

ASSESSMENT REPORT

Section 96(1A) Modification Altis Warehouse and Logistics Hub (SSD 7173 MOD 2) Internal road and subdivision amendments

1. INTRODUCTION

This report assesses a modification application lodged by Willowtree Planning Pty Ltd, on behalf of Altis Property Partners (the Applicant) to the Altis Warehouse and Logistics Hub. The application has been lodged pursuant to section 96(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

2. BACKGROUND

2.1 Site and Surrounds

The subject site is located at 585-649 Mamre Road, Orchard Hills in the Penrith local government area (see **Figure 1**). The site is also located in Precinct 11 of the Western Sydney Employment Area, which is strategically identified employment land under *State Environmental Planning Policy (Western Sydney Employment Area) 2009* (WSEA SEPP) (see **Figure 1**).

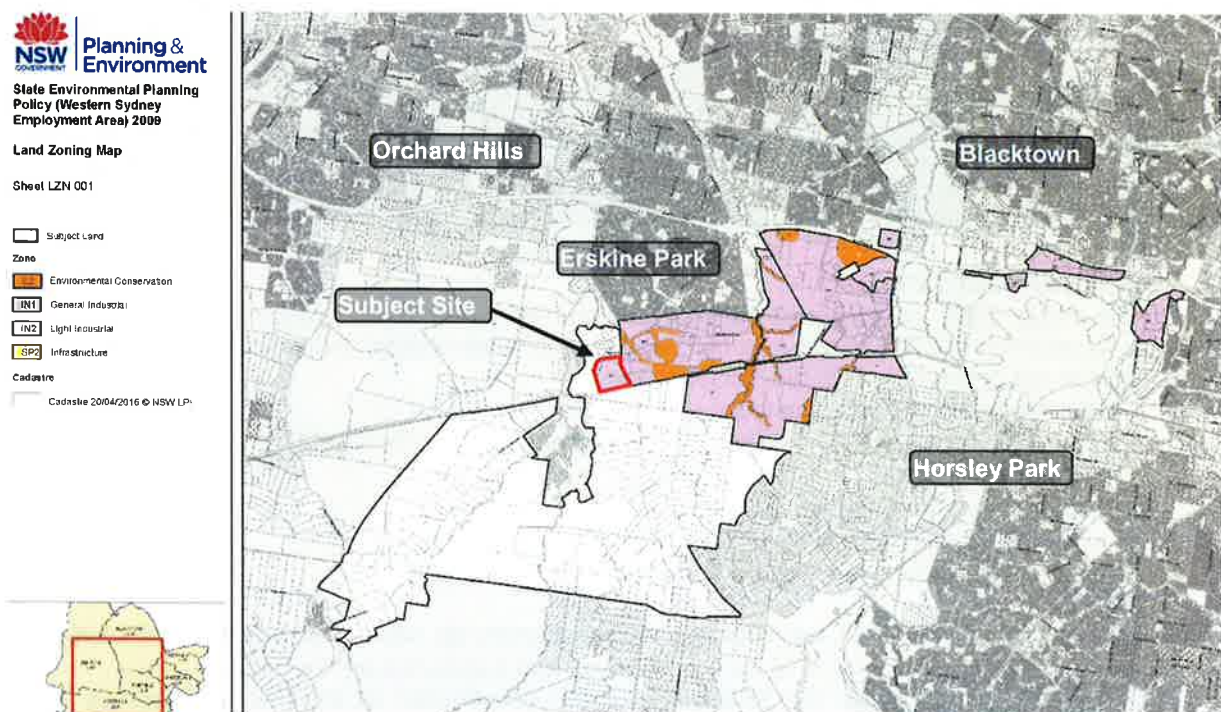


Figure 1: Site Location

The site is 44.98 hectares (ha) in area, located approximately 10 kilometres (km) south-east of Penrith and 40 km west of the Sydney CBD. The site has been historically used for rural and residential purposes and is located in a semi-rural area. The site also has a 890 m frontage to Mamre Road to the West.

