

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

Attention: Max Chipchase

Response to Submissions

Section 96(1A) Modification to SSD 7917 for Proposed Warehouse/Distribution and Industrial Facility

Lot 3, Horsley Drive Business Park (Lot 5 in DP 1212087)

Dear Max,

This Response to Submissions is submitted to the NSW Department of Planning & Environment (NSW DP&E) on behalf of Frasers Industrial Construction Pty Ltd (Frasers) and relates specifically to Lot 3 within the Horsley Drive Business Park, Wetherill Park.

The proposal as submitted to NSW DP&E seeks to modify SSD 7917 which was approved on 4 May 2017 for the construction and operation of a Warehouse/Distribution and Industrial Facility that will operate on a 24 hour, 7 day basis. Specifically, SSD 7917 approved a total of 23,380 sqm of GFA, including the following:

- **Warehouse 1** – 13,690sqm GFA;
Office – 500sqm GFA.
- **Warehouse 2** – 8,690sqm GFA;
Office – 500sqm GFA.

The subject Section 96(1A) Modification to SSD 7917 was exhibited from **23 May 2017** until **6 June 2017**. A total of four (4) submissions were received from the following agencies and Fairfield City Council:

1. Environment Protection Authority;
2. Fairfield City Council;
3. RMS; and
4. Water NSW.

A response matrix is provided (refer **Table 1**) along with the following information which is annexed in support of the proposal:

- **Appendix 1 - Addendum to Traffic Impact Assessment**
- **Appendix 2 - Noise Impact Assessment**
- **Appendix 3 - Modified Landscape Plans**

Based on the information included in this response, it is evident that sufficient evidence is provided to support the proposal in the current form.

Should you require further information, please contact the undersigned.

Yours Faithfully,



Andrew Cowan
Director
Willowtree Planning Pty Ltd

Table 1: Response Matrix

Agency/Council	Response
1. Environment Protection Authority	
a) <i>The proposed modification does not involve a Scheduled Activity under Schedule 1 of the Protection of the Environmental Operations Act 1997 (POEO Act). The EPA does not consider that the proposal will require an Environment Protection Licence (EPL) under the POEO Act. Accordingly, the EPA has no comments regarding the proposal.</i>	It is noted that no Environment Protection Licence will be required.
b) <i>Should future tenants of the warehouse buildings, modified or otherwise, intend to conduct activities that require a licence under Schedule 1 of the POEO Act (such as storage of dangerous goods), the occupier of the premises will be required to take all necessary steps to ensure appropriate approvals have been obtained and a licence application submitted to the EPA prior to conducting those activities.</i>	It is noted that if future tenants intend to undertake scheduled activities, appropriate approvals and licences will need to be obtained prior to the commencement of activities.
2. Fairfield City Council	
a) Traffic Management <i>There are no issues raised with the construction of one warehouse and the number of car parking spaces proposed as it complies within the minimum requirement for parking. Further, Council seeks to be satisfied that there is sufficient car parking provided on site in order to meet the parking demand for the showroom.</i>	<p>As noted in Council's response, the proposed car parking for the warehouse complies with the number of spaces required pursuant to Council's controls.</p> <p>As per the Traffic Report submitted in support of the S96 Modification application, the proposed showroom will be utilised for the display of products to the trade industry/clients whom would arrive to the site by invitation only. The showroom would not be open to the public. Accordingly, visitors to the showroom would be strictly managed by site operations, and would generate demand commensurate with that of the general warehouse operations. Based on the parking rates adopted within the original DA Traffic Report, 1 space would be required per 200m² showroom GFA</p>

Council requests that the applicant's traffic engineer must clarify the estimated daily traffic generation of 1085 trips. Based on the peak hour traffic generation of 140 trips, Council has assessed the daily traffic generation as 1400 trips.

equating to a requirement of 4 spaces for the showroom. The total car parking proposed for the facility includes 4 spaces for the showroom as well as an overall surplus of 3 spaces. Accordingly, the Traffic Report confirms that adequate on-site parking has been provided to accommodate the demand generated by all components of the facility, including the showroom.

As described within the Traffic Statement at **Appendix 1**, the traffic generation rates employed have been based on the RMS Guide which recommends the following daily vehicle trip rates for industrial and office uses:

- Warehouses – 4/100m² GFA;
- Offices/Commercial – 10/100m² GFA.

Application of these rates to the proposed development results in a total daily traffic generation of 1,085 trips (refer **Table 1** within **Appendix 1** for detailed calculation).

b) Environmental Management

Council considers that insufficient information has been submitted in relation to noise generation and requests the following information:

- ***Clarification of the hours of operated assessed against the sleep disturbance criteria in the acoustic report;***
- *Modification of the acoustic report to show construction hours as 7am-6pm Monday to Friday and 8am-1pm Saturday; and*
- *Modified site plans showing the waste storage area being covered, bunded and drained to sewer.*

To support the holistic and comprehensive assessment of the proposal as modified, including in terms of noise impact, an Acoustic Statement has been prepared and is provided at **Appendix 2**.

