceptable trunk drainage channel design. The approved development comprised a 25m wide trunk drainage channel along the northern boundary of Lot 4 in accordance with Sydney Water’s the MRP Stormwater Scheme Plan (SSP). The acceptable trunk drainage design only requires a 20m wide channel along the northern boundary. Subsequently, the Modification Report seeks to reduce the width of the trunk drainage channel from 25m to 20m.

In addition, modifications are proposed to Warehouse 4 to respond to the reduction in width of the trunk drainage channel and minor design refinements as a result of the ongoing detailed design in consultation with the future tenant at the site. Further, the length of the estate private road cul-de-sac has been reduced with the cul-de-sac reorientated from the south to the north to be suitable for future development on Lot 3 of the Westlink Industrial Estate.

The Modification Application also seeks to implement the revised stormwater management plan (interim arrangement) which includes an amendment irrigation area and is due to be endorsed to the satisfaction of the Planning Secretary shortly.

A detailed description of the proposed modifications is provided in **Section 3.0**. 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.



Figure 4 Proposed Westlink Stage 1 Site Plan

Source: Nettletontribe Architects

## 1.4 Analysis of Alternatives

There are two (2) options available to the Applicant in responding to the identified need for the changes to the design which are as follows:

- **Option 1: As Approved** – Retaining the existing design as approved would continue to provide a 25m trunk drainage swale and result in no change to the development or warehouse size. This would be inconsistent with the design agreed with Sydney Water and would unnecessarily restrict the floor space of Warehouse 4.
- **Option 2: As Proposed to be Modified** – The proposed 20m wide trunk drainage swale satisfies the stormwater management requirements of Sydney Water, which results in the ability to increase the floor area of the approved Warehouse 4, increasing the employment floor space provided within the MRP, consistent with the envisaged structure plan and outcomes for the site.

## 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 (and in fact will increase the quantum of floor space) in an area identified for this purpose;
- The development remains permissible with consent under the relevant statutory planning framework for the site; and
- The development remains consistent with the Greater Sydney Region Plan – A Metropolis of Three Cities, the Western City District Plan, and the MRP 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 Detailed Overview

The Modification Application seeks a number of design changes to the approved development including to the design of the trunk drainage channel located on Lot 4 which have been designed in accordance with Condition B28 of the Development Consent.

Specifically, the Modification Application seeks to:

- Reduce the width of the Lot 4 trunk drainage channel from 25m to 20m;
- Incorporate design changes on Lot 4 which include:
  - A reduction in the total gross floor area (GFA) of Warehouse 4 from 17,460m<sup>2</sup> to 17,020m<sup>2</sup>;
  - The removal of a dock office;
  - An increase of loading zone area from 1,470m<sup>2</sup> to 3,630m<sup>2</sup>;
  - An increase in the number of loading docks from 17 to 19.
  - A reduction in the number of parking spaces from 96 to 85; and
  - The modification of the Lot 4 Detention Basin design.
- Reduce the length of the private accessway and alter the design of the adjoining cul-de-sac including changes to associated earthworks; and
- Amend the Interim Stormwater Management Plan in response to consultation with government agencies.

An updated project description has been provided at **Appendix A** and the proposed modifications are illustrated on the following:

- Amended Architectural Drawings prepared by Nettletontribe Architects (**Appendix C**);

- Amended Estate Civil Drawings prepared by AT&L (**Appendix D**);
- Amended On-Lot Civil Drawings prepared by AT&L (**Appendix E**); and
- Amended Landscape Drawings prepared by Site Image (**Appendix G**).

The proposed modifications are described in detail in the following sections. A detailed overview of the approved development and proposed modification regarding the key numerical information is provided in **Table 2** below.

