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Manly NSW 2095

## Assessment Report Section 4.55(1A) Modification

Elevation at Greystanes Estate  
Clunies Ross Street, Pemulwuy

SSD 10399 Modification – Warehouse 7



Prepared for ISPT Pty Ltd c/- Aliro Management Pty Ltd  
Submitted to the Department of Planning, Industry, and Environment

**September 2021**



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Cover image: Aerial image of the site (blue outline) viewed from the North (Source: Airo Management Pty Ltd)

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## 1 Introduction

This report has been prepared by *Keylan Consulting Pty Ltd* (Keylan) to accompany a Section 4.55(1A) application to modify the State significant development (SSD) consent for the Elevation at Greystanes Estate (SSD 10399), which was approved by DPIE on 2 July 2021.

The application has been prepared on behalf of *ISPT Pty Ltd c/- Aliro Management Pty Ltd* (the Applicant) and is submitted to the *Department of Planning, Industry and Environment* (DPIE) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The application proposes amendments to the layout, built form and access arrangements for Warehouse 7 to meet the needs of the prospective food processing tenant. The proposed changes to Lot 7 under SSD 10399 are as follows:

- reconfiguration of the layout and built form of Lot 7 including:
  - increase Warehouse 7 GFA from 8,927m<sup>2</sup> to 9,309m<sup>2</sup> (+382m<sup>2</sup>)
  - decrease total office GFA from 893m<sup>2</sup> to 604m<sup>2</sup> (-289m<sup>2</sup>)
  - overall increase of Lot 7 GFA from 9,820m<sup>2</sup> to 10,360m<sup>2</sup> (+540m<sup>2</sup>)
- revised internal layout of Warehouse 7
- revised access arrangements
- increased parking provision from 50 spaces to 99 spaces
- on site use of materials classified as dangerous goods subject to *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development* (SEPP 33)

This modification also includes the deletion of condition B18 as this does not reflect the approved earthworks and civil designs for retaining walls on the site. Further details of the proposed modifications are provided in Section 3. There are no changes proposed to any other lots or buildings in the wider Elevation at Greystanes Estate as part of this modification application.

The following reports and updated plans have been prepared in support of this modification application (Table 1 and included as appendices to this report).

| Appendices | Supporting documentation |
|------------|--------------------------|
| Appendix 1 | Architectural Plans      |
| Appendix 2 | SEPP 33 Assessment       |
| Appendix 3 | Noise Impact Assessment  |
| Appendix 4 | Transport Statement      |

Table 1: List of Appendices

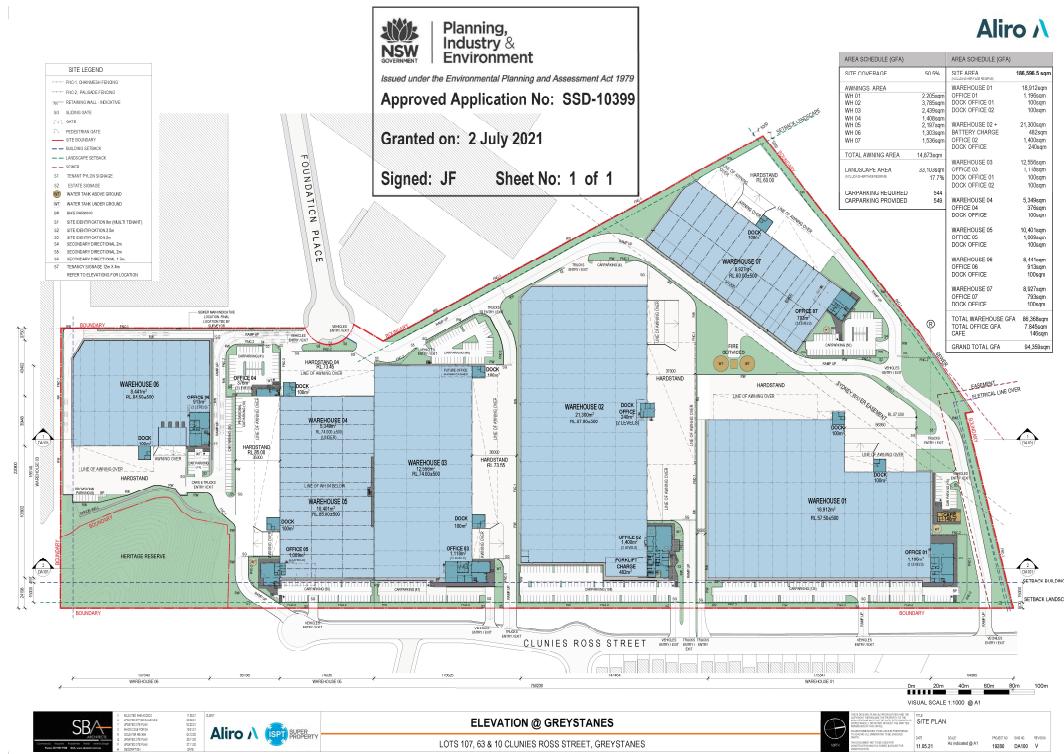
This report concludes that the proposed modifications will involve minimal environmental impact and result in substantially the same development as the development for which consent was originally granted, pursuant to Section 4.55(1A) of the EP&A Act. Accordingly, we recommend that the proposed modification be supported and approved by DPIE.

## 2 Background

Elevation at Greystanes Estate (the site) is located on the western side of Clunies Ross Street in the Blacktown and Cumberland LGAs. The site comprises an area of approximately 18.6 ha and forms part of the 90 ha Greystanes Northern Employment Lands (NEL) in the Western Sydney Employment Area (WSEA), under the *State Environmental Planning Policy (Western Sydney Employment Area) 2009 (WSEA SEPP)*.

On 2 July 2021, DPIE approved SSD 10399 for the development of the site. SSD 10399 comprises a warehouse and logistics estate including construction, fit out and operation of seven warehouses, offices, a cafe and associated infrastructure with a combined gross floor area of 95,150 square metres. Anticipated uses on site included cold storage, e-commerce, freight and logistics, food processing and other light industrial uses, consistent with the permissible land uses under the site's zoning.

The approved site plan is show in Figure 1.



