

12555 6 December 2012

Chris Ritchie Manager - Manufacturing and Rural Industries Department of Planning and Infrastructure GPO Box 39 SYDNEY NSW 2001

Dear Chris

# MP10\_0127 AND MP10\_0128 - MODIFICATION APPLICATION NO. 1 ROPES CREEK EMPLOYMENT PRECINCT

On behalf of Jacfin we hereby submit an application pursuant to section 75W of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) to modify Concept Plan Approval MP10\_0127 and Project Approval MP10\_0128 relating to the development of an industrial estate for light industry, warehouses and distribution centres at Ropes Creek.

The modifications relate to the exclusion of land from the approved project as a result of the recent compulsory acquisition of that land by Transgrid for electricity transmission infrastructure.

This application identifies the approval, describes the proposed modifications and provides a planning assessment of the relevant matters for consideration contained in section 75W of the EP&A Act. It should be read in conjunction with the Environmental Assessment Report (EAR) prepared by JBA Planning dated November 2010 and is accompanied by:

- Deposited Plan specifying the land acquired by Transgrid (Attachment A); and
- Amended project drawings (Attachment B).

# 1.0 APPROVAL PROPOSED TO BE MODIFIED

Concept Plan Approval MP10\_0127 was granted by a delegate of the Minister for Planning and Infrastructure on 24 October 2011 for an industrial estate and distribution park made up of warehouses, distribution centres, light industry and associated infrastructure.

Project Approval MP10\_0128 was granted by a delegate of the Minister for Planning and Infrastructure on 24 October 2011 for Stage 1 of the estate including the development of two warehouses, associated infrastructure and subdivision.

MP10\_0127 and MP10\_0128 relate to land described as Lot 12 DP 1157491 and Lot 15 DP 1157491.

## 2.0 PROPOSED MODIFICATIONS

The proposed modifications to the approved project comprise:

- Exclusion of the land that has been acquired by Transgrid from both the Concept Plan and the Stage 1 Project.
- Removal of Warehouse Building 1 and associated infrastructure (as specified in the Project Approval) from the Stage 1 Project.
- Revised description of Concept Plan and Stage 1 Project to address the above.

#### 2.1 Modifications to the Development

The following modifications are proposed to the approved development. A revised concept plan showing the location of the land that has been acquired by Transgrid and the changes to the proposed development is provided in **Figure 1**, and additional plans are provided in **Attachment B**.

### Land to Which the Project Relates

The acquisition of land by Transgrid has required the subdivision of Lot 12 DP 1157491 into two allotments – Lot 120 and Lot 121 respectively. The land that has been acquired by Tansgrid is shown as Lot 120 in DP 1175762, which is provided in **Attachment A**. Lot 121 remains in the ownership of Jacfin. Lot 15 DP 1157491 remains unaffected by the acquisition. The land to which the project now applies is therefore Lot 121 in DP 1175762 and Lot 15 in DP 1157491.

#### Modification to Concept Plan

The acquisition of Lot 120 DP 1175762 by Transgrid for electricity transmission uses means that it can no longer be developed as part of the Jacfin Ropes Creek industrial estate. This requires the following amendments to be made to the Concept Plan:

- Removal of Lot 120 DP 1175762 from the land to which the Concept Plan relates.
- Removal of Local Road 1 as it is no longer required for access to the southeast part of the site.
- Truncation of Local Road 2 west of the E2 zone as it is no longer required to connect to Local Road 1.
- Extension of Local Road 3 to provide access to the residual land in the south-east part of the site, being land west of the Transgrid acquired land and north of Regional Road 1.

#### Modification of the Stage 1 Project

The amendments to the Stage 1 Project are:

- Removal of Lot 120 DP 1175762 from the land to which the Stage 1 relates including a revised plan of subdivision (see **Attachment B**).
- Removal of Warehouse Building 1 in the southeast part of the site.
- Removal of Local Road 1 as it is no longer required for access to the southeast part of the site.
- Truncation of Local Road 2 west of the E2 zone as it is no longer required to connect to Local Road 1.
- Renaming of Warehouse Building 2 (located in the northeast corner of the site) to the Stage 1 Building.



Figure 1 - Revised Concept Plan showing Transgrid Acquired Land

## 2.2 Modification to Conditions

#### Modification to Concept Plan Approval Conditions

The proposed modifications described above necessitate amendments to the Concept Plan Approval 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**.

