

PRESTONS INDUSTRIAL ESTATE WAREHOUSE

SECTION 96(1A) MODIFICATION

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PREPARED FOR LOGOS

URBIS

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Director	David Hoy
Consultant	Ryan Macindoe
Assistant Planner	Tim Green
Project Code	SA5893
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1. INTRODUCTION

1.1. OVERVIEW

This report constitutes an application pursuant to Section 96(1A) of the *Environmental Planning and Assessment Act 1979* (The Act), seeking to modify the Development Consent known as 'SSD715' in relation to the Prestons Industrial Estate. In support of the application, please find attached:

- Completed Section 96 application form;
- Cheque for requisite fee
- Revised Architectural Plans prepared by SBA Architects.

As a result of the detailed design phase and operational requirements of the new tenant (Toll Transport), a number of minor site elements require some reconfiguration to enable effective operation.

1.2. CONSENT HISTORY

On the 24th June, 2016, development consent SSD 7155 was granted by the delegate of the Minister for Planning under Section 89E of The Act. The consent authorised the staged construction of five warehouse buildings, associated office space, access roads, parking, drainage and landscaping. The application was assessed pursuant to *State and Environmental Planning Policy (State and Regional Development) 2011* because it met the criteria identified in Clause 12 of Schedule 1 of the SEPP as a warehouse and distribution centre with a capital investment value greater than \$50 million.

2. THE PROPOSAL

This application proposes to modify consent SSD7155 by:

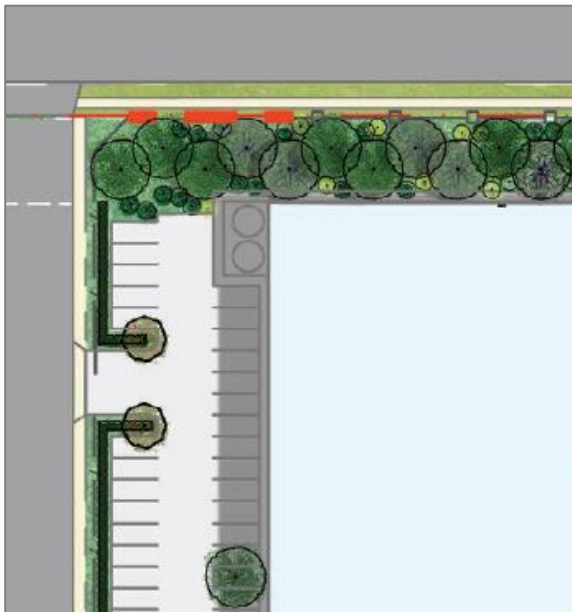
- Relocating a sprinkler tank and pump room from the south east corner of Warehouse 5 to the north west corner of Warehouse 2. Refer to **Figure 1** below for extract comparison. Arising from this relocation, there will be a minor rationalisation/reconfiguration of car parking in proximity to the current and proposed location of the sprinkler tank. Approved and proposed car parking for the site is as per the advice from the architect is as follows:

Table 1 – Approved and proposed car parking

Heading	Required car spaces (as per RMS)	Provided car spaces (as shown in DA)	Provided car spaces (as per proposal)
Warehouse 2	123	158	137 (Inc.4 Disabled Spaces)
Warehouse 5	157	257	266 (Inc.4 Disabled Spaces)

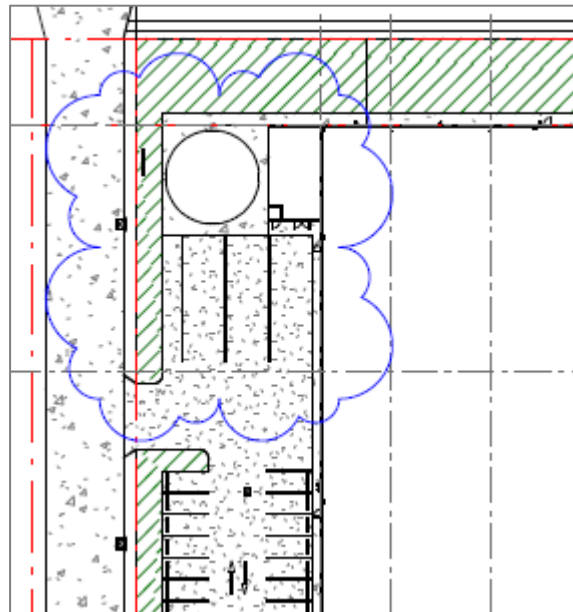
- Adding a battery charge room on the north side of Warehouse 5 (under the awning);
- Deletion of the indoor substation on the east side of Warehouse 5; and
- Adding a small pergola / shade cloth structure to Warehouse 5.

