

5 August 2015

Secretary
Department of Planning & Environment
23-33 Bridge Street
SYDNEY NSW 2000

Attn: Chris Ritchie, Manager Industry, Key Sites and Social Projects

Dear Ms McNally,

RE: LINDT FACILITY PROJECT (SSD 14-6620) – SECTION 96 MODIFICATION (MOD 2) – STATEMENT OF ENVIRONMENTAL EFFECTS

1.0 Introduction

On 26 November 2014, the Department of Planning & Environment (the Department), as delegate of the Minister for Planning, approved a development application from Qanstruct (Aust.) Pty Limited (Qanstruct) for the development of a warehouse and manufacturing facility for Lindt & Sprüngli Australia (Lindt) and Toll Global Logistics (Toll) on a 6.6 hectare site in Sydney Business Park, located in the Marsden Park Industrial Precinct in Western Sydney (see **Figures 1 and 2**).

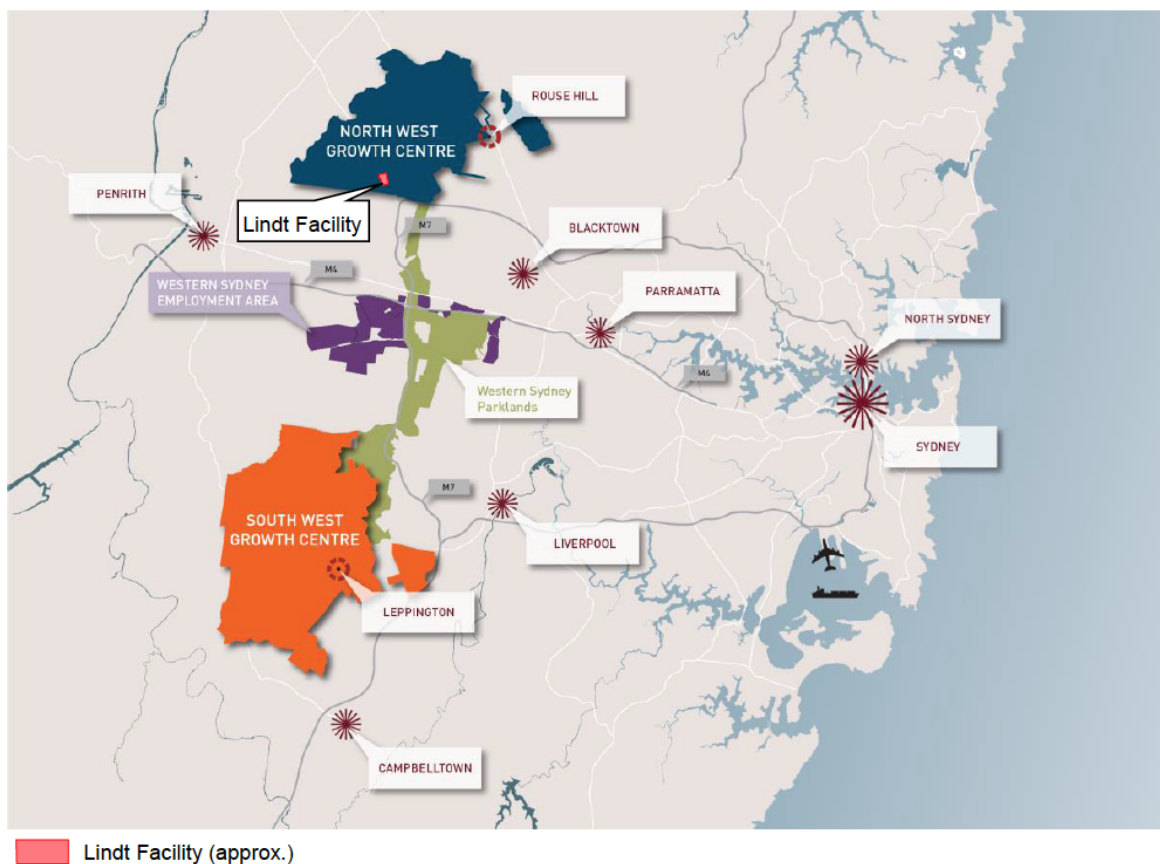


Figure 1: Regional Context

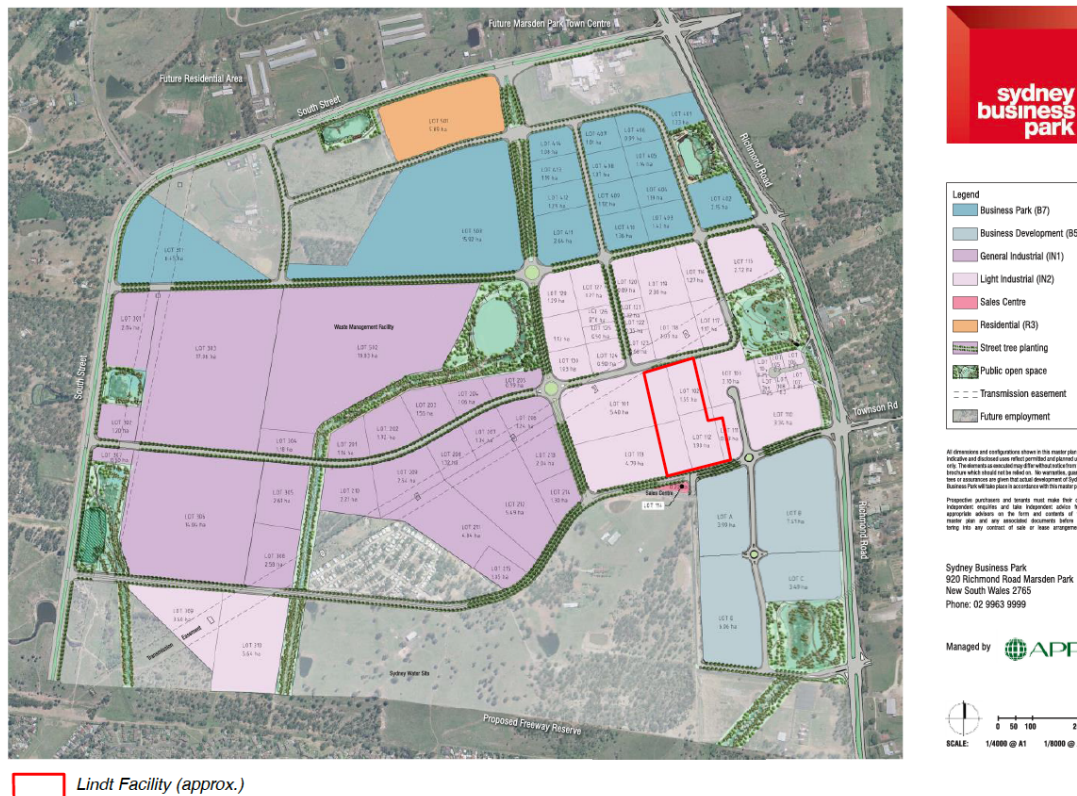


Figure 2: Location Plan – Sydney Business Park Master Plan

The facility, known as the Lindt Facility Project, will be used to store and distribute Lindt's range of premium packaged chocolates, and for chocolate making and the baking of foods for Lindt's range of cafes and third party stores. It will also accommodate Lindt's Australian administrative headquarters. The facility is currently under construction.

The development consent has been modified once since the original approval. On 20 July 2015, the Department approved a modification application under Section 96(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The modifications included:

- new enclosed link way to the eastern elevation, and associated relocation of external plant and equipment;
- additional windows to the southern elevation of warehouse;
- amended external colour schedule;
- new skylight and plant located on the office roof; and
- amended stormwater design.

The layout of the facility as approved is shown in **Figures 3 and 4**, and is described in detail in the Environmental Impact Statement (EIS) for the project dated August 2014.

Detailed design for the project has identified the need for a small number of additional changes to the facility as approved. Consequently, Qanstruct is proposing a further minor modification to the development consent to accommodate these changes, as detailed below.

This Statement of Environmental Effects (SEE) has been prepared by PJEP Environmental Planning to support the modification application for the proposed changes, which are considered able to be assessed under Section 96(1A) of the *Environmental Planning and Assessment Act 1979*.

