

# ETHOS URBAN

## **Amendment to Modification**

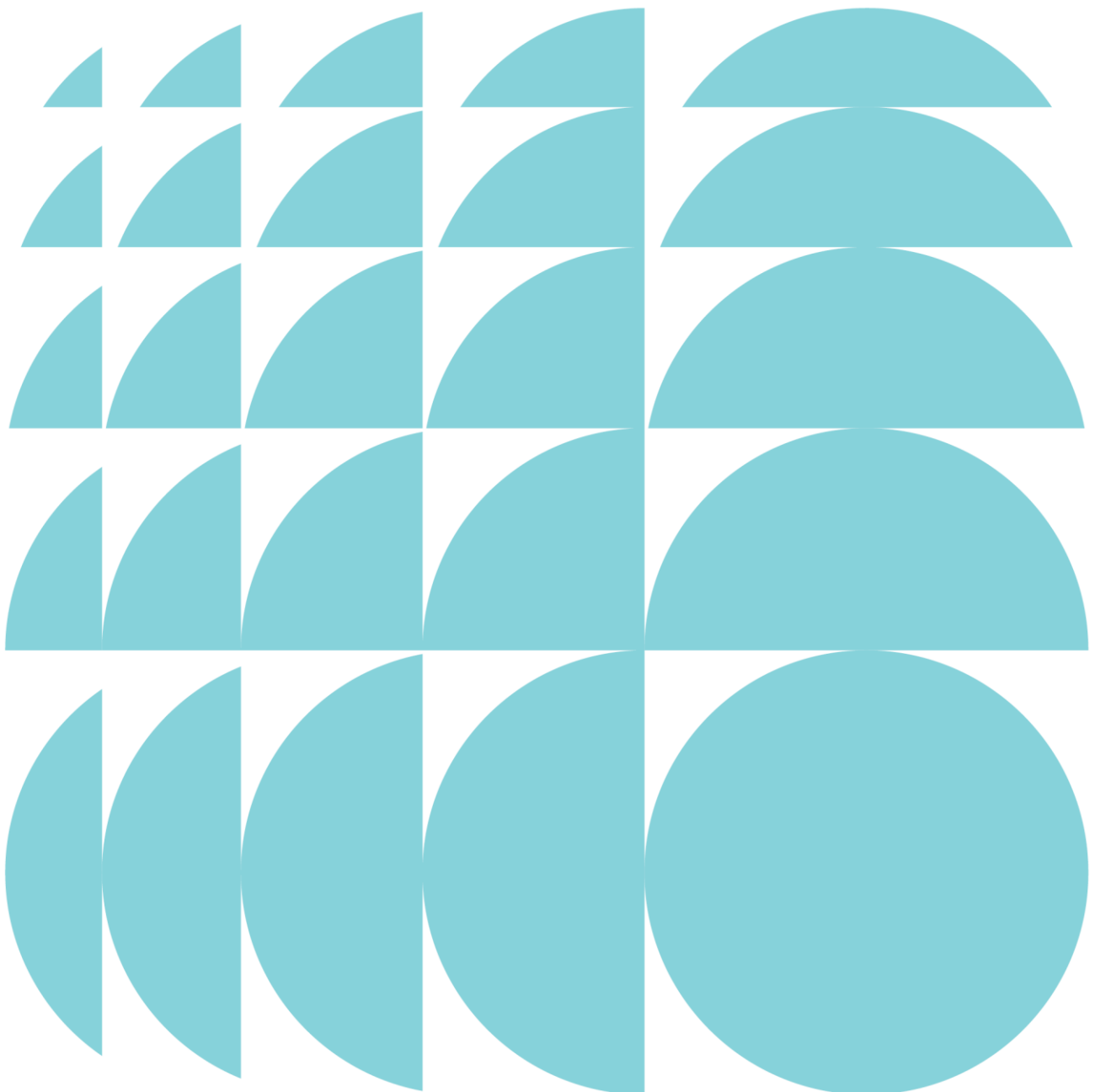
### **Application No. 1**

SSD 5041 - Metal Waste Recycling Facility  
Expansion

23-43 and 45 Tattersall Road, Kings Park  
Fire Safety Upgrades

Submitted to The Department of Planning  
and Environment  
On behalf of Sell & Parker

29 September 2017 | 17564



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## 1.0 Introduction

This Statement of Environmental Effects (SEE) is submitted to The Department of Planning and Environment in support of an amendment to Modification Application No. 1 to SSD 5041 for the expansion of a metal recycling facility at 23-43 and 45 Tattersall Road, Kings Park.

The proposed amendment to Modification Application No. 1 seeks approval for the inclusion of fire safety works that involve the installation of:

- Two fire water storage tanks;
- A pump house; and
- Three fire brigade booster points.

The SEE has been prepared by Ethos Urban on behalf of Sell & Parker, and is based on the supporting technical information appended to the report (see Table of Contents). It should also be read in conjunction with the "Proposed minor changes to approved Kings Park Metal recovery, Processing and Recycling Facility via modification under Section 96(1A) to SSD 5041" prepared by Higgins Planning, dated August 2016.

