

PRESTONS INDUSTRIAL ESTATE

S96 (1A) MODIFICATION
ENVIRONMENTAL ASSESSMENT REPORT

JUNE 2017
SA6275
PREPARED FOR LOGOS PROPERTY



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EXECUTIVE SUMMARY

This Environmental Assessment Report (EAR) accompanies an application to modify State Significant Development (SSD) approval number SSD 7155 (as modified) pursuant to the provisions of the Section 96(1A) of the *Environmental Planning and Assessment Act 1979* (the Act). The application is lodged on behalf of Logos Property (the proponent).

The original development was granted approval by the Minister for Planning on 24 June 2016 for the staged construction of five warehouse buildings, associated office space, access roads, parking, drainage and landscaping. The application was assessed pursuant to *State and Environmental Planning Policy (State and Regional Development) 2011* as it met the criteria identified in Clause 12 of Schedule 1 of the SEPP as a warehouse and distribution centre with a capital investment value greater than \$50 million. A modification to SSD7155 comprising a minor reconfiguration of design elements to Warehouse 2 & 5, and onsite carparking, was approved on 17 November 2016.

This application proposes to further modify the SSD approval as it relates to Warehouse 3, Warehouse 4 and the car park area beneath the Transgrid power line tower. No changes to Warehouse 2 and 5 are proposed as part of this application. Modifications to Warehouse 1 are proposed as part of a separate future application.

The proposed modification involves dividing Warehouse 3 into three separate smaller warehouses with associated office space, and the addition of a recreation facility (indoor) use in Warehouse 4. This results in a net reduction of GFA of Warehouse 3 and 4 from 16,965sqm to 15,500sqm. Building height remains the same as approved, while onsite parking increases by 20 spaces.

The modified proposal has been assessed against relevant requirements of the original Secretary's Environmental Assessment Requirements (SEARs), pre-lodgement advice from Senior Planners from the Department of Planning and Environment, and relevant environmental planning instruments, policies and guidelines. The key issues have been assessed as summarised below:

- **Layout and design** – the proposed modification to Warehouse 3 will result in a development that is entirely consistent with the local context. The revised scale of the modified building will be compatible with the scale of buildings within the immediately surrounding area and generally consistent with the original approval. The modifications to Warehouse 4 improve the visual appearance of the façade through the use of glazing and articulation treatments.
- **Visual impact** – the modified development is generally consistent with the approved scheme and will have no discernible impacts on the visual qualities of the Prestons Industrial Estate and the locality. The potential visual impact of the modified development is softened through architectural design, significant landscaping, and screening of loading docks by the warehouse building and office structures.
- **Traffic impact** – the traffic impact assessment, including a review of the local road network and analysis of the road network capacity, concluded that the traffic impacts are insignificant.
- **Soil and water** – the modified proposal is supported by an updated Sediment and Erosion Control Plan which protects the downstream drainage system and receiving waters from sediment laden runoff.
- **Flooding and drainage** – the modified stormwater system has been designed to avoid impacts with regard to flooding and drainage.
- **Acoustic impact** – the modified development is capable of complying with relevant noise emission criteria and will not result in any adverse acoustic impacts, subject to the recommendations in the Acoustic Assessment.

Overall, the proposed modification will not result in any significant adverse impacts and will result in a number of benefits to the local economy. As such, it is concluded that the modification is worthy of approval.

1. INTRODUCTION

This modification application is lodged on behalf of Logos Property under the provisions of Section 96(1A) of the Act. It seeks to modify the SSD approval (SSD 7155) for the staged construction of five warehouse buildings, associated office space, access roads, parking, drainage and landscaping located at 5-35 Yarrunga Street, Prestons.

The proposed modification involves minor design changes across the site, modification to the internal and external design of Warehouse 3 and 4, change of use of Warehouse 4 to facilitate an indoor sports facility, and administrative wording changes to the conditions of consent.

This report includes the following information:

- Description of the site, its context and approvals history.
- A description of the proposed modifications, including the amendments to the conditions of the approval.
- Planning compliance assessment taking into account the environmental planning instruments, policies and guidelines relevant to the site and the proposed modification.
- An Environmental Assessment relative to applicable SEARs issued for the original SSD DA application and pre-lodgement discussions with the Department of Planning and Environment.

This planning report has been prepared based on the following updated plans and specialist reports which have been lodged with the Section 96(1A) application:

- Architectural Drawings prepared by Axis Architecture | Appendix A
- Landscape Concept prepared by Habit 8 | Appendix B
- Traffic Assessment prepared by Transport and Traffic Planning Associates | Appendix C
- Acoustic Assessment prepared by Acoustic Logic | Appendix D
- Civil Engineering Report and Drawings prepared by Costin Roe | Appendix E

2. SITE DESCRIPTION

2.1. SUBJECT SITE

The subject site is:

- located at 5-35 Yarunga Street, Prestons,
- legally described as Lots 33-35 and 43 DP2359 and Lot 20 DP117483,
- bound by Yarunga Street to the north, Bernera Road to the east, and Kurrajong Road to the south,
- approximately 20.3 hectares in site area,
- within Liverpool Local Government Area (LGA),
- approximately 5km from the Liverpool CBD,
- partially developed as shown on the aerial below which was taken on 1 May 2017, and
- situated adjacent to other new and existing industrial land uses, with low density residential development is located to the site south of Kurrajong Road.

Figure 1 – Subject site identification



Source: Nearmap

2.2. APPROVAL HISTORY

On 24 June 2016, SSD approval (SSD 7155) was granted for the staged construction of five warehouse buildings, associated office space, access roads, parking, drainage and landscaping. The approval granted consent for the following, as described in the Environmental Assessment of the original scheme:

- *Five warehouse buildings including ancillary office space.*
- *Operating on a 24 hours a day, seven days a week basis.*
- *Internal roadways, hardstand areas, emergency service roads and access gates, at grade open-air car parking and loading dock facilities.*

- *Vehicle access from Yarrunga Street with car park access and emergency vehicle access via Yarrunga Street, Bernera Road Kurrajong Road. Service and infrastructure augmentation, and civil works including stormwater infrastructure.*

Since the determination of the SSD approval the following Section 96(1A) modification was approved on 17 November 2017, as described by the Section 96(1A) report:

- Relocating a sprinkler tank and pump room from the south east corner of Warehouse 5 to the north west corner of Warehouse 2.
- Adding a battery charge room on the north side of Warehouse 5 (under the awning);
- Deletion of the indoor substation on the east side of Warehouse 5; and
- Adding a small pergola / shade cloth structure to Warehouse 5.