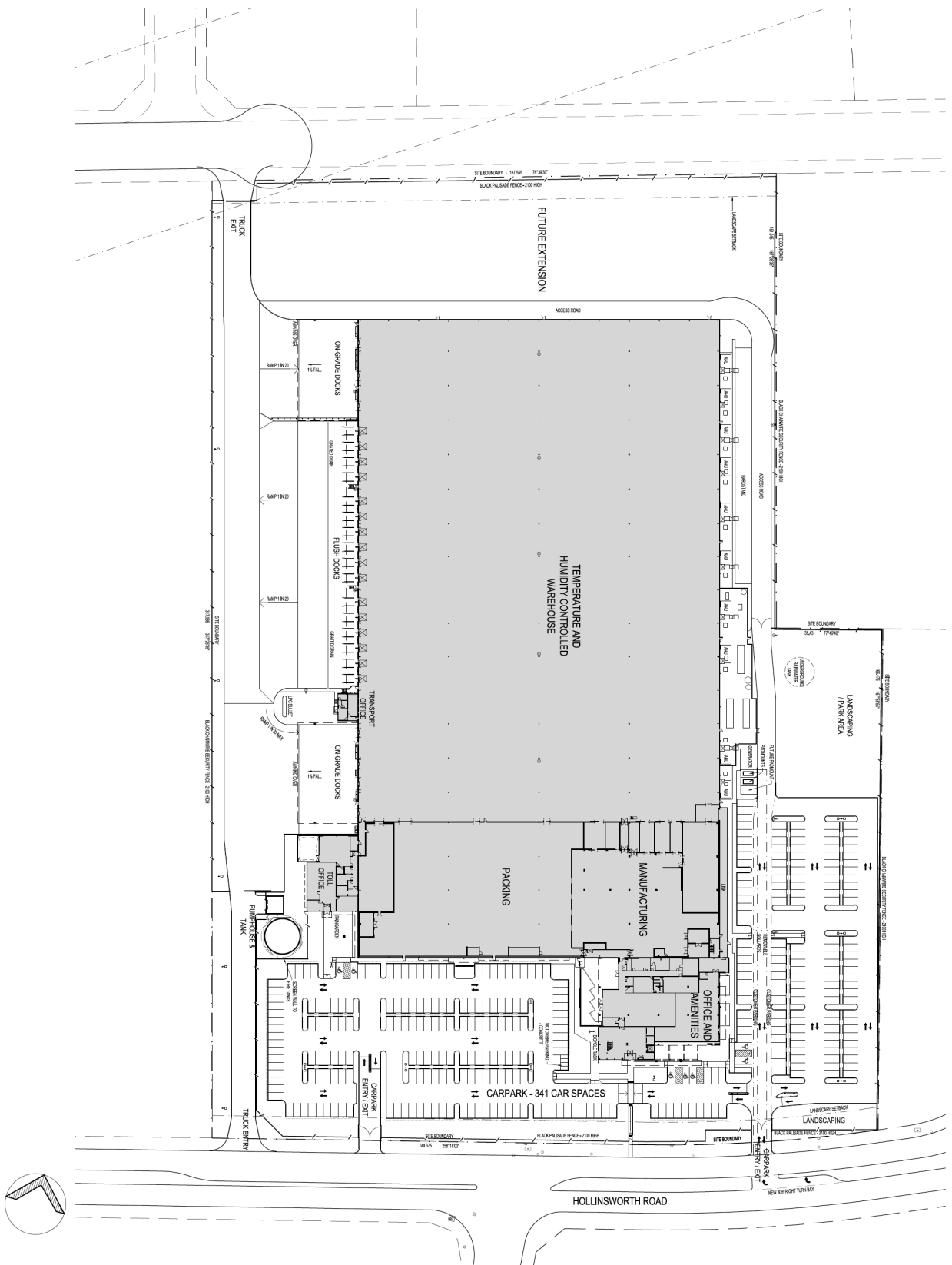


Figure 3: Site Plan – As Approved



Figure 4: Elevations – As Approved

2.0 Proposed Modifications

The proposed changes to the Lindt Facility are shown on **Figure 5**, and include:

- *new ancillary office within the packing area* – a 2 level internal office is proposed to be added to service the packing area. The office would have a floor area of approximately 70m², comprising 30m² on the ground level and 40 m² on a mezzanine level. The ancillary office does not involve any external alterations to the facility; and
- *minor change to the awning over the staff outdoor area* – a small increase in the size of the awning over the staff outdoor area on the western side of the main ancillary office is proposed to increase staff amenity. The change would increase the awning size by 40m² (ie. from 1,800m² to 1,845m²).

