

ASSESSMENT REPORT

Section 96(1A) Modification

Alterations and Additions to TNT Warehouse and Distribution Centre, Lockwood Road, Erskine Park (SSD-6040)

1. BACKGROUND

The purpose of this report is to assess a modification application to the approved development known as the TNT warehouse and distribution facility (SSD 6040 MOD 1) under Section 96(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The modification application proposes minor amendments to the approved facility, primarily relating to the location of ancillary functions including the fire pump room, fire sprinkler tank, substation, switch room and pump room.

On 4 February 2014, CIP Constructions (NSW) Pty Ltd (CIP) received Ministerial consent to develop a warehouse and distribution facility for TNT Australia Pty Ltd (TNT) on land at Erskine Park, located within the Western Sydney Employment Area (WSEA) in the Penrith Local Government Area (see **Figure 1**).

The project was classified as State Significant Development under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as it involved the construction of a warehouse and distribution centre with a CIV in excess of \$50 million, and as such met the criteria in Clause 12 of Schedule 1 in the State Environmental Planning Policy (State and Regional Development) 2011. Consequently, the Minister for Planning was the consent authority for the proposed development.

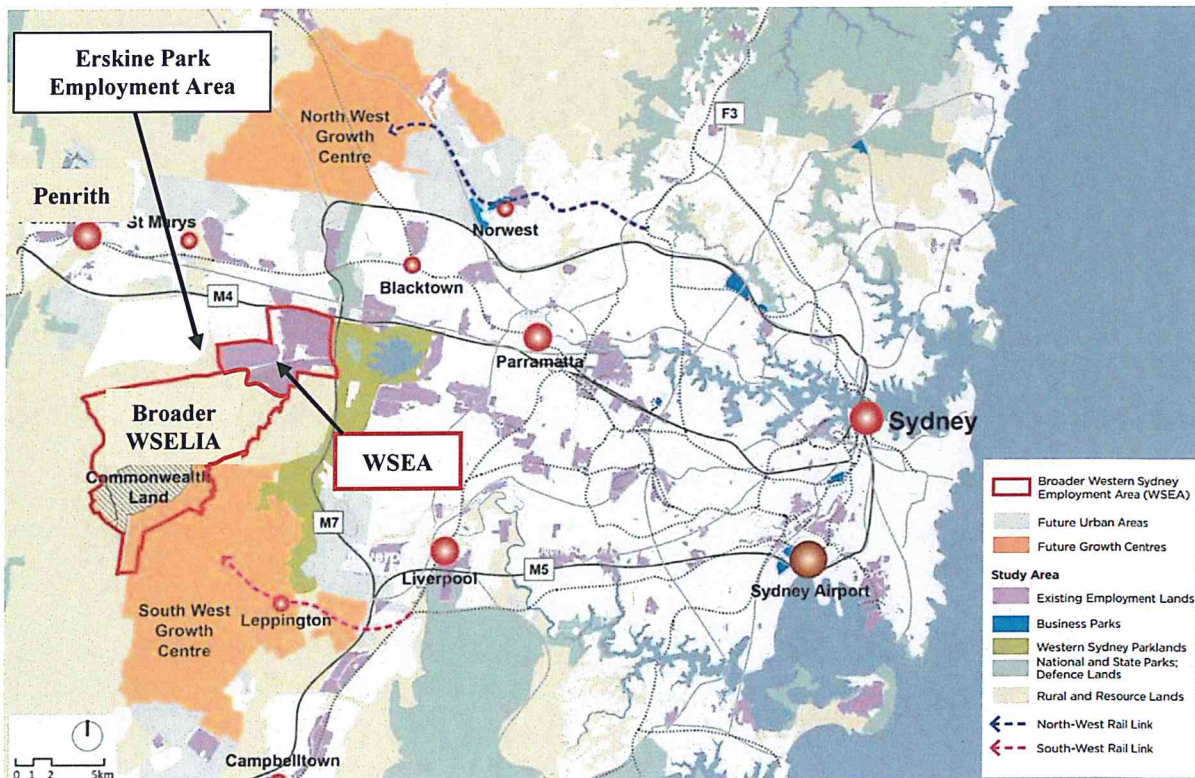


Figure 1: Regional Context (Source: Draft Structure Plan, DP&I, June 2013)

