



# Altis Warehouse and Logistics Hub Modification 8

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State Significant Development Modification Assessment  
(SSD-7173 MOD 8)

June 2020



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# Glossary

Abbreviation	Definition
<b>AHD</b>	Australian Height Datum
<b>BCA</b>	Building Code of Australia
<b>CIV</b>	Capital Investment Value
<b>Council</b>	Penrith City Council
<b>Department</b>	Department of Planning, Industry and Environment
<b>EA</b>	Environmental Assessment prepared by Willowtree Planning Pty Ltd, dated 22 April 2020
<b>EPA</b>	Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2000
<b>EPBC Act</b>	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
<b>EPI</b>	Environmental Planning Instrument
<b>ESD</b>	Ecologically Sustainable Development
<b>FRNSW</b>	Fire and Rescue NSW
<b>LEP</b>	Local Environmental Plan
<b>Minister</b>	Minister for Planning and Public Spaces
<b>Planning Secretary</b>	Secretary of the Department of Planning, Industry and Environment
<b>RtS</b>	Response to Submissions prepared by Willowtree Planning Pty Ltd, dated 27 May 2020
<b>SEARs</b>	Planning Secretary's Environmental Assessment Requirements
<b>SEPP</b>	State Environmental Planning Policy
<b>SRD SEPP</b>	State Environmental Planning Policy (State and Regional Development) 2011
<b>SSD</b>	State Significant Development
<b>TfNSW</b>	Transport for NSW
<b>WSEA SEPP</b>	State Environmental Planning Policy (Western Sydney Employment Area) 2009

# Contents

<b>1</b>	<b>Introduction .....</b>	<b>1</b>
1.1	Background .....	1
1.2	Approval history .....	2
<b>2</b>	<b>Proposed modification .....</b>	<b>6</b>
<b>3</b>	<b>Strategic context.....</b>	<b>7</b>
3.1	A Metropolis of Three Cities – Greater Sydney Region Plan.....	7
3.2	Western City District Plan .....	7
<b>4</b>	<b>Statutory context .....</b>	<b>8</b>
4.1	Scope of modifications .....	8
4.2	Consent authority .....	8
<b>5</b>	<b>Engagement.....</b>	<b>9</b>
5.1	Department's engagement.....	9
5.2	Summary of submissions .....	9
5.3	Response to submissions .....	9
<b>6</b>	<b>Assessment .....</b>	<b>10</b>
<b>7</b>	<b>Evaluation.....</b>	<b>12</b>
<b>8</b>	<b>Recommendation.....</b>	<b>13</b>
<b>9</b>	<b>Determination.....</b>	<b>14</b>
	<b>Appendices .....</b>	<b>15</b>
	Appendix A – Notice of modification .....	15
	Appendix B – Modification application .....	16
	Appendix C – Submissions .....	17
	Appendix D – Submissions report .....	18
	Appendix E – Statutory considerations.....	19

