

AMP CROSSROADS PRECINCT A

PROPOSED MODIFICATION UNDER S96(2) TO DA REF 594/2013 AS AMENDED

15 FEBRUARY 2017
SA4821
DRAFT
PREPARED FOR AMP CAPITAL INVESTORS LTD

URBIS

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Report Number	Final for Submission

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1. INTRODUCTION

This report has been prepared to accompany a Section 96(2) for AMP Capital Funds Management Limited in its capacity as responsible entity for the AMP Capital Diversified Property Fund ('AMP'), to modify DA594/2013 relating to Warehouse 1 in Precinct A within Lot 204 in DP 1090110, Beech Road Casula.

The main purpose of this modification is to ensure the development is responsive to the end tenant of the warehouse, Electrolux, as one was not secured at the time of the original application.

This report comprises an environmental assessment, prepared in accordance with the requirements of Section 96(2) of the Environmental Planning and Assessment Act, 1979 (EP&A Act) and the relevant provisions of the Environmental Planning and Assessment Regulations, 2000. In order to facilitate Council's assessment and determination of this Section 96, this report:

- Provides a summary of the background of applications and previous approvals affecting the site.
- Provides a description of the site and surrounding area.
- Provides a detailed description of the proposed amendments.
- Summarises the key planning controls that apply to the proposal, addressing these in relation to the proposed development.
- Identifies the key issues for assessment, providing clear justification of the need for the development and its satisfaction from a merit perspective.
- Validates the assessment process against the Section 79C heads of consideration under the Environmental Planning and Assessment Act.
- Concludes that the proposal is satisfactory and warrants issue of development consent in its current form.

This Section 96 has relied upon the inputs of a range of specialist consultants to address key technical issues contained in this application package. The relevant accompanying consultant drawings and reports include:

- Architects – Nettleton Tribe
- Landscaping – Site Image
- Stormwater – Sparks + Partners
- Waste – AECOM
- Acoustic – AECOM
- Traffic, Parking and Vehicle Movements – Colston Budd Rogers and Kafes

This Section 96 only relates to a minor portion (Warehouse 1) of the approved staged consent, DA594/2013, in the portion of the site known as Precinct A. The fundamentals of the approved scheme are unchanged in that the modification still proposes the works contemplated in the approved Stage 2 of *“Construction of an industrial warehouse building, car parking, landscaping, driveway and road for ‘Precinct A’ within lot 204”*.

The subject proposal will seek a use and fit out of the eastern portion of Precinct A (Warehouse 1) for Electrolux. A pre-lodgement meeting has occurred with Liverpool Council and confirmed the approval pathway as a Section 96(2); the consent authority is therefore the Sydney South West Planning Panel.

