



Altis Warehouse and Logistics Hub MOD 7

State Significant
Development
Modification Assessment
(SSD 7173 MOD 7)



July 2019

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Cover photo

Altis Property Partners First Estate (Source: Altis Property Partners Pty Ltd 2017)

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Glossary

Abbreviation	Definition
AHD	Australian Height Datum
BCA	Building Code of Australia
CIV	Capital Investment Value
Consent	Development Consent
Council	Penrith City Council
Department	Department of Planning and Environment
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
ESD	Ecologically Sustainable Development
FRNSW	Fire and Rescue NSW
LEP	Local Environmental Plan
Minister	Minister for Planning
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



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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 6 which would further subdivide Lot 14 to create two (2) new allotments. 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 1**).



Figure 1 | Site Location

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 m frontage to Mamre Road to the West.

Surrounding features and land uses include:

- the Old MacDonald's child care centre 250 metres (m) to the north off Mandalong Close

- rural residential properties 450 m to the north along Mandalong Close
- rural residential properties 280 m to the west along an unnamed road for 579 Mamre Road
- rural residential properties 690 m to the west along Luddenham Road, on the western side of South Creek
- the Erskine Business Park to the east, opposite the site across Mamre Road
- the Water NSW Warragamba Pipeline Corridor along the southern site boundary
- the Twin Creeks Golf and Country Club further to the south-east off Luddenham Road
- South Creek to the west.

The nearest existing residential property is 70 m from the northern boundary of the site. However, this property will be acquired by the RMS as part of its upgrade along Mamre Road and James Erskine Drive. The closest residential suburbs are Luddenham to the south, St Clair to the north and Erskine Park to the north-east.

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 (SSD 7173). The development consent permits 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 warehousing 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
- 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 six occasions (see **Table 1**). The Department notes the subdivision plan has been amended on four occasions.

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)	9 April 2019
MOD 6	Amendment to the subdivision plan to subdivide lot 8 into two new allotments (lots 13 & 14).	Planning Minister	4.55(1A)	7 May 2019

