

ASSESSMENT REPORT

Section 96(1A) Modification Prestons Industrial Estate (SSD 7155 MOD 2) Modifications to Warehouses 3 and 4

1. INTRODUCTION

This report assesses a modification application seeking to modify the State significant development (SSD) consent for the construction of the Prestons Industrial Estate at Yarrunga Street, Prestons. The application has been lodged pursuant to section 96(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The modification application seeks approval to amend the following:

- design of Warehouse 4
- design of Warehouse 3 and division into three (3) tenancies
- provision of car parking spaces, stormwater design, landscaping as well as the design of vehicular access arrangements to the site.

2. BACKGROUND

2.1 Site and Surrounds

The subject site is located at 5-35 Yarrunga Street, Prestons in the Liverpool local government area (see **Figure 1**). The site is located 6 kilometres (km) south-west of the Liverpool town centre and covers around 20 hectares (ha) of industrial zoned land near the intersection of the M5 and M7 motorways.



Figure 1: Site Location

Construction of the approved Prestons Industrial Estate has commenced (see **Figure 2**). The approved Stage 1 works of the Prestons Industrial Estate (described in detail in **Section 2.1** of this report) have been completed including bulk earthworks, internal access roads and the construction of Warehouse 2 and Warehouse 5.

High voltage electricity transmission lines cross the eastern part of the site, with two transmission towers located within the site (see **Figure 2**) and a 61 metre (m) wide transmission line easement.

The road network surrounding the site includes:

- Bernera Road, a four-lane collector road that runs in a north-south direction and connects with the M7 motorway located 520 m to the north
- Kurrajong Road, a four-lane collector road that runs in an east-west direction along the southern site boundary and connects to Cowpasture Road to the west
- Yarrunga Street, a two-lane local road along the northern site boundary.



Figure 2: The Subject Site

The area surrounding the Prestons Industrial Estate comprises (see **Figure 3**):

- industrial estates located to the east of the site on Bernera Road, to the north on Yarrunga Street and the Aldi Distribution Centre to the north-east
- industrial development currently under construction immediately to the west of the site that was previously used for market gardening
- residential areas located immediately to the south of the site in the suburb of Prestons and to the north-west in the suburb of Carnes Hill.

The surrounding industrial zoned land to the north, east and west of the site is being progressively redeveloped, with several development applications (DA) currently under assessment with Liverpool City Council (Council) (see **Figure 3**) including:

- DA-681/2017 for the construction and operation of two warehouses on land to the west of the site at 55 Yarrunga Street
- DA-527/2017 for the construction and operation of a concrete batching plant on land to the north of the site at 14 Yarrunga Street
- DA-407/2017 for the construction and operation of two warehouses on land to the north-west located at 24 Bernera Road.



Figure 3: The Site Context

Through the submission of this modification application the Applicant is seeking to accommodate a larger variety of smaller warehouses and to revise the design of Warehouse 3 and Warehouse 4 to meet market demand and the operational requirements of future tenants.

3. APPROVAL HISTORY

3.1 Original State significant development - SSD 7155

On 24 June 2016, SSD 7155 was approved by the Executive Director, Key Sites and Industry Assessments, as delegate for the Minister for Planning. The development consent was for the construction of an industrial estate in four stages as follows:

- Stage 1: warehouses 2 and 5 covering 30,005 m² of gross floor area (GFA) and 32,400 m² of GFA respectively with three associated offices, two private access roads from Yarrunga Street and on-site parking
- Stage 2: warehouse 1 covering 26,950 m² of GFA, a two storey ancillary office space and associated parking
- Stage 3: warehouse 3 covering 12,280 m² of GFA, a two storey ancillary office space and associated parking
- Stage 4: warehouse 4 covering 3,285 m² of GFA, a single storey office space, an access road off Bernera Road and associated parking.

The warehouses approved under SSD 7155 were intended to be used for the storage, packing and distribution of fast moving consumer goods.

The capital investment value of SSD 7155 is over \$130 million and is expected to generate 500 construction jobs and between 188 to 375 operational jobs. **Figure 4** shows the site layout and **Figure 5** shows the approved staging of the industrial estate, as approved under SSD 7155.

