

ASSESSMENT REPORT

Section 96(1A) Modification Amendments to Warehouse Building 2 60 Wallgrove Road, Calibre Eastern Creek (SSD 6962 MOD 1)

1. INTRODUCTION

This report assesses a modification application by Mirvac (the Applicant) to the Calibre Eastern Creek (formerly the Minchinbury Employment Park) development. The application has been lodged pursuant to section 96(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

2. BACKGROUND

The Applicant owns an industrial hub at 60 Wallgrove Road, Minchinbury in the Blacktown local government area. The site is also located in 'Precinct 9 - Quarantine Station' of the Western Sydney Employment Area (WSEA) and is zoned IN1 General Industrial under *State Environmental Planning Policy (Western Sydney Employment Area) 2009* (WSEA SEPP) (see **Figure 1**).

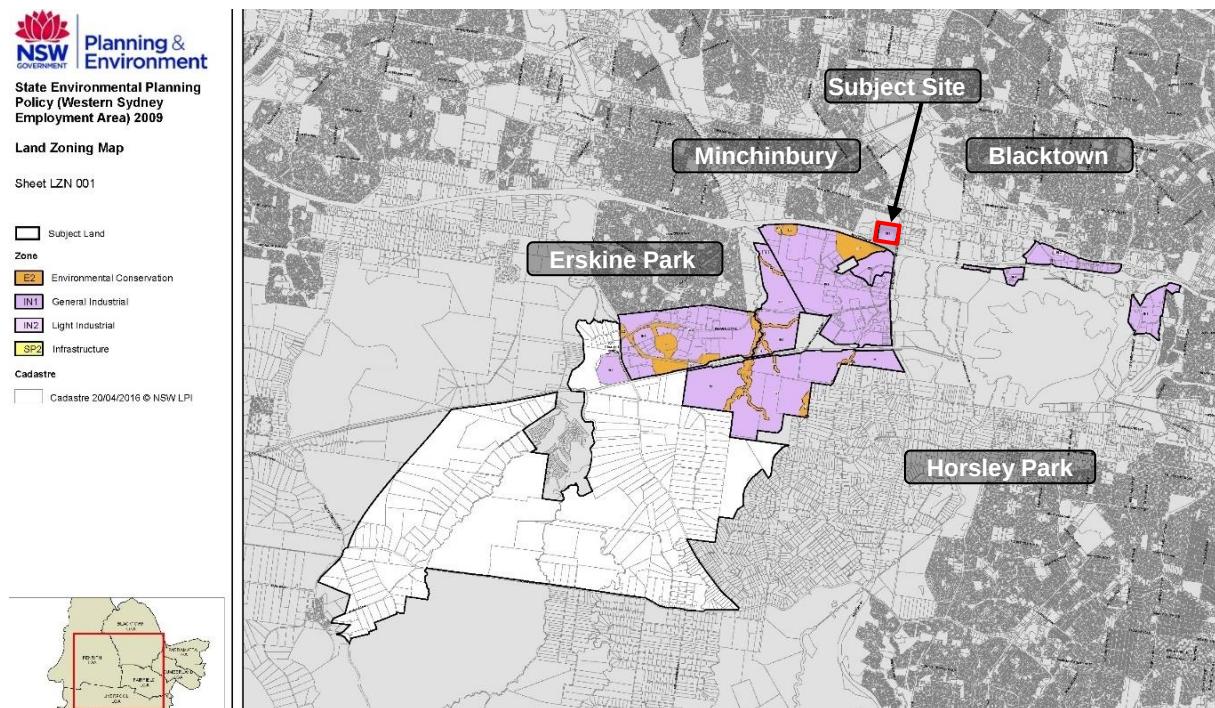


Figure 1: Site Location

The site is 21.8 hectares (ha) in area, located 35 kilometres (km) west of the Sydney central business district (CBD) and 6 km southwest of the Blacktown CBD. The site is legally described as Lot 1 in Deposited Plan 1040948 and has frontages to Wallgrove Road and the M4 Motorway.

Land uses surrounding the site include:

- Pinegrove Memorial Park, Cemetery and Crematorium to the north and west
- the M4 Motorway to the south
- Wallgrove Road, the M7 Motorway and Western Sydney Parklands to the east
- Huntingwood West Industrial Park, further to the west
- Eastern Creek Business Park, further to the south.



Figure 2: Site Context

The closest residential receiver is located in the suburb of Minchinbury, 260 metres (m) to the north of the site (see **Figure 2**). To date, earthworks for the first stage of the internal estate road and warehouse 1 are complete. Construction of warehouse 3 in the north-western corner of the site is also underway.

When originally approved, specific end users were not identified by the Applicant. The modification application has been lodged to amend the uses and layout of warehouse 2 to accommodate the requirements of Miele as a future tenant within the estate (see **Figure 3**).