This report describes the site, its environs, the proposed development, and provides an assessment of the environmental impacts and identifies the steps to be taken to protect or lessen the potential impacts on the environment.

### 1.1 Context and Background

SSD 5041 was approved on 12 November 2015 to increase the processing capacity of the existing metal recycling facility at 45 Tattersall Road, Kings Park including reconfiguration and expansion of the facility into the adjoining site at 23-43 Tattersall Road.

A Modification Application was subsequently submitted to the Department of Planning Environment under Section 96(1A) of the *Environmental Planning and Assessment Act 1979*, seeking minor changes to the layout of the site and the design of some of the buildings and structures. The changes would allow for a more operational efficient layout, and provide a practical value engineered approach to service relocations and equipment requirements and revised specifications.

Modification Application No. 1 was approved on 6 July 2017 by the Minister for Planning (under delegation), subject to conditions. Sell & Parker have lodged an appeal with the Land and Environment Court of NSW challenging a number of the conditions that were imposed. As such, the Modification Application remains undetermined and is currently before the Land and Environment Court for determination.

The conditions imposed on Modification Application No. 1 included requirements to consult with Fire and Rescue NSW and to agree, design and install fire safety improvements in relation to the modified buildings and structures. The amendment to Modification Application No. 1 subject of this SEE relates to the fire safety infrastructure works that have been designed in response to those conditions, and it is intended that the proposed amendment, is considered as part of the Land and Environment Court's determination of Modification Application No. 1.

This SEE therefore assesses the proposed fire safety infrastructure in the context of approved SSD 5041 and an undetermined Modification Application No.1, which is taken to be still under assessment.

## 1.2 Assessment Requirements

As part of the preparation of Modification Application No. 1, the proponent consulted with the Department of Planning and Environment to determine environmental assessment requirements for the Modification. Table 1 identifies the Department's requirements and how they have been addressed in relation to the proposed amendment to Modification Application No. 1.

**Table 1 – Environment Assessment Requirements for Mod 1**

Assessment Requirement for Mod 1	How addressed in this SEE
<i>a detailed assessment of the key issues;</i>	See Section 5.
<i>justification for the modification application;</i>	See Section 3.4
<i>plans showing the proposed modification;</i>	Plans showing the proposed fire safety infrastructure are provided in <b>Appendix A</b> .
<i>details of the conditions to be modified;</i>	Conditions proposed to be modified are described in Section 3.3.
<i>an assessment of noise including demonstrating that moving the acoustic barrier will not result in any additional noise impacts;</i>	The proposed amendment to Mod 1 does not involve any changes to the noise barrier. The assessment provided in the Mod 1 SEE has been reconfirmed by way of a supplementary Acoustic Assessment (see <b>Appendix B</b> ).
<i>an assessment of air quality and whether changing the location of the shutter doors will affect air quality;</i>	The proposed amendment to Mod 1 does not involve any changes to the location of shutter doors. The assessment provided in the Mod 1 SEE remains valid.
<i>an assessment of the potential visual impacts of the modification on the amenity of the surrounding area;</i>	The fire safety infrastructure will change the street frontage to Tattersall Road, and is further assessed in Section 5.5.1 of this SEE.
<i>an assessment of the swept paths;</i>	The proposed amendment to Mod 1 does not involve any changes to the truck access arrangements. The assessment provided in the Mod 1 SEE remains valid.
<i>an assessment of the soil and water management plan to confirm whether any revision would be required</i>	The proposed amendment to Mod 1 involves the installation of tanks and a pump house within the hardstand car park fronting Tattersall Road, and so will not alter the soil and water management plan. The assessment provided in the Mod 1 SEE remains valid.
<i>Updates of technical studies as required to address the “error” in height (10 metres) for Building L.</i>	Addressed in Modification Application No. 1 No further assessment required.



## 2.0 Site Location and Context

The site is located at 23-43 and 45 Tattersall Road, Kings Park within the Blacktown Local Government Area. An Aerial photo of the Site is shown in **Figure 1**. The site comprises Lot 2 DP 550522 and Lot 5 DP7086. The site is located within the Kings Park industrial estate, and is surrounded by industrial development.



**Figure 1 – Aerial Photo of the Site**

Source: Higgins Planning (Mod 1)

The site is currently occupied by a metal recovery, processing and recycling facility and both addresses have access via Tattersall Road.

The land is entirely owned by Sell & Parker, and is subject to SSD 5041 which approves the expansion of the metal recovery, processing and recycling facility into 23-43 Tattersall Road.

The existing development and its surroundings is presented in **Figures 2-5**.