Liverpool City Council are currently assessing a signage DA for Warehouse 2 and 5, and a subdivision DA to subdivide the site's lots to be consistent with the approved built form.

2.3. SURROUNDING CURRENT & FUTURE ZONED USES

The following properties and development surround the site:

Table 1 – Surrounding Development

Direction	Surrounding Development
North	Yarrunga Street, Favelle Favco Cranes Pty Ltd. Large industrial warehouse and storage yards. Two residential properties are located to the north however both properties are zoned industrial and surrounded by industrial land uses. Each site is being developed for industrial uses.
South	Kurrajong Road, low density residential development ranging from one to two storey detached houses. The majority of the residential properties are orientated away from the subject site.
East	Bernera Road and the LDN Distribution Centre are located directly to the east. There is also significant quantum's of vacant land towards to the east of site.
West	Directly to the west beyond the Logos Industrial Estate sits vacant land and small industrial uses. Further west is Cabramatta Creek and the suburb of Hoxton Park.

The following photos illustrate the development surrounding the site.

Figure 2 – Surrounding Development (North)



Picture 1 – Residential Property to the North on Yurrunga Street Adjacent to Site



Picture 2 – Industrial Development to the North on Yarrunga Street Adjacent to Site (Property adjacent to Residential property above)

Source: Google Maps

Figure 3 – Surrounding Development (West)



Picture 3 – Adjoining Site at Corner of Yarrunga Street and Kookaburra Road North (looking South-East)



Picture 4 – Adjoining Site at Corner of Kookarurra Road North and Kurrajong Road (Looking North-East)

Source: Google Maps

Figure 4 – Surrounding Development (South)



Picture 5 – Residential Properties to the South on Kurrajong Road



Picture 6 – Development at the Corner of Kurrajong Road and Bernera Road

Source: Google Maps

Figure 5 – Surrounding Development (East)



Picture 7 – Industrial Development to the East on Bernera Road (Adjacent to Site)



Picture 8 – Vacant Lot to the East at Corner of Bernera Road and Kurrajong Road

Source: Google Maps

3. SECTION 96(1A) MODIFICATION

3.1. OVERVIEW OF PROPOSED MODIFICATIONS

The proposal seeks to modify SSD7155, including:

- Modification to the internal and external design of Warehouse 3 to provide three separate structures to be identified as 3A, 3B and 3C.
- Modification to the internal and external design and the approved use of Warehouse 4 to facilitate a 'recreation facility (indoor)' involving gymnasium space, 25 metre swimming pool, a multipurpose sports hall with ancillary café, physio therapy office and amenities.
- Net reduction of 1,465sqm to the approved floor space of Warehouse 3 and 4 from 16,965sqm to 15,500sqm (refer to numeric overview table for further detail).
- Increase the number of onsite parking for Warehouse 3 and 4 from 104 spaces to 124 spaces.
- Modification to the design of the vehicular access arrangements on site, including:
 - Reconfiguration of the car park area beneath the southern high voltage power line tower.
 - Reconfiguration to the hardstand area for loading docks and car parking.
 - The previous emergency access onto Yarrunga Street has been made permanent for car access only to Warehouse 3A.
 - Relocation of the 7 metre wide driveway for trucks exiting from Warehouse 3B breezeway onto Bernera Road, restricted to left turn in and out.
 - Relocation of the private vehicle driveway accessing Warehouse 4. The number of cross-overs on Bernera Road remains unchanged.
 - Modification of the access connections to Private Access Road 2 for Buildings 3A, 3B and 3C.
- Modification to the landscape and stormwater concept to respond to changes to the built form.
- Hours of operation remain as approved, 24 hours a day, seven days a week.
- Amendment of the conditions of consent to reflect the modified development and required amendments to the wording of conditions related to Section 94 contributions.
- Warehouse 2 and 5 remains unchanged (as approved under SSD 7155). Warehouse 1 is proposed to be modified under a separate application.

Architectural Drawings are attached at Appendix A. Landscape Concept Plans are attached at Appendix B.=

3.2. NUMERIC OVERVIEW

The following table lists the key development metrics:

Table 2 – Proposed Modification Information

Component	Proposal
Gross floor area (GFA)	<ul style="list-style-type: none">• Warehouse 3A: 5,000sqm of warehouse and 300sqm of ancillary office.• Warehouse 3B: 3,335sqm of warehouse and 400sqm of ancillary office.• Warehouse 3C: 2,665sqm of warehouse and 300sqm of ancillary office.• Warehouse 4 (Recreation Facility): 3,000sqm of warehouse and 500sqm of ancillary office. <p>Warehouse total: 14,000sqm</p> <p>Office total: 1,500sqm</p>

Component	Proposal
	Overall total: 15,500sqm
Car parking	<ul style="list-style-type: none"> • Warehouse 3A: 32 • Warehouse 3B: 27 • Warehouse 3C: 23 • Warehouse 4 (Sports and Leisure): 124 <p>It is proposed to increase the total number of car parking spaces by 20 spaces.</p>

3.3. LAND USE AND OPERATION

It is proposed to change the use of Warehouse 4 from 'warehouse and distribution centre' to 'recreation facilities (indoor)'. The facility provides spaces and equipment for a gymnasium space, 25 metre swimming pool, a multipurpose sports hall with ancillary café, physio therapy office and amenities.

The sports centre is proposed to operate for 24 hours a day seven days a week.

The land use for the modified Warehouse 3 will remain as a 'warehouse and distribution centre'

3.4. JUSTIFICATION FOR THE PROPOSED MODIFICATION

The proponent has undertaken a series of feasibility and design options for the site based upon tenant demand. This process has found that the site provides an opportunity to accommodate a larger variety of smaller warehouses that are more suitable to meet local market demand without adversely impacting on the amenity of the site, the surrounding uses or the broader precinct. The proposed modifications are sought for the following reasons:

- **Requirements of new tenants:** The confirmation of future tenants of the subject warehouses and their subsequent operational requirements has informed the separation of Warehouse 3 into three separate warehouses, and the change of use of Warehouse 4 to facilitate an Indoor Recreation Facility.
- **Improved local conditions:** The change of use reduces the impact of heavy vehicles on proximate land uses as Warehouse 4 will not be accessed by heavy vehicles and trucks. In addition, the modified building envelope of Warehouse 4 remains consistent with the current approval, while the facade is improved with architectural treatments improving the visual impact of the Bernera Road frontage.
- **Relocated truck access onto Bernara Road for Warehouse 3B:** A new 'breezeway' between Warehouse 3B and 3C will provide a truck access to Warehouse 3B only. This access point was approved for access to Warehouse 4. The new location provides safer truck movement and avoids the reliance for in and out truck movements on 'Private Access Road 2'. The breezeway includes a roof on top of the driveway to enable additional storage space. It is built to a height to enable safe truck access.
- **Relocated car access onto Bernera Road for Warehouse 4:** The change of use of Warehouse 4 means there is a requirement for modified car access. A single access will be satisfactory for the proposed car movements. This car access point was approved in the south of site for access to Warehouse 4.
- **New access onto Yarrunga Street from Warehouse 3A:** New car only access to Warehouse 3A from Yarrunga Street has been provided to minimise interaction between cars and truck movements, and overall road safety.

