

# **Bringelly Road Business Hub**

State Significant  
Development  
Modification Assessment  
(SSD 6324 MOD 3)



March 2019

© Crown Copyright, State of NSW through its Department of Planning and Environment 2019

### **Cover photo**

Construction workers at Brooke Reach housing estate in Dapto NSW (Department of Planning and Environment)

### **Disclaimer**

While every reasonable effort has been made to ensure this document is correct at time of printing, the State of NSW, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance or upon the whole or any part of this document.

### **Copyright notice**

In keeping with the NSW Government's commitment to encourage the availability of information, you are welcome to reproduce the material that appears in Bringelly Road Business Hub. This material is licensed under the Creative Commons Attribution 4.0 International (CC BY 4.0). You are required to comply with the terms of CC BY 4.0 and the requirements of the Department of Planning and Environment. More information can be found at: <http://www.planning.nsw.gov.au/Copyright-and-Disclaimer>.



## Glossary

| Abbreviation    | Definition                                                           |
|-----------------|----------------------------------------------------------------------|
| BRBH            | Bringelly Road Business Hub                                          |
| DA              | Development Application                                              |
| Department      | Department of Planning and Environment                               |
| District Plan   | <i>Western City District Plan</i>                                    |
| Council         | Liverpool City Council                                               |
| EP&A Act        | <i>Environmental Planning and Assessment Act 1979</i>                |
| EP&A Regulation | <i>Environmental Planning and Assessment Regulation 2000</i>         |
| Hectares        | Ha                                                                   |
| Minister        | Minister for Planning                                                |
| POM             | Western Sydney Parklands Plan of Management 2030                     |
| Regional Plan   | <i>A Metropolis of Three Cities - the Greater Sydney Region Plan</i> |
| SSD             | State Significant Development                                        |
| The Applicant   | CIP Constructions Pty Ltd                                            |
| WSP             | Western Sydney Parklands                                             |
| WSPT            | Western Sydney Parklands Trust                                       |



# Contents

|                                           |            |
|-------------------------------------------|------------|
| <b>Glossary .....</b>                     | <b>iii</b> |
| <b>1. Introduction .....</b>              | <b>1</b>   |
| 1.1 Background .....                      | 1          |
| 1.2 Approval History .....                | 2          |
| <b>2. Proposed Modification .....</b>     | <b>4</b>   |
| <b>3. Strategic Context .....</b>         | <b>6</b>   |
| <b>4. Statutory Context .....</b>         | <b>7</b>   |
| 4.1 Scope of Modifications .....          | 7          |
| 4.2 Consent Authority .....               | 7          |
| <b>5. Engagement .....</b>                | <b>8</b>   |
| 5.1 Department's Engagement .....         | 8          |
| 5.2 Summary of Submissions .....          | 8          |
| <b>6. Assessment .....</b>                | <b>9</b>   |
| <b>7. Evaluation .....</b>                | <b>10</b>  |
| <b>8. Recommendation .....</b>            | <b>11</b>  |
| <b>9. Determination .....</b>             | <b>12</b>  |
| <b>Appendices .....</b>                   | <b>13</b>  |
| Appendix A – List of Documents .....      | 13         |
| Appendix G – Notice of Modification ..... | 14         |





# 1. Introduction

This report provides an assessment of an application to modify the State significant development (SSD) consent for the Bringelly Road Business Hub (BRBH), a Concept Proposal and Stage 1 development for an industrial estate in Horningsea Park.

The modification application seeks approval for a boundary realignment to facilitate the development requirements of the future tenants of Lot 8 and as a result, realignment of the boundaries of Lot 4 and Lot 6.

The application has been lodged by Ethos Urban on behalf of CIP Constructions Pty Ltd (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*.

## 1.1 Background

The BRBH is a vacant 21 hectare (ha) site located at the southern portion of the Western Sydney Parklands (WSP) in the Liverpool City Council local government area. The site is near the intersection of Bringelly Road and Cowpasture Road (see **Figure 1**). The greenfield site forms part of the BRBH, however works relating to the preparation or development of the site have not yet commenced.



**Figure 1** | Site Location and surrounding land uses

To the north and west of the site is grazing land and detached residential dwellings, with further residential uses located on the eastern side of Cowpasture Road and the South-West Rail Link located to the south of the site. The closest residential dwelling to the site is located approximately 15 metres east of the site, at 12 Bringelly Road, Horningsea Park.