3. APPROVAL HISTORY

3.1 Concept Plan MP 09_0099

On 29 June 2010, the then Deputy Director-General (as delegate of the then Minister for Planning) approved a Concept Plan application under Part 3A of the EP&A Act. The approved Concept Plan allowed:

- bulk earthworks and subdivision of the land into 25 lots (between 4,000 m² to 10,000 m²) for a regional warehouse distribution park, distributions centres, light industry, office premises, high technology uses, freight logistic facilities and associated infrastructure works
- lots comprising a minimum frontage of 45 m, maximum development site coverage of 65 per cent and development heights of 15 m to 20 m and internal site access road reserve width of 23 m
- two stormwater detention basins
- a western detention basin generally consistent with the Concept Masterplan
- 10 m minimum landscaped setbacks, with 20 m to Wallgrove Road and M4 boundaries
- 24 hour operations, seven-days-per-week
- provision for essential services to the site, including signalisation of the site access intersection with Wallgrove Road.

Since then, the Concept Plan has been modified four times to permit:

- amendments to the planning agreement for road works (MOD 1)
- an extension of the consent lapse date from 29 June 2015 to 31 October 2016 (MOD 2)
- a reduction in the number of lots from 25 to 3, changes to the internal road layout, reduced minimum internal road setbacks from 10 m to 2 to 4 m, increased total GFA from 95,800 m² up to a maximum of 119,210 m², replacement of the western detention basin with an underground on-site detention basin and modifications to the statement of commitments (MOD 3)

- concurrent changes to the Concept Plan layout to facilitate the Calibre Eastern Creek development (MOD 4).

It is understood the works envisioned under the Concept Plan were commenced under SSD 6962 (**Section 3.3**) in May 2016.

3.2 Blacktown Council Development Application (DA 13-683)

On 26 August 2013, development consent was granted by Blacktown City Council for Stage 1 infrastructure works, pursuant to the development approved under the Concept Plan approval. The approved works included off-site utilities and lead-in infrastructure works as well as the construction of the site access intersection with Wallgrove Road and associated road works.

3.3 SSD 6962

On 19 January 2016, development consent was granted by the Executive Director, Priority Projects for the development of Calibre Eastern Creek (SSD 6962). The development consent permits:

- demolition of existing buildings and associated vegetation clearance
- site preparation, bulk earthworks and retaining wall construction
- construction of five buildings with a total gross floor area of 123,865m², including 5,930m² of ancillary office facilities for the purpose of warehouse and distribution centres, light industry, technology uses, freight logistics facilities and associated administrative office premises
- construction of a new internal access road, hardstand areas, car parking and loading docks, ancillary infrastructure and services
- landscaping
- subdivision.

3.3.1 Minor Amendments under Condition B5

Condition B5 allows specific minor variations to be made to the development, if agreed by the Secretary. Since the approval of SSD 6962, minor variations have been made to the development three times. These changes related to the location of loading docks, car parking areas, office façade materials and the warehouse building floor areas. In particular, minor amendments agreed by the Secretary to warehouse 2 were made under the second request made by the Applicant under Condition B5.

4. PROPOSED MODIFICATION

The Applicant has lodged a modification application under section 96(1A) of the EP&A Act to modify warehouse 2 of the development to facilitate the requirements of Miele as a future tenant (see **Figure 3**). The modification is described in full in the Statement of Environmental Effects (SEE) included in **Appendix B**. The currently approved estate layout, following amendments under Condition B5, is shown in **Figure 4**. The original and proposed layouts of warehouse 2 are shown in **Figure 5** and **Figure 6** respectively.

The proposed modifications would amend the layout and uses in warehouse 2 to:

- add an 'industry' use involving the repair and assembly of Miele appliances within a portion of the warehouse
- add an 'industrial retail outlet' use (proposed showroom) ancillary to the 'industry'
- add an 'industrial training facility' use (workstation/tech areas) ancillary to the 'industry'
- consolidate car parking to the Wallgrove Road frontage
- consolidate loading docks and relocate the loading dock office
- add tech areas for the repair and assembly of products associated with the 'industry' use
- add a 180 m² showroom for the display and sale of repaired appliances
- add a bin storage area to the north-western corner of the warehouse 2 site
- remove the car entry/exit point from the western side of the site off the internal estate road.

Table 1: Approved Warehouse 2 Aspects and Proposed Modifications

Areas/Measures	Original Approval	Currently Approved	Proposed	Change to Current (+/-)
Site Coverage (%)	56	54	54	Nil
Gross Floor Area (m ²)	16,980	17,065	17,056	-9 (-0.1 %)
Office excl. dock office (m ²)	915	900	595	-305 (-33.9 %)
Warehouse (m ²)	16,065	16,165	16,175	10 (+0.1 %)
Showroom (m ²)	0	0	180	180 (+100 %)
Car Parking (no.)	65	106	92	-14 (-13.2 %)



