



Altis Warehouse and Logistics Hub

*State Significant
Development
Modification Assessment
(SSD 7173 MOD 3)*

December 2018

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Glossary

| Abbreviation | Definition |
|--------------------|--|
| Consent | Development Consent |
| Council | Penrith City Council |
| Department | Department of Planning and Environment |
| DoI | Department of Industry |
| EIS | Environmental Impact Statement |
| EPA | Environment Protection Authority |
| EP&A Act | <i>Environmental Planning and Assessment Act 1979</i> |
| EP&A Regulation | <i>Environmental Planning and Assessment Regulation 2000</i> |
| EPI | Environmental Planning Instrument |
| LEP | Local Environmental Plan |
| Planning Minister | Minister for Planning |
| OEH | Office of Environment and Heritage |
| RFS | NSW Rural Fire Service |
| RtS | Response to Submissions |
| Planning Secretary | Secretary of the Department of Planning and Environment |
| SEPP | State Environmental Planning Policy |
| SSD | State Significant Development |
| WSEA | Western Sydney Employment Area |
| WSEA SEPP | <i>State Environmental Planning Policy (Western Sydney Employment Area) 2009</i> |



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1. Introduction

This report assesses a modification application lodged by Altis Property Partners (the Applicant) to the Altis Warehouse and Logistics Hub (SSD 7173). The application has been lodged pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.1 Background

The subject site is located at 585-649 Mamre Road, Orchard Hills (the site) in the Penrith local government area (see **Figure 1**). The site is also located in Precinct 11 of the Western Sydney Employment Area (WSEA), which is strategically identified employment land under *State Environmental Planning Policy (Western Sydney Employment Area) 2009* (WSEA SEPP) (see **Figure 2**).