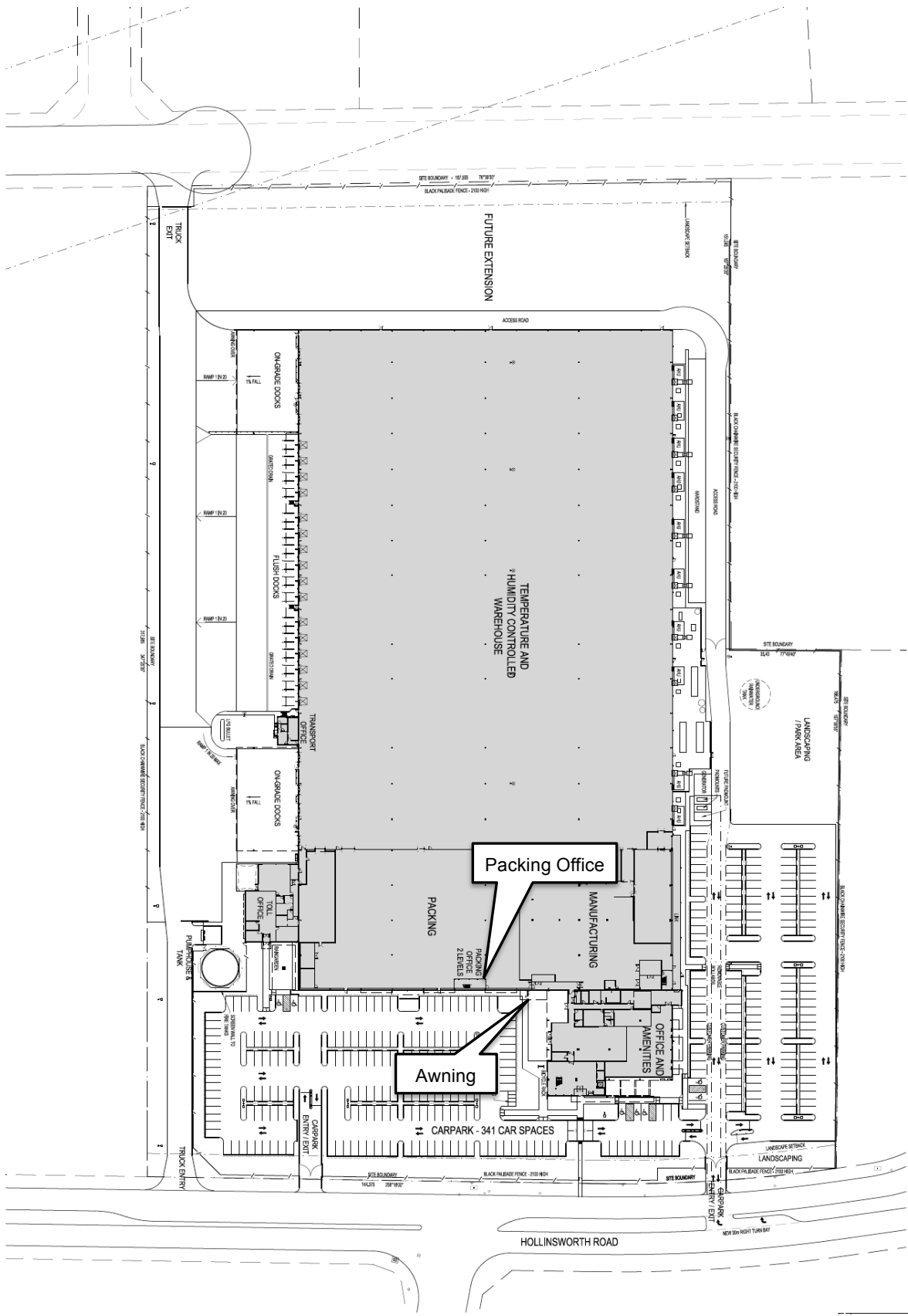


Figure 5: Site Plan – As Proposed



A revised development areas schedule based on the proposed modification is provided in the following table.

Table 1: Lindt Facility Development Schedule

Aspect	Facility Detail		
	As Approved	As Proposed	Difference
Site Area	65,940 m ²	65,940 m ²	No change
Building Areas			
- Warehouse ¹	20,445 m ²	20,445 m ²	No change
- Manufacturing and Packaging	4,950 m ²	4,920 m ²	-30 m ²
- Ancillary Office	3,450 m ²	3,520 m ²	+70 m ²
- Showroom/Factory Outlet	315 m ²	315 m ²	No change
- Gross Floor Area ²	29,160 m ²	29,200 m ²	+40 m ²
- Total Ground Floor Building Area	26,930 m ²	26,930 m ²	No change
Awning Area	1,800 m ²	1,845 m ²	+45 m ²
Hardstand Area	20,990 m ²	20,990 m ²	No change
Landscaping Area	15,500m ² (approx.)	15,500m ² (approx.)	No change
Site Cover	41%	41%	No change
Floor Space Ratio	44%	44%	No change
No. Office Levels	3	3	No change
Building Height (exc. plant)	13.9 m	13.9 m	No change
Building Height (inc. skylight, rooftop plant)	14.5 m	14.5 m	No change
Minimum Building Setbacks			
- Hollinsworth Road	28 m	28 m	No change
- Northern Road (Road 5)	46.5 m	46.5 m	No change
Parking Spaces	341 car spaces (inc. 7 disabled) 4 motorbike spaces	341 car spaces (inc. 7 disabled) 4 motorbike spaces	No change

1 Includes 315m² battery charging area and 125m² linkway

2 Excludes lift, stairs, store and balcony areas

Proposed Changes to Approval Instrument

The proposed modification would require only minor amendments to the development consent, including amendments to:

- *Condition B2, Terms of Consent* – to add reference to the modification application and this SEE;
- *Condition B7, Limits of Consent* – to update the maximum floor areas; and
- *Appendix 1, Plans and Elevations* – to update the applicable site plan.



3.0 Planning Context

Section 96 of the EP&A Act

The Minister for Planning was the consent authority for the original development application, and is therefore the consent authority for the proposed modification.

Under Section 96(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), a consent authority may modify a development consent if it:

- (a) is satisfied that the proposed modification is of minimal environmental impact;
- (b) is satisfied that the development as modified is substantially the same development as the development as originally granted;
- (c) has notified the application in accordance with the regulations or a development control plan, if required; and
- (d) it has considered any submissions made concerning the proposed modification.

