



10 October 2017

Ms Chloe Dunlop
Senior Planning Officer
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Chloe,

RESPONSE TO SUBMISSIONS - PRIMARY ISSUES | SSD 7155 MOD 3

This letter has been prepared to respond to the primary issues raised in your letter dated 5 September 2017.

Table 1 – Response to Primary Issues SSD 7155

Matter	Response
1. Provide further details of the proposed use of Warehouse 6 and further justification that the proposed use is 'substantially the same' development as SSD 7155 and in accordance with Section 96(2) of the <i>Environmental Planning and Assessment Act 1979</i> .	<p>LEC consistently defines the Section 96 provision as 'beneficial and facultative', meaning it was intended to assist the process of modification rather to impede it: 'it is to be construed and applied in a way that is favourable to those who seek to benefit from the provision' (<i>North Sydney Council v Michael Standley & Associates Pty Limited [1998]</i>).</p> <p>There are two legal tests that apply to a Section 96 application the consent authority must consider to determine the application on merit:</p> <ul style="list-style-type: none">• 'Alteration without radical transformation' (<i>Sydney City Council v Ilenace Pty Ltd [1984]</i>)• 'Substantially the same development' considering the quantitative and qualitative elements of the proposal (<i>Moto Projects (No 2) Pty Ltd v North Sydney Council [1999]</i>) <p>In the application of these tests to the proposed modification of use, the following must be considered:</p> <ul style="list-style-type: none">• Numerical differences of the land uses



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	<ul style="list-style-type: none"> • Non-numerical factors, such as visual impact, traffic impacts etcetera <p>Based on the above factors, the following provides justification that proposed modification of use is substantially the same as the development approved under SSD 7155.</p> <p>The introduction of the proposed Volvo facility is substantially the same development under Section 96(2) for the following reasons:</p> <ul style="list-style-type: none"> • Volvo and Logos have confirmed that the vehicle service component is expected to generate \$12M annually. Whereas, the storage and distribution of vehicles/parts component is expected to generate \$66M annually. As such the warehouse and distribution component of the facility accounts for approximately 84% of the expected revenue and as such is the dominant land use for the site. • The truck facility will operate in a similar manner to the approved warehouse and distribution estate whereby large trucks will access the site on the 24 hour a day basis to transport goods to and from the warehouse building. • The proposed facility's use is compatible with the use of the surrounding warehouse and distribution centres, due to the large lot format, and warehousing provisions, hardstand areas for access, circulation and parking, and significant landscaped areas. • The environmental impacts from vehicle movement and noise is materially the same as adjoining warehouse development. <p>Minter Ellison have provided a legal opinion on MOD 3, which is attached to this response.</p>
<p>a) detailed floor plans identifying areas to be used for the storage of vehicles and vehicle parts compared to areas to be used for the servicing and maintenance of heavy vehicles;</p>	<p>Refer to the "Site Plan – Vehicle Use Area Allocation" which identifies the areas to be used for the storage of vehicles and vehicle parts and</p>

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	for the servicing and maintenance of heavy vehicles.
b) a breakdown of the following: <ul style="list-style-type: none"> i. expected revenue to be generated from the vehicle service component compared to the storage and distribution of vehicles/parts; 	Volvo and Logos have confirmed the following: <ul style="list-style-type: none"> • Vehicle service component is expected to generate \$12M annually. • Storage and distribution of vehicles/parts component is expected to generate \$66M annually.
<ul style="list-style-type: none"> ii. the number of staff to be associated with the maintenance and repair of vehicles compared to other administrative or office based staff; 	63 employees for the maintenance and repairs component and 40 admin or office based employees.
<ul style="list-style-type: none"> iii. the expected number of vehicles per annum to be repaired and serviced on site compared to vehicles only being stored on site and awaiting distribution; 	Approximately 14,000 to be repaired/serviced annually. While approximately 100 vehicles will be awaiting distribution on site at any one time
c) the origin of vehicle parts and the type of vehicles used to deliver the vehicle parts to the site;	The vehicle parts will originate from Minto Logistics. Rigid trucks and trailers will be used for typical deliveries to site.
d) the origin of vehicles traveling to the site to be stored and the expected duration for the storage of vehicles;	Local deliveries will originate from: <ul style="list-style-type: none"> • Mack Trucks at 20 Westgate Street, Wacol and • Volvo Truck Production Australia at 36 Viking Drive, Wacol Imports originate from Japan.
e) the expected capital investment value (CIV) of the proposed development;	The Volvo Facility as an approximate capital investment value of \$19M, including the costs related to earthworks, building and fitout works.
f) clarification of the proposed operating hours of Warehouse 6 and the hours of mechanical repairs and servicing; and	24 hours a day from Monday 6am to 12pm Saturday.



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g) details of the types of machinery and equipment used for the maintenance and repair of vehicles.	Vehicle Lifts, Oil dispense machine, Wash bay, Air tools, Parts Washer, Overhead cranes X 2, Brake tester Rollers, Shaker Plates, Air Compressor and heavy duty workshop tooling.

Feel free to contact undersign regarding the matters raised in this letter.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "R Macindoe".

Ryan Macindoe
Senior Consultant