

NSW Department of Planning & Environment
320 Pitt Street
Sydney NSW 2000

Attention: Kelly McNicol

Section 96(1A) Modification Application (SSD 7173) – Mamre Road, Orchard Hills,

Dear Kelly,

This Modification Application is submitted to the NSW Department of Planning & Environment (NSW DP&E) on behalf of Altis Property Partners (Aust) Pty Ltd and relates specifically to Lots 8A, 8B and 8C at 585-649 Mamre Road, Orchard Hills.

Approval to State Significant Development (SSD 7173) was granted by the Minister for Planning on 15 December 2016 for:

- Subdivision of the site to create nine industrial allotments ranging in size between 2.06 hectares and 7.9 hectares and to create a lot approximately 20 metres wide along the site's frontage with Mamre Road (for the purpose of widening);
- Three warehouse buildings ranging in size between 9,400m² and 41,500m², including office space;
- 357 car parking spaces;
- Bulk earthworks, infrastructure and services;
- An internal access road from Mamre Road to the site's northern boundary; and
- Intersection works between Mamre Road and an internal estate road.

Due to shifting market demands and specific user requirements, design changes are now required to the approved facility on Lot 8, in order to accommodate future operational needs.

This application represents the **first** modification to SSD 7173.

The amendments sought have been assessed against the original Secretary's Environmental Assessment Requirements throughout this report.

Attached to this submission are the following specialist reports and plans:

- **Appendix 1 – Architectural Plans**
- **Appendix 2 – Civil Engineering Drawings**
- **Appendix 3 – Landscape Plans**
- **Appendix 4 – Traffic Impact Assessment**
- **Appendix 5 – BCA Report**
- **Appendix 6 – Preliminary Hazard Analysis**
- **Appendix 7 – Acoustic Report**
- **Appendix 8 – Waste Management Plan**
- **Appendix 9 – Water Sensitive Urban Design Strategy**
- **Appendix 10 – Bushfire Assessment**

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Should you require further information, please contact the undersigned.

Yours Faithfully,



Andrew Cowan
Director
Willowtree Planning Pty Ltd

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1. DEVELOPMENT HISTORY

Consent was granted to State Significant Development 7173 on 15 December 2016 for the construction and use of a Warehouse and Logistics Hub at 585 Mamre Road, Orchard Hills.

The proposed development particulars as approved are outlined as follows:

Table 1: Approved Development Particulars	
Project Element	Development Particular
Site Area	- 48.35ha.
Warehouse/Office	- Lot 7 (Warehouse 40,000sqm; Office 1,500sqm (Car Parking 171); - Lot 8A (Warehouse 11,000sqm; Office 500sqm (Car Parking 50); - Lot 8B (Warehouse 9,000sqm; Office 400sqm (Car Parking 40); and - Lot 8C (Warehouse 21,060sqm; Office 1,000sqm (Car Parking 96). Total = 84,460m²
Building Height	13.7m
Primary Land Use	Warehousing and logistics (24/7 use)
Bulk Earthworks	- Bulk earthworks are proposed to be carried out under to establish building pads on the proposed estate allotments and balance the cut/fill. - These works will be carried out in a staged manner upon issue of development approval. The establishment of building pads will provide flexibility for the design of future facilities as consent for the building footprints will not be sought under the subject application. - Construction of a bio-retention basin is proposed within the lower topography area of the site (north-west) to provide stormwater detention and quality treatment for the estate.
Internal Estate Road	- The internal estate road will service all allotments within the estate and will be constructed in a staged approach according to the order in which the allotments are developed in the future. - The design of the road is proposed in accordance with Penrith Council requirements, achieving a road reserve width of 20.6 metres and affording a dual carriageway capable of accommodating B-Doubles. - Access to Precinct 1 off the proposed estate road will be provided by constructing the necessary vehicle crossing which will be shown on the engineering drawings submitted with the application.
External intersection works	- An interim signal intersection between Mamre Road and the proposed industrial access road – designed and constructed in accordance with Austroads and RMS requirements – has been approved (as part of SSD 7173) to provide access until completion of, and connection to, the Primary Access intersection (located to the north).
Infrastructure and Services	- Services to the site are able to be provided from Mamre Road to the site, including water, electricity, sewer and communications
Subdivision	- Torrens Title subdivision of the site to create 9 industrial allotments ranging from 2.06ha to 7.9ha in size, as well as a 20m wide lot adjacent to the Mamre Rd frontage (for the purpose of

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	road widening). The subdivision will be managed under a Community Title Scheme to manage and operate the estate stormwater basin and associated infrastructure.
Operational & Construction Jobs	- Upon completion of the development, it is anticipated that Stage 1 will generate in the order of 220 operational jobs. - Construction jobs generated by the stage 1 works is expected to be in the order of 447 given the extensive civil works required in addition to the construction of the facilities.

Review of the approval granted under SSD 7173 indicates there is nothing which prevents the proposed modifications identified in this application.

For the purpose of this application, reference is only made to Lots 8A, 8B and 8C, which are now referred to as 8A, 8B1 and 8B2.