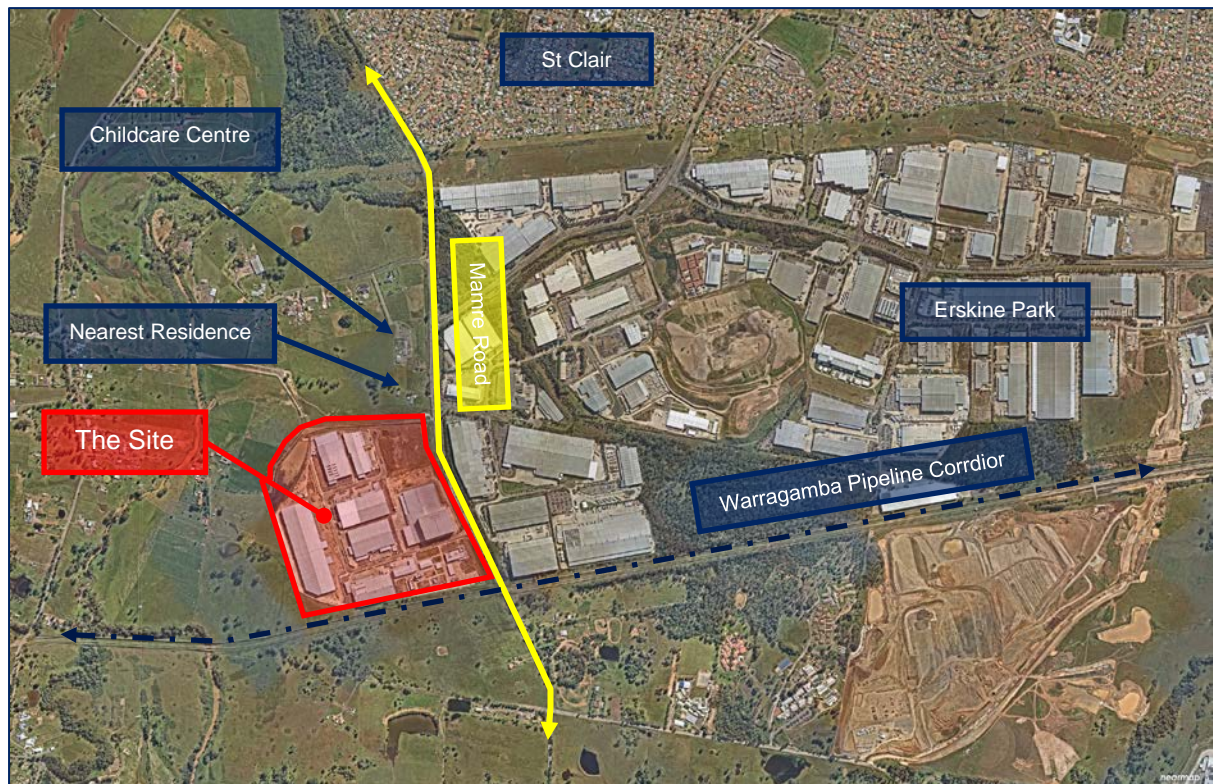
# 1 Introduction

This report provides the NSW Department of Planning, Industry and Environment's (the Department's) assessment of an application to modify the state significant development consent (**SSD**) for the Altis Warehouse and Logistics Hub. The modification application seeks approval to subdivide existing Lot 16 into two new lots.

The application was lodged on 27 April 2020 by Altis Property Partners 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 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 2**).



