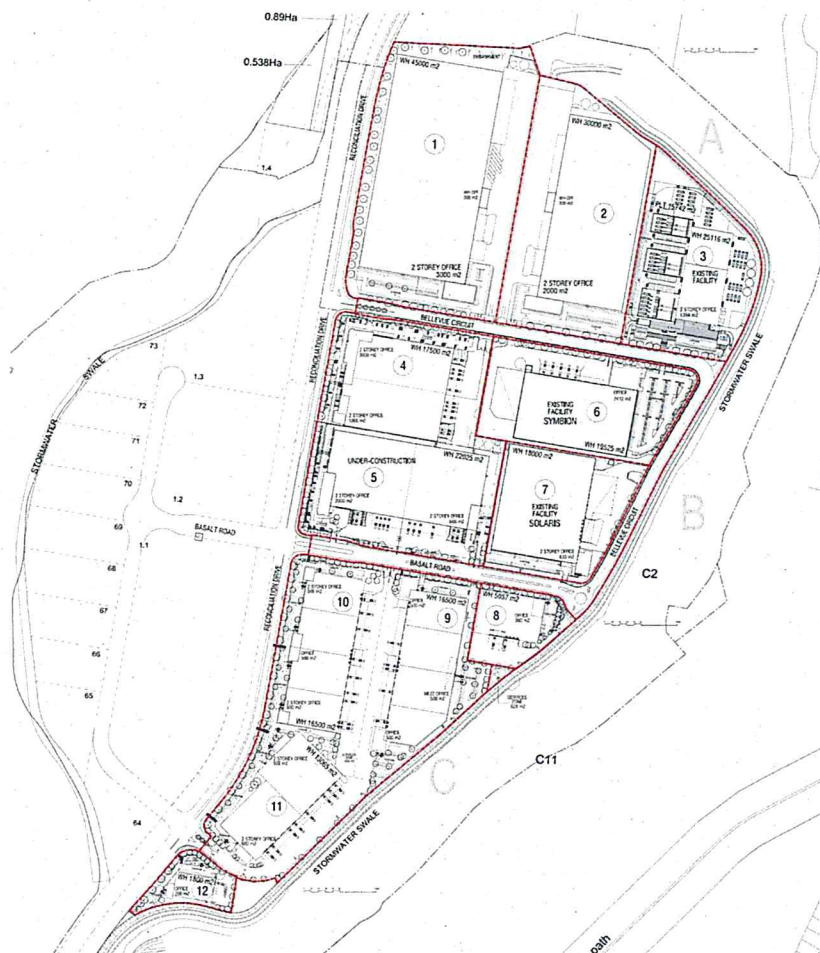




**Section 75W Modification Request:
DEXUS Estate Industrial Park
Greystanes Southern Employment Lands,
Holroyd Local Government Area
08_0259 MOD 2**



Director-General's
Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act 1979

March 2012

1.0 BACKGROUND

On 8 November 2009, the then Minister for Planning approved a proposal from DEXUS Funds Management Limited (the proponent) under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act) for the DEXUS Estate Industrial Park Project (the Estate) within the Greystanes Southern Employment Lands (SEL) at Greystanes, in the Holroyd local government area shown at **Figure 1** below.



Figure 1: Locality Plan

Approval of the Estate provided for the construction and operation of a range of warehouse and distribution facilities throughout three 'Superlots' within the Estate. The approved estate layout is shown at **Figure 2** below.



Figure 2: Approved DEXUS Estate Masterplan

In accordance with the Minister's approval, the proponent is required to obtain the Director-General's approval prior to the construction of individual warehouses or distribution buildings within the Estate. To date, five end-user facilities have been granted approval and have either been constructed, or are currently under construction. These facilities include:

- the Fujitsu Data Centre on Lot 3 of Superlot A;
- the Symbion Health Facility on Lots 4 and 5 of Superlot B;
- the Solaris Paper Facility on Lots 8 and 9 of Superlot B;
- Warehouse A on Lots 10 and 11 of Superlot B; and,
- Warehouse B on Lots 6 and 7 of Superlot B.

Figure 3 below shows the layout of the Estate's three superlots and location of approved end-user facilities.

