



Modification Report Section 4.55(1A) Modification

Elevation at Greystanes Estate Clunies Ross Street, Pemulwuy

**SSD 10399 Modification
Warehouse 3 and Warehouse 6**



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

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Cover image: aerial image of the site (Source: Aliro Management Pty Ltd)

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Table of Contents

1	Introduction	5
2	The Site	6
3	Background	7
3.1	Modification 1	7
3.2	Modification 2	7
4	Proposed Modification to SSD 10399	8
4.1	Request to modify the Conditions of Consent	11
4.2	Engagement with Cumberland City Council	11
5	Statutory Planning Framework.....	13
5.1	Environmental Planning and Assessment Act 1979	13
5.1.1	Section 4.55(1A) of the EP&A Act	13
5.1.2	Section 4.55(3) of the EP&A Act.....	14
5.1.3	Section 4.15(1)(a) Planning Instruments	14
5.2	State Environmental Planning Policies	16
5.2.2	State Environmental Planning Policy (Resilience and Hazards) 2021	16
5.3	Environmental Planning and Assessment Regulation 2021	17
6	Environmental Planning Assessment	18
6.1	Built Form.....	18
6.2	Landscaping and Visual Impacts	21
6.2.1	Landscaping.....	21
6.2.2	Visual Impacts.....	22
6.3	Hazard and Risk.....	25
6.4	Traffic and Transport.....	26
6.5	Heritage Impacts	28
6.6	Noise and Vibration.....	30
6.7	Energy Efficiency	31
6.8	Soil and Water.....	32
6.9	Suitability of the site for the development	32
6.10	Submissions	32
6.11	Public interest.....	33
7	Conclusion	34

Figures

Figure 1: Aerial Image (Source: ISPT)	6
Figure 2: Approved Site Plan (Source: SBA Architects)	7
Figure 3: Proposed Site Plan (Source: Watson Young)	8
Figure 4: Proposed Warehouse 3 Site Plan (Source: Watson Young)	9
Figure 5: Proposed Warehouse 6 layout (Source: Watson Young)	10
Figure 6: Approved SSD 10399 elevation (Source: SBA)	19
Figure 7: Proposed eastern elevation (Source: Watson Young)	19
Figure 8: Proposed western elevation (Source: Watson Young)	19
Figure 9: Proposed northern elevation (Source: Watson Young)	20
Figure 10: Proposed eastern elevation (Source: Watson Young)	20
Figure 11: Landscaping Scheme Overview (Source: Habit8)	21
Figure 12: Visual receptor locations (Source: Habit8)	22
Figure 13: Existing Street view from Clunies Ross St – View A (Source: Habit8)	22
Figure 14: 10 year indicative street view from Clunies Ross St - View A (Source: Habit8)	23
Figure 15: Existing street view from Clunies Ross St – View C (Source: Habit8)	23
Figure 16: 10 year indicative street view from Clunies Ross St - View C (Source: Habit8)	23
Figure 17: Existing Street view from Clunies Ross St – View H (Source: Habit8)	24
Figure 18: 10 year indicative street view from Clunies Ross St - View H (Source: Habit8)	24
Figure 19: Existing Street view from Prospect Hill- View I (Source: Habit8)	24
Figure 20: 10 year indicative street view from Prospect Hill - View I (Source: Habit8)	25
Figure 21: Nearest sensitive receivers (Source: SLR Consulting)	30

Tables

Table 1: List of Appendices	5
Table 2: Section 4.55(1A) Assessment	14
Table 3: Section 4.15(1) Assessment	15
Table 4: Summary of Warehouse 3 GFA amendments	18
Table 5: Summary of built form changes to Warehouse 6	20
Table 6: Quantities and SEPP (Hazards and Resilience) Threshold	25
Table 7: Traffic Generation Rates (Source: Ason)	26
Table 8: Heavy Vehicle Movement Comparison (Source: Ason)	27
Table 9: Car parking Rates (Source: Ason)	28
Table 10: Operational Noise Assessment - Mitigated (Source: SLR Consulting)	31

Appendices

Appendix 1	Architectural Plans
Appendix 2	Landscape Plans
Appendix 3	Landscape and Visual Impact Assessment
Appendix 4	Hazard and Risk Analysis
Appendix 5	Traffic Impact Assessment
Appendix 6	Truck Queuing Plan
Appendix 7	Heritage Impact Assessment
Appendix 8	Noise Impact Assessment
Appendix 9	Civil Engineering Statement

1 Introduction

This Modification 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 the Department of Planning and Environment (DPE) on 2 July 2021 and subsequently modified on 2 occasions.

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

The proposed modification seeks changes to the built form, warehouse layout and access arrangements to the site. The proposed changes to SSD 10399 (as modified) are as follows:

- consolidating Warehouses 3, 4 and 5 to a single building (to become Warehouse 3)
- amendments to Warehouse 6 to support a cold storage facility, with minor amendments to the layout

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	Landscape Plans
Appendix 3	Landscape and Visual Impact Assessment
Appendix 4	Hazard and Risk Analysis
Appendix 5	Traffic Impact Assessment
Appendix 6	Heritage Impact Assessment
Appendix 7	Noise Impact Assessment
Appendix 8	Civil Engineering Statement

Table 1: List of Appendices

This report concludes that the proposal is substantially the same development and will not result in any significant environment impacts. Accordingly, we recommend that the proposed modification be supported by DPE and approved.

2 The Site

Elevation at Greystanes Estate (the site) is located on the western side of Clunies Ross Street in the Blacktown and Cumberland LGA's. The site comprises an area of approximately 18.6 hectares (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 (Industry and Employment) 2021* (Industry and Employment SEPP).

The legal description of the site is as follows:

- Lot 4 in DP 1192514;
- Lot 10 in DP 1022044;
- Lot 107 in DP 1028208;
- Lot 63 in DP 752051;
- Lot 216 in DP 1030744 and
- Lot 601 in DP 1047403.

The location of the site is shown in Figure 1 below.



Figure 1: Aerial Image (Source: ISPT)

The site includes an easement for a water supply pipeline managed by Sydney Water, remnant vegetation along the northern boundary, between buildings and hardstand areas and a regional flood retention basin to the north west of the site.

Approved 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 IN1 General Industrial zoning. The approved site layout is shown in Figure 2.