Figure 3: Site and Modification Area

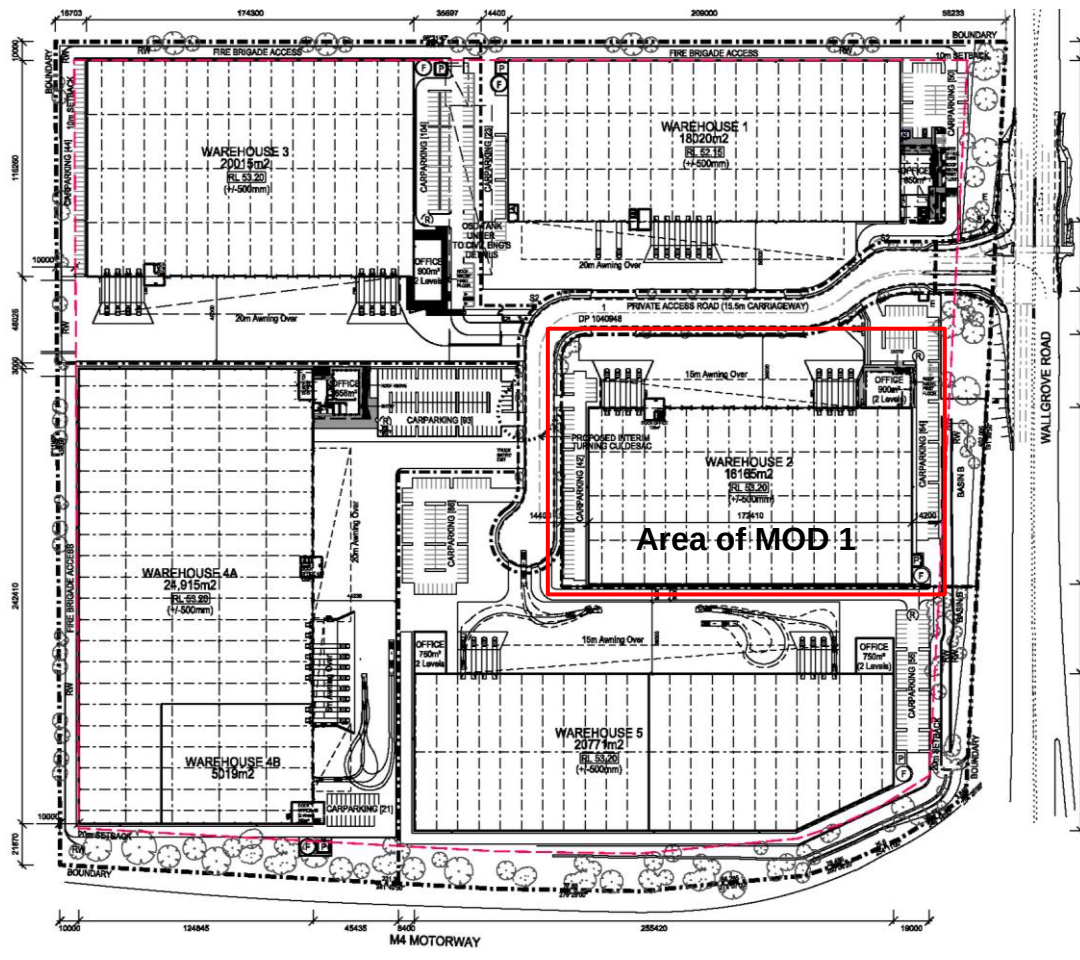


Figure 4: Current Calibre Eastern Creek Layout – Endorsed under Condition B5

Note: Refer to plan DA002 Rev R, dated 6/4/2017 prepared by SBA Architects for Warehouse 5 Layout

