



Planning Assessment Report Application to Modify Development Consent

MOD 81-6-2005 of DA 71-2-2003

1 SUMMARY

This report is an assessment of the proposed development the subject of Modification Application number MOD 81-6-2005 under section 96(1A) of the Environmental Planning and Assessment Act 1979 (prior to 1 August 2005) ("the Act") lodged by Morris Bray Architects on 9 June 2005.

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

The application seeks consent for the installation of a tenancy sign on building 5 and a flag pole within the associated car park.

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

It is recommended that the modification application be **approved (tagged 'A')**.

2 BACKGROUND

2.1 Site Context

The site is located at 1 Foundation Place, Prospect in Holroyd local government area in close proximity to Blacktown local government area.

The site is situated at the northern end of the Greystanes Estate immediately adjoining the salinity basin that also acts as a water detention basin for the Estate. A water course with a riparian corridor also runs along the boundary of the site. A major local road (Reconciliation Road) located along the western part of the site is the main north-south access road to the Estate and provides direct access to Wetherill Park and the south west suburbs. Access to the site is via Foundation Place.

A location plan is **tagged 'B'**.

2.2 Relevant approvals

The original consent required integrated development approval from the then Department of Sustainable Natural Resources (now Department of Infrastructure, Planning and Natural Resources (DIPNR)).

DA 71-2-2003 which was granted consent on 22 May 2003 approved 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 as follows:

- (a) MOD 57-6-2003, approved by the Minister on 18 September 2003, granted consent for the 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 spaces, a new office area, 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.
 - (d) MOD 73-7-2004, approved by the Minister on 15 October 2004, granted consent for a new mezzanine floor wholly within Building 4.
 - (e) MOD 99-9-2004, approved by the Minister on 31 January 2005, granted consent for minor changes to Building 1 including a new roller shutter on the southern wall, a reduction in overall site car parking from 269 to 268 spaces and a slight reduction in site landscaping.
 - (f) MOD 122-11-2004, approved by the Minister on 27 January 2005, granted consent for changes to Building 3 including a roller shutter, windows and diesel tank.
 - (g) MOD 70-5-2005, changes to Building 4 including the installation of signage and additional windows, which is not yet determined.

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

3 THE PROPOSED DEVELOPMENT

The proposed modification seeks consent for:

- Installation of a wall mounted flat non illuminated tenancy sign 18m x 5.5m on the western façade of building 5 (refer to Drawing No. DA-17 Issue C **tagged 'D'** and drawing No. DA-13 Issue K **tagged 'E'**);
- installation of an additional 6m high flag pole to match the existing flag pole in the car park adjacent to building 5 (refer to Drawing No. DA-17 Issue C **tagged 'D'** and drawing No. DA-13 Issue K **tagged 'E'**);

4 STATUTORY FRAMEWORK

4.1 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).

4.2 Instrument of consent and other relevant planning instruments

SEPP 59 contains no provisions of specific relevance to the proposed modification. DA 71-2-2003 was 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.

4.3 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.

4.4 Other statutory provisions

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

5 CONSULTATION

5.1 Public consultation

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

5.2 Integrated Approval Bodies

The original development application was integrated under s. 91 of the *Environmental Planning and Assessment Act 1979* as a permit was required under Part 3A of the Rivers and Foreshores Improvement Act 1948 from the Department of Infrastructure, Planning and Natural Resources.

The modification application was not required to be referred to the Department.

6 CONSIDERATION

6.1 The Environmental Planning & Assessment Act

6.1.1 Section 96

The modification application has been assessed against the provisions of section 96(1A) of the Act. 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.

The proposal is considered to be consistent with those provisions and it is considered the proposed modifications will not compromise the intent of the original consent.

6.1.2 Section 79C of the Environmental Planning and Assessment Act

The application and the likely impacts of the proposed development have been considered in accordance with matters for consideration listed under 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.

- **Holroyd LEP 1991**

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

6.2 Issues

There are no issues associated with this application.

7 CONCLUSION

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

The proposed development as modified is considered to be 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. The application has been notified in accordance with the Regulations.

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

8 RECOMMENDATION

It is recommended that the Minister for Planning pursuant to Sections 81 and 96(1A) of the *Environmental Planning and Assessment Act, 1979* (prior to 1 August 2005) and clause 122 (2) of the *Environmental Planning and Assessment Regulations, 2000*:

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

For Ministerial Approval

Prepared by

Endorsed:

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Addendum to Planning Report

Section 8 Recommendation has been amended to reflect the Instrument of Delegation dated 12 September 2005.

Recommendation

It is recommended that the Deputy-Director General, Office of Sustainable Development, Assessments and Approvals, as delegate to the Minister for Planning as described by the Instrument of Delegation dated 12 September 2005 pursuant to Sections 81 and 96(1A) of the *Environmental Planning and Assessment Act, 1979* (prior to 1 August 2005) and clause 122 (2) of the *Environmental Planning and Assessment Regulations, 2000*:

- (A) **approve** the application subject to conditions (tagged “A”), and
- (B) authorise the Department to carry out notification of determination of the application to modify the consent.

Pradesh Ramiah
Acting Team Leader, Urban Assessments