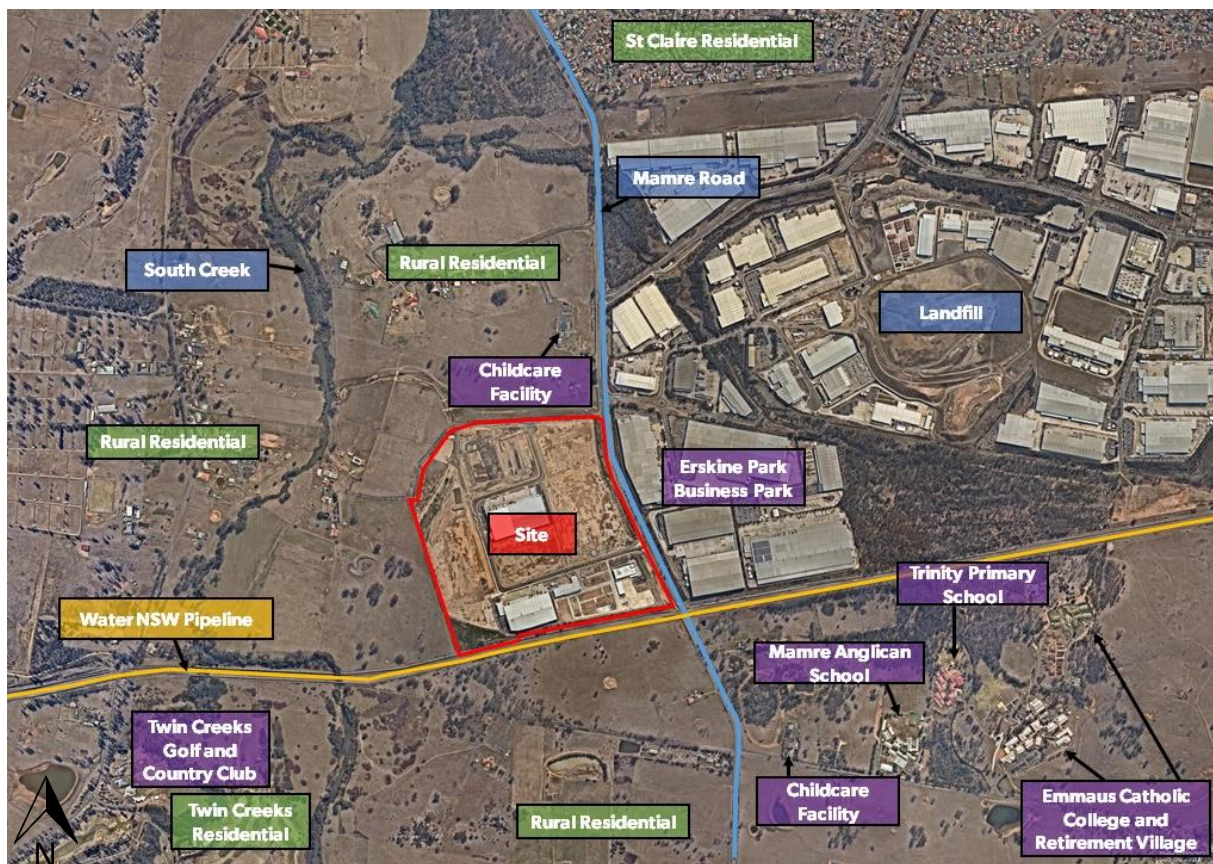


Figure 1 | Site Location and Context

The site is 44.98 hectares (ha) in area, located approximately 10 kilometres (km) south-east of Penrith and 40 km west of the Sydney CBD. The site has been historically used for rural and residential purposes and is located in a semi-rural area. The site also has a 890 metre (m) frontage to Mamre Road to the west.

Surrounding features and land uses include:

- to the north: Old MacDonald's child care centre (250 m) and rural residential properties (450 m) along Mandalong Close

- to the west: South Creek, rural residential properties (280 m) along an unnamed road and rural residential properties (690 m) along Luddenham Road, on the western side of South Creek
- to the east: the Erskine Business Park
- to the south: Water NSW Warragamba Pipeline Corridor, Twin Creeks Golf and Country Club and the Twin Creeks Residential Estate.

The nearest existing residential property is 70 m from the northern boundary of the site. The closest residential suburbs are St Clair to the north and Twin Creeks to the south-west.

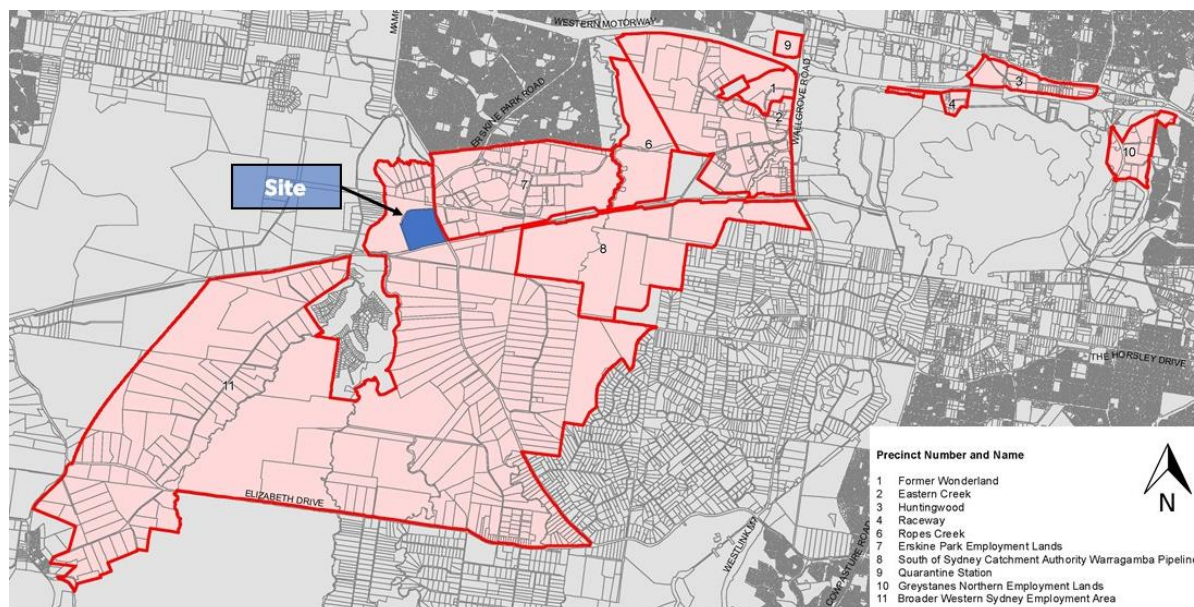


Figure 2 | Western Sydney Employment Area

1.2 Approval History

On 15 December 2016, development consent was granted by the Executive Director, Key Sites and Industry Assessments for the construction and operation of a warehouse and logistics hub at 585-649 Mamre Road, Orchard Hills (SSD 7173). The development consent permits the following works:

- subdivision of the site into nine lots
- construction of three warehousing buildings between 9,400 m² to 41,500 m² and ancillary offices
- 357 car parking spaces
- bulk earthworks, infrastructure and services, including the importation of 396,900 m³ of fill
- internal access road from Mamre Road to the northern site boundary
- intersection works between Mamre Road and an internal estate road.

