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Attention: Jane Hetherington

RE: SECTION 4.55(1A) APPLICATION FOR MODIFICATION OF DA-18/114 – APPROVED DEVELOPMENT – NOTICE OF DETERMINATION

PROPERTY: 128 ANDREWS ROAD, PENRITH (LOT 13 DP 217705) AND 130-172 ANDREWS ROAD, PENRITH (LOT 20 DP 1216618)

1. INTRODUCTION

Dear Jane,

Reference is made to Development Consent **DA-18/1114**, that was granted on 27 June 2019 for the approved development, at the identified subject site located at 128 & 130-172 Andrews Road, Penrith (the Site).

This Application is made pursuant to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), on behalf of the Proponent, Cadence Property (Cadence), which seeks to modify Development Consent **DA-18/1114** (refer to **Appendix 1**), which granted Development Consent for:

"Site Remediation works, Construction of Warehouse & Distribution Facility & Related Site Works including New Access Road & Bulk Earthworks."

The proposed development will remain consistent with surrounding land uses, within which *Penrith Local Environmental Plan 2010* (PLEP 2010) applies. The proposed development is located on land, zoned IN1 General Industrial, and is positioned within the Penrith Local Government Area (LGA).

The proposed modifications are minor in nature and generally relate to the realignment of internal vehicular access arrangements to be located to the south of the Site and external alterations which consist of openings to facilitate the relocated vehicular access and the introduction of vents and associated louvres to the warehouse located on "Site 1", as delineated on the Master plan drawings provided as part of the architectural plans package.

The modifications sought are outlined within **Section 3** below.

The following supporting documentation has been provided as part of this application:

- **Appendix 1** Development Consent **DA-18/1114** – Notice of Determination
- **Appendix 2** Stamped Approved Plans
- **Appendix 3** Survey Plan

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- **Appendix 4** Architectural Plans
- **Appendix 5** Penrith Development Control Plan 2014 Compliance Table
- **Appendix 6** Civil Engineering Strategy Plans.

2. SITE LOCATION AND CHARACTERISTICS

The identified land portion that is the subject of this DA is known as 128 Andrews Road, Penrith and legally referred to as Lot 20 DP 1216618 and 130-172 Andrews Road, Penrith, which is legally referred to as Lot 13 DP 217705.

The Subject Site exhibits a total site area of approximately 27.04 hectares (ha) and is subject to applicable provisions outlined within PLEP 2010. Access to the Site is proposed *via* Andrews Road along the northern perimeter of the Subject Site, which is subject to a proposed access road that would make provisions for both entry and exit points along the street frontage, as-well-as being accompanied by a turning loop within the identified land portion to control traffic volumes accordingly.

The Site is situated approximately 48.88 km west of the Sydney CBD, 29.74 km west of Parramatta and 28.75 northwest of Liverpool, within close proximity of major regional road networks including Andrews Road, Castlereagh Road, The Northern Road, Great Western Highway and the M4 Motorway, providing connectivity to the Subject Site and immediate vicinity, as-well-as the wider locality.

The Subject Site is adjoined by notable industrial development along its eastern and western interfaces.

Land surrounding the Site comprises the following zoning categories, including:

- IN1 General Industrial;
- IN2 Light Industrial;
- SP2 Infrastructure;
- RE1 Public Recreation; and,
- R2 Low Density Residential.

The nearest sensitive land uses are comprised by the R2 Low Density Residential zone located to the north-east and east of the Site off Andrews Road, which includes residential dwellings; and, the RE1 Public Recreation zone located to the east of the Site, encompassing Andrews Road Baseball Complex and Nepean Rugby Park.

The identified land portion is subject to the provisions outlined within PLEP 2010. PLEP 2010 is the primary EPI and categorises the Site within the IN1 General Industrial zone.