The Applicant has advised that the proposed amendments to the subdivision plan are required to address the site specific requirements of the future tenant of lot 8 of the BRBH, following a detailed design of the development proposed for the lot. Resultant of the change is the realignment of both Lot 4 and Lot 6.

## 1.2 Approval History

On 13 January 2016, a Concept Proposal and Stage 1 development consent was granted by the Acting Executive Director, Key Sites and Industry Assessments for the BRBH (SSSD 6324). The approved Concept Plan and Stage 1 development application (DA) can be summarised as follows:

### Concept Proposal:

- establishment of the BRBH comprising of: 'large format retail', 'light industry', 'service station' 'takeaway food and drink premises', and 'restaurant and café' land uses
- concept development levels, footprints and building envelopes
- conceptual road layout and site access arrangements
- conceptual landscape designs

### Stage 1 DA:

- subdivision of the lot into eight (8) lots serviced through an internal access road along the existing alignment of Bringelly Road, with the main access point via the realigned Bringelly Road
- the demolition of existing structures on site (four dwellings, associated shed and dam structures)
- bulk earthworks
- installation of site services and infrastructure
- site landscaping

The development consent has been modified on two (2) occasions (see **Table 1**).

**Table 1** | Summary of Modifications

| Mod No. | Summary of Modifications                                   | Approval Authority | Type     | Approval Date  |
|---------|------------------------------------------------------------|--------------------|----------|----------------|
| MOD 1   | Alteration in car parking requirements                     | Department         | 4.55(1A) | 14 April 2016  |
| MOD 2   | Boundary realignment and introduction of one (1) allotment | Department         | 4.55(1A) | 15 August 2018 |

## 1.3 Related Applications

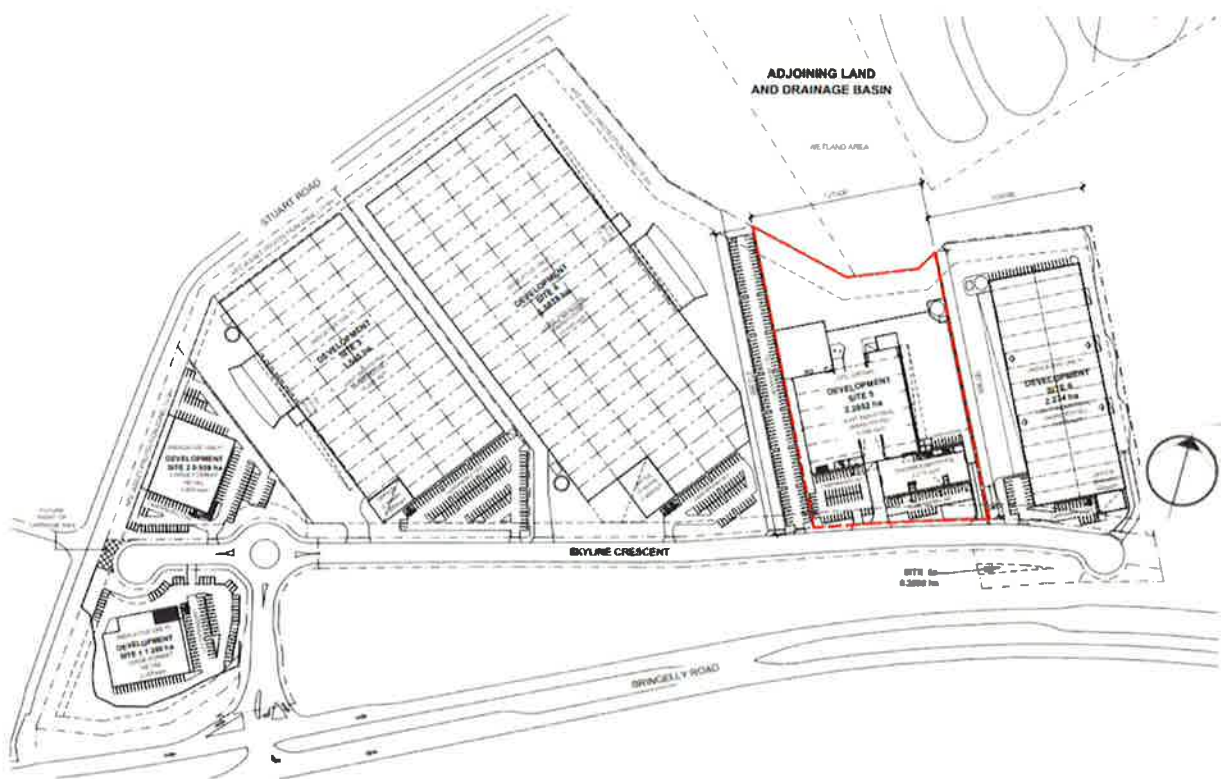
### CFC Large Format Retail (SSD 9511)

