

ASSESSMENT REPORT

Section 96(2) Modification Application Cold Storage Facility, Hollinsworth Road Marsden Park Industrial Precinct, Blacktown (SSD 6799 MOD 1)

1. INTRODUCTION

This report assesses a modification application by NewCold Sydney Unit Trust (NewCold) (the Applicant) to an approved cold storage facility. The application has been lodged pursuant to section 96(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

2. BACKGROUND

2.1 Site and Surrounds

The site is in the suburb of Marsden Park in the Blacktown local government area (LGA), approximately 38 kilometres (km) north-west of the Sydney CBD, 8.6 km north-west of the Blacktown CBD and 9 km south-west of the Rouse Hill Town Centre (see **Figure 1**). The site is also located within a 256 hectare (ha) development estate known as the Sydney Business Park. Sydney Business Park falls within the Marsden Park Industrial Precinct (MPIP) in the North-West Priority Growth Area detailed under *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (Growth Centres SEPP).

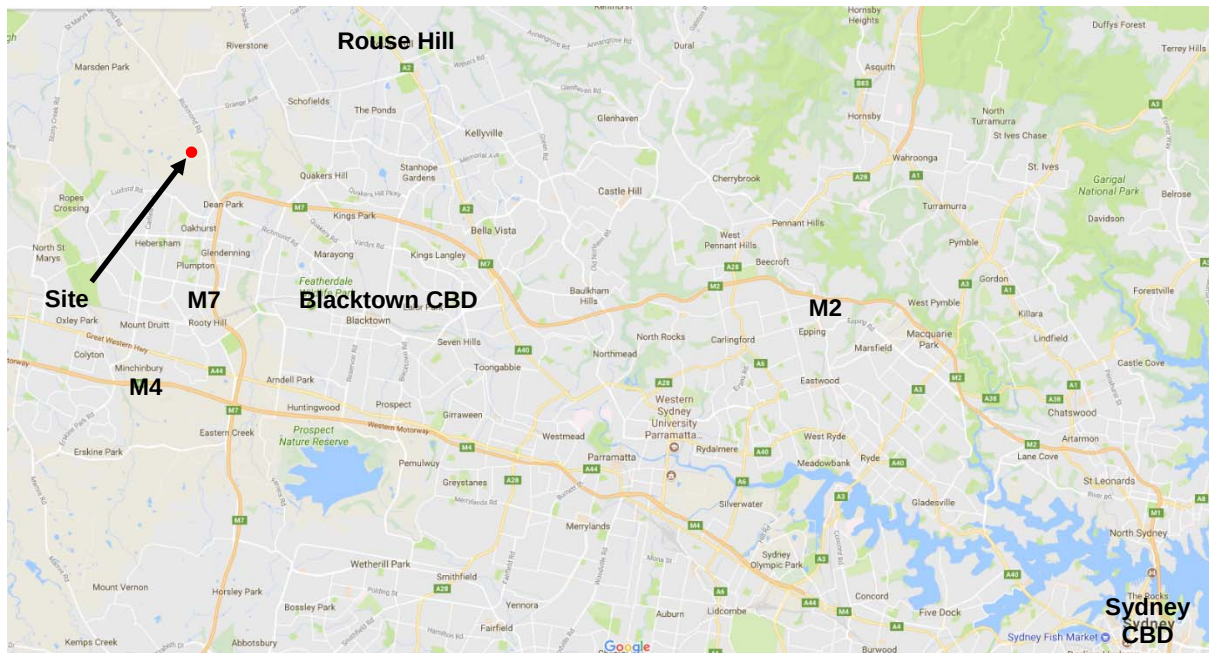


Figure 1: Site location

Residential uses remain within the industrial zoned land surrounding the site. This includes rural residential properties located 250 metres (m) to the south and the Ingenia Stony Creek Lifestyle Estate (Caravan Park) which is a retirement community operating as an existing use since the Marsden Park Industrial Precinct was rezoned in 2010.

The site is legally described as Lot 124 in DP 1194052 and is zoned IN2 - Light Industrial under the Growth Centres SEPP. It currently consists of vacant land, clear of vegetation with an established building pad subject of a previous approval from Blacktown City Council (Council) (see **Figure 2** and **Section 3**).

The nearest residential dwelling is 105 Hollinsworth Road, 300 m to the south. The residential suburb of Colebee is located 760 m to the south-east, across Richmond Road. Surrounding industrial developments include a Linfox Dulux (Council DA 15-679) warehouse to the west, a Lindt Chocolate manufacturing and retail outlet (SSD 6620) to the east, a Bunnings is located further to the east, IKEA Retail Marsden Park store to the south-east. Further industrial construction works are in progress opposite the site to the south (see **Figure 2**).

The site is bounded by Hollinsworth Road to the south, Harris Avenue to the East and Darling Street to the north (see **Figure 3**). A TransGrid easement and associated infrastructure crosses over the northern part of the site. A single sediment basin exists in the north-eastern corner of the site.



Figure 2: Site context



Figure 3: Site detail

3. APPROVAL HISTORY

3.1 Departmental Approval

On 22 July 2016, development consent was granted by the Executive Director, Key Sites and Industry Assessments for the development of a warehouse and distribution centre on the subject site for a cold storage facility with high bay storage (SSD 6799). The development consent permits the construction and operation of a cold storage facility with ancillary offices including a 36,287 m² warehouse, hardstand areas, 128 car parking spaces, 35 loading docks, infrastructure and services and landscaping. To date, no construction under SSD 6799 has occurred. The site layout and elevations of the approved development are shown in **Figure 4** and **Figure 5**.

3.2 Council Approval

The site is also subject to a Council approval (DA 11-2284) for bulk earthworks, tree removal, subdivision, construction of roads and stormwater infrastructure and street planting. DA 11-2284 has been modified three times, the latest of which created the allotment for the original development approved under SSD 6799 and has commenced to create a clear building pad on-site.

4. PROPOSED MODIFICATION

NewCold is a Dutch based, global cold storage and logistics firm that designs, builds and operates advanced cold storage logistics facilities. The Applicant has several existing high bay cold storage operations in Argentan, France; Rheine, Germany; Wakefield, United Kingdom; Kunto, Poland and Tacoma, USA. The Applicant also has two facilities under construction in Melbourne, Victoria.

The Applicant has lodged the modification application under section 96(2) of the EP&A Act to modify the approved cold storage facility (SSD 6799) to accommodate its own highly automated operations for the storage, transport and cross-dock logistics of chilled and frozen products. This design differs from that of Swire Cold Storage (the Applicant of the original SSD application) as it uses more automation.

The modification is described in full in the Statement of Environmental Effects (SEE), response report and supplementary information included in **Appendix B**.

During the assessment process, several design options were provided by the Applicant. The latest of these involved the use of articulated 'dri-design' aluminium panels on the high bay area. The site layout and elevations of the proposed development and two design options incorporating the dri-design panels are shown in **Figure 6**, **Figure 7** and **Figure 8**. An example of dri-design panels is shown in **Figure 12**.

