



Altis Warehouse & Logistics Hub

*State Significant
Development
Modification Assessment
(SSD 7173 MOD 5)*



February 2019

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Cover photo

First Estate, 585-649 Mamre Road, Erskine Park (Altis Property Partners)

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Glossary

Abbreviation	Definition
AHD	Australian Height Datum
BCA	Building Code of Australia
CIV	Capital Investment Value
CIP	Community Involvement Plan
Consent	Development Consent
Council	Penrith City Council
Department	Department of Planning and Environment
DPI	Department of Primary Industries
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>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
EPL	Environment Protection License
ESD	Ecologically Sustainable Development
FRNSW	Fire and Rescue NSW
LEP	Local Environmental Plan
Minister	Minister for Planning
OEH	Office of Environment and Heritage
RMS	Roads and Maritime Services
RtS	Response to Submissions
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>
SSD	State Significant Development
SSI	State Significant Infrastructure



Contents

Glossary	iii
1. Introduction	1
1.1 Background	1
1.2 Approval History	3
2. Proposed Modification	6
3. Strategic Context	8
3.1 A Metropolis of Three Cities - Greater Sydney Region Plan	8
3.2 Western City District Plan	8
4. Statutory Context	9
4.1 Scope of Modifications	9
4.2 Consent Authority	9
5. Engagement	10
5.1 Department's Engagement	10
5.2 Summary of Submissions	10
5.3 Response to Submissions	10
6. Assessment	11
7. Evaluation	13
8. Recommendation	14
9. Determination	15
Appendices	16
Appendix A – List of Documents	16
Appendix B – Statement of Environmental Effects/ Environmental Assessment	17
Appendix C – Submissions	18
Appendix D – Consolidated Consent	19
Appendix E – Notice of Modification	20



1. Introduction

This report provides an assessment of an application to modify the State Significant Development (SSD) for the Altis Warehouse and Logistics Hub (First Estate). The modification application seeks approval to amend the plan of subdivision as previously approved under SSD 7173 MOD 2 which would create three (3) new allotments – Lots 10, 11 & 12 and removal of references to existing lots 7 & 9. The application has been lodged by Willowtree Planning Pty Ltd, on behalf of Altis Property Partners (the Applicant) 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 in the Penrith local government area (see **Figure 1**). The site is also located in Precinct 11 of the Western Sydney Employment Area, which is strategically identified employment land under *State Environmental Planning Policy (Western Sydney Employment Area) 2009 (WSEA SEPP)* (see Figure 2).

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 an 890 metre (m) frontage to Mamre Road.