Figure 2 – Site View of the existing facility (No. 23-43) from Tattersall Road



Figure 3 – Tattersall Road Streetscape: from site driveway, looking east



Figure 4 – Photo of 32 Tattersall Road, showing no landscaped frontage



Figure 5 – Photo of 40 Tattersall Road, showing minimal landscaped frontage



## 3.0 Proposed Amendment to Mod 1

### 3.1 Consent to be Modified

SSD 5041 was approved on 12 November 2015 to increase the processing capacity of the existing metal recycling facility at 45 Tattersall Road, Kings Park including reconfiguration and expansion of the facility into the adjoining site at 23-43 Tattersall Road. The expanded facility would increase throughput of the facility from 90,000 tonnes per annum (tpa) to 350,000 tpa.

The facility breaks up large metal objects such as cars and machinery into smaller pieces, which are then sorted according to metal type for transport to other recycling facilities.

Recovered ferrous metals would be transported in bulk to other metal industries for recycling, such as One Steel and BHP. Non-ferrous metal, which may be either processed or stockpiled without processing, would be loaded into shipping containers on the site, loaded onto heavy vehicles and transported (usually) to Port Botany for export.

The office building and ancillary structures on 45 Tattersall Road would be demolished and these activities re-located to the existing offices at 23-43 Tattersall Road.

Existing car parking on the expanded site would be retained and used.

Some existing buildings on the expanded site would be utilised as enclosures for new and additional metal recovery processes, while others would be demolished to allow relocation of existing processing equipment.

The existing vehicle access points off Tattersall Road would be rationalised. Heavy vehicles would access the site at the far west access point, and depart via the far east egress point. Crossovers would be widened for heavy vehicles and new dual weighbridges would be installed in the access and egress driveways. Light vehicle access for visitors and staff would be separate from heavy vehicle access.

### 3.2 Modification Application No. 1

A Modification Application was subsequently submitted to the Department of Planning and Environment under Section 96(1A) of the *Environmental Planning and Assessment Act 1979*, seeking minor changes to the layout of the site and the design of some of the buildings and structures. The changes would allow for a more operational efficient layout, and provide a practical value engineered approach to service relocations and equipment requirements and revised specifications.

Modification Application No. 1 seeks to amend Condition A2(e) of the SSD 5041 consent by inserting a set of site layout plans and drawings, which included the following changes to the approved development:

- Relocation of the existing western boundary acoustic wall and widening of truck driveway. Retain the existing internal acoustic wall running along the eastern edge of the truck access driveway and increase its height by 1 metre.
- New configuration of weigh-bridge.
- Increase the height of "Building L" by approximately 5m.
- Retain two (2) existing substations adjacent to Building C.
- Retain the existing acoustic wall between 23-43 Tattersall Road and 45 Tattersall Road.

- A new roller shutter door along the central driveway managing public access to the car parking area.
- Inclusion of roller shutter door in the western elevation of Building C, and deletion of roller shutter door in the southern elevation of Building C.
- Reposition the “Shear” building as shown.
- New roller shutter door and egress stairs on the Tattersall Road façade of Building B, a new roller shutter door adjacent to eastern boundary of Building B, and installation of an access door at the north east wall of Building B.
- Reconfiguration of the weigh bridge at the eastern edge of the site.
- Widening of an existing ramp on the eastern side elevation of Building C.
- Installation of ‘no stopping’ signs on the entry & exit driveways on Tattersall Road.

### 3.3 Proposed Amendment to Modification Application No. 1

The proposed amendment to Modification Application No. 1 seeks approval for the inclusion of fire safety works that involve the installation of:

- Two fire water storage tanks which have a diameter of 7.5m and a height of approximately 10.6m, for a combined water storage capacity of 0.9ML.
- A pump house, which has dimensions of approximately 7.3m (W) x 7m (L) and a height of approximately 3m.

Ancillary to the fire safety works are the demolition of the existing guardhouse, the relocation of 14 car parking spaces within the existing car parking area, and the installation on the Tattersall Road frontage of three 4-point fire brigade booster connections of approximately 4m<sup>2</sup> each, which will comply with Australian Standard AS 2419.3 – 2009.

The Site Plans prepared by Algorry Zappa & Associates have been updated to incorporate the fire safety works, and are provided in **Appendix A**:

- Site Plan, 1049-14 Sheet No. A101, Issue M, dated 27/9/2017.
- Floor Plans, 1049-14 Sheet No. A201, Issue E, dated 16/12/2016 (note this plan has not changed).
- Elevations and Sections, 1049-14 Sheet No. A301, Issue H, dated 27/9/2017.
- Elevations and Sections, 1049-14 Sheet No. A302, Issue F, dated 16/12/2017 (note this plan has not changed).

The approved Fire Services Plan (16-001, Rev P4, FH-01, dated 25/9/2017) is provided in **Appendix C**, which also includes a copy of the approval letter from Fire and Rescue NSW (FRNSW).

The proposed amendment to Modification Application No. 1 does not require any additional modifications to consent SSD 5041 except for the inclusion of the revised Site Plans and approved Fire Services Plan into Condition A2.