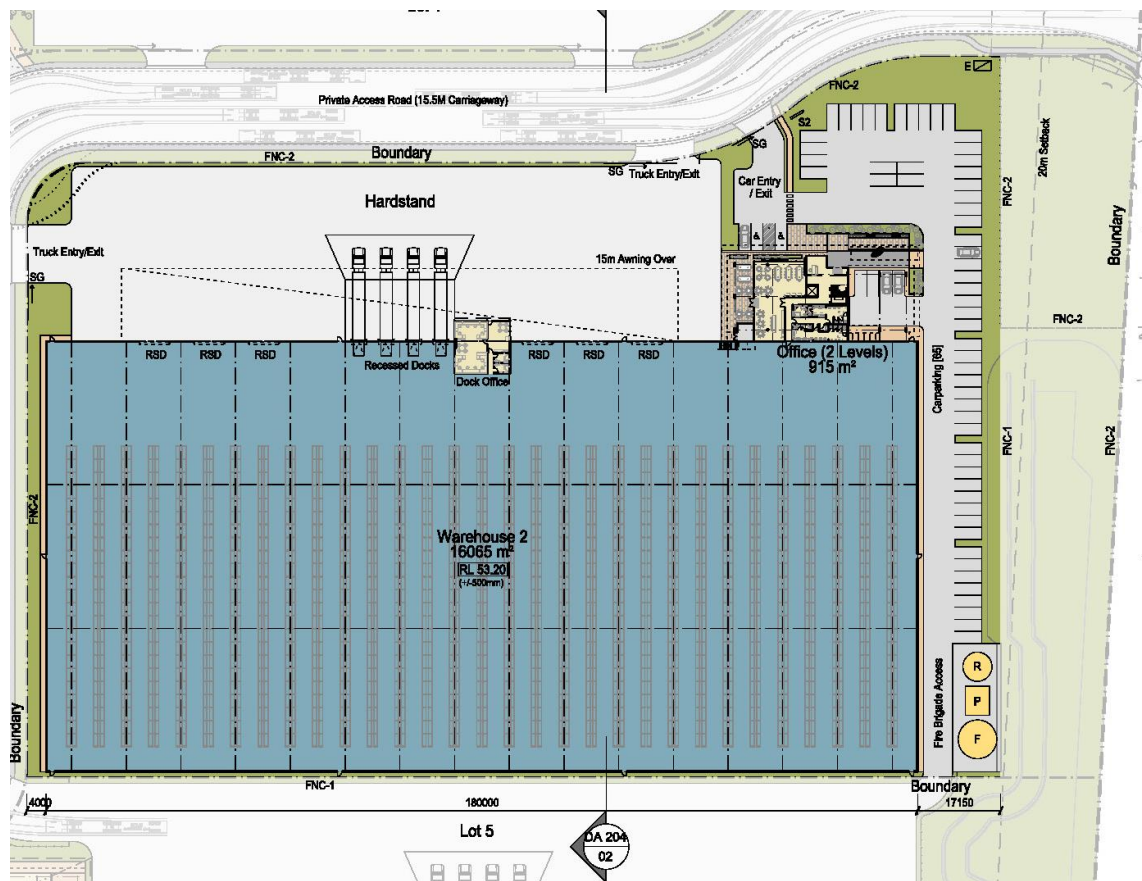


Figure 5: Layout of Warehouse 2 as Originally Approved

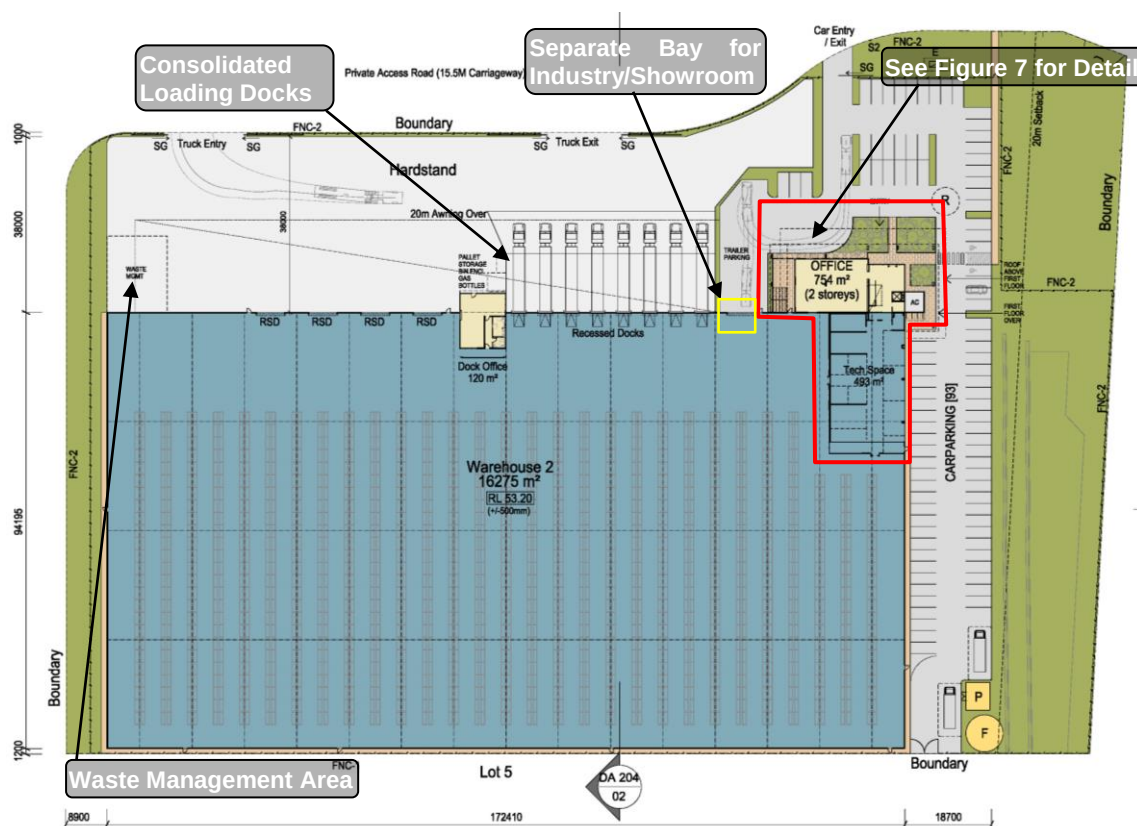


Figure 6: Proposed Layout of Warehouse 2

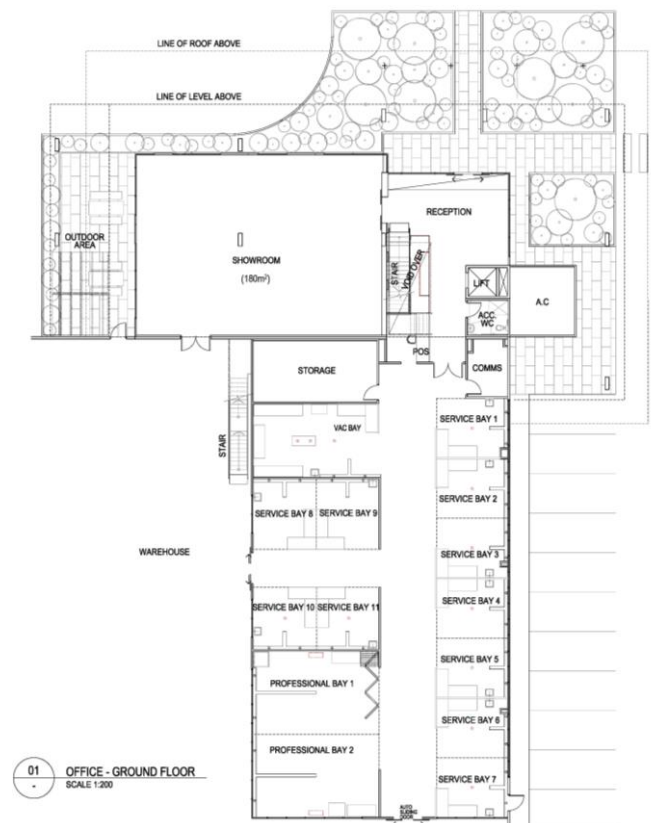


Figure 7: Proposed Ground Floor Industry and Showroom Areas

4.1 Tenant Operations

The modification seeks to construct tenant specific fit-out for Miele in warehouse 2. This would involve two distinct operations, consisting of the main warehouse building and the proposed 'industry' use with an ancillary industrial retail outlet and industrial training facility.

The main warehouse would operate as a standard distribution centre. It would receive new products on trucks for temporary storage, prior to their delivery to individual retailers of Miele's products. This is consistent with general warehousing operations on-site and in the region.

The proposed 'industry' involving the servicing, assembly and repair of products would take place in a walled off and separate portion of the warehouse, 493 m² in area. It would consist of workshops and service bays and receive and handle appliances returned to the site for commercial purposes or are defective following delivery. These products are repaired and assembled in the servicing area (see **Figure 7**) and would then be displayed and sold from the proposed industrial retail outlet. The industry areas would also be used for staff training. The Applicant has advised the showroom would not display any new stock kept in the main warehouse. The Applicant has suggested the two main uses would operate in isolation of one another.

5. STATUTORY CONTEXT

5.1 Consent Authority

The Minister for Planning is the consent authority for the application. 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.

5.2 Section 96(1A)

The Department has reviewed the scope of the modification application and is satisfied that 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 96(1A) of the EP&A Act
- any potential environmental impacts would be minimal and appropriately managed through the existing or modified conditions of approval.