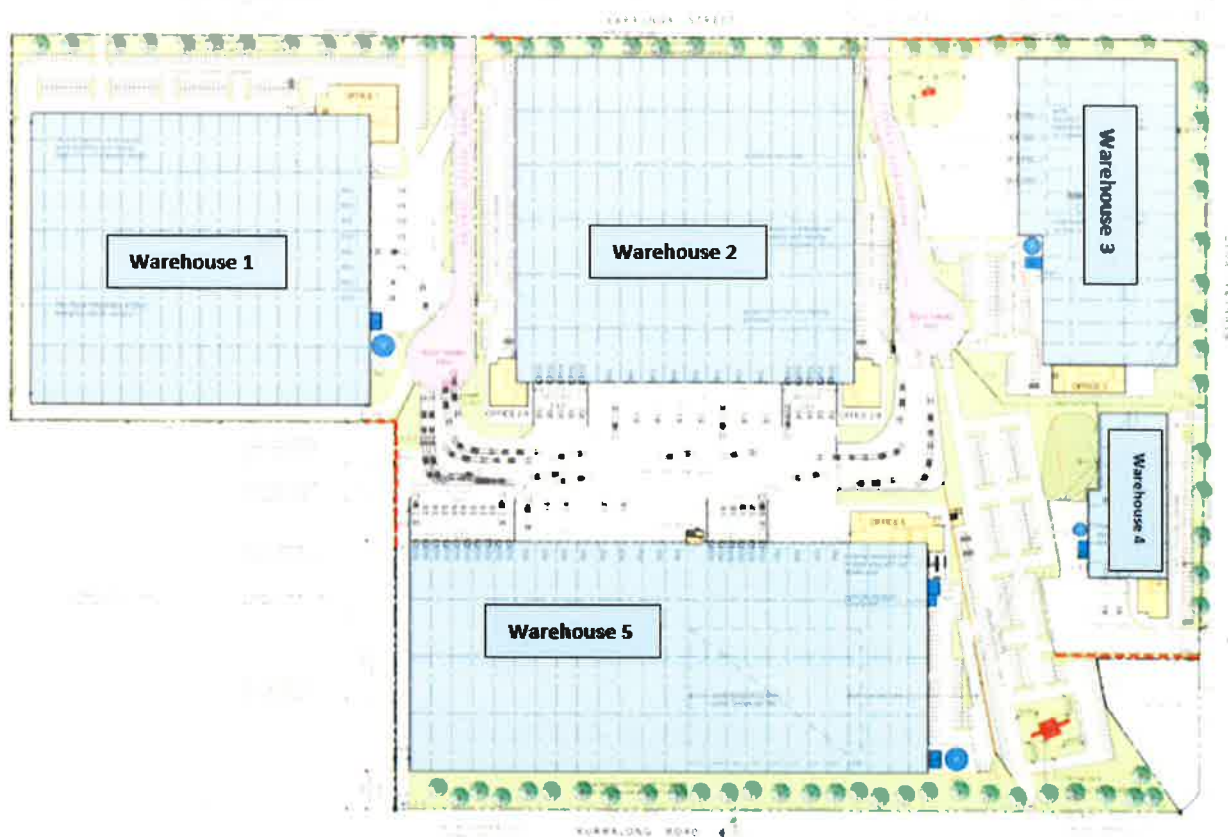


Figure 4: Approved Site Layout

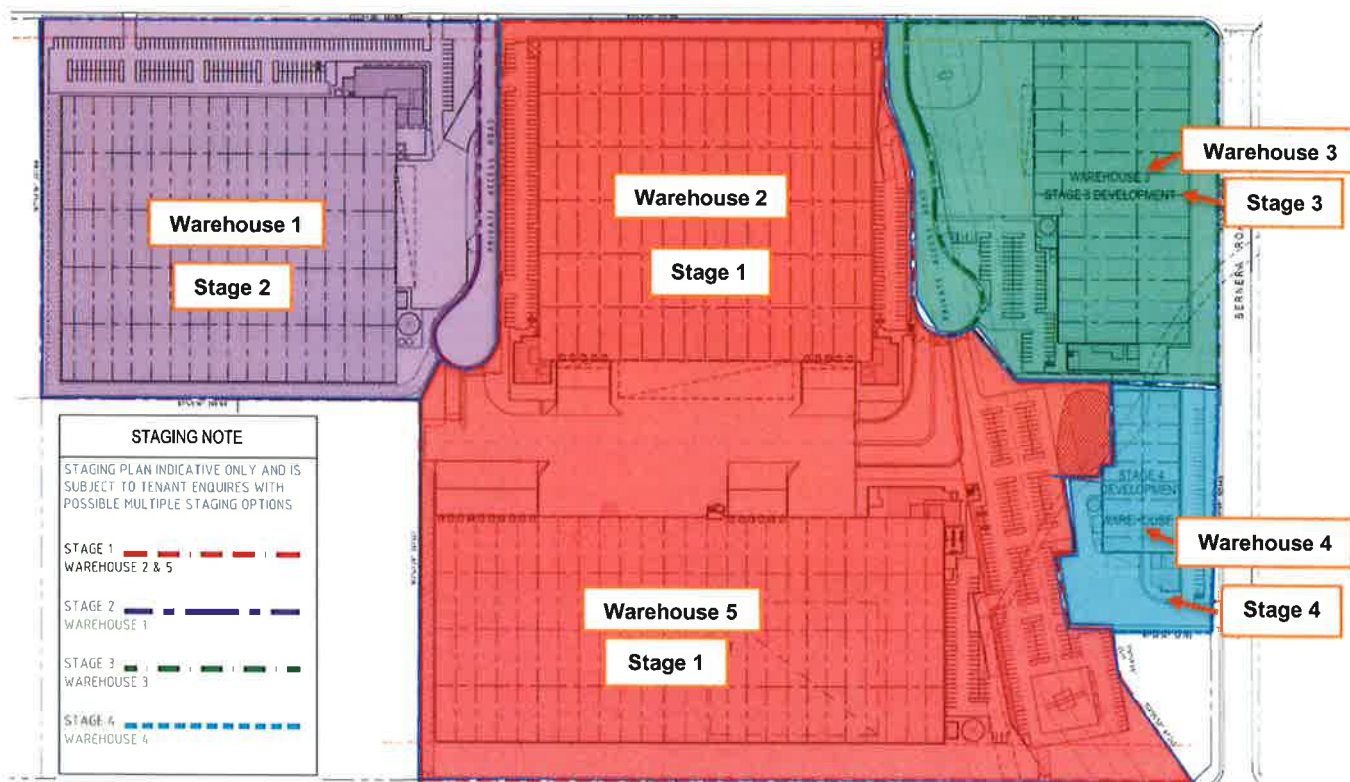


Figure 5: Approved Staging Plan

3.2 Modification Application - SSD 7155 MOD 1

On 17 November 2016, the Director of Industry Assessments, as delegate for the Minister for Planning approved a section 96 (1A) modification (SSD 7155 MOD 1) to:

- relocate the sprinkler tank and pump room (resulting in a reduction of 15 car spaces)

- add a battery charge room
- delete two indoor substations and replace with external substations
- remove sunshades from the Warehouse 2 offices
- add a pergola and shade cloth awning area adjoining Warehouse 5 and remove the car park lift.

4. PROPOSED MODIFICATION

The Applicant has lodged a modification application under section 96(1A) of the EP&A Act to modify the SSD 7155 development consent to change the following aspects of the development:

- amend the design of Warehouse 4 to create additional office space to meet the needs of the future tenant
- amend the design and divide Warehouse 3 into three (3) tenancies (Warehouse 3A, 3B and 3C) with additional office space provided for Warehouse 3B and Warehouse 3C
- increase the provision of car parking spaces on the site by 20 car spaces
- amend the stormwater design, landscaping as well as the design of vehicular access arrangements to the site.

The proposed modifications are sought to adapt the approved warehouses and meet the operational requirements of future tenants. It will result in a 930 square metre (m²) reduction in the GFA of warehouse space on the site from 111,480 m² to 110,550 m² and a 705 m² increase in the GFA of associated office space from 4,725 m² to 5,430 m². Overall, the proposed modifications will reduce the total GFA of the approved industrial estate by 225 m².

No changes to the approved staging of the development as shown in **Figure 5** are proposed as part of this modification application.

The modification application is described in full in the Applicant's Statement of Environmental Effects (SEE) included in **Appendix B** and is illustrated in **Figure 6** and **Figure 7** and the key development components are summarised in **Table 1**.

