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SECTION 4.55(1A) MODIFICATION APPLICATION (SSD 7173 MOD 4) FOR PROPOSED WAREHOUSES 8A1 (SPECULATIVE WAREHOUSE) & 8A2 (IMCD)

PROPERTY AT: LOT 5, 585-649 MAMRE ROAD, ORCHARD HILLS (Lot 2171 DP 1153854)

Dear John,

Reference is made to the subject Modification Application (SSD 7173 MOD 4) that was lodged with the NSW Department of Planning & Environment (DP&E) on 28 August 2018 for the proposed amendments to Warehouses 8A1 (Speculative and 8A2 (IMCD) at the identified Subject Site – Proposed Lot 5, 585-649 Mamre Road, Orchard Hills (First Estate – Lot 2171 DP 1153854).

Following a review of NSW DP&Es request for the Response to Submissions (RTS) dated 20 September 2018 the matters raised have been taken into consideration and are accurately addressed in the response matrix that is attached to this letter. It is considered that this information now provides NSW DP&E with all the necessary facts and relevant particulars related to the proposed development subject to this Modification Application; therefore, enabling the assessment to be finalised and the proposal determined.

We look forward to the NSW DP&Es feedback on the information provided and look forward to progressing with the assessment of this Modification Application.

Should you wish to discuss further, please contact the undersigned on 0413 555 638.

Yours Faithfully,

Andrew Cowan
Director
Willowtree Planning Pty Ltd
ACN 146 035 70

Enclosed:

Section 4.55(1A) – SSD 7173 MOD 4

Proposed Amendment to Site Layout and Proposed Warehouses (8A1 & 8A2) – Lot 5, 585-649 Mamre Road, Orchard Hills

- **Appendix 1 – Amended Modification Application**
- **Appendix 2 – Architectural Plans**
- **Appendix 3 – Landscape Plans**
- **Appendix 4 – Signage Plans**
- **Appendix 5 – Waste Management Plan**

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Table 1: Response Matrix

Relevant Entities Response to Submissions	Formalised Response
NSW Rural Fire Service (Kalpana Varghese – A/ Team Leader – Planning and Environment Services (East))	
<i>The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted and raises no objections subject to compliance with our previous advice for SSD 7173 dated 17 June 2016.</i>	Noted and agreed.
Penrith City Council (Gavin Cherry – Development Assessment Coordinator)	
<p><u>Public Domain Presentation</u></p> <p><i>The proposed building footprint and siting is significantly different from what was previously approved. The modification application proposes loading docks on both street frontages, which are highly visible from the public domain and are contrary to the Mamre West Land Investigation Area Development Control Plan (DCP) (see section 3.3.3 Materials and Finishes) and Penrith City Council's DCP control (see DCP 2014 part E6 Erskine Business Park – 6.3.4 Urban Design). The plans that were previously approved concealed the loading dock from the public domain. This is critical to ensure that servicing for the development does not dominate the streetscape. As such the proposed building configuration and access arrangements are not supported and reinstatement of the approved loading dock location as previously approved is requested.</i></p> <p><i>It is also noted that on the South-Western elevation (fronting Distribution Drive) there are refrigerated containers, and 40 containers on the south-western corner of the Site. These containers are located / partially located within the front setback and as such do not present a desirable interface with the public domain. The location of these containers should be moved within the building or located internally within the site and screened from view of the street.</i></p>	<p>The proposed development entails two (2) loading facilities proposed along the southern and western boundaries of the identified Subject Site. The proposed site layout has been designed to respond to the visionary built-form concerning existing and future developments within First Estate and the wider Western Sydney Employment Area (WSEA) whilst adhering to the aims, objectives and development controls outlined within <i>State Environmental Planning Policy (Western Sydney Employment Area) 2009</i> and the <i>Mamre West Precinct Development Control Plan 2016</i>.</p> <p>Figure 1 detailed below depicts the site layout that was previously approved under SSD 7173. In contrast the Architectural Plans (refer to Appendix 2) illustrate the proposed site layout subject to this Modification Application. Through means of juxtaposition, the two (2) comparable site layouts do not deviate in context to what has been previously approved. The proposed site layout provides an opportunity for both proposed warehouses to operate efficiently through a reduction in the overall GFA, by ultimately increasing the hardstand area along the western boundary. This allows the proposed loading facilities to be implemented along both the southern and western boundaries accordingly.</p> <p>Furthermore, the proposed site layout (particularly the positioning of the loading facilities) is further complimented by existing developments within First Estate, including Lot 3 (DATS) and Lot 6 (NNA Fruits), which include loading facilities and hardstand areas adjoining the estate road interface. Additionally, the proposed site layout would incorporate an aesthetically pleasing architectural landscaped design, which would further conceal the nature of the proposed warehouses accordingly.</p>