Therefore, the Department is satisfied the proposed modification is within the scope of section 96(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 96(1A) of the EP&A Act rather than requiring a new development application to be lodged.

6. CONSULTATION

Clause 117(3B) of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) specifies that the notification requirements of the EP&A Regulation does 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 6 October 2017, and was referred to Blacktown City Council (Council) and Roads and Maritime Services (RMS) for comment.

Blacktown City Council did not object to the modification application, noted the Applicant needs to justify how the proposed uses will continue to be ancillary to the overall development and advised the changes are likely to have no perceptible impact on traffic volumes. Council also provided recommended conditions for the proposed showroom to limit its size, restrict its use to prevent general retail and manage the proposed waste management area.

Roads and Maritime Services did not object to the modification application and requested updated directional signage plans showing vehicle entry/exit points for heavy vehicles.

The Department also requested further details on the relationship between the warehouse, industry/tech space and showroom. On 7 November 2017, the Applicant submitted additional information and revised plans responding to the issues raised by Council, RMS and the Department. The Applicant provided further details on the interaction between the two proposed uses and operations on 6 December 2017.

7. ASSESSMENT

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

- the SEE and RTS provided to support the proposed modification (see **Appendix B**)
- the assessment report for the original development application and subsequent modification application(s)
- submissions from the public, State government authorities and Council (**Appendix C**)
- relevant environmental planning instruments, policies and guidelines
- requirements of the EP&A Act, including the objects of the EP&A Act.

The Department considers the key assessment issue is the permissibility of the proposed modifications.

The Department's assessment of other issues is provided in **Table 2**.