It is considered that the proposal represents a minor modification of the development as originally approved, as it:

- does not affect the approved use of the facility;
- does not involve any significant change to the layout of the facility;
- does not affect the development's consistency with any environmental planning instrument (see below); and
- would not result in any significant change to the environmental effects of the development (see Section 4).

Consequently, it is considered that the proposed modification can be considered and determined under Section 96(1A) of the EP&A Act.

Environmental Planning Instruments

The following environmental planning instruments are relevant to the Lindt Facility and the proposed modification:

- *State Environmental Planning Policy (SEPP) No.33 – Hazardous and Offensive Development*;
- *SEPP No.55 – Remediation of Land*;
- *SEPP No.64 – Advertising and Signage*;
- *SEPP (State and Regional Development) 2011*;
- *SEPP (Infrastructure) 2007*; and
- *SEPP (Sydney Region Growth Centres) 2006* (the Growth Centres SEPP).

The proposed modification does not alter the project's consistency with any of these instruments.

The Growth Centres SEPP is the dominant environmental planning instrument applying to the site. Appendix 5 of the SEPP contains the *Marsden Park Industrial Precinct Plan* (the Precinct Plan), which provides the key development controls applicable to the site.

Part 4 of the Precinct Plan provides a number of principal development standards for development in the Marsden Park Industrial Precinct, and Parts 5 and 6 provide a number of additional applicable provisions. An assessment of the development as modified against these standards and provisions is provided in the following table. As indicated in the table, it



is considered that the modified development is able to be carried out in a manner that is consistent with all of the applicable standards and provisions of the SEPP.

Table 2: Marsden Park Industrial Precinct Plan Compliance – As Modified

Clause	Issue	Key Controls Summary	Complies	Comments
4.1	Minimum Subdivision Lot Size	Applicable minimum lot size is 2,000m ²	Yes	• No change
4.3	Height of Buildings	Applicable maximum building height for the site is 16 metres	Yes	• No change
4.4	Floor Space Ratio (FSR)	Applicable FSR for the site is 0.7:1	Yes	• No significant change
5.4	Miscellaneous Permissible Uses	Clause 5.4(4) applies to industrial retail outlets, and provides that the retail outlet gross floor area (GFA) must not exceed 40% of the total building GFA, or 400 m ² , whichever is lesser	Yes	• No change
5.6	Architectural Roof Features	Provides controls for architectural roof features	Yes	• The amended facility does not involve architectural roof features above the maximum building height, and the proposed awning change is minor and would not affect the architectural design quality of the facility.
6.1	Public Utility Infrastructure	Requires consent authority to be satisfied that required infrastructure is or will be available	Yes	• No change
6.4	Development Controls – Native Vegetation Retention Areas and Riparian Protection Areas	Requires consent, and provides standards, for clearing of native vegetation in mapped native vegetation retention areas (NVRA) and riparian protection areas (RPA)	Yes	• No change
6.5	Development Controls – Existing Native Vegetation Areas	Restricts clearing in mapped existing native vegetation areas (ENVA)	Yes	• No change

Growth Centres Development Control Plan

The *Blacktown City Council Growth Centre Precincts Development Control Plan 2010* (the Growth Centres DCP) provides detailed guidance for development within the parts of the North West Growth Centre that are within the Blacktown LGA.

An assessment of the development as modified against the applicable development controls in these parts is provided in the following table.



As indicated in the table, the development as modified is considered to comply with all of the development controls in the DCP.

Table 3: BCC Growth Centres DCP Compliance

Clause	Issue	Key Controls Summary	Complies	Comments
Part 2: Precinct Planning Outcomes				
2.2	Indicative Layout Plan	Requires development to be generally consistent with the Indicative Layout Plan (ILP), with any variations to be demonstrated to be consistent with the precinct planning vision.	Yes	• No change
2.3	Flooding and Water Cycle Management	Requires residential development to be generally above the 1% AEP flood level, and provides controls for flood affected land.	Yes	• No change
		Provides stormwater quantity and quality controls.	Yes	• No change
2.3.2	Salinity and Soil Management	Requires salinity reports and salinity management plans for applications in areas of potential salinity and soil aggressivity risk	Yes	• No change
		Requires soil and water management plans to be prepared	Yes	• No change
2.3.3	Aboriginal and European Heritage	Requires archaeological and heritage assessments for applications on land identified as having potential archaeological and heritage value	Yes	• No change
2.3.4	Native Vegetation and Ecology	Restricts clearing/development in riparian areas, other than for essential infrastructure	Yes	• No change
		Restricts clearing of native vegetation, and requires development to avoid significant impact on the ecological values of the E2 Zone	Yes	• No change
		Requires a landscape plan to be prepared	Yes	• No change
2.3.5	Bushfire Hazard Management	Requires Asset Protection Zones (APZs) and bushfire hazard management measures	Yes	• No change
2.3.6	Site Contamination	Requires site contamination assessments to be undertaken	Yes	• No change
2.3.7	Odour assessment and control	Notes that existing land uses have potential to generate odour	Yes	• No change



