



ACN: 146 035 707 ABN: 54 146 035 707  
Suite 4, Level 7, 100 Walker Street  
North Sydney NSW 2060  
P: 02 9929 6974  
enquiries@willowtreeplanning.com.au  
www.willowtreeplanning.com.au

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

**Attention: Kelly McNicol**

**Section 4.55(1A) Modification Application (SSD 7173 Proposed Warehouse and Logistics Hub)  
Mamre Road, Orchard Hills  
Modification 4 to SSD 7173**

**Lot 2171 DP 1153854**

Dear Kelly,

This Modification Application is submitted to the NSW Department of Planning & Environment (NSW DP&E) on behalf of Altis Property Partners and relates specifically to Lot 2171 DP 1153854 and Lots 1 & 2 DP 1233392.

Approval to State Significant Development (SSD) Application 7173 was granted by the Minister for Planning on 15 December 2016 for bulk earthworks and the construction and operation of a Warehouse and Logistics Hub.

Modification 1 to SSD 7173 was approved on 15 August 2017 which included changes to the layout and configuration of the approved warehouses on Lot 8A, 8B1 and 8B2. Modification 2 to SSD 7173 was approved on 20 December 2017 which included amendments to the development description, amendments to the subdivision layout and configuration of the site and the proposed relocation of turning head within the estate road network. The initial modification application included the proposed realignment of a drainage channel on Lot 2 DP 1233392; however, due to owner's consent unobtainable at the time the proponent requested that this element be removed from the application until later advised (SSD 7173 MOD 3). The proposed development as modified (SSD 7173 MOD 2) presently includes:

Construction and operation of a Warehouse and Logistics Hub over four (4) stages, comprising the following:

- Subdivision of the site to create nine (9) industrial allotments ranging in size between 2.06 hectares and 7.9 hectares and to create a lot approximately 20 m wide along the site's frontage with Mamre Road (for the purpose of widening);
- Three (3) warehouse buildings ranging in size between 9,400 m<sup>2</sup> and 41,500 m<sup>2</sup>, including office;
- 357 car parking spaces;
- Bulk earthworks, infrastructure and services;

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- An internal estate road from Mamre Road to the site's northern boundary; and
- Intersection works between Mamre Road and the estate road.

This application represents the **fourth** Modification Application to SSD 7173 which seeks to make amendments to the plan of subdivision, specifically, Lot 8A comprising two (2) warehouses – 8A1 (speculative warehouse) & 8A2 (IMCD).

It is noted that Modification 3, which deals with the channel works is currently under assessment.

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

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

- **Appendix 1 – Architectural Plans**
- **Appendix 2 – Landscape Plan**
- **Appendix 3 – Amended Subdivision Plan**
- **Appendix 4 – Civil Engineering Report**
- **Appendix 5 – Traffic Impact Assessment**
- **Appendix 6 – Noise Impact Assessment**
- **Appendix 7 – Bushfire Assessment Report**
- **Appendix 8 – BCA Report**
- **Appendix 9 – SEPP 33 Report**
- **Appendix 10 – QS Report**

Should you require further information, please contact the undersigned.

Yours Faithfully,



Travis Lythall  
Town Planner  
Willowtree Planning Pty Ltd

## Section 4.55(1A) – SSD 7173 (MOD 4)

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### 1. DEVELOPMENT HISTORY

Consent was granted to SSD 7173 on 15 December 2016 for the construction and operation of a Warehouse and Logistics Hub at 585-649, Mamre Road, Orchard Hills (Lot 2171 DP 1153854). Modification 1 was subsequently approved on 15 August 2017. Subsequent to this, Modification 2 for proposed cul-de-sac relocation and subdivision amendment was approved on 20 December 2017. Furthermore, Modification 3 regarding the proposed channel realignment is currently being assessed for approval by the NSW DP&E.

The development particulars (as modified) approved under SSD 7173 MOD 2 are outlined as follows:

Table 1: Approved Development Particulars – SSD 7173 MOD 2	
Project Element	Development Particular
Site Area	- 48.35ha
Warehouse/Office	<ul style="list-style-type: none"><li>- <b>Lot 8A:</b> 21,725 m<sup>2</sup> GFA; and, 85 parking spaces (including 1 accessible parking space)</li><li>- <b>Lot 8B1:</b> 7,425 m<sup>2</sup> GFA; and, 60 parking spaces (including 1 accessible parking space)</li><li>- <b>Lot 8B2:</b> 12,319 m<sup>2</sup> GFA; 57 parking spaces.</li></ul>
Building Height	13.7m
Primary Land Use	Warehousing and distribution (24/7 use).
Bulk Earthworks	<ul style="list-style-type: none"><li>- Bulk earthworks have been carried out to establish building pads on the estate allotments as-well-as balance through cut/fill volumes.</li><li>- These works were carried out in a staged manner upon issue of development approval. The establishment of building pads provided flexibility for the design of future facilities as consent for the building footprints was sought under SSD 7173.</li><li>- Construction of a bio-retention basin was implemented within the lower topography area of the Site (north-west) to provide stormwater detention and quality treatment for the estate.</li></ul>
Internal Estate Road	<ul style="list-style-type: none"><li>- The internal estate road services all allotments within the estate and has since been constructed via a staged approach according to the order in which the allotments were and are being developed.</li><li>- The design of the road was constructed in accordance with Penrith City Council requirements, achieving a road reserve width of 20.6 metres and affording a dual carriageway capable of accommodating B-Doubles.</li><li>- Access to Precinct 1 off the estate road is provided via the construction of the necessary vehicle crossing which was shown on the engineering drawings submitted with the application.</li></ul>
External intersection works	<ul style="list-style-type: none"><li>- An interim signal intersection between Mamre Road and the proposed industrial access road – designed and constructed in accordance with Austroads and RMS requirements – (as part of SSD 7173) provides access until completion of, and connection to, the Primary Access intersection (located to the north).</li></ul>
Infrastructure and Services	<ul style="list-style-type: none"><li>- Services to the site are able to be provided from Mamre Road to the site, including water, electricity, sewer and communications.</li></ul>
Subdivision	<ul style="list-style-type: none"><li>- Torrens Title subdivision of the Site was proposed to create allotments within First Estate. The subdivision would be managed under a Community Title Scheme to manage and operate the estate stormwater basin and associated infrastructure.</li></ul>

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<b>Operational &amp; Construction Jobs</b>	<ul style="list-style-type: none"><li>- Upon completion of the development, it is anticipated that Stage 1 will generate in the order of 220 operational jobs.</li><li>- 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.</li></ul>
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Review of the approval granted under SSD 7173 indicates there is nothing which prevents the proposed modifications identified in this Modification Application.

**2. PROPOSED DEVELOPMENT****2.1 Objectives of the Proposed Development**

The aim of the proposed development is to provide a Warehouse and Distribution Facility (Warehouse 8A1 and Warehouse 8A2) that seeks to achieve the following objectives, including:

- Appropriate access;
- Provides a viable economic return;
- Compatibility with surrounding developments and the local context;
- Promotes an employment-generating development;
- Results in minimal impact on the environment; and,
- Allow for the implementation of suitable mitigation measures where required.

**2.2 Proposed Modifications****Lot 8A - Warehouses 8A1 (Speculative Warehouse) & 8A2 (IMCD)**

The proposed Modification Application is for a proposed Warehouse and Distribution Facility comprising Lot 8A, 585-649 Mamre Road, Orchard Hills (Lot 2171 DP 1153854), for modification / construction and operational purposes. The proposed development would facilitate the construction and operation of two (2) warehouses on Lot 8A (Warehouses 8A1 & 8A2) further illustrated in **Figure 1**.