7.1 New Uses and Permissibility

The proposed modification seeks to add an additional land use, which would act in isolation of the warehouse, with two ancillary uses within warehouse 2. These would consist of:

- an 'industry' use within a portion of the warehouse for the repair and assembly of used or damaged appliances. Under the WSEA SEPP, an industry means:
"...the manufacturing, production, **assembling**, altering, formulating, **repairing**, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing or adapting, or the research and development **of any goods**, chemical substances, food, agricultural or beverage products, or articles **for commercial purposes**, but does not include extractive industry or a mine" (emphasis added).
- staff training would also take place within, and ancillary to the 'industry' use. This ancillary use can be considered an industrial training facility. Under the WSEA SEPP, an industrial training facility means:

“... a building or place **used in connection with vocational training** in an activity (such as forklift or truck driving, welding or carpentry) that is **associated with an industry**, rural industry, extractive industry or mining, but does not include an educational establishment, business premises or retail premises” (emphasis added).

- an industrial retail outlet consisting of a 180 m² showroom which would display and sell only those appliances that have been repaired and assembled on-site within the ‘industry’ space. Under the WSEA SEPP, an industrial retail outlet means:

“...a building or place that:

- (a) is **used in conjunction with an industry but not in conjunction with a warehouse or distribution centre**, and
- (b) is situated on the land on which the industry is carried out, and
- (c) is used for the display or sale (whether by retail or wholesale) of only those goods that have been manufactured on the land on which the industry is carried out” (emphasis added).

Although an industrial retail outlet is not permitted to operate in conjunction with a warehouse and vice versa under the WSEA SEPP, the Applicant has proposed the additional standalone ‘industry’ use and therefore the industrial retail outlet can operate ancillary to it.

The Applicant has advised the tech space or ‘industry’ would only handle used products received from the public or those damaged or non-functioning following transport from their place of manufacture. Goods handled (repaired or assembled) in the tech space would then be displayed in the proposed showroom. These appliances would not enter the main warehouse building. Furthermore, no appliances from the main warehouse would pass through the tech space or the showroom. The main warehouse would only store new, functioning products prior to their dispatch. As such, the Applicant suggests that there is no tangible relationship between the warehouse and the proposed industry and they can be considered two standalone uses. As the proposed ‘industry’ can be considered a dominant use, the Applicant argues the industrial retail outlet is permissible and ancillary to it and mutually exclusive to the warehouse.

The Department acknowledges the quantitative changes to the building are minor and that the proposed additional uses would occupy a small part (1 %) of the warehouse 2 footprint, and the overall Calibre Eastern Creek development. SSD 6962 granted consent for five buildings with warehouse and distribution centre, light industry, technology uses and freight logistics facilities with associated offices. Therefore, these land uses are generally consistent with the Concept Plan.

The Department considers the arrangement sought by the Applicant is acceptable and is consistent with the proposed plans, which show a standalone loading area for the showroom, separated at grade from the recessed loading docks of the main warehouse operation. The Department also considers this would allow the warehousing use to operate separately from the industry and industrial retail outlet uses on-site.

The Department’s assessment concludes the proposed modifications and uses are permissible with consent and considered substantially the same development as the original approval. The Department also believes the proposed uses are of a size and scale that are appropriate for the industrial area and the overall dominant use of the entire estate would remain for warehousing and distribution. The Department has recommended administrative changes to the development consent to facilitate the proposed changes and a new condition to ensure the proposed industrial retail outlet is only operated ancillary to an approved industry.

7.2 Other Issues

The Department’s assessment of other issues is provided in **Table 2**.

Table 2: Assessment of Other Issues

Issue	Assessment	Recommendation
Traffic and Access	• The modification application included an assessment of the proposed changes to the GFA and car parking spaces of warehouse 2. This assessment concluded the amendments are minor and would not have a perceivable impact on traffic generation.	• Administrative changes to development consent.

Issue	Assessment	Recommendation
	- The Applicant's assessment also concluded the proposed new uses would not increase traffic to or from the site. - Warehouse 2 originally included 65 parking spaces. The currently approved building provides 106 spaces. - The proposed modification will provide 93 spaces, and will comply with the RMS car parking rate of 1 space per 300 m². - Driveways would be relocated to the northern building elevation. Separated heavy vehicle and staff/light vehicle access will be retained, in accordance with the estates design guidelines. - Council raised no concerns with the proposed changes. RMS requested updated plans showing the signposting of vehicle entrances and exits for trucks. The Applicant has provided updated plans showing where these signs would be located. - The Department's assessment concludes the traffic and access impacts of the proposed modification are acceptable and are consistent with the site-specific design guidelines. The modified layout maintains separated access points and circulation and continues to provide adequate car parking for warehouse 2. - The Department has recommended administrative changes to the development consent to reflect the proposed modifications.	
Waste	- The modification proposes to add a 'waste management facility' to the north-western corner of the warehouse 2 site. - Council recommended a range of waste conditions to manage the use of this component including noise and air pollution and odour. - The Applicant has since advised this area would be used for bin storage for general waste and recycling bins for warehouse 2 only. No waste processing would occur on-site. - The proposed 'bin storage area' is an expected component of a warehouse and industrial facility. - The Department notes the comments from Council, however considers the risk of increased environmental impact over the original assessment would be negligible, as no waste treatment other than waste collection would take place on site. - On this basis, the Department considers the waste from the operation of warehouse 2 can be managed through existing conditions of consent.	Manage through existing conditions of consent.
Consistency with WSEA SEPP	- The Department has assessed the proposed modifications against the relevant parts of the WSEA SEPP at Appendix D. - The Department's assessment concludes the modifications would ensure the development remains consistent with the WSEA SEPP.	N/A
Consistency with MP 09_0099	- The Department has assessed the proposed changes to building 2 against the Concept Plan at Appendix E. - The Department's assessment concludes the modifications would ensure the development remains generally consistent with the Concept Plan.	N/A