2. SITE CONTEXT ANALYSIS

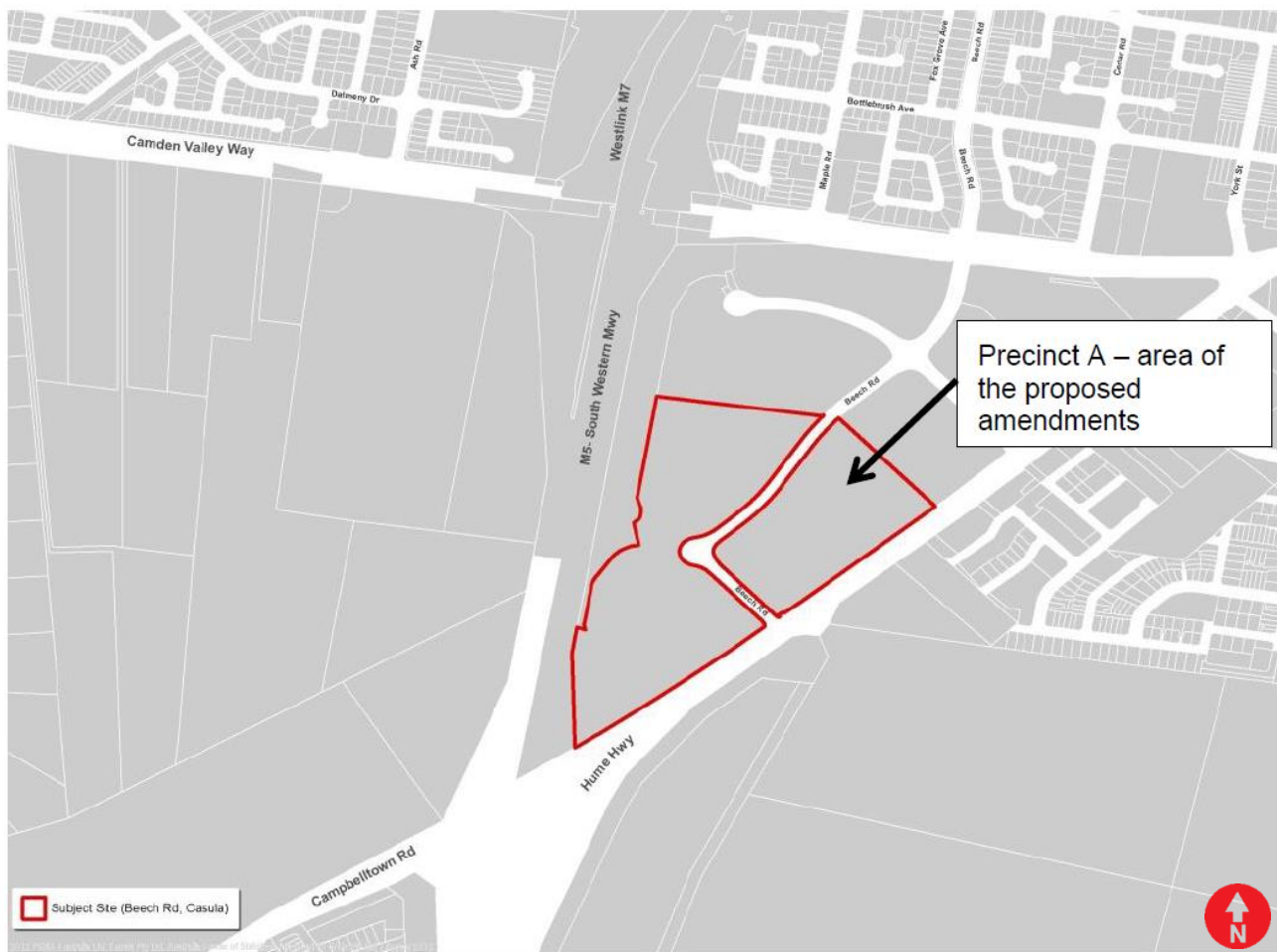
2.1. SITE IDENTIFICATION

The approval relates to the site comprising Part Lot 200 DP 1090110 (proposed lot 21; the southern portion) and Lot 204 DP 1090110, Beech Road, Casula. The subject application relates to modifications within Precinct A or Lot 204 only.

The broader site (encompassing the entire Crossroads industrial development) has an area of approximately 17.6 hectares, and is illustrated in the cadastre map below.

The land immediately adjoining the subject site to the north comprises Costco bulky goods and Crossroads homemaker centre.

Figure 1 – Location of the Site



2.2. SITE CHARACTERISTICS

The site has the following characteristics:

- The broader AMP Crossroads site is bounded by Campbelltown Road to the south-east, Maxwells Creek to the west and retail properties to the north. Beech Road runs along the south-eastern border of the site. A road, currently known as Creekside Place or "Road No. 5", is located within the Lot 21, dividing it into a northern portion (Precinct B) and southern portion (Precinct C). Public access to Creekside Place is prohibited as it is private land and is currently barricaded off at the interface to the Beech Road roundabout.
- The regional topography slopes generally towards the west and north west towards Maxwells Creek (a tributary of the Georges River) in the west of the site.

- The site is cleared land that has been somewhat levelled subject to filling and regrading works to allow future development to occur. The roads have been constructed in accordance with the previous approval (D180/98).
- The north-western portion of Lot 21 is also burdened by restrictions on title such as:
 - Restricts any direct access from this lot to the M5 Motorway.
 - Maintenance of landscape buffers in accordance with the Vegetation Management Plan. The 'landscaped buffer' is defined as a 10m wide buffer along the boundaries of Camden Valley Way, Campbelltown Road and the M5.
- The land, the subject of the DA is Precinct A (referred to as "Stage 2" in the consent), located in the eastern corner of the Crossroads industrial site. The site is bounded by adjoining bulky goods site to the north, Beech Road and Precinct B to the west, Beech Road and Precinct C to the south and Campbelltown Road to the south east.
- The developable area of the broader site is impeded by two transmission towers, one in the eastern corner and one centrally located on the western boundary.

2.3. SURROUNDING DEVELOPMENT

The surrounding development is predominately bulky goods in nature. The residential area of 'Casula' is to the east of the site. The precinct is approximately 6km south west of the Liverpool CBD.

The surrounding land use comprises:

- To the north is the existing Crossroads Homemakers Centre, Flower Power and Costco to the north west.
- To the east is Campbelltown Rd and a Caltex service station and rural residential land. Further to the east is the Mirvac residential estate.
- To the south is Campbelltown Rd and then rural residential land uses.
- To the west is the M5 Motorway, and Tree Valley Golf Course and the Edmonston Park locality, which is part of the South West Growth Centre, earmarked for future urban development.

2.4. ACCESS AND MOVEMENT

The site affords good accessibility being proximate to the major arterial roads of: M5, Hume Highway, Campbelltown Road and Camden Valley Way which serve to connect the site to the wider Sydney region and greater New South Wales.

The roads throughout the industrial estate have been designed for a higher overall density industrial and bulky goods development that could be achieved on the site even accounted for in this proposal. Accordingly, the internal road capacity is adequate.

3. BACKGROUND

3.1. PREVIOUS DEVELOPMENT APPROVALS

3.1.1. Historical Approvals

The previous approvals include:

D180/98: The site forms part of the overall development site for which Masterplan Consent (180/98) was issued on 24 June 1998. The Masterplan included consent for warehousing/industrial development, bulky goods and “associated uses”, including a service station, food outlets, 100 room hotel, recreation facilities and other amenities.

DA1190/00: Since the above Masterplan Application was approved, a separate development application was approved by Council on 21 December 1999 for the “*Construction of Stage 2 Roads and Associated services (including stormwater) and cut and filling to final levels*” (DA 1190/00). This ultimately resulted in the roads in their current location.

3.1.2. The Applicable Consent: D594/2013

The most recent approval applicable to the site, and the consent proposed to be modified, is as follows:

DA-594/2013

In 2014, consent was given for a two-stage industrial development on the southern portion of the site. (Specifically: Lot 204 DP 1090110 and Lot 21 DP 1180366 Corner Beech Road and Campbelltown Road, Casula NSW 2170).

The development application sought two stages of industrial development:

- Stage 1: Concept Masterplan for the industrial estate (known as Crossroads Casula).
- Stage 2: Construction of an industrial warehouse building, car parking, landscaping, driveway and road for ‘Precinct A’ within Lot 204.

The proposal was determined by the Sydney West Joint Regional Planning Panel on 13 February 2014.