The approved Lot 7 comprises:

- Warehouse 7 with a GFA of 8,927m<sup>2</sup>
- Adjoining hardstand area with awning to facilitate truck movements and access
- Office 7 with a GFA of 793m<sup>2</sup>
- Dock Office with a GFA of 100m<sup>2</sup>
- 50 parking spaces
- associated landscaping

The approved layout for Lot 7 under SSD 10399 is shown in Figure 2.

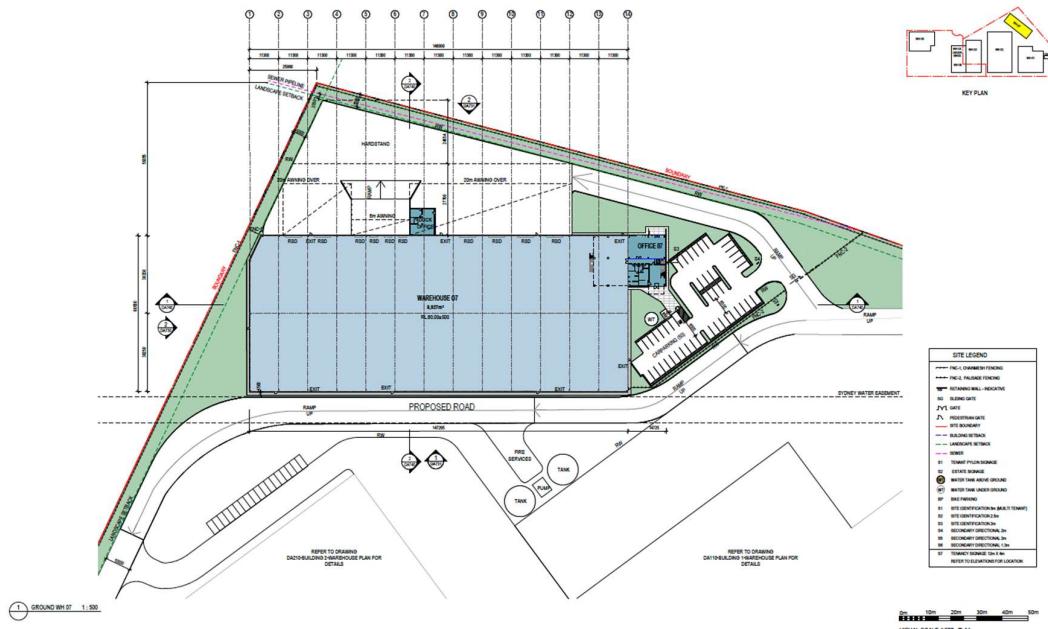


Figure 2: Approved Lot 7 Plan (Source: SBA Architects)

On 29 April 2021, prior to the approval of SSD 10399, the Applicant advised DPIE that discussions were underway with a prospective tenant for Warehouse 7 for use of this building to prepare and package fresh food. In response, also on 29 April 2021, DPIE confirmed that the use of Warehouse 7 for food processing would be part of the development. This letter is referenced as part of the Response to Submissions in Condition A2 of the consent for SSD 10399.

Therefore, the proposed use of the site for food processing is permissible with consent in the IN1 General Industrial zone under the WSEA SEPP and is approved under SSD 10399.

### 3 Proposed modification to SSD 10399

The proposed modification involves changes to the layout, built form and access arrangements for Lot 7 to meet the needs of the prospective food processing tenant. The use of the site for food processing is approved under SSD 10399.

The proposed changes are summarised in Table 2 and detailed further below.

| Aspect             | Approved            | Proposed                   | Change             |
|--------------------|---------------------|----------------------------|--------------------|
| Warehouse 7 GFA    | 8,927m <sup>2</sup> | 9,309m <sup>2</sup>        | +382m <sup>2</sup> |
| Office GFA         | 893m <sup>2</sup>   | 604m <sup>2</sup>          | -289m <sup>2</sup> |
| Catwalk            | -                   | 407m <sup>2</sup>          | +407m <sup>2</sup> |
| Workshop Mezzanine | -                   | 40m <sup>2</sup>           | +40m <sup>2</sup>  |
| Overall Lot 7 GFA  | 9,820m <sup>2</sup> | 10,360m <sup>2</sup>       | +540m <sup>2</sup> |
| Building Height    | 13.7m               | 13.7m (12.2m ridge height) | No change          |
| Parking            | 50 spaces           | 99 spaces                  | +49 spaces         |

Table 2: Summary of key amendments to Lot 7

The proposed changes to Lot 7 under SSD 10399 are as follows:

- reconfiguration of the layout, building footprint and built form of Lot 7 resulting in the following GFA changes:
  - increase Warehouse 7 GFA from 8,927m<sup>2</sup> to 9,309m<sup>2</sup> (+382m<sup>2</sup>)
  - decrease total office GFA from 893m<sup>2</sup> to 604m<sup>2</sup> (-289m<sup>2</sup>), including removal of the dock office
  - overall increase of Lot 7 GFA from 9,820m<sup>2</sup> to 10,360m<sup>2</sup> (+540m<sup>2</sup>)
- use of refrigeration for cold storage of fresh produce and packaged products, which involves the use of refrigerant gases classified as dangerous goods
- revised elevations and design of external finishes
- revised internal layout of Warehouse 7 including new internal walls to facilitate production, dry store, raw materials and finished goods rooms as required for the future use of Warehouse 7 for food processing
- construction of a new elevated catwalk in the warehouse including viewing areas and a connection to the first floor of the office
- increased parking provision from 50 spaces to 99 spaces
- relocated car park access from the Lot 7 driveway to the estate road
- revised truck access arrangements comprising a second driveway to the estate road allowing for one way access to and from the hardstand loading area
- construction of substation kiosks to support the operation of the warehouse

The proposed height of Warehouse 7 remains within the maximum approved limits under SSD 10399. The revised design does not change the position of the warehouse building and structures relative to the Sydney Water pipeline easement. Updated Architectural Plans for Lot 7 are provided at Appendix 1. The proposed layout of Lot 7 is shown in Figure 3.

There are no changes proposed to any other lots or buildings in the wider Elevation at Greystanes Estate as part of this modification application. This modification includes the deletion of condition B18 as this does not reflect the approved earthworks and civil designs for retaining walls on the site.