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Figure 1: Aerial image of the Site (Source: SIXMaps, 2019)

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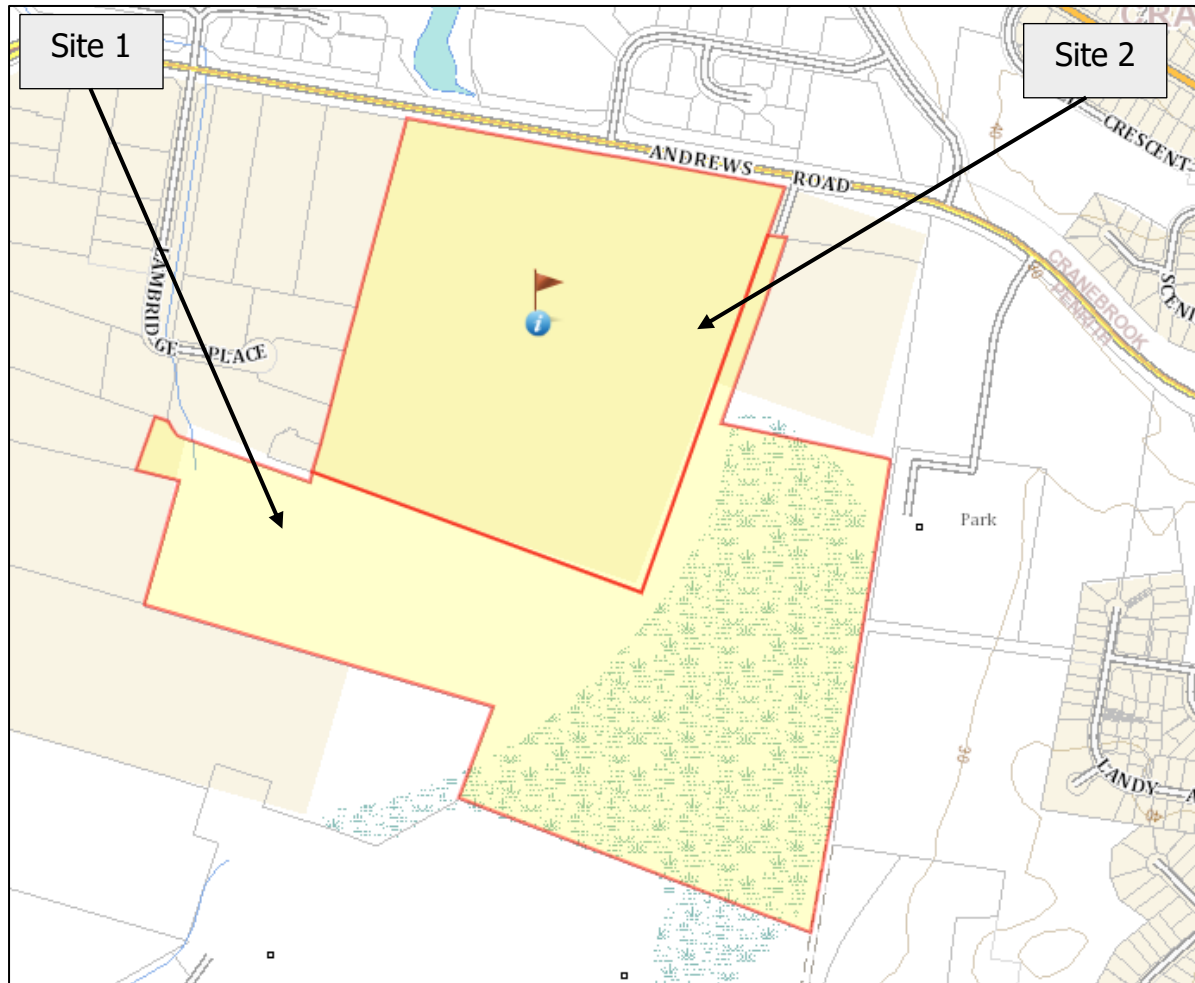


Figure 2: Cadastral Layout of Subject Site and Surrounding Area (Source: SIX Maps, 2019)

3. PROPOSED MODIFICATIONS

The modifications sought to development consent **DA-18/1114** (refer to **Appendix 1**), and Stamped Approved Plans (refer to **Appendix 2**), are in relation to the following scope of works:

- Site 1 (Proposed Warehouse (approved *via* DA-18/1114)):
 - Addition of mechanical air vents with louvres on both the north and south elevations.
- Site 2 (Existing Facility Works):
 - Relocation of approved driveway to a more northern location, which was approved to traverse off the western portion of the proposed access road to Site 2 (Existing Facility);
 - 2 x roller shutter doors in line with the proposed relocated driveway;
 - Removal of the approved cantilevered canopy located on western elevation (north-western corner) of the existing warehouse proposed to be removed;
 - 1 x additional roller shutter door located on the southern elevation of the existing facility; and
 - 1 x additional access door located on the southern elevation of the existing facility.