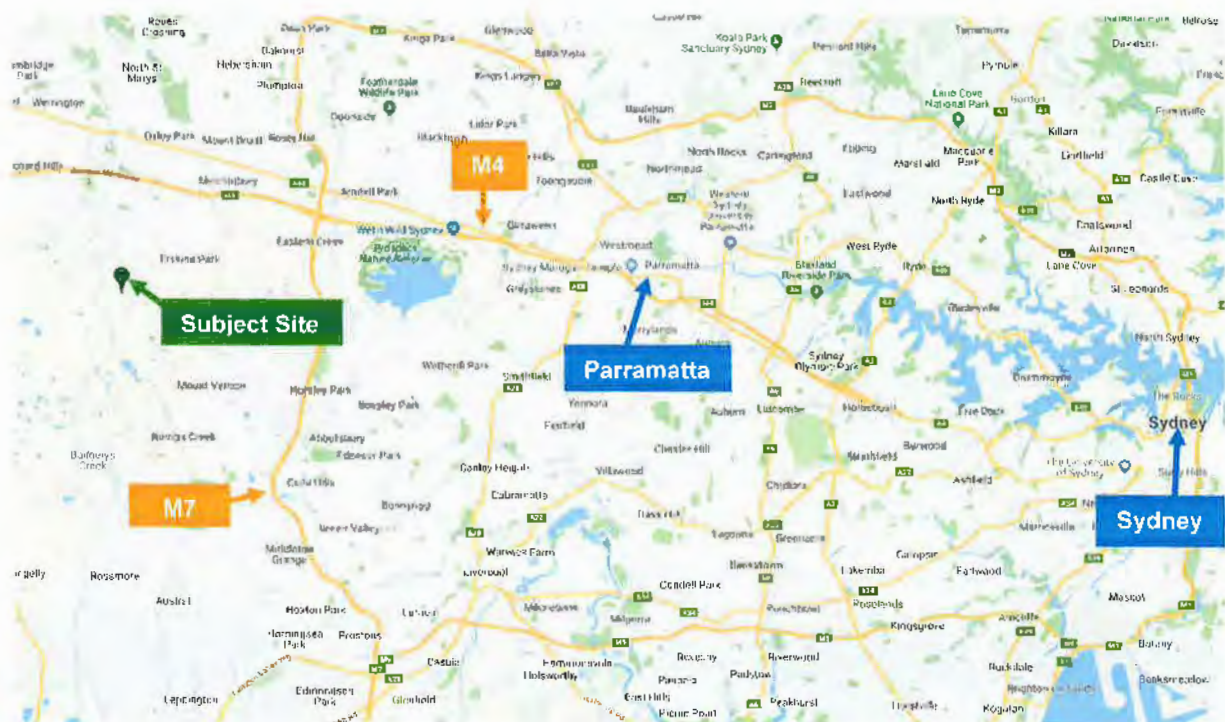


Figure 1 | Site Location

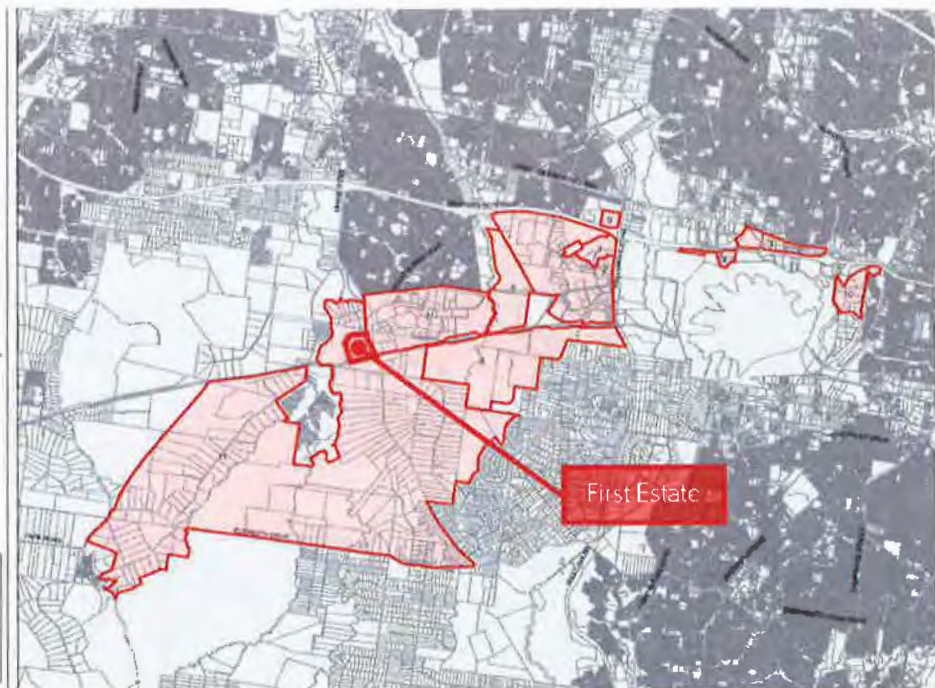
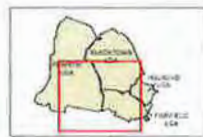


Figure 2 | WSEA SEPP 2009 Land Application Map

Surrounding land uses include those associated with industrial activities in the WSEA to the east and residential land uses are located further to the north, south and west. Land uses in the vicinity of the site include:

- rural residential properties 450 m to the north along Mandalong Close
- rural residential properties 280 m to the west along an unnamed road
- rural residential properties 690 m to the west along Luddenham Road, to the west of South Creek
- the Erskine Business Park to the east
- the WaterNSW Warragamba Pipeline Corridor along the sites southern boundary
- South Creek to the west.