**Figure 1 | Site Location Map**

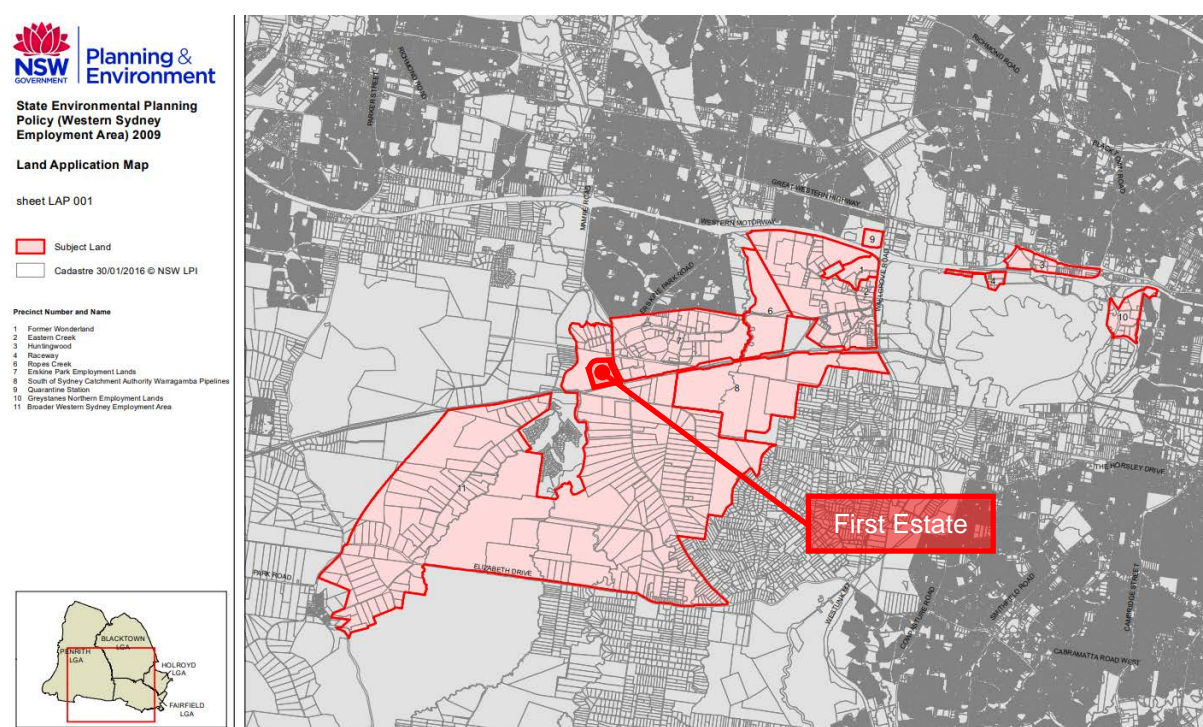
The site is 44.98 hectares (ha) in area, located approximately 10 kilometres (km) south-east of Penrith and 40 km west of the Sydney CBD. The site has been historically used for rural and residential purposes and is located in a semi-rural area. The site also has an 890 m frontage to Mamre Road to the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