**Table 2 Comparison of Lot 4 Key Development Information – Approved vs Proposed**

Item		Approved	Proposed
<b>Gross Floor Area (GFA)</b>	Warehouse GFA	17,010m <sup>2</sup>	16,540m <sup>2</sup>
	Office GFA	450m <sup>2</sup>	480m <sup>2</sup>
	<b>Total GFA</b>	<b>17,460m<sup>2</sup></b>	<b>17,020m<sup>2</sup></b>
<b>Trunk Drainage Channel</b>	Width	25m	20m
	Area	6,360m <sup>2</sup>	5,073m <sup>2</sup>
<b>Car Parking</b>	Required	70	67
	Provided	96	85
<b>Loading Docks</b>		17	19
<b>Canopy Coverage</b>		4,212m <sup>2</sup> (9.7%)	4,027.14m <sup>2</sup> (9.3%)
<b>Pervious Area</b>		12,890m <sup>2</sup> (29.7%)	11,945m <sup>2</sup> (27.5%)

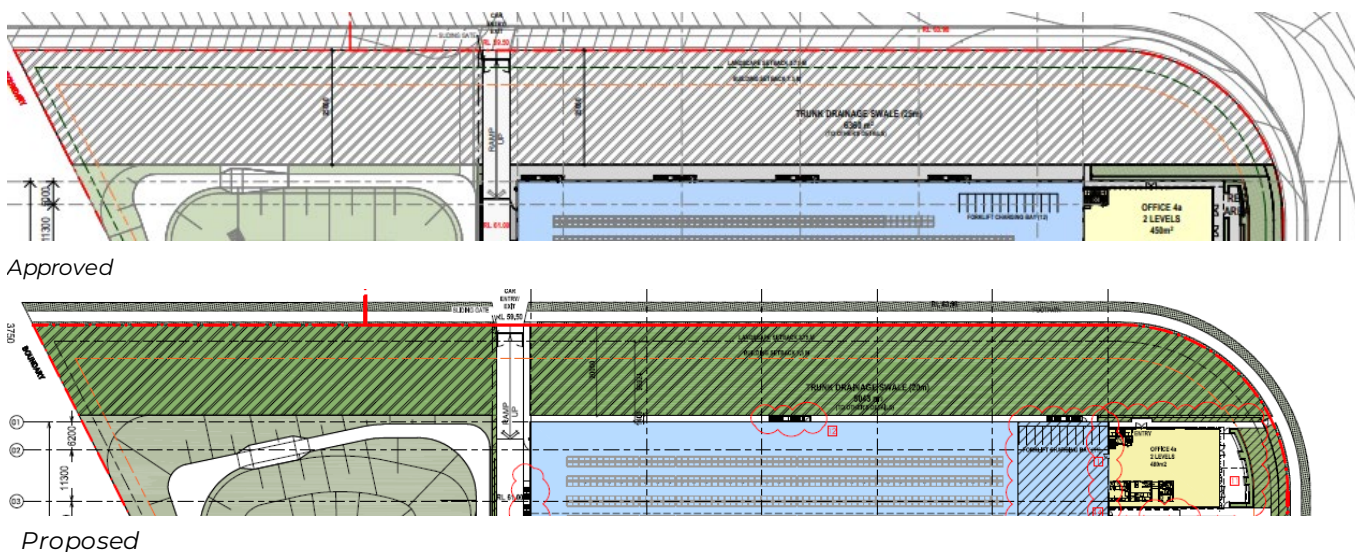
### 3.2 Trunk Drainage Channel

Condition B28 of the Westlink Stage 1 Development Consent states:

*B28. Within two months of the date of this consent, the Applicant must design the trunk drainage infrastructure on the site, to the satisfaction of the Planning Secretary. ...*

The Applicant and J. Wyndham Prince (Civil Engineer) have subsequently consulted with Sydney Water and achieved an acceptable trunk drainage channel design (refer to **Appendix H**). The approved development comprised a 25m wide trunk drainage swale that runs along the northern boundary of Lot 4. However, as part of the detailed design of the trunk drainage channel, which included consultation with Sydney Water, it has been determined that the design criteria can be satisfied by a 20m wide trunk drainage channel.

A comparison of the trunk drainage channel as approved and proposed to be modified in **Figure 7** below.