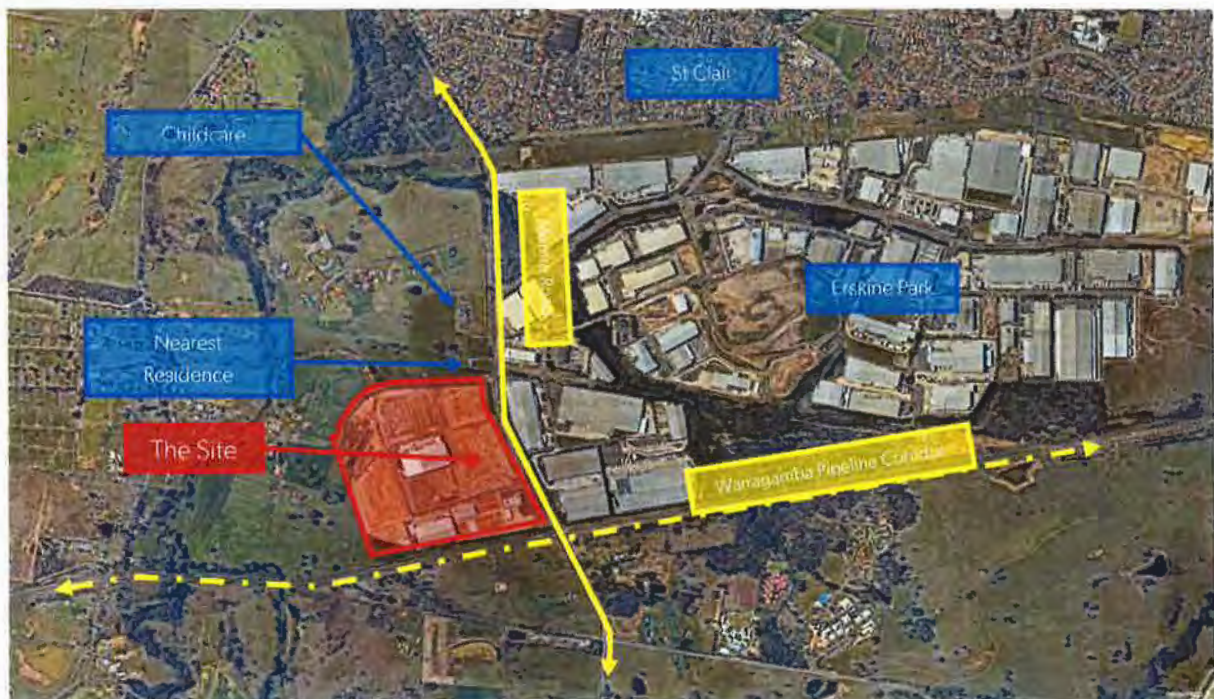


Figure 3 | Site Context

1.2 Approval History

On 15 December 2016, the Executive Director, Key Sites and Industry Assessments granted consent for the construction and operation of a warehouse and logistics hub over four stages (SSD 7173) known as the Altis Warehouse and Logistics Hub. The development consent permitted the following works:

- subdivision of the site to create nine industrial allotments ranging in size between 2.06 ha and 7.9 ha and to create a lot approximately 20 m wide along the site's frontage with Mamre Road (for the purpose of road widening)
- construction of three warehouse buildings ranging in size between 9,400 metres squared (m²) and 41,500 m², including office space
- 357 car parking spaces
- bulk earthworks, infrastructure and services
- an internal access road from Mamre Road to the site's northern boundary
- intersection works between Mamre Road and an internal estate road.

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 4**).

The development consent has been modified on four occasions and one additional modification is currently under assessment (see **Table 1**). The Department notes the subdivision plan has been amended.

Table 1 | Summary of Modifications

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 Dangerous Goods storage, and N&A Fruit operation on Lot 8B1.	Planning Minister	4.55(1A)	15 August 2017
MOD 2	Amendments to the internal road and subdivision layout to: <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 3	Amendments to proposed drainage channel.	Planning Minister	4.55(1A)	19 December 2018
MOD 4	Construction and operation of two warehouse facilities	Planning Minister	4.55(1A)	19 December 2018
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)	Subject Assessment
MOD 6	Amendment to the plan of subdivision to further subdivide Lot 8 into four (4) new lots.	Planning Minister	4.55(1A)	Under Assessment