The development consent has been modified on two occasions and three additional modifications are currently under assessment (see **Table 1**).

Table 1 | Summary of Modifications to SSD 7173

| Mod No. | Summary of Modifications | Approval Authority | Type | Approval Date |
|---------|---|--------------------|----------|----------------|
| MOD 1 | Amended site layout on lot 8 and tenant specific fit-out of Linfox on lot 8A, including | Planning Minister | 4.55(1A) | 15 August 2017 |

Dangerous Goods storage, and N&A Fruit operation on lot 8B1

| | | | | |
|-------|--|-------------------|----------|------------------|
| MOD 2 | <p>Amendments to the internal road and subdivision layout to:</p> <ul style="list-style-type: none"> • amalgamate lots 4,5 and 6 into one lot • reduce the number of lots from 10 to nine • relocate the internal cul-de-sac further to the eastern side of the estate road | Planning Minister | 4.55(1A) | 20 December 2017 |
| MOD 4 | Construction and operation of two warehouse facilities | Planning Minister | 4.55(1A) | Under assessment |
| MOD 5 | Amendment to the subdivision plan to create new lots 10, 11 and 12 in place of approved lots 7 and 9 | Planning Minister | 4.55(1A) | Under assessment |
| MOD 6 | Subdivision of approved lot 8 to create proposed lots 13, 14, 15 and 16 | Planning Minister | 4.55(1A) | Under assessment |

The Department notes the initial MOD 2 modification application sought to realign the drainage channel, however the Applicant was unable to obtain the relevant landowners consent. As such, the Applicant removed the drainage channel realignment from the MOD 2 modification application. Landowners consent has now been obtained.

To date the Applicant has commenced bulk earthworks, road construction on-site and construction of warehouse buildings on lots 2, 3 and 6 (see **Figure 3**).

Other approvals and proposals relevant to the site are outlined in **Figure 3** and **Table 2**.