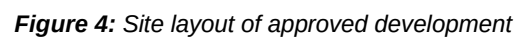
The proposed modifications would:

- amend the location and design of the warehouse freezer/chillers, office, and staff breakout areas
- increase the gross floor area (GFA) of the overall building and the storage volume of the warehouse
- increase the height of the high bay storage from 34.8 m to 36.5 m
- increase the number of car parking spaces from 128 to 133 spaces
- amend setbacks to surrounding street frontages
- amend stormwater infrastructure
- construct a covered pedestrian pathway from the car park to the ancillary office
- construct retaining walls along the south western and part of the northern boundary
- install four corporate signs, one on each low bay warehouse elevation.

The modified development would provide a facility for the storage and dispatch of chilled and frozen products and provide a cross-dock logistics function for increased efficiency. A comparison of the proposed changes is shown in **Table 1** below.

Table 1: Proposed Amendments versus Approved Development

Aspect	SSD 6799	Proposed	Change (+/-)
Height (m)	34.8 (high bay at ridgeline) 20.3 (low bay at ridgeline)	36.5 (high bay at ridgeline) 16 (low bay at ridgeline)	+1.7 -4.3
Total Gross Floor Area (m ²)	36,287	36,482	+195
Warehouse GFA (m ²)	34,135	33,482	-653
Office (m ²)	2,152	3,000	+848
Building Volume (m ³)	696,111	882,755	+186,644
Landscaping Setback (m)	7.5	7.5	No Change
Car Spaces (no.)	128	133	+5
Loading Docks	35	32	-2