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

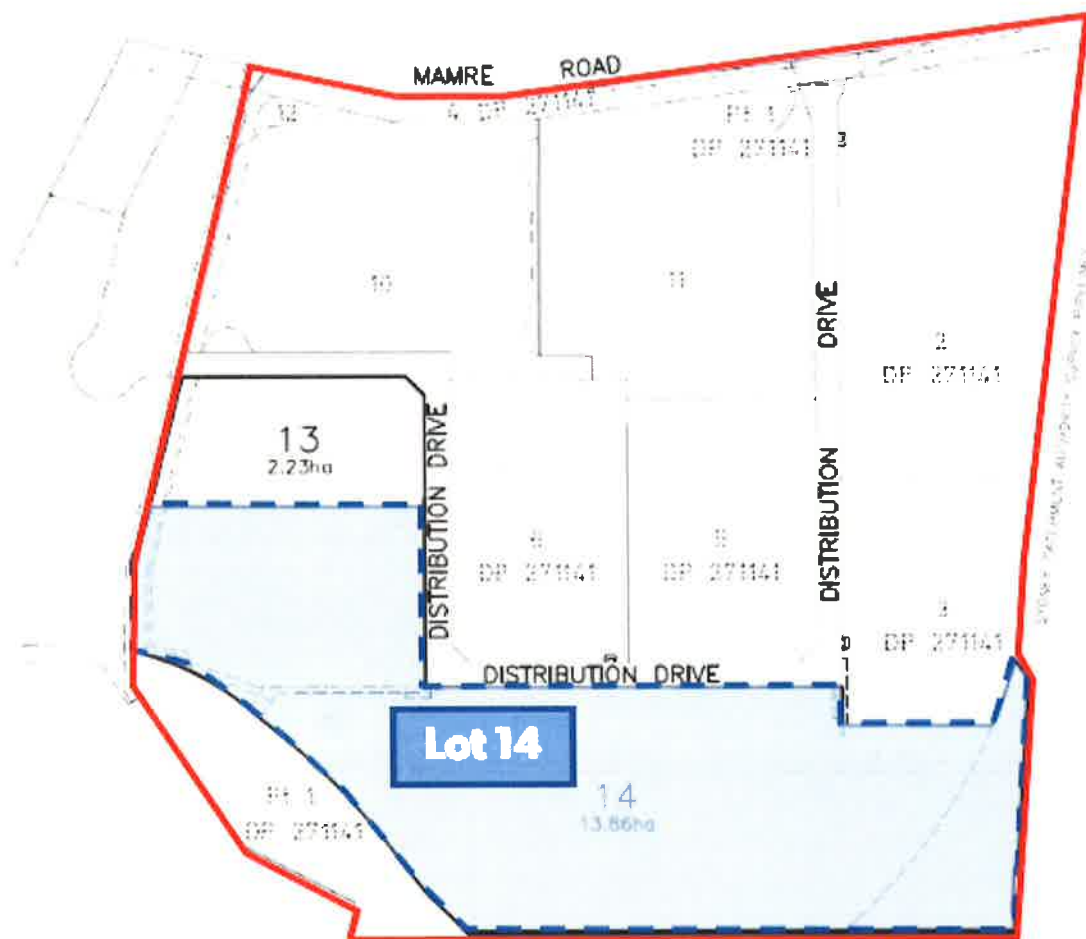


Figure 3 | Site Context

Other approvals and proposals relevant to the site are outlined in **Figure 3** 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
8	Two Warehouses with ancillary Office Space	Penrith City Council	DA18/0628	Approved 12 October 2018
	Warehouse and Distribution Facility		DA18/0689	
11	Construction and operation of a high-bay warehouse	Department	SSD9429	Approved 5 April 2019

**Figure 4** | Approved Subdivision Layout Plan (MOD 6)



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 to further subdivide Lot 14 into two new lots. The modification is described in full in the Environmental Assessment (EA) included in **Appendix B** and is shown in **Figure 5**.

The modification request seeks to subdivide Lot 14 of the Subdivision Plan into two new lots being Lots 15 & 16 resulting in a total of 11 lots on the subject site. The modification to the Subdivision Plan has been proposed to ensure DA 18/0689 is accommodated on a separate lot to future development. Any future development on proposed lot 16 would be subject to a separate development application. The extent of this modification is outlined in **Table 3** and **Figure 5** below.

Table 3 | Main Components of the Project

Aspect	Description
Lot 15	<ul style="list-style-type: none">Lot size of 3.29 ha
Lot 16	<ul style="list-style-type: none">Lot size of 10.56 ha

