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Modification Report

Section 4.55(1A) Modification

Qantas Flight Training Centre Subdivision
SSD 10154 Mod 1



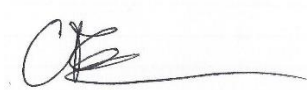
Prepared for Qantas Airways Limited
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Environment

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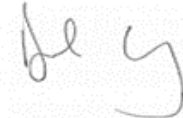
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Cover image: Approved Development (Source: Noxongiffen)

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Appendix C	Section 88B Instrument

1 Introduction

This Modification Report has been prepared by *Keylan Consulting Pty Ltd* (Keylan) to accompany a section 4.55(1A) application to modify the State Significant Development (SSD) consent for the Qantas Flight Training Centre (SSD 10154). The modification application seeks to include lot consolidation and subdivision as part of the approved development under SSD 10154, as alluded to within the original DA documentation, including the Response to Submission (RTS) dated August 2019.

The application has been prepared on behalf of *Qantas Airways Limited* (the Applicant) and is submitted to the Department of Planning and Environment (DPE) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

This report should be read in conjunction with the following documents:

- Proposed Plan of Subdivision and Administration Sheet (Appendix B)
- Section 88b Instrument (Appendix C)

This application is the first modification sought to SSD 10154, which was approved by the Independent Planning Commission (IPC) on 29 November 2019. A copy of the original Development Consent is provided at Appendix A.

The proposed modification seeks to:

- consolidate and subdivide Lot 100 DP 1282154 and Lot 102 DP 1277278 to deliver a new lot configuration for the northern site comprising separate lots for:
 - the approved multi-level car park (proposed Lot 103); and
 - the existing Qantas catering facility (proposed Lot 104)

It is considered that the proposed modification is acceptable as it:

- is alluded to within the DA documentation for SSD 10154 and is substantially the same as the approved development
- will consolidate and subdivide the lots that comprise the site to logically separate the different buildings and uses on the site
- will enable the orderly and economic development of the land
- will not impact the development potential of the site or result in any adverse impacts
- will not negatively impact upon any covenant or easements
- supports the development of the site for the Qantas Flight Training Centre as approved under SSD 10154

This report concludes that the proposal is substantially the same development and will not result in any significant environment impacts. Accordingly, we recommend that the proposed modification be supported by DPE and approved.

1.1 Site description

The subject site is located at 65-67 Kent Road and 297 King Street, Mascot in the Bayside Local Government Area (LGA). The legal description of the site (Figure 1) is:

- Lot 102 DP 1277278
- Lot 100 DP 1282154
- Lot 2 DP 234489
- Lot 4 DP 234489

The site is bisected by a Sydney Water easement which runs from east to west. The proposed modification only relates to the northern portion of the site being Lot 102 DP 1277278 and Lot 100 DP 1282154 (shown blue in Figure 2).

The site and existing subdivision layout is shown in the figures below.



Figure 1: Existing lot layout (Source: SixMaps)



Figure 2: The site (Source: SixMaps)

1.2 Surrounding locality

The surrounding locality is characterised by the Sydney International Airport to the west and south of the site and an array of commercial and industrial uses associated with the airport (Figure 3).



Figure 3: Site context (Source: DPE Assessment Report for SSD 10154)

2 Strategic Context

The strategic context relevant to the development has not substantially changed since SSD 10154 was approved by DPE on 29 November 2019. The strategic context was addressed as part of the EIS submitted with SSD 10154 and subsequently DPE's assessment determined the proposal had strategic merit.

Further, as the proposal is of a minor nature and only relates to lot consolidation and subdivision, this modification will not affect the development's consistency with the strategic context.

3 Description of the proposed modification

The modification application seeks to include lot consolidation and subdivision under SSD 10154 as alluded to within the DA documentation, namely the RTS dated August 2019 which is referenced within Condition A2 of SSD 10154.

The proposed modification seeks to:

- consolidate Lot 100 DP 1282154 with Lot 102 DP 1277278 to create a single lot for the northern portion of the site
- consolidate and subdivide Lot 100 DP 1282154 and Lot 102 DP 1277278 to deliver a new lot configuration for the northern site comprising two separate lots to reflect the approved layout of the site under SSD 10154:
 - proposed Lot 103 with an area of 8,585 m² comprising the site of the approved multi-level car park
 - proposed Lot 104 with an area of 27,120 m² comprising the existing Qantas catering facility

This modification application is sought under section 4.55(1A) of the EP&A Act as the modifications are not anticipated to result in any environmental impacts beyond those approved under SSD 10154.