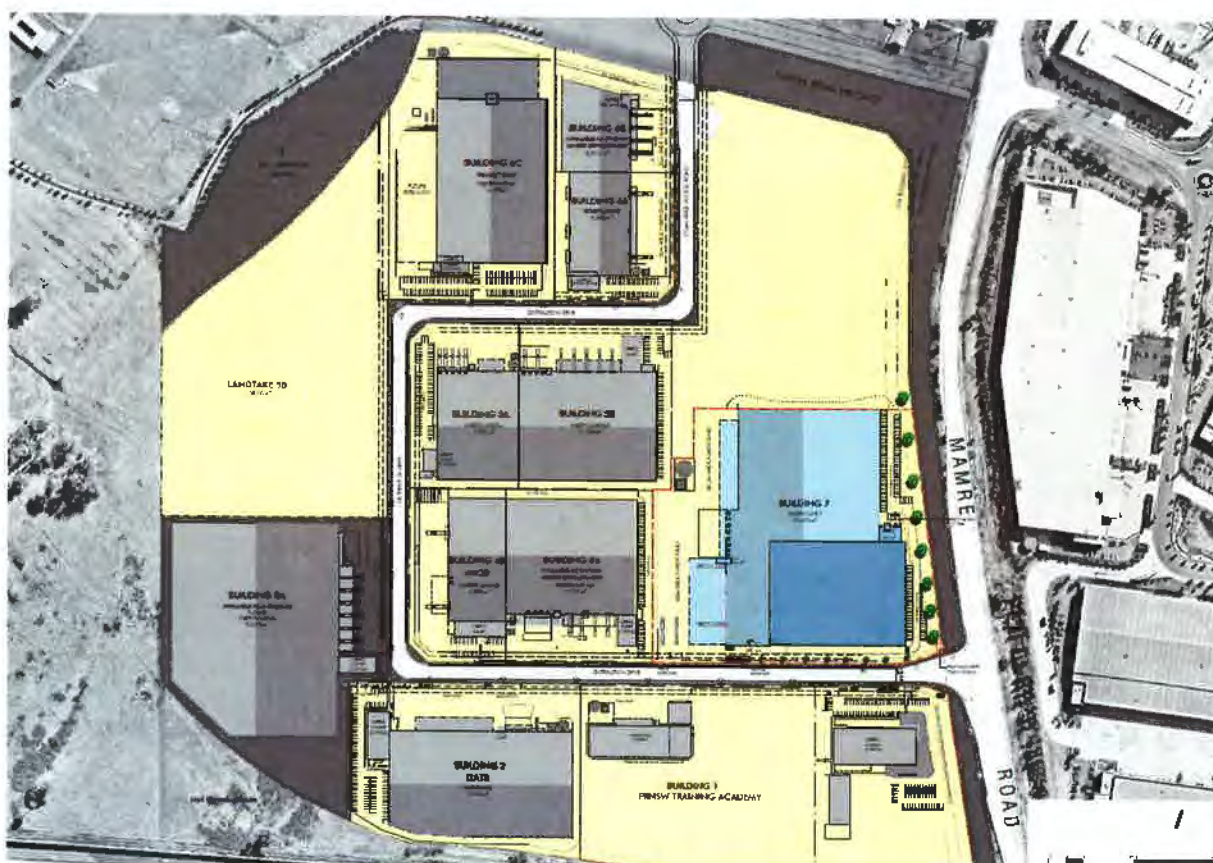
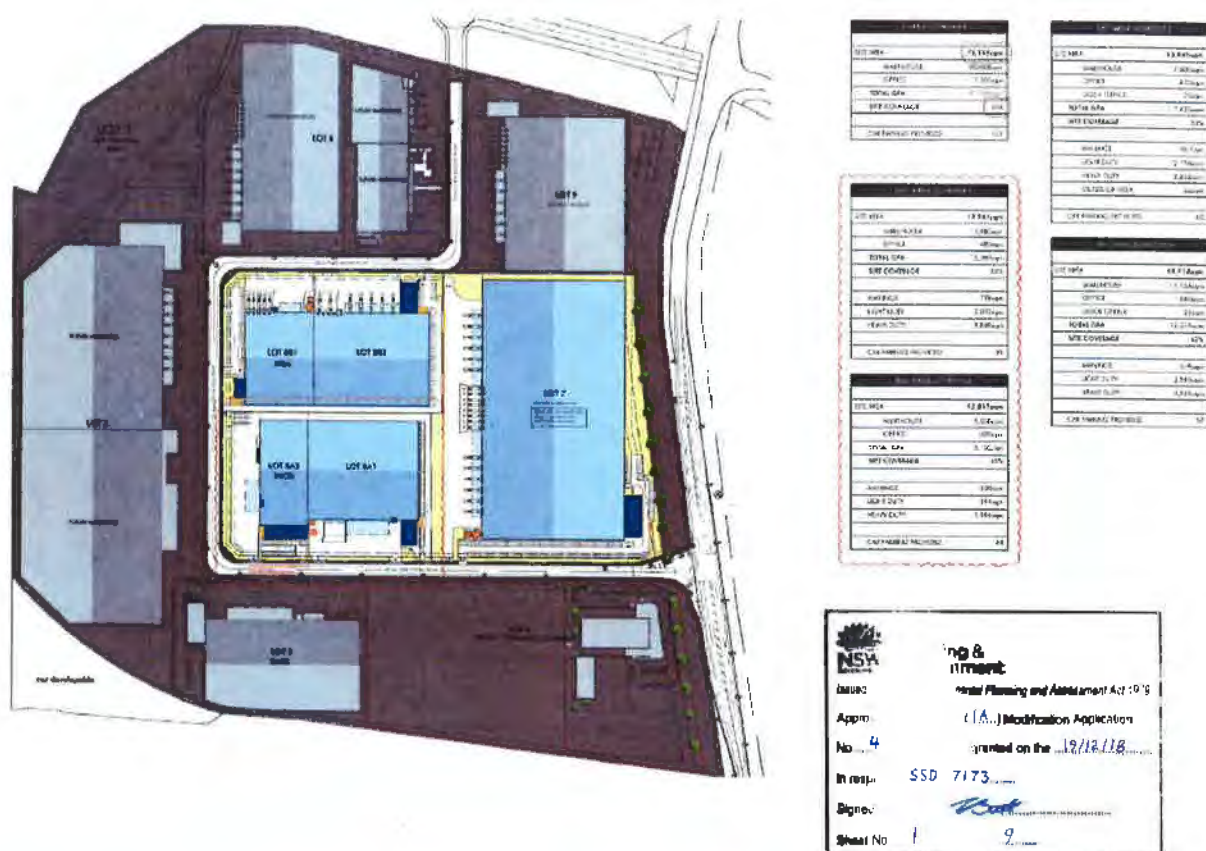