On 21 December 2018, the Executive Director Key Sites and Industry Assessments approved a SSD Application (SSD 9511) for a Large Format Retail facility for use by the CFC Group on proposed Lot 6 (see **Figure 2**).

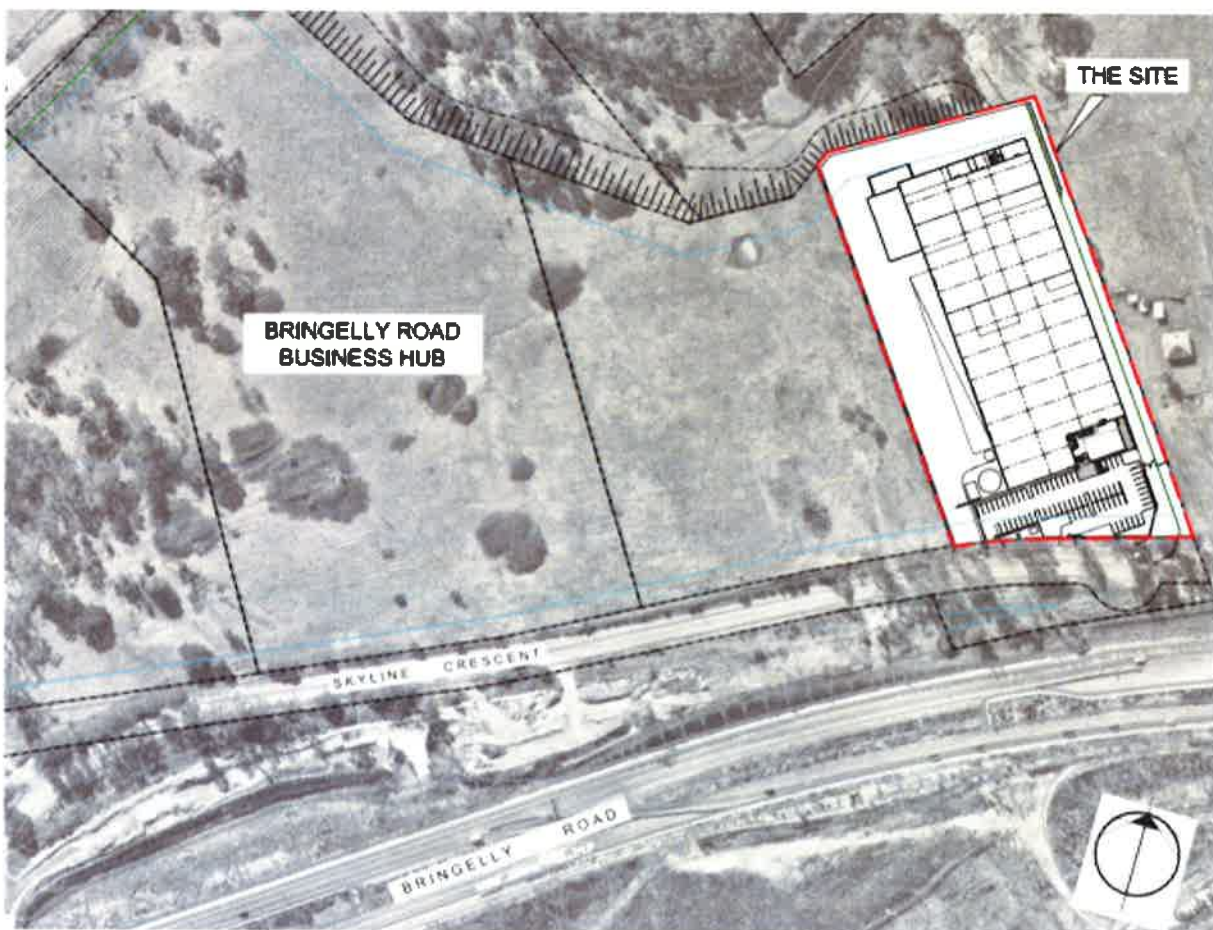
### Steelforce Warehouse (SSD 8900)

