

11 February 2021

2200444

Mr Jim Betts
Secretary
Department of Planning, Industry and Environment
4 Parramatta Square, 12 Darcy Street,
Parramatta, NSW 2150

ATTN: Mr Thomas Bertwhistle

Dear Thomas,

SSD-8586218 - TEMPERATURE CONTROLLED WAREHOUSE FACILITY SECTION 4.55(1A) MODIFICATION APPLICATION

This application has been prepared by Ethos Urban on behalf of ESR Developments (Australia) Pty Ltd, pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify Development Consent SSD-8586218 relating to a temperature-controlled warehouse facility within the Bringelly Road Business Hub at Lot 4, Skyline Avenue (the site).

The modification relates to internal alterations which will include the construction and detailed fit-out of a mezzanine level, as well as the installation of a cool room and freezer.

This application identifies the consent, describes the proposed modifications, and provides an assessment of the relevant matters contained in section 4.55(1A) of the EP&A Act. This application is accompanied by:

- Architectural Drawings prepared by SBA Architects (**Attachment A**)
- SEPP 33 Assessment prepared by Riskcon Engineering (**Attachment B**); and
- Transport Statement prepared by Ason Group (**Attachment C**).

1.0 Consent proposed to be modified

The consent (SSD-8586218) proposed to be modified was granted by the Executive Director of Energy, Industry and Compliance Development under delegation from the Minister for Planning and Public Spaces on 30 November 2020 for a light industrial facility at Lot 4 of the Bringelly Road Business Hub. Specifically, approval was granted for the:

construction and operation of a light industrial building encompassing a temperature-controlled warehouse facility including, ancillary office administration, car parking and landscaping within the Bringelly Road Business Hub.

This application is the first application to modify the development consent.

2.0 Proposed modifications to the consent

2.1 Modifications to the development

The proposed modification seeks the following amendments to the approved development:

- Construction and detailed fit-out of a Mezzanine level;
- Installation of staircase between proposed Mezzanine Level and Office; and
- Installation of a cool room and freezer.

The proposed modifications are shown on the Architectural Drawings at **Attachment A**. The proposed modifications are entirely internal and considered to be minor in nature.

2.1.1 Detailed Fit-out of Mezzanine

The Mezzanine will extend to the southern wall of the approved warehouse and will have a total area of approximately 4,700sqm. The mezzanine will provide additional storage space for medical equipment and will also comprise of a variety of technical rooms that will be used for the following purposes:

- BD pump and rework are a pump and fusion charge room;
- Medtronic is a technical service repair centre supporting pre and post-delivery for capital goods;
- Surgical room is the repackaging and relabelling for wound care and bandages; and
- Cardinal is the collaboration of thermometers and feed and flush feeding pumps as well as capital equipment.

Refer to the mezzanine floor plan at **Attachment A**.

The location of the proposed works is illustrated below in **Figure 1**.