Table 1 - Description of Proposed Development

Component	Proposed Modification
Design modifications to Warehouse 3 building	<p>The modification seeks to revise the design of Warehouse 3 to (see Figure 6):</p> <ul style="list-style-type: none"> • separate the building into three tenancies (Warehouse 3A, 3B and 3C) with ancillary offices being provided for Warehouse 3A, 3B and 3C • reduce the GFA of the warehouse space from 12,280 m² to 11,635 m² and increase the GFA of the office space from 1,100 m² to 1,105 m² • increase the northern setback of Warehouse 3A from Yarrunga Street from 10 m to 20 m • construct a new breezeway between Warehouse 3B and 3C to facilitate vehicle access to Bernera Road.
Design modifications to Warehouse 4 building	<p>The modification seeks to revise the design of Warehouse 4 to:</p> <ul style="list-style-type: none"> • reduce its size by 285 m² of GFA, from 3,285 m² to 3,000 m² • add a second level above the existing office space to increase the GFA of office by 700 m², from 300 m² to 1,000 m² (see Figure 6) • revise the external design of the building to provide translucent vertical panels applied directly to the steel wall cladding and additional glazing on the Bernera Road elevation (see Figure 7). <p>The Applicant suggests the design modifications to Warehouse 4 are required to facilitate the potential future use of the site for a recreational facility (indoor), which will be subject to a future DA with Council.</p>
Revised Vehicle Access Arrangements	<p><u>Warehouse 3A</u></p> <ul style="list-style-type: none"> • change the emergency vehicle access to Warehouse 3 located on Yarrunga Street to a permanent car only access to Warehouse 3A • heavy vehicles will continue to use the private access road 2, as approved under SSD 7155. <p><u>Warehouse 3B</u></p> <ul style="list-style-type: none"> • access (all vehicles) to Warehouse 3B will be via Yarrunga Street and private access road 2, as approved under SSD 7155 • egress of approximately 12 heavy vehicles per week from the site onto Bernera Road via a new "breezeway" and 7 m driveway. The new driveway will be restricted to left turn only onto Bernera Road.

	<p><u>Warehouse 3C</u></p> <ul style="list-style-type: none"> access (all vehicles) to Warehouse 3C will be via Yarrunga Street and private access road 2. <p><u>Warehouse 4</u></p> <ul style="list-style-type: none"> change the design of the access to light vehicles only to facilitate the use of the site for a recreational facility (indoor), which will be subject to a future DA with Council.
<i>Additional car parking spaces</i>	<p>The modification seeks to provide an additional 20 car spaces for Warehouse 4 which will increase the total provision of parking on the site from 715 to 735 car spaces.</p> <p>The additional car spaces are sought to meet the additional demand for car parking associated with a recreational facility (indoor) use of Warehouse 4 which will be subject to a future DA with Council.</p>
<i>Landscaping</i>	<ul style="list-style-type: none"> reconfigure the landscaping around Warehouse 3 and 4 to accommodate the modified access, hardstand and building layout reduce the width of landscaping from 6 m to 2 m along part of Bernera Road adjacent to Warehouse 4 (see Figure 6) provide layered landscaping at the corner of Bernera Road and Yarrunga Street and at the modified entry on Bernera Road.
<i>Road and intersection works</i>	<ul style="list-style-type: none"> construct a new median strip on Bernera Road opposite the proposed heavy vehicle egress for Warehouse 3B widen part of Bernera Road adjacent to the site to allow for two travel lanes in each direction.
<i>Revision to ancillary infrastructure</i>	<ul style="list-style-type: none"> reconfigure hardstand areas and the layout of loading docks to Warehouse 3A, 3B and 3C revise the design of piped drainage and Council's drainage infrastructure to accommodate the revisions to the layout of warehouse buildings.