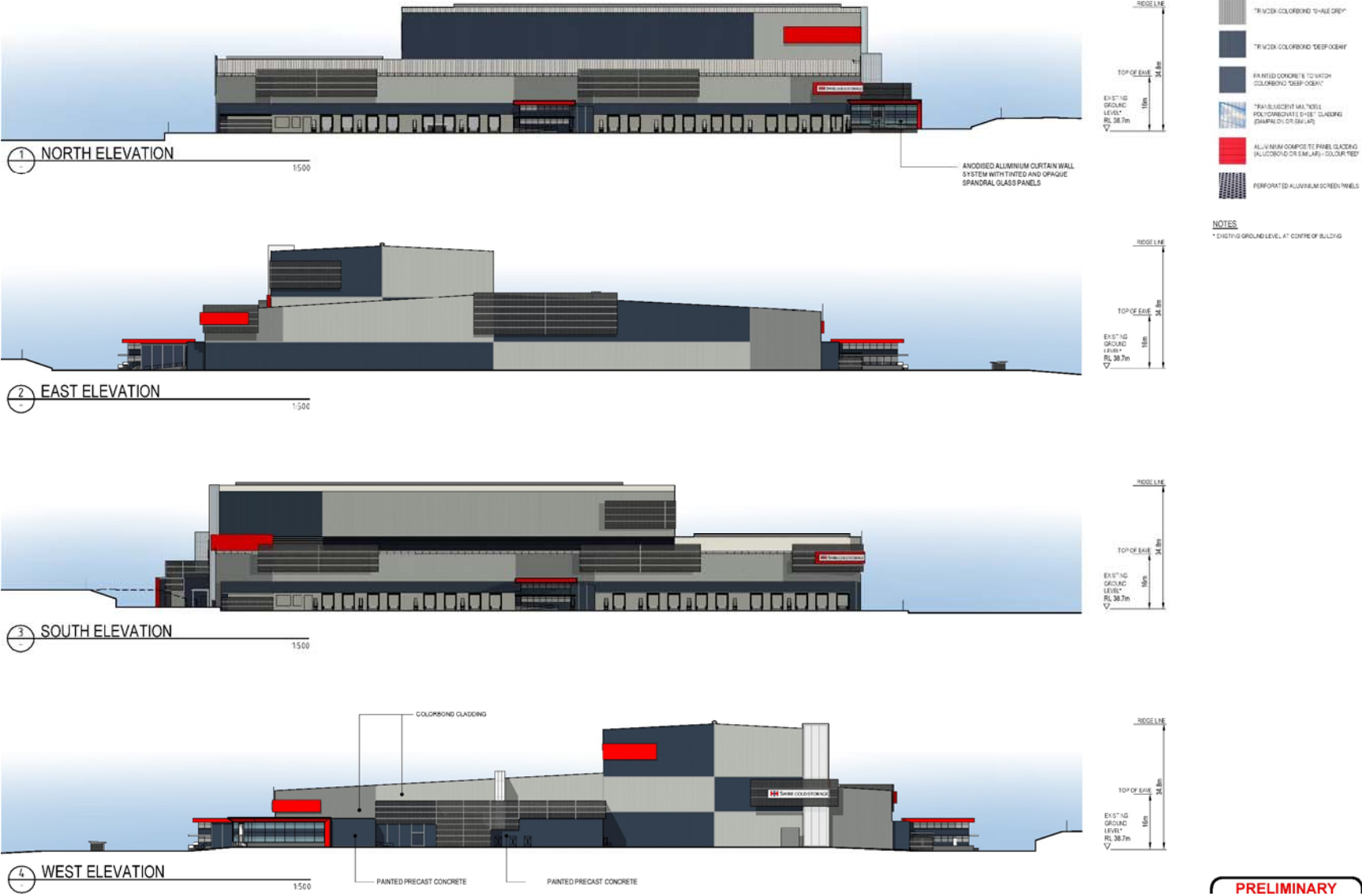


Figure 5: Approved development elevations

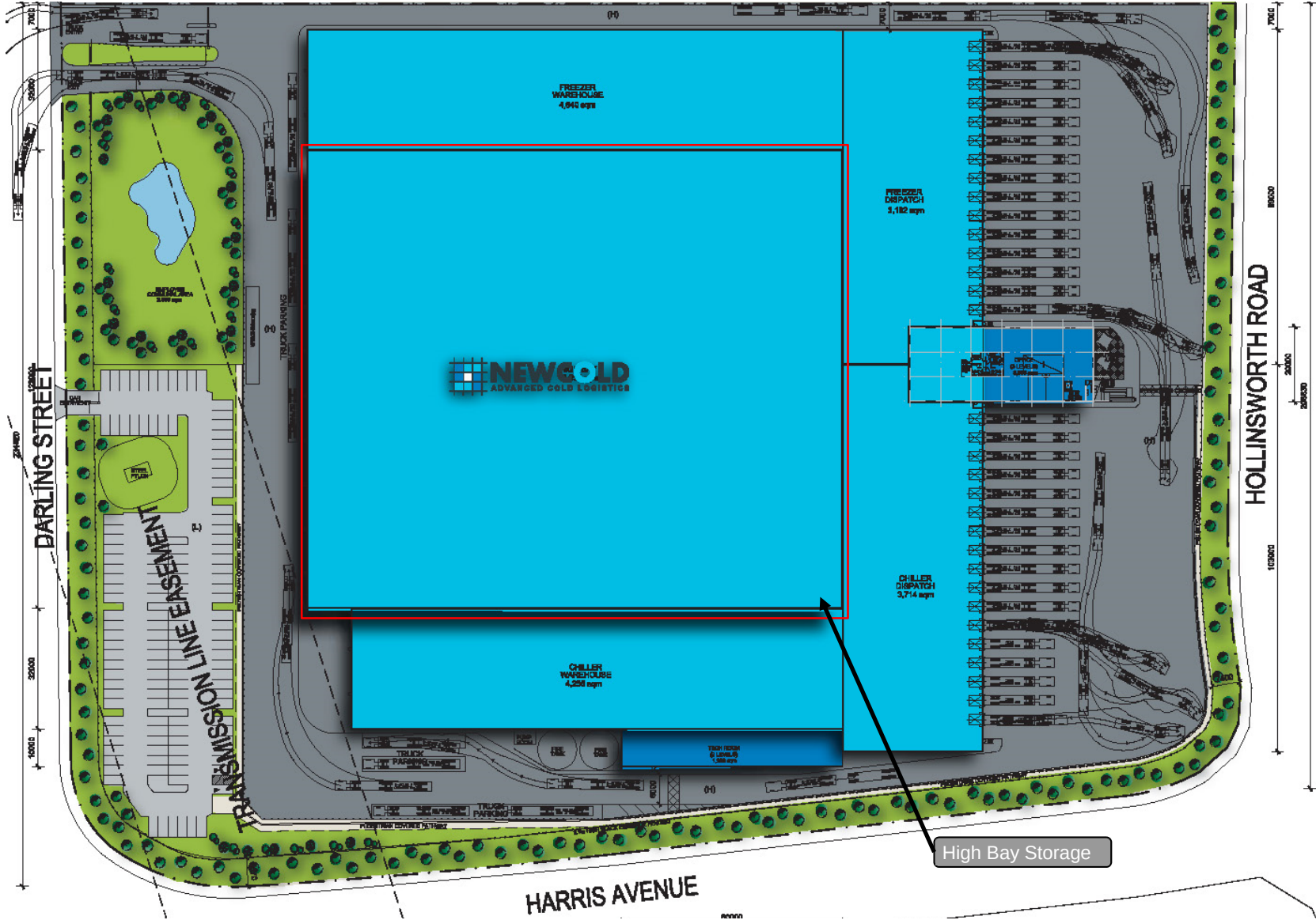


Figure 6: Site layout of proposed development

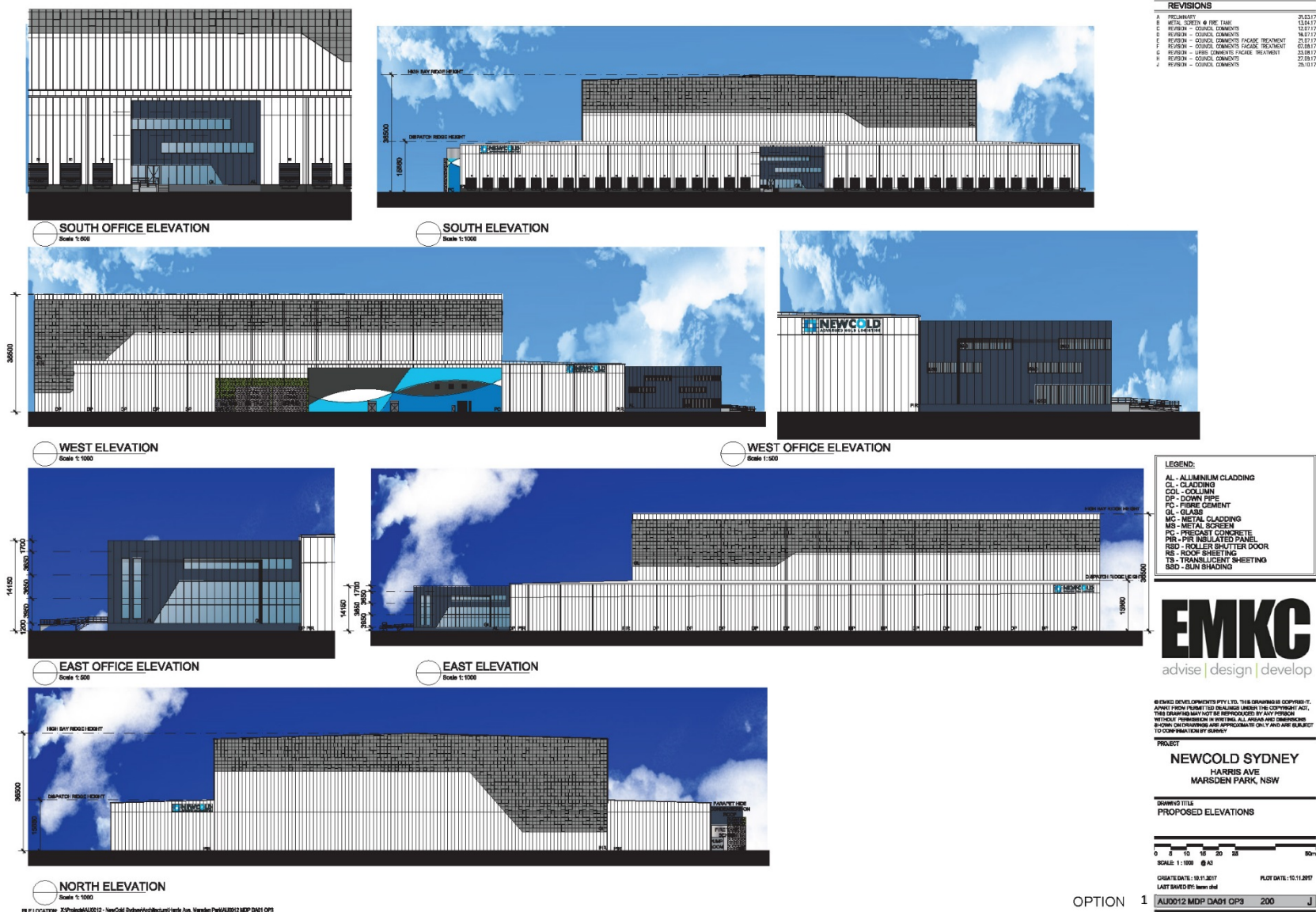


Figure 7: Proposed development elevations - Option 1 - 29 November 2017



5. STATUTORY CONTEXT

5.1 Consent Authority

The Minister for Planning is the consent authority for the application. Under the Minister's delegation of 11 October 2017, the Director, Industry Assessments, may determine the application under delegation as:

- the relevant local council has not made an objection
- a political disclosure statement has not been made
- there are no public submissions in the nature of objections.

Council initially objected to the proposal with respect to the increased bulk and scale and visual amenity impacts. However, as discussed in **Section 6.1**, the issues raised by and discussed with Council were considered in detail and Council no longer objects to the modification application.

5.2 Section 96(2)

The Department has reviewed the scope of the modification application and is satisfied the proposed modification relates to substantially the same development as the original development consent on the basis that:

- the primary function and purpose of the approved development, being for a warehouse and distribution centre consisting of a cold storage facility, would not change because of the proposed modification
- the modification is of a scale that warrants the use of section 96(2) of the EP&A Act as the potential impacts of the proposed modifications were not considered minimal
- the modification application has been notified and the submissions received have been considered in this assessment
- any potential environmental impacts would be appropriately managed through the existing or modified conditions of approval.

Therefore, the Department is satisfied the proposed modification is within the scope of section 96(2) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers the application should be assessed and determined under section 96(2) of the EP&A Act rather than requiring a new development application to be lodged.