### 3.4 Reason for the Proposed Amendment

FRNSW made a submission in relation to Modification Application No. 1 on 8 November 2016. FRNSW recommended the following in relation to fire safety at the site:

- Upgrades of the fire hydrant system, and

- Installation of a smoke detection system and sprinkler system for the floc stockpile storage area.

In response to the FRNSW submission, the proponent is currently in the process of installing the smoke detection and sprinkler systems for the floc stockpile storage area, and has been consulting with FRNSW during 2017 to reach an agreed scope and arrangement for changes to the fire hydrant system at the site.

Some elements of the agreed fire hydrant system changes require development approval. The proposed amendments to Modification Application No. 1 reflect these agreed revisions to the fire hydrant system.

It is highlighted that the proponent has also agreed to a Transitional Fire Risk Management and Implementation Plan for the site that has been endorsed by FRNSW and will satisfactorily address the fire safety concerns previously identified by the Department until the final improvements, subject of this amendment to Modification Application No. 1, are made.

## 4.0 Statutory Requirements

The power to amend a development consent is found in section 96 of the EP&A Act. Section 96 is an independent facilitative power that is separate to the grant of a development consent. The statutory requirements to be satisfied for the grant of consent to modify a development consent depend on whether or not the modification is made under subsection (1), (1A) or (2).

### 4.1 Minimal Environmental Impact

Modification Application No. 1 to SSD 5041 was originally submitted under Section 96(1A) of the EP&A Act as the proposed changes were considered to be of minimal environmental impact as the use of the land will be unchanged and the intensity of the approved use will not be altered, when compared to the previously approved plans and outcome in Development Consent SSD 5041.

The proposed fire safety works seek to address issues raised by FRNSW during the assessment of Modification Application No. 1. They still do not alter the nature of the land use or the intensity of the development.

An assessment of the potential environmental impacts of the amended modification has been carried out in Section 5. This concludes that there are no significant new environmental impacts. As such, it is considered that Modification Application No. 1 remains of minimal environmental impact.

### 4.2 Substantially the Same Development

Section 96(1A)(b) requires the consent authority to be 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.

As stated above, the proposed fire safety works relate to issues raised by FRNSW in its assessment of Modification Application No. 1. Whilst these issues were raised in the context of Modification Application No. 1 site layout and building design amendments, they relate to the facility as a whole, and reflect the ongoing requirements and expectations of FRNSW. Importantly, the proposed fire safety works do not alter the use of the land or the intensity of the approved development, and do not require relocation of buildings and structures (existing and approved), other than the demolition of the existing guardhouse.

The proposed amendments to Modification Application No. 1 are considered minor as they do not change the principal design intent of the approved buildings to be used as part of the metal processing and recycling centre or the overall operation of conditions of the Development Consent. Hence, it is considered that the proposed amendment to Modification Application No. 1 will result in a modified development that is substantially the same development as that originally approved.

## 5.0 Assessment of Environmental Impacts

Section 96(3) of the Act requires the consent authority to take into consideration such of the matters referred to in section 79C (1) as are of relevance to the development the subject of the application.

Section 79C(1) of the EP&A Act states:

*“In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:*

*(a) the provisions of:*

*(i) any environmental planning instrument, and*

*(ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and*

*(iii) any development control plan, and*

*(iv) any matters prescribed by the regulations, that apply to the land to which the development application relates,*

*(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*

*(c) the suitability of the site for the development,*

*(d) any submissions made in accordance with this Act or the regulations,*

*(e) the public interest.”*

### 5.1 Section 79C(1)(a)(i) Planning Instruments

The Environmental Impact Statement (EIS) submitted with the original State Significant Development Application (SSD 5041) addressed the proposed development's level of compliance against the relevant environmental planning instruments. These relevant planning instruments were further considered as part of the SEE submitted in support of Modification Application No. 1, which concludes that the Modification would not give rise to any additional assessment requirements under any State Environmental Planning Policy (including *State Environmental Planning Policy (Infrastructure) 2007* and *State Environmental Planning Policy No. 55 – Remediation of Land*), under any Regional Environmental Plan, or under Blacktown Local Environmental Plan 2015.

These environmental planning instruments are further considered below in **Table 1** in relation to the proposed amendment to Modification Application No.1.