Figure 3: Proposed Lot 7 Layout (Source: Qanstruct)

### **3.1 Request to modify the Conditions of Consent**

The following conditions in SSD 10399 are proposed to be modified, as outlined below.

#### **SCHEDULE 1**

##### **Definitions**

Insert a new definition for this modification application.

#### **SCHEDULE 2**

##### **PART A – ADMINISTRATIVE CONDITIONS**

##### **Terms of Consent**

Amend condition A2 to include reference to this modification application.

Amend condition A4 to include reference to amended condition A2 as required.

##### **PART B – SPECIFIC ENVIRONMENTAL CONDITIONS**

##### **Built Form**

Delete condition B18.

##### **Signage, Fencing and Graffiti**

Amend condition B22 to include reference to the plans included in this modification application.

#### **APPENDIX 1 DEVELOPMENT LAYOUT PLANS**

Replace Figure 3 with the following amended site layout plan:

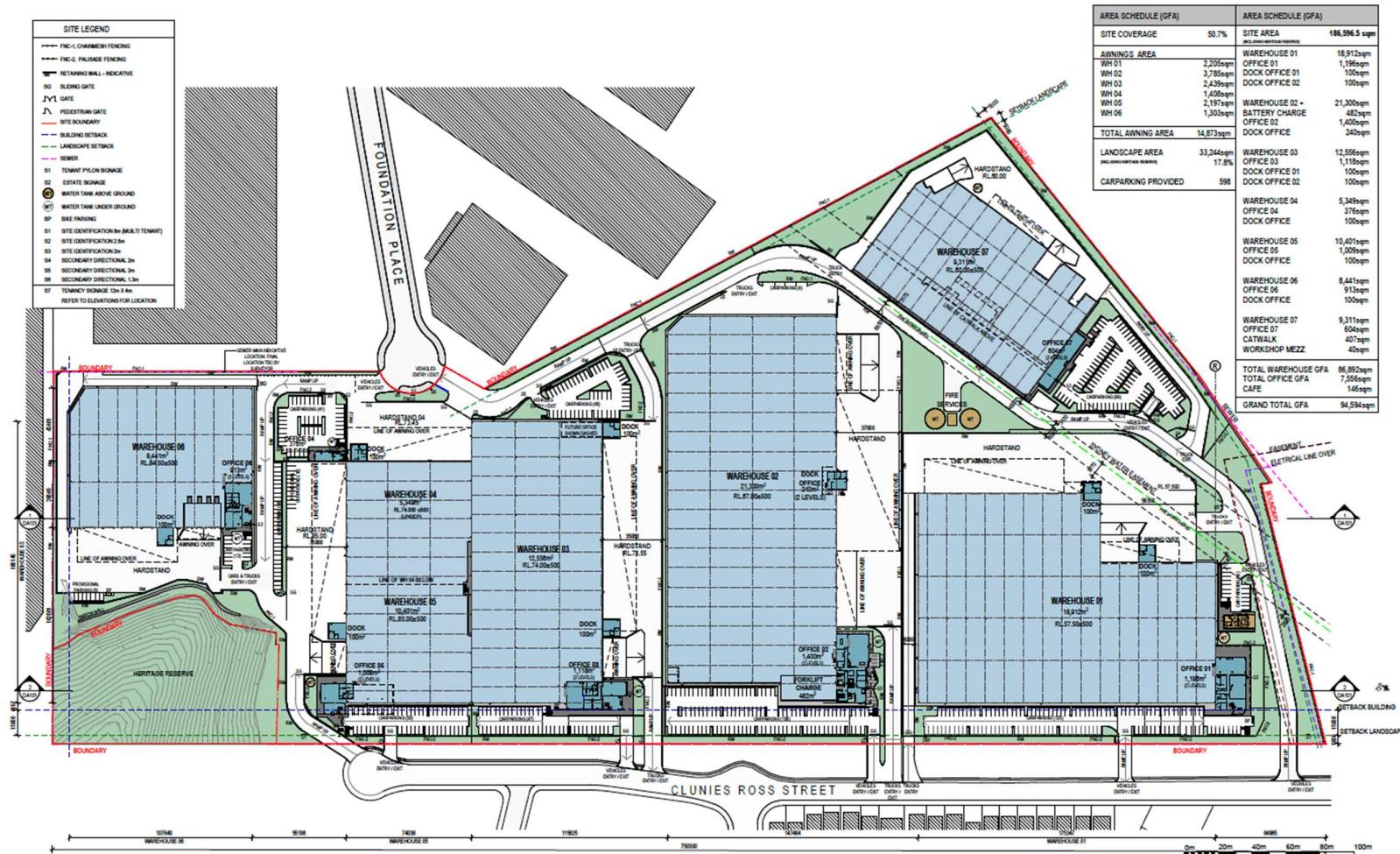


Figure 4: Proposed Site Plan (Source: SBA Architects)

## 4 Statutory Planning Framework

### 4.1 Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EP&A Act) sets out the statutory planning framework for NSW. The Act aims to promote the orderly and economic use and development of land, facilitate ecologically sustainable development and integrate economic, environmental and social considerations as part of the decision-making processes for environmental planning and assessment matters.

#### 4.1.1 Section 4.55(1A) of the EP&A Act

The provisions under Section 4.55(1A) of the EP&A Act are required to be considered by the consent authority in determining a modification application. Section 4.55(1A) of the EP&A Act states:

*A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:*

| Section 4.55(1A) Provision   | Response  |
|--|---|
| (a) <i>it is satisfied that the proposed modification is of minimal environmental impact, and</i>  | <p>The proposed changes include minor amendments to building form, layout and access arrangements for Lot 7.</p> <p>The proposed amendments result in a minor GFA increase on Lot 7, but do not alter the approved use or height of the building. No modifications are proposed to any other lots or buildings in the wider Elevation at Greystanes Estate.</p> <p>The proposed modifications result in minimal visual, traffic, hazard or acoustic impacts and are largely consistent with what was approved under SSD 10399. Consideration of key potential environmental impacts arising from the proposed modification is provided in Section 5.</p> <p>The proposed amendments will ensure a better development outcome on Lot 7 is achieved to allow for the efficient use of the site for food processing.</p> |
| (b) <i>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</i> | <p>No substantial changes to the development are proposed as part of this modification.</p> <p>The proposed changes include minor amendments to building form, layout and access arrangements for Lot 7 but do not alter the approved use or height of the building. The proposed amendments include a minor GFA increase on Lot 7, but do not increase the total approved GFA of the estate.</p>   |

| Section 4.55(1A) Provision   | Response   |
|--|--|
|  | <p>No modifications are proposed to any other lots or buildings in the wider Elevation at Greystanes Estate.</p> <p>Therefore, the development as modified by this modification application would be substantially the same as the development for which consent was originally granted.</p> |
| <p>(c) <i>it has notified the application in accordance with:</i></p> <ul style="list-style-type: none"> <li><i>i. the regulations, if the regulations so require, or</i></li> <li><i>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</i></li> </ul> | <p>The application will be notified in accordance with the regulations.</p>  |
| <p>(d) <i>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.</i></p>   | <p>Consideration will be given to any submissions received.</p>  |

Table 3: Section 4.55(1A) Assessment

#### 4.1.2 Section 4.55(3) of the EP&A Act

Section 4.55(3) of the EP&A Act states:

*In determining an application for modification of a consent under this section, the consent authority must take into consideration of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.*

The following section of the report provides an assessment against the environmental planning instruments relevant to the development. The section also includes discussion and evaluation of the key issues and matters for consideration under section 4.15(1) of the EP&A Act.

#### 4.1.3 Section 4.15(1)(a) Environmental Planning Instruments

This section provides an assessment against section 4.15(1) of the EP&A Act.

| Relevant Provision   | Comment   |
|--|---|
| <p>(a) <i>the provisions of:</i></p>                         |   |
| <p>(i) <i>any environmental planning instrument, and</i></p> | <p>The original SSD application addressed the development's level of compliance against the relevant planning instruments, including:</p> |

| Relevant Provision  | Comment   |
|---|---|
|   | <ul style="list-style-type: none"> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• State Environmental Planning Policy (Western Sydney Employment Area) 2009</li> <li>• State Environmental Planning Policy (Infrastructure) 2007</li> <li>• State Environmental Planning Policy No 55 – Remediation of Land</li> <li>• State Environmental Planning Policy No 33 – Hazardous and Offensive Development</li> <li>• State Environmental Planning Policy No. 64 – Advertising and Signage</li> <li>• State Environmental Planning Policy (Coastal Management) 2018</li> <li>• Blacktown Local Environmental Plan 2015</li> <li>• Holroyd Local Environmental Plan 2013</li> </ul> <p>Given the proposed modification introduces the use of refrigeration and the associated storage of dangerous goods, an assessment of the warehouse against the requirements of SEPP 33 is provided in Section 5.2.</p> |
|   | <p>The proposed modification will not impact the approved development's compliance with the above planning instruments as described in the assessment below.</p>  |
| <p>(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</p> | <p>A review of the <i>Draft Remediation of Land State Environmental Planning Policy</i> and <i>Draft Environment State Environmental Planning Policy</i> has demonstrated that the proposed modification will not impact the approved development's compliance with these instruments.</p> <p>Given the original SSD assessed the site's contamination and subsequent remediation, no further assessment is required.</p>   |
| <p>(iii) any development control plan, and</p>  | <p>The site is on land subject to the <i>Blacktown Development Control Plan 2015</i> (BDCP 2015) and the <i>Holroyd Development Control Plan 2013</i> (HDCP 2013). Nonetheless, given the development is approved as SSD, the development controls for the site are established in condition A7 of SSD 10399.</p> <p>The proposed modification is consistent with the relevant development controls in SSD 10399.</p>   |
| <p>(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that</p>   | <p>The Applicant has substantially progressed the process to enter into a planning agreement with the Minister for Planning and Public</p>  |

| Relevant Provision   | Comment  |
|--|--|
| <p><i>a developer has offered to enter into under section 7.4, and</i></p> <p>(iv) <i>the regulations (to the extent that they prescribe matters for the purposes of this paragraph),</i></p> <p>(v) <i>(Repealed)</i></p> | <p>Spaces for the development of the site as part of SSD 10399. In accordance with Clause 29 of the WSEA SEPP, the Secretary of DPIE has confirmed that satisfactory arrangements have been made with regard to the planning agreement for this development.</p> <p>The proposed modifications do not alter or impact any of the obligations under the draft planning agreement.</p> |
| <p>(b) <i>the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</i></p>                                     | <p>There are no known matters prescribed by the regulations that are relevant to the consideration of this application.</p>  |
| <p>(c) <i>the suitability of the site for the development,</i></p>   | <p>N/A</p>   |
| <p>(d) <i>any submissions made in accordance with this Act or the regulations,</i></p>   | <p>The request to modify the conditions of consent will not result in any adverse environmental impacts as discussed in Section 5 of this report and will facilitate the orderly development and operation of the land.</p>  |
| <p>(e) <i>the public interest.</i></p>   | <p>The site is suitable for the proposed modification given it results in minor environmental impacts within an area identified for an increase in employment opportunities.</p>   |
| <p>(d) <i>any submissions made in accordance with this Act or the regulations,</i></p>   | <p>Any submissions made will be considered.</p>  |
| <p>(e) <i>the public interest.</i></p>   | <p>The original SSD application addressed public interest. Given the minor amendments proposed by this modification, the proposal remains consistent with the original assessment of the public interest.</p>  |

Table 4: Section 4.15(1) Assessment

## 4.2 State Environmental Planning Policy (Western Sydney Employment Area) 2009

The *State Environmental Planning Policy (Western Sydney Employment Area) 2009* (WSEA SEPP) establishes the Western Sydney Employment Area (WSEA) and identifies eleven precincts within its boundary, the site is located within Precinct 10 – Greystanes Northern Employment Lands. The WSEA SEPP is the primary EPI applying to the site and establishes the site's planning controls.

An assessment against the provisions of the WSEA SEPP was provided as part of SSD 10399, this assessment remains relevant to the proposed modification.

The proposed use of the site for food processing is permissible with consent in the IN1 General Industrial zone under the WSEA SEPP and is approved under SSD 10399.