DA-594/2013/A

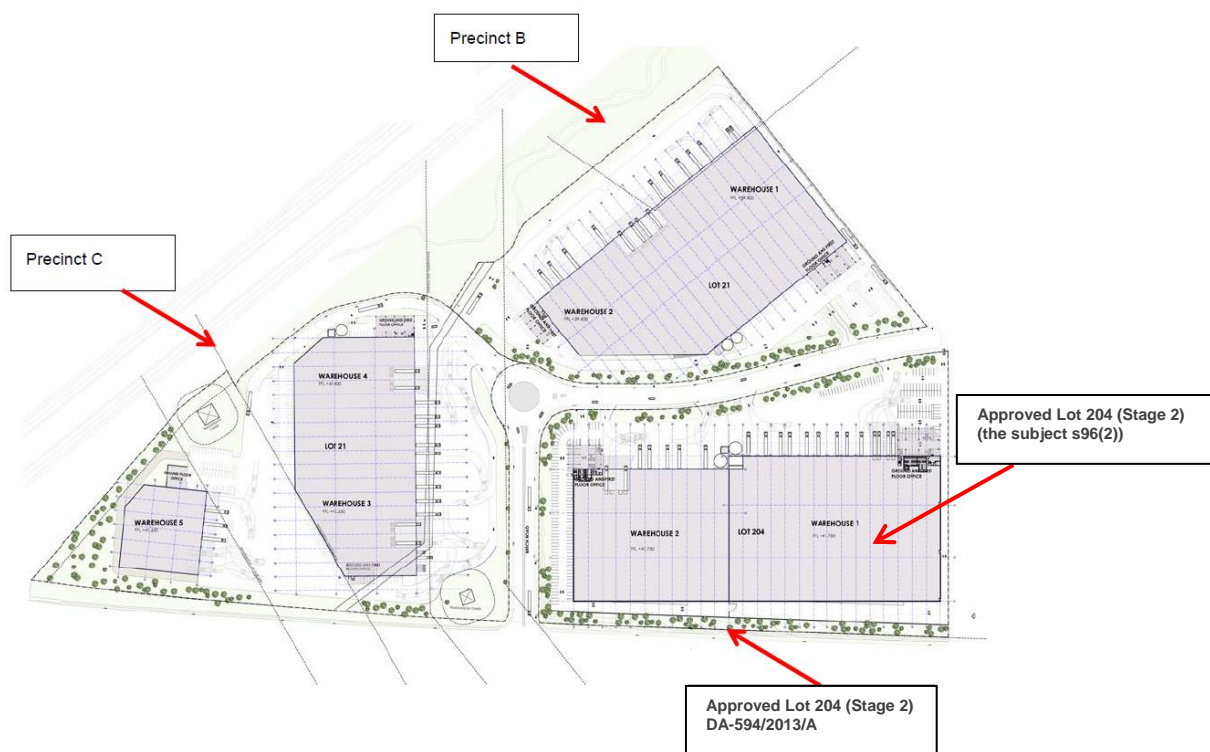
On 23 September 2016 Liverpool City Council granted consent for a section 96(1A) modification to DA-594/2013 to modify the design of the approved industrial building (Warehouse 2) on Lot 204 to ensure that the development was responsive to the end tenant of the warehouse, Cosentino Tiles, as a tenant was not secured at the time of the original application.

Construction Certificate CCB-732/2016 was approved on 18 October 2016 for the construction of Warehouse 2.

DA-594/2013/B

On 17 March 2017, a s96(1A) was lodged at Liverpool City Council seeking a modification to DA-594/2013. This modification seeks to amend the location of the approved Cosentino Tiles business identification signage from the south-eastern to the south-western façade of the warehouse.

Figure 2 – Approved Staged Concept Master Plan



3.2. PRE-LODGE MENT CONSULTATION

An informal pre-lodgement meeting was held with Ivan Kokotovic from Liverpool City Council on 10 January 2017, which confirmed the appropriate approval pathway for the proposed modifications was a Section 96(2) and the consent authority is therefore the Sydney South West Planning Panel. The DA inputs were confirmed by Council and was recommended that inputs be based on those submitted as part of Section 96 for Cosentino (western portion of Precinct A).

A second formal pre-lodgement meeting was held with Ivan Kokotovic from Liverpool City Council on 8 March 2017, which confirmed the above information.

4. PROPOSED AMENDMENTS

4.1. OVERVIEW

Since the time of securing the development consent for the Crossroads site, AMP has been working towards securing tenants for each warehouse. Electrolux is one tenant that is looking to occupy Warehouse 1. As such the proposed modification is responsive to this end tenant's needs, rather than a generic warehouse/logistics use as envisaged in the original proposal. Amendments are required to the built form, layout and car parking however the operational aspects remain unchanged.

4.2. ELEMENTS OF THE APPROVED DEVELOPMENT TO BE AMENDED

The changes from the approved layout of Lot 204 are summarised as follows:

- Changes the general design of both the office and warehouse façade;
- Increase in the number of car parking spaces;
- Construction of a basement car park to meet tenant parking requirements;
- Shift the location of the truck entrance approximately 35m to the west, to a more central position on the site.
- The movement of the office is a minor addition to the warehouse building envelope, however is an external change located on the internal road frontage;
- The landscaped setback on Campbelltown road remains;
- Minor increase in GFA is proposed;
- Warehouse 2 remains as approved per DA-594/2013/A, as does the overall concept master plan; and
- Beyond the drawing references in Condition 1, the consent conditions can be satisfied.

The specifics of the proposed modification are as follows:

- Increase in the building envelope of Warehouse 1 from:
 - Ground floor warehouse 18,694sqm (approved) to 20,125sqm (proposed)
 - Two storey office totalling 1,031sqm, being ground floor 944sqm (approved) and Level 1 office 87sqm (approved) to single storey office 2,500sqm (proposed) with a separate dock office 250sqm (proposed) and ground floor lobby 35sqm (proposed)
- Car parking for Warehouse 1 increased from 113 (approved) to 180 total (proposed) across a basement car park 44 spaces (proposed) and at grade parking 136 spaces (proposed).
- Reduction in the landscaped zone on Beech Road from 10m to 5m to the north.
- Retention of the 10m landscaped setback from Campbelltown Road.

