



Qantas Flight Training Centre Modification 1

Lot consolidation and subdivision for the northern site
State Significant Development Modification Assessment
(SSD-10154-Mod-1)

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Glossary

Abbreviation	Definition
Applicant	Qantas Airways Limited
Council	Bayside Council
Department	Department of Planning and Environment (DPE)
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
LEP	Local Environmental Plan
Minister	Minister for Planning
Planning Secretary	Secretary of the Department
RtS	Response to Submissions
SEPP	State Environmental Planning Policy
Planning Systems SEPP	State Environmental Planning Policy (Planning Systems) 2021

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1 Introduction

This report provides the NSW Department of Planning and Environment's (the Department's) assessment of an application to modify the State significant development (SSD) consent for the staged construction and operation of a flight training centre and associated infrastructure, including a multi-level car park (SSD-10154). The modification application seeks consent to include lot consolidation and subdivision of the northern portion of the site, to provide separate lots for the approved multi-level car park and the existing Qantas catering facility.

The application was lodged on 11 May 2022 by Qantas Airways Limited (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.1 Background

The Applicant has development consent to construct and operate a flight training centre at 65-67 Kent Road and 297 King Street, Mascot in the Bayside local government area. The original development was sought as the existing flight training centre (located at Qantas Drive at the time of the original application) needed to be relocated due to the 'Gateway Project' proposed by the then RMS, which required partial demolition of the facility. Construction of the new facility commenced in early 2020, however construction has since ceased.

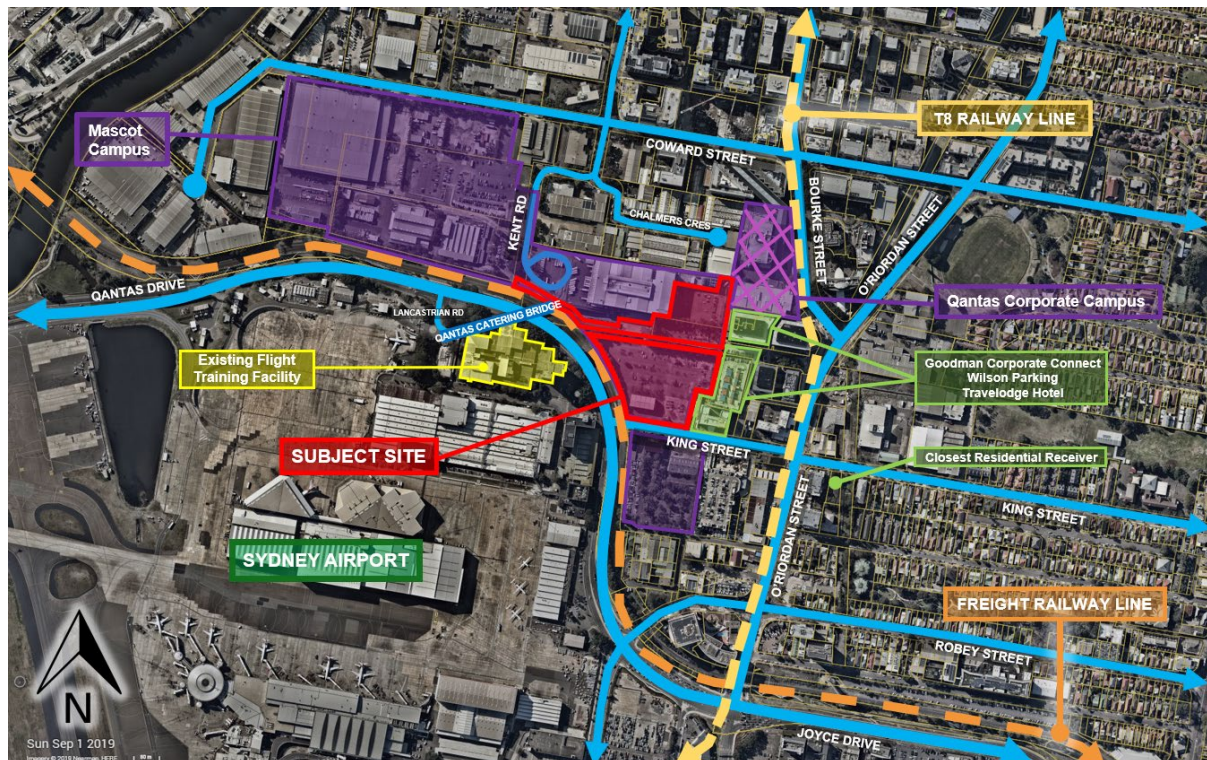


Figure 1 | Local Context Map

1.2 Subject Site

The site is located at 65-67 Kent Road and 297 King Street, Mascot (see **Figures 1** and **2**). The site comprises approximately 3 ha of general industrial zoned land under the Botany Local Environmental Plan 2013 and is legally described as:

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

The modification only relates to the northern portion of the site (Lot 100 DP 1282154 and Lot 102 DP 1277278).

The site was previously used as a car park for Qantas employees, before construction commenced in early 2020. The site also contains a Sydney Water Asset (open drain). Immediately adjoining the site is the Qantas catering facility and trigeneration plant, which produces electricity, cooling and heating for the Mascot campus.



Figure 2 | Subject Site and existing lot layout (Six Maps, Keylan Consulting Pty Ltd)

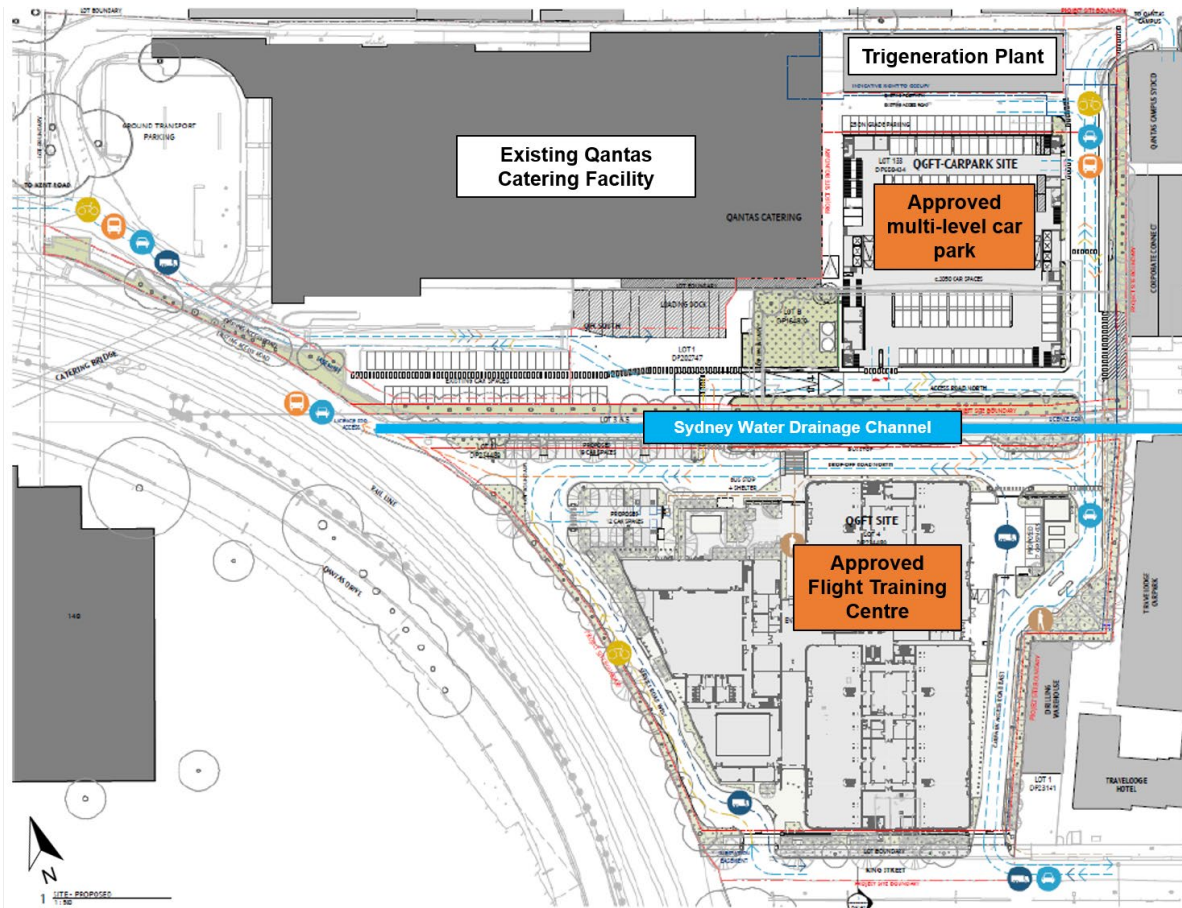


Figure 3 | Site layout (Noxon Giffen 2019)