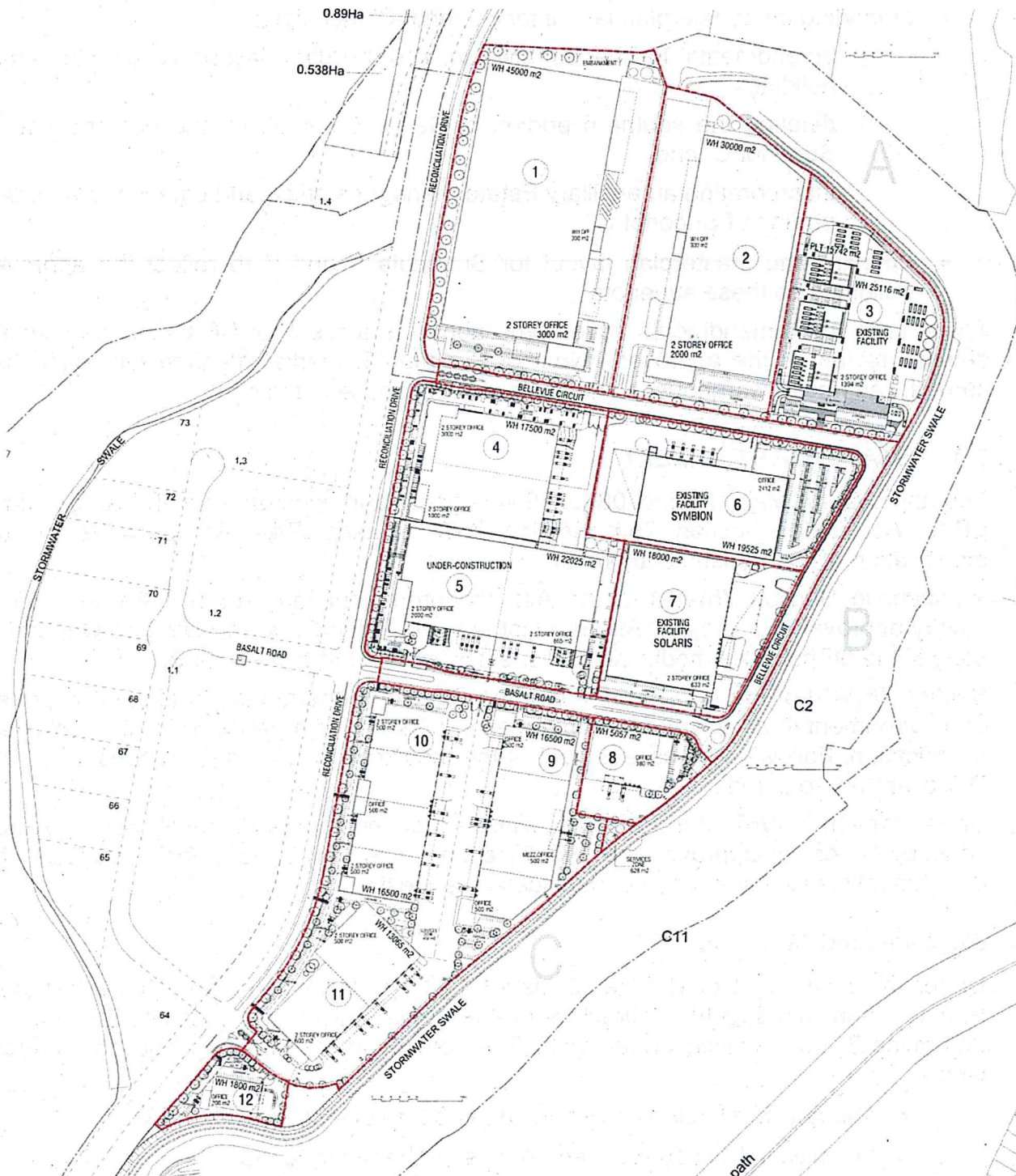


Figure 3: Proposed Masterplan

The approved project has been modified on one occasion. On 20 August 2010, the Executive Director – Major Projects Assessment approved a modification request to allow for the manufacturing of paper products within the Solaris Paper Facility on Lots 8 and 9 (now combined to form Lot 7) of Superlot B.

2.0 PROPOSED MODIFICATION

On 5 December 2011, PJEP Environmental Planning (on behalf of the proponent) submitted to the Director-General a request for modification of Major Project 08_0259 involving amendments to the approved layout of Superlot C. The modification request specifically involves:

- amending the masterplan layout for Superlot C, including:
 - amendments to the subdivision and building layout to enable larger buildings
 - deleting the southern portion of Bellevue Circuit on the eastern side of Superlot C; and
 - incorporating an ancillary Estate manager's office and café in the southern portion of Superlot C
- updating the masterplan layout for Superlots A and B to reflect the approved buildings on these superlots.