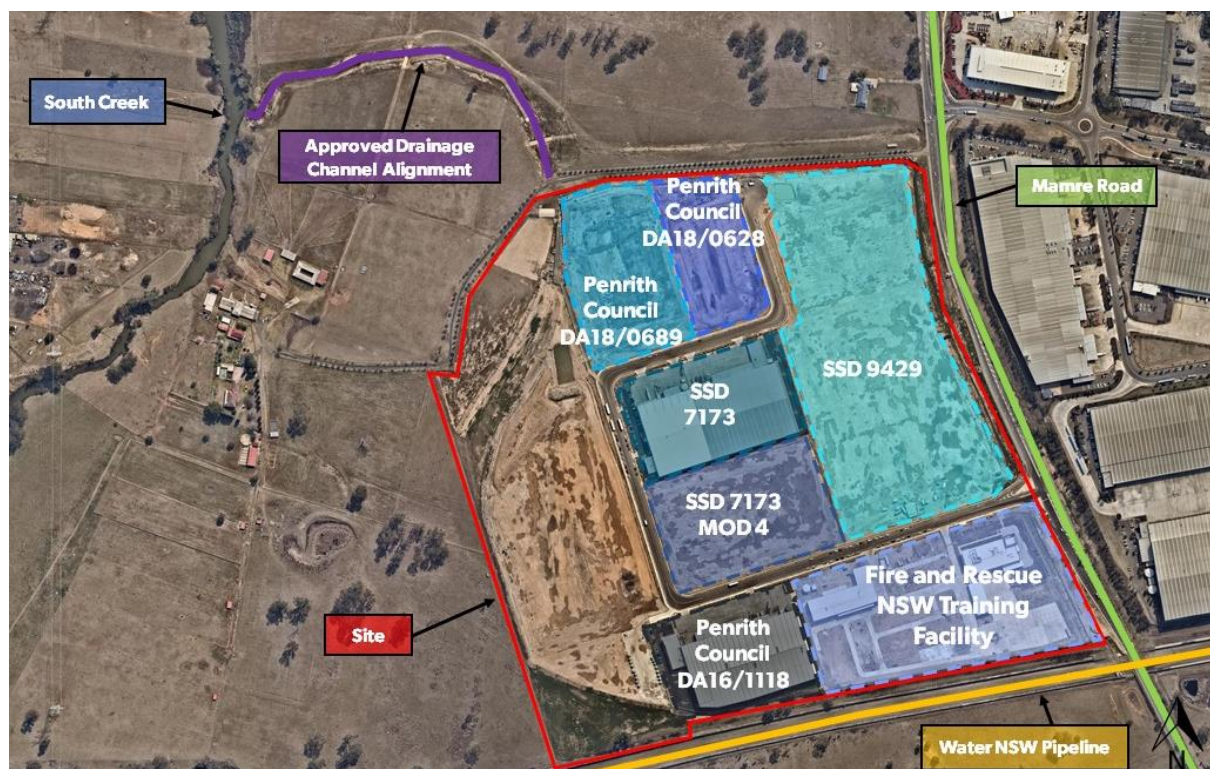


Figure 3 | Site Context

Table 2 | Other Approvals and Development Proposals on the site

| Lot | Proposal/Development | Authority | Application Number | Status |
|-----|--|---|--------------------|--------------------------|
| 2 | Fire and Rescue New South Wales headquarters and training facility | Part 5 Approval under the EP&A Act 1979 | N/A | Constructed |
| 3 | Warehouse and Distribution Centre | Penrith City Council | DA16/1118 | Constructed |
| 7 | Construction and operation of a high-bay warehouse | Department | SSD9429 | Under Assessment |
| 8 | Two Warehouses with ancillary Office Space | Penrith City Council | DA18/0628 | Approved 12 October 2018 |
| | Warehouse and Distribution Facility | | DA18/0689 | |



2. Proposed Modification

The Applicant has lodged a modification application under section 4.55(1A) of the EP&A Act to expand the fill works at lot 8 and realign the drainage channel discharging to South Creek. The modification is described in full in the Environmental Assessment (EA) included in **Appendix B** and is shown in **Figures 4 and 5**.

2.1 Fill

The modification application seeks to import approximately 34,000 m³ of additional fill material to fill and level the north-western portion of approved lot 8 as shown in **Figure 4**. The fill material is proposed to be Virgin Excavated Natural Material (VENM) which meets the requirements of the NSW Environment Protection Authority's (EPA) Excavated Natural Material Order 2014 and the *Protection of the Environment Operations (Waste) Regulation 2014* in accordance with the approved Fill Importation Protocol (FIP) for the site.

The Department notes the Applicant's modification request refers to fill works as "Lot 5 Expansion Works". However, in accordance with the approved subdivision plan, the proposed fill works are located at lot 8 and will be referred to as such throughout this report.