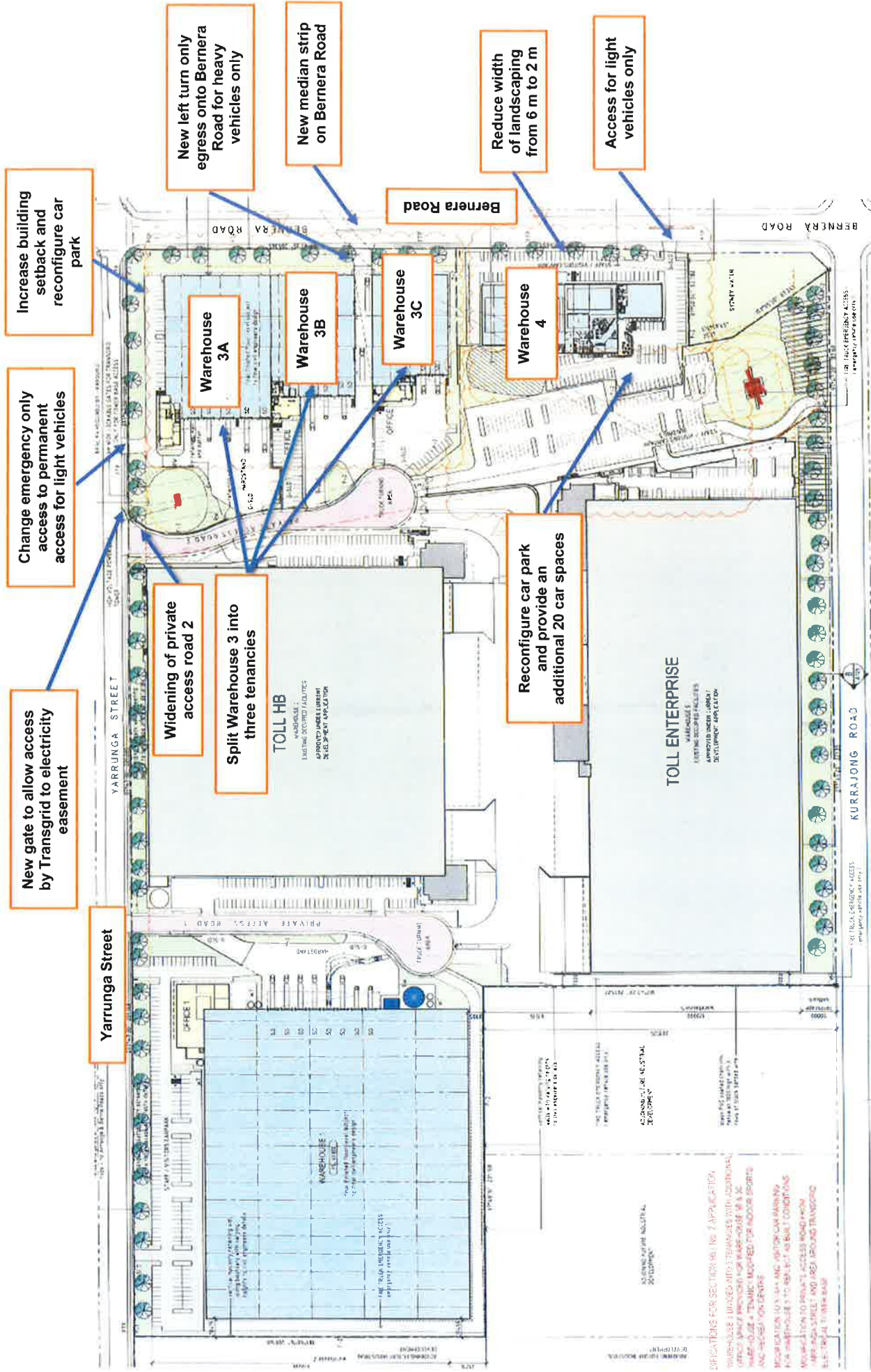


Figure 6: Proposed Modified Development

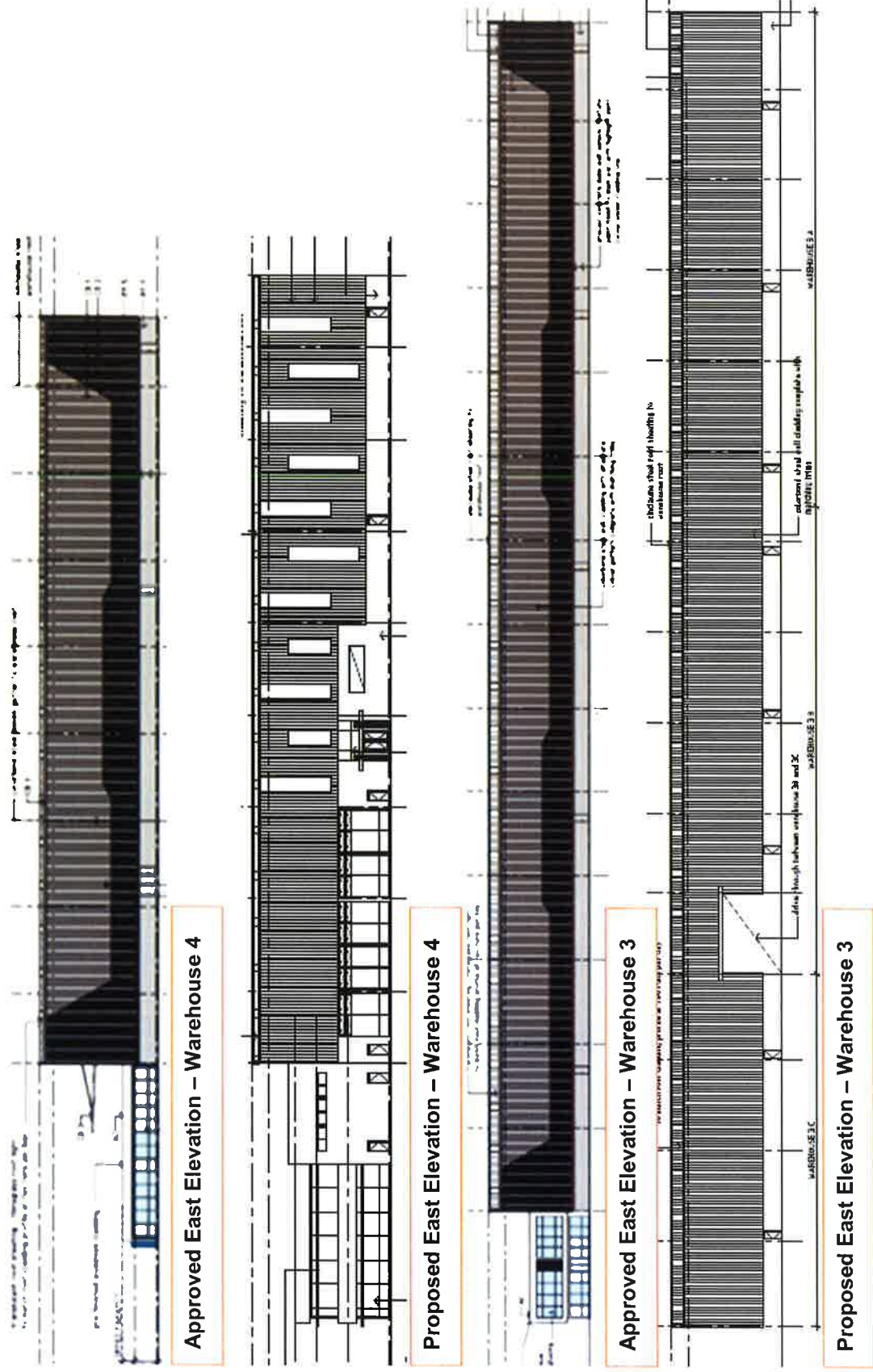


Figure 7: Comparison of approved and proposed modifications to the eastern (Bernera Road) elevations of Warehouse 3 and Warehouse 4

5. STATUTORY CONTEXT

5.1 Consent Authority

The Minister for Planning is the consent authority for the application. Under the Minister's delegation of 11 October 2017, the Acting Director, Industry Assessments, may determine the application under delegation as:

- the relevant local council has not made an objection
- a political disclosure statement has not been made
- there are no public submissions in the nature of objections.

5.2 Section 96(1A)

The Department has reviewed the scope of the modification application and is satisfied the proposed modification would result in minimal environmental impacts, and relates to substantially the same development as the original development consent on the basis that:

- the primary function and purpose of the approved project as an industrial estate would not change as a result of the proposed modification
- the modification is of a scale that warrants the use of section 96(1A) of the EP&A Act
- the approved operations of the development would remain unchanged as a result of the proposed modification
- any potential environmental impacts would be minimal and appropriately managed through the existing or modified conditions of approval.