2. PROPOSED MODIFICATIONS

The proposal seeks modifications to the approved SSDA to address user specific requirements of future tenants (Linfox and N&A Fruits). In summary, the modifications comprise the following:

Lot 8A (Linfox)

- 21,725m² building GFA, including:
 - 21,000m² warehouse GFA; and
 - 725m² office GFA
- 85 parking spaces (including 1 accessible parking space)

Lot 8B1 (N&A Fruit)

- 7,400m² building GFA, including:
 - 7,000m² warehouse GFA; and
 - 400m² office GFA
- 60 parking spaces (including 1 accessible parking space)

Lot 8B2 (Spec Shed)

- 12,725m² building GFA, including:
 - 11,235m² warehouse GFA; and
 - 500m² office GFA
- 57 parking spaces (including 2 accessible parking spaces)

Lots 8A, 8B1 and 8B2 will provide loading facilities for vehicles up to and including B Doubles.

Linfox will occupy Lot 8A. The primary use of the facility is the warehousing and distribution of packaged pharmaceutical and related consumer products. No manufacturing will be undertaken as part of the operation.

The incoming tenant for warehouse 8B1 is N&A Fruits. N&A Fruits are pre-packing and distribution service of fresh fruit and vegetable.

The primary use of the Site will be the prepacking of fresh fruit and vegetables and short-term storage. The prepacking process will involve taking bulk quantities of inputs in bins and/or boxes and repacking output into smaller sized retail "prepacked" packaging. Bulk quantities of produce arrive from growers or markets for packaging in preparation for distribution to major retailers. Machinery will be involved in this process, to ensure an efficient and cost effective process. Produce can be temporarily stored onsite in coolroom storage and ripening facility for bulk seasonal products. The coolrooms are not utilised for long periods of time; they serve as a short-term storage facility to ensure the produce remains fresh. The use of the Site will not involve

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the washing, spraying or cutting of produce; the facility will be used purely for prepacking and distribution of fresh produce.

When the products are ready for despatch, the produce is brought out of the coolroom and distributed accordingly. Distribution generally occurs either on the same day or the next. Produce is rarely on-site for more than 48 hours.

The operations of Lot 8A and Lot 8B1 will remain in accordance with the approved land use under SSD7173, Warehouse and Logistics Hub.

A tenant is yet to be allocated to Lot 8B2.

Table 2 below demonstrates the proposed modifications against the approved SSDA 7173. As evident, the modifications are minimal and do not differ substantially from originally approved.

<i>Table 2: Schedule of Proposed Changes</i>		
Project Element	Approved	Proposed under Section 96
Warehouse	Construction of warehouse facilities comprising: Lot 8A - Warehouse (11,000sqm) - Office (500sqm) - Car Parking (50) Lot 8B - Warehouse (9,000sqm) - Office (400sqm) - Car Parking (40) Lot 8C - Warehouse (21,060sqm) - Office (1,000sqm) - Car Parking (96)	Modification to warehouses as follows: Lot 8A - Warehouse (21,000sqm) - Office (600sqm) - Dock Office (125sqm) - Car Parking (85) Lot 8B1 - Warehouse – includes dock office (7,000sqm) - Office (400sqm) - Car Parking (60) Lot 8B2 - Warehouse (11,735sqm) - Office (500sqm) - Car Parking (57)
Total GFA	42,960sqm	41,360sqm
Site Area	155,900sqm	155,900sqm
Subdivision	Subdivision to create one (1) allotment	Subdivision of Lot 8 to create two (2) allotments
Car Parking	Lot 8A – 50 spaces Lot 8B – 40 spaces Lot 8C – 96 spaces	Lot 8A – 85 spaces Lot 8B1 – 60 spaces Lot 8B2 – 57 spaces

Further, it is proposed Lot 8 be subdivided into two lots. This is to allow the two buildings to be viewed as standalone from an economics point of view.