Accordingly, the desired development outcome, as outlined above, requires the following modifications to Development Consent **DA-18/1114**. The proposed modifications relate solely to Condition 1 of the

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relevant DA. For ease of assessment, the approved plans and documents proposed to be removed are highlighted with a ~~strike through~~ and the updated plans and documents are highlighted in **bold text**.

3.1 Condition 1 A001 - Development Consent – DA-18/1114

"The development must be implemented substantially in accordance with the flowing plans stamped approved by Council, the application form and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

Drawing Title	Drawing Reference	Prepared By	Dated
Locality plan	18161 TP0.1 (Issue A)	Watson Young Architects	02/11/2018
Master Plan	18161 TP0.3 (Issue AC)	Watson Young Architects	02/11/2018 11/11/2019
Site Plan	18161 TP1.1 (Issue AD)	Watson Young Architects	02/11/2018 21/11/2019
Warehouse Plan	18161 TP1.2 (Issue AC)	Watson Young Architects	02/11/2018 11/11/2019
Roof Plan	18161 TP1.3 (Issue AC)	Watson Young Architects	02/11/2018 11/11/2019
Office Floor Plans	18161 TP1.4 (Issue AC)	Watson Young Architects	02/11/2018 11/11/2019
Elevations- Overall	18161 TP1.5 (Issue AD)	Watson Young Architects	02/11/2018 28/10/2019
Elevations – Part 1	18161 TP1.6 (Issue AD)	Watson Young Architects	02/11/2018 28/10/2019
Elevations – Part 2	18161 TP1.7 (Issue AD)	Watson Young Architects	02/11/2018 28/10/2019
Elevations – Office	18161 TP1.8 (Issue AB)	Watson Young Architects	02/11/2018 15/07/2019
Section	18161 TP1.9 (Issue A)	Watson Young Architects	02/11/2018
Car Park Lighting Concept Plan	18161 TP1.10 (Issue C)	Watson Young Architects	11/11/2019
Site Plan – Site 2	18161 TP2.1 (Issue AB)	Watson Young Architects	02/11/2018 22/10/2019
Overall Elevations – Site 2	18161 TP2.2 (Issue AB)	Watson Young Architects	02/11/2018 22/10/2019
Landscape Concept Plans	181003 LDA00-08	Geoscapes Landscape Architects	04/02/2019
Stormwater Management Plan	C013620.00 DA 10-52 (Issue: up to H)	Costin Roe Consulting	31/01/2019
Civil Engineering Letter		Costin Roe Consulting	27 November 2019
Erosion and Sediment Control Plan – Stage 2	C013620.00-C220 (Issue: C)	Costin Roe Consulting	27 November 2019
Bulk Earthworks Plan Sheet 2	C013620.00-C320 (Issue: F)	Costin Roe Consulting	27 November 2019
Stormwater Drainage Plan - Sheet 5	C013620.00-C450 (Issue D)	Costin Roe Consulting	26 November 2019
Stormwater Catchment Plan	C013620.00-C490 (Issue D)	Costin Roe Consulting	27 November 2019

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Finished Levels Plan – Sheet 5	C013620.00-C550 (Issue H)	Costin Roe Consulting	26 November 2019
Waste Management Plan	WTJ18-289	Willow Tree Planning	1/11/2018

4. STATUTORY PLANNING FRAMEWORK

The following current and draft State, Regional and Local planning controls and policies have been considered in the preparation of this Application:

- *Environmental Planning and Assessment Act 1979;*
- *Environmental Planning and Assessment Regulation 2000;*
- *Water Management Act 2000;*
- *Rural Fires Act 1997; and*
- *State Environmental Planning Policy No. 55 – Remediation of Land;*

Local Planning Context

- *Penrith Local Environmental Plan (LEP) 2010;*
- *Penrith Development Control Plan (DCP) 2014*

This planning framework is considered in detail, where necessary, in the following sections.

4.1 Environmental Planning and Assessment Act 1979

The EP&A Act is the principle planning and development legislation in New South Wales. Pursuant to Part 4, of this Act the proposed development is considered Local Development. The modifications sought to Development Consent **DA-18/1114** warrants consideration of the provisions of Section 4.55(1A) of the EP&A Act. In addition, a referral under Section 4.46 of the EP&A Act and Section 91 of the Water Management Act is required as the proposal is considered integrated development as a result of the watercourse which intersects the north-western interface, and which is an inlet tributary of the Nepean River.