The proposed development particulars of Lot 8A are outlined as follows:

<b>Table 2: Proposed Development Particulars</b>	
<b>Project Element</b>	<b>Development Particular</b>
<b>Site Area</b>	- 32,780 m <sup>2</sup> (Lot 8A)
<b>Warehouse / Ancillary Office</b>	<b>Warehouse 8A1:</b> <ul style="list-style-type: none"> <li>- Warehouse 11,980 m<sup>2</sup> (Landtake 19,961 m<sup>2</sup>);</li> <li>- Office 400 m<sup>2</sup>;</li> </ul> <b>Warehouse 8A2:</b> <ul style="list-style-type: none"> <li>- Warehouse 5,500 m<sup>2</sup> (Landtake 12,815 m<sup>2</sup>);</li> <li>- Office 600 m<sup>2</sup></li> </ul>
<b>Car Parking</b>	- Spaces provided: 83
<b>Building Height</b>	- 13.7 m
<b>Primary Land Use</b>	- Warehouse and Distribution Facility
<b>Bulk Earthworks</b>	- All bulk earthworks have been previously conducted under determined SSD 7173. Only minor regrading would form part of the subject Modification Application.
<b>Internal Estate Road</b>	- Access to the Site off the estate road would be provided as shown in the Architectural Plans.
<b>Infrastructure and Services</b>	- Services to the Site are provided from Mamre Road to the Site, including water, electricity, sewer and communications.
<b>Subdivision</b>	- No subdivision is proposed.
<b>Operational &amp; Construction Jobs</b>	- Construction jobs are anticipated to be in the order of approximately 60-80 personnel, while operational jobs are expected to be in the order of 37 personnel for IMCD and approximately 100-150 personnel for the speculative warehouse, once operational.
<b>Hours of Operation</b>	- 24/7 operational basis.

## **2.3 Proposed Operations**

### **2.3.1 Speculative Warehouse (Warehouse 8A1)**

Operationally, the proposed speculative warehouse would remain dormant until a tenant (end user) occupies the proposed facility.

### **2.3.2 IMCD (Warehouse 8A2)**

IMCD Group (IMCD) can be described as a leading distributor of raw materials, functional food ingredients and processing aids Australia wide. IMCD was established in 1897 as an attempt to recognise the needs of customers, suppliers and consumers. Through recognition of the needs of its customers, IMCD has since invested and incorporated warehousing facilities (similarly to Warehouse 8A2) and services across various parts of Australia where they supply products to the end user 'promptly' and 'efficiently'.

Furthermore, IMCD is a leading company in sales, marketing and distribution of specialty chemicals (packaged goods) and varied food ingredients. It is important to note, that no Dangerous Goods are to be proposed on-site.

With regard to the proposed development, specifically Warehouse 8A2, IMCD would utilise the proposed warehouse as a distribution facility for storage and distributive purposes. Operationally, Warehouse 8A2 would operate via an automated racking system that can be found illustrated in the Architectural Plans in **Appendix 1**. As mentioned above, the proposed Warehouse and Distribution Facility would be utilised for the storage and distribution of goods only; and, would not consist of any processing of any kind.

## **2.4 Project Need**

In response to the operational needs of the future tenants – Warehouse 8A1 (Speculative Warehouse) and Warehouse 8A2 (IMCD), it has been determined that a proposed Warehouse and Distribution Facility (two warehouses) is required to accommodate an increased demand for warehousing and distribution space. The proposed development is considered necessary to improve the operational efficiencies of transport and logistics (warehouse and distribution facilities) businesses within NSW and facilitate their future growth.

The proposed development is consistent with surrounding land uses within *State Environmental Planning Policy (Western Sydney Employment Area) 2009* (SEPP WSEA); and, would contribute to the efficient use of employment lands for warehousing and distribution purposes. It is noted that the bulk earthworks, estate infrastructure, and site access have been dealt with under a previous State Significant Development (SSD) Application(s) – 'SSD 7173', 'SSD 7173 MOD 1', 'SSD 7173 MOD 2' & 'SSD 7173 MOD 3' – it is noted that MOD 3 is presently under assessment by the NSW Department of Planning & Environment (DP&E).

The proposed development is located on land that is zoned General Industrial (IN1) under SEPP WSEA, positioned within the Penrith City Council Local Government Area (LGA).

## **2.5 Considerations of Alternatives**

The purpose of the proposed development is to provide a Warehouse and Distribution Facility for both a Speculative Warehouse (Warehouse 8A1) and IMCD (Warehouse 8A2), which would serve for the operational needs of the end user. It is considered that the proposed development:

- Allows for the development that is consistent with the aims of SEPP WSEA;
- Has appropriate access to the regional road network;
- Is compatible with surrounding development and the local context;
- Would generate employment opportunities, thus contributing to the growth of Western Sydney;
- Would result in minimal impact on the environment;
- Would allow for the implementation of suitable mitigation measures where required.

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The Subject Site is considered to be appropriate for the proposed development as it allows for warehousing and distribution in an emerging precinct (First Estate) dominated by such development. The Site design and layout of the built form seeks to maintain consistency with the objectives of SEPP WSEA and enhance the underlying character intended for the locality. This would be achieved by the resultant built-form, which reinforces the nature of the land use and is sensitive to the surrounding development.

The options considered, and subsequently dismissed, in arriving to the current proposal with regard to the proposed development on Lot 8A included:

### *(a) 'Do Nothing' Scenario*

This option was dismissed as the proposed development objectives, including the objective of facilitating an employment-generating development would not be met. If the proposed development was not to proceed, the Site would be developed for other warehousing and distribution related purposes.

### *(b) Development on an Alternative Site*

Due consideration with regard to alternative sites was made; however, these were dismissed as the Site resulted in the most beneficial outcomes for the proposed development as:

- It is located subject to the provisions of SEPP WSEA, which seeks to provide employment-generating land uses;
- The Site is suitably located with respect to sensitive land activities, including residential development;
- All potential environmental impacts of the proposed development could be suitably mitigated within the Site;
- The proximity to the regional road network provides accessibility and linkages to the broader metropolitan area and regional areas of NSW;
- The proposed development has significant employment-generating potential, during both the construction and operational phases;
- Sufficient separation is maintained to the interface of surrounding rural / residential development;
- The proposed development does not adversely affect any area of heritage or archaeological significance; and,
- The proposed development could be developed with appropriate visual amenity achieved, given its surrounding context.

The proposed development is justified on the basis it is compatible with the locality in which it is proposed, resulting in economic benefits while managing and mitigating environmental impacts.



