

Statement of Environmental Effects

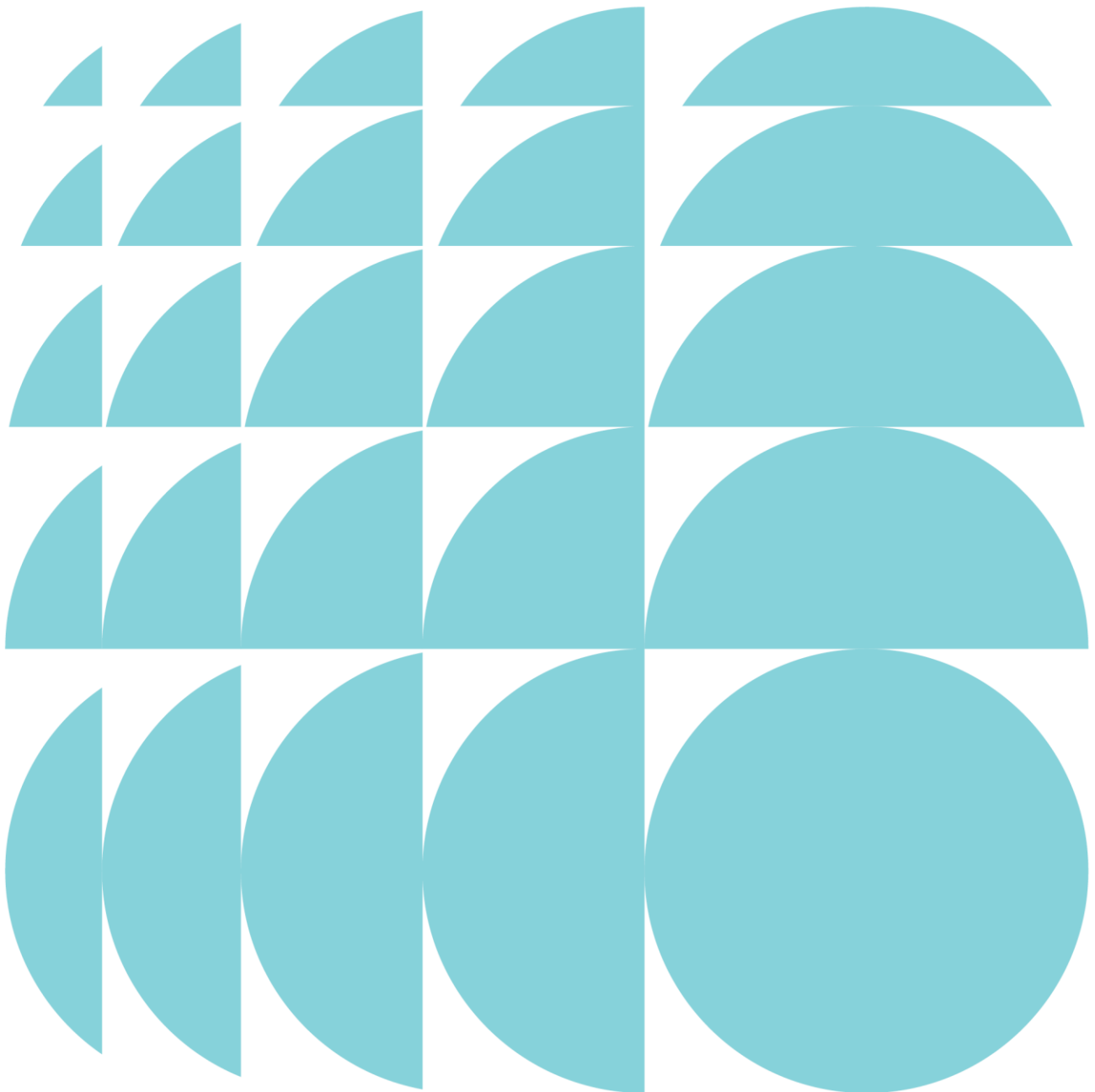
Section 96(1A) Modification Application

Lots 6 and 8

Bringelly Road Business Hub

Submitted to Department of Planning &
Environment on behalf of CIP/CH (Bringelly) Pty
Ltd