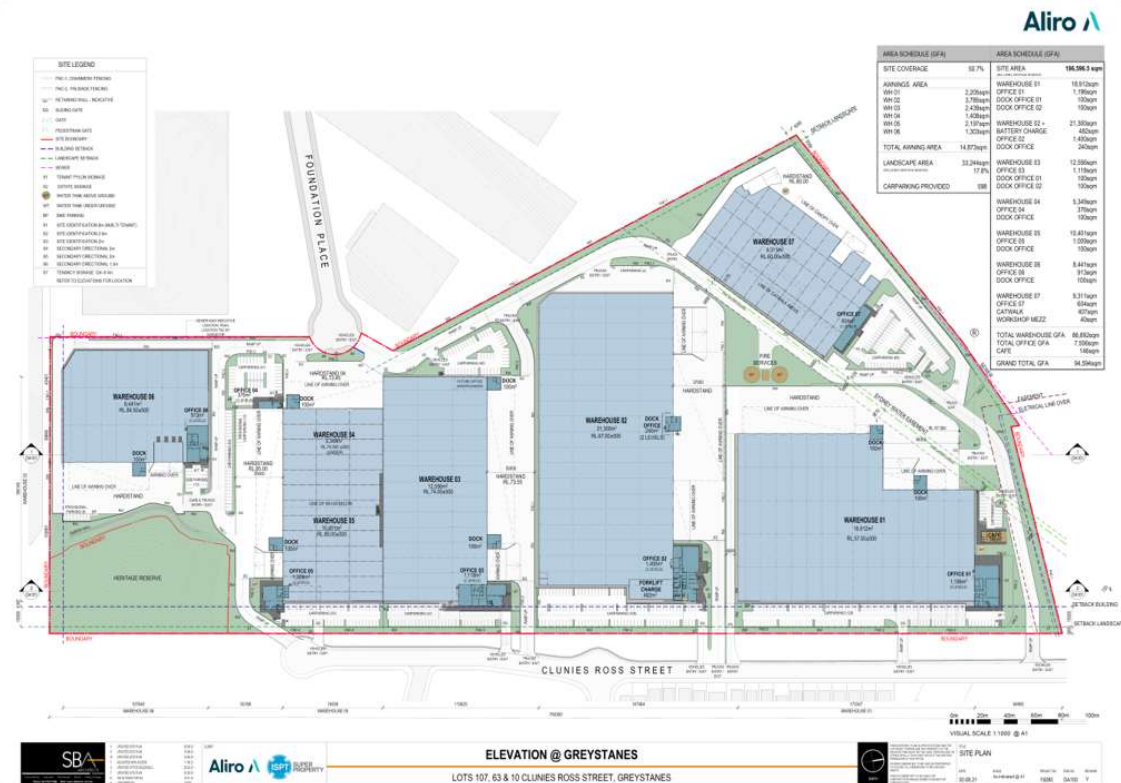


Figure 2: Approved Site Plan (Source: SBA Architects)

3 Background

On 2 July 2021, DPE 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 (m²).

Approved uses on site include 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.

3.1 Modification 1

On 21 December 2021, DPE approved a modification application to SSD 10399 to increase the quantity of dangerous goods that can be stored in Warehouse 2 above the thresholds identified in *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development* (SEPP 33) (now *State Environmental Planning Policy (Resilience and Hazards) 2021*).

3.2 Modification 2

On 2 March 2022, DPE approved a second modification application to SSD 10399 for the amendments to the layout, built form and access arrangements for Warehouse 7, to meet the needs of the prospective food processing tenant.

4 Proposed Modification to SSD 10399

The proposed modification seeks changes to the built form, warehouse layout and access arrangements to the site. The proposed changes are summarised below:

- consolidating Warehouses 3, 4 and 5 to a single building (to become Warehouse 3)
- amendments to Warehouse 6 to support a cold storage facility, with minor amendments to the layout

A scoping brief of the proposed modification was provided to DPE on 29 April 2021.

The proposed changes to the overall site layout are shown in Figure 3 and detailed further below.

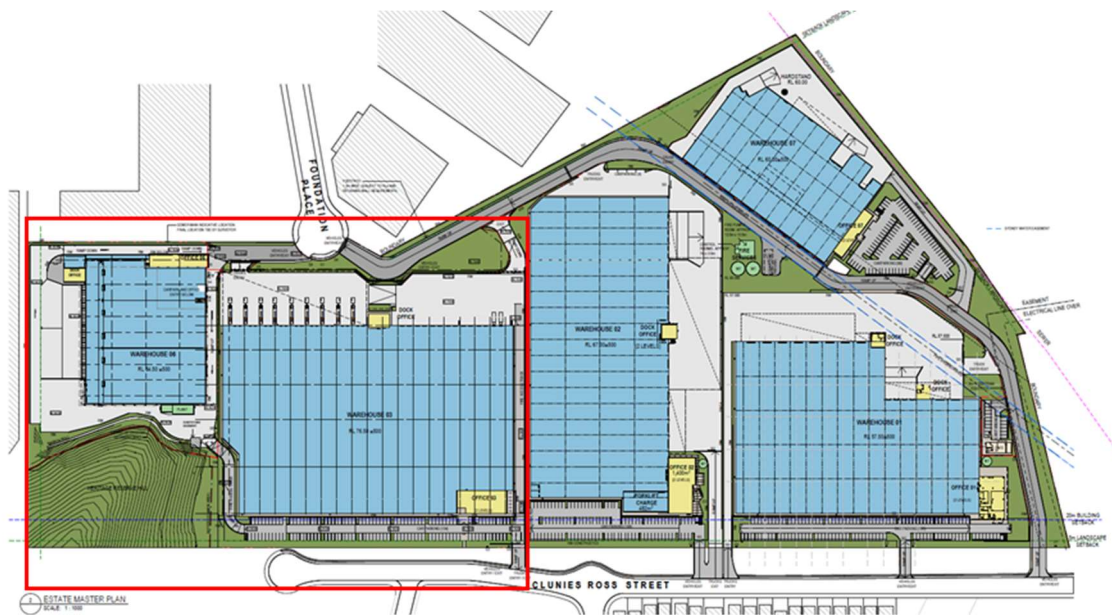


Figure 3: Proposed Site Plan (Source: Watson Young)

There are no proposed changes to the approved setbacks to the Prospect Hill heritage reserve, maximum site coverage, fire access roads or onsite fire protection equipment.

Warehouse 3

The proposed amendments will consolidate Warehouses 3, 4 and 5 into a single warehouse and align the loading docks to orient away from residential receivers on Clunies Ross Street. Key elements of the proposed changes include:

- a reduction in the total Gross Floor Area (GFA) from 31,209 m² to 28,418 m², comprising the following:
 - existing Warehouse 3 – 12,556 m² warehouse, 1,318 m² office,
 - existing Warehouse 4 – 5,349 m² warehouse, 476 m² office
 - existing Warehouse 5 – 10,401 m² warehouse 1,109 m² office
 - proposed Warehouse 3 – 27,041 m² warehouse 1,377 m² office
- revised earthworks to establish a pad level for Warehouse 3 of approximately Reduced Level (RL) 76.5 m, increasing the floor level by 2 m to achieve a balanced cut to fill
- a minor increase to the approved building height of 0.9 m (from 13.7 m to 14.6 m) to accommodate the overall warehouse consolidation

- amended access arrangements, including the removal of truck access points from Clunies Ross Street to provide a single private vehicle access to the proposed warehouse from Clunies Ross Street (to also be used by emergency vehicles)
- 174 parking spaces servicing the Proposed Warehouse 3 and Warehouse 6 (from 226 spaces)
- realignment of loading docks to west facing only, from north and south
- associated changes to landscaping

The proposed layout of Warehouse 3 is shown in Figure 4.