**Figure 5 Approved and Proposed Trunk Drainage Channel**

Source: Nettletontribe Architects

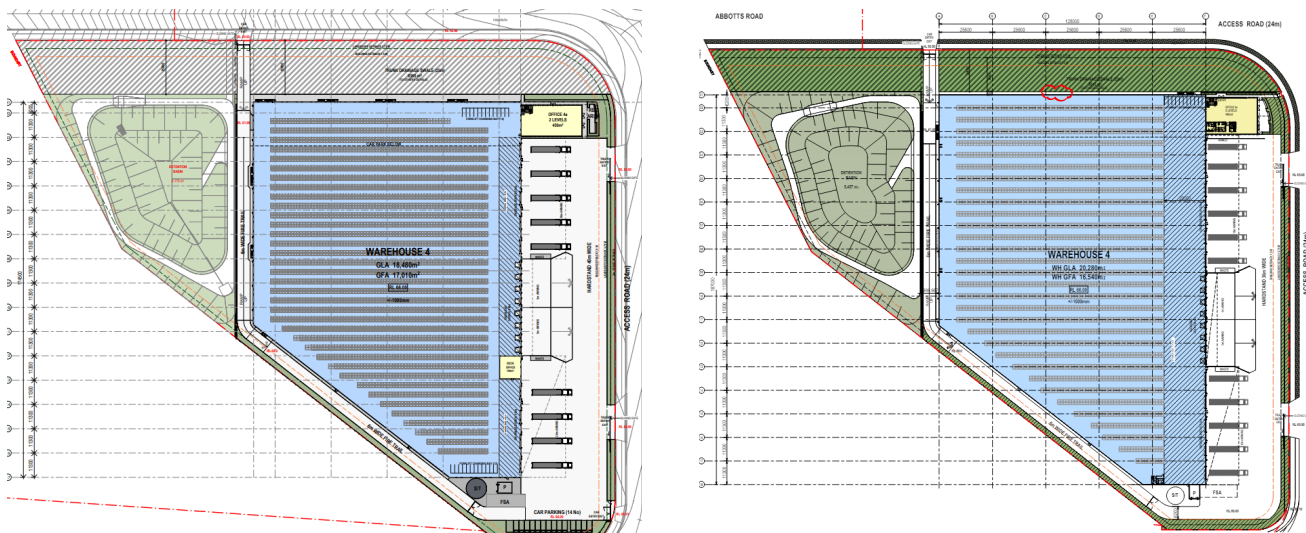
### 3.3 Lot 4 Design Changes

#### 3.3.1 Warehouse 4

As a result of the reduction in width of trunk drainage channel and ongoing design development in consultation with the future tenant, Warehouse 4 is proposed to be modified. The proposed changes include an increase in the overall floorspace of the building due to the proposed reduction in trunk drainage channel width.

The proposed changes also include an increase in the loading zones area from 1,470m<sup>2</sup> to 3,630m<sup>2</sup> as a result of ongoing design development with the future tenant. As such, the proposed changes include an overall reduction in the total GFA from 17,460m<sup>2</sup> to 17,020m<sup>2</sup>.

The ancillary office GFA is proposed to increase slightly by 30m<sup>2</sup> with Office 4A being shifted further north to also align with reduced trunk drainage channel width. The modified Warehouse 4 also reduces the number of car parking spaces from 96 to 85 and increases the number of loading docks from 17 to 19. The undercroft car park egress has also been amended slightly to accommodate BCA requirements. A comparison of the Warehouse 4 Site Plan as approved and proposed to be modified is provided in **Figure 8** below.