The following tests require consideration in this instance:

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: Given the nature and extent of the changes proposed, the modifications sought would have no undue environmental impacts. Overall, there is no intensification of the proposal and the proposed modifications will result in enhanced operation outcomes for the Site. **Section 6** of this Report considers the proposed developments impact on the immediate and surrounding environments.

- 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 granted was modified (if at all), and*

Comment: The proposed modification would result in the same built form & operational outcomes to that previously approved. The proposed development relates to only minor changes which will include the addition of vents, opening to existing built form and a relocation of the internal access. The modifications are so minor in nature that only Condition 1 of the approved conditions of consent, issued under DA-18/1114 will require amendments.

- c) *it has notified the application in accordance with:*
(i) the regulations, if the regulations so require, or

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- (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*

Comment: Given the nature of the modification, notification of this application should not be required as the outcomes of the proposed development would remain substantially the same as previously approved.

- 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: Should submissions be required in response to the proposal, the Applicant will provide an adequate response to address these, should it be considered necessary. Regardless, the modification does not give cause to any substantial changes which may warrant notification.

Having regard to the above, the proposed modifications will result in a development that will remain substantially the same as that approved under **DA-18/1114**.

4.2 WATER MANAGEMENT ACT 2000

As outlined above, the Site comprises a watercourse intersecting the north-western interface, being an inlet / tributary of the Nepean River; and, the southwestern interface, comprising an identified Wetland. The proposed modifications will not result in development on these portions of the Site. Notwithstanding this, pursuant to Section 91(2) of the *Water Management Act 2000* (Water Management Act) "A controlled activity approval confers a right on its holder to carry out a specified controlled activity at a specified location in, on or under waterfront land."

For purposes of the Water Management Act, *waterfront land* includes land 40 m inland of the highest bank of a river (inclusive of any tributary of a watercourse). A *controlled activity* means:

- (a) *the erection of a building or the carrying out of a work (within the meaning of the Environmental Planning and Assessment Act 1979), or*
- (b) *the removal of material (whether or not extractive material) or vegetation from land, whether by way of excavation or otherwise, or*
- (c) *the deposition of material (whether or not extractive material) on land, whether by way of landfill operations or otherwise, or*
- (d) *the carrying out of any other activity that affects the quantity or flow of water in a water source.*

Given that the proposed development includes the carrying out of a controlled activity on waterfront land, a controlled activity approval would be required. It is noted that the proposed development would constitute Integrated Development requiring referral under Section 4.46 of the EP&A Act and Section 91 of the Water Management Act. It is noted that a referral was undertaken as part of the original approval and it is not considered that the proposed modification would change the intentions of the previous referral.

4.3 RURAL FIRES ACT 1997

The proposed development is identified as bushfire prone land (Vegetation Category 1 & 2 and Vegetation Buffer). Although the part of the land is mapped as bushfire prone land, and as outlined as part of the original approval, the proposed development is surrounded by land that is consistent with land described as being actively grazed and well maintained paddocks and yards and existing industrial developments – meaning that there is minimal fuel requirement to allow for the spread of fire, and cause the impact of fire to the proposed development.

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The proposed modifications which relate to minor operational items such as the introduction of vents, roller shutter doors and the relocation of the approved driveway will not undermine the assessment undertaken in this regard as part of the original approval and therefore, further consideration is not considered necessary.

4.4 STATE ENVIRONMENTAL PLANNING POLICY NO 55 - REMEDIATION OF LAND

Under the provisions of *State Environmental Planning No 55 – Remediation of Land* (SEPP 55), where a Development Application is made concerning land that is contaminated, the consent authority must not grant consent unless:

- (a) *It has considered whether the land is contaminated;*
- (b) *If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out; and,*
- (c) *If the land requires remediation to be made suitable for the purposes for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

As per condition 15 of DA-18/1114, remediation of the Site is required which will be carried out in accordance with the approved 'Remediation Action Plan' prepared by EIS, dated 4 February 2019. Regardless, the proposed modifications relate to the addition of vents, roller shutter doors and the relocation of an internal access point and therefore, will not inhibit the intentions of the EIS report nor the site remediation works which are required to be carried out in accordance with DA-18/1114.