Figure 4 | Adjacent Approvals to the Site

Other approvals and proposals relevant to the site are outlined in **Figure 4** and **Table 2**.

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 amend the subdivision layout of First Estate to adjust the boundaries of Lots 7 & 9 and create an additional lot (proposed Lot 12) for the purpose of road widening along Mamre Road (see **Figure 3**). Additionally, the application seeks to correct a discrepancy in the approved plans stamped as part of MOD 4 of SSD 7173. The modification is described in full in the Environmental Assessment (EA) included in **Appendix B** and is shown in **Figure 5 & Figure 6**.

A development application (SSD 9429) for Snack Brands Warehouse and Distribution Facility, was approved by the Department on the 05 April 2019 for the planned construction of a high bay warehouse and distribution facility located on proposed Lot 11. The purpose of this modification application is thereby largely to reflect the lot area and site layout of SSD 9429. As such MOD 5 is to be approved concurrently with SSD 9429 as the First Estate Masterplan is required to reflect both the changes of the warehouse design proposed in SSD 9429 and the amendment to the plan of subdivision as part of this application, these changes are highlighted in **Figure 8**.

The creation of Lot 12 has been proposed to strategically accommodate the future road widening of Mamre Road, this is consistent with Condition C1 of the consent for SSD 7173 concerning access which requires the internal access road is to be linked with the future James Erskine Drive and Mamre Road intersection. This is further consistent with the gazetted 'Access Strategy' within the *Mamre West Land Investigation Area Development Control Plan*. The creation of Lot 12 would satisfy the above-mentioned condition and instrument as it would allow for the creation of a future slip lane, ultimately linking the site to Mamre Road and James Erskine Drive.



