



Planning Assessment Report

Application to Modify Development Consent

MOD 99-9-2004 modifying DA 71-2-2003

1 SUMMARY

This report is an assessment of the proposed development the subject of Modification Application number MOD 99-9-2004 under section 96(1A) of the Environmental Planning and Assessment Act, 1979 ("the Act"), lodged by Origin Properties on 28 September 2004.

The application seeks to modify Development Application DA 71-2-2003 approved by the Minister on 22 May 2003.

The site is located at Lot 603 DP 1047403, 1 Foundation Place, Prospect, in the Holroyd local government area. A location plan is **tagged 'C'**.

The Minister for Infrastructure and Planning is consent authority for modifications to consents the Minister has granted.

1.1 Relevant approvals / modifications:

DA 71-2-2003 granted consent for the construction of five warehouse/industrial buildings with associated office space, vehicle parking and landscaping to be used for light industrial, storage, office and ancillary purposes.

DA 71-2-2003 has been modified on three occasions as follows:

- (a) MOD 57-6-2003, approved by the Minister on 18 September 2003, granted consent for erection of two temporary signage structures to advertise the availability of industrial units for lease.
- (b) MOD 119-12-2003, approved by the Minister on 30 March 2004, granted consent for minor external changes to buildings 1 and 5, including but not limited to the relocation of and new roller shutters, awnings, change of surface from bitumen to concrete, ramps, a reduction in site landscaping, a reduction in car parking for Building 1 from 35 to 33, a new office area, a flagpole and fencing.
- (c) MOD 41-4-2004, approved by the Minister on 27 July 2004, granted consent for signage to the perimeter and to Building 2, as well as site fencing.

A copy of the consolidated consent is **tagged 'D'**.

A current modification application with the Department but not approved as yet is MOD 73-7-2004 which proposes a new mezzanine floor wholly within Building 4. This file is currently with the Minister and is awaiting determination.

2 THE PROPOSED MODIFICATIONS

The applicant is seeking to modify the approved development as follows:

- a new roller shutter on the southern warehouse wall, to be accessed via the existing parking aisle; finish to match existing roller doors on east elevation;
- a reduction in the total car parking spaces within the overall estate from 269 to 268;

- a portion of the car park shall be changed from bitumen to concrete to facilitate tenant machinery access to the new roller shutter;
- the relocation of the kerb ramp and bicycle rack to suit the extended heavy duty concrete pavement;
- loss of 0.96% of overall site landscaping (equivalent to 575 square metres);
- extension of an existing retaining wall; and
- shortening of the pedestrian path between the office entry to Building 1 and the parking area.

The proposed reduced site plan is **tagged 'E1'** while the development and elevation plans are **tagged 'E2'**. Site photos provided by the applicant are **tagged 'F'**.

The proposed roller shutter shall provide access to a workshop located within Building 1 to be used for staff training in maintenance procedures of machinery manufactured by the tenant.

3 STATUTORY FRAMEWORK

3.1 Statement of permissibility

The proposed works are permissible under clause 6 of State Environmental Planning Policy No. 59 – Central Western Sydney Economic and Employment Area (SEPP 59).

3.2 Instrument of consent and other relevant planning instruments

SEPP 59 applies to the proposed modification. The approved DA was also state significant development as it will employ more than 100 persons on a full time basis.

Holroyd City Council's Local Environmental Plan (LEP) 1991 applies to the subject land.

3.3 Legislative context

The Minister approved a Greystanes Estate – Employment Lands Precinct Plan for the Northern Employment Lands (NEL) on 18 June 2001 ("Precinct Plan"). The Precinct Plan applies to the land to which DA 71-2-2003 is relevant.

3.4 Other statutory provisions

There are no other statutory provisions that apply to the proposed modification.

4 CONSULTATION / PUBLIC EXHIBITION

The modification application did not require notification or advertising as prescribed by clause 117 of the Environmental Planning and Assessment Regulation 2000 (the Regulation).

5 CONSIDERATION

5.1 Section 96

The application is considered to meet the prerequisites of Section 96(1A) of the Act in that the proposed modifications are considered to be of minimal environmental impact, and the development as modified is considered to be substantially the same development as that to which consent was originally granted.

5.2 Section 79C

The application and the likely impacts of the proposed development have been considered in accordance with Section 79C of the Act. It is considered that the proposed development complies with the statutory controls and the relevant aims and objectives of the underlying

environmental planning instruments. In particular, consideration is given to the relevant provisions of SEPP 59, the Precinct Plan and Holroyd LEP 1991, below:

▪ **SEPP 59**

The proposed modification is not inconsistent with the objectives of SEPP 59, as originally assessed under DA 71-2-2003. It is considered that the subject modification complies with SEPP 59.

▪ **Greystanes Estate – Employment Lands Precinct Plan**

The proposed modification is not inconsistent with the objectives of the Precinct Plan, as originally assessed under DA 71-2-2003. It is considered that the proposed modification is consistent with the guidelines of the Precinct Plan.

▪ **Holroyd LEP 1991**

The proposed modification is not inconsistent with the objectives of Holroyd LEP 1991, as originally assessed under DA 71-2-2003. It is considered that the proposed modification is consistent with the provisions of Holroyd LEP 1991.

5.3 Issues

Issues that required further consideration are addressed below.

5.3.1 Heavy and light vehicle conflict

<i>Issue:</i>	Heavy vehicle access to and from the new roller shutter shall be via the existing car park. This car park is used for light vehicular parking.
<i>Raised by:</i>	Urban Assessments
<i>Consideration:</i>	The applicant has proposed to install two pedestrian warning signs at either end of the car park (refer to the plan tagged 'E1' for locations). The applicant's traffic consultant has advised that traffic accessing the new roller shutter is not expected to exceed 4 vehicle movements per day.
<i>Resolution:</i>	It is therefore considered that there shall be minimal impact on the operation of the car park and light vehicle traffic.

5.3.2 Reduction in landscaping

<i>Issue:</i>	The proposed roller shutter and driveway shall result in a slight reduction in site landscaping.
<i>Raised by:</i>	Urban Assessments
<i>Consideration:</i>	The Precinct Plan requires approximately 15% of sites within the Greystanes Estate to be landscaped. The original DA proposed landscaping of approximately 21.3% of the site. The subject modification application proposes to reduce site landscaping by approximately 575 square metres, thereby reducing the overall landscaping coverage to approximately 20.34% of the site area which exceeds the 15% Precinct Plan requirement.
<i>Resolution:</i>	The reduction in site landscaping is considered to be acceptable.

6 CONCLUSION

The Minister for Infrastructure and Planning is consent authority for modifications to consents he has granted.

The proposed development as modified is considered to be of minimal environmental impact and substantially the same development as that originally approved.

The application has been considered with regard to the matters raised in section 79C of the Act.

On balance, it is considered that the proposed development as modified is acceptable and should be approved.

7 RECOMMENDATION

It is recommended that the Minister for Infrastructure and Planning pursuant to Sections 81 and 96(1A) of the *Environmental Planning and Assessment Act, 1979* and clause 122 (2) of the *Environmental Planning and Assessment Regulations, 2000*:

- (A) approve the application subject to conditions (**tagged 'A'**) by signing and dating the Notice of Determination **tagged 'B'**, and
- (B) authorise the Department to carry out notification of determination of the application to modify the consent.

For Ministerial Approval

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