Figure 1 – Proposed relocation of sprinkler tank and pump room



Picture 1 – Existing north east corner of Warehouse 2

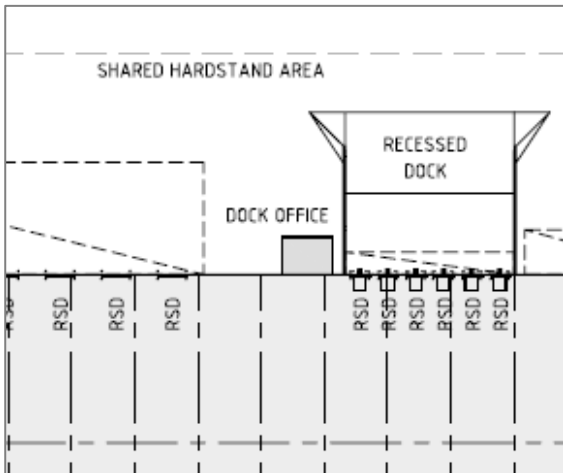
Source: SBA Architects



Picture 2 – Proposed north east corner of Warehouse 2

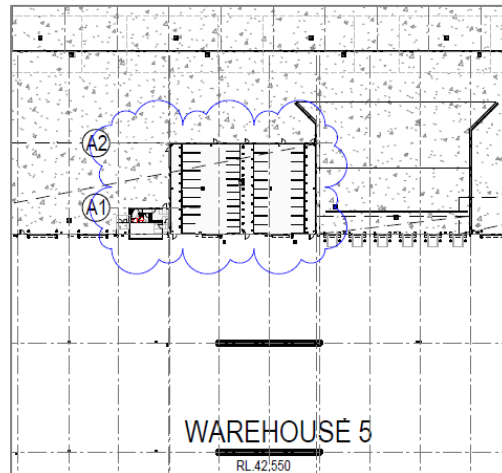
Source: SBA Architects

Figure 2 – Proposed new battery charge room to the north of Warehouse 5



Picture 3 – Approved plans

Source: SBA Architects



Picture 4 – Plans showing proposed new battery charge room

Source: SBA Architects

A reduced set of the proposed plans that detail the amendments are contained in Appendix A to this report.

2.1. REASON FOR THE PROPOSED MODIFICATIONS

The minor modifications are being sought for the reasons outlined below.

- **Relocation of sprinkler tank and pump room:** As design as developed in consultation with the proposed tenant, the relocation is required to satisfy the operational requirements. There are no intentions to alter the need for these facilities.
- **Addition of battery charge room:** This is an operational requirement of the proposed tenant.
- **Deletion of the indoor substation:** This is in response to power authority requiring the deletion of the substation and provision of an external pad mounted substation.
- **Addition of pergola and shade cloth:** This was not included in the original drawings but is now proposed to improve amenities for staff at Warehouse 5.

The proposed tenant (Toll, a transportation and logistics company) have undertaken design and development of their sortation system. This process indicated that the requirement for a battery recharge enclosure under the warehouse awning.

2.2. CONDITIONS TO BE MODIFIED

Based on our review of the Consent, it is considered that there are no specific conditions that require modification per se.

Condition B2 calls for the development to be carried out in accordance with the “(b) *Development layout plans and drawings in the EIS (see Appendix A)*”. As a consequence, the submitted plans that accompany this application will need to replace original drawings in the EIS, and Figures 1 and 2 of Appendix A to the consent will need to be updated to reflect the proposed minor amendments shown in the site layout.

3. SECTION 96(1A) ASSESSMENT

3.1. MINIMAL ENVIRONMENTAL IMPACT

The detailed design process and operational needs of the tenant have necessitated the aforementioned proposed modifications to the development consent. The Department of Planning and Environment's 'Environmental Assessment Report' from June 2016 reads:

'The Department's assessment concluded that there would be some amenity impacts during operation of the industrial estate, such as increased traffic and noise, as well as a change in the visual landscape when viewed from neighbouring residencies.'