The proposed modification originally sought to change Warehouse 4 from a warehouse and distribution use to a recreation facility (indoor) use including a gymnasium, indoor swimming pool and a multi-purpose sports hall. However, the Department considered the recreation facility use was not substantially the same development as the original SSD 7155 which only granted approval for warehouse and distribution and ancillary office uses on the site. Therefore, the Applicant removed the recreation facility (indoor) use from the modification application and advised that consent for this use will be sought separately from Council via a DA.

The Department is satisfied the modification application is within the scope of section 96(1A) of the EP&A Act and does not constitute a new DA. Accordingly, the Department considers the modification application should be assessed and determined under section 96(1A) of the EP&A Act rather than requiring a new DA to be lodged.

6. CONSULTATION

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 State significant development. Accordingly, the application was not notified or advertised, however, it was made publicly available on the Department's website on 12 July 2017, and was referred to Council (Council), Roads and Maritime Services (RMS), TransGrid, Transport for NSW (TfNSW), Office of Environment and Heritage (OEH), WaterNSW and Department of Primary Industries (DPI) for comment.

No public submissions were received.

6.1 Submissions from Public Authorities and Council

A summary of the issues raised in the submissions is provided below, with a copy of each submission included in **Appendix B**.

Council did not object to the modification application, however raised concern relating to the following:

- potential social and economic impacts
- permissibility of the car parking area of the recreation facility in Warehouse 4 (a use which has since been removed from the modification application)
- traffic impacts of the proposed site access from Bernera Road
- the provision of car parking
- amendments to conditions relating to development contributions (which have since been removed from the modification application)
- aboriginal cultural heritage
- flood impacts
- noise impacts on residential areas to the south
- connectivity to the cycle network

- visual bulk along the Bernera Road frontage.

RMS did not object to the modification however advised that the Yarrunga Street, Bernera Road, Yato Road intersection design must accommodate the safe and efficient movement of B-double heavy vehicles given the expected increase in industrial development in the locality. RMS also advised that the Applicant must allow for complimentary left turns to be undertaken by B-double vehicles at this intersection as part of a dedicated right turn/diamond phase.

TfNSW did not object to the modification however requested further information in relation to the proposed permanent access to Warehouse 3A from Yarrunga Street. TfNSW also recommended the traffic signal design and upgrade to the Yarrunga Street, Bernera Road, Yato Road intersection be designed to the satisfaction of RMS and Council and a Construction Traffic Management Plan be prepared prior to the commencement of construction.

OEH did not object to the modification application and advised the application does not contain biodiversity, natural hazards or Aboriginal cultural heritage issues.

TransGrid objected to the modification application on the basis the proposed landscaping works would interfere with access to TransGrid's northern tower. TransGrid recommended the Applicant consult with TransGrid in amending the development to address these concerns.

WaterNSW did not object to the modification and advised the site is not within close proximity to WaterNSW land or infrastructure.

DPI did not object to the modification and considered the Applicant had adequately addressed matters of interest.

The Department reviewed the comments from public agencies and Council and requested the Applicant respond to the submissions to address the issues raised.

6.2 Response to Submissions and Supplementary Information

In August 2017, the Applicant submitted a response to the concerns raised in submissions. The Applicant's response to submissions (RTS) provided further information on potential employment generation, permissibility of the development, noise mitigation, vehicle access and car parking and the approved Aboriginal archaeological zone. However, the RTS noted issues relating to development contributions and the design of the Yarrunga Street, Bernera Road, Yato Road intersection would be addressed separately.

The Applicant's RTS also included the following amendments:

- revised architectural drawings to provide a 6 m wide lockable gate at the Yarrunga Street frontage of the electricity easement to provide access for TransGrid vehicles
- revised landscape drawings to show the proposed screening of the built form along Bernera Road.

6.3 Amended Application

In November 2017, the Applicant amended the modification application to remove the proposed use of Warehouse 4 for a recreation facility (indoor) as well as the proposed amendments to contribution conditions. At the same time, the Applicant provided further clarification on the following:

- vehicle access arrangements onto Bernera Road
- potential traffic impacts
- landscaping of the Bernera Road frontage
- access arrangements and clearances to the northern tower.

The amended modification application was referred by the Department to the relevant authorities, being TransGrid, Council and RMS for further comment.

A summary of Council's, RMS's and TransGrid's responses is provided below.

TransGrid sought further information in regard to setbacks and clearances to the northern tower. The Applicant provided additional information as requested by TransGrid. TransGrid raised no further

objection to the modification application and recommended conditions to ensure access to the transmission towers, lines and easement is provided to TransGrid.

Council raised no objection to the modification application however recommended conditions regarding roadworks including the widening of part of Bernera Road and central medians on Bernera Road, opposite the site.

RMS raised no objection to the modification application, however requested the submission of an additional swept path drawing and proposed intersection upgrade works be shown on the proposed plans to ensure B-double trucks can safely turn left from Bernera Road into Yarrunga Street.

7. ASSESSMENT

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

- SEE and RTS provided to support the proposed modification (see **Appendix B**)
- the assessment report for the original DA and subsequent modification application
- submissions from State government authorities and Council (**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 considers the key assessment issues are:

- vehicle access and road network upgrades
- landscaping and visual impacts to Bernera Road.

The Department's assessment of other issues is provided in **Table 2**.

7.1 Traffic and Access

Vehicle Access

The modification application seeks to amend the approved vehicle access arrangements to the site and proposes a new egress access to Bernera Road for heavy vehicles. The proposed access on Bernera Road and additional heavy vehicle movements from this access has the potential to impact on the safety and operation of the surrounding road network.

The proposed amendments to vehicle access to the site are shown in **Figure 6** and are detailed in the Traffic Impact Assessment (TIA) submitted. The proposed amendments include the following:

- Warehouse 3B: an additional egress only driveway for use by heavy vehicles (semi-trailer and heavy rigid vehicles) turning left onto Bernera Road with a raised centre median on Bernera Road
- Warehouse 4: amendments to the driveway to allow entry and exit only by light vehicles from Bernera Road.

Council's submission raised concern that Bernera Road is a collector road which carries significant traffic volumes. Council recommended heavy vehicles access the site only via Yarrunga Street and not have direct access to Bernera Road. Council's submission also requested a detailed traffic impact analysis to support the proposed additional Bernera Road egress for Warehouse 3B.

