

21st April 2020

The General Manager
Penrith City Council
PO Box 60
PENRITH NSW 2751

To whom it may concern,

SECTION 4.55 MODIFICATION - STATEMENT OF ENVIRONMENTAL EFFECTS

APPLICATION: DA 18/0153 FOR WAREHOUSE BUILDINGS X 2 & USE OF WAREHOUSE 1 BY FLOWER POWER

PROPERTY: 177-299 LENORE DR, ERSKINE PARK (PART LOT 2 IN DP 1215268)

EXECUTIVE SUMMARY

In November 2018 Penrith City Council approved Development Application 18/0153 for the construction of two (2) Warehouse with Warehouse 1 to be used by Flower Power. This Statement of Environmental Effects is only relevant to that portion of DA 18/0153 which is yet to be constructed, Warehouse ("**The Development**").

Fitzpatrick Investments ("**Fitzpatrick**") wishes to amend this Development Application in the following ways:

1. Implementation of a revised landscape design

The aforementioned design change has been brought about as a result of design refinement through the construction and documentation process of other warehouses within the Fitzpatrick Investments Industrial Estate. In addition to this Statement of Environmental Effects, this Section 4.55 Modification Application is accompanied by the following supporting documentation:

- Penrith Council Development Application
- Application Fee
- Modified Landscape Architectural Plans prepared by Cabbage Tree Landscapes

Drawing	Number	Revision
Coversheet	L00	A
Planting Layout	L101	A
Planting Layout	L102	A
Planting Layout	L103	A

Planting Layout	L104	A
Planting Schedules	L105	A
Details	L106	A
Specification	L107	A

Consideration of the proposed modifications in accordance with the relevant considerations outlined in s.4.55 of the *Environmental Planning and Assessment Act 1979* and consideration of the likely impacts demonstrates the proposed modifications are consistent with the original approval and are appropriate in the context of the site and locality.

The proposed modifications should therefore be considered favourably by Council and supported.

THE PROPOSED MODIFICATIONS

The modification proposed as part of this application has been summarised below followed by a detailed explanation of the modification and consideration of the key issues associated with this modification:

1. Revised landscape design of The Development

1. Revised Landscape Design

The presentation of developments within The Estate is of key importance to Fitzpatrick, and the landscaping of each building plays an integral part in establishing the look and feel for not only the building, but collectively, The Estate as a whole. The landscape design of previous developments have informed these design amendments which have been tailored to enhance visual presentation of the site from the street, and further enhance the sense of place created for this facility. These changes have also been focussed on creating a more resilient design that allows for gardens to be maintained to a higher standard allowing for longer term visual amenity to each site and The Estate as a whole.

Summary of Key Issues:

- The revised landscape design maintains high and mid level screening through the continued use of the indigenous eucalypt species such as *Angohora floribunda*, *eucalyptus moluccana*, *eucalyptus creba*, *melaleuca linariifolia* and *melaleuca stypheliodes*. The formal layout conveys a corporate feel to office. The below Figure 1, although not very established, is taken from another development within the Erskine Park area. This shows the layering of screening outlined above.
- The previously approved landscape design incorporated large sections of groundcovers and shrubs across the front of The Development. The revised plan includes a simplification of the shrubs contemplated within the gardens and incorporates the arrangement of trees in sections of sandstone mulch between a layering of groundcover and shrubs. This design still provides for mid and low level hedging which provides for a visual screen at a pedestrian level. Figure 2 and 3 below illustrate this concept adopted in another industrial development within the Erskine Park area.



Figure 1



Figure 2



Figure 3

- The concept outlined above is consistent across the side and rear boundaries which front Grady Crescent and Lenore Drive, and the use of the 150mm sandstone ballast around sprinkler tanks and pump rooms speaks to the design across the street facing boundaries of the development.

SECTION 4.55 EVALUATION

A consent authority must consider the following issues when assessing a proposal to modify an existing Development Consent:

(a) it is satisfied that the proposed modification is of minimal environmental impact, and

The description of proposed modifications and consideration of key issues above indicates that the proposed changes will result in minimal environmental impacts for the site and locality. The proposed changes are isolated to changes to the landscape design.

(b) it is satisfied that the development to which the consent as modified related is substantially the same development as the development for which the consent was originally granted and before consent as originally granted was modified (if at all), and

The proposed modifications will not significantly alter the approved development. Council can therefore be assured that the development will remain consistent with the original approval.

(c) it has notified the application in accordance with:

- i. The regulations, if the regulations require, or***
- ii. A development control plan, if the consent authority is a council that has made a development control plan that required the notification or advertising or applications for modification of a development consent, and***

The proposed modification is minor in nature and should not require this application to be notified. As described previously, the proposed modifications do not significantly alter the development from what was previously approved by Council.

(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.

Council will consider submissions, if necessary, as part of the assessment process.

CONCLUSION

The documentation supporting this Section 4.55 Modification Application illustrate that the proposed modifications and overall development remain consistent with Council's, and the wider community's, aims and objectives for development within the Erskine Business Park. The proposal has no significant implications on surrounding land uses, which has been clearly illustrated from the above consideration of relevant matters.

The development will achieve the objectives of Council's planning controls and provide a development that will favourably contribute to the sustained economic growth of the local and regional area.

Consideration of the development in accordance with the relevant heads of consideration outlined in s.4.55 of the *Environmental Planning and Assessment Act 1979* and consideration of the likely impacts of the development demonstrates the proposed modifications are appropriate and are in the public interest both in a local and regional context.

The proposed modifications should therefore be considered favourably by Council and supported.