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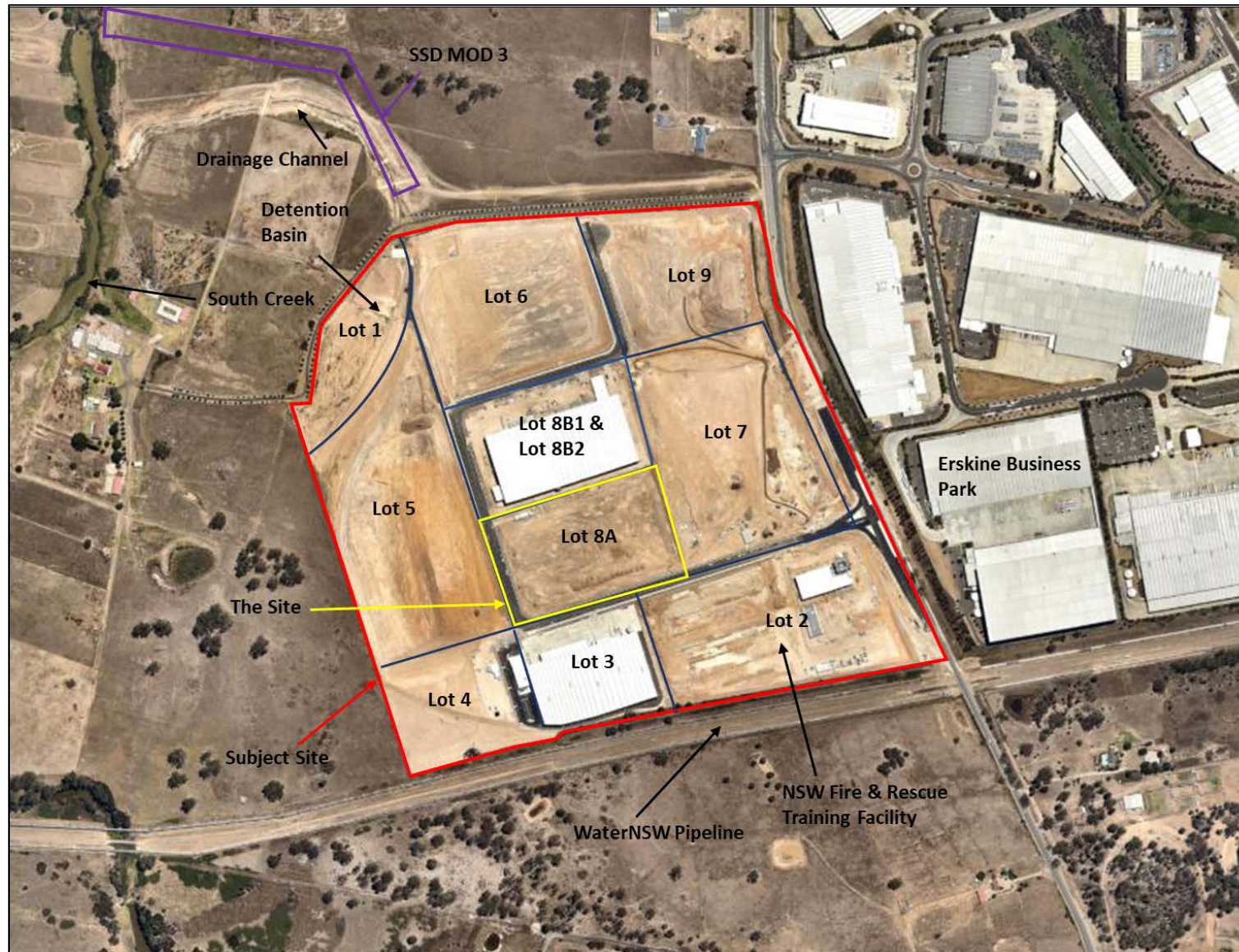


Figure 1 Proposed Site Layout Subject to Modification Application SSD 7173 MOD 4 (NearMaps, 2018)



### **3. LEGISLATIVE FRAMEWORK**

#### **3.1 Environmental Planning & Assessment Act 1979**

Section 4.55(1A) of the *Environmental Planning & Assessment Act 1979* (EP&A Act) makes provisions to modify a Development Consent that has been granted pursuant to Part 4 of the EP&A Act. The proposed development (proposed warehouses on Lot 8A) as submitted to the NSW DP&E is considered to satisfy the provisions of Section 4.55(1A) of the EP&A Act, as changes proposed would 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 proposed development is considered to result in minimal environmental impact as the underlying land use would remain unchanged. Stormwater, traffic, noise, air quality and construction impacts would be managed, consistent with the findings and recommendations of SSD 7173.

- 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 as originally was modified (if at all), and*

Comment:

- The underlying use of the land, being for warehousing and distribution purposes would remain as originally approved;
  - There would be no material increase to the approved building footprints or substantial change to the provision of car parking previously approved; and,
  - The stormwater management outcomes would remain generally unchanged.
- c) it has notified the application in accordance with:*
- i. the regulations, if the regulations so require, or*
  - ii. a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- 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 Modification Application and the provisions set out in the *Environmental Planning & Assessment Regulation 2000* (EP&A Regulation), notification of the application is not required to neighbouring properties.

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

It is noted that the Subject Site falls within the land application area of SEPP WSEA and subsequently is categorically zoned as General Industrial (IN1). Whilst the proposed development (Lot 8A) is permitted with consent, it is also facilitated by its adherence to the support the ongoing promotion of the objectives of the zone.

The objectives of the General Industrial (IN1) zone under SEPP WSEA include:

- *To facilitate a wide range of employment-generating development including industrial, manufacturing, warehousing, storage and research uses and ancillary office space;*

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- To encourage employment opportunities along motorway corridors, including the M7 and M4;
- To minimise any adverse effect of industry on other land uses;
- To facilitate road network links to the M7 and M4 Motorways;
- To encourage a high standard of development that does not prejudice the sustainability of other enterprises or the environment; and,
- To provide for small-scale local services such as commercial, retail and community facilities (including child care facilities) that service or support the needs of employment-generating uses in the zone.

Within the General Industrial (IN1) zone the following are permissible without consent:

- Nil.

Within the General Industrial (IN1) zone the following are permissible with consent:

- Depots; Food and drink premises; Freight transport facilities; Industrial retail outlets; Industrial training facilities; Industries (other than offensive or hazardous industries); Neighbourhood shops; Roads; Service stations; Transport depots; Truck depots; **Warehouse or distribution centres.**

Within the General Industrial (IN1) zone the following are prohibited:

- Any development not specified in item 2 or 3.

In accordance with the above, the proposed development – Warehouse & Distribution Facility would be permissible subject to development consent. Additionally, the proposed development would be facilitated by two (2) proposed warehouses that would be both described as employment-generating developments during both the construction and operational phases of development. The proposed warehouses have been strategically proposed with regard to their positioning within the WSEA as they are in close proximity to motorway corridors, including the M4 and M7, providing ease of access to local surrounding areas and the wider locale.

**Figure 2** below illustrates the extent to which the General Industrial (IN1) zone subject to SEPP WSEA applies (applicable to SSD 7173); and, where the proposed development (Lot 2171 DP 1153854) is situated with regard to the contextual zoning of SEPP WSEA.

### Subdivision

No subdivision is proposed.

### Requirements for Development Control Plans

The Mamre West Precinct Development Control Plan (DCP) has been prepared in accordance with Part 4 of SEPP WSEA and would be applied accordingly to the proposed development's built form characteristics.

Below in **Table 3** is a summary of the SEPP WSEA provisions as they apply to the proposed development.