1.3 Approval history

On 29 November 2019, development consent was granted by the Independent Planning Commission for the development of the Qantas Flight Training Centre (SSD-10154). The development consent permits the following works:

- staged construction and operation of a flight training centre with ancillary services
- staged construction and operation of a 14 storey split-level car park
- associated landscaping, signage and vegetation removal

This is the first modification application in relation to the development. The Department understands that construction commenced on the site, but was never completed.

2 Proposed modification

2.1 Proposed Modification

The modification is described in full in the Modification Report included in **Appendix A** and is illustrated on **Figure 4**. The 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
- following consolidation, subdivide the new lot into two separate lots:
 - proposed Lot 103 with an area of 8,585 square metres (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.

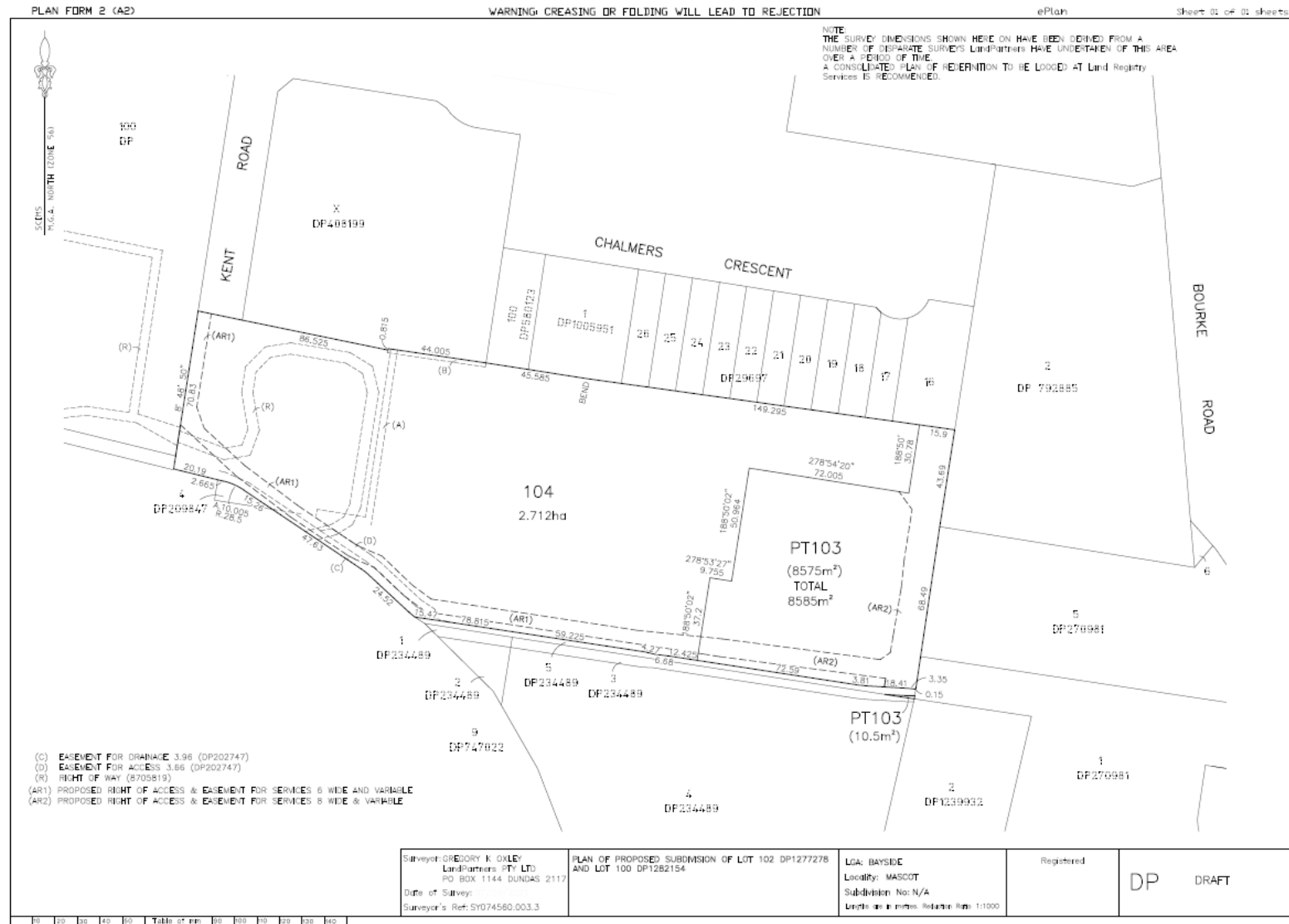


Figure 4 | Proposed Plan of Subdivision (Landpartners Pty Ltd 2022)

2.2 Applicant's Justification for the Proposed Modification

The modification is sought to enable the existing Qantas catering facility and approved multi-level car park to hold their own lot. Whilst lot consolidation was discussed in the RtS of the original SSD, subdivision was not contemplated, hence a modification is required. The Applicant specified that the proposed consolidation and subdivision will not impact the development potential of the site, or result in any adverse impacts. Additionally, the Applicant clarified that it will not negatively impact on any covenants or easements, and will enable the orderly and economic development of the land. Overall, the proposed consolidation and subdivision of lots enables the separate buildings to exist on separate lots.

3 Statutory context

3.1 Scope of Modifications

The Department has reviewed the scope of the modification application and considers the application can be characterised as a modification involving minimal environmental impacts as the proposal:

- would not increase the environmental impacts of the development as approved
- the primary function and purpose of the approved development would not change as a result of the proposed modification
- the modification is of a scale that warrants the use of section 4.55(1A) of the EP&A Act
- is substantially the same development as originally approved
- would not involve any further disturbance outside the already approved disturbance areas for the development.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application (DA). Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new DA to be lodged.

3.2 Consent Authority

The Minister for Planning (Minister) is the consent authority for the application under section 4.5(a) of the EP&A Act. Under the Minister's delegation of 9 March 2022, the Team Leader, Industry Assessments, may determine the application under delegation as:

- the application has not been made by a person who has disclosed a reportable political donation under section 10.4 of the EP&A Act
- there are no public submissions (other than a council) in the nature of objections, and
- Council has not made a submission by way of objection under the mandatory requirements for community participation listed under Schedule 1 of the EP&A Act.

3.3 Mandatory Matters for Consideration

The Department undertook a comprehensive assessment of the application against the mandatory matters for consideration as part of the original assessment of SSD-10154. This modification application does not result in significant changes that would alter the Department's consideration of the mandatory matters for consideration under section 4.15(1) of the EP&A Act and conclusions made as part of the original assessment.

3.4 Biodiversity Conservation Act 2016

Section 7.17 of the BC Act specifies that if the determining authority is satisfied a modification will not increase the impact on biodiversity values, a biodiversity development assessment report (BDAR) is not required.

The modification involves no physical works or vegetation clearing, and no biodiversity impacts beyond what was previously assessed under SSD-10154.

For the reasons discussed above, the Department's assessment concludes a BDAR is not necessary for the proposed modification.

4 Engagement

4.1 Department's Engagement

Section 105(2) of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation) requires a section 4.55(1A) modification application to be notified or advertised if specified by a community participation plan. The Department's Community Participation Plan notes the exhibition requirements for such modifications are discretionary, and based on the urgency, scale and nature of the proposal.

Given the proposed changes would result in minimal environmental impacts (see **Section 5**), the application was not notified or advertised. However, it was made publicly available on the Department's website on 11 May 2022, and was referred to Bayside Council for comment.

4.2 Government Advice

Advice was received from local council. A summary of this advice is provided below.

Bayside Council acknowledged that the proposed modification remained compliant with the Bayside Local Environmental Plan 2021 (BLEP 2021) and Botany Development Control Plan 2013 (Botany DCP 2013), and had no further comments.

5 Assessment

The Department has assessed the merits of the proposed modification. During this assessment, the Department has considered the:

- modification report and RtS provided to support the proposed modification (see **Appendix A**)
- documentation and Department's assessment report for the original DA (see **Appendix A**)
- advice from Council (**Appendix A**)
- relevant environmental planning instruments, policies and guidelines
- requirements of the EP&A Act, including the objects of the EP&A Act.