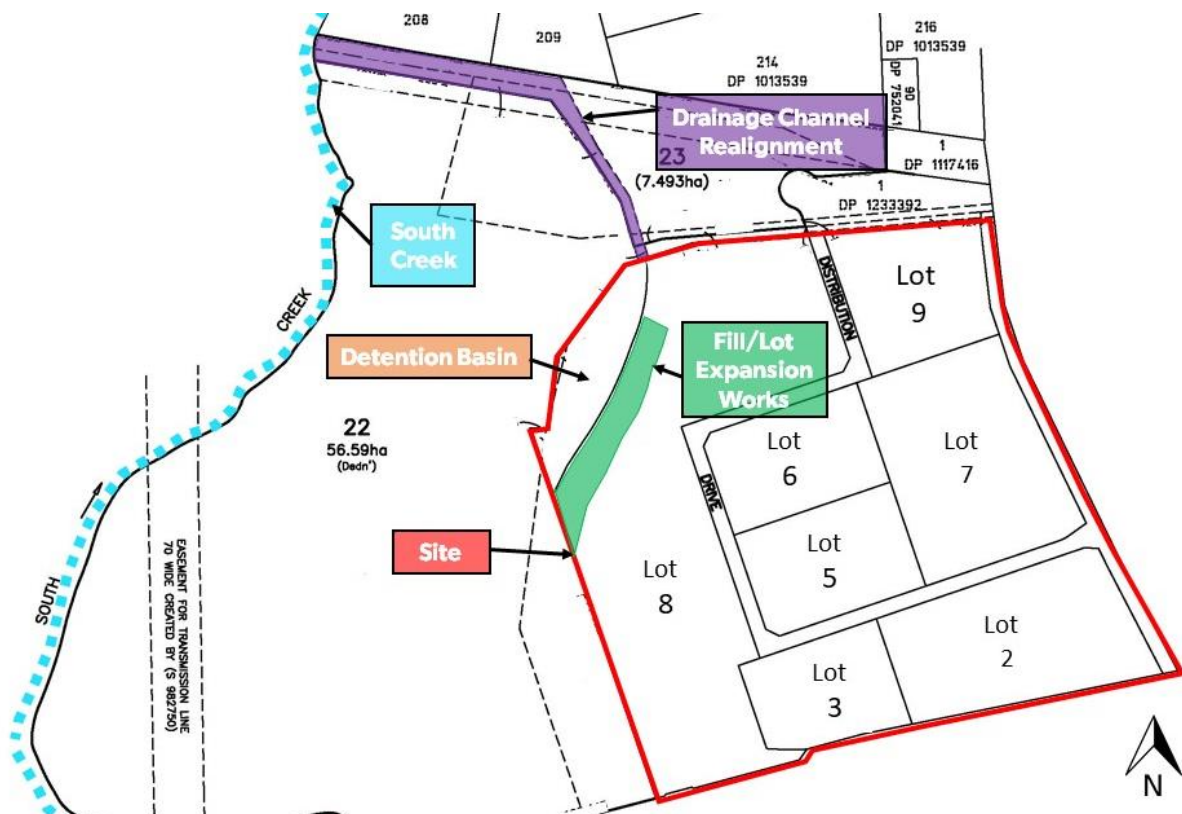


Figure 4 | Approved Subdivision Plan with Proposed Modifications

2.2 Drainage Channel Realignment

The modification application seeks to realign the approved drainage channel (shown on **Figures 3 and 5**) to extend up to and parallel to the northern boundary of Lot 2 DP 1233392, as depicted in purple on **Figures 4 and 5**. The proposed channel is 35 m wide.

The approved drainage channel has already been constructed but would be decommissioned and filled to the pre-existing levels. The filled area would be depressed slightly to act as an overland flow path.

The Applicant is seeking the proposed drainage channel realignment to enable better use of the farming land at Lot 2 DP 1233392. The Applicant has advised this was included as a condition of sale of that land between the previous landowner and the Applicant. The Applicant has further stated these works would also improve the local stormwater runoff to South Creek.