On 11 January 2018, the Applicant lodged a SSD Application (SSD 8900) seeking consent to construct and operate a light industrial facility on Lot 8 to be operated by Nulon Products Australia Pty Ltd (Nulon Oils). On 18 January 2019, the Applicant lodged an amended SSD Application. The amended proposal involves the construction and operation of a warehouse for the purpose of importation and distribution of steel materials. SSD 8900 is currently under assessment (see **Figure 3**).





**Figure 2** | Site plan, approved CFC Warehouse development on Lot 6 (SSD 9511)



**Figure 3** | Site Plan of proposed development on Lot 8



## 2. Proposed Modification

The Applicant has lodged an application under section 4.55(1A) of the EP&A Act to modify SSD 6324 to realign the boundaries between Lots 4, 6 and 8 of the BRBH industrial estate to facilitate the future development requirements of lot 8.

The realignment of the boundaries between Lots 4, 6 and 8 will result in the site area of Lot 4 decreasing by 0.04 ha, an increase in Lot 8 by 0.038 ha and an increase in Lot 6 by 0.005 ha (refer to **Table 2**). No change to the total site area is proposed.

**Table 2** | Summary of lot realignments and area changes

|            | Lot 4     | Lot 6      | Lot 8      | Total site area  |
|------------|-----------|------------|------------|------------------|
| Approved   | 5.97 ha   | 2.2 ha     | 2.196 ha   | 20.895 ha        |
| Proposed   | 5.93 ha   | 2.205 ha   | 2.234 ha   | 20.895 ha        |
| Difference | - 0.04 ha | + 0.005 ha | + 0.038 ha | <b>No change</b> |



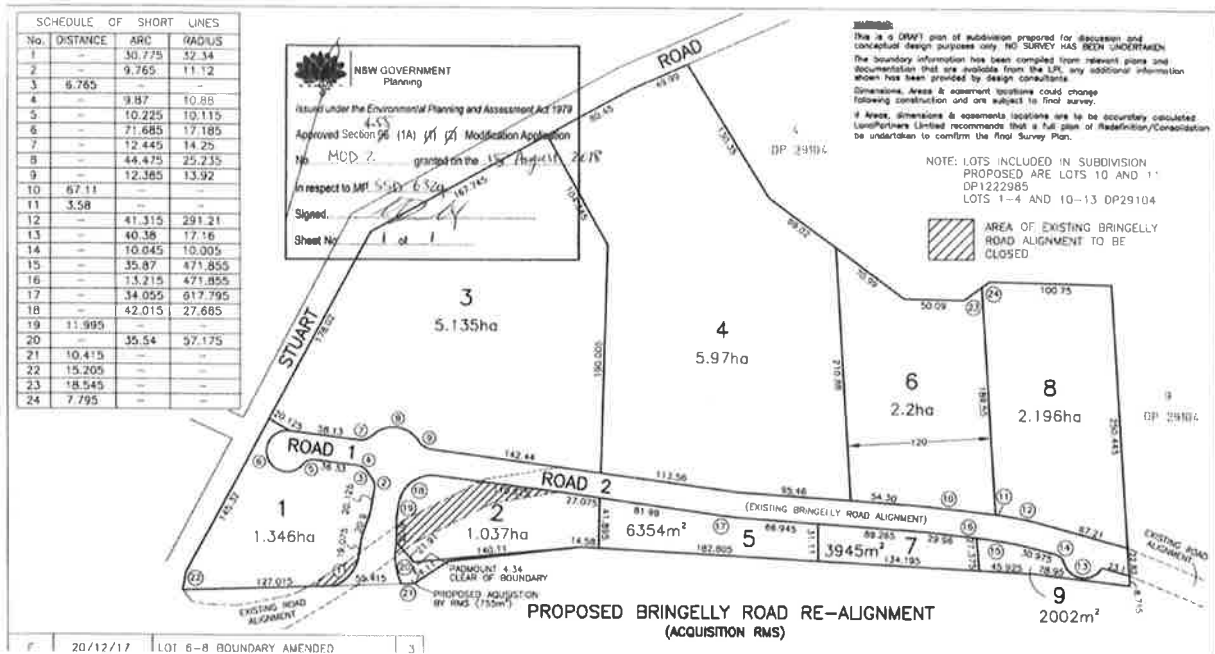


Figure 4 | Approved subdivision plan (approved under SSD 6324 MOD 2)