Surrounding features and land uses include:

- the Old MacDonald's child care centre 250 m to the north off Mandalong Close
- rural residential properties 450 m to the north along Mandalong Close
- rural residential properties 280 m to the west along an unnamed road for 579 Mamre Road

- rural residential properties 690 m to the west along Luddenham Road, on the western side of South Creek
- the Erskine Business Park to the east, opposite the site across Mamre Road
- the WaterNSW Warragamba Pipeline Corridor along the southern site boundary
- the Twin Creeks Golf and Country Club further to the south-east off Luddenham Road
- South Creek to the west.

The nearest existing residential property is 70 m from the northern boundary of the site. However, this property will be acquired by the RMS as part of its upgrade along Mamre Road and James Erskine Drive. The closest residential suburbs are Luddenham to the south, St Clair to the north and Erskine Park to the north-east.



Figure 2: Site Context

3. APPROVAL HISTORY

On 15 December 2016, development consent was granted by the Executive Director, Key Sites and Industry Assessments for the construction and operation of a warehouse and logistics hub (SSD 7173). The development consent permits the following works:

- subdivision of the site into nine lots
- construction of three warehousing buildings between 9,400 m² to 41,500 m² and ancillary offices
- 357 car parking spaces
- bulk earthworks, infrastructure and services
- internal access road from Mamre Road to the northern site boundary
- intersection works between Mamre Road and an internal estate road.

Since the approval of SSD 7173, the following additional approvals have occurred within the estate:

- Penrith City Council DA16/1118 for a warehouse and distribution centre on Lot 3
- a Part 5 approval under the EP&A Act for the construction of the Fire and Rescue NSW headquarters and associated training facility on Lot 2 (see **Figure 2**)
- On 15 August 2017, the Director, Industry Assessments, approved a section 96(1A) modification application amend the layout of Lot 8, facilitate tenant specific fit-out for Linfox on Lot 8A, including the storage of dangerous goods and N&A Fruit operation on Lot 8B1.

To date, the Applicant has commenced bulk earthwork, road construction and construction of the warehouse under DA16/1118, the FRNSW training facility and one warehouse under SSD 7173.

4. PROPOSED MODIFICATION

The Applicant has lodged a modification application under section 96(1A) of the EP&A Act to amend the development description, realign a drainage channel discharging to South Creek, relocate a turning head within the estate road network and amend the subdivision plan for the site. The approved

subdivision plan is shown in **Figure 3**. The modification is described in full in the Statement of Environmental Effects (SEE) included in **Appendix B** and is shown in **Figure 4** and **Figure 5**.

The initial modification application sought to re-align the drainage channel on Lot 2172 DP 1153854. During the assessment of the modification application, the Applicant requested this aspect be removed. This element therefore does not form part of this assessment.

The proposed modifications would:

- revise the subdivision layout by:
 - amalgamating lots 4, 5 and 6 into one lot (Lot 8)
 - subdivide 1.36 ha of land along Mamre Road to facilitate its dedication to the RMS for road widening works
 - reflect the revised cul-de-sac location
- relocate the estates internal turning bulb further to the north