8. CONCLUSION

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

- the modification will result in minimal environmental impacts beyond the approved facility
- the development, as modified would remain substantially the same development and permissible with consent, with the industrial retail outlet being ancillary to the industry use and operating as a separate use from the warehouse
- the modification remains generally consistent with the Concept Plan (MP 09_0099)
- the modification would facilitate the requirements of Miele as a future tenant of the site.

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

9. RECOMMENDATION

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

- consider the findings and recommendations of this report
- determine that the application (SSD 6962 MOD 1) falls within the scope of section 96(1A) of the EP&A Act

- modify the consent SSD 6962
- sign the attached approval of the modification (Attachment A).

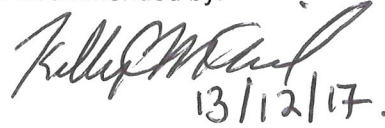
Recommended by:



13/12/17

Thomas Piovesan
Senior Planning Officer
Industry Assessments

Recommended by:

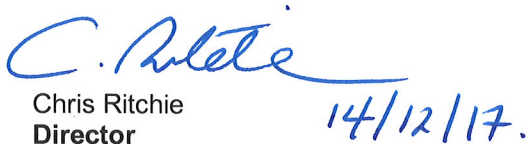


13/12/17.

Kelly McNicol
Team Leader
Industry Assessments

DECISION

The recommendation is Approved by:



14/12/17.

Chris Ritchie
Director
Industry Assessments
as delegate of the Minister for Planning

APPENDIX A – NOTICE OF MODIFICATION

See link: http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8772

APPENDIX B – STATEMENT OF ENVIRONMENTAL EFFECTS

See link: http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8772

APPENDIX C – SUBMISSIONS

See link: http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8772

APPENDIX D – CONSISTENCY WITH WSEA SEPP

Table 3 below contains the Department's assessment of the proposed modifications to SSD 6962 against the principle development standards of the WSEA SEPP. The Department's assessment concludes the development continues to comply with the requirements of the WSEA SEPP.

Table 3: Assessment Against Principle Development Standards of the WSEA SEPP

WSEA Principal Development Standard	Department Comment
Cl. 18(1) Requirement for development control plans A consent authority must not grant consent to a Development Application unless a development control plan (DCP) has been prepared for that parcel of land.	The modification included an assessment against the site specific design guidelines, which concluded the development would continue to comply with these requirements.
Cl. 20 Ecologically Sustainable Development The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that the development contains measures designed to minimise: (a) the consumption of potable water, and (b) greenhouse gas emissions.	The proposed modifications are limited to building layout changes and would not affect the ESD measures previously approved under SSD 6962.
Cl. 21 Height of buildings The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that: (a) building heights will not adversely impact on the amenity of adjacent residential areas, and (b) site topography has been taken into consideration.	The height of building 2 would remain unchanged to the approved height. On this basis, the Department considers the proposed changes are consistent with Clause 21.
Cl. 22 Rainwater harvesting The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that adequate arrangements will be made to connect the roof areas of buildings to such rainwater harvesting scheme (if any) as may be approved by the Director-General.	The proposed changes would relocate the rainwater capture tank from the eastern, aboveground elevation to underground the staff car park and will therefore continue to comply with Clause 22.
Cl. 23 Development adjoining residential land Requires the consent authority to consider compatibility, plant and equipment, amenity impacts (visual and noise), hours of operation, glare, traffic movement, landscaping and visual screening for land within 250 m of land zoned primarily for residential purposes.	The nearest residential dwelling to the site boundary is 260 m to the north. However, the proposed modifications are 395 m from this dwelling. As building 2 is located centrally in the site, and the proposed industry use would only use hand tools and would be located inside, the Department is satisfied the proposed modifications would have no impact by way of visual, noise, hours of operation, glare and traffic.
Cl. 24 Development involving subdivision The consent authority must not grant consent to the carrying out of development involving the subdivision of land unless it has considered the following: (a) the implications of the fragmentation of large lots of land, (b) whether the subdivision will affect the supply of land for employment purposes, (c) whether the subdivision will preclude other lots of land to which this Policy applies from having reasonable access to roads and services.	N/A. Subdivision is not proposed.
Cl. 25 Public utility infrastructure (1) The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required. (2) In this clause, public utility infrastructure includes infrastructure for any of the following: (a) the supply of water, (b) the supply of electricity, (c) the supply of natural gas, (d) the disposal and management of sewage. (3) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this clause.	N/A. The proposed changes would not impact any required public utility infrastructure for the development. The original Concept Plan envisaged and SSD 6962 included the provision of necessary utility infrastructure.