**Table 2 – Compliance with relevant environmental planning instruments**

<b>Environmental Planning Instrument</b>	<b>Modification Application No. 1</b>	<b>Proposed Amendment for Fire Safety</b>
State Environmental Planning Policy No. 33 – Hazardous and Offensive Development	No change to outcome assessed in EIS. No further assessment required.	The proposed fire safety works do not involve the storage or handling of dangerous goods, and are being incorporated into the site to further improve fire safety over and above what has already been assessed and approved. No further assessment required.
<i>State Environmental Planning Policy (Infrastructure) 2007</i>	The modification does not involve an increase in the intensity of land use. No requirements of the SEPP are triggered.	No change to outcome assessed in Mod 1. No further assessment required.
<i>State Environmental Planning Policy No. 55 – Remediation of Land</i>	No change to outcome assessed in EIS. No further assessment required.	The proposed fire safety works are located entirely within the site, which has been determined in the Phase 1 Site Environmental Assessment (see Appendix K of the EIS) to be suitable for continued industrial land uses.  Whilst no excavation is expected to be required for the proposed fire safety works, piling may be required to provide structural support for the tanks. Condition B13 of the consent provides adequate measures to ensure that potential contaminants are identified prior to excavation works, and that appropriate procedures are implemented to test, classify, handle, store and dispose of contaminated water, soils and/or groundwater, if they are identified. No further assessment required.
<i>Blacktown Local Environmental Plan 2015</i>	No change in the configuration of the approved development and general site layout, so no change to outcome assessed in EIS. No further assessment required.	The proposed fire safety works will include new structures within the car park forward of the current building line. Under clause 4.3 of the LEP, the height limit for buildings at the site is 32m. The new tanks will be approximately 10.6m high, significantly lower than the maximum building height limit. No further assessment required.



## 5.2 Section 79C(1)(a)(ii) Draft Planning Instruments

No draft environmental planning instruments apply to the development.

## 5.3 Section 79C(1)(a)(iii) Development Control Plans

Part E: Development in the Industrial Areas of Blacktown Development Control Plan 2015 applies to the site.

The proposed fire safety works will include new structures within the car park forward of the current building line. **Table 2** identifies the relevant controls within Part E of the Blacktown Development Control Plan 2015, and assess compliance with these controls.

**Table 3 – Compliance with Blacktown Development Control Plan 2015**

Section	Provision	Comment
4.1	<p>Setbacks</p> <p>No buildings are to be erected on any land within 7.5m of the street alignment of any other road.</p> <p>Council may increase the minimum front setback where, in Council's opinion, the proposed development is of a bulk and scale that is out of character with existing development in the estate and where landscaping techniques are not sufficient to ameliorate the visual impact of the proposed building.</p> <p>Setback areas to public roads are to be landscaped and maintained as open areas only, so as to enhance the streetscape appearance of all industrial development. No storage of any kind is to occur within landscaped setback areas.</p>	<p>The fire safety infrastructure, comprising the tanks and pump house, will be setback approximately 10m from the Tattersall Road boundary.</p> <p>Landscaping will be provided pursuant to a Landscape Management Plan required under Condition B39 of the consent for SSD 5041, which will be updated to reflect the Landscape Plan provided in <b>Appendix D</b>.</p>
4.2	<p>Landscaping</p> <p>All setback areas are to be landscaped and maintained incorporating as many existing trees as possible. Undeveloped areas are to be stabilised to prevent soil erosion. Landscaping may be required around the perimeter of undeveloped areas.</p>	<p>Pursuant to Condition B39 of the consent for SSD 5041 a Landscape Management Plan is required to be prepared that, amongst other things, details landscaping measures including vegetation that would be implemented to minimise the visual impact of the development, particularly from adjoining premises and public vantage points, and includes measures to protect and retain mature trees along the northern boundary of the site.</p>

Section	Provision	Comment
4.3	Consideration of adjoining land  The appearance of the development from through roads and adjoining land.	Landscaping will be provided pursuant to the Landscape Management Plan required under Condition B39, which will be updated to reflect the Landscape Plan provided in <b>Appendix D</b> .
Part A, Section 6	Car Parking  Industry requires 1 space per 75m2 GFA plus 1 space per 40m2GFA for the office component	The site will continue to have on-site car parking supply in excess of the level required in the DCP.

## 5.4 Section 79C(1)(a)(iiia-v)

There is no Voluntary Planning Agreement that applies to the site, there are no relevant matters prescribed by the *Environmental Planning and Assessment Regulation 2000*, and the site is not within the Coastal Zone. As such, these provisions do not apply.

## 5.5 Section 79C(1)(b) Impact on the Environment

The EIS submitted for the original SSD 5041 addressed the likely impacts of the development. The SEE submitted with Modification Application No. 1 included an assessment of the impacts of the proposed modification on the environment. **Table 3** summarises the assessment outcome described in the SEE for Modification Application No. 1, and identifies whether the proposed amendment to the modification for the fire safety works is likely to affect this assessment.

**Table 4 – Assessment of Environmental Impacts of Proposed Modification**

Issue	Modification Application No. 1	Proposed Amendment for Fire Safety
Visual Impacts	<p>Whilst Building L is proposed to be increased in height, it will not be readily visible from Tattersall Road due to the noise wall and existing and future landscaping – which will include to maintain the existing treescape in the frontage of 45 Tattersall Road.</p> <p>The proposed changes are minimal and the visual impact assessment included within the original EIS is generally unchanged, and therefore would not result in any significant adverse impacts to the streetscape.</p>	<p>The proposed fire safety works will include new structures within the car parking area, forward of the current building line. The new structures are up to 10.6m high and, whilst screened by vegetation, will be visually prominent, being located immediately adjacent to the entry driveway.</p> <p>Further assessment of visual impacts is provided below in Section 5.5.1.</p>