4.3. PROPOSED MODIFICATION TO THE ORIGINAL CONSENT

Amendment to the following consent conditions are required to enable the modifications, with the amendments as marked in red.

4.3.1. Proposed Amendment to Condition 1

Condition 1

a. Architectural Drawings prepared by MBMO and identified as:

(i) DA-00 Cover Sheet - Revision D

(ii) DA-03 WH1 Ground plan - Revision E

- (iii) DA-04 WH1 Level 1 - Revision D
- (iv) DA-05 WH1 Roof Plan - Revision D
- (v) DA-06 WH1 Sections - Revision E
- (vi) DA-07 WH1 Elevations - Revision E
- (vii) DA-08 WH1 Office Plan - Revision D
- (viii) DA-09 WH1 Office Elevations Revision C
- (ix) DA-17 Lot 21 (211) – Revision E
- (x) DA-18 Lot 21 (212) - Revision E

b. Architectural Drawings prepared by Nettlton Tribe for Warehouse 1 and identified as:

- (i) DA-000 Cover Sheet - Revision C
- (ii) DA-001 Location Plan - Revision B
- (iii) DA-011 Ground Floor Plan – Revision B
- (iv) DA-012 Level 1 Plan – Revision B
- (v) DA-013 Roof Plan – Revision D
- (vi) DA-015 Office - Basement & Ground Floor Plan – Revision B
- (vii) DA-016 Office – Level 1 & Roof Plan – Revision B
- (viii) DA-017 Office – Proposed Fitout Plan – Revision A
- (ix) DA-020 Elevations – Revision D
- (x) DA-030 Sections – Revision B
- (xi) DA-050 Perspective – Revision B

~~b.~~ c. Architectural Drawings prepared by Nettlton Tribe for Warehouse 2 and identified as:

- (i) DA-001 Overall Master plan - Revision A
- (ii) DA-002 Lot 204 - Revision A
- (iii) DA-010 WH2 Ground Plan Revision A
- (iv) DA-012 WH2 Roof Plan – Revision A
- (v) DA-013 WH2 Sections – Revision A
- (vi) DA-014 WH2 Elevations – Revision A
- (vii) DA-015 WH2 Office Plan – Revision A
- (viii) DA-016 WH2 Office Elevations – Revision A
- (ix) DA-019 WH2 Perspective Views – Revision A
- (x) DA-020 WH2 Perspective Views – Revision A
- (xi) DA-021 WH2 Perspective Views – Revision A

(Cosentino Tiles modification currently under assessment.)

d. Landscape Drawings for Warehouse 1 identified as:

- (i) SS12-2557_1000 Cover Sheet - Revision A
- (ii) SS12-2557_1001 Landscape Plan - Revision A
- (iii) SS12-2557_1002 Landscape Sections - Revision A

(iv) SS12-2557_1003 Landscape Elevations - Revision A

(v) SS12-2557_1004 Landscape Details - Revision A

(vi) SS12-2557-C1001 Landscape Plan - Revision A

~~d~~ *e. Landscape Drawings for Warehouse 2 identified as:*

(i) SS12-2557-000 Cover Sheet - Revision D

(ii) SS12-2557-101 Landscape Plan - Revision D

(iii) SS12-2557-102 Sections - Revision D

(iv) SS12-2557-103 Landscape Elevations - Revision C

(v) SS12-2557-104 Landscape Details - Revision C

(vi) SS12-2557-C100 Landscape Plan - Revision D

(vii) Lot 204 Concept Design Report – Issue D

~~d~~ *f. Civil engineering drawings prepared by Sparks & Partners for Warehouse 1 and identified as:*

(i) 17028-DA1.01 – Cover Sheet, Locality Plan and Drawings Schedule – Revision 2

(ii) 17028-DA2.01 – Sediment and Erosion Control Plan – Revision 1

(iii) 17028-DA2.02 – Sediment and Erosion Control Details – Revision 1

(iv) 17028-DA4.01 – Stormwater Management Plan Sheet 1 – Revision 1

(v) 17028-DA1.01 – Stormwater Management Plan Sheet 2 – Revision 1

(vi) 17028-DA1.01 – Stormwater Management Plan Basement Sheet 3 – Revision 1

(vii) 17028-DA1.01 – Stormwater Management Roof Plan Sheet 4 – Revision 1

~~f~~ *g. Waste Management Plan prepared by AECOM, Job No. 60480578, dated ~~02-Aug-2016~~ 17-Feb-2017.*

except where modified by the undermentioned conditions.

Amended per application DA-594/2013 received on 5 August 2016 and approved on 23 September 2016.

5. KEY CONSIDERATIONS

5.1. BUILT FORM AND DESIGN

The proposed modification is minimal and will not affect the overall fundamentals of the approval scheme, being four warehouse buildings within three defined precincts. The modification only relates to a small proportion of both the entire approved site and Lot 204. The amendments are responsive to the end tenant of the warehouse 1, which were not previously known at the time of the issuing of consent D594/2013.