- In Schedule 1 replace the description of the Land with Lot 121 in DP 1175762 and Part Lot 15 in DP 1157491.
- In Schedule 2 remove definition of RTA and insert definition of RMS as follows:

#### RTA Roads and Traffic Authority

#### RMS Roads and Maritime Service

- In Condition 4 remove sub-conditions (c) and amend as follows:
  - 4. The Proponent shall submit to the satisfaction of the Director-General, prior to the issue of the first construction certificate for any development on-site, detailed plans and drawings prepared in consultation with the **RTA** *RMS* and Council, for the:
    - (a) connection of the Archibold Road Intersection and the northern stub of regional Road One; *and*
    - (b) Local Road Two.; and

#### (c) creek crossing for Local Road Two.

- Replace Appendix 1 with revised Concept Plan (CP010) dated 31 October 2012 (provided in Attachment B).
- Replace Appendix 2 with the revised Staging Plan (CP011) dated 31 October 2012 (provided in Attachment B).
- Remove Commitment No. 14 in Appendix 3 relating to the crossing of the E2 Zone by Local Road 2, as follows:

Subject	No.	Commitment	Timing
Crossings Over E2 Zones	<del>1</del> 4	Detailed plans showing the proposed crossing of Local Road Two over the E2 Zone will be provided to the satisfaction of the Director General.	Details to be provided prior to the issue of any construction certificate.
	15	Any crossing of the E2 Zone will be constructed in accordance with the design requirements of the NW Office of Water.	Details to be provided prior to the issue of any construction certificate application.

### **Modification to Project Approval Conditions**

The proposed modifications described above necessitate amendments to the Project Approval 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**.

 In Schedule 1 replace the description of the Land with Lot 121 in DP 1175762 and Part Lot 15 in DP 1157491.  In Definitions remove definition of RTA and Warehouse Buildings 1 and 2 and insert definition of RMS and Stage 1 Building as follows:

RTA	Roads and Traffic Authority
Warehouse Building 1	The construction and operation of a 24,920m <sup>2</sup> -warehouse, including 1,820m <sup>2</sup> of office space towards the south-eastern corner of the site.
Warehouse Building 2	The construction and operation of a 17,550m <sup>2</sup> warehouse, including 1,350m <sup>2</sup> of office space towards the south-eastern corner of the site.
RMS	Roads and Maritime Service
Stage 1 Building	The construction and operation of a 17,550m <sup>2</sup> warehouse, including 1,350m <sup>2</sup> of office space towards the south-eastern corner of the site.

- In Condition 14 change the date associated with the letter of offer, as follows:
  - 14. The Proponent shall enter into a voluntary planning agreement in accordance with the letter of offer date 6 October 2011, within 1 month of the later of the date of this approval of the day being the last day that the VPA is notified under Section 93G of the Act.
- In Condition 18 remove sub-condition (c) and amend as follows:
  - 18. The Proponent shall submit to the satisfaction of the Director-General, prior to the issue of the first construction certificate for any development on-site, detailed plans and drawings prepared in consultation with the **RTA** *RMS* and Council, for the:
    - (a) connection of the Archibold Road Intersection and the northern stub of regional Road One; *and*
    - (b) Local Road Two.; and
    - (c) creek crossing for Local Road Two.
- Remove Condition 21 as there are no longer any allotments fronting Regional Road One in Stage 1:
  - 21. All allotments fronting Regional Road One (Boundary Lots) shall have an access road denied boundary along the road reserve. A restriction on the use of land (Restriction) will be registered to the title search of each Boundary Lots which provides, to the satisfaction of the Director-General, that there is to be no access to Regional Road One from the Boundary Lot. The Restriction is to be favour to the Minister or public authority as directed by the Director-General and that Minister or that public authority must consent to vary of release the restriction.
- In Condition 23 remove sub-conditions (a) and (b) and amend Condition 23 as follows:
  - 23. The Proponent shall provide parking at a rate of *a minimum of 110 and a maximum of 152 sealed spaces for the Stage 1 Building.* 
    - (a) a minimum of 150 and a maximum of 198 sealed spaces for Warehouse Building No. 1; and
    - (b) a minimum of 110 and a maximum of 152 sealed spaces for Warehouse Building No. 2.