Issue	Modification Application No. 1	Proposed Amendment for Fire Safety
Noise	<p>Predicted noise levels will be the same or lower than calculated in the EIS as a result of the design refinements.</p>	<p>The fire safety water storage tanks do not generate noise. The associated pump house will contain one diesel pump and one electric pump. The pumps only operate intermittently, and generally only in the event of an emergency, and during testing which will occur for approximately one hour once per month (during day-time hours). As such, they do not contribute to general day-to-day noise from the facility. Renzo Tonin has confirmed that no change in predicted noise levels are expected (see <b>Appendix B</b>).</p> <p>No further assessment required.</p>
Air Quality	<p>There are no changes to the approved operations of the site which will impact the air quality assessment outcomes previously supplied with the original development application.</p> <p>No further assessment required.</p>	<p>The fire safety water storage tanks and associated pump house do not discharge air emissions, except in the very occasional event that the diesel pump is operated for testing or in the event of an emergency.</p> <p>No further assessment required.</p>
Soil and Water Management Plan	<p>The consent for SSD 5041 includes several conditions relating to soil and water management, including:</p> <p>B4 – Water Management Plan.</p> <p>B6/7 – Water Management System</p> <p>B8 – Water Treatment</p> <p>B9 – Erosion and sediment controls</p> <p>B10 – Bunding</p> <p>B11 – Flood management</p> <p>Changes to site layout and building design will be incorporated into the relevant management plan.</p> <p>No further assessment required.</p>	<p>The fire safety water storage tanks and associated pump house do not change the onsite soil and water management regime established for the site.</p> <p>No further assessment required.</p>

Issue	Modification Application No. 1	Proposed Amendment for Fire Safety
<p>Access, traffic and parking</p>	<p>No change is proposed to the location of approved access and egress points in and out of the site, nor is any change proposed to the general movement of trucks through the site and the location of parking spaces.</p> <p>Swept path analysis demonstrates that trucks are capable of manoeuvring through the site and that the proposed modifications will not result in unacceptable truck movements.</p> <p>No further assessment required.</p>	<p>The fire safety water storage tanks and associated pump house do not affect truck movements through the site. They are located within the existing light-vehicle car parking area for staff and visitors, requiring the removal of 14 existing car parking spaces.</p> <p>The EIS identified that a total of 116 car parking spaces is required for the expanded facility, which has an on-site supply of 147 car parking spaces. The loss of 14 car parking spaces will not reduce the car parking supply below the amount specified in the Blacktown DCP.</p> <p>Notwithstanding, 14 alternative car parking spaces have been identified in Site Plan A101 (see <b>Appendix A</b>) and are able to be provided within the same car parking area fronting Tattersall Road, generally at the eastern end of the existing car park. New car parking will be facilitated by line marking, and no other physical works are required. As such, there will be no impact on car parking as a result of the proposed amendment.</p> <p>Condition B34 sets out design requirements for site access, driveways and parking areas, and will continue to apply.</p> <p>In particular, the new fire safety improvements, and related car park changes, do not affect swept paths, which continue to be acceptable, as shown in Site Plan A101 (see <b>Appendix A</b>).</p>
<p>Public domain</p>	<p>There are no changes proposed which will impact the public domain beyond what was previously supplied with the original development application.</p> <p>No further assessment required.</p>	<p>The fire safety water storage tanks are not located in the public domain, but will be visible from Tattersall Road.</p> <p>Visual impacts are assessed in Section 5.5.1</p>

Issue	Modification Application No. 1	Proposed Amendment for Fire Safety
Utilities	<p>There are no changes proposed which will impact the utilities assessment beyond what was previously supplied with the original development application.</p> <p>No further assessment required.</p>	<p>The proposed fire safety works will need to connect to the Sydney Water supply, but once full will only place intermittent demand on the water supply system.</p> <p>Condition B2 requires consultation with Sydney Water and the issue of a compliance certificate under the <i>Sydney Water Act 1994</i> prior to the commencement of construction. This condition will ensure that the connection to potable water supply for filling fire water tanks will meet Sydney Water requirements.</p> <p>A Sydney Water sewer easement currently runs along the Tattersall Road frontage and turns down the driveway. The sewer is at a vertical level of approximately RL38m, compared to the tanks at approximately RL42m. Since the sewer line is always more than 8m away from the sewer line, compared to a height difference of only 4m, the tanks are well outside of the zone of influence. As such, the tanks will not require special structural supports because of the sewer.</p>
Heritage	<p>No changes proposed which will impact the heritage assessment beyond what was previously supplied with the original development application.</p> <p>No further assessment required.</p>	<p>The proposed fire safety works will not impact any heritage items and will not affect the assessment of heritage impacts in Modification Application No. 1.</p>
Microclimate	<p>No changes proposed which will impact the microclimate assessment beyond what was previously supplied with the original development application.</p> <p>No further assessment required.</p>	<p>The proposed fire safety works will not affect the assessment of microclimate impacts in Modification Application No. 1.</p>
Flora and Fauna	<p>No changes proposed which will impact the ecological assessment beyond what was previously supplied with the original development application.</p> <p>No further assessment required.</p>	<p>The proposed fire safety works will not impact any areas of ecological value, and will not affect the assessment of ecological impacts in Modification Application No. 1.</p>