Approved

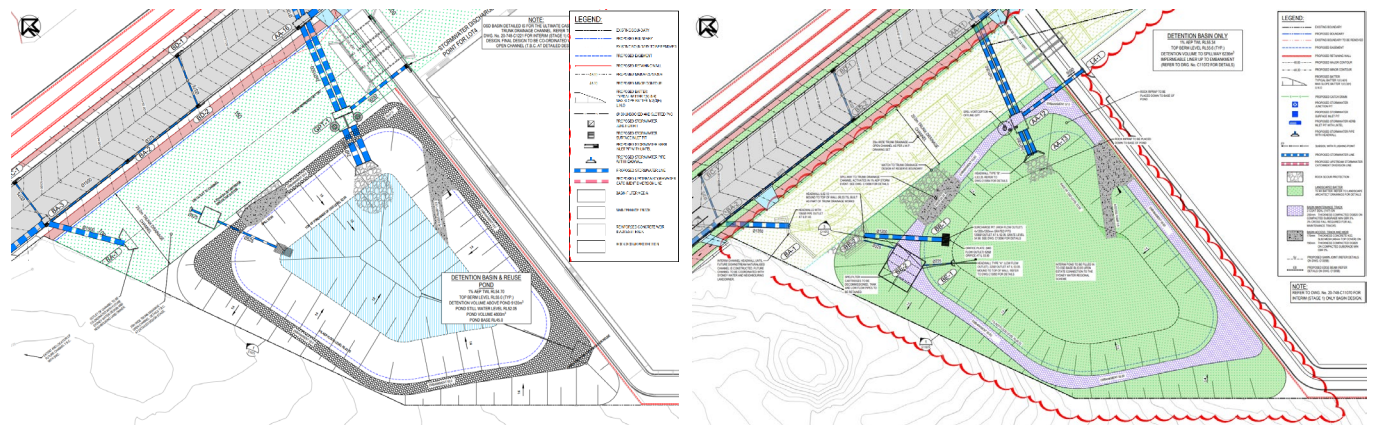
Proposed

**Figure 6** Approved and Proposed Warehouse 4 Site Plan

Source: Nettletontribe Architects

#### 3.3.2 Detention Basin

As a result of the reduction in width of the trunk drainage channel, the Lot 4 Detention Basin has also been modified to meet the trunk drainage channel, as illustrated in **Figure 9**. It is noted that the amended Estate Civil Drawings (**Appendix D**) include additional changes to the OSD basin associated with extra details requested by Sydney Water and NSW DCCEEW as part of the satisfaction of Conditions B25 and B30 of the Development Consent. As such, the development remains consistent with the Stormwater Management System Design.



Approved

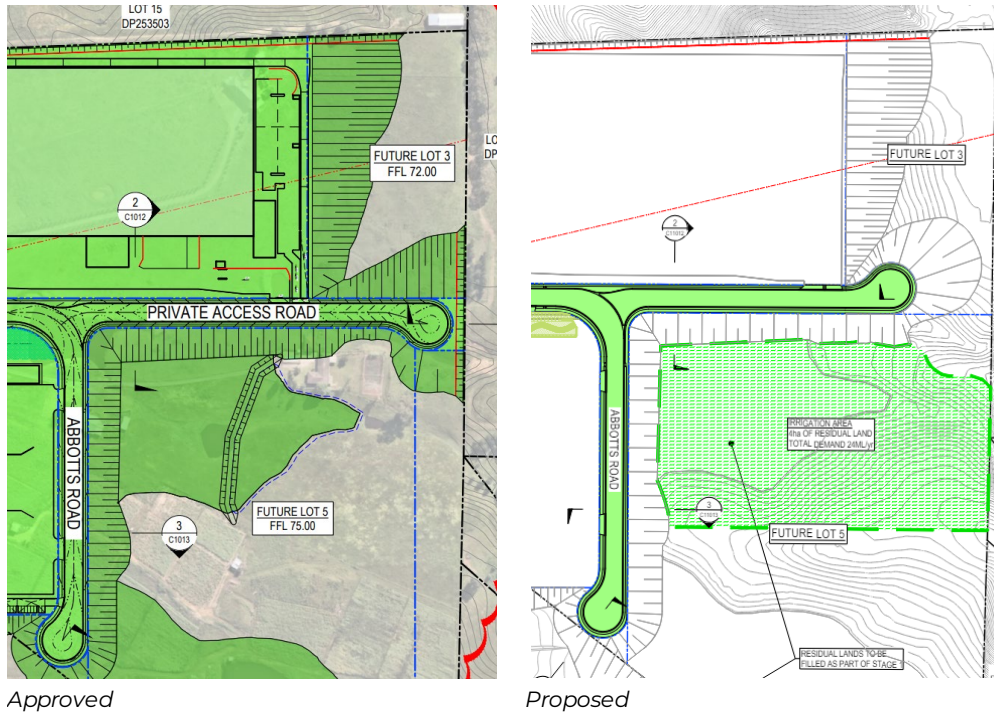
Proposed (Ultimate)