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	<p>It is therefore recommended that the proposed development, particularly the site layout, be supported.</p> <p>With regard to the shipping containers identified on the Architectural Plans (refer to Appendix 2), it is noted that these containers would serve only a temporary purpose and function, for which they would be concealed by proposed landscaping in the form of screening trees in the landscape zone, which have been designed in accordance with PDCP2014 Section 3.3.3 (e) (refer to Appendix 3). The containers would be single stacked in nature, for which there is a location identified to set down and pick up seven (7) containers in the north of the loading dock and two (2) smaller containers to the west of the Subject Site.</p> <p>Additionally, there are indicative zones designated for safe 'pick up' and 'set down' of containers in the identified hardstand areas. These areas cannot be located internal to the warehouse as it is standard operational procedure for logistics companies to set down, load / unload containers on the hardstand. Furthermore, trucks cannot enter the warehouses due to potential fumes inside the warehouse as-well-as WH&S requirements.</p> <p>Overall, the proposed site layout is considered compliant with the relevant controls applicable to the Subject Site, for which it has responded to accordingly, as indicated above. Therefore, the proposal should be supported.</p>
<p><u>Statement of Environmental Effects</u></p> <p><i>The information provided within the Statement of Environmental Effects (SEE) is not entirely clear in terms of scope of amended works proposed. It is recommended that an amended SEE is obtained that clearly lists and details the proposed amendments to the development and addresses any signage proposed with consideration to the State Environmental Planning Policy No 64 – Advertising and Signage.</i></p>	<p>An amended Modification Application Report has been prepared which accurately describes the proposed scope of works under the subject (refer to Section 2 of Appendix 1). Additionally, an assessment of the <i>State Environmental Planning Policy No 64 – Advertising and Signage</i> (SEPP 64) has been provided within Section 3.2 of the amended Modification Application Report (refer to Appendix 1). Furthermore, the proposed signage is illustrated within the Signage Plans (refer to Appendix 4).</p>
<p><u>Advertising Signage</u></p> <p><i>It is noted that business identification signage is proposed for both warehouse uses (including signage on the façade as-well-as pylon signage). It is recommended that condition of consent is applied to ensure a separate Development Application is lodged for any signage not clearly shown or</i></p>	<p>An assessment of SEPP 64 has been provided within Section 3.2 of the updated Modification Application Report (refer to Appendix 1). Additionally, the proposed signage is accurately displayed within the Architectural Plans and Signage Plans provided in Appendix 2 & 4.</p>

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<i>detailed (i.e. Warehouse 8A1 signage and pylon signage).</i>	
<u>Waste Management</u> <i>It is noted that no Waste Management Plan (WMP) has been provided with the most recent modification to the proposed development. It is recommended that an amended WMP be provided which satisfactorily addresses the construction and operational phases of the amended development with regard to the most recent modification (MOD 4), which includes an increase in the proposed amount of fill to be brought on to the site.</i>	Noted. See Appendix 5 for the Waste Management Plan prepared by Willowtree Planning.
NSW Department of Planning & Environment (Nicholas Hon – Technical Specialist (Hazards))	
<i>In reviewing the documents in relation to SSD 7173 MOD 4, it is noted that MOD 4 involves the construction and operation of 2 new warehouses within Lot 8A – Warehouse 8A1 and Warehouse 8A2. It is noted that Warehouse 8A2 will be occupied by IMCD Australia Ltd (IMCD) and no end-user is specified for Warehouse 8A1.</i>	The preliminary hazard analysis (SEPP 33 Report) was undertaken for Warehouse 8A2 only, as there is currently no end user for Warehouse 8A1 at the time of the subject Modification Application. It is therefore, requested that a general condition of approval be imposed on the whole site (Lot 5) as per the assessment undertaken.
<i>The MOD 4 application includes a SEPP 33 preliminary risk screening for Warehouse 8A2 (IMCD warehouse) only. The screening indicates that Warehouse 8A2 will not be storing dangerous goods (DG) apart from DG Class 9, and DG Class 9 is correctly excluded in the screening as per the Department's Applying SEPP 33 guideline.</i>	Should Warehouse 8A1 ever propose to exceed the Dangerous Goods (DGs) quantities permitted, formal development consent would be sought accordingly, so as not to breach the conditions of approval imposed on this Modification Application.
<i>However, given that no SEPP 33 preliminary risk screening was performed for Warehouse 8A1, it is recommended that the Applicant provide confirmation that the total DG quantities in both Warehouse 8A1 and 8A2 can remain below the screening quantities in the Department's Applying SEPP 33 guideline. If the screening quantities are dependent on distances, the distances are to be measured from the DG storage areas to the Lot 8A boundary or to the adjacent warehouse, whichever is closest.</i>	
<i>Following confirmation by the Applicant on the above, I will finalise the review and recommend suitable hazards conditions for MOD 4.</i>	