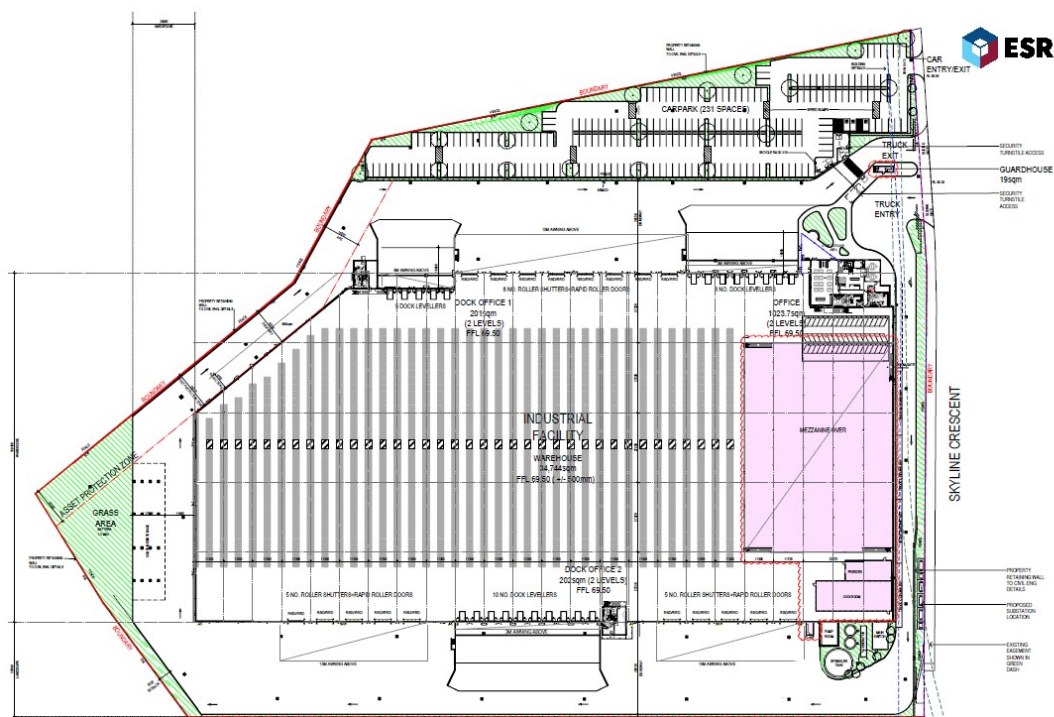


Figure 1 Site Plan

Source: SBA Architects

2.1.2 Cool Room and Freezer

The modification also seeks approval for the installation of an additional cool room and freezer located on the south eastern side of the warehouse. Refer to **Figure 1** above for the location of the cool room and freezer.

2.2 Modifications to conditions

The proposed modifications described above necessitate amendments to the consent conditions which are identified below. Words proposed to be deleted are shown in ~~bold strike through~~ and words to be inserted are shown in **bold italics**.

TERMS OF CONSENT

A2. The development may only be carried out:

(f) in accordance with MOD 1 prepared by Ethos Urban and attachments (dated 11 February 2021)

Reason: To ensure the conditions of consent reference the correct architectural drawings.

3.0 Substantially the same development

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if *“it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all)”*.

The development, as proposed to be modified, is substantially the same development as that originally approved in that it:

- Will not change the approved land use
- Will not change the approved building envelope, building setbacks or the development’s appearance from the public domain
- Will not change the approved on-site parking requirements
- Will not change the approved site landscaping
- Will result in a minimal impact (if any) on surrounding development

4.0 Environmental assessment

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if *“it is satisfied that the proposed modification is of minimal environmental impact”*. Under section 4.55(3) the consent Authority must also take into consideration the relevant matters to the application referred to in section 4.15(1) of the EP&A Act and the reasons given by the consent authority for the grant of the original consent.

The following assessment considers the relevant matters under section 4.15(1) and demonstrates that the development, as proposed to be modified, will be of minimal environmental impact.

4.1 Compliance with plans and policies

The EIS submitted with the original SSD assessment compliance with the following relevant plans and policies:

- *Concept Approval SSD-6324*

- *State Environmental Planning Policy (State and Regional Development) 2011;*
- *State Environmental Planning Policy (Western Sydney Parklands) 2009;*
- *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development;*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *Liverpool Local Environmental Plan 2008;* and
- *Liverpool Development Control Plan 2008.*

The EIS submitted with the original SSD also addressed a variety of environmental impacts. The planning assessment of the proposed modifications remains generally unchanged with respect to the above. The following sections provide further assessment where required.

4.2 Consistency with the Concept Plan SSD-6324

The proposed modifications will not alter the essential and fundamental elements of the approved development (land use, built form, operations, etc) and the development will remain consistent with SSD 6324.

