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**Re: SSD 7348 - MOD 1, MOD 2, MOD 3 and SSD10397 for Stage 2
Development Works – Response to Amended Plans and Supporting
Information**

I refer to the above three (3) x modification applications and a separate Stage 2 State Significant Development Application.

Thank you for the opportunity to review the applicant's response to the comments and concerns raised with respect to the above applications. Below are additional comments as a consequence of reviewing the amended information. It would be appreciated if these additional comments are considered in the assessment of the applications.

1. Scope of Works Between Modification and Staged Applications

As an overarching comment relating to the various applications, it is considered essential that the scope of works within the modification applications be amended to ensure that only one application is seeking approval of amendments to the spatial arrangement of allotments, finished ground levels and road configurations. The current overlay of applications and difference in development outcomes is creating problematic interim ground conditions and unsupportable level transitions throughout the development.

Various documents submitted in support of MOD 1 amendments are predicated on a substantially different road and subdivision arrangement which is not part of MOD 1, but instead forms part of MOD 3. Any suggestion to amend land form to facilitate an altered configuration (as per MOD 3) should form part of the MOD 1 application to ensure that the resulting finished ground levels can be considered in the assessment as the ultimate development scenario. In the event that the works within MOD3 are not supported or do not proceed, the land form approved within Mod 1 provides an unsatisfactory level difference between the developable lots and road configuration. This may or may not be resolved through later modifications or later separate built form development applications however reliance or dependency on separate of future applications is not sufficient planning grounds to support the creation of the suggested transitions as part of these current applications.

It is therefore considered essential that the following is addressed in the scope of works proposed:-



1. MOD 1 be amended to include all spatial arrangement amendments and land form changes. This means that the changes pursued through MOD 2 and MOD 3 with respect to lot configurations and finished ground levels are removed from those respective applications so that the implications of the finished design scenario can be considered holistically and in an orderly fashion. The subdivision pattern and road arrangements should be deemed suitable and sufficient irrespective of the intended potential tenant of the created allotments.
2. MOD 2 would then include the amendments to the Stage 1 built form and the building and landscape embellishments within the allotments considered and addressed through the MOD 1 application. The finished ground levels (other than minor site regrading to facilitate the built form works) would have already been addressed through the MOD 1 application.
3. MOD 3 could potentially be withdrawn as there is a separate SSD for the Stage 2 building form, site landscape treatment and car parking arrangement. As per above, the finished ground levels (other than minor site regrading to facilitate the built form works) would have already been addressed through the MOD 1.

If the above suggested changes to the scope of works is not adopted and pursued with the applicant, then it is Council's recommendation that the documentation and information supporting each application be confined to the works in each application alone, and that each individual application is assessed as being suitable and supportable on its own merits without reliance on separate or future unrelated works (such as a separate modification application).

2. Acoustic Analysis and Recommended Condition

The additional information submitted in support of Mod 1, 2 and 3 has been considered by Council's Environmental Management Officers and is considered to demonstrate compliance with approved noise levels. The exceptions to this are the receivers to the south however it is understood that they have all reached a noise agreement. The impacts of the agreement, and the suitable nature of those agreed works is matter for the Department to consider and determine. It would still be Council's recommendation that there is a mechanism imposed through conditions of consent that limits the amount of any agreed and approved exceedance to the satisfaction of the consent authority, and that a protocol is in place to address this potential scenario.

3. Amended Earthworks (Mod 1 with reliance on Mod 3)

Amended plans and supporting cross sectional drawings submitted by the Applicant for MOD 1 include references and reliance to works and a building form that is not subject of MOD 1, or MOD 3 and appears to suggest an intention for a future building form. Plan revisions notes on the amended documentation suggest they exist for information only, but there is still a resulting suggestion that the interface treatments resulting from the MOD 1 works are intended to be resolved / managed through the MOD 3 or future separate applications which is not acceptable.



While the deletion / reduction of additional fill within Lots 2E – J within MOD 1 is supported, this change is not sufficient to resolve the comments raised by Council for the precinct as a whole. A separate plan exists, which does not rely on any works within MOD 3, and retains the allotment and road alignments as currently approved. This plan (amended on 19 February 2020) titled as the “General Arrangements Master Plan” (Issue A8) suggests finished ground levels within Lot 2A and 2B which are approximately 700mm above the indicated road level. This is assuming that the spot levels on the plan within the road reserve are the finished road levels and not natural topography in which case the finished road levels need to be reflected. While a level transition of 700mm is minor and manageable through landscape design treatments, the indicated finished ground level within Lot 3A and 3B is between 4 – 6m higher than the finished road level. This is an unsupportable interface outcome that appears to stem from the retention of Road 3 levels to achieve requirements to remove fill within Lots 2E-J. Lot 3D is also challenging as the resulting levels are now 6.3m below Road 3 or 6.6m above Road 3.

It is evident from the cross sectional drawings (with MOD 3 notations) that Road 3 is largely a result of filling works, and the resulting interface outcomes stem from the creation of flat developable allotments that do not respond to the topography of the site and the need to step the building form and spatial arrangement of future development to respond to that topography. The proposed finished levels in fact do the opposite, with little to nil excavation within the allotments to balance the cut and fill ratios through the development. This was the key concern outlined within Council’s previous comments and the amendments undertaken have not sufficiently acknowledged this need, or appropriately responded to this need.