2. THE SITE

The site is located on Lenore Drive in Erskine Park, approximately 45 kilometres west of the Sydney central business district in the Penrith Local Government Area. The site is within the Erskine Park Employment Area (EPEA) in the broader WSEA with close access to the major transport links of the M4 and M7 Motorways.

The site is 7.82 hectares in area. It has been levelled and construction of the approved warehouse building is being undertaken. The land is zoned IN1 – Industrial under *State Environmental Planning Policy (Western Sydney Employment Area) 2009*.

The approved TNT facility is also located within a previously approved Concept Plan (MP 06_0216) for warehouse and distribution centres on 38 hectares within the Erskine Park Employment Area (EPEA) (see **Figure 2**). The Concept Plan was approved by the then Minister for Planning on 1 March 2007.

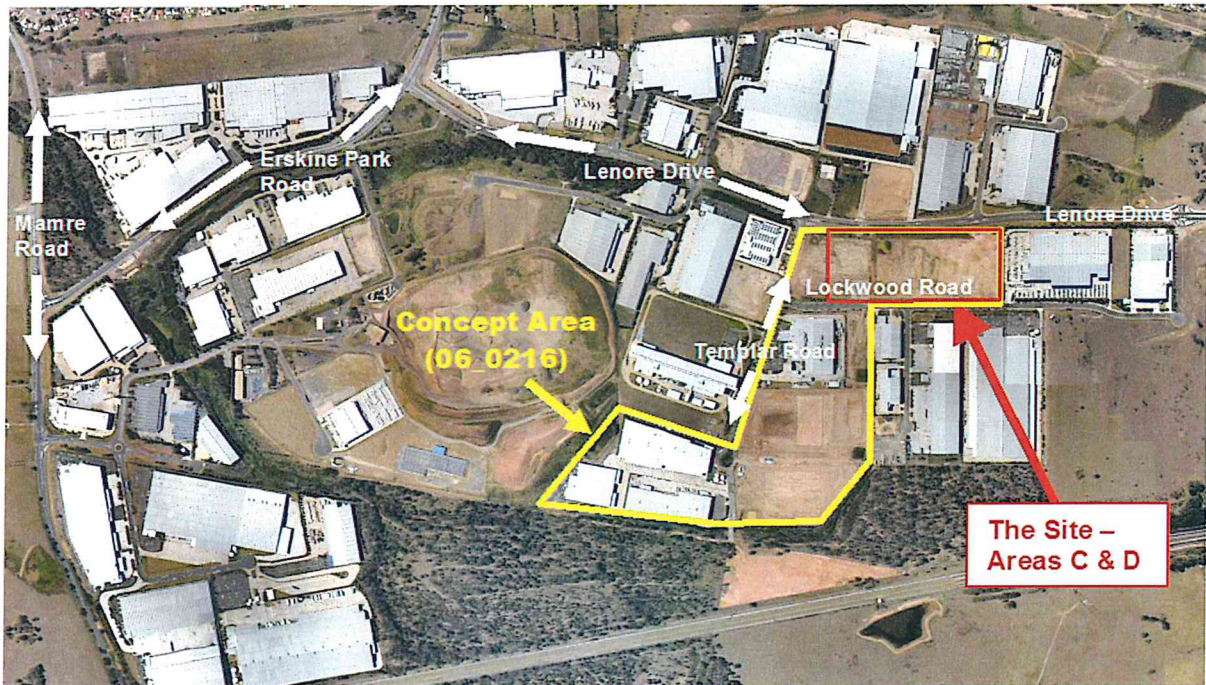


Figure 2: Site Context (Local Context), including the site's location within approved Concept Plan (06_0216)

3. PROPOSED MODIFICATION

The proposed modification is described in detail in the Applicant's supporting documents, including the Statement of Environmental Effects (dated March 2014) and addendum letter report (dated 24 April 2014), which are attached at **Appendix B**.