5.3 Environmental Planning Instruments

The Department has considered the following Environmental Planning Instruments (EPIs) in its assessment of the modification application:

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

6. CONSULTATION

In accordance with clause 118 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation), the Department exhibited the application from 7 June 2017 to 7 July 2017:

- on the Department's website
- online at Service NSW centres
- at Blacktown City Council's offices (Flushcombe Road, Blacktown).

The modification application was advertised in the Blacktown Advocate and the Blacktown Sun. The modification application was also referred to Blacktown City Council, Roads and Maritime Services, Transport for New South Wales, the Environment Protection Authority, Sydney Water and TransGrid.

As no submissions from the general public or nearby residents were received during the assessment of SSD 6799, nearby landowners/occupiers were not individually notified of the exhibition period.

A total of five submissions were received during the exhibition period. These included one from Blacktown City Council and four from public authorities. No public submissions were received.

6.1 Public Authorities

Blacktown City Council (Council) initially objected to the modification application, raising concerns with:

- the exceedance of the 16 m height limit and lack of architectural merit and design excellence of the three design options presented in the initial application
- the reliance on perimeter landscaping to screen the development and location of tall landscaping within the TransGrid easement
- the size of the proposed signage and the placement of signage on all elevations of the high bay storage. Signage should be placed no higher than 16 m from the natural ground level
- the potential to use external hardstand areas for external storage when not being used by operational traffic. Storage should be limited to occur within the building
- conditions requiring fire tanks to be screened should be considered
- car parking design including a further reduction in parking spaces from the Blacktown Growth Centres Development Control Plan (Growth Centres DCP), the distance from parking areas to the building (over 300 m) and the absence of any detail on a covered pathway. An area should be set aside to provide additional car parking in the future
- the recommendations of the Preliminary Hazard Analysis should be implemented.

The Department notes Council's submission objected to the modification application with regards to visual impact and propose architectural treatment. The Department agreed with the concerns raised by Council, and requested the Applicant present additional design options, including a consideration to reduce the bulk of the proposed cold storage facility. Following a review of alternative design options submitted by the Applicant, Council withdrew its objection, subject to the implementation of the currently proposed architectural treatments (see **Figure 9** and **Figure 10**).

The Department also agreed the proposed landscaping measures should be revised due to their location within the TransGrid easement and agreed with Council's concern regarding the use of hardstand areas for external storage. Amended landscaping and tank screening form part of the modification application. Council's residual concerns are discussed in **Section 7.3**.

Roads and Maritime Services (RMS) did not object to the modification but advised concurrent B-double movements in a single driveway would not be supported. RMS requested revised swept path analysis and updated plans showing separate driveways for truck access to and from the site.

TransGrid did not object to the modification application and requested confirmation if the finished grounds levels under the modification would change, and requested 3D plans of the development to confirm the clearances of the building to its electricity easement infrastructure. TransGrid also raised concern with the height of landscaping near the easement and the location of car parking to the transmission line structures. These issues are discussed in **Appendix D**.

Transport for New South Wales (TfNSW) did not object to the modification application but provided comments noting a discrepancy in the GFA within the application and requested the preparation of a Construction Traffic Management Plan (CTMP).

The Department agrees with the comments from TfNSW and notes existing Condition C8 requires the Applicant to prepare and submit a CTMP to the satisfaction of the Secretary.

The **Environment Protection Authority** (EPA) did not object to the modification application and noted the development is not a Scheduled Activity under the *Protection of the Environment Operations Act 1997* (POEO Act).

Sydney Water did not object to the modification application and raised no concerns.

On 1 September 2017, the Applicant provided a response addressing the issues raised by the Department, Council and public authorities. The response included:

- revised architectural finishes for the warehouse using dri-design panels in a 'hit and miss' pattern
- revised office designs
- revised façade designs for the plant and equipment room along Harris Avenue
- reduced height of the low bay storage areas from 20 m to 16 m and a 76,749 m³ reduction in the building volume

- increased on-site landscaping from 7,052 m² to 9,045 m²
- increased car parking spaces from 104 to 133
- revised access arrangements off Darling Street
- smaller NewCold signs on each high bay warehouse elevation.

The Applicant also advised it is amenable to conditions of consent limiting the use of the proposed hardstand areas for external storage and to ensure the recommendations of the noise assessment are implemented on-site.

The RTS was referred to Council, RMS, TfNSW and TransGrid for comment. Council reiterated concerns regarding visual impact and the façade treatment. RMS advised updated signage plans showing signposting for vehicle entry and exits and detailing one way internal traffic movements are required. The Applicant provided a plan with this information on 28 September 2017. TfNSW raised no further issues.

Council maintained its objection to the revised architectural treatment and did not support the revised design provided in the RTS. However, the Applicant provided two further designs on 12 December 2017. These designs included a greater use of the Kingspan 'dri-design' panels in response to Council's residual concerns (see **Figure 9** and **Figure 10**).



Figure 9: Alternative design option 1

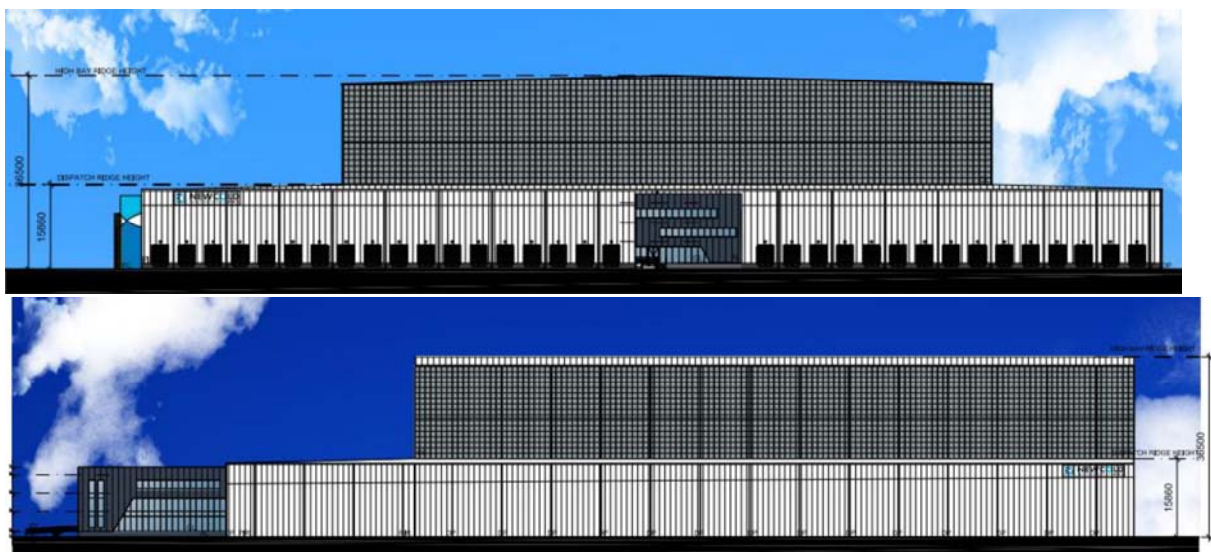


Figure 10: Alternative design option 2

Following a review of this information, Council indicated a preference for option 2 with the use of dri-design panels on the full extent of all four high bay elevations (see **Figure 8**). Council also advised it no longer objects to the modification application, subject to the installation of the external treatments.