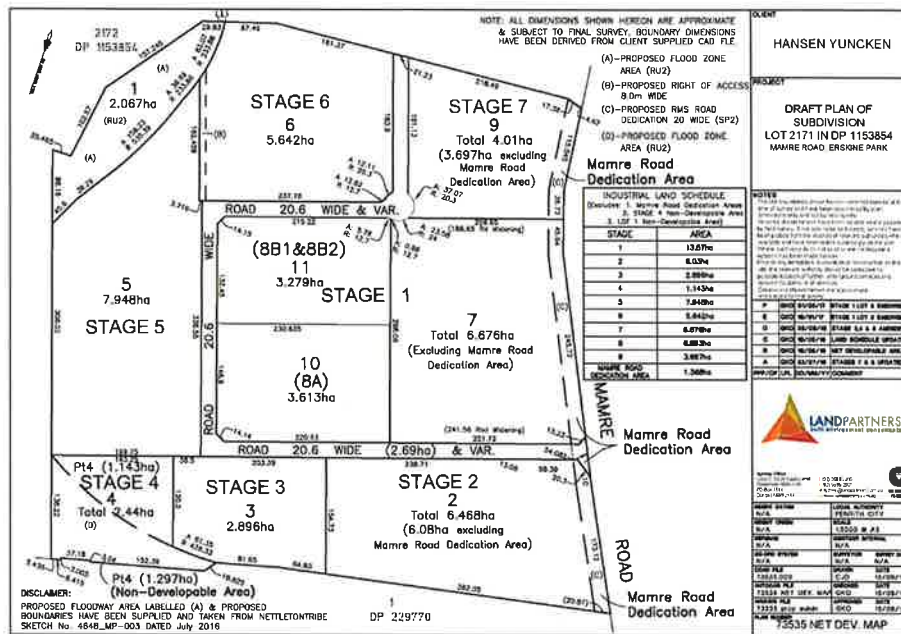


Figure 3: Current Approved Subdivision Layout under SSD 7173 MOD 1

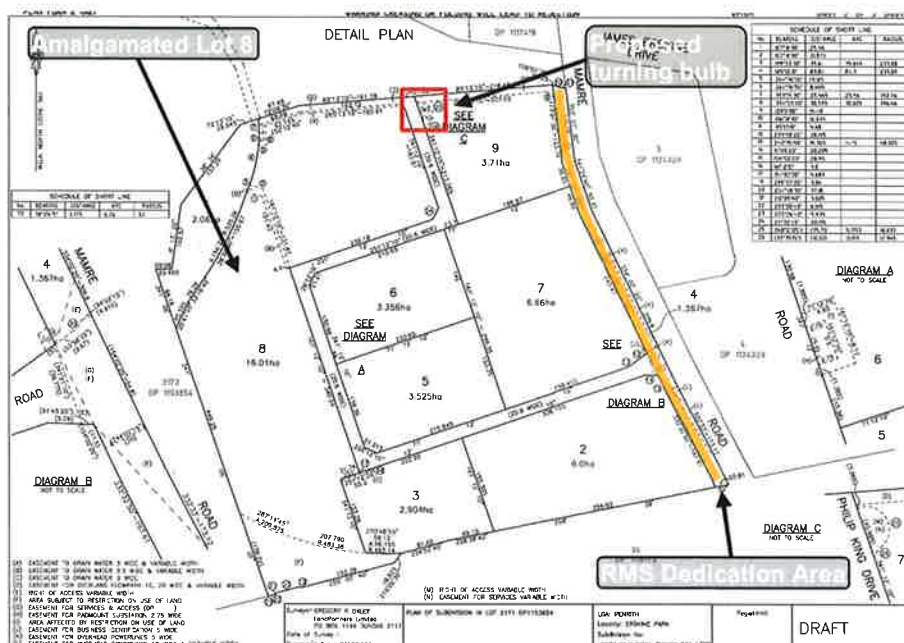


Figure 4: Proposed Draft Subdivision Plan

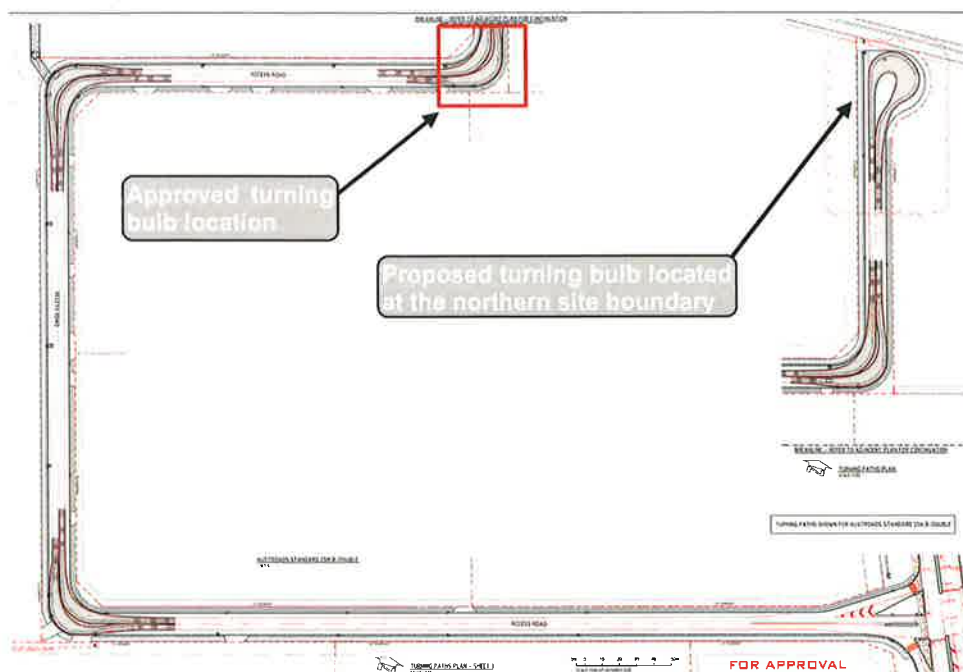


Figure 5: Proposed Location of Cul-de-sac

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 30 October 2017, and was referred to Penrith City Council (Council), the Office of Environment and Heritage (OEH), NSW Fire and Rescue, the Department of Primary Industries (DPI) and Roads and Maritime Services (RMS) for comment.

During the notification period, a total of four submissions were received, all from public authorities. Of the submissions received, none objected to the development.

Council did not object to the modification and raised no issues or recommended conditions of consent.

RMS did not object to the modification and requested revised design plans and hydraulic calculations of any changes to the RMS stormwater drainage system prior to the commencement of works as a condition. RMS also noted the proposed works should be consistent with the original SSD 7173 approval, all signposting to be at no cost to the RMS and stated its previous comments for SSD 7173 remain applicable.

OEH did not object to the modification and raised no issues or recommended conditions of consent.

DPI did not object to the modification and advised:

- the works for the realignment of the drainage channel should be undertaken in accordance with DPI's Guidelines for Controlled Activities on Waterfront Land (2012)
- the realigned channel should be extended to the low bank area and revegetated to reduce scour protection
- a 10 m wide riparian corridor should be established along either side of the proposed channel
- the Applicant should develop a channel realignment plan and erosion and sediment control plan in consultation with DPI.

No comments were received from NSW Fire and Rescue.