18 July 2018 | 17650



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A Amended Subdivision Plans	
Land Partners	

1.0 Introduction

On behalf of CIP/CH (Bringelly) Pty Ltd, we hereby submit an application pursuant to section 96(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify State Significant Development (SSD) 6324 relating to the Bringelly Road Business Hub located near the intersection of Bringelly Road and Camden Valley Way, Leppington.

The proposed modification seeks a realignment of the approved subdivision boundary between Lots 4, 6 and 8 of the Bringelly Road Business Hub. It also seeks to retitle Part Lot 8 to become known as Lot 9.

2.0 Site Location and Context

The Business Hub is located approximately 35km west of the Sydney CBD and approximately 2km east of the Leppington Major Centre. It is largely within the area identified as the Western Sydney Parklands under the *State Environmental Planning Policy (Western Sydney Parklands) 2009* (WSP SEPP), with a small portion in the south subject to the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*. The Site is located in proximity to the M7 and M5 Motorways and this provides excellent access to both the State and regional road network, and surrounding key employment and industrial lands. The Site's locational context is shown at **Figure 1**.

This proposed boundary realignment relates to Lots 6 and 8 which are the eastern most lots within the Business Hub (refer to **Figure 2**)

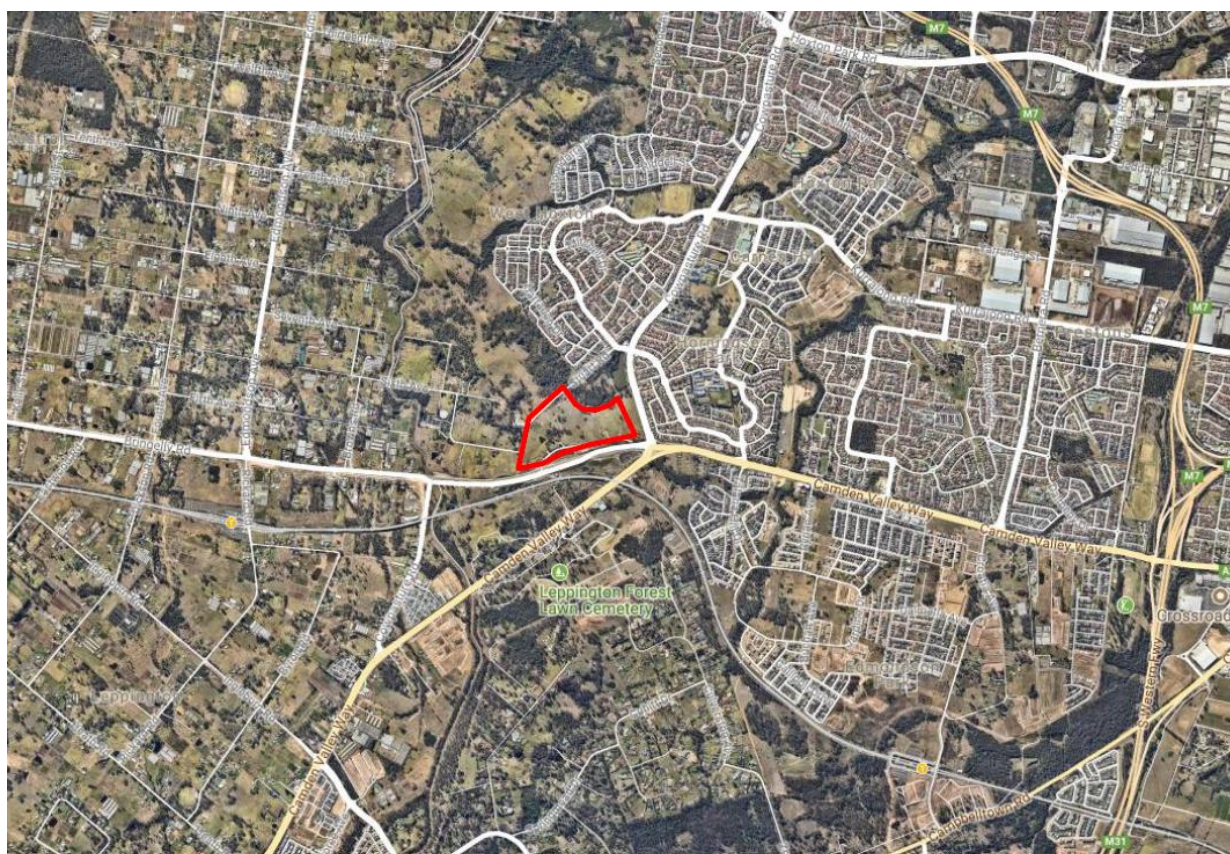


Figure 1 – Site Location

Source: Nearmaps



Figure 2 Concept Approval Site Plan

3.0 Background

The site is subject to an existing State Significant Development approval (SSD 6324). On 13 January 2016, the Department of Planning and Environment, granted deferred commencement consent for the following:

- A concept proposal for a business park comprising 'large format retail premises', 'light industry', 'service station', 'take away food and drink premises', and 'restaurant or café' and a development structure including:
 - land uses;
 - site layout;
 - building envelopes;
 - design parameters; and
 - landscaping.
- Stage 1 subdivision and early works including:
 - demolition of existing structures;
 - subdivision to create eight developable allotments;
 - bulk and detailed earthworks;
 - construction of an access road;
 - stormwater management;
 - civil engineering works; and
 - estate landscaping.

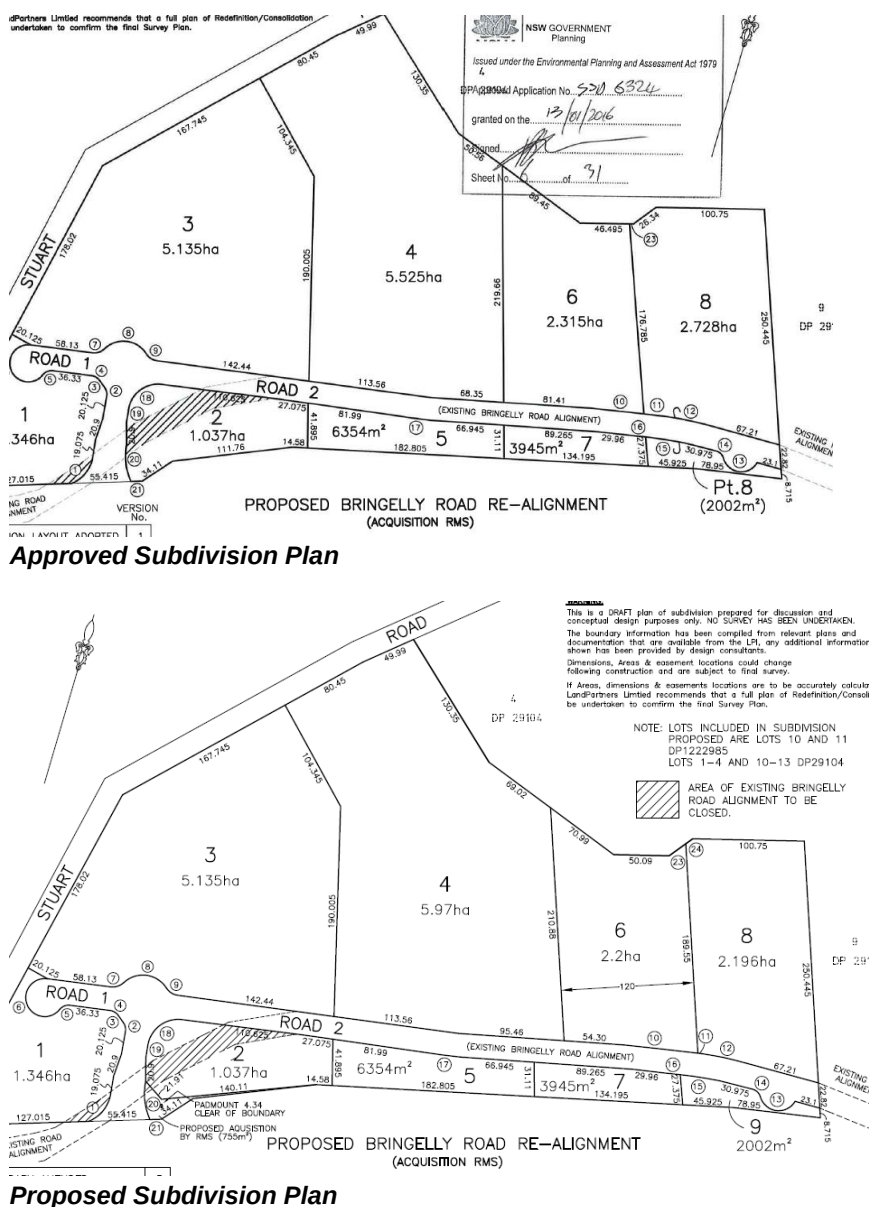
The Department has confirmed via letter (dated 12 May 2016) that the deferred commencement conditions have been satisfied.