In response to Council's concerns the Applicant provided an addendum to the TIA and clarified the proposed access to Bernera Road would be egress only. The proposed access would enable heavy vehicles to enter the site via Yarrunga Street then travel through Warehouse 3B via a new breezeway where they will be side loaded before exiting onto Bernera Road. An access gate will restrict direct vehicle entry from Bernera Road. The Applicant advised movements would:

- likely occur only two to three days per week with a maximum of four trucks per day
- comprise 50% heavy rigid vehicles and 50% semi-trailer vehicles.

The Applicant advised the minor egress movements would be facilitated by the operation of existing traffic signals at the Bernera Road and Kurrajong Road intersection to the south which would create sufficient gaps in northbound traffic and enable heavy vehicles to safely egress the site. Due to the relatively straight and level aspect of Bernera Road, the Applicant also advised vehicles would have sufficient sight distances to safely access Bernera Road.

Whilst Council advised access to Warehouse 3B from Yarrunga Street is preferable, Council did not object to the access on the basis the Applicant undertake the widening of part of Bernera Road fronting the site. The widening of part of Bernera Road would allow for two travel lanes in each direction and a central median island. Council also recommended conditions requiring the Applicant submit detailed design and swept paths to ensure the access:

- is for egress only
- is controlled by a gate
- allows for road widening and a central median island on Bernera Road.

The Applicant has agreed to undertake the works to widen the part of Bernera Road which fronts the site.

RMS's submission raised no objection to the proposed new access on Bernera Road.

The Department considers the proposed site access arrangements acceptable on the basis the new access from Bernera Road will be used for egress only and the widening of Bernera Road would allow exiting trucks to utilise the additional lane without impeding the flow of traffic within Bernera Road. Further, the construction of a central median will restrict vehicles turning right onto Bernera Road. As recommended by Council and agreed to by the Applicant, the Department has included conditions requiring the submission of final design plans of the access and the widening of Bernera Road adjacent to the site.

The Department's assessment concludes that with the widening of part of Bernera Road and proposed conditions, the proposed vehicle access arrangements for the site will not have a significant adverse impact on the safety or efficiency of the surrounding road network.

Intersection and road network upgrade requirements

The conditions of the original SSD 7155 development consent required significant upgrade works to the Yarrunga Street, Bernera Road, Yato Road intersection by the Applicant. The approved intersection works involved the construction of a dedicated right-turn bay on the north approach of Bernera Road and a left turn bay from Bernera Road into Yarrunga Street to facilitate the movement of B-double trucks into the site (see **Figure 8**).

The Applicant was required under conditions C1-C4 of SSD 7155 to submit to RMS for approval, civil design plans for the intersection. The conditions also required the upgrade works to the Yarrunga Street, Bernera Road and Yato Road intersection were completed prior to the operation of Warehouse 1 (see Stage 2 in **Figure 5**), when traffic volumes from the industrial estate will increase and start to impact on intersection delay times. The required works to the intersection are yet to commence.



Figure 8: Approved upgrades to Yarrunga Street, Bernera Road and Yato Road intersection under SSD 7155

The Applicant's addendum to the TIA advised the proposed modification will not significantly increase traffic volumes predicted and approved under SSD 7155 and will not have any further impact on the operational performance of nearby intersections. On this basis, the Applicant advised no further upgrades (other than those required under conditions C1 - C4) are required to the intersection to facilitate the proposed modification. Notwithstanding, the Applicant's SEE included a detailed roadworks layout plan showing works to the Yarrunga Street, Bernera Road, Yato Road intersection.

RMS's submission raised concern the roadworks layout plan did not allow for the safe movement of B-double trucks and requested detailed swept path drawings of the intersection.

However, the Department does not consider it necessary the Applicant provide further information on the intersection design as part of this modification application. The existing conditions of SSD 7155 require the Applicant meet the intersection design requirements of both RMS and Council and undertake the works prior to the occupation of Warehouse 1 during Stage 2. The construction and occupation of Warehouses 3 and 4, which are the subject of this modification application, will be constructed at Stage 3, after the intersection upgrade works have been completed to the satisfaction of RMS and Council.

Whilst the Department acknowledges a further modification application (SSD 7155 MOD 3) is currently under assessment which seeks to revise the stages of construction and the intersection works, for the purposes of this modification application no change to the construction timing is proposed. Given the proposal will not increase the daily volume of traffic or the operational performance of the intersection, the Department considers there is no requirement to modify the conditions C1-C4 of SSD 7155 at this time.

The Department also notes the redesigned layout will result in an increased building setback to Yarrunga Street from that approved under SSD 7155 (see **Figure 6**). This will provide an increased opportunity for dedicating land than otherwise exists, should a dedication be required for road-widening at the intersection.

The Department's assessment concludes the existing conditions of SSD 7155 ensure the Yarrunga Street, Bernera Road and Yato Road intersection will be upgraded to a standard which meets the design requirements of both roads authority and no further intersection works are required to facilitate the proposed modification.

7.2 Landscaping and Visual Impacts

The modifications to the design and layout of Warehouses 3 and 4 will alter the approved landscaped area fronting Bernera Road and the surrounding building and car parking areas which has the potential to alter the visual impact of the development.

The modification application seeks to reduce the width of landscaping from 6 m to 2 m along part of Bernera Road adjacent to Warehouse 4 (see **Figure 6**). The reduction in landscaping adjacent to Warehouse 4 is sought to increase the provision of car parking required for a recreation facility (indoor) use of the building which will be subject to a separate DA with Council. The remainder of Bernera Road will feature a minimum 6 m wide landscaped setback. A new 2.6 m high retaining wall is also proposed along a portion of Bernera Road, adjacent to the north-eastern corner of Warehouse 4. The 20 m wide landscaped setback along the Kurrajong Road frontage which is directly opposite the residential area to the south will be preserved.

The Applicant provided landscaping drawings prepared by Habit8 Pty Ltd to show the proposed amendments to the landscaping and species composition along the Yarrunga Street and Bernera Road frontages. At the Department's request, the Applicant also provided a photomontage of the Bernera Road frontage as well as detailed plans to demonstrate the potential visual impact to the Bernera Road elevation. The view of Warehouse 4 from Bernera Road with matured native landscaping is shown in **Figure 9**.