The proposed amendments are appropriate as follows:

- The approximately doubled the size of the ancillary office component of the building to the north east of the site, in response to tenant requirements but still presents and operates as a warehouse building. The built form and office component presents well to the streetscape.
- The amendment to the awning depth from a consistent 10m to a proposed varying depth of 3m (recessed docks) and 15m (on-grade docks) for part of the north-western elevation, which correlates directly with the proportion of recessed and on grade docks.
- The introduction of a more angular form and skillion roofline for the office component assists in presenting an improved street presence to Beech Road. The form of the office is more contemporary and visually appealing than what was originally approved. This has been achieved through the use of varied materials and finishes such as timber panelling, aluminium framed windows, 'Danpalon' panelling and glazing at the entrance. The increase in glazing on the north western and north eastern elevations will improve the light and internal amenity of the office space.
- The overall positioning of the warehouse, office, docks and access is largely unchanged by the proposal.
- A 10m landscaped zone and 6m fire trail on the Campbelltown Road frontage is maintained.
- An increase in the amount of car parking provided is proposed, commensurate with the tenant's office requirements. This car parking will be segregated from the truck access ways and loading docks. The majority of the additional parking will be provided in a basement carpark.
- There is a reduction in the depth of the landscape zone on the Beech Road frontage (from 10m to 5m) primarily to allow for ample truck circulation and turning circles. This is consistent with the reduction in landscaped setback approved for the neighbouring warehouse in D594/2013/A, and will ensure a consistent streetscape along the eastern side of Beech Road.
- When assessed against the entire Crossroads development site, the overall external appearance of the development is not considered to be substantially altered by the proposed design modification.

5.2. CAR PARKING, ACCESS AND TRAFFIC

The main points relating to the traffic implications of the proposed industrial development are as follows:

- The Crossroads industrial estate has approvals for industrial uses, and the Homemaker Centre to the north comprises bulky goods;
- The proposal represents a small increase of some 3,135 sqm, from 19,725 sqm to 22,860 sqm;
- The road and intersection works required by previous approvals to cater for this scale of development have been constructed;
- The basement carpark will be accessible via a ramp that is compliant with all relevant standards. The basement carpark will facilitate an increase in carparking commensurate with the increase in office floor space.
- The proposed parking provision is appropriate;
- Access, internal circulation and layout will be provided in accordance with AS 2890.1:2004 and AS 2890.2 - 2002;

- The proposed modification will result in a minor increase in traffic generation, compared to the approved development (as further outlined below). Such a low increase would have a negligible impact on the operation of the surrounding road network; and
- The road works previously provided to accommodate the overall development of the site are appropriate to cater for the proposed modification.

The traffic effects of the proposed modification have been assessed by Colston Budd Rogers & Kafes (CBRK) (**Appendix C**). The report concludes that the amended proposal represents a minimal impact on the surrounding area in terms of traffic, access and parking for the following reasons:

- *Traffic generated by the proposed industrial development will have its greatest effects during weekday morning and afternoon peak periods.*

Our previous reports assessed traffic generations of 0.35 vehicles per hour per 100m². On this basis, the relatively minor increase in floor area would result in an increase of some 10 vehicles per hour two-way at peak times, compared to the approved development. This is a low increase, equivalent to only one vehicle every six minutes at peak times.

Such a low increase would not have noticeable effects on the operation of the surrounding road network. The road works previously provided to accommodate the overall development of the site therefore remain appropriate to cater for the proposed building 1 in Precinct A..

5.3. LANDSCAPING

A detailed landscape plan was been prepared and submitted as part of the original DA submission. The amended proposal continues to provide adequate landscaping across the site, especially along the Campbelltown Road frontage. The extensive landscaping is maintained along the site's frontages to Campbelltown Road and Beech Road, continuing to soften the appearance of the proposed buildings and effectively screen the loading dock and service areas.

As per the Liverpool DCP, internal roads require a 5m landscape width. The modified proposal seeks approval for a reduced landscape zone on the north western site boundary along Beech Road from 10m to 5m. The proposed reduction will still be fully compliant with Council's DCP, and will still provide ample landscaping across the site.

The variation is sought in order to provide a consistent landscaped setback to Beech Road across the two warehouses on Lot 204. The reduced landscaped setback will also facilitate

The neighbouring property to the north (10 Parkers Farm Place, Casula) has a 6m setback to Beech Road and a 5m setback to Parkers Farm Place. The adjoining warehouse (2) on Lot 204 has an approved setback to Beech Road of 5m. The proposed reduction in landscaped setback is consistent with the approved streetscape along the eastern side of Beech Road, a 10m setback on this property would be incongruent to the surrounding setting and would disrupt the orderly streetscape of the area.

5.4. CIVIL ENGINEERING AND STORMWATER MANAGEMENT

Amended civil drawings including Stormwater and Erosion and Sediment Control Plans have been prepared for the modified proposal by Sparks + Partners, attached at **Appendix F**.

6. ASSESSMENT AGAINST S96(2) OF THE ACT

Section 96(2) of the Environmental Planning and Assessment Act allows a Council to modify a consent if:

- (a) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (b) *it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- (c) *it has notified the application in accordance with:*
 - (i) *the regulations, if the regulations so require, or*
 - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) *it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

Further, section 96(3) requires that:

In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 79C (1) as are of relevance to the development the subject of the application.

Each of these heads of consideration is addressed in turn below.

6.1. SUBSTANTIALLY THE SAME DEVELOPMENT

The proposed modification will result in substantially the same development as originally approved under D594/2013. Each of the components of the proposed modification are addressed in turn below.

The original master plan approval (DA594/2013) for the broader Crossroads site approved an industrial precinct on the subject land amounting to 76,733sqm of warehousing and office space. The subject proposal builds on the past approval and is consistent with the original intention for the land to be used for industrial purposes. This application has responded to the market in terms of the potential end: building form, use and tenant specifications. Importantly this DA is consistent with the previous staged consent in respect of the approved use, general built form layout and arrangement of the development site. The roads are approved and constructed and as such the approval divided the site into three industrial portions, being Lot 204, Precinct B and Precinct C.