A section 96(1A) modification (SSD 6324 MOD 1) was granted consent by the Department on 14 April 2016 to amend the minimum car parking rates for large format retail development. This application to amend the approved subdivision boundary will be the second modification to the consent (MOD 2).

4.0 Proposed Modifications to Consent

It is proposed to modify the approved Plan of Subdivision by realigning the boundary between Lots 4, 6 and 8, and creating a new Lot 9 (formerly Part Lot 8), as shown at Figure 3. This will result in the site area of Lot 4 increasing by 0.45ha and the site area of Lot 6 decreasing by 0.12ha and Lot 8 decreasing by 0.53ha. A revised Plan of Subdivision prepared by Land Partners is included at **Appendix A**.

The proposed boundary realignment is required as a result of the design development process and the specific site requirements of future tenants. The modified lot sizes will better accommodate the detailed design of the development proposed for each lot.



5.0 Modification to Conditions

The proposed modification described above necessitates amendments to the consent conditions in order to reference the revised Plan of Subdivision. The required modifications to the consent are outlined below with words proposed to be deleted are shown in ~~bold strike through~~ and words to be inserted are shown in ***bold italics***.

PART A ADMINSTRATIVE CONDITIONS

Development in Accordance with Plans and Documents

A2. The applicant shall carry out Stage 1 subdivision and early works generally in accordance with the:

a) Development Application, Environmental Impact Statement, Bringelly Road Business Hub prepared by JBA Urban Planning Consultants dated December 2014, as amended by the Bringelly Road Business Hub, Response to Submissions prepared by JBA Urban Planning Consultants dated 10 July 2015; and

b) following drawings, except for:

- i) any modifications which are 'Exempt' or 'Complying Development'; and*
- ii) otherwise provided by the conditions of this consent.*

Stage 1 Subdivision and Early Works

Subdivision Plan prepared by			
Drawing No.	Revision	Name of Plan	Date
SY073409.001	D G	Plan of Proposed Subdivision at Bringelly Road Business Hub, Leppington	12/12/2014 17/07/18

6.0 Substantially the Same Development

Section 96(1a) of the EP&A Act states that a consent authority may modify a development consent if *“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)”*.