Surrounding features and land uses include:

- the Old MacDonald's child care centre 250 metres (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 Water NSW 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, the Department understands 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 | State Environmental Planning Policy (Western Sydney Employment Area) 2009 Land Application Map**

## 1.2 Approval history

On 15 December 2016, development consent was granted by the then 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 10 lots
- construction of three warehousing buildings between 9,400 m<sup>2</sup> to 41,500 m<sup>2</sup> and ancillary offices
- 357 car parking spaces
- bulk earthworks, infrastructure and services

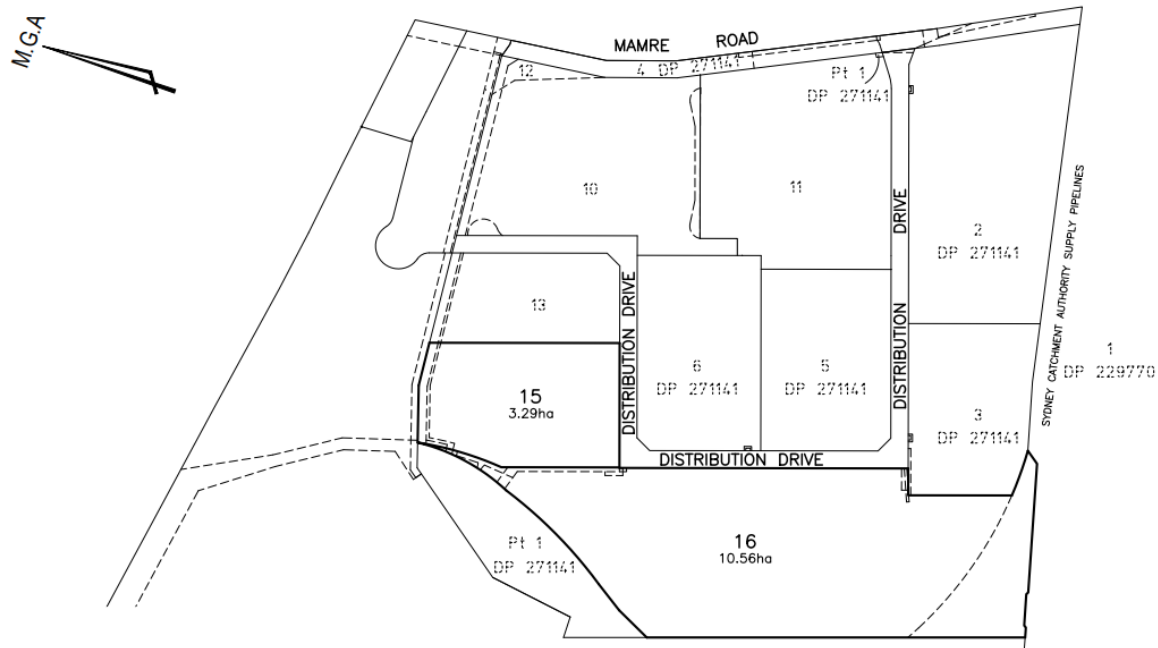
- internal access road from Mamre Road to the northern site boundary
- intersection works between Mamre Road and an internal estate road.