The Department has reviewed the comments received from Council and other government agencies and requested the Applicant respond to the issues raised. The Applicant submitted a response on 28 November 2017. As part of this response, the Applicant requested the re-alignment of the drainage channel aspect of the proposal be removed from the modification application. The Department accepts the removal of this part of the modification application. As a result, comments from the RMS and DPI have not been addressed by the Applicant. The Department considers this acceptable and notes that should a future modification application seek to re-align the drainage channel, the comments from RMS and DPI would be addressed.

7. ASSESSMENT

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

- the SEE and response provided to support the proposed modification (see **Appendix B**)
- the assessment report for the original development application and subsequent modification application(s)
- submissions from 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.

As the drainage channel re-alignment no longer forms part of the modification application, this aspect has not been assessed.

The Department considers the key assessment issues are site access and subdivision. The Department's assessment of these issues is in **Table 1** below.

Table 1: Assessment of Other Issues

Issue	Assessment	Recommendation
Access	• The modification seeks to relocate the internal cul-de-sac further to the north along the internal estate road. The new location would also place the cul-de-sac on the eastern side of the road. • Revised drawings provided by the Applicant show the new design can accommodate a 180-degree U-turn of a 25 m B-Double vehicle. • RMS reiterated previous comments for all signposting to be at no cost to RMS. The Applicant agrees with this position. • The Department raised concern for the revised cul-de-sac for the future connection to James Erskine Drive. The Applicant has advised the cul-de-sac would be removed when this connection is made. • The Department considers the revised location of the cul-de-sac is acceptable and would reduce potential traffic conflicts in the estate, when operating, until the estate road is connected to the fourth leg of the James Erskine Drive intersection.	• Administrative changes to include updated plans.