Finally, on 21 December 2017, the Applicant submitted updated landscape plans to address TransGrid's comments and comply with existing Condition C50.

7. ASSESSMENT

The Department has assessed the merits of the proposed modification. During this assessment, the Department has considered the:

- the SEE, response and additional information provided to support the proposed modification (see **Appendix B**)
- the assessment report for the original development application
- submissions from the public, State government authorities and Council (see **Appendix C**)
- relevant environmental planning instruments, policies and guidelines
- requirements of the EP&A Act, including the objects of the EP&A Act.

The Department considers the key assessment issues are:

- visual impact
- noise.

The Department's assessment of other issues is provided in **Table 4**.

7.1 Visual Impact

Visual impact was a key issue in the Department's original assessment of SSD 6799. The modified building comprises a combination of 'low bay' and 'high bay' storage areas. In response to concerns in the height and design of the building the Applicant submitted amended designs of the architectural treatment of the ancillary office, plant and equipment and high bay areas. The Applicant has also reduced the height of the low bay area from 20.86 m to 16 m. This is equal to the height limit under the Growth Centres SEPP in the IN2 Light Industrial zone applicable to the site.

The high bay component is 36.5 m high at the roof ridgeline which is 1.2 m higher than the approved cold storage facility. As additional Automatic Storage and Retrieval Systems (ASRS) being proposed, the storage volume (and therefore overall bulk and scale) of the building would also increase from the approved 696,111 m³ to 882,755 m³. The Applicant has advised the storage volume of the high bay element is critical to the proposed operation and cannot be varied.

Due to the size of the building it has the potential to impact the visual amenity of the area. In its original assessment, the Department concluded the greatest level of visual impact would be observed from the residential property at 99 Hollinsworth Road, 240 m to the south of the site. Since the approval of SSD 6799 this property has been demolished and replaced with a warehouse. Visual impacts would also occur:

- along Richmond Road due to the exposure to passing traffic and unobstructed views to the existing industrial developments as the northern areas of the MPIP have not been developed
- along Hollinsworth Road and residential properties to the west on the opposite side of Richmond Road.

As with the original development, the building requires an architectural treatment to mitigate these impacts.

The proposed building will have setbacks of 66 m from Darling Street (northern boundary), 68 m from Hollinsworth Road (southern boundary) and 14 m from Harris Avenue (western boundary). To address the increased bulk of the building, the high bay component has been set back from Hollinsworth Road.

Proposed Architectural Treatment

The Applicant initially advised specific panels (known as PIR panels) are required for their thermal insulating properties and limit the use of additional architectural treatment as fixtures. This is because elements that penetrate the PIR panels could impact their thermal performance and structural integrity.

To mitigate the increase in bulk of the development, the Applicant initially proposed three alternative façade treatments using insulated PIR panels in a coloured checkerboard layout, like its two other projects in Truganina, Victoria (see **Figure 11**). Council and the Department did not support this design.



Figure 11: Initial proposed finish of coloured PIR panels used by the Applicant in Truganina, Victoria

The Applicant also now proposes to use angled 'dri-design' aluminium panels to articulate the high bay area in response to Council's concerns regarding visual impact. The treatment consists of 1.1 m x 1.1 m panels fixed directly onto the PIR panels on all four high bay elevations. Each panel would sit 50 mm proud of the PIR panel and would have a mixture of flat and angled panels to create visual interest by creating varying shadowing effects at different times of the day. **Figure 12** shows these panels in a civil context. The Applicant intends to apply the panels in 'shale grey', which is lighter in colour than shown below.

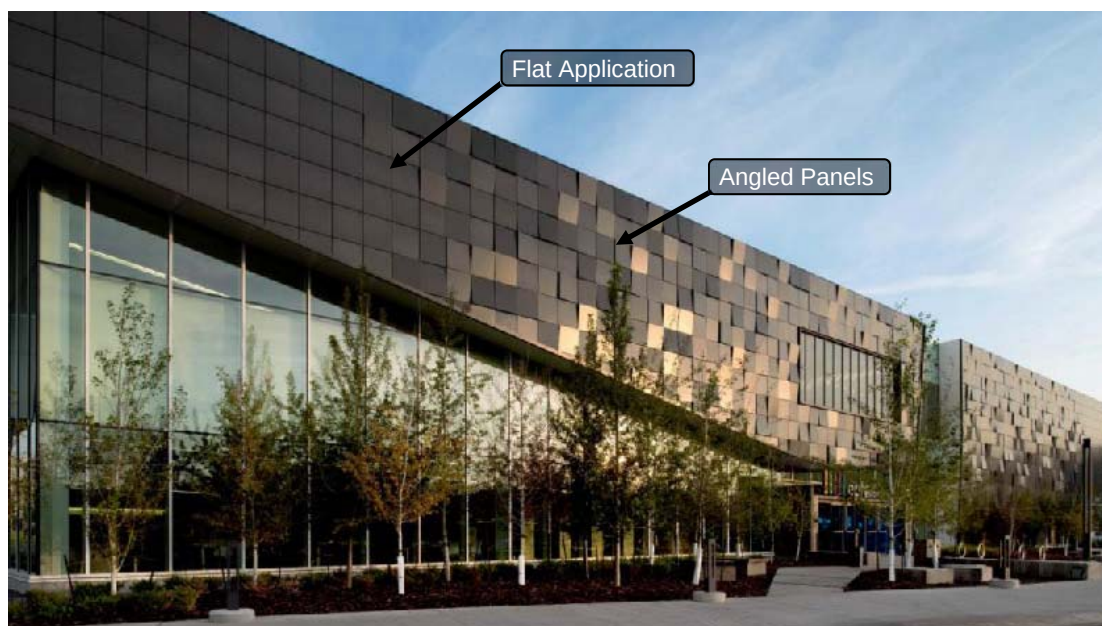


Figure 12: Example of angled dri-design panels

As discussed in **Section 6.1**, Council no longer objects to the modification application and considers both options are satisfactory. Council also indicated a preference for option 2 of the dri-design paneling. The Department considers both uses of the dri-design panels have merit. However, the Department agrees with Council's preference of design option 2 (full application of dri-design panels on all high bay elevations) and considers it would achieve a uniform façade finish on the high bay areas for a consistent visual outcome, when viewed from around the site and the broader area.

The revised architectural drawings also include changes to the ancillary office for visual interest at ground level along Hollinsworth Road and changes to the façade of the plant and equipment room along Harris Avenue. Council raised no concerns regarding these revised aspects of the modification application. The Department considers the changes to these elements is an improvement over the initial design.

Visual Impact

The modification application included an assessment of the visual impacts of the modified development. Photomontages of the Hollinsworth Road and Richmond Road intersection were provided as this was a key vantage point in the original assessment (see **Figure 14**). A photomontage was also prepared from the Richmond Road and South Street intersection (see **Figure 15**). While the photomontages are of an earlier proposed dri-design panel 'hit and miss' design, they assist in showing what the building may look like when viewed from the street.

Figure 13 shows the photomontage prepared for the Swire Cold Storage Facility under the original SSD assessment. However, since the approval of SSD 6799, a warehouse for Lindt Chocolate (SSD 6620) has been constructed, which would partially screen the development from views at this location.