In addition, the modified design of the warehouses and layout of the site will contribute towards NSW strategies for:

- Expanding the economic role of Western Sydney's key centres and improving the scale and mix of job opportunities will benefit Sydney's overall productivity.
- Identifying further opportunities to strengthen investment for employment growth in Western Sydney, including targeting overseas investors and incentives for businesses.

As demonstrated above, there is operational and strategic planning merit for the proposed modification.

3.5. AMENDED CONDITIONS

To facilitate the proposed modification, administrative wording changes to the State Significant Development approval instrument are required, including:

- Update to the description of the development (Schedule A) and wording in Schedule B and Schedule C.
- Reference to updated architectural plans in Appendix A.

The administrative wording changes are provided below:

Schedule A

Schedule A will need to be updated to reflect the amended documentation that has been lodged with this Section 96(1A) application (changes/additions in bold font).

Table 3 – Schedule A Amendments

Condition	Amendment
Development	Staged construction of five warehouse buildings (including a recreation facility in warehouse 4) , associated office space, access roads, parking, drainage and landscaping.

Schedule B – Administrative Conditions

Schedule B is proposed to be modified as per the table below.

Table 4 – Schedule B Amendments

Condition	Amendment
Terms of Consent	<p><i>B2. The Applicant shall carry out the Development in accordance with the:</i></p> <p><i>(a) EIS and RTS;</i></p> <p><i>(b) Development layout plans and drawings in the EIS (see Appendix A);</i></p> <p><i>(c) the Management and Mitigation Measures (see Appendix B); and</i></p> <p><i>(d) Modification Application SSD 7155 MOD 1 and accompanying document titled Prestons Industrial Estate Warehouse Section 96(1A) Modification dated 2 August 2016 prepared by Urbis Pty Ltd and additional information from Urbis dated 4 October 2016; and</i></p> <p>(e) Modification Application SSD 7155 MOD 2 and accompanying document titled ‘Prestons Industrial Estate s96 (1a) Modification Environmental Assessment Report’</p>
Development Contributions	<p>B24. Within 6 months of the date of this consent and prior to the issue of an Occupation Certificate for any part of the development, the Applicant shall pay contributions to Council in accordance with the Liverpool Contributions Plan 2009, with the contribution amount to be calculated at the date of the consent.</p>

Schedule C – Environmental Performance and Management

Schedule C is proposed to be modified as per the table below.

Table 5 – Schedule C Amendments

Condition	Amendment
Intersection works	<p><i>C2. Within 2 months of the date of this consent, the Applicant shall engage an independent Quantity Surveyor to determine the cost of the intersection upgrade works that will form the basis of a contribution to offset the contributions payable in accordance with Liverpool Contributions Plan 2009 to be paid by the Applicant to Council.</i></p> <p><i>C3. Within 6 months of the date of this consent, the Applicant shall provide written evidence to the satisfaction of the Secretary demonstrating that an agreement has been made with Council for construction and payment of the intersection upgrade works.</i></p> <p><i>C4. The Applicant shall complete the intersection upgrade works on Bernera Road and Yarrunga Street prior to operation of Stage 2 of the Development.</i></p>
Stormwater Drainage	<p><i>C15. Within 2 months of the date of this consent, the Applicant shall engage an independent Quantity Surveyor to determine the cost of the drainage works detailed in the RTS to offset the contributions payable in accordance with Liverpool Contributions Plan 2009.</i></p> <p><i>C16. Within 6 months of the date of this consent, the Applicant shall provide written evidence to the satisfaction of the Secretary demonstrating that an agreement has been made with Council for construction and payment of the drainage works detailed in the RTS.</i></p> <p><i>C17. If the carrying out of works to provide the drainage infrastructure set out in the Liverpool Contributions Plan 2009 is accepted in part or in full satisfaction of Condition B23, the works shall be subject to a works-in-kind agreement executed in accordance with the provisions of the Liverpool Contributions Plan 2009 and Council's Developer Contributions Works In Kind Policy 2012.</i></p>

Appendix A – Development Layout Plans

In Appendix A of SSD 7155, replace all drawings with the drawings included at Appendix A, Appendix B, and Appendix E of this EAR.

4. PLANNING FRAMEWORK

This chapter assesses and responds to the relevant legislative and policy frameworks in accordance with the EP&A Act, Regulations and the SEARs. The following environmental planning instruments, policies and guidelines have been considered in the assessment of this modification proposal:

- *Environmental Planning and Assessment Act 1979*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy (State and Regional Development) 2011*
- *State Environmental Planning Policy No.33 – Hazardous and Offensive Development*
- *Liverpool Local Environmental Plan 2008*

4.1. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Approval of the proposed modification is sought in accordance with the provisions of Section 96(1A) of the Act. The following assesses the modifications to SSD 7155 against the relevant threshold tests of Section 96(1A), which demonstrates that they are of minimal environmental impact and are substantially the same as approved.

4.1.1. Minimal Environmental Impact

Design development and operational needs of the prospective tenants have necessitated the proposed modifications identified in Section 3 and the accompanying architectural, landscape and civil drawings.

The following assesses each component of the proposed modification:

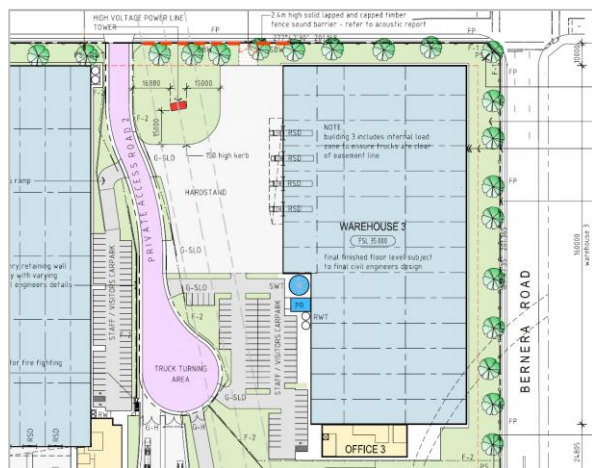
Warehouse 3

The proposed modification to Warehouse 3 to create three separate tenancies is considered to have a minimal environmental impact for the following reasons:

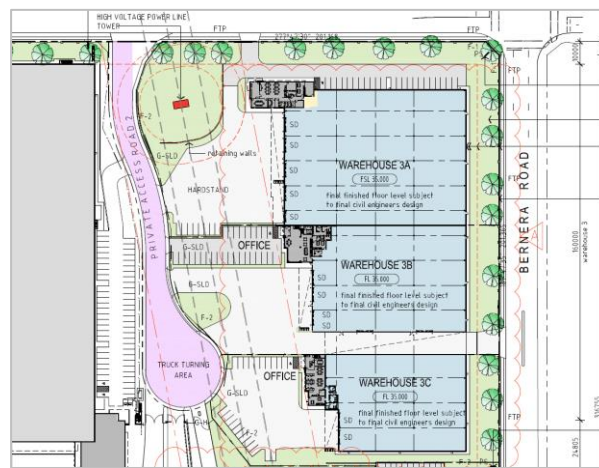
- The 1,380sqm reduction of GFA has the following benefits:
 - It reduces the intensity of the site's use, and
 - It reduces the density on site which improves site coverage and landscape opportunities.
- Warehouse 3A is further setback from Yarrunga Street allowing for a larger distance between the structure and public domain, improving the presentation of the industrial estate.
- The modifications to how Warehouse 3 presents to the public domain are minor, with significant landscaping providing visual screening.
- Access arrangements to Bernera Road have been modified however remain one crossover for truck access and one crossover for cars.
- The building height remains unchanged.
- The traffic and parking impacts remain at acceptable levels (refer to Section 5.5 for further assessment).
- The modified design will not create any additional acoustic impacts above what has been assessed and approved (refer to Section 5.6 for further assessment).

The following figure illustrates the differences between the approved and proposed Warehouse 3.

Figure 6 – Site Plan comparison of Warehouse 3



Warehouse 3 Approved



Warehouse 3 Proposed

Warehouse 4 – Recreation Facility

The proposed modification to Warehouse 4 to facilitate a recreation facility is considered to have a minimal environmental impact for the following reasons:

- The change of use will no longer generate heavy vehicle trips, and only cars will access this part of the site. This will reduce acoustic and traffic generation impacts from truck movements.
- The design of the building has improved through the use of articulation measures and façade material diversity. Although the landscape setback is reduced to 2m the area maintains significant trees and screen planters. In addition, the building is setback 15m from the site boundary and as such will not dominate the streetscape of Bernera Road.
- The proposed use will contribute to the region's social infrastructure and sports facilities available to local residents, without diminishing the employment generating potential of the site.

4.1.2. Substantially the Same Development

The modifications to Warehouse 3 are substantially the same under Section 96(1A) given the modifications are simply to facilitate the separation of the single warehouse into three separate tenancies through design modifications.

With regard to Warehouse 4, it is considered that the modifications are essentially and substantially the same as approved for the following reasons:

- The proposed built form, bulk and scale is materially the same as approved. The proposed GFA of the sports and leisure centre will reduce by 85sqm.
- The built form and general building envelope of Warehouse 4 remains consistent with the approved building. In addition, the built form, bulk and scale is entirely consistent with adjoining warehouses.
- The design and architectural character of Warehouse 4 is improved given the eastern façade has improved articulation measures and is visually permeable with glazing treatments (refer to Figure 7).
- The modified use retains the primary commercial purpose and hence does not diminish the employment generating potential of the site.
- The site will continue to be accessed by vehicles with only rearrangement of access points. Importantly, the change of use facilitates the reduction of heavy vehicle movements in this part of the site thus reducing associated acoustic and traffic impacts.
- The proposed modifications do not represent an intensification of the site's use beyond what has already been assessed and approved in the original Development Application.
- The site area, site coverage and hard standing area will remain materially the same as approved.
- On site car parking (for both Warehouse 3 and 4) is only increased by 20 spaces.

The above demonstrates that the Minister can be satisfied that the development as modified will remain substantially the same as that originally approved and can therefore be approved by way of s96(1A) of the Act.

Figure 7 – Perspective comparison of Warehouse 4



Warehouse 4 Approved



Warehouse 4 Proposed

4.2. STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

The Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State by providing a consistent planning regime for infrastructure and the provision of services. The SEPP deals with traffic generating development and requires referral and concurrence of the NSW RMS for certain development which is expected to generate significant traffic.

Schedule 3 of the Infrastructure SEPP identifies 'traffic generating development' which must be referred to the RMS for concurrence. The schedule includes development for the purposes of industry incorporating 20,000sqm or more of gross floor area (GFA). The approved SSD development would create some 116,205sqm of warehousing (and ancillary office) GFA. The project was referred to the RMS as part of the SSD DA process.

4.3. STATE ENVIRONMENTAL PLANNING POLICY (STATE AND REGIONAL DEVELOPMENT) 2011

Proposals involving activities that are listed in Schedule 1 of *State Environmental Planning Policy (State and Regional Development) 2011* are declared to be SSD. Schedule 1 Clause 12 identifies warehouses and distribution centres with a CIV over \$50m to trigger the SEPP.

The original DA demonstrated that Warehouse 5 had an approximate CIV of \$51,002,000, and accordingly triggered the DA to be assessed and determined by the Minister. The proposed modifications (as demonstrated at Section 4.1) are substantially the same and only seek an alternative land use and design changes. Accordingly, the development remains consistent with the SEPP and the SSD 7155 approval.

4.4. STATE ENVIRONMENTAL PLANNING POLICY NO.33 – HAZARDOUS AND OFFENSIVE DEVELOPMENT

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP 33) provides definitions for hazardous and offensive development as well as potentially hazardous and offensive development and outlines the items that a consent authority must consider to assess whether the development is hazardous or offensive.

The future tenants of the modified warehouses do not require the storage of materials listed within SEPP33. Therefore, proposed modified warehouse development will not exceed the threshold quantities listed in 'Applying SEPP33 (Ref.1)' and therefore SEPP 33 does not apply to the proposed modified development.