Notwithstanding the above, a separate revision to the General Arrangements Plan (Revision A11) has also been submitted as part of MOD1, which is not related to MOD1, but is reflective of the scope of works within MOD 3. This is not reliable and doesn’t form part of the MOD 1 application as it stands. It is however recommended that this plan (albeit amended) should be the replacement plan that ensures that these works and the spatial arrangement of the works is part of MOD 1, negating the need or reliance of any MOD 3 application. This separate and later revision provides a substantially different arrangement to that discussed above, with resulting level differences as follows:-

- Lot 2B (as amended) is 4.5m higher than the finished ground level of Road 3. This a poor outcome necessitating extensive retaining walls as presenting to the streetscape.
- Lots 2A (as amended) is 2.5m higher than the finished ground levels of Road 3, being a substantially worse interface outcome that than reflected within the existing SSD consent or that indicated by virtue of the MOD 1 amended earthworks as discussion above.
- Lot 2C, D & E with a finished ground level of 78.4 ranges from 1.2m below Road 3 (southern end) to 8.0m above Road 3 at the northern end. This is another example of a considerable worse outcome that reflected within the existing SSD consent or that indicated by virtue of the MOD 1 amended earthworks as discussion above.



It is also important to note that the architectural plans submitted in support of Mod 3 and the separate Stage 2 built form works don't appear to reflect a design scenario that is consistent with the resulting finished ground levels in the above amended plans. Council's comments on MOD 3 and SSD10397 were predicated on architectural plans and landscape plans that did not suggest any significant level changes or interface transitions in the form suggested by the MOD 1 amendments. Please refer to Landscape Street Sections for Road 3 which suggest a gentle batter slope between the car parking areas and the front property boundary. This outcome will not be realised by the level transitions resulting from the above amendments.

The requirement to reduce fill should extend further east lowering the finished pad levels within the development lots to better respect and relate to the finished levels of the road and existing topographic conditions. It is not suitable to modify the landform at the expense of the future public domain, nor is it reasonable to justify the poor interface outcomes on the basis that a separate Modification Application (MOD 3) will resolve the issue created by the proposed MOD 1. This issue underpins Council's suggestion that MOD 1 should include all proposed amendments relating to levels, lot arrangement and road configuration so that a holistic and orderly development assessment can be undertaken in one assessment process.

Given the complexity and overlaid nature of all the current modification applications, it is not considered that the proposals under consideration are suitable, orderly or reflective of good planning practice. As such, the Department is urged to consider the nature and scope of works within each application, ensure that a single spatial arrangement is under consideration in one application and that the resulting finished ground levels are respectful to natural topography and the levels endorsed through the original SSD consent. If amendments are sought, better planning outcomes must be demonstrated.

4. Amendments to Mod 2 – Site 1B and 1C

The amendments to delete car parking and driveway areas within the 20m setback to the Link Road is noted and supported as positive change. Further the setback of Warehouse 1B Road 2 has been increased to 7.5m which is also a supported amendment. The spatial configuration of 1C is still questionable and it has been Council's position that 1C should be deleted to enable reconfiguration of Lot 1A (to better locate parking) or enable a larger and more orderly spatial arrangement for 1B alone. This consideration however is a matter for the Department to consider and address if such a change is not considered to result in a better or preferred design outcome for the site.

Having regard to the earthworks concerns above, the MOD 1 General Arrangements Plan (not reliant on MOD 2 or MOD 3 spatial arrangement changes will result in a level difference of 5.5m between Lot 1C and Road 1. This is an excessive and poor internal interface outcome noting that Lot 3A and 3V by virtue of created flat developable areas,

5. Amendments to Mod 2 – Site 1A

The proposed amended car park arrangement removes the previously indicated driveway access off the Western North South Link Road. This removal is supported. Suggestions were made that widening of the driveway to accommodate an additional entry lane could be considered however it is noted

that this has not been reflected and as such it is assumed that the traffic modelling and vehicle frequency does not warrant any widening.

6. Landscaping Amendments – Mod 1, Mod 2 and Mod 3

In light of the earthworks comments provided above, Council is yet to review the amended landscape plans however it is noted that the setbacks and space afforded to landscaping is generally supported. This view may change however if the earthworks are retained and the level transitions (without retaining walls) necessitate increased or terraced setbacks.

It has been noted that the applicant suggests that Council's request for amended landscaping and suitable landscape setbacks is 'contradictory' to the issued SSD consent and 'unjustified'. Council reiterates that the recommendations made to the Department are both justified and necessary to ensure a suitable public domain interface is provided. It is also reiterated that the setback now indicated in the amended plans should be replicated and carried through for the remainder of the development along the Link Road as future stages progress.

7. Advertising Signage – Pylon Signage Dimensions

The applicant in recent email correspondence to Council dated 25 February 2020 does not appear to have addressed the signage comments raised previously. This should be addressed or alternatively addressed through conditions if the application is supported.

Given the key issue raised by Council relating to finished ground levels remains unresolved, it is requested that a position be expressed to Council with respect to Departments view (agreement or otherwise) on the comments provided in this correspondence and / or the suitability of the amendments made to the application to date.

If you require any further information, please do not hesitate to contact me on (02) 4732 8125.

Yours sincerely,



Gavin Cherry
Development Assessment Coordinator