Issue	Modification Application No. 1	Proposed Amendment for Fire Safety
Waste	<p>No changes proposed which will impact the waste assessment beyond what was previously supplied with the original development application.</p> <p>No further assessment required.</p>	<p>The proposed fire safety works will not generate waste during operations and will not affect the assessment of waste in Modification Application No. 1.</p>
Energy	<p>No changes proposed which will impact the energy assessment beyond what was previously supplied with the original development application.</p> <p>No further assessment required.</p>	<p>The proposed fire safety works will not require significant energy inputs during operation and will not affect the assessment of energy impacts in Modification Application No. 1.</p>
Natural Hazards	<p>No changes proposed which will impact the natural hazards assessment beyond what was previously supplied with the original development application.</p> <p>No further assessment required.</p>	<p>The proposed fire safety works are located in the existing car park, outside of the flood zone, and will not affect the assessment of natural hazards in Modification Application No. 1.</p>
Social	<p>No changes proposed which will impact the social assessment beyond what was previously supplied with the original development application.</p> <p>No further assessment required.</p>	<p>The proposed fire safety works will not result in adverse social impacts and will not affect the assessment of social impacts in Modification Application No. 1.</p>
Economic	<p>No changes proposed which will impact the economic assessment beyond what was previously supplied with the original development application.</p> <p>No further assessment required.</p>	<p>The proposed fire safety works will not result in adverse economic impacts and will not affect the assessment of economic impacts in Modification Application No. 1.</p>
Cumulative	<p>No changes proposed which will impact the cumulative assessment beyond what was previously supplied with the original development application.</p> <p>No further assessment required.</p>	<p>The proposed fire safety works will not result in adverse cumulative impacts and will not affect the assessment of cumulative impacts in Modification Application No. 1.</p>

## 5.5.1 Visual Impact Assessment

### Assessment Outcomes in EIS and Mod 1

The EIS for SSD 5041 identifies the following key characteristics for the site and its surroundings:

- The site is already disturbed and is located within a heavily developed existing industrial area.
- There are no sensitive receptors with views to the site. The closest residential receptor is located approximately 470m east of the site on Sunnyholt Road. The closest park is Headingly Reserve located approximately 460m east of the site, on Sunnyholt Road. Due to topography and intervening industrial development the site cannot be seen from either of these two locations.
- Views from Tattersall Road towards the waste management operations at 45 Tattersall Road are screened by an existing acoustic wall and associated dust screen, as well as by vegetation planted along the front set-back.

The EIS concludes that the expansion of the facility will not result in significant visual impacts in the vicinity of the site or neighbouring areas, but proposes that additional landscaping be provided along the site boundaries (and particularly the Tattersall Road street frontage) to complement and enhance the landscaped vegetation.

The visual impact assessment provided in relation to Modification Application No. 1 concluded that the proposed changes are minimal and are considered generally consistent with the original EIS, and therefore would not result in any significant adverse visual impacts.

### Assessment of Proposed Amendment to Mod 1

The proposed fire safety works will introduce a new building (i.e. the pump house) and infrastructure (i.e. the 2 x 10.6m high water storage tanks) located forward of the building line at 23-43 Tattersall Road. The new tanks and pump house will be located within the existing car parking area immediately adjacent the existing access driveway.

The indicative envelope of the proposed tanks is shown in **Figures 6 – 8**, which illustrate that the new building and infrastructure will be visible from Tattersall Road, based on the current levels of landscaping.

The car parking area is at an RL of approximately 42m, so the pump house will extend to a height of approximately RL 45m and the 10.6m high tanks will extend to approximately RL 53m. It is highlighted that the ground level within the site is lower than Tattersall Road, which is at approximately RL 45m at the driveway crossover, contributing to a reduction in the perceived height and scale of the proposed tanks.

The top of the proposed tanks will be similar to the top of the adjacent acoustic barrier and shade cloth, which is approximately 7m high, but starting from the Tattersall Street level. It is also a similar height to the top of Building B (existing), meaning that it is consistent with the height and scale of existing buildings and structures already located at the site.

The tanks will be visible from Tattersall Road due to their location being forward of the building line. However, the tanks are located immediately behind a large existing tree located within the landscaped frontage. The existing tree provides significant screening of the proposed tanks when viewed from Tattersall Road, as can be seen in **Figure 6**.

Condition B39 of the consent for SSD 5041 requires a Landscape Management Plan to be prepared that, amongst other things, details landscaping measures including vegetation that would be implemented to minimise the visual impact of the development, particularly from adjoining premises



and public vantage points, and includes measures to protect and retain mature trees along the northern boundary of the site. Subject to the requirements of the FRNSW and the Environment Protection Licence, additional landscaping will be planted within the 7.5m landscaped setback along this frontage to soften the interface between the existing industrial development and the street. Planting of an additional; tree is shown in the amended Landscape Plan provided in **Appendix D**.

