

Bringelly Road Business Hub

State Significant
Development
Modification
Assessment
(SSD-6324-MOD-5)



January 2020

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Cover photo

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

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Glossary

Abbreviation	Definition
Applicant	CIP/CH (Bringelly) Pty Ltd
BRBH	Bringelly Road Business Hub
Consent	Development Consent
Council	Liverpool City Council
Department	Department of Planning, Industry and Environment
District Plan	<i>Western City District Plan</i>
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
ha	Hectare
LGA	Local Government Area
km	Kilometre
Minister	Minister for Planning and Public Spaces
m	Metre
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
POM	<i>Western Sydney Parklands Plan of Management 2030</i>
Regional Plan	<i>Greater Sydney Regional Plan: A Metropolis of Three Cities</i>
SEE	Statement of Environmental Effects
SSD	State Significant Development
WSP	Western Sydney Parklands



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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 to realign the boundaries between Lot 3 and Lot 4 and make amendments to the required bulk earthworks across Lot 3 and Lot 4.

The application has been lodged by Ethos Urban on behalf of CIP/CH (Bringelly) 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 21 hectare (ha) site located at the southern portion of the Western Sydney Parklands (WSP) in the Liverpool City local government area. The site is located to the west of the intersection of Bringelly Road and Cowpasture Road (see **Figure 1**). Construction work has commenced on site, specifically on Lot 6 and Lot 8, further detailed in **Section 1.3**.



Figure 1 | Site Location

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.

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 proposal and Stage 1 development 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:

- subdivision of the lot into eight 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 four occasions (see **Table 1**).

Table 1 | Summary of Modifications

Mod No.	Summary of Modifications	Consent Authority	Type	Approval Date
MOD 1	Alteration in car parking requirements	Director, Industry Assessments (under delegation)	4.55(1A)	14 April 2016
MOD 2	Boundary realignment and introduction of one allotment	Director, Industry Assessments (under delegation)	4.55(1A)	15 August 2018
MOD 3	Boundary realignment of Lot 4, Lot 6 and Lot 8	Director, Industry Assessments (under delegation)	4.55(1A)	22 March 2019
MOD 4	Boundary realignment to reflect detailed survey of site	Director, Industry Assessments (under delegation)	4.55(1A)	30 September 2019

This modification application seeks approval to realign the approved subdivision layout to facilitate the proposed Bunnings Warehouse Development, currently under assessment (SSD-10366), as well as seeking to make alterations to the bulk earthwork requirements for Lot 3 and Lot 4.



2. Proposed Modification

The Applicant has lodged an application under section 4.55(1A) of the EP&A Act to modify SSD 6324. The purpose of the application is to realign the boundary between approved Lot 3 and Lot 4 to facilitate the proposed development on Lot 3, Bunnings Warehouse (SSD-10366), which is currently with the Department of Planning, Industry and Environment (Department) for assessment. In addition, this application also seeks to modify the bulk earthworks required on Lot 3 and Lot 4.

The modification has been described in full in the Statement of Environmental Effects (SEE) included in **Appendix A** and illustrated in **Figure 2** and **Figure 3**. The modification involves:

- realignment of the boundary between Lot 3 and Lot 4, resulting in:
 - o a decrease in the size of Lot 3 from 5.16ha to 4.10ha (-1.06ha)
 - o an increase in the size of Lot 4 from 5.92ha to 6.97ha (+1.05ha)
- a minor increase to the level of fill proposed on Lot 3 and Lot 4.



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 approved Lot 3 and Lot 4 to facilitate the proposed development currently being assessed by the Department for a Bunnings Warehouse on Lot 3. 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 considers that the application can be characterised as a modification involving minimal environmental impacts as the proposal:

- would not increase the environmental impacts of the project as approved
- is substantially the same development as originally approved
- would not involve any further disturbance outside the already approved disturbance areas for the project.

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 should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.

4.2 Consent Authority

The Minister for Planning and Public Spaces (Minister) is the consent authority for the application under section 4.5(a) of the EP&A Act. However, under the Minister's delegation dated 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 on Tuesday 26 November 2019, and was referred to Liverpool City Council (Council) for comment.

5.2 Summary of Submissions

Council did not object to the modification application.



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**)
- original development application, supporting documents and assessment (see **Appendix A**)
- submission from Council (see **Appendix A**)
- relevant environmental planning instruments, policies and guidelines
- requirements of the EP&A Act, including the objects of the EP&A Act.

6.1 Consistency with Concept Proposal

The Department considers the key issue for the assessment is the consistency of the proposed modification against the approved concept proposal under SSD 6324.

To facilitate the proposed development on Lot 3 for Bunnings Warehouse, which is currently with the Department for assessment, the boundary between Lot 3 and Lot 4 requires realignment, as well minor alterations to the bulk earthworks across the lots. The proposed changes to the bulk earthworks provide an improvement to site accessibility and useability, and are reflective of the intended development of Lot 3, which includes a slight relocation of the onsite detention basin.

Earthworks are currently occurring at BRBH to achieve a grade of 1-2% across the estate, and to create building pads on allotments with approved future development. The changes sought to Lot 3 and Lot 4 are consistent with the earthworks occurring across BRBH. Furthermore, the original assessment indicated that civil works would be detailed at the development of each allotment. The Applicant has provided appropriate civil works plans demonstrating the works which are to occur on Lot 3 and Lot 4.

The Department's assessment concludes that the proposed changes are minor and will not result in any increase in environmental impact, and retain consistency with the concept 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 (SY073409001.1.12) as an approved drawing, and includes the detailed civil works plans for Lot 3 and Lot 4.



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 consistency with the approved subdivision layout
- proposed modification facilitates the future development requirements of the BRBH.

The Department is satisfied the modification should be approved, subject to the implementation of conditions for SSD-6324-MOD-5.



8. Recommendation

It is recommended that the Director, Industry Assessments, as delegate of the Minister:

- **considers** the findings and recommendations of this report
- **determines** that the application SSD-6324-MOD-5 falls within the scope of section 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 modification application
- **modify** the consent SSD 6324
- **signs** the attached instrument of modification (**Attachment A**).

Recommended by:

Ania Dorocinska

Senior Environmental Assessment Officer

Industry Assessments

Recommended by:

Sally Munk

A/Team Leader

Industry Assessments



9. Determination

The recommendation is: **Adopted by:**


Joanna Bakopanos

A/Director

Industry Assessments



Appendices

Appendix A – List of Documents

Statement of Environmental Effects –

<https://www.planningportal.nsw.gov.au/major-projects/project/26026>

Submissions –

<https://www.planningportal.nsw.gov.au/major-projects/project/26026>

Department's assessment report for SSD 6324 –

<https://www.planningportal.nsw.gov.au/major-projects/project/3426>

Appendix B – Consolidated Consent

Appendix C – Notice of Modification