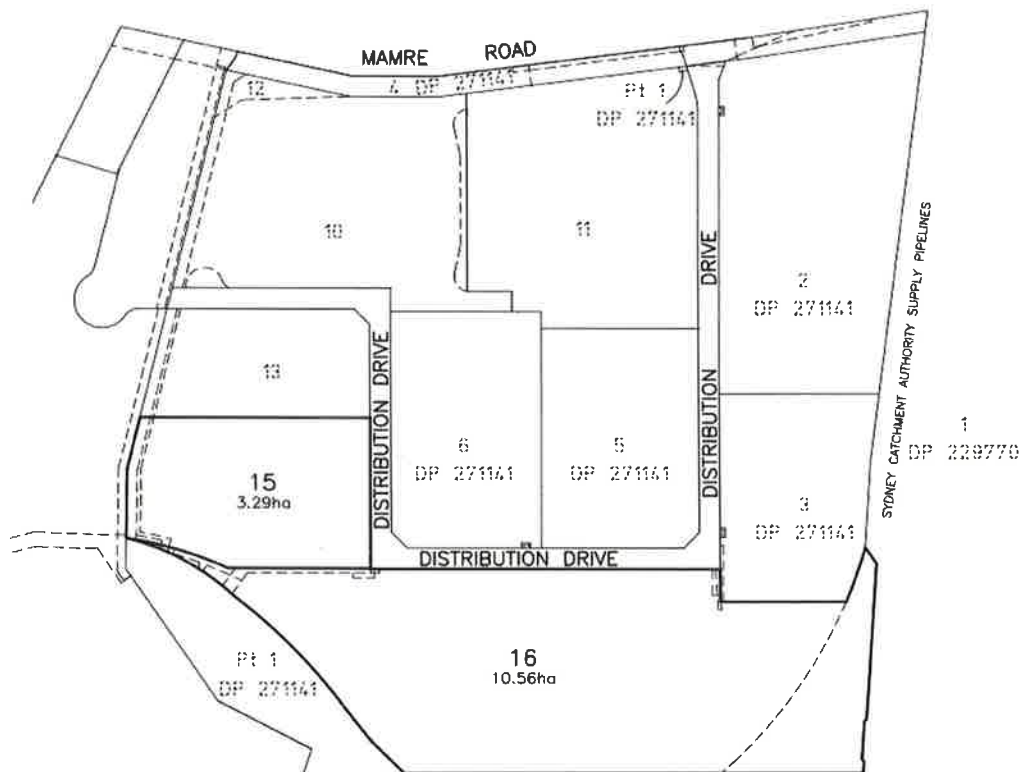


Figure 5 | Proposed Subdivision Layout Plan



3. Strategic Context

The Department has considered the strategic context of the site and is satisfied the proposed modification is consistent with the following strategic documents:

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

3.1 A Metropolis of Three Cities – Greater Sydney Region Plan

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 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 and relevant government agencies from 14 June 2019 to 28 June 2019. 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), NSW Rural Fire Service (RFS), Water NSW and Sydney Water for comment.

5.2 Summary of Submissions

During the notification period, a total 3 submissions were received, all from public authorities. Of the submissions received, none objected to the development.

Council did not object to the modification and provided no comment.

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

Water NSW did not object to the modification and provided no concerns. Water NSW noted that future drainage works to Lot 16 would be subject to a separate application for development on the site.

5.3 Response to Submissions

The Department has reviewed the submissions made on the proposed modification and considered that no Response to Submissions (RTS) is required.



6. Assessment

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

- SEE 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 Department's assessment of these issues is provided in **Table 4** below.

Table 2 | Summary of other issues raised

Findings	Recommended Condition
Proposed Subdivision Layout	
<ul style="list-style-type: none">• The modification includes a revised subdivision plan to further subdivide Lot 14 into two new industrial allotments identified as proposed lots 15 & 16, increasing the number of industrial allotments in the estate to 11.• This will increase the total number of allotments from 10 lots to 11 lots to facilitate future industrial warehouse development on proposed Lot 16 and providing proposed lot 15 as an individual allotment for existing warehouse development.• The creation of allotments 15 & 16 is to facilitate further warehouse development within First Estate. In particular, Lot 15 facilitates the warehouse development approved by Council DA18/0689 on an individual lot.• No comments were provided in the submissions made by Council, RFS and Water NSW.• The Department considers the revised plan is consistent with the original development and the WSEA SEPP. Furthermore, the subdivision will facilitate warehouse development approved by Council on proposed Lot 15 & future warehouse development on Lot 16.• The Department notes that any future development on Lot 16 will be subject to a separate development application.• The Department's assessment concludes that the revised subdivision layout plan would not adversely impact any existing developments or approved developments currently under construction. In addition, the lot sizes of the two proposed additional lots are suitable for accommodating industrial and warehouse employment generating development.• Appendix 1 of the consent will be updated to reflect the modifications with the revised plans.	<ul style="list-style-type: none">• Appendix 1 is to be amended to incorporate subdivision plan into the development consent.