**Figure 7** Approved and Proposed Lot 4 Detention Basin

Source: Nettletontribe Architects

### 3.4 Private Access Road

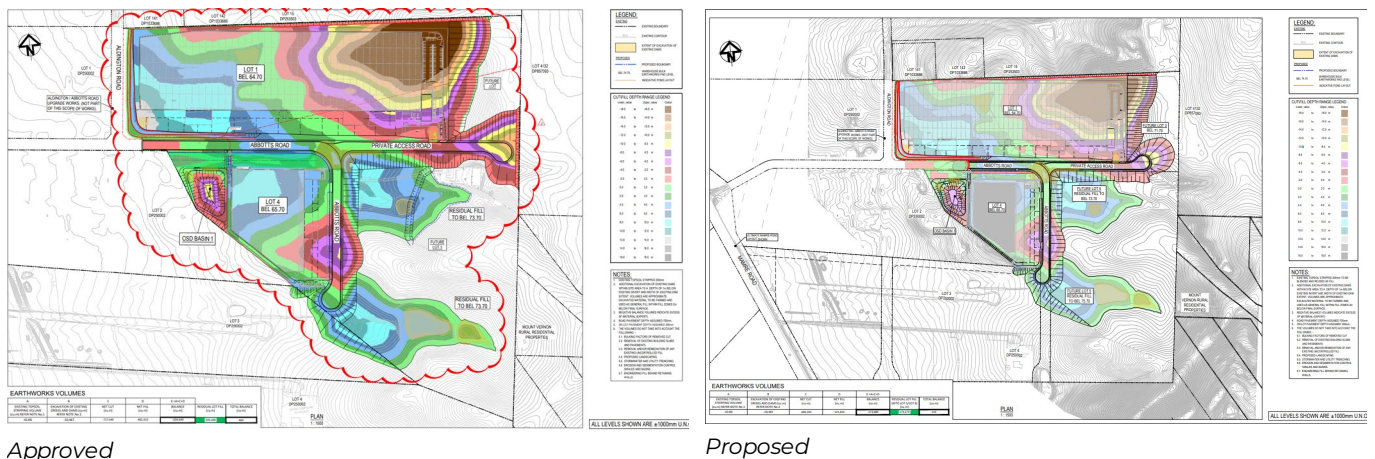
The length of the private access road that connects to Abbotts Road is proposed to be shortened with the turning head also proposed to be reorientated from the south to the north. The eastern end of the private road cul-de-sac has also been adjusted with the cul-de-sac relocated to the west to be suitable for future development on Lot 3. A comparison of the approved and proposed private access road is provided in **Figure 10** below.



**Figure 8 Approved and Proposed Private Access Road**

Source: AT&L

In order to support the proposed changes to the private access road cul-de-sac, changes to the bulk earthworks plan are proposed. A comparison of the approved and proposed Bulk Earthworks Plan is provided in **Figure 11** below.