The development consent has been modified on seven occasions (see **Table 1**). The Department notes the subdivision plan has been amended on six occasions (see **Figure 3**).

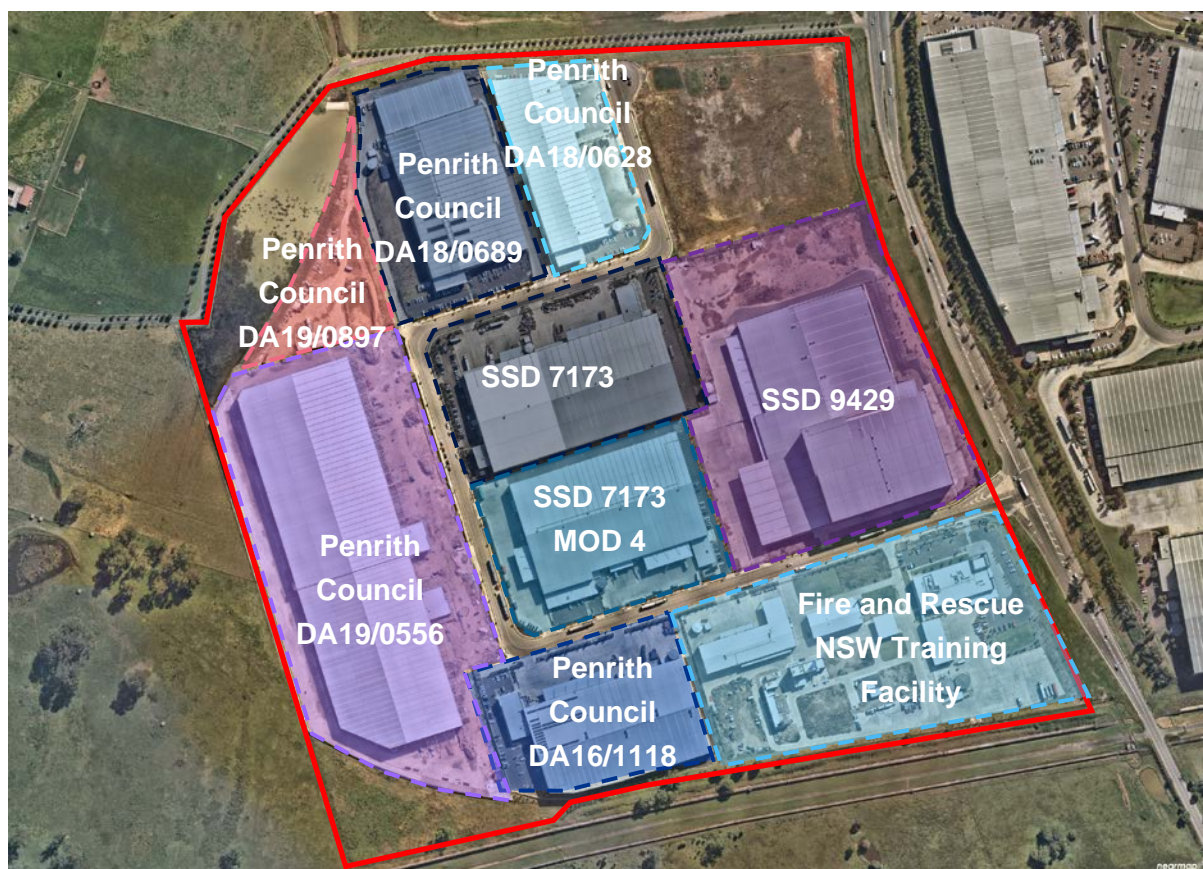
**Table 1 | Summary of Modifications**

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
<b>MOD 1</b>	Amended site layout on Lot 8 and tenant specific fit-out of Linfox on Lot 8A, including Dangerous Goods storage, and N&A Fruit operation on Lot 8B1.	Minister for Planning	4.55(1A)	15 August 2017
<b>MOD 2</b>	Amendments to the internal road and subdivision layout to: <ul style="list-style-type: none"> <li>• amalgamate lots 4, 5 and 6 into one lot</li> <li>• reduce the number of lots from 10 to nine.</li> </ul>	Minister for Planning	4.55(1A)	20 December 2017
<b>MOD 3</b>	Amendments to proposed drainage channel.	Minister for Planning	4.55(1A)	19 December 2018
<b>MOD 4</b>	Construction and operation of two warehouse facilities.	Minister for Planning	4.55(1A)	19 December 2018
<b>MOD 5</b>	Amendment to the subdivision plan to create new lots 10, 11 and 12 in place of approved lots 7 and 9.	Minister for Planning and Public Spaces	4.55(1A)	9 April 2019
<b>MOD 6</b>	Amendment to the subdivision plan to subdivide Lot 8 into two new allotments (lots 13 & 14).	Minister for Planning and Public Spaces	4.55(1A)	7 May 2019
<b>MOD 7</b>	Amendment to the subdivision plan to subdivide Lot 14 into two new allotments (lots 15 & 16).	Minister for Planning and Public Spaces	4.55(1A)	8 July 2019

To date the Applicant has completed bulk earthworks, road construction on-site and the construction of warehouse buildings on lots 2, 3, 5, 6, 11, 13, 15 and 16 (see **Figure 4**).



**Figure 3 | Approved Subdivision Plan (MOD 7)**



**Figure 4 | Site Context**

Other approvals relevant to the site are outlined in **Figure 4** and **Table 2**.

**Table 2 | Other Approvals and Development Proposals**

Lot	Development	Approval Authority	Application Number	Status
<b>2</b>	Fire and Rescue NSW headquarters and training facility	Part 5 Approval under the EP&A Act 1979	N/A	Constructed
<b>3</b>	Warehouse and Distribution Centre	Penrith City Council	DA16/1118	Constructed
<b>11</b>	Warehouse and Distribution Facility	Department	SSD 9429	Constructed
<b>13</b>	Two Warehouses with ancillary Office Space	Penrith City Council	DA18/0628	Constructed
<b>15</b>	Warehouse and Distribution Facility	Penrith City Council	DA18/0689	Constructed
<b>16</b>	Warehouse and Distribution Facility	Penrith City Council	DA19/0556	Constructed
	Construction of six Industrial Units		DA19/0897	Approved