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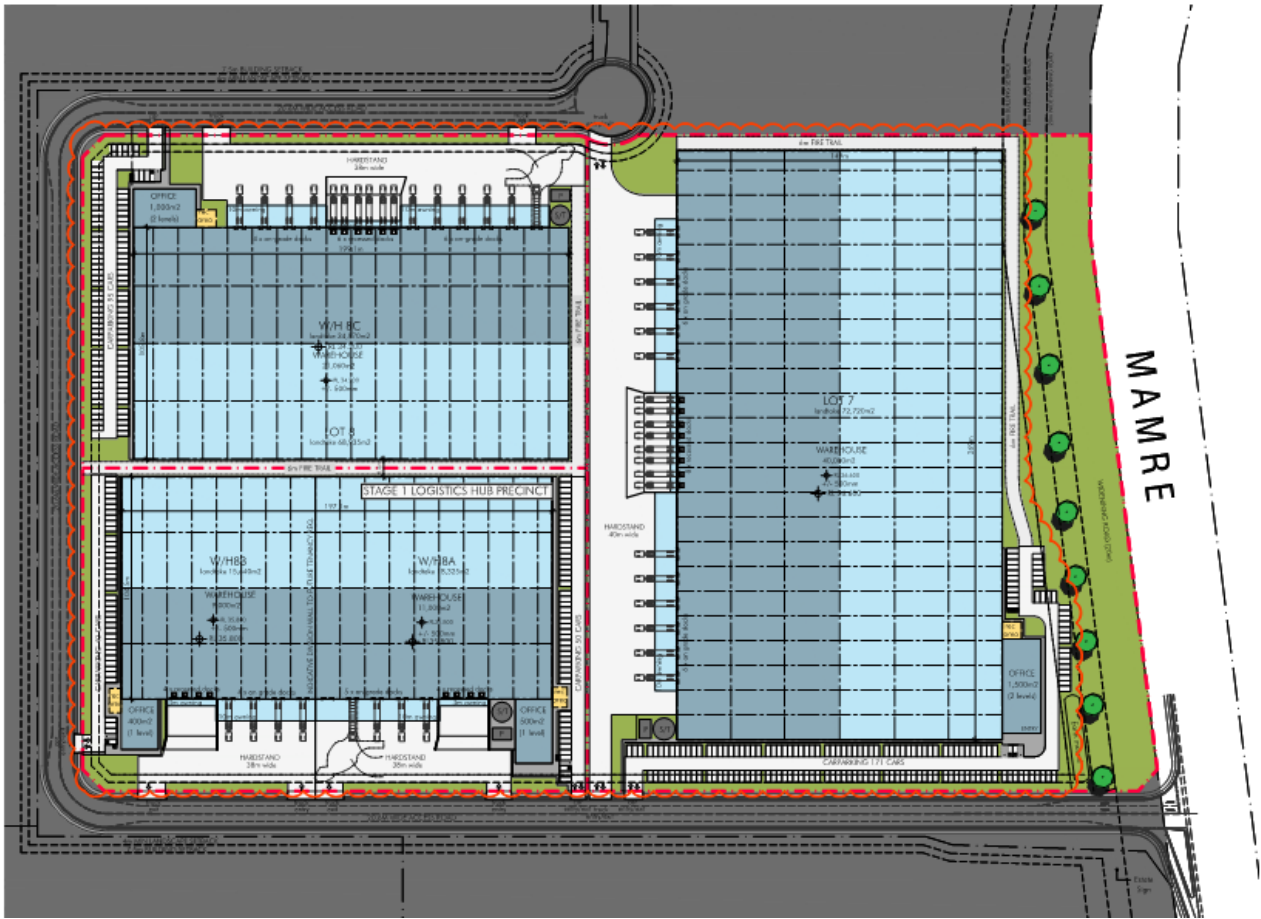


Figure 1: Approved Layout – Lot 8A, 8B and 8C

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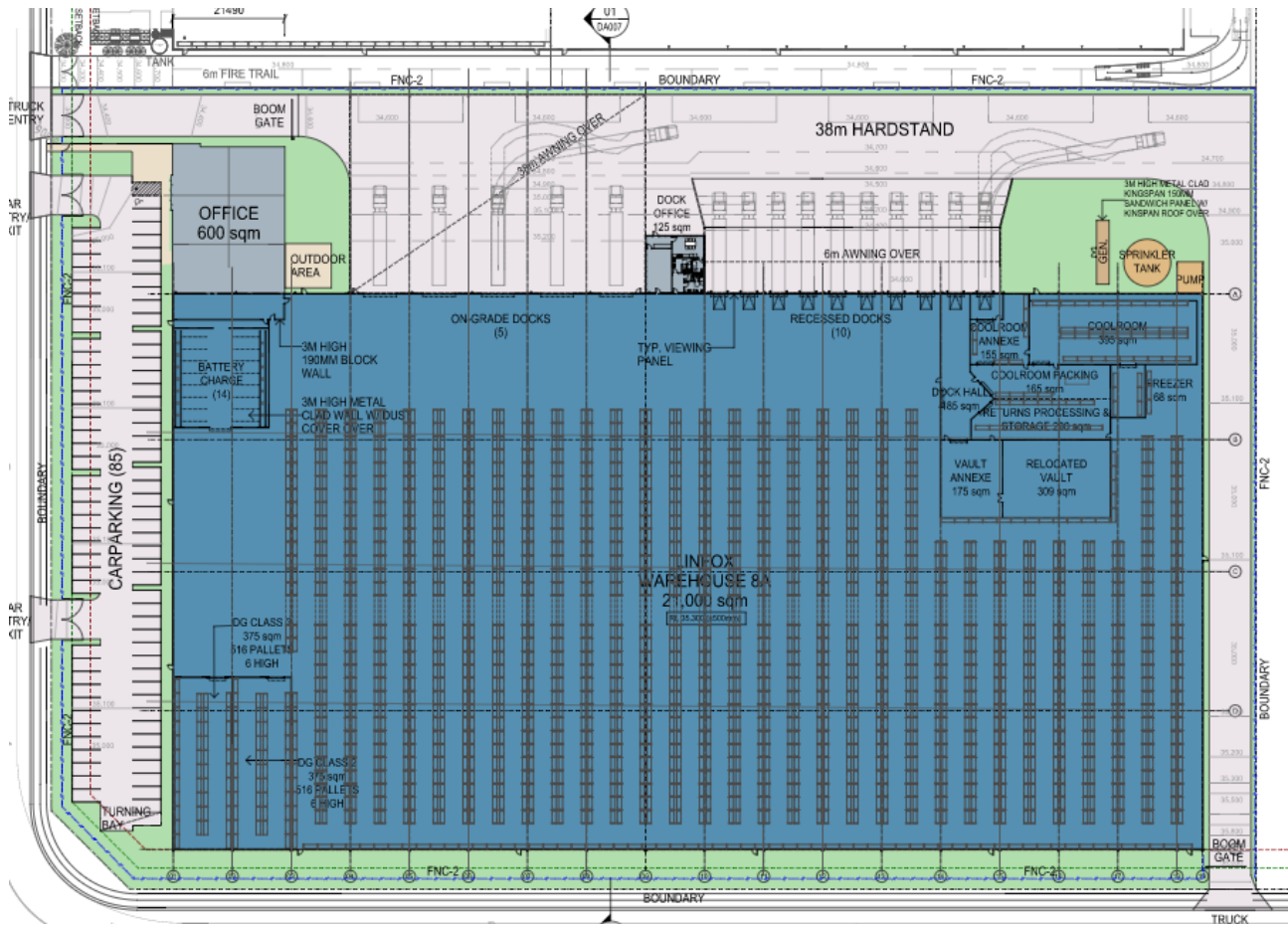
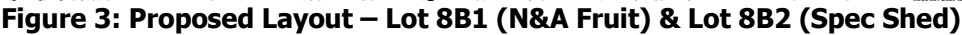