The existing subdivision layout is shown at Figure 1 and the proposed plan of subdivision is shown in the figures below and provided at Appendix B.

3.1 Response to Submissions

The proponent will seek to submit an allotment certificate for the northern and southern sites, aligned with the Sydney Water channel. Lot amalgamation will be structured according to the following:

- The proponent invites the amalgamation of the above lots as a condition of consent prior to issuance of an Occupation Certificate (OC).*

This modification seeks to formally include lot consolidation and subdivision of the northern site under SSD 10154.

3.2 Project Description and Mitigation Measures

The proposed modifications only relate to lot consolidation and subdivision and accordingly, updates to the Applicant's management and mitigation measures are not required. Additionally, the proposed modification does not amend any of the key details which form the project summary (e.g. height, gross floor area, staging or land uses).

The development description under Schedule 1 of SSD 10154 is proposed to be updated to include lot consolidation and subdivision which is discussed at Section 3.3.

3.3 Request to modify the Conditions of Consent

The following conditions in SSD 9691 are proposed to be modified, as outlined below. The words proposed to be inserted are shown in ***bold italics*** and words proposed to be deleted are shown in ~~***bold italics***~~.

SCHEDULE 1

Amend the Development Description as follows:

*Construction and operation of a flight training centre, multi deck car park and ancillary infrastructure, ***including lot consolidation and subdivision.****

Definitions

Insert a new definition for SSD 10154 Mod 1.

PART A ADMINISTRATIVE CONDITIONS

Terms of Consent

Amend Condition A2 to include reference to this modification application.

Lot Consolidation and Subdivision

Include a new condition within Part A addressing lot consolidation and subdivision as follows:

The consolidation/subdivision of the existing allotments shall be undertaken to create a single northern lot for the multi deck car park and a single southern lot for the flight training centre in accordance with the Plan of Subdivision at Appendix 1. Consolidation/subdivision shall be undertaken prior to the issue of the Occupation Certificate.

APPENDIX 1 DEVELOPMENT LAYOUT PLANS

Amend Appendix 1 to include the Proposed Plan of Subdivision (Appendix B) submitted with this application.

4 Statutory Context

4.1 Environmental Planning and Assessment Act 1979

4.1.1 Section 4.55(1A) of the EP&A Act

The provisions under Section 4.55(1A) of the EP&A Act are required to be considered by the consent authority in determining a modification application. Section 4.55(1A) of the EP&A Act states:

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:

Section 4.55(1A) Provision	Response
(a) <i>it is satisfied that the proposed modification is of minimal environmental impact, and</i>	The proposed modification is of a minor nature as it only relates to lot consolidation and subdivision and does not result in any environmental impacts. The proposed modification does not include any physical works and will not impact upon any easements or covenants. The proposed subdivision also results in two large lots and will therefore not inhibit the orderly and economic development of the land.
(b) <i>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</i>	The development is substantially the same as the development for which consent was originally granted as the modification does not seek to change the approved use, built form or environmental impacts associated with the development. Additionally, the proposed lot consolidation and subdivision to separate the northern and southern portions of the site was alluded to within the RTS submitted for SSD 10154. The RTS forms part of the consent documentation under Condition A2.
(c) <i>it has notified the application in accordance with:</i> i. <i>the regulations, if the regulations so require, or</i> ii. <i>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</i>	The application will be notified in accordance with the regulations.
(d) <i>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.</i>	Consideration will be given to any submissions received.

Table 1: Section 4.55(1A) Assessment

4.1.2 Section 4.55(3) of the EP&A Act

Section 4.55(3) of the EP&A Act states:

In determining an application for modification of a consent under this section, the consent authority must take into consideration of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

Accordingly, this modification report considers the relevant matters prescribed within Section 4.15(1) of the EP&A Act. The relevant environmental planning instruments, development control plans and statutory instruments are addressed within this Section. The likely impacts of the development, site suitability and public interest is addressed at Section 6.

The following section of the report provides an assessment against the statutory environmental planning instruments relevant to the development. The section also includes discussion and evaluation of the key issues and matters for consideration under Section 4.15(1) of the EP&A Act.