The potential for visual impacts to neighbouring residences is negated by the location of the proposed modifications, primarily within the site. The sprinkler tank will be relocated away from the adjacent sensitive residential visual receptors. The ten metre landscaped setback on Yarrunga Street will conceal the new location of the water sprinkler tank and pump resulting in a negligible visual impact.

The proposed rationalisation/reconfiguration of car parking does not give rise to any non-compliances with previously agreed rates and standards for the provision of car parking.

No other environmental impacts resulting from the modifications are discernible.

3.2. SUBSTANTIALLY THE SAME DEVELOPMENT

The proposed minor additions and reconfiguration will result in a development that is substantially the same development for which consent was originally granted. The modifications will not alter the use of the land but will allow the site to be operated more effectively by the tenant. The proposed modifications do not represent an intensification of the site's use or an expansion of the built form beyond what has already been assessed and approved in the original Development Application.

4. SECTION 79C ASSESSMENT

4.1. ANY PLANNING INSTRUMENT

4.1.1. LIVERPOOL LOCAL ENVIRONMENTAL PLAN 2008

Two land uses zones apply to the site under the Liverpool Local Environmental Plan 2008 (LLEP 2008):

- IN1 – general industrial; and
- IN3 – heavy industrial.

The proposed modifications will have no impact upon the land use of the site and will not change the permissibility of the site.

4.1.2. SEPP STATE AND REGIONAL DEVELOPMENT

The proposed modifications do not alter the classification of the project under the SEPP.

4.2. ANY DRAFT ENVIRONMENTAL PLANNING INSTRUMENT

None of relevance.

4.3. DEVELOPMENT CONTROL PLANS

The proposed amendment does not impact on the compliance of the approved development with the requirements of the Liverpool Development Control Plan 2008.

4.4. THE REGULATIONS

This application has been prepared in accordance with the relevant provisions of the regulations associated with The Act.

4.5. LIKELY IMPACTS

4.5.1. ECONOMIC AND SOCIAL IMPACTS

Due to the minor nature of the additions and reconfiguration, any social or economic impacts are considered negligible.

4.5.2. VISUAL IMPACT

The following provides a visual impact assessment of the proposed pad mounted substations.

The proposed substations are located within the confines of the site in an area that will not be visible from any public place (refer to **Figure 3**). Further, they are both tucked into a retaining wall which will effectively obscure them from sight from various locations.

The only visual impact resultant from the substations will be experienced by users of the approved warehouse and distribution facility. However the visual aspects of the substations are expected for a facility of this nature and thus they will not be out of character in the proposed location. A photo showing an example of the proposed substations is provided at **Figure 4**.

Figure 3 – Location of proposed substations



Source: SBA Architects

Figure 4 – Example of pad mounted substation



Source: www.osha.gov

4.6. SUITABILITY OF THE SITE

The proposed modifications are consistent with the approved use of the site and remain suitable.

4.7. THE PUBLIC INTEREST

There is no matter of public interest that is of relevance to this matter.

5. CONCLUSION

Pursuant to Section 96(1A) of The Act, this application to modify SSD 7155 results in minimal environmental impact to a development that is essentially the same as that was approved under the original consent.

As demonstrated within this statement, the proposal is considered to be satisfactory under Section 79C of the *EP&A Act 1979* and as such it is recommended that approval be granted to the application.

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

APPENDIX A

ARCHITECTURAL PLANS



BRISBANE

Level 7, 123 Albert Street
Brisbane QLD 4000
Australia
T +61 7 3007 3800

GOLD COAST

45 Nerang Street,
Southport QLD 4215
Australia
T +61 7 5600 4900

MELBOURNE

Level 12, 120 Collins Street
Melbourne VIC 3000
Australia
T +61 3 8663 4888

PERTH

Level 14, The Quadrant
1 William Street
Perth WA 6000
Australia
T +61 8 9346 0500

SYDNEY

Tower 2, Level 23, Darling Park
201 Sussex Street
Sydney NSW 2000
Australia
T +61 2 8233 9900

CISTRI – SINGAPORE

An Urbis Australia company
#12 Marina View
21 Asia Square, Tower 2
Singapore 018961
T +65 6653 3424
W cistri.com