The Department has assessed the visual impacts of the modified cold storage facility and acknowledges the revised development would be visible from the South Street and Hollinsworth Road intersections with Richmond Road, and from within the MPIP. The Department considers these impacts are acceptable as:

- the minor increase in the height of the building (1.2 m) would not be readily perceived from the broader public vantage points, as these are generally removed from the site
- no significant local or regional views would be blocked and the proposed building would not be readily seen from residential properties in the suburbs of Colebee and Marsden Park to the east due to the presence of existing industrial and bulky goods/commercial uses
- the modification would deliver an industrial building with a unique architectural treatment in the MPIP
- it would not be visible from 105 Hollinsworth Road due to the presence of warehouses currently under construction at 99 Hollinsworth Road
- the appearance of the building, with the proposed dri-design panel treatment is consistent with the desired industrial character of the MPIP
- the increased height and bulk of the building would not result in increased overshadowing or reduced solar access to the public domain
- views from South Street are currently emphasised, however these would reduce over time as the rest of the MPIP is developed.

The Department's assessment concludes the visual impacts of the modified development are acceptable, subject to the Applicant implementing the proposed architectural and additional landscape treatments. The Department has recommended modified conditions of consent to ensure the development is carried out in accordance with the documents and plans submitted, including Council's preferred option. These changes include removal of Condition B6 relating to GFA limits as the condition duplicates the Applicant's requirement to carry out the development in accordance with the approved plans.



Figure 13: Photomontage of approved Cold Storage Facility – Before the construction of Lindt (SSD 6620)



Figure 14: Richmond Road / Hollinsworth Road photomontage



Figure 15: South Street / Richmond Road intersection photomontage

7.2 Noise

The modification included a noise impact assessment (NIA) prepared in accordance with the EPA's Industrial Noise Policy (2000) to determine the noise impacts of the modified internal site layout and traffic movements.

The Department notes existing conditions of consent set intrusive noise criteria at the Stony Creek Lifestyle Estate (Caravan Park) and the residential property at 99 Hollinsworth Road. Existing conditions also require noise testing within three months of the start of operations. Since the approval of SSD 6799, the house at 99 Hollinsworth Road has been demolished and replaced with a warehouse (see **Figure 16**). Therefore, the residential intrusive noise criteria under the INP no longer applies to this location as currently reflected in the development consent.

The NIA adopted the background levels used in the NIA for SSD 6799 and assessed the remaining residential receivers near the site at:

- the Ingenia Stony Creek Lifestyle Estate (A1)
- 105 Hollinsworth Road, Marsden Park (A2).

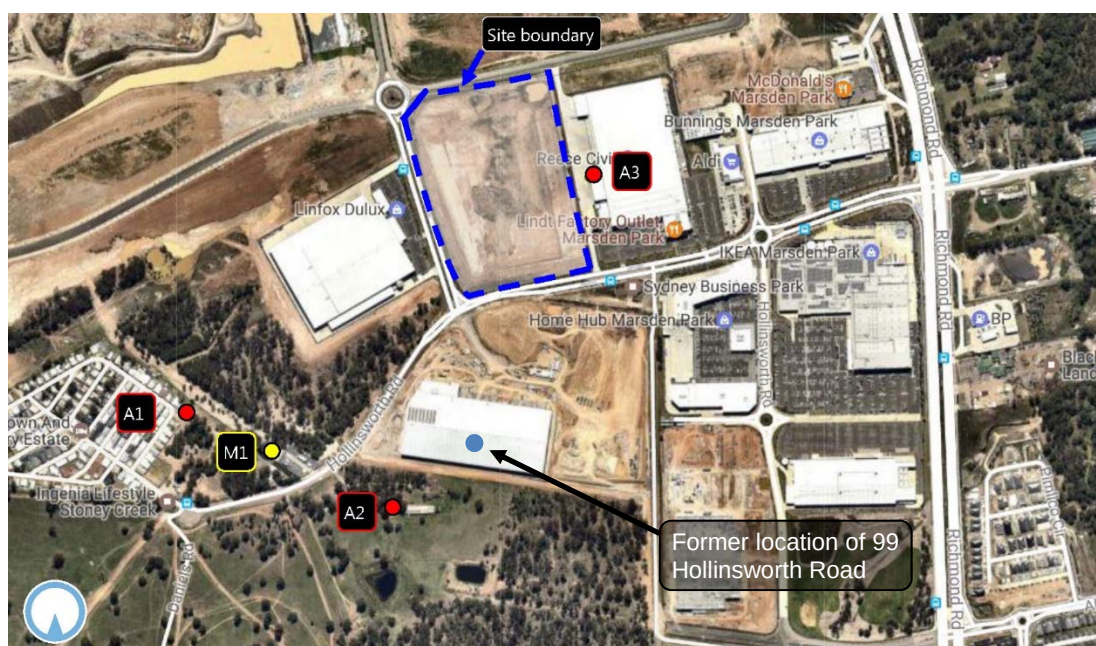


Figure 16: Nearby receivers and noise monitoring location

The NIA concluded:

- cumulative noise emissions from warehouse operations, loading dock use, internal vehicle movements and mechanical plant are predicted to comply with the existing noise limits under Condition C31 (see **Table 2**)
- the revised cumulative noise emissions from operations will comply with the project specific noise level for surrounding industrial premises
- the development would comply with the existing sleep disturbance levels (see **Table 3**).

Table 2: Compliance of Warehouse and Cumulative Operations with SSD 6799 Noise Limits

Locations	Time	Existing Limit L _{Aeq} (15 minute)	Predicted Noise Levels - Warehouse L _{Aeq} (15 minute)	Predicted Noise Levels - Cumulative L _{Aeq} (15 minute)	Compliance
A1 - Stony Creek Lifestyle Estate	Day	43	27	34	Yes
	Evening	40	27	32	Yes
	Night	37	27	32	Yes
A2 - 105 Hollinsworth Road	Day	43	25	32	Yes
	Evening	40	25	29	Yes
	Night	37	25	29	Yes
A3 - Industrial Premises	Day	70	49	65	Yes
	Evening	N/A	N/A	N/A	N/A
	Night	N/A	N/A	N/A	N/A

Table 3: Compliance with Sleep Disturbance Levels

Location	Existing Limit LA1 (1 Minute)	Predicted Noise Level LA1 (1 Minute)	Compliance
Stony Creek Lifestyle Estate - A1	47	42	Yes
105 Hollinsworth Road - A2	47	40	Yes

Council raised no concerns regarding operational noise impacts. The Department is satisfied the proposed modification would continue to meet the limits imposed under the development consent. However, the Department considers it necessary to make administrative changes to the development consent to ensure the noise limits apply to current property addresses where dwellings are still present. The Applicant has advised it is amenable to this approach.

The Department's assessment concludes the modified development can comply with the existing operational noise limits under Condition C31 of SSD 6799. To ensure the limits are applied correctly, the Department has recommended modified conditions of consent to:

- remove reference to the now non-existent residential property at 99 Hollinsworth Road
- add reference to 105 Hollinsworth Road as receiver location 'A2'
- incorporate a revised figure of the receiver locations at Appendix C of the development consent
- require that the recommendations of the NIA are implemented
- require noise generated by the development to be measured in accordance with the noise modifying factors under the Noise Policy for Industry (2017), consistent with the transitional measures issued by the EPA.