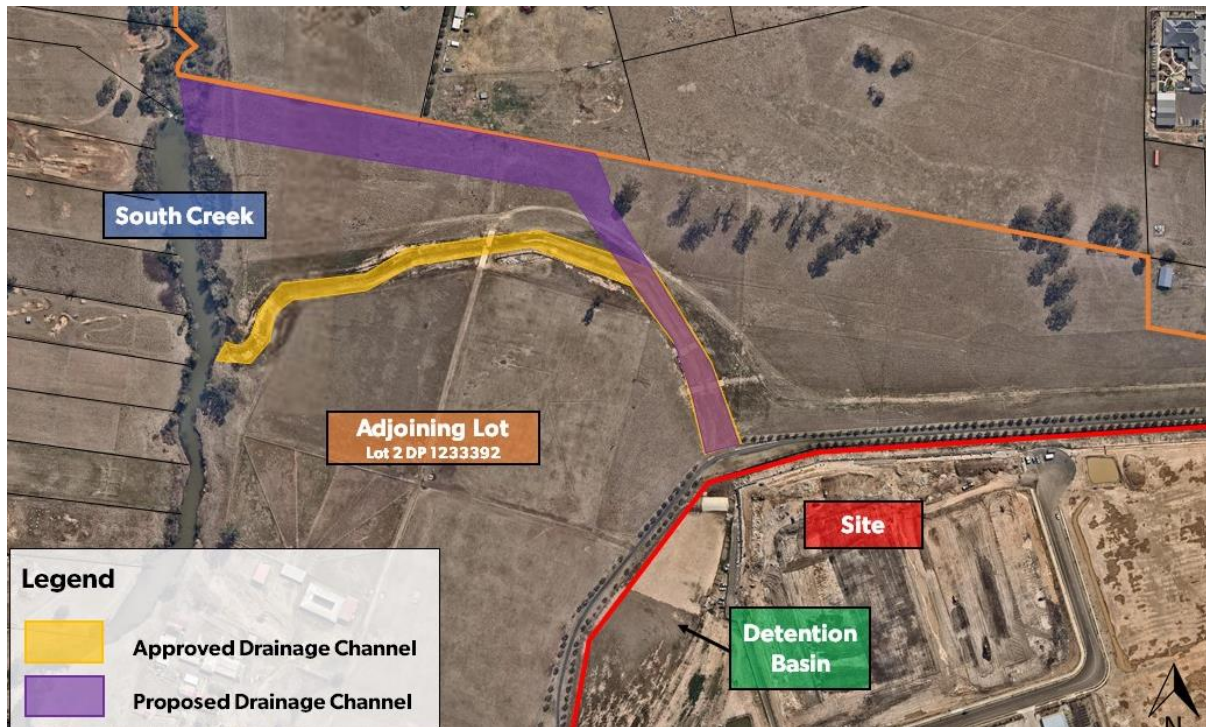


Figure 5 | Approved and Proposed Drainage Works



3. Strategic Context

The Department has considered the strategic context of the site and is satisfied the proposed modification is consistent with relevant strategic planning documents.

3.1 A Metropolis of Three Cities

SSD 7173 was assessed against the then metropolitan plan for greater Sydney, *A Plan For Growing Sydney*. This has since been replaced by *A Metropolis of Three Cities*. As such, the modification request has been assessed in accordance with *A Metropolis of Three Cities* and is considered to be consistent with the directions and objectives outlined in *A Metropolis of Three Cities* as it contributes to the delivery of Industrial land uses on Industrial zoned land and the delivery of jobs near Western Sydney homes.

3.2 Western City District Plan

The Greater Sydney Commission has released six district plans encompassing Greater Sydney which will guide the delivery of *A Metropolis of Three Cities*. The site is located within the 'Western City District' which is identified as one of the fastest growing districts in Greater Sydney. The proposed modification will continue to support the delivery of employment in Western Sydney.



4. Statutory Context

4.1 Scope of Modifications

The Department has reviewed the scope of the modification application and is satisfied that 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 would not change as a result of the proposed modification
- the modification is of a scale that warrants the use of section 4.55(1A) of the EP&A Act
- any potential environmental impacts would be minimal and appropriately managed through the existing or modified conditions of consent.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.

4.2 Consent Authority

The Minister for Planning is the consent authority for the application. Under the Minister's delegation of 11 October 2017, the 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. Engagement

5.1 Department's Engagement

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. However, due to the potential environmental and amenity impacts, the Department notified the modification application to Council, relevant government agencies and nearby landowners from 27 July 2018 to 9 August 2018. The application was also made publicly available on the Department's website on 3 August 2018.

The modification application was referred to Penrith City Council (Council), the Department of Industry (DoI), the NSW Environment Protection Authority (EPA), the Office of Environment and Heritage (OEH), the NSW Rural Fire Service (RFS) and Water NSW (WNSW) for comment.

5.2 Summary of Submissions

During the notification period, a total of four submissions were received, all from public authorities. Of the submissions received, none objected to the development.

Council did not object to the modification however raised concerns regarding overland flows as well as outlining requirements for the creation of a drainage easement. Council requested the following additional information:

- an updated overland flow path analysis, including an updated stormwater catchment plan
- amended Site plans and cross-section drawings depicting the 1% annual exceedance probability (AEP)
- the creation of a drainage easement over the proposed channel
- an amended subdivision plan, addressing Council's requirements for the drainage easement
- a turning head suitable for maintenance and emergency vehicles at the western end of the 5 m wide access trail.

DoI (Lands and Water Division) did not object to the modification and confirmed the Site is not Crown Land.

DoI (Lands and Water – Strategy and Policy) did not object to the modification however, requested the Vegetation Management Plan (VMP) be updated to include the widths of the Vegetation Riparian Zone.

EPA did not object to the modification however raised concerns regarding the following, which was not addressed in the modification application:

- the Western City District Plan priorities which relate to South Creek
- the proposed water quality targets for the channel realignment, consistent with the NSW Water Quality Objectives
- how the Applicant's waste obligations in relation to the proposed importation of fill will be met, in accordance with the *Protection of the Environment Operations Act 1997* (POEO Act).

OEH did not object to the modification however raised concerns regarding Aboriginal Cultural Heritage and Biodiversity. In addition, OEH provided recommended conditions regarding the following:

- a fully vegetated riparian corridor is to be established on either side of the new channel

- a vegetation management plan is to be prepared which addresses revegetation of channel batters, the new channel and bank of South Creek and the filled channel.

WNSW did not object to the modification and stated that the potential for the proposed modification to impact on the WNSW pipeline was low. WNSW also commented on the importance of compliance with the stormwater and erosion and sediment control conditions in the SSD 7173 consent.