4.5. LIVERPOOL LOCAL ENVIRONMENTAL PLAN 2008

4.5.1. Zoning and Permissibility

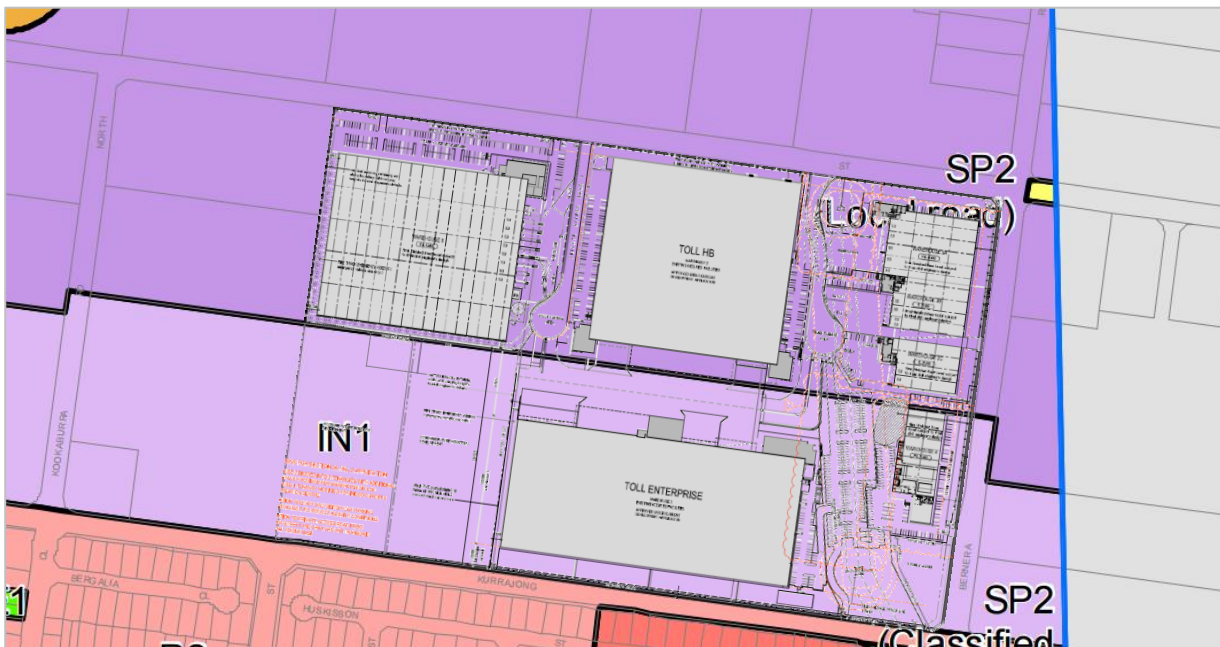
The site is zoned part IN1 General Industrial and part IN3 Heavy Industrial under the *Liverpool Local Environmental Plan 2008*.

Warehousing and distribution centres are permitted with consent, along with ancillary offices to support the primary use of warehouse or distribution centres.

The proposed 'recreation facility (indoor)' is permitted in the IN1 zone, however, prohibited in the IN3 zone. As illustrated in Figure 8, the recreation facility building is wholly located on the IN1 land. Although the associated car spaces within the northern area of the car park extends onto the IN3 land by a relevant distance of 7m, as shown in Figure 9.

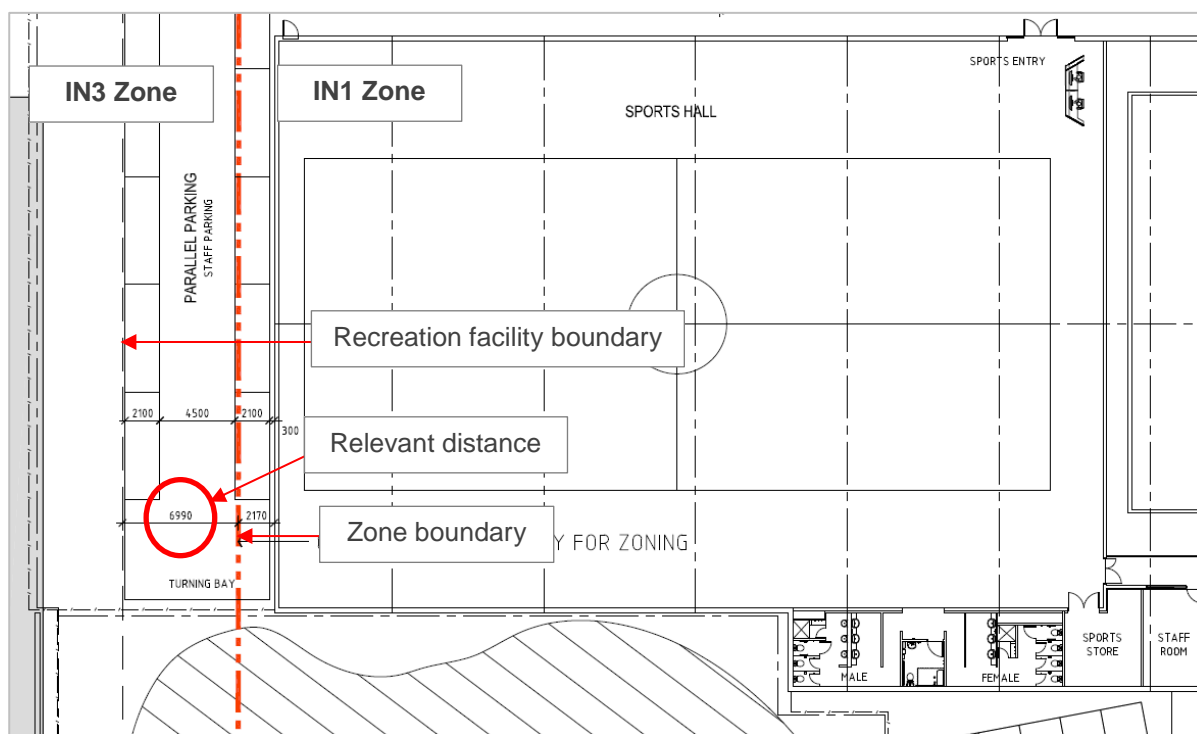
Clause 89E(3) of the Act allows for SSD consent to be granted despite a development being partly prohibited by an LEP. Accordingly, the recreational facility car park area on the IN3 can be granted consent under this provision. Clause 5.3 (flexible zone boundaries) of LLEP 2008 can also be applied to permit the car park area. The following section uses Clause 5.3 as a basis to justify the minor prohibition.