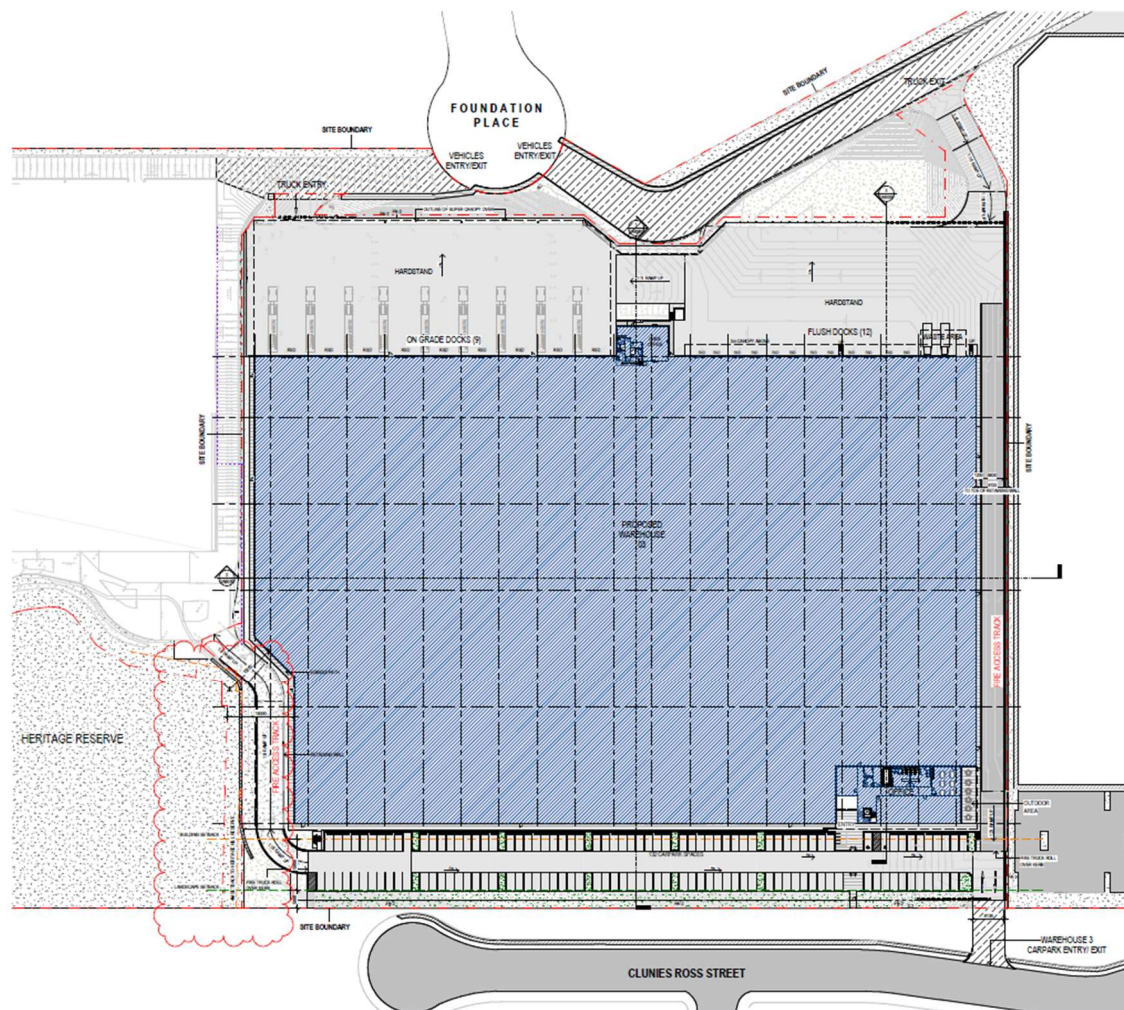


Figure 4: Proposed Warehouse 3 Site Plan (Source: Watson Young)

Warehouse 6

This modification application also seeks a revised internal layout of Warehouse 6 to facilitate the operation of the building as a cold storage warehouse. Key proposed changes to the warehouse include:

- the use of temperature controlled building (freezer/chiller)
- an increase in warehouse space (from 8,441 m² to 8,885 m²) and reduction in office GFA (from 1,013 m² to 505 m²) and
- reconfiguration of the office layout to locate the offices above the car park
- removal of the southern driveway to Warehouse 6 from Clunies Ross Street.

No changes are proposed to the building height and access arrangements, noting the access to Clunies Ross Street is no longer proposed due to the amalgamation of Warehouses 3, 4 and 5. However, the layout includes the provision of emergency service vehicle access from the car parking area of Warehouse 3.

The proposed layout of the warehouse and office is shown in Figure 5.

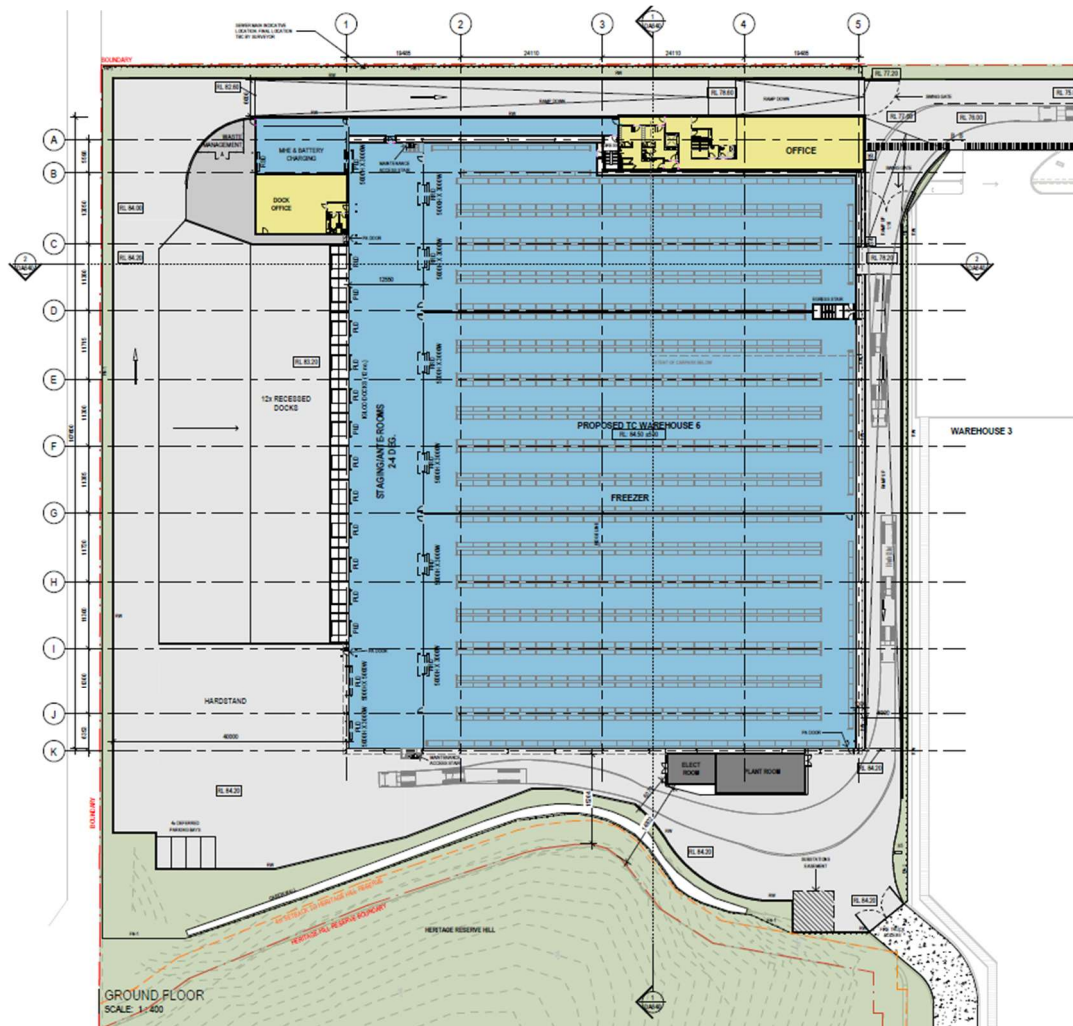


Figure 5: Proposed Warehouse 6 layout (Source: Watson Young)