Table 3: SEPP WSEA Provisions	
Clause	Comment
Clause 20: Ecologically Sustainable Development	<p>The proposed development would incorporate a number of ecologically sustainable initiatives to reduce the consumption of potable water and greenhouse gas emissions of the facilities. Initiatives relate to:</p> <ul style="list-style-type: none"><li>▪ Energy &amp; Greenhouse Gas Emissions</li><li>▪ Potable water reduction</li><li>▪ Minimising waste to landfill</li><li>▪ The Indoor Environment</li><li>▪ Occupant amenity and comfort</li></ul>

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	<ul style="list-style-type: none"> <li>▪ Land Use &amp; Ecology</li> <li>▪ Emissions and</li> <li>▪ Building Management.</li> </ul>
Clause 21: Height of Buildings	<p>No maximum building height has been adopted under SEPP WSEA.</p> <p>However, the consent authority <u>must</u> be satisfied that:</p> <ul style="list-style-type: none"> <li>a) <i>Building heights will not adversely impact on the amenity of adjacent residential areas,</i></li> <li>b) <i>Site topography has been taken into consideration.</i></li> </ul> <p>The proposed development would exhibit a maximum building height of 13.7 m, which is consistent with the other built form throughout the WSEA and is appropriate given the characteristics of the Site including topography and the surrounding context. The height of the proposed built form would not adversely affect the amenity of any residential development.</p>
Clause 22: Rainwater Harvesting	<p><i>"the consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that adequate arrangements will be made to connect the roof areas of buildings to such rainwater harvesting scheme (if any) as may be approved by the Director-General."</i></p> <p>Rainwater harvesting would be provided for this development with re-use for non-potable applications as part of this Modification Application for the built-form characteristics. Internal uses include such applications as toilet flushing while external applications would be used for irrigation. In general terms, the rainwater harvesting system would be an in-line tank for collection and storage of rainwater. At times when the rainwater storage tank is full, rainwater could pass through the tank and continue to be discharged via gravity into the stormwater drainage system. Rainwater from the storage tank would be pumped for distribution throughout the development in a dedicated non-potable water reticulation system.</p>
Clause 23: Development Adjoining Residential Land	<p>The proposed development has been considered against the provisions of Clause 23 of SEPP WSEA as detailed below:</p> <ul style="list-style-type: none"> <li>a) <i>wherever appropriate, proposed buildings are compatible with the height, scale, siting and character of existing residential buildings in the vicinity</i></li> </ul> <p><u>Comment:</u> The proposed development would be designed to achieve a compatible outcome with the surrounding environment, including the rural residential development located to the north, west and south, along with the existing warehouse facilities within First Estate and Erskine Business Park to the east. Measures incorporated within the design include the following:</p> <ul style="list-style-type: none"> <li>▪ Setbacks to the respective boundaries that allow for visual separation and deep soil planting.</li> <li>▪ Noise screening where required.</li> <li>▪ Provision of building materials which provide articulation and visual interest.</li> </ul> <ul style="list-style-type: none"> <li>b) <i>goods, plant, equipment and other material resulting from the development are to be stored within a building or will be suitably screened from view from residential buildings and associated land</i></li> </ul> <p><u>Comment:</u> Goods, plant and equipment would be suitably screened from the adjacent rural/residential development by way of screening devices and planting. Coupled with the separation distances to the surrounding residential development (in excess of 250m), the proposed development is considered</p>

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	<p>unobtrusive and shall retain a sufficient level of amenity for these properties. All plant and equipment associated with the proposed development is considered typical for warehouse facility such as that proposed and is consistent in their design and function with those within the surrounding employment lands. Additionally, the location of the loading dock would be screened by an aesthetically pleasing architectural landscaped design.</p> <p><i>c) the development will not otherwise cause nuisance to residents, by way of hours of operation, traffic movement, parking, headlight glare, security lighting or the like</i></p> <p><u>Comment:</u> <b>Section 4</b> detailed below assesses the proposed development's environmental impact.</p> <p><i>d) the development will provide adequate off-street parking, relative to the demand for parking likely to be generated</i></p> <p><u>Comment:</u> In total, 83 car parking spaces would be provided in accordance with the Mamre West Precinct DCP 2016, thus the provision of parking is deemed satisfactory.</p> <p><i>e) the site of the proposed development will be suitably landscaped, particularly between any building and the street alignment.</i></p> <p><u>Comment:</u> Landscaping would be proposed between the proposed facility fronting the estate road, with a landscaped setback provided. This area would comprise screen planting and shrubs that serve to provide a buffer between the public domain and the proposed development, similar to planting schemes achieved on surrounding sites throughout First Estate.</p>
Clause 24: Development Involving Subdivision	The proposed development <u>does not</u> seek consent for subdivision. <b>Appendix 3</b> provides the amended subdivision plan, as approved under SSD 7173 MOD 2.
Clause 25: Public Utility Infrastructure	Existing services would be augmented for the proposed development. Any works in this respect would be at no cost to the Government.
Clause 26: Development on or in Vicinity of Proposed Transport Infrastructure Routes	The proposed development is noted to be generally clear of the proposed Southern Link Road under Clause 26; therefore, the proposed development would not require referral to the Secretary-General of the Department of Planning under Clause 26 of SEPP WSEA.
Clause 29: Industrial Release Area Satisfactory Arrangement for the Provision of Regional Transport Infrastructure Facilities	<p>Under SSD 7173, a Voluntary Planning Agreement (VPA) has been executed between the Minister for Planning, The Trust Company (Australia) Limited and Altis Bulky Retail Pty Limited, to provide monetary contributions for each stage of the development to contribute towards the provision of infrastructure to service the development.</p> <p>It is considered that satisfactory arrangements have been made under this VPA in accordance with the SEPP as per Clause 29 of SEPP WSEA.</p>
Clause 31: Design Principles	<p>The design principles of the SEPP are investigated and summarised further in subsequent sections of this Modification Application. The proposed development seeks to address the below provisions as follows:</p> <p><i>a) the development is of a high quality design, and</i></p> <p><u>Comment:</u> Materials and finishes would activate and provide a visual outcome that seamlessly integrates with the surrounding employment lands throughout the wider WSEA.</p>

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	<p><i>b) A variety of materials and external finishes for the external facades are incorporated, and</i></p> <p><u>Comment:</u> Materials consist of composite panel (Kingspan), dampalon polycarbonate and metal sheeting with precast. Buildings would be designed to address the adjacent internal estate road to provide activation where possible. Ancillary office areas are also to be strategically positioned to create a sense of visual interest and address the public domain.</p> <p><i>c) High quality landscaping is provided, and</i></p> <p><u>Comment:</u> Landscaping is proposed to comprise screen planting and shrubs that serve to provide a buffer between the public domain and the proposed estate. Furthermore, the proposed development comprise of two (2) loading docks / facilities that are accessed via the estate road. The proposed loading docks are further concealed and complemented via an aesthetically pleasing landscaped design, that reduces any potential concerning visual impacts concerning the proposed development.</p> <p><i>d) The scale and character of the development is compatible with other employment-generating development in the precinct concerned.</i></p> <p><u>Comment:</u> The overall scale of the proposed development seeks to provide a transition from Erskine Business Park, being compatible in terms of built form and scale, and able to accommodate this specific employment-generating land use that is adaptable and responds accordingly to shifting economic conditions.</p>
Clause 31: Preservation of Trees	Approval for vegetation removal was previously granted under SSD 7173.
Clause 33A: Development Near Zone Boundaries	The proposed development does not rely on Clause 33 to carry out the proposed development.