Figure 8 – LLEP Zoning Map_008 – proposal overlay



Source: NSW Legislation

Figure 9 – Plan showing ‘relevant distance’ near zone boundary



Source: Axis Architecture

The objective of Clause 5.3 ‘is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone’. The following satisfies the underlined requirements:

- **Logical and appropriate development:** The recreation facility building (where most the use’s activities will occur) is wholly located on the IN1 land, which permits ‘recreation facility (outdoor)’. The only component of the development which is within the IN3 land is car parking. Accordingly, the development is logical and appropriate for the circumstances.
- **Compatibility with planning objectives and land uses of adjoining zones:** The recreation facility is compatible with the objectives and land uses of the IN3 zone as demonstrated in the table below:

Table 6 – Compatibility with planning objectives and land uses

IN3 Heavy Industrial	Recreation facility (indoor) car spaces
Compatibility with planning objectives	
<i>To provide suitable areas for those industries that need to be separated from other land uses.</i>	The land use that is located on the adjoining land is a warehouse and distribution centre, which is can be classified as a low impact industrial use with minimal environmental impacts. Accordingly, the impact and risk of locating car parking spaces adjoining such a use is insignificant.
<i>To encourage employment opportunities</i>	The car spaces on the IN3 land will assist with the commercial viability of the recreation facility, and accordingly will encourage and support employment opportunities.
<i>To minimise any adverse effect of heavy industry on other land uses.</i>	The interface of the car spaces and the adjoining warehouse is a blank wall located away from the

IN3 Heavy Industrial	Recreation facility (indoor) car spaces
	<p>loading dock and other areas of potential operational impacts.</p> <p>In addition, the adjoining land use is not considered to be heavy industry and adverse impact are not likely to occur.</p>
<i>To support and protect industrial land for industrial uses.</i>	The subject car park area is a small portion of the overall industrial estate, which includes a large quantum of industrial land uses. Therefore, the car park area will not impede on the achievement of this objective.
<i>To preserve opportunities for a wide range of industries and similar land uses by prohibiting land uses that detract from or undermine such opportunities.</i>	As above.
Compatibility with land uses of adjoining zones	
<i>Boat building and repair facilities; Boat sheds; Building identification signs; Business identification signs; Cemeteries; Crematoria; Depots; Environmental facilities; Environmental protection works; Flood mitigation works; Freight transport facilities; General industries; Hazardous storage establishments; Heavy industrial storage establishments; Heavy industries; Helipads; Horticulture; Kiosks; Light industries; Mortuaries; Offensive storage establishments; Passenger transport facilities; Recreation areas; Recreation facilities (outdoor); Resource recovery facilities; Roads; Rural industries; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres</i>	<p>The car spaces to facilitate the recreation facility are compatible with the land uses of the IN3 land for the following reasons:</p> <ul style="list-style-type: none"> - Similar land uses involving recreational activities are permitted with consent (see Recreation areas; Recreation facilities (outdoor)) - The actual land use that is located on the adjoining land is a warehouse and distribution centre, which is can be classified as a low impact industrial use with minimal environmental impacts. Accordingly, the impact and risk of locating car parking spaces adjoining such a use is insignificant. - The interface of the car spaces and the adjoining warehouse is a blank wall away from the loading dock and other areas of potential operational impacts.

4.5.2. Building Height

There are no changes to the height of the approved buildings.

4.5.3. Floor Space Ratio

No Floor Space Ratio controls apply to the site.

4.5.4. Other LEP Provisions

All other provisions within LLEP 2008 were assessed as part of the original development application, including the preservation of trees and vegetation, heritage conservation and bushfire issues.

4.6. LIVERPOOL DEVELOPMENT CONTROL PLAN 2008

Part 7, 'Development in Industrial Areas' outlines a series of non-statutory controls for development on the site. The following table highlights the relevant controls to the proposed modification and outlines compliance.

Table 7 – Liverpool DCP Assessment

DCP Matter	Control	Proposal
Vehicular access	Truck access prohibited from Kurrajong Road. Any lot with frontage to Bernera Road in addition to a secondary street or planned future secondary street must utilise the secondary street for all vehicular access.	Driveway movements will be limited to left turn in and out by central median islands in Bernera Road across the driveways.
Parking	1 space per 35sqm of office 1 space per 75sqm of warehouse	<p>An analysis of comparable developments demonstrates that given the smaller number of employees in contemporary warehouse developments, the demand for high levels of onsite parking is low.</p> <p>As detailed in the Traffic Impact Assessment (Appendix C) for these comparable developments, <i>it has been accepted that a parking provision in the range of 1 space per 200sqm to 300sqm is applicable and the parking provision for the proposed warehouse outcome are as follows:</i></p> <ul style="list-style-type: none"> - Warehouse 3A 5,315sqm - 32 spaces (1 space per 166sqm) - Warehouse 3B 3,735sqm - 27 spaces (1 space per 139sqm) - Warehouse 3C 1,965sqm - 21 spaces (1 space per 142sqm) <p><i>It is apparent that the proposed parking provision will be suitable and appropriate.</i></p>
Setbacks	All buildings shall be setback 15m from Bernera Road.	15m building setbacks are provided the length of Bernera Road.
Landscaped Area	A minimum of 10% of the site is to be landscaped at ground level.	The proposed modifications do not make significant changes to the overall landscape concept across the site.
	A development must provide a landscaped area along the primary and secondary frontages of an allotment in accordance with:	<p>Bernera Road has a 15m landscaped setback on the northern portion of the street in front of Warehouse 3.</p> <p>In order to accommodate the car parking required to service the recreation facility,</p>

DCP Matter	Control	Proposal
	<p>Primary setback: 10m</p> <p>Secondary setback: 5m</p>	the front landscape setback on Bernera Road is reduced to 2m. The building setback complies and the 2m area will contain significant trees and plantings that enable visual screening.
<p>Building Design, Streetscape and Layout</p> <p>Controls</p> <p>Façade treatment</p>	<p>The facades to a development must adopt a contemporary architectural appearance.</p> <p>A development must use architectural elements to articulate facades, and minimise large expanses of blank walls.</p>	The modified Warehouse 4 provides a contemporary façade appearance with an improved architectural appearance by way of the use of glazing and other articulation measures.
Materials & Colours	<p>A development must use:</p> <ul style="list-style-type: none"> - Quality materials such as brick, glass, and steel to construct the facades to a development. - Masonry materials to construct a factory unit within a building, and all internal dividing walls separating the factory units. 	External building facades for the main warehouse buildings are a mix of precast concrete wall panels, colorbond steel metal claddings and glazing elements. Office areas are a combination of precast concrete panels, fibre cement sheet wall cladding, prefinished aluminium cladding with performance glazing in aluminium framing.

5. ASSESSMENT OF KEY IMPACTS

5.1. OVERVIEW

The Secretary's Environmental Assessment Requirements issued in association with the original SSD application were reviewed to identify the key issues likely to be of relevance in the assessment of the modified proposal. In addition, during pre-lodgement discussions the Department provided a consolidated list of the key issues to assess within this report. These include:

- Layout and Design
- Visual Impact
- Landscaping
- Transport and Access
- Acoustic Impact
- Soil and Water

Each of the potential impacts arising from the proposed modification is assessed in detail within the following sections of the report, supported by relevant specialist consultant input.