#### **4.3 State Environmental Planning Policy No. 33 – Hazardous and Offensive Development**

*State Environmental Planning Policy No. 33 – Hazardous and Offensive Development* (SEPP 33) aims to ensure that in considering any application to carry out potentially hazardous or offensive development, the consent authority has sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact.

The EIS for SSD 10399 was accompanied by a Hazards and Risk Assessment which found the development will not involve:

- the storage or transport of incompatible materials
- the generation of hazardous waste
- the generation of dust within confined areas
- incompatible, reactive or unstable materials that could lead to uncontrolled reaction or decomposition

The SEPP 33 risk screening determined the development did not constitute ‘potentially hazardous’ development with respect to the storage and handling of dangerous goods and therefore did not require a Preliminary Hazard Analysis to be prepared for the original application.

The proposed use of Warehouse 7 for food processing will require the storage and use of dangerous goods in order to operate the required refrigerated rooms. Accordingly, a SEPP33 Assessment has been prepared by Riskcon Engineering (Appendix 2).

The SEPP 33 Assessment found the proposed quantities of dangerous goods stored on the site do not exceed the threshold quantities outlined in SEPP 33 and the facility is not classified as potentially hazardous. Accordingly, SEPP 33 does not apply to the proposed modification. A more detailed assessment of hazard and risk is provided at Section 5.2.

#### **4.4 State Environmental Planning Policy (Coastal Management) 2018**

*The State Environmental Planning Policy (Coastal Management) 2018* (Coastal Management SEPP) aims to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016. The Coastal Management SEPP replaces the now repealed *State Environmental Planning Policy No 71. – Coastal Protection*.

The Coastal Management SEPP applies to land within the coastal zone which is comprised of the following areas identified by the Coastal Management SEPP maps.

- the coastal wetlands and littoral rainforests area
- the coastal vulnerability area
- the coastal environment area
- the coastal use area.

The Coastal Management SEPP identifies a constructed dam within Lot 7 at the northwest of the site as a coastal wetland with an associated proximity area extending further into the site. As a result development consent must not be granted unless the consent authority is

satisfied that sufficient measures have been, or will be, taken to protect, and where possible enhance, the biophysical, hydrological and ecological integrity of the coastal wetland or littoral rainforest.

The proposed amendments to the layout and built form of Lot 7 will not impact the measures put in place and approved as part of SSD 10399 to protect the coastal wetland. Accordingly, the assessment against the provisions of the WSEA SEPP provided as part of SSD 10399 remains relevant to the proposed modification.

#### 4.5 State Environmental Planning Policy No. 64 – Advertising and Signage

*State Environmental Planning Policy No. 64 – Advertising and Signage* (SEPP 64) aims to ensure that advertising and signage is well located, compatible with the desired amenity of an area and of high quality.

SEPP 64 applies to all signage, advertisements that advertise or promote any goods, services or events and any structure that is used for the display of signage that is permitted under another environmental planning instrument.

The EIS was accompanied by an indicative signage strategy for building identification signs which will primarily be visible from the internal road and Clunies Ross Street.

The revised Architectural Plans (Figure 5 and Appendix 1) show the proposed signage zone on the eastern elevation of Building 7 has been reduced from 4m x 12m (48 m<sup>2</sup>) as approved under SSD 10399 to 7m x 3.5m (24.5 m<sup>2</sup>). The minor amendments are required in response to the revised built form of Building 7.

The amended signage zone will be consistent with the indicative signage strategy submitted with the EIS and remains consistent with the assessment of SEPP 64 undertaken as part of SSD 10399.

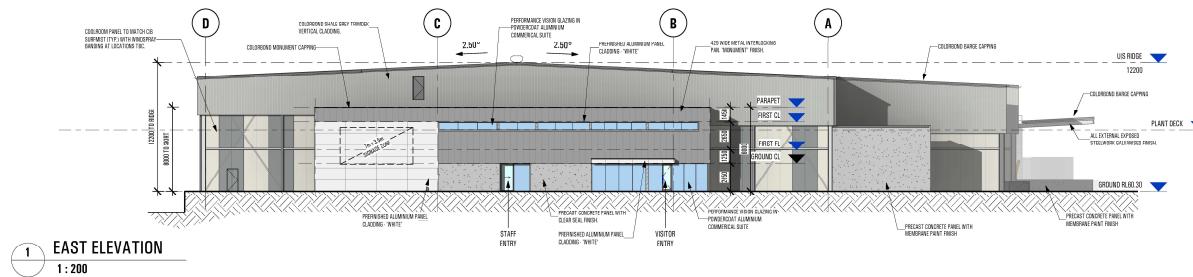


Figure 5: East elevation showing the proposed signage zone (Source: Qanstruct)

## 5 Environmental Planning Assessment

The modification is consistent with the conclusions of the EIS submitted with SSD 10399 that found the development is compatible with the zoning of the land and generates employment within the WSEA, will result in minimal environmental impacts, appropriately mitigates any impacts on surrounding sensitive receivers and demonstrates consistency with the relevant environmental planning instruments.

Notwithstanding, Section 4.15(1) of the EP&A Act requires an assessment of the impact of development on environmental impacts (natural and built) and social and economic impacts. These are discussed in detail below.

### 5.1 Built Form and Visual Impact

The proposed modification includes minor amendments to the approved layout, built form and overall design of Building 7. The reconfiguration results in decreased Office GFA, increased Warehouse GFA and a minor overall increase in the GFA of Lot 7. The total GFA of the estate will remain below the maximum approved in SSD 10399. Changes to GFA for respective uses on Lot 7 is provided in Table 5.

| Aspect             | Approved            | Proposed             | Change             |
|--------------------|---------------------|----------------------|--------------------|
| Warehouse 7 GFA    | 8,927m <sup>2</sup> | 9,309m <sup>2</sup>  | +382m <sup>2</sup> |
| Office 7 GFA       | 893m <sup>2</sup>   | 604m <sup>2</sup>    | -289m <sup>2</sup> |
| Catwalk            | -                   | 407m <sup>2</sup>    | +407m <sup>2</sup> |
| Workshop Mezzanine | -                   | 40m <sup>2</sup>     | +40m <sup>2</sup>  |
| Overall Lot 7 GFA  | 9,820m <sup>2</sup> | 10,360m <sup>2</sup> | +540m <sup>2</sup> |

Table 5: Summary of key amendments to Lot 7

The reconfiguration of the proposed development on Lot 7 will result in an amended built form and design when viewed from the estate and surrounding areas. Despite this, the proposed design approach and materials remain generally consistent with the rest of the estate as approved under SSD 10399.