4.2 Penrith Local Environmental Plan 2010

PLEP 2010 is the principal EPI applicable to the Site. The Site is zoned as follows:

- IN1 General Industrial.

Table 1 below outlines the relevant planning controls applicable to the Site, as stated within PLEP 2010.

Table 1: Penrith Local Environmental Plan 2010 (PLEP2010) – General LEP Clauses	
Requirement	Application to Proposed Development
Clause 2.3 – Zone Objectives and Land Use Table	<i>(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.</i>
IN1 General Industrial	
IN1 General Industrial – Objectives of Zone	<ul style="list-style-type: none">▪ <i>To provide a wide range of industrial and warehouse land uses;</i>▪ <i>To encourage employment opportunities;</i>▪ <i>To minimise any adverse effect of industry on other land uses;</i>▪ <i>To support and protect industrial land for industrial uses;</i>▪ <i>To promote development that makes efficient use of industrial land; and,</i>▪ <i>To permit facilities that serve the daily recreation and convenience needs of the people who work in the surrounding industrial area.</i>
Permitted without Consent	<i>Nil</i>
Permitted with Consent	<i>Animal boarding or training establishments; Boat building and repair facilities; Car parks; Depots; Environmental facilities; Environmental protection works; Flood mitigation works; Freight transport facilities;</i>

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	<i>Garden centres; General industries; Hardware and building supplies; Industrial retail outlets; Industrial training facilities; Industries; Kiosks; Landscaping material supplies; Light industries; Neighbourhood shops; Places of public worship; Plant nurseries; Recreation areas; Roads; Rural industries; Self-storage units; Signage; Storage premises; Take away food and drink premises; Timber yards; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres.</i>
Prohibited	<i>Hazardous industries; Offensive industries; Any other development not specified in item 2 or 3.</i>
	The modification application will not inhibit the
PLEP 2010 Principal Development Standards	
Clause 4.1 – Minimum Lot Size	N/A. The modification does not propose to amend the lot sizes.
Clause 4.3 – Height of Buildings	N/A. No change to approved height is proposed.
Clause 4.4 – Floor Space Ratio	N/A.
Clause 4.6 – Exceptions to Development Standards	A variation to development standards is not required as part of the modification as a variation to the development standards is not proposed.
Clause 5.10 – Heritage Conservation	The proposal is not identified as an item of environmental heritage nor is it located within a Heritage Conservation Area (HCA).
Clause 7.5 – Protection of Scenic Character and Landscape Values	The design and appearance of the proposed development will remain the same as approved under DA-18/1114 and therefore, minimal visual impacts as a result of the development will occur.
Clause 7.6 – Salinity	The intentions of the Contamination and Salinity report which accompanied DA-18/1114 will not be jeopardised as a result of the proposal, considering the minor works proposed as part of the modification. Therefore, further consideration in this regard is not required.

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5. NON-STATUTORY PLANNING FRAMEWORK

5.1 Penrith Development Control Plan 2014

The Penrith Development Control Plan 2014 (PDCP 2014) to be read and applied in retrospect to the PLEP 2010, for which, if there is any inconsistency between the two (2), the LEP would prevail over the DCP.

A review of the core controls applicable to the proposed modifications with regard to the Site can be found in **Appendix 5**.

6. LIKELY IMPACTS OF DEVELOPMENT

The key planning matters for consideration, as they relate to the modified proposal are addressed in the ensuing subsections.

6.1 Traffic and Transport

No changes in terms of traffic will present as a result of the proposal. Whilst access to the Site known as 130-172 Andrews Road, Penrith identified as "Site 2", is proposed to be moved slightly to the south (approx. 60m).

The existing vehicular access to "Site 2" is located on the most southerly point of the eastern elevation. This is proposed to be modified from that approved as part of **DA18/114**, which proposes the access point at the most northerly point of the eastern elevation, as depicted in the accompanying plans. Through further detailed review of operations within the plant site, it was determined that the revised crossover and driveway location would provide a safe outcome which provided better visibility for turning trucks.

Notwithstanding this, the access driveways will provide the same dimensions in terms of width (9m) and a suitable turning bay, to ensure that vehicles can enter and exist the Site in a forward direction, will continue to be provided. The proposed driveway has generally been designed in accordance with the relevant Australian Standards (AS2890 series).