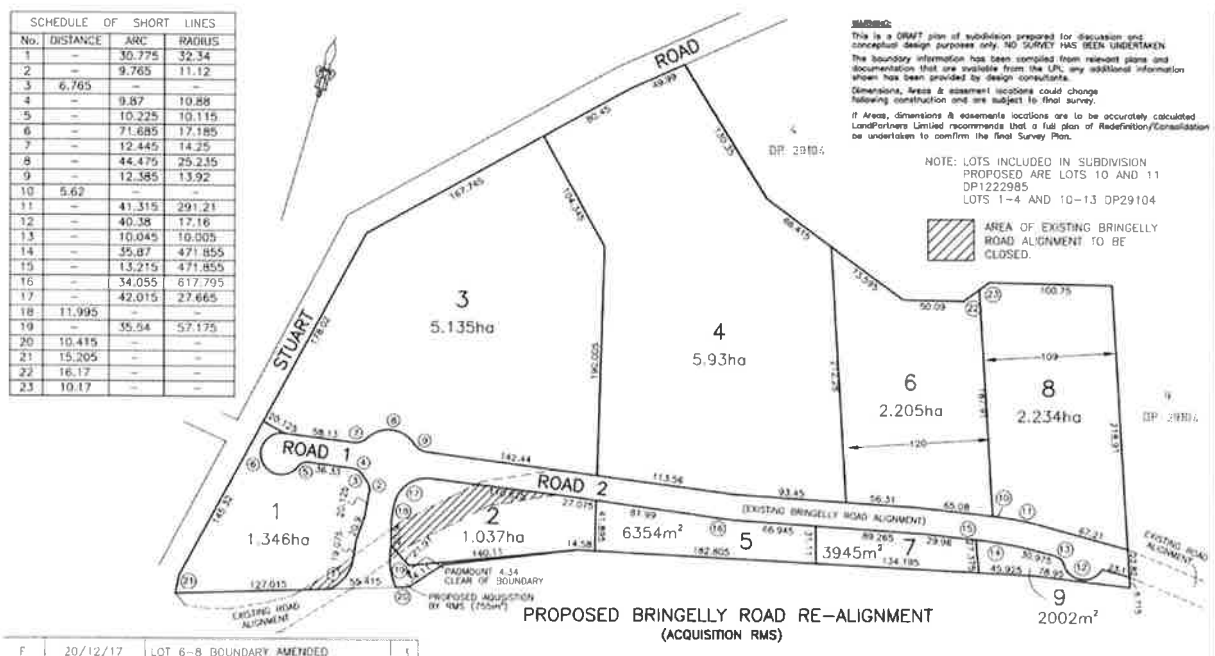


Figure 5 | Proposed subdivision plan



### 3. Strategic Context

The Department has considered the strategic context of the site and is satisfied the proposed modification is consistent with relevant strategic planning documents including *A Metropolis of Three Cities - the Greater Sydney Region Plan* (Regional Plan), the *Western City District Plan* (District Plan) and the *Western Sydney Parklands Plan of Management 2030* (POM).

The proposed modification is consistent with the goals, directions and actions outlined in the Regional Plan as it would:

- enable the development of the BRBH which will provide additional jobs closer to where people live (Objective 14)
- facilitate industrial development and large format retail in an approved business hub, ensuring industrial land is planned, retained and managed (Objective 23).

The proposed modification seeks to realign the boundaries of the approved allotments fronting Bringelly Road to facilitate future development on Lot 8. The POM identifies the site as a key business hub. The realignment will facilitate the future development of the BRBH which will contribute to meeting the strategic directions of the POM. In particular, the proposal is consistent with Strategic Direction 4 which seeks to provide income-generating leases on 2% of the WSP, to provide funds for the on-going management and development of the WSP.

The proposed modification will continue to be consistent with the Regional Plan, particularly Objective 23: Industrial and urban services land is planned, protected and managed. The realignment of the allotments will facilitate future investment and business activity into the area and provide employment opportunities through the construction and operational phase.