Visual impacts will be further limited as views of Building 7 are predominantly obstructed by Warehouse 1 & 2 when viewed from the nearest sensitive receivers east of Clunies Ross Street. Nonetheless, the amended façade remains of a high design quality. A comparison of the proposed elevations against those approved under SSD 10399 is provided in Figure 6 and Figure 7.

Condition B17 of SSD 10399 requires the Applicant to ensure the finished facades and roofs of the warehouses and office buildings use neutral recessive colours, non-reflective materials, minimize glare and are designed to present an attractive façade to residential areas. Condition B17 has informed the revised design of Building 7 as demonstrated by the proposed neutral non-reflective materials and a varied use of tones to provide visual interest.

In accordance with condition B17, the Applicant will consult with Cumberland City Council during the final detailed design of Building 7 and submit these plans to the Planning Secretary for approval prior to commencing construction.



Figure 6: Elevations approved under SSD 10399 (Source: SBA Architects)

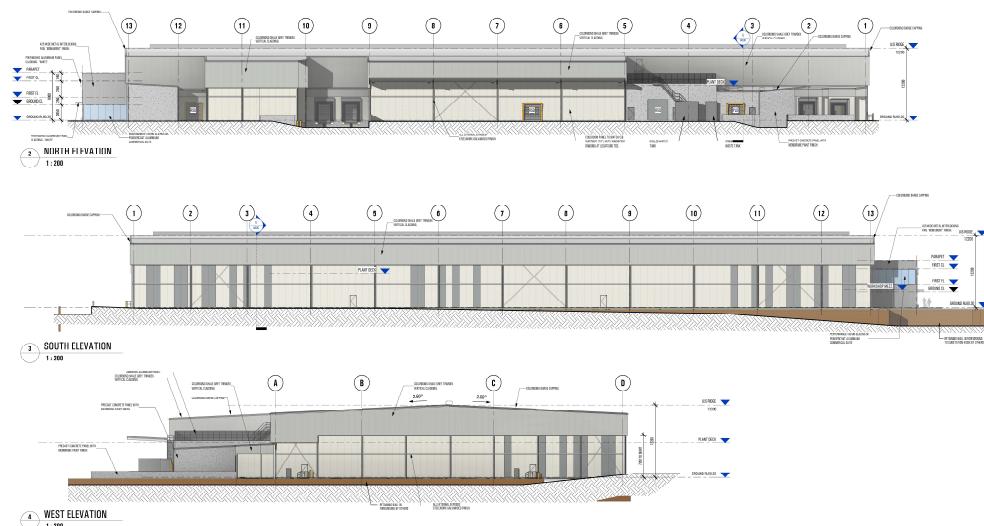


Figure 7: Proposed north, south and west elevations (Source: Qanstruct)

The revised built form of Building 7 remains consistent with the assessment of bushfire management and protection provided in the EIS and as required by condition B53 of SSD 10399. Further, the revised layout of Lot 7 provides enhanced bushfire protection as the proposed access road along the west of the building will provide an additional buffer and is able to be used for evacuation and emergency services.

## 5.2 Hazard and Risk

The proposed use of Warehouse 7 for food processing will require the storage and use of dangerous goods in order to operate the required refrigerated rooms. Accordingly, *Riskcon Engineering* has prepared an assessment against the provisions of SEPP 33 (Appendix 2). The proposed quantities of dangerous goods in comparison to the SEPP 33 thresholds are provided in Table 6 below.

| Class | Description                    | PG       | Quantity (kg) | SEPP Threshold (kg) | Does SEPP 33 Apply? (Y/N) |
|-------|--------------------------------|----------|---------------|---------------------|---------------------------|
| 2.1   | Acetylene                      | n/a      | 50            | 100                 | N                         |
| 2.2   | Non-flammable, non-toxic gases | n/a      | 200           |                     | N                         |
| 2.3   | Anhydrous Ammonia              | n/a      | 500           | 5,000               | N                         |
| 3     | Flammable liquids              | II & III | 3,000         | 5,000               | N                         |
| 5.1   | Oxidising agent                | III      | 50            | 5,000               | N                         |
| 5.2   | Organic peroxide               | III      | 1,000         | 10,000              | N                         |
| 8     | Corrosive substances           | III      | 20            | 50,000              | N                         |

Table 6: Quantities Stored and SEPP 33 Threshold (Source: Riskcon Engineering)

Importantly, the SEPP 33 Assessment found the proposed quantities of dangerous goods stored on the site **do not** exceed the threshold quantities outlined in SEPP 33 and the facility is not classified as potentially hazardous.

The SEPP 33 Assessment also concluded that because the quantities stored are less than SEPP 33 thresholds, a high turnover of stored product would be required to exceed the transport movements associated with the corresponding storage. Therefore, the proposal would not exceed transport screening thresholds under SEPP 33. Nonetheless, the SEPP 33 Assessment made the following recommendations for the storing of dangerous goods on site:

- *The documentation required by the Work Health and Safety (WHS) Regulation 2017 (Ref. [2]) shall be prepared to demonstrate the risks have been assessed and minimised So Far As Is Reasonably Practicable (SFARP) as required by the WHS Regulations.*
- *Where flammable gases or liquids are stored, a hazardous area classification in accordance with AS/NZS 60079.10.1:2009 (Ref. [3]) shall be prepared to ensure that an ignition source does not enter a hazardous atmosphere as required by the WHS Regulations.*

The Applicant is committed to the safe management of dangerous goods and complying with the relevant legislation and standards outlined in the above recommendations.

As demonstrated in the SEPP 33 Assessment, the quantities of dangerous goods stored & transported at the site are below the threshold quantities in DPIE's *Hazardous and Offensive Development Application Guidelines – Applying SEPP 33*. Accordingly, Warehouse 7 will comply with condition B66 of SSD 10399. The Applicant is also committed to storing all

chemicals, fuels and oils in accordance with the requirements set out in condition B64 of SSD 10399.