No comments were received from **RFS**.

5.3 Response to Submissions

The Department has reviewed the comments received from the relevant government authorities and requested the Applicant respond to the issues raised. The Applicant submitted the final Response to Submissions (RTS) on 3 September 2018.

The RTS was made publicly available on the Department's website and provided to Council, DoI, EPA, OEH and RFS. The Department received the following comments:

DoI requested the Vegetation Management Plan be updated to include widths of the Vegetation Riparian Zone in accordance with 'Guidelines for Riparian Corridors' (NRAR, 2018).

EPA raised further concerns regarding the importation of fill and the Applicant's waste obligations under the POEO Act. In response, the Department provided EPA with a copy of the Fill Importation Protocol (FIP) approved by the Director, Industry Assessments, on 22 December 2016 in accordance with Condition C29 of the SSD 7173 development consent. EPA's response noted that the FIP addressed the ENM resource recovery order and the resource recovery exemption and did not provide any further comments.

OEH requested further information regarding flooding and the riparian vegetation management.

Council and **RFS** did not provide further comments.

5.4 Supplementary Response to Submissions

On 28 September 2018, the Applicant submitted a supplementary RTS to address the further issues raised by government agencies.

In response to the supplementary RTS, **OEH** provided a submission dated 26 October 2018 which stated:

- the Applicant should consult with DoI in relation to the VMP and vegetated riparian zone
- a condition should be included requiring consultation with Registered Aboriginal Parties, test excavations and reporting regarding the proposed drainage channel realignment
- a copy of previous flood-related consultation undertaken with Council should be submitted.

The Applicant submitted further flood related information and comments in response to ongoing communication with OEH. On 26 November 2018, OEH advised the Department it was satisfied with the overland flow studies and consultation with Council. OEH stated it had no further comments.



6. Assessment

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

- Environmental Impact Statement (EIS), RTS and assessment report for the original application
- existing conditions of consent (as modified)
- the Environmental Assessment (EA) supporting the proposed modification (**Appendix B**)
- submissions made during the notification period (**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's assessment of the modification application is provided in **Table 3**.

Table 3 | Assessment of Issues

| Issue | Findings | Recommended Condition |
|------------|---|--|
| Stormwater | <ul style="list-style-type: none">• The modification application proposes to realign the approved drainage channel which has the potential to impact stormwater and overland flows related to the development. The channel would be 35 m wide.• The revised channel seeks to improve the use of neighboring farming land by the owner of Lot 2 DP 1233392 and was included in a condition of the sale of the relevant land to the Applicant.• The modification request included a Civil Engineering letter from Costin Roe Consulting advising on the changes to stormwater channel design. Costin Roe has confirmed the proposed changes relate to the alignment of the channel only and would not affect the stormwater outputs and TUFLOW modelling undertaken and approved under SSD 7173. Furthermore, the Applicant has confirmed the proposed amendments would not result in any changes to the water quality runoff into South Creek.• In its submission on the RTS, OEH raised stormwater related concerns and requested further information. Following ongoing consultation between the Department, the Applicant and OEH, all outstanding issues raised by OEH have been resolved and OEH have stated they have no further comments and have provided recommended conditions.• The Department notes, an approved Stormwater Management Plan is in place for the site, pursuant to Condition C2 and there are no proposed changes to the approved stormwater catchments (which includes the site, Mamre Road and part of the adjoining industrial development to the east). | <p>Require the Applicant to:</p> <ul style="list-style-type: none">• submit an updated Stormwater Management Plan detailing the channel realignment. |

- Furthermore, Condition C26 requires the Applicant to implement erosion and sediment controls in accordance with Managing Urban Stormwater: Soils and Construction Guideline (Landcom 2004) (the Blue Book).
- The Department recommends a condition be included requiring the preparation and implementation of a VMP to be undertaken in consultation with DoI (Lands and Water – Strategy and Policy) and for the Applicant to undertake Aboriginal Cultural Heritage investigations and consultation in accordance with OEH’s requirements.
- The Department’s assessment concludes that the existing conditions will manage the realigned channel, however, an updated stormwater management plan should be submitted detailing these works. On this basis, the Department has recommended conditions be amended to require updated management plans be submitted within three months.