Figure 7 | Approved Subdivision Layout Plan

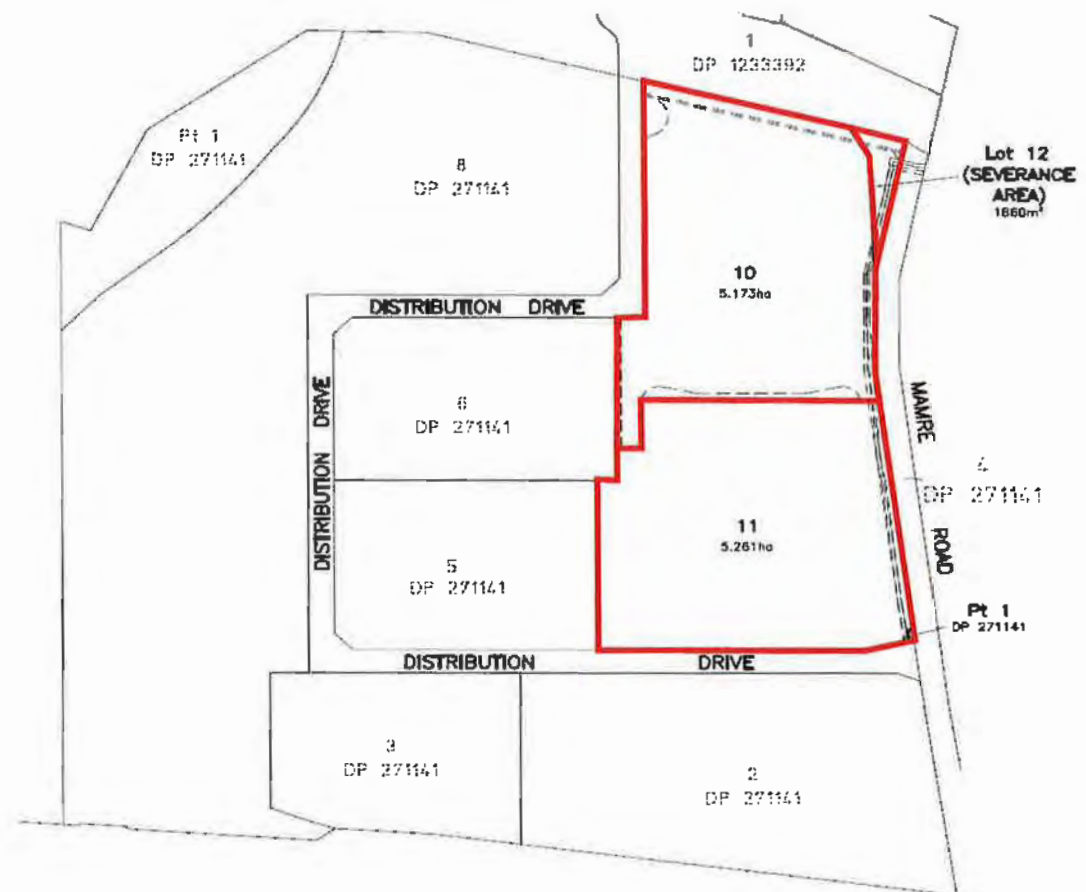


Figure 8 | Proposed Subdivision Layout Plan



3. Strategic Context

The Department has considered the following strategic documentation relevant to the assessment of the proposed modification application:

- A Metropolis of Three Cities - Greater Sydney Region Plan
- Western City District Plan

3.1 A Metropolis of Three Cities - Greater Sydney Region Plan

The proposed development is consistent with the goals, directions and actions outlined in A Metropolis of Three Cities, Greater Sydney Region Plan as it will:

- assist in creating the required employment growth of 817,000 jobs (Direction of jobs and skills for the city)
- provide an additional distribution centre optimising the efficiency and effectiveness of the freight handling and logistics network (Direction 16.2)
- support the development of a priority economic sector by developing appropriately zoned industrial land (Objective 23)

3.2 Western City District Plan

The Western City District Plan identifies 22 planning priorities including infrastructure and collaboration, liveability, productivity, sustainability and implementation. One of the planning priorities is establishing the land use and transport structure to deliver a liveable, productive and sustainable Western Parkland City with focus on developing a competitive and efficient freight and logistics network.