Clause	Issue	Key Controls Summary	Complies	Comments
Part 6: Employment Lands Subdivision and Development Controls				
6.2	Subdivision	Provides controls relating to subdivision in the employment lands.	Yes	• No change
6.3	Landscape Design	Provides landscape design controls, including provision of landscaping/shade trees in car parks, and provision of communal outdoor areas (3% of site area in the IN2 zone).	Yes	• No change
6.4.1	Setbacks	Requires buildings and hardstand to be set back at least 7.5m from the front boundary, with the setback area fully landscaped	Yes	• No change
6.4.2	Building Design and Siting	Provides controls aimed at providing high quality architectural design and presentation to street frontages	Yes	• The proposed awning change is minor and would not affect the architectural design quality of the facility.
6.4.3	External Building Materials and Colours	Provides controls aimed at ensuring buildings provide a combination of high quality, durable, low maintenance and sustainable finishes and materials	Yes	• No change
6.4.4	Entrance Treatment	Requires entries to be clearly visible and address the primary street frontage	Yes	• No change
6.4.5	Ancillary Buildings, Storage and Service Areas	Requires that ancillary structures are integrated into the building design, setback and/or appropriately screened.	Yes	• No change
6.5	Ecologically Sustainable Development	Provides controls aimed at maximising energy and water use efficiency, and management of waste and discharges	Yes	• No change
6.6	Fencing, Signage and Lighting	Applicable controls include: <ul style="list-style-type: none"> • palisade fencing to be provided to front boundaries and side boundaries within the setback; • plastic-coated chainwire fencing can be provided to side fencing; • fencing to be setback 1m from the front property boundary • signage to relate to the business use and not occupy more than 10% of any facade 	Yes	• No change



Clause	Issue	Key Controls Summary	Complies	Comments
6.7	Access and Parking	Provides controls requiring vehicles to enter and exit sites in a forward direction, and provide safe and efficient on-site circulation	Yes	• No change
6.8	Car Parking	Applicable car parking rates include: <ul style="list-style-type: none"> • 1 space per 75 m² for GFA up to 7,500 m²; • 1 space per 200 m² for GFA over 7,500 m²; and • 1 space per 40 m² for ancillary office GFA; • 2% of parking spaces should be provided for disabled parking. <p>Bicycle parking facilities are to be provided.</p>	Yes	• The amended facility does not affect compliance with the applicable carparking controls – see Section 4.
6.9	Waste Management	Requires waste management plans for development using best practice waste management principles	Yes	• No change
6.10	Safety and Surveillance	Requires development to meet 'Crime Prevention Through Environmental Design CPTED' principles	Yes	• No change
Schedule 3: Marsden Park Industrial Precinct				
2	Subdivision Planning and Design	Provides the planning vision for the precinct	Yes	• No change
2.3	Odour Management	Requires that consideration be provided for sensitive uses (such as dwellings) in the '2OU' odour buffer area of existing odour sources (poultry farms) in the locality	Yes	• No change
2.4.1	Development of the Quarry Site	Provides controls for development within the 'quarry site'	Yes	• No change
3	Neighbourhood and Subdivision Design	Provides additional estate wide controls, including additional public transport and pedestrian cycle network controls	Yes	• No change
4	Development in Residential Zones	Provides additional controls for residential development	Yes	• No change



Clause	Issue	Key Controls Summary	Complies	Comments
5	Employment Lands Subdivision and Development Controls	Provides additional controls relating to street types, development adjoining Richmond Road and South Street, development surrounding the existing caravan park, and ESD, including a requirement for 15% of the site area to be landscaped/pervious	Yes	• No change

4.0 Environmental Issues

Consideration of the environmental effects of the proposed modification is presented in the following table. In summary, it is considered that the proposal would not result in any significant change to the environmental effects of the project as approved.