Figure 9: View from Bernera Road of Warehouse 4

The landscape and visual impact assessment submitted with SSD 7155 noted the primary elements that would be visible to receptors include the 13.7m high warehouse buildings, two storey office buildings, lighting, signage and parking areas. Warehouse 4, where the landscaped setback is proposed to be reduced, is separated by over 120 m from residential properties to the south by Bernera Road and Kurrajong Road. These residential properties will have obstructed views of Warehouse 4 once the site located at 52 Bernera Road (on the corner of Bernera Road and Kurrajong Road) is developed for industrial uses. The Department considers the modification application will improve the articulation of Warehouse 4 through additional glazing and the addition of vertical panels applied to the steel wall cladding (**Figure 7**). The Department notes the proposed landscaping comprises mature trees, hedges and a mix of grasses with a composition of species which is consistent with the approved landscape plans and which, over time, would mitigate the visual impact.

The existing conditions of consent of SSD 7155 require that the landscaping is implemented prior to the operation of each stage of the development, to ensure visual impacts are minimised and will be retained by this modification application.

The Department's assessment concludes the existing conditions of consent of the SSD 7155 ensure visual impacts will be adequately ameliorated. The proposed modifications to building setbacks and species composition will ensure much of the development will be visually screened and will not have a significant visual impact.

7.3 Other Issues

The Department's assessment of other issues is provided in **Table 2**.

Table 2: Assessment of Other Issues

Issue	Assessment	Recommendation
Transmission Line Easement	<ul style="list-style-type: none"> TransGrid's high voltage transmission line runs in a 61 m wide easement through the eastern part of the site with two stanchions (towers) located on the site near Yarrunga Street and Kurrajong Road TransGrid's submission raised concern the proposed amendments to landscaping around the northern tower (near Yarrunga Street) would interfere with access to the tower and would encroach into the required 16 m setback The Applicant consulted further with TransGrid and provided revised development and architectural drawings. The amended development allowed for separate TransGrid access to the tower from Yarrunga Street via a lockable gate TransGrid was satisfied the amended development and conditions of SSD 7155 allowed for access to the transmission towers, lines and easement, to protect the safety of workers and the integrity of the electricity infrastructure The Department considers the existing conditions of SSD 7155 satisfy TransGrid's requirements The Department concludes TransGrid's infrastructure would be adequately protected during construction and operation of the site, with the existing conditions of SSD 7155 	Require the Applicant to maintain TransGrid's access to the transmission towers, lines and easement at all times as required by the existing conditions of SSD 7155.

Issue	Assessment	Recommendation
Construction traffic	<ul style="list-style-type: none"> The proposed modification has the potential to generate additional construction traffic and impact on the safety and efficiency of the surrounding road network The addendum to the Applicant's Traffic Impact Assessment (TIA) noted volumes of construction traffic associated with the staged construction elements of the development would be considerably less than during operation, and can be adequately accommodated on the existing road network As approved under SSD 7155, construction traffic would access the site from Yarrunga Street and construction traffic management measures are detailed in the construction traffic management plan dated August 2016 approved by the Department The Department's assessment concludes the proposal will not increase the volume of construction traffic and the existing conditions of SSD 7155 ensure any impacts can be managed. 	
Operational traffic	<ul style="list-style-type: none"> The TIA considered the potential impacts of the operation of the proposed modification on the local road network, including Yarrunga Street, Bernera Road and Kurrajong Road The proposal seeks to reduce the GFA of the site by 225 m², however will change the composition of warehouse and ancillary office space on the site The Applicant advises the proposal will not change the volume of traffic generated by the site (predicted at 2,320 vehicles per day) using the same vehicle trip generation rate (0.21 vtpm/100 m²) used for the original development consent Peak traffic volumes are expected to marginally increase by 0.47 vehicle trips per hour due to the change in the composition of warehouse and office space on the site While Council's submission initially requested the Applicant use the vehicle trip generation rate outlined in RMS's 'Guide to traffic generating developments' (0.5 vtpm/100 m²), they accepted the calculation was based on the rate previously used The Department considers the traffic generation rate appropriate The Applicant has also advised the proposed modification will not result in any change to the operational performance of the nearby Yarrunga Street, Bernera Road and Yato Road intersection Council and RMS did not raise concern regarding the potential traffic generation from the proposed modification or impact on the operational performance of the Yarrunga Street, Bernera Road and Yato Road intersection The Department's assessment concludes the proposed modification will not significantly increase traffic volumes predicted and approved under SSD 7155 and will not have any further impact on the operational performance of nearby intersections 	
Permissibility of Warehouse 4 (associated with recreation facility)	<ul style="list-style-type: none"> The site is zoned part IN1 General Industrial and part IN3 Heavy Industrial under the <i>Liverpool Local Environmental Plan 2008</i> in which warehousing and distribution centres are permitted with consent Council's submission raised concern part of the recreation facility (indoor) in Warehouse 4 is located in the IN3 zone and was prohibited The Applicant's SEE provided justification for the permissibility of the use under Clause 89E(3) of the Act which allows for SSD consent to be granted despite a development being partly prohibited by an LEP Notwithstanding the Applicant later amended the application to remove the recreation facility use from this application The Department concludes the recreation facility does not form part of this application and the permissibility of this use is not a relevant consideration. 	
Aboriginal Heritage	<ul style="list-style-type: none"> As identified in the Aboriginal Cultural Heritage Assessment (ACHA) submitted with SSD 7155, the site comprises areas of Aboriginal archaeological sensitivity, including the designated Aboriginal Archaeological Zone located adjacent to Warehouse 4 The designated Aboriginal Archaeological Zone (known as the Prestons Creek Bank site) was deemed to be an area of high conservation value from a local and regional perspective by the ACHA due to the presence of a high number of stone artefacts 	

Issue	Assessment	Recommendation
	<ul style="list-style-type: none">• Council's submission requested the Applicant provide a detailed aboriginal cultural heritage assessment to measure the impact of the development on archaeological heritage on the site• The Applicant's RTS confirmed the Aboriginal Archaeological Zone to the west of Warehouse 4 remains unchanged and that no further aboriginal heritage assessment was required• Council raised no further objection• The Department considers the existing conditions of consent ensure the Aboriginal Archaeological Zone will be preserved during construction and operations including through the implementation of a covenant on the land and the implementation of specific measures regarding the construction of Warehouse 4.• The Department's assessment concludes the development would not adversely impact on Aboriginal cultural heritage.	

