



## **Section 96 (1A) Modify Project Approval 06/0191**

26A McPherson Street, Port Botany  
Industrial Estate, Botany

On behalf of Jewel Fine Food (AUST) Pty Ltd  
David Lock Associates  
Date: April 2016





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## 1.0 Introduction

This report has been prepared on behalf of Jewel Property (AUST) Pty Ltd to accompany a Section 96 (1A) application submitted to the Department of Planning and Environment (DoPE). The application seeks approval for modifications to Project Approval 06\_0191, “Orica Southlands Remediation and Warehouse Project”, which concerned the remediation and redevelopment of land at 26A McPherson Street, Port Botany Industrial Estate, Botany (the site).

As part of Jewels fit out within the wider site a new plant/ service room is proposed to house an electrical, refrigeration, boiler, air compressor and hot water room. There is also a hot and cold water and chemical compound area as well as some additional water tanks.

This report represents a Statement of Environmental Effects (SEE) as required by the NSW Environmental Planning and Assessment Act 1979 (EP&A Act) and NSW Environmental Planning and Assessment Regulation 2000 (EP&A Reg). The SEE describes the site, most relevant planning history, the nature of the proposal and it assess the proposal against the matters for consideration pursuant to Section 79C and Section 96 of the EP&A Act.

The plant room will be finished in materials to match the existing warehouse. It is located between two buildings, and it is unlikely it will be visible from surrounding streets. In accordance with the provision of a Section 96 (1A) the report concludes that the proposed development will have minimal environmental impact.

## 2.0 Site and Context

### 2.1 The Site

The site is located at 26A McPherson Street, Port Botany Industrial Estate, identified as DP189375 (see Figure 1 below). The site highlighted in yellow is 93,806m<sup>2</sup>.



Figure 1: Subject Site

The development approved under 06\_0191 included two warehouses (Warehouse A & B), with associated office space, car parking and landscaping.

The development as approved is currently under construction with occupation anticipated in June 2016.

### 2.2 Planning History

The latest scheme for DA 06\_0191 MOD 3 included approval for:

Modifications to Warehouses A and B that comprises:

- A new truck turning circle for emergency vehicle purposes;
- inclusion of new drainage outlet;
- Reduction in office floor space;
- Reduction in car parking spaces; and
- Associated changes to the location of external services and facilities on site.

The approved site layout plan is shown in Figure 2.

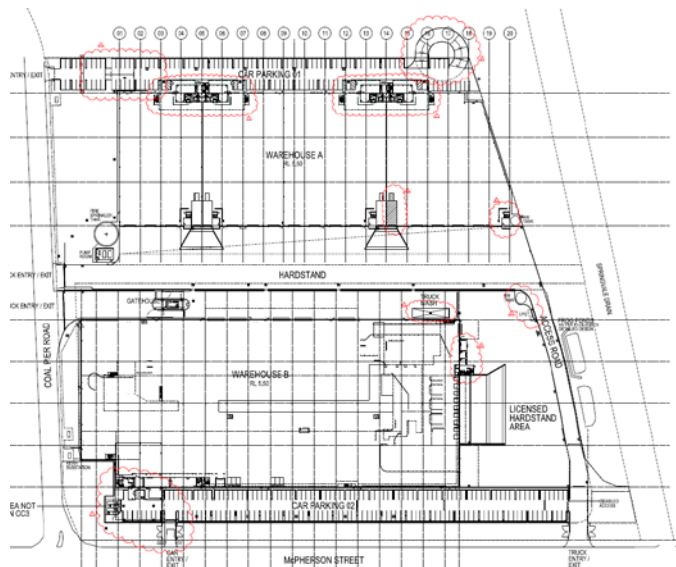


Figure 2: Approved Site Plan



## 3.0 The Proposal

### 3.1 The Proposal

As part of Jewels occupation and fit out within the wider site a new plant room is proposed to the south of Warehouse A (see Figure 3).

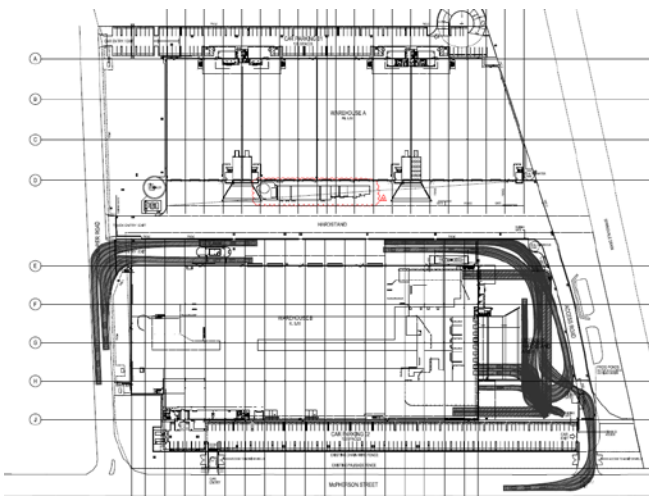


Figure 3: Proposed Site Plan (development highlighted in red)

The plant room which is 349.6m<sup>2</sup> will house an electrical, refrigeration, boiler, air compressor and hot water room. There is also a hot and cold water and chemical compound. There are also water tanks and a DAF Unit. Doors to each of these areas are located along the southern elevation only (See Figure 4).