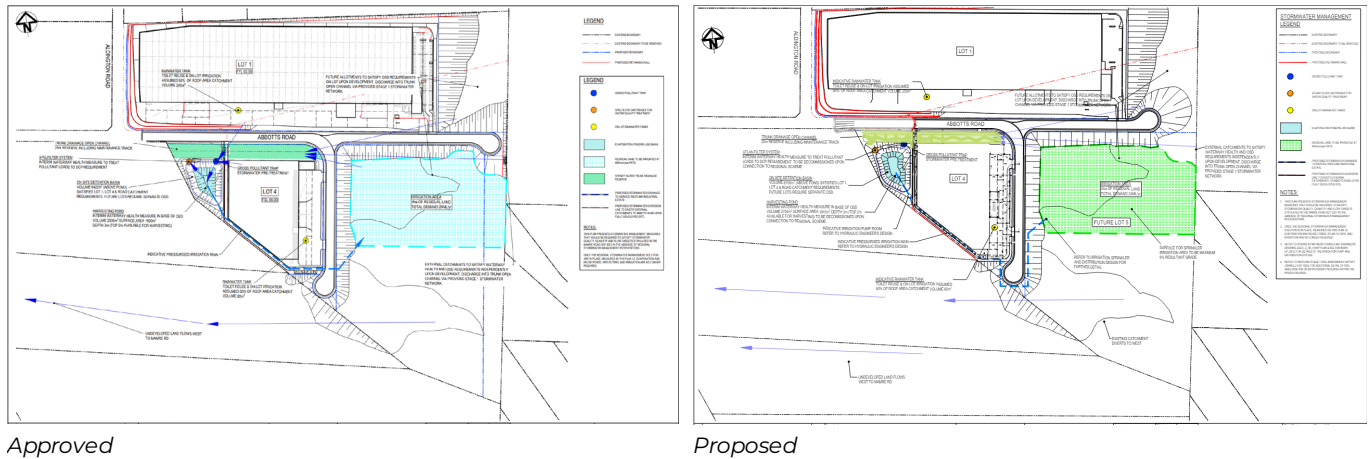
**Figure 9 Approved and Proposed Bulk Earthworks Plan**

Source: AT&L

### 3.5 Stormwater Management Plan

The Stormwater Management Plan (Interim Arrangement) has been amended with the designated irrigation area proposed to be relocated to Lot 3 DP250002 and Lot 4 DP250002. The designated irrigation area is proposed to be relocated to ensure waterway health targets are met in the interim prior to Sydney Water’s regional basins being available.

A comparison of the approved and proposed Interim Stormwater Management Plan is provided in **Figure 12** below.



**Figure 10** Approved and Proposed Interim Stormwater Management Plan

Source: AT&L

### 3.6 Modifications to Conditions

The proposed modifications described above necessitate amendments to the Development Consent 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 A

**Table 4** Schedule of Approved Plans

Drawing No.	Title	Issue	Date
<b>Architectural Drawings prepared by Nettletontribe Architects</b>			
DA102	Estate Plan - Stage 1	<del>P20</del> <b>P28</b>	<del>13/02/2023</del> <b>22/02/2024</b>
DA104	Lower Ground Floor Plan - LOT4	<del>P2</del> <b>P9</b>	<del>13/02/2023</del> <b>21/04/2024</b>
DA105	Ground Floor Plan - LOT1	P18	07/02/2023
DA106	Ground Floor Plan - LOT4	<del>P14</del> <b>P28</b>	<del>15/02/2023</del> <b>21/04/2024</b>
DA121	Elevations - LOT1	P12	07/02/2023
DA124	Elevations - LOT4	<del>P7</del> <b>P14</b>	<del>13/02/2023</del> <b>21/04/2024</b>
DA151	Retain Wall & Fence - LOTS 1 & 4	P8	13/02/2023
<b>Landscape Concept prepared by Site Image</b>			
002	Landscape Masterplan	G	14/02/2022
<b>Tree Canopy Plan prepared by Site Image</b>			
STAGE1_SK001	Tree Canopy Plan	<del>E</del> <b>G</b>	<del>20/02/2023</del> <b>21/02/2024</b>
<b>Civil Works Package – Infrastructure Works</b>			
20-748 – SKC182	INTERIM STORMWATER MANAGEMENT PLAN	<del>A</del> <b>3</b>	<del>27/03/2023</del> <b>14/03/2024</b>

**Reason:** This condition is required to be updated to reflect the amended Architectural Drawings (**Appendix C**) and Landscape Drawings (**Appendix G**) for the development.