The proposed modification seeks a minor boundary adjustment to the Concept Approval Subdivision Plan only, and will not impact on any other aspect of the approved development. The modified development is substantially the same for the following reasons:

- approval is sought for a minor modification to the approved subdivision layout of a Concept Plan only, with the detailed design of the development subject to future applications;
- the use of the site is not changing;
- no changes to the built form, landscaping, parking or access arrangements are proposed;
- the modification will not result in any changes to the subdivision pattern of other lots included in the Concept Plan; and
- the proposed modifications will not result in any additional environmental impacts at and around the site, or in relation to the regional catchment (refer to Section 7).

The proposed boundary realignment will only affect the internal boundary between Lots 4, 6 and 8 with no other lot boundaries or the overall site boundary proposing to change. Accordingly, the Minister may be satisfied that the

modified proposal represents substantially the same development for which consent was originally granted. Further, the proposed change will facilitate the development of the site in accordance with the Concept Plan approval and will not cause any additional environmental impacts.

7.0 Planning Assessment

Section 96(1A) of the EP&A Act states that a consent authority may modify a development consent if *“it is satisfied that the proposed modification is of minimal environmental impact”*. Accordingly, the quantity of changes is not relevant, rather the environmental impact of such changes. The following assessment demonstrates that the development, as proposed to be modified, will be of minimal environmental impact.

7.1 Compliance with Relevant Planning Instruments

The EIS submitted with the original SSD addressed the proposed development’s level of compliance against relevant planning instruments, including:

- *State Environmental Planning Policy (State and Regional Development) 2011;*
- *State Environmental Planning Policy (Western Sydney Parklands) 2009;*
- *State Environmental Planning Policy 55 (Remediation of Land);*
- *State Environmental Planning Policy 33 (Hazardous and Offensive Development);*
- *State Environmental Planning Policy (Infrastructure) 2007; and*
- *State Environmental Planning Policy 64 (Advertising and Signage).*

The planning assessment of the proposed modified development remains unchanged with respect to the above planning instruments and assessment matters.

7.2 Environmental Impacts

The proposed boundary realignment is an administrative change only and will not alter the overall site boundary of the Bringelly Road Business Hub. Accordingly, the following key environmental considerations of the original assessment will not be affected:

- Concept proposal land uses and quantum of development;
- Urban design, visual impacts and landscaping;
- Traffic, parking and access;
- Biodiversity (including the riparian corridor located north of the site);
- Contamination;
- Water management; and
- Aboriginal and historic heritage and archaeology.

The modified lots will continue to be of a size which can accommodate the scale and type of development established under the Concept Plan Approval. Further, the revised lots will continue to respond to the site levels, location and design of retaining walls, topography, access arrangements and existing infrastructure and services.

In light of the above, the Minister may be satisfied that the proposed boundary realignment will not result in any additional environmental impacts and therefore clearly satisfies s96(1A)(a) of the EP&A Act.

8.0 Conclusion

The proposed modification to the internal boundary between Lots 4, 6 and 8 of the Concept Approval are required to provide a lot layout that is compatible with, and accommodates, the detailed design requirements of the future development of the lots.

In accordance with section 96(1A) of the EP&A Act, the Minister may modify the consent as:

- the consent, as proposed to be modified, is substantially the same development as that originally approved;
- the proposed modifications will not result in any additional environmental impacts in relation to adjoining and surrounding properties;
- the proposed modifications do not alter the developments compliance with the relevant statutory planning instruments;
- the development will continue to deliver a built form consistent with the Concept Plan approval, and will continue to accommodate a business hub that is compatible with the surrounding parklands; and
- the modified development will continue to deliver the same objectives of reusing part of the Western Sydney Parklands for commercial activities to securing funding for the long term economic and environmental sustainability of the Parklands.

The assessment of the environmental impacts of the proposed modifications has determined that no unacceptable impacts will result from the amended Concept Subdivision Plan. Accordingly, we have no hesitation in recommending that the Minister for Planning and Environment approve this s96 modification application as submitted.