4.2.1 Land Use and Gross Floor Area

The proposal seeks approval for the construction and installation of a mezzanine at the Temperature Controlled Warehouse Facility. The proposal will contribute an additional 4,700m² to the ‘light industry’ land use component approved under the Concept Approval. The following table provides a summary of gross floor area (GFA) already approved at the Bringelly Road Business Hub. As seen in the table below, the proposed additional GFA will not result in an exceedance of the total maximum of 120,000m², nor the maximum 100,000m² Light Industrial GFA permitted under the Concept Approval. For these reasons, the proposed additional gross floor area is consistent with the Concept Approval.

Table 1 GFA Assessment

Land Use	Concept Plan Max GFA (m ²)	Approved GFA	Balance
Large Formal Retail	50,000	<ul style="list-style-type: none"> • SSD-9511 CFC Group Large Format Retail Facility: 6,515m² • SSD-10366 Bunnings Warehouse Leppington: 14,194m² 	29,291m ²
Light Industry	100,000	<ul style="list-style-type: none"> • SSD-8900 Steelforce Warehouse Facility: 11,200m² • SSD-8586218 Temperature Controlled Warehouse Facility: 36,110m² 	52,690m ²
Other Retail	3,100	NA	3,100m ²

4.3 Dangerous Materials

Riskcon Engineering have undertaken a SEPP 33 assessment of the material proposed to be stored in the proposed storage location (refer to Figure 3-2 of **Attachment B**). Their assessment concludes that SEPP 33 does not apply to the site as the proposed volume of dangerous materials to be stored on site do not exceed any SEPP 33 threshold, nor are any offensive operations proposed on site, which may result in environmental emissions. The proposed modifications and the storage of dangerous materials are acceptable from a risk management perspective.

4.4 Traffic and Parking

Ason Group have prepared a Transport Statement (refer **Attachment C**) to assess the implications of the proposed increase in GFA on traffic and parking provisions. The statement concludes that the proposed modification is supportable on traffic and parking grounds for the following reasons:

- The car parking provision complies with the minimum parking requirements under Condition B10 under SSD 6324.
- The estimated net increase of 9 vehicle trips in the peak hour can be accommodated within trip generation threshold for the Bringelly Road Business Hub.

4.5 Reasons Given for Granting Consent

In accordance with Section 4.55(3) of the EP&A Act, the consent authority for the proposed modification is required to take into consideration the reasons given by the consent authority for the granting of the original consent that is sought to be modified. The following reasons were given by the Minister for Planning and Public Spaces when granting approval for SSD 8586218:

The development would provide a range of benefits for the region and the State as a whole, including a total capital investment of approximately \$41.8 million and the generation of approximately 153 construction jobs and 187 operational jobs in the Liverpool local government area;

The development is consistent with NSW Government policies including the Greater Sydney Region Plan – A Metropolis of Three Cities and the Western City District Plan;

The impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards;

The issues raised by Liverpool City Council and the relevant public authorities during consultation and in submissions have been considered and adequately addressed through changes to the development and the recommended conditions of consent;

No issues were raised by the community during consultation and in submissions; and

Weighing all relevant considerations, the project is in the public interest.

The development, as proposed to be modified, remains consistent with these reasons.

4.6 Site Suitability and the Public Interest

The site remains suitable for the proposed development as the modifications are minor in nature and will not result in any adverse environmental or visual impacts to the site and its surrounding area. The development as modified also remains in the public interest as it will remain consistent with Concept Approval 6324.

5.0 Conclusion

The proposed modifications seek approval for minor internal alterations, including the construction and fit out of a mezzanine level, and the installation of a cool room and freezer within the Temperature Controlled Warehouse at Lot 4 Skyline Avenue, Leppington.

In accordance with section 4.55(1A) of the EP&A Act, the DPIE may modify the consent as:

- The consent, as proposed to be modified, is substantially the same development as that originally approved.

- The proposed modifications will not result in any significant additional environmental impacts; and
- The proposed modifications do not alter the developments compliance with the relevant statutory planning instruments or the approved Concept Plan.

We trust that this information is sufficient to enable the assessment of the proposed modification request.

Yours sincerely,



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