### 5.3 Acoustic Impacts

A Noise Impact Assessment (NIA) has been prepared by *Acoustic Dynamics* to accompany the proposed modification and is provided at Appendix 3. The NIA conducted a desktop assessment to determine the potential noise impacts associated with the revised layout and built form of Lot 7, and the 24 hour use of Lot 7 as a food processing facility.

The nearest sensitive receivers are identified in Figure 8 and relevant assessment noise criteria is provided in Table 7.



Figure 8: Nearest sensitive receivers (Source: Acoustic Dynamics)

| Receiver Location                      | Period  | Noise Trigger Level (dB) ( $L_{Aeq,15min}$ ) |
|--|---------|--|
| 1 – 35 Muttong Street (Residential)    | Day     | 52   |
|  | Evening | 43   |
|  | Night   | 38   |
| 31 and 33 Burraga Way (Residential)    | Day     | 48   |
|  | Evening | 43   |
|  | Night   | 38   |
| 47 and 49 Muttong Street (Residential) | Day     | 48   |
|  | Evening | 43   |
|  | Night   | 38   |

Table 7: Noise assessment criteria (Source: Acoustic Dynamics)

The NIA noise modelling conservatively includes the following operational scenarios at Warehouse 7 operating over a 24 hour period, assessing these operations against the night time assessment criteria:

- continuous operation of all noise sources (mechanical plant and vehicles) over a 15 minute period
- 10 heavy vehicles and 40 passenger vehicles accessing the site per hour at an average speed of 15 km per hour
- use of diesel forklifts at each loading dock area
- heavy vehicles idling in the loading dock area
- internal warehouse operations at maximum capacity

Based on this modelling, the operation of Warehouse 7 is predicted to generate maximum noise levels ( $L_{Aeq,15min}$ ) of between 28 and 33 decibels (dB) at surrounding residential receivers. This is well below the night time noise assessment criterion of 38 dB and below the daytime and evening assessment criteria. The NIA also predicts that the potential maximum ( $L_{A1,1min}$ ) noise levels of 45 dB would comply with sleep disturbance limits of 52 dB.

The NIA concludes that the predicted maximum noise emissions associated with the use of Warehouse 7 indicate:

- the site is an appropriate location for a 24 hour food processing facility
- there is low risk of acoustic disturbance for the adjacent residential receivers
- there is low risk of acoustic disturbance to the adjacent commercial receivers

Condition B34 requires a noise validation report to be completed prior to the commencement of construction of each warehouse, to establish the relevant operational noise performance levels. The Applicant is committed to completing the noise validation report for Warehouse 7 prior to construction and is currently liaising with potential specialists to fulfil this requirement.

The NIA concludes that noise emissions associated with the proposed facility can be designed to comply with relevant noise emission criteria of the NSW EPA, subject to the recommended measures described in the NIA which include:

- design and installation of mechanical plant
- review by an acoustic specialist of the fitout design
- operational controls at loading docks and waste collection, and
- minimising the need for reversing and use of broadband reverse alarms where possible.

#### 5.4 Traffic and Transport

The proposed modifications amend the total GFA & distribution, number of car parks and vehicle access arrangements on Lot 7. Accordingly, a Transport Statement to accompany the modification has been prepared by ASON Group and is provided at Appendix 4.

##### *Traffic Generation*

The Transport Statement includes updated traffic generation rates in accordance with the revised GFA distribution and increased GFA overall on site. Table 8 provides a comparison of traffic generation between SSD 10399 and this modification application.

| Element       | Approved Masterplan | Modification 1 | Difference        |
|---------------|---------------------|----------------|-------------------|
| AM Traffic    | 26                  | 26             | n/a               |
| PM Traffic    | 26                  | 26             | n/a               |
| Daily Traffic | 186                 | 188            | + 2 vehicle trips |

Table 8: Traffic generation rates (Source: ASON Group)

The proposed modifications result in 2 additional total (inbound and outbound) trips per day and no change in the maximum peak traffic movements. The TIA concludes that the increased traffic generation associated with the proposed modification is insignificant and will not impact upon the traffic assessment undertaken for SSD 10399.

#### *Car Parking*

This modification proposes to increase the number of car parking spaces on Lot 7 from 50 to 99 spaces (with two accessible parking spaces), representing an increase of 49 spaces.

Under the BDCP 2015, warehouse / industrial uses are required to provide 1 space per 75m<sup>2</sup> GFA which is significantly higher than the rate established in the RMS Guide which is 1 space per 300m<sup>2</sup> for warehouse / industrial uses. The total required spaces for Lot 7 is 141 spaces under the BDCP 2015 and 47 spaces under the RMS Guide.

DPIE's assessment of SSD 10399 found the car parking non-compliance with the BDCP 2015 to be adequately justified and consistent with the RMS Guide and other warehouse developments in the WSEA. Nonetheless, this modification proposes an additional 49 spaces which significantly reduces the non-compliance with the BDCP 2015.

The Transport Statement concludes the proposed car parking provision readily satisfies the minimum requirements of the RMS Guide. Therefore, the parking provisions comply with the requirements of condition A7 of SSD 10399.

The proposed parking provision is considered acceptable as it represents a significant increase from what was approved under SSD 10399, satisfies the requirements of SSD 10399 and the RMS Guide, and brings parking provision closer to the requirements of the BDCP 2015.

#### *Access*

This modification seeks to relocate car park access from the Lot 7 driveway to the estate road and revise truck access arrangements to include a second driveway to the estate road allowing for one way access to and from the hardstand loading area. The approved and proposed access layouts are shown in Figure 9 and Figure 10, respectively.

The Transport Statement has assessed the layout of the proposed hardstand area, access and parking areas in accordance with the relevant Australian Standards including:

- AS2890.1 for car parking areas,
- AS2890.2 for commercial vehicle loading areas; and
- AS2890.6 for accessible (disabled) parking.