These proposed amendments have come about as a result of DEXUS undertaking a detailed review of the approved layout of Superlot C, market demand for larger than currently approved warehouses and more efficient space planning.

3.0 STATUTORY CONTEXT

The approval for Major Project 08_0259 was granted in accordance with Part 3A of the EP&A Act under Section 75J. Section 75W of the EP&A Act provides for the modification of the Minister's approval.

Pursuant to Section 75W(2) of the Act, the proponent may request the Minister to modify approval of a project. Any request is to be lodged with the Director-General. A copy of the proponent's modification request is included at **Appendix B**.

Section 75W(3) of the Act provides that the Director-General may notify the proponent of environmental assessment requirements (DGRs) with respect to the proposed modification. Following an assessment of the modification request, it is considered that DGRs are not required.

Under Section 75W(4) of the Act, the Minister may modify the approval (with or without conditions) or disapprove the modification. The following report outlines the department's assessment of the modification request.

3.1 Delegated Authority

Under the Instrument of Delegation dated 14 September 2011 from the Minister for Planning and Infrastructure, Directors in the Major Projects Assessment Division may determine S75W modification requests. The delegation applies to modification requests where:

- the relevant local council has not made an objection, and
- a political disclosure statement has not been made, and
- there are less than 10 public submissions in the nature of objections.

Holroyd City Council (council) has made a submission recommending conditions of approval and has not made an objection to the proposal. No political disclosure statement is provided for this application. There have been no public submissions received in relation to the proposal. The Director – Metropolitan and Regional Projects North may therefore determine the modification request under delegated authority.

4.0 CONSULTATION AND SUBMISSIONS

Under Section 75W of the EP&A Act, it is at the department's discretion as to whether a modification request is required to be publicly exhibited. Given the nature of the modification proposing a reconfiguration of lots and removal of a section of roadway in an approved industrial estate, public exhibition was not undertaken. Notwithstanding,

under Section 75X(2)(f) of the EP&A Act, the Director-General is to make publicly available requests for modifications of approvals given by the Minister. In accordance with Clause 8G of the Environmental Planning and Assessment Regulation 2000, the request for modification was made publicly available on the department's website.

Holroyd City Council Referral

The modification request was referred to council for comment. Council provided comment on a number of traffic issues and also requested that Site Audit Statements be recorded on the relevant s 149 Certificates. Site Audit Statements were a requirement of the project approval. In addition the council provided a list of standard industrial development conditions. A copy of council's correspondence is provided at **Appendix C**.

Roads and Maritime Services Referral

The modification request was also referred to Roads and Maritime Services (RMS). The RMS advised that they had no additional comments or issues with the proposed modification application. The RMS advised that their comments and issues raised previously at project application stage remain current. A copy of RMS correspondence is provided at **Appendix D**.

5.0 ASSESSMENT

The department has reviewed the proposed modification and considers the key issues to be traffic issues raised by council and the location and parking provision for the proposed café. Key issues are addressed within **Table 2** other issues are addressed within **Table 3**.

The Greystanes SEL is listed as a state significant site under schedule 3 of the State Environmental Planning Policy (Major Development) 2005 (MD SEPP). Generally the proposal is consistent with the objectives of the IN2 Light Industrial zone (Schedule 3, clause 6, Part 22 of the MD SEPP).

The modification is also generally consistent with the Greystanes SEL Concept Plan including the development controls in the Urban Design Plan. The concept plan development standards are based on a maximum height of 15 metres, while the project approval allows for up to 40 metre maximum heights in certain parts of the site. The modification application only proposes warehouse heights up to 12.2 metres.

The proponent responded to issues raised by the department and council in correspondence dated 10 February and 24 February 2012, a copy is provided at **Appendix E**.

Table 2: Consideration of Key Issues

Issue	Potential Impacts/Consideration	Recommendation
<i>Cafe</i>	<ul style="list-style-type: none"> The department raised concerns regarding the location of the café within the estate. If the location of the café is too far for estate patrons to comfortably walk to they are most likely to drive to visit the café. Concern was raised about the small number of parking spaces provided for the café (7.5 spaces) and that during busy times of the day café patrons may use parking spaces provided for the adjacent warehouse (warehouse 12). DEXUS acknowledged that by using the retail parking requirements of the RMS Guide to Traffic 	<ul style="list-style-type: none"> It is recommended that the café not be approved as part of this application, allowing for further planning and assessment to be undertaken to determine an appropriate location within the estate for a café and provision