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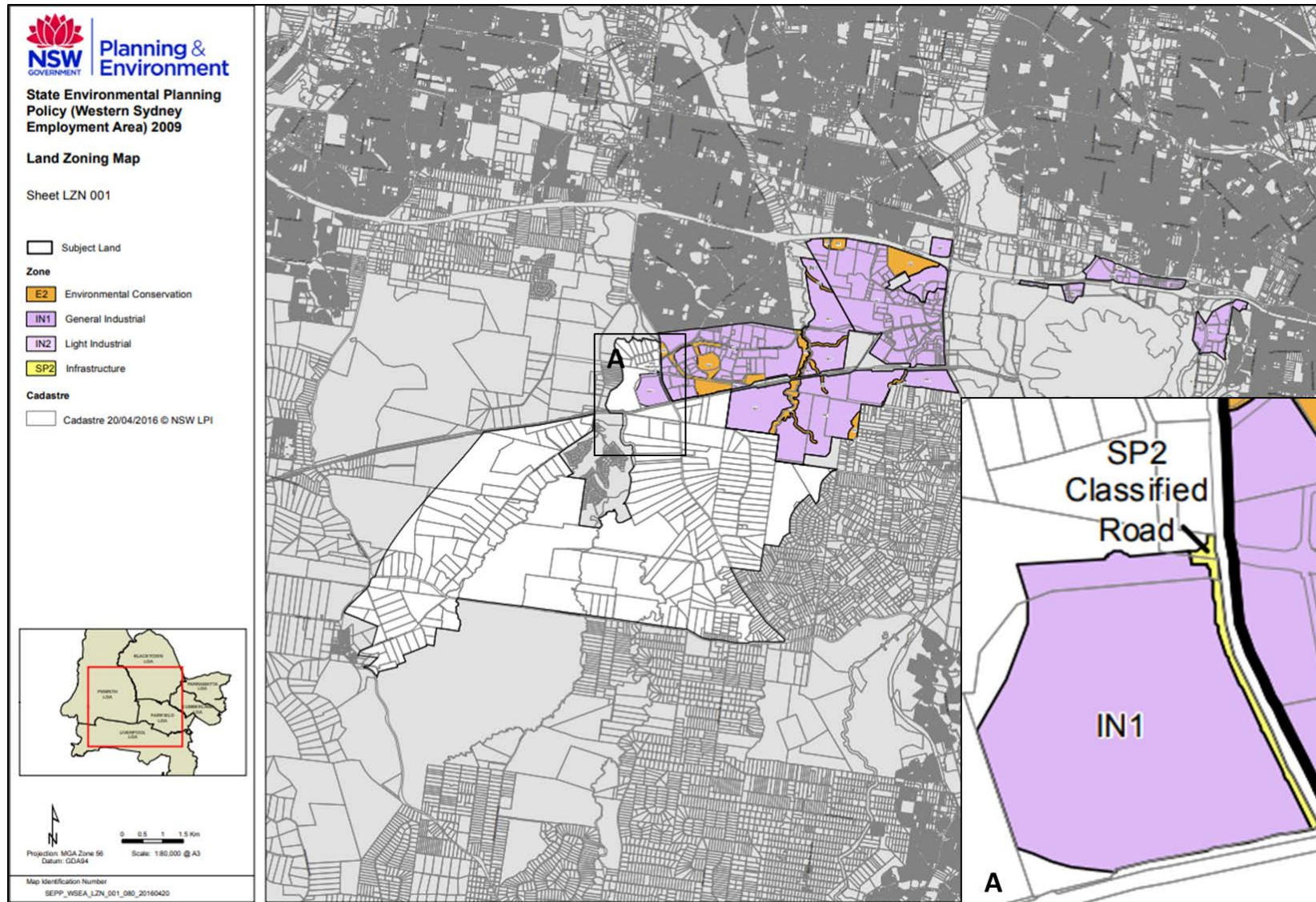


Figure 2 Land Zoning Map Applicable to the *State Environmental Planning Policy (Western Sydney Employment Area) 2009* (NSW Legislation)

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There are no provisions within SEPP WSEA which prevent the proposed warehouses (Lot 8A) under this Modification Application.

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

Contamination has been previously addressed under SSD 7173 as part of the report prepared by Coffey dated 17 November 2014 and confirmed there are no identified sources of contamination present.

### 3.4 Penrith Local Environmental Plan 2010

As discussed in Section 3.2 above, the site falls within the application area of SEPP WSEA – zoned General Industrial (IN1) – which, would take precedence as the overarching legislative control concerning the proposed development.

### 3.5 Penrith Development Control Plan 2014

The *Penrith Development Control Plan 2014* (PDCP2014) does not apply to the site.

### 3.6 Mamre West Precinct Development Control Plan

The Mamre West Precinct Development Control Plan applies directly to this Modification Application as the proposed development resides within the Mamre West Precinct.

Table 3: Mamre West Precinct Development Control Plan		
Control	Requirement	Comment
Minimum Lot Size	10,000 m <sup>2</sup>	No subdivision proposed.
Minimum Frontage	60 m	The frontage of the proposed lot exceeds 60 m.
Building Setback	Mamre Road – 20 m (including a 10 m landscaped setback)	The proposed development provides a 4 m landscaped setback and a 7.5 m building setback achieving consistency with the requirements of the DCP.
	Subdivision Road – 7.5 m	The site is adjoined by a 20.6 m wide access road.
	Rear and Side – 5 m	Side and rear setbacks exceed 5 m.
	Water Supply Pipeline – 5 m	The lots on which built form is proposed is not identified as adjoining a water supply pipeline.
Building Height	20 m	The proposed building height of 13.7 m is significantly less than the maximum permitted under the DCP.
Car Parking	1 space / 300 m <sup>2</sup> warehouse GFA	83 required (Mamre West DCP), and 83 provided.
	1 space / 40 m <sup>2</sup> ancillary office GFA	

#### **4. ENVIRONMENTAL ASSESSMENT**

Secretary's Environmental Assessment Requirements (SEARs) were issued on 11 September 2015 for SSD 7173 for the construction and operation of a Warehouse and Logistics Hub. The Environmental Assessment requirements related to the modified proposed development are addressed below.

##### **4.1 Traffic and Transport**

The *Traffic Impact Assessment Report: Proposed Warehouse Development Lot 8A, First Estate, Mamre West Precinct* (Ason Group, 2018) considered the potential traffic impacts of the proposed development (refer to **Appendix 5**).

Through each modification stage of the proposed development, due consideration has been given to the historic traffic generation assumptions that have previously informed the regional and local infrastructure upgrades. It has been described that the subject proposed development would be reduced or remain unchanged – retrospectively to the Master Plan analysis, which adopted 'Stage 1' peak hour traffic generation of 375 and 386 vehicle movements in the AM and PM.

Accordingly, each Modification Application has been considered favourable with regard to traffic planning grounds on the basis that the committed infrastructure upgrades would remain acceptable, as they were developed in response to a greater volume of peak hour traffic.

The proposed development is expected to generate in the order of 25 veh/hr during peak periods and 350 vehicle movements per day. The proposed development's anticipated traffic generation is less than the originally adopted Master Plan, and subsequent 'SSD 7173 MOD 2' traffic volumes.

Access to the Site is proposed via several vehicular crossings to the Estate Road, which encompass varied widths. Commercial vehicle hardstand areas are intended to cater for access by B-doubles. Accordingly, it is expected that all vehicular crossovers to the hardstand will cater for B-double access. Additionally, compared to the previous approval, it is noted that the new scheme includes additional driveway crossings to the Estate Road which considers existing developments within First Estate such as, NSW Fire & Rescue (Lot 2), DATS (Lot 3) and operational warehouse and distribution facilities on Lots 8B1 and 8B2.

Consideration has also been given to future proposed developments within First Estate with regard to the impacts on traffic volumes; however, the Traffic Impact Assessment, particularly the data provided, was viewed from a conservative 'worst case scenario'. The proposed development was considered compliant in this instance with regard to traffic volumes. It is also noted, that the road mentioned is a private road but notwithstanding has been designed as a minor public road. Furthermore, all commercial vehicle crossovers have been assessed using 'AutoTrack' software, with car park accesses designed in accordance with AS2890 as Category 2 driveways (with a notable width between 6.0-9.0 metres).