4.1 Request to modify the Conditions of Consent

The following conditions in SSD 10399 (as modified) are recommended to be amended, as follows:

Part A – Administrative Conditions

Amend Condition A7 as follows:

Table 2: Development Controls

Development Aspect	Control
Height from finished floor level:	
• Warehouse 1	25 m
• Warehouse 2, 3, 4, 5 , 6 and 7	13.7
• Warehouse 3	14.6

Amend Condition A8 as follows:

Warehouse buildings 2, ~~3, 4, 5~~, 6 and 7 shall not exceed a ridgeline height measured from the finished floor level of 13.7 m (+/- 500 mm), excluding roof mounted mechanical plant and solar panels. Warehouse building 1 shall not exceed a ridgeline height of 25 m (+/- 500 mm), excluding roof mounted mechanical plant and solar panels. **Warehouse building 3 shall not exceed a ridgeline height measured from the finished floor level of 14.6 m (+/- 500 mm), excluding roof mounted mechanical plant and solar panels.**

Delete Condition A9

Part B – Specific Environmental Conditions

Delete Condition B11 – Aboriginal and Historic Heritage and Condition B12 - Aboriginal and Historic Heritage.

Appendix 1 – Development Layout Plans

Replace Figure 3 with the amended site layout plan, as shown in Figure 3 and Appendix 1 of this report.

4.2 Engagement with Cumberland City Council

The Applicant met with Cumberland City Council (Council) on 15 June 2022 to discuss the proposed modifications. At the meeting, Council indicated that it had no objection to the proposed consolidation of Warehouses 3, 4 and 5 and supported the removal of a driveway access from Clunies Ross Street to Warehouse 6.

Council noted that its key issues for consideration relating to the Prospect Hill heritage site were visual impacts of the buildings (in terms of building height and colour schemes) and setbacks from the heritage curtilage.

Council also noted the need to address traffic generation and access changes as a result of the proposed modifications.

These matters have been addressed in this report and accompanying technical assessments.

Council also questioned whether the modifications would change stormwater drainage requirements. The Applicant confirmed that no changes to the estate drainage would result from the proposed modifications.

5 Statutory Planning Framework

5.1 Environmental Planning and Assessment Act 1979

The 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.

5.1.1 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 result in minimal visual, traffic, hazard or acoustic impacts and are consistent with what was approved under SSD 10399.</p> <p>Consideration of the potential environmental impacts is provided at Section 6.</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>The proposed changes include minor amendments to building form, layout and access arrangements for the site but do not alter the approved use or height of the building. The proposed arrangements will reduce of the overall GFA of Warehouse 3.</p> <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>
(c) <i>it has notified the application in accordance with:</i> <ol style="list-style-type: none"> <i>the regulations, if the regulations so require, or</i> <i>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> 	<p>The application will be notified in accordance with the regulations.</p>
(d) <i>it has considered any submissions made concerning the proposed</i>	<p>Consideration will be given to any submission received.</p>

Section 4.55(1A) Provision	Response
<i>modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.</i>	

Table 2: Section 4.55(1A) Assessment

5.1.2 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 statutory 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.

5.1.3 Section 4.15(1)(a) Planning Instruments

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

Relevant Provision	Comment
<i>(a) the provisions of:</i>	
<i>(i) any environmental planning instrument, and</i>	<p>The relevant environmental planning instruments are addressed at Section 4.2.</p> <p>The proposed modification will not impact the approved developments compliance with the planning instruments as described in the assessment below.</p>
<i>(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</i>	The relevant proposed environmental planning instruments are addressed at Section 5.2.
<i>(iii) any development control plan, and</i>	<p>The overall estate 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).</p> <p>However, it is noted Warehouses 3 and 6 are on land subject to the Holroyd DCP only. Nonetheless, given the development is approved as SSD, the development controls for the site are established in condition A7 of SSD 10399.</p>

Relevant Provision	Comment
	The proposed modification is consistent with the relevant development controls in SSD 10399.
<i>(iia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and</i>	<p>The Applicant has progressed the process to enter into a planning agreement with the Minister for Planning and Public Spaces for the development of the site as part of SSD 10399.</p> <p>In accordance with Section 2.28 of the Industry and Employment SEPP, the Secretary of DPE 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>
<i>(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),</i>	The requirements of the EP&A Regulations are addressed in Section 5.3.
<i>(v) (Repealed)</i>	N/A
<i>(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,</i>	The impacts of the proposal are addressed in Section 6.
<i>(c) the suitability of the site for the development,</i>	Site suitability is addressed at Section 6.9.
<i>(d) any submissions made in accordance with this Act or the regulations,</i>	<p>Any submissions made on this subject development application will be duly considered and addressed by Keylan.</p> <p>In addition, DPE will consider any public submissions relating to the proposal during its assessment.</p>
<i>(e) the public interest.</i>	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.

Table 3: Section 4.15(1) Assessment

5.2 State Environmental Planning Policies

5.2.1 State Environmental Planning Policy (Industry and Employment) 2021

The Industry and Employment SEPP seeks to support diverse, inclusive and productive employment opportunities across the state, both on employment lands, and through opportunities to work flexibly.

Chapter 2 – Western Sydney employment area

Chapter 2 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 Industry and Employment SEPP is the primary EPI applying to the site and establishes the site's planning controls.

An assessment against the provisions of Chapter 2 (former Western Sydney Employment Area SEPP) was provided as part of SSD 10399. This assessment remains relevant to the proposed modification.

5.2.2 State Environmental Planning Policy (Resilience and Hazards) 2021

The *State Environmental Planning Policy (Resilience and Hazards) 2021* (Resilience and Hazards SEPP) seeks to reduce risk and build resilience in the face of natural hazards as well as development-related hazards.

Chapter 2 – Coastal management

Chapter 2 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*.

Chapter 2 applies to land within the coastal zone which is comprised of the following areas identified by the Resilience and Hazards SEPP maps:

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

The coastal management map identifies a constructed dam at the north-western part of the site. The dam is identified as a coastal wetland, with an extended proximity area. As a result, development consent must not be granted unless the consent authority is satisfied that sufficient measures have been taken to protect the integrity of the coastal wetland.