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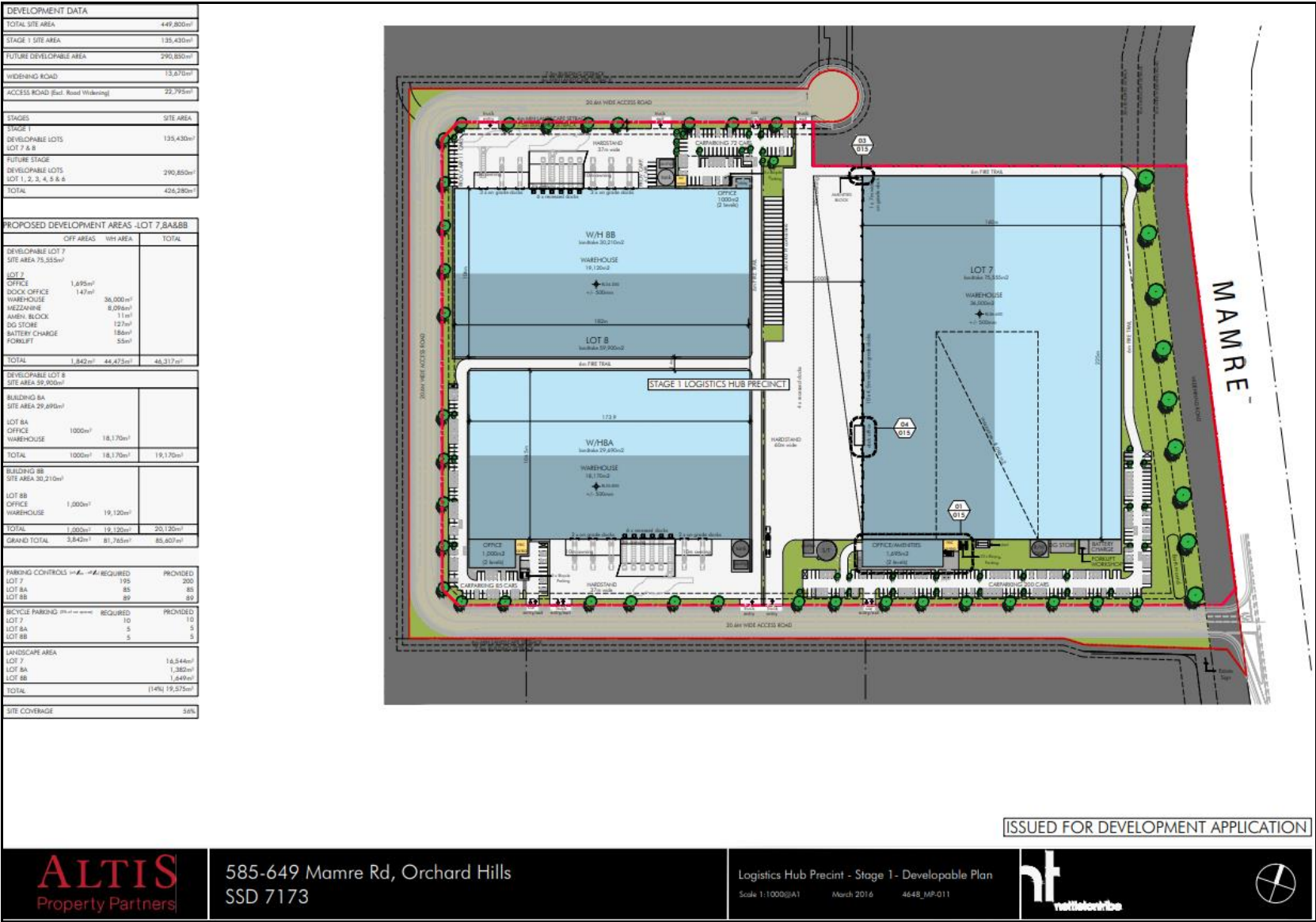


Figure 1 Approved Site Layout Under SSD 7173 for First Estate (Nettleton Tribe)

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Appendix 1
Amended Modification Application

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Appendix 2 **Architectural Plans**

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Appendix 3 Landscape Plans

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Appendix 4 **Signage Plans**

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Appendix 5
Waste Management Plan