- Amend Appendix A Site Plans as follows:
  - Remove PA01 Stage 1 PA Plan with version dated 31 October 2012 (provided in **Attachment B**).
  - Remove plans relating to Warehouse Building No. 1 on pages 11, 12, 13 and 14 of the Project Approval.
- Remove Draft Plan of Subdivision in Appendix B and replace with the revised Draft Plan Subdivision provided in Attachment B.
- Amend Commitment No. 5, remove Commitments No. 9 and No. 10 in Appendix C, because there is no longer a need to construct a crossing over the E2 Zone, and insert a new Commitment No. 9, to address internal driveway arrangements, as follows:

Subject	No.	Commitment	Timing
Signage and Lighting	5	Future applications will be lodged providing detail on signage and lighting for <i>the Stage 1 Building</i> Warehouse Buildings 1 and 2.	Prior to the occupation and use of <del>each the</del> warehouse building
E2 Zones	<del>9</del>	Detailed plans showing the proposed crossing of Local Road Two over the E2 Zone will be provided to the satisfaction of the Director General.	Details to be provided prior to the issue of any construction certificate.
	<del>10</del>	Any crossing of the E2 Zone will be constructed in accordance with the design requirements of the NW Office of Water.	Details to be provided prior to the issue of any construction certificate application.
Driveway Arrangements	9	The details of the internal driveway for the Stage 1 Building will be provided for approval of the Director- General prior to the issue of a construction certificate.	Details to be provided prior to the issue of any construction certificate.

### 3.0 PLANNING ASSESSMENT

The Director-General has not issued environmental assessment requirements with respect to the proposed modification. However, the planning assessment of the proposed modified development remains generally unchanged with respect to all environmental and planning matters, albeit with lesser environmental impacts.

In particular, it is highlighted that the modification of the Concept Plan and the Project Approval are in essence a reduction in the scale of the project through the removal of approximately 11 ha of land from the site and the removal of one warehouse building which had previously been approved as part of the Stage 1 Project. In removing this land and approved building there is no longer a need for the construction of Local Road One and part of Local Road Two. This in turns avoids the need for a road crossing of the E2 Zone in the north-eastern corner of the site, and reduces the traffic impacts of the development generally.

The other main impact to the project is the development potential of the residual land around the Transgrid acquired Lot 120. Much of this land is affected by constraints from the E2 Zone and the presence of electricity transmission easements and is therefore undevelopable, especially to the north and northwest of Lot 12. The development potential of the residual land to the west and southwest of Lot 120 is impacted by its irregular shape caused by the western boundary of the Transgrid acquired land. The boundary of the land acquired by Transgrid was out of Jacfin's

control. Only a minor extension of Local Road 3 underneath the electricity transmission easement is required to provide access to the remnant developable area on this part of the site. This extension of Local Road 3 is necessary because direct access from the Regional Road is denied.

Consideration of the proposed changes against the key environmental planning issues addressed in the EAR is provided in **Table 1** below.

Issues	Comment/response
Planning	No change to assessment of the project against any environmental planning
Instruments	instruments. In particular, the proposed modifications do not change the
	conservation or rehabilitation of areas with high biodiversity value, they do not
	change the regional road network and they do not change the development
	principles for the site.
Stormwater and	Construction of Detention Basin No. 1 will not be required as part of Stage 1 as
Flooding	there will be no development within its catchment. Notwithstanding this, Basin
	No. 1 will need to be relocated a small distance in order to make way for the
	proposed extension of Local Road Three. The details of Basin No. 1 will be
	provided as part of the Project Application for Stage 4.
Traffic and	Removal of Warehouse Building 1 will lower the effect of Stage 1 on the
Transport	temporary access road, and the Stage 1 road network. It will also reduce the
	traffic impacts of the development generally by reducing the overall quantum of
	development.
	The truncation of Local Road Two west of the E2 Zone will require modified
	internal access arrangements to connect the Stage 1 Building's docks and car
	parking areas with the public road. The new driveway will be located within the
	Transgrid electricity transmission line easement south of the Building.
	It is not proposed at this stage to redesign or reorientate the building, so it is
	proposed that the details of the internal driveway for the Stage 1 Building will be
	provided for approval of the Director-General prior to the issue of a construction
	certificate.
Geotechnical	No new or additional works as part of the modification so there are no new or additional geotechnical issues.
Contamination	No new or additional works as part of the modification so there are no new or
Contamination	additional contamination issues.
Heritage	No new or additional works as part of the modification so there are no new or
Hentage	additional heritage issues.
Flora and Fauna	Removal of part of Local Road Two and the crossing of the E2 Zone will reduce
	the biodiversity impacts of the project.
Bushfire Risk	No new or additional works as part of the modification so there are no new or
Assessment	additional bushfire issues.
Noise	As part of Stage 1 there will be less construction work, and only 1 operational
110100	warehouse, so there will be less noise emitted during construction and operation.
Visual	No new or additional works as part of the modification so there are no new or
	additional visual impact issues.
Ecologically	No new or additional works as part of the modification so there are no new or
Sustainable	additional ESD issues.
Development	
Construction	As part of Stage 1 there will be less construction work, including no need for a
Construction	culvert crossing of the creek in the E2 Zone. As such, there will be lower overall
Management	curvert crossing of the creek in the L2 Zone. As such, there will be lower overall
	construction impacts.
Management	construction impacts.
Management	construction impacts.The site development area has been reduced, so the total quantum of