Consistency with the WSEA SEPP

- The Department has assessed the scope of the modifications against the principal development standards of the WSEA SEPP in **Table 5 of Appendix D**. • N/A
- The Department considers that the allotments of the amended subdivision layout are not overly fragmented and are suitable for industrial and warehouse format developments.
- The Department's assessment concludes the modified subdivision layout and the overall development remain consistent with the requirements of the WSEA SEPP.



7. Evaluation

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 would facilitate further employment generating industrial development in the First Estate site, consistent with the WSEA SEPP.

Overall, the Department is satisfied the impacts from the proposed modification can be appropriately managed through the Applicant's existing 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; and
- **Determines** that the application SSD 7173 MOD 7 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 7
- **signs** the attached approval of the modification (**Appendix F**).

Recommended by:


Shaun Williams
Planning Officer
Industry Assessments



9. Determination

The recommendation is: **Adopted by:**

Kelly McNicol

A/ Director

Industry Assessments



Appendices

Appendix A – List of Documents

The key documents relied upon by the Department in its assessment include:

- 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.
- 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
- Section 4.55(1A) Modification Assessment Report – Altis Warehouse and Logistics Hub (SSD 7173 MOD 5), prepared by the Department of Planning and Environment, April 2019
- Section 4.55(1A) Modification Assessment Report – Altis Warehouse and Logistics Hub (SSD 7173 MOD 6), prepared by the Department of Planning and Environment, May 2019
- 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

A copy of the SEE can be found on the Department's website, at the following link:

<https://www.planningportal.nsw.gov.au/major-projects/project/14166>

Appendix C – Submissions

A copy of the Submissions received by the Department can be found on the Department's website, at the following link:

<https://www.planningportal.nsw.gov.au/major-projects/project/14166>

Appendix D – WSEA SEPP Assessment

Table 5 below contains the Department's assessment of the proposed modifications to SSD 7173 against the principle development standards of the WSEA SEPP. The Department's assessment concludes the development as proposed to be modified would comply with the requirements of the WSEA SEPP.

Table 5 | Assessment against principle development standards of the WSEA SEPP

WSEA Principal Development Standard	Department Comment
Cl. 18(1) Requirement for development control plans <ul style="list-style-type: none"> A consent authority must not grant consent to a Development Application unless a development control plan (DCP) has been prepared for that parcel of land. 	<ul style="list-style-type: none"> The Mamre West Precinct DCP was made on 9 August 2016 and applies to the site in accordance with Clause 18 of the WSEA SEPP.
Cl. 20 Ecologically Sustainable Development <ul style="list-style-type: none"> The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that the development contains measures designed to minimize: <ol style="list-style-type: none"> the consumption of potable water, and greenhouse gas emissions. 	<ul style="list-style-type: none"> N/A. The modification will not impact the use of potable water or greenhouse gas emissions.
Cl. 21 Height of buildings <ul style="list-style-type: none"> The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that: <ol style="list-style-type: none"> building heights will not adversely impact on the amenity of adjacent residentials, and site topography has been taken into consideration. 	<ul style="list-style-type: none"> N/A. The proposed modifications will not alter any of the approved buildings on site.
Cl. 22 Rainwater harvesting <ul style="list-style-type: none"> the consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that adequate arrangements will be made to connect the roof areas of buildings to such rainwater harvesting scheme (if any) as may be approved by the Director-General. 	<ul style="list-style-type: none"> N/A. No changes are proposed to any of the warehouse buildings.
Cl. 23 Development adjoining residential land <ul style="list-style-type: none"> Requires the consent authority to consider compatibility, plant and equipment, amenity impacts (visual and noise), hours of operation, glare, traffic movement, landscaping and visual screening for 	<ul style="list-style-type: none"> N/A. The proposed modification is pursuant to subdivision only. Further development on the site is to consider impacts to residential zoned land within 250 m of the site.

land within 250 m of land zoned primarily for residential purposes.