Figure 2: Proposed Layout, Lot 8A (Linfox)

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Further, the image below illustrates the new configuration of buildings in relation to the greater site. The image clearly demonstrates the proposed modifications are minimal and do not differ substantially from that originally approved under SSD 7173.

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Based on the modifications carried out to date, the following documentation is to form part of SSDA 7173.

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DA 005	Linfox Warehouse Elevation (Lot 8A)	SBA Architects	A	25 January 2017
DA 006	Linfox Office Elevations (Lot 8A)	SBA Architects	A	25 January 2017
DA 007	Linfox Sections (Lot 8A)	SBA Architects	A	25 January 2017
Lot 8B1 – N&A Fruit & Lot 8B2 – Spec Shed				
DA 008	N&A & Spec Warehouse Plan (Lot B1 & B2)	SBA Architects	A	25 January 2017
DA 009	N&A & Spec Roof Plan (Lot B1 & B2)	SBA Architects	A	25 January 2017
DA 010	N&A Office Plan (Lot B1)	SBA Architects	A	25 January 2017
DA 011	N&A & Spec Warehouse Elevation (Lot B1 & B2)	SBA Architects	A	25 January 2017
DA 012	N&A Office Elevation (Lot B1)	SBA Architects	A	25 January 2017
DA 013	N&A & Spec Sections (Lot B1 & B2)	SBA Architects	A	25 January 2017
DA 014	Spec Office Plan (Lot B2)	SBA Architects	A	25 January 2017
DA 015	Spec Office Elevation (Lot B2)	SBA Architects	A	25 January 2017
Landscape				
Drawing No.	Description	Author	Revision No.	Date
Linfox and Spec Warehouses				
L01	Landscape Plan 01	Habitat 8	C	10 April 2017
L02	Landscape Plan 02	Habitat 8	C	10 April 2017
L03	Plant Schedule and Images	Habitat 8	C	10 April 2017
Civil Engineering				
Drawing No.	Description	Author	Revision No.	Date
Lot 1C				
DA1.01	Cover Sheet, Notes, Locality Plan and Drawing Schedule	Sparks + Partners	2	10 April 2017
DA2.01	Concept Sediment & Erosion Control Plan	Sparks + Partners	2	10 April 2017
DA2.02	Concept Sediment & Erosion Control Details	Sparks + Partners	2	10 April 2017
DA4.01	Concept Stormwater Mgmt and Grading Plan – Sheet 1	Sparks + Partners	2	10 April 2017
DA4.02	Concept Stormwater Mgmt and Grading Plan – Sheet 2	Sparks + Partners	2	10 April 2017
DA4.11	Concept Stormwater Mgmt Details	Sparks + Partners	2	10 April 2017
DA4.21	Concept Typical Sections Sheet 1	Sparks + Partners	2	10 April 2017
DA4.22	Concept Typical Sections Sheet 2	Sparks + Partners	2	10 April 2017

3. Consultation

Willowtree Planning, on behalf of Altis Property Partners, notified the Department of Planning (the Department) of the proposed modifications. A preliminary meeting was held with the Department on 27 April, 2017. The matters raised by the Department, and subsequent responses, are as follows:

- **Further clarification required on the operation and process of N&A Fruit.**

COMMENT: Below provides clarification on the overall operation and process of the tenant, N&A Fruit:

Operation/Process

The tenant, N&A Fruit is primarily a bulk produce distribution centre. Primarily, the tenant receives bulk quantities of fruit and vegetable from grower sources and markets. Once the produce arrives to the distribution centre, the bulk quantities are broken down into individual orders for the various customers, of the likes of Coles, Wooworths, Aldi and IGA. Once produce is sorted, the produce is pack into outer package, being either punnets, plastic bagged good, netted goods, or whole boxes. This is then palletized for distribution to customers and produce is then distributed to the relevant retail outlets/ companies for sale. The operation is considered a standard pick and pack operation.