Table 4: Consideration of Environmental Effects

Issue	Consideration
<i>Design and Visual</i>	<p>The proposed ancillary office within the packing area would not result in any changes to the external layout or design of the facility, and as such would not result in any material change to the design or visual quality of the facility.</p> <p>The proposed increased awning size to the staff outdoor area represents a minor increase (ie. 2.5%) in size to the approved awning, and the change would be largely indistinguishable when viewed from the public domain. The amended awning would improve amenity for staff, and is not expected to result in any adverse visual amenity impacts.</p> <p>The proposed modifications do not involve any changes to the approved site landscaping.</p>
<i>Soil and Water</i>	The proposed modification does not involve any change to the approved disturbance area of the project, or the total area of impervious area on the site, and as such would not result in any significant change to the soil and water aspects of the approved development. It is noted that the increased awning area would be located on approved impervious/hardstand areas of the site, and therefore would not increase runoff from the facility.
<i>Noise</i>	The proposed modification does not involve any significant change to the noise emissions associated with the approved facility. As required under the development consent, Lindt will be required to comply with applicable noise criteria during construction and operation of the development.
<i>Air Quality and Odour</i>	The proposed modification does not involve any significant change to air or odour emissions associated with the approved facility.
<i>Flora and Fauna</i>	The proposed modification does not involve any changes to the approved disturbance area of the site or site landscaping. As such, the proposal is not expected to result in any biodiversity impacts.
<i>Heritage</i>	The proposed modification does not involve any changes to the approved disturbance area of the site, and would not adversely impact any identified heritage sites.
<i>Traffic and Parking</i>	<p>The proposed modification would not result in any significant change in traffic generation associated with the project, or involve any change to access and circulation associated with the facility.</p> <p>The proposed ancillary office (with a floor area of 70m²) would increase the gross floor area of the facility marginally (ie. a net increase of 40m²), which would marginally increase the required parking provision under the Growth Centres DCP. The approved facility has a total of 341 parking spaces. Consideration of this parking provision against the requirements of the Growth Centres DCP is provided in the following table. As shown, the approved parking</p>



Issue	Consideration
	provision continues to comply with the requirements of the Growth Centres DCP based on the revised floor areas.

Table 4A: Parking Provision

Landuse	Gross Floor Area (m²)	Required Parking Space Rate	Total Required	Proposed Spaces
Industrial	30,055 ¹	1 per 75m ² for GFA <7,500m ²	100	341
		1 per 200m ² for GFA >7,500m ²	113	
Office	3,520	1 per 40m ²	88	
Retail/showroom	315	1 per 22m ² where GFA >200m ²	14	
Total	33,890¹		315	

¹ Includes the proposed warehouse/manufacturing GFA of 25,365m² plus the future expansion area of 4,690m²

Wastes and Hazards	The proposed modification would not significantly alter the generation or management of wastes associated with the approved project, or affect the hazards associated with the facility.
Utilities and Services	The proposal is not expected to affect the capacity of utilities and services associated with the approved project. The proposed solar panels would reduce the energy demands of the facility, and improve the sustainability of the facility.

5.0 Conclusion

Having regard to the salient environmental, social and economic issues, it is considered that the development as modified represents reasonable and suitable development of the land. It is respectfully requested that the Department (as delegate of the Minister for Planning), having due regard for the information submitted in this document, grants approval to the proposed modifications to the Lindt Facility Project at Marsden Park.

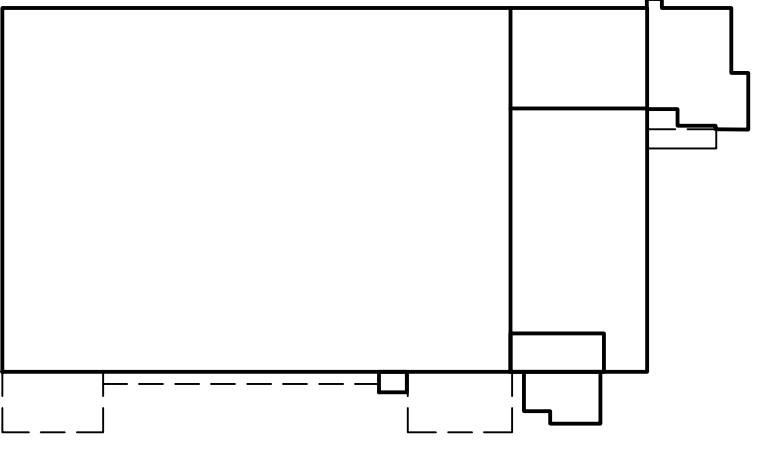
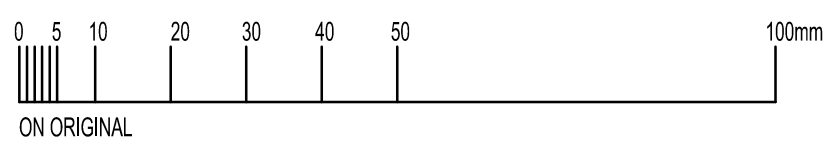
Should you have any enquiries in relation to this matter, please do not hesitate to contact me on 0400 392 861.