7.3 Other Issues

The Department's assessment of other issues is provided in **Table 4**.

Table 4: Assessment of Other Issues

Issue	Assessment	Recommendation
Traffic and Access	• The modification included a Traffic Impact Assessment (TIA) assessing the traffic and parking impacts of the proposal. <u>Access</u> • One staff driveway would be removed and the truck exit and entry points co-located in the north-eastern corner of the site (see Figure 6). • Council raised no concerns regarding site access. • RMS did not support two-way truck access from a single driveway and requested changes to truck access for separate truck entry and exit. • The Applicant's response provided revised heavy vehicle access and swept path analysis showing heavy vehicles up to PBS Quad vehicles can access, circulate and exit the site. • RMS raised no concern with the revised access designs. • The revised entry access would also allow one heavy vehicle to queue on-site to prevent road blockages off-site. • Given that Darling Street is an east west, divided two lane road, the Department considers this access arrangement is acceptable. <u>Operation</u> • The original SSD was predicted to generate 189 vehicles per hour (vph) in the AM peak and 203 vph in the PM peak. • Adopting the rates for warehousing/distribution from the <i>RMS Guide to Traffic Generating Development</i>, consistent with the original DA. • The TIA concluded the modified development would generate: – 196 vph in the AM peak hour (+7) – 211 vph in PM peak hour (+8). • As the changes to the GFA of the development are minor, the Department considers the operational traffic volumes of the proposed development are consistent with those previously assessed and can be accommodated by the local and regional road network. <u>Parking</u> • Following the RTS, the Applicant now proposes to provide 133 car parking spaces in response to Council's comments. This is five more than the original development consent.	Require the Applicant to: • provide 133 car parking spaces; and • construct the development in accordance with the updated plans submitted with the modification application.

Issue	Assessment	Recommendation
	- The operation would involve a total of 140 staff movements over a 24-hour period with the busiest period being between 5 AM to 1 PM. - As the use and operation is consistent with the original approval, the Department accepts the Applicant's argument to continue to provide car parking under the Growth Centres DCP requirement. - The Department also considers the proposed car parking spaces can accommodate staff numbers, even in the unlikely event all staff are on-site between any shift change, which would be 120 in the worst case. <u>Conclusion</u> - The Department's assessment concludes the traffic and access impacts of the modified development are acceptable. Adequate access to, from and within the site would be provided and traffic impacts can be accommodated by the local road network and nearby intersections during construction and operation. - Traffic impacts can be managed by construction and operation traffic management plans required by existing conditions of consent. - The Department is also satisfied car parking provision is adequate for the proposed operation and will provide a small benefit by providing five additional parking spaces. - To ensure the development is carried out in accordance with the modification application, the Department has recommended revised conditions of consent to provide 133 car spaces and incorporate updated development plans.	
Hazards and Risk	- The modified development would continue to involve transport, handling and storage of anhydrous ammonia in a closed loop refrigeration system. - Existing conditions of consent require the Applicant to prepare a range of hazard and risk related studies. - The Department raised concerns with the predicted risks on nearby land uses and requested further information on the assumptions adopted in the analysis. - Following a review of this information and the proposed safety measures, the Department is satisfied the proposed modifications to the development can comply with the risk criteria listed in the Department's <i>Hazardous Industry Advisory Paper No. 4</i> (HIPAP). - The Department's assessment concludes the risks from the proposed modifications can be managed through existing conditions of consent. - To ensure the hazards related studies comply with the relevant HIPAPs, the Department has recommended minor changes to conditions C38(b), C38(c) and C39(a). The Applicant is amenable to these amendments.	- Incorporate updated documentation into the development consent; and - Amendments to conditions C38(b), C38(c) and C39(a).
Stormwater	- The modification included a report assessing potential impacts on stormwater management, drainage and rainwater harvesting. - Stormwater flows would still be collected underground via a pit and pipe system and drain to an outlet, discharging into the Darling Street stormwater network. The design of this system is generally consistent with the concept design approved under SSD 6799. - The on-lot stormwater treatment system would include an additional high flow diversion pipe and would provide the same rainwater harvesting capacity as originally approved. - Council raised no issues regarding stormwater management. - The Department is satisfied the stormwater impacts of the modified development are consistent with those originally assessed. - The Department's assessment concludes the revised infrastructure design can manage post development flows at pre-development levels and has recommended conditions incorporating the revised design into the development consent.	- Incorporate updated civil plans into the development consent; and - Manage through existing conditions of consent.
Infrastructure Impacts	- A TransGrid easement crosses the site. A transmission line tower is located along the northern area of the site. - Clause 45 of the ISEPP requires a consent authority to consider the impacts of a modification to a DA on electricity infrastructure and easements.	Manage through existing conditions of consent.

Issue	Assessment	Recommendation
	- TransGrid advised the modification is acceptable, subject to earthing modifications of structures in the easement, restrictions to landscaping, fencing, gates and mobile plant and equipment and use of non-conductive erosion and sedimentation measures. - TransGrid also requested underground stormwater services in the easement be 20 m away from transmission line structures and staff areas are at least 17 m from the easement centreline. - The Department has assessed the matters under Clause 45 of the ISEPP at Appendix D. - The Department's assessment concludes the modifications would not adversely impact the TransGrid easement and infrastructure affecting the site, subject to compliance with modified and existing conditions of consent.	
Signage	- The modification seeks to install NewCold specific signage consisting of four 12.5 m x 2.5 m signs on each elevation of the low bay storage. These have been scaled back from the signage initially proposed in response to Council's concerns of their intrusiveness. - The signs would be illuminated by flood lights. - The proposed signage is consistent with the definition of business and building identification signage under SEPP 64. - On this basis, an assessment against Part 3 of SEPP 64 relating to advertisements is not required. - The Department's assessment of the proposed signage against Schedule 1 of SEPP 64 is at Appendix D. - In summary, the Department's assessment concludes the visual impact of the proposed signage minimal and has recommended administrative changes to Condition C48 to incorporate updated signage.	Administrative amendments to include updated plans.
Landscaping	- The revised site layout has the potential to affect landscape design, which may impact the ability of perimeter site plantings to screen the development. TransGrid also raised concern with the mature height of plantings near or within its easement. - The Applicant provided updated landscape plans to reflect the revised site layout and that comply with existing requirements in Condition C50 for a mature height of no more than 3 m within the easement - The Department considers these plans are acceptable and recommends administrative changes to incorporate the updated plans in the development consent.	Incorporate updated plans in the development consent.
Operations	- Council raised concern that the truck dispatch area adjacent to Hollinsworth Road may be used for external storage. - The Applicant advised no external storage is proposed in this area. - The Department accepts the Applicant position, however recommends a new condition that explicitly excludes the use of the external hardstand area for storage to be included to ensure this is the case.	Include new condition to prevent the use of the hardstand areas for external storage.

8. CONCLUSION

The Department has assessed the proposed modification in accordance with the relevant requirements of the EP&A Act. The Department considers the proposed modification is appropriate on the basis that:

- it will result in minimal environmental impact beyond the approved warehouse, by way of traffic, noise, stormwater and hazards and risk and is substantially the same development as SSD 6799
- the proposed architectural treatments will mitigate the visual impacts of the modification and deliver an industrial building with a unique architectural finish
- it will ensure the safety and integrity of TransGrid's electricity infrastructure is maintained
- it will facilitate specific end user needs for NewCold.