Issue	Assessment	Recommendation
Subdivision	- On this basis, the Department has recommended administrative changes to incorporate updated plans and documents. - The modification includes a revised subdivision plan to reflect the changes to the road network and clarify the land to be dedicated to the RMS for the widening of Mamre Road. - The Applicant also seeks to remove the lot size ranges from the development description to prevent potential conflict with the provisions for minor boundary changes under <i>State Environmental Planning Policy (Exempt and Complying Development) 2008</i>. - The proposed changes will amalgamate lots 4, 5 and 6 to create a new 'Lot 8', list the RMS dedication area as a separate lot, provides minor geometry changes to facilitate the interim seagull intersection off Mamre Road and re-number the lots on-site. - This will reduce the number of allotments from 10 to nine, excluding the internal estate road. - The Department considers the revised plan is consistent with the original development and the WSEA SEPP and concludes the revised plan would not adversely impact any approved developments currently under construction. - The Applicant has also provided an updated estate masterplan to reflect the proposed subdivision layout. While the cul-de-sac would remove indicative car parking for a future warehouse on Lot 9, this would be subject to assessment under a future DA. - The Applicant has also advised the staging of the development would not be impacted by the new lot layout. - The Department has therefore recommended the revised plan be incorporated into the development consent.	Incorporate updated plans into development consent
Consistency with the WSEA SEPP	- The Department has assessed the scope of the modifications against the principal development standards of the WSEA SEPP at Table 2 in Appendix D. - The Department's assessment concludes the proposed modifications and the overall development remain consistent with the requirements of the WSEA SEPP.	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 proposed modification will result in minimal environmental impacts beyond the approved development
- allow larger scale employment uses to occupy a new large lot on-site as part of a future DA, while reducing the risk of the fragmentation of land for employment generating uses
- improve access to lots for future employment generating development.

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 7173 MOD 2 falls within the scope of section 96(1A) of the EP&A Act
- modify the consent SSD 7173
- sign the attached approval of the modification (Attachment A).

Recommended by:



Thomas Piovesan
Senior Planning Officer
Industry Assessments

Recommended by:



Kelly McNicol
Team Leader
Industry Assessments

DECISION

The recommendation is: Approved by:



Chris Ritchie

Director

Industry Assessments

as delegate of the Minister for Planning

20/12/17.

APPENDIX A – NOTICE OF MODIFICATION

See link http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8841

APPENDIX B – STATEMENT OF ENVIRONMENTAL EFFECTS

See link http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8841

APPENDIX C – SUBMISSIONS

See link http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8841

APPENDIX D – WSEA SEPP ASSESSMENT

Table 2 below contains the Department's assessment of the proposed modifications to SSD 7173 against the principle development standards of the WSEA SEPP. The Department's assessment concludes the development as proposed to be modified would continue to comply with the requirements of the WSEA SEPP.

Table 2: 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 Mamre West Precinct DCP was made on 9 August 2016 and applies to the site in accordance with Clause 18 of the WSEA SEPP.
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.	N/A. The modification will not impact the use of potable water or greenhouse gas emissions.
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.	N/A. The proposed modifications will not alter any of the approved buildings on site.
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.	N/A. No changes are proposed to any of the warehouse buildings.
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.	N/A. The nearest residentially zoned land is located further than 250 m from the site and therefore Clause 23 is not relevant to the assessment of SSD 6917 MOD 2.
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.	The revised subdivision will amalgamate lots 4, 5 and 6 to create a single large lot (Lot 8) and reduce the number of lots from 10 (as modified by SSD 7173 MOD 1) to eight, including the detention basin but excluding the road alignment. The revised layout would not have any adverse impacts on approved developments on-site or fragmentation of land for employment uses. The new layout would improve access by providing future development on Lot 8 unfettered access off the estate road network.
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.	Clause 25 (3) specifies clause 25 does not apply to development for the purposes of extending or augmenting public utility infrastructure. As stated in the Department's original assessment of SSD 7173, as the Applicant is extending and augmenting existing infrastructure, clause 25 of the WSEA SEPP does not apply.

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.	The 20 m wide easement to provide a future connection to the West Mamre Precinct access road remains unchanged and would not be compromised by the proposed modifications. On this basis, the Department is satisfied the development continues to comply with clause 26 of 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. 28 Relevant acquisition authority Details the requirements for owner-initiated acquisition and state authority acquisitions.	The site includes land reserve for acquisition by the RMS for the widening of Mamre Road. The updated subdivision plan would not impact the ability of this land to be acquired for these works.
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.	Satisfactory arrangements have been made prior to the determination of SSD 7173 and continue to apply. The Department is satisfied the requirements of clause 29 of the WSEA SEPP have been met.
Cl. 30 Controls relating to miscellaneous permissible uses Details miscellaneous uses allowed in the WSEA.	N/A. The modification does not seek to introduce or alter any uses on-site.
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.	N/A. The modification seeks to alter a drainage channel, road works and subdivision of the site, and no changes to the design of the approved warehouse buildings are proposed.