4.2 Conveyancing Act 1919

The site is subject to a right of access easement under section 88B of the *Conveyancing Act 1919*. The section 88B instrument is attached for reference at Appendix C.

The proposed lot consolidation and subsequent subdivision will not impact the right of access easement and the proposed lots will have the benefit of the services and access easements as required.

4.3 Bayside Local Environmental Plan 2021

The *Bayside Local Environmental Plan 2021* (BLEP 2021) applies to the site and establishes its key planning controls. The development as modified remain consistent with the site's IN1 General Industrial zoning and other controls under the BLEP 2021.

The site has a minimum lot size control of 1,500m² under the BLEP 2021. The proposed lots comply with the minimum lot size control.

4.4 Other Statutory Instruments

The proposed modifications are minor in nature and do not affect the development's compliance with the following statutory instruments as assessed under SSD 10154:

- Chapter 2 of *State Environmental Planning Policy (Planning Systems) 2021*
- Chapter 2 of *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- Chapter 3 of *State Environmental Planning Policy (Industry and Employment) 2021*
- Chapters 3 and 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *Botany Bay Development Control Plan 2013*

5 Engagement

Extensive consultation was undertaken with DPE, Council, relevant NSW Government agencies and the community as part of SSD 10154.

Given the minor nature of the proposed modification and general consistency with the approved development, no further formal engagement has been undertaken as part of the preparation of this modification.

Nonetheless, the Applicant's representative has discussed the proposed modification with Bayside Council and DPE on several occasions prior to lodging this application and the comments made by Council have been addressed by the Proposed Plan of Subdivision (Appendix B). These include:

- confirmation about how the existing services within the site will be accommodated
- confirmation by a BCA Consultant that the proposed boundary realignment will not result in the need to protect the existing openings in the adjacent catering facility building or the Tri-Gen Plant' to the north of the carpark.

6 Assessment of Impacts

The modification is consistent with the conclusions of the EIS submitted with SSD 10154 that found the development will result in acceptable environmental impacts, appropriately mitigates impacts and will provide for a world class training facility to service the Qantas fleet.

However, in accordance with Section 4.15(1) of the EP&A Act, an assessment of the development's environmental impacts (natural and built), social and economic impacts has been undertaken. These are discussed in detail below.

6.1 Subdivision Layout

As illustrated on the Proposed Plan of Subdivision in Appendix B, the proposed lot configuration seeks to logically subdivide the site to separate the different buildings and uses which occupy it.

The proposed lots both have a lot size which significantly exceeds the minimum lot size control under the BLEP 2021 and will therefore ensure the proposed lots are large enough to function for their intended purposes and that the subdivision will not inhibit the orderly and economic development of the land.

6.2 Built Form

There are no physical works proposed as part of this modification application. Demolition and construction works will be undertaken in accordance with SSD 10154 as approved.

The proposed subdivision will have no impact on the surrounding built form.

6.3 Suitability of the site for the development

The site remains suitable for the proposed development for the reasons outlined in the EIS submitted with the original SSD 10154.

6.4 Public interest

The proposal continues to be in the public interest as the modification will:

- will consolidate and subdivide the lots that comprise the site to logically separate the different buildings and uses which occupy the site
- supports the development of the site for the Qantas Flight Training Centre as approved under SSD 10154
- will enable the orderly and economic development of the land consistent with the approved development under SSD 10154
- will not impact the development potential of the site or result in any adverse impacts
- will not negatively impact upon any covenant or easements

7 Justification for Modified Project

This report has assessed the proposed modification of SSD 10399 against the requirements of sections 4.15 and 4.55(1A) of the EP&A Act. This assessment has concluded that the proposed modification is acceptable as it:

- is alluded to within the DA documentation for SSD 10154 and is substantially the same as the approved development
- will consolidate and subdivide the lots that comprise the site to logically separate the different buildings and uses which occupy the site
- will enable the orderly and economic development of the land
- will not impact the development potential of the site or result in any adverse impacts
- will not negatively impact upon any covenant or easements
- remains consistent with the strategic and statutory frameworks applying to the site
- supports the development of the site for the Qantas Flight Training Centre as approved under SSD 10154

This assessment has concluded that on balance, the changes proposed:

- are substantially the same as the development for which consent was originally granted
- will not result in any adverse environmental impacts
- will facilitate the orderly economic development of the land.

Based on the assessment in this report, we consider that the applicant has shown good cause for DPE to modify the consent as requested.