Some minor changes to the commercial vehicle crossovers may be required to provide additional splays to minimise vehicles having to cross the road centreline; however, it should be noted that crossing of the centreline is permitted under AS2890 for access by commercial vehicles on a minor public road, as is considered applicable in this instance with regard to the proposed development. The matter at hand can be further coordinated as part of any subsequent Construction Certificate documentation.

The Site would encompass separate driveways for commercial vehicles (trucks) and passenger vehicles (cars), which would in turn minimise the interaction between these user groups from a practicable perspective. Respective driveways mentioned would experience only moderate traffic volumes; therefore, the location of driveways (in proximity to driveways of other neighbouring developments) is not considered to present any adverse impacts. Subject to the restrictions noted above, access to all loading docks on-site should be able to be maintained at all times. Detailed swept path analysis can be found in Appendix A of the Report (refer to **Appendix 5**).

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Length of stay within each respective loading bay would vary depending on the size of load as-well-as volumes within each site; and, appropriate measures should be administered to ensure that loading / unloading activities do not obstruct the use of adjoining loading areas. As such, subject to any specific restrictions in place, access to all loading docks shall be maintained accordingly.

The internal configuration of the Subject Site, inclusive of light and heavy vehicular access, car parking and servicing areas – have generally been designed in accordance with Council's DCP and the relevant Australian Standards of AS2890.1, AS2890.2, AS2890.3 and AS2890.6.

In summary, the proposed development is supportable on traffic planning grounds and would not result in any adverse impacts on the surrounding road network or the availability of on-street parking.

### 4.2 Soil and Water

The *Water Sensitive Urban Design Report: Lot 8 – First Estate Orchard Hills – Warehouse Facilities* (refer to **Appendix 4**) was provided which assessed the following Water Sensitive Urban Design (WSUD) strategies, including:

- Employ an integrated water collection and recycling system for capturing and recycling roofwater;
- Control the quality of stormwater that is disposed from the site; and,
- Control the quantity of stormwater that is discharged for the site.

The above strategies were also considered for previously approved SSD 7173, which also considered estate wide treatment measures, including:

- Estate gross pollutant traps that provide primary treatment of collected stormwater runoff from roads and developed lots;
- An estate bio retention basin that provides secondary and tertiary treatment of collected stormwater runoff from roads and developed lots; and,
- An estate on-site detention (OSD) basin that provides discharge control of stormwater runoff from the estate.

The stormwater management strategy implemented as part of SSD 7173 for First Estate means that no additional stormwater treatment requirements are necessary for development lots, as all measures were provided at the initial development level for First Estate. With this in mind, there are no provisions proposed for water quality with regard to the proposed development.

### Water Conservation

Water usage reduction is to be achieved throughout the development through the use of a minimum of 4 Star WELS rated water fixtures and rainwater reuse in accordance with the performance criteria under Section 3.1 Water Conservation of the Penrith City Council WSUD Policy, December 2013 and Section 5.4 of the MWDCP.

### Rainwater Reuse

Through the reuse of collected roofwater for non-potable reuse the proposed demand on potable water resources is reduced. The proposed development will capture roofwater portions of roof area providing catchment areas of 1,880 m<sup>2</sup> for Warehouse 8A1 (speculative warehouse) and 1,970 m<sup>2</sup> for Warehouse 8A2 (IMCD). This collected roofwater will be conveyed to one (1) 50 kL rainwater tank for Warehouse 8A1 (inclusive of the office), and two (2) 30 kL rainwater tanks for Warehouse 8A2 (inclusive of the office). Re-use purposes would be primarily associated with toilet flushing and irrigation.

### Flooding

Previous detailed flood modelling was undertaken (Costin Roe Consulting, 2018) as part of SSD 7173 with regard to the proposed estate subdivision. The Report provided (annexed in this report) highlights that the



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subject site is located outside the flood zone. The flood level for the 1% AEP flood event adjacent to the site has been determined to be approximately 33.000-35.000 AHD. This flood level is below the proposed floor level of 35.500 AHD, with approximately 1.6 m of freeboard being provided to the subject site.

The Report concludes that it is demonstrated that the principles of WSUD have been incorporated into the design and operation of the proposed development at Lot 8, 585-649 Mamre Road, Orchard Hills in accordance with PDCP2014, Part C3 and Section 5 of the MWDCP. Furthermore, it is demonstrated that the proposed development achieves reductions in potable water import by capturing rainwater on-site and reusing this for non-potable uses including irrigation and toilet flushing, achieving reuse reduction targets set by Council. Additionally, the as suggested above, the subject site is located outside the 1% AEP flood extents and not affected by flooding / overland flows.

### 4.3 Noise

The *Operational Noise Assessment – Lot 8A, 585-649 Mamre Road, Orchard Hills* (Acoustic Logic, 2018) considered the potential noise impacts of the proposed development (refer to **Appendix 6**).

The primary sources of noise anticipated to be generated by the proposed development would include vehicle, mechanical and plant equipment, with associated truck movements. Guidelines in place to manage these acoustic noises included:

- *Mamre West DCP;*
- *The Penrith DCP;*
- *The EPA Noise Policy for Industry;*
- *The EPA Road Noise Policy;*
- *The EPA document – Assessing Vibration, A Technical Guideline; and,*
- *The EPA Interim Construction Noise Guidelines.*

The locations of potentially affected noise receivers are shown in **Figure 3** below.

Unattended noise monitoring was conducted between 4-11 September 2015. In accordance, an unattended measurement was made on 11 September 2015 to measure existing noise levels generated by traffic on nearby roads, being Mamre Road and Luddenham Road.

Periods of adverse weather were eliminated when determining the rating background noise level at the site, which is presented below in **Tables 4 & 5**. **\*Note:** weather monitoring data was taken from the Badgerys Creek weather station.

Table 4: Long Term Noise Logging Data			
Location	Time of Day		
	Daytime (7am-6pm)	Evening (6pm-10pm)	Night (10pm-7am)
Noise Logger Location 1 (applicable to 573-577 Mamre Road – Resident A)	50dB(A) <sub>Leq(Period)</sub> 38dB(A) <sub>L<sub>90</sub></sub>	50dB(A) <sub>Leq(Period)</sub> 38dB(A) <sub>L<sub>90</sub></sub>	46dB(A) <sub>Leq(Period)</sub> 33dB(A) <sub>L<sub>90</sub></sub>
Noise Logger Location 2 (applicable to Residents B, C)*	50dB(A) <sub>Leq(Period)</sub> 38dB(A) <sub>L<sub>90</sub></sub>	50dB(A) <sub>Leq(Period)</sub> 34dB(A) <sub>L<sub>90</sub></sub>	46dB(A) <sub>Leq(Period)</sub> 34dB(A) <sub>L<sub>90</sub></sub>

Table 5: Long Term Noise Logging Data	
Location	Time of Day
Attended Measurement – Location 1 (40 m from Mamre Road)	64dB(A) <sub>Leq(15hr)</sub>
Attended Measurement – Location 2 (10 m from Luddenham Road)	68dB(A) <sub>Leq(15hr)</sub>



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The EPA guidelines adopt differing strategies for noise control depending on the predicted noise level at the nearest residences. For residential properties, the noise effected level occurs when construction noise exceeds ambient levels by more than:

- 10dB(A)<sub>Leq(15min)</sub> for work during standard construction hours (7am-6pm Monday to Friday and 8am to 1pm on Saturdays); and,
- 5dB(A)<sub>Leq(15min)</sub> for work outside of standard construction hours.

For residential properties, the highly noise effected level occurs when construction noise exceeds 75dB(A)<sub>Leq(15min)</sub> at nearby residences.

Noise emission and vibration goals goals for both standard hours of construction and outside standard hours are presented below in **Tables 6 & 7**.