In summary, CIP is requesting approval for the following modifications to the approved development (see **Figure 3**):

- construction of dual 375,000kL tanks instead of a single 750,000kL fire sprinkler tank;
- relocation of the fire pump room from the southern boundary of Lockwood Road to the south west corner of the site to suit the fire truck's appliances;
- relocation of the electricity generator next to the main switch room to comply with industry best practice standards to ensure continual power supply to essential services under emergency conditions;
- relocation of the main switch room (4/3m x 11.4m) to the Lockwood Road frontage next to the substations (originally planned to be inside the warehouse building);
- construction of dual 1000kVA substations, instead of a single 1000kVA substation, which will be relocated (from grids 29 to 30 to grids 19 to 21 on the plans) in order to meet TNT's energy requirements and minimise voltage drops across the site; and
- relocation of six parking spaces on the site for 8 tonne pick-up and delivery trucks.

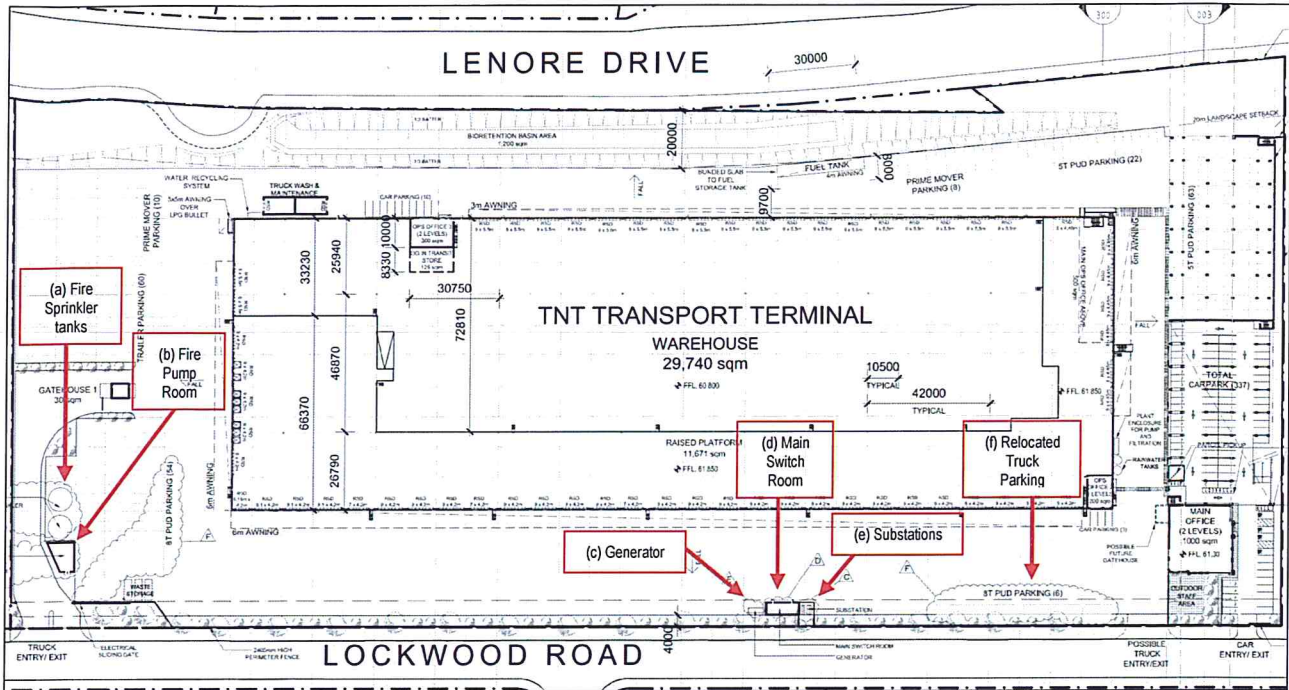


Figure 3: Proposed modifications (SSD 6040 MOD 1)