WSEA Principal Development Standard	Department Comment
Cl. 26 Development on or in vicinity of proposed transport infrastructure routes (1) This clause applies to any land to which this Policy applies that is situated on or in the vicinity of a proposed transport infrastructure route as shown on the Transport and Arterial Road Infrastructure Plan Map. (2) The consent authority must refer to the Secretary of the Department of Planning any application for consent to carry out development on land to which this clause applies. (3) The consent authority must, before determining any such development application, consider any comments made by the Secretary as to the compatibility of the development to which the application relates with the proposed transport infrastructure route concerned.	N/A. The Calibre Eastern Creek site is located over 1.6 km from the nearest indicative alignment on the Transport and Arterial Road Infrastructure Plan Map under the WSEA SEPP.
Cl. 27 Exceptions to development standards	N/A. The Applicant has not requested an exception to any of the WSEA SEPP Development Standards.
Cl. 29 (3) Industrial Release Area – Satisfactory Arrangements The consent authority must not consent to development on land to which this clause applies unless the Secretary has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of regional transport infrastructure and services (including the Erskine Park Link Road Network) in relation to the land to which this Policy applies.	On 7 December 2016, the Department's Chief Financial and Operating Officer certified satisfactory arrangements were in place for SSD 6962, as required by the WSEA SEPP. This is consistent with the Concept Plan as modified. The Department is satisfied the requirements of clause 29 of the WSEA SEPP have been met.
Cl 30 Controls relating to miscellaneous permissible uses Industrial retail outlets: (1) If development for the purposes of an industrial retail outlet is permitted under this Policy, the retail floor area must not exceed: (a) 20% of the combined gross floor area of the industrial retail outlet and the building or place on which the relevant industry is carried out, or (b) 400 square metres, whichever is the lesser. Neighbourhood shops: (2) If development for the purposes of a neighbourhood shop is permitted under this Policy, the retail floor area must not exceed 200 square metres.	Industrial retail outlets are permitted under the IN1 zone of the WSEA SEPP. However, as discussed in Section 5, warehouses and industrial retail outlets are mutually excluded. Notwithstanding, the Department is satisfied the use of an industrial retail outlet, ancillary to the proposed 'industry' constitutes a separate operation from the main warehouse facility. Furthermore, the industrial retail outlet satisfies Clause 30(1) as it is located on the land occupied by the proposed 'industry use', will only sell goods handled by the 'industry' and is under the 400 m² GFA limit. The development does not seek to construct neighbourhood shops.
Cl. 31 Design Principles In determining a Development Application that relates to land to which this Policy applies, the consent authority must take into consideration whether or not: (a) the development is of a high-quality design, and (b) a variety of materials and external finishes for the external facades are incorporated, and (c) high quality landscaping is provided, and (d) the scale and character of the development is compatible with other employment-generating development in the precinct concerned.	The development would remain consistent with the site-specific design controls.

APPENDIX E – CONSISTENCY WITH CONCEPT PLAN MP 09_0099

Table 4 below contains the Department's assessment of the proposed modifications to SSD 6962 against the requirements of the MP 09_0099 Concept Plan. The Department's assessment remains generally consistent with the Concept Plan.

Table 4: Assessment against MP 09_0099

Concept Plan Requirement/Aspect	Department Comment
1 – General terms of approval, including - civil works - land uses - site coverage - height limits - road works and design requirements - hours of operation	The development as modified would remain consistent with the general terms of approval as building 2 would comply with the site coverage limit of 65 % (being 54 %), is 13.7 m high and complies with the 20 m height limit. Finally, as discussed in Section 5 the Department considers the proposed modifications are consistent with the permitted land uses on-site. No other aspects under the general terms of approval of the Concept Plan are affected by the modification application.
1A – Project in accordance with plans and documents	N/A. These documents relate to the Concept Plan as previously modified and is not relevant for SSD 6962 MOD 1.
2 – Modifications to the Concept Plan	N/A as these requirements have been covered under SSD 6962.
3 – Limits on approval	N/A
4 – Biodiversity	The development would not clear any additional vegetation. Conditions under SSD 6962 would ensure the required biodiversity offset credits are retired as required by the Concept Plan.
5 – Development in accordance with plans	The Department considers the development as proposed to be modified is generally consistent with the Concept Plan.
6 – Inconsistency with plans	N/A. The development as modified would continue to be generally consistent with the documents and plans listed.
7 – Contributions	As discussed in Table 3 above, the Applicant has entered into a VPA, consistent with the requirements of the WSEA SEPP and the Concept Plan.
8 – Liability to lapse	N/A
9 – Demolition in accordance with AS 2601-2001	N/A the modification does not involve demolition.
10 –Future environmental assessment requirements	N/A as the future environmental assessment requirements were considered under SSD 6962.
11 – Minor Amendments	N/A