The Department's assessment of issues is provided below.

5.1 Lot consolidation and subdivision

The modification application seeks to consolidate and subdivide the northern portion of the site to provide the existing Qantas catering facility and approved multi-level car park with their own lots. The lot consolidation was alluded to in the RtS for the original SSD application (SSD-10154), however the lot subdivision and reconfiguration was not sufficiently outlined or detailed, hence a modification was undertaken by the Applicant to include the proposed subdivision layout as part of the development.

The Applicant's assessment of the proposed modification concluded that given the consolidation and subdivision involves no physical works, there will be no additional environmental impacts beyond those assessed under SSD-10154.

The site is subject to a right of access easement under s88B of the *Conveyancing Act 1919*. The Applicant confirmed that the proposed modification will not impact the right of access easement, and the proposed lots will have the benefit of services and access easements as required. Further, the proposed lots have areas of 8,585 m² and 27,120 m², respectively, which meets the minimum lot size control of 1,500 m² as prescribed in the BLEP 2021. The modification does not impact the Sydney Water easement that bisects the site.

The modification was referred to Bayside Council for comment. Council were satisfied that the proposed modification did not affect the development's compliance with the Botany DCP 2013 and the BLEP 2021. Consequently, Council had no further comments on the proposed modification.

The Department has reviewed the modification application and considers there will be no adverse environmental impacts. The Department considers the lots will not inhibit the orderly and economic development of the land, given that they meet the minimum lot size requirements under the BLEP 2021. Furthermore, the Department considers the proposed modification is justified as it allows the existing Qantas catering facility and approved multi-level car park to have their own lots.

The Department is satisfied the modification to include lot consolidation and subdivision is appropriate for the site, and would not alter the original intent of the development nor increase environmental impacts of the development.

6 Evaluation

The Department has reviewed the Modification Report and advice provided by Council, taking into consideration the relevant matters under section 4.15 of the EP&A Act and the objects of the EP&A Act.

The Applicant is proposing to include lot consolidation and subdivision of the northern portion of the site, to provide the existing catering facility and approved multi-level car park with their own lots.

The Department did not exhibit the modification but engaged Council for comments. Council raised no concerns with the proposed modification.

The Department's assessment considered access and lot size to be the key matters for consideration.

The Department's assessment concludes the modification is appropriate on the basis that:

- the proposed modification will result in no environmental impacts beyond the approved development
- the lot consolidation and subdivision is appropriate as it allows separate buildings and uses to exist on their own lots
- the proposed lot configuration enables adequate access and provision of services
- the proposed lot sizes remain consistent with the requirements of the BLEP 2021, and will not inhibit the orderly and economic development of the land.

The Department is satisfied the modification should be approved, subject to conditions.

7 Recommendation

It is recommended that the Team Leader, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report
- **determines** that the application SSD-10154-Mod-1 falls within the scope of section 4.55(1A) of the EP&A Act
- **forms the opinion** under section 7.17(2)(c) of the *Biodiversity Conservation Act 2016* that a BDAR is not required to be submitted with this application as the application will not increase the impact on biodiversity values on the site
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **modify** the consent SSD-10154
- **signs** the approval of the modification.

Recommended by:



26 May 2022

Zoe Halpin

Planning Officer

Industry Assessments

8 Determination

The recommendation is **Adopted** by:



26 May 2022

Joanna Bakopanos

Team Leader

Industry Assessments

as delegate of the Minister for Planning

Appendices

Appendix A – List of Documents

The Department has relied upon the following key documents during its assessment of the proposed development:

Modification Application

- 'Modification Report – Qantas Flight Training Centre Subdivision' prepared by Keylan Consulting Pty Ltd dated 3 May 2022 - <https://www.planningportal.nsw.gov.au/major-projects/projects/mod-1-subdivision-0>

Submissions and Advice

- <https://www.planningportal.nsw.gov.au/major-projects/projects/mod-1-subdivision-0>

Department's Assessment Report for SSD-10154

- <https://www.planningportal.nsw.gov.au/major-projects/projects/qantas-flight-training-centre>

Appendix B – Notice of Modification

- <https://www.planningportal.nsw.gov.au/major-projects/projects/mod-1-subdivision-0>

Appendix C – Consolidated Consent

- <https://www.planningportal.nsw.gov.au/major-projects/projects/mod-1-subdivision-0>