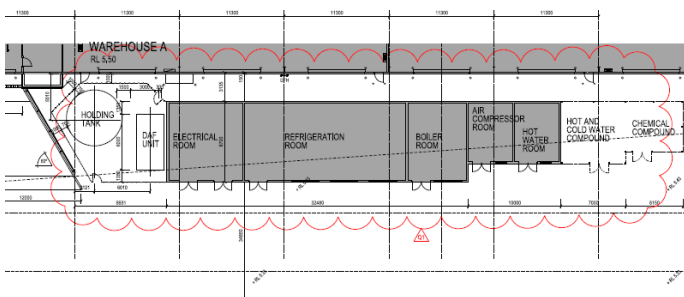


Figure 4: Extract of Site Plan – Warehouse A

The plant room is a single storey flat roof building. The majority of the building is 3.5m but extends to 5m in parts. The roof is of concrete and metal construction. The building is of a similar height and design to the entrance canopies located on the northern elevation of Warehouse A (see Figure 5 opposite).

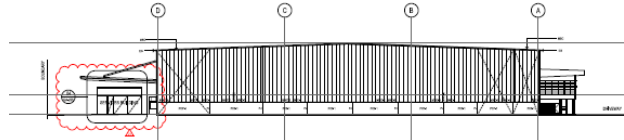


Figure 5: Extract of eastern elevation

A 3.5m chain-link fence is proposed to the east of the service room which will contain the water and chemical compound (See Figure 6).

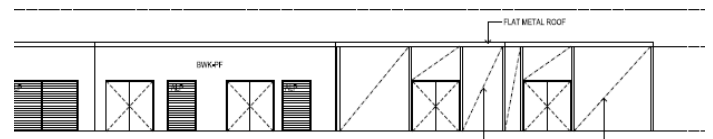


Figure 6: Extract from elevation plan

#### 3.1.1 Built Form & Design

The plant room has been designed using finishes which are consistent to the surrounding larger warehouse buildings. The plant room will sit comfortably within the wider site with minimal visual impact (see Figure 7).

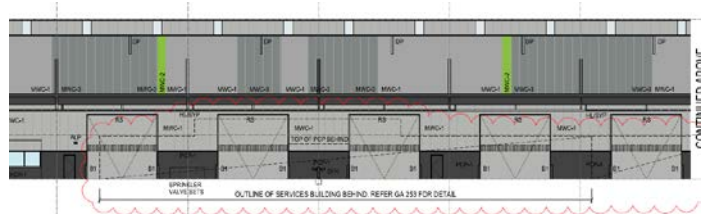


Figure 7: Extract of Warehouse A southern elevation (outline of proposed service room shown)

#### 3.1.2 Access

No changes are proposed to the location of the access points to the wider site and approved warehouse buildings. Each room within the building (5 in total) have their own access door off the southern elevation (see Figure 4). The outdoor compound also has its own separate access points (see Figure 7).

#### 3.1.3 Car Parking

No increases in the number of car parking spaces is proposed. The proposed plant will be used to service the existing warehouse buildings and is unlikely to cause an increase in the number of staff. Therefore, no increase in car parking spaces is necessary.

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### 3.1.4 Landscaping

The development will not result in the loss of any of the approved landscaping areas and no changes are proposed to the approved landscaping under this proposal.

### 3.2 Proposed changes to MP06\_0191 MOD3 Conditions of Consent

The following changes are proposed to the wording of the MP06\_0191 MOD 3 consent, to reflect the proposed modification changes. The proposed changes are highlighted in red. A number of existing plans have been updated and this is reflected in the updated revision letters:

MOD3 4:

*The modification as described in Section 75W Modification. Port Botany Industrial Estate dated October 2014 and prepared by UAS and the Response to Referrals I Department of Planning Queries prepared by Goodman, including Port Botany Industrial Estate Proposed Civil Works Stage 1 prepared by AT&L dated 12/01/2015 and plans dated 11/08/15, CO9349.06-C42; CO9349.06-C48 , Architectural Plans Southlands Remediation and Development Project - Stage 1 prepared by SBA Architects with the following plans dated 25/03/2015 4244 DA 01, 4244 DA 02, 4244 DA 03, 4244 DA 11, 4244 DA 13, 15113\_GA\_100H 15113\_GA\_101W; 15113\_GA\_102AB; 15113\_GA\_110; 15113\_GA\_112Q, 15113\_GA\_201S; 15113\_GA\_202V; 15113\_U; GA\_203; 15113\_GA\_204; 15113\_GA\_210; 15113\_GA\_220; 15113\_GA\_220K; 15113\_GA\_221P; 15113\_GA\_222; 15113\_GA\_223; 15113\_GA\_253B 15113\_GA\_301; 15113\_GA\_302; 15113\_GA\_303; 15113\_GA\_304; 15113\_GA\_305; 15113\_GA\_306; 15113\_GA\_310; 15113\_GA\_311; 15113\_GA\_312; 15113\_GA\_319; 15113\_GA\_320; 15113\_GA\_321; 15113\_GA\_322; 15113\_GA\_323; 15113\_GA\_324; 15113\_GA\_380; and the BCA Assessment Report prepared by Blackett Maguire and Goldsmith dated 18/12/2014, Fire Safety Strategy by Norman, Disney and Young dated 17/12/2015, Letter from Traffix titled Port Botany Industrial Estate, McPherson Street, Botany: Section 75W Submission and dated 08/01/2015 and Proposed Subdivision Plan 4244\_SK078 prepared by Nettletontribe and dated 9 March 2015 and Landscape Plans titled Orica South/ands Landscape S. 75W prepared by Site Image 'Landscape Architects and dated 13/02/2015.*

It is also necessary to amend Condition 2 of Schedule 2 with the following:

2. The Proponent shall carry out the Project generally in accordance with the:

- a) EA;
- b) Preferred Project Report Plans, cover dated 1 August 2012;
- c) Submissions Report;
- d) Statement of Commitments (see Appendix 1);
- e) Modification application 06\_0191 MOD 1 and supporting documents;
- f) Modification application 06\_0191 MOD 2 and supporting documentation;
- g) Modification application 06\_0191 MOD 4 and supporting documentation; and
- h) ~~g~~h) Conditions of this approval.

*If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency."*

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## 4.0 Planning Assessment

In considering the appropriateness of the proposed modification to the site works, the key issues associated with the suitability of the proposal for the site and its context relate only to the matters as set out below:

### 4.1 Land Use

The industrial land use remains as approved, with warehouses, associated offices, parking and landscaping permitted and being constructed on the site.

### 4.2 Built Form and Design

The proposed built form on the subject site will remain functional and utilitarian in form and consistent with the style of the surrounding industrial buildings and minimise the visual impact on the streetscape.

The plant room has been designed using finishes which are consistent to the surrounding larger warehouse buildings. The plant room will sit comfortably within the wider site with minimal visual impact.

In summary, the proposed modifications to the built form are consistent with the approved built form on the subject site, the style of the surrounding industrial buildings and fits comfortably within the wider Industrial Estate.

### 4.3 Landscaping

The development will not result in the loss of any of the approved landscaping areas and no changes are proposed to the approved landscaping under this proposal.



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## 5.0 Statutory Requirements

As the modifications sought are of minor environmental impact, the provisions under Section 96(1A) of the Act apply. The following tests require consideration in this instance:

*A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:*

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) 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),*

Having regard to the above, the proposed Section 96(1A) modification to the approved scheme is considered to be of minimal environmental impact as there will be no material change to:

- Bulk, scale and maximum height of the overall development;
- Access and car parking;
- Finishes of the buildings; and
- Intensification of approved use.

The proposal will remain as approved and the industrial nature of the locality will be maintained, consistent with the strategic objectives of the State Environmental Planning Policy (Western Sydney Employment Area 2009, the planning document guiding development on the site. There is no proposed change to the use, increase in the bulk, scale, height and finishes of the buildings on site. The development will be contained solely within the site and will not be visible from McPherson Street. The development may be visible from Coal Pier Road but the impact will be minimal as it sits comfortably within the existing built form on site. The proposal will not intensify the use of the site, it is to be constructed in order to service the existing Warehouse A on site.

Accordingly, no increase in car parking is required and no changes to the location of the approved access points are proposed.

A thorough assessment of the proposed development as modified reveals no statutory or merit-based impediment to its approval.

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## 6.0 Conclusions and Recommendations

### 6.1 Conclusions

This S96(1A) application seeks a minor modification to the approved 06\_0191 MOD3 permission to allow the construction of a single storey service building to the south of Warehouse A.

Since the approval of the original consent a site specific design with the end user of Warehouse A (Jewel Fine Foods AUST Pty Ltd) has been undertaken and the proposal represents their specific needs.

The proposed modification has been assessed against the requirements of Section 96(1A) and Section 79C of the EP&A Act.

In summary of this assessment and taking in to account the key issues raised by the proposal, the proposed modification represents 'substantially the same development' as that approved under 06\_0191 MOD3 and would not result in significant impacts over and above those assessed under the original application and found to be acceptable.

### 6.2 Recommendations

As the proposed modifications will have only minimal environmental impacts on the surrounds; is substantially the same development as the development for which the consent was originally granted; and does not result in statutory non-compliances or exacerbation of potential impacts, the Department of Planning and Environmental are respectfully requested to approve the S.96(1A) application.