CI. 24 Development involving subdivision

- The consent authority must not grant consent to the carrying out of development involving the subdivision of land unless it has considered the following:
 - (a) the implications of the fragmentation of large lots of land,
 - (b) whether the subdivision will affect the supply of land for employment purposes,
 - (c) whether the subdivision will preclude other lots of land to which this Policy applies from having reasonable access to roads and services.
- The proposed modification will result in the fragmentation of Lot 14 being a relatively large lot with a size of 13.86 ha into two smaller lots. The subsequent allotments have lot sizes of 3.29 ha and 10.56 ha.
- The additional lot proposed retains a sufficient size to accommodate employment generating development. Furthermore, proposed Lot 15 facilitates existing employment generating development with an individual lot.
- The proposed modification will not result in the altering of the existing vehicle access and road network. The size and scale of the proposed lots are consistent with the other lots within the estate.

CI. 25 Public utility infrastructure

- (1) The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.
- (2) In this clause, public utility infrastructure includes infrastructure for any of the following:
 - (a) the supply of water,
 - (b) the supply of electricity,
 - (c) the supply of natural gas,
 - (d) the disposal and management of sewage.
- (3) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this clause.
- Clause 25 (3) specifies that clause 25 does not apply to development for the purpose of extending or augmenting public utility infrastructure.
- As stated in the Department's original assessment of SSD 7173, as the Applicant is extending and augmenting existing infrastructure, clause 25 of the WSEA SEPP does not apply.

CI. 26 Development on or in vicinity of proposed transport infrastructure routes

- (1) This clause applies to any land to which this Policy applies that is situated on or in the vicinity of a proposed transport infrastructure route as shown on the Transport and Arterial Road Infrastructure Plan Map.
- The Department is satisfied the development continues to comply with clause 26 of the WSEA SEPP.

- (2) The consent authority must refer to the Secretary of the Department of Planning any application for consent to carry out development on land to which this clause applies.
- (3) The consent authority must, before determining any such development application, consider and comments made by the Secretary as to the compatibility of the development to which the application relates with the proposed transport infrastructure route concerned.

Cl. 27 Exceptions to development standards

- N/A. The Applicant has not requested an exception to any of the WSEA SEPP Development Standards.

Cl. 28 Relevant acquisition authority

- Details the requirements for owner-initiated acquisition and state authority acquisitions.

- The site includes land reserved for acquisition by the RMS for the widening of Mamre Road. The updated subdivision plan would not impact the ability of this land to be acquired for these works.

Cl. 29(3) Industrial Release Area – Satisfactory Arrangements

- The consent authority must not consent to development on land to which this clause applies unless the Secretary has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of regional transport infrastructure and services (including the Erskine Park Link Road Network) in relation to the land to which the Policy applies.

- Satisfactory arrangements have been made prior to the determination of SSD 7173 and continue to apply.
- The Department is satisfied the requirements of clause 29 of the WSEA SEPP have been met.

Cl. 30 Controls relating to miscellaneous permissible uses

- Details miscellaneous uses allowed in the WSEA.

- N/A. The modification does not seek to introduce or alter and uses on-site.

Cl. 31 Design Principles

- In determining a Development Application that relates to land to which this Policy applies, the consent authority must take into consideration whether or not:
 - (a) the development is of a high-quality design, and
 - (b) a variety of materials and external finishes for the external facades are incorporated, and
 - (c) high quality landscaping is provided, and

- N/A. The modification seeks to alter the subdivision of the site with no changes to the design of the approved warehouse buildings.

- (d) the scale and character of the development is compatible with other employment-generating development in the precinct concerned.

Appendix E – Notice of Modification

A copy of the Modification Instrument can be found on the Department's website, at the following link:

<https://www.planningportal.nsw.gov.au/major-projects/project/14166>