5.2. LAYOUT AND DESIGN

The modified proposal changes the internal and external layout and design of Warehouse 3 and 4 to accommodate for the three separate tenancies and the recreation facility. The changes to the car park beneath the Transgrid power line tower are required to ensure Transgrid have access for servicing and maintenance.

As demonstrated in the Architectural Drawings the proposed modifications will result in a development that is entirely consistent with the local context. The revised building footprints and envelopes are similar to the original approval and compatible with the height and scale of both the existing and approved buildings within the site and immediately surrounding area.

The modified proposal sits comfortably on the site through the provision of building and landscaped setbacks that generally comply. To accommodate the car parking required to adequately service the recreation facility, the front landscape on Bernera Road is reduced to 2m. The 15m building setback complies and the 2m landscape area will contain significant trees and plantings that enable visual screening.

The reduction in GFA reduces the density on site and allows for greater landscape opportunities. Overall, the modified design presents an orderly and efficient layout and is designed to ensure the amenity of surrounding uses is maintained.

5.3. VISUAL IMPACTS

A comprehensive package of architectural documentation has been prepared to demonstrate the appropriateness of the modified built form and design within the context of the site and its surroundings. This includes a set of replacement drawings to update the SSD approval.

The modified development is generally consistent with the approved scheme and will have no discernible impacts on the visual qualities of the Prestons Industrial Estate and locality. The visual impact of the modified development is softened through architectural design, landscaping, and screening loading docks by the office area and warehouse structure.

5.3.1. Warehouse 3A, 3B & 3C

The visual impact of the modified Warehouse 3 is positive or insignificant for the following reasons:

- The modified driveway location on Bernera Road offers a minor break in the built form of the eastern façade.
- An increased setback from Yarrunga Street softens the interface between the warehouse and the street.

- Although broken up into three separate tenancies, the presentation of Warehouse 3 to the street remains largely unaffected to the modification as shown in Figure 10

Figure 10 – Perspective comparison of Warehouse 3



Picture 9 – Warehouse 3 Approved



Picture 10 – Warehouse 3 Proposed

5.3.2. Warehouse 4: Sports and Leisure Centre

The proposed change of use includes an improvement of the architectural character of the building through the implementation of more glazing and articulation measures on the eastern and southern facades. This is illustrated in the visual comparison between the approved and proposed Warehouse 4 provided at Figure 11.

Figure 11 – Perspective comparison of Warehouse 4



Picture 11 – Warehouse 4 Approved



Picture 12 – Warehouse 4 Proposed

Overall, the visual impact from the proposed modifications are negligible and generally consistent with the approved development.

5.4. LANDSCAPING

The proposed modification of Warehouse 3 and 4 will require modification of the landscaped area that fronts Bernera Drive and surrounds the building and car parking areas. The main components of the modified landscaping scheme are listed as follows:

- The Bernera Road frontage will be planted with grasses, hedges and dense trees along the entire length to provide some screening.
- The landscape setback fronting Warehouse 4 on Bernera Road is reduced to 2m to provide space for the car parking required to service the recreation facility. A significant landscape area is maintained between Warehouse 3 and Bernera Road.
- The corner of Bernera Road and Yarrunga Street includes a layered landscape treatment with groundcovers and ficus trees. Liverpool Council are currently assessing the signage located on the corner.

- The modified entry on Bernera includes a landscape entry treatment with groundcovers and ficus trees.
- The Aboriginal Archaeological zone to the west of Warehouse 4 remains unchanged.
- There are minor landscape rearrangements as a results of the modified access, hardstand and building modifications.

The full landscape package prepared by Habit 8 is attached at Appendix B.

5.5. TRANSPORT AND ACCESS

A Traffic and Parking Assessment (Appendix C) has been undertaken by Transport and Traffic Planning Associates (TTPA), to provide an assessment of the traffic, parking and access implications of the proposed modification and a future proposed modification on the site for the inclusion of a truck servicing facility.

TTPA rely on the same methodology as applied in the report accompanying the approved development. The assessment concludes that the proposed modifications will have negligible traffic impacts and will remain substantially the same as the approved development.

5.5.1. Traffic Generation

TTPA have projected the following total traffic generation which includes the modified Warehouse 3 together with the modifications to Warehouse 1 (not subject to this application):

AM		PM	
IN	OUT	IN	OUT
206	85	80	205

Source: TTPA

TTPA find that existing intersection movements indicate the following:

- A peak directional split (i.e. IN / OUT) of 70% / 30%
- A geographical split of 60% north and 40% south on Bernera Road

Based on the modified traffic generation numbers and the above intersection movements, the following provides the findings of TTPA's intersection assessment of Bernera and Yarrunga (which includes data from the proposed Charter Hall development on Yato Road with a projected total traffic generation of 173vtp in the AM and PM road network peak periods):

AM		PM	
LOS	AVD	LOS	AVD
C	32.6s	D	48.7s

Source: TTPA

Accordingly, TTPA find the SIDRA modelling indicates a satisfactory operational performance and there will not be any unsatisfactory traffic implications or the need to augment infrastructure.

5.5.2. Parking

TTPA has advised that parking requirements for contemporary large contemporary warehouse developments with low staffing levels should refer to the RMS Guidelines, which specify a parking provision for warehouse use of 1 space per 200sqm - 300sqm. This has been applied for the approved development and other industrial developments in the surrounding area.

TTPA considers the ratio of car parking within the proposed modification to be suitable and appropriate for the proposed modifications to Warehouse 3, and relies upon survey data of an existing comparable existing indoor recreation facility at Seven Hills to provide guidance on the appropriate parking requirements for Warehouse 4.

The following table outlines the proposed car parking allocation to each tenancy.

Warehouse	Adopted parking rate	Parking proposed
Warehouse 3A	1 space per 166sqm	32 spaces
Warehouse 3B	1 space per 139sqm	27 spaces
Warehouse 3C	1 space per 142sqm	21 spaces
Warehouse 4	1 space per 28sqm	124 spaces including 3 accessible spaces

TTPA conclude that the proposed parking provision for Warehouse 3 'will be suitable and appropriate', while the parking provision for the indoor recreation facility (Warehouse 4) 'will be quite adequate and satisfactory given:

- The nature of the gym element.
- The floor area occupied by the pools.
- The fact that there will not generally be concurrent peak activities in the various elements.

Further, the modified proposed increases the net quantum of onsite car parking spaces by 20 spaces. Accordingly, the proposed modification are suitable and adequate given the nature and extent of the proposed modifications.