Aboriginal Cultural Heritage

- The proposed amendments include disturbing land which was not previously considered in Aboriginal Cultural Heritage studies.
- The Applicant has not carried out further Aboriginal Cultural Heritage studies.
- In it’s submission, OEH raised concerns regarding the potential impact on Aboriginal Cultural Heritage given the proximity of the development area to existing Aboriginal sites and Ropes Creek, as well as the lack of historical disturbance of the site. As such, OEH requested the preparation of an Aboriginal Cultural Heritage Assessment Report (ACHAR).
- The Applicant undertook consultation with OEH directly and provided details of this consultation in a supplementary RTS. This consultation included the Applicant proposing to address OEH’s requirements following approval of the modification application, given that an existing ACHAR is in place for the overall development under SSD 7173 and that the area of the channel realignment is considered “moderate potential” rather than high.
- In it’s submission on the supplementary RTS, OEH agreed to the Applicant undertaking post-approval work, subject to conditions, to satisfy it’s obligations in regard to Aboriginal Cultural Heritage, including the Applicant extending the proposed test excavations to the area surrounding the proposed channel realignment.
- The Department is satisfied with the Applicant’s consultation with OEH and is satisfied potential Aboriginal Cultural Heritage impacts can be adequately managed subject to compliance with OEH’s recommended conditions, prior to any drainage channel realignment works commencing. As such, the Department recommends conditions requiring the Applicant to undertake test excavations and consult with relevant Registered Aboriginal Parties.

Require the Applicant to:

- undertake Test excavations in consultation with Registered Aboriginal Parties (RAPs)
- prepare an ACHAR, and update once the test excavation report is completed, in consultation with RAPs.

Construction Noise

- The proposed modification involves the realignment of the drainage channel further to the north. These works involve construction works in close proximity to residential receivers located on adjacent properties.
- The Applicant did not undertake an updated noise assessment however, the Department has reviewed the noise impact assessment (NIA) approved under SSD 7173 and notes requirements for noise management levels (NMLs) and measures are included in the existing consent. The channel realignment works would be required to adhere to these NMLs.
- Council, EPA and adjoining landowners did not raise any noise related concerns in submissions.
- The Department considers any noise impacts associated with the proposed modification would be temporary in nature, occurring during construction only. The Department is satisfied the existing conditions would require adequate noise mitigation and management measures be implemented.

Require the Applicant to:

- comply with existing noise conditions.



7. *Evaluation*

The Department has assessed the proposed modification in accordance with the relevant requirements of the EP&A Act. The Department's assessment of the proposed modification concludes the following:

- the site is located in an area of ongoing industrial development
- the impacts can be adequately managed through conditions.

The Department has assessed the proposed modification and Environmental Assessment and considered the submissions provided by Council and the relevant government agencies. The Department has also considered the objectives and the relevant considerations under section 4.55 of the EP&A Act. The Department considers the proposed modification is appropriate on the basis that:

- the proposal would result in minimal environmental impacts beyond the approved development
- satisfactory mitigation measures would be put in place to manage potential impacts
- no public submissions were received from adjoining landowners
- the amendments would facilitate more efficient use of the existing farm land.

Overall, the Department is satisfied the impacts from the proposed modification can be appropriately managed through the Applicant's proposed mitigation measures and the Department's recommended conditions. It is therefore recommended that the modification should be approved, subject to conditions.



8. Recommendation

It is recommended that the Director, Industry Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report
- **determines** that the application SSD 7173 MOD 3 falls within the scope of section 4.55(1A) of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- **modify** the consent SSD 7173 MOD 2
- **signs** the attached approval of the modification (**Appendix F**)

Recommended by:

Nikki Matthews 17/12/18.

Nikki Matthews

Planning Officer

Industry Assessments

Recommended by:

Kelly McNicol 17/12/18.

Kelly McNicol

Team Leader

Industry Assessments



9. Determination

The recommendation is: **Adopted by:**

C. Ritchie

Chris Ritchie

Director

Industry Assessments

19/12/18



Appendices

Appendix A – List of Documents

A Metropolis of Three Cities (Greater Sydney Commission, 2018).

Excavated Natural Material Order (EPA, 2014)

Western City District Plan (Greater Sydney Commission, 2018)

Appendix B – Environmental Assessment

The Environmental Assessment can be viewed on the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9453

Appendix C – Submissions

Submissions received during the notification period for SSD 7173 MOD 3 can be viewed on the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9453

Appendix D – Response to Submissions

The Applicant's Response to Submissions (RTS) report can be viewed on the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9453

Appendix E – Consolidated Consent

Appendix F – Notice of Modification