The proposed modification will support the construction of a warehouse and distribution centre over proposed Lot 10 that reflects the current market demand for high bay warehousing. This creates the opportunity for a larger operator, which aligns with the strategic direction identified in the WCDP that by 2036, the Western Sydney Employment Area will be a key destination for cargo. The proposal also allows for either future expansion of Snack brands into proposed Lot 11 or the use of the lot for an additional use.



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 approval.

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 section 4.5(a) of the EP&A Act. However, under the Minister's delegation dated 11 October 2017, the Director, Industry Assessments, may determine the application under delegations:

- 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 14 November 2018 to 28 November 2018. The application was also made publicly available on the Department's website on 14 November 2018.

The modification application was referred to Penrith City Council (Council), the Roads and Maritime Services (RMS), the NSW Rural Fire Service (RFS) and Sydney Water for comment.

5.2 Summary of Submissions

During the notification, 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 requested further information regarding the rationale for the creation of irregular boundary lines between proposed Lots 10 & 11, and the creation of Lot 12, and revised stormwater civil design drawings were requested.

RMS did not object to the modification, however reiterated that the conditions of its letter dated 20 November 2017 in relation to SSD 7173 MOD 2 remain applicable to the development.

RFS did not object and provided no comment on the modification.

Sydney Water did not object and provided no comment on the modification.

5.3 Response to Submissions

The Department has reviewed the comments received from the relevant authorities and requested the Applicant respond to the issues raised by Council. The Applicant provided a Response to Submissions (RTS) including detailed civil design drawings to address Council's concerns on 17 December 2018.

The RTS was made publicly available on the Department's website and was provided to Council. Council did not provide further comment on the proposed modification.



6. Assessment

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

- SEE and RTS provided to support the proposed modification (see **Appendix B**)
- assessment report for the original development application and subsequent modification application(s)
- submission from Council and public authorities (see **Appendix C**)
- relevant environmental planning instruments, policies and guidelines
- requirements of the EP&A Act, including the objects of the EP&A Act.

The Departments assessment is provided in **Table 3**.

Table 3 | Assessment Issues

Findings	Recommended Condition
Proposed Subdivision Layout	
<ul style="list-style-type: none">• The modification seeks to amend the subdivision layout of First Estate to adjust the boundaries of Lots 7 & 9 and create an additional lot (proposed Lot 12) for the purpose of road widening along Mamre Road.• This will increase the total number of allotments from 8 to 9 with proposed Lot 12 to be designated to the future road widening of Mamre Road.• On the 27 November 2018 Council made a submission on the proposed modification, noting that further clarification was sought regarding the proposed lot layout, specifically in relation to the irregular boundary lines between proposed Lots 10 & 11, and questioned the creation of proposed Lot 12 as a severance area.• Similarly, on the 4 December 2018 the RMS provided a response to the modification application reiterating that the conditions of its letter dated 20 November 2017 in relation to SSD 7173 MOD 2 remain applicable to the proposal. This was in relation to any future detailed design plans and hydraulic calculations of any changes to the RMS's stormwater drainage system are to be submitted to the RMS for approval, prior to the commencement of any works. This was noted and agreed to by the Applicant within the RTS.• In response to Council's concerns, the Applicants RTS noted that the irregular boundary alignment proposed between Lot's 10 & 11 had been designed in accordance with the operational requirements for the future tenant (Snack Brands). The RTS notes the irregular area on Lot 10 adjacent to the western boundary is intended to provide a space for future infrastructure that will be required to serve future development. This infrastructure is required to be located on the same lot as the future development for compliance reasons. The specific area was selected to mitigate the visual impact of the future infrastructure from Mamre Road and Distribution Drive.• Clause 24 of the WSEA SEPP notes that the consenting authority must not grant consent to the carrying out of development involving the subdivision of land within the WSEA unless it has considered the implications of the fragmentation of large lots of land, whether the subdivision will affect the supply of land for employment purposes, and whether the subdivision will	<p>Require the Applicant:</p> <ul style="list-style-type: none">• Amend the plan of subdivision in Appendix 1 to reflect the modification of existing lots 7 & 9.

preclude other lots of land to which this Policy applies from having reasonable access to roads and services.