Regardless of the proposed modification to vehicular access, adequate space is provided to ensure that sufficient turning space will continue to facilitate the Site.

6.2 Flora and Fauna

The Flora and Fauna Assessment undertaken by Eco Logical Australia submitted as part of **DA-18/1114**, concludes that the proposed development is unlikely to result in a significant impact to any threatened ecological communities, threatened flora or fauna listed under the BC or EPBC Act(s).

Throughout the process of designing the proposed development options for access and siting the building and vehicular access points undertaken as part of **DA-18/1114** were explored and practical steps were taken to reduce the ecological impact by ensuring the detention basin, hardstand areas and access road was located in the outer 50% of the Vegetated Riparian Zone in accordance with the Natural Resources Access Regulator (NRAR) (formerly DPI Water) 'Guidelines for riparian corridors on waterfront land.'

The Flora and Fauna Assessment outlines that 41 flora species were identified on the Site, of which, none were listed as being threatened.

In addition, as part of the Flora and Fauna assessment submitted as part of **DA-18/1114**, the proposed driveway, which is the subject of this modification, was considered and labelled as "proposed option 2", as outlined in the below excerpt (**Figure 3**).

Therefore, the proposed driveway was considered as part of the original Flora and Fauna Assessment undertaken for the Site and it was concluded that regardless of the location of the Driveway, in a southern or northern position along the eastern elevation, the removal of the two (2) trees (River-flat Eucalypt Forest) is

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unlikely to result in a significant impact to any threatened ecological community, threatened flora or fauna listed under the BC or EPBC Act.



Figure 3: Study Area and subject site (Source: Flora and Fauna Assessment Ecological Australia)

The report goes on to provide the following conclusion:

Throughout the process of designing the proposed development options for access and siting the building has been explored and has taken practical steps to reduce the ecological impact by ensuring the detention basin, hardstand areas and access road was located in the outer 50 per cent of the Vegetated Riparian Zone in accordance with the Natural Resources Access Regulator (NRAR) (formerly DPI Water) 'Guidelines for riparian corridors on waterfront land'. Therefore, subject to implementation of the recommendations outlined in this report, it is recommended that the application be supported by Council.

Therefore, as the proposed driveway was previously considered as part of the original assessment approved pursuant to **DA-18/1114**, further consideration in this regard is not considered necessary.

6.3 Civil Engineering (Stormwater, Flooding, Access)

The stormwater drainage system proposed as part of **DA-18/1114** approved a minor and major system to safely and efficiently convey collected stormwater runoff from the Site. The intentions of which are not proposed to be affected as a result of the realignment of the internal access.

The Site has been identified by Penrith City Council as being flood affected during the 1% AEP and 0.5% AEP flood events. These events are associated with overbank flooding from the Nepean River, which is approximately 1km west of the Site.

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An analysis of the impact of development on existing flooding was completed as part of **DA-18/1114** to confirm affectation on upstream, downstream and adjoining properties in both the 1% AEP and 0.5% AEP events and to confirm the proposed building (Site 1) would meet flood immunity and flood planning requirements. This was noted in the Pre-DA Meeting Minutes which was undertaken as part of **DA-18/1114**.

The Report undertaken by Costin Roe Consulting approved as part of DA-18/1114 concludes, that during the operational phase of the proposed development, a treatment train incorporating the use of a bioretention system is proposed to mitigate any increase in stormwater pollutant load generated by the proposed development. Additionally, MUSIC modelling results indicate that the proposed STM are effective in reducing pollutant loads in stormwater discharging from the Site and meet the requirements of Council's pollution reduction targets. Best management practices were applied to the development to ensure that the quality of stormwater runoff is not detrimental to the receiving environment and will continue to be implemented on site regardless of the proposed modifications.

Regardless, advice in the form of a letter was sought from Costin Roe dated 27 November 2019 which confirms the following in relation to the proposed realignment of the driveway:

The proposed modification does not change impervious areas or increase impervious areas. As such water quantity measures remain consistent between the approved and modified designs;

The proposed modification, being separated from the main facility, does not require any modifications to the facility drainage systems;

The driveway between Andrew Road and main facility does not have any proposed changes to alignments or levels. The approved flood management strategy, including egress and local drainage provisions, remain consistent between approved and modified layouts.