Within the Acoustic Report (**Appendix 2**), potential fir sleep disturbance associated with heavy vehicle movements between 10pm-7am has been assessed. Noise levels at the western and south-western residences arising from truck brake discharge have been predicted at <55dB(A)L1min and <59dB(A)L1min, respectively. Predicted noise levels are below the sleep emergence level of 61dB(A)L1min and therefore comply with the relevant criteria. Accordingly, the Acoustic Report confirms that:

The potential for sleep disturbance has been assessed in accordance with the Road Noise Policy and it has been determined that noise associated with the loading dock and industrial activities during the night time period and the resulting noise levels would not result in a sleep awakening event and is compliant with the relevant acoustic requirements.

As per p.29 of the Acoustic Report, the construction hours have been amended to 7am-6pm Monday to Friday and 8am-1pm Saturday.

In relation to waste storage, mobile waste bins with lids will prevent rubbish being blown around. Further, no liquid wastes will result from the proposed operations,

	and therefore there is no need to drain to the sewer. Accordingly, no changes to the previously-submitted Site Plan are proposed.
<p>c) Development Planning</p> <p><i>The showroom component is required to be ancillary to the proposal and not the dominant use.</i></p> <p><i>Council recommends that the substantially the same development test should be applied to the proposed modification application.</i></p> <p><i>Council notes that no landscape plan appears to be provided as part of the modification application.</i></p> <p><i>Council requests that an amended landscape plan shall be provided which demonstrates landscaping with established large trees is provided on site in particular within the front setback in order to soften the hard stand areas.</i></p>	<p>The proposed showroom will be ancillary and subservient to the primary use of the site for warehousing, distribution and industry. The showroom comprises a relatively minor proportion of the total floor space of the development, and will not be capable of operating independent of the warehouse.</p> <p>As described within the Planning Report submitted in support of the S96 Modification, the proposal as modified will be substantially the same as the development for which consent was originally granted. This is confirmed on the basis of the following:</p> <ul style="list-style-type: none"> ▪ Primary Land Use – The warehousing and distribution use of the site is not proposed to change. ▪ Gross Floor Area – The overall Gross Floor Area is sought to increase by 2,600m². ▪ Height – The height of the building is a minor increase from 10m to 11.5m. ▪ 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 modelled for SSD 7917. ▪ Car Parking – Car parking provided will be compliant with rates per SSD 7917. <p>For these reasons, the proposal as modified is considered to satisfy the 'substantially the same test' as required by S96(1A) of the EP&A Act.</p> <p>Modified Landscape Plans have been provided at Appendix 3. As shown within the Landscape Plans, planting has been provided adjacent to the northern, southern and eastern site boundaries and will include semi-advance (45L) or advanced (100-200L) specimens. Landscaping has also been proposed adjacent to the western boundary and will include 200mm stock. It is noted that adjacent to the western boundary larger pot sizes would be difficult to install and plants would not establish as well due to the planting bed being located behind a crib wall.</p>

3. RMS

a) *RMS raises no objection to the proposed modifications. However, RMS has the following comments for your consideration in the determination of the application:*

- *Car parking should be provided in accordance with Council's DCP.*
- *All works/regulatory signposting associated with the proposed development are to be at no cost to Roads and Maritime.*

In relation to the provision of car parking, the rate of 1/200 sqm GFA has been adopted, which is consistent with SSD 5169 which granted approval for subdivision, earthworks, and infrastructure. Under this application, car parking and traffic generation was considered in detail, with the above rate adopted for all subsequent facilities within the estate.

It is noted and agreed that all works will be undertaken at no cost to RMS.

4. Water NSW

a) *Relevant issues raised in WaterNSW's previous response to the original SSD should be considered by the proponent. While WaterNSW acknowledges many of these relates to SSD 5169, WaterNSW reiterates their request for ongoing consultation regarding supplementary earthworks, civil works and changes to design that may affect drainage. WaterNSW has been in consultation with Frasers to address a number of the issues raised in their letter.*

In accordance with previous and current correspondence, WaterNSW will continue to be consulted in relation to any works with the potential to affect drainage and their requirements will be adhered to accordingly.

b) *It was previously identified that the surface level along one section of the boundary sits higher than the Upper Canal corridor as a result of the bulk earthworks. The proponent has installed sediment fencing to prevent further ingress of sediment from the subject site onto WaterNSW land, however the land must now be reshaped to restore the pre-development flows from the corridor onto the site, and all stormwater accommodated in the construction of the remainder of the retaining wall.*

In accordance with WaterNSW's comments, pre-development flows will be restored and all stormwater accommodated during the construction of the remainder of the retaining wall.

c) *The existing chain mesh security fence on the boundary with the Upper Canal corridor must be maintained. Should the fencing be damaged, any repairs or replacement must occur to WaterNSW's standards and at the proponent's expense.*

Security fencing along the Upper Canal corridor boundary will be maintained and any damage will be repaired at no cost to WaterNSW.

d) <i>It is noted that the Section 96 report refers to the Sydney Catchment Authority (SCA). In January 2015, the SCA merged with State Water to form WaterNSW and all future references to the organization should be made to reflect this change.</i>	All future references will correctly name 'WaterNSW.'
e) <i>Otherwise, WaterNSW has no objections to the modification proposal, and no further comment. WaterNSW requests that the Department continues to consult with us regarding any future development and modifications for the Horsley Drive Business Park.</i>	Noted.

Appendix 1

Addendum Traffic Impact Assessment

Appendix 2

Noise Impact Assessment

Appendix 3

Modified Landscape Plans

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