Whether the products are arriving from individual grower shed, or regional sheds, the produce is washed, cleaned, sorted and packaged in wholesale formats prior to arriving to the N&A Distribution Centre.

Of note, the following activities do not occur as part of the operation process of N&A Fruit:

- Cutting or processing;
- Washing produce; or
- Spraying.

No water is to be used on site, with the exception of a when equipment is cleaned.

Packing and Sorting

Generally, produce arrives to the distribution facility in bulk quantities, ranging from 12kg cartons to 350kg bins. Overall, there will be 16,000 tonnes of produce being packaged annually. The packing and sorting process uses a range of machinery, as outlined in the table below.

Table 4 N&A Fruit Packaging Equipment/ Machinery				
Machine Type	Length (m)	Width (m)	Predominate use	Comments
Sorma	16	8	Strip handling and netting	Predominate use is sorting, weighing, and counting product and will package the product into individual plastic bags (strip handle) and depending on the product in nets. This a package that ready for immediate sale.
Ulma	10	5	Pillow Pack	Similar to the Sorma, however, can be used for must small product; weighing, counting then packaging into platic sealed "pillow pack" which is in a form ready for sale.
PV350	8	2	Vegetable packing	Conveyor system that assists in sorting bulk vegetables into smaller customer orders (boxed).
Sienna	8	2	Vegetable packing	Similar machine to the PV350.

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Overwrap	6	3	Large punnets	Assists in packaging goods into smaller punnets that include industrial strength glad wrap being sealed over a plastic punnet base. Following packaging, these goods are then ready for sale.
Florida	12	2	Fruit punnets	Similar to the overwrap, however is specific for smaller goods.

Overall, the tenant uses the aid of several machines, that assist in the packing of fruit/ vegetables into sealed plastic bags, nets plastic punnets and sealed plastic pillow packets. Following the packaging process, the goods are then sent to the major retailers, ready for sale. Consequently, this highlights the picking and packing nature of the tenants use and solidifies its classification as Warehouse and Distribution.

Waste Management

Produce wastes, being discarded fruit and vegetable, is disposed of via a conventional waste management method. N&A Fruit has an existing contract with Remondis. This process is completed on a daily basis.

Refer to accompanying Waste Management Plan (**Appendix 8**).

- **Amend the accompanying Waste Management Plan to address how equipment is washed down and how food waste is disposed of.**

COMMENT: Produce wastes, being discarded fruit and vegetable, is disposed of via a conventional waste management method. N&A Fruit has an existing contract with Remondis. This process is completed on a daily basis.

Please refer to accompanying Waste Management Plan (**Appendix 8**).

- **Obtain Owners consent for Lot 2172 in response to the proposed drainage works.**

COMMENT: The Owners Consent will be provided prior to determination, as per the agreement with the Department.

- **Provide updated subdivision plan**

COMMENT: A revised subdivision plan has been provided (Refer to **Appendix 1**). Under SSDA 7173 sought approval for a nine lot subdivision. With the subdivision of Lot 8 into 2 allotments, the revised subdivision for Lot 2171 in DP 1153854 seeks consent for a 10 lot subdivision for the entire Site.

4. ENVIRONMENTAL ASSESSMENT

Secretary's Environmental Assessment Requirements were issued on 11 September 2015 for SSDA 7173 for the construction and operation of a Warehouse and Logistics Hub. The key Environmental Assessment requirements as they relate to the modified proposal are addressed below.

4.1 Traffic and Transport

An Addendum Traffic Impact Statement (TIA) prepared by Ason Group (**Appendix 4**) has been undertaken to identify the traffic and parking implications of the proposal in the context of existing conditions, prior approvals and anticipated development.

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The proposed modification requires a minimum provision of 170 spaces to service the proposed development on Lot 8A, Lot 8B1 and Lot 8B2. In response, the application proposed the provision of 202 spaces thereby complying with the relevant controls. The original approval under SSD granted a total 375 spaces for Lot 7, Lot 8A and Lot 8B. Under the subject modification, this is sought to be revised to 402.

The proposed modifications and RMS rates applicable to the proposal are summarised in **Figure 5** below.