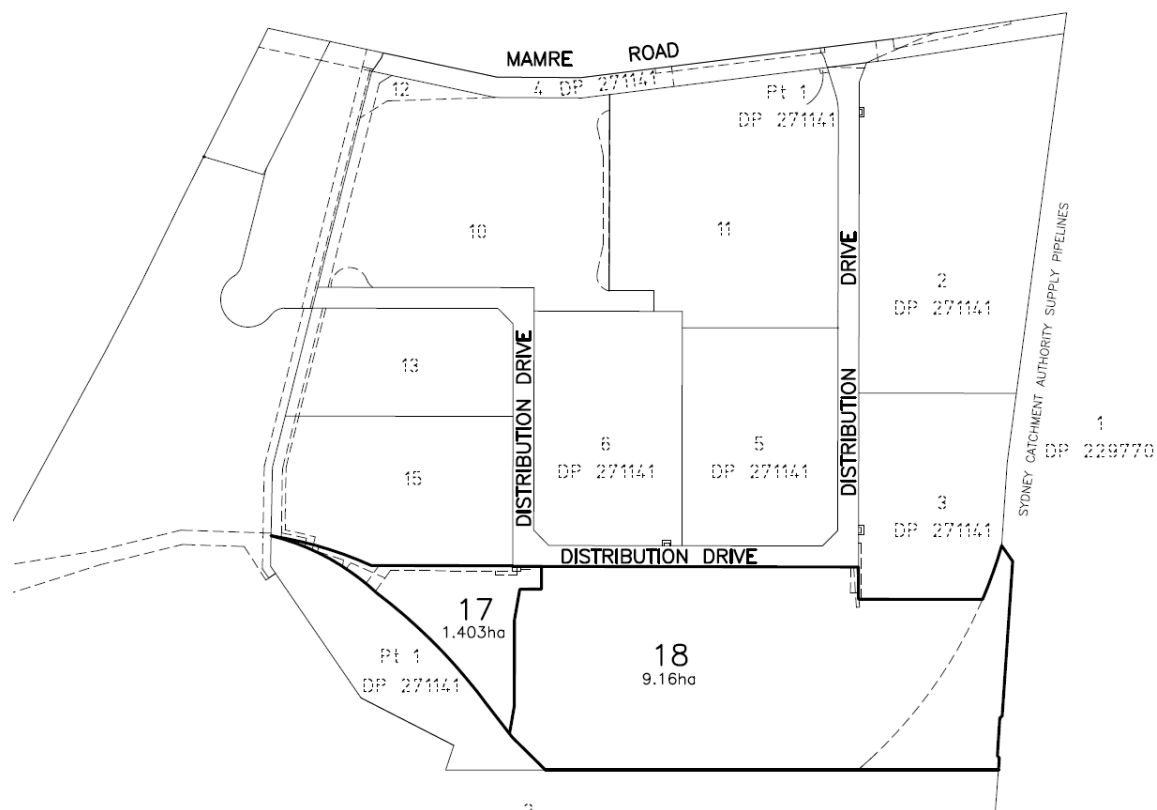
## 2 Proposed modification

The Applicant has lodged a modification application under section 4.55(1A) of the EP&A Act to amend the subdivision layout to further subdivide Lot 16 into two new lots. The modification is described in full in the Environmental Assessment (EA) included in **Appendix B** and is shown in **Figure 4**.

The modification request seeks to subdivide Lot 16 of the Subdivision Plan into two new lots being Lots 17 and 18 resulting in a total of 12 lots on the subject site. The modification has been proposed to facilitate the development of industrial units on proposed Lot 17 approved under Council DA 19/0897 while creating proposed Lot 18 as an individual allotment for the existing warehouse development approved under Council DA 19/0556. The extent of this modification is outlined in **Table 3** and **Figure 5** below.

**Table 3 | Main Component of Modification**

Aspect	Description
<b>Lot 17</b>	Lot size of 1.4 ha
<b>Lot 18</b>	Lot size of 9.16 ha



**Figure 5 | Proposed Subdivision Layout Plan**

## 3 Strategic context

The Department has considered the strategic context of the site and is satisfied the proposed modification is consistent with the following strategic documents:

- A Metropolis of Three Cities – Greater Sydney Region Plan
- Western City District Plan

### 3.1 A Metropolis of Three Cities – Greater Sydney Region Plan

SSD 7173 was assessed against the then metropolitan plan for greater Sydney, *A Plan For Growing Sydney*. This has since been replaced by *A Metropolis of Three Cities*. As such, the modification request has been assessed in accordance with *A Metropolis of Three Cities* and is considered to be consistent with the directions and objectives outlined in *A Metropolis of Three Cities* as it contributes to the delivery of industrial land uses on industrial zoned land and the delivery of jobs near Western Sydney homes.

### 3.2 Western City District Plan

The Greater Sydney Commission has released six district plans encompassing Greater Sydney which will guide the delivery of *A Metropolis of Three Cities*. The site is located within the 'Western City District' which is identified as one of the fastest growing districts in Greater Sydney. The proposed modification will continue to support the delivery of employment in Western Sydney in accordance with Planning Priority W11.

## 4 Statutory context

### 4.1 Scope of modifications

The Department has reviewed the scope of the modification application and considers the application can be characterised as a modification involving minimal environmental impacts, as the proposal:

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

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. Under the Minister's delegation dated 9 March 2020, the Director, Industry Assessments, may determine the application under delegations:

- the application has not already been referred by the Planning Secretary to the Independent Planning Commission as at the date of the delegation
- a political disclosure statement has not been made
- there are less than ten 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 section 4.55(1A) modifications with minimal environmental impact applications. Accordingly, the application was not notified or advertised. However, it was made publicly available on the Department's website on 5 May 2020 and was referred to Council and WaterNSW for comment.