	Generating Development the café would require an additional 9 spaces. The proposed solution was to decrease the GFA of the café in order to reduce the parking requirement and enable compliance with the RMS Guideline. The department does not support this solution.	of adequate parking. 'Café not approved' annotations will be made to the approved plans. DEXUS raised no objections to this.
Traffic Management	<ul style="list-style-type: none"> It is considered that council's concerns in relation to the safety of access arrangements for vehicles entering and exiting lots have been addressed by the proponent through revised plans and commitments and by existing conditions. Council had also initially required that the intersection of Basalt Road with Reconciliation Drive be left in/left out, however the council has since resolved to keep Reconciliation Drive closed to through traffic at its southern end until traffic lights have been installed, thereby removing the traffic safety concerns at the intersection. Council requested that a condition be provided restricting vehicles entering lots be no longer than the design vehicles for these lots. The department concurs with this request. 	<ul style="list-style-type: none"> It is recommended that access to lots be restricted to vehicles no larger than the design vehicles for these lots.

Table 3: Consideration of Other Issues

Issue	Potential Impacts/Consideration	Recommendation
Changes to the subdivision and building layout and increases to building GFA	<ul style="list-style-type: none"> Changes to lot layouts within Superlots A and B have already been approved as part of the approval of individual facilities. The proposal, involving larger lot and building sizes within Superlot C, is not expected to result in any adverse visual impacts. The building setback along Reconciliation Drive has been increased, the loading docks have been internalized and offices generally located on the Reconciliation Drive aspect. These changes will generally lead to a better visual outcome for the Estate. 	<ul style="list-style-type: none"> No additional conditions are recommended.
Deletion of the southern portion of Bellevue Circuit	<ul style="list-style-type: none"> The deletion of the southern portion of Bellevue Circuit allows for greater layout efficiencies and building envelopes to be realised within Superlot C. It is not expected that this will affect traffic circulation or lead to poor urban design impacts. Adequate foot/cycle paths are provided along Reconciliation Drive. 	<ul style="list-style-type: none"> No additional conditions are recommended.
Council's recommended conditions	<ul style="list-style-type: none"> Council requested that a condition requiring Site Audit Statements be included on s149 certificates. Council requested that its standard conditions be added where necessary to the approval. 	<ul style="list-style-type: none"> It is recommended that a condition be added in this regard. It is considered that the project approval conditions are adequately address council concerns.

5.1 Modifications to Conditions of Approval

The proposed modification will require amendments to the conditions of approval for the Project Approval. The modified conditions have been described below and are detailed in the modifying instrument for the Project Approval (**Appendix A**).

- Condition 2 of schedule 2 – Terms of Approval: to update the approved drawings and EA documentation
- Condition 1 of schedule 3 – Subdivision: to update the identified subdivision plan (to MP08.06 Rev. G)
- Condition 12 of schedule 3 – Vehicle Queuing and Parking: add that access to lots is restricted to vehicles no larger than the design vehicles for that lot.
- Condition 18 of schedule 3 – Contamination: add requirement for Site Audit Statements to be included on the relevant s 149 Certificates
- Appendix 1 – Site Plan: to update the site plan (to MP08.01 Rev. G) and
- Appendix 2 – Subdivision Plan: to update the subdivision plan (to MP08.06 Rev. G)

add:

- Condition 12 of schedule 2 - Café Not Approved
The café shown on plans provided for MOD 2 including amended Overall Site Masterplan DX_G_MP08.01 Rev H (09.02.2012) and Precinct C Masterplan DX_G_MP08.05 Rev H is not approved.

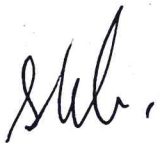
6.0 CONCLUSION

It is considered that the proposal, as modified, achieves the same objectives as assessed under the original approval. The modifications do not alter the overall nature of the approved project, nor does it introduce any detrimental environmental, social or economic impacts upon the site or surrounding locality. The department therefore recommends the modification application be approved, subject to conditions.

7.0 RECOMMENDATION

It is recommended that the Director, as delegate for the Minister for Planning and Infrastructure (under delegation executed on 14 September 2011), under Section 75W of the Act, approve the proposed modifications to the Project Approval for 08_0259 MOD 2 as detailed in **Section 2** of this Report; and vary the conditions of approval as set out in the modifying instrument contained within **Appendix A**.

Prepared by:



Stuart Withington

A/Team Leader

Endorsed by:



Heather Warton

Director

Metropolitan and Regional Projects North

14/3/12

APPENDIX A

MODIFYING INSTRUMENT

