

MP 08_0016 Mod 1, 133 – 145 Lenore Drive, Erskine Park

Response to Agency Submissions

Agency	Comment	Response
Penrith Council	<i>Application Type</i> <i>Apart from Warehouse 1, the proposal represents a totally new development in terms of land use and built forms which should not be construed as a modification to the existing approval. Any reasonable assessment of the changes from a qualitative and quantitative analysis could not conclude that the proposal represents substantially the same development. No aspect of the built form, site configuration or land uses proposed are the same as that originally approved. The proposal should be the subject of a new development application.</i>	Major project approvals are not subject to provisions of being “<i>substantially the same development</i>”. This consideration applies to modifications of development consents approved under Part 4 of the Environmental Planning and Assessment Act, 1979. However, the project use is still consistent with the range of uses captured in the major project approval being approved warehouse and distribution. No new uses are proposed for the site. The built form and site configuration is similar to that of the approved design with minor changes that include a reduced building footprint; relocation of office space; provision of a dedicated dangerous goods store and inclusion of loading facilities to the rear of warehouse 2. Whilst these amendments are not subject to the considerations of being “<i>substantially the same development</i>”, the site configuration and built form is considered to be similar to the approved scheme despite this consideration not being relevant to major project approvals. The modified warehouse design is the same type of warehouse structure to that approved, being a metal clad building with low pitched roof and occupies generally the same position on the site. Truck access around the perimeter of the building is common to both schemes, whilst car parking areas are also allocated to the eastern end of warehouse 2.
	<i>Site Configuration</i> <i>The new proposal presents are poorer outcome in terms of presentation and setbacks to the northern and western boundaries. BCA compliance and NSW fire brigade acceptance of the reduced setback of the building to the western boundary, which appears to limit perimeter access, should be confirmed. The location of loading/unloading docks on the northern boundary presents concerns regarding</i>	The presentation to the northern boundary of the site is similar in building form and is setback <u>by up to 53 metres</u> further compared to the previous proposal from the northern boundary due to the shortening of the warehouse. The proposed roof pitch and building materials are similar to the approved design featuring concrete panels and colourbond metal cladding. The proposed northern elevation includes shutters to openings for the loading dock facilities and an awning to provide weather protection. These additional features are considered to be satisfactory to the northern elevation.

	<i>acoustic impacts, visual amenity and lighting impacts on residents adjoining to the north.</i>	The acoustic impacts to the properties to the north will be managed in accordance with the Operational Noise Management Plan (ONMP), ensuring acoustic impacts are acceptable. The ONMP indicated that the proposal will comply with all noise criteria for all residences in the area for “evening” and “night time”, and concluded that <i>‘operational noise from the facility will comply with applicable noise criteria at all surrounding residences apart from a negligible 1 dB exceedance at 30 Regulus Street...’</i> and that based on the findings of the assessment the operation of the modified proposal was unlikely to impact adversely on the acoustic amenity of surrounding residences. The visual and lighting impacts will be mitigated by the increased setback to the northern boundary and the landscaping such as a landscaped buffer zone to minimise that is required to be provided as part of the original major project. In addition, the proposed FFL of 64.00 results in a ground level difference of up to 6m towards the northern end of the western elevation will contribute towards minimising the presentation of the building from the rear. The presentation to the western boundary of the site is similar in building form and adopts approved external materials of concrete panels and colourbond metal cladding. The presentation of this western façade will not be readily visible in the long term due to the construction of the Blue Star development immediately north of the site. While the western setback has been reduced, there remains adequate setback for a road along the western perimeter. The traffic report has assessed the suitability of the internal road for heavy vehicles and confirms that truck manoeuvring will be in accordance with AS 2890.1 and AS 2890.2. Swept path diagrams also illustrate that the internal road will accommodate 25m articulated trucks which will caters for the swept path of emergency vehicles. It is agreed that BCA compliance will be satisfied for the proposed setback to the western boundary.
	<i>Acoustic Impacts</i> <i>Further to the above point, it is noted that the proposal results in a slight exceedance of the noise criteria established for the development. The Acoustic Report recommends that the development of a site Operational</i>	Noted, it is agreed that the recommendations of the acoustic report will be implemented.

	Noise Management Plan will manage this exceedance. Council has historically received a number of complaints from residents regarding noise from the Erskine Park Industrial Estate. In turn, it is requested that the Department consider the acoustic impacts of the development and incorporate the recommendation of the Acoustic Report as a condition of the approval, with further conditions requiring compliance monitoring once the development is operational with any associated documentation to be reviewed by the Department and Council.	
	State Environmental Planning Policy No. 33 – Hazardous and Offensive Development The modification proposes to increase the amount of Dangerous Goods stored on the premises. On review of the Preliminary Hazard Analysis (PHA) submitted by the applicant, it appears that sufficient mitigation measures will be implemented to ensure that the development will not be hazardous or offensive. In this regard, suitable conditions should be applied to ensure that only those maximum quantities and classes of Dangerous Goods as assessed in the PHA are permitted on the site, and that the recommendations of the PHA are included as a part of the approval (particularly the development of environmental procedures as per Section 5 and Section 6).	Noted, the maximum quantities of dangerous goods to be stored on the site will be within the quantity assessed under the PHA. The conditions recommended under the PHA will also be implemented.
Roads and Maritime Services	No objections to the proposed modifications. Inclusion of following conditions:	
	1. “All works/regulatory signposting associated with the proposed development are to be at no cost to RMS.”	Noted, all works/regulatory signposting will be at no cost to RMS.
	2. “The design and construction of the gutter crossing on Lenore Drive shall be in accordance with RMS’s requirements. Details of these requirements should be obtained from RMS’s Project Services Manager, Traffic	Noted, the requirements of RMS will be adopted in the design and construction of the gutter crossing on Lenore Drive.