The proposed design modifications are considered to result in substantially the same development as previously approved for the following reasons:

- The proposed modification is minimal and will not affect the overall fundamentals of the approval scheme, being four warehouse buildings within three defined precincts
- There is no fundamental change to the broad quantum of car parking and GFA for warehouse 1.
- With the exception of the drawing references in Condition 1, all conditions remain satisfied, or able to be satisfied as a result of the development.

A table of the consent conditions in the following Schedules A: The Development and B: Operational Matters are provided below to demonstrate the subject application's consistency with the master plan approval under DA594/2013. All conditions within the schedules C: Prior to the issue of a construction certificate; D: Prior to any work commencing on the site; E: During Construction Works; F: Prior to Occupation of the Building/premises and G: Advisory can be satisfied and do not require amendment.

Table 1 – Consent Conditions

Consent Condition DA594/2013	Comment
General (Conditions 1, 2)	The DA is generally consistent with the master plan approval. An updated architectural, landscaping and civil drawing set is included in the DA submission detailing minor amendments to Lot 204.
External appearance (Condition 3)	Glazing will comply with 20% reflectivity.
Lighting (Condition 4, 5)	Able to comply
National Construction Code (Condition 6)	Able to comply
Disabled access (Condition 7)	Able to comply
Compliance with other acts (Condition 8, 9)	Able to comply. An acoustic report was submitted with the original DA, and a review is attached at Appendix D .
General Terms of Approval (Condition 10)	The subject DA was referred to the Office of Water for concurrence and issue of GTAs. Given the minor changes under this Section 96(2), all stipulated conditions of relevance to the authority can be satisfied.
Site management (Conditions 11-14)	Able to comply.
The environment (Condition 15)	Able to comply. A series of technical reports were prepared for the original DA submission that ensure any impact on the environment is minimised/mitigated. These findings and mitigation measures are unchanged by this proposed amendment. A Soil and Erosion Plan has been submitted with the Section 96(2).
Waste storage and disposal (Condition 16)	Able to comply, see Appendix E .
Acoustic measures (Condition 17, 18, 19)	Able to comply. An updated acoustic report is submitted with this submission, see Appendix D .
Hours of operation (Condition 20)	The same operating hours are maintained as per DA594/2013.

6.2. CONSULTATION WITH MINISTER OR RELEVANT AUTHORITY REGARDING CONCURRENCE CONDITIONS

The proposed modification does not seek to vary any conditions that were required by other authorities. Consultation with the Minister or other concurrence authorities is therefore not required.

6.3. NOTIFICATION IN ACCORDANCE WITH REGULATION AND DCP

Council will need to undertake the relevant notification of the proposed modification in accordance with the regulation and any Advertising DCP.

6.4. CONSIDERATION OF SUBMISSIONS

Council will need to consider any submissions received in respect of the proposed modifications.

6.5. SECTION 79C(1) CONSIDERATION

Section 79C(1) of the EP&A Act sets out the heads of consideration for any application under Part 4 of that Act. This clause states:

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) *the provisions of:*

(i) *any environmental planning instrument, and*

(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

(iii) any development control plan, and

(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

(c) the suitability of the site for the development,

(d) any submissions made in accordance with this Act or the regulations,

(e) the public interest.

Each of these heads of consideration is addressed in turn below.

6.5.1. The Provisions of any Environmental Planning Instrument

6.5.1.1. Integrated Development

Under Chapter 3, Part 3 of the Water Management Act 2000, works on waterfront land (i.e. within 40m of waterfront) require a Controlled Activity Approval (CAA) from the NSW Office of Water.

The proximity of the development on Lot 21 to a watercourse, Maxwells Creek, triggers the integrated development provisions under Section 91 of the EP&A Act. The original development application was referred to the NSW Office of Water for concurrence.

Given the minor nature of the proposed amendments, re-referral may not be necessary as all conditions relevant to the authorities' concurrence can be satisfied.

Further, the proposal restricts development to the benched areas previously approved for development and does not protrude or interfere with the previously designed and installed riparian area along the separate lot (lot 105 DP 1033932), to the west of the site, created for that specific purpose. This area has been protected for the past 10+years and is functioning as intended. This amendment does not intend to alter this previous requirement.

Further Condition 27 of DA594/2013 requires the preparation of a Vegetation Management Plan for the existing vegetation located along the eastern boundary of the site to Campbelltown Road. The proposed amendment does not interfere with this consent condition or requirement and a 10m landscaped setback is proposed along this frontage.

6.5.1.2. State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure)

Developments listed in Schedule 3 of the *SEPP (Infrastructure) 2007* are to be referred to a RMS (formerly RTA). Schedule 3 lists categories and sizes or capacity of developments which both have site access to a classified road (or within 90m). Certain characteristics of developments trigger referral to RMS for comment, such as:

- Area used exclusively for parking or any other development having ancillary parking accommodation containing **50 or more motor vehicles**.
- Industry of **5000sqm in size**.

The original proposal for the proposed development triggered referral under SEPP Infrastructure. Given the minor nature of the increase in floor space is proposed, re-referral is not considered necessary. An assessment of the proposal's traffic, access and parking implications has been prepared by CBRK and is further detailed in Section 5.2.

6.5.1.3. State Environmental Planning Policy (State and Regional Development) 2011

Part 4 of the *State Environmental Planning Policy (State and Regional Development)* applied to the original approval as the proposal had a capital investment value (CIV) of more than \$20 million. Pursuant to the provisions of this SEPP and Schedule 4A(3) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the Joint Regional Planning Panel (now Sydney West Planning Panel) was the Determining Authority for this development. Given that this is a modification that quantifies as a Section 96(2), the Sydney West Planning Panel will assess and determine the application.