The proposed modification would continue to be consistent with the District Plan, particularly Planning Priority W10 (maximising freight and logistics opportunities and planning and managing industrial and urban services land). The proposed modification would ensure that as the land is strategically identified for the purposes of industrial uses the land is developed for industrial purposes and contributes to the Greater Sydney economy.



## 4. Statutory Context

### 4.1 Scope of Modifications

The Department has reviewed the scope of the modification application and is satisfied the proposed modification would result in minimal environmental impacts, and relates to substantially the same development as the original development consent on the basis that:

- the primary function and purpose of the approved project 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. The boundary realignment has minimal impact on the function of the site, in addition it seeks to facilitate the future development requirements of Lot 8
- the number of allotments approved remains unchanged as a result of the proposed modification
- there are no potential environmental impacts which could result from the change, and any outstanding environmental impacts of the development would be appropriately managed through the existing conditions of consent

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. Accordingly, the Department considers that the application can be assessed and determined under section 4.55(1A) of the EP&A Act.

### 4.2 Consent Authority

The Minister for Planning is the consent authority for the application under section 4.5(a) of the Act. Under the Minister's delegation of 11 October 2017, the Director, Industry Assessments, may determine the application under delegation as:

- the relevant local council has not made an objection
- a political disclosure statement has not been made
- there are no public submissions in the nature of objections.



## 5. Engagement

### 5.1 Department's Engagement

Clause 117(3B) of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) specifies that the notification requirements of the EP&A Regulation do not apply to State significant development. Accordingly, the application was not notified or advertised. However, it was made publicly available on the Department's website and was referred to Liverpool City Council (Council) and the Western Sydney Parklands Trust (WSPT) for comment.

### 5.2 Summary of Submissions

None of the government agencies objected to the proposed modification.

**Council** did not object to the modification application and requested that the Applicant ensure the retaining walls associated with the development are consistent with the landscape plans and design guidelines approved under SSD 6324. Council also noted that their comment on the proposed modification did not extend to the application for Steelforce Warehouse and Distribution Centre (SSD 8900). No new conditions were recommended to be applied, it was requested that any conditions from prior approvals be carried over.

**WSPT** did not provide comments on the modification.





## 6. Assessment

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

- SEE provided to support the proposed modification (see **Appendix A**)
- assessment report for the original development application and subsequent modification applications
- submissions from the public, State government authorities and 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 assessed the consistency of the proposed modification against the approved concept plan.

The development approval under SSD 6324 included a plan of subdivision, as well as Urban Design Guidelines, which provides an indicative layout for the future subdivision of BRBH.

Council's submission recommended that the proposed modification and any retaining walls associated with the development be consistent with the conditions of the development consent SSD 6324, making specific reference to the landscape plan. The Applicant has confirmed that the realignment of the allotment does not result in any changes to the retaining wall plan and ensures consistency with the design guidelines and landscaping plan.

The Department's assessment concludes the proposed changes are consistent with the original approval.

The Department has recommended a modified condition of development consent which amends the relevant administrative condition (Condition A2) to include the revised plan of subdivision (SY073409.001.1.5) as an approved drawing.



## 7. *Evaluation*

The Department has assessed the proposed modification in accordance with the relevant requirements of the EP&A Act. On balance, the Department considers the proposed modification is appropriate on the basis that the:

- proposed modification is substantially the same development as that originally approved
- will result in minimal environmental impacts beyond the approved BRBH
- proposed realignment is generally consistent with the approved subdivision layout
- proposed modification facilitates the future development requirements of the BHRH.

The Department is satisfied the modification should be approved for SSD 6324 MOD 3.



## 8. Recommendation

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

- **considers** the findings and recommendations of this report
- **determines** that the application SSD 6324 MOD 3 falls within the scope of 4.55(1A) of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant approval to the application
- **modify** the consent SSD6324
- **signs** the attached approval of the modification (**Appendix B**).

Recommended by:

**Ania Dorocinska**

Senior Environmental Assessment Officer  
Industry Assessment

Recommended by:

**Pamela Morales**

A/Team Leader Industry Assessments  
Industry Assessments



## 9. Determination

The recommendation is: **Adopted by:**

**Chris Ritchie**

Director

Industry Assessments

22/3/19.



# **Appendices**

## **Appendix A – List of Documents**

Statement of Environmental Effects –

[http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=9806](http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9806)

Submissions –

[http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=9806](http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9806)



## **Appendix B – Notice of Modification**