Land-use / Type	Floor Area (m ² GFA)	DCP Parking Rate	Parking Required	Parking Provided
Lot 8A sub-total	21,725		88	85
Warehouse	21,000	1 space / 300 m ² GFA	70	
Office	725	1 space / 40 m ² GFA	18	
Lot 8B1 sub-total	7,425		34	60
Warehouse	7,000	1 space / 300 m ² GFA	23	
Office	425	1 space / 40 m ² GFA	11	
Lot 8B2 sub-total	12,319		54	57
Warehouse	11,734	1 space / 300 m ² GFA	39	
Office	585	1 space / 40 m ² GFA	15	
TOTAL	41,469		176	202

Figure 5: Car Parking Provision and Requirements

The car parking provided is in accordance with the Mamre West DCP, with the exception of Lot 8A which is nominally deficient by 3 spaces. However, as noted in the TIA prepared by Ason Group, the proposed tenant of Lot 8A (Linfox) will have a total of 85 staff at the proposed distribution centre, operating 2 shifts. Conservatively, assuming a single parking space per staff would therefore result a peak demand for only 67 spaces, as demonstrated in **Figure 5** below, extracted from Ason Group modified TIA.

Land-use / Type	Total Staff	Day Shift	Night Shift
Distribution Centre	55	39 (70%)	16 (30%)
Processing Area	10	10 (100%)	nil
Offices	20	18 (90%)	2 (10%)
TOTAL	85	67	18

Figure 6: Linfox Day / Night Shift Staffing Levels

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The future traffic generation of the approved development was assessed and approved having regard for the traffic generation rates adopted by the RMS in its assessment of regional road upgrades within Western Sydney Employment Area (WSEA). The modelling undertaken by Ason Group, confirms that the amended development will generate 55 and 57 vehicles per hour during the morning and evening peak periods, respectively. This is a reduction from SSDA 7173 which has a traffic generation of 58 and 60 vehicles per hour during morning and evening peak periods, respectively.

This Section 96(1A) Modification Application seeks approval for changes that will result in an overall reduction in GFA (by approximately 1,600m²). As such, the proposal will not result in a net increase in overall traffic generation from that previously approved. Accordingly, the traffic impacts considered and assessed as part of the original SSD application remain valid.

Site access, car park and loading areas will be designed to comply with the following relevant Australian Standards:

- AS2890.1 for car parking areas;
- AS2890.2 for commercial vehicle loading areas;
- AS2890.3 for bicycle parking; and
- AS2890.6 for accessible (disabled) parking.

Reference should be made to the addendum Traffic Impact Statement (**Appendix 4**).

Accordingly, the parking proposed will ensure that all parking demands generated by the proposal are accommodated on-site and will place no demand on on-street parking or other Lots across the Site. The proposed parking provision is therefore supportable on traffic planning grounds.

4.2 Soil and Water

Updated Civil Design Plans prepared by Sparks + Partners are attached at **Appendix 2**.

All stormwater runoff from Lots 8A and 8B1 and 8B2 will drain into the bio-retention basin to the west of Lots 8A and 8B1 and 8B2. This basin has been designed and sized to take into account the OSD required within both lots, eliminating the need for OSD within each individual lot.

The stormwater management strategy will remain consistent with that approved by SSDA 7173.

4.3 Biodiversity

The amended design shall not result in any encroachment on the biodiversity lots within the estate. Sufficient landscaping will be provided, that is generally consistent with the approved scheme, thus ensuring sufficient onsite planting and pervious areas.

4.4 Noise

Construction Noise

The construction noise generated will not differ from that considered under SSDA 7173. The recommendations as provided in the Acoustic Logic report under SSD 7173 will be adhered to along with the Management and Mitigation Measures that have been committed to by Atlis Property Partners.

Operational Noise Emissions

Based on the minor scope of amendments, the proposal shall not exceed the noise thresholds established for the precinct under SSD 7173 and therefore acceptable in this report.

Refer to **Appendix 7**.

4.5 Air Quality and Odour

Construction & Operational Phase Impacts

All air quality impacts will be mitigated as outlined in the SLR report dated March 2016 submitted with SSD 7173 and the Management Mitigation Measures committed to by Atlis Property Partners. The amendments sought under the modification application do not warrant further consideration in this respect.

4.6 Bushfire

A bushfire assessment of the entire estate for the Planning Approval was prepared by Peterson Bushfire under SSD 7173. The findings from the original assessment continue to be relevant for the Section 96 Modification, The original bushfire report states:

The bushfire hazard analysis of Section 2 concluded that the surrounding paddocks do not act as a bushfire threat due to their management as grazing land. Therefore a defendable space is not required as the hazard is not present and not expected to be present in the future. The Stage 1 proposal is situated within the centre of the subject land and will be surrounded by future stages of warehouses within the same logistics hub. The paddocks surrounding future stages are also not currently considered to be a grassland hazard, however this is to be reassessed as part of subsequent applications.

Notwithstanding the above, the Stage 1 warehouses will have ample defendable space between them and the surrounding paddocks in the unlikely event that a grassland hazard eventuates. The defendable space is summarized in Table 1 on the following page and consists of a proposed access road that circumnavigates the entire development, complemented by carparking, turfed areas and hard-stand.