The proposed consolidation of Warehouse 3 and amendment to Warehouse 6 will not impact the approved measures in place, as part of SSD 10399. Accordingly, the assessment against the Coastal Management SEPP (now Resilience and Hazards SEPP) provided as part of SSD 10399 remain relevant.

Chapter 3 – Hazardous and offensive development

Chapter 3 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.

A Hazards and Risk Analysis was undertaken by Riskon Engineering (Appendix 4). The analysis concludes the threshold quantities for the dangerous goods to be stored and transported do not exceed the thresholds. As such Chapter 3 of the Resilience and Hazards SEPP does not apply.

Further detail regarding the storage of dangerous goods is provided in Section 6.3.

5.3 Environmental Planning and Assessment Regulation 2021

There are no known matters prescribed by the *Environmental Planning and Assessment Regulation 2021* that are relevant to the consideration of this application. The proposal will remain compliant with the BCA.

6 Environmental Planning Assessment

The modification is consistent with the conclusion of the EIS submitted with SSD 10399 that found the development is compatible with the zoning of the land and generates employment within the Western Sydney Employment Area (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.

6.1 Built Form

The proposed modification includes minor amendments to the approved layout, built form and overall design of Warehouse 3 and 6.

Warehouse 3

The proposed amalgamation of Warehouses 3, 4 and 5 result in changes to the proposed Warehouse 3 GFA. The proposed changes are summarised in the table below.

Aspect	Approved		Proposed	Change
Warehouse	Warehouse 3	12,556 m ²	27,041 m ²	-1,365 m ²
	Warehouse 4	5,439 m ²		
	Warehouse 5	10,401 m ²		
	Total	28,406 m ²		
Office	Warehouse 3	1,318 m ²	1377 m ²	-1,526 m ²
	Warehouse 4:	476 m ²		
	Warehouse 5	1,109 m ²		
	Total	2,903 m ²		

Table 4: Summary of Warehouse 3 GFA amendments

The proposed consolidation of the warehouses involves a minor increase to the approved building height of 0.9 m (from 13.7 m to 14.6 m) to accommodate the overall warehouse consolidation. Despite the increased building ridge height and raised floor level, the proposed building ridge height of 91.1 m RL will be approximately 8.6 m lower than the approved ridge height of Warehouse 4 (98.7m RL).

The proposed height is not anticipated to have any adverse impacts on the surrounding area, as the overall warehouse is considered to be a smaller scale than previously approved. There are no proposed changes to the approved access arrangements, noting the access to Clunies Ross Street is no longer proposed due to the amalgamation of Warehouses 3, 4 and 5.

It is considered the proposed amendments to consolidate the warehouses will result in a smaller FSR and less intense built form appearance, as identified in Figures 6, 7 and 8. Therefore, the proposed amendments are considered to have a positive impact on the approved development and surrounding area.

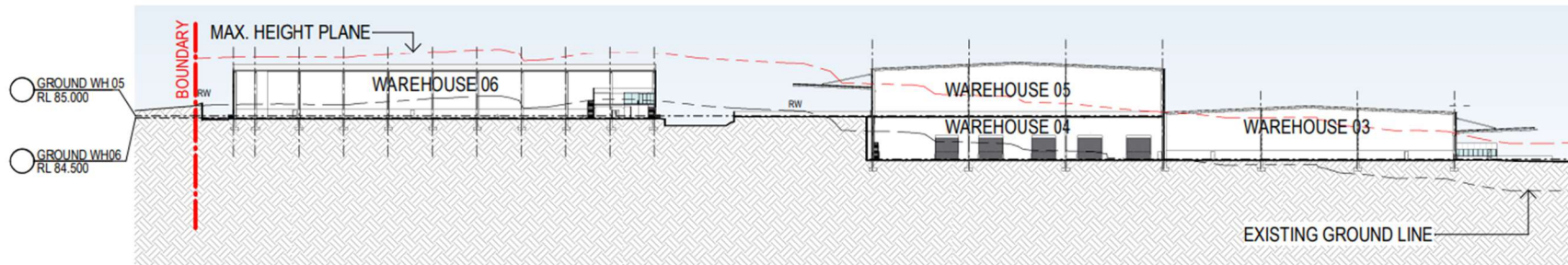


Figure 6: Approved SSD 10399 elevation (Source: SBA)

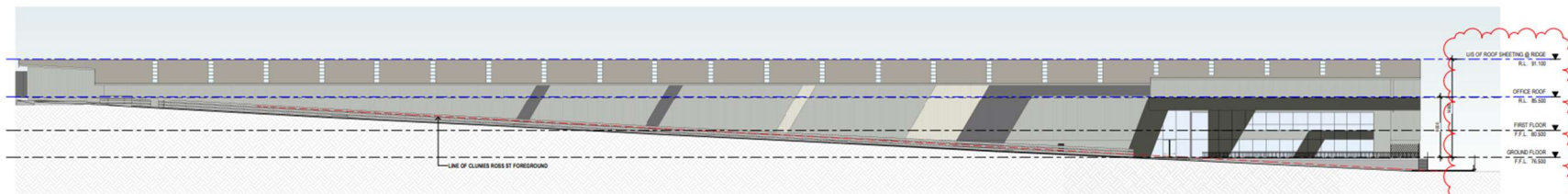


Figure 7: Proposed eastern elevation (Source: Watson Young)



Figure 8: Proposed western elevation (Source: Watson Young)

Warehouse 6

The proposed amendments to the design of Warehouse 6 result in an amended built form and design when viewed from the estate. Table 5 provides an overview of the proposed amendments:

Aspect		Approved	Proposed	Change
Gross Floor Area	Warehouse	8,441 m	8,885 m	+444 m ²
	Office	1,113 m ²	505 m ²	-608 m ²
	Total	9,554 m ²	9,390 m ²	-164 m ²

Table 5: Summary of built form changes to Warehouse 6

There are no proposed changes to the approved Warehouse 6 height or setbacks.

As identified in Table 5, the proposed design refinements will remain consistent with the rest of the estate as approved under SSD 10399.

The selection and design of materials will comprise of neutral, non-reflective materials and a varied use of tones to provide visual interest and present an attractive interface to the nearby development (Figure 9 and Figure 10).

The proposed materials are selected as a result of detailed design progression, such as PIR insulated panels. The insulation will ensure future tenants requirements have been addressed.