- The modified subdivision has proposed the creation of lot sizes that are of a sufficient area to accommodate employment purposes. The subdivision has been designed in a way that accommodates the strategic positioning of future tenants for employment and supports access via road widening, thereby addressing the WSEA SEPP.
- In relation to the creation of proposed Lot 12, the Applicant within the RTS noted that the strategic intention of creating the lot is indicative of future road widening of Mamre Road which would subsequently impact both proposed Lot 12 and the existing Lot 1 DP 1233392 adjacent to the sites north. The RTS noted that it is intended to eventually amalgamate both lots under a separate development application pursuant to the road widening taking place.
- Council were satisfied with the proponents response and provided no further comment on the modification application.
- The Departments assessment has concluded that the proposed amendment to the plan of subdivision as part of the application is considered appropriate. The irregular boundary lines between Lot's 10 & 11 is considered appropriate and justified as to accommodate SSD 9429.
- The Departments assessment concluded that the proposed modification to the plan of subdivision is to be considered acceptable. As such Appendix 1 of the consent will be updated to reflect the modification with the revised plans.

Engineering Considerations

- Council made further comment in relation to the application raising concern that the revised subdivision layout proposed to not service Lot 12 at this point in time. Similarly, the proposed civil and stormwater plans submitted as part of the application were not considered sufficient and additional information on the plans was requested.
- The Applicant's RTS responded to Council's above concerns by highlighting that as proposed Lot 12 is to be amalgamated with Lot 1 DP 1233392 in the future to create a single lot, any current stormwater drainage for proposed Lot 12 would be indicative of previously approved plans provided in SSD 7173 MOD 2 and SSD 9429 (currently under assessment), for which the stormwater drainage is considered satisfactory. The Applicant further addressed Council's concern regarding unsatisfactory plans by providing amended civil engineering plans, with an accompanying letter of support provided by the Applicants engineering consultant Costin Roe dated 10 December 2018. Council were satisfied with this response and provided no further comments in relation to the issue.
- The Department has considered the Applicant's RTS and amended civil engineering plans and concludes that what has been provided is satisfactory to addressing the concerns raised by Council and provides adequate stormwater services to the newly proposed lots. As such what has been proposed is ultimately considered appropriate.
- The existing conditions in relation to engineering considerations for the proposal are considered sufficient, thus no changes are required to the Consent.

• N/A



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
- the proposal is consistent with the WSEA SEPP.

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 6 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 approval to the application
- **modify** the consent SSD 7173 MOD 6
- **signs** the attached approval of the modification (**Appendix D**).

Recommended by:



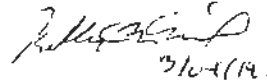
3/4/19

John Booth

Planning Officer

Industry Assessments

Recommended by:



3/6/19

Kelly McNicol

Team Leader

Industry Assessments



9. Determination

The recommendation is: **Adopted by:**

Chris Ritchie

Director

Industry Assessments

9/4/19



Appendices

Appendix A – List of Documents

- State Significant Development Assessment – Altis Properties – Warehouse and Logistics Hub Mamre Road, Orchard Hills (SSD 7173), prepared by the Department of Planning and Environment, December 2016
- Response to Submission, prepared by Willowtree Planning, 17 December 2018
- Section 96(1A) Modification Assessment Report – Altis Warehouse and Logistics Hub (SSD 7173 MOD 1), prepared by the Department of Planning and Environment, August 2017
- Section 96(1A) Modification Assessment Report – Altis Warehouse and Logistics Hub (SSD 7173 MOD 2), prepared by the Department of Planning and Environment, December 2017
- Statement of Environmental Effects – S4.55(1A) Modification Application (MOD 5) SSD 7173 Altis Warehouse and Logistics Hub, Mamre Road, Kemps Creek, prepared by Willowtree Planning, 7 November 2018
- Existing conditions of consent
- Relevant environmental planning instruments, policies and guidelines
- Relevant requirements of the EP&A Act.

Appendix B – Statement of Environmental Effects/ Environmental Assessment

Appendix C – Submissions

Appendix D – Consolidated Consent

Appendix E – Notice of Modification