5.5.3. Access and Internal Circulation

The proposed modifications to the approved vehicle access arrangements comprise:

- Relocation of the 7 metre wide driveway for trucks exiting from Warehouse 3B breezeway on the Bernera Street frontage, restricted to left turn in / out by central median island in Bernera Road. This driveway was approved to service Warehouse 4 and is no longer needed.
- Relocation of the private vehicle driveway accessing Warehouse 4.
- Modification of the access connections to Private Access Road 2 for Buildings 3A, 3B and 3C.
- The previous emergency access onto Yarrunga Street has been made permanent for car access only to the car park along the northern elevation of Warehouse 3A.

TTPA have assessed the above modifications and find the access points are located where good sight distances are available and there will be appropriate separation from intersections and each other. The truck access will accommodate all vehicles requiring access to the site. TTPA have prepared a range of swept path drawings to demonstrate the appropriateness of the modified access arrangements (see Appendix C).

5.6. ACOUSTIC IMPACT

An updated acoustic assessment was undertaken by Acoustic Logic (Appendix D) to ascertain the level of acoustic impact resultant from the modification above what is approved.

Acoustic Logic prepared Acoustic Assessment (Appendix D) which assessed the modified development in terms of:

- Vehicular noise on site, including trucks entering and leaving the site, accessing loading docks and loading/unloading activities,
- Noise associated with internal operations (forklifts),
- Preliminary assessment of noise from mechanical plant equipment,
- Noise generated from the increase traffic generation on public roads,
- Site noise between 10pm and 7am that may create sleep disturbance, and
- Noise generated from the use of the Warehouse 4 car park and the recreational activities.

The Acoustic Assessment finds:

- The combined noise level (truck entry and exit, truck manoeuvring, forklift activity and other internal activity) of Warehouse 3 complies with the INP Intrusiveness Criteria and INP Amenity Criteria.
- The noise generated by additional road traffic estimates is capable of complying with the EPA Road Noise Policy guidelines.
- The combined noise level (car park entry and exiting, and recreational noises) of Warehouse 4 complies with the INP Intrusiveness Criteria and INP Amenity Criteria.
- The use of the site during the night time period between 10pm and 7am (to allow for vehicles to enter/leave the site) is compliant with EPA sleep disturbance guidelines.
- In terms of external plant equipment the distances between sensitive receivers and Warehouses 3 and 4 is such that compliance with noise emission requirements will be achievable with appropriate acoustic measures including appropriately positioned external mechanical plant, and the use of acoustic screening.

The Acoustic Assessment prepared by Acoustic Logic is attached at Appendix D.

5.7. SOIL AND WATER

Costin Roe have prepared an updated set of civil engineering plans, including stormwater, erosion and sediment controls, which are accompanied by a report detailing the proposed measures. In summary:

- The stormwater drainage system has been designed to accommodate the 20-year ARI storm event (Q20).
- Overland flow paths which will convey all stormwater runoff up to and including the Q100 event have also been provided which will limit major property damage and any risk to the public in the event of a piped system failure.
- Management of stormwater quality using a treatment train approach to pollutant loads on the developed catchment.
- Management of stormwater quantity by reducing post developed flow to predeveloped over the range of storms between the 1 in 2-year Average Recurrence Interval (ARI) to the 1 in 100 year ARI.
- During the construction phase, a Sediment and Erosion Control Plan will be in place to ensure the downstream drainage system and receiving waters are protected from sediment laden runoff.
- Hydraulic calculations will be carried out during the detail design stage to ensure that all surface and subsurface drainage systems perform to or exceed the required standard.

The Civil Engineering Plans and the accompanying Report are attached at Appendix E.

5.8. ECONOMIC AND SOCIAL IMPACTS

Due to the minor nature of the additions and reconfiguration of Warehouse 3, any social or economic impacts are considered negligible.

The recreation facility boosts the availability of indoor recreation within the Liverpool LGA, and provides positive social benefits. The provision of a gym, swimming pool and indoor multipurpose sports hall will provide the opportunity for active recreation and promote exercise. The facility will complement existing facilities in the LGA, including the Michael Clarke Recreation Centre, and the Michael Wenden Aquatic Leisure Centre, as the population in the area increases. The sports facility will be available for workers of the surrounding industrial sites, which will support the health and wellbeing of local workers.

6. CONCLUSION

This modification application is lodged on behalf of Logos Property under the provisions of Section 96(1A) of the Act. It seeks to modify the SSD approval (SSD 7155) for the staged construction of five warehouse buildings, associated office space, access roads, parking, drainage and landscaping located at 5-35 Yarrunga Street, Prestons.

The proposed modification involves minor design changes across the site, including modification to the internal and external design of Warehouse 3 and 4, change of use of Warehouse 4 to facilitate an indoor sports facility, and administrative wording changes to the conditions of consent. No changes to Warehouse 2 and 5 are proposed as part of this application. Modifications to Warehouse 1 are proposed as part of a separate application.

The proposed modification involves dividing Warehouse 3 into three separate smaller warehouses with associated office space, and the addition of a recreation facility (indoor) use in Warehouse 4. This results in a net reduction in the GFA of Warehouse 3 and 4 from 16,965sqm to 15,500sqm. Building height remains the same as approved, while onsite parking increases by 20 spaces.

This proposal has thoroughly considered the modifications in terms of the immediate built context and statutory planning compliance, and found that the proposal is satisfactory and acceptable for the following reasons:

- The proposed modifications result in a building and landscape design that is appropriate for the site and locality, and will not adversely impact on the visual and environmental amenity for users of surrounding sites, Bernera Road and the Prestons Industrial Area.
- The modified proposal includes appropriate landscaping, building material diversity and adequate building articulation to ensure the architectural quality of the Prestons Industrial Area is maintained and enhanced.
- The proposed facilitates smaller warehouses and recreational use suited to the local market providing job and recreational opportunities, local economic growth and contributing to the achievement of the Western Sydney employment targets.
- The proposal reduces the intensity of the site by way of reducing the overall warehousing GFA and changing the use of Warehouse 4 to recreation facility (indoor) which reduces the volume of heavy vehicles access that part of the site.
- The proposed modifications have been found to be acceptable in terms of environmental, economic and social impacts.

For these reasons, it is considered that the modifications are appropriate and are worthy of approval.

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APPENDIX A ARCHITECTURAL DRAWINGS

APPENDIX B LANDSCAPE CONCEPT

APPENDIX C TRAFFIC ASSESSMENT

APPENDIX D ACOUSTIC ASSESSMENT

APPENDIX E

CIVIL ENGINEERING REPORT & DRAWINGS



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