### 3.7 Updated Project Description

The proposed modifications result in amendments to the approved project description and approved plans 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**.

*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 ~~81,317~~ **80,877**m<sup>2</sup>, landscaping, construction of estate roads and external road upgrades, site servicing and stormwater infrastructure.*

### 3.8 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 of the truck drainage channel which has satisfied Condition B28 of the Development Consent;
- 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 4 do not change, with the design elements purely being a refinement to accommodate the availability of additional land for employment floor space being available;
- The proposed modification to the private access road cul-de-sac is minor and retains the same function of the approved cul-de-sac design; and
- The proposed changes to the stormwater management plan are minor and support the waterway health targets being met in the interim case, prior to Sydney Water’s regional basins being available.

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.

### 3.9 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.

## 4.0 Statutory Context

This section identifies the relevant statutory context in relation to the Modification Application for the Westlink Stage 1 SSDA (SSD-9138102). The relevant statutory context is outlined and assessed in **Table 3** below.

**Table 3 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> <ul style="list-style-type: none"> <li>(a) it is satisfied that the proposed modification is of minimal environmental impact, and</li> <li>(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</li> <li>(c) it has notified the application in accordance with— <ul style="list-style-type: none"> <li>(i) the regulations, if the regulations so require, or</li> <li>(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</li> </ul> </li> <li>(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.</li> </ul> <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 trunk drainage channel has been designed to be able to meet the requirements of Condition B28 of the Development Consent; and</li> <li>The proposed design changes 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 Transport Statement prepared by Ason Group (<b>Appendix I</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 in that it:</p> <ul style="list-style-type: none"> <li>The proposed modifications are minor in nature and are in response to the design of the trunk drainage channel which was required by Condition B28 of the Development Consent; and</li> <li>The proposed modifications do not alter the key components of the approved development, only resulting in a subsequent minor increase in GFA.</li> </ul>
<b>Permissibility</b>	The proposed modifications do not seek to alter the 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 – however, the original SSDA was a traffic generating activity and re-referral is expected.</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 B</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 B</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 SSDA (SSD-9138102) in April 2023, the Applicant has consulted with Sydney Water in relation to the trunk drainage design to achieve compliance with Condition B28 of the Development Consent.

The Modification Application is supported by the Sydney Water Letter included at **Appendix H**. It confirms that Sydney Water has reviewed the final detailed concept design drawings package prepared and submitted by J. Wyndham Prince and associated Landscape Drawings prepared and submitted by Site Image. As the Regional Stormwater Authority, Sydney Water has confirmed that they are satisfied that the trunk drainage has been designed in accordance with the Condition B28 of the Development Consent.

### 5.2 Engagement to be Carried Out

The Applicant will continue working with Sydney Water regarding the detailed design of the trunk drainage channel. Throughout the Modification Application process, the Applicant will remain open to consultation and/or feedback from any relevant parties.

# 6.0 Assessment of Impacts

This section provides a detailed summary of the findings of any further assessment of the impacts as a result of the proposed modifications.

## 6.1 Traffic and Transport

A Transport Statement has been prepared by Ason Group and included at **Appendix I** that assesses the traffic impact as a result of the increase in GFA of Warehouse 4.

### 6.1.1 Car Parking

The proposed modification seeks to adjust the gross floor area (noting however that overall floor space increases) and decrease the number of car parking spaces on Warehouse 4. The proposal remains compliant with the MRP DCP as outlined in **Table 4** below.

**Table 4 Car Parking Compliance**

Use	GFA (m <sup>2</sup> )	Requirements	Total Requirement	Provision	Net
Warehouse	16,540	56	68	85 (lower ground floor)	+17
Ancillary Office	480	12			

Source: Ason Group

In addition, the proposed modification remains compliant in regard to accessible parking providing one accessible space for Warehouse 4, achieving compliance with the requirement of one accessible space per every 100 spaces. There are two electric vehicle parking spaces proposed.

### 6.1.2 Traffic Generation

An assessment of the traffic generation from the development, as proposed to be modified, utilising the approved trip rates is undertaken in **Table 5** below.