Table 1 - Consideration of Environmental Planning Issues

#### 4.0 CONCLUSION

The proposed modifications are a result of the compulsory acquisition of land by Transgrid for the purposes of electricity transmission. They result in a development of smaller scope and with lower overall environmental impacts than was originally approved.

There are no additional environmental impacts arising from the proposed modifications

As such, we therefore recommend that the proposed modification is supported by the Department of Planning and Infrastructure.

We trust that this information is sufficient to enable a prompt assessment of the proposed modification. Should you have any queries in relation to the above, please do not hesitate to contact me or Tim Ward on 9956 6962 or tward@jbaplanning.com.au.

Yours faithfully

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Tim Ward *Associate* 

- Attachment A:
- Attachment B:
- Deposited Plan specifying the land acquired by Transgrid Amended project drawings being drawings
  - CP010 Concept Plan, 19 November 2012
  - CP011 Staging Plan19 November 2012
  - PA01 Stage 1 PA Plan, 19 November 2012
  - Draft Plan of Subdivision for Stage 1

# Transgrid Acquisition Plan

Transgrid



Req:R631168 /Doc:DP 1175762 P /Rev:25-Jun-2012 /Sts:SC.OK /Prt:16-Oct-201 Ref:1557Pgy:ALL /Seq:2 of 2

	OMINISTRATION SHEET Sheet 1 of 1 sheet(s)
SIGNATURES, SEALS AND STATEMENTS of intention to dedicate public roads, public reserves and drainage reserves or create easements, restrictions on the use of land and positive covenants	Office Use Only DP1175762
TransGrid SURVEYING SERVICES	Office Use Only Registered: 25.6.2012 Title System: TORRENS
SYDNEY WEST 330kV SUBSTATION	Purpose: ACQUISITION & EASEMENT
LOT 120 AND PROPOSED EASEMENT TO BE ACQUIRED	PLAN OF PROPOSED ACQUISITION OF LOT 120 BEING PART OF LOT 12 DP1157491 AND PROPOSED EASEMENT VARIABLE WIDTH WITHIN LOT 121 FOR ELECTRICITY SUPPLY IN ACCORDANCE WITH THE ELECTRICITY SUPPLY ACT 1995.
	LGA: BLACKTOWN
	Locality: EASTERN CREEK
	Parish: MELVILLE
:	County: CUMBERLAND
	Survey Certificate
	I, Robert C. Markham
	of TransGrid
If space is insufficient use PLAN FORM 6A annexure sheet Crown Lands NSW/Western Lands Office Approval Iin approving this plan certify (Authorised Officer) that all necessary approvals in regard to the allocation of the land shown herein have been given	a surveyor registered under the Surveying and Spatial Information Act 2002, certify that the survey represented in this plan is accurate, has been made in accordance with the Surveying and Spatial Information Regulation 2006 and was completed on: 15 <sup>th</sup> August 2011 The survey relates to Lot 120 to be acquired and easement.
Signature: Date: File Number: Office:	(specify the land actually surveyed or specify any land shown in the plan that is not-the subject of the survey) Signature Surveyor registered under the Surveying and Spatial Information Act 2002
Subdivision Certificate	Datum Line: 'A' – 'B'
I certify that the provisions of s.109J of the Environmental Planning and	Type: Urban/ <del>Rural</del>
Assessment Act 1979 have been satisfied in relation to: the proposed set out herein (insert 'subdivision' or 'new road')	Plans used in the preparation of survey/compilation DP 1157491 DP 262213 DP1168744
* Authorised Person/*General Manager/*Accredited Certifier	
Consent Authority: Date of Endorsement: Accreditation no: Subdivision Certificate no:	
File no:	If space is insufficient use PLAN FORM 6A annexure sheet
* Strike through inapplicable parts.	Surveyor's Reference: SI 2012-052 P51102 2012M7100(700) Partial Survey