	<i>Projects Section, Parramatta (telephone 8849 2496).</i> <i>Detailed design plans of the proposed gutter crossing are to be submitted to RMS for approval prior to the commencement of any road works.</i> <i>A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to release of the approved road design plans by RMS.</i> <i>The developer may be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. Please note that the Works Authorisation Deed (WAD) will need to be executed prior to the RMS's assessment of the detailed civil design plans.</i>	
	3. <i>A Road Occupancy Licence should be obtained from the Transport Management Centre (TMC) for any works that may impact on traffic flows on Lenore Drive during construction activities.</i>	Noted, all required licences will be sought.
	4. <i>If not already in place, full-time 'No Stopping' restrictions are to be implemented along the full Lenore Drive frontage of the development site. This restriction should be implemented prior to the commencement of any demolition works relating to the proposed development. Prior to the installation of the parking restrictions the applicant is to contact RMS's Traffic Engineering Services on phone; (02) 8849 2294 for a Works Instruction.</i>	Noted, full-time "No stopping" signs shall be implemented if not already in place.
	Previous requirements contained in RMS's advice dated 12 March 2010 are also applicable. Relates to: ▪ Layout of car parking to be in accordance with relevant AS 2890.1-2004 and AS 2890.2 – 2002 for heavy vehicles. ▪ Ensure that appropriate contributions be made if required for the extension of Lenore Drive.	Noted. ▪ The layout of the car park aisles/bays and truck manoeuvring are designed in accordance with AS 2890.1 and AS 2890.2. ▪ Payment of Section 94 contributions will be paid in accordance with the major project approval.

	- Provision of directional line marking and signage be provided. - Provision of bicycle parking and facilities (including showers, change rooms, lockers). - Truck access points should be located to accommodate the turning path of a B-double for all movements on the correct side of the road/driveway for vehicles entering and exiting simultaneously. - Vehicles must be wholly contained onsite before being required to stop. - All vehicles must enter/exit the property in a forward direction. - All works associated with the development are to be at no cost to the RTA.	- Directional line marking and signage will be provided to guide heavy vehicles, staff and visitors to the appropriate site locations. - The current major project approval requires the provision of bicycle parking and associated facilities. - Driveways will accord with AS 2890.1 and 2 and will accommodate all B Double vehicles. - Truck access points are designed to appropriately accommodate B Double vehicles (refer to Attachment A). - All vehicles will be able to be entirely within the site before stopping and will be able to enter and depart in a forward direction. Truck turning paths showing the satisfactory provision for access movements are provided in Attachment B of this letter). - No costs will be borne to RMS.
Environment Protection Authority	An Environment Protection Licence is not required.	Noted.
Endeavour Energy	- Proponent is required to lodge a letter of application supported with a detailed plan indicating the proposal to Endeavour Energy. - A recent survey of the easement area will be required. - No work on an easement for electricity purposes is to be carried out without written approval from the authority benefited by that easement. - Concerns with permanent 24hr access and the integrity of	Requirements provided to Endeavour Energy and a letter of approval from Endeavour Energy was provided and forwarded to DOPI on 7 February 2013. This letter includes a range of conditions during construction and operations of the facility.

	poles therefore no excavation should be carried out in the easement.	
Transgrid	▪ Configuration of plans relative to Transgrid easement not satisfactory due to requirements of Transgrid. ▪ Issues relating to batter banks, access gates and availability of access 24/7. ▪ Metallic fencing within the easement to be effectively earthed and to be electrically isolated from the rest of the fence.	▪ An onsite meeting was held with Transgrid on 12th Feb 2013. An amended site layout plan (DA002-Rev F as Attachment B) was provided to Transgrid that complies with batter banks, access gates and access 24/7 in consultation with Transgrid. ▪ Compliance with metallic fence earthing requirements to Transgrid satisfaction will be adhered where fencing is provided.
Work Cover	WorkCover does not have an approval role in relation to the storage and handling of Dangerous Goods and has no authority to require planned activities to comply with Work Health and Safety legislation. However, notes that DOPI may wish to add a condition relating to compliance with Work Health and Safety legislation.	Noted. Such a condition is not considered valid for imposing on the Major Project approval. The future operations of the use relative to Work Health and Safety legislation will be required to be met under separate legislation.