The proposed modifications are considered to be minor and are substantially the same as that for which consent was originally granted. Supporting documentation has been provided by Peterson Bushfire (refer **Appendix 10**).

4.7 Visual

The proposed development which is the subject of this Modification Application has been considered acceptable in terms of the visual impact on the locality for the following reasons:

- The proposed buildings will be the same height as the approved building being 13.7m.
- The built form will still present as a unified development.
- Building setbacks will be retained as per SSDA 7173.

It is considered that the extent of changes proposed will not adversely affect the interface with the surrounding land uses, or the aesthetic value of the streetscape as viewed from Mamre Road.

The materials and colour scheme will be generally consistent with the approved scheme under SSD 7173 despite the modifications.

The approved setback from Mamre Road will be maintained.

4.8 Waste Management

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The findings and recommendations of the Waste Management Plan prepared by SLR as submitted with SSDA 7173 remain generally unchanged for the subject proposal.

Nonetheless, a revised Waste Management Report has been prepared by Willowtree Planning which details the proposed strategy for each proposed facility (refer to **Appendix 8**).

4.9 Fire Safety and Building Code of Australia

A revised Building Code of Australia Report prepared by McKenzie Group (**Appendix 5**) for both Lot 8A – Linfox and 8B1 – N&A Fruit, have been included as part of this modification application.

The findings and recommendations of this report conclude that the modified proposal is substantially the same as SSDA 7173.

5. LEGISLATIVE FRAMEWORK

5.1 Environmental Planning & Assessment Act 1979

Section 96 of the *Environmental Planning & Assessment Act 1979* makes provisions to modify a Development Consent that has been granted pursuant to Part 4 of the Act. The proposal as submitted to NSW DP&E is considered to satisfy the provisions of Section 96(1A) of the Act in that changes proposed will result in minimal environmental impact.

The relevant provisions are addressed below:

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:

a) it is satisfied that the proposed modification is of minimal environmental impact, and

Comment: The proposal is considered to result in minimal environmental impact as the underlying land use for the purpose of warehousing and distribution is to remain unchanged. Stormwater, traffic, noise, air quality and construction impacts will be managed, consistent with the findings and recommendations of the original consent.

b) 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 was originally modified (if at all), and

Comment:

- The underlying use of the land, being for warehousing and distribution purposes will remain as originally approved.
 - The overall GFA will be reduced by 1,600m², thus the intensity and scale of the development is not considered greater than originally approved.
 - The height of the building will remain at 13.7m, consistent with the approval granted under SSD 7173.
 - Car parking provided for each facility will be compliant with rates per SSD 7173.
 - As a result of the reduction in Gross Floor Area, traffic generation will not be increased beyond that previously modeled.
- c) it has notified the application in accordance with:*
- i. the regulations, if the regulations so required, or*
 - ii. a development control plan, if the consent authority is a council that has made a development control plan that requires the notification of advertising of applications for modification of a development consent, and*

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- d) *it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

Comment: For the purpose of this application and the provisions set out in the *Environmental Planning & Assessment Regulation 2000*, notification of the application is not required.

5.2 **State Environmental Planning Policy (Western Sydney Employment Area) 2009**

The proposed development (as modified) will provide employment generating activities within the Western Sydney Employment Area (WSEA) consistent with the underlying objectives of the Plan. The Principal Development Standards and miscellaneous provisions prescribed under the SEPP are addressed below in respect of the proposed modifications.

Zoning

The Site is zoned IN1 General Industrial. Clause 11 of the SEPP WSEA provides the following land uses permissible with consent:

2 Permitted without Consent

Nil.

3 Permitted with Consent

Depots; Food and drink premises; Freight transport facilities; Garden centres; Hardware and building supplies; Industrial training facilities; Industries (other than offensive or hazardous industries); Neighbourhood shops; Places of public worship; Roads; Service stations; Transport depots; Truck depots; Warehouse or distribution centres.

4 Prohibited

Any development not specified in item 2 or 3.

For the purpose of the above, warehouse or distribution centre is defined as:

warehouse or distribution centre means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made.

Based on the proposed tenants and the operational description, it is considered to align with the above definition given goods are stored for a 2-5 day period, then distributed to the market.

SSDA 7173 granted approval for the use of the facilities for warehousing. The proposed modifications and resultant tenants will not vary from the approved land uses and align with the definition above.

Height of Buildings

The building height of the approved facilities are to remain unchanged from SSDA 7173, being 13.7m.

Design Principles

The design changes seek to provide a more efficient layout that improves the functionality of the Site for the intended purpose and is in accordance with the requirements of the future occupants. It is considered that the proposal (as modified) represents a high quality design that will set a desirable precedent for a future development in the locality. The overall scale and character of the proposal is representative of a modern day warehouse and logistics hub that will operate in an environmentally sustainable manner.

Preservation of trees and vegetation

No trees are proposed to be removed under the subject modification application.