4. STATUTORY CONSIDERATIONS

Consent Authority

The consent for the warehouse and distribution facility was granted under Part 4, Division 4.1 of the EP&A Act. Therefore, the Minister for Planning is the consent authority for the modification. Under the Minister's delegation of 14 September 2011, the Director, Industry, Key Sites & Social Projects may determine the application as the applicant has not disclosed any political donations, and there were no objections.

Section 96

The department considers that the application can be characterised as a modification to the original development consent and satisfies the matters for consideration under section 96(1A) of the EP&A Act for a modification with minimal environmental impact. Furthermore, the department notes that there is no material change to the warehouse building, general layout of the development, or the nature and intensity of operations to be carried out on the site.

Consultation

The modification application was made publically available on the department's website. The department also invited submissions from Penrith City Council (Council). Consultation with other agencies and adjoining landowners was considered unnecessary due to the relatively minor nature of the proposal. The Council's submission is attached at **Appendix C** and the issues raised are summarised below.

Council raised no objection to the proposed modifications, subject to the provision of appropriate landscaping within the beds adjoining the fire pump room and fire sprinkler tanks.

5. ASSESSMENT

The Department has assessed the merits of the proposed modification and considers the issues to be visual impacts, and traffic and access (see **Table 1**).

Table 1: Assessment of key issues

Issue	Assessment	Conditions
Visual	<ul style="list-style-type: none"> The proposed fire pump room, switch room, electricity generator, truck parking spaces and substations would be relocated closer to the sites street frontages. The structures would be set back a minimum of 4 metres from the site boundaries, behind the boundary landscape planting, however direct access would be provided from the street to the substation. Council did not object subject to landscaping adjacent to the fire pump room and sprinkler tanks. Amended landscape plans address Council's concerns and propose landscape screening of the above structures. The development is also located in the middle of the WSEA and is 	No additional conditions required.

Issue	Assessment	Conditions
	<p>consistent with surrounding industrial warehouse buildings.</p> <ul style="list-style-type: none"> The department considers that adequate planting would be provided along the street frontages to screen the structures, and is therefore satisfied that there will be no visual impact from the proposed modifications subject to landscaping in accordance with the submitted landscape plan. 	
Traffic, Access and Parking	<ul style="list-style-type: none"> The proposal includes the relocation of six truck parking spaces from the western parking area to the south eastern corner of the site. Existing conditions require compliance with the relevant Australian Standards. The department therefore raises no objection to the relocation of the six truck parking spaces. 	No additional conditions required.

6. CONCLUSION

The Department has assessed the application in accordance with sections 79C and 96(1A) of the EP&A Act, and is satisfied that the proposed modification:

- is related to detail design changes, and that there will be no change to the size or capacity of the approved warehouse;
- would result in minimal environmental impacts beyond the approved operation; and
- is consistent with the approved development and would be substantially the same development.

Consequently, the Department considers that the modification should be approved, subject to conditions.

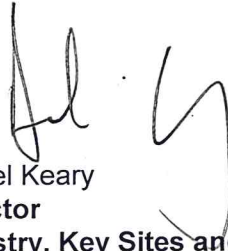
7. RECOMMENDATION

It is RECOMMENDED that the Director, Industry, Key Sites and Social Projects:

- determine** that the proposed modification is within the scope of section 96(1A) of the EP&A Act;
- approve** the application subject to conditions; and
- sign** the attached notice of modification (see Tag 'A').



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24/7/14