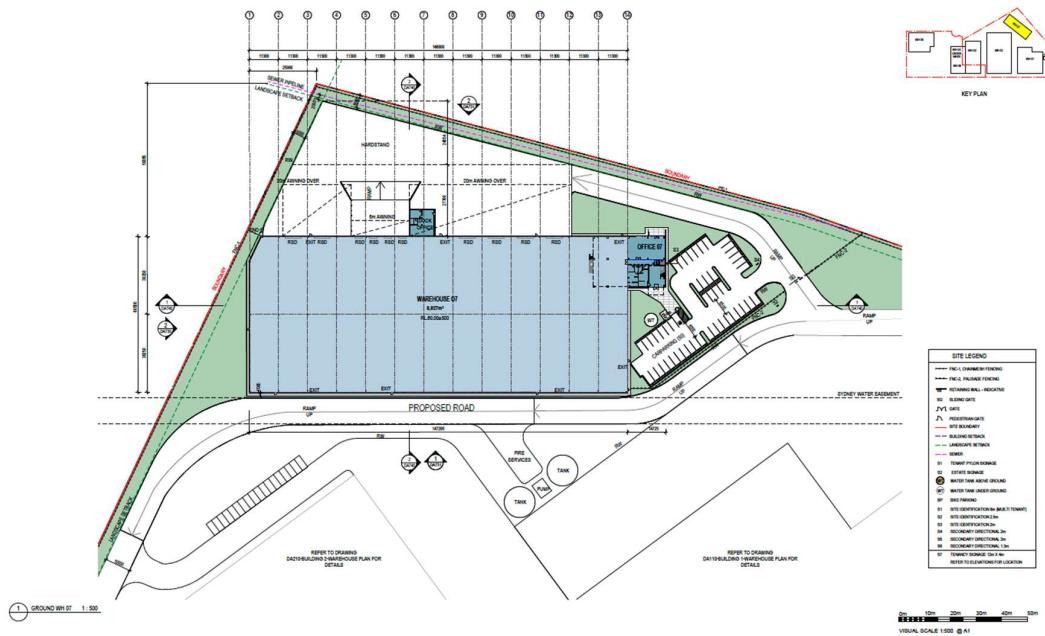


Figure 9: Approved access layout (Source: SBA Architects)

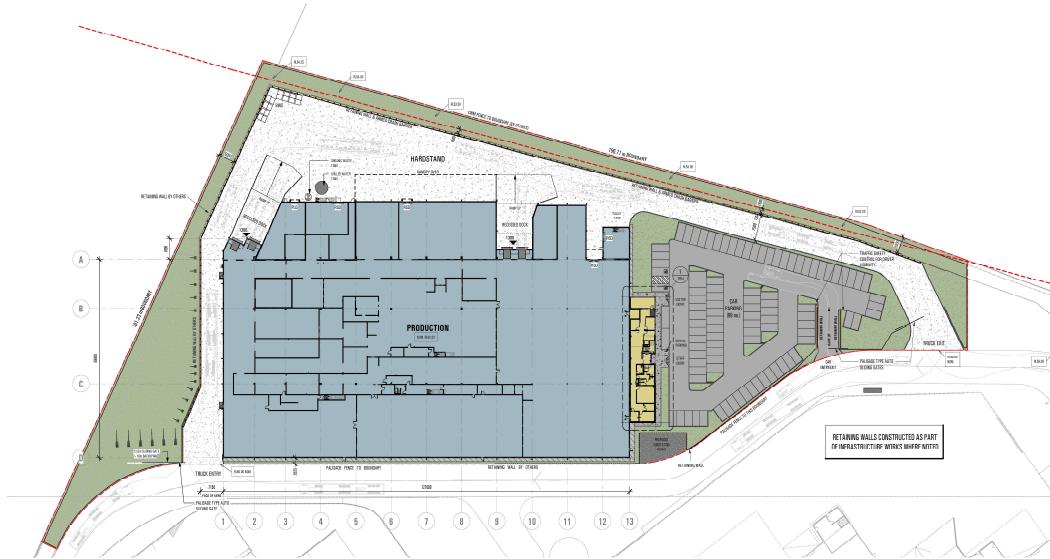


Figure 10: Proposed access layout (Source: Qanstruct)

The Transport Statement notes that detailed construction drawings relating to these areas shall comply with the Australian Standards. Attachment A of the Transport Statement provides detailed comment on access arrangements and recommendations which will be used to refine the detailed construction drawings.

The access arrangement proposed as part of this modification will improve the efficiency of truck movements to and from Warehouse 7. Further, the proposed arrangement reduces potential conflict between truck and car movements through the relocated car park access. The proposed access arrangements are therefore considered appropriate and will promote the efficient access to and from Lot 7 as required.

## 6 Conclusion

This report has assessed the proposed modification of SSD 10399 against the requirements of sections 4.15 and 4.55(1A) of the EP&A Act, supported by technical studies. This assessment has concluded that the proposed modification is acceptable for the following reasons:

- the approved use of Warehouse 7 for food processing remains unchanged
- the proposed changes do not significantly alter the anticipated intensity of the use at the site
- the proposed amendments ensure a better development outcome on Lot 7 is achieved by allowing for the efficient use of the site for food processing in accordance with the prospective tenant's requirements
- the amendments to the approved GFA of the uses on Lot 7 are minor in nature and have negligible built form and visual impacts
- the SEPP 33 Assessment (Appendix 2) demonstrates the proposed quantities of dangerous goods to be used, stored and transported on site remain below the thresholds established in SEPP 33
- the amendments to parking and access arrangements will help improve the loading functions and availability of parking on site
- the environmental impacts associated with the proposed modifications are comparable to those associated with the approved development
- the proposal as modified will continue to align with aims and objectives of relevant State and local planning instruments, and planning guidelines

This assessment has concluded that on balance, and in the context of the entire estate, the changes proposed:

- are of minimal environmental impact
- are substantially the same as the development for which consent was originally granted
- will not result in any adverse environmental impacts; and
- will facilitate the orderly economic development of the land.

Based on the assessment in this report, we consider that the applicant has shown good cause for the Department to modify the consent as requested.



## Appendix 1

**Architectural Plans  
prepared by  
Qanstruct Pty Ltd**



## Appendix 2

**SEPP 33 Assessment  
prepared by  
Riskcon Engineering**



## Appendix 3

**Noise Impact Assessment  
prepared by  
Acoustic Dynamics**



## Appendix 4

**Transport Assessment  
prepared by  
ASON Group**