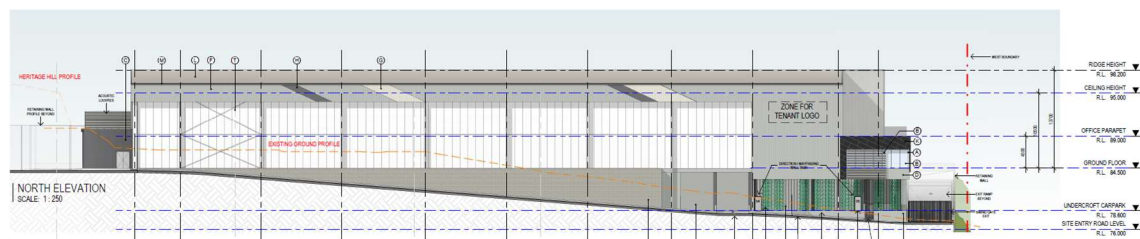


Figure 9: Proposed northern elevation (Source: Watson Young)

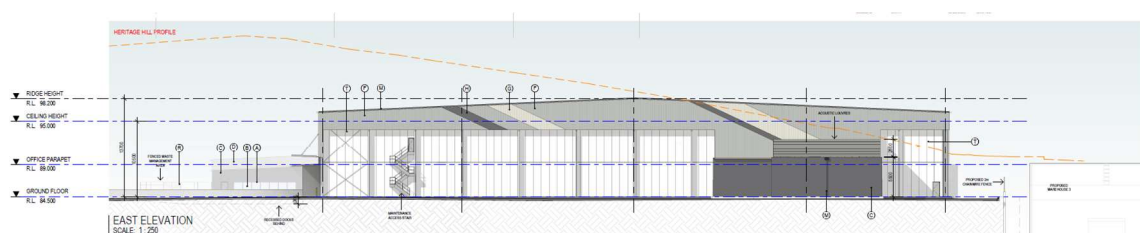


Figure 10: Proposed eastern elevation (Source: Watson Young)

6.2.2 Visual Impacts

The LVIA assesses the visual impacts of the development from 13 receptors on Clunies Ross Street and the Prospect Heritage Hill area (Figure 12).



Figure 12: Visual receptor locations (Source: Habit8)

Figure 13 to Figure 20 demonstrate the acceptable impacts to the surrounding streetscape and land uses:



Figure 13: Existing Street view from Clunies Ross St – View A (Source: Habit8)



Figure 14: 10 year indicative street view from Clunies Ross St - View A (Source: Habit8)



Figure 15: Existing street view from Clunies Ross St – View C (Source: Habit8)



Figure 16: 10 year indicative street view from Clunies Ross St - View C (Source: Habit8)



Figure 17: Existing Street view from Clunies Ross St – View H (Source: Habit8)



Figure 18: 10 year indicative street view from Clunies Ross St - View H (Source: Habit8)



Figure 19: Existing Street view from Prospect Hill- View I (Source: Habit8)



Figure 20: 10 year indicative street view from Prospect Hill - View I (Source: Habit8)

As demonstrated in the LVIA and photomontages, it is concluded that the visual impacts will range from negligible to minor-moderate based on the presence of existing industrial development at the site, screening vegetation and proposed colour scheme of the Warehouses. The proposed modification is therefore in keeping with the surrounding visual character and approved development.

6.3 Hazard and Risk

Warehouse 6 will be used as a cold storage facility. The proposed modification to the Warehouse incorporates the installation of a freezer system which contains dangerous goods.

Riskon Engineering conducted an assessment of the thresholds and commodities to be located within the warehouse. The assessment is included at Appendix 4.

The proposed inventory of Dangerous Goods (DG's) is provided in Table 6.

Class	Description	PG	Quantity (kg)	SEPP Threshold (kg)	Does SEPP apply?
2.3	Anhydrous ammonia	n/a	2,000	5,000	N

Table 6: Quantities and SEPP (Hazards and Resilience) Threshold

The DG's stored at the site will be included within the refrigeration system, which is a closed loop system and will not require replenishing to maintain its function.

The findings of the Hazard and Risk analysis conclude there is no potential for offensive operations at the site or noise that has been assessed as part of the estate DA and therefore the Resilience and Hazards SEPP does not apply in this case.

Notwithstanding the above, the DG's will be stored in accordance with the *Work Health and Safety Regulation 2017* and required documentation will be provided prior to occupying the Warehouse with DGs.

6.4 Traffic and Transport

The proposed modifications amend the GFA, distribution, traffic generation and number of car parking spaces on the Site. Accordingly, a Transport Statement has been prepared by Ason Group and is included at Appendix 5.

Traffic Generation

The Transport Statement includes updated traffic generation rates to reflect the decreased GFA distribution. Table 7 provides a comparison of the proposed traffic generation against the approved rates under SSD 10399.

Element	Approved	Proposed	Difference
AM Traffic	108	97	- 11
PM Traffic	108	97	- 11
Daily Traffic	761	716	- 45

Table 7: Traffic Generation Rates (Source: Ason)

The proposed modification is anticipated to reduce the net traffic generation to the site during peak traffic movements. It is concluded that the proposed traffic generation will result in a better traffic outcome from the previous approvals.

Therefore, no additional traffic modelling is required as the traffic generation is considered acceptable.

Heavy Vehicle Movements

A supplementary traffic statement has been prepared by Ason Group to identify the heavy vehicle movements proposed under this modification.

The heavy vehicle movements approved under SSD 10399 for Warehouses 3, 4 and 5 were 23 vehicles/hour in the morning peak and 13 vehicles/hour in the evening peak. The proposed vehicle movements under this modification are 21 vehicles/hour in the morning peak and 12 vehicles/hour in the evening peak.

The approved development includes the intent to prioritise the use of Foundation Place by heavy vehicles travelling to and from the site. This was to minimise the potential amenity impacts of heavy vehicles travelling on Clunies Ross Street on the residences along Clunies Ross Street. The proposed modification seeks to re-distribute the truck volumes and access to ensure all heavy vehicles are to use the Foundation Place access, consistent with the intent of the approved development.

Table 8 provides a comparison between the approved and proposed heavy vehicle movements.

		Approved		Proposed		Difference
	Access	Proportion	In & Out (veh/hr)	Proportion	In & Out (veh/hr)	In & Out (veh/hr)
AM	Foundation Place	76%	9	100%	11	+ 2
	Clunies Ross St	24%	3	0	0	-3
PM	Foundation Place	76%	5	100%	6	+ 1
	Clunies Ross St	24%	2	0	0	-2

Table 8: Heavy Vehicle Movement Comparison (Source: Ason)

Based on these changes, Ason concluded that shifting all truck movements to Foundation Place would only induce a minimal increase of 2 and 1 vehicles per hour during both AM and PM peaks respectively which is not deemed to exacerbate the performance of surrounding intersections.

As such, Ason has advised that no additional assessment (including the intersection of Foundation Place & Prospect Hwy) is warranted. On this basis, the proposed modification is deemed to be supportable.

Access Arrangements

There are no proposed changes to the approved access arrangements, noting the access to Clunies Ross Street is no longer proposed due to the amalgamation of Warehouses 3, 4 and 5. The access arrangements are considered a better outcome for vehicular movements, ensuring limited impacts on Clunies Ross Street and surrounding sensitive developments.

The heavy vehicle access to the hardstand and loading docks includes sufficient space for trucks manoeuvring within the site. Access to the hardstand is offset from Foundation place with access controlled by the Dock Office and gate to the Warehouse 3 hardstand area. A truck queuing plan is provided in Appendix 6 which demonstrates that sufficient space is available to accommodate at least seven 19m articulated vehicles if the southern loading docks are fully occupied. Therefore, the risk of vehicle queuing onto Foundation Place can be adequately managed and avoided, to ensure ongoing compliance with condition B6(c) of SSD 10399.