# Amended Project Drawings

JBA Planning and RPS



Lot 121 DP 1175762, Ropes Creek Employment Precinct - Concept Plan

Prepared for Jacfin Pty Ltd 19 November 2012 1:5000 @ A3



CP011 Staging Plan



# Lot 121 DP 1175762, Ropes Creek Employment Precinct - Staging Plan 19 November 2012 1:5000 @ A3

Key









Existing Pylons with 15m Setback Zone



Line of Easement

Lot 121 DP 1175762, Ropes Creek Employment Precinct - Stage 1 - PA Plan 19 November 2012 1:5000 @ A3

Stage 1

Later Stages



PLAN FORM 2 (A2)

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION





# SCHEDULE OF SHORT & CURVED BOUNDARIES

BEARING	CHORD	No.	BEARING	CHORD
10°45'10"	16.86	54	7°38'40"	12.4
63°15'00"	26.87	55	356°21'30"	16.75
49°25'30"	15.08	56	343°09'10"	14.99
37°00'00"	15.96	57	329°53'30"	14.32
25°37'30"	16.53	58	317 <b>°</b> 31'50"	12.46
14°51'50"	12.92	59	307°05'50"	10.82
3°06'50"	15.8	60	297°17'30"	11.58
352°14'40"	14.06	61	285°43'10"	11.77
343°19'10"	15.62	62	320°00'10"	11.37
332°54'50"	17.44	63	313°33'20"	11.23
336°54'10"	21.67	64	302°12'40"	13.92
53°31'10"	13.67	65	294°59'50"	10.01
62°30'50"	10.35	66	45°29'20"	13.32
73°22'20"	11.74	67	35°59'00"	14.77
66°39'40"	9.06	68	25°12'30"	19.42
60°31'20"	10.93	69	15°45'40"	16.03
53°44'00"	13.57	70	5°44'30"	13.44
42°51'20"	14.29	71	352°43'50"	19.16
29°08'00"	16.38	72	102°36'00"	12.06
14°02'10"	15.91	73	95°00'50"	31.69
0°33'00"	14.6	74	86°37'30"	22.6
351°04'30"	9.09	75	61°27'50"	22.41
345°39'30"	19.94	76	13°26'00"	15.87
30°36'50"	21.18	77	5°05'10"	17.29
24°48'30"	25.43	78	346°49'20"	18.49
15°15'10"	10.5	79	311°11'50"	14.26
4°55'30"	14.33	80	278°46'10"	12.6
64°16'00"	16.04	81	247°59'20"	8.03
57°02'30"	13.03	82	234°00'20"	9.71
65°49'50"	10.72	83	274°00'50"	27.55
57°43'10"	13.03	84	283°48'00"	24.35
99°36'20"	26.13	85	353°12'20"	22.94
142°04'00"	23.16	86	340°58'10"	21.27
109°08'50"	20.67	87	328°04'10"	43.28
85°33'50"	19.19	88	315°59'20"	23.94
54°44'20"	24.36	89	298°53'00"	27.28
26°43'10"	31.08	90	328°27'50"	23.43
354°02'50"	20.4	125	318°24'30"	27.03
340°04'00"	13.67	126	303°00'30"	20.55
291°06'30"	13.96	127	295°10'50"	18.93
277°49'50"	14.9	128	358°31'30"	31.72
272°09'40"	24.89	129	345°42'00"	20.53
285°53'10"	20.6	130	30°26'50"	16.55
356°31'20"	11.97	131	15°56'50"	19.84
351°39'10"	12.89	132	358*58'50"	18.11
47°34'10"	24.55	133	341°43'00"	20.5
37°32'00"	22.97	134	326°33'30"	9.08
30°50'20"	16.74	135	42°26'50"	20.12
27°04'50"	21.07	136	56°10'50"	31.65
25°22'40"	11.62	137	52°26'50"	19.24
41°30'30"	12.26	138	35°43'30"	18.1
31°33'30"	12.73			
19°32'50"	13.73			
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# CONCEPT PLAN

Plan compiled from architectural CAD data and from information supplied by Land and Property Information NSW.

Plan is subject to a detail survey. PRINTED 04 DEC 2012 ISSUE C

N OF LOT 121 DP1175762	LGA: Locality: Subdivision No: Lengths are in metres	BLACKTOWN ROPES CREEK 5. Reduction Ratio 1:4000	REGISTERED	DP	
	١	l:\Projects\104k\PR104650	) Eastern Creek (JACFIN)\05 Dr	afting\02 DP\PR104650DP_12-12-04 SHEET2.dwg	