Table 6: Construction Noise Emission Goals		
Location	Noise Affected Level – dB(A) <sub>Leq(15min)</sub>	Highly Noise Affected Level – dB(A) <sub>Leq(15min)</sub>
Residences	48 (Standard Construction Hours)	75
Commercial	70	N/A
Industrial	75	N/A

Table 7: Construction Vibration Goals			
Location	Time of Day	Peak velocity (mm/s)	
		Preferred	Maximum
Continuous Vibration			
Residences	Daytime	0.28	0.56
Commercial / Industrial	When in use	0.56	1.12
Impulsive Vibration			
Residences	Daytime	8.6	17
Commercial / Industrial	When in use	18	36

No noise reduction for shielding from warehouses on other lots was taken into account. As the remaining lots within the precinct are subject to future development, noise from Lot 8A would become increasingly shielded by new warehouses that would lie between the sites. Ignoring this screening makes this assessment extremely conservative. Furthermore, as is consistent with EPA Guidelines when assessing rural development, the noise emissions are assessed at point on the residential properties which is 30 m from the location of the house (refer to **Table 8**).

Table 8: Noise Impact Assessment (Evening / Night)			
Noise Source	Noise Receiver Location	Predicted Noise Level * dB(A) <sub>Leq(15min)</sub>	Compliance
Vehicles on Site, Internal Activities, Refrigeration Container	Residential Receiver A (573-577 Mamre Road)	30dB(A) <sub>Leq(15min)</sub> *	Complies – Night time criteria 38dB(A) <sub>Leq(15min)</sub>
	Residential Receiver B (West of Site)	35dB(A) <sub>Leq(15min)</sub> *	Complies – Night time criteria 39dB(A) <sub>Leq(15min)</sub>
	Residential Receiver C (Mandalong Close)	33dB(A) <sub>Leq(15min)</sub> *	Complies – Night time criteria 38dB(A) <sub>Leq(15min)</sub>

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	Residential Receiver D (Bakers Lane)	36dB(A) <sub>Leq(15min)*</sub>	Complies – Night time criteria 38dB(A) <sub>Leq(15min)</sub>
	Old McDonald Child Care Centre	30dB(A) <sub>Leq(15min)*</sub>	Complies – When in use 55dB(A) <sub>Leq(15min)</sub>

**\*Note:** Compliance column relates to **Appendix 6** (Tables 4 & 5).

Transient noise levels with regard to sleep arousal were also assessed. The noise emissions at the window of the nearest residences can be viewed below in **Table 9**. The predictions below take into account distance correction and air absorption.

<b>Table 9: Sleep Arousal Assessment (Truck Air-brake)</b>				
<b>Receiver Location</b>	<b>Noise Source</b>	<b>Predicted Noise Level</b>	<b>Noise Limit</b>	<b>Compliance</b>
Residential Receiver A (573-577 Mamre Road)	Truck Brake	37dB(A) <sub>L<sub>Max</sub>*</sub>	52dB(A) <sub>L<sub>Max</sub></sub>	Complies
Residential Receiver B (West of Site)	Truck Brake	42dB(A) <sub>L<sub>Max</sub>*</sub>	52dB(A) <sub>L<sub>Max</sub></sub>	Complies
Residential Receiver C (Mandalong Close)	Truck Brake	40dB(A) <sub>L<sub>Max</sub>*</sub>	52dB(A) <sub>L<sub>Max</sub></sub>	Complies
Residential Receiver D (Bakers Lane)	Truck Brake	40dB(A) <sub>L<sub>Max</sub>*</sub>	52dB(A) <sub>L<sub>Max</sub></sub>	Complies

The associated acoustic analysis indicated that:

- Operational noise from Lot 8A – Warehouses 8A1 and 8A2 – could comply with relevant EPA noise emission requirements;
- Given the comfortable degree of compliance, it is unlikely that Lot 8A – Warehouses 8A1 and 8A2 – would result in any significant cumulative noise impact when remaining Lots are taken into account;
- Noise from construction works in Lot 8A – Warehouses 8A1 and 8A2 – would generally comply with EPA construction noise guidelines.

The recommendations as a result of the acoustic analysis suggest that:

- Between 10pm and 7am – it is assumed that there would not be more than two (2) truck movement to the subject site in a fifteen (15) minute period; and,
- Trucks with tonal reversing beacons and use of diesel forklifts in external areas are not recommended in external areas on the site.

The proposed development is considered compliant with noise emission requirements provided that the recommendations above are adopted.

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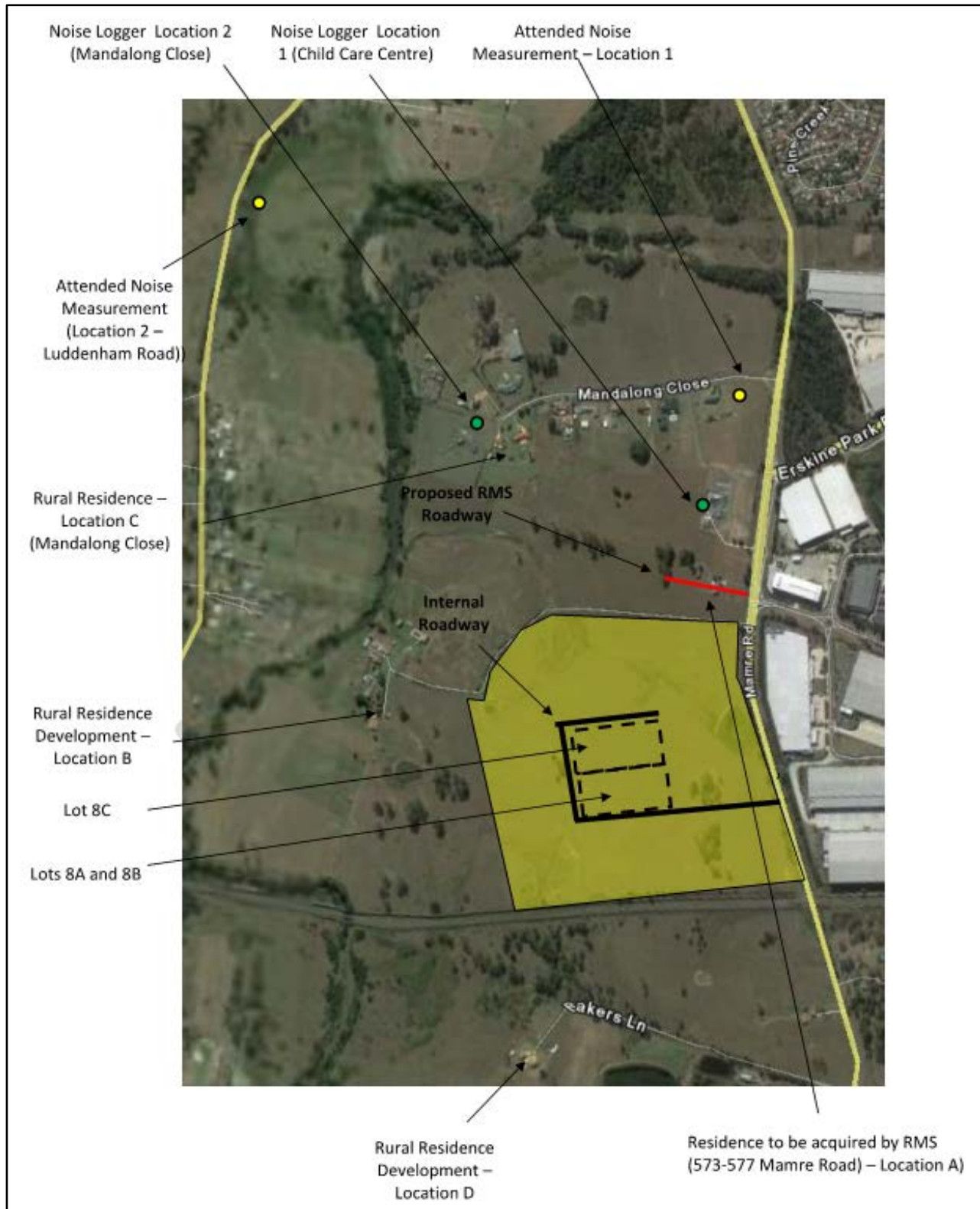