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5.3 State Environmental Planning Policy (Infrastructure) 2007

As the proposal does not seek to increase vehicle movements and the overall warehouse GFA is to be reduced by 1,600sqm, referral to the RMS is not required. The conditional requirements provided under SSD 7173 are able to continue to be complied with.

5.4 State Environmental Planning Policy No.55 – Remediation of Contaminated Land

Contamination of the Site has previously been dealt with under the Concept Plan and subsequent application for earthworks. No further consideration is required as part of this Modification Application.

5.5 State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

A review of *State Environmental Planning Policy – No. 33 – Hazardous and Offensive Development* indicated the facility would exceed the threshold criteria for the storage of DGs resulting in the classification for the Site of potentially hazardous.

A Preliminary Hazard Analysis (PHA) for the Site in support of the subject Development Application, demonstrating the facility is not in fact hazardous, has been prepared by Blackie Mendham (**Appendix 6**). The PHA concluded “the risks at the site boundary are not considered to exceed the acceptable risk criteria; hence, the facility would only be classified as potentially hazardous and would be permitted within the current land zoning for the site”.

Refer to **Appendix 6** for further detail.

5.6 Penrith Local Environmental Plan 2010

Penrith Local Environmental Plan 2010 is not applicable to the land as the provisions of *State Environmental Planning Policy (Western Sydney Employment Area) 2009* apply.

5.7 Penrith Development Control Plan 2014

The *Penrith Development Control Plan 2014* (PDCP2014) provides a non-statutory instrument to guide development in the Penrith LGA, including land that is covered by the SEPP (WSEA) 2009. A Development Control Plan has been prepared that establishes built form controls that supersede the provisions of the general PDCP2014.

5.8 Mamre West Precinct Development Control Plan

The *Mamre West Precinct Development Control Plan* applies to the Modification Application as the Site falls within the Mamre West Precinct. Table 4 provides an outline of the key numeric controls of the DCP as applicable to the modified built form and provides an assessment of the proposed modification in relation to these controls.

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Table 5: Mamre West Precinct Development Control Plan

Issue	Control	Comment
Minimum Lot Size	10,000m ²	Lot 8 will be subdivided into 2 lots, in order for each building to be seen as standalone. The lots have the following lot size: Lot 8A – 35,255m ² Lot 8B1 – 13,845m ² Lot 8B2 – 19,714m ²
Minimum Frontage	60m	Approved – 60m. No proposed change to the street frontage.
Building Setback	Mamre Road- 20m (including a 10m landscaped setback)	The proposal provides a 10m landscaped setback and a 20m building setback thereby achieving consistency with the requirements of the DCP.
	Subdivision Road- 7.5m	Approved – 20.6m wide access road. No proposed change to the approved access road.
	Rear and Side- 5m	Side and rear setbacks exceed 5m.
	Water Supply Pipeline - 5m	The lots on which built form is proposed is not identified as adjoining a water supply pipeline.
Building Height	20m	Approved – 13.7m. No proposed change to the building height.
Car Parking	1 space/ 300m ² warehouse GFA	Lot 8A Required – 85; Proposed – 85
	1 space/ 40m ² office GFA	Lot 8B1 Required – 33; Provided – 60 Lot 8B2 Required – 52; Provided - 57

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6. CONCLUSION

The subject Modification Application seeks consent for the construction and use of a Warehouse and Logistics Hub that will play a vital role in the storage and distribution of goods for businesses and will create employment opportunities. As detailed throughout this report, the changes sought will result in the development being substantially the same as that for which consent was originally granted. Notable aspects of the proposal which confirm the development will be substantially the same include and shall result in minimal environmental impact, are as follows:

- **Primary Land Use** – The warehousing and distribution use of the Site is not proposed to change.
- **Subdivision** – Lot 8 will meet minimum subdivision requirements.
- **Gross Floor Area** – The overall Gross Floor Area is sought to decrease by 1,600m².
- **Car Parking** – All facilities shall provide sufficient car parking as per the Concept Plan controls.
- **Setbacks** – Sufficient setbacks shall be maintained to ensure landscaped buffers can be achieved and separation is such that the visual amenity of the public domain is not compromised.
- **Traffic Generation** – Traffic generation shall not increase beyond that originally modeled for SSD 7173.

Overall, the modified scheme will provide for a more suitable layout that responds to the requirements of the future tenant resulting in increased efficiencies for the Site. The proposal does not result in an intensification of the Site or any variation to the approved use. The employment generating potential of the Site will be retained, consistent with the objectives of the SEPP WSEA 2009.

Accordingly, it is requested that the Department of Planning & Environment support the application.

Appendix 1

Architectural Plans

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Appendix 2

Civil Engineering Drawings

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Appendix 3
Landscape Plans

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Appendix 4
Traffic Impact Assessment

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Appendix 5

Building Code of Australia Report

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Appendix 6

Preliminary Hazard Assessment

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Appendix 7
Acoustic Report

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Appendix 8
Waste Management Plan

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Appendix 9

Water Sensitive Urban Design Strategy

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Appendix 10
Bushfire Assessment