**Table 5 Traffic Generation**

Use	Peak Period	GFA (m <sup>2</sup> )	Trips
Approved Development	AM	17,460	40
	PM		42
	Daily		508
Proposed Modification	AM	17,020	39
	PM		41
	Daily		495
Net	AM	-440	-1
	PM		-1
	Daily		-13

Source: Ason Group

The development, as proposed to be modified, is expected to result in a reduction of trip generation by one in both the AM and PM peaks in comparison to the approved development. The decrease represents less than a 1% change in both peak periods for the Westlink Stage 1 site. Ason Group therefore concluded that the development, as proposed to be modified, is expected to have a negligible impact on the surrounding road network.

## 6.2 Urban Design and Visual Impact

The proposed modification to decrease the Lot 4 trunk drainage channel width from 25m to 20m and increase the floor space area of Warehouse 4 does not represent any substantial change in urban design and visual impact. The trunk drainage channel continues to provide a generous setback from Abbots Road to Warehouse 4 that will include landscaping that will be part of detailed trunk drainage design.

The design and built form of Warehouse 4 remains generally unchanged. The reduction of the Lot 4 trunk drainage channel has subsequently enabled the positioning of Office 4a closer to the bend of Abbots Road and enabled the provision of an increased street frontage presence.

A BCA Assessment Report has been prepared by BM+G and included at **Appendix J**. It confirms the development, as proposed to be modified, is capable of compliance with the BCA and clause 19(1) of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

The modified development therefore remains consistent with the urban design and visual impact to that of the approved development.

## 6.3 Water Management

An amended Water and Stormwater Management Plan has been prepared by AT&L and included at **Appendix F**. It confirms the proposed revised Stormwater Management Plan (Interim Arrangement) meets the stormwater quality, quantity and flow targets.

## 6.4 Noise

A Noise Memorandum has been prepared by SLR Consulting and included at **Appendix K**. It confirms that the proposed modifications, specifically the addition of two (2) additional loading docks, does not alter the approved noise emissions from the project and is appropriate from an acoustic standpoint.

## 6.5 Reasons given for granting Development Consent

The key reasons given by the DPHI for granting Development 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 development, as proposed to be modified, remains substantially the same as that approved with the proposed modification not impacting the reasons given for granting Development Consent.

# 7.0 Justification of the Modified Project

The Modification Application seeks a number of design changes to the approved development including to the design of the trunk drainage channel located on Lot 4 which have been designed in accordance with Condition B28 of the Development Consent.

In accordance with section 4.55(1A) of the EP&A Act, the Consent Authority may modify the Development 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 by the DPHI (as delegate of the Minister for Planning and Public Spaces) on 21 April 2023.

## 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 completed at the time of writing.

## 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 trunk drainage channel has been designed to be able to meet the requirements of Condition B28 of the Development Consent; and
- The proposed design changes are minor in nature 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 Transport Statement prepared by Ason Group (**Appendix I**). 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 the design of the trunk drainage channel which was required by Condition B28 of the Development Consent; and
- The proposed modifications do not alter the key components of the approved development, only resulting in a subsequent minor change in GFA and overall building floor space.

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

## 7.4 Community Views

The Applicant has consulted with Sydney Water in relation to the trunk drainage design to achieve compliance with Condition B28 of the Development Consent. Confirmation as to consultation is supported by the Sydney Water Letter (**Appendix H**). It confirms that Sydney Water, as the regional stormwater authority, that they are satisfied that the trunk drainage has been designed in accordance with Condition B28 of the Development Consent.

## **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 adequate regional stormwater infrastructure and provide a suitable built form and landscaping response.

## **7.6 Suitability of the Site**

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

- Facilitates the necessary width of the Lot 4 trunk drainage channel, as endorsed by the regional stormwater authority; and
- Utilises additional the site area 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;
- Will deliver the regional stormwater infrastructure to support the development of employment uses; and
- Is consistent with the Industry and Employment SEPP and other relevant statutory provisions.