### 5.2 Summary of submissions

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

**Council** did not object to the modification but noted the proposed subdivision plan was inconsistent with the approved plans for DA19/0897 and requested this be rectified.

**WaterNSW** did not object to the modification and did not provide comment.

### 5.3 Response to submissions

The Applicant submitted a Response to Submissions (RtS) on 28 May 2020 to the Department for review. The RtS included an amended plan of subdivision in response to comments raised by Council to accurately reflect the approved plans of DA19/0897.

Council reviewed the RtS and advised the amended plan of subdivision is consistent with the approved plans for DA19/0897.

## 6 Assessment

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

- EA and RtS provided to support the proposed modification (see **Appendix B**)
- assessment report for the original development application and subsequent modification applications
- submissions from Council and public authorities (see **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's assessment of these issues is provided in **Table 4** below.

**Table 4 | Assessment of Issues**

Findings	Recommendations
Proposed Subdivision Layout	
<ul style="list-style-type: none"> <li>• The modification includes a revised subdivision plan to further subdivide Lot 16 into two new industrial allotments identified as proposed Lots 17 &amp; 18, increasing the number of industrial allotments in the estate to 12.</li> <li>• This will facilitate the development of industrial units on proposed Lot 17 approved under Council DA 19/0897 while creating proposed Lot 18 as an individual allotment for the existing warehouse development approved under Council DA 19/0556.</li> <li>• Council identified in its submission the proposed subdivision plan was inconsistent with the plans approved under DA 19/0897 for proposed Lot 17.</li> <li>• Water NSW provided no comments on the modification application.</li> <li>• The Applicant subsequently amended the subdivision layout plan to provide consistency with approved plans under DA 19/0897. Council confirmed the amended subdivision layout plan was consistent with the Council approval for Lot 17.</li> <li>• The Department considers the revised plan is consistent with the original development and the WSEA SEPP. Furthermore, the new lots retain internal estate road access and the subdivision will facilitate the development of industrial units approved by Council on proposed Lot 17.</li> <li>• The Department's assessment concludes that the revised subdivision plan would not adversely impact any existing developments or approved developments currently under construction. In addition, the lot sizes of the two proposed</li> </ul>	<ul style="list-style-type: none"> <li>• Appendix 1 is to be amended to incorporate the modified subdivision plan into the development consent.</li> </ul>

additional lots are suitable for accommodating industrial and warehouse employment generating development.

- Appendix 1 of the consent will be updated to reflect the modifications with the revised plans.

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#### Consistency with the WSEA SEPP

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- The Department has assessed the scope of the modifications against the principal development standards of the WSEA SEPP in **Table 5 of Appendix E**. • N/A
  - The Department considers the allotments of the amended subdivision layout are not overly fragmented and are suitable for industrial and warehouse format developments.
  - The Department's assessment concludes the modified subdivision layout and the overall development remain consistent with the requirements of the WSEA SEPP.
-

## 7 Evaluation

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 proposal is substantially the same development as originally approved
- the proposal would result in minimal environmental impacts beyond the approved development
- the proposal would facilitate employment generating industrial development in the First Estate site, consistent with the WSEA SEPP.

Overall, the Department is satisfied the impacts from the proposed modification can be appropriately managed through the Applicant's existing mitigation measures, the existing conditions of consent and the Department's recommended conditions. It is therefore recommended that the modification should be approved, subject to conditions.

## 8 Recommendation

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

- **considers** the findings and recommendations of this report
- **determines** that the application SSD 7173 MOD 8 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 approve the modification
- **modify** the consent SSD 7173 MOD 8
- **signs** the attached approval of the modification (**Appendix A**).