The Department is satisfied the modification should be approved, subject to conditions.

9. RECOMMENDATION

It is recommended the Director, Industry Assessments, as delegate for the Minister for Planning:

- consider the findings and recommendations of this report
- determine the application SSD 6799 MOD 1 falls within the scope of section 96(2) of the EP&A Act
- modify the consent SSD 6799
- sign the attached approval of the modification (**Attachment A**).

Recommended by:

Recommended by:



Thomas Piovesan
Senior Planning Officer
Industry Assessments



Joanna Bakopanos
Team Leader
Industry Assessments

DECISION

The recommendation is approved by:



Chris Ritchie
Director
Industry Assessments
as delegate for the Minister for Planning

APPENDIX A – NOTICE OF MODIFICATION

See link: http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8478

APPENDIX B – STATEMENT OF ENVIRONMENTAL EFFECTS

See link: http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8478

APPENDIX C – SUBMISSIONS

See link: http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8478

APPENDIX D – ASSESSMENT AGAINST RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS

State Environmental Planning Policy (Sydney Region Growth Centres) 2006

Appendix 5 of the Growth Centres SEPP contains the Precinct Plan for the Marsden Park Industrial Precinct (MPIP). This precinct plan contains development standards and other relevant matters. The Department's assessment of the proposed modifications to the development are in **Table 5** below. The Department notes the application does not involve subdivision as this was dealt with under Council DA 11-2284.

Table 5: Relevant Matters in the Marsden Park Industrial Precinct Plan under the Growth Centres SEPP

Development Standard	Assessment
4.3 Height of Buildings	The Department's original assessment of SSD 6799 considered a clause 4.6 exemption to the height of buildings development standard. The approved development permits a building height of 34.8 m. The Department's assessment of visual bulk and scape impacts is at Section 7.1 of this report, which concludes the increase in height of the high bay component of the modified warehouse is minimal and acceptable.
4.4 Floor Space Ratio	The FSR control applying to the site is 0.7:1. The proposed development has a FSR of 0.51:1 and therefore complies.

The Department's assessment concludes that, except for the continued non-compliance with the height standard approved as part of SSD 6799, the modified development complies with all relevant development standards in the MPIP.

State Environmental Planning Policy (Infrastructure) 2007

The ISEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure, and providing consultation with relevant public authorities during the assessment process.

Clause 45 of the ISEPP requires all developments near an electricity easement to be referred to the relevant electricity supplier for comment prior to determination. The Department referred the application to TransGrid, who raised no objection to the application and reiterated the need for an earthing study to be undertaken to determine the earthing design of structures within the easement. TransGrid also raised concerns regarding landscaping, car parking and fences/gate structures within the easement. TransGrid advised car parking needs to be located at least 20 m from any transmission line structure.

With respect to the height restrictions for work areas, mobile equipment, fences and gates, the Department notes existing conditions of consent impose the limits requested by TransGrid and remain unchanged. The Applicant provided revised landscape plans and planting schedules to comply with the 3 m mature height restriction under Condition C50.

To ensure TransGrid's requirements are incorporated into the development, the Department has recommended new conditions of consent (conditions B30A through to B30C) regarding the nature of erosion and sedimentation controls, the location of furniture and fixtures in staff communal areas and the design of surface and underground stormwater infrastructure. The Applicant is amenable to these conditions. With these conditions, the Department is satisfied the easement infrastructure would be protected and safety to the network can be maintained.

State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64)

SEPP 64 aims to ensure outdoor signage visible from a public place is compatible with the desired amenity and visual character of an area, is of high quality design and finishes and provides effective communication in suitable locations.

The proposed architectural plans detail four building identification signs 12.5 m x 2.5 m in size. One sign would be placed on each elevation, at a height of 16 m. The Applicant has advised these signs would be applied in a sticker like manner on the PIR panels and would be illuminated by flood lights from above and possibly below. While SEPP 64 applies to the development, Part 3 of SEPP 64 applies

to advertisements. The proposed signage is consistent with business and building identification signs as defined under clause 9 of SEPP 64 and the standards for advertising signage does not apply.

The Department has assessed the proposed signage in **Table 6** below. The Department's assessment concludes the proposed signage complies with the requirements of SEPP 64 and would not detract from the surrounding locality, would provide suitable wayfinding and direction within the site and will be consistent with the aims and objectives of SEPP 64.

Table 6: Assessment against the SEPP 64 Schedule 1 Criteria

Criteria	Compliance
Character of the Area	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	Yes. The signage will be located within an existing industrial area containing signage for business identification.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	Yes. The signage is consistent with the corporate logo and colours of NewCold on the building façades.
Special Areas	
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	No. The site and signage is removed from any special area and is centrally located in an industrial area.
Views and vistas	
Does the proposal obscure or compromise important views?	No. The signage would not obstruct important views as it is located on the low bay storage elevations.
Does the proposal dominate the skyline and reduce the quality of vistas?	No. The signage forms a small part of the low bay elevations and will not dominate the skyline.
Does the proposal respect the viewing rights of other advertisers?	No. The signage will not obstruct any other existing signage.
Streetscape, setting and landscape	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Yes. The signage is of an acceptable scale to allow navigation and identification of the development within the Marsden Park Industrial Precinct.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	Yes. The signage will allow site users to efficiently navigate and locate the site.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	Yes. The number of signs are limited to those required for easy identification of the building.
Does the proposal screen unsightliness?	The signage will not be used as a screen or filter.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The signage is located on the elevations of the low bay storage at 16 m and would not protrude above the building.
Does the proposal require ongoing vegetation management?	No. The signage will be located separately from vegetated areas.
Site and building	
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	Yes. The signage is compatible with the scale and industrial character of the site and area.
Does the proposal respect important features of the site or building, or both?	Yes. The signage will remain below the roof lines of the warehouse and is located on the low bay storage elements, 16 m high.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The signage is located to clearly identify the operator of the building and would reflect its industrial context.
Associated devices and logos with advertisements and advertising structures	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Signage would be adhered to the PIR panels, illuminated by flood lights, and include the NewCold corporate logo, colours and name.
Illumination	
Would illumination result in unacceptable glare?	The proposed signage consists of a sticker like application on PIR panels and would not create unacceptable glare.
Would illumination affect safety for pedestrians, vehicles or aircraft?	No. The proposed illumination would not affect pedestrians, vehicles or aircraft safety.
Would illumination detract from the amenity of any residence or other form of accommodation?	No. The nearest residence would be screened by existing industrial developments and are positioned on the low bay storage areas, 16 m high. The nearest

	residence to the north is 1 km from the site. The Applicant considers they would not be seen at night.
Is the illumination subject to a curfew?	The Applicant advises the illumination is not subject to a curfew, bay may be considered if required.
Can the intensity of the illumination be adjusted, if necessary?	The Applicant has advised the illumination intensity cannot be varied.
Safety	
Would the proposal reduce the safety for any public road?	No. The signage will not be positioned to cause any hazard for any road.
Would the proposal reduce the safety for pedestrians or bicyclists?	No. The signs would not impact pedestrian or cyclist safety.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No. The signage will not obstruct pedestrian sight lines.