Planting of vegetation within the 7.5m landscaped setback would contribute to screening the proposed tanks, and enhance the interface with Tattersall Road, as can be seen in the elevation provided in **Figure 8**.

It is also highlighted that the existing industrial facilities along the northern side of Tattersall Road do not contain a landscaped setback along the frontage (see **Figures 4 and 5**), and predominantly contain un-screened industrial buildings located right on the 7.5m building line. Further, similar fire brigade booster points are located throughout the Kings Park industrial estate, including at 21 Tattersall Road adjacent the site. The visual character of Tattersall Road is therefore reflective of largely unscreened, or partially screened, industrial buildings and structures, and does not comprise a visually sensitive landscape.

As such, irrespective that the proposed new fire safety infrastructure will be visible, the existing 10m deep setback will be retained, which, when combined with the lower ground level within the site (compared to street level), will contribute to a significant reduction in the visual impact of the tanks. Further, existing landscaping will soften the visual impacts, and this will be supplemented by additional landscaping where possible to further reduce visual impacts to the Tattersall Road streetscape.

It is concluded that the modifications proposed as part of Modification Application No. 1, as they are now proposed to be amended by the inclusion of the fire safety infrastructure, will continue to be minimal and generally consistent with the outcomes of the visual impact assessment in the original EIS.



**Figure 6 - Tattersall Road frontage: photo with the proposed fire tank envelope**



Figure 7 - Tattersall Road frontage: photo with the proposed fire tank envelope (oblique angle)

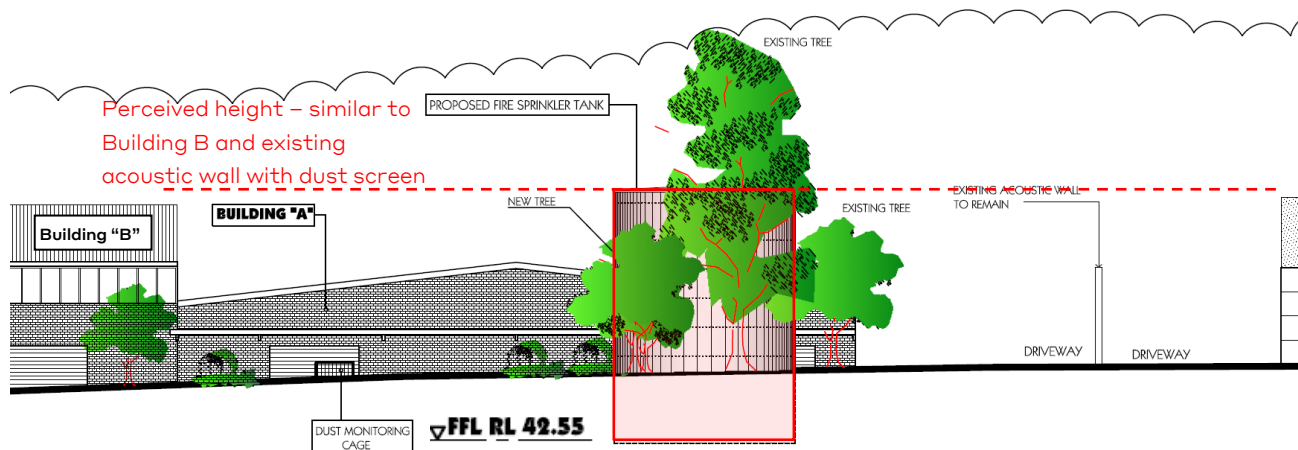


Figure 8 - Tattersall Road Elevation: with proposed fire tank envelope

## 5.6 Section 79C(1)(c) Site Suitability

The site remains suitable for the development, and the proposed amendment does not affect the analysis of this in Modification Application No. 1.

## 5.7 Section 79C(1)(e) The Public Interest

The proposed amendment to Modification Application No. 1 will contribute to fire safety improvements at the site, with benefits to the employees and visitors, emergency service personnel and the broader community.

Potential environmental impacts have been ameliorated by careful location of the infrastructure behind existing trees within a 10m deep landscaped setback, and new landscaping will be designed to minimise the potential visual effects of the new infrastructure.

The proposed amendment to Modification Application No. 1 is considered to be in the public interest.

# 6.0 Conclusion

This application seeks to amend a proposed modification of Development Consent No. 5041, currently being assessed under the provisions of Section 96(1A) of the EP&A Act. The nature of the proposed amended modification is such that the changes do not trigger any new assessment considerations under the *Blacktown Local Environmental Plan 2015* or other EPIs applying to the site.

It is considered that the nature of the modification is still minor, will still have minimal environmental impact, and will still result in a development which is substantially the same as that which was approved on the land. As such, the amended modification is consistent with Section 96(1A) and should be supported.