6.5.1.4. State Environmental Planning Policy 55 – Remediation of Land

The provisions of *State Environmental Planning Policy 55* were thoroughly considered in the original DA. The Phase 1 and 2 contamination reports that accompanied the original DA concluded that no major or widespread contamination had been found and the site is suitable for the proposed industrial use. A further consideration of SEPP 55 is not considered necessary given the minor nature of the amendments.

6.5.1.5. Greater Metropolitan Regional Environmental Plan (GMREP) No. 2 – Georges River Catchment

The GMREP (deemed SEPP) applies to all of Liverpool LGA as the LGA forms the region that is part of the Georges River catchment. The aim of this plan is to protect the environment of the Georges River system by ensuring that the impacts of future land uses are considered in a regional context.

The principles in Part 2 and the planning requirements in Part 3 of the GMREP (deemed SEPP) require consideration prior to Council determining a Development Application. These principles were considered with the original DA and the proposed modification continues to meet the general and specific principles of the GMREP. Further, a number of conditions are imposed on the consent to ensure the environment is not adversely impacted by the development.

6.5.1.6. Liverpool Local Environmental Plan 2008 (LLEP 2008)

The LLEP 2008 was comprehensively assessed as part of the original DA submission. The modification does not bring rise to any additional controls or development standards which would prevent the proposed modification.

The proposed modification does not introduce any new land uses and is permissible with consent. The proposed development, as modified, is consistent with the IN3 – Heavy Industrial zone objectives.

The proposed modification is consistent with the LLEP definition of “Warehouse or distribution centre”, and this use is permitted with consent within the IN3 zone. Despite the minor increase in office floor space, this element remains ancillary to the principle purpose of warehouse and distribution.

The relevant clauses within LLEP that relate to the site and proposal are addressed below:

- Clause 4.1 - The minimum lot size for the site is 2,000sqm. The approved site is substantially larger than this provision. No subdivision is sought as part of the proposal.
- Clause 4.3 - Maximum height permitted at Lot 204 is 18 metres. The proposal does not exceed this maximum height provision or the approved maximum building height.
- Clause 4.4 – Maximum FSR for the site is 0.75:1. The proposed works will result in an FSR of 0.61:1 across Lot 204.
- Clause 5.9 - Preservation of trees or vegetation. Any modified development works do not result in any significant loss of vegetation.
- Clause 7.6 – Environmentally significant land. The land to the west of the site along Maxwells Creek forms part of a vegetation buffer and has a Vegetation Management Plan in place. The modified proposal does not hinder or is not detrimental to this land.
- Clause 7.8 - Part of the broader development site is located on Flood Prone Land, however not Lot 204.

6.5.2. The Provisions of Any Proposed Instrument

There are no proposed instruments that the proposed development needs to be addressed against.

6.5.3. The Provisions of Any Development Control Plan

The proposed development is subject to the relevant guidelines of the Liverpool DCP 2008. A DCP compliance assessment was undertaken as part of the original proposal. The proposal meets the compliance in accordance with this table.

In summary, the modified proposal has considered the relevant provisions (Part 1.1, 1.2 and Part 7) of the LDCP 2008 as follows:

Part 1.1 - General controls for all development

- Section 3: Landscaping and Incorporation of Existing Trees

The proposal does not extend beyond the approved development areas previously approved for development.

Further Condition 27 of DA594/2013 requires the preparation of a Vegetation Management Plan for the existing vegetation located along the eastern boundary of the site to Campbelltown Road. The proposal does not interfere with this consent condition or requirement and a 10m landscaped setback is proposed along this frontage.

Site Image have also prepared amended landscape plans (Refer to Section 5.3).

- Section 4: Bushland and Fauna Habitat Preservation

The broader development includes Lot 21 which is adjacent to bushland and environmentally significant land. There are **no** proposed modifications to this land parcel.

- Section 5: Bushfire risk

A small portion of the western boundary of the subject lot is mapped as bushfire prone and does not include the area of the proposed modification.

- Section 6: Water Cycle Management

In accordance with the DCP an amended stormwater drainage concept plan and soil and sedimentation plan are provided with the application (at **Appendix F**).

- Section 7 – Development near creeks and rivers

The original development required referral to the Office of Water under the Integrated Development Provisions of the Act given the proximity of the watercourse. However as the modification only applies to Lot 204 it does not trigger re-referral.

- Section 8 – Erosion and Sediment Control

An erosion and sediment control plan are included in the amended submission (at **Appendix F**).

- Section 9 – Flooding Risk

Part of the broader development site is located on Flood Prone Land, however not Lot 204. No further consideration is required for the modification.

- Section 10 – Contaminated Land Risk

The provisions of SEPP 55 were thoroughly considered in the original DA. A further consideration of SEPP 55 is not considered necessary given the nature of the amendments.

Part 1.2 – Additional General Controls for Development

A compliance assessment against the relevant guidelines in Part 1.2 was undertaken as part of the original DA, specifically:

- 2. Car Parking and Access
- 4. Water Conservation
- 5. Energy Conservation

- 7. Waste Disposal and Re-use Facilities
- 8. Outdoor Advertising and Signage

Of relevance to the modification is an assessment against Part 2. Car Parking and Access provided below:

- The design of the internal road and subdivision is not proposed to be altered by the proposal and is consistent with D594/2013.
- The access, internal circulation and layout will be provided in accordance with AS 2890.1:2004 and AS 2890.2 – 2002
- The proposed internal circulation and driveways will meet the applicable Australian Standards.
- Adequate loading and servicing facilities are provided on site to suit the end tenant.
- A traffic report prepared by CBRK is provided with the application assessing the appropriateness of the proposal (at **Appendix C**).
- The provision of car parking is appropriate. CBRK have reviewed the DCP, RMS requirements, the broader subdivision and previous approval and deemed the provision of 176 spaces satisfactory and appropriate for the development. Refer to **Appendix C** and **Section 5.2**.