Yours faithfully,
PJEP Environmental Planning

Phil Jones
 Principal Environmental Planner
 Cc: Qanstruct, Lindt, Toll, Sydney Business Park
 Attachments: Attachment 1 Revised Site / Floor Plan



**ATTACHMENT 1:
REVISED SITE/FLOOR PLAN**

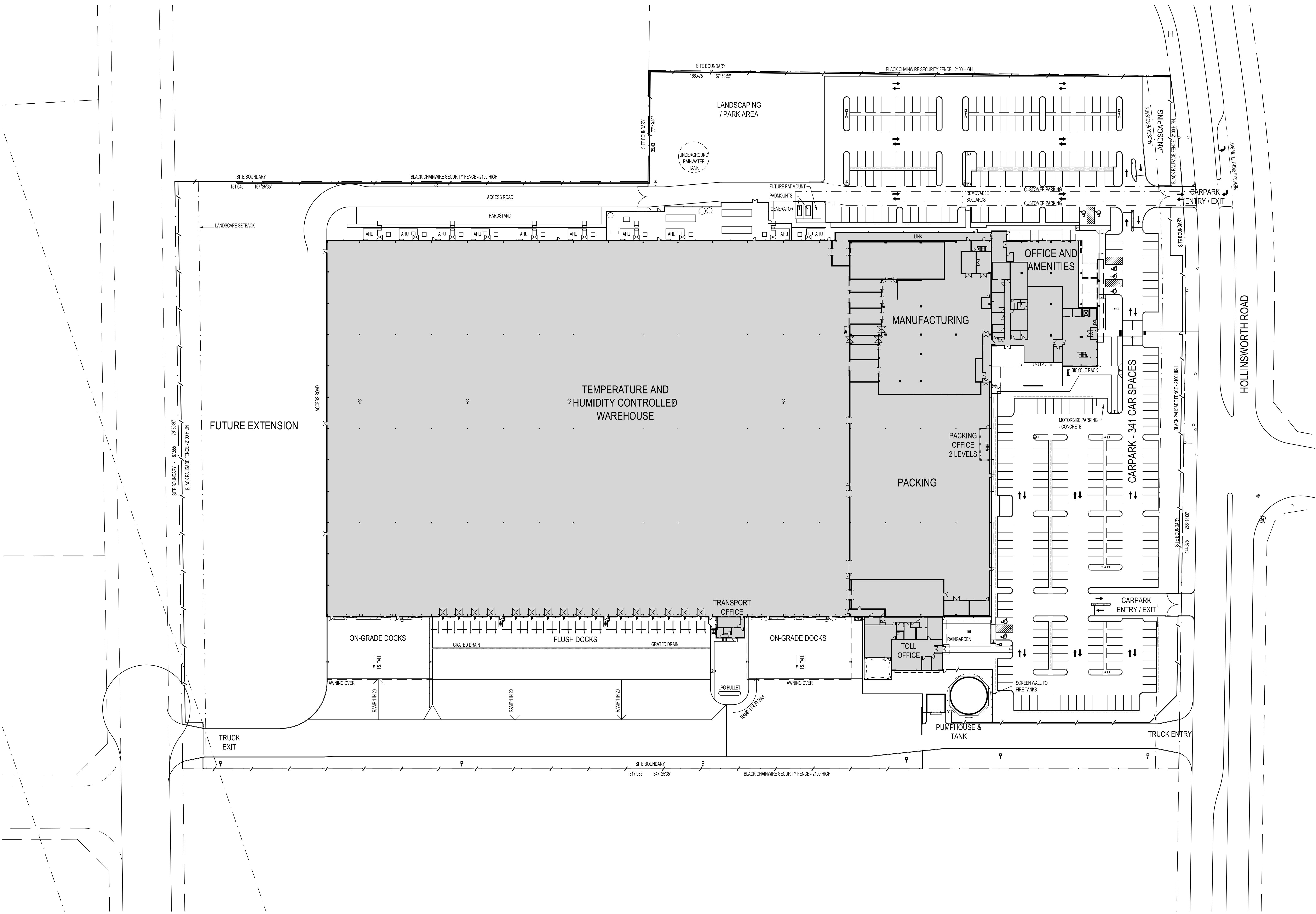


KEY PLAN

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REV.	DATE	AMENDMENT	SIGNED
D	29-07-15	PACKING OFFICE UPDATED	JTC
C	29-04-15	ISSUED FOR SECTION 98	JTC
B	25-07-14	CARPARK ISLANDS UPDATED TO MATCH CIVIL DESIGN	JTC
A	10-07-14	ISSUED FOR DEVELOPMENT CONSENT	JTC



CLIENT



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Telephone (03) 9810 8300 mail@qanstruct.com.au

PROJECT
NEW FACILITY
 16 HOLLINSWORTH RD
 MARSDEN PARK NSW

ARCHITECT



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 Telephone (02) 9495 6400 mail@mnia.com.au

TITLE
SITE / FLOOR PLAN

DATE	07-07-14	PROJECT No.	1423	STATUS	AR/DA
SCALE	1:500	(B1)			
DRAWN	JTC				
CHECKED		DWG No.		REV No.	
APPROVED		DA 01		/D	