Figure 3 Location of Nearest Potentially Affected Receivers (Acoustic Logic, 2018)

#### 4.4 Bushfire

A Bushfire Assessment Report has been prepared by Peterson Bushfire (**Appendix 7**). The Bushfire Assessment Report provides assessment of the bushfire hazard of the site and addresses the relevant requirements set out in the 'NSW Rural Fire Service' (RFS) document, *Planning for Bushfire Protection, 2006* (PBP).

Whilst a bushfire attack assessment is not relevant for the development, the Report provides consideration of bushfire threat and defendable space, as summarised in **Table 10**.

<b>Table 10: Defendable Space Between the Bushfire Threat and the Proposed Development</b>			
<b>Direction</b>	<b>Vegetation Classification</b>	<b>Effective Slope</b>	<b>Existing or Proposed Defendable Space (m)</b>
North	Grazed Paddocks	Flat	>40 m
South	Grazed Paddocks	Flat	>40 m
East	Developed Land	Flat	>100 m
West	Grazed Paddocks	Flat	>40 m

Although mapped as being bushfire prone land, the subject site and surrounding lands consist of actively grazed and well maintained paddocks and yards such that there is minimal grass fuel to sustain the spread of fire and cause impact of fire to a future development. Consequently, the proposed development has been rated 'BAL-LOW'.

*Planning for Bushfire Protection 2006* does not require specific asset protection zone measures or construction standards under *AS 3959-2009 Construction of buildings in bushfire prone areas* for the development type proposed. Nonetheless, the proposed development would have adequate separation and defendable space between it and the surrounding paddocks which are also subject to future stages of the logistics hub.

Subsequently, in order to comply with the *Planning for Bushfire Protection 2006* document requirements, the following recommendations have been provided, including:

- The entire lot, including landscaping, is to comply with the performance requirements of an Inner Protection Area (IPA) as described by 'Planning for Bushfire Protection 2006';
- The development will require fire hydrants to be installed to comply with AS 2419.1 – *2005 Fire Hydrant Installations – System Design, Installation and Commissioning* (As 2419) so that buildings are within 70 m of a hydrant (or 90 m with a tanker parked in-line maximum 20 m from the hydrant);
- In accordance with PBP, electricity should be underground wherever practicable. Where overhead electrical transmission lines are to be installed no part of a tree should be closer to a powerline than the distance specified in "*Guideline for managing vegetation near power lines*" issued by Department of Energy, Utilities and Sustainability (ISSC 3 December 2005); and,
- Any gas services are to be installed and maintained in accordance with *AS/NZS 1596-2008 The storage and handling of LP gas*.

#### 4.5 Visual

The extent of the proposed changes would generally not affect the visual outcomes of the Site when viewed from the public domain and surrounding properties. To promote an aesthetically pleasing design the proposed development would integrate a suitable architectural landscaped design into the built form. Additionally, as First Estate is developed further, the built form of the proposed development would be complimented by its surrounds furthermore.

With regard to visual impact, the street frontages have been satisfactorily addressed via integration of an aesthetically pleasing landscaped design that conceals the proposed loading facilities that are proposed along the southern and western interfaces. This further complements the industrial character of the proposed development by enabling a landscaped element that provides a smooth transition between the natural

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environment that the landscape setback provides and further reinforces the proposed Warehouse and Distribution Facility that incorporates natural and earthy colours and tones that blend with the visual surrounds.

It is expected that the proposed development's built form would be considered congruent with existing and future development proposed within First Estate. Visual impacts would therefore be considered consistent with First Estate, and any potential adverse visual impacts are considered to have been addressed through comprehensive architectural and landscape design.

### 4.6 Waste Management

The findings and recommendations of the Waste Management Plan prepared by SLR as submitted with SSD 7173 remain generally unchanged for the subject site (First Estate); however, the proposed development would require a Waste Management Plan to account for waste during both the construction and operational phases of development.

### 4.7 Fire Safety and Building Code of Australia

The proposed development would need to be built in accordance with the specifications and regulations set out in the Building Code of Australia, with consideration for fire safety being evident (refer to **Appendix 8**).

### 4.8 Hazards and Risks

The *State Environmental Planning Policy No. 33: Lot 8, 585-649 Mamre Road* report identified that a review of the quantities of dangerous goods stored at the proposed warehouse and the associated vehicle movements, was conducted and compared to the threshold quantities outlined in applying SEPP 33. The results concluded that the threshold quantities for the dangerous goods to be stored and transported are not exceeded; hence, SEPP 33 does not apply to the proposed development (refer to **Appendix 9**).

Additionally, the Report states, that as SEPP 33 does not apply to the Site, it is not necessary to prepare a Preliminary Hazard Analysis.



## **5 CONCLUSION**

The subject Modification Application seeks to make minor changes to SSD 7173 which include:

- Proposed development on Lot 8A for the purposes of constructing and operating two (2) warehouses, including Warehouse 8A1 (Speculative Warehouse) and Warehouse 8A2 (IMCD).

For the reasons stated below, the proposed development, as modified, would be substantially the same as that for which consent was granted under SSD 7173 as follows:

- **Primary Land Use** – The use of the site is not proposed to change.
- **Subdivision** – There would be no additional allotments created.
- **Gross Floor Area** – Gross Floor Area of Warehouses 8A1 & 8A2 would decrease from 21,725 m<sup>2</sup> (as per SSD 7173 development particulars) to approximately 18,480 m<sup>2</sup>.
- **Car Parking** – Parking provision would be adopted as per the Traffic Impact Assessment suggestions.
- **Setbacks** – All building setbacks would be maintained as approved, as-well-as adhere to setbacks prescribed in **Table 4**.
- **Traffic Generation** – Traffic generation would not increase beyond that originally modelled for SSD 7173.

Overall, the modified application (SSD 7173 MOD 4) would provide a suitable layout that responds to the characteristics and requirements of the surrounding land use zones. This would be ensured through adherence with regard to the aims and objectives set out in SEPP WSEA for the specified land use zone. These objectives would be met by facilitating a consistent development aligned with the General Industrial (IN1) zoned land that surrounds the proposed development, as-well-as delivering an employment-generating proposed development that would promote economic growth and prosperity to the immediate area and the wider locality.

Accordingly, it is requested that the NSW DP&E support the application.

## **Appendix 1**

### Architectural Plans

## **Appendix 2**

### **Landscape Plan**

## **Appendix 3**

### **Subdivision Plan (as approved under SSD 7173 MOD 2)**

## **Appendix 4**

### Civil Engineering Report



## **Appendix 5**

### **Traffic Impact Assessment**

## **Appendix 6**

### Noise Impact Assessment

## **Appendix 7**

### **Bushfire Assessment Report**

## **Appendix 8**

### **BCA Report**

## **Appendix 9**

### **SEPP 33 Report**

## **Appendix 10**

### QS Report