Car Parking Provision

The proposed modification seeks a decrease in the approved car parking rates by 73 spaces, compared to the original approval. Notwithstanding, both the proposed Warehouse 3 and Warehouse 6 exceed the minimum car parking requirements by 7 spaces, providing a total of 174 car spaces.

Warehouse 3 meets and exceeds the required on-site parking as per the Council parking rates whilst Warehouse 6 presents a shortfall of 3 spaces. Consistent with the approved layout of Warehouse 6, a provisional parking of 4 spaces will be provided on the hardstand area to compensate this shortfall.

Table 9 outlines the proposed car parking rates against the requirements.

Warehouse	Required Parking Rate	Proposed Parking Rate	Difference
Warehouse 3 (amalgamated)	124	134	+ 10
Warehouse 6	43	40	- 3
Total	167	174	+ 7

Table 9: Car parking Rates (Source: Ason)

The proposed modification accommodates the anticipated operational requirements of the site and ensures all parking demands are kept within the site.

As such, the modified car parking provisions are considered acceptable and readily satisfy the requirements of the development consent.

Accessible Car Parking

It is stated in the Development Consent that for accessible parking, the rate of 2 spaces for every 100 car parking spaces must be utilised. Based on the parking requirement of 169 spaces, the proposal is required to provide 3 to 4 accessible spaces, 2-3 spaces in Warehouse 3 and 1 in Warehouse 6.

The proposed modification provides two accessible spaces in Warehouse 3, and one accessible space in Warehouse 6, which equates to a total of 3 accessible spaces. Therefore the requirements of the Development Consent are achieved.

Bicycle Parking

The modified warehouses present the following bicycle parking rates:

- Warehouse 3 - 8 spaces for staff and 15 spaces for visitors
- Warehouse 6 – 3 spaces for staff and 5 spaces for visitors

The Cumberland DCP and development consent do not specify bicycle parking requirements. It is considered the provision of on-site bicycle parking is appropriate for the development.

6.5 Heritage Impacts

The south-eastern portion of the overall site (Lot 107 DP 1028208) includes a portion of the State Heritage Register item 'Prospect Hill' (No. 01662). Accordingly, a revised Statement of Heritage Impact (SoHI) has been prepared by Artefact and is provided at Appendix 7.

The proposed modification will affect the southern portion of the site only. No works are proposed within the SHR listing item 'Prospect Hill'.

The proposed modification will continue to maintain the approved setbacks from Prospect Hill under SSD 10399, as demonstrated in Figure 4 and Figure 5. Warehouse 3 will be located approximately 19.3 m from the Prospect Hill site boundary and the closest structure associated with Warehouse 6 will be 14.8 m from the Prospect Hill boundary.

No earthworks or construction activities are proposed within the Prospect Hill SHR curtilage. No changes are proposed to the approved screening vegetation around the proposal boundary. No plantings are proposed within the Prospect Hill curtilage.

Warehouse 6 is located immediately west of Prospect Hill and extends to a RL of 98.3 m and is beyond the minimum setback from Prospect Hill. The SoHI concludes that because of the

simplified design of Warehouse 6, the proposed development would result in a positive visual outcome compared to the approved development.

The amalgamated Warehouse 3 has a maximum height of RL 91.1 m (which is 8.6 m lower than the approved RL for Warehouse 4 of 98.7 m). Therefore, the SoHI concludes that the visual bulk associated with the proposed development has been positively impacted by the proposed modification, due to the consolidation and reduction in height of Warehouse 3. The overall development continues to be softened by the proposed landscaping which would partially recess the development into the existing landscape

The nature of the material finishes, and design has been developed to reflect the quarry history of the site. Proposed finishes are comprised largely of neutral tones including dark grey and cream colour palettes. The design of the warehouses is intended to be minimalist and largely recessive.

As approved under SSD 10399, four of the seven warehouses comprise of heights above RL 97 m. The proposed modification will positively impact the overall scale of the estate, by consolidating and reducing the height of Warehouse 3. As such, only two of the five Warehouses (Warehouse 1 and 6) will have an overall height above RL 97 m.

The SoHI concludes that the proposed works would result in less visual clutter and reduced scale when compared to the approved development. Therefore, the proposal is considered to have a minor visual impact to Prospect Hill.

6.6 Noise and Vibration

A Noise Impact Assessment (NIA) has been prepared by SLR Consulting Australia to accompany the proposed modification. The NIA is provided at Appendix 8.

The nearest sensitive receivers are identified in Figure 21.