Recommended by:



**Shaun Williams**

A/Senior Environmental Assessment Officer  
Industry Assessments

Recommended by:



**Will Hodgkinson**

Team Leader  
Industry Assessments

## 9 Determination

The recommendation is **Adopted** by:



24 June 2020

**Chris Ritchie**

Director

Industry Assessments

as delegate of the Minister for Planning and Public Spaces

# Appendices

## Appendix A – Notice of modification

A copy of the Modification Instrument can be found on the Department's website, at the following link:

<https://www.planningportal.nsw.gov.au/major-projects/project/30986>

## **Appendix B – Modification application**

A copy of the EA can be found on the Department's website, at the following link:

<https://www.planningportal.nsw.gov.au/major-projects/project/30986>

## Appendix C – Submissions

A copy of the Submissions received by the Department can be found on the Department's website, at the following link:

<https://www.planningportal.nsw.gov.au/major-projects/project/30986>

## **Appendix D – Submissions report**

A copy of the Applicant's RtS can be found on the Department's website, at the following link:

<https://www.planningportal.nsw.gov.au/major-projects/project/30986>

## Appendix E – Statutory considerations

**Table 5** 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 comply with the requirements of the WSEA SEPP.

WSEA Principal Development Standard	Department Comment
<p><b>Cl. 18(1) Requirement for development control plans</b></p> <ul style="list-style-type: none"> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>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.</li> </ul>
<p><b>Cl. 20 Ecologically Sustainable Development</b></p> <ul style="list-style-type: none"> <li>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 minimize:               <ul style="list-style-type: none"> <li>(a) the consumption of potable water, and</li> <li>(b) greenhouse gas emissions.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>N/A. The modification will not impact the use of potable water or greenhouse gas emissions.</li> </ul>
<p><b>Cl. 21 Height of buildings</b></p> <ul style="list-style-type: none"> <li>The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that:               <ul style="list-style-type: none"> <li>(a) building heights will not adversely impact on the amenity of adjacent residentials, and</li> <li>(b) site topography has been taken into consideration.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>N/A. The proposed modifications will not alter any of the approved buildings on site.</li> </ul>
<p><b>Cl. 22 Rainwater harvesting</b></p> <ul style="list-style-type: none"> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>N/A. No changes are proposed to any of the warehouse buildings.</li> </ul>
<p><b>Cl. 23 Development adjoining residential land</b></p> <ul style="list-style-type: none"> <li>Requires the consent authority to consider compatibility, plant and equipment, amenity impacts (visual and noise), hours of operation, glare, traffic movement, landscaping and</li> </ul>	<ul style="list-style-type: none"> <li>N/A. The proposed modification is for subdivision only. Further</li> </ul>

visual screening for land within 250 m of land zoned primarily for residential purposes.

development on the site is to consider impacts to residential zoned land within 250 m of the site.

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#### **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 proposed modification will subdivide Lot 16 being a relatively large lot with a size of 10.56 ha into two smaller lots. The subsequent allotments have lot sizes of 1.4 ha and 9.16 ha.
- The additional lot proposed (Lot 17) retains a sufficient size to accommodate employment generating development approved under Council DA19/0897. Furthermore, proposed Lot 18 will continue to provide employment generating development previously approved under Council DA19/0556.
- The proposed modification will not alter the existing road network and vehicle access can be provided to both proposed lots. The size and scale of the proposed lots are consistent with the other lots within the estate.

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#### **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
- Clause 25 (3) specifies that clause 25 does not apply to development for the purposed of extending or

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.

augmenting public utility infrastructure.

- As stated in the Department's original assessment of SSD 7173, as the Applicant is extending and augmenting existing infrastructure and therefore clause 25 of the WSEA SEPP does not apply.

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**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 and 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 Department is satisfied the development continues to comply with clause 26 of the WSEA SEPP.

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**Cl. 27 Exceptions to development standards**

- N/A. The Applicant has not requested an exception to any of the WSEA SEPP Development Standards.

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**Cl. 28 Relevant acquisition authority**

- Details the requirements for owner-initiated acquisition and state authority acquisitions.

- The site includes land reserved 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.

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**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 the 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.

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**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 and uses on-site.

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**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 the subdivision of the site with no changes to the design of the approved warehouse buildings.
-