Local drainage provisions are generally consistent with the approved and modified works.

Ultimately, the addendum letter confirms that the proposed minor modification will result in negligible impact or change to the approved civil engineering strategy, the local stormwater management and flooding considerations, approved as part of **DA-18/1114**.

6.4 Waste

The proposed modifications would not generate additional waste streams at the Site, which have not already been considered as part of **DA-18/1114**. Where possible all construction materials would be recycled either on-site through reuse or offsite at a licenced facility. Waste would be transported and disposed of off-site by a licenced contractor to a licensed landfill facility.

Therefore, the waste generated as part of any proposed demolition/construction and the continued operation of the Site will remain unchanged as a result of the proposed modification and therefore, the mechanisms outlined as part of the Waste Management Plan (prepared by Willowtree Planning), submitted as part of **DA-18/1114** will remain valid.

6.5 Construction

All works on the Site would be carried out in accordance with the conditional requirements of any consent issued in response to this Modification Application. Appropriate measures would be undertaken to mitigate potential impacts from the proposed modifications, including dust, noise, odours and traffic impacts.

6.6 Cumulative Impacts

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No foreseeable cumulative impacts would be anticipated as a result of the proposed modifications sought. Rather, the proposed modifications would remain substantially the same development with respect to what was previously approved under **DA-18/1114** within an area zoned IN1 General Industrial – which, is commensurate with the intended development of the Site and its surrounds.

6.7 Suitability of the Site for Development

The proposed modifications are considered minor in nature and thus remain compliant with the relevant standards and controls listed under PLEP 2010 and the PDCP 2014. Furthermore, the outcomes of the proposed development would remain generally consistent with the original approval.

6.8 Any Submissions made in accordance with the Act

Should any submissions be received in relation to the proposed development, the applicant is happy to address these.

6.9 The Public Interest

The proposed modifications would have no adverse impact on the public interest.

Additionally, through the proposed modifications, the introduction of vents and additional access points in addition to the relocated accessway, the modification will provide an enhanced and safer outcome for the continued use of the Site and would contribute to serve the emerging Western Sydney region by providing enhanced conditions for existing approved employment-generating opportunities within the Penrith LGA.

6.10 SUITABILITY OF THE SITE FOR DEVELOPMENT

The proposed modifications are considered minor in nature and thus remain compliant with the relevant standards and controls listed under PLEP 2010 and the PDCP 2014. Furthermore, the outcomes of the proposed development would remain generally consistent with the original approval.

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7. CONCLUSION

The proposal has been prepared taking into consideration the following key matters:

- The development history of the Site;
- Previously approved development in relation to **DA-18/1114**;
- The context of the Site and locality;
- The relevant heads of consideration under Section 4.55(1A) of the EP&A Act; and
- The aims, objectives and provisions of the relevant statutory and non-statutory planning instruments.

The proposed modifications to Development Consent **DA-18/1114** are considered to be of minor environmental impact, given the extent of changes proposed to the approved development. The development as modified is substantially the same as the original approval, and it is therefore considered that the proposal should be supported on the basis that:

- There are no undue amenity impacts associated with the proposed amendments;
- The proposed changes will be contained to be located wholly within the Site; and
- The revised scheme provides for optimal and safer functionality for the end users involved.

Furthermore, the proposed modifications would have no undue impact on the public interest; therefore, based on the above stipulations, the modifications proposed to Development Consent **DA-18/1114** are considered worthy of support by Penrith City Council.

Should you require additional information, please do not hesitate to contact the undersigned.

Yours Faithfully,

Rachel Condon

Rachel Condon
Associate
Willowtree Planning Pty Ltd
ACN 146 035 707

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Appendix 1
Development Consent DA-18/1114 – Notice of Determination

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Appendix 2
Stamped Approved Plans

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Appendix 3
Survey Plan

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Appendix 4
Architectural Plans

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128 & 130-172 Andrews Road, Penrith (Lot 13 DP 217705 and Lot 20 DP 1216618)

Appendix 5
Penrith Development Control Plan 2014 Compliance Table

Section 4.55(1A) Application

Modification to Warehouse and Distribution Facility

128 & 130-172 Andrews Road, Penrith (Lot 13 DP 217705 and Lot 20 DP 1216618)

Appendix 6
Civil Drawings