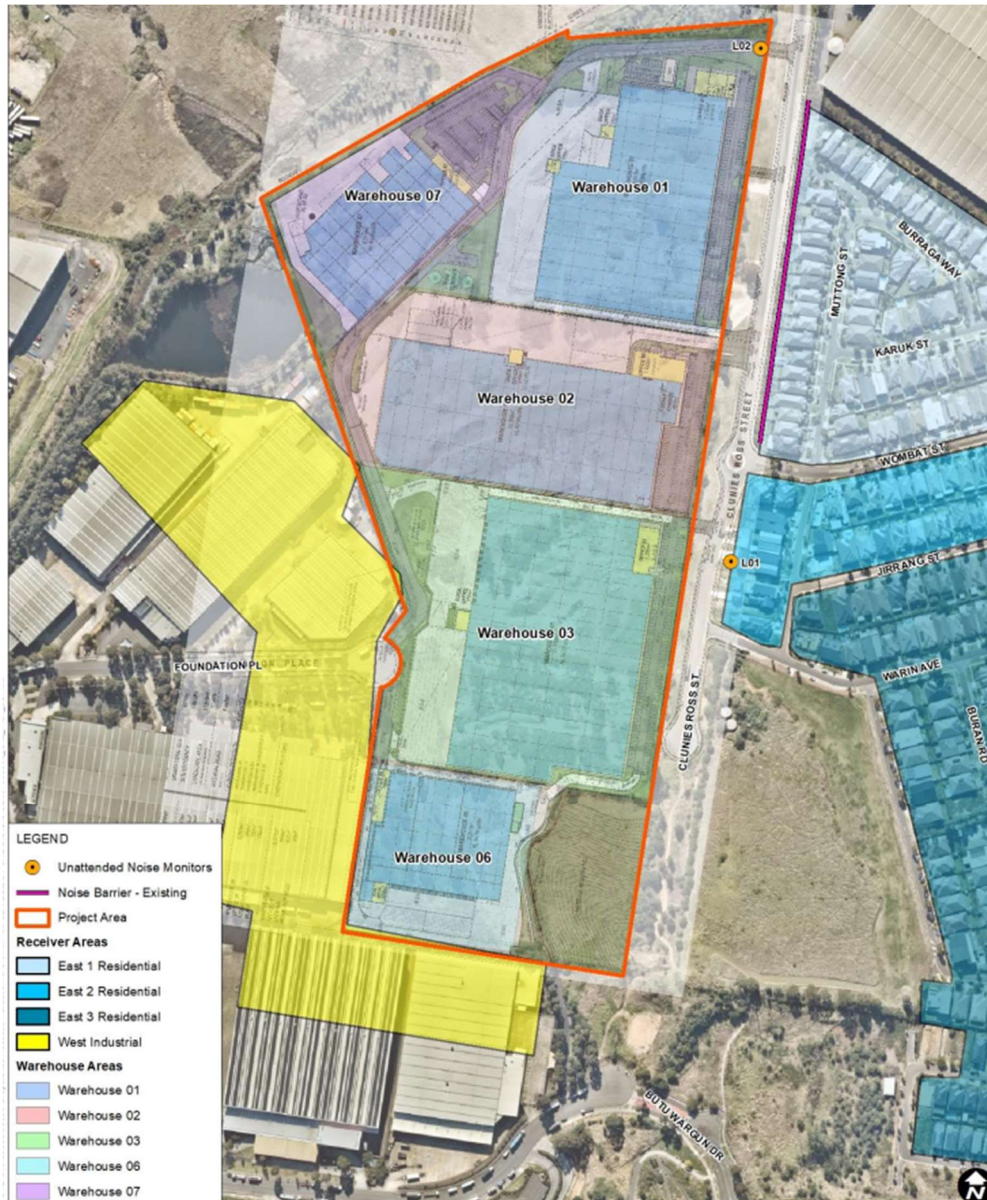


Figure 21: Nearest sensitive receivers (Source: SLR Consulting)

The NIA identifies the proposed modification to Warehouse 3 and 6 includes the following alterations which have the potential to alter noise emissions from the development compared to the approved layout:

- heavy vehicle access to both Warehouse 3 and 6 is via Foundation Place only, which removes heavy vehicles from Clunies Ross Street. This is likely to result in a reduction in noise impacts at residential receivers on Clunies Ross Street.

- the loading docks for Warehouse 3 are moved to the less sensitive western side of the development, facing Foundation Place. This is likely to result in a reduction in noise impacts at residential receivers on Clunies Ross Street.
- the proposed operation of Warehouse 6 as a cold storage warehouse. This may result in a minor increase in noise emissions due to the use of refrigerated trucks for certain deliveries. Back up generators would also be implemented in the event of a power outage to maintain supply to the refrigerated warehouse and the generator/s would be located adjacent to the plant room .

The following mitigation measures will be implemented to minimise the impacts on nearby sensitive receivers:

- reduction in roof mounted fans sound power levels from 98 dBA to 78 dBA
- noise absorptive materials to be utilised on the underside of the loading dock canopy
- use broadband and/or ambient sensing alarms on heavy vehicles and forklifts where they are required to reverse during the night-time
- driver code of conduct (required as per Consent Condition B34(d)) will be produced. This will promote awareness of the proximity of residential receivers to the site and the need to minimise noise emissions from trucks, where possible
- roller doors will be kept closed when un/loading is not occurring
- verification monitoring to be completed within three months of commencement of operation of each warehouse, as per the requirements of Consent Conditions B36 and B37

A summary of the anticipated noise impacts, with mitigation from Warehouses 3 and 6 are shown in the table below.

Receiver	Period	Noise Levels $L_{Aeq(15minute)}$ (dBA)		Comply
		Noise Criteria	Predicted	
East 1 Residential	Day	57	38	Yes
	Evening	53	38	Yes
	Night	48	37	Yes
East 2	Day	53	43	Yes
	Evening	48	42	Yes
	Night	43	41	Yes
East 3 Residential	Day	53	36	Yes
	Evening	48	35	Yes
	Night	43	34	Yes
West Industrial	When in Use	68	66	Yes

Table 10: Operational Noise Assessment - Mitigated (Source: SLR Consulting)

The above assessment indicates that the modified layout results in substantially lower noise levels at the nearest residential receivers in the East 1, East 2 and East 3 Residential areas when compared to the approved layout. This is partly due to the modified layout relocating the loading docks of Warehouse 3 and 6 to the western side of the development and from restricting heavy vehicle access to Warehouse 3 and 6 to Foundation Place only.

6.7 Air Quality

An Air Quality Impact Assessment (AQIA) for the proposed modification was prepared by JBS&G, which assesses the potential emissions of the backup generators to be used to supply power to Warehouse 6 in the event of a power outage.

The AQIA conservatively assumes two 1,500 kVA generator units would be used on a 24 hour basis for 12 months. This is a highly unlikely scenario given most power outages are likely to have a duration of hours and in a worst case event potentially days.

The AQIA predicts that the operation of the generators would comply with the relevant air quality assessment levels during continuous operation over a 12 month period. Therefore, the AQIA concludes that the temporary and intermittent use of generators during power outages would not result in unacceptable air emissions and/or potentially unacceptable impacts to human health in the surrounding area.

Notwithstanding, the AQIA recommends that the units to be used are subject to regular maintenance and inspections to ensure they are operating efficiently.

6.8 Energy Efficiency

The proposed modification will continue to incorporate energy saving provisions such as the provision of solar panels.

The Architectural Plans (Appendix 1) indicate the minimum provision of 99 kW of solar panels on the rooftop of the Warehouses. The plans identify the maximum available coverage based on detail design and tenant operations; however, details of the final solar array designs will be confirmed at the detailed design stage.

6.9 Soil and Water

A Water and Hydrology Assessment has been prepared by Costin Roe Consulting and is included at Appendix 9. The assessment notes that the proposal does not involve any changes to the approved stormwater or civil arrangements. The stormwater management solution considers discharge from the modification is consistent with the management strategies approved in SSD-10399.

Furthermore, it has been confirmed that the development addresses flood planning requirements and does not impact or encroach on existing flood affected areas noting the proposed modification layout does not change any of the previous assessments or outcomes pertaining to flooding.

Consistent with the approved development, the warehouses will capture rooftop rainwater in water tanks. The modified designs include underground water tanks as opposed to the surface tanks shown in the approved site layout plans.

The civil engineering and stormwater management measures for the proposed modification will therefore remain consistent with the approved SSD 10399 requirements.

6.10 Suitability of the site for the development

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.

The site remains suitable for the proposed development for the reasons outlined in the SEE submitted with the original DA.

6.11 Submissions

The proposed development will be notified in accordance with DPE's notification policy. The Applicant will consider any submissions received prior to the determination of the application.

6.12 Public interest

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.

In addition, DPE will consider any public submissions relating to the proposal during its assessment. Accordingly, it can be concluded that the proposed development is entirely in the public interest.

7 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 proposal is suitable for the site and the area, after consideration against Section 4.15(1) of the EP&A Act.
- the proposal does not alter or change the anticipated use and intensity of the use at the site
- the proposed changes to the configuration and orientation of the warehouse buildings, loading docks and access arrangements ensure a better development outcome for the site, compared to the approved
- the proposed will not increase any significant impacts on the amenity of the area
- the proposal will not cause any adverse impacts on the heritage significance of the Prospect Hill
- the proposal, as modified will continue to align with the aims and objectives of relevant state and local planning instruments
- the proposal will not result in an increase in the approved environmental impacts or adverse impacts on the amenity of surrounding land
- the proposal seeks a reduction to the approved, overall bulk and scale of the development, subsequently reducing the anticipated visual impacts on the surrounding area.

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.