Part 7 – Development in Industrial Zones

Part 7 of Liverpool DCP 2008 outlines the development controls for sites in Industrial zones, including setback requirements for industrial development. The following provisions require consideration of relevance to the proposed amendment:

- The setback and position of the Warehouse 1 on Campbelltown Road is unchanged by the proposal.
- The internal setbacks to Beech Road are reduced along the western frontage for consistency with surrounding setbacks.
- Landscaped Area – the proposed development will continue to exceed DCP provision of 10%. A 10m landscaped setback to Campbelltown Road is maintained. A 5m landscape setback is provided along Beech Road, which is reduced from 10m as approved. The 5m landscape zone is consistent with the width of landscaping as prescribed in the DCP for secondary frontages. A landscape plan is submitted with the DA submission and provides an integrated and coordinated landscape approach.
- Building Design, Streetscape and Layout - The architectural drawings propose a mixture of materials and finishes to break up the façade and provide a contemporary appearance. As detailed in Section 5.1, the revised office represents a contemporary building which will complement surrounding development and the various materials and elements assist in modulating the façade. The office is orientated towards the Beech Road.
- Car parking and access – All trucks can enter and exit in a forward direction and have dedicated loading areas and truck parking. Whilst there are minor changes to the loading docks, the approved location, access and general arrangement is unchanged in the modification.
- Amenity and Environmental Impact - An acoustic statement has been prepared with the original DA submission and has been updated for this modification. Any conditions of the consent will be complied with.
- Hours of Operation - The development consent approved operational hours of:
 - Operate 24 hours a day, 7 days a week.
 - Any garbage trucks servicing the site are restricted to daylight hours

The proposed works do not seek to modify the approved operational hours of the site.

The proposed operation of Electrolux is consistent with the intended warehousing and logistics tenants envisaged in the original consent.

6.5.4. The Likely Impacts of the Development

Our assessment of the potential impacts of the proposed development upon the natural and built environment are addressed below.

- The proposed modifications to the design of Warehouse 1 will not have an adverse impact on privacy or views in the area.
- The proposal is acceptable in terms of its context and is consistent with the current and desired future character of the area.
- The proposal will approximately double the size of the office component of the building to the north east of the site, in response to tenant requirements, however this will not be visible from Campbelltown Road. This increase is accommodated through the commensurate increase in car parking, however as identified in the Traffic Report will have a negligible impact on traffic volumes in the area.
- The introduction of a more angular form and skillion roofline for the office component will assist in presenting an improved street presence to Beech Road. The form of the office is more contemporary and visually appealing than what was originally approved. The increase in glazing on the north western and north eastern elevations will improve the light and internal amenity of the office space.
- The overall positioning of the warehouse, office, docks and access is largely unchanged by the proposal.
- A 10m landscaped zone and 6m fire trail on the Campbelltown Road frontage is maintained.
- An increase in the amount of car parking provided is proposed, commensurate with the tenant's office requirements. This car parking will be segregated from the truck access ways and loading docks. The majority of the additional parking will be provided in a basement carpark, however as identified in **Appendix E**, this will not have a meaningful impact on traffic flows.
- There is a reduction in the depth of the landscape zone on the Beech Road frontage (from 10m to 5m) primarily to allow for ample truck circulation and turning circles. This is consistent with the reduction in landscaped setback approved for the neighbouring warehouse in D594/2013/A, and will ensure a consistent streetscape along the eastern side of Beech Road.
- When assessed against the entire Crossroads development site, the overall external appearance of the development is not considered to be substantially altered by the proposed design modification.

The proposed modification is minimal and will not affect the overall fundamentals of the approval scheme, being four warehouse buildings within three defined precincts. The modification only relates to a small proportion of both the entire approved site and Lot 204. The amendments are responsive to the end tenant of the warehouse 1, which were not previously known at the time of the issuing of consent D594/2013.

6.5.5. Suitability of the Site for Development

The site is zoned specifically to accommodate business operation in an industrial area. The existing warehouse is suitable for the proposed signage due to the current lack of identification and signage on the site. The proposal will not result in any unreasonable impacts or detrimental effects.

6.5.6. Public Submissions

Any submissions received are required to be considered under Section 79C of the Environmental Planning and Assessment Act 1979.

6.5.7. The Public Interest

The modified proposal is considered to be in the public interest for the following reasons:

- The modified development is suitable for the end tenant enabling the generation of local employment, which will benefit the community.
- The modified proposal is consistent with the consent that approved three precincts within the development site.
- The modified proposal continues to generally comply with Council's policies.

7. CONCLUSION

This correspondence prepared in support of a Section 96(2) application lodged on behalf of AMP Capital Funds Management Limited demonstrates that:

- The development will remain substantially the same as that approved under DA 594/2013.
- The proposed amendment will have a negligible environmental impact.
- The development will continue to meet the objectives of all relevant planning controls.

We trust that the proposed modifications to the development consent are satisfactory and approval can be addressed under the provisions of Section 96(2) of the EP&A Act.

DISCLAIMER

This report is dated 15 February 2017 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd's (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of AMP Capital Investors Ltd (**Instructing Party**) for the purpose of Modification to consent DA-594/2013 (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

APPENDIX A ARCHITECTURAL PLANS

APPENDIX B LANDSCAPE PLANS

APPENDIX C

TRAFFIC REPORT

APPENDIX D

ACOUSTIC REVIEW

APPENDIX E WASTE MANAGEMENT PLAN

APPENDIX F CIVIL PLANS

APPENDIX G BCA REPORT



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