8. CONCLUSION

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 proposed modification will result in minimal environmental impacts beyond the approved estate
- the proposed modification will reduce the gross floor area of the site and will not have any significant additional construction or operational impacts
- the recommended conditions require the Applicant undertake upgrade works to Bernera Road to ensure the proposal maintains the safety and efficiency of Bernera Road
- the proposed modification and reconfiguration of the site layout will meet the operational requirements of future tenants.

The Department is satisfied that the modification should be approved, subject to conditions.

9. RECOMMENDATION

It is recommended the Acting Director, Industry Assessments:

- consider the findings and recommendations of this report
- determine that the modification application SSD 7155 MOD 2 falls within the scope of section 96(1A) of the EP&A Act
- modify the consent SSD 7155
- sign the attached approval of the modification (**Appendix A**).

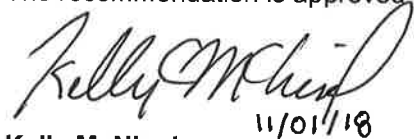
Prepared by:
Chloe Dunlop
Senior Planning Officer, Industry Assessments

Recommended by:

 11/1/18
Joanna Bakopanos
Team Leader, Industry Assessments

DECISION

The recommendation is approved by:

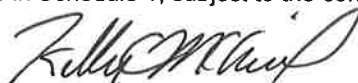
 11/01/18
Kelly McNicol
Acting Director, Industry Assessments
as delegate of the Minister for Planning

APPENDIX A – INSTRUMENT OF MODIFICATION

Modification of Development Consent

Section 96(1A) of the *Environmental Planning and Assessment Act 1979*

As delegate for the Minister for Planning, under delegation executed on 11 October 2017, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions outlined in Schedule 2.



Kelly McNicol
Acting Director
Industry Assessments

Sydney 11 JANUARY

2018

File: DOC/A3862290

SCHEDULE 1

Application No:	SSD 7155
Applicant:	The Trust Company (Australia) Limited as Trustees for Logos Australian Logistics Venture Prestons Trust
Consent Authority:	Minister for Planning
Development:	Staged construction of five warehouse buildings, associated office space, access roads, parking, drainage and landscaping.
Date of Original Consent:	24 June 2016
Modification:	SSD 7155 MOD 2– alterations to the design of Warehouse 3 and Warehouse 4 and amendments to car parking provision, stormwater design, landscaping and vehicle access arrangements to the site

SCHEDULE 2

This consent is modified as follows:

1. Delete the word 'shall' and replace with 'must' throughout the development consent, except in Condition B3.

In Schedule B: Administrative Conditions

2. In Condition B2 (c), after the words '(see Appendix B);' delete the 'and'.
3. In Condition B2 (d) delete the period and replace with '; and'.
4. In Condition B2, after (d) insert '(e) Modification Application SSD 7155 MOD 2 and accompanying document titled *Prestons Industrial Estate Warehouse Section 96 (1A) Modification Environmental Assessment Report* dated November 2017 prepared by Urbis Pty Ltd.'

In Schedule C: Environmental Performance and Management

5. In Condition C6 (a), after the words 'along Bernera Road;' delete the 'and'.
6. In Condition C6 (b), delete the period and replace with '; and'.
7. In Condition C6, after (b) insert '(c) install the central median island on Bernera Road opposite Warehouse 4 prior to the commencement of the operation of Warehouse 4'.

8. Insert new Condition C7A immediately after Condition C7 as follows:

C7A. The Applicant must submit design plans prepared to the satisfaction of the relevant roads authority prior to the commencement of construction of the access to Warehouse 3B from Bernera Road. The design plans must demonstrate the access to Warehouse 3B from Bernera Road:

- (a) is designed to accommodate the turning path of a semi-trailer and heavy rigid vehicle;
- (b) is for egress only;
- (c) will be controlled by a gate which only permits egress; and
- (d) enables road widening along Bernera Road and a central median island on Bernera Road opposite Warehouse 3B and 3C.

9. Insert new Condition C7B immediately after Condition C7A as follows:

C7B. Prior to the commencement of construction of Stage 3 of the Development, the Applicant must complete the widening of part of Bernera Road (located adjacent to the site) to the satisfaction of Council. The Applicant must:

- (a) provide civil design plans to Council for the road widening prior to the issue of a construction certificate for Stage 3 works; and
- (b) obtain approval for the works to Bernera Road under section 138 of the *Roads Act 1993*.

10. In Condition C10 (g), after the words 'public road network;' delete the 'and'.

11. In Condition C10 (h), delete the period and replace with '; and'.

12. In Condition C10 after (h) insert '(i) heavy vehicle egress onto Bernera Road must be restricted to the heavy vehicles associated with the occupant of Warehouse 3B.'

13. In Condition C20, after the words 'included in the RTS for each Stage of the Development', add the words 'and included in the Modification Application SSD 7155 MOD 2'.

14. In Condition C26, delete the words 'development plans in the EIS' and replace with the words 'development plans submitted with the Modification Application SSD 7155 MOD 2'.

15. Insert new subheading 'External Walls and Cladding Flammability' and Condition C51A immediately after Condition C51 as follows:

C51A. The external walls of the building including attachments must comply with the relevant requirements of the NCC. Prior to the issue of a Construction Certificate and Occupation Certificate the Certifying Authority must:

- (a) be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and
- (b) ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

A copy of the documentation required under (b) must be provided to the Secretary within 7 days of being accepted by the Certifying Authority.

16. In Condition C61, after the words 'approved in the development plans in the EIS', add the words 'and Modification Application SSD 7155 MOD 2'.

In Schedule D: Environmental Management and Reporting

17. Delete Condition D6 and replace with new Condition D6 as follows:

D6. The Applicant must make the following information publicly available on its website and keep the information up to date:

- (c) the documents referred to in conditions D1 and D2 of this consent;
- (d) all current statutory approvals for the development;
- (e) all approved strategies, plans and programs required under the conditions of this consent;
- (f) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent;
- (g) a summary of the current stage and progress of the development;
- (h) contact details to enquire about the development or to make a complaint;
- (i) a complaints register, updated monthly; and

- (j) any other matter required by the Secretary.

Note: *This condition does not require any confidential information to be made available to the public.*

In Appendix A: Development Layout Plans

18. Replace all drawings with the following drawings:

APPENDIX A: DEVELOPMENT LAYOUT PLANS

APPENDIX B – STATEMENT OF ENVIRONMENTAL EFFECTS

The Statement of Environmental Effects is on the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8592

APPENDIX C – SUBMISSIONS

The Submissions are on the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8592